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PROCEEDINGS AND DEBATES OF THE SIXTY-FOURTH CONGRESS, FIRST SESSION.

HOUSE OF REPRESENTATIVES.

SUNDAY, *April 16, 1916.*

The House met at 12 o'clock noon, and was called to order by Mr. NEELY as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, we praise and magnify Thy holy name for all the gifts Thou hast bestowed upon us which differentiate man from all Thy creative acts by his intellectual, moral, and spiritual endowments, which hold him close to Thee, and fill him with longings, hopes, and aspirations which lift him even to the throne of Thy divinity. For faith, hope, love, "faith the substance of things hoped for, the evidence of things not seen"; hope, the polar star which guides the traveler on his way"; love, the bond which time nor space can sever, the earnest of the immortality of the soul.

We meet here to-day because our hearts have been touched by the untimely death of a noble man, whose life was fraught with great thoughts and great deeds; a patriot, a philanthropist, a follower of the Jesus of Nazareth, a man beloved by all who knew him; wise in his counsels, tender in his affections, a friend to those in need; a man of affairs, untiring in his duties on the floor of this House. He will be missed in his home, in his community, his district, his State, his Nation. We mourn his going and would record on the pages of history his life, character, and deeds, that his example may be a beacon light to guide us and those who shall come after us to high and noble living. May his colleagues and friends, his bereaved, beloved wife and daughters find solace in the blessed promises of the immortality of the soul, and look forward with bright anticipations to the larger life beyond the confines of the now, where there shall be no more parting, and where God shall wipe all tears from all faces and love be the ruling passion forever and aye, in Jesus Christ, our Lord. Amen.

THE JOURNAL.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the reading of the Journal be postponed until Monday.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the reading of the Journal be postponed until Monday. Is there objection?

There was no objection.

LEAVE TO PRINT.

Mr. KITCHIN. Mr. Speaker, since many Members thought these ceremonies would take place next Sunday instead of to-day, I ask unanimous consent that any Member have the privilege of extending remarks in the RECORD on the life, character, and public services of our deceased colleague, the late Representative BROWN, of West Virginia.

The SPEAKER pro tempore. The gentleman from North Carolina asks that all Members have leave to extend remarks in the RECORD on the life, character, and public services of our deceased colleague. Is there objection?

There was no objection.

THE LATE REPRESENTATIVE BROWN OF WEST VIRGINIA.

The SPEAKER pro tempore. The Clerk will report the special order for the day.

The Clerk read as follows:

On motion of Mr. NEELY, by unanimous consent, *Ordered*, That Sunday, April 16, 1916, be set apart for addresses upon the life, character, and public services of Hon. WILLIAM G. BROWN, Jr., late a Representative from the State of West Virginia.

Mr. LITTLEPAGE. Mr. Speaker, I offer the following resolution and move its adoption.

The SPEAKER pro tempore. The gentleman from West Virginia offers a resolution which the Clerk will report.

The Clerk read as follows:

House resolution 204.

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. WILLIAM G. BROWN, jr., late a Member of this House from the State of West Virginia.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolution was agreed to.

Mr. LITTLEPAGE. Mr. Speaker, we are assembled in this Hall of the House of Representatives in the Capitol of this Nation to pay our last tribute to the life's efforts and the memory of a distinguished member of this American Congress, who departed this life on the 9th day of March, 1916.

In the death of Hon. WILLIAM G. BROWN, the second district of West Virginia suffered an irreparable loss. In fact, the entire State of West Virginia and this Nation thereby suffered a very great loss. I had the honor to enter this House as a Member and to take the oath of office as a Representative from the third congressional district of West Virginia at the same time Mr. BROWN entered as a Representative from the second district of West Virginia. Prior to that time, while we knew each other, our acquaintance was not as close as it became from the beginning of our service here, and in paying this last tribute to the memory of this good man, sentiment and justice impel me to say that I found him during all the vicissitudes, the turmoil, and pleasures of his busy official life a thorough, polished gentleman, a hard worker, a faithful friend, and an industrious public servant.

He was indeed a very charitable man, especially to the poor and unfortunate. His public relations here with the membership of this House have always been of the most cordial, courteous, and elevating character. He loved his district, his State, and his Government. He was essentially an American; yes, an American in the broadest sense of that great word. His love for his Government and his Government's institutions, as shown by his course as a public man, was uppermost in his mind and heart. The Members of this House, regardless of partisan politics, looked upon him as a friend and loved him as a just, patriotic man.

Our official relations and personal friendship improved from the first day of our service in this House until that friendship ripened and became one of affection. Our offices were in the same corridor of the House Office Building, and I know something about the way he labored for the people who honored him by electing him to Congress three consecutive times, and I know he was an honor to the people not only of his district, but all of the people of his State and mine. Late and early have I seen him at work. His office was a beehive of industry—hundreds of his constituents coming and going to see him; and to every one, whether they voted for or against him, he extended the glad hand of welcome. I have known of many of his constituents whom he befriended in more ways than one, often in a financial way, and I have no doubt, from his known qualities of liberality, that it will require many thousands of dollars to tell the true story of his charity.

WILLIAM GAY BROWN was born on April 7, 1856, in Kingwood, Preston County, W. Va., and died in the Capital of his Nation. He leaves a widow and infant daughter, and also a daughter by a former marriage.

One notable and characteristic feature of his usefulness and noble life was the great love he constantly bore for his mother. She lived to quite an old age at the old family homestead in Kingwood. He often talked with me about his mother before her death, which occurred on the 8th day of February, 1913, and he talked with me about her since her death. By her death he was dealt a staggering blow and seemed never to have gotten over it.

I had the honor to be chosen as a member of the committee to go with his remains from this city to Kingwood, where they were buried, and had the membership of this House and the

people who knew him here witnessed the outpouring of his neighbors and the sadness which seemed to pervade the whole community, and heard the expressions of friendship, good will, and love cherished for him by his neighbors and those who knew him best, I am sure the respect for him here would, if possible, be increased.

It is sad to contemplate, Mr. Speaker, that he was taken from us so suddenly, and that he has gone forever. In the midst of a busy and a useful life he was cut down and fell like a mighty oak of the forest to arise no more. No more shall we hear his voice in this chamber; never again will we be able to grasp his friendly hand. He has gone to his final reward, leaving a memory cherished as few have been. His splendid spirit, so worthy, so noble and inspiring, has taken its flight to a better world, there to dwell with his loved ones gone before. Tender memories cluster around his empty chair in this house of sadness to-day, and these sacred memories, in part compensating for his loss and absence, will be cherished evermore by those who knew him, and to have known him was to love him.

He was prepared and not afraid to die. His only concern in this respect was for his loved ones left behind. With hearts full of sorrow and sympathy for his widow, who was so faithful to her distinguished and beloved husband even unto death, and to his two children, we, in this hour of distress and genuine sadness, offer our condolence and renew our promise and bond of friendship to and for them while life lasts.

Mr. FOSTER. Mr. Speaker, it was my good fortune to serve on a committee of this House with Hon. WILLIAM G. BROWN, late a Representative from the State of West Virginia. He was known by all the members of the committee as a faithful, honest, hard-working Representative.

Mr. BROWN was most respected by the people with whom he was best acquainted and where he had lived all his life. Close association and frequent meeting of a man under the varied conditions of life shows best what there is in him, and he is best judged by what he does in everyday life. Mr. BROWN'S life was an open book to those who knew him, and no one had complaint to make of his action as a representative of the people by whom he was so much honored and respected. He was faithful and devoted to the people of the congressional district which he represented in this House. He was always unassuming and went about his work in a quiet way, determined to give the most efficient service that was possible. He was a man of whom it could be truly said the world was better because he had lived a good and useful life and it was a loss when he was taken away.

On March 27, 1916, the committee on which he was a member passed resolutions with reference to the life, character, and services of this distinguished man, and I ask that these resolutions be read from the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the resolutions.

The Clerk read as follows:

WILLIAM G. BROWN, Jr., Representative of the second congressional district of West Virginia, in the National House of Representatives, was born at Kingwood, Va. (later West Virginia), April 7, 1856, and died in Washington, D. C., stricken in the midst of his varied legislative duties, March 9, 1916. One of his official connections as a Member of this House was an assignment to the Committee on Mines and Mining, which committee, profoundly sensible of its loss and reflecting on the valuable services and affable companionship of the deceased Member, at a meeting held considered and adopted the following resolutions for presentation to the House April 16, 1916:

"Whereas death, on swift and silent feet, unheralded and unannounced by any warning, has come to this committee and taken away one of its most highly valued and beloved Members; and

"Whereas, in the passing from among us of the Hon. WILLIAM G. BROWN, Jr., this committee experiences a sense of shock and bereavement and loss by his death: Be it, therefore,

"*Resolved*, That this committee, in so far as it is able to translate its feelings of personal loss through the medium of the written word, lay this sincere but all too insufficient tribute upon the altar of the cherished memory of a colleague whose services to his country and to this committee were of a high order, whose genial and whole-souled personality, whose gentlemanly qualities and uniform courtesy at all times won him a warm and affectionate regard and esteem in the hearts of the members of this body. "Junior" BROWN, as he was lovingly called by all who knew him, as a Member of the Sixty-second, Sixty-third, and Sixty-fourth Congresses showed to his newly made associates those sterling qualities of mind and heart which enabled him to achieve success in the financial, political, and social life of his native State and gave him a commanding and heroic place in the hearts of his fellow West Virginians. He was a popular and highly respected figure throughout his own State, as he was a Member of the House and of this committee. He brought to his official duties in Congress a broad experience, a matured, equably balanced judgment, a high sense of honor and integrity, and a lofty patriotism which quickly gained for him the recognition and appreciation from his colleagues that he so richly deserved.

"*Resolved, therefore*, That these resolutions be communicated to the House and that a copy thereof be transmitted to the family of the deceased."

Mr. CULLOP. Mr. Speaker, WILLIAM GAY BROWN, Jr., late a Representative from the State of West Virginia, was one of the most genial and lovable men I have ever known. He was a prince among men and a courtly knight among women. His affable manners and pleasing disposition made him a favorite in every assemblage in which he formed a part.

Born of good parentage, reared amid pleasing environments, surrounded with the advantages of culture and refinement, trained in business affairs by parents who had earned success as the result of ability, industry, and sagacity, he was well equipped for the battles of life, and prepared to successfully grapple with the questions he would necessarily be called upon to meet and solve in his career.

His father was a noted lawyer in his day in the community in which he lived, a man of strong will power, courage, and determination, shrewd in business affairs, and popular among his people. He served several terms in Congress, was the author of the enabling act creating West Virginia a sovereign State, and because of this distinguished service was often called the "Father of West Virginia."

His mother was a most admirable person, a strong character, sagacious in business affairs, and a most lovable woman. Mr. BROWN often spoke of her in the most affectionate manner.

I first met Mr. BROWN at the opening of the Sixty-second Congress, the beginning of his congressional service. We became warm friends and associates at once and so remained until his death, which I keenly felt and which came as a great shock to me.

When I last saw him, about five weeks before his death, he was in splendid spirits, having just recovered from a temporary illness. He appeared as one who had the assurance of regained health and a long and useful life. He impressed me on that occasion as a supremely happy and contented man. As he appeared at that time no one would have suspected the end of life with him was only a few weeks distant.

I doubt if any Member of this House enjoyed the loyal friendship of his constituency to such a degree as he did. He represented a district with at least three thousand majority opposed to his political faith, and yet despite this large majority in a united party he was elected three times in succession to a seat in this body when in each race the strongest man the opposition had was pitted against him. This is ample proof of his popularity, his high standing among the people of his district, and the regard in which he was held by them. Because of his attractive personality and strong individuality men, irrespective of party, were bound to him as with bands of steel. To know him was to admire him; once his friend always his friend.

I have seen men from his district meet him here and greet him with manifestations of fondest regard and affection. At times it was touching to see and hear their manifestations of regard for him. He had a warm place in their hearts, and they were ever ready to show evidence of their confidence in and display their loyalty to him. Here is the explanation for his success at elections, the reason for his strength. His popularity was easily understood when you once knew him. It was earned by his warm and generous nature, his uniform kindness to all with whom he came in contact, his broad and liberal views, courteous conduct, and unselfish disposition.

Generous to the needy, devoted to the welfare of all, he earned and won the confidence of the people he served, because he served them well, and in him they knew they had a loyal and devoted friend, a champion of their cause.

In life he added to the joys of humanity, and were everyone, this day, for whom he did some kind service to bring flowers to his grave, it would be hidden beneath a mountain of the richest and rarest blossoms.

Life is a short span between the cloud-covered peaks of two eternities. Beyond them we know not. No one has ever heard the voice of one who has journeyed across the perilous divide, and no being has ever returned from the eternal abode to tell of its mysteries, but a sublime faith in the wisdom of our Creator as the great architect of the universe convinces us of the immortality of the soul, and that when freed from the earthly casement which imprisons it here it joins the band of immortals in eternity.

Death is a tragedy. The more impressive was this tragedy in the death of our late colleague because life was so attractive to him. He was in the zenith of his power and the opportunities for usefulness were opening their various avenues for him to enjoy the rare facilities at his disposal. Before him were opportunities for public service, wherein he could earn great reputation and better the condition of his people who loyally confided in him. But while in the enjoyment of all these pleasing en-

vironments, surrounded by his loved ones, enjoying health, in full possession of all his powers, mental and physical, like an assassin in the night, without warning, the messenger of death touched him with his fatal dart and he fell to rise no more.

The kind gentle voice was hushed, the stalwart man in the fullness of his strength was paralyzed, powerless to rise again, and his earthly career was ended.

In the daily conflicts of life, where man was pitted against man, in daily affairs as they would come and go, success had crowned his efforts, but when he met the unconquerable foe of life, death, he fell a captive, surrendered to his fate, the same which must sooner or later be the common heritage of us all.

In his demise his constituency have lost a faithful public servant—true, honest, and courageous in the discharge of every public duty; his associates, a most agreeable companion; and his family, an indulgent and loving father and husband; the country, a manly man.

And this his epitaph shall be,
When ended are his days;
None knew him but to love him,
None named him but to praise.

Mr. CLARK of Missouri. Mr. Speaker, various things bring men into close friendship and confidential relationship in this House—place of birth, residence, similarity of tastes, political faith, committee work, and so forth.

It so happens that I lived for two years in West Virginia and learned to love her people. Consequently I have always cultivated the acquaintance and friendship of her Senators and Representatives. From his first entrance upon this scene, Hon. WILLIAM G. BROWN and I were close friends, a fact which I most highly appreciate. I found him true as steel, kind, intelligent, firm, affable, and attentive to his public duties. He was a dependable man—not brilliant but dependable, which is far better. Having made up his mind deliberately that a certain course was right, he pursued it without shadow of turning. He could be neither bullied nor coaxed out of it. Such men are the most valuable public servants.

He was grandson of James Brown, an Irish immigrant, who in 1789 settled at Kingwood, in that part of the Old Dominion which subsequently became West Virginia. It is a wonderful State—the Switzerland of America—inestimably rich in natural resources. To this James Brown was born in 1800 a son, Hon. William G. Brown, sr. He enjoyed the peculiar distinction of serving in Congress from two different States—Virginia and West Virginia—though he lived all his life in the same town wherein he was born—Kingston. So our friend WILLIAM G. BROWN, jr., having an Irishman for a grandfather and a Representative in Congress for his father, naturally and inevitably had a penchant for politics, in which he succeeded admirably. The quality of success in him was hereditary. He succeeded in business as well as in politics. Having accumulated a competency by industry, capacity, and honest methods, he concluded to walk in his father's footsteps, which led to this Hall. We are all glad he did so; otherwise we would not have enjoyed the pleasure of knowing him.

None knew him but to love him;
None named him but to praise.

Mr. RUSSELL of Missouri. Mr. Speaker: The most valuable compensation that comes to one who serves in this House is the strong enduring friendships that are formed between him and his colleagues with whom he is intimately associated, and the saddest experiences of our public service is when death suddenly severs the strong ties that have bound us together, leaving only a saddened but a sweet and an unfading memory of the pleasant hours of the past when our common tastes, similar ambitions, and mutual sympathies drew us together as associates and cemented our affections into a bond of undying friendship. Another of these ties has been broken in the death of WILLIAM G. BROWN, jr.

I did not know my departed friend until he came here five years ago this month as a Member of the Sixty-second Congress. During his five years' service in Congress we lived at the same hotel. Our personal relations were always friendly, sometimes confidential, and to me always delightful.

I have sometimes said in his lifetime, and as it is no discredit to his memory, I repeat now, that he was by nature one of the most genial companions and superb hosts I have ever known. He loved his friends and gave more of his time and means to entertain them than any one of the Members of this House that I have observed. His hospitality was not cold and formal, but genuine and whole hearted. He illustrated well the teaching of the Proverb, "It is better to give than to receive." From many close observations of his generous entertainment of his friends I know I can truthfully say that he considered it a privilege and not a burden to be permitted to extend courtesies to his constituents and others whom he loved.

As a Representative in this House he was industrious, vigilant, and faithful to the constituency that honored and trusted him. In my last conversation with him he thanked me for some little assistance that I had rendered to him in securing a favorable consideration of a special bill he had introduced for the relief of a destitute and deserving old soldier. This only illustrates his earnest desire to serve well even the humblest of those he represented.

I was pained as we all were when we heard that our colleague had passed away, and this House on that day adjourned out of respect to his memory. I was appointed by the Speaker as a member of the committee to attend his funeral at his former home, and did so.

Knowing him here as we did, and appreciating so well his many manly qualities and noble impulses, those of us who accompanied his remains home were not surprised to find that among the people who knew him the longest and the best he was universally respected an devotedly loved by all. The people of his home city in the full realization of the great loss they had sustained spoke grievously of his death and in praise of the many virtues of the distinguished dead, and feelingly of their own personal sorrow.

We often hear repeated the familiar quotation from the Bible, "A prophet is not without honor save in his own country." The thought intended to be expressed is that a man can not reach high places of distinction and honor among those who have known him intimately all the days of his life. I believe there is in a measure some justification for the use of the quotation. New things are often attractive, and strange faces with the mysteries of life behind them sometimes stimulate an imagination of superior virtues and wisdom that may lead to the admiration and approval of the unknown by a confiding public. Upon the other hand we are sometimes prone to overlook or fail to appreciate the truly great men who have lived their entire lives in our midst. If this familiarity is in fact an abstruction to the successful aspirations and ambitions of men, it was completely overcome by WILLIAM G. BROWN, Jr. He and his father before him were born in the little city where he now sleeps in death. He never had any other home; every man, woman, and child there knew him intimately; many of them knew him and observed almost his daily life from the cradle to the grave, and to his eternal credit it may be truthfully said they all respected and loved him. They delighted to honor him in life and they all now revere his memory.

Mr. MANN. Mr. Speaker, we are assembled on this bright and beautiful spring day to pay our tribute of affectionate remembrance to one of the best and noblest Members of this Congress.

At the beginning of every Congress the old Members attempt to take the measure of each new member with whom they come in contact. I noticed Mr. BROWN on the floor of the House shortly after he came into the Sixty-second Congress, and was attracted by his many worthy qualities. Several summers ago Mrs. Mann took a cottage up at Deer Park. I used to spend my week ends up there, and on a number of occasions traveled with Mr. BROWN on the train going there or returning. We had many very interesting conversations, and I became peculiarly and affectionately attracted to him, because of the sweet qualities he exhibited on those rides, so that I gave more than passing attention to him in the House. I learned that among all the Members of the House there was, I think, no other one with more genial, kindly, capable, earnest, and sincere qualities than Mr. BROWN.

A year ago Mr. and Mrs. Brown, Mrs. Mann and myself, and a number of others of this body and of the Senate were on our way to Hawaii. We traveled across the continent to San Francisco and from there by boat to Honolulu and around the islands. There were, I believe, in that party 49 members of the House and Senate, many with their families and some friends. It is on such occasions that we really learn to know the personal side, the tender side, the endearing side of men and women. Mrs. Brown was the life of that party, and I am sure no one in the party was happier and more filled with enjoyment from day to day than was Mr. BROWN; and the two added so much to our pleasure that they became affectionately regarded by all our hearts.

When the statement came in the House one morning that Mr. BROWN had passed away I felt as though I had lost a brother. He was a Democrat, I was the Republican leader of the House when he came in. It is one of the beautiful features of American politics, particularly exemplified in this House, that the aisle on one side of which sit the Democrats and on the other side the Republicans is not a dividing aisle between the hearts of men. Friendships do not cease at the center aisle. We have

on our side of the House just as warm personal friends on the other side as we have on this; and I counted it a great pleasure to know that I on my side could enjoy the friendship of Mr. BROWN, as I believe he enjoyed our friendship from his side. He and I were the same age. He has passed away, just at a time when probably it was the hardest for him to go. A man close to 60, he had just become the father of a little daughter. With all the reasons for living that loving pleasure could give, he was stricken down. Yet, Mr. Speaker, I feel, and I presume I will continue for the balance of my life to feel, as though I had lived a full life, and done perhaps that share of work which I might easily have expected would be more than I could complete. He was willing to go if he could have done so without leaving sorrow behind him. I would be willing to go at any time.

Mr. HAYES. Mr. Speaker, it was my pleasure to become acquainted with WILLIAM G. BROWN, jr., or as he was known universally by the people of his own county, and probably of his district, and by those who knew him familiarly, simply as Junior, when he entered the Sixty-second Congress and received as a Member of this body an assignment for service on the Banking and Currency Committee of which I was then and am still a member. I was immediately impressed with the ability and versatility that he brought to the discharge of his high duties as a member of that committee and of this House, and with his experience as a man of large business affairs, and a banker for many years. His judgment and ideas of the things that should be embraced in legislation were generally, according to my standard, eminently sound and practical. I think one of his most distinguishing characteristics was his absolute loyalty to his own conscience and sense of what was right and best for the people, not only of his district but of the whole country.

As illustrating this I beg to repeat a little instance that occurred during the present Congress at a meeting of the Banking and Currency Committee. I perhaps ought first to say that it is in the sessions of the various committees of the House where Members of this body come best to know each other personally and intimately. The informality of procedure in committee gets men very close together, and they come to know each other's personal peculiarities and characteristics as they could not know them by meeting only on the floor of the House during its sessions. I came very soon to know Mr. BROWN as a man most loyal to his obligations as a Member of the House and to his sense of what was right and proper in legislation.

In the last Congress, in the consideration of the rural-credit bill which was then under consideration, Mr. BROWN, upon a very important matter in connection with that legislation, took a strong position in favor of one proposition in the bill and maintained it to the close of the Congress. In this Congress the same matter was again before the Committee on Banking and Currency, and a most exhaustive discussion upon both sides of the proposition was participated in by members of the committee, of course without any regard to politics. At the end of the discussion Mr. BROWN announced to the committee that the discussion had satisfied him that he was wrong in his former attitude on that proposition and that he should vote contrary to what he voted in the last Congress, and when the vote was taken he did so vote.

I regard that, Mr. Speaker, as a very strong indication of the strength of character of our late colleague, Mr. BROWN, and an exhibition of real moral courage which, alas, Members of the House do not always exhibit. Mr. BROWN was a man who would rather be right than be consistent.

I was appointed a member of the committee which attended the funeral of our late colleague, and I was glad to attend the services which took place in his home town. While in that community I discovered that not only the people of his own town but of the country at large regarded him in a way that any man should be proud to be regarded by his neighbors where he had lived all his life. They regarded him as a personal friend who entered with a sympathetic heart into all their struggles and trials. He could call them, as I am informed, and even their children, by name, and if disaster came to them he truly sympathized with them in their trouble.

I was advised, and I have no doubt it is true, that in his last will and testament he left directions to his executor that in the distribution and settlement of his estate no man who owed him—and many in his district did—was to be pressed or forced to pay his obligations until he could do so without sacrifice. That exhibited another beautiful and most estimable and praiseworthy element of the character of Mr. BROWN. He sympathized with the community, with his neighbors, and with those with whom he came in contact to an extent that was well-nigh all embracing. I believe such enlightened human sympathy to be one of the most beautiful characteristics of any human life.

Mr. Speaker, such a life as that of our late colleague, which blessed the world with usefulness, geniality, and sympathy, has not ended. It has only been transferred to another sphere of activity and usefulness. Human life is continuous and is not bounded by the few years of our mortal activity here. It reaches not only from the cradle to the grave but from the cradle to the farthest stretches of eternity. That WILLIAM G. BROWN, Jr., is just as conspicuous in the great beyond for optimism and all the admirable and lovable traits of his character as he was in this world, I have not a doubt, and in the not distant future I expect again to meet him and know him and love him even as I knew and loved him here.

Mr. HEFLIN. Mr. Speaker, it was my pleasure to know and to be intimately associated with W. G. BROWN, the distinguished Member of Congress from West Virginia. We come together to-day to pay our tributes of respect and esteem to the character and public services of this fellow Member who has gone, one in whom the elements of gentility and sincerity blended in beautiful form. He was popular as a Member of Congress and loved by all who knew him. He carried in his heart a warm affection for the people who honored him with a seat in this House, and he honored his district with the nobility of his character and by the splendid services that he rendered here. He was an energetic, conscientious, and able Member of Congress, and served his district and the country faithfully and well.

Mr. Speaker, although he had not been in the best of health for the last year or two, yet he was cheerful and bright and happy, carrying sunshine and good cheer wherever he went. He loved life, and he enjoyed it to the full. In his happy home circle he was the ideal husband and father, loving and beloved by his dear ones there. He was a splendid type of American manhood, a patriotic citizen, a loyal friend, and a faithful public servant.

Mr. Speaker, we miss his hearty hand-grasp; we hear no more his cheerful voice and we see no more his pleasing, winsome smile. He has answered his last roll call, and has fallen asleep in the midst of a happy, busy, and useful life. So in the process of that long and mysterious slumber that must come to us all he has passed into a higher state of living. Just as sleep is necessary to refresh and build anew the body for life's little day, so is the final sleep necessary in the plans and purposes of immortality, for that bright day that has no night. He has gone the way that we must go when we have done with the clattering discords of time.

Let us remember the many noble traits of his beautiful character. And, Mr. Speaker, let us, who served with him so pleasantly, here emulate his virtues, and so live that when the final sleep shall come to us we will be able to meet it as courageously and as sweetly as did the friend we mourn to-day.

Mr. SAUNDERS. Mr. Speaker, Once more death has found a shining mark and with relentless stroke quenched the activities of a busy and useful life. Even now it is hard to realize that our colleague is dead. The news that he had been fatally stricken and that his life hung by a thread that the passing day might sever came with the sudden and unexpected quality of a lightning flash in a clear sky. Only a night or two before a company of friends had gathered at his house to enjoy the gracious hospitality that he was wont to dispense. They parted with no premonition of impending calamity, no foreknowledge that they would never see their host again in life, or that within a few brief hours his mobile face would be stilled forever in the calm and awful serenity of death. JUNIOR BROWN, as he was affectionately styled by his friends, was so full of cheery optimism, his handshake was so cordial, his smile so winning and compelling that he and death seemed things apart. His generous nature rejoiced in the comradeship of his fellows. He radiated sunshine. He was frank, sincere, warm-hearted, sympathetic, tender, and true as steel in all the relations of life. To know him was to love him. Such was the universal testimony of his friends, and they were legion.

Confronted anew with the realization that the grim reaper lurks at every elbow, ready to strike an unexpected blow, we mourn to-day an untimely death, and with his memory still green in our hearts we reject for the time the comforting thought that this mortal has put on immortality and the soul of our comrade has exchanged the limitations of its fleshly tabernacle for the splendors of the temple not made with hands.

But while JUNIOR BROWN possessed all those lovable qualities which attracted and constrained the affection of his fellows, he was far more than a sincere, warm-hearted, genial, and agreeable companion and friend. He was every inch a man, strong in character, industrious in habit, austere in integrity,

firm, resolute, energetic, and able. He was sound in judgment, keen and sagacious in perception, wise in council, fertile in resource, steadfast in action. He was generous in a large way, but not ostentatious in his charities, keeping ever in mind the injunction that the one hand should not be acquainted with the action of the other. Born to a fortune, the qualities that I have described enabled our colleague to escape the numbing effect that wealth too often exercises upon its possessors, inaptly described as fortunate. Basking in fortune's lap and caressed by her smiles, they are content to see others win the prizes of life, while they loll on beds of flowery ease that great riches have provided. Lacking the sharp spur of necessity, they are not moved to strenuous endeavor or to live laborious days. But our friend was made of sterner stuff. He was not willing to play an ignoble and petty part. As a youth he prosecuted with diligence and success his studies in the schools of his native State, and later, in the full flush of vigorous young manhood, he graduated at the University of West Virginia. Admitted early to the bar, he practiced his profession with success until called to the charge of administering the affairs of a great estate.

In time he felt the lure of politics, but his first venture was not successful. Nominated for Congress in a doubtful district, he was defeated in 1896 by Judge Dayton. Later he was nominated in 1910 and was successful. This election established his hold upon the people of his district and he was elected again in 1912, and still again in 1914. Had he lived, he would have been nominated without opposition for a fourth term, and triumphantly elected. Our colleague's chief work in the House, of which he was an esteemed and well-beloved Member, was on the Banking and Currency Committee.

In this work his experience as a banker served him in good stead, and he rendered conspicuous service in the preparation of the Federal reserve act. At the time of his death, he was a member of the subcommittee engaged in framing a rural-credits bill. For this work his training and experience as an expert banker, and successful man of affairs, conspicuously fitted him, and his premature death was a distinct loss not only to his colleagues with whom he was collaborating, but to the agricultural interests of the entire country which are so greatly concerned in the outcome of this important measure. Our comrade was not a frequent speaker in this body, but when occasion demanded, he spoke clearly and impressively, with vigorous emphasis and cogent argument.

While no man was more beloved in the House, this affectionate regard for our deceased friend was equaled if not surpassed in the district where he lived and dispensed his generous and unobtrusive benefactions. This regard was abundantly attested by the presence of the vast throng that, undeterred by untoward weather, gathered from every quarter to attend his funeral exercises. For hours an apparently unending stream of sorrowing friends passed by the casket that contained all that was mortal of WILLIAM GAY BROWN, and after one long look at that once mobile face, there stilled in death, turned mournfully away. The room was embowered in flowers. A great orator, speaking of his brother, once said that if every one who had received some act of kindness at his hands would drop one flower on his grave he would sleep under a wilderness of blossoms. Appropriately this thought came to my mind when I stood in the room consecrated to death, and saw on every hand, banked high in glorious profusion, the flowers that loving hearts had provided for tender hands to place upon the grave of our friend. The sun was sinking low in the west when we started on our return to Washington, leaving our comrade to sleep among the people whom he knew and loved, and who knew and loved him.

Musing sorrowfuly over the experiences of the day, fond memory recalled the lines that have brought comfort to others when oppressed with the solemn mystery of death:

He is not dead, but sleepeth; well we know
The form, that now lies mute beneath the sod,
Shall rise, when time the golden bugles blow,
And pour their music through the courts of God.

Mr. SUTHERLAND. Mr. Speaker, it is a sad thing for those left behind even when one who has reached the utmost limit of old age is called upon to enter "that bourn whence no traveler e'er returns," but when one is stricken down in the full power of his mature manhood, and that person is one with whom we have been daily associated, and in whose life is combined the elements of essential strength, power, success, and practically everything that makes life full and complete, there is a shock and a sense of loss that overpowers us and bids us pause and consider the issues of life. It was a severe shock to the membership of this House, and particularly to his West Virginia colleagues, when, almost without warning, our friend, the late WILLIAM G. BROWN, was stricken. Upon this sad occasion when we are assembled to pay the last tribute of respect to his memory, I desire briefly, but in sincere affection for the memory of our departed friend, to add my voice to those who at this time are giving testimony to their appreciation of the life, character, and services of "Junior" BROWN, as he was affectionately called by his constituents and friends in West Virginia.

Speaking from a personal acquaintance with my departed colleague of nearly 20 years, I can say in sincerity and in truth that few men in West Virginia have been more beloved for the very best traits of a rugged, yet kind and sympathetic, manhood than he has been by a large and ever-widening circle of friends. Born and reared among the rugged mountains of West Virginia, he had the strength that comes to the hardy outdoor dweller in the life-giving atmosphere of his native State. He was fortunate in having an ancestry of sturdy pioneers who had likewise lived.

Early in life he formed the resolution to represent his congressional district in Congress, as his father had done, and his successful attainment of that worthy ambition upon three successive occasions as a Democrat in a normally Republican district, after having once many years earlier been defeated, shows the determination of the man and the friendship held for him by his neighbors and friends in the second congressional district of West Virginia.

As the representative in Congress of that splendid constituency he met the highest expectations of his friends, and as a colleague in the work of this body and a resident of the same congressional district in which he lived, and being of opposite political faith I can truthfully say that he was always ready and alert to discharge every obligation to his constituents without regard to political lines, and I shall always cherish as one of the pleasantest personal friendships I have enjoyed during the Sixty-third and the present Congress that which I have had the pleasure of enjoying with my deceased friend and colleague, JUNIOR BROWN, and I, in common with all the Members of this House who knew him well, give this tribute of my affectionate regard to his memory.

Mr. CANDLER of Mississippi. Mr. Speaker, it is with a heart full of sadness that I rise to participate in the services upon this solemn occasion. I met Mr. BROWN when he first came to Congress at the beginning of his term in the Sixty-second Congress. From the time when I first met him until the last moment of his life he and I were close and good and affectionate friends. I loved him devotedly, as he loved me, and on many occasions when I had difficult questions confronting me he was the one among all others to whom I went and with whom I discussed these matters, in order that I might arrive at a solution of them which would be just and right.

No man ever had a better friend or a safer counselor than when he had JUNIOR BROWN as a friend and counselor in times of difficulty, in times of struggle, in times when it was necessary to exercise the very best judgment and to have wisdom which would lighten up the pathway and lead to a conclusion that was pure, honest, and just.

He was a patriot. He came from a sturdy stock that were pioneers in blazing the way amidst the forests then, that have become fertile fields since; a stock that has brought to us and furnished to us the beauty and the sunlight and the grandeur of the civilization which we enjoy.

We of this generation owe much to those early pioneers. They clung to that which was honest and just and right as between man and man; and in their cabin homes, dotted on the hilltops and sprinkled through the sequestered valleys of this beautiful land of ours, they laid the foundation that has sustained the enduring superstructure of this the greatest Nation of the world.

It was from stock like this that JUNIOR BROWN came, and he was a fit exemplar of the principles which they loved, because he clung until the end to the same just principles of righteousness and truth which they advocated and ever maintained and sustained with their lives, their property, their possessions, in the interest of mankind, and for the glory of this country. That was the kind of patriot he was. A self-sacrificing, devoted patriot who placed country above self and public welfare above private interest.

His affection, while it went out in all its fullness and tenderness to those by whom he was surrounded in his immediate district and State, was not confined to them alone, but went further; it went to the extremities of this great country; and he loved his country and admired its grandeur and glory, and brought a consecrated devotion to it in the service he rendered in this House, not only for the advancement of the interests of his district and his State, but looking always to the welfare and prosperity of this great Nation as well.

He was not only a patriot, Mr. Speaker, but he was a citizen who measured up to the very highest standard. He had the highest conception of the duties and responsibilities of American citizenship, and he pursued that course, in private and official life, as a citizen of the Republic and of his State and district, that shed brilliancy and brightness everywhere he went.

Do you know that one of the highest conceptions which any man can have in all this world is to aspire to that lofty and high standard exemplified in patriotic American citizenship? I have sometimes said that I believe that the highest position any man can hold in all this country is the position of a true American citizen who, by his life and example and purposes and desires, carries to as near perfection as possible the great purposes of this Nation, as exemplified in the bedrock principles upon which it is founded. As such a citizen Junior BROWN sought during all his illustrious career, from his young manhood down to the day he left us, to erect such a standard and to maintain it among the people who knew him; and he thereby secured their affection and confidence, which was evidenced in their loyalty and devotion to him to the hour of his untimely death. While these characteristics of this great and good man are to be and are supremely admired, still the sweetest and the noblest and the best element of his nature and of his manhood was his devotion, his tender affection to his friends and to his loved ones.

No man could be with him as his friend but could feel the pulsations of his heart that beat in unison with yours, if he loved you; and if you were indeed and in truth a sharer in his affection and friendship, you would feel that he stood right beside you, and that you did not have to reach out to determine at any time whether he was there; whether the darkness or the sunshine was round about you, his friendship was extended to you in such force and affection that you always knew, especially if you needed him, that he was there, ready to uphold and sustain you. His devotion to his mother and all his loved ones was sublimely beautiful. Often did he speak of his father, his mother, and his dear ones, and their happiness was his supreme joy.

It was my good fortune to be with him and his family in his home at the last meal, I presume, he ever partook of upon this earth. My wife, my daughter, and myself, with his family, gathered around the table in his home and partook with him of his most delightful hospitality. After dinner he and I went in his library, while my wife and daughter with his wife and sister-in-law and mother-in-law, and the sweet babies were in another room. He talked to me about some great public questions which were then pending, showing the earnestness and desire of his heart above everything to do that which was right and best in their solution. That evening as we sat and discussed them, as he sought from me what little advice I might be able to give him in the solution of them, his face would light up as we studied them and tried to find out that which was best; and when we came to the conclusion which would have been enunciated by his vote upon the following day, I shall never forget the happiness which was expressed in his face, in the realization that he believed at least he had arrived at a conclusion that was for the welfare of the people he represented and the glory of his country.

In the fleeting years which may come and go I shall never forget the scene as he went down the steps that night with us when we left his house to the curbstone and placed us in his automobile to send us back to the hotel and stood there with the brightness and gladness and happiness that were expressed in his face as he bade us a cheerful good-night, and then, closing the door, as he turned away, waved his hand and said, "Zeke, I will see you to-morrow." To-morrow did not come with him so as he might meet with me upon this earth. That night he was stricken. The hours went by, and God called him. He responded. His white soul went into the presence of the great God of the universe, through the pearly gates, along the golden streets, and, as I believe, into the mansion prepared for him, eternal in the heavens. To-morrow did not come here, but to-morrow will come in the brightness of the perfect day, and I hope to meet him, and with the glad clasp of his hand and the warmth of his heart and the brightness of his face we shall rejoice together again in the happier day that knows no ending but which shall roll on through the ages of eternity itself; and in no association which I shall have in yonder world, among all the friends with whom God has blessed me in my career, shall I be happier than with JUNIOR BROWN.

He was faithful and true in all the walks of life, as a patriot, a citizen, a public servant, a son, a husband, and father, and it can be said truthfully of him, well done—enter into peace eternal. May God bless, comfort, keep, shield, and protect his dear wife and his little baby and all his loved ones, and may we all by and by meet together in the eternal home above, where there shall be no good-bys and no to-morrows but all be ever present with the Lord in the perfection of happiness and glory in the "Golden City."

Mr. LITTLEPAGE took the chair as Speaker pro tempore.

Mr. NEELY. Mr. Speaker, death, the ruthless reaper, with icy hand that never tires, and sickle keen that never turns its edge, has severed from earth and earthly things the Honorable WILLIAM G. BROWN, our late distinguished colleague, our willing fellow worker, our loved and loving friend.

While on the mountain top of success, in the very heyday of manhood, while all the tides of life and joy and hope were flowing full and fair, from a home of affluence, love, and peace, he was abruptly summoned to take his journey to that "undiscovered country from whose bourn no traveler returns." Without a murmur and without a moan he passed from the restless land of the living into the silent empire of the dead.

JUNIOR BROWN, as he was affectionately called by those who loved him best, was noble, patriotic, generous, able, and just. He faithfully discharged his every official duty, lavishly gave to every meritorious cause, loyally served his country, and sublimely cherished his family and his friends.

His death is a loss to the Nation, a misfortune to his State, and a calamity to his constituents.

Only a little while ago he was one of the most active Members of this House. It seems but an hour since his merry peals of laughter filled the air and the melody of his voice filled our hearts with its sweet, seductive strains. But now his seat is vacant, his tongue is silent, and his name is called in vain. In the hush that pervades the sanctuary of our dead we realize that our faithful friend has sailed the sad and solemn sea that separates the narrow shores of time from the boundless kingdom of eternity. He has passed beyond the limits of earthly vision. His shadowy form can not be seen through the telescope of science or the tears of grief.

As we stand face to face with the marvelous mystery of death, we are impelled to ask anew the world-old question propounded by the Man of Uz: "If a man die, shall he live again?" But unlike the afflicted patriarch, we do not inquire in vain. We simply turn from this perplexing question of the Old Testament to find it answered in the New by Him who came 15 centuries after Job and said: "Be thou faithful unto death, and I will give thee a crown of life."

Thanks to the hallowed hope that springs forever in the Christian breast, we believe that the separation from our beloved one is but for a night and that in the morning we shall meet again. A divinity within whispers with still, small voice in the listening ear of love, "The grave is not the end of all."

In the thought of another: If the everlasting Father condescends to animate with divine power the cold and unresponsive heart of a tiny seed and make it burst forth from its captive cell, to grow into a various fabric of root and vine and flower, will He leave forgotten in the grave the immortal soul of man? If He stoops to give to the humblest plant that clings to cliff or crag the promise of another springtime, will He withhold the pledge of hope from His children when the blasts of winter come? If insensate matter, though changed through the processes of nature into multitudinous forms, can never die, will the spirit of man sink into oblivion when it leaves its lowly house of clay? A million voices answer "No."

In this moment of melancholy our hearts are filled with grief and our eyes are dimmed with tears. "Thoughts of the last bitter hour come like a blight over our spirits," but even now, when earthly help and sympathy seem vain, we look beyond the cloud that hangs above us like a pall, and there, through faith, we see the star of hope still shining on. In the lustrous light of that constant star we read the assuring promise of the Savior of the world, "I am the resurrection and the life; whosoever believeth in Me, though he were dead, yet shall he live; and whosoever liveth and believeth in Me shall never die."

In this promise we put our trust. While dogmas perish and creeds crumble, while agnosticism decays and atheism dies, we shall continue to lean upon the everlasting arm, believing that the twilight here is but the dawn of a grander day upon some other shore, believing that the feeble flame that flickers here for a little while will at last leap into a bright and shining light when the spirit of man has winged its flight back to Him that gave it birth.

God pity the man who doubts the existence of another life in another land—

> Who hopeless lays his dead away,
> Nor looks to see the breaking day
> Across the mournful marbles play;
> Who hath not learned in hours of faith
> The truth, to flesh and sense unknown,
> That Life is ever lord of Death,
> And Love can never lose its own.

We are consoled by the thought that there is no skeptic such as this among those who mourn the loss of him whose memory we commemorate to-day.

In a new-made grave, beneath the stately pines of a West Virginia hill, we have tenderly laid to rest the mortal remains of JUNIOR BROWN.

Let us with sacred symbolism strew that grave with flowers. Let us lay with loving hands upon the turf that shields our dead the imperishable amaranth, the fadeless emblem of immortality. Let us wreath the ivy, the floral metaphor of devoted friendship, the token of brotherly love, above his silent dust. And upon the mournful monument that marks the tongueless tomb in which our departed calmly awaits the purple dawn of the resurrection morning let us inscribe that beautiful supplication:

Warm southern sun, shine kindly here;
Warm southern wind, blow softly here;
Green sod above, lie light, lie light;
Good night, dear heart, good night, good night.

[Mr. KITCHIN addressed the House. See Appendix.]

Mr. BYRNES of South Carolina. Mr. Speaker, it was my good fortune to come to this House at the same time as did my good friend Mr. BROWN of West Virginia. We were both appointed to serve on the Banking and Currency Committee, and in the Sixty-second Congress we were appointed to a subcommittee to investigate the so-called Money Trust. That investigation continued for nearly a year, during which time Mr. BROWN and myself were together almost daily, and I learned to know him and to love him. The members of that committee soon learned the ability of our deceased friend, and his experience in the banking world was of great value to us during that investigation. He was a wise counselor, and a zealous, indefatigable worker. The investigation conducted by that subcommittee contributed in great measure to the sentiment which made possible the Federal reserve act passed in the Sixty-third Congress. Mr. BROWN, as a member of the Banking and Currency Committee, also participated in the forming of this Federal reserve act, to-day recognized as a piece of constructive legislation.

To few men is it given to possess the happy faculty of making friends, and holding them, as did our deceased friend. He loved his friends and was ever at their service. I presume that he knew intimately as many Members of this House as any other man, and among them all he had not one enemy. I recall that upon the last occasion I saw him, he had gathered about him at the hotel at which we resided, 11 of his constituents. To them he introduced me, and from them I quickly learned that he possessed the affection of those whom he represented, just as he did ours. Happy as he was that evening as he dispensed his generous hospitality to his friends from home, little did I dream that within a few short days death would claim him. His was a lovable character. He brought sunshine to many, and sorrow into the life of no man. He is dead, but his memory lives, and will ever live in the hearts of those who knew him.

Mr. LITTLEPAGE. Mr. Speaker, I present a resolution, adopted by the West Virginia Society of the District of Columbia, and ask unanimous consent that it be incorporated in the RECORD.

The SPEAKER pro tempore. The gentleman from West Virginia [Mr. LITTLEPAGE] presents a resolution which was adopted by the West Virginia Society of the District of Columbia with respect to Mr. BROWN, and asks that it be incorporated by unanimous consent in the RECORD. Is there objection?

There was no objection.

Following is the resolution referred to:

Gen. W. W. Scott, first vice president of the West Virginia Society of the District of Columbia, presented the following memorial at a meeting of the society Friday evening, April 7, 1916, at Pythian Temple, Washington, D. C., which was unanimously adopted, spread upon the minutes of the society, and a copy transmitted to the widow of the deceased:

"Mr. President and members of the West Virginia Society: On March 8, 1916, WILLIAM G. BROWN, jr., a Member of Congress from the second congressional district and a member of the West Virginia Society, died in this city.

"Mr. BROWN was born at Kingwood, Virginia, now West Virginia, April 7, 1856, in the same place where his father was born in 1800. He obtained his education in the common schools of the State and at the university, and at an early age was admitted to the bar and practiced the profession of law and engaged in the banking and farming business up to the time of his death at the age of 60.

"In Mr. BROWN'S death the State has lost a true citizen and eminent statesman, and those who knew him a loyal friend. One of Mr. BROWN'S characteristics was his loyalty and faithfulness to his friends, and it is doubted if any man ever lived who loved the friendship of his fellow men more than did Mr. BROWN; and no one, either in public or private life, could count so many friends as could "Junior" BROWN, as he was lovingly known by his friends throughout the length and breadth of his State.

"Those who knew "Junior" BROWN well know of a tender side he had to his character and which was irresistible to everyone with whom he came in contact, for

"'None knew him but to love him,
None named him but to praise.'"

HENRY S. BAKER,
President.
WM. T. GEORGE,
Corresponding Secretary.

Mr. TAYLOR of Arkansas. Mr. Speaker, in the great Allegheny Mountains of West Virginia, one time old Virginia, at the town of Kingwood, in the year 1856 a man child was born, and they named him WILLIAM G. BROWN, Jr. From the day of his birth to the day of his death he walked under the shadow of the brow of our great Master as a charitable, chivalric, upright, honorable man. His ancestors were of the old Virginia stock. When Mr. BROWN grew to young manhood he became a lawyer and at the same time a business man, and so conducted himself among the people with whom he lived that they not only honored and loved him but sent him to the Congress as their Representative as a Democrat, although his district was Republican.

Mr. BROWN was one of the first Members with whom I became acquainted when I entered the House. He so impressed me by his kindly manners that I even remember where I first met him. He was standing just over there, Mr. Speaker, in the doorway of the Speaker's lobby, where we were introduced to each other. I shall never forget the warm and hearty greeting he tendered me and at the same time offering to do whatever he could for me as a new Member. As time passed on we grew to be very close friends. Soon after this we were walking together from the Capitol over to the House Office Building, when he said: "Everybody at home calls me Junior; what is your first name?" I replied, "Sam." He then remarked, "From now on I want you to allow me to call you Sam and I want you to call me Junior"; and this we did.

The Speaker of the House appointed me, among others, to attend the funeral of our departed friend at Kingwood, where he was born and where his body is peacefully sleeping in the beautiful cemetery of that little city among the great mountains of West Virginia. When at Kingwood I heard nothing of his life from his fellow citizens but praises touching the big-heartedness of this lovable man. When we arrived on the train at Kingwood our committee was conducted to a hotel to wait for the funeral services. A young man of that community was at the hotel and approached me, introducing himself, said, "Did you know Mr. BROWN?" I said, "Yes; he was my friend," and I asked him if he knew him. He replied, "Yes; I have known Mr. BROWN all the days of my life. He was a friend of our family. My father is yet living, and I have five grown brothers, and all of us always supported Mr. BROWN." I then said, "Of course, you come of a Democratic family." He replied, "Oh, no, sir; we are Republicans; but we could not have been induced to cast a vote against our friend, Mr. BROWN. He was so kind and good to all of our people that we could not think of casting a vote against him. Whenever his name was on the ticket we let politics go to the wind."

Leaving this young man at the hotel, I walked alone upon the streets of Kingwood, and after a while met an old man with long gray beard, standing in the snow, and, speaking to him, I said, "Do you live here?" "No," he said, "I live about 50 miles from this town. I am here to-day to look for the last time into the cold, still face of one of the best men that ever lived, my long-lived friend, JUNIOR BROWN."

You could see upon the face and in the eyes of this old man that his heart was bleeding with grief over the loss of his friend. He had come over the mountains and through the snow and over the rough hills to be present at the funeral service of this distinguished man. His words spoke volumes to me touching the life and character of poor Junior BROWN. He knew that a great man had fallen, that a friend of the people had passed off the earth. In further conversation the old gentleman said, "You do not know what Mr. BROWN was to our people and how we loved him." I listened intently to the words of this dear old man, who, continuing, said: "Stranger, to show you something of the character of Mr. BROWN I will relate an incident which came under my observation. One day Mr. BROWN was passing from his office by the courthouse over there, and, being attracted by a crowd of people who had gathered in front of the courthouse door, he observed that the sheriff was selling at execution sale a horse. Mr. BROWN walked into the crowd and asked whose horse was it that was being sold. Some one informed him that it belonged to 'that old man standing over there.' Mr. BROWN walked over to the owner and asked, 'Can you not pay the debt?' The old man

answered, with a distressed face, 'No, sir; I have no money with which to pay it. The debt is a just one, and now they are selling my horse to pay it.' 'Have you other horses?' asked Mr. BROWN. The old man answered, 'No; this is the only one I have.' At once big-hearted Mr. BROWN became a bidder, and became the highest bidder and purchaser of the horse. Taking the horse by the bridle, he walked over to the old man and said to him: 'Here, take him and go home. God bless you! You now have your horse back, and if anyone undertakes to take him away from you, let me know.'"

Instances of this sort were referred to and mentioned to nearly every Member of the House in the funeral party as to Mr. BROWN'S charitable soul. Surely, Mr. Speaker, God smiled when he saw this charitable deed of Mr. BROWN in purchasing the horse and delivering him to the good old man. I will not speak longer. I feel more like silence than words. Members have spoken this afternoon kindly and beautifully on the life, the character, and public services of our deceased friend. Words are but empty things on occasions like this.

We are told that "charity is the paramount virtue; all else is but as sounding brass and a tinkling cymbal." Surely, Mr. Speaker, these words apply to the great man who rests near the spot where he was born and where he was laid by hundreds of devoted and loving friends. The funeral service was conducted in the house where he was born. On the walls hung the painting of his great distinguished father and his sainted mother, whom he loved so devotedly and whom he so often mentioned. The parlors and halls were filled with charming floral offerings from schools, churches, and lodges, and from the rich and the poor, and in the midst of these on the stairway over the body of our deceased friend stood a man of God, who among other things said: "Our friend is gone." At this expression tears gushed from the eyes of all present, and it made me know that the preacher had spoken directly from the hearts of his people.

I had a great affection for Mr. BROWN. I could not help it. I have often wondered whether this good man had an enemy in the world. The gentleman from North Carolina [Mr. KITCHIN] a few moments ago said that the deceased was one of the most likable men he ever knew. These words were fitly spoken, because everybody who was acquainted with the late Member of this House knew that Mr. KITCHIN spoke the truth. I hope, my friends, that when the heart of JUNIOR BROWN ceased to beat in the city of Washington that his great, big, loving soul plumed its wings for everlasting and eternal flight to that blessed land where the storm never drifts its darkness and where the sun never goes down.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 56 minutes p. m.) the House adjourned until to-morrow, Monday, April 17, 1916, at 12 o'clock noon.

SENATE.

MONDAY, *April 17, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee for those gracious influences that fit and qualify us for noble service to our fellow men. Without Thee our lives and hearts are self-centered and cruel. Without Thee we can not feel the divine impulse leading us to noble self-sacrifice, leading us to carry the burdens of others to help uplift the world. From Thee come not only the gifts that surround us in Thy providence, that minister to our daily needs, but from Thee come the higher impulses of the spirit that fit us for service to our fellow men. Thou hast committed to our hands great power, so that we fear no mortal man. We pray that Thou wilt give us grace which will sanctify the use of power, that we may use it for the uplift of the world and for the accomplishment of Thy will. For Christ's sake. Amen.

The Journal of the proceedings of the legislative day of Friday, April 14, 1916, was read and approved.

PRICE OF GASOLINE.

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, acknowledging receipt of a resodution adopted by the Senate on the 11th instant requesting reports, etc., relating to the investigations of the oil interests of the United States and stating that, in his opinion, it would be incompatible with the public interest to send to the Senate the reports made to him by his assistants, which was ordered to lie on the table.

Mr. KENYON subsequently said: Mr. President, 10 days ago a resolution was adopted by the Senate calling upon the Attorney General to submit, if not incompatible with the public interest, certain reports with reference to the oil and gasoline situation. I understand that a communication from the Attorney General on that subject has been received. I ask that it may be read for the benefit of the Senate.

The VICE PRESIDENT. The Chair laid the communication before the Senate this morning.

Mr. KENYON. Are we not entitled to have it read?

The VICE PRESIDENT. Yes; it will be returned from the Secretary's office and will go into the RECORD.

Mr. KENYON. I should prefer to have it read. I am not going to take the time of the Senate to discuss the proposition, but I will do so at some future time. I think the report of the Attorney General is somewhat comforting, even though he declines to send the information, because if there were no information there showing criminality on the part of these people certainly it would not be incompatible with the public interest to give that information to the country.

The VICE PRESIDENT. The Secretary will read the communication.

The Secretary read as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., April 12, 1916.

The PRESIDENT OF THE SENATE,
Washington, D. C.

SIR: I have the honor to acknowledge receipt of the resolution adopted by the Senate on the 11th instant requesting the Attorney General, "if not incompatible with the public interest, to send to the Senate any reports in his department of any investigations of the oil interests of the United States, including the Standard Oil Co. and other companies affiliated therewith or independent thereof, the same to cover all reports of investigations made by the Department of Justice relating to said subject or to gasoline or oil since the decree of dissolution of the Standard Oil Co."

For some time past conditions in the oil trade, especially as affected by the decree in the case under the antitrust act against the Standard Oil Co., have been under observation and consideration by the Department of Justice.

As the matter is still actively pending, I am of the opinion that it would be incompatible with the public interest to send to the Senate the reports which have been made from time to time by my assistants engaged in this work.

I have the honor to remain,
Respectfully, yours,

T. W. GREGORY,
Attorney General.

LABOR CONDITIONS IN HAWAII.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Labor, transmitting, pursuant to law, the fifth report of the Commissioner of Labor Statistics on labor conditions in the Territory of Hawaii, which, with the accompanying paper, was referred to the Committee on Printing.

THADEUS P. JACKSON V. THE UNITED STATES (S. DOC. NO. 406).

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy and findings of fact and conclusion filed by the court in the cause of Thadeus P. Jackson *v.* The United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

THE HOLLAND SOCIETY OF NEW YORK.

The VICE PRESIDENT. The Chair lays before the Senate a communication addressed to the Senate from the recording secretary of the Holland Socity of New York, transmitting an engrossed testimonial resolution unanimously passed at the thirty-first annual meeting of the Holland Society of New York, held April 6 last. The communication and accompanying resolution will be printed in the RECORD.

The matter referred to is as follows:

THE HOLLAND SOCIETY OF NEW YORK,
90 West Street, New York City, April 11, 1916.

The SENATE, *Washington, D. C.*

GENTLEMEN: I have the honor to transmit herewith an engrossed testimonial resolution unanimously passed at the thirty-first annual meeting of the Holland Society of New York, held April 6 last.

Respectfully, yours,

EDWARD VAN WINKLE,
Recording Secretary.

At the annual meeting of the Holland Society of New York, held April 6, 1916, the following preamble and resolutions were adopted:

"Whereas the Holland Society of New York, founded in 1885, adopted in 1887 as a part of its badge the medal 'Les Gueux,' introduced in 1566 by Count Brederode and his colleagues as a badge of the patriotic and self-denying movement by the Netherlands for popular rights and freedom in religious belief, which John Lathrop Motley, the historian, has rendered immortal; and

"Whereas the medal 'Les Gueux' declared, in symbol and motto, loyalty to the Government, even to beggary; and

"Whereas in the crisis which now threatens our country through the introduction of ideas of intolerance and military domination in Europe, such as confronted the Netherlands in the time of William of Orange, it behooves the descendants of citizens of that little country, who brought here principles fought for in the 80 years' war, to support their native land, America, in the maintenance of the same fundamental ideas which our Dutch ancestors stood for—principles which are universally recognized as foundation stones of the civil and religious liberty of this country:

"*Resolved*, That with European militarism threatening individual rights, the sacredness of treaties, international law, humanitarian axioms, and even the national map of the world, the Holland Society of New York tenders, in the spirit of its badge, to the Federal Government at Washington its earnest sympathy and support in the maintenance of the traditions, the dignity, and the honor of our native land, the United States of America.

"*Resolved*, That an engrossed copy of this minute, duly attested by the seal of the society and certified by the president and secretary, be transmitted to the President, Senate, and House of Representatives of the United States at Washington."

[SEAL.] SEYMOUR VAN SANTWOOD,
President.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BYRNS of Tennessee, Mr. SISSON, and Mr. GOOD managers at the conference on the part of the House.

The message also announced that the House had passed the concurrent resolution (S. Con. Res. 20) authorizing the appointment of a representative of the United States Government to appear at the celebration of the landing of Sir Francis Drake on the coast of California, with amendments, in which it requested the concurrence of the Senate.

The message further transmitted to the Senate resolutions on the death of Hon. WILLIAM G. BROWN, Jr., late a Representative from the State of West Virginia.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of the Society of Friends, Fallsington, Pa., remonstrating against an increase in armaments, which was ordered to lie on the table.

He also presented a memorial of the Greek-American League, of New York, remonstrating against the proposed literacy test for immigrants, which was ordered to lie on the table.

He also presented a petition of the General Assembly of the Presbyterian Church of the United States, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. THOMAS presented petitions of sundry citizens of Colorado, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. DU PONT presented petitions of sundry citizens of Wilmington, Marshallton, and Farnhurst, all in the State of Delaware, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

He also presented petitions of Harmony Grange, No. 12, Patrons of Husbandry, of Marshallton, and of sundry citizens of Millville and Ocean View, in the State of Delaware, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. THOMPSON presented petitions of sundry citizens of Pittsburg, Kans., praying for the enactment of legislation to grant pensions to employees of the Postal Service, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Western Oil Jobbers' Association, in convention at St. Louis, Mo., praying for the enactment of legislation to provide for the effectual dissolution or control of the Standard Oil Co., which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Kansas Society, of Portland, Oreg., praying for the passage of the so-called Chamberlain land-grant bill for the disposal of railroad land grants in the State of Oregon, which was referred to the Committee on Public Lands.

Mr. KENYON presented petitions of sundry citizens of Iowa, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Springville, Iowa, remonstrating against an increase in armaments, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Hawkeye, Davenport, and Le Claire, all in the State of Iowa, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Ferguson, Davenport, and Le Claire, all in the State of Iowa, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Lake Mills, Iowa, praying for the establishment of a system of rural credits, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Denison, Iowa, remonstrating against appropriations being made for sectarian purposes, which was ordered to lie on the table.

Mr. JOHNSON of South Dakota presented petitions of sundry citizens of South Dakota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of White, S. Dak., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of White, Winfred, Salem, and Montrose, all in the State of South Dakota, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of the Woman's Club, of Yankton, S. Dak., praying for an investigation into conditions surrounding the marketing of dairy products in the United States, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Spencer, S. Dak., remonstrating against the proposed creation of a juvenile court in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. SHAFROTH presented a memorial of sundry citizens of Delta County, Colo., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Fleming, Colo., praying for the establishment of a system of rural credits, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Kiona County, Colo., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

Mr. STONE presented petitions of sundry citizens of Missouri, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Missouri, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. OVERMAN presented petitions of sundry citizens of North Carolina, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. WEEKS presented petitions of sundry citizens of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Athol, Mass., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Haverhill, Mass., praying for the passage of the so-called Ashbrook pension bill, to provide pensions for certain widows of veterans of the Civil War, which was referred to the Committee on Pensions.

Mr. POINDEXTER presented a petition of sundry citizens of Prosser, Wash., praying for Government ownership of telephone and telegraph systems, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Washington, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Prosser and Vancouver, in the State of Washington, remonstrating against an increase in armaments, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Renton, Colville, Park Rapids, and College Place, all in the State of Washington, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Spokane and Granger, in the State of Washington, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. NORRIS presented memorials of sundry citizens of Nebraska, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Lincoln, Nebr., remonstrating against the passage of the proposed bill to create a juvenile court in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. TOWNSEND presented memorials of 814 farmers of Michigan, remonstrating against the enactment of legislation to prohibit interstate commerce in convict-made goods, which were referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Detroit and Shepherd, in the State of Michigan, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Scotts, Mich., remonstrating against any change being made in the parcel-post law, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Grand Rapids and Holland, in the State of Michigan, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Detroit, Mich., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Bay City, Mich., praying for the enactment of legislation to grant pensions to employees of the Postal Service, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Grand Rapids, Mich., remonstrating against the proposed reduction of wages of employees in the Canal Zone, which were referred to the Committee on Interoceanic Canals.

He also presented a memorial of sundry citizens of Kalamazoo, Mich., remonstrating against appropriations being made for sectarian purposes, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Battle Creek, Mich., remonstrating against the proposed creation of a juvenile court in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. STERLING presented a memorial of the Grand Valley Rural Credits League, of Lincoln County, S. Dak., remonstrating against the passage of the proposed Federal farm-loan bill, which was ordered to lie on the table.

He also presented petitions of sundry citizens of South Dakota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Fruitdale and Dixon, in the State of South Dakota, praying for Government ownership of telephone and telegraph systems, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Fruitdale, S. Dak., remonstrating against an increase in armaments, which was ordered to lie on the table.

Mr. PHELAN presented a petition of sundry citizens of San Francisco, Cal., praying for the printing of the report of the Commission on Industrial Relations, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Richmond, Cal., praying for an appropriation of $300,000 for the improvement of the Yosemite National Park and for the creation of a National Park Commission, which was referred to the Committee on Appropriations.

He also presented a petition of sundry citizens of Los Angeles, Cal., praying for the enactment of legislation to provide a right of appeal to employees of the classified civil service, which was referred to the Committee on Civil Service and Retrenchment.

Mr. GALLINGER presented a memorial of Fruitdale Grange, Patrons of Husbandry, of Mason, N. H., remonstrating against any change being made in the parcel-post law, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the New Hampshire State Division, Sons of Veterans, and of Ellenette Pillsbury and E. N. Atwood, of Concord, in the State of New Hampshire, praying for an increase in armaments, which were ordered to lie on the table.

He also presented a petition of sundry citizens of East Sullivan, N. H., praying for prohibition in the island of Porto Rico, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of Robert Morrow, jr., of Manchester, and Mrs. Elvira P. Carter, of Boscawen, in the State of New Hampshire, praying for an increase in armaments, which were ordered to lie on the table.

He also presented the petition of George Foster Howell, of New York City, N. Y., praying for an investigation into the practice of vivisection, which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of W. J. O'Meara, of Brooklyn, N. Y., praying for the enactment of legislation to provide a shorter term of enlistment in the Army, which was ordered to lie on the table.

Mr. MYERS. I present a resolution in the nature of a petition adopted by the Young People's Society of Christian Endeavor of the First Presbyterian Church of Bozeman, Mont., which I ask may be printed in the RECORD, together with the signature.

There being no objection, the resolution was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed in the RECORD, as follows:

To the Senate of the United States:

Resolved, That this meeting hereby authorizes its presiding officer to petition the Congress of the United States, in behalf of this body, to prohibit the importation, manufacture, and sale of intoxicating liquors in the island of Porto Rico.

The above was unanimously adopted at a meeting of the Young People's Society of Christian Endeavor of the First Presbyterian Church in Bozeman, Mont., on the 9th of April, 1916, and the undersigned was authorized so to attest.

MYRTLE ALDERSON, *President.*

Mr. MYERS. I present a resolution adopted by the Good Government Club, of Helena, Mont., in favor of the Susan B. Anthony constitutional amendment. I ask that the resolution be printed in the RECORD, together with the signatures.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

HELENA, MONT., *April 10, 1916.*

Hon. HENRY MYERS,
Washington, D. C.:

Resolved, That we, members of the Good Government Club, of Helena, and voters of Montana, demand that the national administration give facilities for the passage of the Susan B. Anthony amendment during the present session of Congress; and be it further

Resolved, That a copy of these resolutions be sent to the administration leaders in our National Capital and to the members of the Montana congressional delegation.

Unanimously adopted.

CARRIE L. B. WILLIAMS, *President.*
ULLRIKA ERICKSON, *Secretary.*
E. M. SIVES, *Treasurer.*

Mr. BURLEIGH presented a memorial of sundry citizens of Portland, Me., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. JONES presented memorials of sundry citizens of Yakima County and Walla Walla County, in the State of Washington, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of the State of Washington, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of the State of Washington, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. JOHNSON of Maine presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. NELSON presented the petition of John A. Wilson, of Minneapolis, Minn., praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. HUGHES presented petitions of sundry citizens of New Jersey, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. McLEAN presented a petition of Local Union No. 16, United Hatters of North America, of South Norwalk, Conn., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Stamford, Conn., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of the Connecticut Probation Officers' Association, praying for the adoption of a probation system in United States courts, which was referred to the Committee on the Judiciary.

He also presented petitions of Richard F. Holcomb Camp, No. 38, Sons of Veterans, of New Canaan, and of sundry citizens of Hartford, in the State of Connecticut, praying for an increase in armaments, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Hartford, Conn., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented a petition of William McKinley Camp, No. 9, United Spanish War Veterans, of Norwalk, Conn., praying for the enactment of legislation to grant pensions to widows and orphans of Spanish War veterans, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Goshen, Westport, and Unionville, in the State of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Mosaic Club, of Bridgeport, Conn., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Westport, Hartford, and Hazardville, in the State of Connecticut, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

Mr. CHAMBERLAIN presented petitions of sundry citizens of Portland and St. Johns, in the State of Oregon, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

He also presented memorials of sundry citizens of Albany, Wash., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Grants Pass, Oreg., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Portland, Oreg., praying for prohibition in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Commerce, to which was referred the bill (S. 1697) to declare Ollala Slough, in Lincoln County, Oreg., nonnavigable, reported it without amendment and submitted a report (No. 355) thereon.

Mr. WARREN, from the Committee on Military Affairs, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 739. A bill to remove the charge of desertion from the military record of James F. Cole (Rept. No. 353); and

S. 743. A bill to remove the charge of desertion from the military record of Moses Chauncey (Rept. No. 354).

Mr. SMITH of South Carolina submitted a report (No. 352) to accompany the bill (H. R. 10384) to regulate the immigration of aliens to and the residence of aliens in the United States heretofore reported by him.

SOUTHERN STATES LUMBER CO.

Mr. MYERS. Mr. President, on the 10th day of this month at the request of the Senator from Florida [Mr. FLETCHER] I introduced for him in his absence the bill (S. 5439) for the relief of the Southern States Lumber Co., which was referred to the Committee on Claims. I understand that a like bill in the House of Representatives was referred to the House Committee on Public Lands and that other bills of this nature have generally been referred to the Committee on Public Lands of the Senate.

I ask unanimous consent that Senate bill 5439 be withdrawn from the Senate Committee on Claims and that it be referred to the Senate Committee on Public Lands. This is done at the request of the author, the Senator from Florida [Mr. FLETCHER].

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

SNAKE RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably with amendments the bill (S. 5310) to authorize the county commissioners of Walla Walla and Franklin Counties, Wash., to construct a bridge across the Snake River between Pasco and Burbank, and I submit a report (No. 351) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, in line 8, after the words "Snake Rivers," to insert "at a point suitable to the interests of navigation," and in line 10, to strike out the word "streams," and insert the word "waters," so as to make the bill read:

Be it enacted, etc., That the county commissioners of Walla Walla and Franklin Counties, Wash., are hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Snake River over the southern end of Strawberry Island about 2 miles above the confluence of the Columbia and Snake Rivers at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMERICAN NATIONAL RED CROSS.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report back favorably without amendment the joint resolution (S. J. Res. 119) to permit the issuance of medical and other supplies to the American National Red Cross for a temporary period, and I ask for the immediate consideration of the joint resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole. It provides that the provisions of section 1 of the joint resolution approved May 8, 1914, authorizing the issue of military and naval equipment to the American National Red Cross be so extended as to permit the issue of the same to the American National Red Cross for the instruction of persons who may volunteer to receive training by that association from May 1 to June 1, 1916.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SWANSON:

A bill (S. 5527) for the relief of the legal representative of P. H. Aylett; to the Committee on Claims.

A bill (S. 5528) authorizing the President of the United States to appoint John W. Hyatt a first lieutenant of Infantry; to the Committee on Military Affairs.

By Mr. BRADY:

A bill (S. 5529) for the relief of Washington Kellogg (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 5530) granting a pension to John C. Cook (with accompanying papers); to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 5531) granting a pension to Sarah L. Chute; to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 5532) granting a pension to Elizabeth Rigg; and

A bill (S. 5533) granting an increase of pension to David Roach; to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 5534) granting an increase of pension to Mary F. Knowles (with accompanying papers); and

A bill (S. 5535) granting an increase of pension to Alfred W. Bussell (with accompanying papers); to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 5536) granting a pension to Fannie E. Hilton; to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 5537) granting a pension to Mary A. Salisbury; to the Committee on Pensions.

By Mr. OLIVER (for Mr. PENROSE):
A bill (S. 5538) to grant an honorable discharge to James H. Gillen; to the Committee on Naval Affairs.
By Mr. SMOOT:
A bill (S. 5539) to consolidate national forest lands; to the Committee on Public Lands.
By Mr. CHILTON:
A bill (S. 5540) for the relief of the heirs of William Elliott; and
A bill (S. 5541) for the relief of Theodore Copenhaver; to the Committee on Claims.
A bill (S. 5542) granting an increase of pension to Mary J. Penrod;
A bill (S. 5543) granting a pension to Edgar Travis;
A bill (S. 5544) granting an increase of pension to Charles W. Wallace;
A bill (S. 5545) granting an increase of pension to Eleam Welch;
A bill (S. 5546) granting a pension to William C. Shaffer;
A bill (S. 5547) granting a pension to Mary C. Kines;
A bill (S. 5548) granting a pension to Anna B. McCoy;
A bill (S. 5549) granting a pension to Samuel M. Rogers;
A bill (S. 5550) granting a pension to George Simpson;
A bill (S. 5551) granting a pension to Adolphus Hamilton;
A bill (S. 5552) granting a pension to Joseph K. Jefferys;
A bill (S. 5553) granting a pension to Virginia Hendrick;
A bill (S. 5554) granting a pension to George Sorrel;
A bill (S. 5555) granting a pension to Charles I. Trowbridge;
A bill (S. 5556) granting an increase of pension to Marshall Canfield;
A bill (S. 5557) granting an increase of pension to Joseph A. Miller;
A bill (S. 5558) granting an increase of pension to John S. Martin;
A bill (S. 5559) granting a pension to John A. McCauley;
A bill (S. 5560) granting a pension to Christian Wilhelm;
A bill (S. 5561) granting a pension to Charles H. Payne, jr.;
A bill (S. 5562) granting an increase of pension to J. E. Stafford;
A bill (S. 5563) granting a pension to Claudia E. Geary;
A bill (S. 5564) granting an increase of pension to Elisha P. Macconaughey;
A bill (S. 5565) granting an increase of pension to Jacob A. Steringer;
A bill (S. 5566) granting an increase of pension to Pary McNair;
A bill (S. 5567) granting a pension to Bertha Young;
A bill (S. 5568) granting a pension to Lucy A. Layman;
A bill (S. 5569) granting a pension to Ellen Pierce;
A bill (S. 5570) granting a pension to Hiram Metcalf;
A bill (S. 5571) granting a pension to Joseph K. Jefferys;
A bill (S. 5572) granting a pension to George Myers;
A bill (S. 5573) granting a pension to John B. Page;
A bill (S. 5574) granting an increase of pension to George W. Hartman;
A bill (S. 5575) granting a pension to A. H. Dolly;
A bill (S. 5576) granting a pension to George W. Hill;
A bill (S. 5577) granting an increase of pension to Elizabeth Landers;
A bill (S. 5578) granting a pension to Dora E. Miller;
A bill (S. 5579) granting a pension to Isaac D. Caldwell;
A bill (S. 5580) granting a pension to John Todd;
A bill (S. 5581) granting an increase of pension to Robert Horner;
A bill (S. 5582) granting an increase of pension to John W. Britton;
A bill (S. 5583) granting an increase of pension to Daniel W. Thurston;
A bill (S. 5584) granting an increase of pension to George W. Miller;
A bill (S. 5585) granting an increase of pension to David H. Cox;
A bill (S. 5586) granting an increase of pension to John M. Jones;
A bill (S. 5587) granting an increase of pension to Allen J. Freeland;
A bill (S. 5588) granting an increase of pension to William T. McBee;
A bill (S. 5589) granting a pension to Lucinda Phares;
A bill (S. 5590) granting a pension to Charlotte L. Arnett;
A bill (S. 5591) granting a pension to Jethrow Davis;
A bill (S. 5592) granting a pension to J. S. Collins;
A bill (S. 5593) granting a pension to Joseph K. Jefferys;
A bill (S. 5594) granting a pension to Frances Haring;
A bill (S. 5595) granting a pension to Stocton Spouseller;
A bill (S. 5596) granting an increase of pension to Isaac M. Locke;
A bill (S. 5597) granting an increase of pension to Eli Phillips;
A bill (S. 5598) granting an increase of pension to Solomon S. Simpkins;
A bill (S. 5599) granting an increase of pension to Daniel W. Jones;
A bill (S. 5600) granting an increase of pension to James Stonebraker;
A bill (S. 5601) granting a pension to George A. Loughery;
A bill (S. 5602) granting a pension to Bruce Friend;
A bill (S. 5603) granting a pension to Mary E. Paugh;
A bill (S. 5604) granting a pension to James L. McClannahan;
A bill (S. 5605) granting a pension to Hiram Hill;
A bill (S. 5606) granting a pension to Lydia A. Long;
A bill (S. 5607) granting a pension to M. M. Sayers;
A bill (S. 5608) granting a pension to Mary C. Wykoff; and
A bill (S. 5609) granting an increase of pension to John McWilliams; to the Committee on Pensions.
By Mr. MYERS:
A bill (S. 5610) authorizing and directing the Secretary of the Interior to reclassify or reappraise lands within the former Fort Peck Indian Reservation, Mont.;
A bill (S. 5611) providing for noncontiguous homestead entries within the former Fort Peck Indian Reservation, Mont., of land of the character described in the enlarged homestead act of February 19, 1909; and
A bill (S. 5612) providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Peck Indian Reservation, Mont.; to the Committee on Public Lands.
A bill (S. 5613) granting an increase of pension to David W. Herriman; to the Committee on Pensions.
By Mr. SHAFROTH:
A bill (S. 5614) concerning desert lands; to the Committee on Public Lands.
By Mr. JONES:
A bill (S. 5615) granting certain lands to the board of park commissioners of the State of Washington for park purposes; to the Committee on Public Lands.
A bill (S. 5616) granting a pension to James Turner (with accompanying papers); to the Committee on Pensions.
Mr. CLAPP. On the 11th instant I introduced the bill (S. 5448) to confer jurisdiction upon the United States District Court for the District of Minnesota to hear, try, and determine the value of certain pine timber, and it was referred to the Committee on the Judiciary. I ask that the Committee on the Judiciary be discharged from the further consideration of the bill and that it be postponed indefinitely.
The VICE PRESIDENT. Without objection, it is so ordered.
Mr. CLAPP. I now introduce a bill which is intended to take the place of the one heretofore introduced by me, and I ask that it be referred to the Committee on the Judiciary.
The bill (S. 5617) to confer jurisdiction upon the United States District Court for the District of Minnesota to hear, try, and determine the value of certain pine timber was referred to the Committee on the Judiciary.
By Mr. CLAPP:
A bill (S. 5618) to authorize the Secretary of the Interior to issue a patent in fee simple to the district school board No. 112, of White Earth Village, Becker County, Minn., for a certain tract of land upon payment therefor to the United States in trust for the Chippewa Indians of Minnesota; to the Committee on Indian Affairs.
By Mr. KENYON:
A bill (S. 5619) granting an increase of pension to William Goodin (with accompanying papers); to the Committee on Pensions.
By Mr. STERLING:
A bill (S. 5620) granting a pension to Patrick H. Guhin (with accompanying papers); and
A bill (S. 5621) granting an increase of pension to Oscar D. Nutten (with accompanying papers); to the Committee on Pensions.
By Mr. POMERENE:
A bill (S. 5622) to provide for the erection of an addition to the United States post-office building already provided for at Steubenville, Ohio, and to be constructed in connection therewith and as a part of the same building; to the Committee on Public Buildings and Grounds.
By Mr. TAGGART:
A bill (S. 5623) granting an increase of pension to Elmore T. Montgomery;
A bill (S. 5624) granting an increase of pension to George W. Lukenbill; and

A bill (S. 5625) granting an increase of pension to Thomas E. Niles; to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 5626) granting an increase of pension to H. J. Rowe (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 5627) granting an increase of pension to Robert M. Watkins (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 5628) granting an increase of pension to Stephen H. Whitman (with accompanying papers);

A bill (S. 5629) granting an increase of pension to Thomas S. Henderson (with accompanying papers); and

A bill (S. 5630) granting an increase of pension to Corydon L. Cole (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 5631) granting a pension to Adelbert R. Burke (with accompanying papers); to the Committee on Pensions.

A bill (S. 5632) for the relief of Aquila Nebeker; to the Committee on Public Lands.

By Mr. LA FOLLETTE:

A bill (S. 5633) granting an increase of pension to Ira H. Fuller; to the Committee on Pensions.

By Mr. KERN:

A bill (S. 5634) to regulate interstate employment agencies; to the Committee on Education and Labor.

By Mr. JOHNSON of South Dakota:

A bill (S. 5635) authorizing the conveyance of certain land in the State of South Dakota to the town of Flandreau, in said State (with accompanying papers); to the Committee on Indian Affairs.

By Mr. DILLINGHAM:

A bill (S. 5636) for the relief of George W. Richardson (with accompanying papers); to the Committee on Military Affairs.

By Mr. JOHNSON of Maine:

A bill (S. 5637) granting an increase of pension to Laban A. Fernald (with accompanying papers); to the Committee on Pensions.

ADJUDICATION OF PRIVATE CLAIMS.

Mr. DU PONT submitted an amendment intended to be proposed by him to the bill (H. R. 6918) to relieve Congress from the adjudication of private claims against the Government, which was referred to the Committee on the Judiciary and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. KENYON submitted an amendment proposing to amend section 2, chapter 389, Thirty-seventh United States Statutes at Large, approved August 24, 1912, so as to include newspapers published weekly, semiweekly, and triweekly, intended to be proposed by him to the Post Office appropriation bill (H. R. 10484), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $238.024.08 for the relief of Prof. William H. H. Hart, principal of the Hart Farm School and Junior Republic for Dependent Children, as payment in full for his costs, losses, damages, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

RURAL CREDITS.

Mr. ROBINSON submitted two amendments intended to be proposed by him to the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes, which were ordered to lie on the table and be printed.

NATIONAL DEFENSE.

Mr. BANKHEAD submitted an amendment intended to be proposed by him to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, which was ordered to lie on the table and be printed.

Mr. ROBINSON submitted an amendment intended to be proposed by him to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, which was ordered to lie on the table and be printed.

Mr. REED submitted an amendment intended to be proposed by him to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, which was ordered to lie on the table and be printed.

Mr. BRANDEGEE submitted an amendment intended to be proposed by him to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, which was ordered to lie on the table and be printed.

Mr. LANE submitted an amendment intended to be proposed by him to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, which was ordered to lie on the table and be printed.

RIVER REGULATION AND CONTROL.

Mr. NEWLANDS. Mr. President, I submit an amendment intended to be proposed by me to the river and harbor bill, embracing the recommendations of the Secretaries of the Interior, Agriculture, and Commerce to the President of the United States, regarding a full and broad system of river regulation and control. These recommendations were recently transmitted to me by the President of the United States in a letter, which, with the accompanying recommendations, were at my instance recently printed in the RECORD. They were recommendations made by an interdepartmental committee appointed by the President two years ago, consisting of the Secretaries of War, Interior, Agriculture, and Commerce. Owing to a vacancy in the War secretaryship the recommendations were signed only by the three other Secretaries, but I am informed that the recently appointed Secretary of War is in harmony with them. The letter of the President and the recommendations of the Secretaries will be found in the CONGRESSIONAL RECORD of April 11. I ask unanimous consent that it be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the amendment was referred to the Committee on Commerce and ordered to be printed and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. NEWLANDS to the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, viz: Add, at the end of the bill, the following:

"SEC. —. (a) That a national waterways council, hereinafter called the council, consisting of the President of the United States as chairman, the Secretary of War as vice chairman, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce, is hereby created, which is authorized and directed to investigate or cause to be investigated, with respect to all watersheds in the United States, questions relating to the development, improvement, regulation, and control of navigation as a part of interstate and foreign commerce, including irrigation, forestry, fisheries, swamp-land reclamation, clarification of streams, regulation of flow, control of floods, storage and conservation of water for agricultural, industrial, municipal, and domestic uses, utilization of water power, prevention of soil erosion and waste, cooperation of carriers by rail and water, and promotion of transfer facilities and sites, and to formulate as early as practicable and to report to the Congress comprehensive plans and specific projects for each watershed, with estimates and recommendations for the development of waterways and water resources of the United States for every useful purpose, either independently by the United States or through such cooperation between the United States and the several States, counties, municipalities, communities, corporations, associations, and individuals, both in financial support and in coordination of agencies, as will secure the highest development and utilization of the waterways and water resources of the United States.

"(b) That to assist in carrying out the purposes aforesaid the council may utilize the various agencies of the Government, and there is hereby created a water-control board, hereinafter called the board, which shall consist of four assistant secretaries, to be appointed as hereinafter provided, one of whom shall be designated by the council as chairman, and such additional members as the council may from time to time appoint. Each such assistant secretary shall receive a salary of $10,000 per annum and said additional members of the board such salaries as the council may from time to time fix. Subject to the direction and control of the council as to general policy and procedure, including investigations, plans, estimates, and expenditures, it shall be the duty of the board, under rules and regulations prescribed from time to time by the council, to ascertain in detail the work in progress and obtain plans, recommendations and estimates of the work contemplated in the general field of water control and utilization by the various agencies of the Government, States, counties, municipalities, communities, corporations, associations, and individuals, and on the basis of such information and the results obtained by its own investigations to prepare for the consideration of the council a general and comprehensive program of water and waterways regulation, development, and utilization, extending through a number of years, with specific projects, estimates, and recommendations, involving independent work by the United States and the combining of resources and energies of the various public and private agencies aforesaid; to coordinate and bring into conference the various agencies of the Government, and to examine, compare, adjust, allot, assign, and supervise their work, to the end that duplication may be avoided and the highest efficiency obtained; by agreement to assign to the various cooperating agencies the work to be done by them within their respective spheres; to accept, on behalf of the United States, from such agencies contributions of money and property of any kind to be used for carrying out the purposes authorized by this act; to make field inspection of all work done or contemplated under this act by the Government and its cooperating agencies; and to employ such engineers, transportation experts, experts in water development, constructors, and other employees, and to construct such buildings and works as may be necessary for those purposes. Contributions received under this section shall be used by the board, under the direction of the council, for carrying out the purposes of this act. Money so received shall be deposited in the Treasury of the United States, shall constitute a special fund, which is hereby appropriated for such purposes, available until expended, and shall be paid out in the manner specified in section 4. Subject to the approval of the council, the board is authorized to enter into such contracts as may be necessary for carrying out the purposes of this act, within the limits of appropriations or con-

tributions which shall be made hereafter from time to time, or as may be necessary for executing projects under this act within the respective limits of cost thereof approved by the Congress, the funds for which shall have been provided by the Secretary of the Treasury in accordance with the authority conferred by this act. Subject to the approval of the council, the board may also employ the various agencies of the Government in carrying out such purposes or executing such projects.

"(c) That each head of a department named in this act is authorized to appoint, with the approval of the council, for service as a member of the board, a highly qualified representative, who shall be an assistant secretary in the department in which he is appointed, shall devote his time primarily to the work authorized by this act, shall have, subject to the direction of the head of the department, such general supervision and control as may be necessary for the purposes of this act of the agencies within the department engaged upon such work, shall serve during good service and behavior, and shall be removable by the head of the department only for good cause.

"(d) That for all expenses of investigations and formulation of plans and projects by or under the direction of the council or the board, including rent and the employment of labor and of technical and clerical assistance in the District of Columbia and elsewhere, salaries of the assistant secretaries in the departments, and of the additional members of the board appointed under this act, supplementing the annual appropriations for the various agencies of the Government, to the extent approved by the council, when called upon by or under the direction of the council for services under this act additional to their regular and usual duties, and all other necessary expenses, including emergency work, there is hereby authorized to be appropriated the sum of $15,000,000, out of any money in the Treasury not otherwise appropriated, available until expended, to be paid out on warrants signed by the chairman of the council, or by an official designated by him in writing, drawn on the Secretary of the Treasury.

"(e) That to provide for carrying out the projects formulated under this act, the appropriation hereafter of such sums as may be necessary is hereby authorized. At any time that the Secretary of the Treasury shall determine it to be necessary or advisable, in order to provide revenues to execute a project under this act, which shall have been approved by the Congress, he may issue and sell, or use as a means of borrowing money, bonds in the necessary amount, in accordance with the provisions of the act of August 5, 1909 (36 Stats. L., 11, 117), the act of February 4, 1910 (36 Stats. L., 192), and the act of March 2, 1911 (36 Stats. L., 1013). The sums appropriated or provided by the Secretary of the Treasury pursuant to this section shall be available until expended and shall be paid out in the manner specified in section 4.

"(f) That the work now in progress under the Mississippi River Commission shall not be interrupted, but shall proceed substantially in accordance with existing plans, under the supervision of the council, with such improvements and enlargements, if any, as may be suggested by the commission or the board and approved by the council, and the work of other agencies under this act shall be adjusted with reference thereto. For carrying on the work under the Mississippi River Commission there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $45,000,000, available immediately and until expended.

"(g) That all money made available for carrying out the purposes of this act, including appropriations, contributions, and proceeds of bonds, shall be carried on the books of the Treasury as the waterways fund, but may be credited to the separate items to which they respectively appertain and need not be commingled."

ADDRESS BY SENATOR SMOOT (S. DOC. NO. 405).

Mr. LODGE. Mr. President, I ask unanimous consent to have printed as a public document an address delivered by the senior Senator from Utah [Mr. SMOOT] before the City Club, of Boston, Mass., on Thursday, April 13, 1916, on certain policies of the present administration and their effects.

The VICE PRESIDENT. Without objection, that will be done.

POTOMAC POWER PLANT.

Mr. WILLIAMS. I should like to have inserted in the RECORD without reading a couple of editorials from the Saturday Evening Post of April 1, one entitled "Secret government" and the other "Unsightly smokestacks," both relating to the central power plant question.

There being no objection, the matter referred to was ordered to be printed in the RECORD as follows:

[From the Saturday Evening Post, Philadelphia, Apr. 1, 1916.]

SECRET GOVERNMENT.

The people of the United States know only a little more about what goes on at Washington than about what goes on at the seat of British Government. A few outstanding exceptional things are briefly reported—especially those things charged with a sporting interest, like the differences between the President and Congress over armed merchantmen. News of a tariff bill, a banking act, or a shipping bill gets circulated, but so does news of the big outstanding things that happen at Westminster. We get a good deal of gossip about what is likely to happen in connection with big measures, but of the actual doings of Government little is known outside the walls of the Capitol and of the departments.

For example, a great many people are much interested in the appearance of the National Capital. They hope it is going to live up to its opportunity of being one of the most beautiful cities in the world. From no selfish motive, but from national pride and out of a reverent sense of the value of beauty, architects, sculptors, langscape gardeners, painters, and engineers have especially watched and furthered plans to ennoble and adorn the Capital. Competent bodies have given much study to the subject—always with a long look to the future splendid city of which L'Enfant dreamed when he drew the first plans for the first President.

In February of this year the American Institute of Architects suddenly discovered, with amazement and dismay, that the Government was on the point of erecting a huge power plant near the Mall—a great, dauby splotch right in the middle of the picture. Remember, this subject of a beautiful Capital is one in which a great number of people have long been especially interested. The act authorizing this power house was passed in June, 1913. Plans had been drawn and contracts for the construction actually signed. Yet the country had not heard of it.

The architects, in spite of their special interest in the subject and the special attention they had given to it, did not know of it. It seems to have been news to the President himself when a committee hastily waited on him to protest. Of course some congressional committeemen knew and some officials of the Treasury Department knew; but the public had no more knowledge of it than as though it had been done by the Government of China.

It is no use blaming the newspapers. They say the public is not interested in the proceedings of the Government except as to a few overshadowing and exciting details, and probably they know. But to argue for public diplomacy when so much else that the Government does is essentially secret sounds like poppycock.

UNSIGHTLY SMOKESTACKS.

The site chosen for the power house that the Government purposes building in Washington is not far from the Washington Monument. The plans call for four smokestacks reaching 195 feet above water level and competing with the Monument for the visitor's attention. From the Virginia shore, from Potomac Park, on which much money is being spent, and to all those who enter the Capital from the south, this power house would be one of the most conspicuous objects. It would be in plain view from the Capitol.

Of course a power house so situated would be an egregious mistake—blotting the view and marring the plans for a beautiful city as long as it endured. There is still time to prevent this mistake. The plans should be modified.

There is no need to blame anybody in particular for the mistake. Time out of mind the business of housing the Government at Washington has been done, in part, piecemeal and hand-to-mouth. The long-range planning has always been inadequate to the Government's needs. The surplusage has been taken care of any old way on a policy of anything to meet the demands of the hour. In that case such an error as this power house might easily occur.

But the mistake has been discovered in time. It should be frankly acknowledged and corrected. A few people resent the effort to correct it, as though it involved some reflection upon them. They even intimate selfish motives on the part of those who have taken the lead in saving the Capital from this blot. As between their excited sensibilities and four one-hundred-and-odd-foot smokestacks in the middle of the picture there is no room for argument. The project should be abandoned and another site chosen.

PRICE OF GASOLINE.

Mr. THOMPSON. I ask to have printed in the RECORD an editorial from the Washington Post of Saturday, April 1, 1916, on the unjustifiable increase of gasoline prices.

The VICE PRESIDENT. Without objection it is so ordered. The matter referred to is as follows:

[From the Washington Post, Saturday, Apr. 1, 1916.]

UNJUSTIFIABLE INCREASE OF GASOLINE PRICES.

Now that the attention of the public and of Congress has been sharply directed to the rise in the price of gasoline it is to be hoped that the speedy relief of consumers will follow. Action by Congress leading to the investigation of the unprecedented increase of price may be followed by the manufacture of gasoline by corporations or by capitalists interested in automobile manufacture. Already one such corporation is under way. The promoters assert that gasoline may be profitably manufactured at 15 cents a gallon.

Neither the demands of Europe nor the crude oil situation justifies the enormous increase in the price of gasoline. Europe is not taking such quantities as to make a serious shortage, nor is there such a curtailment of crude oil production as to force prices to such a height.

The rise in gasoline prices was most noticeable soon after the administration suggested that a tax be levied upon the product. For a time the administration was insistent upon the imposition of this tax, the President even recommending it in his address to Congress. Lately little has been heard of this revenue plan, and it may have been dropped on account of the widespread protest against it. But the manufacturers apparently seized upon the threat of a tax as an excuse for raising prices, and, not being brought to task, they have been raising prices ever since on one excuse after another.

It is probable that gasoline manufacturers have discounted future demands in raising prices. They are aware of the prodigious increase in automobile manufacture and have taken advantage of this growth by making it an ostensible reason for high prices.

The year 1916 is proving a notable one in the automobile business. Carefully compiled reports from leading manufacturers show that automobile production will be 100 per cent greater this year than last. Taking July 31 as the end of the automobile year, the production in 1915 was 700,000 cars, and in 1916 it will be 1,400,000. The six leading companies report the following output for 1916: Ford, 500,000; Willys-Overland, 200,000; General Motors, 120,000; Chevrolet, 95,000; Studebaker, 75,000; and Maxwell, 70,000. There are 448 automobile manufacturers in the United States, many of them turning out more than 5,000 cars annually. In spite of the increased cost of materials the average prices of cars have been reduced without reducing profits of manufacture, this result having been reached by manufacturing in greater quantities.

Necessarily this astonishing increase in the number of automobiles will affect gasoline production and cost. But the price of gasoline has more than doubled, and the fact that automobiles have multiplied is not a valid excuse for further price increases.

The public is being squeezed without justification. Congress can well afford to go into the subject and provide relief.

WOMAN SUFFRAGE (S. DOC. NO. 408).

The VICE PRESIDENT. If there are no concurrent or other resolutions, the morning business——

Mr. DILLINGHAM. Mr. President, I hold in my hand a matter of morning business, and I was attempting to get the attention of the Chair. It is a brief, an argument, called "The Case Against Woman Suffrage." I am informed by Mr. Robert V. Turner, for the National Anti-Suffrage Committee that this is regarded by the National Anti-Suffrage Committee as the best and most complete presentation of the antisuffrage cause that

has yet been prepared. I have been requested by a committee of estimable women, who are opposed to suffrage and who look upon this paper as being the best presentation of their views, and as bearing directly upon the Susan B. Anthony amendment, so called, which is now pending in Congress, to ask that it be printed as a public document. I make that request.

The VICE PRESIDENT. Without objection it is so ordered.

REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

Mr. POINDEXTER. I move that the Senate proceed to the consideration of the joint resolution (S. J. Res. 98) to print as a public document the final report and testimony submitted to Congress by the United States Commission on Industrial Relations. A favorable report has been pending in the Senate for a considerable period, and I suppose every Senator has a great deal of correspondence about it—I know I have—requesting copies of this document. It requires considerable time to answer such letters. It will require no more time, if the joint resolution is acted on and the document printed, to send the document to the citizens of the country who desire it. I take it for granted that ultimately the joint resolution will be passed and that this information which has cost so much money to obtain will be made available. I therefore move that the Senate proceed to the consideration of the joint resolution.

Mr. REED. Will the Senator withhold that motion long enough for me to present a petition which I desire to have read?

Mr. POINDEXTER. I yield for that purpose.

THE NATIONAL GUARD.

Mr. REED. I send to the desk and ask to have read a communication in the nature of a petition.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary proceeded to read the communication and was interrupted by,

Mr. ASHURST. Mr. President, I merely want to ask the length of the document which the Secretary is reading? I fear its reading will take up so much of the morning hour that there will be very little of it left in which to discuss the motion of the Senator from Washington [Mr. POINDEXTER]. I ask that the reading of the document be suspended and that it be incorporated in the RECORD.

Mr. REED. Mr. President, I object to that. The document is being read by unanimous consent, which unanimous consent has already been granted.

The Secretary resumed and concluded the reading of the document, which is as follows:

THE CHARGES AGAINST THE NATIONAL GUARD.

Many of the statements made by the Senator from Idaho in his speech before the Senate on Saturday concerning the alleged misapplication and misappropriation of public funds by the National Guard are wholly incorrect and some of them convey a false impression. The items and figures as read in the form by him presented appear in no report published by the War Department. They could come from but one source. Curiously enough, this source is the very agency in the War Department charged with the control of the Federal funds appropriated for the support of the militia and with the direction of the disbursement of such funds.

Let us take up these misstatements:

1. Reference is made to the sum of $8,000,000 as annually appropriated for the militia. This is a mild exaggeration, involving an expansion of 50 per cent. As a matter of fact, the annual appropriations for the militia amount to just $4,000,000, half of which is appropriated under section 1661, United States Revised Statutes as amended, and the other half under the act of May 27, 1908. A special appropriation of $1,250,000 has been made each alternate year for the expenses of militia participating in joint maneuvers with the Regular Army. These latter funds so appropriated are expended wholly through the agencies of the Army and for maneuver purposes solely. In 1915 certain special items for Artillery equipment were appropriated for, not a part of the current militia appropriations, but, including these items and the maneuver expenditures, the total sum expended for and in connection with the militia totaled only $4,847,744.91, as shown on page 45 of the Report of the Chief of the Division of Militia Affairs for the year 1915.

2. Of the two militia appropriations of $2,000,000 each, the one made under the act of February 27, 1908, is used only to cover the cost of arms and camp equipments and ammunition issued to the militia of the several States upon the requisition of their governors. The appropriation under section 1661, United States Revised Statutes, is alloted for "equipments and camp purposes," and that allotment may be used to obtain supplies or to cover the expenses of field service and for the "promotion of rifle practice," which allotment is used for the acquisition of rifle ranges, their construction and operation, expenses of teams participating in rifle competitions, and other authorized expenses in connection with rifle practice. A portion of the militia appropriation is retained "unallotted" by the Secretary of War and applied to cover expenses of the Division of Militia Affairs, the cost of equipping new organizations, and other purposes. The only appropriation under which funds may be obtained for disbursement for authorized purposes by State officers is under section 1661 above referred to. Let us see how these disbursements are made.

3. The following regulations are prescribed under the War Department Regulations for the Organized Militia, 1910:

(a) Before a State may use Federal funds its militia must equal in strength 100 for each Senator and Representative in Congress; unless specially excused each unit of its militia must have participated in field exercises for not less than five days, and each company or other unit must have assembled for drill, etc., not less than 24 times; the militia must have been inspected by a Federal Officer during the year. (See par. 148, Mil. Reg.)

(b) The governor of a State must designate to the Secretary of War an officer to act as disbursing officer, who must give a good and sufficient bond in such sum as the Secretary of War may direct. This disbursing officer must submit a detailed account, with all vouchers covering expenditures, at the end of each month through the Division of Militia Affairs to the Auditor for the War Department. (See par. 149, Mil. Reg.)

(c) Federal funds are obtained upon the requisition of a governor, accompanied by detailed estimates showing the purposes for which the funds are to be used, and, if for camp purposes, the number and grade of officers and enlisted men, period of proposed duty, etc. (See par. 160, Mil. Reg.)

(d) The specific purposes for which the use of Federal funds is authorized are set out in paragraph 170, Militia Regulations. To expend them for any other purpose special authority would be required.

(e) It should be borne in mind that Federal funds are not handled or disbursed by any State officer other than the duly appointed and bonded disbursing officer, and attention is invited to the rules governing him as prescribed in paragraphs 146 to 220, United States Militia Regulations, 1910.

4. Most of the comment as to payments to commissioned officers which are now deemed excessive have to do with duty performed by officers as members of State teams participating in and being trained for the national matches. Federal funds for this purpose are used under the allotment for the "Promotion of rifle practice." In the early days of these matches great latitude was allowed in the expenditure of funds for this purpose. It was considered necessary and important to stimulate interest in rifle shooting. The national matches, which are still held each year, are designed to bring together the most expert marksmen in the country. In many States the policy of training officers for the State team was adopted upon the theory that by this means capable and enthusiastic instructors were being trained to the highest degree, and that the information and experience gained in this way would later be communicated through them to their commands, whereas the training of a private soldier to such degree of expertness as to fit him for membership on a team meant merely the training of a single marksman, at a cost out of proportion to the benefit derived. This idea as to the selection of officers for the State teams still obtains, and the rules now prescribe that a team may be composed half of officers and half of enlisted men. It did happen, however, that in certain cases funds were extravagantly used. They were by no means the rule; but to prevent such abuses the War Department finally fixed a limit as to the number of days pay which would be allowed, the grades of officers who might serve on teams, etc. This could have been done at any time in previous years when abuses were noted.

5. Instances are cited where it is alleged that during encampments thousands of dollars were paid to officers and only a few hundred dollars for pay of enlisted men. It need only be stated that there are fixed rules governing the conduct of encampments which prescribe the number and grade of officers who may appropriately participate with organizations in field service, the number of enlisted men who must attend with each organization, etc. Unless these rules are observed Federal funds could not be used. When Federal funds are used the base pay of the Army is given, and no payment could be made or has ever been made to any officer or soldier except at this rate fixed by law. The pay of a private at that rate is 43 cents. In some States they place a higher value upon the services of these men, and by State law and State appropriations they have provided a higher rate of pay, running anywhere from $1 to $2 per day. In these States it is customary to pay the officers from Federal funds, as the rate for them is the same under both the Federal and State laws, but to pay the enlisted men from State funds. This is understood and provided for by the War Department, and in the standard form of pay roll issued for the use of the militia appear columns to show payments from United States funds and columns from State funds. (See form of Pay Roll, D. M. A., No. 368.) The injustice and malicious intent of citing cases of this sort as implying improper use of Federal funds requires no comment.

6. Mention is made also of encampments where a comparatively small number of persons have participated, most of whom were officers. It is not explained, however, that under the rules of the War Department "camps of instruction for commissioned officers" are not only authorized but required; that these camps are held anuually in advance of the regular encampments attended by the full enlisted personnel; and that at these camps for officers only a few enlisted men (limited by the rules of the War Department) can attend, and they do so to furnish the necessary clerical assistance, serve as orderlies, trumpeters, etc. For the information of the Senate, D. M. A. Circular No. 15, series of 1916, prescribing the classes of encampments and field service which may be held and the conditions under which Federal funds may be used, is submitted herewith and requested to be placed in the record. This is the latest circular upon the subject.

7. If all Federal funds used by the militia have at all times been handled by one officer in each State, namely, the disbursing officer, if that officer has been bonded and required to make monthly accounting to the proper agency of the Treasury Department; if no disbursements could be made by such officer except such as are provided for under regulations and specially authorized by the Secretary of War; if all of these things are true (and they are) and abuses have occurred, then it is perfectly obvious that they could have been avoided by the application of intelligent and proper administrative methods. None of these alleged abuses could have occurred under the rules and regulations now in effect for the government of the Organized Militia. The most serious charge made is that in former years payments were made to an excessive number of ornamental but useless staff officers. It is a well-known fact that until within the last few years a custom had existed in many States of appointing such staff officers. No payments could be made to that class of officers under the Federal regulations to-day in effect; it should not have been permitted before.

8. Reference is made to the embezzlement of funds by an officer of the National Guard. This is no doubt an authentic case; there may be others, but it is a fair assumption that if there were they would have received the same liberal advertisement that has been given this one. It can hardly serve as a fair basis for the indictment of the hundred and odd thousands of men in the National Guard who are entitled to the presumption of honesty. Let us consider the wide and continuous publicity given this particular instance of theft by a militiaman in connection with the rule applied by the War Department that general orders publishing court-martial proceedings in the Army shall be carried in a separate series, not for general distribution, for the very proper purpose of escaping unpleasant notoriety for that service.

The members of the National Guard resent this injustice. There are other cases of embezzlement recorded at the War Department, and it may not be amiss to list them all for reference and comparison. The fact stands out that even after the most careful research and expert arrangement the sum total of the alleged peculations and losses of the militia, extending over a long period of years, but slightly exceeds the accomplishment of a single efficient officer who was tried and convicted at Savannah some years ago. Yet no fair-minded man would seek to indict the entire standing army because of the dishonesty of this single individual.

9. It is charged that public military property to the value of more than a million dollars has been lost and remains unaccounted for by the States. A list of this property, or the value of it, and the States so charged may be found on pages 60 to 64 of the last report of the Division of Militia Affairs. Much of this property was, of course, lost through carelessness; but these losses have extended over a long period of years, and in some cases occurred at the time of the Spanish-American War, when proper transfers were not made, owing to inefficient methods of accounting. Such losses could not occur under the system of property accounting proposed in the pending bill, and which have been recommended to Congress by the representatives of the National Guard in the tentative bill submitted by them to the Senate Military Committee and printed.

If the launching of these wholesale charges against the National Guard has accomplished anything, it has been to focus attention upon the source of the opposition to the plan of Congress for better developing that arm of the military service for national defense. The frenzied indorsement of these slanders by former officials of the Government, whose attempts to change the military policy of the Nation have been repudiated, will not give them support, for it will be recognized that this is but a further expression from the same element which has been and is seeking to destroy the National Guard and supplant it by a strong Federal military force centrally controlled and officered.

This memorandum furnished by the executive committee of the National Guard Association of the United States.

Mr. BORAH and Mr. POINDEXTER addressed the Chair.

The VICE PRESIDENT. The Senator from Idaho.

Mr. POINDEXTER. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator from Washington will state his point of order.

Mr. POINDEXTER. It is that the motion which I have made to proceed to the consideration of Senate joint resolution 98, reported by the Committee on Printing, is not debatable. It is now pending before the Senate and should be submitted.

Mr. BORAH. Mr. President, if the Senator will yield to me, I will not take more than a minute.

Mr. POINDEXTER. I prefer, Mr. President, in view of the great amount of time which has been occupied by the reading of the document which was sent to the desk and which I had no idea was of such length, that the vote on my motion be taken. That will only require a few moments, and then I will be glad to yield to the Senator from Idaho.

Mr. SMITH of Georgia. I think it will take a little more than a few moments.

Mr. BORAH. Mr. President, if the Senator's point of order is well taken, of course I yield the floor gracefully. If it is not, I should like to say a word.

Mr. POINDEXTER. If there is any doubt about the point of order, I should like to refer to the rules.

Mr. BORAH. The point of order is not debatable, I understand.

The VICE PRESIDENT. Morning business is not yet closed.

Mr. POINDEXTER. The Chair announced, I understood, that it was closed.

The VICE PRESIDENT. The Chair got halfway through when Senators began to rise and introduce bills.

Mr. BORAH. Mr. President, I will say to the Senator that I merely desire to say a word, and I will not take more than a moment.

The VICE PRESIDENT. The Chair will recognize the Senator from Washington immediately on the close of morning business.

Mr. SMITH of Georgia. Mr. President, then I object to the consideration of the motion of the Senator from Washington until morning business is closed. I shall not object to it after that, and I do not intend to endeavor in any manner to do anything to delay action on his motion. I will oppose the motion, but I will not endeavor to prevent the Senate voting on it.

Mr. POINDEXTER. I appreciate the Senator's attitude. I was aware that the Senator was opposed to the printing of the report, and for that reason I put my request in the form of a motion, and did not ask for unanimous consent. I saw that the Senator was present. I have been very much under a misapprehension if the Chair did not make a very distinct announcement—of course, I yield to the statement of the Chair—that morning business was closed. I was listening for that announcement in order to make the motion which I did make.

The VICE PRESIDENT. The Chair was proceeding to make the announcement when Senators arose with bills and other morning business in their hands, and the Chair did not complete the announcement, although he intended to do so. The Chair will recognize the Senator from Washington immediately on the close of morning business. Are there any other communications, bills, or resolutions to be presented?

Mr. POINDEXTER. I do not understand that there are any more, Mr. President.

Mr. McCUMBER. Mr. President, I have here a letter in the form of a general statement of questions pertaining to the National Guard, by T. H. Tharalson, adjutant general of the State of North Dakota. It embraces less than four pages and is quite important. I have cut out the portion that makes any personal references, and I ask that it be printed as a Senate document. (S. Doc. No. 407.)

The VICE PRESIDENT. Without objection, it is so ordered. If there are no further reports——

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho rise to morning business?

Mr. BORAH. I presume it is morning business. If the Senate will indulge me for about a moment, I will not delay the Senator from Washington.

Mr. POINDEXTER. If I have the floor, I will yield to the Senator from Idaho for a moment, and then I desire to renew the motion which I have made.

The VICE PRESIDENT. The Chair does not know whether this is morning business or not, and recognizes the Senator from Idaho. Any Senator can object if he desires to do so.

Mr. BORAH. Mr. President, the communication which has just been read—if the Senate will indulge me for a moment—is based upon the theory that the Senator from Idaho made some general charges against the National Guard, so called, or the State militia.

I invite those who shall be interested in the CONGRESSIONAL RECORD, and the people of the country generally, to read the charges which I did make and to read the generalizations which are contained in the reply. The Senator from Idaho made no general charges. He made specific charges. He gave names, dates, and amounts, and the Senator from Idaho challenges the lobby here representing the National Guard, or anyone else, to controvert the specific facts which the Senator from Idaho gave.

The VICE PRESIDENT. Now, morning business——

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Is there further morning business?

Mr. POINDEXTER. I understand not.

Mr. POMERENE. Mr. President, I have here, on the very subject to which the Senator from Idaho has referred, a letter from the adjutant general of the State of Ohio, and I should like to have it read.

Mr. POINDEXTER. Mr. President, I submit that that is a matter which should be presented when the Army bill is taken up. It is a part of the discussion on that measure; it is not properly morning business, and I request the Senator from Ohio to defer the matter until the Army bill is taken up.

The VICE PRESIDENT. Is there objection to the reading of the communication?

Mr. POINDEXTER. I object.

The VICE PRESIDENT. Then, the question is, Shall the communication be read? [Putting the question.] By the sound the noes seem to have it.

Mr. POMERENE. I ask for a division.

Mr. ASHURST. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Myers	Smith, Ga.
Bankhead	Hughes	Nelson	Smith, Md.
Beckham	Husting	Norris	Smith, Mich.
Borah	Johnson, Me.	O'Gorman	Smith, S. C.
Brandegee	Johnson, S. D.	Oliver	Smoot
Broussard	Jones	Overman	Sterling
Burleigh	Kenyon	Page	Sutherland
Chamberlain	Kern	Phelan	Taggart
Chilton	La Follette	Pittman	Thomas
Clapp	Lane	Poindexter	Thompson
Culberson	Lea, Tenn.	Pomerene	Tillman
Cummins	Lewis	Reed	Underwood
Curtis	Lodge	Robinson	Warren
Dillingham	McCumber	Shafroth	Weeks
du Pont	McLean	Sheppard	Williams
Gallinger	Martin, Va.	Sherman	Works
Hardwick	Martine, N. J.	Smith, Ariz.	

Mr. CHILTON. I desire to announce the absence of my colleague [Mr. GOFF] on account of illness. I will let this announcement stand for the day.

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from Florida [Mr. FLETCHER] and the junior Senator from Maryland [Mr. LEE]. This announcement may stand for the day.

The VICE PRESIDENT. Sixty-seven Senators has answered to the roll call. There is a quorum present. The Senator from

Ohio [Mr. POMERENE] has asked that a certain document with reference to the National Guard may be read as part of the morning business. [Putting the question.] The Chair is unable to determine. Those in favor of the reading of the document will rise. [A pause.] Those opposed will rise. [A pause.] The Secretary will read the document.

The Secretary read as follows:

STATE OF OHIO,
ADJUTANT GENERAL'S DEPARTMENT,
Columbus, April 16, 1916.

Hon. ATLEE POMERENE,
Senator from Ohio, Washington, D. C.

MY DEAR SENATOR: Certain statements and charges were made, according to my information, on the floor of the Senate on Saturday, April 15, 1916, which, in justice to the Ohio National Guard, I believe should be covered by a statement of the exact facts in connection with the charges made.

According to my information, the charge was made that the officers of the Ohio National Guard had shamefully and disgracefully wasted and in some instances had actually embezzled Federal funds allotted to the State.

These charges could not possibly be true, for the reason that Federal funds allotted to the State of Ohio, or any other State, were necessarily expended under authority of and under rules and regulations laid down by the War Department. All such funds are paid out through a United States disbursing officer for the particular State and under proper orders issued by the adjutant general of the State for pay, transportation, and subsistence of officers and enlisted men, and within such limitations as laid down and promulgated by the orders of the Secretary of War.

In addition to this all disbursements made by the disbursing officer are audited by the War Department and the Comptroller of the Treasury, and if an unauthorized payment is made by the United States disburing officer he becomes individually liable therefor.

The assertion is therefore made that it would not be possible to "shamefully waste" or "embezzle" Federal funds, as charged.

In addition to the Federal allotments each year to the State of Ohio, it appropriates annually for the maintenance of the Ohio National Guard the sum of $476,712.10. The use of Federal allotments, as heretofore suggested, is limited and restricted by such rules, regulations, and orders as the War Department may see fit to impose.

The natural result of this condition is that Federal funds are utilized for the purposes clearly laid down in orders of the War Department and that State funds are utilized to pay for the additional cost of the necessary and practicable maintenance charges for the guard.

Privates may receive 52 cents per day from Federal funds and may receive $1 per day under Ohio statutes out of State appropriations.

In order that enlisted men can be better paid, the practice is, and has been for years, to pay enlisted men out of State funds. For instance, in the year 1911 the State paid enlisted men for camp pay the sum of $52,175.67, as is shown by exhibits hereto attached. In the year 1915 our records disclose the following facts: Every officer, noncommissioned officer, and private in the Ohio National Guard had a tour of camp duty, and in addition thereto infantry officers to the number of 100 attended an officers' school camp of instruction. Practically all the officers in the State last year received their pay from Federal funds. Out of the Federal allotment the pay of officers amounted to $25,973.95 and out of Federal funds enlisted men were paid $24,803.99. In addition to this amount the enlisted men were paid for camp services in 1915 from State funds approximately $40,000.

In addition to this amount the enlisted men during the year 1915 were paid for drill pay (officers receive no drill pay) from State funds approximately $70,000.

The War Department during the last 10 years has encouraged and promoted rifle and pistol practice. This was particularly so during the years 1909, 1910, 1911, 1912, and 1913. During those years the national and international rifle and pistol competitions were, on numerous occasions, held at Camp Perry, Ohio, which is one of the best rifle ranges in the world. The teams representing the various branches of the service in the United States Army and Navy gathered the members of their various teams from all over the country and prepared those teams for the national and international matches for months. To compete with these teams Ohio, necessarily, had to develop its team from year to year and spent a great deal of money in this development. This was encouraged and approved by the War Department.

They call attention to the fact that the team of 1911 was composed entirely of officers. This is true because those officers from practice and development had proven themselves to be the best marksmen and, naturally, they become members of the team to represent the State in competition with the Army, Navy, Marine Corps, Military Academy, and the teams of other States. The persons, however, who furnished the Senator from Idaho this information failed to mention the fact that Ohio's team in 1913 in the national and international matches was composed entirely of enlisted men. Further than this, it will be found upon investigation that the cost of development of Ohio's rifle team in any year, including pay, subsistence, and transportation, if compared with the cost of the development of the United States Army, Infantry, or Cavalry team of the same year, including pay, transportation, and subsistence, will show that this State has expended far less money on its team than was expended upon either of the other teams.

There is no merit in the contentions of the persons who have furnished the Senator with the information he used on the floor of the Senate, and the charges are most unfair, particularly in the veiled insinuctions that are calculated to give the impression of irregular and dishonest practices and activities in the Ohio National Guard.

I beg to be,
Very respectfully,

BEN W. HOUGH,
The Adjutant General, Ohio.

Mr. POMERENE. Mr. President, I now send to the desk a statement of the funds which were raised for the Ohio National Guard by taxation in the State, as well as a statement of the funds which were apportioned to the State out of the Federal appropriations during the years 1911 and 1915, inclusive. This statement also shows the amount which was paid to the officers as camp pay and to the men as camp pay out of the Federal funds, and the amount which was paid to the men as camp pay out of the State funds. I ask that that may be read.

The VICE PRESIDENT. Is there any objection?

Mr. POINDEXTER. I object.

The VICE PRESIDENT. The question is, Shall the document be read?

Mr. ASHURST. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SMOOT. Mr. President, will not the Senator from Ohio have the document printed in the RECORD without reading? The statement which he first sent to the desk has been read.

Mr. POMERENE. Mr. President——

Mr. SMOOT. If the Senator objects, that is all I shall say.

Mr. POMERENE. I certainly do object, in view of the seriousness of the charge.

Mr. BORAH. Mr. President, I trust that this communication will have some reference to the charge which has been made. The other communication had no reference whatever to it.

Mr. POMERENE. Mr. President, I have not finished the statement I shall have to make on this subject, and I think I shall be specific before I shall have concluded.

Mr. BORAH. I hope so. It is a characteristic of the Senator.

Mr. POMERENE. I usually am. In that respect I think I am somewhat like the Senator from Idaho.

Mr. POINDEXTER. I make the point of order that this request is not in order under Rule VIII; that the introduction of petitions and memorials has been passed by; that this is nothing more nor less than a part of the argument on the Army bill and is not morning business.

The VICE PRESIDENT. It seems to the Chair that this is in the nature of a memorial to the Senate of the United States. The Senator has a right to introduce it in the morning hour if he chooses to do so. The Chair had hoped that it would not come in until the Army bill was before the Senate, but over that the Chair has no control. The Chair believes it fairly comes within the category of morning business.

Mr. POMERENE. Mr. President, perhaps I can make a suggestion. If I may be permitted to have 15 or 20 minutes to discuss this matter, I have no desire to interfere with the matter that the Senator from Washington desires to have considered.

Mr. BORAH. If the Senator has that privilege, I should be glad to share it.

The VICE PRESIDENT. Nobody can have that privilege under this unanimous-consent agreement while the present occupant of the Chair is here.

Mr. POINDEXTER. I request the Senator from Ohio to withhold his request for the presentation of these certificates until the Army bill is taken up.

Mr. POMERENE. There have been some very serious charges made here; and while I do not question the good faith of the Senator from Idaho, he has been misled.

Mr. BORAH. The Senator from Idaho has not been misled.

Mr. POMERENE. Well——

The VICE PRESIDENT. The Chair hates to enforce the rule, but the Chair must enforce it. This is a question that is to be determined without debate. The yeas and nays have been called for and ordered, and the Secretary will call the roll.

Mr. REED. What is the question?

The VICE PRESIDENT. The question is, Shall the document be read?

The Secretary proceeded to call the roll.

Mr. DU PONT (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. BECKHAM]. I do not know how he feels on this question, so I will withhold my vote.

Mr. SUTHERLAND (when his name was called). I inquire whether the senior Senator from Arkansas [Mr. CLARKE] has voted?

The VICE PRESIDENT. The Senator from Arkansas has not voted.

Mr. SUTHERLAND. I have a pair with that Senator, and therefore withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the senior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "yea."

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. I transfer that pair to the junior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "yea."

Mr. WILLIAMS (when his name was caled). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Tennessee [Mr. LEA], I vote "yea."

The roll call was concluded.

Mr. BRADY (after having voted in the affirmative). I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. He is absent from the Chamber, and I therefore withdraw my vote.

Mr. SMITH of Michigan. I desire the RECORD to show that my colleague [Mr. TOWNSEND] is absent on account of illness in his family, and is paired with the junior Senator from Florida [Mr. BRYAN].

Mr. CHILTON. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Delaware [Mr. SAULSBURY] and will vote. I vote "nay."

Mr. CURTIS. I have been requested to anounce that the senior Senator from Rhode Island [Mr. LIPPITT] is paired with the junior Senator from Montana [Mr. WALSH].

The roll call resulted—yeas 48, nays 15, as follows:

YEAS—48.

Borah	Husting	Norris	Smith, Md.
Broussard	Johnson, Me.	O'Gorman	Smith, Mich.
Burleigh	Johnson, S. Dak.	Oliver	Smith, S. C.
Chamberlain	Jones	Overman	Sterling
Clapp	La Follette	Page	Swanson
Culberson	Lane	Phelan	Taggart
Cummins	Lee, Md.	Pomerene	Thomas
Curtis	Lewis	Ransdell	Thompson
Dillingham	Lodge	Reed	Tillman
Gronna	McCumber	Shafroth	Underwood
Hardwick	Martin, Va.	Sheppard	Wadsworth
Hollis	Martine, N. J.	Sherman	Williams

NAYS—15.

Ashurst	Hughes	Myers	Smith, Ga.
Brandegee	Kenyon	Nelson	Smoot
Chilton	Kern	Poindexter	Works
Gallinger	McLean	Robinson	

NOT VOTING—33.

Bankhead	Fall	Newlands	Sutherland
Beckham	Fletcher	Owen	Townsend
Brady	Goff	Penrose	Vardaman
Bryan	Gore	Pittman	Walsh
Catron	Harding	Saulsbury	Warren
Clark, Wyo.	Hitchcock	Shields	Weeks
Clarke, Ark.	James	Simmons	
Colt	Lea, Tenn.	Smith, Ariz.	
du Pont	Lippitt	Stone	

The VICE PRESIDENT. The Secretary will read the document presented by the Senator from Ohio.

The Secretary read as follows:

Section 1661—Ohio.

	Allotment.	Camp pay officers, Federal funds.	Camp pay men, Federal funds.	Camp pay men, State funds.
1911	$67,434.04	$26,011.04	$426.50	$52,175.67
1912	66,442.34	23,906.40	16,112.98	31,830.11
1913	64,489.34	20,701.25	15,199.96	45,109.90
1914	85,871.47	17,423.02	11,300.12	42,095.50
1915	86,134.53	25,973.95	24,803.99	43,607.08
Total	370,371.72	114,015.66	67,843.55	214,819.16

These Federal funds may be expended under supervision and by authority of the Chief, Division of Militia Affairs, for pay and transportation of officers and enlisted men and for subsistence of men at joint camps and maneuvers, camps of instructions, and rifle camps of instruction; for the purchase of arms and equipment, for the promotion of rifle practice, and the rental of rifle ranges.

Annual State appropriation for the National Guard, $476,712.10.

Mr. POMERENE. Mr. President, I have some other data here which I expect to have read into the RECORD later, but I feel that there is a courtesy due to the Senator from Washington in this matter and I will defer presenting it until later.

The VICE PRESIDENT. The morning business is closed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on April 17, 1916, approved and signed the following act:

S. 1424. An act incorporating the American Academy of Arts and Letters.

LEGISLATIVE APPROPRIATIONS.

The VICE PRESIDENT. The Chair lays before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MARTIN of Virginia. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. SMOOT conferees on the part of the Senate.

REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

Mr. POINDEXTER. I move that the Senate proceed to the consideration of the joint resolution (S. J. Res. 98) to print as a public document the final report and testimony submitted to Congress by the United States Commission on Industrial Relations.

Mr. MARTINE of New Jersey. I desire to ask if we are still in morning business?

The VICE PRESIDENT. No; we have finally closed morning business.

Mr. SMITH of Georgia. Mr. President, before the Senate votes upon the motion of the Senator from Washington I wish to call attention to the fact that the House has passed and sent to us a concurrent resolution providing for printing the report. That was sent to the Committee on Printing. I wish to ask, as a question of practice, whether it would be in order, if we take up this Senate joint resolution, to substitute the resolution which the House passed? If we should take up the Senate joint resolution with the House resolution passed, we create a state of confusion. Would it be in order, if we take up the Senate joint resolution, to substitute the resolution sent here by the House and amend it and perfect it and practically terminate action?

The VICE PRESIDENT. There is not any doubt about that. When the joint resolution comes before the Senate it can be amended by offering the resolution of the House as a substitute. The question is on the motion of the Senator from Washington.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. SMITH of Georgia. As a substitute for the joint resolution reported by the committee, I move that we concur in the House resolution, which has been passed and sent to the Senate.

Mr. GALLINGER. Mr. President, that can not be done.

Mr. POINDEXTER. I make the point of order that the motion of the Senator from Georgia is out of order.

The VICE PRESIDENT. The Chair understands that the resolution of the House is before the Committee on Printing.

Mr. SMOOT. I will state to the Senator from Georgia that the House did pass a resolution authorizing the printing of 100,000 copies of the report only. That resolution is now before the Committee on Printing. But the Committee on Printing has reported out the joint resolution as found upon the calendar, and I think the only proper course for the Senator from Georgia to pursue is to offer the House resolution as a substitute for the joint resolution, and then if it is passed the House——

The VICE PRESIDENT. The resolution of the House is before the Committee on Printing, is it not?

Mr. SMOOT. Yes; but the Senator from Georgia can offer it as a substitute.

Mr. SMITH of Georgia. I understand that I can offer it as an independent matter, as a substitute.

Mr. SMOOT. That is what I mean.

Mr. SMITH of Georgia. What I am anxious to do is to avoid putting the Senate in the attitude of passing a joint resolution on this subject with a resolution already here from the House. I am opposed to that part of the Senate joint resolution which provides for printing the testimony. I do not object to that part of the joint resolution which provides for printing the report. But if the Senate disagrees with me—as I fear it will—and prints the testimony as well as the report, we ought to do it by an amendment to the resolution passed by the House, and then all that will be necessary would be for the House to concur, and the legislation would be ended. If we pass an independent resolution and send it to the House, it will have to be sent to the committee of the House, we will have the action of the House here before the committee, and they will have the action of the Senate in the House before the committee, and the two bodies will in no way be brought together by the action taken.

Mr. GALLINGER. That is not an unusual parliamentary situation, however.

Mr. SMITH of Georgia. But an unfortunate one.

Mr. GALLINGER. It may be unfortunate.

Mr. SMOOT. Mr. President, in behalf of the Committee on Printing I wish to say that the committee reported the joint resolution now on the calendar before the House passed the resolution upon the same subject matter, and the only way the Senator from Georgia can do, I think, is to offer it as a substitute.

Mr. SMITH of Georgia. I offer that as a substitute for the report of the committee.

Mr. CHILTON. Mr. President, I wish to inquire whether an amendment to the substitute is in order?

Mr. SMITH of Georgia. Undoubtedly.

Mr. SMOOT. Yes.

The VICE PRESIDENT. It is in order.

Mr. CHILTON. Then I offer the following amendment to the substitute.

The VICE PRESIDENT. It will be read.

The SECRETARY. Insert after the word "Senate,' in line 7, the following:

And that the report of Basil M. Manly, director of research and investigation, and the individual reports and statements of the several commissioners, together with all the testimony taken at its hearings except exhibits submitted in printed form, which shall be appropriately referred to in said testimony, be printed as a Senate document under the direction of the Joint Committee on Printing; and that 10,000 additional copies be printed and bound in cloth, of which 2,500 copies shall be for the use of the Senate and 7,500 copies for the use of the House of Representatives; and that of the final report of said commission 100,000 additional copies be printed, of which 30,000 shall be for the use of the Senate and 70,000 copies for the use of the House of Representatives: *Provided*, That the superintendent of documents is hereby authorized to reprint copies of the same for sale or distribution as provided by law.

Mr. SMITH of Georgia. Mr. President, I believe the simplest way to get out of this trouble is to ask unanimous consent to withdraw the House resolution from the committee and take it up in the Senate. Whether we are willing to have this testimony printed or not, as far as I am concerned I am perfectly willing to have the Senate vote on it, and while we have it here I think we ought to get it up and get through with it.

Mr. REED. Mr. President, it seems to me the matter is very simple if, disregarding the question of any resolution from the House, the Senator from Georgia should offer as a substitute the resolution in exactly the same terms, and if it were passed then the only thing remaining to be done would be for the committee in charge of the House resolution to report back that no further action is necessary, and the action had to-day would go to the House and be immediately affirmed.

Mr. SMITH of Georgia. The simplest and clearest way is to give unanimous consent to withdraw the House resolution from the committee. I ask unanimous consent to withdraw the House resolution from the committee, that we may take it up and dispose of it.

Mr. SMOOT. The Committee on Printing does not want to report the House resolution without an amendment.

Mr. HARDWICK. If the Senator will permit me, if we substitute for the House resolution the Senate proposition, then you bring the two Houses together.

Mr. SMITH of Georgia. We would bring the House resolution back here by unanimous consent and take it up, and if the Senate resolution is offered as a substitute and the Senate adopts the report of your committee you pass the House resolution by substitute, and we will get the two Houses together.

Mr. GALLINGER. As a member of the Committee on Printing I want to say that that committee has done what it has thought is proper. It has done what the commission wanted the committee to do, and I think while we have this matter directly before us now and the Senator from West Virginia has offered an amendment to the proposed substitute covering the action of the committee, I will object, Mr. President, to the matter being withdrawn from the Committee on Printing. I suggest that under the rule that motion would have to lie over one day.

Mr. NORRIS. Will the Senator yield before he takes his seat?

Mr. GALLINGER. Certainly.

Mr. NORRIS. As I understand the parliamentary situation, the Senator from Georgia moves to substitute the House resolution and then the Senator from West Virginia moves to amend the substitute, which, if carried, would make that the same as the Senate joint resolution.

Mr. GALLINGER. Precisely.

Mr. NORRIS. But that does not get the House resolution before the Senate.

Mr. GALLINGER. We can not pass a bill in an hour usually in this body. It may take a week to pass it.

Mr. NORRIS. I understand, but what is the advantage in doing that from going right on? Suppose we take up the substitute and amend it and then adopt it, we would be exactly where we are now.

Mr. GALLINGER. Oh, no.

Mr. NORRIS. We would still have the Senate resolution before the Senate and not the House resolution.

Mr. SMITH of Georgia. The Senator from West Virginia has proposed to amend the substitute by presenting the original joint resolution.

Mr. GALLINGER. If the motion of the Senator from West Virginia carries, it will bring before this body the action of the Committee on Printing of the Senate, and that is what I, as a member of the committee, want to have done. The minority of the Committee on Printing acceded to every demand that the commission made, and we want to stand by that. We do not want to have it said that the action of the committee has been thwarted in any way or modified in any way, but that we shall pass the resolution as the Committee on Printing agreed to it.

The VICE PRESIDENT. This is the situation: The Senate ordered taken up the Senate joint resolution on motion of the Senator from Washington. The Senator from Georgia has offered a substitute. The Senator from West Virginia has moved to amend the substitute. There is an objection to withdrawing the House resolution from the committee. So the amendment must be voted on or disposed of in some way, and it is now before the Senate for discussion.

Mr. SMOOT. I wish to ask the Senator from West Virginia to withdraw his amendment. The proper way to do this is to vote down the substitute offered by the Senator from Georgia, if the Senate feels that way. Then we will vote direct upon what the Senate Committee on Printing has reported to the Senate. That is what I want to do. That is the easiest way to do it and it is the straight way to do it.

Mr. CHILTON. Mr. President, my idea was in offering the amendment that we would then have the House resolution amended and it would go back to the other body and would not have to go to the committee. If the Senate is willing to take a direct vote on the Senate joint resolution, I do not care which way you take it; it does not make a bit of difference to me.

Mr. SMOOT. I suggest to the Senator to withdraw it.

Mr. CHILTON. I withdraw the amendment for the present, and we will take a direct vote between the two propositions.

The VICE PRESIDENT. Then the question recurs on the motion of the Senator from Georgia.

Mr. POINDEXTER. Mr. President, I understand that resolution is not before the Senate; that it is the House resolution.

Mr. GALLINGER. Oh, yes; the Senator from Georgia can move it.

The VICE PRESIDENT. No House resolution is before the Senate in that form. It is offered as an amendment by the Senator from Georgia.

Mr. SMITH of Georgia. Which is the resolution the House passed; but, unfortunately, I have not the House resolution before the body, and the body will not give unanimous consent to bring the House resolution away from the committee. If we proceed now and adopt the report of the Senate committee, we will be in this position.

The House will have passed and sent to the Senate the resolution providing for printing the report. Instead of acting on the House resolution, either by adopting it or by a substitute or by amendment, we pass an independent resolution, ignoring the House resolution, and send our independent resolution on this subject to the House. Then each body will have passed an entirely different resolution, not one as a substitute for the other, and if we were desirous of getting the matter into complete confusion and having it where nothing would be printed probably that would be as desirable a course as could be taken.

I really do not wish to see the measure brought to such a position, and I think if the Senate desires to print the testimony as well as the report we should act upon the House resolution by substitute. I will interpose no obstacle to immediate action.

I should be glad to see the report printed, but I will vote against printing the testimony, because I think it would be wasting $90,000 and because there has been a good deal of fuss made about the fact that I said I would vote against it. I will not be overpersuaded to do what I do not think ought to be done.

But I will not in any way delay action by the Senate, and I do not seriously object to what I am sure will be done, namely, print the testimony as well as the report.

Mr. SMOOT. Mr. President, if the Senate joint resolution is passed and it goes to the other House, the House can substitute that for the concurrent resolution which it has passed. Then the proposed legislation will go to conference if there is any dispute between the House and the Senate. I think that is the simple way and the easy way of reaching a conclusion of this matter. All we want to do now is to vote on the substitute offered by the Senator from Georgia [Mr. SMITH].

The VICE PRESIDENT. The question is on the substitute offered by the Senator from Georgia.

Mr. SMITH of Georgia. Mr. President, I desire to have read at the Secretary's desk a little of the literature which has been recently sent out by the Committee on Industrial Relations in its propaganda insisting that this testimony be printed. I send to the desk a sheet that has recently been sent out from the "Committee on Industrial Relations, Washington, D. C., for immediate relief," to the press of the country that was willing to print it. I furnish this as a sample of the literature which

emanates from this distinguished body, and my lack of respect for the expresssions contained in this paper are almost equalled by my regard for the commission on industrial relations.

Mr. GALLINGER. Mr. President, if the Senator from Georgia will permit a question, I desire to say that, as I understand, the Commission on Industrial Relations has been dissolved, and this is a voluntary committee of that commission, calling itself the "Committee on Industrial Relations."

Mr. SMITH of Georgia. It is the aftermath of the original commission that is voluntarily distributing propaganda to the press along the line of the old commission and representing it.

Mr. GALLINGER. The other was a commission, while this is a voluntary committee. That is the difference.

The VICE PRESIDENT. Is there objection to reading the paper presented by the Senator from Georgia? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

[From Committee on Industrial Relations, Washington, D. C., for immediate release.]

To labor press: Please print on first page, if possible.

Washington, April —.

Whether or not the truth about industrial conditions in America is to be suppressed depends now on the United States Senate.

The fate of the resolution ordering the printing of 100,000 copies of the final report of the Commission on Industrial Relations and 10,000 copies of the testimony now hangs in the balance.

Unless an aggressive fight is made it will be defeated by a handful of reactionary Senators, led by HOKE SMITH, of Georgia. They will accomplish this by taking advantage of senatorial red tape, and particularly of the vicious system known as "senatorial courtesy," by which one Senator can often block action.

Whether or not the interests that want the report suppressed succeed will depend largely on the pressure brought to bear on the Senate by those who want the facts about American industrial conditions known.

An aggressive demand for action will cut through all the red tape and win speedy favorable action on the resolution to print the report.

Write your Senator to-day!

* * * * * * *

The SECRETARY. At the end of the paper there are nine stars.

Mr. SMITH of Georgia. Mr. President, it is unnecessary to call attention to the numerous papers in which that appeal has already been printed. It is merely a sample of the kind of work which the representatives of the Industrial Commission are doing, and in my opinion it is about a sample of the work which the commission itself did. I have not the slightest respect for anything the commission did. I reached that conclusion after the commission had been at work a short time, and I voted against continuing appropriations for the commission.

I was particularly interested at that time in some of the testimony that was taken about my own State, and I gave the Senate the benefit of one little extract from a part of that testimony in which a witness testified that at Rome, Ga., the bells rang for the employees to go to work in the factories at 3 o'clock in the morning. "Well, what time, then," the witness was asked, "did they go to work"? "At 6 o'clock." "Well, why call them three hours before they were going to work"? "Because," came the answer, "the southern people are so slow we have to give them time enough to get dressed." [Laughter.] Of course the statement about when the bell rang was false.

I do not care anything about this report of the Industrial Commission. I really do not care anything about the testimony they gathered. I regard it simply as so much junk, and I do not think it worth putting on any shelves.

So far as my labor friends in Georgia are concerned—and I am glad to say that the bulk of the working people are my friends—for 35 years I have never missed an opportunity, where I could legitimately and properly do so, to advocate legislation and official administration that I thought would give a better chance to the man who was struggling for a living; and where the burdens were heaviest, I have thought that the hand of legislation should reach forth the most to give assistance. The labor organizations favor printing this testimony, but I will vote against printing it on account of my view of its utter lack of reliability. I have no more confidence in its general accuracy than I have in the ludicrous falsehood about when the rising bells rang in Rome, Ga. The interest on the part of labor in this publication has largely been worked up by publications sent out from this same industrial commission whose work you will vote to print.

Mr. BORAH. Mr. President, I do not see anything particularly objectionable in the communication which this committee has sent out. It seems to be in full accord with the universal practice of patriotic citizens to appeal to their Senators, and I do not object at all to the leadership which it has conferred upon the distinguished Senator from Georgia.

Mr. SMITH of Georgia. No; I was objecting to that.

Mr. BORAH. I felt that the Senator's modesty would not carry him that far; but I call attention to another precedent, which is of later significance, a bulletin which has been sent out by the so-called National Guard, which says:

It is recommended, therefore, that your Senators be urged to support the amendment to section 108 of the Senate bill which will be offered by Senator REED, of Missouri, as being more fair and equitable.

* * * * * * *

It is very important that there be a few National Guard officers here after Wednesday who can go direct to their Senators with proposals or recommendations which we may find it necessary to make.

For the executive committee.

J. CLIFFORD R. FOSTER,
Chairman.

That is a practice, Mr. President, in which many patriotic citizens indulge.

Mr. THOMAS. Is that signed with 9 stars or with 13 stars?

Mr. BORAH. I know there is one star on it, because it is signed "J. Clifford R. Foster, chairman."

Mr. SMOOT. Mr. President, I will suggest to the Senator from Georgia that he amend his substitute by striking out the words "and bound in cloth." In explanation of that suggestion I wish to say that the representatives of the commission and also the representatives of the labor organizations have requested the testimony be bound in cloth, but that the final report be bound in paper. The Senate report provides that 20,000 copies of the testimony shall be bound in paper and that the report be bound in cloth. I will say to the Senator from Georgia that by striking out those words it would save $9,000.

Mr. SMITH of Georgia. I am willing to do that.

The VICE PRESIDENT. The question is on the amendment to the joint resolution proposed by the Senator from Georgia [Mr. SMITH].

The amendment was rejected.

The joint resolution was reported to the Senate without amendment.

Mr. SMITH of Georgia. Mr. President, I merely wish, before the vote on the joint resolution is taken, that the Senate shall understand that they are proposing to pay over $90,000 to print this testimony that nobody will read and to which nobody will give shelf space. Of course, I understand it is going to be printed.

Mr. SMOOT. Mr. President, I want to say to the Senator from Georgia that the printing of 10,000 copies of the testimony will cost $54,978.84; the printing of 100,000 copies of the final report will cost $9,729.88; and then to print 10,000 copies of the exhibits, except those heretofore printed, embracing three volumes, will cost $27,979.53, or a total, as provided for in the resolution of the Senate, of $92,688.25.

Mr. SMITH of Georgia. That is, it will cost about $82,000 for printing the testimony and about $10,000 for printing the report?

Mr. SMOOT. It will cost $54,978.84 for 10,000 copies of the complete testimony in seven volumes.

Mr. SMITH of Georgia. But the exhibits are to go with the testimony; so that the total cost of printing the testimony and exhibits, over and above the cost of printing the report, will be something like $80,000.

Mr. SMOOT. Eighty-two thousand dollars.

Mr. CHILTON. Mr. President, I merely want to say a word. What has been read at the desk is characteristic of a great many conditions which have been apparent in the Senate heretofore. Why should not people who are interested in this document suspect that there is an effort to keep down the truth? This is the first time there has ever been an objection to a report of this kind being printed. The printing of the report of the Industrial Commission of 1898, I think it was, cost $134,000, but nobody objected to that, it seems; and, I submit, Mr. President, that no one has a right to object to the printing of a document of this kind, upon the ground that something in it does not suit him, the commission which prepared it having been sanctioned by both Houses of Congress, and the members of which were appointed by the President of the United States.

Congress has gone to an expense of $400,000 or $500,000 to get this testimony, and why might not the people interested in it believe that there was something being concealed improperly from the public if, in the face of precedent, we should decline to print the report, and thus throw away the $450,000 which has been expended by the commission, merely because somebody does not want to have it printed on account of something that may be in it?

No one suspects the Senator from Georgia of any improper motives in anything; he has passed beyond that by a consistent private and public life; but the people interested in this matter are not to be blamed; they are not to be criticized for feeling that there is some reason, not expressed probably upon the floor of this body, why the testimony should not be printed. I do

not know what is in it; I have not read it, but I want it printed so that I can read it, and so that the public can have an opportunity to investigate it. It does seem to me that here, when the precedent is that the document should be printed, when, in the nature of things, we ought to give the public the benefit of that which has cost $400,000 or $500,000, there should not be a voice raised against a proposal so natural and so proper.

Mr. ASHURST. Mr. President, the distinguished Senator from Georgia [Mr. SMITH] stated that he feared the printing of this matter would cause a lot of printed volumes to repose on library shelves unread.

Mr. SMITH of Georgia. No; I do not think they will repose on library shelves; I think they will be speedily thrown out as junk after being received.

Mr. ASHURST. Mr. President, I want to say to my learned friend, in all candor, that I think he is mistaken about that. A large number of libraries throughout the United States have asked for this report and for the testimony, and several universities have asked for the report. In addition to that, Mr. President, speaking for myself, I will say that I have two or three hundred requests for this document; and, while I do not speak for other Senators, I have been informed by other Senators that they have, respectively, from 50 to 200 requests for it. I feel very certain that this document will be read, and read about as widely and with about as much interest as any publication which Congress could authorize to be made; and I am very glad to see that the Senate is going to publish it.

Mr. THOMAS. Mr. President, I am satisfied that the Senator's statement in regard to the report is correct; but I think he is laboring under a wrong impression with regard to the testimony. I shall not oppose the adoption of this resolution; but I recall that on the last occasion when a similar question was before the Senate, involving the publication of the report and testimony of another commission—I believe it was in 1901—a congressional commission which made an investigation along the same line, the report of that commission, including the testimony taken, was printed at a cost of some forty or fifty thousand dollars; and the chances are that 95 per cent of the people of the United States by this time have forgotten that there ever was such a commission or that any testimony was taken by it. I do not know what the cost of that commission was, but I think it was very considerable.

I objected a few days ago to the expenditure of $21,000 for the publication of a report, the purpose of which was to show the existence of a water-power monopoly in the United States, on the ground that we were spending money for the publication of a report which was designed to prove a proposition which was known to be a fact to any person who had given any thought or consideration to the subject. The Senate, nevertheless, determined to print it as a document, and it has been partially printed, and, of course, the remainder of it will be. It was a sheer waste of money. Under all these circumstances, I shall not oppose the publication of the testimony going with this report. I understand, however, that the report has been printed and largely circulated over the country in the interval between its presentation to the House and the present time.

Mr. MYERS. Mr. President, it is my understanding that there has been a very limited number of copies of this report—the report alone—printed by the Industrial Relations Commission itself out of a remnant of funds which it had on hand when it closed its work, but the number which was thus printed is a mere bagatelle and is entirely insufficient. I received two copies, and I have been desperately endeavoring to get more, but have been told that that was all I could get. If some of the Senators had received as many requests for this report and the testimony as I have received, they would not say that it would not be extensively read. I have received a large number of requests, not only for the report but for the testimony itself. Those requests amount to several hundred, and some people have written to me regarding it not only once but two or three times. As I have said, I have received but two copies of the report and no copies at all of the testimony. I could well use several hundred copies of each in supplying the requests I have received.

The tendency of the times is for publicity, and it is a good tendency, and there can be no valid objection to publicity in governmental affairs. There can be no valid objection to the printing of this report and testimony. After having gone to the expense involved in the work of the Industrial Relations Commission and the expense of taking this testimony, it would be absurd not to give its work publicity and put it within reach of all who may be interested. I think that the money to be spent in printing this report and the testimony will be well spent. Both the report and the testimony should be printed in adequate numbers sufficient to supply, free of charge, all who may desire copies thereof. I am sure there is much valuable information in both report and testimony, and why conceal it? The report consists merely of conclusions. They are based on the testimony; hence both should be published widely, in order that the people may read both and see if the conclusions are well drawn. I hope both the report and the testimony will be printed without further delay. There has already been too much delay in this matter.

Mr. HUGHES. Mr. President, merely to clear up this situation somewhat, I desire to state that the Commission on Industrial Relations was created by act of August 23, 1912, and expired by limitation of law August 23, 1915. The total amount appropriated for the commission was $450,000. The commission was composed of nine members appointed by President Wilson. The sundry civil appropriation act of March 3, 1915, provided a final appropriation of $100,000 for the expenses of the commission, only a part of which was available for printing, including the final report of the commission.

Mr. President, I think it would be a preposterous thing for this body, after an expenditure of $450,000 for the purpose of gathering this information, to balk at an expenditure of $90,000 for the purpose of printing it and putting it in permanent form. It is a sample, however, of the way we carry on business in this body. We appropriated $40,000 a short time ago to print a report to be used in connection with the water-power bill then pending in the Senate. That bill passed the Senate, however, several weeks before the report could possibly be made available, and Senators knew at the time the authorization was made that the bill would be passed before the report could be printed and made public. We joyously appropriated that amount of money. I objected to it one day, and was hailed as a reactionary by all the Progressive and Bull Moose papers in the land because I foolishly attempted to save that useless expenditure of $40,000.

Mr. President, wisely or unwisely, I introduced the Industrial Commission bill in the other House when I was a Member of that body, and I handled it on its passage through the House. It may have been a mistake to have done so. I am satisfied, however, that it was wise legislation. I should like to have this proposition voted on before 2 o'clock.

Mr. SMITH of Georgia. Mr. President, I only want to say that at no time have I opposed printing the report. I favor printing the report. I have simply opposed spending $90,000 for printing this testimony.

The VICE PRESIDENT. The joint resolution is in the Senate and open to amendment. If there be no amendment to be proposed, the question is, Shall the joint resolution be engrossed and read a third time?

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

SISAL-HEMP INDUSTRY.

Mr. RANSDELL. Mr. President, from the subcommittee of the Committee on Agriculture and Forestry investigating the so-called Sisal Trust, I submit a resolution and ask unanimous consent for its immediate consideration. It is merely a resolution directing the Federal Trade Commission to secure certain information in regard to binder twine.

The VICE PRESIDENT. The Secretary will read the resolution.

The resolution (S. Res. 170) was read, as follows:

Whereas information has come to the subcommittee of the Senate Committee on Agriculture and Forestry, which is now investigating the sisal-hemp industry, that there is liable to be a shortage of binder twine, owing to an alleged shortage of Yucatan sisal, from which the greater portion of binder twine is manufactured, in consequence of which the price of that commodity, so essential to the welfare of American farmers, may be considerably increased in price; and

Whereas the Comision Reguladora del Mercado de Hennequen denies that there is any shortage of sisal and insists that there is more than enough to satisfy all the demands of the consumers of binder twine in the United States; and

Whereas the said Comision Reguladora has made a proposition to the said subcommittee of the Committee on Agriculture and Forestry, explaining the present status of the sisal industry and requesting the said subcommittee to make distribution among the manufacturers of the United States of 125,000 bales of sisal, over and above its present commitments, in such quantities and to such manufacturers as said committee may direct, to be used for domestic twine purposes only in accordance with the condition set forth in said proposition dated April 14, 1916, the original now being in the hands of said Subcommittee on Agriculture and Forestry; and

Whereas it is of the greatest importance to the American people that all the facts in this matter be brought to light, as well as in regard to other raw materials out of which binder twine is manufactured, and the price of binder twine be kept at a reasonable figure: Therefore be it

Resolved, That the Federal Trade Commission is hereby directed to act upon the proposition of the said Comision Reguladora del Mercado de Hennequen in lieu of the said subcommittee of the Senate Committee on Agriculture and Forestry, and to report thereon as soon as possible, not to exceed 30 days from April 14, 1916: Be it further

Resolved, That this action is taken without intending to forecast in any way the final decision in the pending controversy in regard to the sisal industry or to prejudice the rights of any of the parties thereto.

Mr. RANSDELL. I ask unanimous consent for the immediate consideration of the resolution.

Mr. SMOOT. Mr. President, I should like the Senator to make just a brief statement, giving the reasons why this resolution should be adopted.

Mr. RANSDELL. Very briefly, they are as follows: The subcommittee has been investigating the so-called Sisal-Hemp Trust, and in the midst of our investigations we were confronted with the statement made several days ago by the attorney for a very prominent manufacturer that there is a real shortage in the sisal hemp from which binder twine is manufactured. In response to that statement by this attorney, the representatives of the Comision Reguladora del Mercado de Hennequen, a Mexican corporation, from the country where the sisal is made, stated that there is not a shortage, that there is sufficient to answer all purposes of the American consumers of binder twine, which is made very largely of this sisal.

Mr. GALLINGER. Mr. President, may I ask the Senator a question?

Mr. RANSDELL. Certainly.

Mr. GALLINGER. Is not this matter before the courts at the present time in some form?

Mr. RANSDELL. No, sir; it is not, so far as I know. This is information which I understand both parties to the controversy are very anxious to secure. The Federal Trade Commission propose to send some one down to Yucatan to ascertain whether or not there is any sisal down there that is being withheld.

Mr. GALLINGER. I have an impression that this in some form is connected with an investigation against the Harvester Trust.

Mr. RANSDELL. I think the Senator is mistaken. The subcommittee of the Senate has had this general matter under investigation for several weeks. The only purpose of this inquiry is to get the actual facts about the amount of binder twine now available for use by the farmers of America and to ascertain whether or not there is sufficient available fiber—whether it be of sisal or manila or East African sisal—to make the necessary amount of binder twine.

Mr. GALLINGER. My only thought was that we would better not do as we so often do—have duplicate investigations; that is all.

Mr. RANSDELL. I will say to the Senator that we are not duplicating investigations. We are simply asking that some facts be found which we have not yet the facilities for finding.

Mr. GALLINGER. Which would form the basis of an investigation?

Mr. RANSDELL. Which would form the basis of our investigation.

Mr. LODGE. Mr. President, may I ask the Senator a question?

Mr. RANSDELL. I shall be delighted to have the Senator do so.

Mr. LODGE. This regulating commission, if I am not mistaken, is a Government commission?

Mr. RANSDELL. It is.

Mr. LODGE. It is not a corporation?

Mr. RANSDELL. It is a Government commission.

Mr. LODGE. Established by the Carranza government?

Mr. RANSDELL. Yes, sir; that is a fact.

Mr. SMOOT. Mr. President, I see from reading the resolution the object of it and exactly the proposition that has been made to the Committee on Agriculture and Forestry, and that the Committee on Agriculture and Forestry desires to turn over to the Federal Trade Commission, for investigation, the proposition received by the committee.

Mr. RANSDELL. Yes, sir; that portion which we have not the facilities for investigating.

Mr. SMOOT. I do not think the committee has the facilities, and I think myself it was a very good thing to turn it over to the Federal Trade Commission.

The VICE PRESIDENT. Is there any objection to the present consideration of the resolution.

The resolution was considered by unanimous consent and agreed to.

NEW AQUEDUCT BRIDGE.

Mr. SWANSON. I ask unanimous consent for the present consideration of House bill 759, Order of Business 313. It is for the construction of a new Aqueduct Bridge here. It is very important. The present bridge has been condemned, and I should like to have the matter disposed of as early as possible.

The VICE PRESIDENT. Is there any objection?

Mr. SMOOT. Mr. President, I will ask the Senator what appropriation the bill calls for. I have not had time to read the report.

Mr. SWANSON. One million dollars for the bridge and $150,000 to acquire any approaches, and so forth, that may be needed.

Mr. SMOOT. Does the Senator believe that the bill ought to be passed now, without any explanation or discussion of it?

Mr. SWANSON. The explanation is that it has passed the House unanimously, and I understand it has been unanimously reported by the Committee on Commerce, and it is a very urgent matter.

Mr. THOMAS. Mr. President, how much money will be required to build the bridge?

Mr. SWANSON. A million dollars.

Mr. THOMAS. I object.

PRICE OF GASOLINE.

Mr. MARTINE of New Jersey. Mr. President, I ask unanimous consent to bring up the subject of the gasoline investigation that I proposed some time ago. The resolution was adopted, but the preamble was not adopted, and as the resolution now stands I feel that it puts the Senate in a most ridiculous position. We have adopted a resolution that might as well refer to molasses, or to the specific gravity of linseed oil, or anything else. The word "gasoline" is not mentioned in the resolution.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from New Hampshire?

Mr. MARTINE of New Jersey. Certainly.

Mr. GALLINGER. I thought possibly the acute Senator from New Jersey had overlooked the fact that the Federal Trade Commission is making the very investigation that the Senator's resolution and preamble called for.

Mr. MARTINE of New Jersey. I think I realize what the Senator refers to. The answer that came from the department with reference to the resolution of the Senator from Iowa [Mr. KENYON] I do not think can be raised against mine. The Attorney General thought it was incompatible to present the general facts of his investigation. My resolution calls for nothing of that kind. My resolution simply requests the Attorney General to report as to whether any of the statutes of the United States had been violated by the Standard Oil Co.

I really feel that there is such almost universal demand upon the part of the country in this matter that they are entitled to know. We hear it upon all sides. I have received perhaps a hundred letters or more from various people asking that this investigation be pressed. It was suggested, I recall, when this matter was up before, that the department were prosecuting this matter now. I have here, under date of January 10, 1916, this statement, signed by the Attorney General. He says:

No prosecutions have been instituted by the Government based on the increase in the price of petroleum and its products, especially gasoline.

So that refutes the argument that the department were taking it up. The department do not seem to have done anything in this direction. In the meantime this condition has gone on becoming more and more aggravated, until we are assured by people who are versed in the matter, and ought to know, that the price will ultimately reach 40 cents per gallon. I have received from some parties in Chicago, Ill., information to the effect that gasoline at Dayton, Ohio, is 23 cents a gallon, and in Richmond, Ind., 18.5 cents, the two places being only 40 miles apart. This condition prevails; and the fact that none of these constituent companies seem to cut the price at all in their respective localities, but they all harmonize with each other, demonstrates to me almost conclusively that the Standard Oil Co. is in complete control, and that if anything can be a trust they are a trust.

Mr. GALLINGER. I will ask the Senator if he has his resolution before him?

Mr. MARTINE of New Jersey. I have not the resolution; no. The Secretary has, however.

Mr. GALLINGER. I should like to have it read, or to have enough of it read to show that the Senator's resolution calls for prosecutions. As I read it, it asks for investigation—the very thing the House resolution asked for. It went to the Attorney General and the Attorney General replied that the matter had been passed over to the Federal Trade Commission for investigation. I understand that that commission is making the investigation, and, indeed, has made a preliminary report.

Mr. MARTINE of New Jersey. Here is the resolution (S. Con. Res. 19) that was adopted. I will read the preamble.

Mr. GALLINGER. No; the resolution.

Mr. MARTINE of New Jersey. The resolution reads:

Resolved by the Senate (the House of Representatives concurring), That the Attorney General of the United States be, and is hereby, directed to cause an investigation of the subject as to whether this phenomenal increase in price of this article is the result of the violation of the laws of the United States.

Mr. GALLINGER. Mr. President, an almost identical resolution was passed by the other House, sent to the Attorney General, and he replied—I have the reply in my desk—that the department had turned it over to the Federal Trade Commission. But I shall not object.

Mr. MARTINE of New Jersey. My resolution practically amounts to nothing, in the present form, without a preamble.

Mr. GALLINGER. That is certainly true; and I think it will amount to just as much as nothing after the Senator has had the preamble adopted, because the Attorney General has already had the matter under investigation and the Federal Trade Commission now has it under investigation.

Mr. MARTINE of New Jersey. I do not know whether he has or not. I know that he says here, on January 6, that he has done absolutely nothing. I can not understand why there should be so much hesitancy——

Mr. HUGHES. Mr. President, I noticed in the newspapers what the Senator from New Hampshire has stated—that a similar resolution from the House had been returned to the House by the Attorney General with the statement that he was about to undertake an investigation or prosecution; and I would suggest to my colleague——

Mr. MARTINE of New Jersey. Mr. President, I beg the pardon of my colleague, but it is within a very few minutes of 2 o'clock; and I understand that in the natural process of time, if that hour is reached without action on the resolution, that will be the end of my little talk on this matter. So I earnestly ask consideration of the preamble of the resolution now, and I ask for a vote, Mr. President. I should like to say more on the subject, but I want a vote more than I do to air my own views.

The VICE PRESIDENT. There is half a minute remaining.

Mr. GALLINGER. I am not going to object. It will do no good, it will do no harm, and——

Mr. MARTINE of New Jersey. It will do no harm. I ask for a vote.

Mr. GALLINGER. It will amuse the Senator from New Jersey.

The VICE PRESIDENT. The question is on agreeing to the preamble.

The preamble was agreed to.

NATIONAL DEFENSE.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 12766.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States.

Mr. CHAMBERLAIN. Mr. President, in the course of his remarks the other day the Senator from Missouri [Mr. REED] quoted from a document some matters reflecting, I rather thought, on Gen. W. H. Carter.

The VICE PRESIDENT. The Chair understands that the Senator from Oregon has already spoken.

Mr. CHAMBERLAIN. I am not going to speak; I just present a communication and ask that it be printed. It is a communication from Gen. Carter to me in answer to those statements.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

WASHINGTON, D. C., *April 15, 1916.*

Hon. GEORGE E. CHAMBERLAIN,
Chairman Committee on Military Affairs,
United States Senate.

MY DEAR SENATOR: My attention has been called to certain statements made in debate in the Senate by Hon. JAMES A. REED and printed on page 6114 of the CONGRESSIONAL RECORD, April 14, 1916.

In view of my relations with the committee of which you are chairman during the preparation of the pending bill for reorganizing the Military Establishment, I deem it proper to make a personal statement to you concerning the charges.

It is specifically charged in a quoted statement presented to the Senate by the Senator from Missouri:

"First. That Gen. Carter represents the Cavalry arm of the service in a special way and for the purpose of obtaining legislation for that arm.

"Second. That the Cavalry is interested in the continental army scheme, because they believe that it will permit any increase made in the Regular Establishment to be divided between the Field Artillery and the Cavalry.

"Third. That to enable Gen. Carter to perform these functions in the interest of the Cavalry this association has undertaken to defray his expenses, furnish stationery, postage, and clerical assistance, and to subject all officers in the Cavalry branch of the standing army to an assessment for that purpose.

"Fourth. That he asked to be permitted to act without a large committee in influencing legislation for the benefit of the Cavalry; that Gen. Carter stated that he was friendly with the House and Senate Military Committees.

* * * * * * *

"This testimony of Gen. Johnson as to Gen. Carter's fitness for influencing military legislation develops two things:

"First. What the National Guard representatives meant in saying that there were experts in influencing military legislation whose methods they could not approach.

"Second. That in the preparation of the pending bill Gen. Carter has been afforded ample opportunity to exercise those peculiar qualities which fit him for the preparation of data for the guidance of the committees of Congress."

Categorically replying to the charges and insinuations:

First. I have served in the Infantry, Cavalry, Adjutant General's Department, and for nearly 14 years as a general officer. The charge that I represent the Cavalry arm of the service in a special way for the purpose of obtaining legislation favorable to that arm as opposed to the interest of the Army as a whole is false and without foundation in fact. I spent many of the best years of my life on the Indian frontier as a Cavalry officer and hold that branch of the service in an affectionate memory which calls for no apology.

Second. The relation between the so-called continental army scheme and the division of any consequent increase in the Regular Establishment between the Field Artillery and the Cavalry is a gross and unfair insinuation against two branches of the service, is obscure, deduced from no evidence, and without foundation in fact.

Third. While not frankly and directly stated, the inference intended is that I am conducting an office or in charge of a campaign of information or conducting a lobby and that the Cavalry Association is defraying my expenses, furnishing stationery, postage, and clerical assistance, and that Cavalry officers have been subjected to an assessment for that purpose, each and every item of which is false and without foundation in fact. An agent may offer to sell me a house, but upon examination I find the neighborhood bad, disapprove of the location, and do not purchase; the house is not mine.

Fourth. I am not acting and have never been acting with any committee, large or small, in influencing legislation. My personal letter, citations from which are printed on page 6114, in reply to numerous requests that I should advise with a committee of Cavalry officers, shows clearly that I advised against having a large committee formed here, and that it would be difficult for me to advise with such a committee. In the citations from my personal letter, which I presume are correct, it is shown that I disapproved of any assessment for a fund; that I had submitted my views to the War Department, as requested by the Secretary of War; that I anticipated being called before the committees during the hearings, and that I favored, and had so recommended to the Secretary of War, a complete reorganization of the Cavalry on the three-unit system.

As to the further statements concerning the testimony of Gen. Johnson, "first" and "second": These statements are embraced in quotation and appear to have been prepared by National Guard officers. I do not deem it wise to enter into any discussion as to their ability to influence legislation, although I am not unfamiliar with the course of their activities during the past 15 years, and do not think they tend to harmony in the public service.

Under "Second": The data, tables, and statistics furnished from day to day by the War Department to the military committee, as the chairman well knows, have been handled by Maj. Connor, Engineer Corps, and not by me, and I have observed no inclination on Maj. Connor's part to favor or injure any branch of the service, but he has worked diligently to facilitate the business before the committee.

If there had been any foundation for the charges made by the Senator from Missouri, the Army code of ethics would have compelled me to request that I be excused from assisting the Military Committee in preparing the technical details of the bill under consideration. None but a decidedly prejudiced and unfriendly hand could have deduced from any writing or statement made by me the conclusions presented by the Senator from Missouri.

As a matter of fact, the organization of the several branches of the line of the Army, as proposed in the bill now under consideration, accord in all essentials with the approved projects based upon the studies of the General Staff. There has been no attempt within my knowledge on the part of any branch of the line to influence the Committee on Military Affairs outside of the public hearings concerning its organization. The most difficult matter to adjust in committee was one having for its object the use of the detached list for the equalization of promotions to do justice to individuals of equal length of service and experience. My advice to the committee in this, as in other matters, was to have the War Department adjudicate the question and make recommendation in the premises and for the committee to follow the departmental recommendation. This manner of settlement of this important matter, involving the contentment and peace of mind of several thousand officers, was accepted by the Military Committees.

The United States Cavalry Association was formed some years after the close of the Civil War for the purpose of preserving the history of that branch of the service and to encourage a widely dispersed personnel in keeping touch with professional matters through a journal published quarterly. The association has been merely a name, since there could be no general meetings of so widely dispersed a personnel, the majority of members at this moment being in Mexico or on the border. I am certain the association has never actually taken part in any schemes having for an object influencing legislation for their arm, and the suggestions to do so have never been carried out. Observing, as they believed, a marked advantage in the presentation of the needs of staff corps and departments by the chiefs of these bureaus, the Cavalry, Field Artillery, and Infantry have desired similar representation by chiefs of their arms, and this has been repeatedly recommended.

The Cavalry especially had grown restless because of the adoption of an experimental organization of that arm about two years ago, which continues without legal status, although long since condemned by a very large majority of Cavalry officers. Groups of Cavalry officers at the scattered border stations, fearing that the interests of the arm might suffer during the present efforts to reorganize the Army, desired, in the absence of a chief of Cavalry, to have a committee of Cavalry officers from those on duty in Washington to assist in presenting the needs of that service, but no such committee was ever appointed.

Aspersion of military and naval men has always characterized Anglo-Saxon governing bodies. In our country it has included Washington, Jackson, Scott, Grant, McClellan, Thomas, and a host of men of lesser prominence. In England, not many months before the death of Lord Roberts, the question was put in Parliament whether he should not be

deprived of his pension for asserting that the territorials or British militia were not equal to the country's defense, and that national service or universal training should be adopted.

I fully recognized when I published a book on The American Army last year, setting forth what appeared to me as incontrovertible facts to show that the State troops, with their existing environment, could not fulfill the measure of promise implied in the large appropriations made by Congress. My arguments were impersonal and based upon experience and probable future expectations.

Men who take part in the active affairs of the world expect opposition and criticism. All that an Army or Navy officer has a right to expect in the performance of any duty is that he shall not be publicly assailed without some inquiry beforehand as to the truth of charges.

Respectfully, yours,

WILLIAM HARDING CARTER,
Major General, United States Army.

Mr. WORKS. Mr. President, may I ask the parliamentary status? There is an amendment pending.

The VICE PRESIDENT. The amendment of the Senator from Missouri [Mr. REED] is pending.

Mr. WORKS. Mr. President, in addressing myself directly to the amendment now pending, I desire to inject into the debate at this point some old-time wisdom and patriotism bearing upon the respective sovereignties of the States and the Federal Government, particularly regarding the State militia.

I call attention to a veto message delivered by President Monroe on May 4, 1822, volume 2, Messages and Papers of the Presidents, 1817–1833, pages 153, 154. The bill that brought forth the veto involved the question of internal improvements. The message is a most able and exhaustive discussion of the rights and sovereignties of the States and the Federal Government, and is a very able State paper. It is a very long one, and I am going to read only a very short extract or two from it bearing upon this immediate question. In the course of his message President Monroe says:

> The next circumstance to be attended to is that the people composing this Union are the people of the several States, and not of the United States in the full sense of a consolidated government. The militia are the militia of the several States; lands are held under the laws of the States; descents, contracts, and all the concerns of private property, the administration of justice, and the whole criminal code, except in the cases of breaches of the laws of the United States made under and in conformity with the powers vested in Congress and of the laws of nations, are regulated by State laws. This enumeration shows the great extent of the powers of the State governments. The territory and the people form the basis on which all Governments are founded. The militia constitutes their effective force.

Again, he says:

> The militia is called into the service of the United States; the service is performed; the corps returns to the State to which it belongs; it is the militia of such State and not of the United States. Soldiers are required for the Army, who may be obtained by voluntary enlistment or by some other process founded in the principles of equality. In either case the citizen, after the tour of duty is performed, is restored to his former station in society, with his equal share in the common sovereignty of the Nation. In all these cases, which are the strongest which can be given, we see that the right of the General Government is nothing more than what it is called in the Constitution—a power to perform certain acts—and that the subjects on which it operates is a means only to that end; that it was both before and after that act under the protection and subject to the laws of the individual State within which it was.

As I have said, Mr. President, my objection to the attempt to federalize the National Guard is based upon the contention that is contained in this veto message, that under the Constitution and by virtue of its provisions the militia belong to the States and not to the National Government, and that any attempt to convert them into Federal forces is in direct violation of the Constitution.

I read this portion of the message in order to confirm my own views on that subject.

Mr. SHAFROTH. Mr. President, I desire to offer an amendment to the amendment of the Senator from Missouri. After the word "section," in the sixth line on the first page thereof, I move to insert "and so far as possible shall use Army posts not necessary for the use of the Army."

Mr. President, while I am on my feet——

Mr. REED. Will the Senator pardon me? I suggest the absence of a quorum. The Senator is going on with the discussion, and there are only about 12 Senators present.

The PRESIDING OFFICER (Mr. BECKHAM in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Gronna	McLean	Sherman
Borah	Hardwick	Martine, N. J.	Smith, Ariz.
Broussard	Hollis	Nelson	Sterling
Burleigh	Hughes	Norris	Stone
Chamberlain	Husting	O'Gorman	Taggart
Chilton	Johnson, Me.	Oliver	Thomas
Clapp	Johnson, S. Dak.	Page	Tillman
Culberson	Jones	Poindexter	Underwood
Cummins	Kenyon	Pomerene	Wadsworth
Curtis	Kern	Ransdell	Walsh
Dillingham	Lane	Reed	Weeks
du Pont	Lewis	Shafroth	Williams
Gallinger	McCumber	Sheppard	Works

The PRESIDING OFFICER. The Chair desires to state that the Senator from Tennessee [Mr. SHIELDS] is absent on account of illness in his family.

Fifty-one Senators have answered to their names. A quorum is present. The question is on the adoption of the amendment of the Senator from Colorado [Mr. SHAFROTH] to the amendment of the Senator from Missouri [Mr. REED].

Mr. SHAFROTH. Mr. President, the amendment which I have proposed utilizes the forts or military reservations that exist in the establishment of the schools that are proposed by the amendment offered by the Senator from Missouri. It seems to me it adds considerably to the merits of his amendment. The amendment which has been proposed by the Senator from Missouri provides for the establishment of not less than 6 nor more than 12 schools, and they are to be established, if the amendment which I propose is adopted, at any military station or fort. It provides that the number who attend these schools shall not exceed 500 at any one school. There has been some objection made that it might establish too large a school, but if you examine the figures with relation to the bill it seems to me to be clear that it would not be a large addition to the military or naval establishment of the country.

Take the maximum of, say, 12 schools. The number of men who could be sent to those schools would be 12 multiplied by 500, which would make 6,000. Six thousand is not a large addition in the way of a number to be added to the Army and Navy of the United States.

But, Mr. President, it is not that number that can be considered as proficient military men. These schools provide that there shall be four years' tuition, and consequently the number who can be put into the Army and Navy in the way of men who will command is only one-fourth of the 6,000; and we are adding only 1,500 a year instead of the number by some supposed to be 6,000.

Not only that, but we find that these schools are for the purpose of getting officers for the Army and Navy, and consequently you have got to divide that by two, and there will be an addition, on the supposition that these schools will be equally divided, of only 750 to the Navy and 750 to the Army.

Mr. SMITH of Arizona. Will the Senator permit me——

Mr. SHAFROTH. I yield.

Mr. SMITH of Arizona. At what cost is this small number to be added?

Mr. SHAFROTH. The cost will be very inconsiderable—not any more than we provide for a private in the Regular Army.

But I want to carry that a little further. Here is a course of four years and it is the experience both at West Point and the Naval Academy that it is not every man who enters who graduates. The fourth year is always the smallest year and you are apt to lose in four years about one-third the number who will not graduate. That reduces the number who can go out as officers to 500 for the Naval Academy and 500 for the Military Academy, and when you analyze this matter and see just how few the proposed amendment creates the number is very insignificant indeed.

Mr. President, I want to call attention to the cost, in answer to the question suggested by the Senator from Arizona [Mr. SMITH]. The cost can not be large. The amendment which I have proposed provides for the use of the military posts. They are already erected; they have ample space; they have barracks and quarters, and they have houses for the officers who are to be stationed there. Consequently, the amount of capital that is to be invested in them is almost inconsiderable, because we have a great many Army posts scattered all over the United States that are not used now to any appreciable extent, and yet the buildings are good, the quarters are good, and they are the very best places for schools of this kind. They always have large drill grounds, they have also great target-practice grounds, and they are there for the very purpose of making people skilled in Army matters. Inasmuch as we have the houses already there, inasmuch as we have the buildings and the barracks, it seems to me it is ideal in the way of economy that these people should be educated there for the purpose of becoming officers in the Army, or if not commissioned officers noncommissioned officers. When we take into consideration that the average cost of a soldier in the United States for a great many years is estimated at $1,000 a soldier, and the cost now estimated by the department is $1,200 a soldier, it is not going to cost any such amount to add these students to the number of persons who would be paid from the military funds of the Government. In other words, the equipment which we have is going to make it so that the addition of the number of men which we make, taking the very maximum—suppose that we establish the full schools—can not be more than at half the cost of a Regular soldier as estimated by the Department of War.

Mr. President, it seems to me, when we consider the number of men who will be used in these schools, the measure itself is very modest in asking only the number which has been proposed in the amendment, and when we consider that if the Military and Naval Establishments of the Government would conclude that only six are required or that only six would be best for the Government, it would reduce the amount which I have estimated here at one-half, and so in the end there would not be added to the Military Establishment by way of officers from these schools more than 250 to the Army or more than 250 to the Navy.

So, Mr. President, it seems to me the objection which is made to the bill that it would create too many officers or that it would cost too much when analyzed shows that it would do nothing of the kind. If there is one thing that the military authorities have been a unit upon, in their opinion, it has been the fact that we are short of officers, and that if a war should break out or be declared against the United States we would not have near enough officers to handle the Volunteers. That being the case, it seems to me the importance of a measure of this kind makes it almost imperative that something of this nature should be adopted. I believe that every university, every high school, in this land should receive instruction such as has been indicated in the bill. It is a preparedness provision that is of great value, it seems to me, in case we should have war. But, Mr. President, we want something more than that, and inasmuch as the cost is so inconsiderable, taking into consideration what we would accomplish by it, it seems to me that not only my amendment should be adopted but that the amendment offered by the Senator from Missouri should be adopted by the Senate.

Mr. WEEKS. Mr. President, this seems to be a very ambitious proposition, which has not been recommended by either the Secretary of War or the Secretary of the Navy, about which no testimony is available either before the Military or the Naval Committees.

I want to call very briefly to the attention of the Senate some of the features of this suggestion. First, we propose to admit to these schools young men from 14 to 20 years of age, to keep them there for four years, and then graduate them with at least the requirements that a grammar-school graduate shall have.

Mr. REED. Will the Senator allow a correction?

Mr. WEEKS. Yes.

Mr. REED. The proposition is that they shall have those qualifications when they enter, not when they graduate.

Mr. WEEKS. That may be the fact, but the bill does not so state.

Mr. REED. I call the Senator's attention to this——

Mr. WEEKS. At least I do not construe it that way; but I will go on to other features of the proposition.

There is no estimate of the expense to which this will put the Government. A West Point or Annapolis graduate is said to cost something like $20,000, about five times as much as it does to graduate from the average university in this country. If we were to assume that the extreme number possible under this bill would enter these schools—that is, 500 in 12 schools, or 6,000, costing $20,000 apiece—it would cose $120,000,000 to graduate 6,000 students from these schools, or $30,000,000 annually.

The graduates from West Point and Annapolis are paid $600 a year. Therefore, if you take from the $600 a year $50, which it is proposed to pay these students, you would have to take from this estimate about $13,000,000, based on what it costs the Government at West Point or Annapolis. So it would cost to graduate 6,000 in these schools $107,000,000.

Mr. SHAFROTH. Will the Senator yield?

Mr. WEEKS. Yes; if it is only a question. There are a good many things here that should be discussed, and I want most of my time.

Mr. SHAFROTH. Is not the estimate of the Government as to the Naval Academy $13,500 for the full four-year term instead of $20,000?

Mr. WEEKS. I think not.

Mr. SHAFROTH. I understand that is the estimate made by the——

Mr. WEEKS. Mr. President, the students at Annapolis and West Point are paid $2,400 during their course in actual salary.

Mr. SHAFROTH. I understand that they admit students there from foreign countries at the rate of $13,500 each on the ground that that is the amount of actual cost to the Government.

Mr. WEEKS. I do not know exactly what the basis is, but probably it does not include interest in the cost of the plant.

Mr. SHAFROTH. Will not the Senator recognize that the buildings which have been constructed in those places are extraordinarily fine buildings? I was in the House of Representatives when the buildings were——

Mr. WEEKS. Mr. President, I do not want the Senator to take all my time with his speech.

Mr. SHAFROTH. I just want to call attention to the fact that it was estimated that with the appropriations that were made there could be a $50,000 house constructed for each cadet in the academy at that time, dividing it by the number of cadets then in the academy. These forts are already constructed.

Mr. WEEKS. I think probably the Senator is right about the excessive cost of the buildings at West Point and Annapolis. I think they are very much too extravagant. I agree with him about that. The Senator himself in some remarks which he just made referred to the use of Army posts for this purpose. We are providing for a standing army substantially twice the size of the present standing army, and if we are going to give up the Army posts to any other purpose than for the housing of the additional troops which we are providing, then we have got to provide additional posts. I think the Senator will find that when we have the Army enlisted even to the minimum size as proposed in the bill which is pending it will require all the buildings that we have at all the Army posts to provide for them. So there will not be any available room for this proposed purpose.

Then the bill provides that these young men may be appointed to West Point. In fact it says they shall be appointed to West Point. We have a law on the statute books which provides for appointment to West Point and Annapolis in another way. What are you going to do with this conflict? Are you going to fill West Point and Annapolis from these schools and so, in fact, practically repeal the law which now provides for appointments to West Point, or are those appointments to take precedence over these, so that there will be no place in West Point for these young men?

I simply call these general facts to the attention of the Senate to indicate that I believe this legislation has not been given sufficient consideration. It is of much too large import to be considered in an amendment of this kind when no testimony has been submitted by anyone relating to its cost, its relations to other branches of the service, or even to the men whom it is proposed to take into the service in this way.

I hope the amendment will not be adopted.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Colorado [Mr. SHAFROTH] to the amendment of the Senator from Missouri [Mr. REED].

Mr. REED. Mr. President, I see no objection to the amendment offered by the Senator from Colorado, but I want to say a word with regard to the extraordinary figures which have been offered by the Senator from Massachusetts [Mr. WEEKS].

A singular thing in this debate is that every Senator who believes in a big standing army, and nothing else, who wants to fasten an enormous permanent Military Establishment upon this country in the nature of a professional soldiery, is always extremely economical when it is proposed to do anything for any branch of the military force outside of the professionals; but when it comes to doing something that will tend to create a great standing army of professional soldiers, these gentlemen deal with millions and hundreds of millions with the ease and grace of a juggler tossing trifles in the air.

Mr. WEEKS. Mr. President, will the Senator from Missouri yield to me?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. REED. I yield for a question.

Mr. WEEKS. I want to ask the Senator if he is referring to me in the general characterization which he has just made?

Mr. REED. I was merely referring to the general situation. If what I have said is regarded unpleasant, I will say that I could not say anything unpleasant about the Senator from Massachusetts if I tried. I like him too well.

Mr. WEEKS. I want to call the Senator's attention to the fact that I have always been in favor of a military reserve. I am in favor of the volunteer provision of the bill, and I am in favor of every feature of the present bill as it is submitted to the Senate, which includes the militia.

Mr. REED. Oh, yes; it includes the militia, or it did include the militia, with its head cut off; but we got its head put back on Saturday.

Mr. President, the figures as to the cost of these proposed schools, we are told, have not been estimated. How is the cost to be ascertained? By calling in some alleged expert from a department or by using our own common sense and experience in the conduct of other schools? It was stated here, and not denied, that the total tuition in what is probably the finest

private military school in the United States, where everything is run on the highest possible plane, is $500 per year per student. It may be that students buy their uniforms in addition to that. The school of which I speak is not one for the poor; it is a school where well-to-do people send their boys. If it costs $500 a year, and we had a total of 6,000 students, which would be the maximum required for the entire 12 schools, then the cost annually would be $3,000,000.

What will you receive in return for that $3,000,000? You will get 6,000 reserves serving without pay for six years after they have graduated; you will turn out into our country every year 6,000 young men who, in case of a great war, are capable of taking command of companies or of serving as lieutenants; you will turn out 6,000 young men who are skilled in engineering; you will turn out 6,000 young men who have some technical knowledge with reference to handling the great machinery employed in modern war; you will turn out 6,000 young men who will, if called upon, come to the colors at a moment's notice. You will thus disseminate military knowledge throughout the country; you will be creating a citizen soldiery instead of a professional soldiery.

I want to impress upon every Member of the Senate, if I can, this thought: We are going to have in this country a considerable Military Establishment; public opinion is demanding it. It will either be a Military Establishment centralized here in Washington, professional in its character, permanent in its nature, or it will be a Military Establishment that exists among and sympathizes with the people of the land.

So far as I am concerned, I think the fathers wrote wisely when they divided our Military Establishment, broadly speaking, into two branches: The professional soldiery, always under the immediate command of the President of the United States, and a militia organization—and I use the term broadly—which was to be officered by men selected by the governors of the respective States. There is a reason for that. We do not know, in the revolutionary conditions that now exist in this world—and they are always likely to recur—but the day may come when there will be seated in the White House a man with great ambition, a man who has but little respect for the rights of the people. I believe, as did the fathers, that there is danger in the creation of a vast centralized military force in a free country.

I want it as far as the necessity of the case demands, but, as a counterbalance to it, I would like to see a Military Establishment the command of which is not primarily in the President of the United States. I want to see my country strong from a military standpoint; I want to see it invincible; I want to see it so that if all the nations of the world were to attack our shores we could drive them back into the ocean from which they came; but, sir, I want that military strength to be the strength of the people of the United States and not of a professional soldiery.

I know we can always trust the people; I do not know that we can always trust a great organization of men who make fighting their business. When I say that I do not reflect upon any army that exists to-day or upon any that has existed in the past; but I know that as times come and go, as the changing conditions of the world's affairs sweep by us, we must have in mind the fact that, after all, the only security for human liberty is in the strong arms and stout hearts of the people themselves, and that you can never safely permit great power to be centralized in the hands of any one man. If you place it there, a grave menace will exist.

So I hope we shall begin by building up our military strength in the schools of this country. This bill should have begun with the schools; this bill should have begun with that class of our citizens who have the time to give, who are already mobilized in institutions of learning, who have young and active minds. We should have begun with them. By the dissemination of knowledge through the schools we could, with the expenditure of one-half the money it is proposed to expend in other ways, have created such military knowledge in our land that, when the evil day shall strike, we will have coming from every hamlet and from every village men who will be the equals of the best trained soldiers of Europe; but unfortunately the authors of the bill did not begin that way. They began at the other end. So we talk about camps and about professional soldiers instead of talking, as we ought, about training the schoolboys of the land.

The PRESIDING OFFICER. The Senator's time has expired. The question is on the amendment of the Senator from Colorado [Mr. SHAFROTH] to the amendment of the Senator from Missouri [Mr. REED].

Mr. THOMAS. I understood that that amendment had been accepted.

Mr. REED. I said I saw no objection to it. I will, however, accept it.

The PRESIDING OFFICER. In the absence of objection, the amendment to the amendment is agreed to. The question recurs on the amendment of the Senator from Missouri as amended.

Mr. THOMAS. I call for the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SUTHERLAND (when his named was called). I inquire whether the Senator from Arkansas [Mr. CLARKE] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. SUTHERLAND. I have a pair with that Senator, and therefore withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. I transfer that pair to the senior Senator from Nevada [Mr. NEWLANDS] and vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. I transfer that pair to the junior Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. WALSH (when his name was called). I have a pair with the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. I transfer that pair to the junior Senator from Rhode Island [Mr. COLT] and vote "nay."

Mr. WILLIAMS (when his name was called). Repeating the explanation made upon the previous roll call as to my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. CHILTON. I make the same transfer of my pair which I previously made to the Senator from Delaware [Mr. SAULSBURY] and vote "yea."

Mr. JOHNSON of Maine. I inquire if the junior Senator from North Dakota [Mr. GRONNA] has voted?

The PRESIDING OFFICER. He has not.

Mr. JOHNSON of Maine. I have a general pair with that Senator, which I will transfer to the junior Senator from California [Mr. PHELAN] and vote "yea."

Mr. CLARK of Wyoming. I wish to inquire if the senior Senator from Missouri [Mr. STONE] has voted?

The PRESIDING OFFICER. He has not.

Mr. CLARK of Wyoming. I have a general pair with that Senator, and therefore withhold my vote.

Mr. SUTHERLAND. I transfer my pair with the Senator from Arkansas [Mr. CLARKE] to the Senator from New Mexico [Mr. CATRON] and vote. I vote "nay."

Mr. MCLEAN. I inquire if the senior Senator from Montana [Mr. MYERS] has voted?

The PRESIDING OFFICER. He has not.

Mr. MCLEAN. I am paired with that Senator, and in his absence I withhold my vote.

Mr. WALSH (after having voted in the negative). The Senator from Nevada [Mr. PITTMAN], to whom I made a transfer of my pair, having appeared and voted, I transfer my pair to the Senator from Alabama [Mr. BANKHEAD] and will allow my vote to stand.

Mr. CURTIS. Mr. President, I am requested to announce the following pairs:

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN]; and

The Senator from Idaho [Mr. BRADY] with the Senator from Florida [Mr. FLETCHER].

The result was announced—yeas 31, nays 37, as follows:

YEAS—31.

Ashurst	Husting	Lee, Md.	Shafroth
Borah	Johnson, Me.	Martin, Va.	Sheppard
Chilton	Johnson, S. Dak.	Martine, N. J.	Smith, Ga.
Clapp	Jones	Overman	Smith, S. C.
Cummins	Kenyon	Owen	Swanson
Gore	Kern	Pittman	Taggart
Hardwick	La Follette	Ransdell	Thompson
Hollis	Lane	Reed	

NAYS—37.

Beckham	Culberson	Hughes	Oliver
Brandegee	Curtis	Lodge	Page
Broussard	Dillingham	McCumber	Poindexter
Burleigh	du Pont	Nelson	Pomerene
Chamberlain	Gallinger	Norris	Robinson

Sherman	Smoot	Underwood	Williams
Simmons	Sterling	Wadsworth	Works
Smith, Ariz.	Sutherland	Walsh	
Smith, Md.	Thomas	Warren	
Smith, Mich.	Tillman	Weeks	

NOT VOTING—28.

Bankhead	Fall	Lea, Tenn.	Penrose
Brady	Fletcher	Lewis	Phelan
Bryan	Goff	Lippitt	Saulsbury
Catron	Gronna	McLean	Shields
Clark, Wyo.	Harding	Myers	Stone
Clarke, Ark.	Hitchcock	Newlands	Townsend
Colt	James	O'Gorman	Vardaman

So Mr. REED'S amendment as amended was rejected.

Mr. UNDERWOOD. Mr. President, I offer an amendment to the bill, on page 153, line 1, to insert, after the word "including," the words "State universities and," so that it will read:

Including State universities and those State institutions that are required to provide instruction in military tactics.

To make that amendment conform to the general text I desire also to amend, on page 153, lines 14 to 19, by striking out the words after the word "*Provided*," in line 14, down to and including the word "students," in line 19, and inserting what I send to the desk, which is a copy of the House bill.

I will state that this is similar to an amendment of the Senator from Ohio [Mr. POMERENE] and that the amendment which I offer meets with his approval, and I understand the chairman of the committee is willing to accept the amendment, the purpose of which is merely to allow State universities to be embraced within this provision of the bill as well as other colleges. I am not sure that the language is not now broad enough to include them, but some of the presidents of State universities, one from my State in particular, have doubt about it, and the amendment is designed merely to give them a chance to come under the provisions of the bill if there is any doubt about it.

Mr. POMERENE. Mr. President, if I may ask the Senator a question, I understand that his amendment in no respect changes the provision of the House bill for which section 42 is a substitute?

Mr. UNDERWOOD. It makes the section conform to the language of the House bill.

Mr. POMERENE. I think the amendment should be accepted.

Mr. CHAMBERLAIN. Mr. President, I have no objection to the amendment. With the Senator from Alabama, I agree that the language is probably broad enough now to include State universities; but it will do no harm to make the insertions the Senator from Alabama has proposed.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 153, line 1, after the word "including," it is proposed to insert "State universities and," so as to read, "study for a degree, including State universities, and those State institutions that are required to provide instruction in military tactics"; and on page 153, after the word "*Provided*," in line 14, to strike out:

That no such unit shall be established or maintained at any such institution at which an officer of the Army is not detailed as professor of military science and tactics or at any such institution which does not maintain under military instruction at least 100 physically fit male students.

And insert:

That before such unit shall be established or maintained at any such institution an officer of the Army shall have been detailed as professor of military science and tactics or such institution shall maintain under military instruction at least 100 physically fit male students.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama to the substitute reported by the committee.

The amendment to the amendment was agreed to.

Mr. OLIVER and Mr. HUGHES addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. OLIVER. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 121, line 24, after the word "appoint," it is proposed to insert the words "and commission," so as to read:

The President is authorized to appoint and commission——

Mr. CHAMBERLAIN. Mr. President, the committee has authorized me to accept that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania to the substitute reported by the committee.

Mr. HUGHES. Mr. President, I ask that the amendment be again stated.

The PRESIDING OFFICER. The Secretary will again state the amendment.

The SECRETARY. On page 121, line 24, after the word "appoint," it is proposed to insert the words "and commission," so as to read:

The President is authorized to appoint and commission, by and with the advice and consent of the Senate, veterinarians at the rate of two for each regiment——

Mr. HUGHES. I will say that I myself was waiting for an opportunity to offer that amendment.

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to.

Mr. HUGHES. To follow that amendment, I move to insert the word "rank," on page 122, line 3, between word "the" and the word "pay," so as to read:

Veterinarians thus appointed shall have the rank, pay, and allowances of second lieutenants.

To complete the amendment and make the text uniform, I move also the insertion of the word "rank" in the corresponding places in line 6, line 10, line 13, and line 14, so as to make the language throughout the section read that veterinarians "shall have the rank, pay, and allowances," and so forth. This makes the amendment conform to other amendments of a similar character which have been offered.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 122, line 3, before the word "pay," it is proposed to insert the word "rank," so as to read "rank, pay, and allowances"; also, in line 6, before the word "pay," to insert the word "rank"; in line 10, before the word "pay," to insert the word "rank"; in line 13, before the word "pay," to insert the word "rank"; and in line 14, before the word "pay," to insert the word "rank."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Jersey to the substitute reported by the committee.

Mr. CHAMBERLAIN. Mr. President, I have not been authorized by the committee to accept that amendment, and do not accept it; yet I have no doubt that the Senate will give these gentlemen rank as second lieutenants. It has been the disposition of the Senate to give the civilian forces in the Army commissioned rank; and I submit the matter to the Senate without argument.

Mr. HUGHES. Mr. President, I do not care to submit the matter to the Senate without argument, because there are many good arguments that could be made on this subject from my standpoint. I wish the Senate to know before it votes upon this question that at the present time the United States Army have not seen fit to treat veterinarians as though they were entitled to the average consideration that one gentleman in this country accords to another. There is no reason for this attitude. Whatever reasons may have existed in the past for the treatment accorded to veterinary surgeons by the United States Government, no such reasons exist now; and I want the Senate to know that every civilized nation in the world, and also some of the uncivilized nations, according to my information, have accorded these gentlemen the status which I am trying to have the Senate accord them by the adoption of the amendment I have proposed.

I wish to give Senators some idea of the disabilities under which veterinary surgeons now labor in attempting to perform the duties assigned them. The official status of the veterinarian is as follows:

He has the pay and allowances of a second lieutenant, mounted, but has not the rank of a lieutenant. He has no promotion and throughout his service is carried on the returns below the youngest lieutenant. He can retire on disability or at the age of 64 years. He is not a responsible officer, and a commissioned officer must be held responsible for his professional instruments, supplies, and so forth. At posts without a veterinary hospital the medicines are supplied to the troops and not to the veterinarian. He can not sign a certificate, but must swear to an affidavit, as do enlisted men. A certificate of health for public horses for interstate transportation is not accepted by State authorities from him because he is not an officer. He is rated as a noncombatant, yet goes to the front with the troops, but is not allowed to wear a saber, the only protective arm internationally authorized for noncombatants. The youngest lieutenant entering the Army can rank him out of his quarters, although he may have many years of service and a family. His prescribed service uniform resembles that of an officer, but his dress uniform is shorn of the shoulder straps, so that he looks similar to a private of the band of his regiment. He is forbidden to wear the insignia "U. S." as collar ornaments, although he is by law a part of a regiment of Cavalry or Field Artillery, two distinctly fighting arms. These are a few of the inconsistencies and discriminations that bitterly offend the feelings of the young Army veterinarian and insult his sense of manliness.

The veterinary schools of the United States, which for the year 1917 have all prescribed a four years' course, advise their graduates not to attempt to enter the United States Army service, because that is the only field of activity where they are not accorded equal treatment with other professional men.

It has been stated that there is a tendency to bestow rank on men who are civilians and men who constitute no part of the fighting forces. Yet in the present war the Austro-German forces have lost by death 247 veterinary officers. The German Army is not a social organization; and it has clothed these men with rank and authority higher than that sought to be bestowed under this amendment. They rank from colonel, lieutenant colonel, and major on down to second lieutenants. The British Army has done the same thing, as has also the French Army. The Australian and Canadian Armies—in fact, every one of the armies fighting now on the battle fields of Europe—have recognized the important service that can be, and ought to be, discharged by men doing this work.

I want to call your attention to the personnel of the men who now constitute the veterinarian force of the United States Army, so that there will be no hesitation in the mind of any Senator as to the qualifications of the men now engaged in this work.

One of our veterinarians is a graduate of the Royal College of Veterinary Surgeons at London, another of the Royal Veterinary Academy at Berlin, one of the McGill University, one of the Harvard University, five are graduates of Cornell University, five of the University of Pennsylvania, four of the American Veterinary College, University of the City of New York, two of the Ohio State University, four of the veterinary department of the Iowa State Agricultural College, five of the Ontario Veterinary College, four of the Chicago Veterinary College, one of the Kansas City Veterinary College, and two of the San Francisco Veterinary College. This accounts for 36 graduates, and there are 6 vacancies. The vacancies exist, I presume, because of the reluctance of men to enter a service where the moment they don the uniform of Uncle Sam they are classified in a way that they have never theretofore been classified either at their schools or in private life.

Before I close and submit this matter to the Senate, I desire to read a marginal note that was placed by the Kaiser on the bill reorganizing the German veterinary service, which sets out much better than I can do the regard in which these men are held in the countries where fighting is a profession:

NOTE.—Upon the veterinary officer devolve high moral, physical, and technical demands in peace and war. Only such young men are to be selected for the military veterinary career who possess a high mind, tact, mental versatility, physical activity, and pride in their profession.

It seems to me, under the circumstances, that it is as little as we can do at this time, when we are attempting to prepare an Army and arrange legislation in such a way that we will have an Army as efficient and as capable as any army in the world, to give this belated recognition to these men. Of course up to the time of the outbreak of the European war it was said and believed that the day of the cavalry as an arm of the military service was at an end, and yet one of the first manifestations that we saw of the serious nature of the war in Europe was the presence here of European officers engaged in a frantic effort to obtain cavalry horses. These men were not noncommissioned officers or private soldiers. These men were commissioned officers of high rank, veterinarians, who understood their business. What a situation their respective governments would have been in had they been unable to send men of that character to this country to purchase the horses needed by their respective governments.

Mr. President, I am willing to leave this matter to the good sense of the Senate of the United States, relying upon the showing that is made by these men and the showing they have made in the past; relying also upon the fact that the House in its bill accorded them the rank and the privilege that they asked, and the further fact that this body itself on other occasions has acted in a manner favorable to them, but for one reason or another, owing to the exercise of one influence or another, it has never been possible to have the two bodies act finally during any one Congress. In order that this tardy justice may be done these men, I ask that this amendment be adopted.

Mr. KERN. Mr. President, this question was before the Senate at the last session as an independent proposition. It was reported favorably by the Committee on Military Affairs. It failed because of the confusion that existed in the last hours of the session.

I only desire to quote now what was said by the chairman of the Military Affairs Committee on that subject on that occasion. He said:

I want to say to the Senate that Gen. Wotherspoon, representing the War Department, appeared before the Senate committee which had this bill in charge and insistently urged that the bill ought to pass. Our Government is the only one of the civilized Governments that has not veterinarians commissioned and given a standing in the Army that attracts to the service the very best men of their profession.

If the measure was a proper one then, in time of peace, it seems to me that it is very much more important now, in view of the large increase in the Army that is being proposed.

I do not think there ought to be any question about the adoption of the amendment.

Mr. CUMMINS. Mr. President, in addition to the reasons so well given by the Senator from New Jersey [Mr. HUGHES] in favor of his amendment, it will not be forgotten that the veterinary surgeon is now a member of a skilled and scientific profession. The scope of his learning is hardly less than the learning of the ordinary surgeon. The course of instruction required at all schools is now almost equal, if not entirely equal, to the time required for graduation into other learned professions. Moreover, the veterinary surgeon in the Army is just as well qualified to command troops as are the members of the other medical branch of the Army, and in some armies now performing great feats in arms the veterinary surgeons have commanded troops and are commanding them now.

There is one reason, however, which to me is conclusive. In view of the great advance in the profession and the increase in the remuneration of the profession in private life, I do not believe that the best of veterinary surgeons can be commanded without awarding them the rank which belongs to scientific and skillful men. Our Army needs the very best of this profession. Human nature is so constituted that it will accept honor as a part of the inducement which leads us all into a chosen vocation. The rank given to officers in our Army is absolutely necessary to secure that standard of ability and competency which every such organization must have.

In view of the fact that engineers have rank, in view of the fact that the other medical practitioners have rank, and in view of the fact that dental surgeons have rank, it seems to me illogical, almost unthinkable, that the members of this profession shall not be accorded equal honor.

This bill limits the rank to that of major. In the French Army a member of this profession may, under certain circumstances, have the rank of general, as I am informed. The only objection to the amendment is that it does not provide for a higher rank, under some circumstances, than that of major; but I have no disposition to enlarge the scope of the amendment in that respect.

I very earnestly hope that the amendment offered will prevail.

Mr. LODGE. Mr. President, the other day, when the amendment in regard to giving rank to the dental surgeons was before the Senate, I said that in past years I had opposed staff rank—that is, rank to what are called the staff departments—as a general proposition. Congress, however, has decided on an opposite policy. It has given rank to paymasters, to chaplains, to civil engineers in the Navy, to the Medical Corps, to the chaplains, and to the dental surgeons. It seems to me impossible to deny it to one particular corps, especially where that corps is trained particularly for that work.

The modern veterinarian is very different from the farrier or blacksmith to whom was assigned the care of horses in Cavalry regiments. He is a highly educated man. As the Senator from Iowa [Mr. CUMMINS] has pointed out, he has received a thorough scientific education. I think we shall not go wrong in following the example of the other great armies of the world. As has been already pointed out, they have rank in all the great armies of Europe. In the English Army the rank is as high as general, and they are recognized as an extremely important part of the service. They have to be with the regiments. They are practically officers of cavalry, educated and trained for a particular purpose, and upon them rests a great weight of responsibility.

Two hundred and sixty-one veterinarians have been killed, and 260 wounded, and 66 have received the iron cross and various service medals in the German and Austrian Armies alone. They have no Red Cross protection, and that shows that they are in active service in the field just as much as a line officer. It seems to me there can be no logical ground for giving rank to all the other specially trained corps in the Army and refusing it to the veterinarians.

For that reason it seems to me that the amendment proposed by the Senator from New Jersey ought to be adopted.

Mr. OLIVER. Mr. President, I offered the amendment which has just been adopted at the instance of quite a number of gentlemen of this profession in my own State. I offered it in that shape because it was all they asked me to do; but since rank has been given to other professions, I do not see why it should not be given just as well to the veterinarians. I

hope the amendment presented by the Senator from New Jersey will be adopted.

Mr. LODGE. Mr. President, let me ask the Senator a question before he takes his seat, if I may.

Mr. OLIVER. Certainly.

Mr. LODGE. As I understand, the Senator's amendment inserts the word "commission."

Mr. OLIVER. "Commission"; yes.

Mr. LODGE. But that has been held by the Judge Advocate General not to carry rank.

Mr. OLIVER. I think that when they requested me to offer the amendment they were under the impression that it did carry rank.

Mr. LODGE. It has been held by the Judge Advocate General that it does not.

Mr. OLIVER. In fact, I was not aware at the time that it did not carry rank, and I hope this amendment will prevail.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Jersey [Mr. HUGHES] to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. WORKS. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 105, line 12, after the word "States," the first word in the line, it is proposed to insert "the mobile land force," so that it will read:

The National Guard while in the service of the United States, the mobile land force, and such other land forces as Congress may from time to time authorize.

Mr. WORKS. There are two amendments, Mr. President, which should be considered together.

The SECRETARY. Also, on page 161, after line 9, it is proposed to insert the following:

SEC. 57. Mobile land force: That there is hereby created and established on the Pacific coast as a part of the public service a body of men to be known and designated as the mobile land force and military reserve for national defense, to be composed of 200,000 men to be chosen and enlisted as hereinafter provided, which force may be increased from time to time as Congress may provide.

SEC. 58. That such force shall consist of men capable and efficient and fitted to take lands furnished for their use as herein provided for, and to perform manual labor in the forestry and reclamation, or other public works, and military service when called upon to do so. They shall be enlisted for the service for a term of five years under rules and regulations to be prepared by the Secretary of the Interior, and may be reenlisted, and while engaged in the civil service, as hereinafter provided, shall be a branch of the Interior Department and under its supervision and control.

SEC. 59. That when such force is called upon, as hereinafter provided, to undergo military training or service, it shall be under the supervision and control of the War Department, under rules and regulations to be provided by the Secretary of War.

SEC. 60. That each of the members of such force shall, by the Secretary of the Interior, be provided with a garden farm of not more than 5 acres of land in the States of California, Oregon, Washington, Nevada, Arizona, and other Western States where lands suitable for cultivation can be had, provided with water for domestic use and irrigation when needed, at a cost in each case of not exceeding $2,000, upon which such member shall be required to make a home for himself and family and cultivate the same when not engaged for the Government, and for which he shall be required to a pay a reasonable monthly rental not exceeding 4 per cent of the cost of the same, title thereto to be retained by the Government. The Secretary of the Interior is authorized to devote any of the lands owned by the Government, suitable for the purpose, to settlement by such members, to acquire by condemnation or purchase such other lands in said States as may be necessary to carry out the purposes of this act, and to acquire or construct any water rights and water systems necessary to supply such lands with water for domestic use and irrigation: *Provided*, That such garden farms shall be so located as to establish not less than an entire regiment of such force in one community on adjacent homes.

SEC. 61. That as a constructive force the Secretary of the Interior shall, except for such time as they are required to render military service as hereinafter provided for, if they so desire, employ the members of such force wherever he may direct in the forestry, reclamation, and other public works within the States above mentioned, and shall construct storage and service reservoirs for the protection of lands from overflow, for the drainage of submerged lands, the irrigation of arid or semiarid lands needing irrgiation in order to be successfully cultivated, and generally for the protection, reclamation, and cultivation of lands and works necessary for the improvement of the rivers and harbors of the country and such other public works as the said Secretary shall elect for which Congress may make appropriations.

SEC. 62. That members of said force while thus employed in the public service as constructive workers shall be paid a reasonable compensation to be fixed by the Secretary of the Interior, and they shall be employed to the exclusion of all other persons whenever practicable.

SEC. 63. That for one month of each year, or two months in any one year, if the Secretary of the Interior and the Secretary of War shall mutually so determine, the said force shall undergo such military training as may be provided for by the Secretary of War, under rules and regulations prescribed by him, at such place or places as he may direct, and he shall provide all necessary officers and equipment for such training.

SEC. 64. That such force shall constitute a reserve military force and be subject to military service whenever called upon by the Secretary of War.

SEC. 65. That whenever the members of such force shall be under military training, preliminary or annual, or in actual military service in the event of war or anticipation thereof, they shall constitute a part of the United States Army and shall be exclusively under the direction and control of the War Department, in all respects the same as any part of the Regular Standing Army of the United States. The officers of said reserve shall be appointed and have rank the same as officers in the regular standing army.

Mr. WORKS. Mr. President, early in the session I introduced a bill in substance the same as the amendment I now offer, except that the amendment confines this so-called industrial force to the Pacific coast and reduces the number of men to 100,000. The principal object of the bill is to provide for an industrial force and at the same time provide them homes on the Government lands.

If this amendment should become a law, it would furnish homes for 100,000 families upon lands of the Government. Instead of housing the men in barracks provided by the Government and paying them salaries, it is provided that they shall be furnished with 5 acres of land, with a home upon it, for which they shall pay rent at not more than 4 per cent of the expense of constructing the building, and that the Government shall supply them with water. When they are not engaged in military service they are required to meet the call of the Secretary of the Interior to be used upon any works of the Government for that purpose. The intention of it is, first, to provide homes for suitable men that may be selected, and, second, to furnish them employment that will enable them to make a living outside of the land; but one man can make a living for a family upon 5 acres of land upon the Pacific coast, selected as the Government would desire to select this land, even if he were otherwise out of employment, so he would be independent.

In this way the Government will be provided with 100,000 seasoned, trained men, to be called into the service at any time, with no expense to the Government except the mere providing of the land and construction of the buildings, the title to which is retained in the Government.

Mr. President, the Pacific coast is in a very peculiar condition respecting this matter of national defense. The Pacific Coast States are practically isolated from other parts of the country. The bill that is now under consideration will not furnish anything like an adequate number of men to defend the Pacific coast. It may within an hour, if there should happen to be enemies in that vicinity, be entirely cut off from transportation from any other part of the country by destroying the tunnels through which the railroads pass. We are left practically unprotected and undefended by the provisions of the bill that is now pending. This is simply an effort to better the conditions generally respecting the taking up of the Government lands and at the same time to supply men who can be used for military purposes if needed.

It may, to some Senators, seem a sort of dream, something that is impossible of attainment, but I want to say to the Senators that there are two valleys in the State of California alone and in two counties that will furnish the homes provided for by this amendment to the whole 100,000 soldiers that are provided for—rich valleys, as the Senator from Michigan [Mr. SMITH] suggests. One of them is a valley that can be provided with water with only a moderate expenditure of money. The water is already stored above it in reservoirs constructed by a private corporation and ready to be taken down and distributed upon the lands. There are 500,000 acres of land in that valley that is now practically a desert that would be as rich soil as can be found anywhere in this country with water upon it. These men could be supplied with homes there and at the same time be made available for military service if that should be desired.

This may seem to be going a long way, Mr. President. It is not my idea; it is the idea of a good many people who have investigated and studied this question. I want, in connection with my remarks, to have printed in the RECORD an editorial that appeared in the Detroit Times of Monday, April 3, 1916.

The VICE PRESIDENT. In the absence of objection, that may be done.

The matter referred to is as follows:

[From the Detroit Times, Monday, Apr. 3, 1916.]

THE LESSON OF THE FLOODS.

[By Dr. Frank Crane.]

In the early days of 1916 various parts of the United States were devastated by the forces of nature. There was havoc from floods on the Pacific coast and in the Mississippi Valley.

South of Memphis was the worst inundation in history.

Of 3,000 population of Clarendon, Ark., only 700 remained. They were marooned in lofts, a prey to hunger and typhoid fever.

In Oregon many lowlands were under water and serious damage done.

Throughout southern California bridges were washed away, dams burst, the inhabitants of valleys swept to ruin with their cattle and other possessions, railway service interrupted, highways rendered impassable by landslides, and so on.

All this was no man's fault. It was a public calamity. And the only way to prevent its recurrence is by public action.

All over the country are other losses and bad conditions caused by nature, calling for organized, governmental cure.

There are rivers to be made safe, harbors to deepen and widen. And the only way we go at this is by the malodorous pork-barrel process, which is as inadequate as it is infamous.

We have roads to build, national highways for the swift movement of troops in case of war. The Lincoln Highway is at present only two streaks of rut most of the way. It ought to be a solid cement road from the Atlantic to the Pacific.

The Dixie Highway is so far mostly on paper. The curse of the land is bad roads.

Millions of acres of desert might be irrigated and instead of sand and sagebrush produce crops rivaling ancient Egypt.

Our magnificent endowment of forest is being lavishly wasted.

All these represent tasks that can be adequately undertaken by the Government alone. No private enterprise is big enough.

Let Congress organize an army to carry on this work and it will find the golden solution to the preparedness problem.

By fighting nature and subduing her we best prepare ourselves for defense against possible human enemies.

Every proposal now before Congress is woefully unsatisfactory. Wilson and Garrison have split over the Army question. Congress is already split 20 ways.

Here is the real way out. Organize a standard army of a million to build up the country, and it will be ever ready for the country's defense.

It is the new idea for an army.

It is the American idea.

It will harmonize pacifist and militarist.

It will be the most unique, efficient, helpful, and irresistible army of all history.

It will insure peace, provoke no rival nation to war, make America respected abroad, and solve the hitherto unsolvable problem of how to have an army sufficient for defense without the perils of militarism.

Mr. WORKS. Mr. President, there is another view to be taken of this amendment. I think those of us who have investigated and studied the Reclamation Service are feeling that it is not going to accomplish the results that were originally intended. To a large extent it is breaking down, and one reason for it is—and I think the prime reason—that no provision is made to help the entrymen who take up the lands, and most of them have been absolutely unable to pay the amount that it is necessary to pay in order to construct the reservoirs and distributing systems. This would be a supplement to the Reclamation Service. It would do just exactly what the Reclamation Service fails to do, namely, help the individual entryman to take up his land and cultivate it, and thereby make it profitable.

In order to show how the Reclamation Service is working and what difficulties are in the way of carrying out the service, I want to include in my remarks a part of a report that was made by what is known as the review board, created by the Secretary of the Interior, who is doing everything he possibly can to redeem the Reclamation Service and make it a success. Amongst other things, he has appointed this review board, which is studying each one of the projects now in existence and suggesting any defects that may be found in them and any difficulties that arise, in order that they may be met by proper legislation and the Reclamation Service assisted in that way. This single case will indicate what the difficulties are and what is needed for the purpose of making the Reclamation Service a success.

The matter referred to is as follows:

[Extract from Central Cost Review Board.]

TRUCKEE-CARSON PROJECT.

LAND SETTLEMENT.

The repayment of the $9,000,000 expended on this project will depend on the rapidity and success of settlement of something over 150,000 acres of land now unpeopled and unimproved. A portion is in private ownership, being, it is understood, a part of the Central Pacific Railroad land grant. The remainder is public land. Even if the land were settled now and the payments of projects costs were assured, the Government would lose the interest on its investment during the period of deferred payments. This at 4 per cent simple interest would amount to $3,600,000. But if settlement is delayed, or if settlers are unable to meet their obligations, there may be a loss of large part of the principal as well.

The home seekers who apply for this land, if present policies are unchanged, will be confronted by the following conditions:

Aside from the main irrigation channels and the unformed dirt roads, they will find that everything required to transform a desert into productive farms remains to be done. The land must be cleared of brush, the farm unit must be fenced, a house for the family and stable for the work animals must be built, and provision made for a water supply for household use. Not being familiar with local conditions, they will not be able to buy to advantage, and they will be under pressure to buy quickly. Many will be victimized with bad horses and poor cows. It was stated at the visit to the project in July last that settlers had to pay $27 a thousand feet for lumber that was being sold to the Reclamation Service for $11 a thousand feet.

If settlement should be rapid, they would be unable to procure cows or horses locally. Many owned by settlers now on the project have been shipped from Utah and California. This adds greatly to the cost of development. Cows bought in Utah for $65 cost the settlers over $100 each.

Until a house is built the settler's family has either to live in a tent or board in town. Illness often results, while heavy living expenses, delay in beginning productive employment contribute to make all concerned homesick and discouraged. Often the preparatory work prevents planting a crop the first season, and the settler finds his meager capital swallowed up in living expenses before he can obtain any return from the land. Before he can grow a crop the land must be prepared for irrigation. To do this so that water will flow evenly over the surface requires knack and experience. Lacking these, money and time may be wasted, and the final result so unsatisfactory that the work will have to be done over again. Few settlers can afford to buy the special equipment for leveling land cheaply which is not needed afterwards, especially settlers on small farm units; hence the actual cost is increased and completion delayed.

PREPARATION OF LAND FOR IRRIGATION.

The preparation of land for irrigation on this project is a matter of great importance, because much of it is uneven, requiring a large expenditure to enable it to be watered properly. In places the wind has heaped the sand and dust in mounds from 2 to 6 feet high. These will have to be leveled down, and settlers testified to a member of this board who visited the project in July last that it had cost $100 an acre to level some land of this character. To smooth off the inequalities, prepare the checks and borders, and build the small distributory ditches on the 150,000 acres of land awaiting settlement will cost somewhere between six and seven million dollars, and that amount must be spent before crops can be grown.

To leave this costly preparatory work to be done by the settler, who lacks team strength, implements, and practical skill, involves a ruinous waste of money and time. Nothing could be more inefficient. Careful considerations should, we believe, be given to whether the leveling of this land and making it ready for the application of water is not as essential a part of reclamation as the building of the canals and reservoirs.

On much of the land the acreage cost of preparing the land will be greater than building the irrigation works, and the use of a proper equipment, directed by practical knowledge and skill, would be just as advantageous as it has been to have the irrigation works carried out under proper engineering guidance.

We believe the most effective way to prepare the land for irrigation would be to employ experienced contractors, who would either use traction engines and large scrapers, as is done by the owners of large estates in California, or through the use of proper equipment operated by teams.

ERECTION OF HOUSES.

The average area of farm units will be somewhere between 40 and 80 acres. If we assume 60 acres, it will require 2,500 houses to shelter the settlers. If each of these settlers is left to buy his building material at retail, make his own design for the house, and hire carpenters as they can be secured, the following results will inevitably follow:

The cost of material will be 50 per cent above what will be required if these houses are built under some central direction, where the material is bought at wholesale for cash.

There will be many freak houses, lacking durability and comfort and detracting from the appearance and neighborhood pride of settlers in the district.

The time of settlers, which ought to be taken up with farm work, will be given over to bargaining for material, hunting for a builder, and doing things that a properly organized central office could attend to more effectively at one-tenth the cost. Twenty-five hundred houses, with stable for work animals and provision for a household supply, will cost $4,000,000, if any attention is given to durability and comfort. A gain of 50 per cent in value to settlers will result from having this done under competent direction, according to a systematic plan.

SOIL MAP.

A soil map showing the alkali content of the land on each 40-acre unit would be a useful guide to settlers and an aid to the Government in determining the future prospects of this project. Such a map would show where settlement will be free from danger from alkali and where special provision by drainage must be made to overcome this danger.

It is realized that the preparation of a reliable map would involve considerable expense, because the alkali content varies greatly. Some units are practically free, while others are heavily charged. White alkali can be washed out if adequate drainage is provided, but black alkali tends to coagulate and compact the soil, obstructing the passage of water through it, making leaching difficult. It can be improved by chemical treatment, but experiments made show that this is too costly to be undertaken by beginners. They should therefore be cautioned about risking their money, labor, and time on units carrying high percentages of alkali until the risks of cultivation are better understood and commercially feasible plans of reclamation have been devised.

DRAINAGE.

The lands to be irrigated are mainly low lying and flat, the land having been part of an old lake bed. Natural drainage is poor and artificial drainage difficult. The need for drainage is urgent, however, over most of the land that has been irrigated a few years, and it is believed that the same result will follow irrigation of unentered land. The local board reports that $275,020 has been spent on lands already irrigated and that it will cost $390,000 more to complete their drainage. This cost can not be imposed without consent of the water users. This board also reports an estimate of $391,500 for drainage works needed to irrigate 43,500 acres, or $9 an acre. This was to provide a system of deep open drains and would leave the minor drains required to be built by the settlers. This estimate of $9 an acre has not been accepted by settlers. In part because they think the cost too great and in part because some of them believe that the Government, having opened the land to settlement as reclaimed, should dig these drains without any additional cost to water users. A later estimate of the cost of drainage than the one accepted by the local board has been prepared by the Reclamation Service. It fixes the cost of drainage on areas already authorized at $897,000 and $390,000 for units still to be thrown open to settlement.

The members of this board are not in a position to question the accuracy of this estimate of drainage costs for the lands awaiting settlement, but we venture to express the opinion that the estimate seems low and that before any approximate estimate is given to settlers the matter should have further consideration. This suggestion is made because the matter here assumes unusual importance. The high alkali content of the soil, the lack of natural drainage, and the imperative need of keeping the ground-water level at all seasons of the year at least 5 feet below the surface makes drainage as important as irrigation.

One of the chief sources of discord on this project has been the increase of drainage costs over the original estimates. Another is the failure of drains constructed to perform the expected service. There are more uncertainties connected with the prompt removal of water from below ground than there are in arranging to supply an adequate amount on the surface. Nowhere has this been more fully illustrated than on this project. The first drains were not deep enough. Tile drains put down later filled with sand and have been useless. Some of the land alleged to be drained has been rendered useless by the rise of ground water, and some holdings have had to be abandoned on this

account. These conditions are not reassuring to new settlers, and it would greatly aid development and the ultimate financial outcome of the project if the Government could guarantee the construction of an adequate drainage system and fix a maximum limit to what settlers will be required to pay.

AGRICULTURAL AND ECONOMIC PROBLEMS.

The applicants for these lands will, as a rule, be men of small capital. Settlers on the lands now irrigated had an average capital of a little over $2,000, but as some had over $10,000 the majority had considerably less than the average.

It is not likely that the average capital of the future settlers will be higher. Men who have money enough to buy improved farms prefer to do this rather than undergo the risks and hardships of reclaiming desert land and living in a remote, sparsely settled district. Experience has shown that to reclaim the lands of this project and pay for the water right will cost over $150 an acre. The following estimate is regarded as low an average as could be safely adopted as a basis for development by a settler taking an 80-acre farm unit:

Leveling land, building checks and small ditches	$3,000
House and barn	1,500
Work team and tools	1,000
Living expenses, one year	500
Taxes, operation and maintenance, charges, and incidental	300
Initial payment on water right	200
Dairy herd of 20 cows or other live stock to eat fodder crops	2,000
Total	8,000

To this must be added the ultimate cost of a water right, which will be between $40 and $50 an acre.

While all this money will be needed if the best results are to be obtained, settlers who are willing to face hardship and self-denial can start with less. Half the land could be left unleveled. The dairy herd could be cut down to 10 cows. At a sacrifice of comfort the cost of the house could be reduced, but all those reductions mean loss of income and entail added risk, hardship, and privation. They do not make for efficiency, economy, or an early development of the project. It is possible that a majority of settlers having industry and thrift who could bring $5,000 cash would succeed, but what is the prospect of the settler who brings $2,000, the average capital of the past? He will need money, but he will not be able to borrow it locally. All of the money in the local banks has been absorbed. Inquiries at Reno, the capital of Nevada, shows that there is a demand nearer home for all the surplus funds of the banks there. When it comes to borrowing money from a distance, the security which a settler can offer can not be considered satisfactory. The Government holds a first mortgage on the land to secure payment of building charges. In its wild state this land has no productive value, and if the settler has not money enough of his own to put it in condition for cultivation he has no commercial security to offer. Settlers now on the project have had to depend quite largely on friends in the East for money borrowed. Where loans are made locally the interest rates are high and the time short. Most of the settlers are given credit at the stores for goods purchased, but for this they pay dearly in the way of enhanced prices. The local merchants have in many cases given the settlers more credit than business prudence warrants, and to protect themselves they confine their buying of farm products quite largely to the men most heavily in their debt. This creates uncertain markets and tends to disturb the commercial relations of settlers and storekeepers.

The last crop report of the project (1914–15) shows the average value of all products to be $11.25 an acre. The average gross return of an 80-acre farm is therefore less than $1,000. Out of that has to come depreciation of work animals and farming implements, living expenses, taxes, wages where help is employed (and no man can cultivate 80 acres of land as irrigation requires without some assistance), the payment of project costs, and expenses of operation and maintenance. Such a return makes the payment of high interest rates or quick repayment of money borrowed impossible.

In many cases the settler with inadequate capital can not borrow money needed to improve or equip his farm so as to obtain the average income. In some cases he has not been able to get far enough along with his improvements to obtain any income. Last July the chairman interviewed 10 settlers on their farms. Most of them had been on the project since 1907. Only 6 have been able to earn a living income, 4 made their living by contracting or outside employment, and 4 must fail unless outside financial aid can be obtained. One man who brought $2,000 to the project spent it all leveling 25 acres of land. Before he could grow a crop he was dead broke and in debt. When interviewed he was driving the sprinkling cart in Fallon, for which he was being paid $2.49 a day for himself and four horses.

One who has spent $5,000 in improvement had in 1913 a gross income of $400; in 1914, $600. Three of the ten have their farms improved and will succeed, but one of these is a contractor who has invested $10,000 in improving his farm of 120 acres, of which 87 acres are irrigable, and he has not yet built his house or barn. He made $7,000 of this money in profits from contracts. His gross income from his farm last year was only $500. Another, who brought $3,000 to the project, spent it all in six months and then made the money needed to complete his development as a contractor on the reclamation works. He has a dairy herd paid for and is making over $2,000 a year.

The last report of the project shows 540 irrigated farms, of which 480 are operated by owners or managers and 60 by tenants. Of these a considerable number belong to old settlers, usually well-to-do stockmen, who were established before this project started, but who abandoned their private ditches and have been given water rights in this project. There are less than 400 settlers who have taken up land since this project started, and are now depending on what the farm returns them for a living, while since the project was opened there have been over 550 surrenders and relinquishments. Some of these filings were speculative, but the majority have been human tragedies. Families brought the savings of years, their hopes and aspirations, attracted by the deceptive idea that the Government was giving away farms. They have learned through hardship, privation, and ultimate impoverishment that 40 or 80 acres of unleveled, unfenced desert land is not a farm. It is not, under present methods, even a fair opportunity to create one. And unless the settler has more than an even chance to succeed families ought not to be encouraged to risk their savings, their time, and labor in the attempt.

NEEDED CHANGES IN LAND LAWS.

The social and economic requirements of this development are being emphasized in this report, because of the financial results of this project and proper consideration for settlers' interests depend, in our opinion, on a radical change in existing land-settlement methods and policies. The reform should begin with the land laws. They were devised for the fertile, well-watered country of the Middle West. They are not suited to the requirements of the irrigation development, especially where the costs of providing water and preparing land for irrigation are high, which conditions prevail over nearly all the lands awaiting reclamation. Settlers on such land must either have considerable capital or be aided in making the land productive, if they are to succeed. The improvement of a 40 or 80 acre unit requires the expenditure of at least $100 an acre before there is any return. To protect oversanguine and inexperienced settlers from failures that may have ruinous consequences and to lessen the waste and loss from inexperience, the Government should fix minimum qualifications in the way of capital and experiences and organize and direct this development.

Another defect is that no distinction is made between good and bad lands. The difference in value may be very great. Some farm units are level and fertile; others broken in surface, heavily impregnated with alkali, or remote from towns. The better farm units are worth far more than the cost of development. The poor ones will often cost more to prepare for cultivation than they are worth when it is done. To make no distinction between good and bad farm units creates great economic unfairness and inequality of opportunity. It is a serious obstacle to the success of irrigation works. The good farm units are picked up; the culls are left. The aim should be to make all farms equally attractive, and to do this the lands should be classified and prices fixed in accordance with their fertility and cost of preparing for irrigation. Land laws should be revised to provide for this.

When a unit is opened, the best lands are eagerly located; the poorer lands are not applied for and remain unoccupied and undeveloped. They add to the cost of operation, detract from the appearance of a district, and the defect in present methods which causes this result should be cured. Of the 103 farms thrown open to settlement in 1914, 53 are still unapplied for. The same conditions and same results are found on other projects.

The cost of reclamation on this project is so near the value of the completed result that there is small margin for waste or loss through inefficiency in the period of development. This project will, in our opinion, be a failure, socially and financially, if this development is left to the unorganized and unaided efforts of the individual settler.

This project is not the only one where a reform in land-settlement methods is needed. Experience has shown that the construction of irrigation works is only a small part of what is involved in the transformation of desert wastes into cultivated fields, and that neither the Government nor private enterprise have in the past thought out the requirements of reclamation to a final result. The result has been huge money losses and regrettable disappointment and economic waste on the part of homeseekers. To continue to follow the crude, defective, and losing policies of the past, now that the consequences are known, will be an evidence of incapacity on the part of the Government to render a direct economic service to the public greatly to be regretted.

If the Government would fix a minimum capital for the actual settlers, require those who apply to show evidence of character and fitness, and then aid those approved in preparing land for irrigation, in building houses, and giving them the benefit of experienced advice and direction for the first three or four years of the settlement, it is believed that very few will fail, and none from causes beyond their control.

In considering the need for this organization it has to be remembered that these settlers will come from widely scattered localities. They will be of diverse nationalities. Naturally inclined to be distrustful of their neighbors, they will be greatly helped by the practical oversight and direction of Government officers. Such an influence operating at the outset will do much to create a community spirit and lead to confidence and cooperation, things which have slow growth under present methods and policies.

Those who are reluctant for the Government to incur the expense and assume the responsibility of directing and financing approved settlers in preparing land for irrigation talk vaguely about this being accomplished by the settlers obtaining money through cooperation. The obstacles to cooperative organization of the beginners in a development whose problems and requirements are strange and new to most of them are insurmountable. They do not know each other. They distrust each other. They do not know what needs to be done. They do not know where to buy to the best advantage, or what they ought to pay. They have not time to learn these things. The important and desirable thing is to grow some kind of a crop the first year, if this is humanly possible. They lack money; they lack credit, and cooperative arrangements only magnify these weaknesses. What they do need is organized and financial aid and practical direction. This, we believe, the Government should provide.

These measures, if adopted, would not be experiments. They have been in successful operation in Ireland, Denmark, Australia, and New Zealand long enough to have worked out through experience a safe and successful system. All the circumstances which led the above-named countries to formulate their policies of Government aid and direction in land settlement exist here in acute form. The recommendation of Prof. John R. Commons and Florence J. Harriman, of the Commission on Industrial Relations, "We recommend serious consideration to adapting the Irish land bill and the Australian system of State colonization to our American conditions," applies with special timeliness and force to this project.

If this development is to go on, it ought to be under conditions which will give confidence and enthusiam to those who undertake it. These sentiments do not prevail on the project at present. Many of the settlers are dissatisfied; many of the farms are for sale. The extension of the area with no change in methods of settlement would mean, in our opinion, the financial failure of the project. Settlement will be slow. The present unrest will continue. The Government will not be able to collect project costs. The protection of the Government's investment and safeguarding optimistic and inexperienced settlers from the hazards of the past renders it desirable that a land-settlement system similar to that of Australia and New Zealand be adopted. If this were done, the reform in methods and policies would include:

First. The leveling and preparation of these lands for irrigation by the Government, or an organization working under Government direction.

Second. The same organization would arrange to oversee the construction of houses and farm buildings by contract.

Third. The opportunity to take these lands should be restricted to landless farmers and actual settlers who know something of farming.

who should be required to live on the lands until development is completed and improvements paid for.

Fourth. The privilege of taking these lands should be restricted to men who have a capital to be fixed by the Secretary of the Interior and who show evidences of industry and character.

Fifth. Where the Government levels land and builds houses this capital should be sufficient to enable the settler to pay for at least one-fourth the cost of these improvements.

Sixth. In addition to these improvements, there should be provision for lending the settler money on improvements which have been made by himself where the need for this is manifest.

Seventh. Repayment of all money spent on developments with interest on the plan now followed in the above-named countries.

Respectfully submitted.

ELWOOD MEAD, *Chairman.*
W. L. MARSHALL.
I. D. O'DONNELL.

Mr. POMERENE. Mr. President, during the morning hour I had read at the desk a letter from the adjutant general of Ohio and another memorandum, in part in reply to some observations which were submitted to the Senate with regard to the National Guard generally of the country, and in regard to the Ohio National Guard in particular.

In the debate on Saturday the Senator from Idaho called attention to the fact that during the Ohio national rifle match in 1911 certain sums of money were expended on the State rifle team, all of whom were officers, and that during the period from July 22, 1911, to September 23, 1912, there was paid to one colonel the sum of $1,411.18.

I desire to say in reply to this—and I assume in what I am saying that these figures are substantially correct—that this last amount was paid during two encampments in the year 1911 and the year 1912.

The Senator also called attention to the fact that there was paid to another colonel between the dates July 1, 1911, and September 15, 1912, $1,610.95. This also embraces the total that was paid to the officer during the two annual encampments for the years designated.

Again, the Senator called attention to the fact that there was paid to another colonel between the dates of July 30, 1911, and September 1, 1913, the sum of $1,299.37. This was paid covering the services during three annual encampments.

I desire to state that Camp Perry has been used for the annual encampments of the National Guard, as well as for State and National rifle matches. During each one of these encampments and matches there is detailed by the adjutant general of the State, in entire conformity with the law, one of the officers to take charge of the camp, and it was for the services of these officers so detailed that this money was paid.

I called attention in a statement which was read to the Senate during the morning hour to the amounts of money which were furnished by the Federal Government for National Guard expenses, also the amount paid to the officers of the National Guard as camp pay out of the Federal funds, the amount paid to the men as camp pay out of the Federal funds, and to the amount paid out of the State funds as camp pay for the men.

The State by a tax of 10 cents per capita raises each year $476,712.10. This is based upon the census of 1910.

Under the State law there is paid to the men in the National Guard $1 per day. Under the Federal law there is paid to each Federal soldier 48 cents per day. The money which is contributed by the Federal Government is apportioned among the States in accordance with the numbers of the National Guard in the several States. The money, it seems, which goes to the State of Ohio is kept in one fund. The men in the National Guard are paid out of the State funds, I believe, exclusively. National Guard officers who reach the degree of efficiency adopted by the Federal Government are paid out of the Federal funds and are paid wholly out of the Federal funds. Certain other officers whose efficiency does not meet the approval of the Federal Government are paid for their services out of the State funds.

The pay of all the officers of the rank of colonel—and I speak of that because charges were made specifically against those who had the rank of colonel—is $11.11 per day while doing field duty; that is, while they are in camp or in general service under orders by the Government, State or National. It is the same pay which is allowed to the Federal officers of equal rank, except that the Federal officers are entitled to longevity pay. All other funds which are appropriated by the Government and which have not been used in the payment of officers in the way I have indicated are used for the purpose of furnishing military equipment for the National Guard. All this equipment belongs to the Federal Government and not to the National Guard.

Now, Mr. President, all of this money is expended under the direction of an officer in Camp Perry who has been detailed for that purpose by the adjutant general of the State and who is under bond. The expenditure of the Federal funds is always under the supervision of the Chief of the Division of Militia Affairs of the Federal Government, and this expenditure is audited by the Auditor for the War Department and other officials of that department. So it seems to me it would be practically impossible for any of this money to be expended in any way which was not authorized clearly under the terms of the Federal law.

I desire in this connection to call the attention of the Senate to the expenditures which were made out of the State funds during the year 1911—to officers, $9,320.46; to enlisted men, $52,175.67; total for that year, $61,496.13.

I have the expenditures similarly for the years 1912, 1913, and 1914, and without taking time to read them I ask the permission of the Senate to insert them in the RECORD as part of my remarks.

The VICE PRESIDENT. Without objection, such will be the order.

The matter referred to is as follows:

STATE OF OHIO,
ADJUTANT GENERAL'S DEPARTMENT,
Columbus, April 17, 1916.

The following report is submitted for the years of 1911, 1912, 1913, 1914, as to the money expended in this State out of State funds. It is rather a comparison of the amounts spent both for the officers and the enlisted men of the Ohio National Guard:

For the year 1911.

Officers	$9,320.46
Enlisted	52,175.67
Total expended	61,496.13

For the year 1912.

Officers	5,045.52
Enlisted	31,830.11
Total expended	36,875.63

For the year 1913.

Officers	5,377.86
Enlisted	39,732.14
Total expended	45,109.90

For the year 1914.

Officers	$6,214.82
Enlisted	42,095.50
Total expended	48,310.32

The amounts as shown above are from the records of this department and are subject to examination at any time.

D. A. DORMAN,
Chief Clerk Adjutant General's Department.

Mr. POMERENE. Senators seem to find particular fault with the fact that during the year 1911 Federal funds were paid to the officers of the National Guard in connection with this rifle match and none was paid to the men. That is true. The teams that are selected for competition in these national and international matches are selected by a system of competition. During the year 1911, after a competitive shooting, it seemed that all the successful men were officers. During that same year the team connected with the Federal Government was half officers and half men of the ranks, including two sergeants. During the years following 1911 a large portion of the officers participated in these matches, and they were accordingly paid while they were engaged in this service. There was no discrimination whatever in the selection of these teams. The members constituting the teams were selected wholly because of their skill with the rifle.

I feel that when it is sought to show that there was any attempt at discrimination on the part of officers of the National Guard in favor of those officers as against other men the charge is wholly without foundation.

I am quite sure that if there has been any expenditure of any kind which has not been warranted under the law by the officers of the National Guard of the State of Ohio they would welcome an investigation on that subject by any competent body that may see fit to make the examination.

The funds provided by the State and the Federal Government are all accounted for, and it can make no difference in principle that officers are paid wholly out of one fund and the men wholly out of another fund, or that the both are placed in one account and officers and men paid alike out of it. It takes the same amount, and no more and no less.

Mr. President, that is all I care to say upon this subject. I feel that while there may be a difference of opinion between Senators as to the wisdom or the unwisdom of a given expenditure, it can not be charged that these expenditures were made with any degree of favoritism either for or against any man or officer in the National Guard of the State of Ohio.

Mr. CHAMBERLAIN. Mr. President, in reference to the amendment of the Senator from California I simply desire to ask to have read a letter from the Acting Secretary of War in opposition to the adoption of the amendment.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. CHAMBERLAIN. Let me say that the letter is based on the original bill, but the essentials of that bill are included in the amendment, I think.

Mr. WORKS. The substance is the same. The number provided for in the amendment is less than in the original measure. It is confined, as I believe I stated, to the Pacific coast.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

WAR DEPARTMENT,
Washington, February 12, 1916.

Hon. GEORGE E. CHAMBERLAIN,
Chairman Committee on Military Affairs,
United States Senate.

DEAR SIR: Replying to your letter dated January 4, 1916, wherein you request to be furnished with the views of the War Department relative to Senate bill 2684, Sixty-fourth Congress, first session, I have the honor to invite your attention to the following report:

1. The purpose of this bill is to provide a constructive and military reserve force, and for other purposes. Comment is limited to the military features involved in the measure.

2. The bill provides for the enlistment of 200,000 men by the Interior Department for five years, these men to be provided with "garden farms" of not more than 5 acres, for which they shall pay a rental of not exceeding 4 per cent of cost.

These men may be employed, with their consent, on constructive work of irrigation, drainage projects, etc.

For one month each year or two months in any one year, if the Secretary of the Interior and the Secretary of War shall mutually so determine, the said force shall undergo military training. The Secretary of War shall provide all necessary officers and equipment for such training.

Such force shall constitute a reserve military force and be subject to military service whenever called upon by the Secretary of War.

The sum of $50,000,000 annually for 10 years is to be appropriated for carrying out the provisions of this act.

3. It is not believed that such a force would furnish a dependable reserve military force for the following reasons:

The number of men who would thus enlist can not be determined, and it would vary from year to year.

The organization and training of this force would depend very much on the mutual agreement of the Secretaries of Interior and War. With such divided authority no good results would be accomplished.

The time provided for military training—one month of each year or two months in any one year—is much less than that required to make dependable soldiers.

The Secretary of War is required to provide all necessary officers and equipment for such training, without any means being given him for such provision.

The bill provides that these men shall be located on contiguous farms in groups of not less than one regiment each. In a very short time the average of each family would make a total in such group of 9,180. It is inconceivable that this number can be located permanently in one place and comply with the other conditions of the bill as to work in the Forestry and Reclamation Services.

There is no provision as to age limit, and the final result of the bill would be an army of married men. In the event of mobilization practically the entire male population would be withdrawn from certain areas, a condition which should not be imposed upon any community. Men taken for the Army should be so distributed as not to disturb the life of the community from which they come.

If these people are scattered, as they would have to be to perform the main duties assigned to them in the bill, it would not be practicable to assemble them for military training.

The passage of this bill is not recommended.

Very respectfully,

H. L. SCOTT,
Major General, Chief of Staff,
Acting Secretary of War.

Mr. BORAH. Mr. President, I want to say a word in regard to the controversy which has arisen by reason of some statements which I made last Saturday in the debate. This discussion arose by reason of statements which had been made by Senators to the effect that the officers of the National Guard were giving their time and service without any compensation. In reply I called attention to what seemed to me to be an answer to that proposition. The figures and facts which I gave are a part of the archives of the War Department here in the city of Washington. I did not make nor I did not intend to make any general charges against men who are enlisted in the National Guard or the State militia. I did make a charge against the extravagant and wasteful manner in which the State militia, as institutions, had used this money.

I entertain no doubt from the investigations which I have made that money has been wasted in large sums, not to use a stronger term. But there was no intention upon my part to reflect upon the personnel or the individual members of the guard as to their personal integrity in the ordinary walks of life, except those cases wherein I gave the specific instance, and as to those I find that I am entirely correct. I gave instances, and could have given many more, of what I deem indefensible and reckless use of the property and the funds. I know that the record is bad in that respect. I want it to be understood that according to my view as to what constitutes the use of public funds, it is all that I asserted it to be in the debate last Saturday.

Since Saturday I have undertaken to verify as best I could under the limit of time the facts and the figures which I gave last Saturday, and I entertain no doubt at all as to the correctness of those figures as to the fact that those records exist here, and that they show the facts and the figures as I gave them.

The inferences which may be drawn by one Senator may be different from those on the part of another. I have drawn my own inferences. Other Senators, whose good faith and integrity I do not challenge, may draw different inferences; but I wish it to be known that upon reinvestigation and reconsideration of the matter I find the facts and figures as I gave them to be entirely correct and accurate in every respect.

As to whether or not the money has been wasted will depend in a large measure upon the view which a man takes as to whether or not this is any preparation or not in the true sense of the term.

I charged, for instance, that the general appropriations were, in round figures, about $8,000,000 for State militia purposes. That is controverted this morning in a communication from some one who speaks for the National Guard hereabouts. Since that has been controverted I have gone through the appropriations as best I could, because I am far from being an expert upon appropriations. I had used the figure $8,000,000 because when the bill was first brought into the Senate I asked the question as to how much was now being appropriated for the State militia, and the answer was something over $7,000,000. That has been repeatedly stated by those who are in a position to know, and it has been stated at other times to be $8,000,000, and some $6,000,000, ranging between $6,000,000 and $8,000,000, and I used the figures in round dollars.

Mr. REED. Mr. President——

Mr. BORAH. In just a moment. I find that according to the appropriations for 1914 the actual appropriation made for the State militia in different ways was $7,776,256.29. I yield to the Senator from Missouri.

Mr. REED. How is that possible with the sum of the two appropriations only——

Mr. BORAH. Mr. President, I am not going to stop to discuss details; I want to go to other things. But I refer the Senator to the list of appropriations now in the possession of the chairman of the committee, from which I took my figures. The Senator will find that the figures I have given are entirely correct, according to that table of appropriations, and if there is any mistake it is a mistake in the table, and I am sure in my own mind there is no mistake.

The appropriation for 1915 was $6,700,635.30, but taking one year with another the average appropriations have been running along about seven million and some odd thousand dollars for the last three or four years.

Mr. POMERENE. May I ask the Senator does not that include an appropriation of considerably over $2,000,000 which was used for the purpose of organizing the artillery branch of the militia service?

Mr. BORAH. I could not state as to that. If the Senator will look in the volume which the distinguished Senator from Oregon has with him, he will find all the figures that make up the sum total that I have given, and which are listed under appropriations for the State militia. They are appropriations which would not have been made but for the State militia. Divide it up as you may, the people paid this amount in 1914, to wit, $7,776,256.29.

So, Mr. President, I feel that I am entirely accurate when I say it is ranging about $8,000,000. We started out under the Dick law, with the supposition and the estimates of two and a half million dollars. In the years which have passed we have now reached a point where it is averaging about seven and one-half million dollars a year, and nearer $8,000,000, according to the figures of this year, than it was $7,000,000.

I made a further charge, Mr. President, that there was a loss of property, according to the reports, of about a million and some odd dollars, property which had been turned over to the different State militias and for which there was no accounting. After allowing for waste and the ordinary wear and tear and such things as could be utilized at all for the purpose of accounting for the property, there is property to the value of $1,352,761.14 unaccounted for. I took these figures from the report of the Chief of Division of Militia Affairs in the office of Chief of Staff relative to the Organized Militia of the different States. After giving the details he says:

In other words, Federal property to the value of $1,352,761.14, issued to the various States for the purpose of arming, equipping, and training the militia, has been lost or destroyed through carelessness and neglect, or the methods of accountability within the States for Federal property have been so lax as to preclude the possibility of accounting for its disappearance.

Mr. President, that does not necessarily, of course, as I said upon Saturday, involve the technical guilt of any man, but it does sustain, to my mind, beyond a question, that there is a wasteful use of property wholly out of harmony with the public interests and wholly out of harmony with a proper administration of any department of the Government.

Mr. POMERENE. Mr. President——

Mr. BORAH. I will yield in just a moment. Take, for instance, the District of Columbia, and I will speak with reference to the District of Columbia because I have just investigated that. Last year there was a loss of property of some $7,000, wholly unaccounted for except the fact that it seems to have been partly accounted for and never returned; and this year the loss amounts to something over $5,000. To my mind that is wasteful, it is extravagant, it is indefensible, it is intolerable, and for any department of good government.

I want to put into the RECORD also a statement by the ex-Secretary of War, Mr. Stimson, in that regard.

The matter referred to is as follows:

Again, the standard of care and the responsibility which the National Guard has shown in respect to the Federal arms, uniforms, and equipment which have been issued to it under the Dick law has been so low that there is now a total shortage of $1,352,761 of such property issued to it, as to which the Federal authorities are unable to get either a report of the property or a proper accountability as to its disposition. Four years ago, in 1912, drastic steps were initiated by the Secretary of War to reduce such shortage. Under the system of divided control it has been found practically impossible to accomplish this. In the case of many States the shortages are so great that if they were charged against the Federal appropriations coming to such States there would be nothing left for rifle practice or camps of instruction or any other training for several years to come. This would mean that to apply the discipline of this method of purchasing efficiency would result in depriving the States of some of the vital elements of training which they can not afford to lose. In other words, the system proposed by these bills for extending the authority of the Central Government over the militia by Federal payments has been tried and has failed. It has failed in respect to numbers, in respect to marksmanship, in respect to discipline, and in respect to equipment.

I now yield to the Senator from Ohio.

Mr. POMERENE. I do not know what may be the character of waste to which the report refers, but I can give one particular instance.

Mr. BORAH. I ask the Senator not to do that in my time.

Mr. POMERENE. Very well.

Mr. BORAH. I did not interrupt the Senator. Now, I charged in another instance that a part of this money had not only been property wasted but a part of it had been embezzled. That did not refer to a charge against gentlemen in Ohio. It is not in connection with this proposition at all. I do not know that anybody could be brought under that charge at all in Ohio. Therefore, in making such a charge, I would not have any such inference drawn; but that it has been embezzled in other places, there can be no possible doubt.

Some members of the National Guard have been indicted, some have been sent to the penitentiary, I understand, others are awaiting indictment, as I am informed. So there is no doubt that if you will investigate the records of the War Department you will come to the conclusion that whether there is any individual responsibility which you can fasten under the law or not, this large sum of money has been used in wasteful extravagance, intolerable, and that some was used in such a way that it can not be defended in a court of law, a vast amount of it in such a way that it can not be defended in a court of conscience.

In 1915 the State militias were made up of 8,705 officers and 120,693 enlisted men. This makes one officer to about 13 enlisted men.

The official reports show that in 1915, 19,382 enlisted men were absent from the annual inspection. During the year 1914 the average number of men absent from each weekly drill of instruction was 63,201 men, or nearly 50 per cent. So we have for about every seven men who are attending weekly drill one officer. The amended Dick law required the attendance on the part of the enlisted militia at 24 drills during the year. In 1914 only 34.8 per cent of the National Guard qualified as second-class marksmen or better. In other words, only about 40,000 of the 120,000 could shoot sufficiently well to be rated as marksmen.

Now, how much have we paid for this efficient fighting military force? We have paid at the rate of a little over $7,000,000 a year, and during the last 10 years about $70,000,000. In addition to this there is the appropriation of the States which is a sum running up to about seven millions. For this stupendous sum we have about 40,000 enlisted men who can shoot a gun and about 63,000 who have attended the weekly drill. I call the whole proposition a waste of public money.

Mr. POMERENE. Does the Senator mean to say that the National Guard has a monopoly of embezzlement?

Mr. BORAH. Oh, no; I do not mean to say it has a monopoly of that offense; of course I do not, and the Senator knows I do not say that. What I do say, however, is that this dual system of appropriating money and transferring it to another sovereignty, to be distributed under political pressure, as this is distributed, leads inevitably to wastefulness, creates an institution which produces wastefulness, and in many instances that profligacy which stops only on the hither side of crime.

Mr. REED. Mr. President, I am a little surprised that the Senator from Idaho [Mr. BORAH], for whom I entertain the most profound respect, should persist in so speaking as to practically class the National Guard and its officers with criminals. That is the real effect even of his closing sentences.

What is the impression given by the kind of argument the Senator makes? Let me illustrate: If I were to stand in the Senate and say, "It is a well known fact that preachers have embezzled the funds of their churches," it would be generally understood in the country as an indictment of the church; yet such a statement might be truthfully made, for, among the great multitude of the good and the righteous, there is occasionally found a bad man who has slipped in. If I were to say, "It is a well-known fact that many lawyers have betrayed their clients," it would be understood as an indictment of that profession. The charge could be, of course, truthfully made, for many lawyers have done the thing to which I have referred, but the great profession could not be justly indicted for such a reason.

If I were to say that "governors of States have betrayed their trusts," and so frame my sentences as to constitute an indictment against State governments and the heads of those governments, it would be understood to be an indictment against the governors of States. It could be truthfully said that some governors have done the things embraced in the charge, but would it be a fair presentation of the character of service rendered by the governors of States? I might extend these illustrations indefinitely.

What are the facts? It is probably true that in all the vast numbers of the National Guard there has been here and there some officer who has embezzled some money, but will the Senator from Idaho charge they have done it to a greater extent than is done in every other organization that is composed of human beings the greater part of whom are good and a few of whom are bad? There have been rascals, as I said the other day, in Congress; and we expect the muckraker, we expect the extremist, we expect the bad citizen, to indict Congress as a whole because there have been some bad men in Congress, but well-posted and honorable men do not indict the Congress of the United States for the act of an individual Member.

Mr. President, there have been rascals in the Regular Army of the United States; there have been men in the Regular Army who have embezzled hundreds of thousands of dollars, and in one instance, I believe, the embezzlement ran into the millions. One of those officers served a term in the penitentiary—a long term—and there have been, I think, quite a number of other embezzlements; yet for that I shall not indict the Army of the United States or the officers of that Army, who are probably far above the average in point of high integrity and probity of conduct.

Who are these National Guardsmen? First, they are citizens of the Republic; second, they are of that class of citizens of the Republic who have felt a little greater interest in the defense of this Nation than does the average man. Accordingly, they have left their homes at night; they have gathered in their armories; they have spent many weary hours in drilling; and many a man who has labored hard all day has carried a rifle and walked with his tired feet in obedience to the commands of his officers.

Who are the officers? They are the men selected by the privates, and then the higher class of officers are selected by the officers who have been selected by the privates.

What are they doing? They have been for years and years doing that thing which we now all admit is necessary; they have been making some preparation; they have been putting forth some labor to defend our country from possible assault; they have been standing ready at any moment of the day or night to respond to the country's call. They have responded many and many a time when the call came from the governors of States; and if ever in a single instance they have responded to a call in an unjust cause it was a call first issued by the governor of a State.

I regret that these attacks should be repeated. I say that man for man the officers and men of the National Guard will measure well up with any other class of citizens in this Republic. I say that the organization, taken as a whole, is no more subject to this kind of indictment than is any other

secular body of men called together by any motive and held together by any form or system.

Mr. President, as to the expenditures of the National Guard, again I call attention to the fact that the Senator from Idaho is in error in the conclusion which he draws with reference to moneys appropriated for the National Guard. In 1915 there was appropriated $2,000,000 under an act of Congress, and then under another act, the act of 1908, there was appropriated a further sum of $2,000,000. There was expended in maneuvers and in encampments $250,000.

Now, I come to the figures that enable the Senator to make up his grand total—it is for Field Artillery, $2,090,000—for Field Artillery material, to wit, the cannon that are on hand and will be on hand for 20 or 50 years and that will be rolled to our battle front in case there is a war.

There may have been some things in the nature of this equipment that will be worn out in the service, but the total that we find here, if I read these figures aright, includes the guns that are to be on hand—a part of the military defense of this country.

So I could go through these appropriations, but my time, I know, has nearly elapsed. I simply desire to say that it is time, I think, to quit attacking the National Guard. I do not know whether the dead body or the living body of Mr. Villa is being brought to this country; but I do know that if serious trouble arises in Mexico, within 48 hours after the order goes forth, the National Guard will be mobilizing along the Rio Grande.

The VICE PRESIDENT. The Senator's time has expired.

Mr. WORKS. Mr. President, I believe I did not consume the 10 minutes allotted to me——

The VICE PRESIDENT. But the agreement is that but one speech shall be made, and that not longer than 10 minutes.

Mr. WORKS. Very well; I can say what I desire to say just as well on some other amendment.

Mr. NEWLANDS. Mr. President, I understand the pending amendment is the amendment offered by the Senator from California [Mr. WORKS] regarding "a mobile land force and a military reserve for national defense," to be composed of 200,000 men, who are to be stationed within the five States comprising the Pacific Coast States and the adjoining States of the arid region, and whose main object will be the defense of the Pacific coast against possible Asiatic attack.

I think the expenditure called for by the amendment of the Senator from California will be entirely too large to meet the favor of Congress. I rise simply for the purpose of saying that I think the amendment contains the germ of a good idea; that is, the utilization of our reserves in the constructive work of the country, a work which has not yet been fully inaugurated, and which must in time embrace not only the full development of our rivers for every useful purpose but also the full development of our public land, the bulk of which remaining in the Government's hands is either arid or semiarid, absolutely incapable of treatment by individuals and requiring broad collective treatment by the National Government if it is ever to be fitted for the habitations of men.

Mr. President, it is evident that the American people are not disposed to maintain a large standing army of professional soldiers. The maintenance of such an army is against the genius of our institutions and involves an enormous expenditure, for unless compulsory service is established—and that is at present impossible—it will be difficult to command the men except at pay practically prohibitory of the maintenance of a large standing army. We must, therefore, rely for our professional army upon a comparatively limited number of men—from 100,000 to 150,000. Such an army will cost a thousand dollars a man annually, a sum aggregating between $100,000,000 and $150,000,000.

It is possible, however, to create a reserve of men taken in their youth at 17 and 18 years of age, the years productive of the best soldiers, and train them, not only in military discipline but for civil life, in such a way that at the end of that training, part military and part industrial, each individual man will not only be better fitted for his civil calling in life but will be so trained as to be able to respond at any time to the demand of his country in time of war. That is entirely practicable.

This amendment practically proposes to revive in this modern day the system which prevailed during the period of the Roman Empire, when Rome recruited her legions from her small farmers; when her armies consisted of her small farmers, trained in arms and also in agriculture, who during peace would return to their farms and pursue the peaceful vocation of agriculture, ready at any time to buckle on their shields, to put their helmets upon their heads, and to draw their swords, and with their places fixed in the legions of Rome to push on among her conquering forces.

What was practicable then is practicable now; and the amendment offered by the Senator from California, whilst, as he suggests, it might be regarded at first blush as somewhat visionary in character, has the germ of a real practicable idea, and that is the training of our young men in such way as will make them efficient in arms, obedient to command, orderly in their disposition and manners, sustainers of the public peace, protectors of our public institutions, and capable of taking their place either in civil or military life.

So I propose to vote for the amendment of the Senator from California, in the hope that, if it goes into this bill, it will form the nucleus for the careful organization of some military force by the conference committee having the character which the Senator wishes to impress upon the body provided for by his amendment. I believe that such an army will be the most economical army that can be secured; and I believe that it will be the most efficient army that can be secured, and that such a system will give us an army whose central idea will be the maintenance of public order, and not aggression or conquest, for I assume that if this kind of training and education is entered upon it will be seen that the training is in harmony with democratic institutions and democratic aspirations.

Mr. LANE. Mr. President, I believe this country should be prepared for defense to an extent that would make it impregnable against any attack from any other country. I do not believe this is the time to talk about the cost; I believe that it is absolutely necessary at this time to place this country in a state of complete defense and to make it invulnerable against attack. I would not spend one cent for an army intended for purposes of aggression, so far as I am concerned, but I would be willing to vote for an expenditure of millions upon millions of dollars if the money were properly and economically expended in placing this country where, beyond peradventure of doubt, it could take care of itself and of the people within its borders. If the bill which is now before the Senate provided adequate means to place the country in such a state of defense, it would serve a useful purpose; if it does not do that, it is of no value.

The bill provides for about 33 days, of eight hours each, of actual training to each member of the force. You can not make a soldier by training him eight hours a day for 33 days in a year. In Germany and in Japan, where they have soldiers who do fight, and fight effectively, more time is used in training them. Training for eight hours a day for 33 days would afford no defensive preparation to the country of any value.

Such an army, although illy trained, would cost hundreds of millions of dollars, while the country would be impoverished and still be unprepared. Furthermore, the people of the country, if this bill becomes a law, will be resting under a sense of false security which would be lamentable.

I am in favor of popularizing the Army, of making an Army in which the people are interested, and of paying the members of that Army adequate wages, in putting them at useful work—in the South in the draining of swamps, in the West in bringing water upon lands and making them fit for human habitation, and up and down and throughout the country in building military highways, also in conjunction with the States, each paying its proper proportion in the cost of building roadways for the use of the people of this country. All of these roads and highways will be necessary in case we are invaded. Without them we will be unprepared to move our troops, no matter how many we may have. The men in such an army might also be employed in building military railways, if that be necessary; and to that end I would be willing to vote for an appropriation to pay the regular going wages and setting aside two days in a week on which to give them military training for eight hours a day, and at the end of six months or a year to turn them back into private life.

We might, for example, enlist half a million men in the course of the year, in two divisions of 250,000 each, for six months' work, drilling them two days each week and then letting them melt back into the population of the country. Under such a plan in a few years we would have an admirable system of roads; we would have trained men numbering millions; we would have the country blossoming like a garden; we would have the money in circulation. We could bond this property, the same as is done now under the Reclamation Service, and make it reimbursable. In total expenditure it would cost the people of this country less than this bill which is now before the Senate for consideration and we would have the roads and other improvements which are so badly needed. It would put the men in training under the actual conditions in which they will have to fight if this country ever has to go to war. They would not drill under cover, say, an hour and a half 48 times a year or on level fields; they would drill out of doors, in the rain and in the sunshine, in the heat of summer and in the cold of winter,

in rough country, in the mountains, in the valleys, and in the swamps, where they will have to fight if we are invaded, under conditions which will harden them and toughen them and make of them men prepared to fight. Such a plan will imbue in the members of the Army devotion to their country, for it will pay them a fair wage and hold out inducements to them which this bill does not. We will pay, as I understand, under one of the provisions of this bill but $15 a year for training. That is not enough.

In addition there will be involved an enormous expenditure for purchasing and caring for accouterments and the storage of such accouterments at depots, out of which, it seems, according to what some Senator has said here, they leak.

I am in favor, to a certain extent, of the amendment of the Senator from California [Mr. WORKS], although I do not like some of its terms. In a general way, however, it would be a wise thing for the people of this country. A few days ago we passed a bill for the retention of the tax upon sugar. That tax, to the tune of forty million or fifty million or sixty million dollars a year—however much it brings in—will come mostly out of the sugar bowl and out of the sweetmeats of the little tots and families of the poor. Sugar, as we have found in our Mexican experience, is one of the things that the soldier upon the march craves more than he does anything else. It is supposed to be a food for the muscular system. We have so arranged it that we will raise just about enough to carry on this Army from the sugar bowls of the very class of men who will have to do the fighting. In other words, they will do the work and pay their own board. It seems to me that if we are going to embark upon an experiment of this kind, which leads nowhere in particular, in my opinion, we should have assessed some of the cost upon those best able to pay it rather than visit the entire cost upon the men who are least able to pay it.

Now, in behalf of that idea I am going to submit an amendment providing that the Government shall enlist for a period of six months 200,000 to 250,000 men and put them to work around through the country opening up the highways, training them two days in a week, which amount to 104 days yearly training to each man, and help to make a soldier of him.

Mr. WARREN. Mr. President, I do not rise to condemn the idea which forms the basis of the suggestion for an industrial army, but I do rise to ask that the amendment be not pressed upon this measure. As shown by the letter from the department, it is a matter which must be considered by both the Interior Department and the War Department. We have before us only the comment of one department, and that is unfavorable to the proposition. It has not had the consideration of the committee. The bill that we have before us is loaded down, in my judgment, to the water's edge with educational, experimental, new ideas, in addition to the extension of the old ones. I hope the amendment will be voted down.

Mr. ASHURST. Mr. President, I am sure that we all appreciate the labor, the time, and the patience which the able Senator from Oregon [Mr. CHAMBERLAIN] has given to this bill. Many of the suggestions which he has made are of great value; but I think that the amendment proposed by the distinguished Senator from California [Mr. WORKS] is one of the most, if not the most, practical, sensible, and far-reaching pieces of legislation which has been proposed by any Senator since I have been a Member of this body.

The Senator's amendment, as will be observed by a close reading, comprehends four general heads: First, defense of the Nation; second, employment of men; third, the rendering of those men efficient in civil life; and fourth, the development of the country. Indeed, Mr. President, I wish I could truly claim the credit which I think will ultimately and inevitably attach to the Senator from California because of the genius for constructive legislation he has exhibited in the preparation and promotion of his amendment.

Last year I had the pleasure to be associated for a time with Mr. George H. Maxwell, famous throughout the West for his great constructive work, and he called my attention to the need for legislation on this point. I took the pains to make an investigation lasting over two months, and I found it was entirely practicable and feasible to do the very thing which the Senator from California [Mr. WORKS] now proposes, to wit, that two or three hundred thousand men should be enlisted who may be called "reservists." They will get, not $15 a month, but the prevailing wage that is paid in that community. They will be set to work, if you please, sir, in Nevada reclaiming the desert; if you please, sir, in some other parts of the Nation constructing levees, so that the waters as they rush madly to the sea will not destroy lands; if you please, sir, in another part of the Nation this great industrial army would be set to work replanting the forests; and in another part it would be set to work building harbors, bridges, and roads. This army would not be encamped idly around barracks, but would be employed in useful labor. They would not come directly into competition with what we are pleased to call the balance of labor, because work in the Army would be open to any and all who would wish to enlist in that capacity. I repeat, the enlisted men would get the prevailing wage. They could not be called out in an industrial dispute. Homes would be provided for them under the amendment of the Senator from California; and, Mr. President, if you want patriotism you must give the private soldier something for which to fight. The patriots—and they were raw troops—who stood behind the breastworks at Bunker Hill and who, though outnumbered 4 to 1, successfully resisted four or five times the onslaught of the opposing troops, knew they had something for which to fight.

The most inveterate criticism which we hear—and I think it may justly be made—upon the present system is that we have not made the Regular Army attractive to the private soldier. This plan would afford an opportunity to build up an industrial army of two or three hundred thousand men, each and every one of whom would feel that he had something for which to fight. He would become inured to outdoor labor. He would become inured to mounting horses—to rifle shooting. He would be inured to all kinds of work, drilling and maneuvering two or three months a year, and then, when hostile guns were heard resounding on our coasts he would be leaping to the forefront of the conflict, not a raw and an untrained volunteer, but a soldier who had an interest in his country, a soldier who was earnest and anxious that her system, her laws, and her institutions should be preserved.

I desire to congratulate the Senator from California and to congratulate the State of California upon the constructive statesmanship which her Senator has exhibited in the preparation and promotion of his amendment.

Mr. President, I read a book a year or two ago which went on to describe what "Japan would do with the Colorado River if she had it." We know what America does with it. America now permits the Colorado River to flow some 1,600 miles through rich soil—soil so rich, as has been said, that we ship it to other parts of the United States so that they can use it for fertilizers. This book pointed out that if Japan owned that river, running, as it does, through that kind of soil, smiling farms, prosperous villages, and happy homes—aye, sir, cities—would soon spring up like magic where now the whirling winds take the sand in great showers over the adjoining country. An industrial army enlisted in accordance with the proposed amendment would convert the desert into homes.

I doubt, of course, if this amendment will be adopted; but the fact that it does not receive a majority of the votes does not make it any the less meritorious. Many meritorious propositions do not receive a majority at times, but I believe that in the long future, when those who come after us grapple in their patriotic way, as men are doing now right here, with the great questions of the day they will at last seize hold of the proposition which has been advanced by the Senator from California as the true, the correct solution of building up in this Republic a great industrial army, full of patriots, who will leap to her borders and will bound forward in defense of a country in which they feel and have a personal and a direct interest.

Mr. JONES. Mr. President, I desire to offer an amendment to the amendment of the Senator from California. In line 18, on page 2, I move to strike out the word "five" and insert "twenty."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 2, line 18, before the word "acres," it is proposed to strike out the word "five" and insert the word "twenty," so that, if amended, it will read:

That each of the members of such force shall, by the Secretary of the Interior, be provided with a garden farm of not more than 20 acres of land in the States of California, Oregon, Washington, Nevada, Arizona, and other Western States.

Mr. JONES. Mr. President, while I can not add anything to the commendatory words of the Senator from Arizona [Mr. ASHURST] of the splendid work of the Senator from California [Mr. WORKS] in preparing this amendment, I can indorse them; and I simply want to suggest, with reference to the amendment I have offered, that it occurs to me that 5 acres is a little bit too small. While there are many places in the West where a family can make a living on 5 acres of land, my observation has been that that is true after they get the 5 acres in good shape and get it in certain sorts of crops, if it is located in a certain way or in a certain proximity to a large population. But I think that generally in the irrigated sections if a family are to be placed upon a raw tract of land, an undeveloped and un-

cultivated tract of land, they ought to have at least 20 acres upon which to make a home; and for that reason I have offered this amendment.

There are many places near the cities in the West where farm gardening is done, and I have no doubt but that families are well supported upon 5 acres and possibly are putting money in the bank; but most of our irrigated lands, at least in my State, are away from the centers of population. For instance, the irrigated sections are 160 or 170 miles from Seattle and Tacoma and a couple of hundred miles the other way from Spokane, although about Spokane there are some irrigated tracts and some lands that would come under the designation of the lands covered by the amendment of the Senator from California. As a general thing, the irrigable lands in the State are in the center of the State, away from the centers of population. So I think the 5-acre limitation would practically exclude our State from the operation of the amendment of the Senator from California, and I should not like to see that done.

I know that in the central part of the State, the irrigated section, there are thousands of acres of land that are as productive as any on the face of the earth when irrigated, and that with a tract of 20 acres of land, with sufficient encouragement to get a family started, and with the possibility of securing employment when not otherwise engaged upon the farm, splendid homes could be built up on these 20-acre tracts. As the Senator from Arizona has said, the adoption of this amendment and putting it into effect would not only furnish to our country a splendidly trained set of soldiers, men ready to defend their country upon their country's call, but it would also result in the reclamation of a great deal of land that is now desert and unproductive, the building up of a great many homes, the development of a splendid citizenship, and would result in increasing the wealth of the country materially and also in bringing about comfort and happiness to many of the people who are now looking anxiously for a place to build up a home.

Mr. President, I hope the amendment of the Senator from California will be adopted, and I should prefer to have it adopted with the amendment that I have offered.

Mr. WORKS. Mr. President, I want to say a word about the letter that was sent in by the War Department.

I did not expect the Chief of Staff of the Army or any other military expert to approve of this amendment. Its principal object is not to provide an adequate military force, but to provide what, to my mind, is infinitely more important—an industrial force; men who, with their families, will be provided by the Government with permanent homes, thereby not only settling the public lands, but providing homes for men who now need them and who are exceedingly anxious to secure them in this way.

I am not disposed to add to the military force of this country. I do not believe it to be necessary. I have already expressed my views upon that subject. Under an amendment of this kind, however, or some law of the sort, we could locate in the Pacific States a million families provided with homes not only of 5 acres of land but of 20 acres. Every Senator here from the Western States knows that I am stating the facts within reasonable limits.

Mr. President, I think it is much more important for this country that we should deal with the public lands in this way, provide homes for the people who need them, and thus build up the country and add to its industrial efficiency than that we should have a large standing army. I have said that I did not expect any military expert to approve of this amendment. I may say frankly to the Senate that I did not expect it would be adopted by the Senate, either, however meritorious I regard it. We have not yet reached a point where the Congress of the United States would be willing, I think, to take a step of this kind; but I did want to sow the seed here that might some time, and in the near future, bring us to a realization of the fact that this is the one great thing to be done in this country if we desire to build up the western portion of it.

Because I have felt and am satisfied that the Senate would not adopt an amendment of this kind, I am not going to ask for a roll call, and put the Senate to the extra loss of time. I have said what I desired to say with respect to it. I hope Senators will bear it in mind, and some time, when they have had the opportunity to think about it, if they will do so, they will reach the conclusion that this is the one right step to take in preparation not only for industrial efficiency and defense, but at the same time for military defense.

Of course, I appreciate the fact, as stated in the letter of the Chief of Staff, that these men would not be as efficient in time of war as the trained, professional soldiers. We all realize that fact; but we all know, also, that this country is not going to submit to the establishment of a great military force, composed of the Regular Army, in such numbers as will furnish adequate defense. Therefore, any effort in a way of this kind to add to the security of the country is something that ought to receive careful consideration; and I am calling it to the attention of Senators, not with the hope at this time of securing legislation upon it, but that it may have the effect of bringing about results of this kind in the future.

Mr. KENYON. Mr. President, may I ask the Senator a question?

Mr. WORKS. Certainly.

Mr. KENYON. I will ask it in my own time, if necessary. This plan of the Senator's does not in any way embody taking families from the great centers of population, does it?

Mr. WORKS. It involves taking them from anywhere that there can be found men who are suitable and fitted for the service they are expected to render.

Mr. KENYON. There should be provided some method of getting them there, should there not?

Mr. WORKS. Certainly.

Mr. KENYON. So that the great centers of population may be relieved from congestion.

Mr. WORKS. That is a very excellent suggestion that I should be glad to have carried out. I must confess to the Senator that, looking at the matter as I do, I have not undertaken to go into details respecting it, but to get this principle before the Senate, in order that it might be considered.

Mr. SHERMAN. Mr. President, before the final vote is taken on the original amendment or the amendment to the amendment I wish to say that, standing alone, either of these propositions has in it a germ of usefulness. It is only a practical, applied form of the "back to the farm" movement. If the Senate will be consistent with itself on the vote already taken, it will vote for the amendment of the Senator from Washington [Mr. JONES], and then, as amended, will vote for the amendment offered by the Senator from California [Mr. WORKS].

Mr. WORKS. Mr. President, I want to say, in order to relieve the situation, that I accept the amendment of the Senator from Washington; so the Senator from Illinois may discuss it from that point of view.

Mr. SHERMAN. It is of more importance to have the land than it is to have Government fertilizer. We have already voted for Government fertilizer. It would be just as important that we add another amendment, providing for giving a span of donkeys to each member of this industrial army, because the Government mule is a part of the Government reserve. It would be a very important military reserve in time of war, Mr. President, so it would be entirely fitting to have a span of Government mules added as a bounty to each member of this industrial naval or military reserve.

The Senate has embarked on a course where, when we finish, we will have embraced everything. I think amendments have been offered now for everything except a rural-credit bill, possibly a parcel post and a hard-roads system, and I look for them to come on apace in due time. If we are going to provide for the manufacture of nitrates to fertilize the soil, it is certainly consistent that we should give them some soil to fertilize, and then furnish them with water for the country where it needs irrigation. Of course, all of this will greatly conserve the Government resources, and at the same time will give us a strong military reserve, because perhaps it will furnish provisions in order that the Commissary Department may be adequately supplied in time of trouble.

I do not want to take any time, and I certainly would not make these reflections if I did not wish to say that, standing alone, I might consider some such proposition, because it has in it an element of practical usefulness; but I do not want to load down military preparation with so many foreign projects, until the friends of preparation will not recognize their own progeny by the time it has been so amalgamated and inbred with other schemes, such as are presented here.

I have no doubt the Senator from Idaho [Mr. BORAH] never intended to reflect upon the honesty of the National Guard or the officers of the guard. I did not take it that way; but before I take my seat I desire to offer, from the adjutant general of Illinois, a communication showing that the National Guard of the State has over $300,000 worth of personal property, and that the State has already constructed or in course of construction 26 armories and other buildings, costing two and a half million dollars.

In regard to the losses of property committed to the care of the Illinois National Guard by the War Department, there is a full explanation in the communication from the adjutant general of that State. It is true that the records of the War De-

partment show some improper use or loss of property intrusted to the National Guards of the several States by the War Department. This does not, I think, as the Senator from Idaho explained in the criticisms that he made, reflect upon their honesty. It only shows, I think, a lack of proper and businesslike conduct in the accounting department of the State sometimes, and sometimes a lack of proper appreciation of the situation on the part of the War Department in years past.

Since the Dick bill became operative a great many million dollars' worth of property have passed from the Government to the States in this way. So far as this communication from The Adjutant General takes the question into consideration it shows that in recent years a more businesslike method of accounting has prevailed; that out of a number of items of property not yet accounted for, in a very recent time the War Department, acting with the proper department of the State of Illinois, has accounted for it; that it has been surveyed by a proper board of disinterested officers and accounted for; that whatever had passed into the custody of the State has either been accounted for or is now under proper process of survey and accounting or in course of payment, and in a very short time will be accounted for.

I think the showing here, with nearly $3,000,000 worth of property, and what has been furnished to this organization, ought in large manner to dispose of the criticisms of the so-called inefficiency of the guard. In the principal States I am satisfied that not only is it efficient, but the property committed to its care by the Government has either been properly accounted for or is now in course of accounting.

I therefore ask, without taking the time to read it, that this communication may be printed at length in the RECORD, and that an article by Henry M. Hyde, in the Chicago Tribune of April 15, 1916, on the same subject may be printed at length, and that a communication from the War Department, signed by the officer who is the Chief of the Division of Militia Affairs, directed to an officer of the cavalry regiment at Chicago, Ill., may be incorporated in the RECORD and printed at length.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

SPRINGFIELD, ILL., *April 16, 1916.*

Senator LAWRENCE Y. SHERMAN,
United States Senate, Washington:

Your telegram of the 16th instant, requesting me send certain information, I reply as follows: General Assembly of Illinois appropriates as maintenance fund National Guard and naval reserve for purposes of ordinary expenses, armory rent, light, heat, caretakers, traveling expenses, officers and noncommissioner officers of Army on duty with State, subsistence, horse hire, forage, pay of troops, transportation, rental of rifle ranges, etc., $389,917 per annum. In addition, emergency fund for active duty within State, $50,000. Also expenses administration of forces, clerk hire, postage, telegraph, etc., $48,560 biennial. Also salaries permanent administrative officers, $24,000 biennial.

The State has constructed and owns or has in process of construction 26 armories, arsenals, storehouses, and permanent barracks, for which the general assembly has appropriated the sum of $2,500,000. Of the above there is in course of construction 12 new armories, 3 of which are regimental in character.

State's personal military property will approximate $300,000, of which more than $50,000 is represented in new steel lockers, the latter to protect and preserve Federal military property issued to organization commanders under surety bond for the use of the individuals comprising their organizations. In addition, an approximately large sum has been and is being spent to render secure in armories occupied by organizations of the State all property, State and Government. We also operate 16 rifle ranges in this State, the 2 larger ones owned by the State and valued at $220,000, the remaining ranges leased and operated by the State at an average land rental per range of $250 per annum.

In the operation of all of these ranges for our rifle practice the entire expense is borne by the State, except that of ammunition drawn from the Federal Government under our allotment and a limited number of civilian pitmen and caretakers during rifle season who are paid from the Federal allotment at the per diem rate and in the number approved by the War Department. No transportation of officers or men going to or coming from any of these ranges nor per diem while on the range nor any of such subsistence as may be furnished is paid from Federal funds, but, on the contrary, all such payments are made from State funds exclusively. No per diems paid from Federal fund to officers or men for any of our annual camps of instruction, except such as are specifically provided for by orders of the War Department as a charge against the Federal allotment to the State, and all such payments are paid through the disbursing officer of the State, who submits to the War Department a monthly account current covering all his disbursements. All transportation and subsistence on our annual tours of instruction are paid from State funds exclusively. The per diem of officers and men and subsistence and transportation for special joint camps of instruction are in part paid from special appropriation allotted by direction of the Secretary of War for the several purposes indicated and additional legitimate expense above the particular allotment for such joint camps is met from State funds.

Relation your query as to Government property invite your attention to report Chief Division of Militia Affairs 1915, which is latest available, page 62, indicating shortage Illinois sum of $5,851.09. This shortage represented unauthorized use Federal property through course of years upon which survey was held and settlement had by payment from State funds for amount approved by Secretary of War. Also, page 332, total charge under section 1661, separate lists, $52,836.17. This represents shortages culminating with change of old Krag rifles, etc., in 1908. In recent years this shortage has been most materially reduced, and is now being further reduced, as surveys disclose presence of any of the property so listed, by being taken up and reported to the War Department for additional credits. Also, page 67, indicates clothing in excess of governor's accountability in the sum of $147,231.64. This represents the amount of stores dropped under authority of section 13, militia law for the year 1911 and 1912, which, under subsequent ruling of Secretary of War, was taken up December 12, 1914, on property accountability, all of which property is either now in the actual possession of the State or has been dropped upon record of survey approved by the Secretary of War.

All Federal property issued to the State is annually accounted for to the Secretary of War, and no property so issued is destroyed or otherwise disposed of, except upon a report of a disinterested surveying officer approved by the governor, forwarded to Washington, and final action had thereon by the Secretary of War, which action directing the disposition of the property so surveyed is communicated by the Secretary of War to the governor, and directions therein are explicitly carried out.

No Federal military property issued to Illinois is loaned to or used by any unauthorized person or agencies.

Relative your request for statement efficiency and fitness our guard, would say that, like Army, our organizations vary in effectiveness; but, on the whole, believe statement that we measure well up to the standard is candid and fair. Officers and men are earnest and hard working in their efforts to increase their efficiency for the better performance of their patriotic duty and are anxious and entirely willing to perform that patriotic duty, be it what it may. As concrete example of their earnestness, I invite attention to fact that the returned inspection reports of one of our regiments—First Cavalry—just received from the War Department, indicates that in the inspection of the entire and complete regiment there were no officers absent and only two enlisted men, which fact called forth a special commendatory letter to Illinois from the Chief Division of Militia representing the Secretary of War.

F. S. DICKSON,
The Adjutant General.

[From the Chicago Daily Tribune of Saturday, Apr. 15, 1916.]

NEW ARMORY OF SECOND REGIMENT BEST IN WEST—STATE BUILDING FITTED WITH ACCESSORIES FOR SOLDIERY AND ATHLETICS—CHANCE FOR OUR YOUNG MEN.

[By Henry M. Hyde.]

You ride more than 3 miles due west on Madison Street—way out beyond Western Avenue—and presently you come to a huge building of steel and concrete, towering up five stories high in the center and spreading out to cover almost half the block between Madison and Monroe.

It is the new armory, just completed, of the Second Regiment of Infantry, Illinois National Guard. It cost $500,000, appropriated by the State.

On the main drill floor there is a square acre of space unbroken by a single pillar. There is a great gymnasium, 50 or more shower baths, more than 30 club and locker rooms for the various companies, revolver and rifle ranges, two or three big halls, with stages and dressing rooms for parties and entertainments and private offices for the field officers and Regular Army instructors of the regiment.

BIGGEST IN THE WEST.

Altogether it is far and away the biggest and most complete armory in this part of the country. So new is it that the regiment has not finished moving in and arranging itself. And on Wednesday, April 26, the big building will be formally opened and dedicated to the use of the National Guard.

All that day the armory will be open for the inspection of the public. In the evening the exercises of dedication will be held, admission being by invitation. If all the statesmen who have been invited accept and appear to make speeches, there would seem to be danger that the 827 men of the regiment and their guests will be swept away in a flood of eloquence. To go no further, the first three orators on the program are Gov. Dunne, Mayor Thompson, and Senator LEWIS.

GET 200 NEW MEMBERS.

The regiment has already felt the impetus of the splendid new armory. During its last few years in the old location on Washington Boulevard, where the quarters were cramped and poorly located, the old command—it dates back to the seventies—rather went down hill.

But since the first of the year more than 200 men have been accepted and sworn into the service, while a number of other applicants were rejected for failure to pass the physical examination. Within the next month it is considered certain the requirements of the War Department will be surpassed.

Not only is the regiment now splendidly housed but its equipment is also almost complete. Col. John J. Garrity, who rose from the ranks, having enlisted as a private more than 27 years ago, is justified in feeling that no National Guard regiment in the country has a greater opportunity or a brighter future.

MACHINE-GUN TROOP FORMED.

A machine-gun company, with its ranks full, has been organized within a week, and its equipment is already on the way from the War Department.

Under the guidance of the regimental adjutant, Capt. Scheying, and the quartermaster, Capt. Laas, one may visit nearly a score of big storerooms in the basement of the armory, filled with all kinds of military supplies, from entrenching tools to head nets for use where mosquitoes are bothersome. In one corner of the basement stand the regimental escort and supply wagons, with an inclined roadway leading up from the floor to Monroe Street, at the rear.

The building is so arranged that everything required for the maintenance and supply of the regiment could be loaded into the wagons and hauled out onto the street while the men were falling in on the floors above.

Practically all the officers of the regiment, including the regimental and battalion staffs, will attend the officers' school to be held at Fort Sheridan during the week of July 9. The whole regiment will go into camp at the fort for eight days on July 30.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
DIVISION OF MILITIA AFFAIRS,
Washington, April 5, 1916.

Maj. M. M. MCNAMEE,
United States Cavalry, Chicago, Ill.

MY DEAR MAJ. MCNAMEE: The Chief of the Division of Militia Affairs directs me to express to you, and through you to the commanding officer, First Cavalry, Illinois National Guard, his satisfaction and pleasure in noting the progress made during the past year by the regiment in numerical strength and in general efficiency.

Very truly, yours,

S. R. GLEAVES,
Captain, Cavalry.

Mr. CHAMBERLAIN. Mr. President, I rise just for the purpose of meeting an emergency that may happen a little later. I move that when the Senate takes a recess, it recess until 12 o'clock to-morrow.

The VICE PRESIDENT. That will not attain the object which the Senator has in mind. That, however, is no business of the Chair.

Mr. CHAMBERLAIN. If I make the motion now, and it is carried, that when the Senate takes a recess——

The VICE PRESIDENT. Manifestly, the Senator is fearful that there will not be a quorum.

Mr. CHAMBERLAIN. Yes, sir.

The VICE PRESIDENT. So, if the Senator desires to attain his object, it must be a motion that not later than a certain hour the Senate will take a recess until a certain time.

Mr. CHAMBERLAIN. Then I will put it that way, Mr. President—that not later than 6 o'clock the Senate take a recess until to-morrow at noon.

The VICE PRESIDENT. That will cover it. The question is on the motion of the Senator from Oregon.

The motion was agreed to.

Mr. CUMMINS. Mr. President——

Mr. WARREN. Is there not an amendment now before the Senate? I think there is an amendment pending.

The VICE PRESIDENT. Yes.

Mr. CUMMINS. A parliamentary inquiry, Mr. President. I assumed that the amendment offered by the Senator from California had been voted upon.

The VICE PRESIDENT. It has not.

The question is on the amendment of the Senator from California [Mr. WORKS], as modified, to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. LEE of Maryland. Mr. President, I desire to submit an amendment, in connection with section 62, as to the number of the National Guard. That section provides a number; and the only number it mentions for the National Guard for the first year is 200. The House bill reads in the same way; but if we multiply 200 by 531, the number of Congressmen and Senators, it gives us only 106,000 for the National Guard, or a reduction of 28,000 from the present and existing number of 134,000. The present minimum authorized number by existing law is 153,108 men, and the estimates of the War Department are based upon this minimum authorized number of 153,108 Organized Militia.

Looking at section 62 as it is now written, I can not see upon what number the department is to estimate for the expenditures for the militia, unless it estimates upon the basis of 200 for each Congressman and Senator, or the reduced number of 106,200. Of course, there are certain reservations in the remaining portion of this sixty-second section.

Mr. WARREN. Mr. President, may I ask the Senator a question?

Mr. LEE of Maryland. Certainly.

Mr. WARREN. Does not the Senator understand that the bill provides against reducing any existing companies or bodies, providing they subscribe to the conditions of the bill in the line of federalization of the National Guard?

Mr. LEE of Maryland. The bill provides against reducing any of the present organizations if they conform; but, of course, it is not known that they are going to conform; and when the department comes to estimate it will have to estimate upon some specific number. The only number in the section is 200.

Mr. WARREN. Does the Senator refer to the money estimate?

Mr. LEE of Maryland. The money estimate.

Mr. WARREN. Undoubtedly the War Department under the terms of this act would not fail to estimate for the full number that we have provided, including present organizations, because the provisions of the bill so provide subject to the federation provisions.

Mr. LEE of Maryland. I think the Senator is wrong about that, because the department does not now estimate upon the actual number of the militia in existence. The department does not estimate for the existing number of 134,000. It estimates for 153,108, which is the minimum strength authorized by law. It has to estimate according to law.

The departments are constrained to estimate according to law, and the only definite number in this section 62 as written either by the Senate committee or the House is 200 for each Senator and Representative, which multiplied by the number of Senators and Representatives gives 106,200 National Guardsmen.

What I would suggest, Mr. President, by way of amendment is to strike out "200" and insert "350." That would give 185,000 for the National Guard to start upon, and it would, as an estimating basis to start upon, certainly prevent a reduction of the National Guard from the standpoint of the estimates. It is a very singular thing that when we are all talking about preparedness and increased military forces defense, the number of National Guard to be estimated for by the War Department should apparently be cut down by this section from 134,000, the present actual number, from 153,000, the present number authorized by law, to 106,200.

For that reason I call up the amendment that "200" in line 9, section 2, be stricken out and that "350" be inserted in place thereof.

Mr. CHAMBERLAIN. I do not think that language is susceptible of the construction the Senator from Maryland places on it. It is true it provides for raising in the State troops in the proportion of 200 for each Senator and Representative, but further along in the section there is this proviso:

Provided, That this shall not be construed to prevent any State, Territory, or the District of Columbia from organizing the full number of troops required under this section in less time, or from maintaining existing organizations if they conform to such rules and regulations regarding organization, strength, and armament as the President may prescribe.

The organization of the National Guard will not be reduced if this becomes a law, as the Senator seems to apprehend. He made that statement the other day. This preserves the present organization intact.

Mr. LEE of Maryland. May I ask the Senator a question?

Mr. CHAMBERLAIN. Yes.

Mr. LEE of Maryland. How would the department know that? How can it estimate when it does not know whether all or less of the existing number will conform or not? The number to conform is not yet known, and it may be reduced or it may be larger. Upon what is the department's estimate, except upon the 200 mentioned in the section as now written and being the only number defined by law, based?

Mr. CHAMBERLAIN. They would estimate on the basis of the present organization, just as they would estimate it now, because if they conform to the rules and regulations provided for they remain exactly as they are to-day.

Mr. LEE of Maryland. Does not the Senator recognize that the present estimates are made on the 153,000 National Guard now authorized by law? This section does away with that number clearly, and, as to the present organizations, they may be much greater or may be much less. They may conform or they may not conform. The only certainty left is the 200 mentioned in this section.

Mr. CHAMBERLAIN. Section 60 provides for the organization of the National Guard into units. I do not think it is necessary to do that.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Maryland to the amendment.

The amendment to the amendment was rejected.

Mr. LODGE. Mr. President, I desire to offer an amendment at page 148, line 12. I will ask that the amendment be read, and then I will explain it in a moment.

The VICE PRESIDENT. The amendment to the amendment will be read.

The SECRETARY. On page 148, line 12, after the word "recommended," insert the following proviso:

Provided, That the President may, in his discretion, exempt from the preference granted in this section any position or office which in his opinion should be filled by open competition under the provisions of the civil-service law.

Mr. LODGE. Mr. President, that is an amendment to the section which gives preference to enlisted men mustered out with an honorable discharge for appointment under the War Department. I entirely approve of the section. I think it would be an encouragement to enlistment. I believe myself that then appointments will be as wholly free from politics and they may as well be examined by an Army officer as if they came through the civil-service examination. I believe that we shall secure a very good class of men for the civil service, who will be all the more suitable because they have had military training.

But, Mr. President, there are some positions under the War Department which require experts—chemical experts, for example—and there are various positions of that sort which require special training. I think the section as it stands is a little too rigid and it would be well to give enough latitude to the President so that if there are, as there are, certain positions under the jurisdiction of the War Department which require special training and education, the President or the Secretary of War should not be compelled to appoint from a body of men where he might not be able to get the kind of training and the kind of man he wanted. It is simply to give a little elasticity to the section.

Mr. CHAMBERLAIN. I have no objection to the amendment and I am sure the committee would not have any objection to it. The Senator from Massachusetts submitted it to me before he introduced it and I can see no harm in it. I am willing to accept it.

The amendment to the amendment was agreed to.

Mr. OWEN. Mr. President, I move an amendment, on page 114, in line 5, after the colon, to insert the following proviso:

Provided, That the total number of commissioned officers of the Medical Corps may, upon the order of the President, be proportionately increased up to 7 for every 1,000 of the total enlisted strength of the Army as it may be authorized from time to time.

The VICE PRESIDENT. The Secretary will read the amendment to the amendment.

The amendment to the amendment was read.

Mr. OWEN. Mr. President, under the tables of organization as prepared by the War Department (1914) the number of medical officers admitted now to the thousand of the enlisted men in the fighting line amounts to a fraction over five. On page 40 of Table 5 the following appears:

Medical base group: Surgeon in charge, 1; base hospital, 20; supply depot, 2.

No provision is made for the hospital train, for the convalescent camp, for contagious-disease hospitals.

On page 41 of the tables of organizations, Table 5, provision is made for the medical advance group:

Surgeon in charge, 1; sanitary column, first, ambulance company, 5; second, evacuation hospitals, 28.

The figures which appear in the bill have been based upon the number of officers who are assigned for the fighting force in the front line and relate to the medical service that has to be with the troops in the firing line, and makes no provision for the medical officers required in the line of communication and those required for the base operations in taking care of the wounded.

The total medical officers, therefore, for the enlisted force of 20,673 men in an army division would be 99 for the front line, and for the medical base it would be 23, and the medical advance group would be 34, making a total for an Infantry division operating at the front of 156 men, or something over 7 to the thousand under plans of organization laid down by the General Staff itself. I should like particularly to have the chairman of the committee hear this.

Mr. CHAMBERLAIN. Pardon me.

Mr. OWEN. I want to call the attention of the chairman of the committee to the fact that the tables of organization made up by the General Staff, and as a part of the explanation of what this organization is and the proportion, show that in the enlisted force of combatants, enlisted men, 20,673, there are needed 99 medical officers on the proposed firing line, and the bill has proceeded upon the theory that only that many are needed; but on page 40 of the table of organizations, and page 41, is shown another set of medical men who are required equally in the service—23 for the medical base group line of communication and 34 for the medical advance group—making a total of 156 to the 20,000 number of enlisted men, which is a fraction over 7 to the thousand; and the attention of the committee possibly was not drawn to that. I should like to ask the Senator if I am right about it.

Mr. CHAMBERLAIN. I do not recall particularly about that question, but we went into it quite fully.

Mr. OWEN. The number of medical men allowed by the pending bill makes only about 5 to the thousand, and it is obviously based upon the tables of organization, which only allow 99 to 20,000 men, without considering the number of men required for the medical base group, the line of communication, and the advance group, which takes 23 and 34, respectively, requiring a total of 156 men. So the suggestion which I make in this amendment would permit this matter to go into conference; and if the Senator would agree that it might go into conference, I think it would meet the point which I believe ought to be considered.

Mr. CHAMBERLAIN. I will state to the Senator that it can not go into conference very well if we raise the proportion here, because the House bill has that very number.

Mr. OWEN. Then the Senator takes the position that it would be in conference in any contingency.

Mr. CHAMBERLAIN. I think so.

Mr. OWEN. Mr. President, the reason, I take it, that the House bill provided for that was that that was the recommendation of Gen. Gorgas, whose advice was based on the tables of organization above quoted and on his knowledge of the necessities of the case which he fully explained to the House committee.

I want to call the attention of the Senator to Table No. 5. It allows for one 500-bed base hospital and two 324-bed evacuation hospitals. Table No. 2 allows four field hospital companies, with 216 beds each, or 864 beds, making an entire total of 2,012 beds for an infantry division operating on the front. That is practically a 10 per cent provision for the sick and wounded.

The medical service, Mr. President, in connection with the Army is of very much more importance than is generally appreciated. The economy of abundant supply in this respect ought not to be overlooked, because if we consider the actual cost in war, a large part of our cost has been the amount of the pension list, and the pension list of the United States, which has gone up to a total of thousands of millions since the Civil War, is very largely due to diseases caused by unsanitary conditions during war and men falling ill because of exposure and to an inadequate degree of medical attention. That could be in a large measure avoided if there were a proper supply of medical officers trained as soldiers.

I take it that the committee having made their draft without regard to the facts I have stated feels precluded from permitting any modification of it; but I wanted to call attention to the fact that the tables upon which they appear to rely relate only to the soldiers in the service at the front and do not include the lines of communication nor the base of supplies. I hope that this amendment may be adopted.

Mr. CHAMBERLAIN. Mr. President, the committee gave that amendment a good deal of consideration, or, rather the proportion that the amendment suggests. I received a letter from the Secretary of War in reference to it under date of the 8th instant, calling attention to the number the House bill provided for and the number the Senate committee bill provides for and objecting to giving a larger proportion of medical men to the service. I am going to have it inserted in the RECORD.

Mr. OWEN. I should like to have it read, Mr. President.

Mr. CHAMBERLAIN. I will ask the Secretary to read it.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

WAR DEPARTMENT,
Washington, April 8, 1916.

Hon. GEORGE E. CHAMBERLAIN,
Chairman Committee on Military Affairs,
United States Senate, Washington, D. C.

MY DEAR SENATOR: My attention has been called to an amendment made in the House of Representatives to section 8 of H. R. 12766, Sixty-fourth Congress, first session, which bill is now before the United States Senate.

This amendment, which authorizes 7 officers of the Medical Corps for each 1,000 enlisted men of the Army, has the effect of increasing the number of commissioned officers of that corps from 695, as provided in the bill, to 1,106, distributed proportionally in grade as at present. The enlisted force of that bill is about 158,000, line and staff.

When a copy of S. 4840, Sixty-fourth Congress, first session, was received from the Senate Committee on Military Affairs, with request for report thereon, a report by the War College Division, General Staff, was forwarded, approving in the section concerning the Medical Corps, the number of officers for the Medical Corps fixed at a total of 897.

The enlisted force authorized by that bill is, in time of peace, about 194,586, including Philippine Scouts.

It will readily appear that an allowance of 1,106 medical officers for 158,000 enlisted men is very much in excess of 897 for 194,586 enlisted men. At the ratio prescribed by this amendment to H. R. 12766, the number of medical officers for an enlisted force contemplated by S. 4840 (194,586) will be 1,362.

I do not know who recommended the ratio prescribed by this amendment. I believe Members of the House of Representatives who approved the change did not appreciate that its effect would be to add 411 medical officers to those provided in the bill, nor that the War Department had approved only 897 for a force much larger than that contemplated by H. R. 12766.

The avoidable addition of officers to the permanent peace establishment unnecessarily increases the expense of the Army and the per capita expense of each soldier thereof.

I inclose for your consideration a report on "Sanitary troops in foreign armies" (WCD 9319–1), prepared by the War College Division of the General Staff as a supplement to a "Statement of a proper military policy." On page 57 of this report you may be interested to read the statement showing the number of medical officers in the permanent peace establishments of various countries.

The United States has now 4.3 to 1,000 men, or, including officers of the Medical Reserve Corps, 5.3 to 1,000 men. This ratio is better than that maintained in peace in any other country, and it will be slightly increased (4.3 to 4.6) by adoption of the ratio which S. 4840 as drawn by the Senate Committee on Military Affairs shows. It will be raised

from 4.3 to 4.4 if the original figures (695) of H. R. 12766 for 158,000 men be retained.

This information is furnished the chairman Committee on Military Affairs, House of Representatives, as well as to yourself, for such action as you deem proper if the bill should be submitted to a conference committee.

Very sincerely, NEWTON D. BAKER,
Secretary of War.

Mr. CHAMBERLAIN. Mr. President, I want to make this statement in connection with the matter: The bill reported by the Senate committee provides for 897 officers. There are now in the service 15 contract surgeons and now authorized by the Secretary of War 125 Medical Reserve Corps officers, making a total of 1,038. These numbers can be increased by the Secretary of War at his discretion, and if any emergency should arise he can employ as many more as necessary. In time of war medical reserve officers and medical officers from the Officers' Reserve Corps of the bill can be employed by thousands. There is no limitation upon it at all in case of emergency.

At present in the Army there are 444 officers, 15 contract surgeons, 125 Medical Reserve Corps officers, authorized by the Secretary of War, making a total of 584 for 108,000 officers and men, or 5.4 per 1,000.

The personnel of the Army is a selected personnel, Mr. President, and, as a rule, they are strong physically. The average number of sick, or, as it is called, the "noneffective rate," in the Army has been in the past 10 years 37 per 1,000. This rate has been constantly falling, and last year, according to the reports of the Surgeon General, it was about 24 for 1,000.

The Senate bill provides for about 5.3 medical officers per thousand men, or about 1 medical officer to each 4½ sick men. So that the doctor does not have a very big job to perform in times of peace as our Army is now constituted.

The amendment of the Senator from Oklahoma provides seven medical officers per thousand, or one medical officer for every three and one-half sick men in the Army, taking, of course, the statistics from the Surgeon General's Office.

To show that the committee has generously provided for the health and sanitary welfare of the troops, I point out that in war there is no limit to the number of doctors under this bill that could be supplied for the Army; that in an emergency occurring in times of peace the number can be increased temporarily at the discretion of the Secretary of War, while in ordinary times of peace we will have a larger proportion of medical officers to troops than has any other army in the world, and that the proportion of physicians and surgeons to care for the most healthy class of our population is about four times the number existing in civil life in the country at large, and greater than that in any other army in the world in times of peace.

There were, in 1914, in the United States 1.4 doctors to every 1,000 inhabitants; in the French Army, 3.6 per thousand; in the German Army, 3.7 per thousand; in the British Army, 4.2 per thousand; and in the Japanese Army, 5.2 per thousand. Now, we have raised the number provided for in the Japanese Army to 5.3 in our bill, and the amendment of the Senator proposes to raise it to 7 per thousand.

Mr. HARDWICK. Mr. President, will the Senator let me ask him a question there?

Mr. CHAMBERLAIN. I will not have time to yield, I am afraid.

Mr. HARDWICK. I will give the Senator my time, if necessary. I merely desire to ask him what is the proportion in the House bill?

Mr. CHAMBERLAIN. Seven. Now, Mr. President, counting the Medical Reserve Corps and the contract surgeons the committee bill provides 5.3 medical officers per thousand men. The proposed amendment asks for 7 per thousand; and I submit to the Senate whether one doctor should not be able to care for four and a half sick men or whether he can only care for three and a half sick men, and whether the already generous provision in this matter should be increased extravagantly, because this is practically doubling the number of the Medical Corps, and all of them will have to be paid when there will be very little use for them in time of peace in any larger number than we have now.

Mr. OWEN. Mr. President——

Mr. STONE rose.

Mr. OWEN. I merely want to make a response to what has been said here, before the attention of the Senate is diverted to another matter.

The VICE PRESIDENT. But, unfortunately, the unanimous-consent agreement provides that each Senator may make but one speech, and that not longer than 10 minutes, on each amendment.

Mr. OWEN. Very well.

Mr. STONE. Mr. President, I should like to inquire of the Senator from Oregon if it would be agreeable to him to have an executive session at this time?

Mr. CHAMBERLAIN. Let us first have a vote on the pending proposition.

Mr. OWEN. Mr. President, I withdraw my amendment for the present.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate, under the order previously made, took a recess until to-morrow, Tuesday, April 18, 1916, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 17, 1916.

RECEIVER OF PUBLIC MONEYS.

Andrew J. Foster, of Lakeview, Oreg., to be receiver of public moneys at Lakeview, Oreg., vice Fred P. Cronemiller, term expired.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from April 12, 1916.

Howard James Knott, of Washington.
Edwin Roy Tenney, of Kansas.
Edmund McCollam Connely, of New York.
Marion Cherigny Palmer, of North Carolina.
Alonzo Bolen Middleton, of Illinois.
Warren David Calvin, of Indiana.
Edward Cochrane Gow, of New York.
John Kelso Ormond, of Maryland.
Frank Nicholls Dealy, of New York.
Frank Marion Barker, of Illinois.
Frank Lawrence Putman, of Hawaii.
Harry Emerson Foster, of California.
George Ross Winters, of Pennsylvania.
John Charles Calhoun, of Pennsylvania.
Henry Norton Torrey, of Michigan.
Charles Willard Selover, of New York.
Lucius Wales Hotchkiss, of New York.
Jesse Irving Sloat, of the District of Columbia.
Joseph Leidy, of Pennsylvania.
Charles Venable Carrington, of Virginia.
Paul Hudson Zinkhan, of the District of Columbia.
Carrington Williams, of Virginia.
Edward Douglas Piper, of Idaho.
John Staige Davis, of Maryland.
Austen Fox Riggs, of Massachusetts.
Emil Altman, of New York.
Arthur Bradley Eisenbrey, of New York.
Frederick Tilney, of New York.
William Evans Bruner, of Ohio.
Gordon Niles Morrill, of Ohio.
Harry Rosewell Wahl, of Ohio.
John Eugene Brooks, of Maine.
Robert Leland Maynard, of Vermont.
Joseph Edgar Rowan, of Ohio.
George Alden Lewis, of Montana.
Sydney Robotham Miller, of Maryland.
Henry Richmond Slack, jr., of Maryland.
Ralph R. Ryan, of New York.
Thomas Caldwell Savage, of Alabama.
William Robert Cubbins, of Illinois.
David Melvin Davis, of Maryland.
Peregrine Wroht, jr., of Maryland.
James Ely Talley, of Pennsylvania.
Oliver Hazard Perry Pepper, of Pennsylvania.
Mordecai Robert Bren, of Colorado.
George Nicholas Acker, 2d, of New York.
Samuel Swift, of New York.
George Roger Dempsey, of New York.
Harry Ezekiel Isaacs, of New York.
John William Sluss, of Indiana.
Elliott Carr Cutler, of Massachusetts.
Albert Alphonso Wood Ghoreyeb, of Massachusetts.
Frederic Augustus Washburn, of Massachusetts.
Jacob Jerome Steinfelder, of New York.
Edwin I. Bartlett, of Maryland.
Theodore Caldwell Janeway, of Maryland.

Daniel Webster Prentiss, of the District of Columbia.
Howard Thomas Karsner, of Ohio.
Charles Walter Stone, of Ohio.
Albert Clifford Hirshfield, of Oklahoma.
Harold Colton Herrick, of Missouri.
Wilson George Smillie, of Massachusetts.
Charles Booth Spruit, of Massachusetts.
José Penteado Bill, of Massachusetts.
Harold Everett Eggers, of Wisconsin.
Eben Winslow Fiske, of Massachusetts.
Archibald McKay Fraser, of Massachusetts.
William Joseph McDonald, of Massachusetts.
Samuel Clark Harvey, of Connecticut.
Mortimer Edwin Danforth, of Michigan.

PROMOTION IN THE ARMY.

INFANTRY ARM.

Second Lieut. Martin C. Shallenberger, Sixteenth Infantry, to be first lieutenant from April 7, 1916, vice First Lieut. Robert H. Willis, jr., unassigned, detailed in the Aviation Section, Signal Corps.

PROMOTIONS IN THE NAVY.

The following-named assistant surgeons of the Medical Reserve Corps of the Navy to be assistant surgeons in the Navy from the 10th day of April, 1916:
John Harper,
Richard H. Miller,
Paul Richmond, jr.,
Forrest M. Harrison,
Lawrence F. Drumm,
George W. Taylor,
Walter A. Vogelsang,
Elphege A. M. Gendreau,
Grover C. Wilson,
Russell J. Trout, and
Virgil H. Carson.

Chaplain Hugh M. T. Pearce, with rank of lieutenant (junior grade), to be a chaplain in the Navy, with rank of lieutenant, from the 5th day of March, 1916.

POSTMASTERS.

COLORADO.

Anna C. Vaughan to be postmaster at Castle Rock, Colo., in place of Agnes H. Alford, declined.

GEORGIA.

R. C. Thornton to be postmaster at Hartwell, Ga., in place of John C. Massey. Incumbent's commission expired April 11, 1916.

IDAHO.

O. P. Jensen to be postmaster at Shelley, Idaho, in place of A. S. Yorgensen. Incumbent's commission expired February 8, 1916.

ILLINOIS.

Joseph H. Wagoner to be postmaster at Glenellyn, Ill., in place of J. W. Vallentyne, resigned.

INDIANA.

Grover C. Luther to be postmaster at Clay City, Ind., in place of Charles C. Fesler. Incumbent's commission expires May 10, 1916.

IOWA.

T. V. Barnard to be postmaster at Schaller, Iowa, in place of Ozro J. Kramer. Incumbent's commission expires May 17, 1916.

MAINE.

Gertrude S. Henneberry to be postmaster at Fort Fairfield, Me., in place of A. W. Richardson. Incumbent's commission expires April 24, 1916.

Wilbur F. Goodwin to be postmaster at Kennebunk Port, Me., in place of P. A. Twambley. Incumbent's commission expires April 24, 1916.

MASSACHUSETTS.

William F. Kelley to be postmaster at South Acton, Mass., in place of Harry E. Clough. Incumbents' commission expired April 5, 1916.

MICHIGAN.

Miles L. Hadsall to be postmaster at Birch Run, Mich., in place of George L. Curtis. Incumbent's commission expired April 5, 1916.

MISSISSIPPI.

W. N. Guyton to be postmaster at Blue Mountain, Miss., in place of Thomas D. Hill. Incumbent's commission expires April 24, 1916.

MONTANA.

Clara D. McDonel to be postmaster at Philipsburg, Mont., in place of Lawrence Hauck. Incumbent's commission expires May 17, 1916.

NEBRASKA.

W. G. Lawrence to be postmaster at St. Edward, Nebr., in place of Loree V. Styles. Incumbent's commission expires May 17, 1916.

NEVADA.

M. A. Macfarlane to be postmaster at Winnemucca, Nev., in place of James Ritchie, declined.

Sam Tidball to be postmaster at Ruth, Nev., in place of J. M. Slopausky, resigned.

NEW HAMPSHIRE.

Archie M. Swett to be postmaster at Antrim, N. H., in place of Leander Patterson. Incumbent's commission expires May 17, 1916.

NEW YORK.

Adam Hersperger to be postmaster at Mayville, N. Y., in place of Frank Stowell. Incumbent's commission expired February 23, 1915.

OKLAHOMA.

G. H. Crittenden to be postmaster at Rush Springs, Okla., in place of Henry W. Kinnard, deceased.

Willard P. Morris to be postmaster at Hooker, Okla., in place of Ellis J. Baxter. Incumbent's commission expires May 1, 1916.

PENNSYLVANIA.

J. H. Aten to be postmaster at Ambridge, Pa., in place of H. Lee Goerman, resigned.

John C. Wiegel to be postmaster at Aliquippa, Pa., in place of Sarah V. Patton. Incumbent's commission expires April 24, 1916.

SOUTH DAKOTA.

J. E. Burns to be postmaster at Timber Lake, S. Dak., in place of James H. Reed. Incumbent's commission expires May 8, 1916.

VIRGINIA.

Sidney Sheltman to be postmaster at Christiansburg, Va., in place of Floyd L. Harless. Incumbent's commission expires May 1, 1916.

WYOMING.

Thomas B. Scott to be postmaster at Greybull, Wyo., in place of Mary E. Hurst, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 17, 1916.

PROMOTIONS IN THE NAVY.

Commander George R. Marvell to be a captain.
Lieut. Commander Edward McCauley, jr., to be a commander.
Lieut. Robert Henderson to be a lieutenant commander.
Lieut. Edward C. S. Parker to be a lieutenant commander.
Pharmacist Carl B. Furnell to be a chief pharmacist.

POSTMASTERS.

MASSACHUSETTS.

William P. Lovejoy, Barnstable.

MISSISSIPPI.

John A Smallwood, Ripley.
A. B. Smith, Indianola.

NORTH DAKOTA.

John C. Nippolt, Wishek.

OHIO.

C. T. Shively, Rogers.

RHODE ISLAND.

Samuel W. Smith, jr., Jamestown.

SOUTH DAKOTA.

Frelen Riley, Parker.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 17, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We lift up our hearts unto Thee, O Lord, from whence cometh our strength, our wisdom, our daily bread, and all that makes for righteousness in the soul. Impress us mightily with this truth, that we may give strength for strength, wisdom for wisdom, righteousness for righteousness, and thus make the world our debtor through Thee for pure, noble, manly lives, in the spirit of the world's great Exemplar; for Thine is the kingdom, and the power, and the glory forever. Amen.

The Journal of the proceedings of Saturday, April 15, 1916, and of Sunday, April 16, 1916, was read and approved.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS.

Mr. BYRNS of Tennessee. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 12207, the legislative, executive, and judicial appropriation bill, with Senate amendments, and that the House disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take from the Speaker's table the bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, and to disagree to the Senate amendments and ask for a conference. Is there objection?

Mr. MANN. Reserving the right to object, the gentleman from Pennsylvania [Mr. WATSON] desires to address the House for 15 minutes on one of the Senate amendments to the bill. Has the gentleman any objection to that?

Mr. BYRNS of Tennessee. I have no objection to that. I am glad to yield him the time.

The SPEAKER. The gentleman from Pennsylvania [Mr. WATSON] is recognized for 15 minutes. [Applause.]

Mr. WATSON of Pennsylvania. Mr. Speaker, as a member of the Committee on Patents, I approve of amendment No. 171 to the legislative, executive, and judicial appropriation bill, in order that better service may be afforded to the public through the Patent Office. The amendment is as follows:

> For special and temporary services of typewriters, certified by the Civil Service Commission, who may be employed in such numbers at $2.50 per diem as may, in the judgment of the Commissioner of Patents, be necessary to keep current the work of furnishing manuscript copies of records, $10,000.

With the present force it is impossible to furnish such copies within a period of six weeks.

Fifteen typewriters are employed in this division, but at times half of them are detailed to other offices in order to fill the places of those who are ill or absent on leave.

The bill in question extends to the commissioner the privilege of employing for special work typewriters, at $2.50 per diem, who are required to be certified by the Civil Service Commission. Nine thousand three hundred words is the daily average, copied by each of the service typewriters, the department receiving 10 cents for 100 words of manuscript.

After deducting the charges for comparing and the price of paper, leaves a profit of about $3 per day for each typewriter temporarily employed under this bill.

Those residing out of Washington, desiring a manuscript copy of any of the records for immediate use, are compelled to employ attorneys to procure them, and when it is necessary to have the manuscript certified by the Patent Office the applicant is obliged to pay the same charges as if the Government had made the original copy.

Fifty millions of words are copied yearly into manuscript. Of this number the Government last year transcribed 29,883,400 words. I have been informed by the head of this bureau if a sufficient force was employed to enable the department to promptly meet the demands of the public the division would write yearly 20,000,000 more words than they do now, increasing the receipts by some $100,000.

Last year the various divisions of the Patent Office paid into the United States Treasury the sum of $237,000, being the net profits of the bureau for the year ending December 31, 1915, and a total of $7,785,000 has been placed to the credit of the Patent Office as service earnings.

This pecuniary showing is not so important a consideration, perhaps, as it is to give prompt service to the public.

I now wish for a moment to bring to your attention our antiquated Patent Office Building. If you are interested go into the basement. There you will find piles upon piles of loose leaves of German patents and specifications; if bound, would make 200,000 volumes or more.

They are now useless, because the public can not have access to them for the reason that the single leaves would, in all probability, be lost or destroyed.

These valuable records certainly are worth an appropriation to bind them.

Then ascend to the story above and walk along the corridors, and you will find thousands and thousands of priceless papers stored upon wooden shelves, placed along inflammable partitions.

A spark, and we would be reminded of the fires of 1836, which destroyed the Patent Building and its contents; and of 1877, when 87,000 models and 600,000 photolithographic copies of drawings were ruined by fire and water.

The third floor reveals a room the public occupies for examining records. This is a narrow chamber, badly ventilated, uncomfortable, and with no place set apart for quiet study.

For a number of years the employees prepared and read papers upon subjects bearing upon the work of their divisions, which encouraged and trained them to be more efficient in performing the functions of their offices.

These papers were purchased by attorneys and others interested in the study and progress of science, and the useful arts.

The money derived from the sale of these brochures was sufficient to pay for printing and binding them into pamphlets.

This social and educational part of the work of the Patent Office, though not of an official nature, has been abandoned because the room set apart for those meetings was required for filing space.

There are 43 examining divisions. For want of sufficient service in many cases the applicants for patents, after filing their claims, must patiently wait for months before they can be read by the examiners.

This bureau is not rendering to the public the service which they have a right to demand.

A few years ago Congress created an Interstate Commerce Commission, and recently enlarged its powers in order that the public might be better served.

The wisdom of this action has been demonstrated by the effectual work accomplished by the commission. The Bureau of Efficiency, because of its limited appropriations since it was created, has been unable to extend its services to all the Government departments, and it has not reached the Patent Office.

In accordance with the last report, the Bureau of Efficiency, at a cost of $73,000, saved the United States Treasury $371,000 during the fiscal year ending June 30, 1915.

It is not my purpose to criticize the administration, nor the Committee on Patents, nor the employees, but the system.

The commissioner, with singular ability, is performing the duties of the office in the best possible manner under the circumstances confronting him.

In 1912 the Commission on Economy and Efficiency, at a cost of many thousands of dollars investigated the administration of the Patent Office, and made an able and exhaustive report to Congress.

Temporary commissions of investigation do not always produce the results intended. Members who favor investigations in one Congress may not be Members of the following, and the recommendations of commissions are generally slow to be adopted.

Mr. MOORE of Pennsylvania. Will the gentleman yield for a question?

Mr. WATSON of Pennsylvania. I yield to my colleague.

Mr. MOORE of Pennsylvania. Is anything being done to remedy the conditions of which the gentleman speaks?

Mr. WATSON of Pennsylvania. Very, very little. There are now pending bills before the Patent Committee, but the commissioner is endeavoring to bring about better conditions. I am giving you the description of the Patent Office as it is to-day.

Mr. MOORE of Pennsylvania. The gentleman is setting out a state of facts that is deplorable and that might call for additional legislation. I desire to know whether any bills are now pending looking to the correction of these conditions?

Mr. WATSON of Pennsylvania. Only to increase the efficiency of the office by having more employees.

Mr. OGLESBY. If the gentleman will permit, several bills have been reported, and there are two or three on the Unanimous Consent Calendar for to-day which attempt to remedy this condition.

Mr. WATSON of Pennsylvania. Permanent commissions receive in perpetuity the expressions of the Congress in which they are created, and, therefore, they are daily performing the functions of their office.

For these reasons the Bureau of Efficiency is bringing about for our departments a higher state of attainments than heretofore has been reached.

The present Patent Office Building being inadequate for the service and not fireproof, the erection of a new building is the only remedy to be suggested.

A fire not only would destroy the records, which could never be replaced, but would cause lawsuits which would never end.

Here are stored the records of the ingenuity of men who have caused the wheels of machinery to revolve so as to be almost human in their actions, thus spreading over our land industries which are the foundation of our wealth and power. Yet we permit these original drawings and specifications to remain unprotected from fire and mold.

Are we giving adequate service to those who are working, planning, and starving for the further development of our Nation?

The Patent Office Building should be in itself a monument to our great inventors.

We who are Members of Congress are directors of the greatest corporation on earth—the United States of America—and as trustees for the people it is our duty to press the various public departments, to give the highest and most efficient service it is possible for them to render. [Applause.]

The SPEAKER. Is there objection to the request of the gentleman from Tennessee [Mr. BYRNS]?

There was no objection; and the Speaker announced as conferees on the part of the House Mr. BYRNS of Tennessee, Mr. SISSON, and Mr. GOOD.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. This is Unanimous Consent Calendar day. The Clerk will call the first bill on the Calendar for Unanimous Consent.

BRIDGE ACROSS MISSOURI RIVER.

The first business in order on the Calendar for Unanimous Consent was the bill (H. R. 9909) to authorize the Chicago, Milwaukee & St. Paul Railway Co. to construct a bridge across the Missouri River.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill.

Mr. ADAMSON. Mr. Speaker, the bill having been read at the previous session, is it necessary to read it again?

Mr. MANN. Oh, I think it ought to be read.

The SPEAKER. The Chair is inclined to think it ought to be read.

The bill was read, as follows:

Be it enacted, etc., That the Chicago, Milwaukee & St. Paul Railway Co., its successors and assigns, are hereby authorized to construct, maintain, and operate a bridge, and approaches thereto, across the Missouri River at a point suitable to the interests of navigation, said bridge to extend from a point on the west bank of said river in the county of Lyman to a point in or near the city of Chamberlain, in Brule County, in the State of South Dakota, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the act of Congress approved February 9, 1905, which granted to the White River Valley Co., its successors and assigns, the right to construct and maintain a pontoon and pile bridge across said Missouri River from a point on the west bank of said river in the county of Lyman to a point on the east bank of said river in or near the city of Chamberlain, in Brule County, in the State of South Dakota, is hereby repealed, but permission is hereby granted to maintain the present pontoon and pile bridge for one year from and after the date of this act: *Provided*, That if, on or before one year from and after the date of this act, it shall be shown to the satisfaction of the Secretary of War that actual construction of the bridge herein authorized has been commenced, then the said company, its successors or assigns, is hereby granted permission to maintain said pontoon and pile bridge during the period of construction of the bridge herein authorized, but in no case is said company granted permission to maintain said pontoon and pile bridge for a period longer than three years from and after the date of this act.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. ADAMSON. Mr. Speaker, two weeks ago there appeared to be some question as to whether or not the railroad company had had due notice of the pendency of this bill, so I requested that it be passed without prejudice, in order to be sure that there was a fair opportunity all around. Since that time the parties have met and agreed to a satisfactory amendment of the bill. In accordance with that agreement I move that on page 2 in lines 10 and 11 the word "one" where it occurs in each line be stricken out and in lieu thereof the word "two" be inserted.

The SPEAKER. The Clerk will report the amendment.

Mr. MANN. In what lines?

Mr. ADAMSON. Lines 10 and 11.

Mr. MANN. The gentleman must have a print of the bill before it was reported.

Mr. ADAMSON. No; it is the print of the bill as reported and referred to the House calendar.

Mr. MANN. There is no word "one" in lines 10 or 11.

The SPEAKER. The Clerk informs the Chair that it ought to be lines 12 and 13.

Mr. ADAMSON. The gentleman is correct. The memorandum handed to me refers to the wrong lines.

Mr. MANN. It refers to the bill before it was reported.

Mr. ADAMSON. The memorandum was drawn and handed to me. I did not compare it with the printed bill. The bill provides for a limit of one year, and we substitute in lieu thereof two years. The amendment is to strike out "one year" in line 12 and "one year" in line 13, and insert "two years" in each place.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 12, strike out the words "one year" and insert the words "two years." Line 13, strike out the words "one year" and insert the words "two years."

The amendment was agreed to.

Mr. ADAMSON. Now I want to change the limit for the period of completion from three years to four years; and I move to strike out the word "three" in line 21 and insert the word "four."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 21, strike out the word "three" and insert the word "four."

The amendment was agreed to.

Mr. ADAMSON. That is all.

Mr. MOORE of Pennsylvania. Will the gentleman from Georgia yield?

Mr. ADAMSON. Yes.

Mr. MOORE of Pennsylvania. Is this to be a permanent bridge?

Mr. ADAMSON. Yes.

Mr. MOORE of Pennsylvania. What is the pontoon bridge referred to?

Mr. ADAMSON. That is a temporary structure that they have been using for some time. It washes out every few months and they put it back, and the people want a more durable structure.

Mr. MOORE of Pennsylvania. What provision is made for the removal of the temporary structure?

Mr. ADAMSON. That is provided for in section 2.

Mr. MOORE of Pennsylvania. I do not observe that there is any obligation upon anyone to remove the pontoon bridge.

Mr. ADAMSON. It is removed now; it has been washed away. They have permission, however, to restore it until they complete the other bridge.

Mr. MOORE of Pennsylvania. Unless the act of God had intervened the approaches to a pontoon bridge, if any, might remain, and in floods of the future prove an obstruction to the channel.

Mr. ADAMSON. That has happened many times. I am told that it has washed out numerous times in the past, and they have temporarily replaced it.

Mr. MOORE of Pennsylvania. The temporary bridge having been removed by the flood, then the question that I desire to ask the gentleman is answered.

Mr. ADAMSON. They have a right to replace it and use it until the new bridge is completed.

Mr. MOORE of Pennsylvania. The Government would be put to no expense for removing it?

Mr. ADAMSON. No.

Mr. GANDY. Mr. Speaker, in the consideration of the bill now before the House it is well that the Members should all thoroughly understand the situation; and, that they may, I desire to make a brief chronological statement. On February 9, 1905, there was granted by act of Congress permission to the White River Valley Co., its successors and assigns, the right to construct and maintain a pontoon and pile bridge across the Missouri River between Oacoma, on the west side, and Chamberlain, on the east side. That bridge was built and the Chicago, Milwaukee & St. Paul Railway Co., which was the parent corporation of the White River Valley Co. and the White River Valley Railroad Co., pushed forward the extension of its line from Oacoma to Rapid City, a distance of approximately 220 miles. The extension was completed late in 1907, and through passenger-train service was inaugurated between the Black Hills and Chicago. The building of this railroad had been the dream of years, for in 1886 much preliminary work was done; and from that time on each year South Dakota people confidently expected that actual construction work would be commenced in the very near future. When the extension was finally completed almost a score of towns

came into existence across the stretch of prairie from Oacoma to Rapid City. Practically every one of these town sites, if not every one, was owned and the lots disposed of by a town-site company that was a subsidiary corporation to the Chicago, Milwaukee & St. Paul Railway Co. These towns grew and many of them became thriving agricultural market places. Two of them, Oacoma and Kadoka, are county seats, and between the former and Rapid City, the terminus of the line, are 19 towns, which are totally dependent upon this line of railway for their railroad transportation.

When this pile-and-pontoon bridge was built officials of the Milwaukee Railroad, as this line is commonly called in the West, or of the St. Paul road, as it is known in the East, stated that it was only a temporary structure, and would be operated only until the railroad company could secure the steel necessary for the construction of a permanent bridge. As an extenuating circumstance, it was urged by the company that in the construction of the Pacific coast line they then had in use all of their bridge-building equipment; and these two excuses served to appease the South Dakota people for a time. However, when the spring of 1908 came and the rising turbulent waters of the Missouri River took away several sections of the bridge and sent the piling and timbers on their long journey to the Gulf, that first failure of a pile-and-pontoon bridge to withstand the current of the Missouri River certainly ought to have been sufficient to have hurried the railroad officials in their effort to construct a permanent bridge at this place. If there was any doubt or any thought that the failure of the bridge in the spring of 1908 was an accident, or that the conditions then were unusual in the Missouri River, that thought has long ago been dissipated by the knowledge that during each of the years since 1908 this bridge has been out of commission from two to five times. The periods when passengers were forced to cross the river in ferryboats, and when practically no freight and express were moved, varied from a few days to many weeks, the longest period prior to this year having been 41 days. In 1915 the bridge was out of commission for a total of 35 days, or an average of almost 1 day out of every 10 in the year. The bridge is out at this time, no train having crossed the river since the 5th day of March. Just when the bridge will be rebuilt I am not able to state, but word from South Dakota is to the effect that it will perhaps be May 1 or later before another temporary structure is completed. The channel of the river in front of Chamberlain is 1,785 feet wide; and when the Missouri River got through with its work of destruction on March 5 not a vestige of the bridge remained except the pontoon draw and the ends of a few piling sticking out of the water.

That travelers and the railroad company have been particularly fortunate is evidenced by the fact that although passengers have been ferried across the river at all times of the day and night, rain or shine, fair or storm, and even when floating ice was in the river, no lives have thus far been lost. This uncertain condition of train service and the fear of fatal results which may happen at any time to those ferrying the river has caused travelers to not go by the Black Hills line of the Milwaukee unless there was no other way for them to reach their destination. Ours is a great live-stock country, and shippers of stock have been many times inconvenienced and compelled to suffer heavy losses by delays in their shipments on account of inability to cross the river. There is no question but that the uncertain condition of train service on the Black Hills line of the Milwaukee has seriously retarded the growth and development of the country along the line. In failing to provide train service the Milwaukee "killed the goose that laid the golden egg," for there must be adequate train service to insure an expansion of industry and business.

It is my understanding that this bridge was officially condemned by the board of railroad commissioners of South Dakota in 1909, and by a writ of mandamus the board sought to compel the company to remove this bridge, which is a menace to life and property, and build a permanent structure. The railroad company defeated the action of the railroad commission on the contention that the bridge was across a navigable stream and the State board had no jurisdiction. At that time representatives of the railroad company announced to the people of South Dakota that the company contemplated the building of a double-track bridge on its line across the Mississippi River at Savannah, Ill., and would, in the near future, remove its single-track bridge from that place to Chamberlain. Since then that information has repeatedly been given out to South Dakota people, and the story has become an "old chestnut." Newspapers in South Dakota carried that story again a few weeks ago, but as long as the railroad company made no move whatever to erect a permanent bridge the people of the State are not being misled by this timeworn announcement.

The Legislature of South Dakota, at its 1915 session, adopted the following joint resolutions:

CERTIFICATE.

UNITED STATES OF AMERICA,
State of South Dakota, Secretary's Office:

I, Frank M. Rood, secretary of state, do hereby certify that the annexed bill, to wit, house joint resolution No. 6, was duly passed by the 1915 session of the Legislature of the State of South Dakota, approved by the governor, and that the same is now in full force and effect.

In witness whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota at the city of Pierre March 17, 1915.

[SEAL.] FRANK M. ROOD,
Secretary of State.

—

A joint resolution memorializing Congress and our Senators and Representatives in Congress to use all honorable means to compel the Chicago, Milwaukee & St. Paul Railway Co. to construct a permanent railway bridge across the Missouri River at the city of Chamberlain.

Be it resolved by the Senate and House of Representatives of the State of South Dakota:

Whereas, about the year 1905, the Chicago, Milwaukee & St. Paul Railway Co., as the parent corporation of the White River Valley Railway Co., entered upon the construction of a line of railway commencing at the east bank of the Missouri River at the city of Chamberlain and extending westward through Lyman, Stanley, and Pennington Counties to the city of Rapid City, and as a part of said line of railway constructed a pontoon bridge across the Missouri River at Chamberlain; and

Whereas the said Chicago, Milwaukee & St. Paul Railway Co. has taken over the property of the White River Valley Railway Co., including the pontoon or pile bridge at Chamberlain, but has never constructed a permanent railroad bridge; and

Whereas the said pontoon or pile bridge goes out at least from one to four times each year when there is any unusual condition of the Missouri River at Chamberlain; and

Whereas said pontoon or pile bridge is unsafe and dangerous to the traveling public, and by reason of the maintenance of said bridge in its unsafe condition a railway train, either passenger or freight, is liable at any time to be precipitated in the Missouri River, especially during the early spring of the year when the ice is going out and during the June rise; and in the fall of the year and when the ice is formed or floating in said river, it is impossible to operate the draw in said bridge, and the maintenance of said bridge by the said railway company is inimical and dangerous to the public health and safety of the traveling public generally, as well as to shippers; and

Whereas by reason of the fact that all traffic to points west of the Missouri River when said bridge is out or the draw open must be sent via the lines of the Chicago Northwestern Railway Co. via Woolsey and Rapid City to consignees between Chamberlain and Rapid City, and passengers, mail, express, and freight are thereby greatly delayed and the development of said country deterred and the business interests of the people located between Chamberlain and Rapid City jeopardized: Therefore be it

Resolved by the Legislature of the State of South Dakota, That the Congress of the United States and our Senators and Representatives in Congress be, and hereby are, urged to use all honorable and lawful means at their command to compel the Chicago, Milwaukee & St. Paul Railway Co. to erect at the earliest possible date a good, safe, permanent railway bridge across the Missouri River at Chamberlain; and be it further

Resolved, That a copy of this resolution be sent to the Congress of the United States and to our Senators and Representatives in Congress and to the Secretary of War.

Instructions therein contained from the representatives of the people of the State in which is located the district I have the honor to represent in this House, personal knowledge of the conditions and the danger of longer tolerating this so-called temporary bridge over the Missouri River, and the appeal of many thousands of people who live along the line of railroad from Oacoma to the Black Hills caused me to introduce the bill now being considered. Two weeks ago to-day, when this bill was called up, the RECORD shows that there was some objection to its consideration for the reason that it did not appear that the railroad company had been given actual notice of the pendency of the bill. By unanimous consent the bill was then passed over on the calendar without prejudice, and that day communications were mailed to the president of the Chicago, Milwaukee & St. Paul Railway Co. by the chairman of the Committee on Interstate and Foreign Commerce and by myself. Counsel representing the railroad company came to the city, and a series of conferences were held which were participated in by my colleague from South Dakota [Mr. DILLON], myself, and others. The railroad people insisted that their budget for the next two years was made up, and in view of the exceptionally heavy expenditures outlined therein they did not feel that the road could undertake the construction of this bridge before three years from the passage of the bill. On that question I conferred by wire with a number of the people interested in South Dakota, and the following telegrams are evidence of how keenly the people feel about this unusual situation:

PIERRE, S. DAK., *April 12, 1916.*

HON. HARRY L. GANDY,
Washington, D. C.:

Railroad commission informs me that in 1909 Milwaukee Co. promised to commence building bridge within year or two, and have been promising ever since, but seems further from building now than ever. Bridge is much needed, as present conditions make service deplorably bad. My advice is to insist on bill without amendments.

FRANK M. BYRNE, *Governor.*

OKATON, S. DAK., *April 15, 1916.*

HON. HARRY L. GANDY,
House of Representatives, Washington, D. C.:

We don't want present system of crossing legalized. We believe lives of individuals may be sacrificed. We don't want to be called up to drag the Missouri for the bodies of relatives or friends, and it is only through some unexplained luck or the care of a benign Providence that we have not had this task to perform before this time. The Milwaukee people have bartered away their right to extension of time by shutting their eyes to a condition that has existed for years and should never have been allowed.

OKATON COMMERCIAL CLUB.

—

MURDO, S. DAK., *April 15, 1916.*

HARRY L. GANDY, M. C.,
Washington, D. C.:

There should be no delay in Chamberlain bridge longer than time necessary to procure material. Present temporary bridge out since March 5, and prospects that new one will not be completed before May 1. Traffic delayed and business demoralized. Would think 18 months a fair compromise.

O. A. KIMBLE.

—

RELIANCE, S. DAK., *April 12, 1916.*

HARRY L. GANDY, M. C.,
Washington, D. C.:

Insist on shortest time possible, as bridge has been entirely out for six weeks and will not be rebuilt for six weeks longer. Stock being transferred by boat and driven one-half mile, with no accommodations for loading, and causing a great loss in shrinkage and delays to shippers. Passengers must walk same as stock, sick or well, rain or shine.

GEO. KURTH.

—

PRESHO, S. DAK., *April 13, 1916.*

HARRY L. GANDY, M. C.,
Washington, D. C.:

Sentiment here unanimously opposed to any such change in your bill compelling building of permanent bridge at Chamberlain. Every year's delay means great loss to western South Dakota development. Present bridge has been in use for 10 years, which should have been amply sufficient for Milwaukee Co. to arrange to build permanent bridge. Temporary structure now out, no trains having crossed over bridge since March 5, with prospects for another two weeks the same, which makes nearly two montns without bridge service at Chamberlain. We trust that you will use every effort to secure passage of bill in original form.

D. E. HOPKINS,
Secretary Commercial Club.

—

RAPID CITY, S. DAK., *April 12, 1916.*

HARRY L. GANDY,
Washington, D. C.:

Insist on original bill. Milwaukee bridge in present condition menace to the traveling public.

J. K. HULL, *Secretary.*

—

KENNEBEC, S. DAK., *April 12, 9116.*

HON. HARRY L. GANDY,
Washington, D. C.:

The business men of Kennebec unanimously insist on the original bill in regard to Milwaukee bridge at Chamberlain.

CLAUDE C. IRWIN.

—

BELVIDERE, S. DAK., *April 16, 1916.*

HARRY L. GANDY, M. C.,
Washington, D. C.:

People here are against delaying construction of bridge at Chamberlain. Would consent to one year's delay in starting and finishing bridge if absolutely necessary.

E. W. REEVES.

—

VIVIAN, S. DAK., *April 12, 1916.*

HON. HARRY L. GANDY,
Washington, D. C.:

Original bill is entirely fair to railroad company, and we advise you to insist upon its consideration in original form. Affidavits and resolutions sent you represent sentiment here. We will stand by you. Bridge at Chamberlain out of commission since March 6.

E. C. HALL.

One of the persons who participated in the conferences referred to a few moments ago was Attorney H. H. Field, representing Mr. Burton Hanson, general counsel of the Chicago, Milwaukee & St. Paul Railway Co. The conditions of this unusual situation were carefully gone over with Mr. Field, and he was assured that while the people of South Dakota have every desire to be fair with the railroad company, yet in view of the fact that the lines of business along this railroad are hindered and life and property endangered by this pile and pontoon bridge, the proposition of the Milwaukee to delay commencing the construction for three years could not be consented to. Having in mind that the usual form of bridge bills passed by this Congress permit one year in which to commence the construction and three years to build the bridge, Mr. Field took up the proposition by long-distance telephone with Mr. A. J. Earling, president of the Chicago, Milwaukee & St. Paul Railroad Co., who at that time was in New York City. Later there was delivered to me the following telegram from Mr. Earling:

NEW YORK, N. Y., *April 13, 1916.*

H. H. FIELD,
Washington, D. C.:

You are authorized to assure Congressman GANDY that the amendment providing for beginning of the work in two years and completion in four years will be satisfactory to the company, and you may deliver this telegram to him, if desired.

A. J. EARLING.

For 10 years the railroad company and the people have talked about this situation and have done nothing. Now, Mr. Speaker, what I am interested in is action and not words. The Milwaukee people finally consented to the amendment to this bill providing that construction shall be commenced within two years and the bridge shall be built within four years. Fully realizing what this proposition and its delay means to the people of my district, yet in the interest of seeing this bill passed and the fixing of a day certain before which construction must be commenced upon this bridge, I do not object to the amendment. I well realize that to contest the amendment would endanger the bill itself. What we want is a permament bridge, not a makeshift that goes out of commission several times each year. What we want is train service across the Missouri River, with the opportunity for passengers and freight to be carried safely and without danger across this big, muddy stream. I am confident, Mr. Speaker, that this house will pass this bill, that the Senate will also pass it, and that it will become a law. Then, Mr. Speaker, when the bridge will have been built which is provided for in this bill a hope of years will have been realized and a long step will have been taken for the settlement, growth, and development of a large portion of western South Dakota, that depends upon this line for railroad transportation.

I desire to further call your attention to certain letters, resolutions of commercial clubs, affidavits, and telegrams from interested citizens on this subject.

BOARD OF RAILROAD COMMISSIONERS
OF THE STATE OF SOUTH DAKOTA,
Pierre, February 13, 1916.

HON. HARRY L. GANDY,
Washington, D. C.

DEAR SIR: In response to your communication of January 28, you are advised that for some unexplainable reason this communication, while it reached the office on January 31, became mislaid and was not presented to the board for consideration until Friday of last week, which accounts for the delay in answering it.

Several years ago there was a meeting of the commercial clubs of the State at Presho and the board of railroad commissioners was asked to be present. At that time the question of the safety of this bridge across the Missouri River at Chamberlain was presented to the board in a very strenuous manner by the persons residing west of the river. Previous to that time the board had frequent conferences with the officials of the Chicago, Milwaukee & St. Paul Railway Co., and had received assurances that the company was making surveys and taking soundings for the purpose of locating a place on the river where the bridge could be constructed. After the meeting at Presho two members of the board, Hon. George Rice and Dr. Smith, went to Chicago to interview the officials of the railway company, and received the same assurances in a more positive form.

Upon their return and after a considerable period of time had elapsed, the board, thinking the matter was not receiving the immediate attention of the railway company, referred the entire matter to the writer with instructions to take such steps as could be taken to bring about the construction of a new bridge. After some considerable investigation the writer instituted in the supreme court of this State a proceeding in mandamus to compel the construction of the bridge. After the petition was filed, however, we discovered that the State court could do nothing with it, and that the State could do nothing with it; that the construction of this bridge was under the supervision of the Secretary of War and that an act of Congress was necessary to authorize its construction, and the present pontoon bridge was constructed under an act of Congress. If we had been able to locate the Federal statutes before filing the petition for a writ of mandamus, of course it would never have been filed, as we would have realized at the outset that the State courts could not remedy the matter in any respect. If you desire we can send a copy of our petition for the peremptory writ of mandamus. Perhaps you would sooner, however, obtain statements from the Hon. George Rice and the commissioners who were then in office. Any information which we can furnish to you, or any assistance we can render, will be furnished and rendered cheerfully, as we shall be only too pleased to see this situation remedied.

Very truly, yours,

P. W. DOUGHERTY,
Commissioner.

—

Resolutions.

To the Senate and House of Representatives of the Congress of the United States:

Whereas the last session of the South Dakota Legislature adopted house joint resolution No. 6, memorializing Congress and our Senators and Representatives in Congress to use all honorable means at their command to compel the Chicago, Milwaukee & St. Paul Railway Co. to construct a permanent railway bridge across the Missouri River at the city of Chamberlain; and

Whereas the conditions stated in said joint resolution have existed for the past 10 years and continue to exist; and

Whereas, pursuant to the instructions of said joint resolution, the Representative from the third congressional district of this State, Hon. HARRY L. GANDY, has introduced in the House of Representatives a bill which, if it becomes a law, will compel the Chicago, Milwaukee & St. Paul Railway Co. to commence actual construction of a permanent bridge across the Missouri River between the countries of Brule and Lyman at some point at or near the city of Chamberlain, S. Dak., within one year from date of its passage and approval; and

Whereas the welfare and development of this section of the State is dependent to a large extent upon the erection of such a bridge: Therefore be it

Resolved by the citizens of Vivian, S. Dak., That the Senate and House of Representatives of Congress be, and are hereby, urged to take prompt action upon said bill and pass it at the earliest possible moment; and be it further

Resolved, That a copy of this resolution be sent to the Senate and House of Representatives of Congress by the secretary of the Vivian Commercial Club.

We certify that the foregoing resolution was adopted by the citizens of Vivian, S. Dak., this 26th day of February, 1916.

VIVIAN COMMERCIAL CLUB,
By F. E. BROWN, *President*.
By E. C. HALL, *Secretary*.

Similar resolutions were adopted by other civic and commercial organizations, as follows:

Okaton Commercial Club, Okaton, S. Dak.; E. E. Gable, president; L. B. Hightshoe, secretary.

Murdo Commercial Club, Murdo, S. Dak.; O. A. Kimble, president; H. C. Parker, secretary.

Oacoma Commercial Club, Oacoma, S. Dak.; T. B. Strong, president; M. Q. Sharpe, secretary.

Reliance Commercial Club, Reliance, S. Dak.; R. E. Brown, president; George Kurth, secretary.

Draper Commercial Club, Draper, S. Dak.; W. G. Lonie, president; Sherman Bates, secretary.

Presho Commercial Club, Presho, S. Dak.; N. J. Thompson, president; D. E. Hopkins, secretary.

Kennebec Commercial Club, Kennebec, S. Dak.; Claude C. Irwin, president; Albert Williamson, secretary.

The following letter, under date of June 15, 1915, from a large packing house at Sioux Falls to a customer on the Black Hills line of the Milwaukee, together with the affidavit attached, is evidence of what happens to express shipments when the bridge is out of commission, and the other affidavits speak specifically of the situation that I have referred to as dangerous and unusual:

SIOUX FALLS, S. DAK.,
June 15, 1915.

Mr. CARL KETTLESON,
Vivian, S. Dak.

DEAR SIR: We have been advised by the railroad company that the bridge at Chamberlain is again out of order. We had your merchandise over at the express company yesterday and they refused same, owing to the fact that they could not handle it. We are, however, holding your order for first shipment that the railroad will accept, and until instructed otherwise by you we will ship same.

We trust that this will not inconvenience you.

Yours, truly,

JOHN J. MORRELL & CO.

STATE OF SOUTH DAKOTA,
County of Lyman, ss:

Carl Kettleson, upon his oath, deposes and says that the above is a letter received by him June 17, 1915, and refers to an order of meats which were ordered by him to supply his trade. As a result of the delay in receiving the shipment referred to above he was unable to fill his orders, which resulted in a loss of business and a further loss of money. Mr. Kettleson further states that the bridge referred to is the pile bridge across the Missouri River at Chamberlain and that said bridge was not rebuilt until June 25, 1915, when the first train crossed it—it being the first train to cross the Missouri River between June 7 and June 25, 1915. Mr. Kettleson further states that from one to four times each year there is a delay in all shipments of freight and express between points east and west of the Missouri River, caused by the pile bridge across said river being out of commission, and as a result of said delays his business decreases with a money loss to himself.

Signed this 21st day of March, 1916.

CARL KETTLESON.

Personally appeared before me, E. C. Hall, a notary public, Carl Kettleson, who signed the foregoing affidavit.

[SEAL.] E. C. HALL, *Notary Public*.

AFFIDAVIT.

STATE OF SOUTH DAKOTA,
County of Lyman, ss:

L. Lytle, upon his oath, deposes and says that he is a resident of Sioux City, Iowa, and that he left said city Tuesday morning, March 21, 1916, taking the Chicago, Milwaukee & St. Paul Railway train for Vermillion, S. Dak., where he left said train and remained until about the hour of 8.30 p. m., March 21, when he boarded the Chicago, Milwaukee & St. Paul Railway train for Vivian, S. Dak. He further states that he entered the sleeping car on said train and purchased a berth to Chamberlain, S. Dak., and that he arrived in the said city of Chamberlain, S. Dak., on the morning of March 22, 1916, at about the hour of 4 o'clock a. m. He states that he remained in said sleeping car until about the hour of 7 o'clock a. m., intending to take the ferry across the Missouri River and continue his journey to Vivian, S. Dak., his destination. Upon leaving the sleeper he was informed that on account of the flowing ice in the Missouri River it would be impossible to cross said river and that he would have to wait in the city of Chamberlain until said crossing could be made. He further states that about the hour of 5 o'clock p. m., March 22, 1916, he was transferred across the Missouri River by ferry and then walked about one-half mile in the mud to the Chicago, Milwaukee & St. Paul Railway track where he boarded the train and from that point was transported to the city of Oacoma, S. Dak., where he left the train as it stopped there for the night. He states that he staid at the hotel in said city of Oacoma until the morning of March 23, 1916, and at about the hour of 7 o'clock a. m. he boarded the train and reached his destination, Vivian, S. Dak., at about the hour of 9 o'clock a. m.—about 24 hours later than he would have arrived there had he come right through without the delay mentioned above at Chamberlain. He further states that the delay was caused by the Chicago, Milwaukee & St. Paul Railway Co. bridge across the Missouri River being destroyed by the floating ice making it necessary for said railroad company to transfer all passengers, mail, and express by ferry, and that on March 22 the said railroad company was unable to operate the ferry because of the floating ice and that said delay caused him a great deal of inconvenience, expense, and loss of valuable time. He further states that there were 12 other people who were caused the same inconvienience, expense, and loss of time as he was.

Dated at Vivian, S. Dak., this 24th day of March, 1916.

LEONARD LYTLE.

Subscribed and sworn to before me a notary public this 24th day of March, 1916.

[SEAL.] E. C. HALL, *Notary Public*.

AFFIDAVIT.

I, N. J. Thomson, being first duly sworn, depose and say that I have been a resident of Presho, Lyman County, S. Dak., for the past six years engaged in the mercantile business, during which time I have caused to be shipped from points east of the Missouri River to Presho, S. Dak., more than $250,000 worth of merchandise, live stock, and chattles. The Chicago, Milwaukee & St. Paul Railway's bridge at Chamberlain has been a source of trouble, loss of money, annoyance, and inconvenience by its being swept away by high water, thereby delaying shipments in some instances three weeks and having been forced to cross at different times in boats, being without United States mail for days at a time.

Further affiant saith not.

Dated at Presho, S. Dak., this 2d day of March, A. D. 1916.

N. J. THOMSON.

STATE OF SOUTH DAKOTA,
County of Lyman, ss:

Subscribed in my presence and sworn to before me this 2d day of March, 1916.

[SEAL.] DON E. HOPKINS,
Notary Public, Lyman County, S. Dak.

AFFIDAVIT.

I, P. S. Chapman, manager of the James A. Smith Lumber Co., being first duly sworn, depose and say that I have been a resident of Presho, S. Dak., the past eight years and have received a great many cars of coal and lumber each year. I have suffered numerous delays of shipments occasioned by Chicago, Milwaukee & St. Paul Railway's bridge at Chamberlain being impassable, making it very inconvenient to keep a supply to handle our trade. I consider this temporary bridge at Chamberlain the greatest drawback to the development of our country.

Affiant further saith not.

Dated at Presho, S. Dak., this 2d day of March, A. D. 1916.

P. S. CHAPMAN.

STATE OF SOUTH DAKOTA,
County of Lyman, ss:

Subscribed in my presence and sworn to before me this 2d day of March, 1916.

[SEAL.] DON E. HOPKINS,
Notary Public, Lyman County, S. Dak.

AFFIDAVIT.

I, Patrick J. Sweeney, of Sweeney, S. Dak., being first duly sworn, depose and say that I am interested in the store conducted at Sweeney, S. Dak., and in such capacity receive considerable freight from points east of the Missouri River, the same being billed to Presho, S. Dak., and that during the period from the year 1906 to the year 1916 there has not been a year in which the temporary bridge of the Chicago, Milwaukee & St. Paul Railway Co. at Chamberlain, S. Dak., has not been impassable, and in each of those years it has been impassable for at least one period and from that to six periods, each period covering from 1 to 10 days.

That during such times it has been impossible to receive freight from points east of the Missouri River, and it has been impossible at such times to bill freight east from the town of Presho to points east of the Missouri River.

That as a result of the service of said railroad company a considerable financial loss has been suffered and is being suffered from time to time now.

Affiant further states that in addition to said financial loss he has been greatly inconvenienced by said service and has been compelled to make various trips from Sweeney to Presho, S. Dak., without result, for the reason that freight expected did not arrive on account of being delayed at the Missouri River.

Affiant further saith not.

Dated at Presho, S. Dak., this 2d day of March, A. D. 1916.

PATRICK J. SWEENEY.

STATE OF SOUTH DAKOTA,
County of Lyman, ss:

Subscribed in my presence and sworn to before me this 2d day of March, A. D. 1916.

[SEAL.] DON E. HOPKINS,
Notary Public, Lyman County, S. Dak.

STATE OF SOUTH DAKOTA,
County of Lyman, ss:

I, A. L. Walker, being first duly sworn, depose and say that I am a farmer and stockman living near the town of Presho, S. Dak., and have resided in Lyman County, S. Dak., for the last 10 years; that during said time I have been caused great expense and annoyance by reason of the unsatisfactory service given by the Chicago, Milwaukee & St. Paul Railway Co. on account of the temporary wooden bridge spanning the Misssouri River at Chamberlain, S. Dak. At various times stock shipped by me has been delayed by reason of said bridge, my mail has been delayed, and at various times passenger traffic has been discontinued for several days at a time on account of not being able to cross said bridge. These delays have happened every year since I have resided in Lyman County, from three to five times. And by reason thereof I have suffered great damage and inconvenience as aforesaid.

Further affiant saith not.

Dated at Presho, S. Dak., this 2d day of March, A. D. 1916.

A. L. WALKER.

Subscribed in my presence and sworn to before me this 2d day of March, 1916.

[SEAL.] DON E. HOPKINS,
Notary Public, Lyman County, S. Dak.

AFFIDAVIT.

STATE OF SOUTH DAKOTA,
County of Lyman, ss:

I, W. E. Lewis, being first duly sworn, depose and say that I have been a resident of Presho, S. Dak., for the last four years, and during that time have been engaged in the buying and selling of stock; that during that time I have shipped via Chicago, Milwaukee & St. Paul Railway a considerable number of cars of stock to and from Presho, S. Dak., and that the temporary bridge of said railroad spanning the Misssouri River at Chamberlain, S. Dak., has been a source of great annoyance and expense to me by reason of the fact that at various times of the year it has been impossible to make the crossing on account of the condition of said bridge rendering a passage across it impossible or dangerous. On various occasions this has caused considerable delay, and in many cases it has necessitated the unloading and feeding of stock for several days at a time. The lack of proper crossing having caused me a considerable financial loss at various times, as well as being a considerable source of annoyance and trouble.

Further affiant saith not.

Dated at Presho, S. Dak., this 2d day of March, 1916.

W. E. LEWIS.

Subscribed in my presence and sworn to before me this 2d day of March, 1916.

[SEAL.]

DON E. HOPKINS,
Notary Public, Lyman County, S. Dak.

—

AFFIDAVIT.

STATE OF SOUTH DAKOTA,
County of Lyman, ss:

I, C. S. Hubbard, being first duly sworn, depose and say that I have shipped to and from Presho, S. Dak., approximately 850 carloads of various commodities and have suffered inconveniences, financial loss, and anxiety on account of the wooden structure spanning the Missouri River at Chamberlain, known as the Chicago, Milwaukee & St. Paul Railroad bridge, being impassable on account of floating ice, spring freshets, or excessive rains; this has caused delay to important shipments, causing the laying off of workmen.

At the present time we are loading cars of hay for east of the river points, cars being furnished only upon written order, subject to bridge conditions at Chamberlain, absolving the Chicago, Milwaukee & St. Paul Railway from all liability on account of delay in transit.

Further affiant saith not.

Dated at Presho, S. Dak., this 2d day of March, 1916.

C. S. HUBBARD.

Subscribed and sworn to before me this 2d day of March, 1916.

[SEAL.]

DON E. HOPKINS,
Notary Public, Lyman County, S. Dak.

—

AFFIDAVIT.

STATE OF SOUTH DAKOTA,
County of Lyman, ss:

W. H. Gammon, being first duly sworn, says on his oath that he is a resident of the town of Oacoma, in Lyman County, S. Dak., and that the said town of Oacoma is situated upon the west bank of the Missouri River and upon the Black Hills division of the Chicago, Milwaukee & St. Paul Railway Co. Affiant further says that he is the manager of a department store in said town of Oacoma, handling a general line of groceries, dry goods, and hardware, which business affiant has conducted in said town for the past seven years.

Affiant further says that there has always been two periods of each year when the trestle bridge used by the above-mentioned railway company in crossing the Missouri River would be taken out by ice or high water, so as to render it useless for traffic by the railway company, and that at such times said bridge would be out of commission for periods of from two to four weeks. During this time it would be and always has been impossible for affiant to secure shipments of goods for his store unless such goods were shipped by express at a high rate or shipped in a roundabout way to Rapid City by freight, and then back to affiant at Oacoma, S. Dak.; that such shipping always caused a delay of from two to three weeks and was a source of much expense and inconvenience to both affiant and the trade which he served in his community. Affiant further says that during the periods when the said bridge would be out of commission as above mentioned it was impossible for him to supply his trade with green groceries or perishable articles, unless such articles were shipped by express, and then at a high rate, and with damage from handling.

W. H. GAMMON.

Subscribed and sworn to before me this 3d day of March, 1916.

[SEAL.]

M. Q. SHARPE,
Notary Public, Lyman County, S. Dak.

—

AFFIDAVIT.

STATE OF SOUTH DAKOTA,
County of Lyman, ss:

F. I. Sheffer, being first duly sworn, says, on his oath, that he is a resident of the town of Oacoma, in Lyman County, S. Dak., and that said town is situated on the west side of the Missouri River, on the Black Hills division of the Chicago, Milwaukee & St. Paul Railway Co. Affiant further states that he is the owner and proprietor of a general store in said town, and has been for a number of years, handling groceries, dry goods, and produce.

Affiant further states that during each year there have been at least two occasions when the trestle bridge used by the above-mentioned railway company in crossing the Missouri River at Chamberlain, S. Dak., would be swept out by ice or high water, so as to render the same useless and requiring a ferryboat for making crossing of the river at this point. During such periods it would be impossible for affiant to get freight shipments to his store except by roundabout shipments to Rapid City and back to Oacoma, necessitating an extra shipment of about 400 miles, and usually causing a delay of two to four weeks.

Affiant says that in the year 1914 he bought a large stock of Christmas goods in ample time for shipment to him from St. Joseph, Mo., so as to arrive at affiant's store by the 1st of December, to be sold by affiant for his Christmas trade during the month of December; that said goods arrived at the Chamberlain side of the Missouri River at a time when the said trestle bridge was out, and it was then necessary for affiant to either have said goods shipped back or to wait until the said bridge was repaired; that by reason of this delay the said goods did not reach affiant's store until noon of Christmas Day, 1914, at time too late for affiant to sell said goods or use them at all during that year; that affiant thereby lost the benefit of his entire Christmas trade for the year 1914, which was a considerable loss to this affiant.

Affiant says also that in connection with his store he purchased cream and other produce from the farmers and stockmen who traded with him at Oacoma, and then shipped such cream and other produce on to commission firms or creameries in the cities of Sioux City, Iowa, or Omaha, Nebr.; that owing to the uncertainty of crossing of the Missouri River at the two periods of the year when the bridge usually went out, affiant was obliged to either refuse to buy produce at those periods or else assume a large risk of having a heavy loss from such produce remaining on his hands or spoiling, all of which was a serious impediment to affiant's business and the welfare of the various customers who depend upon selling their cream and produce to affiant.

F. I. SHEFFER.

Subscribed and sworn to before me this 3d day of March, 1916.

[SEAL.]

M. Q. SHARPE,
Notary Public, Lyman County, S. Dak.

—

AFFIDAVIT.

STATE OF SOUTH DAKOTA,
County of Lyman, ss:

T. B. Strong, being first duly sworn, says on his oath:

That he is a resident of Oacoma, S. Dak., a town on the west side of the Missouri River and on the Black Hills division of the Chicago, Milwaukee & St. Paul Railway Co.; that he has been a resident of such town ever since the said railroad was constructed through it.

That he is engaged in the business of conducting a general store and butcher shop, and also buying live stock and other farm produce, and has been in such business for the past eight years in the town of Oacoma.

That since affiant has been in business as above mentioned there have been periods from two to four times in each year when the trestle bridge maintained by the above-mentioned railway company across the Missouri River at Chamberlain, S. Dak., would be swept out by high water or ice, so as to render it impassable and useless for traffic of any kind.

That during such periods it would be impossible for affiant to secure shipments of any freight either to or from his store, so that affiant's business of general storekeeping and buying and selling produce was seriously damaged. At such times it would be necessary for affiant to have any freight that he might require sent around by Rapid City, S. Dak., which always occasioned a delay of from three to four weeks in receiving goods ordered by affiant.

That during all the time that affiant has been engaged in business as above mentioned he has bought and shipped a large quantity of hogs each year from the producers in his vicinity, shipping said hogs to Sioux City or Omaha and other points across the Missouri River. At various and numerous times affiant has purchased a large quantity of hogs and had them in the stockyards ready for shipment when the bridge above mentioned would be taken out and affiant would thereby suffer considerable loss from having to feed said hogs and hold them over in the yards, where they would shrink and lose weight; and on account of the uncertainty of being able to ship stock at periods when the bridge was liable to go out affiant would have to refrain from buying any stock for a long time before such periods, and his business was thereby greatly damaged and the convenience of his customers seriously impeded, so that such customers were in the habit of selling their stock to buyers who were shipping over the railroads which were north or south of affiant's territory; all of which was a loss to both the producers and to this affiant and a serious impediment to the advancement of agriculture and stock raising in affiant's vicinity.

That for a time affiant engaged in the business of buying and shipping cream from the producers in his vicinity, shipping such cream to Sioux City, Omaha, and other points across the Missouri River from affiant; but the uncertainty of being able to make shipments across the Missouri River rendered it impossible for affiant to maintain a continuous market throughout the whole year for such cream, and without such continuous market it was impossible for affiant to have and hold much patronage in the cream business, and so during the past three or four years affiant has been compelled to discontinue the purchase of cream, all of which is a serious damage to affiant's business and to the convenience of the producers in and around Oacoma, S. Dak., and a constant impediment to the advancement of dairying in and around Oacoma, S. Dak., and the territory tributary thereto.

T. B. STRONG.

Subscribed and sworn to before me this 3d day of March, 1916.

[SEAL.]

M. Q. SHARPE,
Notary Public, Lyman County, S. Dak.

—

AFFIDAVIT.

STATE OF SOUTH DAKOTA,
County of Lyman, ss:

M. Q. Sharpe, being first duly sworn, says on his oath:

That he is a resident of Oacoma, S. Dak., which town is on the Black Hills division of the Chicago, Milwaukee & St. Paul Railway Co. That affiant has been a resident of such town for the past five years, and frequently travels by foot and by train between the towns of Oacoma and Chamberlain, S. Dak., a distance of about 4 miles, and knows something of the conditions in connection with the operation and maintenance of a certain trestle bridge across the Missouri River at said place by the above-mentioned railway company.

That the channel of the said river is about 1,640 feet wide at the point where this bridge crosses it, and the said bridge is constructed for the most part of piling from 40 to 60 feet long and 12 to 16 inches in diameter at the large end, driven into the river bottom, and cross-braced with heavy plank and with wooden beams, stringers, and ties, and steel rails making the roadbed upon the top of these piles, there being about six piling in each bent or station of the said bridge. A part of the span of the river is made by a floating bridge with a trestle constructed upon it, which bridge is arranged so that it can be floated in or out of position with the remainder of the bridge, thus allowing vessels to pass up or down the river.

That during the month of June in each year there is always a flood stage of the Missouri River at this place, and much débris comes down the river, which lodges against the piling of the said bridge and takes it from place and usually entirely sweeps it out and down the river.

That in the early spring of each year the ice in the Missouri River breaks up and comes floating down and against the said bridge and takes it out of place and down the river.

That it has always been the practice of the above-mentioned railway company to run its passenger trains across the said bridge just as long as it considered the said bridge safe in the June and spring periods of the year, above mentioned. Affiant remembers a time in the year 1915 when a passenger train was run across the said bridge in the morning and the ice took the said bridge out of the river in the afternoon of the same day. Affiant verily believes that the only method which the said railway company has of ascertaining the strength of the ice in the early spring period of each year is by watching the bulge in the ice caused by water flowing under it, and that when the bulge reaches a certain stage they consider that the river is likely to break up, and are more careful about running trains across the river at that time. Affiant further states, on belief, that no test is made of the thickness or strength of the ice around the said bridge at such times, and that the matter of telling at what particular day or hour the said river will break up is largely a matter of estimate, and that it is just as probable that the ice will break up at some time when a train is crossing the said bridge, and thereby precipitate the said train in the river and kill or injure the passengers therein.

That when the river is flooded in the month of June of each year it is largely a matter of estimate in telling whether the bridge will stand the strain of the waters and débris against it or not, and that it is just as probable that the bridge would be taken out when there is a passenger train upon it as when there is not.

That the ice which comes down the river in the early spring is usually from 20 to 30 inches thick and the cakes are in area from 10 square feet to 500 or 600 square feet, and if the ice should break up in the river while a train was upon the said bridge it would be almost certain to take the bridge out just as soon as the ice could begin to move and before a train could be taken off of the said bridge.

Affiant verily believes that the said bridge is an instrument of danger to the public at the periods above mentioned, and that it should be replaced by a new bridge of permanent construction, or its use prohibited by statute during the periods above mentioned.

M. Q. SHARPE.

Subscribed and sworn to before me this 3d day of March, 1916.
[SEAL.] O. E. A. THORSON,
Notary Public, Lyman County, S. Dak.

Mr. MOORE of Pennsylvania. Is there anything left of the temporary bridge that would tend to obstruct navigation?

Mr. GANDY. No, sir; not at this time; and, furthermore, the railroad company intends to build a permanent structure where this is.

Mr. MOORE of Pennsylvania. To remove what is left of the old bridge and what would be an obstruction.

Mr. ADAMSON. The language takes a little different form; they are authorized to maintain it until finished, and that implies that the obstruction will cease then.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to extend his remarks in the RECORD on the bill. Is there objection?

There was no objection.

Mr. DILLON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this bill.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota [Mr. DILLON]?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEASE OF ALLOTTED INDIAN ARID LANDS.

The next businss on the Calendar for Unanimous Consent was the bill (H. R. 6782) providing for the leasing of arid lands which are irrigable belonging to Indian allottees, and fixing the maximum time for which such leases may run.

The SPEAKER. Is there objection?

Mr. MANN. Let the bill be read.

The Clerk read the bill, as follows:

Be it enacted, etc., That whenever it shall be made to appear to the Secretary of the Interior that, by reason of age, disability, or inability, any allottee of Indian lands within the United States which the Secretary may decide are arid but irrigable can not personally occupy or improve his allotment, or any part thereof, the same, or any part thereof, may be leased upon such terms, regulations, and conditions as shall be prescribed by the Secretary for a term not exceeding 10 years, for farming, gardening, or fruit-growing purposes only.

With the following committee amendment:

Amend the bill by striking out all after the enacting clause and insert in lieu thereof the following:

"That whenever it shall appear to the satisfaction of the Secretary of the Interior that the allotted lands of any Indian are arid but susceptible of irrigation, and that the allottee by reason of age or other disability can not personally occupy or improve his allotment, or any portion thereof, such lands or such portion thereof may be leased for a period not exceeding 10 years, under such terms, rules, and regulations as may be prescribed by the Secretary of the Interior."

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, I would like to have some explanation of the bill.

Mr. NORTON. Mr. Speaker, this is a bill which proposes to grant to the Secretary of the Interior the right to lease for a period of 10 years arid lands belonging to Indians who are unable to work the land themselves. It is found on irrigation projects covering Indian lands that there are cases where old Indians are unable to work their allotments, and it is now under existing law permissible for the Secretary to lease the lands for a period of one year.

Mr. MANN. Five years, under existing law.

Mr. MOORE of Pennsylvania. Who is the beneficiary of the lease?

Mr. NORTON. The Indian.

Mr. MOORE of Pennsylvania. Not the department, but the Indian?

Mr. NORTON. Certainly; the Indian is the beneficiary.

Mr. MOORE of Pennsylvania. It is proposed by the bill that the department shall make the regulations covering the leasing, and that whatever is derived from the lease shall go to the Indian?

Mr. NORTON. Yes; the purpose of this legislation is to permit the department to lease the land for 10 years. As the law is now it is impossible to get anyone to make a lease on so short a period and go onto the land and make the improvements necessary to cultivate it.

Mr. MOORE of Pennsylvania. What is the period under existing law?

Mr. NORTON. I had in mind it was one year. It may be five years.

Mr. MANN. It is five years; but they say there are other leases that can be made for a longer period, and in some cases they are hampered in making leases of Indian allotted lands.

Mr. MOORE of Pennsylvania. And the purpose of this bill is to extend the time?

Mr. NORTON. Yes; so that these lands, that would otherwise be unimproved, may be improved and kept in cultivation.

Mr. MOORE of Pennsylvania. Can the gentleman give us any special instances showing the necessity for this kind of legislation?

Mr. NORTON. On some of these Indian irrigation projects it is found that Indians, on account of old age or other disability, are unable to improve and cultivate their allotment. In such cases it is found impossible to get anyone to lease the land for as short a period as that to which the present law limits these leases.

Mr. MOORE of Pennsylvania. What is the reason for that? Is that due to the lack of energy, or is it due to the fact that you have to wait a period of years for the fruition of whatever you put in the ground?

Mr. NORTON. It is due chiefly to the amount of investment that is required to be put into ditches and other improvements on the land in order to get the land in condition for cultivation and for producing crops.

Mr. MANN. The land has to be cleared.

Mr. NORTON. Yes.

Mr. MANN. And that is no small job.

Mr. NORTON. A sufficient return to justify leasing can not ordinarily be secured from irrigated land during a lease period of five years. Experience is to the effect that only a sufficient return to justify leasing can be secured if the lease is made for a period of at least 10 years. That is the sum and substance of the desire for this legislation.

Mr. MOORE of Pennsylvania. Suppose some of this land being cleared and irrigated should be used by the Indian or the occupant of the land for the cultivation of fruit trees, how long would it take for a tree to come into fruition?

Mr. NORTON. It would depend upon the kind of tree planted. If it was an oak tree, it would take probably a hundred years. If an apple tree, five years or six years.

Mr. MOORE of Pennsylvania. I am quite sure they do not plant oak trees in this semiarid territory. Take a pear tree or an apple tree.

Mr. NORTON. About five or six years.

Mr. MOORE of Pennsylvania. Therefore, the idea is that by extending the time you give the lessee an opportunity to have his tree come to fruition.

Mr. NORTON. The gentleman is correct in his conclusion.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the committee amendment, which is in the nature of a substitute.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. NORTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENLARGED HOMESTEADS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8654) to amend an act entitled "An act to provide for an enlarged homestead."

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, I would like to have the bill read.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 3 of the act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, and of an act entitled "An act to provide for an enlarged homestead," approved June 17, 1910, as amended by an act approved February 11, 1913, and as amended by an act approved March 3, 1915, be, and the same is hereby, amended to read as follows:

"SEC. 3. That any person who has made or shall make homestead entry of the character herein described and who has not submitted final proof thereon, or who, having submitted final proof, still owns and occupies the land thus entered, shall have the right to enter public lands, subject to the provisions of this act, contiguous to his first entry, which shall not, together with the original entry, exceed 320 acres: *Provided*, That if there be no vacant land of this character contiguous to his original entry such person may enter as such additional entry other land situated in the land district where such former entry was made: *Provided*, That the land originally entered and that covered by the additional entry shall have first been designated as subject to this act, as provided by section 1 hereof."

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the act entitled 'An act to provide for an enlarged homestead,' approved February 19, 1909, be amended by adding thereto an additional section to be known as section 7:

"'SEC. 7. That any person who has made or shall make homestead entry of less than 320 acres of land of the character herein described, and who shall have submitted final proof thereon, shall have the right to enter public lands subject to the provisions of this act, not contiguous to his first entry, which shall not with the original entry exceed 320 acres: *Provided*, That the land originally entered and that covered by the additional entry shall first have been designated as subject to this act as provided by section 1 thereof: *Provided further*, That in no case shall patent issue for the land covered by such additional entry until the person making same shall have actually and in conformity with the homestead laws resided upon and cultivated the lands so additionally entered, and otherwise complied with such laws: *And provided further*, That this section shall not be construed as affecting any rights as to location of soldiers' additional homesteads under section 2306 of the Revised Statutes.'"

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, I think this bill should be explained, and I shall ask the gentleman from Colorado [Mr. TIMBERLAKE] to tell us what it means. Does this confer the right to the holder of 320 acres to take an additional 320 acres?

Mr. TIMBERLAKE. Mr. Speaker, I would say to the gentleman from Pennsylvania that it does not so provide. It provides that a person who has made proof of 160 acres shall be privileged to take up to 320 acres additional.

Mr. MOORE of Pennsylvania. Provided it is not contiguous to his original 160 acres?

Mr. TIMBERLAKE. Provided it is not contiguous. The act of March 4 last provided he could do this where the lands were contiguous, but in many cases people were deprived of that because of the fact that there were no contiguous lands.

Mr. MOORE of Pennsylvania. And a man can take as high as 320 acres under this bill?

Mr. TIMBERLAKE. Oh, no; only 160 acres.

Mr. MOORE of Pennsylvania. But he has the right to get 160 acres additional, as I understand it.

Mr. MANN. He can take more than 160 acres under this bill. He can run his allotment up to 320 acres, including what he had before, if it be only 40 acres.

Mr. MOORE of Pennsylvania. What is the limit he can now secure under this?

Mr. TIMBERLAKE. Three hundred and twenty acres.

Mr. MOORE of Pennsylvania. That is as far as he can go?

Mr. TIMBERLAKE. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears no objection. This bill is on the Union Calendar.

Mr. TIMBERLAKE. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the substitute.

The substitute was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend an act entitled 'An act to provide for an enlarged homestead,' approved February 19, 1909, by adding a new section to be known as section 7."

On motion of Mr. TIMBERLAKE, a motion to reconsider the vote by which the bill was passed was laid on the table.

FRAUDULENT ENLISTMENTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 7619) to repeal section 3 of section 1342 of the Revised Statutes of the United States, enacted July 27, 1892.

The SPEAKER. Is there objection?

Mr. GORDON. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

SERVICE OF NAVY AND MARINE CORPS IN HAITI.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12835) to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Republic of Haiti, and for other purposes.

The SPEAKER pro tempore (Mr. GARNER). Is there objection to the consideration of this bill?

Mr. MANN. Mr. Speaker, I ask that the bill be read.

The SPEAKER pro tempore. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized, in his discretion, to detail to assist the Republic of Haiti such officers and enlisted men of the United States Navy and the United States Marine Corps as may be mutually agreed upon by him and the President of the Republic of Haiti: *Provided*, That the officers and enlisted men so detailed be, and they are hereby, authorized to accept from the Government of Haiti the said employment with compensation and emoluments from the said Government of Haiti.

SEC. 2. That to insure the continuance of this work during such time as may be desirable, the President may have the power of substitution in the case of the termination of the detail of any officer or enlisted man for any cause: *Provided*, That during the continuance of such details the officers and enlisted men shall continue to receive the pay and allowances of their ranks or ratings in the Navy or Marine Corps.

SEC. 3. That the following increase in the United States Marine Corps be, and the same is hereby, authorized: Two majors, 12 captains, 18 first lieutenants, 2 assistant quartermasters with the rank of captain, 1 assistant paymaster with the rank of captain, 5 quartermaster sergeants, 5 first sergeants, 5 gunnery sergeants, and 11 sergeants.

SEC. 4. That the following increase in the United States Navy be, and the same is hereby, authorized: One surgeon, 2 passed assistant surgeons, 5 hospital stewards, and 10 hospital apprentices, first class.

SEC. 5. That officers and enlisted men of the Navy and Marine Corps detailed for duty to assist the Republic of Haiti shall be entitled to the same credit for such service, for longevity, retirement, foreign service, pay, and for all other purposes, that they would receive if they were serving with the Navy or with the Marine Corps.

With the following committee amendment:

Page 2, line 3, after the word "Haiti," insert the words "subject to the approval of the President of the United States."

The SPEAKER pro tempore. Is there objection?

Mr. MCLAUGHLIN. Mr. Speaker, reserving the right to object, I do not see the author of the bill here.

Mr. MANN. Mr. Speaker, I understand the gentleman from Tennessee [Mr. PADGETT] will be here in a moment; and while we are waiting for him I desire to state that I looked up this bill endeavoring to get some information concerning it, and learned, among other things, that the son of Representative BUTLER, Smedley Butler, who is in the Marine Corps, was, I think, stated to be the officer in charge of the constabulary in Haiti. I therefore asked Representative BUTLER to get his son, whom I knew when he was a boy, to make me a statement concerning this so that I would know something about it. I ask to have a letter from Smedley Butler read for the information of the House. He is a major, is he not?

Mr. PADGETT. Yes; Maj. Butler.

The SPEAKER pro tempore (Mr. GARNER). Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

The Clerk read as follows:

MARINE BARRACKS,
Navy Yard, Philadelphia, Pa., April 4, 1916.

MY DEAR MR. MANN: Father has just told me that you wished some information about the Haitian Constabulary, of which I am at present acting as chief. While I would very much rather have an opportunity to talk to you, I am due to return to Haiti in a short time, and father thinks perhaps you will be too busy to see me and that this letter will serve the purpose.

We have enlisted, equipped, and fairly well drilled at the present time about 2,000 Haitians, and are garrisoning and maintaining order in the

whole of Haiti. At present commissioned and noncommissioned officers and privates of marines are assisting the constabulary by lending their services as officers thereof. The duty is military, and we think that officers who have military training are absolutely necessary for the success of the constabulary. In order to accomplish this there is a bill before the House of Representatives authorizing officers of the Navy and Marine Corps to serve in the constabulary under the Haitian Government. We have tried Haitian lieutenants, but have found them to be a failure by actual experience, and I believe that it will be necessary for a time to have all of the officers of this force Americans. Under the leadership of our marines the constabularymen have put down disturbances in Haiti, showing that they will make very reliable, good policemen if officered by Americans.

Aside from military and police duties, our marines, acting as Haitian officers, are doing everything in their power to assist the native population in rebuilding their roads, their irrigation works, their bridges, to clean up their towns, and generally better the condition of the people at large, by doing which we hope to absolutely do away with the desire on the part of any Haitian to revolt against his Government. So far we have been very successful in this line, and the vast majority of the people are on our side because of our honesty and squareness. The people have been much oppressed by their former dishonest officials through an illegal squeeze system, which we have put an absolute stop to.

The treaty provides—and we hope it will come true—that in a few years all of us will be able to leave Haiti and the constabulary entirely officered by their own people, but at present, owing to their traditions and the previous bad government, we are certain that this is impracticable.

Haiti is a wonderful country and well worth saving. During the French occupation, which ended in 1804, it was enormously rich, but now, owing to the shiftlessness of its population and to the numerous revolutions, it has become extremely poor and is in an entirely undeveloped condition. With little labor and comparatively small expense, the French public works, to which was due in large measure the wealth of Hait under their rule, can be restored. In fact, we started on the 1st of February to do this. Hundreds of natives volunteered their services as laborers free of charge, provided American marines supervised the work, and all over Haiti to-day roads, bridges, irrigation work, telephone and telegraph lines are being restored.

The duty will be extremely hard and lonely, as single marines are at present living far in the interior, with no other white men, simply in command of small detachments of constabulary. There are many applications for these positions in the constabulary from among the members of the Marine Corps, who are now most enthusiastically serving with the constabulary in Haiti and doing splendid work, and it is hoped to get the very best material which the Marine Corps can furnish, as we feel that it is a matter of corps as well as national honor to assist the Haitians in getting on their feet.

I could write you pages, but father has cautioned me to make my letter short; but if there is any further information which you desire, if you will be kind enough to tell father to notify me, I will come immediately to Washington, at any time you say, for we "Haitians" want to get everybody we possibly can on our side of the "fence." I feel that all that is necessary is for our own people to realize what we are trying to do for this little Republic.

I had hoped while in Washington to get an opportunity to see Mrs. Mann, as it seems a long time since I have had that pleasure, but I have been so busy trying to help my little black fellows get on their feet that I have hardly had time to eat. Will you please give my very best to Mrs. Mann and James; and hoping that you will give me an opportunity to tell you more of Haiti, I am,

Very sincerely, yours, SMEDLEY D. BUTLER.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. McLAUGHLIN. Mr. Speaker, reserving the right to object, I wish to ask the chairman of the committee a question in regard to the compensation of these officers detailed to Haiti. The first section provides that the officers and enlisted men shall receive compensation and emolument from the Government of Haiti, and the proviso of section 2 provides that the compensation they are now receiving, or that they will be entitled to as officers and men of our Regular Army, shall also be paid.

Mr. PADGETT. They will receive their regular pay and allowances as officers of the Marine Corps and such additional pay and compensation as the Government of Haiti, subject to the approval of the President of the United States, may pay in addition to their regular pay. Taking these men down there and keeping them there is extra duty, and under those conditions we allow the Government of Haiti, subject to the approval of the President of the United States, to pay them something additional.

Mr. McLAUGHLIN. Is there any testimony showing or indicating what compensation will be paid by the Haitian Government?

Mr. PADGETT. No, sir; not as to the details of it; simply a proviso that the President of the United States may allow them to receive such additional pay as he may approve.

Mr. McLAUGHLIN. Well, is not it true that when there have been similar details and foreign Governments have undertaken to pay the men detailed from our Army or Navy that the compensation has been very liberal—even larger than the amount received for their work in this country?

Mr. PADGETT. We have no information on that subject and I am not prepared to say.

Mr. McLAUGHLIN. It seems to me, Mr. Speaker, when these men are relieved altogether of duty in the United States and the duty of compensating them is assumed by the Haitian Government, that this Government ought to be relieved for the time being of the burden of maintaining and paying them.

Mr. PADGETT. They are under our control and still in our line of service, and I think they ought to have their pay; and while we thought they should be allowed some extra pay the committee thought the President of the United States should have the advising and regulation of it.

Mr. McLAUGHLIN. There is no testimony whatever as to what the amount paid by the Haitian Government will likely be?

Mr. PADGETT. No, sir; because we do not know what it would be, and we have no way of ascertaining what the amount would be; but we fixed it so that the President should approve whatever amount should be paid.

Mr. MANN. I think we can assume it will not be very high?

Mr. McLAUGHLIN. Why?

Mr. MANN. Because they will not have the money.

Mr. ROBERTS of Massachusetts. Haiti is bankrupt.

Mr. MANN. I have a copy of the treaty, which I am going to ask to put in the RECORD. Under the treaty we are to have a general receiver and financial adviser who are to handle the funds. A part of the funds are used for governmental expenses, maintenance of the constabulary, and so forth, and then they hope to be able to take care of some indebtedness outstanding. I do not think the amount is going to be so large that they are likely to get too much pay. The same thought occurred to me that did to the gentleman in regard to the cost, as it naturally excites wonder.

Mr. PADGETT. We thought it wise to put a provision in that the President of the United States should supervise and approve before they should receive any amount.

Mr. McLAUGHLIN. Is it the opinion of the committee that the service in Haiti will be disagreeable and hazardous and ought to be better paid than service in the United States?

Mr. PADGETT. I think so; yes, sir.

Mr. MANN. As indicated by the letter from Maj. Butler, many of these officers will be out in the country in charge of colored constabulary, with no other white persons around, and I presume it would be fair to give them a little extra pay. The basis of the whole thing, outside of maintaining order, I presume, is article 4 of the treaty which provides that—

> Upon the appointment of the financial adviser, the Government of the Republic of Haiti, in cooperation with the financial adviser, shall collate, classify, arrange, and make full statement of all the debts of the Republic, the amounts, character, maturity, and condition thereof, and of the interest accruing and the sinking fund requisite to their final discharge.

I expect that is the reason they are in there, and being in there they want to maintain order and see if they can reestablish working conditions.

Mr. PADGETT. We thought it wise to establish under our own military adminstration the police organization called the "gendarmerie."

Mr. McLAUGHLIN. Will these men under the terms of their enlistment be required to leave this country and take up this work without their consent?

Mr. PADGETT. I think so. I think the President has authority to send the marine to do any duty that the President feels comes within the province of his authority.

He has been sending them there a number of times—to Haiti and Nicaragua——

Mr. McLAUGHLIN. And Vera Cruz.

Mr. PADGETT. And other places heretofore; and I want to say that no marine has ever demurred or refused to go.

The SPEAKER pro tempore. Is there objection?

Mr. FESS. Reserving the right to object, I wanted to ask what is the specific official relation of our Government to Haiti now?

Mr. PADGETT. There has been a treaty recently concluded between the Republic of Haiti and our country which has been ratified by the Senate, and the gentleman from Illinois [Mr. MANN] is going to put a copy of the treaty in the RECORD, in which we have undertaken to manage their finances and to maintain order in the Government.

Mr. FESS. Does it do away with their autonomy at all?

Mr. PADGETT. No, sir. It leaves their Government intact. We are cooperating with that Government; and you will notice that the bill provides that the President of the Republic of Haiti may do so-and-so, and, with the approval of the President of the United States, they may receive additional compensation.

Mr. FESS. And these officers go in there through their invitation as well as our wish?

Mr. PADGETT. And with their cooperation.

Mr. HICKS. I would like to ask the gentleman what the status of these men is when they are detailed in that way?

Mr. PADGETT. They are under the control of the President.

Mr. HICKS. And not under the orders, at all, of the Haitian Government?

Mr. PADGETT. No, sir. They are controlled primarily by ourselves, and we would dictate and determine the policy and the conditions of their actions, but, of course, in carrying out their regulations the President of the Republic would be consulted and would have an official voice.

Mr. HICKS. But always under our control?

Mr. PADGETT. Always under our control.

Mr. HENSLEY. Reserving the right to object, as I understand the gentleman, he has not any definite idea with reference to the amount of increase that this bill will carry.

Mr. PADGETT. That the Haitian Government would pay?

Mr. HENSLEY. Yes.

Mr. PADGETT. It would be a matter of agreement between the President of the Republic of Haiti and the President of the United States.

Mr. HENSLEY. According to the wording of the bill, as I understand it, they receive not only their full pay for their services from this Government, but they receive in addition from the Haitian Government the same pay of those rendering service of that character from that Government?

Mr. PADGETT. No, sir.

Mr. HENSLEY. Well, read the provisions in the bill.

Mr. PADGETT. It says:

That the officers and enlisted men so detailed be, and they are hereby, authorized to accept from the Government of Haiti the said employment, with compensation and emoluments from the said Government of Haiti, subject to the approval of the President of the United States.

Now, the Republic of Haiti might tender such additional compensation as it saw fit, but the President of the United States must approve. For instance, an enlisted man gets about $18 or $20 a month. He gets the same pay as a petty officer or an enlisted man in the Army of the United States. An enlisted man gets somewhere from $16 to $24 or $25 or $30, perhaps, according to the length of his enlistment, and he might be a petty officer and still be an enlisted man. Now, he would get a small pay. The President of the Republic of Haiti would be authorized to pay him such an additional amount as he saw fit, but which the President of the United States would approve.

Mr. HENSLEY. May I see the amended bill as you have it?

Mr. PADGETT. Yes, sir.

The SPEAKER pro tempore. Is there objection?

Mr. HENSLEY. Just a moment, Mr. Speaker, please. It says:

That the officers and enlisted men so detailed be, and they are hereby, authorized to accept from the Government of Haiti the said employment with compensation and emoluments from the said Government of Haiti, subject to the approval of the President of the United States.

I can not understand that that means anything other than that they are to receive the same compensation from that Government that men rendering identical service there receive.

Mr. PADGETT. The President of the Republic of Haiti would tender them such as he saw proper, and he would take into consideration what they were receiving here, and submit it to the President of the United States, and the President would approve it if he saw proper.

Mr. HENSLEY. The wording of the first bill introduced, Mr. Speaker, clearly means to give these persons rendering service down there increased pay, and that increased pay to come from that Government.

Mr. PADGETT. How is that?

Mr. HENSLEY. The bill that you first introduced states that they are authorized to accept from the Republic of Haiti the emoluments of the position that they are holding. That is the first bill that you introduced. Now, why did you change it?

Mr. PADGETT. Simply because when I referred the matter to the Secretary of State and the Secretary of the Navy they recommended changes to put it into conformity with the treaty which had been ratified by the two Governments, and this bill as it is drawn and as reported is the draft of the bill recommended by the Secretary of State and the Secretary of the Navy by their joint conference, with the addition that the committee saw fit to put in it that the compensation should have the approval of the President of the United States, and not leave it alone to the Government of Haiti.

Mr. HENSLEY. Does the gentleman not believe that we should have some information as to this amount of increase which these men are to receive? I do not know anything about it; I have been under the impression that they should have increased pay, but should we not have some information with reference to how much that is going to be, and should not the money be paid to this Government from those to whom we are rendering that service rather than come both ways?

Mr. PADGETT. I think it is perfectly safe to leave the settlement of the amount and the details with the President of the United States, to be prescribed by regulations. I do not think we could say whether or not the enlisted men should receive $5 a month more at this point, or $10 a month more at that point, or that he should receive over here at this point, where it is more dangerous and more disagreeable, $12.50 a month or $16 a month. I think the President of the United States can prescribe, and can be safely left to determine those details.

Mr. HENSLEY. That is very well, but do you think that all such matters should be left with any individual officer, for him to fix the pay? Why should not the committee have called before them persons who are informed with reference to the service to be rendered by these people, so that the committee could recommend the increase and could have some information with reference to what the increase would be?

Mr. PADGETT. This provides that they shall receive pay from the Government of Haiti, and the Government of Haiti is the one to take the initiative in that, subject to the approval of the President of the United States.

Mr. MANN. Mr. Speaker, will the gentleman from Missouri yield for a moment?

Mr. HENSLEY. Yes.

Mr. MANN. The amount that is collected comes through the general receiver, so called. This Government named the general receiver and financial adviser under the President of Haiti. The money is first provided, subject to payment of the expenses of the office of the general receiver, including his employees, and so forth; and, second, subject to the interest and sinking fund of the public debt of Haiti, and then to payments to the constabulary, and then whatever remains to the Haitian Government is used for current expenses; so that I think it is not likely that they will be able to give exorbitant pay to the constabulary. They can not pay the constabulary anything until they have taken care of the interest and sinking fund on the public debt; and then after they pay the constabulary they will have to maintain the Government, and unless they raise more money than they have heretofore been raising—which I hardly think they will be able to do—they will not have a great sum of money to throw away.

Mr. HENSLEY. Let me ask the gentleman a question. We have men of the Marine Corps serving in other sections of the world, other foreign countries, have we not?

Mr. MANN. Yes; we have marines now in Nicaragua and in Haiti and in San Domingo and perhaps elsewhere.

Mr. HENSLEY. Has the gentleman any information as to whether those who are serving in those countries that he has just named receive additional pay, as this bill provides for those serving in Haiti?

Mr. MANN. I think not; but they do not serve individually. They serve collectively—a company of marines, or possibly a smaller number.

Mr. PADGETT. A detachment.

Mr. MANN. Yes. But the purpose here is to have these marines go in as officers of colored native constabulary companies, where in some cases they will be the only white persons in a locality at all. There will be no other marines there, unless it be a captain.

Mr. HENSLEY. Would not that be true in the Philippines and in Hawaii?

Mr. MANN. Oh, no; it is not true elsewhere where we have marines.

Mr. ROBERTS of Massachusetts. Nowhere else are our marines doing such work.

The SPEAKER. Is there objection?

Mr. SISSON. Reserving the right to object, Mr. Speaker, how does this affect the pay of the officers detailed or the enlisted men detailed out of our Treasury?

Mr. PADGETT. It does not change it at all.

Mr. SISSON. The service in the Tropics gives them the 20 per cent increased pay, does it not?

Mr. PADGETT. They do get that in the Marine Corps, in the case of enlisted men, who get 20 per cent for foreign-service pay and the officers 10 per cent additional.

Mr. SISSON. Is this considered foreign-service pay?

Mr. PADGETT. Yes; I believe so.

Mr. SISSON. So, in addition to the regular pay, they would get the tropical additional pay, and then whatever pay they could get out of the Hawaiian Government?

Mr. PADGETT. No; not the Hawaiian Government, but the Haitian Government, as the President of the United States would approve.

Mr. SISSON. I expect the President would not object to anything that the Haitian Government would give them.

Mr. PADGETT. I do not think he would object to any reasonable rate, because under the treaty we are administering the finances of Haiti, and the President would not permit our marines to receive unreasonable compensation to be taken out of the treasury of that Government, of whose finances we were the administrator.

Mr. SISSON. The Federal Government having assumed control of this situation, it will be morally bound for the payment of these joint obligations, will it not?

Mr. PADGETT. We do not assume to pay any of their debts. We assume to collect their revenues and faithfully to pay those revenues out.

Mr. SISSON. All of which is true. But we who have served any length of time in Congress know that whether the specific law grants it to them or not, if there is any failure of administration on the part of the Federal Government to get the amount of revenue that the Haitian Government ought to produce, all claims incurred thereby will necessarily come to Congress for payment.

Mr. PADGETT. I think not. I think the gentleman is assuming that Congress would undertake to pay the debts of the Republic of Haiti.

Mr. SISSON. That is not what I want the Federal Government ever to do indirectly, even to put itself in a place where in any sense of the word it would be morally responsible for it.

Mr. PADGETT. It would not be morally responsible.

Mr. SISSON. Why?

Mr. PADGETT. Simply because the Government is not guaranteeing the payment of the obligation. We are administering it and paying their money out wisely and properly, so far as received and collected.

Mr. SISSON. But we have virtually taken charge of the finances of their Government.

Mr. PADGETT. Yes; under a treaty that has been ratified.

Mr. SISSON. That is true; but having taken charge of the fiscal affairs of the Government, if there should be any mismanagement, if there were any money improperly expended, any shortages in revenue, or any impropriety in the manner in which the revenue is expended, why would we not then be putting ourselves in a position where, having assumed the control of it, we would be responsible for whatever resulted from it?

Mr. PADGETT. Those are matters that address themselves——

Mr. MANN. This bill does not touch that at all. A treaty has already been ratified by the Senate, though I believe it has not yet been proclaimed, under which on the nomination of the President there is appointed a general receiver and a financial adviser for the Haitian Government. That is provided for regardless of this bill. Now, one of the provisions of the treaty is that we may send officers there, or the President of Haiti may appoint officers to run the constabulary. That is all this bill involves. The President can not do it without the consent of Congress.

Mr. SISSON. What I know about the treaty is only what I have seen in the newspapers. I have not seen the treaty.

Mr. MANN. I propose to ask to put the treaty in the RECORD.

Mr. SISSON. That treaty, referred to by the gentleman from Illinois, provides virtually that the Government of the United States shall keep the peace there and endeavor to assist those people in establishing a stable government, I presume somewhat due to the fact that we are insisting upon the Monroe doctrine; and this being a part of the Western Hemisphere, it becomes our duty to maintain or assist in maintaining a stable government, with the consent of those people.

Mr. MANN. I suspect that has a good deal to do with it.

Mr. SISSON. All right. Now, this increases, to a certain extent, the liability of our Government—to what extent we can not tell from the face of this bill.

Mr. MANN. In what respect?

Mr. SISSON. For instance, the pay and the number of the constabulary.

Mr. MANN. My information—I will not say it is accurate—is that they expect to put about 35 officers down there from the Marine Corps.

Mr. SISSON. Only about 35?

Mr. MANN. Yes; and, of course, we pay their salaries.

Mr. SISSON. That comes out of our Treasury?

Mr. MANN. Yes; to that extent. We pay that sum of money for the purpose of having the opportunity of assisting to organize a stable government on the island of Haiti.

Mr. SISSON. Under that treaty or this bill, who selects the balance of the constabulary—the native constabulary?

Mr. PADGETT. The Haitian Government.

Mr. MANN. The treaty provides that—

> This constabulary shall be organized and officered by Americans, appointed by the President of Haiti upon nomination by the President of the United States. The Haitian Government shall clothe these officers with the proper and necessary authority and uphold them in the performance of their functions. These officers will be replaced by Haitians as they, by examination, conducted under direction of a board to be selected by the senior American officer of this constabulary and in the presence of a representative of the Haitian Government, are found to be qualified to assume such duties.

Mr. STEENERSON. Reserving the right to object, I should like to ask the chairman a question. The proviso on page 1 reads:

> *Provided*, That the officers and enlisted men so detailed be, and they are hereby, authorized to accept from the Government of Haiti the said employment with compensation and emoluments from the said Government of Haiti, subject to the approval of the President of the United States.

Now, the ordinary construction to be placed upon that language would be this: That these officers would be entitled to the same compensation and the same emoluments provided by our laws which they now receive, and later on in the bill it provides that they shall continue to receive compensation and emoluments from the Government of the United States. So is not the effect of this bill to give them double compensation and double emoluments?

Mr. PADGETT. No, sir.

Mr. STEENERSON. If so, it seems to me it would be a precedent that would be followed in similar cases in the future, and which could not very well be disregarded without a charge of discrimination.

Mr. MANN. If by the word "double" the gentleman means twice the compensation they now receive, it does not mean that, but it does mean pay from two sources.

Mr. STEENERSON. This bill does not say how much the compensation shall be that the Government of Haiti shall give nor what the emolument shall be, but it says the officers and enlisted men are authorized "said employment with compensation and emoluments." Now, "compensation and emoluments" necessarily means what they are now receiving. That would be a fair interpretation of the language.

Mr. PADGETT. No, sir; it means such as the Government of Haiti may pay and the President of the United States may approve.

Mr. STEENERSON. Such emoluments as the Government of Haiti may see fit to determine, subject to the approval of the President of the United States? Now, "subject to the approval of the President of the United States" does not relate to the amount of compensation or emoluments at all. It simply relates to this, that the Government of Haiti can not give the said emoluments and compensation unless the President approves; but the President is not given control of the amount at all, in the way this proviso is written.

Mr. PADGETT. Oh, yes; that is just what it does.

Mr. STEENERSON. I disagree with that construction.

Mr. PADGETT. It puts it in the power of the President of the United States to approve.

Mr. STEENERSON. Then why is it not stated in language that is plain and free from ambiguity? "Subject to the approval of the President of the United States." What is subject—the payment of the emoluments and compensation, which means the full compensation and full emoluments now prescribed?

Mr. PADGETT. Oh, no; not at all.

Mr. STEENERSON. All that the President is given authority to approve is whether they can accept employment with compensation and emoluments. The amount would be fixed by the other Government and they would be almost in honor bound to pay the same as prescribed by our laws. That is the way it seems to me.

Mr. PADGETT. Oh, no; I think not.

Mr. MANN. The gentleman can readily see that the President of the United States can refuse his approval of the right to receive anything unless the amount is satisfactory to the President.

Mr. STEENERSON. He can say whether or not they shall have compensation and emoluments, but the compensation and emoluments are those mentioned by our laws.

Mr. MANN. I think not. Our law would not govern the Republic of Haiti.

Mr. STEENERSON. Will the chairman of the committee say that that would not be the construction to be placed upon this?

Mr. PADGETT. I think it leaves the whole question of what they shall receive—how much, or whether they shall receive anything, much or little—to the President of the United States.

Mr. STEENERSON. I do not like to set my opinion up against that of the chairman of the committee, but it seems to me if you pass this bill you will find that these men will be entitled to the payment of the full amount from the Haitian Government and the full amount from this Government also.

Mr. PADGETT. How could we prescribe what the Haitian Government should pay?

Mr. STEENERSON. I do not say they should not have as much as that, but I hate to see this bill go through with a misunderstanding about this. If that is what we intend to do, we should say so in clear language.

Mr. PADGETT. We have no authority to prescribe how much the Haitian Government shall pay. They will determine for themselves what they will offer, and that will be submitted to the President of the United States for his approval or rejection, and he can state how much additional he will approve, and no more, and they can not receive any more.

Mr. STEENERSON. It seems to me that all we can do here is to say yes or no whether we shall pay them.

Mr. CALLAWAY. Mr. Speaker, have we passed the objecting stage?

The SPEAKER. No; we have not got to it. Is there objection?

Mr. CALLAWAY. I object.

Mr. PADGETT. Mr. Speaker, as this is suspension day, will the Chair entertain a motion to suspend the rules and pass the bill?

The SPEAKER. Not now.

Mr. PADGETT. I am engaged in trying to get the naval appropriation bill ready, and I have a meeting at 2 o'clock. I would be glad if the Speaker would entertain a motion to suspend the rules.

The SPEAKER. In regard to suspensions, after much controversy and thought, the Chair has finally concluded that on unanimous-consent day at about 3.30 or 4 o'clock in the afternoon he will recognize Members for a motion to suspend the rules, and not until then, unless it is a matter of prime importance and of a pressing nature.

Mr. PADGETT. Will the Chair recognize me at 4 o'clock this afternoon?

The SPEAKER. The Chair will recognize the gentleman third on that list.

Mr. PADGETT. I will be here.

THE INTERSTATE COMMERCE COMMISSION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 308) to amend an act to regulate commerce as amended, and for other purposes.

The Clerk read the bill as follows:

Be it enacted, etc., That section 24 of an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, be further amended to read as follows:

"SEC. 24. That the Interstate Commerce Commission is hereby enlarged so as to consist of nine members, with terms of seven years, and each shall receive $10,000 compensation annually. The qualifications of the members and the manner of the payment of their salaries shall be as already provided by law. Such enlargement of the commission shall be accomplished through appointment by the President, by and with the advice and consent of the Senate, of two additional Interstate Commerce Commissioners, one for a term expiring December 31, 1921, and one for a term expiring December 31, 1922. The terms of the present commissioners, or of any successor appointed to fill a vacancy caused by the death or resignation of any of the present commissioners, shall expire as heretofore provided by law. Their successors and the successors of the additional commissioners herein provided for shall be appointed for the full term of seven years, except that any person appointed to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. Not more than five commissioners shall be appointed from the same political party."

SEC. 2. That section 17 of said act, as amended, be further amended to read as follows:

"SEC. 17. That the commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. The commission shall have an official seal, which shall be judicially noticed. Any member of the commission may administer oaths and affirmations and sign subpœnas. A majority of the commission shall constitute a quorum for the transaction of business, except as may be otherwise herein provided, but no commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest. The commission may, from time to time, make or amend such general rules or orders as may be requisite for the order and regulation of proceedings before it, or before any division of the commission, including forms of notices and the the service thereof, which shall conform, as nearly as may be, to those in use in the courts of the United States. Any party may appear before the commission or any division thereof and be heard in person or by attorney. Every vote and official act of the commission, or of any division thereof, shall be entered of record, and its proceedings shall be public upon the request of any party interested.

"The commission is hereby authorized by its order to divide the members thereof into as many divisions as it may deem necessary, which may be changed from time to time. Such divisions shall be denominated, respectively, division 1, division 2, etc. Any commissioner may be assigned to and may serve upon such division or divisions as the commission may direct, and the senior in service of the commissioners constituting any of said divisions shall act as chairman thereof. In case of vacancy in any division, or of absence or inability to serve thereon of any commissioner thereto assigned, the chairman of the commission, or any commissioner designated by him for that purpose, may temporarily serve on said division until the commission shall otherwise order.

"The commission may by order direct that any of its work, business, or functions arising under this act, or under any act amendatory thereof, or supplemental thereto, or under any amendment which may be made to any of said acts, or under any other act or joint resolution which has been or may hereafter be approved, or in respect of any matter which has been or may be referred to the commission by Congress or by either branch thereof, be assigned or referred to any of said divisions for action thereon, and may by order at any time amend, modify, supplement, or rescind any such direction. All such orders shall take effect forthwith and remain in effect until otherwise ordered by the commission.

"In conformity with and subject to the order or orders of the commission in the premises, each division so constituted shall have power and authority by a majority thereof to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions so assigned or referred to it for action by the commission, and in respect thereof the division shall have all the jurisdiction and powers now or then conferred by law upon the commission, and be subject to the same duties and obligations. Any order, decision, or report made or other action taken by any of said divisions in respect of any matters so assigned or referred to it shall have the same force and effect, and may be made, evidenced, and enforced in the same manner as if made or taken by the commission as a whole. The secretary and seal of the commission shall be the secretary and seal of each division thereof.

"The salary of the secretary of the commission shall be $7,500 per annum.

"Nothing in this section contained, or done pursuant thereto, shall be deemed to divest the commission of any of its powers."

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. Reserving the right to object, I would like to ask the gentleman from Georgia what does the Interstate Commerce Commission think about this bill, does the gentleman know?

Mr. ADAMSON. The Interstate Commerce Commission has been recommending it. We passed a similar bill some 10 years ago, but the Senate did not pass it. The commission has so much work thrust upon it first by the Hepburn bill in 1896, and then by the bill which was engineered through the House by our distinguished Republican leader, Mr. MANN, and then the physical-valuation act, that they find themselves overburdened with work.

They have this difficulty: They have to send examiners and attorneys around over the country to hear cases, and the people are dissatisfied with that; they want the members of the commission instead of agents. Furthermore, they say it is important that they should be allowed to subdivide. They have not that privilege now. They say that if they have nine members, and they can subdivide into sections of two or three, they can assign a certain section to physical valuation and a certain section to hearing cases, and they can get along a great deal better and a great deal faster. We have heard all the commissioners on the subject.

The SPEAKER. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Speaker, this bill is on the Union Calendar, and I ask unanimous consent to consider it in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. MANN. Mr. Speaker, I move to strike out the last word. This bill raises the salary of the secretary to the Interstate Commerce Commission $2,500; it raises it to $7,500, which I think is proper and just.

Mr. FERRIS. How much is it now?

Mr. MANN. Five thousand dollars. Section 18 of the interstate-commerce act fixed the salary of the secretary at $3,500, and several years ago in the sundry civil bill we raised it to $5,000. Now we raise it to $7,500 by an amendment to section 17. Hereafter we will have the interstate-commerce act printed, and section 17 will fix the salary at $7,500, while section 18 will fix it at $3,500.

Mr. ADAMSON. Is not the gentleman from Illinois mistaken about the provision in the sundry civil act being a permanent provision?

Mr. MANN. It is a permanent provision under the Fitzgerald amendment, which fixes salaries carried in appropriation bills.

Mr. ADAMSON. The gentleman from Illinois is usually very accurate and knows more different things than any man on earth now or in the past, but the Fitzgerald amendment he speaks of applies to provisions in two certain bills only.

Mr. MANN. It applies to all appropriation bills.

Mr. ADAMSON. My understanding has been that the statutory salary was $3,500, and it is dependent on annual appropriations to give the Secretary $5,000.

Mr. MANN. The Fitzgerald amendment applied to all appropriation bills. I have no objection to this; I do not know who the secretary is, but he ought to have $7,500.

Mr. ADAMSON. The gentleman from Illinois does not think there will be any trouble about the apparent discrepancy?

Mr. MANN. Oh, no; there will be no trouble about his getting the money, but we have the interstate-commerce law printed from time to time—you can get it in the document room at any time—and it will show that the House and the Senate passed the bill changing the salary of the secretary to $7,500 in one section but left in the provision in the next section fixing the salary at half the amount.

Mr. ADAMSON. If the gentleman does not think the codifiers can omit it, we can strike it out.

Mr. MANN. I do not think the codifiers will get a chance at it very soon.

Mr. ADAMSON. Then we can fix it in this bill.

Mr. MANN. We ought to provide that so much of section 18 fixing the salary of the secretary be repealed.

Mr. ADAMSON. That can be done very easily. Has the gentleman the act before him?

Mr. MANN. No; I have not.

Mr. ADAMSON. I would like to have it correct when we come to make the motion.

Mr. MANN. We usually refer to that as the act to regulate commerce.

Mr. ADAMSON. Why not just amend that declaration in this present bill by saying that the salary is increased?

Mr. MANN. I suggest that we amend by adding a section to be known as section 3 of the bill and provide that so much of section 18 of the act to regulate commerce as fixes the salary of the secretary of the commission is hereby repealed.

Mr. ADAMSON. What does the gentleman say to the suggestion that I make, to amend by saying that the salary is increased from the present amount to $7,500?

Mr. MANN. I think we better add the new section.

Mr. ADAMSON. Very well.

Mr. MANN. Mr. Speaker, I offer that as an amendment, to add a new section as section 3, that so much of section 18 of the act to regulate commerce as fixes the salary of the secretary of the commission is hereby repealed.

Mr. ADAMSON. And leave the present provision in the bill as it is?

Mr. MANN. Yes.

The SPEAKER. The gentleman from Illinois withdraws the pro forma amendment and offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add a new section as follows:

"SEC. 3. So much of section 18 of the act to regulate commerce as fixes the salary of the secretary of the commission is hereby repealed."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

ACT TO REGULATE COMMERCE.

The next business on the Calendar for Unanimous Consent was the bill H. R. 722, to amend section 20 of an act to regulate commerce, approved February 4, 1887, as amended, and for other purposes.

Mr. MANN. Mr. Speaker, I hope the gentleman from Georgia will ask to have this go over, and also the next on the calendar.

Mr. ADAMSON. Mr. Speaker, I was going to suggest that the gentleman from Virginia [Mr. SLEMP] has requested that the bill now before us be passed over without prejudice. I promised him that I would comply with his request, and as the gentleman from Illinois [Mr. MANN] prefers a similar request to the next number on the calendar, Senate joint resolution 60, creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce, to investigate the conditions relative to interstate and foreign commerce, and so forth, I ask unanimous consent that the bill H. R. 722 and the Senate joint resolution 60 be passed over without prejudice.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the bill H. R. 722 and Senate joint resolution 60 be passed over without prejudice. Is there objection?

There was no objection.

TERMS OF THE DISTRICT COURT AT RALEIGH, N. C.

The next business on the Calendar for Unanimous Consent was the bill S. 4480, providing for the establishment of two additional terms of the district court for the eastern district of North Carolina at Raleigh, N. C.

The Clerk read the bill, as follows:

Be it enacted, etc., That two additional terms of the district court, for the trial of civil cases, for the eastern district of North Carolina shall be held at Raleigh, N. C., on the first Monday in March and the first Monday in September.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I move to strike out the last word. I would like to get some information from some gentleman from North Carolina or from some one who is on the Committee on the Judiciary.

The SPEAKER. Who has charge of the bill?

Mr. MANN. The gentleman who made the report on the bill is the gentleman from Minnesota [Mr. VOLSTEAD], but he does not seem to be present. This bill provides for two additional terms of court "for the trial of civil cases." Does anyone know whether it is usual to provide for additional terms of court for the trial of civil cases, excluding criminal cases, and keeping the criminals in jail while the court is being held?

Mr. OGLESBY. Mr. Speaker, I can say to the gentleman that the practice in New York is to have two separate calendars.

Mr. MANN. I understand that. Of course, there always is a separate calendar.

Mr. OGLESBY. I mean that the terms of court are civil and criminal terms.

Mr. MANN. In New York they have the criminal court in session practically all of the time, and civil terms also.

Mr. OGLESBY. Practically; but not all of the time.

Mr. MANN. But I wondered whether we usually provided for terms of court simply to try civil cases, while a man who happens to be in jail could not have his case called up?

Mr. FOSTER. It looks to me like a peculiar situation.

Mr. MANN. There seems to be no one here in the House from the Committee on the Judiciary or from the State of North Carolina.

Mr. FOSTER. The gentleman from North Carolina [Mr. POU] is here.

Mr. MANN. Then I will address my inquiry to him. I wanted to know whether I could learn whether it is customary for us to provide for terms of the Federal court providing that they shall only be for the trial of civil cases?

Mr. POU. I will say to the gentleman that I think this bill is drawn in accordance with the desire of the members of the bar who practice in that court.

Mr. MANN. That is not what I am inquiring about. Are we inaugurating a new practice to say that a court must not dispose of criminal business at a certain term of court? Of course I know that the court may not try them, but to say that it can not is another matter. There are now two terms of the district court held at Raleigh in a year.

Mr. POU. I have no objection to striking out the words "for the trial of civil cases."

Mr. MANN. I think they ought to be stricken out, if the gentleman has no objection.

Mr. IGOE. Would it not be just as well that the matter be passed over without prejudice? There was some correspondence with the attorneys in that district, and the explanation was made as to why the bill was worded in this way.

Mr. MANN. I know the explanation was made that criminal business took precedence over civil business, but that is not what I am inquiring about. My inquiry is whether you ought to keep a man in jail in order to try civil cases and not give him a chance to be heard, and whether we are spreading that practice all over the United States. I think that a man who is in jail is entitled to be tried if he wants to be.

Mr. POU. It was considered, I will say to the gentleman from Illinois, by gentlemen who appear in that court, that there is no necessity for any additional cost for the trial of criminal cases.

Mr. MANN. If there is no criminal business at that time, then it will not delay the civil business. That is perfectly patent. If there is criminal business, it seems to me they ought to be permitted to dispose of it.

Mr. POU. I have no objection to striking out the words "for the trial of civil cases," and I make that motion.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, lines 3 and 4, strike out the words "for the trial of civil cases."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

Subsequently,

Mr. POU. Mr. Speaker, I ask unanimous consent to return to Unanimous Consent Calendar No. 89 and to reconsider the action by which the bill was amended.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent to return to Unanimous Consent Calendar No. 89. Is there objection?

There was no objection.

Mr. POU. Mr. Speaker, since the colloquy a while ago between the gentleman from Illinois and myself I have looked up my correspondence with respect to the bill providing two additional terms of court for the United States court at Raleigh. I find that after a conference between the members of the bar and the judge a request was made that two additional terms of the court be provided for the trial of civil cases only. The statement was made that there were ample court facilities for disposing of the criminal docket speedily. I ask unanimous consent that the action of the House in amending the bill be reconsidered, and that the bill be passed by the House as it came from the Senate.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the bill as passed be reconsidered.

Mr. POU. That the amendment be reconsidered.

Mr. MANN. First, we want to reconsider the action of the House by which the bill was passed and then reconsider the vote by which the amendment was agreed to.

The SPEAKER pro tempore. That is the proper request. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was rejected.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

USE OF NAMES OF PUBLIC OFFICIALS BY PATENT ATTORNEYS.

The next business on the Calendar for Unanimous Consent was the bill (S. 683) prohibiting the use of the name of any Member of either House of Congress or of any officer of the Government by any person, firm, or corporation practicing before the Patent Office in advertising his business.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I should like to inquire of the gentleman who has charge of this bill whether he would have any objection to striking out the words "Patent Office" in line 4 and inserting "any department of the Government"?

Mr. OGLESBY. I will say to the gentleman this is a Senate bill and was introduced by a Senator who felt outraged because his name had been used in this way. The Commissioner of Patents is very much in favor of this measure.

Mr. MONDELL. What special reason is there for legislation of this kind relating to the Patent Office that does not apply equally to all departments of the Government? Why should we single out the Patent Office?

Mr. OGLESBY. The only reason I know is that the practice complained of has led to very grave abuses.

Mr. MONDELL. Is it to be inferred that it will be lawful for people practicing before other bureaus or departments of the Government to use the name of a Member of Congress in advertising his business? Is that the theory of the legislation?

Mr. OGLESBY. No.

Mr. MONDELL. That would be a fair inference, would it not?

Mr. OGLESBY. I do not think so. The peculiar business before the Patent Office has offered opportunities to men who wish to advertise their patent business, and they really do their clients more harm, I believe, than they do any Member of Congress by the use of their names.

Mr. MONDELL. My constituents write me frequently asking if I know some responsible patent attorney, and they frequently write me asking if I could not give the names of attorneys having to do with other matters, and I felt it my duty to recommend generally half a dozen people in the business whom I know are entirely responsible. I felt that it is not only proper I should do that, but it is a duty I owe my constituents. Now, that same attorney in writing in regard to a patent—and that would apply to any other business before the Government—might say, "I am acquainted with Mr. So-and-so, and I am sure he will be very glad to give information in regard to my honesty and ability."

Mr. OGLESBY. I would say to the gentleman I do not see any objection to his amendment. I only attempted to answer his question in the absence of Mr. MORRISON, who has charge of the bill, but since he is now here I will yield to him.

Mr. MONDELL. It occurs to me that if we are to legislate along this line at all the legislation should be general.

Mr. MANN. Will the gentleman from Wyoming yield?

Mr. MONDELL. Yes.

Mr. MANN. The gentleman will notice that there is no penalty attached to this bill, and it would not amount to a row of pins except for the fact that the Patent Office has a list of attorneys permitted to practice before it, and I think no other department of the Government has.

Mr. MONDELL. I think the Interior Department and certain of its bureaus other than the Patent Office has.

Mr. OGLESBY. If the gentleman will permit, I will also suggest the Commissioner of Patents has the power to disbar a man from practicing before him.

Mr. MANN. There being no penalty in this bill a violation of its terms could only be reached by the Commissioner of Patents taking the name from his list of persons permitted to practice before his office. I do not know that that applies to any other branch of the Government.

Mr. MONDELL. I think it is true that there is in several of the bureaus a list of attorneys——

Mr. CANNON. I think it applies to pension and land matters.

Mr. MONDELL (continuing). Who are qualified to practice before the office. Frequently on charges made and proven the name of such attorneys are stricken from the list. I think that is probably true in a number of departments of the Government. If there is a crying necessity for legislation of this character it should be general, in my opinion. I have some doubt about the necessity for any such legislation. I do not know why an attorney practicing before a department should not refer to the fact that he is acquainted with Members of Congress, but if it is deemed wise that he should not do that, then prohibit it generally. This looks rather too much like legislating against some one individual somewhere.

Mr. OGLESBY. If the gentleman will pardon me, a man does not have to be an admitted attorney to be allowed to practice before the Patent Office. I do not think an attorney at law who has been regularly admitted to practice is as apt to abuse a privilege of this kind as a man who is not.

Mr. MORRISON. Mr. Speaker, I would like to make this suggestion. It was suggested that if there is a demand for legislation that demand is for general legislation.

I have been a member of the Committee on Patents ever since I became a Member of the House. I have no knowledge of any demand in relation to any department or bureau of the Government except that which has come to me because of my membership in this House. My membership here has brought to my attention a crying need for legislation, not only this but other legislation, that will protect the inventors of the country and those men who think they are inventors, from being exploited by attorneys who are dealing unfairly with their clients. This is mild. It is limited to a known demand. It can be enforced only by the regulations in the Patent Office. It can do no injustice, and it may be a short step in the right direction; be the only step that can be taken so far as this feature of an unhappy condition is concerned.

Our Patent Office is as great a Patent Office, I think, as there is in the world. The great body of patent lawyers are as fine professional men as there are in the world, and yet when I go through my district I am met on every corner by men who have not been fairly dealt with and who think I should have protected them.

Mr. MONDELL. Have they been unfairly dealt with by patent attorneys, because the patent attorneys stated to the gentleman's constituents that they were acquainted with and were vouched for by my friend?

Mr. MORRISON. I can not answer that.

Mr. MONDELL. This bill would not cure the condition that is complained of unless these attorneys base their practices on recommendations or upon alleged recommendations or commendations of Members of Congress. This is not the way to meet improper practices of patent attorneys, it seem to me, except as those practices may be based on the improper use of the names of Members in advertising the business. I do not believe it is wise to legislate with regard to one bureau of the Government, leaving it as a matter of inference that the very thing we prohibit as to the Patent Office may be done by people

who do business before the other departments of the Government or practice before the other departments of the Government.

Mr. MORRISON. Mr. Speaker, the remark made by the gentleman from Wyoming [Mr. MONDELL] that this will not cure everything is sustained by the little knowledge I have of this entire situation; but it will help to cure—it will start a cure—and it so happens that those attorneys who deceive most inventors, most poor and would-be inventors, and wrong the most of them, and, in the last analysis, rob the most of them and make them homeless are the advertising attorneys.

Mr. MANN. Why not amend it, anyhow? What is the difference?

Mr. MORRISON. If I thought it would be applicable all along the line, I would have no objection. But I do want it vital and effective so far as the Patent Office is concerned. I will not oppose an amendment. I will say that.

Mr. GREEN of Iowa. I would ask the gentleman right on that point if it is not a fact that the great bulk of the advertising that is done by attorneys is done in connection with this Patent Office, and that within no other department is the advertising carried on so extensively? As I understand it, they not only advertise extensively in journals and papers, but they send out a large amount of circulars to persons who are supposed to be inventors, or have invented something, to solicit business in that way. And so it seems to me that this strikes the evil that exists especially with reference to the Patent Office business.

Mr. MORRISON. I know it exists there. I have no knowledge as to what it is elsewhere. I will not object to an amendment if some Member will offer an amendment that will make this bill effective.

Mr. MOORE of Pennsylvania. Would not the Commissioner of Patents have it within his own power to regulate these matters?

Mr. MORRISON. Not under existing laws.

Mr. MOORE of Pennsylvania. Is there not some method by which he could discourage this apparently unprofessional practice without asking Congress to pass a law that might deal harshly with others?

Mr. MORRISON. I do not think he could do it fairly. He could make a statement of facts as they appear from the record, but the statement would relate to certain attorneys or firms of attorneys, and it would not be proper for him to do that. But if you can pass this act, making the practice itself unlawful, and then the regulations can be made in general terms so as to make this effective, you get to the end of the practice without pointing out any particular person who is regarded as having been an offender.

Mr. MOORE of Pennsylvania. The presumption is that it is unprofessional for lawyers to advertise?

Mr. MORRISON. Yes; but not patent lawyers.

Mr. MOORE of Pennsylvania. In what way is that regulated?

Mr. MORRISON. It is not regulated.

Mr. OGLESBY. I will say to the gentleman that a good many men appear before the Patent Office who are not admitted attorneys. The commissioner stated at the hearing that he had considered the question as to whether or not anyone except a regularly admitted attorney at law should be excluded from practicing before the Patent Office, but for certain reasons thought, perhaps, he ought not to establish such a rule.

Mr. MOORE of Pennsylvania. I know some very high-grade patent attorneys who do not thus advertise. However, I get these circulars, as do other Members of Congress, and I usually throw them into the wastebasket.

Mr. OGLESBY. Many other people throughout the country are not so intelligent as the gentleman from Pennsylvania or they would do the same thing.

Mr. MOORE of Pennsylvania. Some people unquestionably would be deceived by seeing letters of Members of the House or Senate indorsing certain patent lawyers if that is what they do. Every Member of Congress wants to be courteous to everybody who writes to him, and he runs the risk that some of these formal acknowledgments might be used as references improperly. But, at the foot of page 2, the report says:

If the Congress shall make the practice unlawful, the rules of practice in the Patent Office will be sufficient to remedy the existing evil.

It is to be implied from that that there are regulations in the Patent Office fixing the qualifications of patent attorneys, and it seems to me it would be in the power of the Commissioner of Patents to adjust this matter himself.

Mr. MORRISON. The rules and regulations can make it a cause for disbarment for the attorney to do anything that is unlawful; but it is now entirely lawful, and the object of this bill is to make it unlawful, so that the Commissioner of Patents, through his regulations, may stop the practice.

Mr. MOORE of Pennsylvania. The Commissioner of Patents issues certain regulations with respect to practice by attorneys, does he not? That is to say, there are certain regulations that the office lives up to with respect to agents who practice as attorneys in patent cases?

Mr. MORRISON. That is true; but they can not make that unlawful which Congress has permitted to be considered lawful.

Mr. MOORE of Pennsylvania. Well, suppose this act were passed, and this inhibition were made as against those who are members of the bar——

Mr. MORRISON. No; those who practice——

Mr. MOORE of Pennsylvania. Those who are members of the bar and who practice as patent attorneys, and those who are not members of the bar and still are permitted to practice as patent attorneys—suppose this bill were to pass and were to apply specifically to this class of agents or attorneys. In what position would we be as lawmakers with respect to other departments? Would we not be passing what is clearly special legislation with respect to the Patent Office?

Mr. MORRISON. I think not, because I have never learned from any source that there is any growing evil in connection with the practice in other departments. If there is, there should be legislation enacted to meet it, to be sure.

Mr. MOORE of Pennsylvania. Let us look at it in this way: Suppose a member of the bar practicing in this vicinity should advertise that he was a specialist in divorce cases. Would not there be some way of checking him up so that the practice could be regarded as unprofessional? Is there no board of censors or anything of that kind?

Mr. MORRISON. I can not answer that question as to the District of Columbia; but I am quite sure that in Indiana, while lawyers do not advertise, they have a legal right to do it, and they could advertise as indicated and still be within their legal rights.

Mr. MOORE of Pennsylvania. And suffer such contempt as members of the bar would have for their fellows who committed that practice?

Mr. MORRISON. Yes, sir.

Mr. MOORE of Pennsylvania. Now, if the stamp of disapproval were placed by the bar on that practice on the part of patent lawyers and agents doing patent business here, would it not have the desired effect?

Mr. MORRISON. I think not. It has not done it.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. MORRISON. Yes.

Mr. LENROOT. Even if it did, this bill would be a protection to Members from that sort of annoyance. I want to say that I have had an experience where a patent attorney used my name as a reference. I never gave him permission to do so. It took me two years and several conferences to get him to remove my name from his list of references.

Mr. MOORE of Pennsylvania. I can understand how, if the gentleman's name was used in that way, he would have to spend a lot of time in catching up with the damage done. I think the practice should be stopped.

Mr. MANN. I want to say to the gentleman that a few years ago a firm of patent attorneys got letters from some of the most eminent men in public life—they tried to get letters from me, but did not—telling what great men they were, and the men who signed the letters probably did not know what they were, and yet they were sent broadcast throughout the country.

Mr. WATSON of Pennsylvania. Mr. Speaker, I do not think it is fully realized what is involved in this bill. In many cases attorneys apparently of high standing will send a booklet to Congressmen or Senators or to a citizen, describing how to obtain patents, and the Senator or Congressman will thank him by letter for the booklet. That letter is put in the next booklet, and the clients or constituents of that Senator or Congressman living in the district, having a high idea of their Representative or Senator, will employ those attorneys, and very often those attorneys are not of the highest type. It is not only to protect Congressmen and Senators, but also to protect the constituents of Congressmen and Senators. That is the whole purpose of the bill, according to the statement of the Commissioner of Patents.

The SPEAKER. Has the gentleman an amendment that he wants to offer?

Mr. MANN. We did not give consent yet.

The SPEAKER. Is there objection to the consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That it shall be unlawful for any person, firm, or corporation practicing before the Patent Office to use the name of any

Member of either House of Congress or of any officer of the Government in advertising the said business.

SEC. 2. That this act shall take effect three months after its date.

The SPEAKER pro tempore (Mr. TAYLOR of Arkansas). The Clerk will report the amendment offered by the gentleman from Wyoming.

The Clerk read as follows:

Amendment offered by Mr. MONDELL: Page 1, line 4, after the word "before," strike out the words "the Patent Office" and insert the words "any department or office of the Government."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the bill.

Mr. MOORE of Pennsylvania. Mr. Speaker, I suggest that the words "Patent Office" remain in the title, and that will have to be amended.

Mr. MONDELL. Mr. Speaker, I move that the title be amended to correspond with the amendment to the bill.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. MORRISON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS SNAKE RIVER, IDAHO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11320) granting the consent of Congress to the counties of Twin Falls and Minidoka, State of Idaho, to construct a bridge across Snake River.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MONDELL. Reserving the right to object, Mr. Speaker, I wish to ask the gentleman in charge of the bill if Snake River at this particular point is considerel a navigable stream; and if so, why? What is the necessity of the legislation? As a matter of fact, Snake River is not navigable at or anywhere near this point.

Mr. DILLON. It is a meandered stream, so that I suppose jurisdiction would come under the United States.

Mr. MONDELL. There are many meandered streams that are not navigable. The meandering of a stream does not render it navigable.

Mr. MILLER of Minnesota. Has not the Secretary of War determined at some time in the past that he has jurisdiction over this stream, because it is navigable in some part of it? I know there are such streams.

Mr. DILLON. I think it is considered as a navigable stream. That is my information on the subject.

Mr. MONDELL. This particular locality, as I recall it, is, I think, right between two great falls.

Mr. DILLON. Even if it were not true, it would do no harm.

Mr. McCRACKEN. Mr. Speaker, what does the gentleman desire to know?

Mr. MONDELL. I inquired with regard to the navigability of the Snake River at this point.

Mr. McCRACKEN. The river is not navigable at this point, but the War Department has jurisdiction.

Mr. MONDELL. Has the War Department asserted its jurisdiction?

Mr. McCRACKEN. Yes; all the way up to the source.

Mr. MANN. It may not be navigable all the way up to that point, but it may be navigable between the two falls just the same.

Mr. MONDELL. As a matter of fact it is not navigable.

Mr. MANN. Oh, I have no doubt they have log rafts that go down there.

Mr. MONDELL. I do not know where they would get the logs.

Mr. MANN. They import them from Wyoming.

Mr. MONDELL. That is the only place they could get them. There is timber in Wyoming at the head of the river, but that is a long distance away.

Mr. MANN. It is possible to get timber down over falls, although the gentleman may not be aware of that fact. Some light logs will float down stream and over the falls.

Mr. MONDELL. If there is water enough to float them.

Mr. MANN. There is water enough at some seasons of the year. Some people up in that country have water on the brain.

Mr. MONDELL. Mr. Speaker, a number of gentlemen who seem to know little about it insist that the river is navigable, and I am willing to take their word for it. [Laughter.]

Mr. SLOAN. Will the gentleman yield?

Mr. MONDELL. I yield to the gentleman from Nebraska.

Mr. SLOAN. Was there any appropriation made for this stream in the river and harbor bill?

Mr. MONDELL. I have no doubt that there will be in a future river and harbor bill.

Mr. SLOAN. Was there an appropriation in the last bill?

Mr. McCRACKEN. There have been appropriations for the Snake River.

Mr. MOORE of Pennsylvania. Mr. Speaker, I should like to inquire whether the river runs through a region which is subject to hog cholera. [Laughter.]

The SPEAKER pro tempore (Mr. TAYLOR of Arkansas). Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the counties of Twin Falls and Minidoka, State of Idaho, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Snake River at a point 2 miles north of Hansen, Twin Falls County, in the counties of Twins Falls and Minidoka, in the State of Idaho, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 1, line 7, after the word "point," insert the words "suitable to the interests of navigation."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. DILLON, a motion to reconsider the last vote was laid on the table.

JUDICIAL DISTRICTS IN IOWA.

The next business on the Calendar for Unanimous Consent was the bill (S. 1294) to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Let the bill be read, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and it hereby is, amended so as to read as follows:

"SEC. 81. The State of Iowa is divided into two judicial districts, to be known as the northern and southern districts of Iowa.

"The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Allamakee, Dubuque, Buchanan, Clayton, Delaware, Fayette, Winneshiek, Howard, Chickasaw, Bremer, Blackhawk, Floyd, Mitchell, and Jackson, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Jones, Cedar, Linn, Iowa, Benton, Tama, Grundy, and Hardin, which shall constitute the Cedar Rapids division; also the territory embraced on the date last mentioned in the counties of Emmet, Palo Alto, Pocahontas, Calhoun, Carroll, Kossuth, Humboldt, Webster, Winnebago, Hancock, Wright, Hamilton, Worth, Cerro Gordo, Franklin, and Butler, which shall constitute the central division; also the territory embraced on the date last mentioned in the counties of Dickinson, Clay, Buena Vista, Sac, Osceola, O'Brien, Cherokee, Ida, Lyon, Sioux, Plymouth, Woodbury, and Monona, which shall constitute the western division.

"Terms of the district court for the eastern division shall be held at Dubuque on the fourth Tuesday in April and the first Tuesday in December, and at Waterloo on the second Tuesdays in May and September; for the Cedar Rapids division, at Cedar Rapids on the first Tuesday in April and the fourth Tuesday in September; for the central division, at Fort Dodge on the second Tuesdays in June and November; and for the western division at Sioux City on the fourth Tuesday in May and the third Tuesday in October.

"The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Louisa, Henry, Des Moines, Lee, and Van Buren, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Marshall, Story, Boone, Greene, Guthrie, Dallas, Polk, Jasper, Poweshiek, Marion, Warren, and Madison, which shall constitute the central division of said district; also the territory embraced on the date last mentioned in the counties of Crawford, Harrison, Shelby, Audubon, Cass, Pottawattamie, Mills, and Montgomery, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Adair, Adams, Clarke, Decatur, Fremont, Lucas, Page, Ringgold, Taylor, Union, and Wayne, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Scott, Muscatine, Washington, Johnson, and Clinton, which shall constitute the Davenport division of said district; also the territory embraced on the date last mentioned in the counties of Davis, Appanoose, Mahaska, Keokuk, Jefferson, Monroe, and Wapello, which shall constitute the Ottumwa division of said district.

"Terms of the district court for the eastern division shall be held at Keokuk on the sixth Tuesday after the fourth Tuesday in February

and the eighth Tuesday after the third Tuesday in September; for the central division, at Des Moines on the tenth Tuesday after the fourth Tuesday in February and the tenth Tuesday after the third Tuesday in September; for the western division, at Council Bluffs on the fourth Tuesday in February and the sixth Tuesday after the third Tuesday in September; for the southern division, at Creston on the fourth Tuesday after the fourth Tuesday in February and the third Tuesday in September; for the Davenport division, at Davenport on the eighth Tuesday after the fourth Tuesday in February and the second Tuesday after the third Tuesday in September; and for the Ottumwa division, at Ottumwa on the second Tuesday after the fourth Tuesday in February and the fourth Tuesday after the third Tuesday in September.

"The clerk of the court for said district shall maintain an office in charge of himself or a deputy at Davenport and at Ottumwa for the transaction of the business of said divisions."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading, and it was accordingly read the third time and passed.

FOREST HOMESTEADS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10668) to repeal section 4 of the act of Congress approved June 11, 1906, known as the forest-homestead act, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. HAWLEY. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman in charge of the bill what it proposes to do.

Mr. GANDY. Mr. Speaker, section 4 of the forest-reserve homestead act contains one limitation, which applies only to the lands within the forest reserves in Lawrence and Pennington Counties, S. Dak., and provides that that land may only be homesteaded by persons who occupied the land on January 1, 1906. Now the only thing this bill does is to remove that restriction providing that the lands may be disposed of the same as any other agricultural land in any other reserve under the various homestead laws.

Mr. HAWLEY. Section 4 relates to the land in these two counties.

Mr. GANDY. Pennington and Lawrence Counties, in South Dakota.

Mr. HAWLEY. And the lands in no other State?

Mr. GANDY. And the lands in no other State.

Mr. HAWLEY. The bill does not propose to change the forest-homestead act in any other particular.

Mr. GANDY. No, sir.

Mr. HAWLEY. I do not object.

Mr. MONDELL. Mr. Speaker, I am heartily in accord with the object sought, but I am inclined to the opinion that the bill as reported will not accomplish what the gentleman from South Dakota desires. If he has before him section 4 of the act in question he will find that it prohibits, to a certain extent, and to a certain extent only, forest homesteads within Pennington and Lawrence Counties. It is not a complete prohibition; it is a prohibition under certain conditions. It prohibits new settlements with a view to homestead entry. But it does provide for approval of these entries made prior to the passage of the act.

Now, the second act of legislation referred to in the amendment of the committee is the legislation of February 8, 1907, which still further modifies the provisions of section 4.

Mr. GANDY. If the gentleman will yield, subsequent to the passage of the forest-reserve act——

Mr. MONDELL. If the gentleman will yield until I complete my statement. The second legislation still further modified section 4 by eliminating from the provisions of section 4 certain townships in Pennington and Lawrence Counties. So section 4 as amended, as a matter of fact, does allow forest homesteads within certain townships in these two counties. The effect, therefore, of the legislation, as I see it, will be to still leave it very doubtful whether the forest homestead act applies without qualification in these two townships.

Let me suggest to my friend from South Dakota that he would accomplish all he desires to accomplish, without raising any questions, if he struck out all of his bill down to the word "all," on line 1, page 2. There is a substantive proposition, with one slight amendment, as all lands within a national forest in Lawrence and Pennington Counties, in South Dakota, shall be and remain subject to all the provisions of the said act of June 11, 1906, and acts amendatory thereof and supplementary thereto.

That is what you desire to do; and my opinion is that in repealing section 4, which is not a clear prohibition but is a prohibition only to a certain extent, and then repealing the amendment to section 4, which limited the effect of section 4 in the first instance, you leave the whole matter in doubt as to just what was intended to be accomplished.

I happen to know about this region, because it is pretty nearly in sight of my home. There are some lands in that part of Lawrence and Pennington Counties that people have been trying to hold ever since the passage of this law. It occurs to me that the way to legislate on the subject is to legislate without reference to these old acts, but simply say that all the provisions of the forest homestead act and the acts amendatory thereto apply to these two counties. Then there would be no question as to what you meant.

Mr. GANDY. I might say that the only thought in enumerating the acts heretofore passed was to make the matter clear and bring them all in.

Mr. MONDELL. It does not make it clear. The section 4 referred to provides:

That no homestead settlements or entries shall be allowed in that portion of the Black Hills Forest Reserve in Lawrence and Pennington Counties in South Dakota except to persons occupying lands therein prior to January 1, 1906, and the provisions of this act shall apply to the said counties in said reserve only as far as is necessary to give and perfect title of such settlers or occupants to lands chiefly valuable for agriculture therein occupied or claimed by them prior to the said date, and all homestead entries under this act in said counties in said reserve shall be described by metes and bounds survey.

Does the gentleman understand that the repeal of that would prohibit a person who was occupying land at that time now taking advantage of the forest homestead law?

Mr. GANDY. No; those folks have already taken it.

Mr. MONDELL. I am not so sure about that. Why raise that question? All that is now desired is to apply the homestead act to the parts of the counties to which the homestead law does not now apply. That can be done very easily by the language at the last part of your bill. Then you come to the other act of 1907, which is as follows:

That the following described townships in the Black Hills Forest Reserve in Pennington County, S. Dak., to wit: Townships 1 north, 1 east; 2 north, 1 east; 1 north, 2 east; 2 north, 2 east—

And so forth—

are hereby excepted in the operation of section 4 of an act entitled "An act to provide for the entry of agricultural land within the forest reserve, approved June 11, 1906." The lands within the said township to remain subject to all other provisions of said acts.

Query: Does the repeal of that legislation operate to prohibit a forest homestead within the townships that were excepted by that act from the prohibition of the act first referred to?

Mr. GANDY. No; it would not; because the bill itself carries the express provision that all the land shall be subject to entry under the general forest reserve homestead act.

Mr. MONDELL. In other words, then, if the bill is clear, it is simply clear by reason of the substantive provisions on page 2. If there is no ambiguity, that is entirely due to the fact that on page 2 you have attempted to make a statement of just what you desire to accomplish, and I am not so sure that that statement is entirely clear if you leave in the word "other" in line 4—

Shall remain subject to all other provisions of the said act.

What other provisions of said act? Section 4 would be stricken out. It would no longer be a part of the act; it was a partially prohibitive and partially restrictive provision of the act. What is the effect of such repeal?

Mr. GANDY. I want to say to the gentleman in all sincerity that I have gone over this matter very carefully with the Forestry Service and with officials in the office of the Secretary of the Interior, and, in order to remove the restrictions on the land, it is thought that this will accomplish the result.

Mr. MONDELL. I am willing to admit that many Secretaries and bureaus had to do with this. It must have taken many Secretaries and a number of bureaus to have reached the conclusion that has been reached in the bill and its various amendments. What you desire to accomplish can be easily accomplished, and I do not understand why it becomes necessary to involve the matter as this bill does. Let me call the gentleman's attention to another matter. The statute referred to as being in the Statutes at Large, volume 37, page 239, has no reference whatever to this.

Mr. GANDY. It is the act of July 3, 1912.

Mr. MONDELL. Volume 37, page 239, if I have it correctly, has to do with the Lighthouse Service.

Mr. GANDY. The act of July 3, 1912 removed the restriction from two or three other townships.

Mr. MONDELL. That further complicates the situation, in any event. I would like to help my friend from South Dakota [Mr. GANDY], because these townships are very near my home town, and I know some good people who would like to homestead out there. My opinion is that the gentleman will accomplish all he desires to accomplish, and accomplish it without any question, if he uses the language in the bill beginning with the word "all," on page 2 of the bill, changing only the word "other," in

line 4, to the word "the." It may be necessary for clearness to amplify your description of the act of 1912 by adding "the forest-reserve homestead act."

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LENROOT. Suppose we do not, then section 4 will remain a part of the act?

Mr. MONDELL. Yes.

Mr. LENROOT. And the language the gentleman suggests will make this national forest subject to the provisions of section 4 as well as the balance of the section, and I suggest if that is done it leaves the matter exactly where it is now, and you have accomplished nothing.

Mr. MONDELL. That is not true. Section 4, so far as it is prohibitive of the forest-reserve homesteads, would be repealed by the language referred to, so far as it prescribes the way in which certain people can file and hold their homesteads; it will remain in force providing there is any necessity for it, and that is just exactly what ought to be done. So far as there is anything in the law that prohibits homestead settlements in these townships on the forest reserves, you want to withdraw that prohibition, and that is all you need to do.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FERRIS. The trouble with the citation in the bill is that the page is wrong. The correct citation is July 3, 1912, Thirty-seventh Statutes at Large, page 188, and it should be so amended.

Mr. MONDELL. Why do you want to repeal a statute which does open certain townships to entry?

Mr. FERRIS. But this is the situation. There was a feeling at the time this act was passed that there was some mineral in the Black Hills.

Mr. MONDELL. I know all about that.

Mr. FERRIS. And they excluded two counties in the gentleman's district, and now the Department of Agriculture and the Department of Interior both say there is no longer any necessity for such exclusion, and this bill repeals that section 4 which withheld them from the law and adds to it a provision which makes them open to homestead settlement.

Mr. MONDELL. The law was not extended, because at that particular time there was considerable mineral activity in this particular locality.

Mr. FERRIS. Precisely.

Mr. MONDELL. And that condition has long since passed.

Mr. FERRIS. Precisely.

Mr. MONDELL. And there is no reason why what is proposed should be done, but I do not believe that this legislation does it.

Mr. FERRIS. Both of these departments that have to administer it say that it does, and why not let them go ahead. It affects only two counties, and you can not redraft this bill now.

Mr. MONDELL. Is there objection to amend the error of description?

Mr. FERRIS. Certainly not; that ought to be amended, and the gentleman from South Dakota [Mr. GANDY] and I are indebted to the gentleman for pointing that out; but let us amend it and get ahead.

Mr. MONDELL. It affects the gentleman's district only, and I shall not object; but it is a tremendously clumsily drafted piece of legislation, and it will take a Philadelphia lawyer to determine what it all means after it is done. The first amendment to this section 4 did open certain of these townships to homestead settlement. The second amendment to section 4 did open certain townships for homestead settlement. Now you are repealing two provisions of law that did do the thing you now want to do in a general way. I am not sure what the effect will be. The department might interpret it to mean to accomplish just what you gentlemen desire to accomplish.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. McLAUGHLIN. Mr. Speaker, reserving the right to object, I should like to ask the gentleman a question. I have before me the report on that bill, and I read that the Secretary of Agriculture approves it conditionally. He evidently thinks that the bill 8807—I guess that is the bill relating to highways through the national forests—should be passed first. What is the status of House bill 8807?

Mr. GANDY. Well, I am unable to advise the gentleman as to that, but let me say in reply that applications for land within forest reserves must pass through the Forestry Department and be approved by the Secretary of Agriculture before they go to the Department of the Interior, and that the forestry people have ample opportunity in the administration of affairs under the forest homestead act to take care of any of those propositions.

Mr. McLAUGHLIN. That is true to a certain extent. The officials of the Department of Agriculture have certain authority, but in other respects authority is taken away from them by the statutes. Now, it is very clear to me that the Secretary of Agriculture expects—he certainly advises, as must be drawn from this statement in the last paragraph of his letter—that House bill 8807 be passed before this bill now before the House is passed.

Mr. GANDY. House bill 8807 is another matter entirely. I discussed this bill with the Forest Service people——

Mr. McLAUGHLIN. Here is the letter of the Secretary, and he calls attention to the fact that there is now pending before the gentleman's committee a bill (H. R. 8807) providing for the reservation of necessary rights of way across lands open to entry under the forest homestead act, and he advises that the matter of these highways or rights of way be taken care of evidently before this bill is passed. If this bill is passed and the other one fails, then the matter of highways is not taken care of at all, and can not be.

Mr. GANDY. If the gentleman will yield to me, I call his attention to another sentence in that letter which is to this effect:

> However, in the interest of simplicity of legislation, it has been considered best to leave this proviso to be taken care of by the general measure now before your committee.

Mr. McLAUGHLIN. That is the suggestion of the Secretary of Agriculture, which is his opinion in reference to that matter, but there is no doubt in reading the letter of the Secretary that the bill H. R. 8807 ought to be passed and that the House ought not to fail to make provision for and take care of that right-of-way matter; but if this bill should pass and the other should not, the situation will be one that is not desirable at all.

Mr. FERRIS. The gentleman is entirely wrong.

Mr. GANDY. If the gentleman will permit, here is a bill which pertains to a few townships in two counties and to nowhere else; and the other bill pertains to all forest-reserve lands in the United States.

Mr. FERRIS. Let me call the attention of the gentleman, here is a case of a few townships in two counties in South Dakota. There are 165,000,000 acres of forest reserves scattered over the United States. That is the general right-of-way bill, and after what the gentleman read, the Secretary goes on and says:

> However, in the interest of simplicity of legislation, it has been considered best to leave this proviso to be taken care of by the general measure now before your committee. Therefore, with the addition of the words suggested in the preceding paragraph, this measure meets with the hearty approval of this department, it being clearly understood that this recommendation is not inconsistent with the approval of H. R. 8807 and the view expressed regarding its urgency.

Mr. McLAUGHLIN. Well, the Secretary of Agriculture wishes to save H. R. 8807. He wishes to do that, but he does not wish this act to interfere with it, and it seems to me it would be better to have that bill reported from the committee and passed before we pass this bill.

Mr. FERRIS. But the gentleman does not want to hold up a local bill for some great nation-wide bill which is now pending?

Mr. McLAUGHLIN. The item involved is small, but the same condition exists as in the other——

Mr. MONDELL. If the gentleman will permit, I know this country very well; it is very near my home. It is of comparatively small area, and I do not think there will be any serious question over rights of way in this small area, and clearly the committee could hardly withhold action on this bill, involving a few acres of land, until they could act upon a bill which refers to and had to do with many million acres of land.

Mr. McLAUGHLIN. Why should we not wait; what is the need of haste on this particular bill?

Mr. MONDELL. Well, I think these lands ought to be settled.

Mr. McLAUGHLIN. The other bill, H. R. 8807, has been before the Committee on Public Lands. The Secretary's attention has been called to it, and he has expressed an opinion on it, and he says it contains some very important provisions, and, as I read his letter, he thinks it ought to be enacted into law before the passage of this bill, because if the other should fail the situation would not be at all desirable.

Mr. FERRIS. Oh, no; he does not say that.

Mr. McLAUGHLIN. That is clearly to be drawn from what the Secretary does say.

Mr. FERRIS. Oh, no; it is not.

Mr. MANN. Mr. Speaker, I ask for the regular order.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. McLAUGHLIN. I object, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Michigan objects, and the Clerk will report the next bill.

BUFFALO PASTURE IN SOUTH DAKOTA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8669) authorizing the Secretary of the Interior to continue lease of land in Stanley County, S. Dak., for a buffalo pasture.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. FERRIS. I ask unanimous consent that the substitute be read in lieu of the original text. The entire bill has been stricken out and a new bill has been substituted.

The SPEAKER pro tempore. The gentleman from Oklahoma asks that the committee substitute be read in lieu of the original bill. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, the bill itself has not yet been read.

Mr. FERRIS. You would not want to read it——

Mr. MANN. It would take less time to read it than to talk about it.

Mr. FERRIS. Well, read it.

The SPEAKER pro tempore. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to continue the lease of not exceeding 3,500 acres of the public domain in townships 5 and 6 north, range 30, and townships 5 and 6 north, range 31 east, Black Hills meridian, in the county of Stanley, State of South Dakota, under rules and regulations to be by him prescribed, to be used exclusively for the pasturing of native buffalo, and for no other purpose: *Provided*, That no lands shall be leased except such tracts as are now included in said buffalo pasture or as may have been subject to homestead entry for a period of 15 years, and have not been entered or appropriated, unless abandoned for a sufficient period so that entries that may have been made have been canceled and the land has reverted to the public domain: *Provided further*, That the Secretary of the Interior may at any time cancel any lease which may hereafter be made under the provisions hereof and restore said land to the public domain.

Also the following committee amendment, in the nature of a substitute, was read:

Amend by striking out all after the enacting clause, down to and including line 10, on page 2, and substitute the following:

"That the Secretary of the Interior be, and he is hereby, authorized to extend, for a period of not exceeding 10 years, to the heirs or personal representatives of James Philip, deceased, or to their assignees or transferees, the lease executed to him July 1, 1907, for a buffalo pasture, of sections 26 and 27 north half of section 34, north half of the northeast quarter and north half of the northwest quarter of section 35, and lot 4 of section 26, township 6 north, range 30 east, Black Hills meridian, containing 1,614.50 acres, and he is authorized to withdraw said lands from entry during the terms of said lease: *Provided*, That the Secretary of the Interior may at any time cancel said renewed lease, which shall contain all the provisions of the original lease: *Provided further*, That the parties in interest shall be allowed an extension of time until July 1, 1917, to pay the last two installments of rent under the original lease."

Mr. MANN. Mr. Chairman, I move to strike out the last word. Does the gentleman know whether these are fractional sections or not?

Mr. FERRIS. I do not. Perhaps the gentleman from South Dakota [Mr. GANDY] may know. The only thing I have is the description given in the letter.

Mr. MANN. Well, being of a mathematical turn of mind, I naturally read of two full sections, a two and one-half section, two quarter sections, and a one-eighth section, and I wondered how much it would amount to.

Mr. GANDY. There are 1,614 acres.

Mr. MANN. Well, section 26 would have 640 acres, section 27 would have 640 acres, and that would make 1,280 acres, north half of section 34 would be 320 acres, and the north half of the northeast quarter would have 80 acres, and the north half of the northwest quarter of section 35 would have 80 acres, and that would make 1,760 acres, and lot 4 of section 25 is still unaccounted for. That is the reason I asked whether these were fractional sections or not. They are not so described.

Mr. GANDY. I take it that they are, in that the figures for the total were furnished by the department.

Mr. MANN. Well, I take it that the department was mistaken. If it was correctly described, it would be described as a fractional section if it be a fractional section. Of course I am perfectly well aware that the description of the number of acres is entirely superfluous and amounts to nothing.

Mr. FERRIS. Let us strike out the acres.

Mr. MANN. I think it would be wise to strike it out.

Mr. LENROOT. The gentleman says that in the north half there are 1,280 acres in sections 26 and 27, the north half of the northeast corner——

Mr. MANN. The north half of 34 first. It would amount to 1,760 acres without considering lot 4. Whatever that is I do not know.

Mr. FERRIS. I move, Mr. Speaker, that on page 2, beginning on line 20, with the word "containing," to strike out the word "containing," in line 20, and all of line 21 and the two first words in line 22.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 2, by striking out the word "containing," in line 20, all of line 21, and the first two words in line 22.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Speaker, I move to strike out the last word. I note in the letter written by the Secretary of the Interior to the chairman of the committee, Mr. FERRIS, that the rental for this land is fixed at $50 per annum, and then, at the foot of the letter, the Secretary suggests an amendment or a proviso that "the parties in interest shall be allowed an extension of time until January 1, 1917, to pay the last two installments of rent under the original lease."

Mr. FERRIS. This land belongs to an estate. The estate is very poor and it is not settled. I will say to the gentleman that the State of South Dakota is trying to do all it can to try to preserve the buffalo. The Secretary says he thinks it proper to make the extension.

Mr. MOORE of Pennsylvania. I am in sympathy with the policy, but I wanted to know if it was accurately stated that the amount was only $50 per annum, and that two years was asked for in which to make the payment.

Mr. FERRIS. That is correct.

The SPEAKER pro tempore. The question is on agreeing to the substitute.

The question was taken, and the substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote by which the bill was passed was laid on the table.

LIFE JACKETS AND LIFE BUOYS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13112) to amend section 14 of the seamen's act of March 4, 1915.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 14 of the seamen's act of March 4, 1915, be amended by striking out subdivisions 3 and 4 of subsection headed "Life jackets and life buoys," regarding the number of life buoys with which steamers navigating the ocean, or any lake, bay, or sound of the United States shall be equipped, and inserting, in lieu thereof, the following:

Third. The minimum number of life buoys with which vessels are to be provided is fixed as follows:

"Vessels under 100 feet in length, minimum number of buoys, 2; vessels 100 feet and less than 200 feet in length, minimum number of buoys, 4, of which two shall be luminous; vessels 200 feet and less than 300 feet in length, minimum number of buoys, 6, of which 2 shall be luminous; vessels 300 feet and less than 400 feet in length, minimum number of buoys, 12, of which 4 shall be luminous; vessels 400 feet and less than 600 feet in length, minimum number of buoys, 18, of which 9 shall be luminous; vessels 600 feet and less than 800 feet in length, minimum number of buoys, 24, of which 12 shall be luminous; vessels 800 feet and over in length, minimum number of buoys, 30, of which 15 shall be luminous.

"Fourth. All the buoys shall be fitted with beckets securely seized. Where two buoys only are carried, one shall be fitted with a life line at least 15 fathoms in length, and where more than two buoys are carried, at least one buoy on each side shall be fitted with a life line of at least 15 fathoms in length. The lights shall be efficient self-igniting lights which can not be extinguished in water and they shall be kept near the buoys to which they belong, with the necessary means of attachment."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. KAHN. Reserving the right to object, Mr. Speaker, I would like to have an explanation of the bill.

Mr. ALEXANDER. Mr. Speaker, under the seaman's act, section 14, subhead entitled "Life jackets and life buoys," it is provided under the third subdivision thereof that the minimum number of life buoys that each of the vessels coming within the terms of the act is to be provided with shall be fixed as follows: For a vessel of 400 feet in length or less the minimum number of life buoys is fixed at 12, and then an increased number of life buoys is provided for vessels of more than 400 feet in length.

Section 14 of the act is adopted from the International Convention on Safety of Life at Sea. When we had this act under consideration in the Committee on the Merchant Marine and Fisheries we modified the provisions of the convention, as it appears in section 14, to our lakes and bays and sounds, but overlooked this provision as to life buoys. The law went into effect on the 4th day of November last, and when the Steamboat-Inspection Service began to enforce its provisions with reference to life buoys on tugs and craft of less than 400 feet in length it was discovered that the number of life buoys was in excess of the number necessary for saving life. A conference was had at the office of the Secretary of Commerce in December last at which I was present. All the parties in interest were present, and we agreed that vessels under 400 feet in length might be provided with life buoys as provided in the bill under consideration.

Mr. KAHN. I have no objection, Mr. Speaker.

Mr. MOORE of Pennsylvania. Mr. Speaker, I would like to ask the gentleman from Missouri if the chief complaint against section 14, to which he has referred, did not come from the owners of small boats under 400 feet in length engaged in coastwise traffic and traffic on inland waters?

Mr. ALEXANDER. Chiefly from the tugboat men, but including all who own and operate vessels less than 400 feet in length.

Mr. MOORE of Pennsylvania. If section 14 under the seamen's law had been put into effect, it would have put 12 life buoys on every vessel under 400 feet in length?

Mr. ALEXANDER. Yes; on every vessel under 400 feet in length. The provision is all right for ocean-going vessels, but it is unnecessary and a hardship on vessels of 100 or 200 or 300 feet in length. In fact, on a tug it would be difficult to find places for 12 life buoys. Then, again, there are only four or five men on board some of the smaller tugs. If attention had been called to this requirement when the seamen's law was under consideration by the committee, it would have been modified, because it is manifestly unnecessary to have 12 life buoys on these smaller vessels as life-saving appliances.

Mr. MOORE of Pennsylvania. In section 14 the conditions were, as I recall them, that on all vessels under 400 feet there was to be a minimum of 12 life buoys.

Mr. ALEXANDER. On all vessels under 400 feet in length.

Mr. MOORE of Pennsylvania. Under the amendment to section 14 proposed in this bill the number of life buoys required for vessels under 100 feet in length is reduced from 12 to 2. That is correct, is it not?

Mr. ALEXANDER. Yes.

Mr. MOORE of Pennsylvania. On vessels of 100 feet in length and not more than 200 feet in length the number of life buoys is reduced from 12 to 4?

Mr. ALEXANDER. Yes; two of which are to be luminous.

Mr. MOORE of Pennsylvania. Yes; two of which are to be luminous. That is, they are to carry lights?

Mr. ALEXANDER. Yes; lights that will ignite when the buoy strikes the water—calcium carbide lights.

Mr. MOORE of Pennsylvania. So that it will be luminous under the surface?

Mr. ALEXANDER. Yes; on the surface, and will indicate where the buoy is, so that a man can locate it in the nighttime.

Mr. MOORE of Pennsylvania. And on vessels from 200 feet in length to 300 feet in length the number of life buoys required is reduced from 12 to 6, and on vessels from 300 feet in length to 400 feet in length you retain 12 buoys as necessary?

Mr. ALEXANDER. Yes, sir.

Mr. MOORE of Pennsylvania. And this is done very largely because it was manifest to the committee, after hearings and after conference at the Department of Commerce, that it would be impracticable and onerous to carry as many as 12 life buoys on these small boats?

Mr. ALEXANDER. Yes. The provisions of the International Convention on Safety of Life at Sea were intended to apply to vessels in the over-sea trade.

Mr. MOORE of Pennsylvania. Over-seas vessels?

Mr. ALEXANDER. Yes; and in recasting the convention and applying it to our inland waters, including the Great Lakes, this provision was overlooked, otherwise we would have modified it at the time.

Mr. MOORE of Pennsylvania. Exactly. The gentleman from Missouri was a member of that convention?

Mr. ALEXANDER. I was a member of the London conference on safety of life at sea.

Mr. MOORE of Pennsylvania. Mr. Speaker, I am very glad the Committee on the Merchant Marine and Fisheries has started out to amend and correct the so-called seamen's law. The gentleman from Missouri [Mr. ALEXANDER] and his committee labored hard to frame this law, and they carried into it certain provisions which at the time were believed by practical seagoing men to be impossible of enforcement. Some of the provisions were extremely onerous, as for instance this provision of requiring 12 life rafts on a tug of less than 100 feet in length. It was evident that the committee was acting upon some other impulse than that of information derived from the men who were practically in the business on the inland waters and along the coast line of the United States, and the gentleman from Missouri has very correctly stated that in framing this section 14 the committee was following the lines laid down in this London conference or convention, which was providing for over-seas traffic—that is to say, for vessels engaged in the ocean-going trade, in the foreign trade—and they were such conditions as did not apply to inland waters, where tugboats are constantly employed, nor to our general coastwise trade.

Now, there are many other provisions of this seamen's law to which public attention has been called which may invite the careful scrutiny of the committee later on. The committee has made a break in the law now by reducing the number of life rafts carried on the vessels——

Mr. ALEXANDER. Was the gentleman speaking of life rafts or life buoys?

Mr. MOORE of Pennsylvania. Life buoys.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Pennsylvania. I will yield to the gentleman for a question.

Mr. MILLER of Minnesota. Mr. Speaker, who has the floor?

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. MOORE] has the floor.

Mr. MILLER of Minnesota. For what purpose?

Mr. MOORE of Pennsylvania. Reserving the right to object.

Mr. ALEXANDER. There was no objection whatever, was there?

Mr. JOHNSON of Washington. If the gentleman from Pennsylvania has completed his statement, I would like to ask him a question.

Mr. MOORE of Pennsylvania. I have not completed my statement. It may be that the committee in due course will find it necessary to amend this seaman's law in other particulars.

Mr. ALEXANDER. The gentleman from New Jersey [Mr. SCULLY], a Member of this House, is the owner of tug boats. He had copies of the seamen's bill, and we sent them to other tug boat owners. They overlooked this matter at the time, as did other vessel owners, and just as soon as my attention was called to it in December last I agreed that this change ought to be made and introduced the bill now being considered.

Mr. MOORE of Pennsylvania. I have just commended the gentleman from Missouri [Mr. ALEXANDER] for making that statement. I think he has acted wisely. I think the committee acted wisely.

Mr. ALEXANDER. There may be some other provisions of the seaman's act which we may find it necessary to amend if they are found to work hardship.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. MILLER of Minnesota. Was this act ever submitted to the tugboat men of the Great Lakes and this provision ever called to their attention, the one now being amended, which relates to the number of life buoys to be carried?

Mr. ALEXANDER. I have had letters from people on the Great Lakes and the Pacific coast and wherever the attempt has been made to enforce the law protesting against the provision requiring 12 life buoys on vessels under 400 feet in length.

Mr. MILLER of Minnesota. I understood the gentleman to state that the gentleman from New Jersey [Mr. SCULLY], a member of the committee, knew about it.

Mr. ALEXANDER. No; I said he was a Member of this House, and that he had had copies of the seamen's bill when it was under consideration in the committee and in the House, as did many of the vessel owners, but they overlooked this provision.

Mr. MILLER of Minnesota. I wish to state that I have had the most vigorous protests from the Great Lakes against this provision of the seaman's bill, and I doubt if it was ever called to their attention or if they ever knew about it.

Mr. ALEXANDER. I said when the bill was pending nobody discovered this apparent hardship, and as soon as it was called to our attention the committee reported this bill to amend the seamen's act in that regard.

Mr. MILLER of Minnesota. Does the gentleman think the committee have gone far enough in reducing the number of buoys that should be carried by tugboats less than 100 feet in

length? They have reduced the number to two. Would it not be just as well to reduce the number to one?

Mr. ALEXANDER. The representatives of the tugboat men were present and these provisions were agreed upon. I think there ought to be two life buoys—one on either side of the vessel—in the interest of saving life.

Mr. MOORE of Pennsylvania. Mr. Chairman, I think the committee acted wisely in bringing in this bill, and in doing so they will have afforded great relief to the small boat owners of this country, who were seriously affected by the seaman's law as originally passed. The committee will find, of course, that they made some errors in the original seaman's law. There have been numerous complaints about it, coming up from all sections of the country. It has to a large extent interfered with transportation by water. I am glad this change has been suggested by the committee, and for the information of the gentleman from Minnesota, as well as others, I wish to repeat that I believe in due course of time the committee will find it necessary to bring in other amendments to the seaman's bill, and I trust they will.

Mr. MILLER of Minnesota. Will the gentleman yield for an inquiry?

Mr. MOORE of Pennsylvania. Yes.

Mr. MILLER of Minnesota. Is the gentleman aware of the condition existing among the small craft engaged in fishing on the lakes of the United States, boats of from 50 to 60 feet in length, and is he aware that the seaman's law would practically have put them all out of business, by compelling them to carry so great a number of life buoys that they could not carry their fish?

Mr. MOORE of Pennsylvania. I want to say, in fairness to the gentleman from Missouri [Mr. ALEXANDER] that he made substantially that statement as being the consensus of opinion of the conference held here recently at the Department of Commerce, and to that extent this bill is going to relieve these small boat owners, and to that extent it is a good thing.

Mr. ALEXANDER. The gentleman knows that the provision of the existing law has been the subject of a conference with the representatives of these boats.

Mr. MOORE of Pennsylvania. That is the reason I asked the gentleman about the reduction in the number of life buoys on boats of a certain length, to show the graduated scale by which the gentleman worked out the conclusions found in the bill.

Amongst other complaints against the seaman's law has been one that it has caused the removal of the American flag from the high seas. I have no doubt much will have to be said about that before we get much further into the business of this Congress.

Mr. ALEXANDER. I will say to the gentleman that there are more vessels under the American flag now than at any time since the Civil War.

Mr. MOORE of Pennsylvania. I know that the present war conditions have brought about very many changes, but it nevertheless remains a fact that under the seamen's bill as it stands to-day many vessels have had to change their flag, and some of them are now sailing under the flags of foreign countries because of the oppressive conditions imposed upon them by the seamen's act.

Mr. ALEXANDER. I am not advised of many such vessels.

Mr. MOORE of Pennsylvania. The gentleman knows that out on the Pacific coast——

Mr. ALEXANDER. There are the vessels of the Pacific Mail Steamship Co. I do not care to go into that now. It would make an interesting recital, but not relative at this time.

Mr. MOORE of Pennsylvania. I do not intend to, but merely make a passing reference to it. I want to commend the committee for having made the first break in the seamen's law. I think that is a matter upon which we ought to congratulate the committee and the country as showing that we are going to break into the law and make corrections of the errors in it, of which the committee may not have been fully advised at the time the law was passed.

Day before yesterday a vessel started out of the port of New York, and it did not get very far before, under the provisions of this law, the crew suddenly decided not to go any farther, and the vessel necessarily had to come back to port. Now, that is a condition that has been brought about by this law, which exempts a certain class of people from fulfilling their contracts. This bill has made it possible, apparently, to stop voyages. That happened in one instance in New York Harbor only day before yesterday. I say there are many things in the seamen's law to be remedied.

Mr. LENROOT. Mr. Speaker, I call for the regular order.

The SPEAKER. The gentleman from Wisconsin calls for the regular order. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

FOREST HOMESTEADS.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to reinstate House bill 10668, stricken off awhile ago on the objection of the gentleman from Michigan.

The SPEAKER. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent to have the bill H. R. 10668, or 94 on the Unanimous Consent Calendar, reinstated.

Mr. McLAUGHLIN. Mr. Speaker, I agreed to withdraw my objection to the bill and let it be passed without prejudice.

Mr. FERRIS. We do not propose to take it up to-day.

The SPEAKER. It has to be reinstated first. Is there objection?

There was no objection.

Mr. FERRIS. Now, Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

LEAVE TO ADDRESS THE HOUSE.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. GRAHAM] be permitted to address the House for five minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Pennsylvania [Mr. GRAHAM] be permitted to address the House for five minutes. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. SMOOT as the conferees on the part of the Senate.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4889. An act to renew patent No. 21053.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on April 17, 1916, approved and signed joint resolution and bills of the following titles:

H. J. Res. 171. Joint resolution to continue in effect the provisions of the act of March 9, 1906;

H. R. 9923. An act granting the consent of Congress to the county of Mitchell or to the county of Baker, both of the State of Georgia, acting jointly or separately, and their successors and assigns, to construct a bridge across the Flint River;

H. R. 10139. An act to authorize the city of Fairmont to construct and operate a bridge across the Monongahela River at or near the city of Fairmont, in the State of West Virginia; and

S. 1424. An act incorporating the American Academy of Arts and Letters.

GLENORA G. HARRIS.

Mr. GRAHAM. Mr. Speaker, I desire to ask the attention of the House to a matter which requires in order to give relief that immediate action should be taken with respect to it. There is on the calendar an act (S. 3560) passed by the Senate and referred to the Judiciary Committee of the House, passed through its subcommittee and through the general committee and reported here for action.

It is a bill providing for specific relief in a specific case up in Clearfield, Pa. A property was sold under judicial proceedings. The purchase money was paid by the woman purchaser—$5,000—which went into the hands of the receivers, and under the direction of the court was distributed among the creditors, and the receivers have been discharged. The property originally belonged to this woman. She sold it to a corporation, a telephone company, for bonds. That corporation had it and collected the rents from it for six years, and then failed. The bonds were never paid; not a penny of the bonds was ever recovered. The

corporation was adjudged a bankrupt and receivers were appointed. Upon a petition filed, the court ordered a private sale to Mrs. Harris. Prior to making the order for sale, a reference was made by the court, and upon the referee's report the order for the private sale was made. This same property which Mrs. Harris had originally owned and sold to the telephone company for $7,500 in bonds was purchased by her for $5,000 and paid for, and now, two or three years after that transaction, she is about selling the property to the Order of Elks. Counsel who are passing the title to the Order of Elks, the purchasers, have pointed out a defect in the title, namely, that the district court of the middle district of Pennsylvania had no power to make an order to sell at private sale.

The Judiciary Committee of the Senate and the Senate and the Judiciary Committee of the House all have agreed that the facts are of such a character as to require a remedy, and that for the relief of Mrs. Harris the only remedy is by a bill to perfect the title to that property. This bill is a remedial act, and will cure the title. The sale to the Order of Elks is pending, and has been pending for some time. Unless speedy action is taken, the sale of this property will be lost, and this woman will be left with her imperfect title, unmarketable and unsalable. She ought not to lose her money and her title also.

I ask unanimous consent to have the bill S. 3560 on the Private Calendar considered and passed at this time.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to have the bill S. 3560 considered at this time. Is there objection?

Mr. NORTON. Reserving the right to object, may I inquire where is the bill now?

Mr. GRAHAM. On the Private Calendar.

Mr. NORTON. How long has it been on the Private Calendar?

Mr. GRAHAM. Since April 14.

Mr. NORTON. When was the bill introduced?

Mr. GRAHAM. It was introduced in the Senate. I knew nothing about it there. My attention was called to it after it was sent to the House, and it then came before the Judiciary Committee and I was instructed to take charge of it on the floor of the House.

Mr. NORTON. When did it reach the Judiciary Committee of the House?

Mr. GRAHAM. April 14; and it passed the Senate March 9.

Mr. NORTON. I wanted to inquire about it to find the reason why this bill should have the right of way.

Mr. MANN. Because it is an emergency matter.

The SPEAKER. The Chair has proceeded with reference to unanimous consent in this way: That unless bills are on the Unanimous Consent Calendar or unless it is an emergency matter of some sort the Chair will not recognize any Member to ask unanimous consent for the consideration of a bill. Once in a while there is a matter of emergency, and it seems to the Chair, from what the Chair was told about this bill, that this is a case of emergency.

Mr. NORTON. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read the third time, was read the third time, and passed.

RECORD OF ASSIGNMENTS OR CONVEYANCES IN PATENT OFFICE.

The next business on the Private Calendar was the bill (H. R. 12716) amending sections 4898, 4906, 4921, 4934, and 4935 of the Revised Statutes of the United States.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4898 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 4898. Every patent or any interest therein shall be assignable in law by an instrument in writing, and the patentee or his assigns or legal representatives may in like manner grant and convey an exclusive right under his patent to the whole or any specified part of the United States. An assignment, grant, or conveyance shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, unless it is recorded in the Patent Office within three months from the date thereof or prior to such subsequent purchase or mortgage.

"If any such assignment, grant, or conveyance of any patent shall be acknowledged before any notary public of the several States or Territories or the District of Columbia, or any commissioner of any court of the United States for any district or Territory, or before any secretary of legation or consular officer authorized to administer oaths or perform notarial acts under section 1750 of the Revised Statutes, the certificate of such acknowledgment, under the hand and official seal of such notary or other officer, shall be prima facie evidence of the execution of such assignment, grant, or conveyance."

SEC. 2. That section 4906 of the Revised Statutes be amended to read as follows:

"SEC. 4906. The clerk of any court of the United States, for any district of Territory wherein testimony is to be taken for use in any contested case pending in the Patent Office, shall, upon the application of any party thereto, or of his agent or attorney, issue a subpœna for any witness residing or being within such district or Territory commanding him to appear and testify before any officer in such district or Territory authorized to take depositions and affidavits at any time and place in the subpœna stated. But no witness shall be required to attend at any place more than 40 miles from the place where the subpœna is served upon him; and the provisions of section 869 of the Revised Statutes relating to the issuance of subpœnas duces tecum shall apply to contested cases in the Patent Office."

SEC. 3. That section 4934 of the Revised Statutes be amended to read as follows:

"SEC. 4934. The following shall be the rates for patent fees:

"On filing each original application for a patent, except in design cases, $15.

"On issuing each original patent, except in design cases, $20.

"In design cases: For 3 years and 6 months, $10; for 7 years, $15; for 14 years, $30.

"On every application for the reissue of a patent, $30.

"On filing each disclaimer, $10.

"On an appeal for the first time from the primary examiners to the examiners in chief, $10.

"On every appeal from the examiners in chief to the Commissioner, $20.

"For certified copies of patents and other papers, including certified printed copies, 10 cents per hundred words.

"For recording every assignment, agreement, power of attorney, or other paper under one patent, application, or invention, of 300 words or under, $1; of over 300 and under 1,000 words, $2; and for each additional thousand words or fraction thereof, $1; and for each additional patent, application, or invention included in one writing, 25 cents.

"For copies of drawings, the reasonable cost of making them."

SEC. 4. That section 4935 of the Revised Statutes be amended to read as follows:

"SEC. 4935. Patent fees shall be paid to the Commissioner of Patents, and the commissioner, or such person as he may deputize, shall make daily deposits in some bank in the District of Columbia, to be designated by the Secretary of the Treasury for this purpose, of all moneys received as patent fees; and shall make deposits of such fees with the Treasurer of the United States at such times and in such manner as the latter may direct; and shall also make monthly reports in aggregate to the Secretary of the Treasury of all remittances received and moneys refunded."

SEC. 5. That section 4921 of the Revised Statutes be amended to read as follows:

"SEC. 4921. The several courts vested with jurisdiction of cases arising under the patent laws shall have power to grant injunctions according to the course and principles of courts of equity, to prevent the violation of any right secured by patent, on such terms as the court may deem reasonable, and upon a decree being rendered in any such case for an infringement the complainant shall be entitled to recover, in addition to the profits to be accounted for by the defendant, the damages the complainant has sustained thereby, and the court shall assess the same or cause the same to be assessed under its direction. And the court shall have the same power to increase such damages, in its discretion, as is given to increase the damages found by verdicts in actions in the nature of actions of trespass upon the case; but in any suit or action brought for the infringement of any patent there shall be no recovery of profits or damages for any infringement committed more than six years before the filing of the bill of complaint or the isssuing of the writ in such suit or action, and this provision shall apply to existing causes of action. And it shall be the duty of the clerks of such courts within one month after the filing of any action, suit, or proceeding arising under the patent laws to give notice thereof in writing to the Commissioner of Patents, setting forth in order the names and addresses of the litigants, names of the inventors, and the designating numbers of the patents involved, and it shall be the duty of the Commissioner of Patents on receipt of such notice forthwith to indorse the same upon the file wrapper of the said patent or patents and to incorporate the same as a part of the contents of said file or file wrapper, and for each notice required to be furnished to the Commissioner of Patents in compliance herewith a fee of 50 cents shall be taxed by the clerk as costs of suit."

Mr. OGLESBY. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from New York asks unanimous consent to consider this bill in the House as in the Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. OGLESBY, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADDITIONAL LAND DISTRICT IN CALIFORNIA.

Mr. KETTNER. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 529, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That an additional land district is hereby created for the State of California, to embrace the lands contained in the following-described boundaries: Beginning at the intersection of the range line between ranges 5 and 6 east of the San Bernardino meridian with the southern boundary of California; thence north along the range line, between ranges 5 and 6 east, to the northwest corner of township 9 south, range 6 east; thence east along the second standard parallel south to the southwest corner of township 8 south, range 7 east; thence north along the range line, between ranges 6 and 7 east, to the northwest corner of township 2 south, range 7 east; thence east along the township line between townships 1 and 2 south to its intersection with the Colorado River; thence southerly along the Colorado River to its intersection with the south boundary of California; thence southwesterly along the southern boundary of California to its intersection with the range line between ranges 5 and 6 east, to the place of beginning; that the land district shall be known as the Imperial district, and the Secretary of the Interior shall be authorized to select the site of the land office.

SEC. 2. That the Secretary of the Interior shall cause all plats, maps, records, and papers in the Los Angeles land office which relate to or form a necessary part of the records of the lands embraced in the district hereby created to be transferred to the Imperial land distfict.

SEC. 3. That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, a register and receiver for said land district, and they shall be subject to the same laws and entitled to the same conpensation as is or may be hereafter provided by law in relation to the existing land offices and officers in said State.

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

Mr. KETTNER. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from California is entitled to 20 minutes and the gentleman from Illinois to 20 minutes.

Mr. KETTNER. Mr. Speaker, this bill proposes to create a land office in Imperial County. It is recommended by the Secretary and has twice passed the committee unanimously. The business transacted in thirty-odd land offices now in the United States does not exceed that transacted in the Los Angeles office in connection with lands in the Imperial Valley, and 80 per cent of the contested cases in that office are from Imperial Valley, on account of three different surveys having been made. The people of Imperial Valley are cut off from the rest of the world, as it were. It takes them 12 hours to go from Imperial Valley to Los Angeles, at an expense of $7.90 each way, and in addition to that they have to pay their Pullman fare. I know of several contested cases where the settlers have had to go to Los Angeles to the land office, take their witnesses with them, then found that the cases were postponed, and they could not afford to keep the witnesses there. The witnesses went home, and the settlers were put to the expense of bringing them back; and in some cases, where they could not borrow the money to do so, have lost their land.

Mr. STEENERSON. Mr. Speaker, will the gentelman yield?

Mr. KETTNER. Yes.

Mr. STEENERSON. Do I understand that the settlers on the public domain and their witnesses in Imperial Valley ride in Pullman sleepers to the land office, and back again?

Mr. KETTNER. Well, there are tourist sleepers from Imperial Valley to Los Angeles.

Mr. STEENERSON. With us they have to travel 150 miles with a team of oxen.

Mr. KETTNER. All sleeping cars at the present time, I I believe, are known as Pullman sleepers, whether of the second or third class.

Mr. STEENERSON. Where is this land located?

Mr. KETTNER. In Imperial Valley.

Mr. STEENERSON. And where is the land office to be?

Mr. KETTNER. It is for the Secretary to decide—in which town in Imperial Valley.

Mr. STEENERSON. It is simply an additional land office?

Mr. KETTNER. Yes. I believe the gentleman from Minnesota [Mr. STEENERSON] had the pleasure of visiting Imperial Valley last year, and perhaps he can describe it and state to the House the condition of the people there at the present time.

Mr. STEENERSON. Oh, I would not think of competing with the gentleman in describing the glories of Imperial Valley. It is true that it is separated from the rest of California by a ridge of mountains, and it is quite a long distance to travel. I agree with him on the point that we ought to have a land office there, but what I thought was remarkable was the fact that the settlers who went to the land office rode in Pullman cars. The land is very rich there and I do not wonder at it. It is the richest land I ever saw anywhere.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. KETTNER. Yes.

Mr. MOORE of Pennsylvania. Does this new division take in the whole of southern California?

Mr. KETTNER. It takes in all of Imperial County, part of Riverside, part of San Diego, and part of San Bernardino Counties.

Mr. MOORE of Pennsylvania. How far does it run along the coast line?

Mr. KETTNER. It is on the east side of the mountains.

Mr. MOORE of Pennsylvania. And does not touch the coast line at all?

Mr. KETTNER. No.

Mr. MOORE of Pennsylvania. And at the present time all those in this part of southern California having to do with land matters are obliged to travel to Los Angeles to have their business attended to?

Mr. KETTNER. I will try to explain to the gentleman. In my own county, San Diego, the department has just opened up part of the Cleveland National Forest, and the people living 70 miles from San Diego in the mountains could go down to Imperial Valley in two or three hours and be at the land office, where, as it is at present, they have to travel 70 miles to San Diego and then take a train to Los Angeles, 132 miles from San Diego.

Mr. MOORE of Pennsylvania. San Diego is not in this district.

Mr. KETTNER. A part of San Diego County is in this proposed district.

Mr. MOORE of Pennsylvania. There is a very large settlement going on in Imperial Valley at the present time?

Mr. KETTNER. Yes.

Mr. MOORE of Pennsylvania. It is extending southward and increasing very rapidly?

Mr. KETTNER. Yes. Mr. Speaker, I reserve the remainder of my time.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

NATIONAL PARK IN HAWAII.

Mr. MANN. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 9525) to establish a national park in the Territory of Hawaii, with committee amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the tracts of land on the island of Hawaii and on the island of Maui, in the Territory of Hawaii, hereinafter described, shall be perpetually dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people of the United States, to be known as Hawaii National Park. Said tracts of land are described as follows: First. All that tract of land comprising portions of the lands of Kapapala and Keauhou, in the district of Kau, and Kahaualea, Panaunui, and Apua, in the district of Puna, on the island of Hawaii, containing approximately 35,865 acres, bounded as follows: Beginning at a point on the west edge of the Keamoku Aa Flow (lava flow of 1823), from which point the true azimuth and distance to Government survey trigonometrical station Ohaikea is 166° 20′, 6,350 feet, and running by true azimuths: (1) Along the west edge of the Keamoku lava flow in a northeasterly and northwesterly direction, the direct azimuth and distance being 198° 10′, 14,700 feet; (2) 256°, 11,400 feet, more or less, across the land of Kapapala and Keauhou to a marked point on the Humuula trail; (3) 328° 15′, 8,725 feet, across the land of Keauhou to the top of the fault north of the Kau road; (4) along the fault in a northeasterly direction, the direction azimuth and distance being 251° 30′, 4,330 feet; (5) 245°, 6,000 feet, to a point near the southwest boundary of the land of Olaa; (6) 337° 10′, 8,650 feet, more or less, to the junction of the Hilo and Keauhou roads; (7) 332° 20′, 3,300 feet, more or less, to the southwest corner of the land of Keaau; (8) 332° 10′, 7,000 feet, along the land of Kahaualea; (9) 281°, 30,375 feet, more or less, across the land of Kahaualea, passing through the north corner of the land of Panaunui, to the north corner of the land of Laepuki; (10) 31° 30′, 13,200 feet, more or less, along the land of Laepuki and across the land of Panaunui; (11) 89° 10′, 32,900 feet, more or less, across the land of Panaunui, Apua, and Keauhou to "Palilele-o-Kalihipaa," the boundary point of the Keauhou-Kapapala boundary; (12) 51° 30′, 5,500 feet, across the land of Papapala; (13) 102° 50′, 19,150 feet, across the land of Kapapala to a small cone about 1,500 feet southwest of Puu Koae trigonometrical station; (14) 166° 20′ 21,000 feet, across the land of Kapapala to the point of beginning.

Second. All that tract of land comprising portions of the lands of Kapapala and Kahuku, in the district of Kau, island of Hawaii; Keauhou second, in the district of North Kona; and Kaohe, in the district of Hamakua, containing 17,920 acres, bounded as follows: Beginning at Pohaku Hanalei of Humuula, a small cone on the brow of Mauna Loa, and at the common boundary points of the lands of Humuula, Kapapala, and Kaohe, from which the true azimuth and distance to Government survey trigonometrical station Omaokolii is 195° 12′ 18″, 78,286 feet, and running by true azimuths: First, 298°, 5,240 feet; second, 28° 36,960 feet; third, 118,° 21,120 feet; fourth, 208°, 36,960 feet; fifth, 298°, 15,880 feet, to the point of beginning.

Third. A strip of land of sufficient width for a road to connect the two tracts of land on the island of Hawaii above described, the width and location of which strip shall be determined by the Secretary of the Interior.

Fourth. All that tract of land comprising portions of the lands of Honuaula and Kula, in the district of Makawao, and Kipahulu, Kaupo, and Kahikinui, in the district of Hana, on the island of Maui, containing approximately 21,150 acres, bounded as follows: Beginning at a point called Kolekole, on the summit near the most western point of the rim of the crater of Haleakala, and running by approximate azimuths and distances: First, 193° 45′, 19,350 feet along the west slope of the crater of Haleakala to a point called Puu-o-Ili; second, 208°, 23,000 feet up the western slope and across Koolau Gap to the point where the southwest boundary of Koolau Forest Reserve crosses the east rim of Koolau Gap; third, 306° 30′, 17,150 feet along the southwest boundary of Koolau Forest Reserve to a point called Palalia, on the east rim of the crater of Haleakala; fourth, along the east rim of the crater of Haleakala, the direct azimuth and distance being 354° 15′, 18,300 feet to a point on the east rim of Kaupo Gap, shown on Hawaiian Government survey maps at an elevation of 4,208 feet; fifth, 88° 45′, 3,300 feet across Kaupo Gap to a point called Kaumikaohu, on the boundary line between the lands of Kipahulu and Kahikinui; sixth, 102° 30′, 40,750 feet along the south slope of the crater of Haleakala to the point of beginning.

SEC. 2. That nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States, whether for homestead, mineral, right of way, or any other purpose

whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land. Whenever consistent with the primary purposes of the park the act of February 15, 1901, applicable to the location of rights of way in certain national parks and the national forests for irrigation and other purposes, shall be and remain applicable to the lands included within the park. The Secretary of the Interior may, in his discretion and upon such conditions as he may deem wise, grant easements or rights of way for steam, electric, or similar transportation upon or across the park.

SEC. 3. That no lands located within the park boundaries now held in private or municipal ownership shall be affected by or subject to the provisions of this act.

SEC. 4. That the said park shall be under the executive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury of all timber, birds, mineral deposits, and natural curiosities or wonders within said park, and their retention in their natural condition as nearly as possible. The Secretary may in his discretion grant leases for terms not exceeding 20 years, at such annual rental as he may determine, of parcels of land in said park of not more than 20 acres in all to any one person, corporation, or company for the erection and maintenance of buildings for the accommodation of visitors; but no such lease shall include any of the objects of curiosity or interest in said park or exclude the public from free and convenient approach thereto or convey, either expressly or by implication, any exclusive privilege within the park except upon the premises held thereunder and for the time granted therein; and every such lease shall require the lessee to observe and obey each and every provision in any act of Congress and every rule, order, or regulation of the Secretary of the Interior concerning the use, care, management, or government of the park, or any object or property therein, under penalty of forfeiture of such lease. The Secretary may in his discretion grant to persons or corporations now holding leases of land in the park, upon the surrender thereof, new leases hereunder, upon the terms and stipulations contained in their present leases, with such modifications, restrictions, and reservations as he may prescribe. All of the proceeds of said leases and other revenues that may be derived from any source connected with the park shall be expended under the direction of the Secretary, in the management and protection of the same and the construction of roads and paths therein. The Secretary may also, in his discretion, permit the erection and maintenance of buildings in said park for scientific purposes: *Provided*, That no appropriation for the maintenance, supervision, and improvement of said park in excess of $10,000 annually shall be made unless the same shall have first been expressly authorized by law: *And provided further*, That no appropriation shall be made for the improvement or maintenance of said park until proper conveyances shall be made to the United States of such perpetual easements and rights of way over private lands within the exterior boundaries of said park as the Secretary of the Interior shall find necessary to make said park reasonably accessible in all its parts, and said Secretary shall when such easements and rights of way have been conveyed to the United States report the same to Congress.

The SPEAKER. Is a second demanded?

Mr. FERRIS. I demand a second.

Mr. MANN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Illinois has 20 minutes and the gentleman from Oklahoma 20 minutes.

Mr. MANN. Mr. Speaker, on the Island of Hawaii, which is one of the Hawaiian group of islands, is the living volcano called Kilauea, which I believe is the only perpetual and perennial living volcano in the world. Not a great way from it is the mountain called Mauna Loa, which is an occasional volcano and which rises so very high that it is covered with snow. It is proposed now to make a national park of the Government-owned land embracing these two volcanoes and a strip which will connect the two. The land is valueless except for scenic purposes. On the island of Maui, which is another one of the Hawaiian group, is the largest extinct volcanic crater in the world, a crater about 30 miles in circumference, from which people look down on the sunrise and sunset upon the clouds below. While I do not propose to describe the scene that some other gentlemen belonging to this House and I witnessed last year, I never expect to see at any time or place in this world any scenic effect that will compare with what I saw up there. It is proposed to make the Government-owned land there a national park. The total area of land which is embraced within the limits described in the park is about 75,000 acres, of which more than half is privately owned or municipally owned land, and we do not interfere to the title to any of this land, except we provide in the bill that appropriations for the support of the park shall not be made until any privately owned land which is required for roads or access from one part to another shall have been donated without expense to the United States Government. The total expense under the bill which can be appropriated any time for the care of those two parks—really three parks, which are called one park—is limited to $10,000, which I regret, although it is a committee amendment and I have included it in my motion. I do not care to detain the House unnecessarily. This does not interfere with anybody, except that it will prevent any private party, if he should undertake to do it, from getting control of all the sites of Kilauea, the living volcano—that is, where you look down into the crater into the boiling lava.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MANN. I do.

Mr. MOORE of Pennsylvania. Will the gentleman, who is well posted on the subject, give us some description as to the plant life around about the vicinity of Kilauea, such as the fern life?

Mr. MANN. The most notable thing around there, of course, is the tree fern, some of which grow to 30 or 40 feet in height and have leaves 20 to 30 feet in length, with innumerable leaflets; and if one who never has seen them can imagine the ordinary fern which we are familiar with unfolding its leaves and reaching up until it has reached with its leaf 40 to 50 feet, with its trunk of 30 or 40 feet high, you can get some indefinite notion of what you see there. Of course, that is a tropical country, though not so warm and not so tropical as Panama or the Philippine Islands. I would be very glad to yield to the distinguished gentleman from Pennsylvania [Mr. MOORE] to give a further description of this beautiful and royal scene which we both witnessed with Uncle Joe and others out there a year ago.

Mr. CANNON. And at the trunk of each leaf of the fern, when the strands are stripped off, is a deadly weapon.

Mr. MANN. Not being in a military mood, I shall not describe that part of it and will yield to the gentleman from Pennsylvania. I will yield him time if he will take it. I reserve the balance of my time.

Mr. FERRIS. Mr. Speaker, the Public Lands Committee held hearings on this bill, and we had before us Prof. Jagger, a scientist from Boston, Mass., who for a number of years has conducted investigations on the very brink of this most wonderful volcano. I want to second everything that the gentleman from Illinois said and perhaps add a word to it. I, with others, witnessed the spectacle out there last summer, and to my mind this is a spot that is certainly entitled through its natural scenic beauty to be made into a national park. The Delegate from Hawaii introduced the bill and it was brought before the House Public Lands Committee. The committee gave it careful consideration, and after hearing the Delegate, Mr. Desho, Prof. Jagger, and Mr. Ballou, from the islands, and after having made trips back and forth to the department three or four times with correspondence to perfect this bill, the committee think that they have very well safeguarded the bill and have brought these three wonderful natural scenic affairs into a national park.

Mr. MANN. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. MANN. If the gentleman will permit me to say in this connection, I am making the motion to suspend the rules on the bill introduced by the gentleman from Hawaii, Delegate KALANIANAOLE, at his request.

Mr. FERRIS. Certainly; and I am sure that both he and the committee are very much obliged to the gentleman from Illinois for helping to get the bill through. On the last unanimous-consent day it was called up under unanimous consent, but it was objected to, and I am very much obliged to the gentleman from Illinois for his help.

The total acreage of the proposed park is 75,295 acres. Mauna Loa has 17,920 acres in the mountain tract, and about half of that is public land and the rest is owned by an estate.

Mr. SLAYDEN. Do you propose to buy that?

Mr. FERRIS. No part of it is to be purchased. There are 35,685 acres in the Kilauea tract. Four-ninths of that is in public ownership and the rest is in private ownership. The Haleakala tract has about 21,150 acres, and about one-third of it is public land.

As stated by the gentleman from Illinois [Mr. MANN], no part of that private land is to be bought. Four-ninths of the entire area is public land, and proper reservations are to be made for the right of way, and without expense to the Government before the park is created. It is limited to $10,000 appropriation each year, so that if the amount gets larger than that it will be subject to a point of order and can be stricken off by any Member of the House who objects to such increase. The volcano of Kilauea is said by Prof. Jagger and other scientists to be the most active and the most continuous volcano in the world, for essentially it has been active practically every moment during the last century. It is a boiling, gurgling sea of lava that can be seen there at any time of the night and day—certainly the most wonderful spectacle I ever beheld. Mauna Loa is another part of the park, and that volcano is active about every 10 years, and when it is active it is more active than the other. The lava flows across the island for many miles and becomes dangerous to the cities and towns and the people who live there. The mountain of Haleakala is 10,000 feet high. The gentleman from Illinois described the wonderful sight of a sunset on the moun-

tain at that height. The indentation, or the rift, in the top of the mountain is 3,000 feet deep and is some 8 miles in circumference. It is a wonderful spectacle. I think the people out there are entitled to the park. I think they ought to have it. I think it has sufficient natural scenic beauty to be worthy of the name of a national park. So many proposals come in that do not really have merit, so many proposals come in that the Government is asked to appropriate for, in which there are really no natural wonders; but this is not one of those cases. It is to be a real park. It ought to be passed, and passed now.

I hope the bill will receive the vote of everyone in the House. I am sure all who saw it or have taken occasion to look it up and know of the wonders to be found there will give full approval of it.

I desire to print herewith the report, which shows the proposal is approved by Secretary Lane and was unanimously reported by the House Public Lands Committee:

[House of Representatives, Report No. 131, Sixty-fourth Congress, first session.]

NATIONAL PARK IN HAWAII.

Mr. FERRIS, from the Committee on the Public Lands, submitted the following report:

The Committee on the Public Lands, to whom was referred the bill (H. R. 9525) to create a national park in the Territory of Hawaii, having had the same under consideration, report it back to the House with the recommendation that it do pass with amendment as follows:

Page 8, at the end of the section, add the following provisos:

"*Provided*, That no appropriation for the maintenance, supervision, or improvement of said park in excess of $10,000 annually shall be made unless the same shall have first been expressly authorized by law: *And provided further*, That no appropriation shall be made for the improvement or maintenance of said park until proper conveyance shall be made to the United States of such perpetual easements and rights of way over private lands within the exterior boundaries of said park as the Secretary of the Interior shall find necessary to make said park reasonably accessible in all its parts, and said Secretary shall, when such easements and rights of way have been conveyed to the United States, report the same to Congress."

The bill proposes to establish the Hawaiian National Park, including the three crater areas and natural wonders of the three great volcanoes of Hawaii, respectively, Mauna Loa volcano, Kilauea volcano, and Haleakala volcano.

By the provisions of this bill 75,295 acres are set aside, four-ninths of which is public land, and the balance, chiefly waste land, belongs to educational and eleemosynary trusts, said to be willing to cede the land in large measure.

No appropriation is carried by the bill, and it is provided that no appropriation shall be made until proper conveyances in the matter of the private lands shall be made to the United States such as the Secretary of the Interior shall find necessary. Otherwies existing claims and privately owned lands are unaffected by the bill.

Strong reasons for creating a national park in this district are that the craters in question are among the most remarkable of natural wonders. Kilauea is the most continuously active volcano, Mauna Loa the largest volcano, and Haleakala the largest and most spectacular crater in the world. There is urgent need for the protection of curiosities now being damaged. Scientific studies in inaccessible parts of the area, of importance for the public safety, will be furthered by Federal control and park improvement. Scientifically and popularly, the volcanoes are a national rather than a local asset, and the opinions of travelers appear to be unanimous that this area is of national importance for park preservation.

The Secretary of the Interior favors the bill, and his report is printed herewith:

FEBRUARY 2, 1916.

MY DEAR MR. FERRIS: Your letter of January 22 has been received, inclosing H. R. bill 9525, with request for report thereon. This bill proposes the establishment of a national park in the Territory of Hawaii, such park to include two of the great craters on the island of Hawaii and one on the island of Maui. I am in favor of the preservation of these great natural wonders, and would be glad to see them made a part of our national park system.

Cordially, yours,

FRANKLIN K. LANE, *Secretary*.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

Mr. MANN. Just one word. This bill provides for the Government making into a park two active volcanoes. My recollection is—and I may be wrong about it—that there are about 75 active volcanoes in the world, of which about half, strange to say, are on territory belonging to the United States. And there are scientists who believe, by constant observation of volcanic and earthquake activities, they may be able, possibly, to predict when a volcanic eruption will occur, or possibly when an earthquake will occur, or, at least, advise those who are to be affected, when it comes or starts, as to how dangerous it will be and how long it will last. And it is quite fitting that in a country that really does not possess a very large proportion of the world's surface, but that has about half of the active volcanoes, that we should have a place where our people can see them.

Mr. SLAYDEN. Will the gentleman yield for a question?

Mr. MANN. Yes.

Mr. SLAYDEN. Is it not true that Prof. Jagger, who has been observing the volcano at Kilauea, is predicting now—and with a considerable degree of confidence, based on his observation—a renewed and a very much increased activity in a couple of years or such a matter? In his address to us——

Mr. MANN. I would not say that it was not true, because very likely it is true; and I am sure it is if the gentleman from Texas thinks it is.

Mr. SLAYDEN. He said so in his address to us that Sunday afternoon.

Mr. MANN. Very likely. I think Prof. Jagger has been in Washington this winter, more or less. I met him several times and I heard him deliver a lecture here which was very interesting, by the way. He is one of the most interesting scientists I have ever met. I do not recall that he is making predictions now. He is predicting that if we make examinations he will know more in the future.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

ADDITIONAL CADETS AT WEST POINT ACADEMY.

Mr. DENT. Mr. Speaker, I move to suspend the rules and pass the bill S. 4876, with certain committee amendments.

The SPEAKER. The Clerk will report the bill.

The bill as subsequently modified was as follows:

An act (S. 4876) to provide for an increase in the number of cadets at the United States Military Academy.

Be it enacted, etc., That the Corps of Cadets at the United States Military Academy shall hereafter consist of 2 for each congressional district, 2 from each Territory, 4 from the District of Columbia, 2 from natives of Porto Rico, 4 from each State at large, and 80 from the United States at large, 20 of whom shall have been recommended to the President as honor graduates of an educational institution having an officer of the Regular Army detailed as professor of military science and tactics under existing law or any law hereafter enacted for the detail of officers of the Regular Army to such institutions, and which institutions are designated in War Department orders as "honor schools" upon the determination of its relative standing at the last preceding annual inspection regularly made by the War Department. They shall be appointed by the President and shall, with the exception of the 80 appointed from the United States at large, be actual residents of the congressional or Territorial district, or of the District of Columbia, or of the island of Porto Rico, or of the States, respectively, from which they purport to be appointed: *Provided*, That so much of the act of Congress approved March 4, 1915 (38 Stats. L., p. 1128), as provides for the admission of a successor to any cadet who shall have finished three years of his course at the academy be, and the same is hereby, repealed: *Provided further*, That the appointment of each member of the present Corps of Cadets is validated and confirmed.

SEC. 2. That the President is hereby authorized to appoint cadets to the United States Military Academy from among enlisted men in as near equal proportion as possible of the Regular Army and the National Guard between the ages of 19 and 20 years who have served as enlisted men not less than one year, to be selected under such regulations as the President may prescribe: *Provided*, That the total number so selected shall not exceed 180 at any one time.

SEC. 3. That, under such regulations as the President shall prescribe, the increase in the number of cadets provided for by this act shall be divided into four annual increments, which shall be as nearly equal as practicable and be equitably distributed among the sources from which appointments are authorized.

SEC. 4. That hereafter when all vacancies in cadetships at the United States Military Academy shall not have been filled as a result of the regular annual entrance examination the President is hereby authorized to appoint candidates who were found qualified for admission at such entrance examination and for whom no vacancy would exist under present law: *Provided*, That the number of qualified candidates so appointed shall not be in excess of the number of such unfilled vacancies remaining at the time of such appointment: *Provided further*, That cadets admitted under the provisions of this section shall be credited to the United States at large and their admission shall not interfere with or affect in any manner any appointment authorized under existing law or under any of the provisions of this act. The authorized number of cadetships at the Military Academy is temporarily increased by the number of admissions made in any year under the provisions of this section: *Provided further*, That whenever by the operation of this or any other law the Corps of Cadets exceeds its authorized maximum strength the admission of candidates as prescribed in this section shall cease until such time as the Corps of Cadets may be reduced below its authorized strength.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

Mr. DENT. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Alabama asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Alabama [Mr. DENT] is entitled to 20 minutes and the gentleman from Illinois [Mr. MANN] to 20 minutes.

Mr. MANN. May I ask the gentleman was the language as submitted, in reference as to whether the appointee came from congressional districts or not, changed and printed in the bill?

Mr. DENT. I will say to the gentleman from Illinois I want to offer a substitute to that committee amendment.

Mr. MANN. The gentleman has to do that in his motion.

Mr. DENT. Mr. Speaker, I move——

Mr. MANN. I have another one.

Mr. ADAMSON. So have I. I want to ask him a question before he changes it.

Mr. MANN. In line 23, on page 2, the committee inserted the words "in as near proportion as possible," evidently it being the purpose of the committee, in reference to the cadets appointed from the Regular Army and National Guard, to distribute them between those two services.

Mr. DENT. That is the purpose of the committee.

Mr. MANN. But the way it was inserted would be "in as near proportion as possible between the ages of 19 and 20 years." If the gentleman would insert in line 22, after the word "men," this language: "In as near equal proportion as possible," it would read:

The President is hereby authorized to appoint cadets to the United States Military Academy from among enlisted men in as near equal proportion as possible of the Regular Army and the National Guard.

Mr. DENT. I think that is better language, and I will make that motion.

Mr. MANN. The gentleman has to have his amendments in the motion to suspend the rules. They are to be a part of the motion.

The SPEAKER. The gentleman from Alabama [Mr. DENT] asks to have the language indicated read into the bill as a part of it. Of course, you can not amend it, really or technically.

Mr. ADAMSON. Mr. Speaker, I have an amendment to propose.

Mr. KAHN. Mr. Speaker, I understand also that the gentleman from Alabama desires to include in the motion the proposition to put the words "congressional or," in line 8, page 2, between the word "the" and the word "Territorial."

The SPEAKER. Let us get through the first one. The Clerk will report it.

The Clerk read as follows:

SEC. 2. That the President is hereby authorized to appoint cadets to the United States Military Academy from among enlisted men, in as near equal proportions as possible, of the Regular Army and the National Guard between the ages of 19 and 20 years who have served as enlisted men not less than one year.

The SPEAKER. What was the suggestion of the gentleman from California [Mr. KAHN]?

Mr. KAHN. Ought not the gentleman also to include as a part of his motion an amendment to insert, on line 8, page 2, between the words "the" and "Territorial," the words "congressional or of the"?

Mr. DENT. And also strike out the words "the congressional district or of the," in line 10?

Mr. KAHN. Yes; leave that out in line 10.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Page 2, line 8, after the word "the" and before the word "Territorial," insert the words "congressional or," and strike out, on page 2, line 10, the committee amendment.

Mr. ADAMSON. Mr. Speaker——

Mr. MANN. Now, I understand that the gentleman proposes to modify his amendment.

The SPEAKER. Technically speaking, he can not amend it, but he asks leave to insert that language. The gentleman from Georgia [Mr. ADAMSON] is recognized.

Mr. ADAMSON. Mr. Speaker, I have not been able up to this time to get hold of a copy of the bill, and I did not understand clearly the reading of section 4. Does that mean that if any of the candidates nominated by Congressmen fail, the President can fill any of those vacancies from other parts of the country?

Mr. DENT. No. That means this: In case the gentleman from Georgia appointed a principal and several alternates, and his principal and all the alternates passed the examination, his principal would be admitted, and his alternates would be qualified for appointment by the President of the United States, but would not be charged to the gentleman's district but to the country at large.

Mr. ADAMSON. And not charged to my congressional district?

Mr. DENT. He would not be charged to the gentleman's congressional district.

Mr. CANNON. Mr. Speaker, will the gentleman yield for a question?

Mr. DENT. Yes.

Mr. CANNON. Under the law as it now exists the age of a cadet or a candidate is to be between 16 and 20 years, as I understand it?

Mr. DENT. No; between 17 and 22. The age limit is between 16 and 20 at the Naval Academy, and the limit is 17 and 22 at West Point.

Mr. CANNON. This is for the Naval Academy, is it not?

Mr. DENT. No; this is for the Military Academy at West Point. We have already passed the bill doubling the capacity at the Naval Academy.

Mr. CANNON. Was the age limit changed?

Mr. DENT. No.

Mr. CANNON. It ought to have been. They are so severe in their examinations that the 16-year-old and the 17-year-old fall down.

Mr. McKENZIE. Mr. Speaker, will the gentleman yield?

Mr. DENT. Yes.

Mr. McKENZIE. I was not present in the committee when this bill was reported out, and I would like to ask my colleague a question as to the language on page 3. It appears to me from that language that where a Member of Congress had nominated candidates to take the examination for West Point and they had all failed, for instance, in that event the President might name a candidate at large from any portion of the United States other than the district from which the Congressman had named his candidate.

Mr. DENT. Does the gentleman refer to the committee amendment to section 4?

Mr. McKENZIE. Yes.

Mr. DENT. The intention of the committee with respect to that amendment, as I stated a moment before, was simply to allow the President to name those alternates who failed simply because the principal had qualified and entered. It would still leave to the Member of Congress the right to nominate a cadet from his district the following year.

Mr. McKENZIE. Would it not deprive the Member of Congress of the right of naming a cadet during that year? Would not that congressional district be robbed of a cadet in that particular year?

Mr. DENT. No. It would apply only to a case where a Congressman had named a cadet who entered the academy, but who still has an alternate who has shown his qualifications by successfully passing the examination. It allows the President to appoint such alternate from the country at large.

Mr. McKENZIE. The President, of course, is limited to the 80 he has to appoint under the bill. It does not interfere with the Congressman's or Senator's right to appoint at all. In other words, the President is just permitted to appoint one of these young men as a part of his 80?

Mr. FERRIS. He can appoint the new candidate.

Mr. SLAYDEN. What is the necessity of this legislation, then?

The SPEAKER. To whom does the gentleman from Alabama yield?

Mr. DENT. I yielded to the gentleman from Illinois [Mr. McKENZIE]. I do not know whether he finished or not.

The SPEAKER. Is the gentleman from Illinois through?

Mr. McKENZIE. I will say that it is not exactly clear to my mind yet, but I will yield the floor, so that the gentleman can answer other interrogatories.

Mr. SLAYDEN. Mr. Speaker, I would like to ask the gentleman whether it is true that the President may appoint successful alternates—successful as to examination—to these places without having them charged against the district of the regular Member? And if he has already the power to select 80, and if this appointment of the alternate is to be one of the 80, what is the occasion for this language at all?

Mr. DENT. The only occasion is to express by law the authority of the President to make that selection. The gentleman is aware of the fact that it has been the rule of all the Presidents to give the sons of Army officers the preference. If the gentleman will read the report here, he will find that when the academy opened last year there were 95 vacancies in the academy. This section would have authorized the President, if the gentleman from Texas had appointed a principal and two or three alternates who had passed the examination, to have appointed not only his principal who had entered the academy but his first alternate also who had passed the examination without charging it to the gentleman's district at all. In other words, the object of it is to keep the academy full.

Mr. SLAYDEN. You do not require that the President shall do it?

Mr. DENT. Oh, no.

Mr. SLAYDEN. He may still appoint the sons of Army officers?

Mr. DENT. Yes; he may still appoint the sons of Army officers.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. DENT. Yes; I yield to the gentleman from Connecticut.

Mr. TILSON. Does it not mean, Mr. Speaker, that the additional man is appointed, and while he does not become charged to the district from which the man has failed, he takes the place in the academy that that man would have taken? In other words, he helps to keep the academy full?

Mr. DENT. That is the whole object of it.

Mr. TILSON. And it is to allow the appointment of a number of men additional to the 80 that the President has the right to appoint?

Mr. DENT. Yes.

Mr. TILSON. He can appoint so many more that are hanging out, after having successfully passed the examination?

Mr. DENT. Yes.

Mr. SLAYDEN. Oh, I understood the gentleman from Alabama to say it was a part of the 80.

Mr. DENT. No; it is in addition to the 80, with a view to filling up the academy.

Mr. NORTON. Mr. Speaker, will the gentleman yield?

Mr. DENT. Yes.

Mr. NORTON. What, if anything, has been provided to meet this condition: In case, say, where 200 candidates named by Members of Congress failed at the examination, the President would then have the right to appoint 200 to fill those vacancies—200 alternates, or 200 who had qualified at the examination to enter the academy. Then, if the appointment of those 200 filled up the quota for which there was room at the academy, at the next examination would those 200 Members of Congress whose candidates had failed have the right to nominate 200 more candidates?

Mr. DENT. The following year they certainly would. The act expressly provides for that.

Mr. NORTON. Then, if all those qualified, the academy would be filled to more than its quota?

Mr. DENT. No; I do not think the academy would be filled to more than its quota. When we come to consider the appropriation bill we will have to consider the question as to how many we can take care of. Of course, the President is not going to use the power that is given him here in such a way as to fill the academy beyond the quota that it can accommodate.

Mr. NORTON. Would it not really result in this, that no examination would be held for the other 200 until a sufficient number had graduated from the academy to reduce the quota and permit the 200 to be admitted?

Mr. DENT. This section expressly provides that the President shall not exercise this power when the number would go beyond the quota necessary to fill the full complement.

Mr. SLAYDEN. When it would go beyond the number provided by law.

Mr. NORTON. The gentleman gets my point, does he not? Take this extreme case for illustration: We will say there are now 600 cadets to be appointed, and that the Members of Congress nominate 600 principal candidates and the full number of alternates permitted to be nominated. Four hundred of the principals fail and also all their respective alternates. Then, the President appoints from the alternates 400 to fill these vacancies. Then next March there are 400 vacancies, and the 400 Members of Congress whose candidates failed this year nominate 400 principals, all of whom qualify and become entitled to enter. That would then more than fill the quota for which room is to be provided at the academy. Could not that condition arise under the terms of section 4 in this bill?

Mr. DENT. That might be possible, but it is not probable.

Mr. TILSON. It would not be probable that one year 400 would fail and that the next year none would fail. As a matter of fact, taking the law of averages, they run along about the same, and we know about how many fail, on an average.

Mr. DENT. Of course, there are many possibilities that might happen, but which never do happen.

Mr. BORLAND. Will the gentleman yield for a question?

Mr. DENT. Certainly.

Mr. BORLAND. Am I correct in believing that this bill will practically double the Cadet Corps at West Point?

Mr. DENT. In fact, yes. That is the object of it.

Mr. BORLAND. How many will that make at West Point—about 1,200, will it not?

Mr. DENT. Between 1,200 and 1,300.

Mr. BORLAND. I have always been under the impression that the price we pay for educating a young man at West Point is too high. Will this in any way reduce the average cost per capita of educating officers at West Point?

Mr. DENT. Of course this bill has nothing to do with the appropriation which is to come later. I do not think it is the intention of the committee, however, to make any reductions in pay, or anything of that kind.

Mr. BORLAND. My understanding is that it costs about $20,000 to educate an officer at West Point, and it has always seemed to me that $5,000 is a liberal estimate of the amount necessary to educate a young man in this country.

Mr. DENT. I will say to the gentleman from Missouri that that question will come up in the consideration of the appropriation bill for the maintenance of the Military Academy.

Mr. BORLAND. The gentleman's committee has charge of that.

Mr. DENT. That will come up later.

Mr. BORLAND. If we are going to have a more effective Army, we ought to reduce the per capita expense.

Mr. McKELLAR. Of course the proportionate overhead charges will be greatly reduced, and that will reduce the per capita expense.

Mr. SLAYDEN. Mr. Speaker, returning to the question of appointments and the possible failure of alternates, and using the hypothetical case to which the gentleman refers—of the failure of 400 principals—each Member of the House will have nominated alternates, perhaps first, second, and third alternates, as the law, I believe, authorizes them to do. Then if the principal fails the first alternate would get in provided he passed the examination, would he not?

Mr. DENT. Not absolutely. It is entirely in the discretion of the President whether he will make the appointment or not.

Mr. SLAYDEN. He does it now.

Mr. DENT. Are you referring to section 4? That is an entirely new provision.

Mr. SLAYDEN. No; I am referring to the number at the present time. Suppose you nominate a principal and three alternates, and your principal fails and your first alternate passes the examination. He is admitted.

Mr. DENT. That is true. He is admitted.

Mr. SLAYDEN. Would not that continue to be the case under this bill?

Mr. DENT. Yes; absolutely.

Mr. SLAYDEN. Then the President is not given any additional power of appointment, except that the number at the academy is increased?

Mr. DENT. That is all.

Mr. HUDDLESTON. Under the increase allowed in this bill how many appointments will the President have?

Mr. DENT. He has the right to appoint 80—double the present number.

Mr. HUDDLESTON. That is 80 each year, is it not?

Mr. DENT. He has the right to appoint 40 now, and under this bill he would have the right to appoint 80. Then he has the right to appoint from the National Guard.

Mr. HUDDLESTON. Will the gentleman give us the total?

Mr. DENT. Eighty from the United States at large and 180 from the enlisted men of the Regular Army and the National Guard; then section 4 authorizes him to fill vacancies out of alternates who have passed the examination.

Mr. HUDDLESTON. Which would give a possibility of how many nominees by the President in the 1,200 at the Academy?

Mr. DENT. I can not tell the gentleman how many alternates would be qualified by section 4. That is an impossibility.

Mr. HUDDLESTON. There will be several hundred that the President would have there of his own nominees.

Mr. DENT. Eighty and 180, if he wants to exercise the power.

Mr. HUDDLESTON. And possibly others.

Mr. DENT. Yes; but only to be selected from certain alternates.

Mr. HUDDLESTON. Will the President have the power to continue to make these appointments from the sons of Army officers exclusively?

Mr. DENT. That is entirely within the discretion of the President.

Mr. PLATT. Those vacancies must be filled from nominees selected by Members of Congress, congressional nominees.

Mr. HUDDLESTON. The point I am getting at is this: Is it good public policy that we should have our Naval Academy filled up to such a large extent with the sons of Army officers? That is the point I have in mind.

Mr. DENT. I will state to the gentleman that there is absolutely nothing in the law which compels the President to select sons of Army officers to be appointed to the Military Academy or sons of naval officers to be appointed to the Naval Academy. It is simply the practice of the President.

Mr. TAYLOR of Colorado. Mr. Speaker, will the gentleman yield?

Mr. DENT. Yes.

Mr. TAYLOR of Colorado. Ought there not be something in the law which would prevent him from doing that?

Mr. DENT. The object of this section is to call his attention to the fact that he must make the selection from other sources.

Mr. TAYLOR of Colorado. But it does not prevent him from doing so?

Mr. DENT. No.

Mr. TAYLOR of Colorado. He ought to be required to fill these vacancies from districts and from alternates.

Mr. DENT. I do not think the President's discretion ought to be controlled absolutely by an act of Congress.

Mr. TAYLOR of Colorado. But we give him 80 to appoint all of the time from the sons of Army and Navy officers, and it seems to me we ought not give him the whole 260.

Mr. DENT. The extra 180 he has to appoint must be selected from the National Guard and the enlisted men in the Army.

Mr. TAYLOR of Colorado. He can appoint 80 or such a number now.

Mr. DENT. Yes; under this bill, except that 20 must be selected from the graduates of honor military schools.

Mr. TAYLOR of Colorado. But they might be the sons of Army officers just the same.

Mr. DENT. That is true.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. SISSON. Mr. Speaker, I can make the point of order of no quorum, but I do not want to do that if I can get some questions answered.

Mr. DENT. My time is all out.

Mr. SISSON. I have been trying to get recognition for some little time, and I think we ought to have a quorum here to transact business. I make the point of order that there is no quorum present.

Mr. MANN. Oh, we will let the gentleman have some time. Do not make the point of order. We can extend the time.

Mr. SISSON. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. MANN. That is all right; but the gentleman will not get any time in that way.

Mr. SISSON. I do not expect to get any time and I am not asking it.

Mr. MANN. I thought the gentleman was.

Mr. SISSON. Mr. Speaker, I make the point of order that there is no quorum present. I will not withdraw it, as requested. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Mississippi makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and one Members present, not a quorum.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Flynn	Key, Ohio	Pou
Anthony	Focht	Kless, Pa.	Price
Aswell	Foss, Ill.	Kincheloe	Ragsdale
Barchfeld	Frear	Kreider	Rauch
Barnhart	Gallivan	Lafean	Reavis
Beales	Gardner, Mass.	Lazaro	Riordan
Bennet	Garland	Lehlbach	Rowe
Brumbaugh	Gillett	Lesher	Rowland
Buchanan, Ill.	Good	Lewis	Sabath
Burke	Goodwin, Ark.	Liebel	Sanford
Burnett	Gray, N. J.	Lobeck	Saunders
Capstick	Griest	Loft	Scott, Pa.
Carew	Guernsey	McDermott	Scully
Casey	Hamill	McKinley	Sears
Chiperfield	Hamilton, N. Y.	Madden	Sells
Church	Haskell	Maher	Sherley
Coleman	Hay	Montague	Sherwood
Copley	Hayden	Moon	Siegel
Dale, N. Y.	Heaton	Mooney	Smith, Mich.
Darrow	Helvering	Moores, Ind.	Snell
Decker	Henry	Morgan, La.	Snyder
Dempsey	Hill	Morgan, Okla.	Stafford
Dewalt	Howard	Morin	Steele, Pa.
Dill	Hughes	Moss, W. Va.	Stephens, Nebr.
Dooling	Hulbert	Mott	Stiness
Driscoll	Hull, Iowa	Mudd	Thomas
Dupré	Jacoway	Murray	Vare
Eagan	Jones	Neely	Watkins
Edmonds	Keister	Nelson	Williams, Wm. E.
Emerson	Kelley	Page, N. C.	Wilson, Fla.
Fairchild	Kennedy, R. I.	Paige, Mass.	Wilson, Ill.
Farr	Kent	Patten	Wilson, La.
Fitzgerald	Kettner	Porter	Winslow

The SPEAKER. On this roll call 300 Members have answered to their names—a quorum.

Mr. KITCHIN. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The doors were opened.

Mr. SISSON. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. SISSON. If I understand the rule in a parliamentary situation like this, where a second is demanded, the party demanding the second is opposed to the bill. In this case the gentleman from Illinois demanded a second, and he will vote, as I understand, for the bill. In that way you exclude any person who is not in favor of the bill from any control of time. I shall not vote for this bill.

The SPEAKER. The trouble about that is this: In the first place, the Chair is not required to ask if a second is demanded; but the practice is for the Chair to do so. Some man demands a second, and ordinarily it ought to be some one who is opposed to the bill, but it is now too late to raise that question.

Mr. SISSON. The question was raised once by Mr. Tawney, of Minnesota, in a situation somewhat like this. The gentleman demanding a second was also in favor of the bill, and when that developed, the gentleman from Minnesota rose and stated that he found both gentlemen were in favor of the bill.

The SPEAKER. If the gentleman from Mississippi had risen at the right time, he might have interposed the objection.

Mr. MANN. Mr. Speaker, this is all idle talk. I had already informed the gentleman from Mississippi that I would be glad to yield him some time; in fact, all time in opposition to the bill. I do not think it was quite fair for the gentleman to make the parliamentary inquiry under the circumstances.

Mr. SISSON. I am trying to be entirely fair.

The SPEAKER. This discussion is out of order.

Mr. SISSON. It was not out of order when I made the parliamentary inquiry.

The SPEAKER. No; but the Chair has answered that.

Mr. SISSON. And I answered, and I thought that ended it. I was trying to ascertain the decision of the Chair whether in my own right, if I stated that I would not vote for the bill, I might be recognized.

The SPEAKER. There is no way to get more than 40 minutes' debate on this bill except by unanimous consent.

Mr. MANN. How much time does the gentleman from Mississippi want?

Mr. SISSON. Not more than five minutes.

Mr. MANN. I yield to the gentleman five minutes; yes, six minutes. [Laughter.]

Mr. SISSON. Mr. Speaker, I am in favor of increasing the number of cadets at West Point Academy. I think there has been a great need for that, and right at this particular time a greater need than ever before. What I am opposed to in this bill is section 4. Under this bill, if the average number of failures shall take place, the President of the United States will appoint 200 cadets which ought to be filled by Members of Congress. In addition to that he is given the right to appoint so many enlisted men, thus making it possible for the President to select 360 cadets, and if he should pursue the policy heretofore pursued there will be 360 sons of Army and naval officers appointed to the academy.

Mr. PLATT. Mr. Speaker, will the gentleman yield there?

The SPEAKER. Does the gentleman yield to the gentleman from New York?

Mr. SISSON. I do not right now; I only have five minutes. At the end of four years if this proportion keeps up you will have 4 times 360 at the beginning of the fourth year. Now, I am not in favor of that academy ever becoming so that a majority of the cadets there can come from one particular rank or one particular class of men. As it is now, if a cadet shall fail from your district or mine, you can have an examination, and if that examination is had in time to make entries—and it has occurred to me twice—on the second examination, and the two young men are now in the academy were men who stood the examination under the second opportunity which I was given. If this had been the law then, on the first failure the President of the United States could have appointed two men and they would not have been from my district.

A bill of this much importance to every individual Member of this House, and there are numbers here who are going to vote for this bill who are opposed to it, and would not do so save and except with the idea that section 4 could be amended in conference, but you bring it up under suspension of the rules and you have no opportunity to amend it, and you only have 20 minutes of debate on a side, and you must take the bill or vote it down as a whole. I would rather, as far as I am concerned, as I want this bill to pass in a proper form—I would rather vote it down and have a special rule brought in for the consideration of this bill so as to be able to let every Congressman know exactly what is contained in the bill and have the right to offer amendments to the bill instead of taking the chances of its becoming a law in its present form. How many Members are there who have studied section 4? How many of them are there in favor of section 4? It came from the Senate in this form. I do not know how it got out of committee in this form, except if it was thought if it passed here it would become the law, because I do know some Members of the Committee on Military Affairs who are opposed to section 4. I am not in favor of the President of the United States being put in

that position, where he would appoint 360 of these cadets each year.

Mr. PLATT. The gentleman knows these vacancies must be filled from nominees already made by Members of Congress.

Mr. SISSON. I do not.

Mr. PLATT. That is the fact.

Mr. SISSON. In other words, if I should nominate three men and all three should fail in their examination, then——

Mr. PLATT. Then one man already nominated by some Member of Congress would get in.

Mr. SISSON. Then it deprives my district of a cadet.

Mr. PLATT. Not a bit; it would not deprive the gentleman's district of anything.

Mr. SISSON. Now, gentlemen, if the English language in the report means anything here, the gentleman is wrong about that.

Mr. PLATT. Only three would get in.

Mr. SISSON. Oh, no; you are simply wrong. Under the present law that vacancy does not exist until the entrance closes at the beginning of the next year, and if you can get a special examination in the meantime you can send them——

Mr. PLATT. This does not prevent that.

Mr. SISSON. It does prevent it. It says in so many words it shall be filled by the President of the United States.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Speaker, I think that most of us are in favor of increasing the number of cadets. I for one would be perfectly willing to vote for the bill without section 4. The gentleman from New York [Mr. PLATT] is mistaken when he says that the President will fill these vacancies from men who have been designated by Congressmen. The language specifically excludes that and is found in line 15, on page 3, of the bill.

Let us take section 4 now and read it. Section 4 says:

That hereafter when all vacancies in cadetships at the United States Military Academy shall not have been filled as the result of the regular annual entrance examination the President is hereby authorized to appoint candidates who were found qualified for admission at such entrance examination and for whom no vacancy would exist under present law.

Now, take line 15, and from whom shall he make the appointment? From what list? From the list of men who have taken examination and for whom no vacancy would exist under the present law.

Mr. PLATT. Let me ask the gentleman, who can be qualified except those already nominated?

Mr. WINGO. In other words, he will take those who have taken the examination under appointment at large or as enlisted men and are qualified, and for whom no vacancy exists under present law. Under present law, if the principal of the Congressman fails, then the alternate that passed the examination can be appointed, and if his first alternate fails, as well as his principal, then the second alternate is appointed. If all three fail, another examination is held, for which the Congressman designates, but if section 4 becomes the law the Congressman could not designate others, but the President would make appointments at large. It simply means that, according to the language of the bill, he would take those who had been designated alternates by the President under the 80 appointments at large, and those who had been examined in the Army, and from those two lists he would fill the vacancies caused by the failures of the young men designated by the Congressman. I repeat, that under the language of the bill he is required to make the appointment from those who have taken the examination and have passed, but for whom there is no vacancy existing. There will be but one list existing, and that will be those examined out of the Army and those nominated by the President, and from that list he will fill the congressional vacancies, and the congressional district would lose the place.

Mr. DENT. The gentleman is entirely mistaken.

Mr. WINGO. That is the plain language of the bill, is it not?

Mr. DENT. It is not.

Mr. WINGO. Show me the language of the bill that will permit——

Mr. DENT. The gentleman is entirely mistaken. The bill simply provides that wherever at the beginning of a scholastic year at West Point there shall be a certain number of vacancies the President may fill those vacancies temporarily, and that he shall select to fill those vacancies some young man that the gentleman from Arkansas——

Mr. WINGO. I can not yield further on that.

The SPEAKER. The gentleman from Arkansas declines to yield further.

Mr. WINGO. I want to show the gentleman from Alabama that he is mistaken. He certainly does not mean what he says when he states that the President will make a temporary appointment to West Point.

Mr. DENT. The gentleman has not read this section if he says that.

Mr. WINGO. Do you mean to tell me you want a young man appointed to West Point temporarily, and as soon as the Congressman can put in some one to take his place he will get out?

Mr. DENT. In line 23, page 3, it says:

The authorized number of cadetships at the Military Academy is temporarily increased by the number of admissions made in any year——

Mr. WINGO. Why, certainly.

Mr. DENT. One moment—

Provided further, That whenever by the operation of this or any other law the Corps of Cadets exceeds its authorized maximum strength the admission of candidates as described by this section shall cease until such time as the Corps of Cadets may be reduced below its authorized strength.

Mr. WINGO. Let me call the gentleman's attention to this: There is quite a difference between your statement that the President make temporary appointments——

The SPEAKER. The time of the gentleman has expired.

Mr. WINGO. Will the gentleman from Illinois give me three minutes more?

Mr. MANN. I yield three minutes more, and I will take some of it in order to ask the gentleman from Alabama if he would be willing to let section 4 go out?

Mr. DENT. Why, if it is going to create any great disturbance, I have no objection.

Mr. MANN. It seems to be creating quite a disturbance.

Mr. DENT. Then, I ask unanimous consent to strike out section 4.

The SPEAKER. The gentleman from Alabama asks unanimous consent to modify his motion eliminating section 4. Is there objection?

Mr. HUDDLESTON. I object.

Mr. WINGO. If I may proceed, I want to call the attention of the gentleman from Alabama to this: The statement that he makes that the President would make temporary appointments is quite different from his temporarily filling vacancies. It is true after he had filled all these vacancies it makes no difference whether he fills them under one section or another. Once he appointed a man from one State to fill a vacancy from a congressional district in another State, that man would stay in West Point until graduated. The vacancy may be temporary by reason of the failure of the young men designated by the Congressman, but the appointment of the President is permanent, not temporary, as the gentleman from Alabama [Mr. DENT] contends.

The viciousness of section 4 lies in the language which I read, and that is that the President is limited in making his appointments to those who have already taken the examination but for whom no vacancy exists. That makes it impossible for the President to make a designation of a cadet from your congressional district or any particular congressional district in the country; but if the congressional applicants fail, then the President will take the list of alternates, who have passed the examination under his appointments at large, and the enlisted men in the Army who have successfully passed the examination but for whom no vacancy exists under present law, and from these two classes fill vacancies from the congressional districts where the young men designated by the Congressmen have failed to pass the examination. Eliminate section 4 and we will accept the bill.

Mr. DENT. Mr. Speaker, I withdraw the original motion that I made and move to suspend the rules.

The SPEAKER. The gentleman from Alabama withdraws the original motion he made to suspend the rules, and the Chair will recognize him to make another motion.

Mr. DENT. I move, Mr. Speaker, to suspend the rules and pass the bill S. 4876, with the amendments already agreed to, omitting section 4 of the bill.

The SPEAKER. Is a second demanded? [After a pause.] The Chair hears none. The Clerk will report the bill as it will read now.

The Clerk read as follows:

Be it enacted, etc., That the Corps of Cadets at the United States Military Academy shall hereafter consist of 2 for each congressional district, 2 from each Territory, 4 from the District of Columbia, 2 from natives of Porto Rico, 4 from each State at large, and 80 from the United States at large, 20 of whom shall have been recommended to the President as honor graduates of an educational institution having an officer of the Regular Army detailed as professor of military science and tactics under existing law or any law hereafter enacted for the detail of officers of the Regular Army to such institutions, and which institutions are designated in War Department orders as "honor schools" upon the determination of its relative standing at the last

preceding annual inspection regularly made by the War Department. They shall be appointed by the President and shall, with the exception of the 80 appointed from the United States at large, be actual residents of the congressional or Territorial district, or of the District of Columbia, or of the island of Porto Rico, or of the States, respectively, from which they purport to be appointed: *Provided*, That so much of the act of Congress approved March 4, 1915 (38 Stat. L., p. 1128), as provides for the admission of a successor to any cadet who shall have finished three years of his course at the academy be, and the same is hereby, repealed: *Provided further*, That the appointment of each member of the present Corps of Cadets is validated and confirmed.

SEC. 2. That the President is hereby authorized to appoint cadets to the United States Military Academy from among enlisted men, in as near equal proportions as possible, of the Regular Army and the National Guard between the ages of 19 and 21 years who have served as enlisted men not less than one year, to be selected under such regulations as the President may prescribe: *Provided*, That the total number so selected shall not exceed 180 at any one time.

SEC. 3. That, under such regulations as the President shall prescribe, the increase in the number of cadets provided for by this act shall be divided into four annual increments, which shall be as nearly equal as practicable and be equitably distributed among the sources from which appointments are authorized.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from North Carolina [Mr. KITCHIN] asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

There was no objection.

SERVICE OF NAVY AND MARINE CORPS IN HAITI.

Mr. PADGETT. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 12835) to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Republic of Haiti, and for other purposes, with the committee amendment.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] moves to suspend the rules and pass the bill with the amendment read into it. The Clerk will report it.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized, in his discretion, to detail to assist the Republic of Haiti such officers and enlisted men of the United States Navy and the United States Marine Corps as may be mutually agreed upon by him and the President of the Republic of Haiti: *Provided*, That the officers and enlisted men so detailed be, and they are hereby, authorized to accept from the Government of Haiti the said employment with compensation and emoluments from the said Government of Haiti, subject to the approval of the President of the United States.

SEC. 2. That to insure the continuance of this work during such time as may be desirable, the President may have the power of substitution in the case of the termination of the detail of any officer or enlisted man for any cause: *Provided*, That during the continuance of such details the officers and enlisted men shall continue to receive the pay and allowances of their ranks or ratings in the Navy or Marine Corps.

SEC. 3. That the following increase in the United States Marine Corps be, and the same is hereby, authorized: Two majors, 12 captains, 18 first lieutenants, 2 assistant quartermasters with the rank of captain, 1 assistant paymaster with the rank of captain, 5 quartermaster sergeants, 5 first sergeants, 5 gunnery sergeants, and 11 sergeants.

SEC. 4. That the following increase in the United States Navy be, and the same is hereby, authorized: One surgeon, 2 passed assistant surgeons, 5 hospital stewards, and 10 hospital apprentices, first class.

SEC. 5. That officers and enlisted men of the Navy and Marine Corps detailed for duty to assist the Republic of Haiti shall be entitled to the same credit for such service, for longevity, retirement, foreign service, pay, and for all other purposes, that they would receive if they were serving with the Navy or with the Marine Corps.

The SPEAKER. Is a second demanded?

Mr. CALLAWAY. I demand a second, Mr. Speaker.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent that a second be considered as ordered.

Mr. CALLAWAY. I object.

The SPEAKER. The gentleman from Texas [Mr. CALLAWAY] objects, and the Chair appoints the gentleman from Tennessee [Mr. PADGETT] and the gentleman from Texas [Mr. CALLAWAY] as tellers. The question is on seconding the motion to suspend the rules and pass the bill H. R. 12835 with the committee amendment.

The question was taken; and the tellers reported—ayes 127, noes 11.

So a second was ordered.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] is entitled to 20 minutes and the gentleman from Texas [Mr. CALLAWAY] is entitled to 20 minutes.

Mr. CALLAWAY. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Texas [Mr. CALLAWAY] makes the point of no quorum. The Chair will count. [After counting.] One hundred and ninety-nine Members are present—not a quorum.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 32 minutes p. m.) the House adjourned, under the special order, until to-morrow, Tuesday, April 18, 1916, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. OGLESBY, from the Committee on Patents, to which was referred the bill (H. R. 13982) to extend temporarily the time for filing applications and fees and taking action in the United States Patent Office in favor of nations granting reciprocal rights to United States citizens, reported the same without amendment, accompanied by a report (No. 554), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LEWIS, from the Committee on War Claims, to which was referred the bill (H. R. 4751) to refund to the corporate authorities of Frederick City, Md., the sum of $200,000 exacted of them by the Confederate Army under Gen. Jubal Early, July 9, 1864, under penalty of burning said city, reported the same without amendment, accompanied by a report (No. 553), which said bill and report were referred to the Private Calendar.

Mr. PRICE, from the Committee on Claims, to which was referred the bill (H. R. 6629) for the relief of the Maryland Trust Co. of Baltimore, reported the same without amendment, accompanied by a report (No. 555), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 8089) for the relief of Frank Mogridge, reported the same without amendment, accompanied by a report (No. 556), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 8090) for the relief of Jacob F. Weidner, reported the same without amendment, accompanied by a report (No. 557), which said bill and report were referred to the Private Calendar.

Mr. YOUNG of North Dakota, from the Committee on Claims, to which was referred the bill (H. R. 8697) for the relief of Internal Revenue Collector A. S. Walker, reported the same without amendment, accompanied by a report (No. 558), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 4319) for the relief of Eugene A. Freund and Alfred F. Roemmich, reported the same without amendment, accompanied by a report (No. 559), which said bill and report were referred to the Private Calendar.

Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (H. R. 8200) for the relief of Mrs. M. E. Sitters, reported the same with amendment, accompanied by a report (No. 561), which said bill and report were referred to the Private Calendar.

Mr. POU, from the Committee on Claims, to which was referred the bill (H. R. 12601) for the relief of Emma J. Spear, reported the same without amendment, accompanied by a report (No. 562), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 12859) for the relief of Julia Klavinski, reported the same without amendment, accompanied by a report (No. 563), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 7256) providing for the refund of duties collected on certain tobacco cuttings, reported the same without amendment, accompanied by a report (No. 564), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 13728) for the relief of the J. L. da Roza Estate, (Inc.), of Elk Grove, Cal., reported the same without amendment, accompanied by a report (No. 565), which said bill and report were referred to the Private Calendar.

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (S. 4268) to satisfy certain claims against the Government arising under the Navy Department, reported the same without amendment, accompanied by a report (No. 566), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII,

Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (H. R. 12243) for the relief of Hany E. Cain, reported the same adversely, accompanied by a report (No. 560), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10213) granting a pension to Dora Hoff; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14023) permitting the waiving of limitations as to age relating to the appointment of Cardinal T. Wolsey to Medical Reserve Corps; Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 1675) granting an increase of pension to Luther C. Wright; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9562) granting an increase of pension to Edward R. Turnbach; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. McCRACKEN: A bill (H. R. 14725) authorizing the Secretary of the Interior to subdivide a part of the town site of Plummer, Idaho, and for other purposes; to the Committee on the Public Lands.

By Mr. McCLINTIC: A bill (H. R. 14726) to amend an act approved September 26, 1914, known as the Federal Trade Commission act; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14727) to amend an act approved February 4, 1887, known as the interstate-commerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYES: A bill (H. R. 14728) to acquire a site and for the erection and completion thereon of a public building in the city of San Mateo, Cal.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14729) to acquire a site and for the erection and completion thereon of a public building in the city of Palo Alto, Cal.; to the Committee on Public Buildings and Grounds.

By Mr. GUERNSEY: A bill (H. R. 14730) for the establishment of a national park and acquiring national forests in the Mount Katahdin region of the State of Maine; to the Committee on Agriculture.

By Mr. STEENERSON: A bill (H. R. 14731) to amend an act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914," approved June 30, 1913; to the Committee on Indian Affairs.

By Mr. EVANS: A bill (H. R. 14732) modifying and amending the act of March 1, 1907, as relates to the disposition of the surplus lands of the Blackfeet Indian Reservation in Montana, and for other purposes; to the Committee on Indian Affairs.

By Mr. McKELLAR: A bill (H. R. 14733) to increase the limit of cost for the purchase of a site and the construction of a public building at Memphis, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. ELLSWORTH: A bill (H. R. 14734) for the relief of the Chippewa Indians in the State of Minnesota, and for other purposes; to the Committee on Indian Affairs.

By Mr. PAIGE of Massachusetts: Joint resolution (H. J. Res. 203) authorizing the Postmaster General to provide the postmaster at Southbridge, Mass., with a special canceling die for the Southbridge one hundredth anniversary celebration; to the Committee on the Post Office and Post Roads.

By Mr. BYRNES of South Carolina: Resolution (H. Res. 205) providing payment for clerical service rendered the Mileage Committee; to the Committee on Accounts.

By Mr. HUMPHREYS of Mississippi: Resolution (H. Res. 206) authorizing the employment of a messenger to act as personal attendant to Representative Thomas D. Schall during the sessions of the Sixty-fourth Congress; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 14735) granting a pension to George A. Boring; to the Committee on Pensions.

By Mr. ASWELL: A bill (H. R. 14736) for the relief of Charles H. Benedict; to the Committee on Military Affairs.

By Mr. BACHARACH: A bill (H. R. 14737) granting an increase of pension to S. Augustus Elliott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14738) for the relief of Hays B. Falkenburg; to the Committee on Military Affairs.

By Mr. CARAWAY: A bill (H. R. 14739) granting a pension to Mary E. Stine; to the Committee on Invalid Pensions.

By Mr. COADY: A bill (H. R. 14740) granting a pension to Jonathan N. Havens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14741) granting a pension to William J. Fitzpatrick; to the Committee on Pensions.

Also, a bill (H. R. 14742) granting a pension to Sarah O'Toole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14743) granting an increase of pension to John Connor; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 14744) granting an increase of pension to Henry Gifford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14745) for the relief of Irene Gillespie; to the Committee on Claims.

By Mr. GRAHAM: A bill (H. R. 14746) granting an increase of pension to William D. McCormick; to the Committee on Invalid Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 14747) granting an increase of pension to Maria W. Antes; to the Committee on Invalid Pensions.

By Mr. McCLINTIC: A bill (H. R. 14748) granting an increase of pension to Emanuel Reichart; to the Committee on Invalid Pensions.

By Mr. MAGEE: A bill (H. R. 14749) granting an increase of pension to Ingersoll White; to the Committee on Invalid Pensions.

By Mr. MILLER of Delaware: A bill (H. R. 14750) granting an increase of pension to Henrietta Hopkins; to the Committee on Pensions.

By Mr. MILLER of Minnesota: A bill (H. R. 14751) conveying certain lands to the T. R. Foley Co.; to the Committee on the Public Lands.

By Mr. QUIN: A bill (H. R. 14752) to compensate Charles A. Till, of Jefferson County, Miss., for a herd of cattle killed, injured, and damaged by dipping them in compliance with law, wherein inspectors of the Federal Government negligently mixed the solution for the vat in such a careless way with poisons as to kill many of the cattle and injured others; to the Committee on Claims.

By Mr. RAMSEYER: A bill (H. R. 14753) granting a pension to Sarah J. McKim; to the Committee on Invalid Pensions.

By Mr. ROBERTS of Nevada: A bill (H. R. 14754) for the relief of Charles M. Way; to the Committee on Claims.

Also, a bill (H. R. 14755) for the relief of Thurman A. Poe; to the Committee on Claims.

Also, a bill (H. R. 14756) granting an increase of pension to Arthur Herrmann; to the Committee on Invalid Pensions.

By Mr. ROWLAND: A bill (H. R. 14757) granting an increase of pension to Henry O. Bender; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 14758) granting a pension to William Sherman Berkley; to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 14759) granting an increase of pension to Albert Scott; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 14760) granting a pension to Harry W. Feldman; to the Committee on Pensions.

Also, a bill (H. R. 14761) granting a pension to Jacob K. Goldsmith; to the Committee on Pensions.

By Mr. STINESS: A bill (H. R. 14762) granting an increase of pension to Ellen L. Bentley; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 14763) for the relief of Charles Lynch; to the Committee on Military Affairs.

By Mr. WILLIAMS of Ohio: A bill (H. R. 14764) granting a pension to William A. Ritter; to the Committee on Pensions.

Also, a bill (H. R. 14765) granting an increase of pension to George Blanden; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Northeast Missouri Industrial and Agricultural Association; to the Committee on Agriculture.

Also (by request), petition of citizens of St. Clair, Mo., favoring national prohibition; to the Committee on the Judiciary.

Also (by request), memorial of mass meeting in Tremont Temple, Boston, Mass., in re shipment of milk to foreign countries; to the Committee on Interstate and Foreign Commerce.

Also (by request) petition of citizens of Missouri, indorsing Senate bills 1082 and 1257, and House bill 9435; to the Committee on the District of Columbia.

By Mr. ALLEN: Petition of Woman's Foreign Missionary Society of North Side Methodist Episcopal Church, of Cincinnati, Ohio, favoring prohibition by Congress of the export of New England rum and other intoxicants to Africa; to the Committee on Alcoholic Liquor Traffic.

By Mr. ANTHONY: Petition of John M. Fisher and other citizens of Topeka, Kans., against passage of House bill 8348, for juvenile court; to the Committee on the District of Columbia.

By Mr. BACHARACH: Petitions of sundry citizens of Atlantic City, N. J., protesting against House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, memorial of Trenton Chamber of Commerce, Trenton, N. J., protesting against the Government ownership of armor plants; to the Committee on Naval Affairs.

Also, petition of sundry citizens of Atlantic City, N. J., in re House bills 491, 6468, and 13778; to the Committee on the Post Office and Post Roads.

Also, memorials of Fifth Avenue Association, of New York; the Illinois Commandery Loyal Legion of the United States; and Civil, Eelectrical, and Mining Engineers of New York City in re preparedness; to the Committee on Military Affairs.

By Mr. BAILEY: Petition of the Rev. J. W. Wilt, the Rev. Jacob Kinsel, Deacon M. P. Brumbaugh, Deacon William Q. Brallier, the Rev. S. W. Wilt, Sunday School Supt. D. W. Burket, W. R. Hetrick, W. A. Englehas, W. H. Shoop, C. H. Wilt, W. L. Shoop, Merl J. Brallier, D. E. Ulsh, Samuel Eyer, S. F. Yocum, J. E. Nelson, D. G. Shanley, Ira N. Stone, Walter Kinsel, and O. C. Metz, all of Juniata and Altoona, Pa., for the adoption of national prohibition; to the Committee on the Judiciary.

By Mr. BRITT: Petition of sundry citizens of Buncombe County, N. C., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Wilmington and Leatherman, N. C., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Leatherman, N. C., against passage of compulsory Sunday-observance bill in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BROWNING: Petition of mass meeting of citizens of Blairstown, N. J., relative to prohibiting polygamy in the United States; to the Committee on the Judiciary.

By Mr. BURKE: Petition of A. J. Plath and 28 other citizens of Arlington, Columbia County, Wis., protesting against the passage of the Indian appropriation bill; against House bill 8348, to enlarge the powers of the juvenile court in the District of Columbia; and against House bill 491, to amend the postal laws; and asking for the passage of the Burnett immigration bill; to the Committee on Indian Affairs.

By Mr. BYRNES of South Carolina: Petition of sundry citizens of South Carolina, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of George E. Lovett & Co., of New York City, relative to "joker" in the Hay military bill; to the Committee on Military Affairs.

Also, petition of International Reform Bureau, favoring censorship of motion pictures; to the Committee on Education.

Also, petition of New York Produce Exchange, against passage of House bill 10405, relative to inspection of grain; to the Committee on Agriculture.

Also, memorial of General Jacob H. Smith Post, No. 83, Veterans of Foreign Wars of the United States, relative to increase in pay of Army field clerks; to the Committee on Military Affairs.

Also, petition of Walter Farnell, of New York; Illinois Commandery of Military Order of the Loyal Legion; and military engineering lectures, relative to national defense; to the Committee on Military Affairs.

By Mr. DAVIS of Texas: Petition of sundry citizens of Sabinal, Tex., in re proposed legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry citizens and organizations of the State of Texas, favoring the Gillett bill; to the Committee on Alcoholic Liquor Traffic.

Also, petition of W. E. Ayers, of El Paso, Tex., indorsing House bill 13671; to the Committee on Military Affairs.

By Mr. DILLON: Petition of sundry citizens of South Dakota, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Oacoma (S. Dak.) Commercial Club, favoring House joint resolution 6, relative to construction of bridge by Chicago, Milwaukee & St. Paul Railway across the Missouri River at Chamberlain, S. Dak.; to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: Petition of Hannibal (Mo.) Commercial Club, favoring appropriation for Federal Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

Also, memorial of officers and men, Company H, First Infantry, National Guard of Missouri, favoring the Hay bill, relative to increasing the efficiency of the Army; to the Committee on Military Affairs.

Also, petition of Busch-Sulzer Bros., Diesel Engine Co., favoring passage of House bill 13982; to the Committee on Patents.

Also, petition of Board of Aldermen of St. Louis, Mo., favoring bill to give headquarters clerks of the Army status of Army field clerks; to the Committee on Military Affairs.

By Mr. ELLSWORTH: Petition of Scandinavian Baptist Church of Mankato, Swedish Baptist Church of Slayton, Methodist Episcopal Church of Worthington, and citizens of Lake Sarth and Mason Townships, all in the State of Minnesota, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ELSTON: Petition of M. I. Henderson and other citizens of Alameda County, Cal., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, memorial of Franklin Printing Trades Association, favoring an embargo on export of all manufactured papers, etc.; to the Committee on Foreign Affairs.

By Mr. ESCH: Memorial of La Crosse Board of Trade, favoring bill to create permanent tariff commission; to the Committee on Ways and Means.

Also, memorial of La Crosse Board of Trade, against Government power plant near center of park system; to the Committee on the District of Columbia.

Also, petition of Illinois Commandery of the Military Order of the Loyal Legion, relative to national defense; to the Committee on Military Affairs.

By Mr. FARR: Memorial of members of the Civic Association of Ardmore, Pa., favoring preparedness; to the Committee on Military Affairs.

By Mr. FLYNN: Petitions of Illinois Commandery of Military Order of the Loyal Legion, military engineering lectures, and Walter Farwell, of New York, relative to national defense; to the Committee on Military Affairs.

Also, petition of the Defiance Machine Works, relative to location of Government munitions plant at Defiance, Ohio; to the Committee on Military Affairs.

Also, petition of New York Produce Exchange, against House bill 10405, grain-grades bill; to the Committee on Agriculture.

By Mr. FULLER: Petition of the Illinois Butter Manufacturers' Improvement Association, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the Interstate Committee for the Suppression of the Pine Blister Rust, favoring an appropriation of $30,000 for suppression of pine blister rust; to the Committee on Agriculture.

Also, petition of the Defiance Machine Works, for a munitions plant at Defiance, Ohio; to the Committee on Military Affairs.

By Mr. GALLIVAN: Petition of Cotton Manufacturers' Association, Fall River, Mass., against surrender by United States of Philippine Islands; to the Committee on Insular Affairs.

Also, petition of Boston Retail Grocers' Association, of Boston, and State Association of Master Plumbers, of Salem, Mass., favoring permanent tariff commission; to the Committee on Ways and Means.

By Mr. HAYES: Petition of sundry citizens of the State of California, against compulsory Sunday closing of barber shops in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of sundry citizens and organizations of the State of California, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of citizens of Los Gatos and Santa Cruz, Cal., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, memorial of First Presbyterian Church of San Jose, Cal., favoring bill to prohibit export of liquor to Africa; to the Committee on Alcoholic Liquor Traffic.

By Mr. HINDS: Petition of 35 voters of Windham; 9 citizens of Kennebunkport; First Universalist Bible School, of Portland; Congress Square Association, of Portland; 25 citizens of Portland; and 17 citizens of Portland, all in the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Memorial of Iowa Soldiers' Home, in favor of act for national jubilee in 1916 by removal of all charges of desertion during the Civil War and restoration of all to citizenship on either side; to the Committee on Military Affairs.

By Mr. JAMES: Petition of Sundry citizens and Methodist Episcopal Sunday School of Lake Linden, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: Petition of 63 citizens of Clarke County, Wash., against compulsory Sunday observance bill in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of 75 citizens of Clarke County, Wash., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. LINDBERGH: Petition of sundry citizens of Crosby, Minn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petition of Baltimore (Md.) Federation of Labor, favoring Nolan minimum-wage bill—House bill 10398; to the Committee on Reform in the Civil Service.

By Mr. LOUD: Petition of Rev. P. E. Penner and 11 other citizens of Butman, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MOTT: Memorial of Chamber of Commerce of Watertown, N. Y., favoring plans of the park commission for the improvement of Washington; to the Committee on the District of Columbia.

By Mr. NEELY: Petition of citizens of Harrison County, W. Va., opposing House bill 645; to the Committee on the District of Columbia.

By Mr. O'SHAUNESSY: Memorial of the Woman's Benefit Association of the Maccabees, in re House bill 9320; to the Committee on the Judiciary.

Also, memorial of Coast Artillery Corps, Rhode Island National Guard, favoring bill to include said corps in forces for defense of the United States; to the Committee on Military Affairs.

Also, petition of Charles E. Hancock Co., of Providence, R. I., for 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, petition of Cotton Manufacturers' Association, against surrender of Philippine Islands by the United States; to the Committee on Insular Affairs.

Also, memorial on postalizing the wires; to the Committee ond the Post Office and Post Roads.

Also, memorial of Rhode Island Chapter of the American Institute of Architects, in re Senate joint resolution 92; to the Committee on the District of Columbia.

Also, memorial of Cumberland Grange, No. 2, Patrons of Husbandry, of Arnolds Mills, R. I., favoring national prohibition; to the Committee on the Judiciary.

By Mr. POWERS: Petition of Methodist Episcopal Church Society of London, Ky., favoring national prohibition; to the Committee on the Judiciary.

By Mr. PRATT: Petition of L. J. Conger, H. McD. Brown, R. W. Ellis, W. W. Gilbert, and Joseph F. McClintock, all of Groton, N. Y., favoring section 56 of Chamberlain military bill providing for a volunteer army; to the Committee on Military Affairs.

By Mr. RANDALL: Memorial of First Congregational Church, of Los Angeles, Cal., favoring passage of House bill 10924, prohibiting exportation of rum to Africa; to the Committee on Alcohoic Liquor Traffic.

Also, petition of 32 citizens of Pasadena, Cal., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Franklin Printing Trades' Association, of San Francisco, Cal., favoring embargo on all manufactured paper, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of Olive Morgan and 37 other citizens of Los Angeles, Cal., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, memorial of Music and Art Association of Pasadena, Cal., against the erection of a power plant in midst of the park system of Washington, D. C.; to the Committee on the District of Columbia.

Also, petition of Lucy J. Barnes and 27 other citizens of San Jacinto, Cal., favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. ROBERTS of Nevada: Petition of sundry citizens of Fallon, Nev., favoring report and passage of bills for prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. ROWE: Petition of Frank W. Honerkamp, of New York, favoring passage of Penrose-Griffin bill, relative to pensions for letter carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Board of Governors of India House, favoring preparedness; to the Committee on Military Affairs.

Also, petition of sundry citizens of New York, favoring Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of David S. Buckenholz, of Brooklyn, N. Y., favoring passage of House bill 13671; to the Committee on Military Affairs.

By Mr. SIEGEL: Memorial of Board of Aldermen of New York, in favor of the Griffin bill, House bill 6915; to the Committee on the Post Office and Post Roads.

By Mr. STINESS: Papers to accompany House bill 14723, granting an increase of pension to Mary E. Caswell; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 14724, granting an increase of pension to Margaret Brayton; to the Committee on Invalid Pensions.

Also, petition of Moosup Valley Grange, Patrons of Husbandry, favoring the postalization of electrical and radio means of communication; to the Committee on the Post Office and Post Roads.

Also, petition of Charles E. Hancock Co., of Providence, R. I., favoring 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of North Providence, R. I., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Westerly, R. I., opposing House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. SULLOWAY: Memorial of New Hampshire Division, Sons of Veterans, United States of America, favoring preparedness; to the Committee on Military Affairs.

By Mr. WASON: Resolutions adopted by the Young People's Society of Christian Endeavor of East Sullivan, N. H., favoring the prohibition of the importation, manufacture, and sale of intoxicating liquors in the island of Porto Rico; to the Committee on the Judiciary.

By Mr. WATSON of Pennsylvania: Petition of Louis P. Satterthwaite and 21 other citizens of Bucks County, Pa., against preparedness; to the Committee on Military Affairs.

By Mr. WILLIAMS of Ohio: Petition of church consistory of Akron, Ohio, favoring national prohibition; to the Committee on the Judiciary.

SENATE.

TUESDAY, *April 18, 1916.*

(Legislative day of Monday, April 17, 1916.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

JOINT MEETING OF THE TWO HOUSES.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to a concurrent resolution providing that the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, the 19th day of April, 1916, at 1 o'clock in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them, in which it requested the concurrence of the Senate.

The VICE PRESIDENT laid before the Senate the concurrent resolution (No. 30) of the House of Representatives, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES,
April 18, 1916.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, the 19th day of April, 1916, at 1 o'clock in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Mr. KERN. I move that the Senate concur in the resolution of the House.

The motion was agreed to.

NATIONAL DEFENSE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States.

Mr. CHAMBERLAIN. Mr. President, there are one or two committee amendments that I desire to offer to the bill this morning. I send the following to the desk.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 121, line 13, after the word "act," insert a comma and the words "except as otherwise specifically provided herein" and a comma.

Mr. CHAMBERLAIN. That is just to save any question about the Insular Bureau. There is some little difference of opinion as to the provisions in the existing law.

The VICE PRESIDENT. The amendment to the amendment will be agreed to, without objection.

Mr. CHAMBERLAIN. On page 124, line 23, after the word "grade," the last word in the section and line, I move to insert the following.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 124, line 23, change the period to a colon and insert the following additional proviso:

And provided further, That any retired officer, while on active duty, shall receive the pay and allowances of the grade, not above that of major, that he would have attained in due course of promotion if he had remained on the active list for a period beyond the date of his retirement equal to the total amount of time during which he has been detailed on active duty since his retirement.

The amendment to the amendment was agreed to.

Mr. CHAMBERLAIN. There is one further amendment I wish to offer, and that is the last the committee has to present. I ask the Secretary to read it. I may state, so that the Senate may understand it as it is read, that it is to provide for the equalization of the promotions of officers in view of the increases which have been made by the pending bill.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 138, line 19, after the word "eleven," insert a colon and the following proviso:

Provided, That original and subsequent vacancies in the list of detached officers shall be filled as follows: When the duties to be discharged by an officer on detached service are peculiarly those of an officer of one of the four arms, Infantry, Cavalry, Field Artillery, and Coast Artillery Corps, the officer to be placed on the detached officers' list for the discharge of the duties will be selected from that arm; when the duties to be discharged by an officer on detached service are not peculiarly those of an officer of one of the arms named above, the officer to be placed on the detached officers' list for the discharge of the duties will be selected from that arm in which the senior officer of the next lower grade has had, at the date of the selection, the longest commissioned service in the Army; when an officer of any arm is removed from the detached officers' list and the resulting vacancy thereon is filled by an officer of another arm, selected as prescribed herein, the officer removed from such list shall be carried as an extra number in his grade and arm, and promotion therein shall cease until he has been absorbed in such grade and arm: *Provided further*, That for the purposes of this section the President shall assign constructive dates of commissions to officers now holding anomalous positions on the lineal lists of the Infantry, Cavalry, Field Artillery, and Coast Artillery Corps, and nothing in this section shall be construed to change the lineal rank of any officer in his own arm: *Provided further*, That except as otherwise provided in this act vacancies created or caused by this act in the several branches of the Army, line and staff, shall be filled in the manner now prescribed by law, and thereafter vacancies created or caused by transfers to the detached officers' list herein provided shall be filled in the manner herein prescribed: *Provided further*, That not to exceed 50 per cent of any vacancies in the commissioned grades below that of lieutenant colonel in the Infantry, Cavalry, Field Artillery, or Coast Artillery Corps created or caused by this act, due to the increase in any of said arms by the provisions of this act, may, for each increment, in the discretion of the President and under such regulations as he may prescribe, be filled by the transfer of officers from other of said branches of the Army; but no such transfer shall be made in the case of any officer unless it shall have been recommended by an examining board composed of officers senior in rank to such officer, who, after having made an examination of such officer as to his professional and physical fitness for such transfer, shall have reported him qualified for service in said arm in the grade to which his transfer shall have been proposed, and thereafter any officer so transferred shall take such rank in his grade in the arm to which transferred as he would have held had he been commissioned in that arm on his original entry into the service: *And provided further*, That hereafter not more than one colonel shall be assigned or attached to any one regiment.

The amendment to the amendment was agreed to.

Mr. HARDWICK. Mr. President, I offer the following amendment.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 161, at the end of line 9, insert the following section, and renumber the remaining sections accordingly:

SEC. 57. The reserve army: The Secretary of War is authorized and directed to detail for service as instructors in military tactics one or more commissioned officers of the United States Army to every college or school in the United States where there are as many as 50 male students, 16 years of age and over, in all cases where the authorities of such school or college make application for such detail and where the requisite number of students desire and consent, with the full consent of their parents or guardians, to receive such training and agree to become a part of the reserve forces of the United States. The term for which said students shall enlist in the reserve forces shall be for and during the term of their connection with school or college, including vacations, and shall in no case be for less than 12 months. Such students shall not be subject to active military service, except in connection with their training and except in connection with such mobilizations as may be had during school vacations, for which latter service they shall be paid at the same rate that officers and men of corresponding ranks and grades are paid in the Regular Army: *Provided*, That in the event the United States becomes engaged in war or it should be necessary to use troops in addition to the Regular Army and the National Guard to repel invasion, suppress insurrection, or execute the laws of the United States, then the President of the United States is authorized to call into the active military service the whole or any part of such reserve forces.

The Secretary of War is hereby authorized to prescribe all necessary rules and regulations for the enlistment and discharge of members of the reserve force and for its training and mobilization, and is also authorized to furnish to such reserve forces arms and equipment similar to those furnished to troops in the Regular Army, or such as may be best suited to the needs and requirements of such reserve forces.

Mr. HARDWICK. Mr. President, I wish to say to the Senate that, in my judgment, nothing that is contained in the bill or is likely to be retained in it——

Mr. WARREN. I will ask the Senator from Georgia if the amendment is printed, for I would like to examine it?

Mr. HARDWICK. Yes; the proposition has been printed, although not exactly in the form of this amendment. The substance of it has been printed.

In my judgment nothing that the bill now contains or will contain when it emerges from conference will afford to the United States an adequate reserve force. For one, although I am perfectly willing, and have so voted, to give every proper encouragement to the National Guard. I believe that the constitutional limitations which hedge and restrict the use of that force are such that we can not rely upon it as the only reserve force for this country. I believe we ought to encourage it; I believe we ought to appropriate for it; I believe it ought to occupy its constitutional status in the military forces of the Republic; but I do not believe it is possible by any legislation that we may enact in Congress to change the constitutional status of that force or to do what is commonly known as federalizing the so-called National Guard. After we get through with our futile attempt on that question the National Guard will remain just what the Constitution of the United States made them—the State militia of the several States of the Union.

Nor do I believe, Mr. President, that we are likely to have an efficient volunteer force as a result of section 56 of the bill. In the first place, I believe that that section may itself be stricken out when we come to the final vote thereon in the Senate itself, and even if that should not happen no Senator acquainted with practical legislation as it occurs between the two Houses of Congress can entertain even a reasonable hope, if he is for this section, that section 56 or anything like it can be retained in conference or can be passed at the other end of the Capitol.

If not, what reserve force have we provided, which force shall be subject to the order of the President, unhampered by constitutional limitations, and without allegiance to any authority whatsoever except to the President of the United States? What force of that character will be provided in the bill that finally becomes a law? None whatever unless you shall adopt some amendment of the kind I now propose.

Senators may inquire how much of a reserve force can we reasonably expect from the operation of such an amendment. My reply is that there are almost 2,000,000 American schoolboys 15 years of age and over in the schools and colleges of this country. While I do not know, I believe that a great percentage of them would be not only willing but delighted to receive the instruction, the arms, and the equipment provided in this amendment, and would in consideration therefor readily agree to become a part of the reserve forces of the United States.

At any rate, this system could cost us no more—not one penny more—than an amount that corresponded with the force it provided, and if we got no considerable reserve from it, as I am sure we would, it could cost us no considerable amount of money.

In the next place, the discipline and training itself would be good from every standpoint for the American schoolboy. It would make him not only a better soldier if war should come to this country, more prepared to defend his country, but it would make him a better civilian in time of peace by giving him that training and discipline which would be so valuable to him not only for the purposes of war but for the pursuits of peace.

Now, there is another feature about this system which I wish to commend to the Senate. Every year as each class of college boys and schoolboys go out into the walks of life they would go out with some knowledge, with some training, with some capacity for the military art and some ability to defend their country if the necessity for it came, in case of war. Not only that, but the force that it would create would be already mobilized in every school and college in the land——

Mr. GALLINGER. Mr. President, will the Senator permit a question?

Mr. HARDWICK. Yes.

Mr. GALLINGER. Can the Senator state approximately how many colleges and schools of this character there are in the country?

Mr. HARDWICK. I can not, because the Senator will understand I have made no restriction whatever upon the kind or character of the school or college to be utilized, except that such school must have the requisite number of boys.

Mr. GALLINGER. We would have to provide a very large number of officers to instruct the youths in these schools, and I think we ought to know the number.

Mr. HARDWICK. I would be glad to answer the Senator's question. Sections 42 to 55, inclusive, of this bill will provide us all the officers we can need for that purpose. That is the War College plan. We are training these officers anyway; we call them reserve officers, and we ought to give them some work. That part of the bill is a corollary to my proposition, if it should be adopted. If we adopt some such proposition as this, we will have an efficient mobilized army, already mobilized in accordance with population in every great city of the country. New York alone, it is estimated, would have 50,000 of such reserves; Philadelphia probably 20,000. You can figure it out for every city in the country. It would be made up of our own boys. While they would be Federal reservists, they would have all the characteristics of citizen soldiery and would come directly from the homes of the people themselves.

Mr. President, during the course of this debate the distinguished Senator from Oregon [Mr. CHAMBERLAIN] truly said, eloquently said, that in every war in which this country had engaged the boys had fought its battles. It is true. It was not rhetoric, it was not eloquence alone, it was sober truth, proved by the statistics of every war we have had.

Now, I contend if we have another war the boys of this country from 18 years up, possibly from 16 years up, will fight its battles. If so, why not give to these boys, to every one of them willing to take it, the training that will make him a better soldier and will enable him to give a better account of himself and to give the country more efficient service?

I do not see why a proposition like this ought not to be adopted unanimously by the Senate. I can not tell what it will cost, because I do not know how many boys will go into it. I do believe that a considerable number of the 2,000,000 American schoolboys would gladly go into it. If so, it would cost a considerable amount of money, but no more than would be warranted and justified by the result that would be secured, for if a considerable number went into it, three or four hundred thousand boys, this Republic would have the most splendid, the most efficient army of reserves that any republic ever had in all history.

Mr. SMITH of Georgia. Will the Senator permit me to ask him to explain to the Senate just what the cost would be in each school? Would it be anything except for the officers to train the boys and the equipment?

Mr. HARDWICK. Not a thing on earth except that. I have provided, which I think is just, that when these boys are mobilized during vacation time into regiments or brigades or even larger units they shall be paid during the short time of their summer encampment, during the short time of this mobilization, just such pay as the officers and men of the Regular Army of corresponding rank and grade receive.

If the Senate will give this matter its serious attention, if every Senator will put his individual judgment to work on it, I have not the slightest doubt that the amendment will be overwhelmingly adopted.

Mr. JONES. Mr. President——

Mr. HARDWICK. I yield to the Senator from Washington.

Mr. JONES. What provision is made in the Senator's amendment with reference to uniforming the boys?

Mr. HARDWICK. I think "equipment" would be construed to mean uniforms.

Mr. JONES. Is that what is intended?

Mr. HARDWICK. That is what I intended; yes, sir.

Mr. SMITH of Georgia. That is a matter which I think would be left to the discretion of the Secretary of War.

Mr. HARDWICK. I have left all those things to the discretion of the Secretary of War.

The VICE PRESIDENT. The Senator's time has expired.

Mr. STONE. Mr. President, I will take the floor to ask a question, and the Senator from Georgia may answer in my time. As I understand, this amendment provides for this training in every school having 50 male pupils?

Mr. HARDWICK. In every school having 50 male students above 16 years of age, where they want to get such training and where the students will consent to a voluntary agreement that they will take the training and become in consideration thereof a part of the reserves.

Mr. STONE. The Senator from Georgia says that there are something like 2,000,000 boys in this description of schools in the United States?

Mr. HARDWICK. Yes, sir. Let me state that exactly accurately. There are nearly 2,000,000 boys who are 15 years of age and over in the schools and colleges of the country. In the amendment I have finally fixed the age at 16 years, which, of course, would reduce the total somewhat.

Mr. STONE. The Senator seems to think that probably four hundred or five hundred thousand, that is to say, about 25 per cent, of these boys would avail themselves of this opportunity?

Mr. HARDWICK. Of course, that is a mere opinion; but I hazard that opinion with a good deal of confidence, for I know how anxious the boys are for this sort of training. The Senator from Missouri might have a different opinion or he might not. He might think that there might be even a larger number; but the Senator knows as well as I do that the American schoolboy loves brass buttons and likes this sort of thing, and if you will give it to him free, I believe he will accept it enthusiastically and in large numbers.

Mr. STONE. Well, I will accept the Senator's estimate. They are to serve during the year?

Mr. HARDWICK. They are to serve during their school terms, but not less than one year.

Mr. STONE. They are to serve for not less than one year. And then they become what?

Mr. HARDWICK. After they go out of the school they have no longer any sort of obligation to the Government; but they go out into civil life with a certain amount of military training and with a certain amount of knowledge of military affairs which makes me think they would then go into the National Guard or into the Regular Army, and I am assured that if we had a war they would by reason of this training be much more capable of giving effective service to their country.

Mr. STONE. But that is not the thought I have in mind to inquire about. During what period are these boys to be regarded as a part of the reserves of the United States?

Mr. HARDWICK. They are to be so regarded during the period in which they are connected with the schools, because there is where they are mobilized. They will, of course, come from different communities in many cases.

Mr. STONE. And after that they cease their military connection?

Mr. HARDWICK. They have no connection with it beyond the period they are in the schools.

Mr. DU PONT. May I ask the Senator a question?

Mr. HARDWICK. I am on the floor only by courtesy of the Senator from Missouri.

Mr. STONE. The Senator may ask a question in my time.

Mr. DU PONT. I merely want to ask the Senator from Georgia whether his scheme includes the colored schools of the country?

Mr. HARDWICK. Well, sir, I have not thought to draw the color line, nor is that necessarily involved in this matter. Does the Senator from Delaware want to draw it?

Mr. DU PONT. I do not; but I am asking for information.

Mr. HARDWICK. I do not think the colored students will enlist in my section of the country; I do not know what they will do in the Senator's section of the country.

Mr. DU PONT. The colored schools are separate in my State, and the question may be asked whether they come under the provisions of this bill.

Mr. HARDWICK. If the Senator wants me to answer his question frankly, I am perfectly willing to do so. I think it would be largely a matter of administration by the War Department. There is nothing in the proposed law that would

prevent the Secretary of War from exercising a wise administrative discretion in this matter.

If the Senator will let me answer the question further, I will say I do not believe that in the Southern States, at least, the sentiment is such as to encourage that sort of thing there, or that it would be likely to occur, or that any Secretary of War would encourage it or permit it. What might be done in other sections of the country I do not know; but, of course, in presenting a proposition like this I feel that we must leave a matter of this kind to the administration of the War Department.

Mr. SMITH of Georgia. Mr. President, we are reaching the last day for the consideration of this bill. Do we really think we have accomplished what we started out to do? Are we really providing an effective force that would be valuable for the national defense next year? Are we making any substantial improvement on what we would have next year if we needed them next year or year after next? I do not think so.

As to the Regular Army, we have provided for its increase by 20,000 men at once. The general increase provided for by this bill is 16,000 a year. We have provided for the first 12 months' increase already and for 4,000 of the increase of the second year, so that we will add only 12,000 to what we have already provided during the second year.

Mr. President, I am in favor of enlisting the full amount we contemplate adding just as quickly as we can enlist them. I am in favor of pulling down this limitation as to time and of obtaining them at once as rapidly as they can be had. I am not interested in the Army five years from now anything like so much as I am interested in the Army next year and the year after. I hope that five years from now, with the object lesson before them of the European struggle, possibly the nations of the world will return to sanity and that disarmament rather than preparation for war may be the governing force of the world. It is now that it is our duty to put ourselves in a reasonable condition for national defense. I hope, Mr. President, that we will change the pending bill and permit the immediate enlistment of all the troops that we contemplate as an increase of the standing army.

I like the amendment of my colleague [Mr. HARDWICK]. It will not be expensive, but it is something substantial. There are 2,000,000 boys, from 16 years of age up, in the schools and colleges of the United States. For a small sum they could be drilled and even equipped. Suppose we estimate that there will be 400,000 or 300,000 who would tender their time and, in groups of 50 or more, accept the provision. I understand that in the high schools of Atlanta, Ga., 1,500 boys applied for the privilege of enlistment and drilling. If we could by the 1st of next September or the 1st of next October have in the schools of the country 300,000 boys who were organized and being drilled, I think it would be beneficial to them throughout their lives. I believe we would have 500,000. I believe that, with the smallest expense, with an expense that would be nominal, we could have 500,000 boys in the schools of the country this fall under a 12-month enlistment, organized and being trained.

The expense would certainly be very small. One Army officer could be detailed to 50 men, and the extent of the equipment, the extent of the uniforms, could be controlled by our determination as to the expense. The equipment, so far as arms are concerned, would be a permanent investment and not exhausted by a year's use.

Mr. GALLINGER. Mr. President, if the Senator will permit me to interrupt him, he will observe that this amendment provides that they shall have similar arms and equipment to those of the Regular Army of the United States.

Mr. SMITH of Georgia. Well, it might be proper to amend that.

Mr. HARDWICK. Mr. President, if my colleague will pardon me, the language, in addition to that, is "or such as may be best suited to the needs and requirements of such reserve forces."

Mr. SMITH of Georgia. My colleague has qualified that provision as he has indicated.

Mr. GALLINGER. I did not know that.

Mr. SMITH of Georgia. I would largely leave the mode of handling it and the extent of the expenditures to the discretion of the Secretary of War as the force enters the service and as the department finds it practicable to handle the force; but out of it we will have organized by the 1st of next January, I have no question, 400,000 splendid boys, who in a short time, with additional training, will be ready to back the first line of our troops. It would mean something substantial.

I have no confidence in section 56, because the men under that section are simply to go out and drill for 30 days and then be disorganized. It is something in the shape of a permanent organization that we ought to bring out of this bill. It is something immediately in the shape of a permanent organization for the Regular troops that we ought to bring out of this bill, and something in the shape of the largest number possible of really organized and officered men as a reserve which we should bring out of this bill.

I trust this amendment will be adopted, and I trust a little later on we will amend the provision as to the Regular Army to provide for the immediate enlistment of the troops we contemplate having.

Mr. SMOOT. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. Yes.

Mr. SMOOT. In relation to the expense attached to this amendment, as I understand, if 400,000 boys, the number suggested by the Senator from Georgia, should take advantage of the amendment, then the expense to the Government would be $5,200,000 each year, for the amendment provides that each boy enlisted shall receive pay at the rate of $13 per month.

Mr. SMITH of Georgia. Each boy enlisted?

Mr. SMOOT. That is, during the summer vacation.

Mr. SMITH of Georgia. When they are out giving their whole time to the service.

Mr. SMOOT. Yes; during their summer vacation; and I say that for 400,000 of them the cost——

Mr. SMITH of Georgia. If they drill 30 days during the summer as a body it would cost something over $5,000,000.

Mr. SMOOT. Yes; that is as I understand it.

Mr. SMITH of Georgia. Now, Mr. President, where could we spend a similar sum and develop as forceful an organization? Where else could we spend that amount of money and realize results as practical? I trust the amendment will be adopted, and a little later on, when the opportunity is presented, I shall again urge, with some figures with reference to the expense, a change in the bill so that enlistments for the Regular Army will not be limited to 16,000 a year, but the full quota can be enlisted immediately.

Mr. McCUMBER. Mr. President, this amendment is in every principle exactly the same as the amendment which I offered the other day, and upon which I did not ask for a yea-and-nay vote. While not in the same language, its purpose and intendment are exactly the same.

Mr. President, we will have no organization in the State of North Dakota, none I believe in Montana, none in South Dakota, and I am doubtful if we will have in the western part of Minnesota under section 56. You will secure the organizations contemplated by that section only in those States and in those districts in which large cities are found. That section will prove a failure, in my opinion. Certainly a mere 30 days' training for a few gentlemen who get together will never make an army.

Mr. SMITH of Georgia. Mr. President, if I may ask the Senator a question, with the House of Representatives overwhelmingly voting it down, with the Senate only sustaining it by two majority, is there any possibility of section 56 remaining in the bill? Do we really think seriously it will remain in the bill? We know it will not.

Mr. McCUMBER. I do not think it ought to be in the bill, because I think it will be a failure.

Now, there are in the colleges and in the high schools of the United States about 750,000 young men, energetic and of the right age to take lessons in drill and in maneuvers at the same time that they are fitting themselves for the various avenues of civil life. Nothing could be more beneficial to these young men than to have this training during the two or two and a half months of their vacation. In the one instance we will not have an organization, but, on the other side, we will have in every high school and in every academy and in every college in the United States a body of students organized and ready to step forward; and, in my opinion, at least 90 per cent of them would be eager to take the instruction and spend their summer vacation in camp. Thus we would have the nucleus of a strong army to draw on in the future.

I hope, Mr. President, that this method of building up a civil army that can be made the nucleus for a great military army whenever the Nation may demand their services may be voted into this bill. You will then, Mr. President, succeed in having an organization in every one of the districts throughout the United States. I shall cheerfully vote for this amendment.

I wish to add that, as the amendment offered by the junior Senator from Georgia [Mr. HARDWICK] expresses everything that I intended in my amendment, I shall not offer mine, but shall content myself with casting my vote for his amendment.

Mr. CHAMBERLAIN. Mr. President, just a word or two. The cruel part about this amendment is that it at once makes the young men 16 years and over a part of the enlisted strength of the Army of the United States. I believe there has been current a song about the mother who did not raise her boy to be a soldier; but this proposition is to ingraft into the law a provision compelling every boy 16 years of age and over to be an enlisted man in the Army.

Mr. HARDWICK. Mr. President, will the Senator yield? The Senator does not want to misrepresent the amendment.

Mr. CHAMBERLAIN. Certainly, I do not.

Mr. HARDWICK. The amendment does not have anything compulsory about it. It says that they shall not be required to take this instruction, and nobody will be required to take it who does not want to do so.

Mr. CHAMBERLAIN. Mr. President, I do not intend to misrepresent the amendment, but it provides:

> That in the event the United States becomes engaged in war or it should become necessary to use troops to repel invasion, suppress insurrection, or maintain peace and order under the Constitution and laws of the United States, then the President of the United States is authorized to call into active military service the whole or any part of the reserve forces herein provided for a period not to exceed 12 months.

Mr. HARDWICK. Mr. President——

Mr. CHAMBERLAIN. I will say to the Senator that I have only 10 minutes to speak to this question.

Mr. HARDWICK. The Senator can get more time; we can get it for him in other ways, and we will do that all right. Now, if the Senator will pardon me, no man is required to enlist or is required to take advantage of the provisions of this amendment unless he wants to do so.

Mr. CHAMBERLAIN. No; not to enlist——

Mr. HARDWICK. We do not make him do it by law or in any other way unless he wants to do it.

Mr. GALLINGER. Then, it does not amount to anything.

Mr. CHAMBERLAIN. Then, as suggested by the Senator from New Hampshire, it does not amount to anything.

Mr. President, in the last analysis, the only thing that is going to protect this country and to create a reserve that will absolutely defend the country is some system of compulsory military training. It is said that the country is not ripe for it yet, Mr. President; but whenever the country is in danger the American people are ripe to accept any proposition that will place it in a condition where it can defend itself against the world.

Here is a system of compulsory education, if you please, the Senator to the contrary notwithstanding, because it provides in terms that these schools can have officers detailed in connection with them to assist in giving military training; and the boys at these schools will become soldiers, because, as the Senator from Georgia well said, they like brass buttons; they like the display that follows the life of a soldier. But, Mr. President, aside from the question of drafting the boys of 16 years and over into the service of the United States—and I claim that is what it does do—is the question of expense.

Whenever we try to do anything here toward the reorganization of the Army the first charge that is made is: "You are building a top-heavy institution. You are creating officers here for the Army and neglecting the enlisted men"; and nobody has protested so loudly against that as the distinguished senior Senator from Georgia [Mr. SMITH]. Now, my distinguished friend from North Dakota [Mr. MCCUMBER] says that his State is not interested in it at all. Permit me to say to the Senator that there is an officer detailed to both North and South Dakota for the purpose of training the young men in those States.

There are at present detailed for these services, in the different parts of the country, 685 officers of the Army. The bill as it stands now increases the details from 685 to 1,022; and yet, if this amendment goes through you will have to detail a great many more than that. Take the condition of the schools last year. There are about 100 schools now eligible for the detail of officers to train the young men. Those schools in the past 11 years graduated 44,000 young men, and there are in the schools now 32,000 young men who are receiving military training. If you are going to increase the number, we have not enough officers in the Army to go around to all of these schools where there are 50 young men 16 years of age and over.

So that in the last analysis we have not the men. But more important than that, Mr. President—and I am of necessity compelled to speak hastily—I desire to call the attention of the Senate to sections 42 to 55 of the bill as it stands now, under which, if it becomes a law—that provision has not been assailed yet—we will train young men not for enlisted men but to create an officers' reserve. It seems like cruelty to draft into the enlisted strength of the Army the young men who are the strongest mentally and physically when the same young men ought to be trained, and the bill provides for training them, for officers and to go into the reserve corps.

Just look at the number of officers now that are on detached duty. In the National Guard there are 114; in educational institutions, 61; in the recruiting service, 87; as service-school faculties, 184; in the Philippine Scouts, 11; aids to general officers, 27; Military Academy, 74; other officers detailed for service elsewhere, 96, and the General Staff, 31, making 685. This bill proposes to increase that number to 1,022, and that goes the limit to train young men for the officers' corps rather than to train them for enlisted men.

Mr. President, I hope the amendment will not be adopted. I think the committee has gone as far as it ought to have gone in the preparation of young men for officers under the provisions to which I have called attention; and I think the Senate ought not to go any further than the committee went in its effort to train these young men for the officers' reserve corps.

Mr. REED. Mr. President, the chairman of the committee has just stated as a chief objection to the amendment, which proposes to carry military instruction into the schools and colleges of our land, that we can not spare the number of officers necessary to do the teaching. Truly we are in a remarkable condition if we can not furnish instructors to teach the boys who may want to fit themselves to defend our country. I unhesitatingly say that if we are in so sad a state we had better take out of the Army and out of the Navy every man who is capable of giving military instruction and get busy right now instructing some more men, so that we can get enough skilled men, at least, to teach the people of the country how to protect the country. It is a remarkable argument that we have not enough men so that we can afford to assign them to the duty of making other men competent and fit for service.

An officer detailed to a school like the one spoken of by the Senator from Georgia [Mr. HARDWICK], where 1,500 students are ready to enlist, can in one year's time train 1,500 to a certain point, and in two or three years' time can bring a large number of that 1,500 men to a degree of military knowledge which will render them capable of great service to our country. When a man teaches others he multiplies to the world the knowledge he possesses; in a sense, he multiplies himself. If we are at so low an ebb as the chairman of the committee argues, then so much more the reason to begin teaching, and to begin at once.

The Senator talks about the cruelty to the boys in having them enlist. Let it be plainly understood that there is no provision in this amendment requiring any boy to enlist. The requirements of the amendment are, first, the authorities of the school must request the establishment of military training; second, the parents of the boy must consent; third, the boy must himself consent. There is, therefore, neither coercion nor compulsion.

Is there, as has been charged, any cruelty in enlisting these boys? Is there any cruelty in teaching a boy how to defend himself and his native land? Manifestly not. The only cruelty that could possibly come is when he is put on the battle line.

Mr. President, disguise it as we may, we are preparing to put somebody on the battle line. The question, then, is, Shall we put on the field of battle a man wholly unfitted for his task, incapable either of defending himself, his home, or his native land, or shall we put there a man who is equipped and able to meet all antagonists?

The question of age has been raised. It is asserted that the students who will be embraced within the provisions of the amendment are too young. The answer is given by the facts of history. In their light nothing remains of the appeals to the sympathy on account of youth. It was the youth of the country that fought the great Civil War. The chairman of the committee has furnished me, at my request, with a table which he put into the RECORD a few days ago, and which I shall not repeat, but I call attention to a few of the figures.

There was in the Civil War under 15 years of age 104,987 soldiers.

There was above 22 years of age only 618,511 soldiers.

There was nearly twice as many boys under 15 as there were men over 22.

There was in the Civil War under the age of 17, 844,891 soldiers.

There was under the age of 18, 1,151,434 soldiers.

There was under the age of 21, 2,159,798 soldiers.

The battles of the Civil War were fought by boys. It will be the boys who will fight the battles of the future. When you talk of cruelty, I ask you which is the more cruel—to send these boys out unprepared to slaughter or to send them out prepared to take care of themselves? Which would you rather have happen to your boy? Would you rather have him sent out

untrained, half equipped, ignorant of the art of war, without knowledge of the rules necessary to preserve his health in the field, to become the ready food of cannon, a ready sacrifice to bullets and bayonets, the easy prey of disease and pestilence, or would you rather send him forth capable of meeting his foe on equal terms, more skilled than his antagonist, strong, and self-reliant, confident? Would you rather have him brought home on a stretcher or welcome him bearing the laurels of victory? The cruelty is in sending a boy out to slaughter, not in training him to take care of himself.

These boys are already mobilized in our schools. They have the time to give. They can give it without detriment to their school work. They are there, full of enthusiasm, full of energy, full of life, full of ambition. They are where we can get at them and train them. There is more virtue in this one amendment than there is in the entire bill.

You talk about expense. You can readily prepare to spend from $25,000,000 to $40,000,000 a year on an army of volunteers; but when we speak of $5,000,000 a year, which will give the country an army five times as big as the proposed volunteer army, Senators are appalled at the expense.

Mr. President, I repeat this is the most meritorious proposition of the bill. Some one has spoken of the expense of arming the students. We have 1,000,000 rifles now in this country. We ought to have 2,000,000 or more, for men can not fight without arms. But the 1,000,000 rifles we now have are largely stored away in armories, boxed up, oiled, and kept for the future; they would better be kept polished by the hands of the young men of the country who are learning to use them in the Nation's defense.

I am astonished that this amendment should be resisted. It is the one amendment that proposes to train the citizens of this country and that gets at it in the right way. I am not in favor of a great professional Military Establishment.

I have said before, and I repeat, that I do not believe the professional soldier is a good thing in a Republic, except the number be so limited that the strength of the professional soldier shall always be subordinate to the strength of the civil population. I do believe, however, that every boy in this country ought to have a military training; not that he may become a professional, but a citizen soldier. I point to the fact that the chairman of this committee says there should be compulsory training in this country for everybody. If that is true, upon what ground does he dispute the wisdom of giving that training at least to those who will voluntarily take it?

Mr. SMITH of Georgia. And who are already organized.

Mr. NEWLANDS. Mr. President, I favor this amendment. I have favored, and I propose to favor, every reasonable amendment that provides for the union of vocational and military training. I believe in a patriotic and compulsory service. That is unattainable, however; and therefore it is desirable to make the service as attractive and persuasive as possible if we are to encourage recruiting.

There is no age at which military training is so attractive as in youth. There is no period at which it can be so easily acquired. I believe it would be a wise thing to provide for the military training of the youth of our country in our schools. I should like to see that advanced in some practical way by the union of vocational and military training. We have, by amendment, provided for that in our Regular Army. I should like to see it also provided for in this reserve army, but at all events this amendment will give our youth a discipline which will greatly benefit them and will give the country a large number of trained men—partially trained men, at least—who will be prepared to enter upon its service in case of emergency; and I shall, therefore, vote for it.

Mr. CURTIS. Mr. President, I understand the amendment offered is not the exact amendment I hold in my hand. I offer the following amendment to the amendment of the Senator from Georgia: Wherever the word "fifty" occurs, strike it out and insert in lieu thereof "one hundred," so as to make it read "in which there are as many as one hundred male students 15 years of age and over."

I offer that amendment because of the objection urged by the chairman of the committee that it would require too many officers if the number is placed at 50. Of course if the number were placed at 100 not nearly so many officers would be required.

I am very heartily in favor of the amendment of the Senator from Georgia, and hope that the amendment I have offered to it will be agreed to.

Mr. HARDWICK. Mr. President, am I entitled to speak again?

The VICE PRESIDENT. The Senator is, on this amendment; yes.

Mr. HARDWICK. On the entire proposition as it now stands?

The VICE PRESIDENT. The Senator from Georgia knows that he must speak to the question, but he can speak about anything on heaven above or on earth beneath.

Mr. HARDWICK. I will try to restrain my argument as much as I can to the proposition before the Senate.

It seems to me, Mr. President, that the suggestion of the Senator from Kansas by way of amendment is all right, and I propose to accept it—I think I have that power—because it will, to a large extent, meet the objection raised by the chairman of the Committee on Military Affairs.

I want to say just a word or two more about the proposition before the vote of the Senate is taken on it.

I understand that some Senators are under the impression that the amendment provides that this service could be required without the consent of the parents or guardian of the boy who wishes to enlist. Such is not the case. The amendment offered and pending provides in so many words that no boy shall be allowed to take this training or to enlist in the reserves except with the full consent of his parents or guardian.

There is nothing in the objection on the score of expense. This amendment will provide a splendid reserve army at much less cost than any other system that has yet been suggested or that I believe can be devised. There is no provision whatever for any pay for these boys except when they are mobilized outside of their own States; it may be in many cases for short summer vacations, and then the pay, $13 a month, will hardly pay their expenses. It was not designed to give them any financial compensation, but it was thought that when they were carried off into these mobilization camps during vacation the Government ought to pay them enough to pay their expenses; and that is all there is of that proposition.

Mr. President, I am ready for the Senate to vote. I know there are many other amendments to be offered.

Mr. SMITH of Michigan. Mr. President, I was very much interested in the statement of the Senator from Missouri [Mr. REED]. The figures which he gave about the age of soldiers during the Civil War are very striking, and I think the Senator could have gone one step farther and shown with perfect truthfulness that there are more soldiers now living, more than half a century after the war closed, than there were soldiers in the Union Army over 22 years of age in the War of the Rebellion. That was a boy's war. There were 1,840,000 of them under 18 years of age.

Mr. HARDWICK. If the Senator will permit me, I have looked into the question, and the same thing is true about every war this country ever fought, from the Revolution down.

Mr. SMITH of Michigan. I am glad the Senator has said that. I was about to say it myself. I think the record will bear out the statement. The War of the Rebellion was a boys' war; and when you consider that that war was fought and won by boys who were denied by their Government participation in the choice of public servants and in the making of laws, it is a very singular and striking situation. Five years after the war these 1,844,000 boys were permitted to vote, and not before that time. There were over 1,400 boys in the War of the Rebellion on the Union side who were not over 14 years of age.

Mr. President, I do not know how you expect these boys to be prepared for military service. This education will help them and may help the country in its hour of peril, should we be so unfortunate as to need their service, and I can see no impropriety in such training and education at that age when they are most easily trained, especially if it is voluntarily desired. The amendment allows them to have an instructor if they want it; and if they have an instructor, can anyone say that the result will not improve them physically and mentally?

No one can tell what a boy will grow to be under certain favorable environments. Since I have been a Member of Congress I have appointed a good many boys to the Naval Academy and to West Point. I remember at one time appointing one of the most unpromising boys I ever saw in my life, who came because he was moved by high ambition to do so. He had educated himself. I doubted very much whether he would be able to pass the examination, but, much to my astonishment, he did pass. He was the son of a carpenter in the little town in which he lived. He never had very many advantages even in the public schools. Yet that boy is to-day a naval constructor in the New York Navy Yard and has built the battleship *New York* and the battleship *Arizona*. You can not tell what a boy will amount to under certain favorable environments, and I am the last man to fix any limitations to his growth.

Environment and necessity are the chief spurs to self-reliance and independence in this world. I put the latter first, because if some loved one depends upon him he will meet any emergency

with courage and confidence, and if his environment is helpful you can not tell to what heights he may climb in this blessed Republic, where opportunities are so numerous and the field of individual endeavor so limitless.

If we are to be defended by boys on the field of battle, then I say it is their due that you give them suitable training and put into their hands the implements with which they may defend themselves; for this they will render their country a service which the Government never can repay.

Mr. CUMMINS. Mr. President, I ask the Chair whether the amendment proposed by the Senator from Kansas [Mr. CURTIS] was accepted.

The VICE PRESIDENT. It was.

Mr. CUMMINS. I desire to offer the following amendment, which I will read and then send to the desk. I can read it better possibly than the Secretary from the way it is written. I desire to add to section 58, line 11, page 3, the following words:

Provided further, That no person under 18 years shall be called into active service under this section.

Mr. HARDWICK. Mr. President, I accept that amendment. I had it in mind that the President would not call anyone under that age. I think it is a good one.

Mr. CUMMINS. With that, I desire to say a word regarding the amendment itself. It is my opinion that it would be one of the most valuable parts of the bill, which we all hope will be helpful in our military organizations. I have vastly more faith in the military training taken on by a young man at school when he is engaged in study in preparing himself for whatsoever he may be called upon to do in life than I have in military training at any other age. He not only acquires the mere science of military affairs but he acquires the spirit in which military education ought to be taken on, and he will carry that spirit with him throughout his whole life. It will help to teach him true patriotism.

I am afraid of the military spirit which is imbibed or acquired in the training of mature men, for I think it is difficult to disassociate it from immediate and constant war. But it is not so with the young man who is fitting himself for life and who will accept the military education as a part of the equipment that he needs to perform all the duties of a citizen.

I sincerely hope that the amendment offered by the Senator from Georgia as thus amended will be adopted.

Mr. OVERMAN. Mr. President, I voted for the McCumber amendment; I voted for the Reed amendment; I favor this amendment. I am in favor of training the youth of this land so that if we do have a war the young boys of the country who will have to fight it may be trained. I have a boy myself at a military school, because I know that that is the place where he will be taught to obey and also he will be taught to command. It will make him a better citizen when he comes out of that school, and if he does have to go to war he will be somewhat trained for the duties of war.

I think it is very certain that section 56 can not become a law. It is impossible. The House will never agree to it, and the Senate is really opposed to it. That was shown by the vote on it when it was adopted by a majority of two.

If we are to have a reserve army, the boys of the land from 15 to 20 will be those to put into the reserve force; and we will have a powerful reserve since the adoption of the amendment of the Senator from Iowa, which is a very wise amendment; they can not be called out until they are 18, and there will be 20,000 or 100,000 or perhaps 200,000 boys who will be trained not only for war purposes but for better citizenship. They will be better citizens than they would be without this training, and better prepared for military service.

The VICE PRESIDENT. The question is on the amendment of the Senator from Georgia as amended.

Mr. REED. Let it be read as amended. I do not mean to ask for the entire reading. I should like to know how it has been changed by amendments to it.

The VICE PRESIDENT. It was changed from 50 to 100, and that no person under 18 shall be called out by the President of the United States.

Mr. REED. I wish to ask the author of the amendment if, in view of the amendment that no one is to be called out until 18, he is not willing to lower the age of entrance to 15?

Mr. HARDWICK. I am perfectly willing to have that amendment made.

Mr. REED. I ask that that amendment be then made to the amendment.

The VICE PRESIDENT. The amendment will be so modified. The question is on agreeing to the amendment offered by the Senator from Georgia [Mr. HARDWICK] as amended.

Mr. SUTHERLAND. What is the change that has just been made?

Mr. HARDWICK. Let it be read as finally amended.

The VICE PRESIDENT. It will be read.

The SECRETARY. As amended, section 57 will read as follows:

SEC. 57. The reserve army: The Secretary of War is authorized and directed to detail for service as instructor in military tactics one or more commissioned officers of the United States Army to every college or school in the United States where there are as many as 100 male students 15 years of age or over in all cases where the authorities of such school or college make application for such detail and where there are the requisite number of students who desire and consent, with the full consent of their parents or guardians, to receive such training and agree to become a part of the reserve forces of the United States. The term for which said students shall enlist in the reserve forces shall be for and during the term of their connection with school or college, including vacations, and shall in no case be for less than 12 months: *Provided*, That no person under 18 years of age shall be called into the active service under this section. Such students shall not be subject to active military service except in connection with their training, and except in connection with such mobilizations as may be had during school vacations, for which latter service they shall be paid at the same rate that officers and men of corresponding ranks and grades are paid in the Regular Army: *Provided further*, That in the event the United States becomes engaged in war, or it should be necessary to use troops, in addition to the Regular Army and the National Guard, to repel invasion, suppress insurrection, or execute the laws of the United States, then the President of the United States is authorized to call into the active military service the whole or any part of such reserve forces.

Mr. CUMMINS. The proviso will come in at the end of the section.

The VICE PRESIDENT. At the end of the section. The question is on the amendment of the Senator from Georgia as amended.

Mr. POINDEXTER. Mr. President, before voting upon the amendment, I desire to state my position. I would be very glad, indeed, to vote for that portion of the amendment which provides for the training of boys in school. I think it is worthy of all the encomiums that have been heaped upon it by the speakers this morning. I think it is one of the most important propositions and one of the most valuable that has been suggested in connection with the bill, and I would gladly vote for it.

However, I am not able to reconcile myself to the idea of putting a penalty upon those young men of the country in schools for their willingness to gain a military training. That would be the case if the President is authorized to call them out in case of war. It is a species of conscription. It is compulsory service. Of course, they voluntarily enter into the training, but the proviso attaches to that voluntary entrance the compulsion that they must subject themselves to the orders of the President to serve as soldiers in the Army in time of war.

If there is to be any species of conscription or compulsory military service, it ought to be universal. It ought not to be confined to the young men who are in the schools or to those who are out of the schools.

The amendment is very much improved in that respect—the objection which appealed to me is modified a great deal—by the amendment of the Senator from Iowa which has been adopted, but still it leaves it so that all the young men in the high schools and colleges who accept this training, which in itself is most valuable for them, who are 18 years old or over, will be the first line of battle. They can be ordered out to meet the first needs of the country if there should be a war. I am not myself willing to vote for the amendment with that proposition in it.

Mr. SMITH of Georgia. Will they not be better prepared to take the first line?

Mr. POINDEXTER. Undoubtedly.

Mr. SMITH of Georgia. Have they not volunteered accepting this training?

Mr. POINDEXTER. Undoubtedly they volunteer to do it by the terms of the bill, but I prefer to give the young men in the schools an opportunity to volunteer for military instruction without thereby constituting themselves a part of the Regular Army who can be compelled to serve in time of war while the rest of the population is not compelled to serve.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Idaho?

Mr. POINDEXTER. I yield to the Senator.

Mr. BORAH. I think there is some strength in what the Senator suggests, and the further thought occurs to me that it possibly might deter a good many young men from taking this course who otherwise would do so.

Mr. POINDEXTER. I think that is a very probable result of the proviso. If these young boys are subject to be called to war by the order of the President, while all others are exempt from service, their parents and guardians would hesi-

tate to allow them to take this military training. The amendment of the Senator from Georgia will be much more useful without this requirement.

The probabilities are that under the voluntary system young men 18 years of age and over who see the advantages of military training and who accept the provisions of this bill would volunteer at the call of the President, but they ought not to be required to do more than that unless the rest of the young men of the country of the same age and the same duties and the same responsibilities as citizens are subject to the same conscription.

In order, Mr. President, to have an opportunity to vote for that portion of the amendment which provides for training of a military nature in schools without at the same time subjecting every young man who accepts that training to compulsory service in time of war, while the rest of the country is exempted, I move to strike out of the amendment proposed by the Senator from Georgia the proviso on page 3, in section 58, including the amendment to it of the Senator from Iowa.

Mr. VARDAMAN. Mr. President, if this amendment shall be adopted I think it will result in the organization of schools where the science and art of war would be taught. The ordinary school with 100 or more pupils will not take advantage of it at all, because there will be a great many of the boys who will not assume these obligations. If the amendment proposed by the Senator from Washington [Mr. POINDEXTER] should be adopted and every school with a hundred or more boys attending it should make application for an instructor in military tactics, I hardly see where the United States would get officers to instruct them.

Unless there is to be some special benefit to the Government in the way of enlarging or augmenting the reserve force of the Army, it strikes me that the purpose of this legislation will altogether fail. So if this amendment, as proposed by the Senator from Georgia [Mr. HARDWICK], shall be adopted, the result will be, I apprehend, that there will be schools organized throughout the country in different States designed to carry out this plan, and the boys will go there will go for the special purpose of receiving military instruction. If that shall be done, the number of schools will be small enough to enable the United States Government to furnish instructors without increasing the number of officers of the Regular or standing Army or taking them from their duties with the Army; but if the suggestion made by the Senator from Washington shall be adopted, and every school that wants a military man, a West Pointer, to instruct in mathematics and the science and art of war shall make application, it would take a thousand or more such instructors, and yet the United States Government has no guarantee or warrant that any enlargement of the military force will be thereby effected. I have no objection to teaching boys how to handle arms, to ride horseback, and shoot, but, as I have said repeatedly heretofore, it seems to me we are going too far with the whole scheme.

I do not think it would be prudent to amend, as proposed, the amendment of the Senator from Georgia [Mr. HARDWICK]. It embraces a pretty good plan, and there will probably be just enough schools organized under the provisions of the amendment to enable the Government to conveniently furnish the instructors, and possibly some good may grow out of it; that is, if any good can come of legislation of the character of this bill at this time.

Mr. JONES. Mr. President, I am in hearty sympathy with what I conceive to be the general purpose of the amendment of the Senator from Georgia, but I think there is a great deal of force in the suggestion of my colleague [Mr. POINDEXTER] and in the suggestion of the Senator from Idaho [Mr. BORAH]; that is, if this proviso is put in the bill, it will probably deter a great many who would like to be trained from taking the training and going into this organization. I think the main purpose of the amendment, at least as I understand it, is to train the boys who are likely to be called upon or who will volunteer in case of danger to our country hereafter; to give them, as the President expressed it in one of his speeches, a rudimentary knowledge of military training, of camp life, and of military discipline; so that when they do volunteer, as they would volunteer and as they will volunteer in case of need, in a very short while they can be put into such shape that they will make good soldiers. With that purpose I am in hearty accord.

The Senator from North Carolina [Mr. OVERMAN] has told us about the boys being in military schools. My boy went through a military school, but I have seen no evidence in him of great development along military lines, though I did see evidence of improvement and of development that are of great benefit to him now in civil life. I see no special manifestation of any aroused military spirit or anything of that sort. So I have no fear of anything of that kind arising; but I do not believe that we can follow a better course toward preparing for defense in future than by adopting the general principle involved in the amendment of the Senator from Georgia. The general benefits contemplated by the amendment will come without the proviso. I do not think that we ought to contemplate for a moment that, while these boys are serving under this form of enlistment, they are to be called into active service by the President of the United States, as the standing Army can be called into service.

The main purpose of this amendment is to train these boys, and I have no fear, if trouble comes, that they will not volunteer and that they will not respond to their country's call without any compulsory feature in connection with the legislation. I hope that that proviso will be stricken out of the amendment. I think the amendment will accomplish all of its purposes without it, and I think that its purpose would be likely to be very seriously impaired by leaving the proviso in the amendment.

Mr. BRANDEGEE. Mr. President, I am heartily in favor of training the boys of this country in military matters, and I think it is going to be absolutely necessary for the Nation to do so. Personally I am in favor of universal military training, and I think, if the rest of the world is going to continue along the lines they have pursued in the last year or two, the time may be very close at hand when we shall be forced to have compulsory universal military service in this country.

The difficulty about amendments of this character, however, to my mind, is this: We are making a complicated Army reorganization bill by piecemeal upon the floor of the Senate. As we go along and Senators examine the paragraphs of the bill it occurs to them that a certain amendment would be desirable here or there, and they present detached and sometimes irrelevant plans, sometimes pretty comprehensive plans, for the insertion of this idea or that proposition in the bill, without at all knowing what other Senators are going to propose later to offer as a part of the bill. The result is likely to be, if we are not careful, I am afraid, that we shall get a bill which will be proceeding upon several different theories, and the parts of which may be very inconsistent and antagonistic. There is nothing that requires unity and organization and absolute singleness of direction so much as an army. Where military discipline is to prevail there must be undivided authority at the head of the organization.

As to this particular amendment, I should like very much if some plan could be developed in a comprehensive way so that the boys in school generally over this country could have some military training, even if for only one year, under competent officers of the Army. Then, when they left school, if the country ever got into trouble, and if volunteers were called for or even if a draft were imposed, you would have men who had had at least one year of military training and who knew the rudiments of the military art, probably how to maneuver, how to load and unload a gun and take care of it, and, to some extent, how to take care of themselves.

I am strongly tempted to vote for this amendment simply to get the matter into conference and to get it before the vision of the conferees, in the hope that after consultation with the department and with, perhaps, members of the War College, some scheme may be reported possibly, if compatible with the other provisions of the bill, that will be of some benefit along this line.

But now, to illustrate the unsatisfactory method of framing a bill in this way, let me call the attention of the Senator who has presented the amendment to page 2 of the amendment providing that the Secretary of War before he details an officer to give this instruction must cause the pupils——

Mr. HARDWICK. If the Senator will pardon me, Mr. President, the amendment is not now offered in that form.

Mr. BRANDEGEE. The amendment which I have before me is in that form.

Mr. HARDWICK. That is not the amendment as now offered. I intended to suggest in an earlier part of the session the amendment a copy of which the Senator has, but I have finally offered the amendment which is now at the Secretary's desk.

Mr. BRANDEGEE. Will the Secretary be kind enough to read from the amendment at the desk the section that corresponds to section 58 in the printed amendment?

Mr. HARDWICK. The provision to which the Senator from Connecticut has just referred is not in the amendment which I have now offered.

Mr. BRANDEGEE. Is there not a provision in the amendment as now proposed that the pupils shall sign an agreement to enlist?

Mr. HARDWICK. There is a provision of that sort.

Mr. BRANDEGEE. That is the provision I should like to have read.

The SECRETARY. That portion of the amendment reads:

Fifteen years of age and over, in all cases where the authorities of such school or college make application for such detail and where the requisite number of students desire and consent, with the full consent of their parents or guardians, to receive such training and agree to become a part of the reserve forces of the United States.

Mr. BRANDEGEE. Now, that is the point. What earthly good does it do for a pupil to agree that he will become a part of the reserve forces of the United States?

Mr. HARDWICK. If the Senator will pardon me, I can answer him, if he addresses his question to me.

Mr. BRANDEGEE. I will pardon the Senator to answer the question.

Mr. HARDWICK. The intention of that language is plain when taken in connection with the provision that the Secretary of War shall make rules and regulations that will provide for the enlistment of those boys as a part of the reserve forces of the United States.

Mr. BRANDEGEE. Mr. President, if the boy is enlisted, if he actually enlists in the reserve, then he is only subject to call during the time he is in school.

Mr. HARDWICK. Yes.

Mr. BRANDEGEE. Does not the Senator think that if there is going to be an absolute reserve built up the boys should be enlisted for a longer period than one or two years?

Mr. HARDWICK. No, if the Senator will pardon me; I think not, in connection with this sort of idea, because this is intended to make the school the center of mobilization. These boys ought not to be used at all except in case of extreme necessity, when the other forces can not be satisfactorily used; they ought not to be used except when they are already mobilized; and the contract which they make with the Government ought not to last for a longer period than their term at school. Of course the only advantage, so far as these boys are concerned, that the Government would get after the period of their school duties was over would be that they would go into civil life and probably become members of the militia or the National Guard, or perhaps sometimes of the Regular Army; but even where they went into civil life and had no connection with any of the military branches they would have a certain amount of military knowledge which would make them better soldiers, if we had to use them.

Mr. BRANDEGEE. What has the Senator to say in regard to the provision that they may be drafted by the President?

Mr. HARDWICK. Mr. President, I am glad the Senator asked me that question, as it gives me an opportunity to answer it in his time. The suggestion of the Senator from Washington is a strong one, and I thought about that very carefully; but it does seem to me that while we are furnishing these boys with arms, equipment, and instruction we might ask them to give to the Government of the United States, which is doing so much for them, a certain service of a very limited character for a very limited period of time, while they are receiving that instruction, if we should need that service. Of course, this system will not make a perfect reserve; it can not be so in the very nature of things, being a school proposition.

Mr. BRANDEGEE. It would seem to me, if it is the Senator's idea that the pupil will owe an obligation to the Government for instructing him, that he ought to make him enlist in the reserve when he signs his original enlistment for a longer period of time, instead of having him subject to draft by the President as distinguished from other portions of the citizenship of the country.

Mr. HARDWICK. If the Senator will pardon me again——

Mr. BRANDEGEE. I will pardon the Senator.

Mr. HARDWICK. I do not think so, because this is a school proposition, and I do not want to burden these boys with any greater obligation than one which could be carried out during the time of their connection with the institutions where they were mobilized and where they were getting this training.

Mr. BRANDEGEE. While I do not think that in the form the amendment is presented it is completely thought out or that it will give satisfaction, inasmuch as I am in favor of some sort of military training amongst the boys of the country and think we will need it in the future, in order to call the subject to the attention of the conferees I am willing to vote to let the matter go to conference.

Mr. DILLINGHAM. Mr. President, I should be glad if the substance of this amendment could have been considered as an independent measure; but I am prepared to vote for it as a part of this bill, as I believe in the principle which is involved. My purpose in speaking at this time, however, is to oppose, so far as I may, the amendment proposed by the Senator from Washington, to strike out the provision which authorizes the President of the United States to call out, in the event of war, those comprising the reserve corps.

My thought is this: If the boys in our educational institutions make the application that the bill prescribes to have military instruction in such institutions and make the agreement, with the consent of their parents, to be enrolled as members of the reserve corps, it will add to the seriousness of their thought, the seriousness of their work, and to the advantage which is to be derived from it, if they are also under obligation to respond to the call of the President, in the event of actual war, to engage in actual service.

I think that the military instruction which has been given in our colleges under previous acts has been weak, inefficient, and not productive of good results, for the simple reason that the students of our universities have treated it lightly. I know that in many instances the so-called military instruction has been farcical, and has been so considered by the students, and has been made a thing of ridicule; but now, with the aroused sentiment of our Nation in favor of preparedness, it seems to me that if the proposed instruction is limited, as I understand it to be, to those schools that make application for military instruction and that such application represents one-half of the boys over 15 years of age who are entitled to take this instruction, and if it is accompanied, as this amendment provides that it shall be accompanied, by an agreement to become enrolled in the proposed reserve corps, and added to that there is the further obligation that if in the event of war the President shall have power to call them into actual service, it is an element which will appeal to their manhood.

Mr. SMITH of Georgia. Absolutely.

Mr. DILLINGHAM. It is something that will make men of them, just as the War of 1861 made men of the boys of that age. I think that the entire force of this proposed amendment to the bill would be destroyed if that clause be stricken out.

Mr. WILLIAMS. Mr. President, I hope that the suggestion made by the Senator from Washington will not be adopted. We do not want to waste the money in the Treasury. I can not imagine any greater waste of money than spending it to train a boy, giving him military drill and military teaching, when that boy, with the full consent of his parents, is willing to volunteer for dress-parade work and peace work, but wants to hold a mental reservation against being called out in war time. The very fact that he is willing to entertain that thought shows that he is not worth military training at all, and is not worth the money that the United States Government may spend upon him. We had better spend no money upon anybody except those who take this thing seriously and who expect, not alone to wear brass buttons and uniforms and to be popular with the girls on that account during peace time, as play soldiers and as a college exercise, but who are willing to make the training the foundation for future service at their own peril and who enter into the service with a notion in their heads that it means that some day they may possibly be shot.

Mr. BORAH. Mr. President, I shall detain the Senate only a moment.

I feel disposed to support the amendment of the Senator from Washington, although I shall vote for the amendment of the Senator from Georgia even if the amendment of the Senator from Washington should be rejected. It seems to me that we would get a larger number of boys who would enter upon the training without that proviso in the bill, and that the chances would be that by the time their training was through they would feel disposed to do what the Senator from Mississippi so well says they ought to be willing to do; secondly, when the time did come for practically conscriptive service it should be universal. But notwithstanding the fact that the amendment of the Senator from Washington may be rejected, I would be in favor of the amendment proposed by the Senator from Georgia. It is a step in the right direction. It is not complete and sufficient in and of itself, and could not be expected to be, being put on this bill as an amendment, under the circumstances under which it goes in. But it is a step in the right direction; and more of this bill ought to be devoted, both as to the appropriation and otherwise, to this kind of preparation than is found in the bill.

Last summer, according to an article in the Century Magazine, about 300 business men went out from Chicago to the United States fort to take training for 30 or 60 days, I have forgotten which. At the end of the time of training they called in 150 of the students from Culver University, Indiana, and they had a battle; and in maneuvers and in everything else which constitute a battle the 150 students defeated the 300 business men who had had training for 30 days. Of course that is not a conclusive test, but it does tend to support the statements which are made by the great military students and leaders

that the time to train for military work is during the educational period. It is at a time when the mind is receptive to training.

A distinguished writer on this subject says:

Youth is the time for improvement—the season for preparation. A well-trained and disciplined cadet will not only be of great value to his country when it needs him, but he will be a better citizen and a better man.

This amendment carries with it not only virtue by reason of preparing the young men of the country in case we should have a call for them to arms, but it is as essential in fitting them for the ordeals of civil life. I believe in this kind of training for peaceful citizenship. It gives bearing and physical endurance and health and heart and courage for all the battles of life. I would wager more on the success of a boy who could saddle and ride a horse and shoot a gun than the boy who could not. Health is an immense element in success. I think the training that the young men will receive in these schools will be found as beneficial to them individually as any other part of their education.

Lord Roberts said:

I maintain that it is the bounden duty of the State to see that every able-bodied man in this country, no matter to what grade of society he may belong, undergoes some kind of military training in his youth sufficient to enable him to shoot straight and carry out simple orders if ever his services are required for the national defense.

Gen. Ian Hamilton, whose achievements in South Africa were so distinguished, stated that he would feel very confident of obtaining creditable results if he were placed in command of a mounted infantry brigade composed of boys who had previously been well grounded in handling arms.

Mr. President, I am in favor of the amendment.

Mr. CLAPP. Mr. President, in view of what the Senator from Idaho [Mr. BORAH] has just said, I think I will not only supplement his remarks but perhaps go a step further, without making military service the ultimate, but making qualification for citizenship the ultimate. The highest ideal of citizenship involves physical development, moral development, mental development, patriotic development, and a certain amount of discipline. Those are the requisites that best fit a man for citizenship in a republic. I would have those requisites in the training of the young men. It so happens that military training involves the physical, the discipline, and the patriotic; so that the more thoroughly a young man is fitted for the very highest ideals of citizenship the more thoroughly he is fitted for service to his country if the time should ever come when that service should be required.

The only difference between my own views and those of some is that I would place these qualifications of citizenship first, and the fact that those qualifications render the young man best qualified for service to his country in time of war, as an incident or sequence to the very highest development of training for citizenship.

I wish this subject had received more consideration. I wish it were more of a factor or a principle in the bill we are considering; but in the case of the present amendment, as in those we have had before, I, for one, can heartily support any amendment that thus tends first to fit the young man for citizenship, including, as it does, those requisites which make him best qualified to come to the defense of his country, if that occasion should ever arise, and we may be certain of his readiness to respond when the country really needs his services.

Mr. NORRIS. Mr. President, I am not one of those who believe that the present time is one when we ought to engage in a great expansion of our military program. I expect to vote in favor of the House bill in preference to the Senate bill because of those convictions. Nevertheless, it has always seemed to me that one of the things that we ought to do is to provide for Federal assistance in schools and colleges for military training, and I favor this amendment because I believe that military training assists in making good citizens to the same extent that it assists in making good soldiers; and I think the colleges and schools are a very appropriate place for the use of the officers in the Federal Army to give instruction in military and kindred subjects.

I should be glad to favor the amendment, with the modification offered by the Senator from Washington, as a substitute for the entire bill. I believe that the amendment of the Senator from Washington ought to be adopted, and I am taking the floor now principally to offer some suggestions as to why, in my judgment, that course ought to be taken by the Senate.

The Senator from Mississippi [Mr. WILLIAMS] suggested an objection to the section that, at first blush, I think will appear to most critical minds, and that is that the Federal Government can not afford to expend the public money in training soldiers who are not willing to enlist at the beginning of their training, so that they can be compelled to serve in the Army in case of war during their enlistment. It has been repeatedly said, and very truly said, that in case of a great war we must depend in the end upon the volunteer soldier, and a republic is founded on that theory. The volunteer soldier, through patriotic instincts, will enlist and defend the country in time of danger. We ought to have a citizenship, I think, prepared and drilled so that these volunteers at the very beginning of their service will be almost the equal of the regular soldiers. If we get into a difficulty, the nature of the volunteer forces and the number of them will depend somewhat upon the public sentiment existing at the time as to the justness of our cause. We, perhaps, under all circumstances would get a sufficient army; but men do not care to enlist in a volunteer army to defend the country until they know what the issue is. It does not mean, as the Senator from Mississippi said, that a man is not worth training who will not agree at the beginning of that training to enlist in any war that may come along during such training.

That, however, is not the only objection. The facts are that the boys who are going to get the benefit of this training can not engage in the training and receive its benefits unless they have the consent of their parents or their guardians; and parents will not consent to their sons enlisting in the Army unless they know what the issue of such a contest is. We can safely trust to the boys who will get this training to enlist voluntarily in case of trouble. Moreover, in cases where parents will preclude their sons from receiving this training in the schools when they are minors, when they go out of school about the time they become 21 years of age they have thus been unable to acquire the military training that they otherwise would have obtained if it were not for the provision that the Senator from Washington, by his amendment, seeks to strike out.

Therefore, in my judgment, we will get a great many more young men who will take advantage of this provision in the law if we amend it in accordance with the suggestion of the Senator from Washington. Once having received the discipline, the training that will make them better citizens and prepare them better for the ordinary duties of life, whether they go into war or not—having received this education and this instruction while they are minors and while they are in school, they will be available in the Nation's defense at any time afterward until they reach the age beyond which enlistment can not take place. So that if we are going to give this instruction in the schools, we ought to give it to as many as possible of the young men attending those schools, and we ought not to put any provision in the law that would have a tendency to keep any of those young men out from under the benefits of the law which we provide to give them instruction.

Therefore if we adopt the amendment of the Senator from Washington we relieve this proposal of all possible objectionable features. We instruct the young men, and the probabilities are that not one in a thousand—if it had been in the last few years, it would have been not one in a million—would while they are in school be called upon to enlist. So that, as a matter of fact, keeping in the bill the provision which the Senator from Washington seeks to strike out does not materially benefit it, because the probabilities are all against these young men being called into war while they are in school. Therefore, if we will give instruction to more young men in school who later on in life, up to the time they are 45 years of age, may be called upon as volunteers, we will thus be doing a great deal more toward the preparation of a volunteer army and will be doing a great deal more for the preparation of young men in active business life than we would be if we permitted the provision to remain in the bill which this motion seeks to strike out.

No young man will be quite as good a citizen physically and mentally without this training as he would be if he had it. I think the principal benefit to come will be that which will be derived in private life by the student who gets the benefit of this instruction. Everybody knows that it teaches a good many things that he does not get in other ways. It develops him physically, it makes him a healthier and a more rugged man, as well as a better citizen and better able to cope with the business affairs of life, and at the same time it prepares him for military duty if, unfortunately, such a calamity should come.

The VICE PRESIDENT. The question is on the amendment of the Senator from Washington [Mr. POINDEXTER] to the amendment of the Senator from Georgia [Mr. HARDWICK].

Mr. THOMAS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Broussard	Clark, Wyo.	Curtis
Bankhead	Burleigh	Clarke, Ark.	Dillingham
Beckham	Chamberlain	Colt	du Pont
Brady	Chilton	Culberson	Gallinger
Brandegee	Clapp	Cummins	Gronna

Harding	Lippitt	Pomerene	Sutherland
Hardwick	Lodge	Reed	Taggart
Hitchcock	McCumber	Robinson	Thomas
Hughes	Martine, N. J.	Shafroth	Tillman
Husting	Myers	Sheppard	Underwood
James	Nelson	Sherman	Vardaman
Johnson, Me.	Norris	Simmons	Wadsworth
Johnson, S. Dak.	Oliver	Smith, Ariz.	Warren
Jones	Overman	Smith, Ga.	Williams
Kenyon	Page	Smith, Md.	Works
Kern	Phelan	Smith, S. C.	
Lane	Pittman	Smoot	
Lee, Md.	Poindexter	Sterling	

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from Florida [Mr. FLETCHER]. This announcement may stand for the day.

Mr. CHILTON. I wish to announce the absence of my colleague [Mr. GOFF] on account of illness. I will let this announcement stand for the day.

Mr. MARTINE of New Jersey. I was requested to announce the unavoidable absence of the Senator from Tennessee [Mr. SHIELDS].

The VICE PRESIDENT. Sixty-nine Senators have answered to the roll call. There is a quorum present.

Mr. LANE. Mr. President, before the amendment is voted upon I wish to say that I am perfectly in favor of training these young men at school, and they should be trained with the consent of their parents to be good and useful citizens as well as good soldiers. But I would stop there. I would not like to see those young fellows 18 years old placed in a position where they could be mobilized to put down a riot, to be used as strike breakers, or to be used for police duty. That I consider unfair. They are the flower of the youth of the country, and from them we will get the parentage of future generations, the hardy, virile young men who will carry on affairs after we go to our rest. It would be better, far better, for the country, rather than to take the young men in the first flush and heat of war and fill the trenches with them, to fill them with men of 45 years and over up to 70, including public officials, if you please, Members of this body and of the other House of Congress and such like gentry, to stand the first brunt of the fighting and hold the line until the young fellows become prepared to win or lose the battles which will settle the fate of the country.

We are going at it backward. We are sacrificing the flower of the country, and all nations have done the same in the past—the young men first—and the generations to follow them are left to be bred by the incompetent, the worn out, the crippled, and "the cankers of a calm world and a long peace."

I am opposed to any amendment to the bill which will place the young men of the country in a position where they will be called out to settle private quarrels between contending factions of the people of the country. If you will in the bill stop at the point where you give them the physical and military training to which they are entitled, making them sure shots with a rifle, with the consent of their parents, and if you will take your old and worn-out men to fill the trenches, they will, in my opinion, be more fittingly filled.

Mr. GALLINGER. Mr. President, I have refrained from consuming time in this debate because I am very anxious to have the bill sent to conference, and I wish to say just a word in favor of the amendment the Senator from Washington [Mr. POINDEXTER] has proposed.

The situation is that unless that amendment shall be agreed to when these young men have gone out of school, having received a superficial military training, they then shall be subject to the call of the President to act in defense of the Government on the battlefield if need me; they will be compelled to become soldiers; but in the slums of the great cities of this country, where the flotsam and jetsam have gathered, those men are not compelled to take up arms in defense of the Government. The young men must go to the front; the young men must be destroyed in the conflict of war; but the worthless, the men who are polluting society, the hordes of the East Side of New York, and in the slums of the other great cities of the country can escape military service, unless they are compelled to do so by being drafted into the service of the country.

Mr. REED. Mr. President——

Mr. GALLINGER. Now, why should not these young men at least have an equal chance with the class I have suggested? Why should they be compelled to take up arms and the others, of much less consequence to their homes, to society, and to the country, be free unless perforce they are drafted by the Government of the United States?

Mr. REED. Mr. President, I wish merely to call attention to one matter.

Mr. GALLINGER. I would be glad to yield for that purpose.

Mr. REED. Under the bill before the Senate these young men are liable to military service during the time they are actively in school. The period is limited to that.

Mr. GALLINGER. I understand that.

Mr. REED. As to the question about riots, and so forth, I call the Senator's attention to the language that they can only be called out when it is necessary to use troops in addition to the Regular Army and to the National Guard, so that they never could be called out merely to prevent a strike.

Mr. GALLINGER. But, Mr. President, the fact remains that they are put upon a disadvantage with men who are of less consequence to our society and to our homes and to the country than are these boys of 18 years of age and over.

I am unwilling that the youth of the country, that the intellect of the country, that the culture of our country, should be placed at any disadvantage with the men who are pouring into our great cities, polluting our society, doing harm to every interest of our country; that they should be exempt from this service while the boys who have just graduated from our schools or are in our schools should be compelled to take up arms in defense of our flag and of our Constitution.

For that reason, Mr. President, I shall vote for the amendment submitted by the Senator from Washington; and if that shall be agreed to, I shall then vote for the amendment offered by the Senator from Georgia.

Mr. POINDEXTER. Mr. President, my time has expired, and I should like to ask the Senator just one question to bring out a feature of this amendment, if he will allow me.

Mr. GALLINGER. I will be glad to yield for that purpose.

Mr. POINDEXTER. It is this: Is it not true that the instruction provided for in the amendment of the Senator from Georgia is nothing more than that given to any enlisted man in the Army? It has been argued here as though the Government would be giving these young men an education. There is nothing of that kind provided. It is simply the sort of military drill that enlisted men are subject to.

Mr. GALLINGER. The Senator is right about that. It is no more of an education than is now being given in our agricultural and mechanical schools, and we are requiring that they shall enlist because of the character of education they are receiving under existing laws.

Mr. President, I do not want to occupy time. I shall gladly vote for the amendment submitted by the Senator from Washington, and then I shall vote for the amendment of the Senator from Georgia if it shall be changed in that regard. I think it is wise to give our boys military training to a certain extent, but I do not think it is wise to then condemn them to become soldiers of the United States whether they want to become soldiers or not.

Mr. SMITH of Georgia. Mr. President, I hope the amendment of the Senator from Washington will not prevail. I was very much impressed by what the Senator from Vermont [Mr. DILLINGHAM] said. The real enthusiasm with which these boys will go into this training is from the fact that they have assumed a real responsibility to the Government. They are not play soldiers. During the 12 months that they are at school under this enlistment they are real soldiers. They are ready at the call of their country to go to the front, and if an enemy invaded our soil they would be proud of the privilege of going to the front. The responsibility that rests upon them, as the Senator from Vermont said, in connection with the obligation will make real men out of them.

Mr. President, the Senator from New Hampshire [Mr. GALLINGER] says that he wants the slums of the big cities to go to the front to defend the flag if we are called upon to defend it. Mr. President, it is the best blood of the Nation, it is the bravest and the fairest of the boys, who will do the finest service, and they will be proud of the privilege, and they will go with perfect delight. I do not regard it as a hardship to place upon any young man to bare his breast beneath the flag of his country when his country needs him. I do not consider it a burden placed upon him. I do not consider it a sacrifice. They will be the best prepared, and they will glory in the privilege of the service.

Mr. GALLINGER. Mr. President, will the Senator permit me to ask him a question before he takes his seat? I should like to ask the Senator if he thinks that it is a great privilege for the youth of our country to leave their homes and to sacrifice their lives to protect the lives and property of the people whom I undertook to describe, as they are in our great cities?

Mr. SMITH of Georgia. I do not understand that the question of the Senator is applicable to this case. I answer him that the real object of this force is for national defense in case

they are required really by a national invasion. We will need the men who are best prepared in such an event, and I do think it is a privilege, and I think it will be a privilege if such a time should ever come, for every man who has a drop of red blood in his veins of every age to line right behind them and do his duty. I believe they will do it from the Lakes to the Gulf, from the Pacific to the Atlantic. These boys will already be organized; they will be trained, and they will be in a splendid shape, and all true men will get right behind them if the call comes. I do not think that is a burden on them.

Mr. GALLINGER. The fact still remains they are fighting to protect the rights and the property of the worthless element in our great cities.

Mr. SMITH of Georgia. I do not want the worthless to go to the front if there is war. I would be afraid of the result of their action.

Mr. GALLINGER. Perhaps the Senator would; I would not.

Mr. PITTMAN. Mr. President, I think this amendment in some particulars is very good, and I hope I shall be able to vote for it. I want to say that the oratory of the Senator from Georgia [Mr. SMITH] does not appeal to me. I do not know how the young men in Georgia feel on a matter of this kind. I hope they are as patriotic as the distinguished Senator from Georgia. I know that the boys of our State would not want to be tied down by an oath or bound by any such conditions to induce them to volunteer on behalf of this country if it ever became necessary to bare their breasts in defense of it; I object that the boys of our country shall be deprived of any character of education, whether it be military or otherwise, unless they subject themselves to the condition of being police officers. We do not approve of that in our State. I do not desire that our boys, in the case of a little insurrection or in the case of a little riot, shall be dragged away from their schools.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER (Mr. HITCHCOCK in the chair). Will the Senator from Nevada yield to the Senator from Georgia?

Mr. PITTMAN. I yield.

Mr. HARDWICK. I wish to direct the Senator's attention to the fact that under the amendment they could not be used for such duty, and that they would not be called on until both the whole Regular Army and the National Guard had been called into service.

Mr. PITTMAN. Yes; and we have neither National Guard nor Regular Army in our State. We have a police force in our State which has been able to preserve order without the disrupting effect of the National Guard, and I do not want it within the power of any government or any department, whether it be National or whether it be State, to go into our State university and drag out of that college our boys and throw them into the maelstrom of a riot.

Mr. HARDWICK. If the Senator will yield again, I will state that there is nothing in this amendment which could possibly permit that. The President of the United States has no right to call out these reserve forces unless he has thoroughly exhausted all the men in the Regular Army and the National Guard of the United States. That must be done before he can use any of them anywhere or for any purpose.

Mr. PITTMAN. I do not care whether they have exhausted one force or another force; I agree with the distinguished Senator from New Hampshire and the Senator from Oregon that it is wrong in principle to take college boys and throw them into the defense of the Government or State against local disorder. There is no question but that these boys would volunteer their services in time of national need. I do not think that the Senator from Georgia need be afraid that any man who would accept the benefits of this education would hesitate to volunteer his services to his country. It is a reflection on the young men of my State to say that they would not volunteer to defend this country unless they were bound by some such provision as the Senator is now referring to. It is unworthy of the Senator from Georgia, in my opinion.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Georgia?

Mr. PITTMAN. I yield.

Mr. SMITH of Georgia. Is it not an advantage to have an organized force, with officers, equipped and trained, acting together?

Mr. PITTMAN. Absolutely, and therefore I am in favor of the amendment. I believe that they should be trained to the highest degree. There we agree; but I do not believe that is a proper policy under any consideration to drag those men into the local disputes of any community. Therefore I will favor the amendment of the Senator from Washington, and if that amendment carries I will vote for the amendment. If it does not carry or some similar amendment, I will vote against the amendment of the Senator from Georgia.

Mr. SMITH of Georgia. I will say to the Senator, if the amendment of the Senator from Georgia does not preclude their being dragged into the character of things that he suggests, I would be glad to vote for an amendment which would exclude it.

Mr. PITTMAN. If the Senator takes that view, it will do no harm to vote for the amendment of the Senator from Washington. It will simply be a double precaution. I intend to take that view of it.

While I am opposed to war and to any form of militarism, I am in favor of all forms of preparedness. Preparedness is a preservation. It preserves life, energy, property, and resources. I supported the amendment providing for a Government nitrate plant for such reason. I was unavoidably detained from the Senate Chamber when the vote on that provision was had, but I was heartily in favor of it, and hope it will be agreed to in conference.

Mr. REED. Mr. President, I wish to call the attention of the Senator from Nevada to what is, I think, an error in his conclusion. Let us see just what we are discussing. The amendment offered by the Senator from Washington is that these young men, armed and equipped and educated by the Government in military matters, shall not be subject to be called out at all. That is his amendment. The objection of the Senator from Nevada is that he does not want them called out to suppress strikes. Now, there is all the difference in the world between the two propositions.

Mr. PITTMAN. If the Senator will pardon me, he is not quoting me correctly. I have evidently conveyed the wrong impression. I simply emphasized the unfortunate condition of having these boys thrown into local troubles; but I also, as a matter of fact, believe that they should not be required to bind themselves to military service in consideration of getting an education.

Mr. REED. Now, Mr. President, let me state this matter, so that the provisions of the bill may be before the Senate. The amendment does not provide for calling men out to suppress strikes. They could not be called out for any such purpose unless the President were to plainly go beyond the law. Here is the language:

> Such students shall not be subject to active military service in connection with their training except in connection with such mobilizations as may be had during school vacations.
>
> Except in connection with such mobilizations as may be had during school vacations, for which latter service they shall be paid at the same rate that officers and men of corresponding ranks and grades are paid in the Regular Army: *Provided*, That in the event the United States becomes engaged in war, or it should be necessary to use troops in addition to the Regular Army and the National Guard to repel invasion, suppress insurrection, or execute the laws of the United States, then the President of the United States is authorized to call into the active military service the whole or any part of such reserve forces: *And provided further*, That no person under 18 years of age shall be called into the active service under this section.

Now, construed fairly, these young men are bound to no military service except during the time they are in school. When they leave school their service ends; the Government can not call upon them; second, it can not in any event call on any who have not arrived at the age of 18; third, it can not call upon them except after the Army of the United States has been called and is not sufficient in numbers, and after the militia have been called out and they have been found to be not sufficient in numbers. It is only after both the Army and the militia have been exhausted that these boys can be called on.

The language I have read does not cover strikes. It does not apply to small disturbances. It refers to conditions so grave as to amount to an actual state of war. We have increased the Army of the United States. We have strengthened the militia, and it is only when both these great forces acting together are not capable of handling a situation that the students may be called out. Such a condition could not be caused by a strike. Plainly, they could not be called out except in case either of invasion or an internal disturbance amounting, in fact, to actual civil war. So there is nothing in the bill which should frighten anyone. Now I yield to the Senator from Oregon.

Mr. LANE. I was going to ask the Senator if it was not equivalent to an enlistment for a period of two to three years at the very portion of the life of the young man when he is receiving his education, and practically does it not amount to his being the reserve army and the larger part of the Army of the country?

Mr. REED. It is an enlistment. We are talking here about enlisting men. It is intended to be an enlistment for a very limited period.

Now, let me reply to the Senator who says he is not in favor of making an enlistment in the Army a condition of education. Mr. President, all the education that is now available in the world will still be available to the young men who do not enlist. We take nothing away from them. Every public school will still be open and they can attend at will, whether they do or do not enlist. Every college will be open and they will not be called upon to enlist. They only enlist when they desire to take military training and desire to take it under officers appointed and paid by the United States.

Mr. President, I just want to say one final word, and before I say it I want to apologize for talking so much about this question and taking so much of the time of the Senate. I say to you that there is all the difference in the world between a young man who enlists to play soldier and who feels no responsibility and simply understands that he is going to go through a few perfunctory maneuvers, and that he is not, in fact, charged with any responsibilities—there is a wide gulf between that man and the man who understands that he is, in fact, a soldier; that he is, in fact, under military discipline; that he is, in fact, a part of the defense of his country.

Now, I have one word more to add and that is as to this eternal cry that our country ought not to impose its defense upon a part of its citizens and hence there should be no enlistment provided for here.

Mr. President, there are but three possible ways of defending this country: One is by a professional soldiery, whose business is that of studying warfare and nothing else. I have said, and I repeat, too great a force of that kind is not a healthful thing to have in a republic. Another way is by the universal draft; by making every citizen a soldier. That would get your slums; that would get the boys whom the Senator from New Hampshire [Mr. GALLINGER] speaks of and denominates "the offspring of the slums"; but is the Senator from New Hampshire ready to propose universal draft, universal military service in this country?

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. REED. Yes.

Mr. GALLINGER. I answer the Senator's question by saying, "Yes; if necessary."

Mr. REED. Well, and is the Senator ready to say it is necessary now?

Mr. GALLINGER. Certainly not. Neither do I think it necessary to make soldiers out of these schoolboys.

Mr. REED. Then what is left, sir? There is nothing left but voluntary enlistment. This is a provision for the voluntary enlistment of those who feel like voluntarily doing a voluntary thing. You get right back to that proposition. We must stand for voluntary enlistment or for involuntary service if we have a single soldier. I prefer volunteers to those who are compelled to serve. But however we may feel on that question, we all know that this bill does not pretend to provide for universal service. Hence we must choose between a military force composed partly of Regulars and partly of Volunteers or altogether of Regulars. I want as large a reserve of trained Volunteers as we can obtain at a reasonable expense.

Mr. McCUMBER. Mr. President, I should like to have some Senator who contemplates voting for the amendment to the amendment tell me what would be left of the amendment after there has been stricken out that particular portion of the amendment? The particular object of the amendment is a reserve army. The amendment provides for the training of students. Well, what are you training them for? If you are not training them for war, I should like to have some one tell me the purpose of training these young boys and spending millions upon millions of money for that purpose? The object is expressed here, that after they are trained, if we then get into war we can call on them; but the Senator from Washington [Mr. POINDEXTER] would strike out the provision which authorizes the Government to call out these boys whom the Government has rendered fit for service in the United States Army.

Mr. President, the Senator from New Hampshire [Mr. GALLINGER] says he would vote for the amendment with that provision cut out. Well, I should dislike to vote that the Government of the United States would train boys just for the love of training them and then sending them out without adding in any way to our reserve army.

Mr. GALLINGER. Mr. President——

Mr. McCUMBER. Just a moment. This is to take the place of section 56; this is to be the provision for our reserve army. What kind of a reserve army is it that is not compelled to respond to the demand when there is actual war? I will now yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, I will answer the Senator from North Dakota by saying that we are doing that very thing now in our colleges of agriculture and the mechanic arts. We are educating young men; we are sending officers of the Army to instruct them; but we do not compel them to go into the Army after they leave college.

Mr. McCUMBER. I am certain of that; and if the Senator thinks that the Government ought not to have any reserve army, that is a different proposition. If the Senator thinks that we should proceed to spend millions and millions of dollars just for the purpose of training these young men, with no relation whatever to the reserve army, then we have simply the volunteer process again.

I want to say before closing just a word with reference to this suggestion as to the slums, of which the Senator from New Hampshire [Mr. GALLINGER] speaks.

Mr. JONES. Mr. President——

Mr. McCUMBER. Just one second, and I will yield to the Senator from Washington.

There is nothing in this provision which prevents our calling upon those people; there is not a word here even that we shall draw upon this trained source first before we proceed to the other. We naturally would do so, because we would first draw upon the trained men before we would draw upon the untrained; but if we ever have a serious war I have no doubt in the world that we shall find means of reaching into the slums and compelling every man who is capable of bearing arms to do his part in the defense of the country.

Mr. GALLINGER. That means a universal draft.

Mr. McCUMBER. Mr. President, I am in favor of a universal draft if it becomes necessary.

Mr. GALLINGER. Certainly; so am I.

Mr. McCUMBER. The Army that would be provided here would not give us enough soldiers for a great war.

Mr. GALLINGER. No; but it would give us a trained corps of soldiers who would be fighting to defend their country and to defend the lives and property of the people who are in the slums.

Mr. McCUMBER. Very well; I think, then, Mr. President, we could very easily find a way of getting after the other fellows if they did not also respond to the call of the country.

Now I yield to the Senator from Washington.

Mr. JONES. Mr. President, the Senator seems to have the impression—probably he has not the impression—that under this amendment with the proviso in it the Government could call out any of these boys who have been trained under the provisions of the amendment; but that is not the case. The Government could only call out those who happened to be in training when the trouble arose.

Mr. McCUMBER. I appreciate that.

Mr. GALLINGER. That is true.

Mr. McCUMBER. That is true; I do not misunderstand that at all; but the purpose, I think, at all times is to have a trained army of young men ready to do service.

The provision of my amendment went further than that. It provided that these men could be called upon during the period which the Government should fix for enlistment; that is, up to the age of 45. I should prefer that that should be the case; but I have not the slightest doubt, as we can take only one step at a time, that once we get this army started we shall follow it up with a provision that we may call upon these men within the enlistment age. I am not, however, trying to amend the amendment to correspond with my views in every particular.

Mr. JONES. The Senator from North Dakota [Mr. McCUMBER] suggests that we are paying out a whole lot of money, and that we shall not get very much service for it if we strike out this proviso. The fact is that under the amendment as it is we shall spend considerable sums of money—not a great deal—in training the boys, and when they get through school, notwithstanding that they will have obtained the training and we shall have spent the money, we can not call on them at all.

Mr. McCUMBER. But you have got, first, those who are in school at the time taking their training, and that makes an army in itself; secondly, those who have passed beyond that age and are still subject to enlistment, if they desire to enlist, and you have still further an army of those capable and able and willing to serve the country.

Mr. JONES. Yes; but we do not lay hold of those to whom we have given full training, you might say, but we take hold of those who have two or three months or six months or something like that. It is an argument to my mind for cutting out the proviso, because by their instruction we will get a trained citizenry that will volunteer whenever any danger comes without any strings to their patriotism. That is really what we want.

Mr. McCUMBER. Yes, Mr. President, you may have a citizenship that is trained; but you have not an army; you have no nucleus of an army. You are still subject to the same volunteer system.

Mr. LANE. Mr. President, may I make an inquiry of the Senator from North Dakota?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Oregon?

Mr. McCUMBER. I yield.

Mr. LANE. Does the Senator attach any significance to the fact that, after all, this student body will be but half trained, and that we will be enlisting and putting into the front line of defense of this country an army one-half of which is composed of the untrained youth of the land? If we get no service from them under this bill after they have become fully trained and able to fight, then our half training them is of no practical advantage. Does that not militate against the proposition?

Mr. McCUMBER. Mr. President, every man who enters the Army, whether he is in the Regular Army or the Volunteer Army, has to begin his training. He may be half trained or he may be two-thirds trained or he may be one-quarter trained; but when a war breaks out we can not change those conditions. Those who are fully trained are fitted, nevertheless, for the service of their country.

So, Mr. President, I am convinced that if you strike out this portion of the section you will have no reserve army whatever; that you are right back where you started, with a volunteer service only; but that you would have a few more men in the country who would require less training in order to become efficient.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Washington [Mr. POINDEXTER] to the amendment offered by the Senator from Georgia [Mr. HARDWICK].

Mr. POINDEXTER. I ask for the yeas and nays on the amendment to the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRADY (when his name was called). I have a general pair with the senior Senator from Florida [Mr. FLETCHER], who is absent from the Chamber. I therefore withhold my vote. If permitted to vote, I should vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. Transferring that pair to the Senator from Oklahoma [Mr. GORE], I vote "nay."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Tennessee [Mr. LEA], I vote "nay."

The roll call was concluded.

Mr. SUTHERLAND. I inquire whether the Senator from Arkansas [Mr. CLARKE] has voted?

The PRESIDING OFFICER. The Chair is informed he has not voted.

Mr. SUTHERLAND. I have a pair with that Senator, which I transfer to the Senator from Rhode Island [Mr. COLT] and vote "nay."

Mr. CHILTON. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Delaware [Mr. SAULSBURY] and vote "nay."

Mr. BECKHAM. I wish to announce the absence of the Senator from Tennessee [Mr. SHIELDS] on account of illness in his family.

Mr. CURTIS. I am requested to announce the following pairs:

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN]; and

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 31, nays, 46, as follows:

YEAS—31.

Ashurst	Gronna	McLean	Sheppard
Borah	Hitchcock	Myers	Smith, Md.
Chamberlain	Hollis	Norris	Sterling
Clapp	Jones	O'Gorman	Taggart
Clark, Wyo.	Kenyon	Pittman	Thompson
Culberson	La Follette	Poindexter	Warren
Cummins	Lane	Ransdell	Works
Gallinger	Lippitt	Robinson	

NAYS—46.

Bankhead	Broussard	Curtis	Harding
Beckham	Burleigh	Dillingham	Hardwick
Brandegee	Chilton	du Pont	Hughes
Husting	Nelson	Simmons	Tillman
James	Oliver	Smith, Ariz.	Underwood
Johnson, Me.	Overman	Smith, Ga.	Vardaman
Kern	Page	Smith, S. C.	Wadsworth
Lee, Md.	Phelan	Smoot	Walsh
Lewis	Pomerene	Stone	Weeks
Lodge	Reed	Sutherland	Williams
McCumber	Shafroth	Swanson	
Martine, N. J.	Sherman	Thomas	

NOT VOTING—19.

Brady	Fall	Lea, Tenn.	Saulsbury
Bryan	Fletcher	Martin, Va.	Shields
Catron	Goff	Newlands	Smith, Mich.
Clarke, Ark.	Gore	Owen	Townsend
Colt	Johnson, S. Dak.	Penrose	

So Mr. POINDEXTER's amendment to Mr. HARDWICK's amendment was rejected.

Mr. HUSTING. Mr. President, I offer the following amendment: After the word "war,", in line 23, I move to insert the words "or threatened war," and to strike out the words "or it should be necessary to use troops in addition to the Regular Army and the National Guard to repel invasion, suppress insurrection, or execute the laws of the United States."

Mr. HARDWICK. Mr. President, I merely want to say that I accept that amendment. I believe I have a right to perfect my amendment, and I accept it.

The PRESIDING OFFICER. The Senator from Georgia accepts the amendment. The question now recurs upon the amendment of the Senator from Georgia as modified to the substitute reported by the committee.

Mr. HARDWICK. I ask for the yeas and nays.

Mr. GALLINGER. Let the amendment be stated from the desk.

Mr. WALSH. I ask that the amendment be read as it will be after the amendment just now adopted is incorporated.

The PRESIDING OFFICER. The Secretary will state the amendment as modified.

The SECRETARY. It is proposed to add the following as a new section to the bill:

SEC. 57. The reserve army: The Secretary of War is authorized and directed to detail for service as instructor in military tactics one or more commissioned officers of the United States Army to every college or school in the United States where there are as many as 100 male students, 15 years of age and over, in all cases where the authorities of such school or college make application for such detail and where the requisite number of students desire and consent, with the full consent of their parents or guardians, to receive such training and agree to become a part of the reserve forces of the United States. The term for which said students shall enlist in the reserve forces shall be for and during the term of their connection with school or college, including vacations, and shall in no case be for less than 12 months. Such students shall not be subject to active military service except in connection with their training, and except in connection with such mobilizations as may be had during school vacations, for which latter service they shall be paid at the same rate that officers and men of corresponding ranks and grades are paid in the Regular Army: *Provided*, That in the event the United States becomes engaged in war, or threatened war, then the President of the United States is authorized to call into the active military service the whole or any part of such reserve forces: *And provided further*, That no person under 18 years of age shall be called into the active service under this section.

The Secretary of War is hereby authorized to prescribe all necessary rules and regulations of enlistment and discharge of members of the reserve force, and for its training and mobilization, and is also authorized to furnish such reserve forces arms and equipment similar to those furnished to troops in the Regular Army, or such as may be best suited to the needs and requirements of such reserve forces.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Georgia as modified.

Mr. HARDWICK. Let us have the yeas and nays.

Mr. BRANDEGEE. Mr. President, I wish to ask a question of the Senator from Georgia, the author of the amendment, if I may be allowed to do so. The amendment provides that an instructor in military tactics may be detailed. Another portion of the amendment provides that these men may be summoned into the active service of the United States and that they shall become a part of the reserve forces of the United States. I do not think it is plain what this instructor of military tactics is to do. In other words, does the amendment contemplate that after having attended mere oral lectures on military tactics these men shall be put into the service of the United States, or is there any provision for furnishing them equipment with which to drill?

Mr. HARDWICK. If the Senator will read the concluding part of the amendment, he will find that is provided for.

Mr. BRANDEGEE. I have it not before me.

Mr. HARDWICK. Well, the concluding portion of the amendment provides that all of the details as to the kind of instruction and the character and quantity of equipment and arms, and so forth, shall be left to the discretion of the Secretary of War.

Mr. BRANDEGEE. But where does the equipment come from? Who pays for it?

Mr. HARDWICK. Of course from the United States Government.

Mr. BRANDEGEE. Then the amendment provides that the Government shall furnish guns and equipment?

Mr. HARDWICK. It does. Yes, sir.

Mr. CUMMINS. Mr. President, a word with regard to the parliamentary situation. The Senator from Wisconsin [Mr. HUSTING] offered an amendment the reading of which I was unable to hear. The Senator from Georgia promptly accepted the amendment. I now ask whether the amendment offered by the Senator from Wisconsin is embodied in the amendment now offered by the Senator from Georgia?

Mr. HARDWICK. It is.

Mr. CUMMINS. Then what is the essential difference between the amendment now offered by the Senator from Georgia and the original amendment?

Mr. HARDWICK. As originally drawn the amendment provided that the President of the United States might call these reserves into active military service in case of war or in case it was necessary to use them to repel invasion, suppress insurrection, or execute the laws of the United States after the Regular Army had been exhausted and after the National Guard had also been called out.

Mr. CUMMINS. I observe that; but is there any other difference?

Mr. HARDWICK. There is no other difference except——

Mr. CUMMINS. The language was not changed throughout?

Mr. HARDWICK. No. As I caught it, the amendment of the Senator from Wisconsin amounted to this: It strikes out all of those lines in the bill, and provides that even the President can not use these reserves except in case of war or of threatened war.

Mr. HUSTING. That is correct.

Mr. CUMMINS. I have but one other suggestion to make. I think the Senator from Georgia ought to strike out the words "engaged in" and insert "in the event of," or some equivalent of that phrase, because it would be quite difficult "to engage in threatened war."

Mr. HARDWICK. I will accept that modification. The suggestion made by the Senator from Wisconsin may make that change necessary; but I was not so much concerned about that, because this amendment, if it shall be adopted by the Senate, will have to go to conference, and I take it the conferees will rectify any little difficulty such as that.

Mr. HUSTING. I should like to state that I believe the amendment should read "in case of war or threatened war."

Mr. HARDWICK. If there is no objection, I will accept that modification.

Mr. HUSTING. I should like to have it so read.

The PRESIDING OFFICER. In the absence of objection, the amendment will be so modified. The question now is on the amendment offered by the Senator from Georgia as modified.

Mr. STERLING. Mr. President, I should like to inquire of the Senator from Georgia why there is employed the expression "or maintain peace and order under the Constitution and laws of the United States," instead of that used in the Constitution itself, "to execute the laws of the United States"?

Mr. HARDWICK. That quesion is not relevant now, because under the motion of the Senator from Wisconsin that part of the language has been stricken out of the amendment, and it provides that these reservists shall only be used in case of actual or threatened war.

Mr. WORKS. Mr. President, I observe that the amendment provides for furnishing a military instructor where the college or school authorities so request. Whom does the Senator regard as school authorities under the provisions of the amendment?

Mr. HARDWICK. That, of course, would be a matter of construction for the War Department—whatever authorities were really in charge of the school.

Mr. WORKS. There might be a conflict between the superintendent and the board of education. It would be better, it seems to me, to make it specific, if the Senator can do so.

Mr. HARDWICK. I thought we would make the language so general that the department could decide who actually was in charge of the school.

Mr. REED. Vote!

The PRESIDING OFFICER. The question is on the amendment of the Senator from Georgia [Mr. HARDWICK], as modified.

Mr. HARDWICK. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRADY (when his name was called). I am paired with the senior Senator from Florida [Mr. FLETCHER]. He is absent from the Chamber, and I therefore withhold my vote.

Mr. CHILTON (when his name was called). Making the same announcement as to my pair that I made on the former vote, I vote "yea."

Mr. SUTHERLAND. I again transfer my pair with the senior Senator from Arkansas [Mr. CLARKE] to the junior Senator from Rhode Island [Mr. COLT] and will vote. I vote "yea."

Mr. TILLMAN (when his name was called). Making the same announcement as on the last roll call, I vote "yea."

Mr. WILLIAMS (when his name was called). Repeating the explanation made on the previous roll call, I vote "yea."

The roll call was concluded.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN].

The result was announced—yeas 56, nays 24, as follows:

YEAS—56.

Bankhead	Husting	O'Gorman	Smith, Mich.
Borah	Johnson, Me.	Overman	Smith, S. C.
Brandegee	Johnson, S. Dak.	Page	Smoot
Broussard	Jones	Phelan	Sterling
Chilton	Kenyon	Pittman	Stone
Clapp	Kern	Pomerene	Sutherland
Cummins	Lee, Md.	Ransdell	Swanson
Curtis	Lewis	Reed	Taggart
Dillingham	Lodge	Shafroth	Thompson
Gronna	McCumber	Sheppard	Tillman
Harding	McLean	Sherman	Underwood
Hardwick	Martine, N. J.	Simmons	Vardaman
Hitchcock	Newlands	Smith, Ariz.	Walsh
Hughes	Norris	Smith, Ga.	Williams

NAYS—24.

Ashurst	du Pont	Lippitt	Smith, Md.
Beckham	Gallinger	Myers	Thomas
Burleigh	Hollis	Nelson	Wadsworth
Chamberlain	James	Oliver	Warren
Clark, Wyo.	La Follette	Poindexter	Weeks
Culberson	Lane	Robinson	Works

NOT VOTING—16.

Brady	Colt	Gore	Penrose
Bryan	Fall	Lea, Tenn.	Saulsbury
Catron	Fletcher	Martin, Va.	Shields
Clarke, Ark.	Goff	Owen	Townsend

So Mr. HARDWICK's amendment, as modified, to the amendment of the committee was agreed to, as follows:

SEC. 57. The reserve army: The Secretary of War is authorized and directed to detail for service as instructor in military tactics one or more commissioned officers of the United States Army to every college or school in the United States where there are as many as 100 male students 15 years of age and over, in all cases where the authorities of such school or college make application for such detail and where the requisite number of students desire and consent, with the full consent of their parents or guardians, to receive such training and agree to become a part of the reserve forces of the United States. The term for which said students shall enlist in the reserve forces shall be for and during the term of their connection with school or college, including vacations, and shall in no case be for less than 12 months. Such students shall not be subject to active military service except in connection with their training, and except in connection with such mobilizations as may be had during school vacations, for which latter service they shall be paid at the same rate that officers and men of corresponding ranks and grades are paid in the Regular Army: *Provided*, That in case of war or threatened war, then the President of the United States is authorized to call into the active military service the whole or any part of such reserve forces: *And provided further*, That no person under 18 years of age shall be called into the active service under this section.

The Secretary of War is hereby authorized to prescribe all necessary rules and regulations of enlistment and discharge of members of the reserve force, and for its training and mobilization, and is also authorized to furnish such reserve forces arms and equipment similiar to those furnished to troops in the Regular Army, or such as may be best suited to the needs and requirements of such reserve forces.

Mr. REED. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 188, after section 107, it is proposed to insert:

That hereafter no enlisted man in the service of the United States in the Army, Navy, and Marine Corps, respectively, whether a noncommissioned officer, musician, or private, shall be detailed, ordered, or permitted to leave his post to engage in any pursuit, business, or performance in civil life, for emolument, hire, or otherwise, when the same shall interfere with the customary employment and regular engagement of local civilians in the respective arts, trades, or professions.

Mr. REED. Mr. President, I desire to briefly explain this amendment to the Senate. I think it will appeal to all of the Senators, or most of them.

For a long time it was the custom of the military bands of the United States, while in the pay of the Government, to accept employment for hire. They took this employment generally at a very low cost. It was manifestly an unfair thing to the musicians of the country that they should be required to pay taxes to support the Army and at the same

time suffer from a ruinous competition by the very men who were in part living from the taxes so paid. The matter was called to the attention of Congress, and on two occasions an effort was made to rectify the wrong. The act was finally amended by adding this clause:

Provided, That Army bands, or members thereof, shall not receive remuneration for furnishing music outside the limits of military posts when the furnishing of such music places them in competition with local civilian musicians.

Mr. President, when that act was passed I took some little interest in it. It was understood by everybody that the clause quoted would put an end to the unfair competition. It was clearly understood that the musicians of the Army would not in the future be found usurping the places of civilian musicians. It was recognized, however, that there were remote places in the country, like certain posts in Alaska, where there was no civilian competition, and that at such places Army bands might properly be allowed to furnish free music, because no one would be injured under the circumstances. No one dreamed that under the language employed the Marine Band and the bands of the Army could be for weeks and months at a time detailed to furnish music at great expositions, and thus take away the employment of the civilian musicians. It was not conceived that the military bands would be taken for long periods of time from the duties they were employed to perform and set to furnishing free concerts, in direct violation of the spirit of the law. It transpired, however, that the question became very acute at the Panama Exposition. Military bands were employed, to the detriment of civilian musicians. A protest was duly made. The Adjutant General of the Army rendered an opinion construing the act. I read a part of his decision:

I am directed by the Secretary of War to acknowledge receipt of your letter of December 23, 1915, quoting a resolution adopted by the thirty-fifth annual convention of the American Federation of Labor, held at San Francisco, Cal., November 8 to 22, 1915, protesting against the use of the United States Army bands at the exposition at San Diego, Cal., and in response thereto to inform you that protests of a similar character have from time to time been received at the War Department from presidents or secretaries of various federations of labor and of musicians, etc., and after investigation the complainants were informed that their contention was not justified or sustained by the facts.

Leaving out of consideration several phases of the question which have received more or less discussion during the voluminous correspondence resulting from these complaints, your attention is invited to the following exact phraseology of the specific act of Congress which governs the case:

"*Provided*, That Army bands, or members thereof, shall not receive remuneration for furnishing music outside of the limits of military posts when the furnishing of such music places them in competition with local civilian musicians."

With the above statute in mind, the Judge Advocate General, on May 7, 1915, after a careful review of all the circumstances surrounding the case, expressed the opinion that the commanding general, Western Department, having specifically reported that "neither the Thirteenth Band, Coast Artillery Corps, nor any member thereof received any remuneration for playing at the Panama-California Exposition at San Diego," the statute in reference was not violated by the service rendered. On May 10 the Secretary of War approved the opinion of the Judge Advocate General, and his views in the premises have undergone no change since that date.

Mr. President, that decision, like many others, absolutely struck at the very purpose of the act of Congress itself. One of the unfortunate things we constantly have to confront is that when Congress passes a law having in view a plain and distinct object, some man who probably never saw the inside of a law book will proceed to construe that act so that it will mean something entirely different from what Congress intended. What Congress in this case sought to do was to prevent competition between the men who are hired and paid by the taxpayers of the country and the men who pay the taxes, between the men who receive regular salaries from the Government for furnishing service at Army posts and who should be found at the places they are paid to be at, and the civilian musician, or the ordinary citizen who is paying the taxes to support those identical Army musicians. The act was not intended to prevent competition when the Army bands were paid something for playing, but to permit competition when the Army bands played for nothing. It was intended to avoid the evil of competition between two classes of men, the one class supported solely by the Government and the other not so supported.

But along came the wise construer of laws and declared that although the manifest purpose of the law was to prevent competition between the two classes of men, yet if the Army bands play for nothing it is all right. In a word, competition by a band that worked just under the union scale was ruinous and illegal, but competition with a band that worked for nothing was entirely legal and highly commendable. This construction was, at least, highly technical, if not disingenuous and prejudicial. It plainly negatived the spirit and intent of the law. It resembled the efforts of a man who not wanting to travel the plain, straight road looks sharply for some excuse to take a crooked path.

I am submitting this amendment so couched as to avoid this decision.

It is asked for by organized labor throughout the country. It is only fair and just that the man who is engaged in a civil occupation, and paying taxes to help support other men who are living on salaries paid by the taxpayer, should not compete with the taxpayer whether or not the Government employee receives compensation for so competing.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. I do.

Mr. SUTHERLAND. I quite agree with what the Senator from Missouri is saying, and I am in entire sympathy with this amendment; but I ask the Senator whether he ought not to leave out, on lines 4 and 5, the words "to leave his post," so that it would read:

Shall be detailed, ordered, or permitted to engage in any pursuit?

With those words in, the gravamen of the act which the soldier is forbidden to do is to leave the post for this purpose.

Mr. REED. The reason the words were left in by those who prepared this amendment and handed it to me, as I understand, was that at some of the Army posts far removed from places of much population there is no objection to the bands being permitted to furnish a free concert if it wants to. The conditions are such that no local musicians can be injured. The laboring men who are petitioning Congress for this legislation are willing that those words should remain in.

Mr. SUTHERLAND. Mr. President, in my own time I desire to suggest to the Senator from Missouri that it seems to me the amendment would be stronger with those words left out. Of course, if he is satisfied with it, I am not going to move to strike out the words; but it seems to me that if we forbid an enlisted man from being detailed, ordered, or permitted to engage in any of these pursuits, that is a stronger provision than to say that he shall not be detailed, ordered, or permitted to leave his post for that purpose. If he is forbidden to engage in the pursuit, that includes everything that the Senator wants.

Mr. REED. I understand that the Senator is correct; it would be, in one sense, stronger; but I am informed by those who have studied the question closely that there are particular instances where it might result in some hardship to refuse them, at the post, the opportunity to play free.

Mr. SUTHERLAND. Very well.

Mr. CHAMBERLAIN. Mr. President, this amendment was never submitted to the committee as an amendment to the Army reorganization bill, and was only submitted as an amendment to the bill yesterday, I believe. It was, however, I believe, referred to the Military Affairs Committee as a Senate joint resolution, and no report has yet been made by the committee. It has never been considered by the committee as yet, either as a joint resolution or as an amendment to this bill, so I am not at liberty to speak for the committee itself.

I do want to say, however, that whatever view I might take of it as a Senate joint resolution, I feel that I ought to oppose it as an amendment to the Army reorganization bill. It seems to me that the legislation that was heretofore enacted by Congress, and to which the Senator has called attention, is sufficient, within the range of reasonable construction, to protect civilian musicians and to carry out the intention of the movers of this amendment without any further legislation. I feel that the amendment ought not to be added to this bill, Mr. President.

Mr. REED. Mr. President, I want to ask the Senator, if he will permit me, a question in his time. The Senator says that the law as it stands, if reasonably construed, would cover the case. I agree to that; but the law has been unreasonably construed, so that it does not cover the case, both by the Judge Advocate General and by the Secretary of War.

With that situation, why object to changing the phraseology so as to avoid that unreasonable decision, under which bands have been employed through the long, long summer to perform the very duties and do the very things that these civilian musicians would otherwise have been permitted to do?

Mr. CHAMBERLAIN. I think it is fair to assume, Mr. President, from the very fact that the Senator himself did not introduce this as an amendment to this bill, but introduced it as a separate and independent resolution, that he himself did not conceive or believe at that time that it was a part of any reorganization scheme of the Army, and I feel so yet. The fact is that we are loading the bill down with so many different provisions that really are not kindred to proper Army legislation that its own friends will not know it when it gets through

here; and I feel the same way about this amendment. I do not think it ought to be added to this bill.

Mr. STONE. Mr. President, simply a word. I think I am correct in saying that the joint resolution was introduced before the Army bill was reported. It was sent to the committee in the form of a joint resolution, and the proposal might have been properly put on as an amendment to the bill, but that is, to my thinking, an utterly immaterial consideration.

Some years ago we enacted a provision of law covering this question. I think I introduced the bill myself. Since then, as my colleague has stated, the officials of the department have so construed that law as practically to nullify its purposes. It has not accomplished, under the construction placed upon it, the ends intended to be accomplished by its enactment.

Mr. WARREN. Mr. President, will the Senator tell me just what the department's construction is? I have understood that it had been complied with.

Mr. STONE. My colleague is more familiar with these details——

Mr. REED. I have just read it.

Mr. STONE. I will say to the Senator that I talked with one or two gentlemen—one of them the head of the organization of musicians, which is a part of the American Federation of Labor—and I am told that men who are connected with bands in the Army go out and perform services in a mechanical way—some of them are capable of that—working as artisans in the cities and towns where they are stationed, as well as to dispense music as a band. Now, there is, it strikes me, a very just objection to that policy. These people are the employees of the Government. They are a part of the Army of the Government. They are drawing salaries from the Government, and they ought not to be allowed to compete in any industrial pursuit out of which men make a livelihood.

That is all I care to say. I hope the amendment will be agreed to.

The VICE PRESIDENT. The question is on the amendment of the Senator from Missouri [Mr. REED] to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. THOMAS. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After section 119, it is proposed to insert the following:

SEC. —. That it shall be unlawful for any person not an officer or enlisted man of the United States Army, Navy, or Marine Corps, to wear the duly prescribed uniform of the United States Army, Navy, or Marine Corps, or any distinctive part of such uniform, or a uniform any part of which is similar to a distinctive part of the duly prescribed uniform of the United States Army, Navy, or Marine Corps: *Provided*, That the foregoing provision shall not be construed so as to prevent officers or enlisted men of the National Guard from wearing, in pursuance of law and regulations, the uniform lawfully prescribed to be worn by such officers or enlisted men of the National Guard; nor to prevent persons who in time of war have served honorably as officers of the United States Army, Navy, or Marine Corps, Regular or Volunteer, and whose most recent service was terminated by an honorable discharge, muster out, or resignation, from wearing, upon occasions of ceremony, the uniform of the highest grade they have held by brevet or other commission in such Regular or Volunteer service; nor to prevent any person who has been honorably discharged from the United States Army, Navy, or Marine Corps, Regular or Volunteer, from wearing his uniform from the place of his discharge to his home, within three months after the date of such discharge; nor to prevent the members of military societies composed entirely of honorably discharged officers or enlisted men, or both, of the United States Army, Navy, or Marine Corps, Regular or Volunteer, from wearing, upon occasions of ceremony, the uniform duly prescribed by such societies to be worn by the members thereof; nor to prevent the instructors and members of the duly organized cadet corps of a State university, State college, or public high school offering a regular course in military instruction from wearing the uniform duly prescribed by the authorities of such university, college, or public high school for wear by the instructors and members of such cadet corps; nor to prevent the instructors and members of the duly organized cadet corps of any other institution of learning offering a regular course in military instruction, and at which an officer or enlisted man of the United States Army, Navy, or Marine Corps is lawfully detailed for duty as instructor in military science and tactics, from wearing the uniform duly prescribed by the authorities of such institution of learning for wear by the instructors and members of such cadet corps; nor to prevent civilians attendant upon a course of military or naval instruction authorized and conducted by the military or naval authorities of the United States from wearing, while in attendance upon such course of instruction, the uniform authorized and prescribed by such military or naval authorities for wear during such course of instruction; nor to prevent any person from wearing the uniform of the United States Army, Navy, or Marine Corps in any playhouse or theater or in moving-picture films while actually engaged in representing therein a military or naval character not tending to bring discredit or reproach upon the United States Army, Navy, or Marine Corps: *Provided further*, That the uniforms worn by officers or enlisted men of the National Guard, or by the members of the military societies or the instructors and members of the cadet corps referred to in the preceding proviso shall include some distinctive mark or insignia to be prescribed by the Secretary of War to distinguish such uniforms from the uniforms of the United States Army, Navy, and Marine Corps: *And provided further*, That the members of the military societies and the instructors and members of the cadet corps hereinbefore mentioned shall not wear the insignia of rank prescribed to be worn by officers of the United States Army, Navy, or Marine Corps, or any insignia of rank similar thereto.

SEC. 2. That it shall be unlawful for any common carrier, or the manager or any agent or employee of any common carrier, or the proprietor, lessee, manager, or any agent or employee of any inn, hotel, restaurant, theater, or other public place of entertainment or amusement to forbid or refuse transportation, admission, accommodations, or service to, or in any other manner make or cause to be made any discrimination against any officer or enlisted man who is sober and who is willing to pay the price charged civilians for like service and who belongs to the United States Army, Navy, Marine Corps, or National Guard, because he belongs to the United States Army, Navy, Marine Corps, or National Guard, or because he wears the duly prescribed uniform of his grade in the United States Army, Navy, Marine Corps, or National Guard.

SEC. 3. That any person who offends against the provision of this act shall be fined not less than $100 nor more than $300, or imprisonment not less than three months nor more than six months, or both.

Mr. THOMAS. Mr. President, the amendment which I have offered is somewhat involved in its phraseology, due to the fact that it is necessary to provide exceptions or exemptions from the general rule which the amendment embraces.

Speaking generally, Mr. President, this amendment is designed to protect the dignity of the uniform of the United States soldier. Thus far in our consideration of the bill we have provided for many contingencies and interests with which the common soldier has no concern.

Mr. DU PONT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hitchcock	Nelson	Smith, Ga.
Beckham	Hollis	Newlands	Smith, S. C.
Brady	James	Norris	Smoot
Brandegee	Johnson, Me.	O'Gorman	Swanson
Burleigh	Jones	Oliver	Taggart
Chamberlain	Kenyon	Overman	Thomas
Chilton	Kern	Page	Thompson
Clapp	Lane	Phelan	Underwood
Culberson	Lee, Md.	Pittman	Vardaman
Cummins	Lodge	Robinson	Warren
Curtis	McCumber	Shafroth	Williams
Dillingham	Martin, Va.	Sheppard	
du Pont	Martine, N. J.	Sherman	
Harding	Myers	Simmons	

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. A quorum is present.

Mr. THOMAS. Mr. President, I will repeat, for the information of Senators who were not present when this amendment was offered, that it is designed to protect the dignity of the American uniform and to punish discrimination against it. The only national statute which we have upon the subject was enacted in 1911. It is very short, and I will therefore read it into the RECORD. It is as follows:

CHAP. 187.—An act to protect the dignity and honor of the uniform of the United States.

Be it enacted, etc., That hereafter no proprietor, manager, or employee of a theater or other public place of entertainment or amusement in the District of Columbia, or in any Territory, the District of Alaska, or insular possession of the United States, shall make, or cause to be made, any discrimination against any person lawfully wearing the uniform of the Army, Navy, Revenue-Cutter Service or Marine Corps of the United States because of that uniform, and any person making, or causing to be made, such discrimination shall be guilty of a misdemeanor, punishable by a fine not exceeding $500.

Approved March 1, 1911.

It will be observed that the statute which I have just read applies only to the District of Columbia and to the Territories and insular possessions of the United States. It is not available for the purpose which it is designed to subserve anywhere else. I think, Mr. President, the absence of any statute upon this subject doubtless suggested to the framers of the Baltimore platform the following resolution, which was crystallized into that document, and I may say before reading it that it is the only expression that I have been able to find in the platforms of the national parties upon this subject:

PROTECTION OF NATIONAL UNIFORM.

We commend to the several States the adoption of a law making it an offense for the proprietors of places of public amusement and entertainment to discriminate against the uniform of the United States, similar to the law passed by the Congress applicable to the District of Columbia and the Territories in 1911.

I am not able to inform the Senate whether any of the States of the Union in conformity with that suggestion have taken any appropriate action. But, Mr. President, it is a fact, a lamentable fact, that the American uniform in many places in the country instead of being a symbol of dignity and respect is a badge of degradation, that the soldier who wears it, and because he wears it, is denied those accommodations and entertainments which are available to all other citizens. I am unable to preceive, Mr. President, how we can attract the self-respecting young men of this country to our Army when the

uniform which they are required to wear does not give them immunity from discrimination in social and in some business affairs.

Mr. President, we have done much in this bill for officers, and particularly for the National Guard. We have provided rank for virtually all the civilian employees and connections of the Army with the exception of chauffeurs and ambulance drivers and men of the ranks. I think it is high time to do something for the private soldier who is the mainstay of the Nation in times of stress, and without whose existence armies are impossible even to the imagination.

We have an Army to-day, a gallant Army, in Mexico at the order of the Commander in Chief and doing service to their country. Should they return to-morrow after their service, with their honors fresh upon them, they might be confronted with a situation denying to them without redress the ordinary entertainments, and service which all others may command as a matter of course.

Such a situation, Mr. President, is intolerable in theory and more than intolerable in fact. We can not expect to recruit the ranks of this Nation unless we relieve the service of such conditions.

Mr. President, the very fact that a national law is needed for the protection of the uniform in the Territories is to my mind an eloquent testimonial in behalf of this proposed legislation. It must be presumed that the act to which I called attention was passed because of a necessity for its passage, and if it be desirable that the uniform of an American soldier be protected in the Territories and insular possessions of the United States a fortiori it is essential that the same protection should be given in the States of the Union.

I wish to call attention to the significant fact that until recently the complement of soldiers provided by existing law was difficult to maintain; also to the fact, Mr. President, that although a few days ago both Houses without debate and by a unanimous vote provided for the temporary increase of the present Army by 20,000 men, yet I am told that less than 20 per cent of that number have so far enlisted or volunteered. Why? Mr. President, there are many reasons of which this is one. I have not the time to advert to others, but I verily believe that the public estimation and the ordinary treatment of the American uniform has as much to do with it as anything else.

What mother of this country, patriotic as she may be and desirous that her boys shall serve their country, desires to see her son in the garb of a private soldier when it tends to degrade instead of elevating him? What mother would care, irrespective of the individual, to subject her son to an indignity which seems at present inseparable from the highest service that a man can give to his country?

Mr. President, it is said in these days that the song "I did not raise my boy to be a soldier" is both unpatriotic and unpopular, and to that I agree. But every mother in the country, in view of the conditions which this amendment is desired to relieve, will feel in her heart if she does voice her thoughts in song, that "I did not raise my boy to be a private."

Officers, perhaps, do not need this protection. The officer's uniform is itself an entree into the commercial and social world; but the soldier, who because of the discrimination which is a reflection upon his patriotism, does need it. He should receive at the sustaining hands of the American Congress this appropriate recognition of his rights as a citizen as well as a soldier.

I hope the amendment will be adopted unanimously.

Mr. BRADY. Before the Senator takes his seat, I should like to ask him a question in my time.

I am very heartily in sympathy with the Senator's amendment and shall vote for its adoption, but I feel that he should change the language in line 18, on page 4, because as it now reads it might be taken as a reflection upon the soldier, and I know quite well that the Senator does not wish to do that. He would not say "a minister who was sober" or "a lawyer who was sober." I would suggest to strike out the word "sober," in line 18, and before "civilian," in line 19, insert the words "and under like conditions as." I feel quite sure the Senator will agree to the change and it will improve the amendment very much.

Mr. THOMAS. The Senator's suggestion, I understand, is to strike out the words "is sober" and then to insert "and under like conditions as."

Mr. BRADY. That will have practically the same meaning and could not be intended in any manner as a reflection upon the soldier.

Mr. THOMAS. I am obliged to the Senator for his suggestion and very willingly accept his proposed amendment, which strikes out the first four words on line 18, page 4, and inserts, before the word "civilian," in the next line, the words "and under like conditions as."

Mr. President, while I am on my feet I would suggest another amendment. I would ask for another slight amendment which was suggested to me by the Senator from Wyoming. On page 5, strike out the words "not less than a hundred nor more than" and insert the words "in a sum of not exceeding," and after the word "both," line 14, the words "fine and imprisonment," so that it will read "that any person who offends against the provisions of this act shall be fined in a sum not exceeding $300 or imprisonment not less than three months nor more than six months or both fine and imprisonment."

Mr. SHAFROTH. I should like to suggest to the Senator from Colorado that there ought to be stricken out of that provision the minimum amount of imprisonment. Any person who has had experience as a district attorney or as prosecuting attorney has found the great difficulty of convicting people where there is bound to be imprisonment of any considerable length of time.

Mr. THOMAS. The Senator's suggestion, then, is to make it read "not exceeding six months"?

Mr. SHAFROTH. "Not exceeding six months."

Mr. THOMAS. I accept the amendment.

Mr. WARREN. That was my suggestion—to use the maximum in both cases, not the minimum in either one.

Mr. SHAFROTH. You will find it will produce a great many more convictions and less escapes for violations of law than otherwise.

The VICE PRESIDENT. The question is on the amendment of the Senator from Colorado to the amendment.

The amendment to the amendment was agreed to.

Mr. WARREN. I offer the following amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 166, in line 6, after the word "prescribed," insert the following:

And each adjutant general for a Territory shall be a citizen of the Territory for which he is appointed.

The amendment to the amendment was agreed to.

Mr. CUMMINS. I offer the following amendment.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 139, in line 8, strike out "twenty-five" and insert "twenty."

Mr. CUMMINS. The bill provides that the captains and lieutenants of the Philippine Scouts who are citizens of the United States shall be entitled to retirement under the laws governing the retirement of the enlisted men of the Regular Army, with certain exceptions. The proviso of the section is:

Provided, That double time for service beyond the continental limits of the United States shall not be counted for the purposes of this section so as to reduce the actual period of service below 25 years.

My amendment substitutes 20 years for 25. It is well known that the officers of the Regular Army who are required to serve in the Philippines and beyond the continental limits of the United States are allowed double time for that service. I have never been in the Philippines, but I know something about the conditions under which we labor there, and it seems to me when a citizen of the United States has served there for 20 years actually as an officer of the scouts he ought to be permitted to retire with the pay of an enlisted man.

I hope there will be no opposition to this amendment.

Mr. CHAMBERLAIN. Mr. President, I will say to the Senator that personally I have not any particular objection to the amendment. The committee in dealing with the subject felt that if they accepted 20 years instead of 25 years, a man who entered the Army at 18 would get out when he was about 38. So you see the Government would not get very much equivalent for the money it will be bound to pay him on retirement.

Mr. CUMMINS. An officer of the Regular Army serving in the Philippines would ordinarily get out in 20 years.

Mr. CHAMBERLAIN. I am not going to seriously contend against it, but I want to say to the Senator I think we are not getting an equivalent for retirement for life if a man is permitted to retire when he is 38 or 40 years old. That is the only objection I have to it.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. CUMMINS. I have one other amendment to offer.

The VICE PRESIDENT. It will be read.

The SECRETARY. Amend section 13, page 119, line 17, by striking out the word "six" and inserting the word "eight" before the word "colonel," so as to read "six colonels"; also, strike out the word "four," in line 18, and insert the word

"five"; also, strike out the word "thirty-three," in line 18, and insert "forty"; and also amend by striking out the word "thirty-three," in line 19, and inserting the word "forty."

Mr. CUMMINS. Mr. President, I desire that all Senators who are here shall observe that this does not relate to the National Guard, and I want it to be known also that no officer either of the Regular Army or the National Guard has consulted with me with respect to the amendment. The amendment is based upon the testimony before the Military Committee given by Gen. Crozier, the Chief of the Ordnance Department.

I think I ought to say here, because I believe I have been somewhat misunderstood, that no one values the work of the Military Committee more than I do. No one will be more willing to render to the committee a higher appreciation of the character of the work that it has performed in composing the bill. I desire it, however, to be known that, in so far as I have been advised, the provisions with regard to the Ordnance Department of the bill of the Senate committee present the only instance in which the Senate committee has not done as well for the Army as the House has done.

The amendment I have offered brings the number of officers of the Ordnance Department to the standard that has been fixed by the House. At the present time there are 85 officers in that department. The Senate committee bill increases the number to 110. The House fixed the number at 122. The amendment suggested, if applied to the Senate committee bill and adopted, will raise the number of officers of the Ordnance Department to 122.

We are increasing the Regular Army 100 per cent in round numbers at the present time. We have increased the number of officers of the Regular Army more than 100 per cent. The Senate committee bill, however, increases the number of officers in the Ordnance Department only about 30 per cent.

I understand perfectly how difficult it has been to adjust these matters, but I could not allow what I believed to be a discrimination against the most important department in the Army to pass unnoticed. Gen. Crozier says, in his testimony before the Senate committee, that in order to conduct his department in the way it should be conducted he ought to have 172 officers—either 172 or 177, I have forgotten which.

If we increase the number provided for in the Senate bill so that the chief of the department will be given 122 officers, it would seem to be only fair and reasonable.

We have been much concerned about the enlistment of men and the increase of the personnel of the Army; but, after all, Mr. President, an army is of no avail unless it has something with which to fight. We can not at the present time equip enough men and officers to conduct a great war. We are capable of making the implements of war and the equipment that goes with every organization and of holding these instruments of war and the equipment for any emergency which may arise, and it is a part of the commonest good sense for the United States to proceed with just as much rapidity as possible in the way of accumulating the arms and the equipment that will be needed for our soldiers if they are ever called into action.

An officer of the Ordnance Department is in many respects a manufacturer; and he needs to be a man of the very highest intelligence; he needs to be a man of the greatest skill. I am in favor, as all of you know, of the Government, in so far as it is possible, making its own arms and its own munitions of war. I observed in the testimony of Gen. Crozier a reference to one Government property situated in the West that is used for the purpose of making guns and gun carriages and other things that are used in the equipment of soldiers. The Government has there 800 acres of land, or something like that, lying alongside the Mississippi River; as beautiful a spot as the sun ever shone upon. It has there practically unlimited water power, so that the work done can be accomplished with the least possible expense; it has there a number of buildings that are at the present time unoccupied, standing there as monuments, as I have been accustomed to look at it, to the indifference of Congress in equipping one of its great plants to render the service it was intended to render. It is one of the things that I mention with great pride, that the work done at the Rock Island Arsenal—and Rock Island is not in the State of Iowa; I am not selfish about it, although it is proximate to Iowa—but it is a thing that I always mention with exceeding gratification, that the work done at the Rock Island Arsenal costs the Government less for everything turned out of the factory than the Government has been able to buy similar articles for in any market in the country.

In order that these manufacturing plants of the Government shall be properly managed, in order that they shall be expanded to full capacity—the capacity that I think they ought to attain—there must be more officers of skill, training, and experience appointed for the department; and it does seem to me that when we are providing for an increase in the officers of the Army of more than 100 per cent—we are just adding more than 5,000 officers to the Army, and I am not questioning the propriety of that; I agree with the committee respecting that—we ought to add to the Department of Ordnance at least the number provided for in the House bill.

I repeat, if the amendment I have offered is adopted, it will simply conform the present bill to the House bill in that respect.

Mr. CHAMBERLAIN. Mr. President, I feel that I ought to oppose this amendment. It proposes to materially increase the number of officers in the Ordnance Department and the number in each grade. It proposes to increase the total number of officers in that department to 126. The Senate bill has already increased the number from 85 to 109—an increase of 24 as against 41 asked for by the Senator's amendment.

There may be some question about the necessity of increasing the total number of officers, but the committee, after studying the matter carefully, thought it had already made a sufficient increase in the whole number of officers. Even if the Senate thinks differently and believes that the total number should be still further increased, yet there is no reason for making the large increase suggested in the amendment proposed by the Senator from Iowa in the higher grades. The amendment would add to the expense, but it would not materially add to the efficiency.

The committee did not increase the number of colonels, because there seemed to be no place to use such officers. The only reason for the increase would be to give increased promotions. The adoption of this amendment would simply increase the cost of the Army as provided for in the bill without increasing the efficiency of the service. I call the attention of the Senator to line 17 of the bill where the committee provided for 6 colonels; the Senator's amendment proposes 8. Under the law as it is to-day there are 9 lieutenant colonels. We increased that number to 12. Under the law as it is at present there are 19 majors. We increased the number to 24. Now, the Senator from Iowa asks to increase it 5 more. The law as it is to-day provides for 25 captains; we increased that number to 33; and the Senator's amendment proposes to raise it to 40.

In the matter of first lieutenants, the law as it is at present provides for 25; we increased the number to 33 first lieutenants; and the Senator from Iowa proposes to raise the number to 40.

Mr. President, this looks like a promotion scheme. I do not mean to charge the Senator from Iowa with being a party to such a scheme as that; but that would be the effect of it, just the same. It increases the expenditure by very largely increasing the number of officers, and those officers in the higher grade.

Mr. CUMMINS. Mr. President, is it not true that if the amendment I have offered should be adopted, the number of officers in the Ordnance Department would be precisely as provided in the House bill?

Mr. CHAMBERLAIN. Well, probably that is true; but I think the House gives too much.

Mr. CUMMINS. Is it not true that Gen. Crozier believes, and that he so stated when he was before the committee, that the proper conduct of his department required 172 officers?

Mr. CHAMBERLAIN. Oh, Mr. President, I have great confidence in Gen. Crozier; he is a very distinguished and a very able officer; but they all want such increases; they all think they have not got enough. We have held them down somewhat.

Mr. CUMMINS. Is it not true that you have increased the officers of the Ordnance Department less than you have increased those of any other department of the Army?

Mr. CHAMBERLAIN. I hardly think so. We have increased the number from 85 to 109.

Mr. CUMMINS. Yes; but you have increased the officers of the Army, taken as a whole, from 5,000 to more than 10,000.

Mr. CHAMBERLAIN. Not the staff departments, I will say to the Senator.

Mr. President, if the Senator will stick to this bill with reference to this provision—and the House provision is very much above it—in conference we may have an opportunity to arrive at a happy mean; but I think we have given enough.

Mr. LEE of Maryland. Mr. President, I should like to ask the chairman of the committee if the Ordnance Corps of the Army is not a highly skilled and a highly expert corps; and whether or not it would not be good policy to give more of them advances of rank and pay, in order to hold them in the Government service, so that the Government may get the full benefit of the great development in ordnance that must take place for the proper defense of this country, and to get the benefit of these highly trained men continuing in Army service

rather than have them go off to private manufacturing concerns or other walks of private life?

Mr. CHAMBERLAIN. Mr. President, there is no question about this being a highly technical department, and that the men connected with it are very distinguished men. I concede that; and I concede its importance; but we feel that we have given them all the officers that they ought to have.

Now, I want the Senate to remember that in the discussion of all these staff departments we have had to try to hammer them down. Most of them are asking for large increases, and we have given them increases in proportion to other Army increases.

Mr. SHAFROTH. Will the Senator from Oregon state what is the increase which the bill he has in charge makes on this particular line?

Mr. CHAMBERLAIN. We have increased the number of officers, as I said awhile ago, from 85 to 109, and we have increased the number 24 as against 41, the number which the amendment of the Senator from Iowa proposes.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Iowa.

The amendment was rejected.

Mr. NELSON. Mr. President, I offer the amendment which I send to the desk to be added at the end of section 29.

The VICE PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. It is proposed to add at the end of section 29 the following:

Any noncommissioned officer discharged with an excellent character shall be permitted to reenlist in the organization from which discharged with the rank and grade held by him at the time of his discharge if he reenlists within 20 days after the date of such discharge.

Mr. NELSON. Mr. President, the purpose of that amendment is to correct a practice which has existed for years. We have in the Army noncommissioned officers, consisting of corporals and sergeants of various classes and sergeants major. Under the law and practice which have heretofore prevailed, when one of these noncommissioned officers is discharged from the service at the expiration of his term and desires to reenlist, he has to reenlist as a private. Then, it is dependent upon the colonel and the other officers of his regiment whether or not they will give him back his old place. The purpose of this amendment is to allow a noncommissioned officer, with an excellent record, if he be discharged from the service and reenlists within 20 days, to reenlist with the rank and position which he had at the time of his discharge. I think it is a matter of justice and fairness to the enlisted men.

Mr. CHAMBERLAIN. I am willing to accept the amendment proposed by the Senator from Minnesota.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Minnesota.

Mr. DU PONT. I understood that the chairman of the Military Committee had accepted the amendment.

Mr. CHAMBERLAIN. I am perfectly willing to accept the amendment, so far as I am concerned.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Minnesota.

The amendment was agreed to.

Mr. HITCHCOCK. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Nebraska will be stated.

The SECRETARY. On page 142, after the two amendments which have already been inserted at that point, it is proposed to insert the following:

Provided, however, That after the passage of this act, first, second, and third reenlistments shall not be permitted until the number of reenlisted men in the Army shall be reduced to 10 per cent of the enlisted strength of the Army, and thereafter the number of reenlisted men in the Army shall be limited to 10 per cent of the enlisted strength of the Army authorized by law; but this limitation shall apply only to times of peace and not to war or national emergency.

Mr. HITCHCOCK. Mr. President, the object of this amendment is this: We are endeavoring to provide that after men have served a short enlistment in the Army they shall go into a reserve. If they are permitted to reenlist, we shall have no reserve. Some reenlistment is desirable, but at the present time more than half of our Army consists of reenlisted men. The object of this amendment is to make a gradual reduction in the number of men permitted to reenlist until the number of reenlisted men amounts to only 10 per cent of the enlisted strength. Ten per cent will furnish enough men of experience to constitute the noncommissioned officers. If we do not limit the number to 10 per cent, the men will be induced by the extra pay to keep on reenlisting, and we will have, as we have had heretofore, an Army of hirelings, a paid Army, and we will not be recruiting a reserve back of the Army of men who have had a short service.

I should like to have the chairman of the committee accept this amendment, if possible. I have so drawn it as not to interfere with the men who have already enlisted and reenlisted three times and who are approaching the period when they may be retired and secure the benefit of retirement. I have made it apply only to those men who may desire to reenlist for the first or second or third time. I ask the chairman of the committee whether it will be possible for him to accept this amendment with these limitations?

Mr. DU PONT. Mr. President——

Mr. HITCHCOCK. I am not yielding the floor yet, Mr. President.

Mr. CHAMBERLAIN. I will ask the Senator from Delaware if he desires to address himself to this matter?

Mr. DU PONT. I desire to take the floor after the Senator from Nebraska concludes.

Mr. HITCHCOCK. If the Senator from Oregon desires to wait until I have finished, perhaps I had better go on.

It is a matter of great importance that we should have a reserve. We have been struggling in this bill in a number of different ways to provide a reserve. We have attempted to provide it under section 56, creating a volunteer army; we have attempted to do so under the amendment offered by the Senator from Georgia [Mr. HARDWICK], providing for the training of young men in the schools, and we have also provided for reserves, as far as we could, by increasing the size of the volunteer army, but we are counting by this bill on providing an immediate reserve by having men pass from the Regular Army into the reserve army, and we should not, in my opinion, permit them to keep on enlisting and reenlisting indefinitely instead of going back into the reserve, where they will be available. Our Army should be to some extent a school of discipline, a school for providing a reserve. I hope the chairman of the committee will be able to accept the amendment.

Mr. CHAMBERLAIN. Mr. President, there has been a good deal of controversy about this matter of reenlistment. It is the universal experience of men in the Army that the best men they have, the real training force of the Army, are the reenlisted men. The committee went into the matter quite extensively, and I think the majority of the committee were of the opinion that no more moderate terms ought to be granted with reference to reenlistments than are granted in the bill itself. Knowing how the committee feels about it, or at least how a majority of the committee feels regarding it, I do not consider that I can accept the amendment.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Nebraska.

Mr. DU PONT. Mr. President, the question of reenlistment is one with which I am very familiar. In the past I commanded a battery for 12 years under all conditions—in permanent fortifications, in encampments, on the march, in campaign, and in battle. I think I know a good deal about the reenlisted men, or, as they are commonly known in the Army, the "old soldiers."

In the first place, the very fact of their being reenlisted is proof of good character, because if they were worthless or inefficient they would not be accepted for the service. In the next place, they are invaluable to leaven the mass of new recruits, to teach them the thousand and one details of the military profession, and in battle their calm courage and equanimity is a most efficient antidote to any undue nervousness on the part of those who are receiving what the newspapers call their "baptism of fire."

Mr. President, the question may be asked why do these soldiers reenlist? Certainly they do not reenlist for any sordid or mercenary motive, inasmuch as they receive from the Government a less compensation than they would receive in the ordinary avocations of private life. Their motives in reenlisting are largely tempermental. There are a certain number of them who like the change and excitement which is part and parcel of a soldier's life, and there are a few who have the military "bent" to such a degree that they are never happy unless when within sound of the bugle call or participating in the ordinary routine of the camp or garrison.

The argument of the Senator from Nebraska might have some force if we had a system of universal compulsory service whereby the ranks of the Army could always be kept full, but it is well known that it is difficult at times to secure enough men for the Regular Army, and the effect of the amendment would be simply to drive the best and most efficient men out of the Regular Army service and getting nobody in their place. The result would be that they would pass into the reserve for three years, but would never return afterwards to the Army, as they would reenlist in the Marine Corps or in the Navy. We will

simply by this amendment expel from the Army some fifteen or twenty thousand of its most desirable and useful soldiers.

Mr. President, I have been very sorry to hear the term "hirelings" applied to the patriotic American citizens who serve two or three or more enlistments in the Regular Army as is their right. I think that is an unfortunate expression, to say the least. Let us see what the dictionary defines a hireling to be. Webster defines a "hireling" as follows:

Hireling: "One who is hired, or who serves for wages; especially, one whose motive and interest in serving another are wholly gainful; a mercenary."

A "mercenary" is defined as follows:

Mercenary: One who is hired; a hireling; especially, a soldier hired into foreign service.

Funk & Wagnall's new Standard Dictionary defines the terms "hireling" and "mercenary" as follows:

Hireling: A person serving for hire; a mercenary.
Mercenary: A person working or serving only or chiefly for pay; specifically, a hired soldier in foreign service.

While it seems to me, Mr. President, that the term "hireling" is a derogatory expression, whether so intended or not, happily it can not alter the real status of the American citizens who have seen fit to reenlist in the Regular Army, as is their right, nor affect their true position before God, man, and our country, which they so faithfully and fearlessly serve.

The VICE PRESIDENT. The time of the Senator from Delaware has expired.

Mr. WARREN. Mr. President, I entirely agree with the motive and the ambition of the Senator from Nebraska [Mr. HITCHCOCK] so far as building up a large reserve army is concerned, but I think we ought in the meantime to maintain a proper balance. At the present time it does not look as if we could under that kind of an amendment secure the enlistments which are desired. I should be very glad to join the Senator at a later time in a bill that will provide exactly what he asks for, if in the meantime, under this legislation which we hope to pass, it shall appear that too large a number desire to reenlist; but it must be remembered that some thirty-odd days ago, at a time of considerable excitement, we passed without much debate or comment a law to increase the Army immediately by 20,000 men. Telegrams went out from headquarters to all the recruiting stations, new recruiting stations were opened, and the matter has gone vigorously forward ever since. In the meantime we have had disturbances in a near-by republic which have called the attention of all of our citizens to a state of affairs requiring an enlarged Army; patriotism has prevailed in the minds of all, and yet we find this result: In 21 days 11,849 men applied for enlistment and 2,879 only were accepted. After 30 days' trial 16,817 applications for enlistment had been made, but only 3,927 recruits were accepted. At that rate we are likely to be a long time in securing the number that we want. A little over 20 per cent of those who applied, men who were sound physically, men who are morally of such standard that they may be at the end of their enlistments entitled to an honorable discharge, were accepted for the service.

In my judgment, we need all that we can get in the way of enlistment for some little time yet, or, at least, until such time as we have filled up the Army to the strength proposed by this bill. Hence I say to the Senator from Nebraska that while his intention is one for which we must all have sympathy, namely, the building up of a reserve, I wish that he would wait until we see whether it is necessary to put a brake on the wheels as we start, instead of waiting until we are sure of obtaining sufficient speed or motion in the progress we desire.

Mr. NORRIS. Mr. President, as I understand this amendment, it is a very important one, and has for its principal, if not its only object, the increasing of the reserve.

One of the few good things in this bill, as I look at it, is that it provides for a short enlistment and rather a large reserve. I am opposed to a large standing army. If we have a short, active enlistment period, and then permit the enlisted man to retire and become a member of the reserve, we will not have a large standing army, but we will have such a reserve of trained soldiers that in case of war we could, on very short notice, secure a large and efficient army.

Mr. DU PONT. Mr. President——

Mr. NORRIS. I will not yield to the Senator; I only have five minutes.

The effect of this amendment is to prevent reenlistments in certain cases. If we desire a large reserve, but permit a soldier to reenlist from time to time, we prevent the very thing that we are trying to accomplish. If we vote against this amendment, we vote to increase the standing army and decrease the reserve consisting of trained soldiers.

I do not believe the figures given by the Senator from Wyoming [Mr. WARREN] constitute any objection to this amendment. They show the recruiting of men at quite a rapid rate, and it does not follow because we can not recruit 20,000 in 30 days that we can not get all the men we would need in time of peace in a long period. There is not any particular reason why we should have a large standing army, and the figures which the Senator has given only demonstrate that there is not any idea among the citizenship of the country that there is any emergency existing. To a great extent I think the theory of a portion of this bill at least was, without increasing to an alarming extent the actual standing army at the same time by retiring the private soldier and putting him in the reserve to increase the fighting force of the country, to increase the trained men that we could call upon in time of emergency. That is the kind of an army, it seems to me, that we ought to have.

In time of peace we have no particular use for a standing army, and it seems to me as if the standing army could be used rather as a training school. If I had my way, I would make the enlistment still shorter than it is and provide for retirement at an earlier age, and send the men back into civil life to engage in the various pursuits of civil life. But after they had served in the Army for the length of time that it is necessary for them to serve, they would become trained soldiers. They would have all the military knowledge that would be necessary, which, of course, they would retain while they were in civil life, and in case of an emergency or danger, when we did need a large Army, it would be these men who would fill up the ranks. So that, if we prevent the adoption of this amendment, we are doing something here, as I look at it, that will bring about just the opposite effect of what it is conceded that we all want.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nebraska to the amendment of the committee. [Putting the question.] The Chair is in doubt. All in favor of the amendment will rise. [A pause.] Those opposed will rise. [A pause.] The amendment to the amendment is rejected.

Mr. NELSON. Mr. President, I offer the amendment which I send to the desk, to come in at the end of section 33.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. At the bottom of page 145 it is proposed to strike out the period at the end of the section and to insert the following words:

Upon the condition that they report their whereabouts by registered letter to the Secretary of War at the beginning of every month while in the reserve.

Mr. NELSON. Mr. President, the object of the amendment is this: We propose to pay these men in the Regular Army who go into the reserve the sum of $24 a year. I agree to that. That is a fair and just provision; but while they are in the reserve and we are paying them, the War Department ought to be posted as to their whereabouts. My amendment simply provides that as a condition of receiving $24 a year they shall report to the War Department every month their whereabouts.

I think it is a very important amendment. It may be a little crude in its form, but the idea is there, and I trust the conferees will retain it in the bill. It prescribes as a condition of getting the $24 a year that they must report every month to the War Department their whereabouts.

Mr. CHAMBERLAIN. Mr. President, so far as I am concerned, I have no objection to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Minnesota to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. DU PONT. Mr. President, I offer the amendment which I send to the desk, to come in at the end of section 23, page 134, line 21.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add, at the end of section 23, the following:

Provided further, That on and after July 1, 1916, there shall be a second Porto Rico regiment of infantry of the United States Army, and to said regiment all the provisions of this act relative to the existing Porto Rico regiment of infantry shall apply, so far as such provisions are applicable to the new regiment.

Mr. DU PONT. Mr. President, I am induced to offer this amendment for the reason that in the minds of a great people, and among them many of the experts, such as The Adjutant General, it will be difficult, if not impossible, to recruit the Regular Army up to the increased number authorized by this bill. There is no such difficulty in the Island of Porto Rico, where

there are a million and a quarter of inhabitants and where several additional regiments could be raised with the greatest ease.

As the Porto Rican regiment is a very useful organization as it stands to-day, it appears to me that a second Porto Rican regiment could be utilized for duty in the Canal Zone, to take turns with the other, and would be unusually valuable to our Military Establishment.

I therefore advocate the amendment which has just been read.

Mr. OVERMAN. Where does it come in?

Mr. DU PONT. At the end of section 23, page 134, line 21.

Mr. CHAMBERLAIN. Mr. President, I am reluctant to differ from my very distinguished friend and fellow member of the Military Affairs Committee; but the committee had this whole subject of the Porto Rican force under serious consideration, and the committee concluded to increase the present part of a regiment by one battalion, making it a full regiment. The committee, however, did not feel that it ought to increase the force there by another regiment, I am sure. I do not think it is the policy to add another regiment to that force.

Mr. LEE of Maryland. Mr. President, I should like to say a word in favor of this amendment.

It seems to me, without having the full knowledge that the committee has on this particular subject, to be a most excellent suggestion. The Senator who offers it has had a broad and personal military experience; and looking over the bill that Porto Rican regiment looks quite lonesome in this piece of legislation, and it looks more lonesome on an island in the Atlantic—one regiment for Porto Rico! Why, the proposition is more than unique, and it seems highly reasonable that this amendment should be adopted. It is natural to feel some surprise that this force has been kept down to just one regiment in that important outlying position on the Atlantic coast of our continent.

Mr. CHAMBERLAIN. Mr. President, I know I am not permitted to speak again on the amendment; but I should like to have inserted in the RECORD the cost of increasing the Porto Rican regiment and what it is costing us as it is standing now.

The VICE PRESIDENT. In the absence of objection that may be done.

The matter referred to is as follows:

Cost of increasing Porto Rican regiment of Infantry from a 2-battalion (8 companies) to a 3-battalion (12 companies) regiment.

Officers:		
Base pay	$44,600	
Service pay	12,000	
		$57,600.00
Enlisted men:		
Base pay	59,580	
Service pay	15,000	
		74,580.00
Total		132,180.00
For Porto Rico Regiment of Infantry, composed of two battalions of four companies each:		
11 captains, at $2,400 each per annum (acts Apr. 23, 1904, vol. 33, p. 266; May 11, 1908, vol. 35, p. 109; Mar. 4, 1915, vol. 38, p. 1070)		26,400.00
11 first lieutenants, at $2,000 each per annum (same acts)		22,000.00
10 second lieutenants, at $1,700 each per annum (same acts)		17,000.00
Additional pay to officers serving in higher grades (lieutenant colonel in addition to pay as major and 2 majors in addition to pay as captain) (same acts)		1,700.00
Total		67,100.00
Appropriated last year		15,432.02
Additional pay for length of service (R. S., 1262–1263; acts May 11, 1908, vol. 35, p. 109; Mar. 4, 1915; vol. 38, p. 1070)		14,008.89
Enlisted men, Porto Rico Regiment of Infantry:		
1 regimental sergeant major, at $45 per month (acts Apr. 23, 1904, vol. 33, p. 266; May 11, 1908, vol. 35, p. 109; May 27, 1908, vol. 35, p. 392; Mar. 4, 1915, vol. 38, p. 1070)		540.00
1 regimental quartermaster sergeant, at $45 per month (same acts)		540.00
1 regimental commissary sergeant, at $45 per month (same acts)		540.00
Two battalion sergeants major, at $40 each per month (same acts)		960.00
2 color sergeants, at $36 each per month (same acts)		864.00
1 chief musician, at $75 per month (same acts)		900.00
1 principal musician, at $40 per month (same acts)		480.00
1 drum major, at $36 per month (same acts)		432.00
4 sergeants, band, at $36 each per month (same acts)		1,728.00
8 corporals, band, at $30 each per month (same acts)		2,880.00
12 privates, band, at $24 each per month (same acts)		3,456.00
8 first sergeants, at $45 each per month (same acts)		4,320.00
8 quartermaster sergeants, at $30 each per month (same acts)		2,880.00
40 sergeants, at $30 each per month (same acts)		14,400.00
52 corporals, at $21 each per month (same acts)		13,104.00
17 cooks, at $30 each per month (same acts)		6,120.00
8 artificers, at $21 each per month (same acts)		2,016.00
16 musicians, at $15 each per month (same acts)		2,880.00
416 privates, at $15 each per month (same acts)		74,880.00
Enlisted men, Porto Rico Regiment of Infantry—Continued.		
For additional pay to 1 sergeant and 2 privates while acting as first sergeant, artificer, and cook, respectively (submitted)		$432.00
Additional pay for 16 expert riflemen, at $5 each per month (acts Apr. 23, 1904, vol. 33, p. 266; May 11, 1908, vol. 35, p. 109; May 27, 1908, vol. 35, p. 392; Mar. 4, 1915, vol. 38, p. 1070)		960.00
Additional pay for 137 sharpshooters, at $3 each per month (same acts)		4,932.00
Additional pay for 149 marksmen, at $2 each per month (same acts)		3,576.00
Additional pay for 9 sergeants serving as mess sergeants, at $6 each per month (same acts)		648.00
Total		144,468.00
Additional pay for length of service (same acts)		33,245.94
Appropriated last year		30,220.12
		140,088.00

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Delaware [Mr. DU PONT] to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. JONES. Mr. President, I desire to offer as an amendment a new section.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add, at the end of the committee amendment, a new section, as follows:

SEC. —. That hereafter an enlisted man when discharged from the service, except by way of punishment for an offense, shall receive 4 cents per mile from the place of his discharge to the place of his application for enlistment, or the place of his enlistment, enrollment, or original muster into the service, at his option: *Provided*, That for sea travel on discharge transportation and subsistence only shall be furnished to enlisted men.

Mr. JONES. Mr. President, it was refreshing to have the Senator from Colorado [Mr. THOMAS] offer his amendment a while ago in the interest of the private soldier. As he said, the officers have been pretty well taken care of and pretty well considered. I was heartily in favor of the amendment which he proposed, to prevent discriminations because of the uniform of the private soldier. I regret very much that the existing condition seems to require such legislation as that. I do not know why that is. Nevertheless, it seems to be the condition.

This amendment is in the interest of the private soldier. In 1901 we passed a law with reference to this matter, which reads as follows:

That hereafter when an officer shall be discharged from the service, except by way of punishment for an offense, he shall receive for travel allowances from the place of his discharge to the place of his residence at the time of his appointment or to the place of his original muster into the service 4 cents per mile; and an enlisted man when discharged from the service, except by way of punishment for an offense, shall receive 4 cents per mile from the place of his discharge to the place of his enlistment, enrollment, or original muster into the service.

In 1912 we passed another law in which we left the officer's travel pay just as it was—4 cents a mile—but we cut the private soldier's travel pay down to either subsistence in kind, or 2 cents a mile.

Mr. CLAPP. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Minnesota?

Mr. JONES. I do.

Mr. CLAPP. It simply occurs to me that that ought to be amended so as to provide mileage to any other place that he might designate, not to exceed the distance to his original place of muster into the service. He might not want to go back to the place where he enlisted. It seems to me he ought to be entitled to that much mileage if he wants to go somewhere else.

Mr. JONES. That might be true, but I have drawn the amendment to conform with previous laws; and when it goes to conference, if it should be accepted, it could be framed up as the conditions warrant. It might be framed better, but I thought it was better to follow what we had done heretofore in the case of the language with reference to the officers, rather than to change it.

Mr. CLAPP. Very well.

Mr. JONES. If it is adopted, then the conferees can fix it up.

Mr. President, when a sailor is discharged he gets 4 cents a mile to the place of his enlistment; so it seems that we have been discriminating in some way against the private soldier upon his discharge.

I have a great many facts here which I should like to put in, but I have not the time, having only five minutes. I want to say this, however:

I have an affidavit here from a soldier stating that when he came to be discharged he went and asked for his transportation. He was at one point in our State, at Fort Ward, and he wanted

to go to Joplin, Mo. A natural and almost a direct route was by way of the Northern Pacific to Billings and down over the C., B. & Q. He went to the proper officers, and they told him they could not send him over that route, and that he had to go down over the O. R. & N. He wanted to go by Billings because he had some business there that he wanted to transact. They said, "No; we can not send you over that route." If he had gone the other way, in order to get to Billings he would have to go away past and then pay his way back, and all that sort of thing. So, instead of doing that, he accepted the 2 cents a mile. Of course 2 cents a mile would not pay his transportation or support him, or anything of the sort; but in order to go by Billings, when he could have gone in the regular way, he had to give up his subsistence and take the 2 cents a mile.

I do not know why they could not send him over that road. I have understood that under the provisions of the law that we have now the department apportions the business along the different railroads, and when a soldier comes and asks for subsistence and transportation they will say: "You go over this road," or "You go over that," not for his benefit, but in order to distribute the business among the roads. Whether that is true or not, this was the situation in this particular case. I have two or three other cases of the same character, where they said they could not send a soldier over a road that they could have sent him over just as well as not, and in order to go by the way he wanted to go he had to accept the 2 cents a mile.

Mr. President, we ought not to have legislation under which the officers of the Army even have the right to do that, or where it is put within their power to apportion the traveling of these discharged soldiers in the interest of any railroad company or transportation line. This provision ought to be and is supposed to be in the interest of the soldier, but as a matter of fact it works to his disadvantage rather than to his advantage.

I hope the amendment will be adopted.

Mr. CHAMBERLAIN. Mr. President, I think the law as it is now fully protects the enlisted man. Instead of undertaking to explain it, I can read it easier than I can describe it. Section 1045 of the Military Code provides that—

> Hereafter when an enlisted man is discharged from the service, except by way of punishment for an offense, he shall be entitled to transportation in kind and subsistence from the place of his discharge to the place of his enlistment, or to such other place within the continental limits of the United States as he may select, to which the distance is no greater than from the place of discharge to place of enlistment; but if the distance be greater he may be furnished with transportation in kind and subsistence for a distance equal to that from place of discharge to place of enlistment, or, in lieu of such transportation and subsistence, he shall, if he so elects, receive 2 cents a mile, except for sea travel, from the place of his discharge to the place of his enlistment.

It seems to me that is a liberal enough provision for the enlisted man. Of course, if he wants to take a roundabout trip and not go in a direct line, or if he wants to go some greater distance, the 2 cents a mile would not be sufficient to pay his way.

Mr. JONES. Mr. President, will the Senator permit me?

Mr. CHAMBERLAIN. Certainly.

Mr. JONES. I just want to suggest to the Senator that in the case I have cited it was not a roundabout route; it was a direct route over the Northern Pacific down into Missouri; and yet they said: "No; you have got to go over the O. R. & N. road." In order to avoid that and go through Billings, where the C., B. & Q. turns off from the main line, as the Senator knows, he said: "Well, I will take the 2 cents a mile."

Mr. CHAMBERLAIN. There might be some instances where an officer is arbitrary in his treatment of a man; but the rule, if followed, makes ample provision for it.

The VICE PRESIDENT. The question is on the amendment of the Senator from Washington [Mr. JONES] to the amendment of the committee. [Putting the question.] The Chair is in doubt.

Mr. HITCHCOCK. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	La Follette	Overman
Bankhead	Gallinger	Lane	Owen
Borah	Harding	Lee, Md.	Page
Brady	Hardwick	Lewis	Phelan
Brandegee	Hitchcock	Lippitt	Pittman
Burleigh	Hollis	Lodge	Pomerene
Chamberlain	Hughes	McCumber	Reed
Chilton	Husting	Martin, Va.	Robinson
Clapp	James	Martine, N. J.	Shafroth
Clark, Wyo.	Johnson, Me.	Myers	Sheppard
Colt	Johnson, S. Dak.	Nelson	Sherman
Culberson	Jones	Newlands	Simmons
Cummins	Kenyon	Norris	Smith, Ariz.
Curtis	Kern	Oliver	Smith, Ga.
Smith, Md.	Stone	Thomas	Walsh
Smith, Mich.	Sutherland	Tillman	Warren
Smoot	Swanson	Underwood	Williams
Sterling	Taggart	Vardaman	Works

The VICE PRESIDENT. Seventy-two Senators have answered to the roll call. There is a quorum present. The question is on the amendment of the Senator from Washington [Mr. JONES] to the amendment of the committee.

Mr. JONES. I ask that it may be stated again, Mr. President, as so many Senators have entered the Chamber since it was read before.

The VICE PRESIDENT. The Secretary will again state the amendment to the amendment.

The Secretary again stated the amendment to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Washington to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. HITCHCOCK. Mr. President, on page 110, line 6, I move to strike out "ten" and insert "six" before the word "colonels," to strike out "twelve" and insert "six" before the words "lieutenant colonels"; in line 7 to strike out "thirty-two" before the word "majors" and insert "eighteen," and to strike out "thirty-four" before the word "captains" and insert "eighteen."

Mr. President, this amendment relates to the General Staff. At present we have a General Staff consisting of 38 officers. The House has left that number as it is now. The bill before the Senate provides for a General Staff of 97 officers. The amendments I have offered will fix the General Staff at 52 officers.

Mr. President, it seems to me that the proposition of increasing the General Staff from 38 to 97 officers involves an excessive and topheavy increase. That would make a General Staff larger than the Senate of the United States, composed of officers largely resident here in Washington who are occupied with working out problems of war. If this were a great military Nation, with war imminent, with enormously difficult military problems, it might be desirable to have a larger General Staff; but for the United States, situated as this country is, to increase its General Staff at the present time from 38 to 97 is something that I think all will consider excessive if they come to consider it.

I am aware that the officers in the Army, who are, of course, the natural advisers of the Military Affairs Committee, and to some extent of the Senate, desire to multiply and increase the number of officers resident here in Washington as much as possible; but I do not believe that the people of the United States, much as they desire an efficient and effective Army, care to multiply these officers of high pay here in Washington and make a General Staff of such size.

I therefore submit the amendment.

Mr. CHAMBERLAIN. Mr. President, in my time I desire to state to the Senate what I understand to be the view of the President of the Senate with reference to finishing this bill, so that Senators may be advised about it. That is, that under the unanimous-consent agreement that was entered into we are compelled to complete the consideration of this bill to-night by midnight.

SEVERAL SENATORS. Oh, no!

Mr. CHAMBERLAIN. That is what I understand. Is not that the Chair's view?

The VICE PRESIDENT. The matter might as well be settled now.

Mr. CHAMBERLAIN. Yes; I should like to have it settled.

The VICE PRESIDENT. The unanimous-consent agreement provides that—

> At not later than 4 o'clock p. m., on Tuesday, April 18, 1916, the Senate will proceed to vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, through the regular parliamentary stages to its final disposition.

The unanimous-consent agreement does not state whether it is the legislative day of Tuesday, April 18, or the calendar day of Tuesday, April 18. This happens to be, by the action of the Senate of the United States, the legislative day of Monday, April 17. This, therefore, can be nothing else than the calendar day of Tuesday, April 18, as mentioned in the unanimous-consent agreement.

Had there been an adjournment last evening until noon of to-day, there might have been a reasonable construction to the mind of the Chair that this agreement was to be carried out on the legislative day of April 18. But as there can be no legislative day of April 18, the Chair now construes it to be the calendar day, and that the unanimous-consent agreement requires that this bill be finally disposed of by 12 o'clock to-night.

Mr. GALLINGER. Mr. President, a parliamentary inquiry. Suppose that in the consideration of these numerous amendments, and the conversation that is being carried on, we reach 12 o'clock to-night and have not completed the consideration of the bill. What will the parliamentary status then be?

The VICE PRESIDENT. The Chair is not responsible for what may happen at 12 o'clock. The Chair is quite satisfied that there will not be conversation from now until 12 o'clock to-night on these amendments.

Mr. GALLINGER. I join my felicitations with the Chair in that respect.

The VICE PRESIDENT. The Chair makes that ruling now, in order that if it is not the view of the Senate of the United States an appeal may be taken from the ruling of the Chair and the question may be settled by the Senate itself. The Chair thought it was fair to make it now, on the suggestion of the Senator from Oregon.

Mr. REED. Mr. President, a parliamentary inquiry. As I understand the reason given by the Chair, the whole difficulty arises from the fact that we did not adjourn on last evening until to-day; but if the Senate should now adjourn until 10 minutes after 2 and then reconvene as of the legislative day of the 18th, what would the situation be?

The VICE PRESIDENT. That action should have been taken, in the opinion of the Chair, on yesterday. The legislative day of April 18, if it ever began at all, began before the hour of 12 o'clock meridian, in accordance with the fixed rule of the Senate.

Mr. CHAMBERLAIN. Mr. President, addressing myself for a moment to the amendment suggested by the Senator from Nebraska, he proposes to reduce the General Staff from the number that was fixed by the Senate committee. I think the Senator is a little unjust to the General Staff in stating that there are men here without any duties to perform. The fact is the General Staff has been fixed by the committee very much smaller than the general staff of other countries. It has been inadequate in numbers and has never been able to undertake the solution of many of the problems devolving upon the general staff in foreign armies. Germany has a general staff of 309 general-staff officers, with 228 other officers attached to general-staff work. France has a general staff of 612 general-staff officers, with 263 other officers attached for duty. Austria-Hungary has a general staff of 508 general-staff officers, with 421 other officers attached for duty. Great Britain has a general staff of 171 general staff officers. In view of these numbers the increase in our General Staff to 88 must be considered as very moderate indeed.

The amendment seeks to reduce it still lower. There are numerous duties that the General Staff has to perform, and they never were performed so well as they are now. In fact, these duties have been neglected in times past, and it was the purpose of the committee to regulate it so that general questions of defense could be considered by them and plans worked out in advance of any trouble that might come upon us. I hope the action of the committee will be sustained by the Senate.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Nebraska to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. NELSON. I offer the following amendment to section 29.

The VICE PRESIDENT. It will be stated.

The SECRETARY. Section 29, page 140, line 7, strike out the word "seven" and insert in lieu thereof the word "five." It reads:

> On and after the 1st day of July, 1916, all enlistments in the Regular Army shall be for a term of seven years.

It is proposed to strike out "seven" and insert "five."

Mr. NELSON. All the amendments should go together.

The SECRETARY. In the same line and page strike out the word "four" and insert the word "two"; on the same page, line 11, strike out the period and all thereafter down to and including the word "years," in line 17; and on page 141, in line 1, strike out the word "seven" and insert the word "five."

Mr. NELSON. Mr. President, all these amendments should go together. Section 29 relates to the term of enlistment. The bill provides for enlistment for seven years, an active service in the Army of four years with three years in the reserve, but with a proviso that at the expiration of one year's honorable service an enlisted man serving within the continental limits of the United States, and so forth, may go to the reserves. This is the first time in the history of enlistment in the Regular Army that we have ever enlisted them by this method; that is, providing for an enlistment to serve a fixed time with the colors and then placing them in the reserves.

Mr. DU PONT. I think that the Senator is mistaken. This is done under the provisions of existing law.

Mr. NELSON. It has not been utilized or made use of so far as I know. We have no reserves of that kind so far as I know in the Army.

Mr. WARREN. The Senator will notice also that they can go out at the end of one year if the commanding officer recommends it, and at the end of two years the enlisted man can go out in any event.

Mr. NELSON. I have noticed that, but I have only five minutes, and I do not want to be robbed of it.

It seems to me that with an enlisment of five years and two years with the colors you get an ample period of training for the men in the ranks. Then if their officers find them to be efficient they can let them out at the end of one year.

I favor this amendment, Mr. President; I think it will promote and hasten enlistment. Men will much prefer to enlist for a period of five years, with a compulsory term of two years with the colors and three years in the reserves, than for the period fixed in the bill, seven years in all, four years with the colors and then afterwards go into the reserves on their application. This will give a man at least one full year's training, or two years; and after serving two years he goes into the reserve and becomes a part of the reserve force of the Regular Army of the United States. If his commanding officers feel that at the end of one year he is competent and fit as a soldier, they can let him go into the reserves at the end of one year.

On the 31st of January I appeared before the Committee on Military Affairs to advocate this very plan of enlistment, and made a few brief remarks. At that time I thought that one year was ample time with the colors, but my amendment now provides for two years. I think if we are interested in having the Regular Army recruited as soon as possible, the Senate had better adopt this amendment.

I will suggest further to the Senators in charge of the bill that the House provides for a similar term of enlistment—seven years—with three years with the colors. If you adopt my amendment you get it into conference; and I hope you will reduce the period of enlistment to five years and leave it so that the maximum term with the colors will be only two years.

Mr. President, I ask leave to incorporate with my remarks the statement I made before the Committee on Military Affairs the 31st of January in respect to this matter.

The VICE PRESIDENT. Without objection, leave is granted.

The matter referred to is as follows:

STATEMENT OF HON. KNUTE NELSON, A SENATOR FROM THE STATE OF MINNESOTA.

The CHAIRMAN. Senator NELSON desires to address the committee in regard to the subject we are now considering, and we shall take pleasure in hearing him at this time.

Senator NELSON. Mr. Chairman and gentlemen, it may seem presumptuous for me, a nonexpert, to appear before your committee on a matter of this kind, and my excuse is that I am vitally interested in an increase in the strength of our Army. I think we need a larger Army and larger reserves.

There is some question as to the advisability of building up our State militia. Constitutional objections exist to that, and you have heard them ably discussed here. There is objection, too, among our people to what we call universal training or universal service, not exactly making them soldiers, but having them trained. I think there is a simpler way, and to illustrate my meaning I will refer to a piece of history a little old, but I think it conveys a useful lesson to us.

In 1806 the Prussian Army, as you know, was defeated in the great Battles of Jena and Auerstadt, both fought on the same day, and Napoleon entered Berlin and took possession of the country and a treaty was made. Prussia was practically deprived of a good deal of her possessions, her army was destroyed, but still Napoleon was not satisfied. That first treaty of Berlin was in 1807. The next year he insisted upon an enlargement of that treaty, which is known as the treaty of Paris. That treaty, among other things, provided, in addition to the payment of a money contribution of, I think, 300,000,000 thalers, that Prussia should not be allowed to maintain an army larger than 42,000. That was the condition of the treaty, what was left of the Prussian monarchy—and a large share of it was left—should be allowed to keep a standing army of only 42,000 men.

The German patriots at that time were very anxious to shake off the yoke of Napoleon, but they felt themselves much hampered. The leading men were Stein, Scharnhorst, Hardenberg, and Gneisenau, who was afterwards Blutcher's chief of staff at the Battle of Waterloo. These men hit upon this unique plan of increasing the Prussian Army under that treaty. They would take men into the ranks, give them a hard drilling for a short time, and then turn them out, then take in a new lot, and keep on in this way, and in the course of a short time, under that limitation in the treaty of Paris of 42,000 men, they had a trained army of 150,000, and they did it just in that way. They would keep the visible ranks fully up to that standard, give them a little sharp training, turn them out, put in another lot, and keep on, until it was an able military establishment for those times, of 150,000 men.

Applying what was done in that case to our present condition, this thought has struck me, and that is why I want to make the suggestion to you. Why not adopt this plan, enlist our men—and I refer particularly to the Infantry—for five years, but only require one year of

military service. After one year, put them in the reserves, make them a permanent army of reserves. I think in one year you could fully train infantrymen so as to make them good soldiers. In the course of five years under this plan, starting with a standing army of 200,000, you would have 800,000 men in the reserve. In this way, by repeating that operation, by keeping our Regular Army up, say, to a standard of 200,000, enlisting them for five years, requiring only one year with the colors, and putting them on a reserve where they could be called on in case of war and emergency at any time, you would accomplish what you are after. In that way you could give us a fair standing army, and I think we ought to have an Army of at least 200,000 men, and you would have a reserve in the course of four or five years of 800,000, and, as you keep on with the operation, in the next five years the men would not be obligated to join the colors after they had been out five years, but still you would have that many trained men among the community, among the people.

Another matter in connection with this, and to encourage enlistments, I think, especially in the Infantry, you ought to make it a little easier for enlisted men to become commissioned officers. It is undoubtedly true that in the specialties of the Army, such as the Engineering Department, the Ordnance Department, and the Artillery, they require special technical knowledge, such a knowledge and such an education as they would only get at our Military Academy. But they do not require that degree of technical knowledge in the Infantry. It may be that these enlistments in the Artillery and in the Engineering Corps—and by Artillery I refer to the Coast Artillery also—they should be for five years, but two years with the colors. Give them a year longer service. But I think if you enlisted our young men—and I think they would enlist on that basis—for five years, with the explicit understanding that they are to serve only one year with the colors, after that they are a part of the reserve army of the United States, and continue as such, liable to be called on in an emergency, whenever we need them, I think we could procure an ample supply of men, and in that way you would solve the question, first, of a standing army, and, in the next place, a plan of reserves. In other words, you group them into one system. You create in that way, first, a moderate standing army, and, in addition to that, you would have a large trained reserve.

Senator DU PONT. Senator, would you pay the reserve?

Senator NELSON. No; I would not pay them anything while they were in the reserve, not until they were called out into actual service. I would enlist them for five years, with the express understanding that they were to serve one year with the colors at full pay, and then, after that, to be released from further service except in case of emergency, to answer a call in case of war or other urgency.

The CHAIRMAN. Senator, Adjt. Gen. McCain stated here that in his opinion it would be impossible to enlist an army in excess of 140,000 men; that it is very difficult to get them to enlist at all.

Senator NELSON. What is the present term of enlistment?

Senator DU PONT. Four years.

Senator NELSON. It used to be three. I think that when young men are told that they would only have to serve one year in the ranks, do actual soldiering, and after that they would be relieved from service except in case of emergency, there would be no trouble about enlistments. That is my idea.

Furthermore, as I said, in order to encourage enlistments, you ought to make a little broader opening for enlisted men to become commissioned officers, especially in the Infantry.

The CHAIRMAN. Senator, you served through the Civil War, did you not?

Senator NELSON. Yes, sir. All of us who are familiar with history know that one of the great encouragements of the French soldier was that he could become an officer and by and by even a marshal of France. Here, with the exception of a very limited number who come in by a sort of a rigid examination, a limited number every year, you can put up a sign like the Dante sign over the infernal regions, that whoever enlists in the ranks has little show to get any farther.

Another thing I want to call to your attention which has always struck me. Take an enlisted man who has gradually, by his good conduct and ability, risen to the high or highest grade of a noncommissioned officer, a first sergeant or a commissary sergeant, or any other of the highest grades of a noncommissioned officer.

Under the Army Regulations, if that man reenlists he can not reenlist in the rank that he had at his discharge. He must enlist as a private, and he is subject to the contingency of the commander of the regiment or the body he enlists in will put him back in his old place. That is something that ought to be remedied. If a man has attained a high position as a sergeant or sergeant major in the Army and his enlistment expires, his record being good, that man should be permitted to reenlist with the rank at which he was serving in the Army when discharged. I never could see any good reason for requiring him to enlist as a private when he had attained that high rank. Of course, what I have stated simply applies to men who are fit and competent and whose records are good.

The CHAIRMAN. Senator, what do you think of the proposition to open the doors of West Point and the Naval Academy to every young man in the United States who will enlist and serve a term of one year and educate him at the expense of the Government?

Senator NELSON. I think that is a very good plan.

The CHAIRMAN. Would it not put in the Army and Navy men who by a year of effort had shown their proficiency?

Senator NELSON. Yes, sir. We ought to do everything we can to encourage young men to go into the Army and Navy, and I might say here, while that subject is not before your committee, I am heartily in favor of a large increase in our Navy. I believe our Navy should rank next to that of England, and I am also anxious to see our Army increased, and while I am in favor of that, I am anxious to see a little more consideration given to the enlisted men. It was my fortune—or misfortune, whatever you call it—to serve through the Civil War as an enlisted man. I have nothing to complain of, and still I know some of the hardships that an enlisted man is subject to.

Of recent years they have secured a lot of valuable young men in the West for our Navy, farmers' boys, and, from what I can learn of naval officers, they make first-class sailors, as a sailor is to-day; not the old-style sailor who climbed the rigging, furled and unfurled sails. But there is one thing that staggers the farm boys. In their own neighborhood, when they are boys among boys, everybody treats them with civility and courtesy, and they are of good families. They come here and enlist. They do not complain of hard work in the Navy; they do not complain of the rations, but it is that spirit of gruffness and aloofness that exists among the officers that makes these boys feel humiliated and homesick, and in many cases they desert on that account. That is not so much true in the Army as in the Navy. I think our Army has become more liberal.

I remember an incident some years ago, when I went down the Potomac on a Government boat, and I stood upon the hurricane deck with the commander of the ship, a naval officer, who was talking to me in a pleasant manner. He talked to me in the most gentlemanly, civil manner, as a naval officer would, but he had occasion to give an order to a man down on the deck below us, and his voice changed, and it seemed to me just as though he was talking to a dog. I tell you, Senators, my heart blood boiled up. I was almost ready to hit that officer because of the way he acted on that occasion. It is that kind of conduct that makes it so discouraging for our boys who come from the farms and from good neighborhoods. But I am glad to say it is diminishing in the Navy.

Senator DU PONT. Under the present arrangements can not enlisted men, if they show sufficient merit, be promoted to commissioned officers?

Senator NELSON. It is a very limited number. There is a way, but it is a pretty hard road to travel.

Senator DU PONT. I sympathize cordially with your suggestion that due consideration should be given to the wants and welfare of the enlisted man, and I think he should be treated with all proper kindness, so far as is consistent with discipline.

Senator NELSON. I can see that in the Navy, gentlemen, why a great amount of technical knowledge is required and why there should be more rigidness in the requirements in the examinations. I can also see the same in respect to the Ordnance and the Artillery and the Engineer Corps, but certainly in the Infantry arm, which is the great arm of the service—the fighting arm, when you come right to it—I do not think there is any reason for making the door so narrow for an enlisted man to get in. That part of it ought to be liberalized.

But, gentlemen, you have enough to do, and I have taken up more time than I intended. I only came here and made this statement about the increase of our Army because it is a matter I am vitally interested in, and I would rather say it to you here in the committee than to go over on the floor and talk about it.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Minnesota to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. LEE of Maryland. I offer the following amendment.

The VICE PRESIDENT. It will be read.

The SECRETARY. In section 62, page 163, line 21, after the words "may prescribe," insert:

The estimates for the first year after the passage of this act shall be for a number not less than the minimum number provided for by existing law.

Mr. LEE of Maryland. Mr. President, this amendment is with reference to the estimates for the National Guard, and it provides that such estimates shall not be less than the present estimates authorized by existing law. I can not conceive of the committee having it in mind deliberately to reduce the departmental estimates for the National Guard. We discussed the question yesterday as to the number of the National Guard provided for in this section, and both the Senator from Wyoming [Mr. WARREN] and the chairman of the committee [Mr. CHAMBERLAIN] seemed to think that the number of the National Guard was assured by this section as not less than now existing, because the section has a proviso in it prohibiting the mustering out of any portion of the guard that conforms to the requirements of the War Department or the regulations by the President.

Under such a construction of the section the present number of the National Guard is the fixed number for which the department would estimate. The present number is 134,000, but the estimates which have been made this year are for 153,000 men, that being the minimum required by existing law. So if this section passes unamended, the estimates coming from the department for the maintenance of the National Guard will be simply for the existing National Guard and for no greater number. There will be no allowance whatever for any growth in the National Guard. The National Guard grew in the six months ending December 31, 1915, 5,000 in number. Presumably that growth ran through the year, so that the National Guard increased presumably in the last year 10,000 men. Under the inducement and encouragement offered by this bill the increase in the National Guard should be greater still. It seems entirely reasonable, and I hope the committee will accept the suggestion that the estimate should not be reduced from what it is now by law, namely, for 153,000 men, and which number would allow for a possible growth to the National Guard in the first year of 19,000 men.

The request is so reasonable I hope the committee will accept it. The members of the committee certainly agree that the only fixed number appearing by this section is either the 200 men specified for each Senator and Representative or the present number of the National Guard. Therefore the estimates, if based on the present number of the guard, or 134,000 men, will allow for no margin for the growth of the National Guard, and this in a bill that is providing for increased preparedness and defense.

The committee itself, if it intends to keep the National Guard in reduced numbers, will have the consideration of this very question of estimates and appropriation when it comes from the department. The departmental estimate will be only for 134,000, and if the committee intends to keep the number down

to 134,000 it will accept that estimate, and the Senate will be helpless, because it can not go above the committee action on the department estimate.

Under those circumstances I would either like the chairman to accept this amendment or to give us some assurance as to an enlarged appropriation for the National Guard, greater than the estimate, which will necessarily be fixed by this section 62 for the present number of the National Guard, 134,000 men, or less.

It is so clear, Mr. President, that I hardly think it necessary to elaborate any further, that there should be at least the present estimates for 153,000 men allowed, and at least the present margin of possible increase of 19,000 men allowed for the National Guard in the first year.

Mr. CHAMBERLAIN. Mr. President, I have not yet been able to understand the contention which the Senator makes. It seems to me that the bill does protect the National Guard along the lines the Senator suggests. I have read it through a number of times since our first discussion of the subject and I still feel that the guard is amply provided for, but I have no objection to this particular amendment. It carries out what I think the bill carries out anyway.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Maryland to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. BRANDEGEE. I send to the desk and offer the following amendment.

The VICE PRESIDENT. It will be stated.

The SECRETARY. On page 160 at the end of line 13 insert the following:

Provided, That the total enlisted force of the line of the Regular Army, excluding the Philippine Scouts, the enlisted men of the Quartermaster Corps, of the Medical Corps, and the unassigned recruits, shall not at any one time, except in the event of actual or threatened war or similar emergency in which the public safety demands it, exceed 250,000 men: *Provided further*, That in addition to the units specified in this section, additional units of Infantry, Cavalry, or Field Artillery to conform in composition with the requirements of sections 19, 20, and 21 of this act may be organized in the discretion of the President.

Mr. BRANDEGEE. Mr. President, we all know that for the last six months if not for a year there has been grave apprehension and anxiety in this country as to the national defense. We have now arrived at a period where we can show the country whether we really want to do anything effective toward meeting the popular opinion and anything that will really put us in a position where we can at short notice defend ourselves in case the Nation is put in peril.

The President was so strongly affected by what had happened in the world in the last year and a half that he made a special trip through the country to tell the people that sparks were flying everywhere; that the nations of the world had apparently lost their sense of reason and were engaged in a ruthless and bloody war; that he was daily treading in dangers; that the people demanded that he should send messages and strongly protect American rights everywhere over the world, but, apparently, thought he could do that by mere words and vociferation; and that he could not continue to protect American rights, American property, and American lives unless the Nation would put into his hands some effective tools to do it with.

Mr. President, I regard it to be the first duty of this Congress to effectively increase the Army and Navy strength of the country. The Senator from Nebraska has stated that this country did not want a large standing army. The word "large" is a relative term. We are a country of over 100,000,000 people, covering an empire in territory. We are bordered by the ocean on each side, along which to a certain extent we have erected coast defense. That coast defense is not half armed.

If there is any danger to this country from hostile forces, that danger will come fairly immediately and the emergency will arise suddenly. The Senator from Utah [Mr. SUTHERLAND] yesterday offered an amendment increasing largely the number of men who may be posted at the guns along our coast, upon which we have spent so much money. It was a very close vote, and came very near carrying. The Senator from Iowa [Mr. CUMMINS] to-day offered an amendment increasing the personnel and efficiency of the Ordnance Department, which I think is very clearly needed.

Mr. President, if the Senate will adopt this amendment, or something like it, as an expression of its opinion, it will be notice to the country and to the House of Representatives that the Senate of the United States at least appreciates the situation in which we stand, and it will be easier to get the House to agree to a larger increase than they have provided in their bill.

I do not think that an army of 275,000 or 300,000 can justly be called a large standing army for a country of 100,000,000 people, the richest country in the world, and the weakest of any in comparison with its size.

People ask where is the danger coming from. Mr. President, I do not know whence it will come or from whom nor do I consider that to be a relevant question at all. Whenever it comes I want to have it in my conscience that I have done what little I could to meet it and effectively repel it, wherever it may come.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Connecticut [Mr. BRANDEGEE] to the committee amendment.

Mr. SMITH of Georgia. Mr. President, I should like to hear the amendment once more stated. I want to catch its full scope.

The VICE PRESIDENT. The amendment will again be stated.

The SECRETARY. On page 106, at the end of line 13, it is proposed to insert the following:

Provided, That the total enlisted force of the line of the Regular Army, excluding the Philippine Scouts, the enlisted men of the Quartermaster Corps, of the Medical Corps, and the unassigned recruits, shall not at any one time, except in the event of actual or threatened war or similar emergency in which the public safety demands it, exceed 250,000 men: *Provided further*, That in addition to the units specified in this section, additional units of Infantry, Cavalry, or Field Artillery to conform in composition with the requirements of sections 19, 20, and 21 of this act may be organized in the discretion of the President.

Mr. SMITH of Georgia. Mr. President, as I understand this amendment, it authorizes the President at once, in his discretion, to increase the Army by proper units to 250,000 men. I cordially favor the amendment. If we are to have 250,000 regular soldiers at all, we ought to have them just as soon as we can get them.

Why are we considering to-day a special military bill? Not for five years hence, but because of the conditions of the balance of the world at this time; because Europe is torn to pieces by a terrible struggle; because we do not know how long our own country can be kept free from the conflagration which the European struggle has created. Five years from now it will be a thing of the past, I trust most earnestly, but next year perhaps—I hope not, probably not—but possibly we may be in it. I do not say on which side, against whom, or with whom; that is not a question at all to be considered. I trust we shall not be at war with any nation; I trust we may keep out of it, and I will go as far as anyone possibly can honorably go by my vote to keep my country out of it; but the bare possibility of our being involved in it calls upon us for some reasonable preparation.

Two hundred and fifty thousand men! Why, we would need them on one side of our country if any effort was made to attack us. On the south of us we have a country in a state of utter confusion, almost of anarchy. I hope we shall not be forced to send any large number of men there; but we do not know. On the north of use we have a country not perfectly friendly. Great Britain to-day is sore because we did not openly espouse her cause and fight with her as one of her colonies, and some of our people here regret that we did not do so. Across upon the Pacific is the Japanese situation. With every desire for peace, we should prepare to prevent anyone from wishing to give us trouble.

Mr. President, we need not keep our Army at 250,000; a little later on it can be reduced. There is no serious danger of militarism with the amendment we have placed in this bill. Our volunteers or our new enlisted men can be kept near home. There can be forts and camps near their homes, where the men of a State or of neighboring States may be trained as soldiers and at the same time receive instruction for which we have provided, preparing themselves for lives of peace, for work at home, when they are relieved from the service. The service can be made two years of splendid instruction for the enlisted men. Such a provision brings no menace to the future of the country. We can make the enlistments from young men, and we can make the two years' service they receive one that will strengthen the power and the resources and the creative capacity of our people in civil life. There is nothing to lose by it; there is nothing to fear from it; and at the same time we can place ourselves in a reasonably sane state of preparation for an emergency.

I shall vote with great pleasure for this amendment, because whatever we are to do, I think we should do now.

The VICE PRESIDENT. The Senator's time has expired.

Mr. LODGE. Mr. President, I agree very strongly with the Senator from Georgia [Mr. SMITH]. Whatever we do we ought to do now, in so far as it is possible to get the force ready. The Regular Army must be the cornerstone of our national defense. We have been making various provisions for their support in

time of war, and whether it is done by volunteers, through the National Guard, through Plattsburg camps, or through all three, it will take time to gather that reserve force for the hour of stress. That reserve force must come to the support of the mobile force of the Regular Army. To-day the mobile portion of our Regular Army does not exceed 25,000 men for practical purposes, a number which is insufficient in itself to deal with the unfortunate condition in Mexico at this moment. We ought to increase the mobile force of the Regular Army, and we ought to increase it as rapidly as possible. Behind it we shall put the reserves, gathered in such way as Congress may finally determine; but the Regular Army is what we need to build up at once.

Of course, for a country with 100,000,000 people, a Regular Army of 250,000 men, with the extent of territory that we have to cover, with our outlying possessions, is very small, in my judgment, even for times of profound peace.

It is not necessary to say whence the danger of war will come, but we all realize that there may be danger of war at any moment. We have to meet the possibility of the landing of an enemy in force at an undefended point on either of our two great coasts. All we can defend by means of the coast defenses are certain points. We may have trouble with our southern frontier. We may need at least 500,000 men to meet what is called the first rush. With 250,000 Regulars we might have 150,000 to 200,000 men in our mobile force, and behind that force we can put the National Guard and such other reserves as we may decide to raise by other methods.

The cornerstone is the Regular Army, as I said at the outset. It is utterly inadequate as provided for in the House bill; it is to my mind too low in the Senate bill, and I earnestly hope that the amendment proposed by the Senator from Connecticut may be adopted.

Mr. VARDAMAN. Mr. President, if the standing army is the corner stone of our national defense, as suggested by the senior Senator from Massachusetts [Mr. LODGE], I am inclined to think that if we shall go as far in the matter of enlarging the standing army as some Senators desire to go, it may be in the course of time the tombstone of republicanism in America. I am not going to take up the time of the Senate to discuss the question at length this afternoon, because I am sure it will avail nothing. I simply desire to express my hearty disapproval of the amendment offered by the Senator from Connecticut [Mr. BRANDEGEE].

Mr. HUGHES. Mr. President, I sincerely hope the amendment proposed by the Senator from Connecticut will be adopted. If I could adjust the language, I should like to suggest a modification of his amendment so as to provide that at no time should the mobile force of the Nation consist of less than 250,000 men, exclusive of the forces to which he has referred. If his amendment is adopted, I propose to offer an amendment providing that the President of the United States may increase the pay of enlisted men so that we may be enabled to attract to the service men whom we are unable now to attract.

We are at the close of the debate on this very important bill. The United States is awaiting with bated breath the action of the Senate of the United States upon this very important proposition; and yet, as I see it, while there may be 250,000 or half a million votes in this bill, there is not a single soldier in it. For the purpose of producing soldiers for the defense of the United States we have been gathered here for three or four weeks, and we have not accomplished it; we have not risen to the opportunity. We have proceeded with the consideration of this bill in the old and traditional way; we have thrown sop to the National Guard—an expensive sop; a sop which, in my opinion, is absolutely useless, so far as the defense of the country by the National Guard is concerned. We have thrown sop to the summer-camp soldiers, but we have done nothing in throwing that sop so far as the defense of the American people is concerned.

I believe that the American people want as their first line of defense the Regular Military Establishment of this country. I believe we have graduated from the South American Republics' stage, when anybody can raise the bogey of a Regular Army to frighten the people of the United States of America into such a state of mind that they will refuse to adopt proper means of defense.

I trust the amendment of the Senator from Connecticut will be adopted. I found great difficulty in framing an amendment which would bring this question to an issue before this body, and I gladly accept his amendment. As I have said, I desire to frame such legislation as to put into the hands of the President of the United States the means to make it effective, for it is idle to say to him that he may increase the mobile forces of the United States of America to the number of 250,000 men, when we know that we can not now enlist our troops to the present authorized strength of less than half that number.

Mr. HITCHCOCK. Mr. President, I move to amend the amendment proposed by the Senator from Connecticut by substituting "150,000" for "250,000." In doing so, I call attention to the fact that as proposed by the President of the United States as a preparedness measure the limit of the standing army of the United States was placed at 140,000 men, and as passed by the House of Representatives by an almost unanimous vote the limit of the standing army was provided at 140,000 men.

I further call attention, Mr. President, to the fact that this is not a war proposition; this a peace army. The people of the United States have never given to the Congress of the United States any indication that they desire to increase their peace army from what it is now, about 100,000 men, to a peace army of 250,000 men. I have no doubt that the people of the United States will justify a large reserve; I doubt whether a reserve too large can be authorized and provided for by Congress; but when the Congress of the United States, without any mandate from the people of the United States, at one swoop seeks to increase the peace army of the United States from 100,000 men to 250,000 men it is going beyond the public opinion of the United States.

I concur with what the Senator from New Jersey [Mr. HUGHES] has said, that it is impossible to recruit the peace army of the United States to 250,000 men under the law as it stands to-day. Men will not enlist. We have an example before us now; we have been attempting to get 20,000 men under the terms of the present enlistment law, and it has taken, as I recall, nearly four weeks to get 4,000 men.

I believe that the pay of the private should be increased, and I shall offer an amendment at the proper time to increase the pay of the private from $15 a month to $18 a month and to prohibit extra pay for reenlistment. The trouble is now that we are squandering on the Regular Army of the United States nearly $3,000,000 a year in extra pay for men who reenlist and become practically nothing but hired policemen. We should pay our privates enough to induce them to enlist, but we should not permit them to serve more than two years. We should require them then to step back into the reserve and bring in other young men to be trained and disciplined, and in their turn pass into the reserve.

Mr. MYERS. Mr. President, I am very heartily in favor of the amendment offered by the Senator from Nebraska [Mr. HITCHCOCK] to the amendment offered by the Senator from Connecticut [Mr. BRANDEGEE], and I am equally opposed to the amendment offered by the Senator from Connecticut. I do not believe that the masses of the people of this country want a standing Regular Army of a quarter of a million soldiers, nor of 200,000 soldiers, nor of 150,000 soldiers. I think the latter figure is large. I would prefer the figure contained in the House bill, 140,000 men. We have now about 100,000 men, and I think an increase of 40,000 would be ample. However, I shall vote for the amendment of the Senator from Nebraska, which calls for 150,000 men.

Ever since the great European war broke out I have seen flaunted before the Members of this body pictures of what was about to happen to us at the hands of Great Britain and Canada and Germany and Japan and Mexico, and lo, not one of those things has yet happened. The truth of the matter is that to a reader of current events it is plain there is not one scintilla of evidence of the least design or desire upon the part of any of those countries to engage in war with us, and I assert that in time of peace 250,000 men would be too large an army and in time of war it would be too small an army. It fits neither peace nor war times.

Referring to the pictures which have been painted as to what is likely to happen to us at the hands of foreign nations, a few weeks ago, at the time that our punitive expedition started into Mexico, it was predicted on the floor of the Senate that in less than 30 days from that time Francisco Villa would be a hero, marching at the head of an army of 50,000 soldiers to invade the United States, and I supposed, inferentially, from the prediction that our women and children would be taking to the cellars and the men hastily organizing improvised armies to meet and repel him. Francisco Villa has not been acclaimed a hero; he is not marching at the head of an army of 50,000 men. It is doubtful if he is alive to-day. The last that was heard of him, when known to be alive, he was taking to the mountains, with just eight men following and adhering to him.

Mr. KERN. That was not the last we heard of him.

Mr. MYERS. The last we heard of him alive he was taking to the mountains with just eight men, and he was not coming

in the direction of the United States, either. So we have no further cause to be alarmed about what Villa may do to us.

I was very severely criticized for expressing on the floor of the Senate a few weeks ago the opinion that the Army which we had was sufficient to cope with a few bandits in Mexico. It was urged then that we needed to hasten in providing a larger Army in order to cope with the situation in Mexico and to punish the bandits in that country. Since then the President of the United States, I understand, has publicly stated that the armed forces at his command are amply sufficient to conduct the punitive expedition into Mexico and to cope with the situation in that country and that he did not need any more soldiers for that purpose, and did not want any more, and had no intention of calling for recruits nor of calling out the National Guard. So my humble opinion, expressed at that time, that our force was sufficient to cope with the situation in Mexico has since then been backed up by no less an authority than the President of the United States, who is the Commander in Chief of the military and naval forces of our country.

I think that if we increase our standing army to 150,000 men, as is proposed by the amendment offered by the Senator from Nebraska [Mr. HITCHCOCK] we will be doing all that is expected of us by the people of this country, and all that is necessary.

Mr. HUGHES. Mr. President, can the Senator tell us how we could expect to increase our standing army to 150,000 when we can not now increase it up to the authorized strength?

Mr. MYERS. I do not object to offering some more inducements for enlistment to a reasonable degree and in reasonable numbers.

The VICE PRESIDENT. The time of the Senator from Montana has expired.

Mr. SUTHERLAND. Mr. President, in my own time, I should like to ask the Senator from Montana a question.

Mr. MYERS. I will respond with pleasure, if I can.

Mr. SUTHERLAND. I understood the Senator from Montana to say that in view of the developments in Mexico we needed no additional force there. Is the Senator aware of the fact that the newspapers say that Gen. Pershing has reported to-day that he can go no farther without a larger force?

Mr. MYERS. I am aware of the fact that the President of the United States has said that he did not need any more forces in Mexico nor on the Mexican border, and he is higher in command than Gen. Pershing, I believe. He is supposed to be, anyway. He is the Commander in Chief of the Army.

Mr. SUTHERLAND. Does the Senator think that the President of the United States, sitting comfortably here in Washington, knows more about what is needed in Mexico in the way of military forces than the general on the ground in command of the forces there?

Mr. MYERS. I think it is apparent to anybody that the mission of our punitive expedition in Mexico is about accomplished. Francisco Villa is either dead or has taken to the mountains with eight followers, and is hiding out to avoid capture by the forces of the United States. If the fifteen or twenty thousand men down there can not capture him, then 250,000 could not capture him in the fastnesses of mountain recesses.

Mr. SUTHERLAND. I want to ask the Senator from Montana how large an army he thinks we need in time of peace?

Mr. MYERS. I would be well satisfied with 150,000, the figure contained in the amendment offered by the Senator from Nebraska. I would be satisfied with 140,000, the figure contained in the House bill.

Mr. SUTHERLAND. What do we need 140,000 for in time of peace?

Mr. MYERS. As a nucleus for an army, in order to have soldiers for internal purposes, and to guard the border, and various other things, such as they have heretofore been kept for.

Mr. SUTHERLAND. A nucleus for what?

Mr. MYERS. An army. We need them for police duty, as the nucleus for an army, and, as I said, for guarding the border and to suppress insurrection—for use in our insular possessions—the very purposes for which the Army has been used for many years past. We can find use for a moderate army at all times, but we have no need for a great standing army in time of peace. An army of 140,000 men can be used in the same way as we have used 100,000.

Mr. LEWIS. Mr. President, I should like the attention of the Senator from Massachusetts [Mr. LODGE]. Before we can vote intelligently on the amendment tendered by the Senator from Connecticut or that tendered to his amendment by the Senator from Nebraska, we ought really to know just what is the condition of our Army and its numerical strength in the United States.

As I gather the reports made to the Senate, somebody is being misled. The Senator from Massachusetts [Mr. LODGE] on March 30 received from the Secretary of War, in response to a resolution presented by the able Senator, a reply setting forth what was supposed to be the present available force for Army purposes.

That reply, no doubt, was given to the Secretary by his subordinate officials, and that reply justified the assertion of the Senator from Massachusetts in his observations that 25,000 men seemed to be the only mobile force we have, exclusive of men who are assigned in our distant outposts. What I wish to call to the attention of the chairman of the Military Affairs Committee and the Senator from Massachusetts is a matter that greatly confuses me now at the threshold of an important vote. It is this: It is impossible for the report of the Secretary of War to be accurate, or it is impossible for the statements that have been coming to the Government in the last 10 years to be accurate. I invite the attention of the Senator from Massachusetts to the following:

In a report to the Senate on October 2, 1905, it was represented to us that we had 58,000 men. In the last 10 years there have been enlisted 226,120. Clearly, then, we have a total of 284,120. Then, taking the report sent by the Secretary of War of the discharged numbers being 67,765, we have as the deduction 216,355. What I should like to ask is, How do we account for those figures, and yet assert before the country that we have but the small number of available men such as the Senator from Massachusetts stated, and which seems borne out by the report lately sent in, on March 30?

Mr. President, if we have these available men, as shown by our records, we do not need this large army presented by the Senator from Connecticut. If, on the other hand, the report as sent to the Senator from Massachusetts is accurate, then there is some justification for asking for their addition.

I should like to ask the Senator from Massachusetts if he has to himself a satisfactory account of what has become of these men who have enlisted in the last 10 years, as shown by our public records?

Mr. LODGE. What has become of the men who have enlisted in the last 10 years is that they have taken the places of those who have been mustered out, and have kept the Army up to such strength as it has. Under the law, we have 100,000 men of all arms—I was speaking roughly—and the figures that I took of 25,000 were those given by the Secretary of War a year ago, and we have not changed our force since then. Of course, we have added 20,000 for this special trouble in Mexico, who have not been recruited, and do not appear in the forces. The extent of the American Army under the law at the present time is 100,000 men and one-third goes out every year and has to be replaced; but the Army is 100,000 men, and that gives a mobile force of 25,000, according to the statements of both Secretaries of War.

Mr. LEWIS. Mr. President, I must reply to the able Senator that the men discharged, to whom he alludes, figure altogether, upon the reports of the department, 67,765. That subtracted from 284,120 would leave still 216,355 on the records as available.

Mr. LODGE. That is, the Senator means for the period of 10 years.

Mr. LEWIS. In the last 10 years; yes.

Mr. LODGE. A third of the Army goes out every year. There are the deaths, the casualties, and the other causes of vacancies. I think the Senator will find, if he divides the number added, that they have been about sufficient to keep our force at what the law provides, which is 100,000.

The VICE PRESIDENT. The time of the Senator from Illinois has expired.

Mr. CHAMBERLAIN. Mr. President, I am not going to take any time to address the Senate on the condition of the Army; but I direct the Senator's attention to the report of The Adjutant General of the Army for 1915. There is not any question about the number of men; and there is set out at length not only the number of men but the number discharged by reason of finishing their terms of enlistment, disabilities, and otherwise. The Senator will find it all set out in that report.

Mr. SHEPPARD. Mr. President, I desire to ask the Senator from Connecticut, the author of the amendment, a question. Is the force of 250,000 men provided in his amendment a minimum peace strength, or a mere increase of the maximum provided in this bill?

Mr. BRANDEGEE. I will say to the Senator that the amendment as printed was modified by me before the Secretary read it, and he had better have the Secretary state it again. If the Senator wants to repeat his question to me, however, I will answer it.

Mr. SHEPPARD. I presumed that the Senator could answer it.

Mr. BRANDEGEE. What was it?

Mr. SHEPPARD. I asked, Is the force of 250,000 men provided for in the Senator's amendment a minimum peace strength, or is it a mere increase of the maximum provided in the Army bill?

Mr. BRANDEGEE. It provides that the total number can not exceed 250,000 except in time of war or special emergency.

Mr. SHEPPARD. Then, as I understand the matter, the Senator's amendment does not contemplate an immediate enlistment of 250,000 men?

Mr. BRANDEGEE. It would leave it to the President, so that if he thought he needed more and wanted to increase it to that limit, and organize some special extra units of Cavalry and Infantry, he could do it; but it is not compulsory. It leaves it where the committee left it, only it allows it to be increased to 250,000 if the President sees fit.

Mr. SHEPPARD. It leaves the minimum peace strength where the committee has left it?

Mr. BRANDEGEE. Yes.

Mr. SHEPPARD. I thank the Senator.

Mr. BRANDEGEE. Except that it excludes from the computation the Philippine Scouts and the Quartermaster Corps and the Medical Corps, because they are not fighting men.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nebraska [Mr. HITCHCOCK] to the amendment of the Senator from Connecticut [Mr. BRANDEGEE].

Mr. LODGE. Let us have the yeas and nays.

Mr. SMITH of Georgia. Just one moment, Mr. President. I wish to give the Senate the figures of the cost of 150,000 additional soldiers. Including the second lieutenants, first lieutenants, and captains, as well as the noncommissioned officers for such an organization, the total would be, annually, $35,200,000. Fifty thousand, of course, would be one-third of that. So, as I gather the figures, we can for the next few years increase the Regular Army to 250,000 men from 100,000, with an expenditure of but little over $35,000,000 a year.

This expense does seem small compared with the practical results. I have little faith in any first line or substantial line except from the Regular Army. As I have said before, I have very little faith in the summer encampments. I do not believe the provision for them will go into the bill. With the Senate practically evenly divided upon this subject, and with the House almost unanimously against it, we can consider that element of expense, ranging from $24,000,000 to $42,000,000 annually, out of our budget. These 150,000 men would not cost us over $35,000,000 a year, or only just a shade over that. It is not militarism. It is a practical, simple, business proposition to have them, and to have them at once. If we do not need them for war, we will train these boys during the next two years for peace; and if we do need them for something else, the training they have had will enable us to have a reasonably decent first line upon our shore.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nebraska [Mr. HITCHCOCK] to the amendment of the Senator from Connecticut [Mr. BRANDEGEE].

Mr. HITCHCOCK and Mr. LODGE called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BRADY (when his name was called). I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. He is not in the Chamber, and I therefore withhold my vote.

Mr. CHILTON (when his name was called). Announcing my pair and its transfer as before, I vote "nay."

Mr. ROBINSON (when the name of Mr. CLARKE of Arkansas was called). My colleague [Mr. CLARKE of Arkansas] is absent from the Chamber because of illness.

Mr. COLT (when his name was called). Although I have a pair with the junior Senator from Delaware [Mr. SAULSBURY], I am at liberty to vote on this matter. I vote "nay."

Mr. SUTHERLAND (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. CLARKE], who is absent. I transfer that pair to the junior Senator from New Mexico [Mr. CATRON] and will vote. I vote "nay."

Mr. WILLIAMS (when his name was called). Repeating the announcement made on the last roll call, I vote "nay."

The roll call was concluded.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN].

The result was announced—yeas 13, nays 66, as follows:

YEAS—13.

Gronna	Myers	Robinson	Works
Hitchcock	Norris	Stone	
La Follette	Overman	Swanson	
Lewis	Reed	Vardaman	

NAYS—66.

Ashurst	Gallinger	McLean	Smith, Md.
Bankhead	Harding	Martine, N. J.	Smith, Mich.
Beckham	Hardwick	Nelson	Smith, S. C.
Borah	Hollis	O'Gorman	Smoot
Brandegee	Hughes	Oliver	Sterling
Broussard	Husting	Page	Sutherland
Burleigh	James	Phelan	Taggart
Chamberlain	Johnson, Me.	Pittman	Thomas
Chilton	Johnson, S. Dak.	Poindexter	Thompson
Clapp	Jones	Pomerene	Underwood
Clark, Wyo.	Kenyon	Ransdell	Wadsworth
Colt	Kern	Shafroth	Walsh
Culberson	Lane	Sheppard	Warren
Cummins	Lee, Md.	Sherman	Weeks
Curtis	Lippitt	Simmons	Williams
Dillingham	Lodge	Smith, Ariz.	
du Pont	McCumber	Smith, Ga.	

NOT VOTING—17.

Brady	Fletcher	Newlands	Tillman
Bryan	Goff	Owen	Townsend
Catron	Gore	Penrose	
Clarke, Ark.	Lea, Tenn.	Saulsbury	
Fall	Martin, Va.	Shields	

So Mr. HITCHCOCK's amendment to the amendment of Mr. BRANDEGEE was rejected.

The VICE PRESIDENT. The question recurs on the amendment offered by the Senator from Connecticut [Mr. BRANDEGEE] to the amendment.

Mr. VARDAMAN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COLT (when his name was called). Making the same announcement I did before in regard to my pair, I vote "yea."

Mr. SWANSON (when the name of Mr. MARTIN of Virginia was called). I desire to state that my colleague [Mr. MARTIN of Virginia] has been called from the Senate unavoidably by business. If he were present he would vote "nay."

Mr. SUTHERLAND (when his name was called). I again announce my pair and its transfer as on the previous vote and vote "yea."

Mr. TILLMAN (when his name was called). Announcing the same transfer of my pair that I did before, I vote "nay."

Mr. WILLIAMS (when his name was called). I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE]. Understanding from his colleague that if he were present he would vote as I am about to vote, I vote "yea."

The roll call was concluded.

Mr. BRADY. I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. He is absent from the Senate and I therefore withhold my vote.

Mr. CHILTON. I wish to make the same announcement as to my pair that I did before. I vote "yea."

Mr. SMITH of Michigan. I wish the RECORD to show that my colleague [Mr. TOWNSEND] is absent on account of illness in his family. My colleague is paired with the Senator from Florida [Mr. BRYAN].

Mr. ROBINSON. I wish to announce that my colleague [Mr. CLARKE of Arkansas] is absent from the Chamber on account of illness. He is paired with the Senator from Utah [Mr. SUTHERLAND].

The result was announced—yeas 43, nays 37, as follows:

YEAS—43.

Ashurst	Harding	McLean	Simmons
Brandegee	Hardwick	Martine, N. J.	Smith, Ariz.
Broussard	Hughes	Nelson	Smith, Ga.
Burleigh	Husting	O'Gorman	Smith, Md.
Chamberlain	James	Oliver	Sterling
Chilton	Johnson, Me.	Page	Sutherland
Clark, Wyo.	Johnson, S. Dak.	Phelan	Wadsworth
Colt	Lee, Md.	Pittman	Warren
Dillingham	Lippitt	Poindexter	Weeks
du Pont	Lodge	Sheppard	Williams
Gallinger	McCumber	Sherman	

NAYS—37.

Bankhead	Jones	Pomerene	Thomas
Beckham	Kenyon	Ransdell	Thompson
Borah	Kern	Reed	Tillman
Clapp	La Follette	Robinson	Underwood
Culberson	Lane	Shafroth	Vardaman
Cummins	Lewis	Smith, Mich.	Walsh
Curtis	Myers	Smith, S. C.	Works
Gronna	Norris	Stone	
Hitchcock	Overman	Swanson	
Hollis	Owen	Taggart	

NOT VOTING—16.

Brady	Fall	Lea, Tenn.	Saulsbury
Bryan	Fletcher	Martin, Va.	Shields
Catron	Goff	Newlands	Smoot
Clarke, Ark.	Gore	Penrose	Townsend

So Mr. BRANDEGEE's amendment to the amendment was agreed to.

Mr. CHAMBERLAIN. Some days ago I offered an amendment fixing the minimum strength at 180,000. It was never acted on. I desire to withdraw that amendment.

Mr. OWEN. Mr. President, I offer the following amendment.

The VICE PRESIDENT. It will be stated.

The SECRETARY. After the colon, line 5, page 114, insert the following proviso:

Provided, however, That the total number of medical commissioned officers may be increased upon the orders of the President proportionately distributed so that the number shall be approximately equal to 7 for every 1,000 of the total enlisted strength of the Army authorized from time to time by law.

Mr. OWEN. Mr. President, on April 14 the Secretary of War, Mr. Baker, wrote a letter to Mr. HAY in which he stated that he had altered his attitude with regard to this matter. I should like to have that letter printed in the RECORD. The substance of it is that he approved the action of the House providing for seven.

The letter referred to is as follows:

APRIL 14, 1916.

MY DEAR MR. HAY: I have your letter of April 10th with regard to the comment made by me on the provisions of H. R. 12766, Sixty-fourth Congress, touching the number of commissioned officers provided therein for the Medical Department of the Army. Gen. Gorgas and I have considered this subject again, and, in view of the figures used by you in estimating the number of enlisted men, we are both satisfied that the provisions of the bill are not open to the criticism made in my previous letter.

Thanking you for your generous attention in this matter, I am,
Very sincerely, yours,

NEWTON D. BAKER,
Secretary of War.

Hon. JAMES HAY,
Chairman Committee on Military Affairs,
House of Representatives.

The War College in November, 1915, issued a statement with regard to sanitary troops in foreign armies, in which the following appears:

A study of the war tables of foreign armies shows that an average proportion of 4 officers and 52 enlisted men of the sanitary forces per thousand of total strength are prescribed for duty directly with troops in the zone of advance. The proportion for duty in the other two zones is not prescribed definitely, but a general outline is given of the personnel required for each of the several units. Experience has shown, however, that a slightly smaller proportion is required for duty on lines of communications than for duty in the zone of advance and a much greater proportion for duty in the zone of the interior.

So the quotation from page 57 of that same document which has been read in the debates, which would indicate that foreign countries have a smaller proportion than is provided in this bill, is an error. In point of fact, they have a much larger number when you consider the lines of communication and the lines at the base. The objection, however, to the present form of the bill is that it is a fixed number, whereas when the troops are increased in number the provision for medical officers ought to be proportionately increased. Therefore I have suggested this amendment, which provides for a proportionate increase as the number of enlisted men may be increased by seven.

Mr. President, in the tables of organization prepared by the General Staff, on page 19, for a division of 20,000 men, there are 99 medical officers for the zone of advance. On page 40 and page 41 the line of communication provides for 23 for the medical base group and 34 for the medical advance group dealing with the line of communication. This number added to the 99 provided for the line of advance makes a total of approximately 7 medical officers to the thousand of enlisted men.

I think the number ought to be 7; I think that the Medical Service should be kept proportion to the number of enlisted men, and that this ought to be the standing order under the law. This is permissive and gives the President the right to enlarge the number to 7 as the number of enlisted men may be increased.

For that reason I offer this amendment.

Mr. CHAMBERLAIN. That is the same amendment the Senator offered yesterday?

Mr. OWEN. It is similar; it is not exactly the same.

Mr. CHAMBERLAIN. For the same reasons which I gave yesterday I feel that the Medical Corps is large enough as it is fixed by the House. It is 5.3 per thousand.

Mr. OWEN. I call the Senator's attention to the fact that the Secretary of War, who was quoted yesterday by the Senator, has disclaimed his former attitude and approves the number fixed by the House.

Mr. CHAMBERLAIN. If that is true, the letter of the Secretary of War sent me on the subject—the one I had put in the RECORD yesterday—is practically recalled, and he sends a letter down that the Senator has just mentioned. But notwithstanding and with all due respect to the opinion of the Secretary of War, I feel that the Medical Corps is plenty large, and I hope the Senate will retain it as the Senate committee fixed it—that is, at 5.3 per thousand men.

Mr. OWEN. Would the Senator accept this amendment if 7 were stricken out and 5.3 inserted?

Mr. CHAMBERLAIN. What would be the material change?

Mr. OWEN. The material change would be that the President could then, if the number of enlisted men were enlarged by statute, enlarge correspondingly the medical force.

Mr. CHAMBERLAIN. If the Senator will fix the same proportion that was in the House bill, I have no objection.

Mr. OWEN. That is what I am proposing—that it shall be 5.3, as the Senator said.

Mr. CHAMBERLAIN. That will be all right. I have no objection to it.

Mr. OWEN. I am glad to accept that amendment.

Mr. HITCHCOCK. Mr. President, I should like to ask the Senator from Oklahoma, just as I have asked a number of physicians who have called upon me urging me to support an increase in the number of medical officers of the Army, what is the proportion in civil life? Every physician I have talked to says that it is about 1 physician to 800 or 900 people in every town. If that is sufficient in civil life, why is it necessary in the Army to have five or even seven per thousand?

Mr. OWEN. The answer to that is that the Army when it goes into the field is exposed to very insanitary conditions. The Army may go into an engagement and 25 per cent of the men may be disabled by a sudden attack, and provision must be made to take care of them. More than that, I call the attention of the Senator to a statement which is made by the National Sanitary Commission, in which they state that 600,000 people die in this country annually because of neglect.

Mr. GALLINGER. Mr. President, in my own time I want to ask the Senator from Oklahoma if I understand the chairman of the committee to agree with the Senator from Oklahoma upon a certain proportion?

Mr. OWEN. Provided it is reduced to 5.3, as the committee estimated.

Mr. GALLINGER. I want simply to say that I have had a great many letters from very distinguished surgeons who have served in the Army, Dr. W. W. Keane, of Philadelphia, one of the greatest surgeons of the country among the number, complaining that the proportion is too small as it was provided for in the Senate committee bill. I am very glad indeed the Senator from Oklahoma has succeeded in adjusting the matter so that I think it will be more satisfactory to the profession and better for our soldiers in the field.

The VICE PRESIDENT. Does the Senator from Oklahoma modify his amendment?

Mr. OWEN. Yes; by striking out "seven" and inserting "five and three-tenths."

The VICE PRESIDENT. Without objection, the amendment to the amendment will be agreed to as modified.

Mr. HUSTING. I offer the following amendment.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 121, line 22, insert the following proviso:

Provided, That in the appointment of chaplains of the Regular Army preference and priority shall be given to applicant veterans, if otherwise duly qualified, and who shall not have passed the age of 41 years at the time of application, who have rendered honorable war service in the Army of the United States, or who have been honorably discharged from any such army.

Mr. CHAMBERLAIN. Mr. President, I am willing to accept that amendment.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. LANE. Mr. President, I have an amendment, which I introduced yesterday, which I should like to submit at this time. I ask that it be read by the Secretary.

The VICE PRESIDENT. The amendment proposed by the Senator from Oregon will be stated.

The SECRETARY. The proposed amendment is as follows:

On page 105, line 12, after the word "States," insert "the national defense army."

On page 161, after line 9, strike out sections 57, 58, 59, 60, 61, 62, 63, 64, and 65, and insert the following:

"SEC. 57. National defense army: That there is hereby created and established a body of men to be known and designated as the national defense army, to be composed of 2,000,000 men to be chosen and enlisted as hereinafter provided, which force may be increased from time to time as Congress may provide.

"SEC. 58. That such national defense army shall consist of men capable and efficient and fitted to perform manual labor in the construction of roads and reclamation, or other public works.

"SEC. 59. That they shall be enlisted in increments of 200,000 for the service of a term of six months, under rules and regulations to be prepared by the Secretary of the Interior, and may not be reenlisted, except in case of war, for a period of five years after their final discharge, or the end of the six months' period of enlistment.

"SEC. 60. That when the national defense army is called upon, as hereinafter provided, to undergo military training, it shall be under the supervision and control of the War Department, under rules and regulations to be provided by the Secretary of War.

"SEC. 61. That, as a constructive force, the Secretary of the Interior shall, except for such time as they are required to render military service as hereinafter provided for, employ the members of said national-defense army wherever he may direct in the forestry, reclamation, construction of roads, and other public works, and shall construct storage and service reservoirs for the protection of lands from overflow, for the drainage of submerged lands, the irrigation of arid or semiarid lands needing irrigation in order to be successfully cultivated, for the construction of military roads and other public roads and, generally, for the protection, reclamation, and cultivation of lands and works necessary for the improvement of the rivers and harbors of the country, and such other public works as the said Secretary shall elect for which Congress may make appropriations.

"SEC. 62. That members of said national defense army, while thus employed in the public service as constructive workers, shall be paid the same rate of compensation or wage which prevails in the section of the country in which they are employed for similar work: *Provided*, That they shall be given steady employment for the full period of enlistment: *Provided further*, That in the construction of roads, other than purely military roads constructed for defensive purposes, preference shall be given to those States which agree with the Secretary of the Interior to pay a mutually agreed upon percentage of the cost of such work.

"SEC. 63. That for two days each week, or 52 days in each six months' period, the said national defense army shall undergo such military training as may be provided for by the Secretary of War, under rules and regulations prescribed by him, and he shall provide all necessary officers and equipment for such training.

"SEC. 64. That whenever the members of said national defense army shall be so employed and under military training, in the event of war they shall constitute a part of the United States Army and shall be exclusively under the direction and control of the War Department, in all respects the same as any part of the regular standing army of the United States. The officers of said reserve shall be appointed and shall rank the same as officers in the regular standing army.

"SEC. 65. That the Secretary of the Interior and the Secretary of War are hereby directed to submit annually to Congress reports in detail showing expenditures made and results accomplished by said national defense army."

Mr. LANE. Mr. President, my amendment seems to have attracted so much general attention from the Senate that I feel complimented. If the amendment is carried, this country will at least have something of value left long after the expenditure has been made, and will also have provided an Army. It will have a larger Army and a better-trained Army, and in the long run it will have cost the country less money. It will provide for improvements of different kinds throughout the United States. It will be a benefit to the South, the North, the East, and the West.

It is my opinion, Mr. President—and I think that opinion is held by others—that, notwithstanding we have expended millions upon millions and hundreds of millions of dollars in the past in the way of preparing this country for defense, expenditures which have been made both for the Army and the Navy—despite that fact, we are absolutely unprepared for war or for the defense of our country. To-day the report comes from Mexico that Gen. Pershing is unable to go farther in his search for Villa, for the reason that his communications are being cut by snipers. The Congress has authorized the President to call for volunteers to help him out in that unpleasant hunt, and we have secured, I believe, about 5,000 volunteers, while the call was made for 20,000.

People are not going to enthuse over the committee's bill; they are going to refuse to volunteer. If they do enlist and we spend the money provided in the measure, we will not have men sufficiently trained to make efficient soldiers. This will be a waste of money, in my opinion. I make no criticism of the members of the Military Committee, but I regret that they did not consider this plan, which has been suggested by myself—the better plan, in my opinion—which will enlist speedily an army sufficient in numbers and with training sufficient, and rapidly attained, that the country will be in a position to defend itself within six months with 400,000 or 500,000 men, if we want to enlist that many; but not less than 250,000 men, who will have more training in six months than they will acquire in a year from the bill which it is now proposed to pass. They will have made public improvements which will be of permanent value, which will be worth dollar for dollar for the money expended upon them, and which improvements will be left for all time for the use and the benefit of the people of this country.

The people of this country are to pay the expense incurred in training and creating the army provided for in this bill, but they will get nothing back—nothing whatever, except burnt gunpowder, empty cartridge shells, and half-trained soldiers. Under the method suggested by my amendment they will have reclaimed lands, good highways, and other beneficial things, for the want of which the country is suffering at this time, and well-trained men.

Inasmuch as the hearing is soon to close, I submit the amendment without further remarks, but I would like to have a yea-and-nay vote upon it on its merits.

The VICE PRESIDENT. The Senator from Oregon demands the yeas and nays. Is the demand seconded? [A pause.] Not a sufficient number have risen, and the yeas and nays are not ordered. The question is on the amendment proposed by the Senator from Oregon.

The amendment was rejected.

Mr. HUGHES. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from New Jersey will be stated.

The SECRETARY. At the end of the paragraph providing for the pay of enlisted men, on page 143, it is proposed to strike out the last sentence and in lieu thereof to insert:

Hereafter the pay of an enlisted man, whether in his first enlistment or in any reenlistment, shall be $25 per month, and no extra pay shall be given to men who have reenlisted: *Provided, however*, That those who have reenlisted prior to the passage of this act shall receive the same pay as now provided by law to the end of their present term of enlistment.

Mr. HUGHES. Mr. President, the object of this amendment is to make workable the amendment offered by the Senator from Connecticut [Mr. BRANDEGEE]. Of course it is idle to authorize the President to recruit the regular establishment up to a strength of 250,000 enlisted men if it is impossible at this time, on account of the unattractive nature of the service, to fill the present authorized quota of about 100,000 men.

There are many ways in which the service can be made more attractive than it now is. One of the ways is to increase the pay of the enlisted men. I want to impress upon Senators the fact that the amount that a private soldier receives from the paymaster at the end of the month is not a trifling matter in his mind. Agricultural laborers are paid more than $25 a month and their board, and there is no reason why in a country like ours we should not pay men who are expected, at the command of their superior officers, to go into the field and risk their lives at least as well as we pay agricultural laborers.

It has often been said that the enlisted force of the United States Army are the best-paid soldiers in the world. Perhaps that was formerly true, and in many respects it is true now, but it is not wholly true in comparison with the soldiers of some of the countries who are serving to-day. As I recall the figures, the Canadian soldiers now receive something like $20 a month for their own services and something like a dollar a day for "separation allowance," as it is called. Separation allowances are paid also to the soldiers of various other armies now in the field; so that the compensation the American soldiers now receive is in many cases less than one-third of what is being paid to the European forces.

In time of peace the only army that can be compared with our Army is the army of Great Britain, because the compulsory-service system does not exist in either country; and yet, when we compare the rate of wages paid the British soldier with the rate of wages paid the British artisan, and the rate of wages paid the American soldier as contrasted with the rate of wages paid to the American artisan, we find that there is a difference in favor of the British soldier of from 50 to 75 per cent. Despite the fact that in actual money we pay the United States soldier in time of peace more than the soldier of any other nation is paid in time of peace, in comparison with the prevailing rate of wages in the United States he is paid far less than the only other soldier with whom he can be compared, and that is the soldier of the British Army.

A great deal has been done in the closing hours of this debate to improve the pending bill. We have made it possible for the President of the United States to summon to the colors, under proper provisions with relation to reserves, a force of 250,000 men, a force which, in my opinion, is none too large for a Nation of 100,000,000 people; a force which constitutes the first line of defense of this country on land; a force behind which we can sit and listen to the debates while we make up our minds as to the proper method of supplementing that force by way of reserves and by way of the utilization of the National Guard.

Furthermore, we have included in this bill a provision for vocational training, which, in my judgment, will do more than any other one thing to make the regular service attractive; we have provided for a term of two years with the colors and three years in the reserve, which will send back a vast body of men from the ranks of the Regular Army to the civilian walks of life in this country.

The Senator from Colorado [Mr. THOMAS] has offered an amendment, which, I hope, will operate to prevent discrimination against the uniform of the enlisted man in the naval and military forces of the United States and to bring to an end a condition which has long been a disgrace and which is calculated to bring the blush of shame to every American citizen

who contemplates the present position occupied by the enlisted men of our naval and military forces.

Mr. OVERMAN. Mr. President, may I ask the Senator a question in my time?

Mr. HUGHES. Certainly.

Mr. OVERMAN. Has the Senator made any estimate as to the additional cost the increase of pay will involve?

The VICE PRESIDENT. The time of the Senator from New Jersey has expired.

Mr. OVERMAN. I am asking the question in my time.

Mr. HUGHES. I will say to the Senator that I have made an estimate, but my estimate is more or less of a guess. I suggest that the Senator ask, in his own time, the same question of the Senator from Oregon, the chairman of the Committee on Military Affairs.

Mr. OVERMAN. How many million dollars more does the Senator think it will cost?

Mr. HUGHES. It will increase the pay of the private soldier $3 a month. The Senator can make his own calculation.

Mr. OVERMAN. It would add about $25,000,000 more annually, would it not, or something over $2,000,000 a month?

Mr. HUGHES. It will add about what it is proposed to pay to the National Guard.

Mr. OVERMAN. The added expenditure will be about $25,000,000 more, will it not?

Mr. HUGHES. I will say in the Senator's time, if he will permit me, that it will get us an army, which is what we are supposed to be trying to provide at this time.

The VICE PRESIDENT. The question is on the amendment of the Senator from New Jersey [Mr. HUGHES] to the amendment reported by the committee.

Mr. CHAMBERLAIN. Mr. President, I do not think that amendment ought to be hastily acted upon. It involves an additional expenditure of about $75,000,000 for the enlisted men, and to show that the amendment has not even received the consideration of the Senator himself, I will say that it reduces the pay of some men. There are enlisted men now who are getting more than $25 a month; some are getting as high as $75 a month.

Mr. SMITH of Georgia. It will involve an increase of about $30,000,000.

Mr. CHAMBERLAIN. I will not stop to figure on it, Mr. President, but I do hope the Senate will not consider the amendment seriously. The talk about the enlisted man faring so badly at the hands of the Government is not well founded. He is clothed, he is fed, he is housed, he has everything on earth that a man needs in order to get along nicely in this world, and then he receives $15 a month. There are very few laboring men in this country who make any more than that over the cost of their living. There are few people in this country who live as well as the enlisted men. The ration list was published here a few days ago, and I venture to say that they fare as well as most of the Members of the United States Senate. I do not think, therefore, that they are entitled to so much consideration as the Senator contends.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from New Jersey [Mr. HUGHES].

The amendment was rejected.

Mr. TILLMAN. I offer the amendment which I send to the desk and ask to have it read.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to amend section 119, page 196, by adding, after the word "district," in the amendment already agreed to, on line 14, after the word "force," the following proviso:

Provided, That each State, Territory, of District maintaining a naval militia as herein prescribed may be credited to the extent of the number thereof in the quota that would otherwise be required by section 62 of this act.

Mr. CHAMBERLAIN. I have no objection to that amendment.

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. LEWIS. I desire to tender an amendment, and ask to have it read and submitted to a vote upon the argument which has previously been made. I do not wish to take the time of the Senate to make an address upon the amendment. That may commend it favorably to the consideration of the Senate.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After section 13 it is proposed to insert the following:

SEC. —. That the Secretary of War is hereby authorized and directed to purchase or erect, maintain, and operate no less than four munition factories at four different points, two of which shall be between the Allegheny and Rocky Mountains, all to be selected by the Secretary of War, for the purpose of manufacturing war munitions and war supplies for the use of the Army and the Navy of the United States.

SEC. —. That for the purpose of carrying out the provisions of the preceding section of this act the sum of $20,000,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

Mr. JONES. Mr. President, I desire to offer an amendment to come in on page 143.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 143, lines 21 and 22, it is proposed to strike out the words "transportation in kind and subsistence as now provided," and insert "allowances provided."

Mr. JONES. Mr. President, I simply call the attention of the chairman of the committee to the effect of the amendment. As the bill reads now when an enlisted man is sent to the reserves the bill provides that—

He shall be paid in full to the date such furlough becomes effective, including transportation in kind and subsistence as now provided by law for discharged soldiers.

My amendment simply provides that he shall get whatever allowances are provided by law. I do not see why he should not be permitted to have the mileage that we allow to a discharged soldier, if he sees fit to accept it. I take it the chairman of the committee will probably have no objection to the amendment. It simply gives a soldier sent to the reserves just what an enlisted man gets on discharge.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington to the amendment reported by the committee.

The amendment to the amendment was agreed to.

Mr. LEWIS. Mr. President, I desire to tender an amendment similar to the one presented by me a few moments ago, but eliminating the appropriation. I ask to have the amendment submitted to a vote.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After section 13, it is proposed to insert the following as a new section:

SEC. —. That the Secretary of War is hereby authorized and directed to purchase or erect, maintain, and operate no less than four munition factories at four different points, two of which shall be between the Allegheny and Rocky Mountains, all to be selected by the Secretary of War, for the purpose of manufacturing war munitions and war supplies for the use of the Army and Navy of the United States.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Illinois to the amendment reported by the committee.

The amendment to the amendment was rejected.

Mr. WADSWORTH. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 145, line 8, after the semicolon, it is proposed to insert:

And he may summon the Regular Army reserve, or any part thereof, for field training for a period not exceeding 15 days in each year, the reservists to receive travel expenses and pay at the rate of their respective grade in the Regular Army during such periods of training.

Mr. CHAMBERLAIN. Mr. President, may I ask the Senator if that is only in the discretion of the President?

Mr. WADSWORTH. It is permissive, Mr. President.

Mr. CHAMBERLAIN. I do not object to that, then.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from New York to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. CHILTON. Mr. President, on page 142, line 19, after the word "Artillery," I move to insert "sergeant, Medical Corps." The simple effect of the amendment is that the sergeants in the Army Medical Corps will get $36 a month instead of $30 a month, which they now receive.

I do not want to take the time of the Senate any further than to say this: At the hearings before the Senate committee one of the witnesses was Gen. Gorgas. On page 702 he set forth the reasons why this amendment should be made to the bill, why the sergeants of the Medical Corps should receive the same salary as the other sergeants.

I know very little about the Army, Mr. President. I do not profess to know anything about it. I scarcely know the duties of these men. I am simply trying to make this part of the bill come up to the recommendations of Gen. Gorgas as I read them on page 702 of the hearings. However, all of us do know that the difficult work of the Army, as a rule, is in the Medical Corps, and Gen. Gorgas in his testimony set forth the reasons

why it is difficult to get competent men to remain in that corps. It is because they are discriminated against in the matter of salary.

I do not think we should do that. I think those who attend to the dead and the sick and the dying should certainly receive compensation equal to what the others in the Army receive in the same grade.

That is all I want to say. I hope the chairman of the committee will accept the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from West Virginia to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I desire to offer an amendment to section 111.

Mr. CHILTON. What page?

Mr. LA FOLLETTE. Page 191, line 16. In order that the amendment which I offer may be better understood, as it follows a section, I will read the section and the amendment following it:

SEC. 111. No money appropriated under the provisions of this act for the National Guard shall be paid to any person not on the active list of the National Guard, except as provided in section 80 of this act, nor to any person who fails to qualify as to fitness for military service, under such regulations as the Secretary of War may prescribe.

The amendment which I offer is to follow the word "prescribe" before the period, and is as follows:

Nor to any State, Territory, or District, or officer, or enlisted man in the National Guard thereof, unless and until such State, Territory, or District provides by law that staff officers, including officers of the Pay, Subsistence, and Medical Departments, hereafter appointed, shall have had previous military experience, and shall hold their positions until they shall have reached the age of 64 years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened for that purpose, and that vacancies among said officers shall be filled by appointment from the officers of the militia of such State.

Mr. President, we are about to appropriate in this bill a very large amount of money for the National Guard. That guard now receives from six to seven million dollars annually. It is proposed here that it shall receive at the maximum some $46,000,000 or $47,000,000 from the Treasury of the Federal Government, to be paid by taxes upon the people upon what they eat, use, and wear.

Mr. President, no one can justify voting that large expenditure to be bestowed upon any arm of the military service excepting it be upon an assurance that the people of this country are to receive efficient service. The value of the National Guard depends largely upon the stability of its organization. If it is made subject to all the political changes which occur in the vicissitudes of State politics, if the staff officers and the officers that give character to the organization are changed with every change in the political organization of the State, you can not make it an organization of real military value.

A day or two ago I referred to the high rank of the National Guard of Wisconsin. I said at that time that I did not know exactly what its rank was or is, but that I did know that it had attained a very high place among the guards of the various States. Since then I have informed myself. It stands, and has for years stood, at the head of the National Guards of this country, Mr. President. In field efficiency it has, and has had for many years, not only no superior, but I am told by the War Department that it stands quite by itself.

I have here one of the reports for 1912, in which I read on page 42—this is a report relative to the Organized Militia of the United States:

Wisconsin has for years been recognized as the leader in the Organized Militia in all that goes to make for efficiency in field service; and the care given to Federal property in that State, as indicated by the table, is only one of the means by which she has gained, and still maintains, her leadership.

Mr. President, the head of the National Guard in Wisconsin, Mr. Charles R. Boardman, was connected with the Wisconsin Militia for a great many years, coming up from the ranks. He joined shortly after graduation from the university, where he received two years of military training. From the records available I find that he was commissioned as a major in the National Guard in 1882, and continued in service until he retired. He was appointed adjutant general with the rank of brigadier general on January 4, 1897, and retired at the age of 64 in 1914, a period of 17 years. It is due to the fact that this man, and those subordinate to him in the organization of the guard, maintained their places at the head of the guard through all those years; that it has been established in its position of leadership among the militia of the States of the Union.

The VICE PRESIDENT. The time of the Senator from Wisconsin has expired.

Mr. BRANDEGEE. Mr. President, as I heard the Senator read his amendment rather hastily—I did not follow it entirely—I am inclined to think it is a good amendment. I should like to have the Secretary state it again.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 191, section 111, line 16, before the period, it is proposed to insert a comma and the following words:

Nor to any State, Territory, or District, or officer, or enlisted men in the National Guard thereof, unless and until such State, Territory, or District provides by law that staff officers, including officers of the Pay, Subsistence, and Medical Departments, hereafter appointed, shall have had previous military experience, and shall hold their positions until they shall have reached the age of 64 years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened for that purpose, and that vacancies among said officers shall be filled by appointment from the officers of the militia of such State.

Mr. CHAMBERLAIN. Mr. President, I move to strike out the 64-year age limit.

Mr. LA FOLLETTE. Mr. President, I desire to be heard for five minutes upon that, because that is the heart of the whole proposition.

This amendment simply provides that we incorporate in the bill the provisions of law with respect to the tenure of the Regular Army officers, and make those applicable to officers of the National Guard. Upon this largely depends the efficiency which can be attained by the guard. It will place the guard where it will not be the football of politics. It will assure that there shall not be a change of National Guard officers whenever there is a change of administration. These officers should be removed only for cause, as stated in the amendment.

In the State of Wisconsin we enacted a statute, and as nearly as we could do so made it conform to the regulations of the Regular Army with respect to tenure of office, and the officers of the National Guard in that State continue in service until they arrive at the age of 64 years, unless retired for cause. I know of no other reason why we have been able to build up and maintain so high a grade of service in the guard in that State excepting that we retain capable and efficient officers. There have been changes of administration. Except for that statute there would have been changes in the official head and in all of the important positions. Such changes would have been detrimental. The officers have not changed. The same adjutant general protected by that statute continued at the head of the National Guard for 17 years. As a result, Mr. President, as the report of the department says, that State guard is at the head of all the organizations of that character in this country.

We are voting in this bill an immense sum of money to the National Guard. We have no justification for making such an appropriation unless we are to make the guard a strong arm of our military organization, and you can not make it strong if you permit the head of the organization to be changed every two or four years, as the changes of politics may happen to dictate.

Mr. CHAMBERLAIN. Mr. President, I withdraw my amendment to the amendment of the Senator from Wisconsin.

Mr. SUTHERLAND. Mr. President, I think the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE] is a good amendment and ought to be adopted, but I desire to ask him a question about it.

The provision is that these allowances shall not be paid until and unless the law which is described in the provision shall be passed by the legislature of the Territory or State or District. Now, I call the Senator's attention to the fact that a time will elapse which will be of greater——

Mr. LA FOLLETTE. I beg the Senator's pardon; it applies only to officers hereafter appointed, not to officers who are already in. Every State in this Union will have a legislative assembly within the next year, and can meet the requirements of this provision by legislation.

Mr. SUTHERLAND. That was the point I had in my mind.

Mr. LA FOLLETTE. Yes; it applies only to those who are to be appointed hereafter.

Mr. SUTHERLAND. Very well; that is satisfactory to me.

Mr. BORAH. Mr. President, this amendment is so manifestly wise that it seems to me it should be adopted without any division of the Senate. I want to take this occasion, however, not to discuss the amendment but to ask permission to insert in the RECORD, as bearing upon the subject—without asking to have it read, thereby consuming time—the report of the minority in 1912 upon what is known as the militia pay bill. I ask to have it inserted without reading.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

[House Report No. 1117, pt. 2, 62d Cong., 3d sess.]

MILITIA PAY BILL.

Mr. SLAYDEN, from the Committee on Military Affairs, submitted the following views of the minority.

Mr. SLAYDEN, from the Committee on Military Affairs, submitted the following report as the views of the minority on H. R. 8141:

The legislation proposed by the Committee on Military Affairs as a substitute for the bill (H. R. 8141), "to further increase the efficiency of the Organized Militia of the United States and for other purposes," is a measure that is pregnant with greater possibilities of evil in a financial way, and that gives less assurance of compensating advantages of any kind, than any measure that has ever been enacted by Congress with regard to the State militia. Briefly stated, the principal purpose of the bill is to obligate the United States to pay officers and enlisted men of the Organized Militia, who are not in the service of the General Government, nor under its control, certain percentages of the pay of officers and enlisted men of the Regular Army.

The proponents of the measure estimate that the amounts to be paid under it annually to each militiaman will range from $100 to $360 for officers, and from $45 to $225 for enlisted men; also that, with existing militia organizations recruited only to the minimum prescribed strength, the total annual expenditure for militia pay may be $9,234,729, which, added to the more than $5,000,000 that the advocates of the measure say is the present annual cost of the militia to the United States, will entail upon the General Government a total annual expenditure of between $14,000,000 and $15,000,000 for militia purposes. And this will be the cost at the very beginning of the operation of the proposed law, and it affords no indication as to the enormous increase that will inevitably occur later by reason of the increase in militia strength, which it is the plain purpose of the pending measure to bring about, and which can and will be brought about without any additional legislation whatever by Congress if this bill shall pass.

Childish must be the credulity of him who can bring himself to believe that the militia will rest content "with any such reward or compensation" as that proposed by the pending bill, or that, if the bill becomes a law, Congress can successfully resist the tremendous pressure that will certainly be brought to bear upon it for more and more legislation of the same kind. The appetitie for pabulum from the Public Treasury grows by what it feeds on, and so does the political strength of the possessor of such an appetite if that possessor happens to be an organized or organizable body of men with widespread political and social affiliations. Those who doubt the applicability of this aphorism to the subject in question will do well to study the history of our pension laws, under which we are now expending about $190,000,000 annually with an unascertained additional expenditure necessitated by recent legislation, and all this chiefly on account of a war that was ended nearly half a century ago.

It is well known that for some time before the passage of the famous "arreas of pension act" of January 25, 1879, the annual expenditure had ceased to increase, having become nearly stationary at figures less than $30,000,000. It is also generally admitted that the passage of this act was due in large measure, if not wholly, to an agitation set on foot and fomented among the old soldiers and in Congress by numerous claim agents who had become alive to the fact that the prosecution of pension claims was an exceedingly profitable industry. Emboldened and encouraged by the success of this effort, claim agents and claimants entered upon a course of strenuous and systematic agitation for further liberalization of the pension laws. About this time the two political parties simultaneously discovered that the so-called "old soldier vote" was of much political importance, and each began to vie with the other in efforts to conciliate it and in bidding for its support. The result of all this was that Congress has enacted, and still continues to enact, pension law after pension law of the most unheard-of liberality, not to say extravagance, and the end is not yet in sight, although an annual pension bill of more than $200,000,000 in the near future is plainly in sight, as the result of existing laws.

What thoughtful and candid man will say that many of our most costly pension laws would have been enacted or that our pension expenditure would ever have reached its present enormous size if it had not been for the fact that for the last 40 years all parties and factions, State and municipal, as well as national, either through fear or prudence have found it necessary or advisable to conciliate and bid for the political support of the veterans of the Civil War, their relatives and friends?

But the veterans of the Civil War, powerful as they once were politically and a source of political terror, as they still are in some localities, have never formed a compact, well-organized, and easily managed body. If with their loose and more or less inefficient organization they could accomplish what they have done in a political way, what may be expected of a widespread military organization, such as the Organized Militia, composed, as it is, of active, intelligent, and aggressive young men, every one of whom is a voter fully alive to his own interest and that of the organization to which he belongs and all of whom have such business or social relations as to make their combined influence very formidable politically? They are fully conscious of their power even now, and their representatives who, in support of the pending bill, have appeared before committees of Congress and have approached individual Senators and Members have presented and pressed their arguments in a confident and aggressive manner.

If this bill becomes a law it will confirm them in their estimate of the political strength of their present organization and will encourage them to use it in support of the many demands that they will surely make for further legislation by Congress in their behalf, and their power to back up their demands will increase pari passu with the great increase in their numerical strength that it is the evident purpose of this bill to bring about, and it will undoubtedly take place under it should it become a law.

The gift of prophecy is not needed to foretell the nature of the demands that will be made upon Congress for additional militia legislation if this bill is passed. First and foremost there will be insistent and persistent demands for more pay for officers and men, and every demand of this kind that is made will be followed sooner or later by others of the same kind, each being based upon the assertion, doubtless correct, that the constantly advancing standard of requirements of members of the Organized Militia compels officers and men to give more and more of their time to their military duties and less and less of it to their ordinary vocations. Then will come the demand, already voiced in some quarters, that the General Government shall assume the very great expense of furnishing and maintaining horses for Cavalry and Field Artillery and shall relieve the States of other and greater burdens, notably those of providing and maintaining armories, target ranges, drill, encampment, and maneuver grounds, and other necessary facilities, all of which but few, if any, of the States are able or willing even now to furnish to the extent of meeting the urgent needs of the present relatively small militia force, and all of which they will surely be far less able and far more unwilling to furnish to the extent required by the greatly increased force to which the door is opened by the pending bill.

Our population of more than 90,000,000 people will easily permit the expansion of our militia to more than a million men. With the same ratio of expense per man that this bill and existing laws permit the annual cost to the taxpayers would be $116,000,000. An officer of the National Guard has been heard to say that in a few years the yearly cost for maintaining the militia will be $100,000,000, and after making that statement he added, "but what of it?"

As the militia increases in numerical strength, so also will increase its power to influence the policy and legislation of the various States as well as of the Nation. It may be confidently expected that after it has been found that the General Government can be induced to bear an additional share of the burden of supporting the militia the States will not only shape their policy and legislation with a view to inducing or compelling the United States to shoulder more and more of that burden, but will actively support their militiamen in concerted efforts to obtain for themselves, at the expense of the General Government, more and more benefits in the shape of pay, allowances, quarters, retired pay, and pensions, all gradually approaching and perhaps finally equaling those allowed to officers and enlisted men of the Regular Army.

The principal reason, and undoubtedly the only real reason, why efforts to increase the effective strength of the Organized Militia beyond about 100,000 men have hitherto been unsuccessful is to be found in the fact that the States have been and still are unable or unwilling to bear the expense, especially for pay of officers and men, that must be incurred in order to make a material increase in the force possible and practicable. But the pending bill proposes that the United States shall pave the way for a great increase in the militia strength by expending millions of dollars annually for the pay of individual militiamen. Undoubtedly the enactment of the bill will have that effect. Knowing this, and knowing also that the bill places no limit upon the strength of the Organized Militia, but actually invites and encourages an unlimited expansion of it that would involve an enormous expense to the United States, it is idle for the advocates of the measure to say, as they do in effect say in the majority report on the bill, that Congress can control the strength of the militia by refusing to make appropriations for its pay and equipment beyond a certain limit. If the militia has sufficient influence to secure the passage of this bill it will, when far stronger numerically and far more powerful politically, backed up, as it will be, by local interests and State support, have all the influence that may be necessary to compel Congress to make not only the appropriations that by the passage of this bill it will be morally bound to make, but almost any other appropriations that the militia as a body may set its heart upon.

Beyond a doubt members of the Organized Militia, taken as a whole, are just as reasonable, intelligent, and patriotic as are the members of the Regular Army or of any other large body of our citizens, but all of these are human; and it is a universal human weakness for the average individual, especially when dealing with the Government, to regard his own interest or the interest of his class as paramount to that of all others. But the influence of the officers and men of the Regular Army upon legislation by Congress is altogether insignificant and must always remain so, no matter to what size the Army may be increased, because, with but few exceptions, those officers and men are not voters, have no local affiliations, take little or no interest in political affairs, and have virtually no political influence. The reverse of all this is true with regard to the officers and men of the Organized Militia. Their combined influence in a political way is very great even now, as shown by the success of their efforts at this inauspicious time to force consideration of the bill pending in their behalf; and this influence, if yielded to now, is bound to grow with the growth of the militia until it becomes too great to be resisted successfully and too formidable to be opposed with political safety to the opponents.

If once the burden of maintaining the Organized Militia is transferred wholly to the General Government, as sooner or later it certainly will be if the course of legislation marked out by the pending bill is entered upon, the natural and sure result will be the eventual conversion of the citizen soldier of the militia into a professional soldier devoting his whole time and attention to military duties and supported by the General Government on an equal footing with his brother in the Regular Army. In other words, a second Regular Army will have been created, but it will be an army actively engaged in political life and wielding therein an influence so great as to be irresistible when consolidated and exerted in the interest of that army or any of its members. Congress should take warning from the concerted pressure that the militia has been able to bring to bear upon it in support of the pending bill. The organization of the militia is such that, even with its present strength, a telegram from a central source to each State adjutant general is all that is necessary speedily to bring down upon Senators and Representatives a flood of telegrams and letters from every congressional district in the United States urging or demanding that some particular measure be favored or that some other measure be opposed. If it is difficult to resist such pressure now, how infinitely more difficult will it be in the future to resist similar pressure from a greatly enlarged militia, flushed by the victory of the passage of this bill and encouraged by it to make further demands and to support them by the methods that have already been found effective.

In view of the fact that it is by no means certain that our militia can be made into a force that can be depended upon safely in the exigencies of a modern war unless it is first developed and expanded at a staggering expense far beyond anything that is now hinted at by the advocates of the pending measure, it may well be asked whether it is not better to stop where we now are rather than to embark upon a course that will surely involve us in the expenditure of sums of incalculable magnitude and that will produce results that in the crucial test of war may be found to be worse than useless, because they may have bred in us a false sense of security and a confidence not well founded.

In the report of the majority of the committee it is asserted that under the operation of existing law the Organized Militia that we now have has been raised to a high state of efficiency, the causes of its previous inefficiency having been removed by the so-called Dick law and other recent legislation. Then, why not permit the beneficent operation of existing law to continue without attempting to increase the

strength of the force at the expense of the United States by new and untried legislation that will lead us no man knows whither? The States now maintain, as the framers of the Constitution clearly intended that they should, all the Organized Militia that they feel able and willing to maintain. Let the General Government continue to aid the States by liberal appropriations along the lines that it is now following, increasing those appropriations to meet any increase in militia strength that the States may see fit to make, but do not let us undertake to force such an increase of strength by the hothouse method of Federal subsidy.

If the arguments hereinbefore set forth are not sufficient to show the unwisdom of the proposed legislation, it will hardly be worth while to discuss at length various other objections that have been urged or that may be urged against it. Some of those objections are that the Constitution confers no authority upon Congress to "support" or "maintain" State militia; that the proposed legislation will unduly extend Federal power over State troops; that it will enable the President in any emergency that he may deem grave to deprive any State of all of its troops, leaving that State powerless, perhaps, to suppress violence or insurrection within its own borders or otherwise to execute its own laws; that it will very likely weaken the control of the States over their own troops and will foster among those troops the idea that their first allegiance is to the Federal Government that supports them and not to the States under whose authority they are raised and maintained; and, finally, that the expense incident to the proposed development and expansion of the militia will sooner or later be met, in part at least, by a material curtailment of the appropriations for and doubtless by a reduction in the strength of the Regular Army which will have no political weight or influence whatever as compared with the expanded Organized Militia.

The minority making this report is convinced that the legislation proposed by the pending bill is not only unwise but that it is dangerous in the extreme. Rather than enter upon a legislative course that will inevitably entail upon the General Government an enormous expense, which may be found in dire emergency to have been wasted, a course that will surely lead to the creation of a great military force that will become so powerful politically that Congress will be no more able to resist its demands than it has been to resist the demands of the far less compactly organized and manageable army of pension applicants and their friends, this minority would favor a reasonable increase of the Regular Army, leaving the States to maintain their own troops in their own way and at their own expense, without any aid whatever from the United States. Objectionable as such an increase of the Regular Army would be, it would have the merit of assuring us the possession of an armed force that in time of war would by its persistent training be worth all of its cost, which undoubtedly would be cheaper in the end than the cost of the great semimilitary, semicivil organization, wielding tremendous political power, that will grow up as surely as the sun will rise and set if the course of legislation outlined by the pending bill is once entered upon.

It now costs more than a thousand million dollars a year to support the Federal Government. Measures are pending before Congress, or being investigated by committees, which if approved will add hundreds of millions to the annual toll exacted from the taxpayer. Very few, if any, will cost more than the "militia-pay bill." None will cost more than the "militia-pay bill" if it shall develop as there is every reason to expect it will develop in a few years.

This Congress is pledged to economy; it is pledged to a reduction of taxes. If this measure is enacted into law, there will not only be no permanent reduction in customs or other taxes, but the legislative body will be forced to find new sources of revenue.

In this connection it ought to be remembered that the proposed law fixes no limit to the expansion of the Organized Militia. It should also be remembered that there are about 20,000,000 males in the United States of the military age (18 to 45 years) and that these eligibles increase each year at the rate of about 750,000.

Thus it will be seen there is abundant room for the indefinite growth of this proposed new body of paid Government servants.

JAMES L. SLAYDEN.

Mr. BORAH. I also ask to have inserted in the RECORD, on the same subject matter, an editorial in the Scientific American under date of April 15, 1916.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

MILITARISM AND THE MILITIA.

In our issue of April 1 we discussed the Army bills before Congress and the probable effect, good and bad, of their several provisions. Particular effort was made to invite attention to the clauses affecting the militia and to the danger of creating a political organization in each State, under the immediate command of the governor, which organization, unified by military discipline and constantly increasing in numbers by reason of Federal pay, would soon be in position to exert compelling influence upon Members of Congress.

That our fears in this respect are shared by those who have opposed this legislation is proved by the minority report of the House Military Committee on this same proposition in 1912. In that report it was stated that "this course will surely lead to the creation of a great military force so powerful politically that Congress will be no more able to resist its demands than it has been to resist the demands of the far less compactly organized army of pension applicants." (Rept. 1117, pt. 2, 62d Cong., 3d sess.) Some of those who submitted that report are still members of the committee. On April 3 Senator CHAMBERLAIN, on the floor of the Senate, publicly complained of the influence the militia lobby was exerting to obtain greater concessions than his committee had deemed wise, "and we are already stepping upon the heels of the Constitution," he added.

The passage of the bill in the House, with the defeat of every amendment looking toward a better Regular Army and toward the creation of a truly Federal citizen force, showed that constructive military legislation could not be expected from that body. It was hoped, however, that the Senate would save the situation. But in the debates it soon became evident that Senator CHAMBERLAIN'S statement as to the militia lobby was justified. One of the first amendments proposed was to authorize the appointment of five officers of the National Guard (militia) as members of the General Staff of the Army.

The General Staff was born in the Senate and around the appointment of its members was thrown the safeguard of "such special rules of selection as the President may prescribe." These rules require that officers shall be detailed as members of that corps only on recommendation of a board of five general officers of the Army, all sworn to make such recommendation solely on the basis of proven professional efficiency and probable aptitude for the important duties delegated to the General Staff. These general officers have not only a personal knowledge of the character and ability of their subordinates, but have access to the records of all officers' service, day by day, for periods of from 15 to 25 years, including the confidential opinion of each immediate commanding officer.

It may be seen that, though a mistake in selection may be made, nevertheless the chance thereof has been reduced to a minimum. And now the very legislative body which, in its wisdom, insured the General Staff of the Army being so carefully selected, has passed an amendment authorizing five militiamen to be appointed thereto. Not one of the safeguards can be made to apply. There is no exhaustive record of these militia officers' lives, nor can we ever hope to have such a record; and it is not possible for militia officers to have the experience and training heretofore considered an essential for a general staff officer of any army.

The effect of five votes in a small body can be appreciated by any who have been members of a board of directors of any large business. Certainly any Member of Congress who has served on a committee can not fail to appreciate it.

It was stated in our issue of April 1 that the proposed legislation threatened to turn over the Nation's defense to State-controlled troops. It was thought then that the General Staff would be the last corps of the Army to be invaded. That it has been the first indicates the gravity of the danger.

Simultaneously with this action in the Senate there has come to our attention a circular letter of the National Guard Association of New York, which proves beyond peradventure of doubt the existence of an all-powerful lobby of militiamen in Washington. In that letter militiamen are informed that, while the Hay bill is not all that could be desired, it was "felt by the National Guardsmen in Washington that it would be better not to raise any issue as to that bill, but to concentrate against the Senate bill, which cuts out pay for militia officers above the grade of captain." Throughout this letter there is no evidence of any interest in national defense. Special consideration for the militia is its guiding impulse, concerted effort to bring pressure upon Congress to that end being urged.

The present progress of the militia propaganda, if it be indicative of the future, points plainly to increasing demands with increasing power. No thinking man can doubt that the political force so dreaded by the Democratic minority in 1912 has already become formidable. Secretary Garrison opposed it and was forced to resign from the Cabinet. Another year may see the militia representation on the General Staff doubled or trebled and the pay of the State troops still further increased; and when the full 600 members in each congressional district have been enrolled and organized, we may see the election or reelection of any Congressman entirely dependent upon his attitude toward militia preferment and pay.

The constitutional safeguards around the Regular Army can have no application to this new army. The Regular can rarely vote—he can never hold office. The members of this new force can and will do both. Unless some strong action is taken to check this movement in its incipiency, the strongest assurance for the continuance of a truly representative government in these United States will be lost, and militarism, which may be defined as the existence of a military force which exerts a political influence, insuring for its members special consideration under the laws, will be ours before we know it; and so the menace of a great standing army, so dreaded by our fathers, will be an accomplished fact.

Mr. BORAH. Also the table found upon pages 305 and 306 of the report of the Chief of the Division of Militia Affairs for 1913.

The VICE PRESIDENT. Without objection, it will be so ordered.

[The table referred to is printed on the next page.]

Mr. WEEKS. I should like the attention of the Senator from Wisconsin and to ask to what officers does his amendment apply?

Mr. LA FOLLETTE. Staff officers, including officers of the Pay, Subsistence, and Medical Departments.

Mr. WADSWORTH. Would the Senator add inspection?

Mr. LA FOLLETTE. I am entirely willing. I took this from the Wisconsin statute——

Mr. WEEKS. Does the Senator mean to limit it to staff officers on the staff of the governor?

Mr. LA FOLLETTE. No.

Mr. WEEKS. The staff of commanding officers of brigades, or whatever it may be.

Mr. LA FOLLETTE. The commanding officers. To perfect the amendment after the last clause in the amendment, which reads:

And that vacancies among said officers shall be filled by appointment from the officers of the militia of such States.

I wish to add "Territory or District." Will the Senator from New York make his suggestion with respect to the addition which he mentioned a moment ago?

The SECRETARY. After the word "pay," in line 4, insert "inspection," so as to read:

Nor to any State, Territory, or District, or officer or enlisted man in the National Guard thereof, unless and until such State, Territory, or District provides by law that staff officers, including officers of the Pay, Inspection, Subsistence, and Medical Departments—

And so forth.

Mr. LA FOLLETTE. I accept that amendment.

Mr. CHILTON. I wish to call the attention of the Senator from Wisconsin to a thought in line with the suggestion of the Senator from Utah. This means if it is passed in any State which does not now have a law providing for eligibility the State will get nothing.

Mr. LA FOLLETTE. No; I beg the Senator's pardon.

Mr. CHILTON. I know the Senator did not intend that.

Mr. LA FOLLETTE. Only those to be hereafter appointed.

Mr. CHILTON. Now, let us see:

Nor to any State, Territory, or District, or officer or enlisted man in the National Guard thereof, unless and until such State, Territory, or District provides by law that staff officers, including officers of the pay, subsistence—

And so forth, hereafter appointed.

Mr. LA FOLLETTE. "Hereafter appointed."

Mr. CHILTON. But you must say "the law hereafter passed," or something of that kind. It means that the law must be in existence now providing for those hereafter appointed. The Senator does not express the idea, and I want to make it clear.

Mr. LA FOLLETTE. The beginning of every new State administration and of every legislative assembly in the United States will be within the period of a very few months after this bill becomes a law, and there will be no State in the Union that can not conform very promptly to the requirements of this provision.

Mr. CHILTON. I do not agree with the Senator as to the construction of this language. This says "unless and until" the States provide by law. If no State has provided by law as herein required——

Mr. LA FOLLETTE. Let it go to conference. If there is anything in the Senator's contention, it can be adjusted there.

Mr. CHILTON. I move the following proviso:

Provided, That this proviso shall not apply to any State or Territory until 60 days next after the adjournment of the next session of the legislature held after the approval of this act.

Mr. LA FOLLETTE. I will accept that amendment and let it go to conference.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Wisconsin to the amendment.

Mr. JONES. Mr. President, I am in favor of the amendment of the Senator from Wisconsin. I wish to ask the chairman of the committee a question. I wish to ask him just what the difference is between the Brandegee amendment, which we adopted a short time ago, and the provision of the bill reported from the Committee on Military Affairs; that is, in the provision as to the difference in the number of the Army?

TABLE XXXIX.—*Composition of rifle teams, with statements of amounts paid to members of each, including teams participating in State, interstate, and national matches.*

State.	Number of members of each grade and amounts paid.																		
	Major generals.		Brigadier generals.		Colonels.		Lieutenant colonels.		Majors.		Captains.		First lieutenants.		Second lieutenants.		Enlisted men.		Total amount paid officers.	Total amount paid enlisted men.	Total amount paid.
	Number.	Amount.	Number.	Amount.	Number.	Amount.	Number.	Amount.	Number.	Amount.	Number.	Amount.	Number.	Amount.	Number.	Amount.	Number.	Amount.			
Alabama					1	$188.89	2	$184.72	2	$316.67	6	$593.63	3	$233.34	4	$264.44	14	$279.40	$1,781.69	$279.40	$2,061.09
			1	$500.00	1	333.33	1	291.67	3	750.00	5	1,000.00	1	166.67	2	283.35	6	209.99	3,325.02	209.99	3,535.01
			1	500.00	1	222.22			2	475.00	1	200.00							1,397.22		1,397.22
Arkansas					1	155.56			2	233.33	14	1,306.67	2	155.56					1,851.12		1,851.12
			1	116.67	2	155.56			3	175.00	2	93.33	1	33.33	1	14.17	1	7.00	588.06	7.00	595.06
Arizona									2	400.00	5	933.33	3	433.34	2	245.56	6	179.35	2,012.23	179.35	2,191.58
Delaware									2	250.00	3	300.00	2	166.67	1	70.83	10	176.99	787.50	176.99	964.49
Florida	1	$311.11							4	466.67	2	186.67			1	77.78	8	114.33	1,042.23	114.33	1,156.56
	1	44.44							4	66.67	2	26.67			1	9.44	8	18.00	147.22	18.00	165.22
Georgia					2	111.11			6	225.00	19	573.33	10	233.31	11	212.50	49	122.15	1,355.28	122.15	1,477.43
									3	75.00	7	140.00	4	66.67	6	85.00	12	32.73	366.67	32.73	399.40
									3	650.00	4	693.03	2	288.89	1	122.77	8	233.99	1,754.99	233.99	1,988.98
			1	33.33					3	50.00	3	40.00					3	6.00	123.33	6.00	129.33
Idaho																	16	264.46		264.46	264.46
Illinois									2	216.67	4	333.33	4	289.89	2	122.77	7	101.38	961.66	101.38	1,063.04
Indiana			1	433.33					1	216.67	5	700.00	4	572.23	3	363.61	6	200.15	2,285.84	200.15	2,485.99
Iowa							1	184.72	1	158.33	3	380.00	2	211.11	2	179.44	10	194.82	1,113.60	194.82	1,308.42
Kansas			1	116.67	2	200.00			1	66.67	3	153.33	5	183.34	3	103.89	32	157.38	823.90	157.38	981.28
					1	122.22			1	25.00	9	160.00	12	188.89	6	80.27	7	7.00	576.38	7.00	583.38
Kentucky					1	66.67	1	68.06	2	133.33	3	126.67	7	339.00	1	37.77	67	324.05	771.50	324.05	1,095.55
					3	233.33	2	136.11	7	391.67	22	1,066.67	20	766.66	13	542.51	51	378.13	3,136.95	378.13	3,515.08
			1	183.33			3	476.39	3	341.67	7	606.67	2	144.44			3	40.00	1,752.50	40.00	1,792.50
Maine							1	97.22	1	83.33	4	266.67	2	111.11			6	42.34	558.33	42.34	600.67
Michigan					1	255.56			3	508.33	5	800.00	2	272.23	3	344.73	4	82.07	2,180.85	82.07	2,262.92
					1	144.44	1	136.11	3	325.00	6	513.33	2	150.00	2	118.05	4	60.63	1,386.93	60.63	1,447.56
Minnesota			1	233.33			1	136.11	2	233.33	2	186.67	1	77.78			14	425.25	867.22	425.25	1,292.47
Mississippi			1	283.33	2	377.77			2	283.33	4	453.33	1	94.44	1	80.27	7	85.00	1,572.47	85.00	1,657.47
Montana			1	66.67	1	44.44	1	38.89	4	133.33	9	240.00	9	200.00	1	56.67	52	179.80	780.00	179.80	959.80
			1	66.67	1	44.44			1	33.33	3	80.00	3	66.67			10	37.20	291.11	37.20	328.31
			1	500.00	1	333.33			1	250.00	3	600.00	3	500.01			10	321.00	2,183.34	321.00	2,504.34
			1	66.67	1	44.44			1	33.33	3	86.67	3	66.67			10	42.80	297.78	42.80	340.58
New Jersey							1	126.39	2	216.67	6	426.67					6	82.38	769.73	82.38	852.11
			1	66.67	8	355.55			2	100.00	4	173.33	1	44.44			5	14.24	739.99	14.24	754.32
New Mexico					2	266,07					3	246.67	2	138.89	2	113.33	9	100.40	765.56	100.40	865.96
N. Carolina							1	97.22	1	41.67	5	333.33	3	166.67	1	47.22	19	123.89	686.11	123.89	810.00
			1	216.67			1	126.39	1	183.33	5	440.00	2	144.44	1	61.39	9	73.35	1,172.22	73.35	1,245.57
North Dakota			1	266.67							1	133.33	3	361.12	2	188.89	12	144.01	950.01	144.01	1,094.02
Ohio					1	166.67	2	291.67	2	250.00	5	500.00	5	416.67	2	141.67			1,766.68		1,766.68
					1	333.33	2	583.34	2	500.00	5	1,200.00	5	833.34	2	283.34			3,733.35		3,733.35
					1	100.00	1	87.50	1	75.00	5	300.00	2	100.00	1	42.50			705.00		705.00
					7	600.00	5	252.78	12	600.00	21	840.00	6	211.11	2	56.67			2,560.56		2,560.56
Oregon			1	116.67	2	111.11	1	38.89	3	150.00	14	500.00	6	138.89	5	94.44			1,150.00		1,150.00
			1	66.67	1	33.33			2	83.33	5	320.00	1	55.56	2	70.83			629.72		629.72
			1	133.33					3	208.33	6	333.333	4	177.78	2	56.67			909.44		909.44
Pennsylvania					1	88.89	1	77.78	8	533.33	4	213.33			1	37.77			951.10		951.10
Rhode Island									2	233.33	3	280.00	6	522.23			9	124.60	1,035.56	124.60	1,160.16
S. Carolina			2	333.33							14	933.33	8	444.45	2	94.44	10	168.00	1,805.55	168.00	1,973.55
Tennessee					1	233.33			1	175.00	6	793.33	4	416.17	2	198.34	3	74.71	1,816.17	74.71	1,890.88
					1	211.11	1	136.11	1	158.33	5	600.00	1	105.56	2	179.44	2	80.85	1,390.55	80.85	1,471.40
Texas			1	400.00					1	558.33	6	1,320.00	4	683.33	2	255.00	4	149.03	3,216.66	149.03	3,365.69
			1	166.67	1	100.00	1	97.22	3	225.00	42	2,733.33	26	1,388.92	35	1,577.26			6,288.40		6,288.40
											11	220.00			2	28.34			248.34		248.34
Utah											2	46.67	2	38.89	1	33.05	15	205.84	118.61	205.84	324.45
			1	283.34							3	354.34	2	211.11	1	84.99	11	162.91	933.78	162.91	1,096.69
Vermont							1	58.33			6	200.00	2	66.67	2	56.67	13	78.00	381.67	78.00	459.67
Virginia									2	233.33	8	653.33	3	227.78	4	256.56	25	282.54	1,360.00	282.54	1,642.54
									2	325.00	7	853.33	4	500.01	2	170.00	10	76.70	1,848.34	76.70	1,925.04
Washington									1	16.67	2	26.67	6	72.22			9	62.67	115.56	62.67	178.23
West Virginia					1	166.67					5	500.00	4	333.34	2	141.67	8	134.97	1,141.68	134.97	1,276.65
Wisconsin					1	155.56					3	306.67			1	66.11	14	162.86	528.34	162.86	691.20
Wyoming			1	250.00									1	83.33	3	212.50	14	206.99	545.83	206.99	752.82
											8	426.67	4	177.78	4	151.11	23	181.79	755.56	181.79	937.35
Total		$355.55		5,399.99		5,955.53		3,723.63		12,433.31		29,047.95		14,091.98		8,105.55		7,013.63	79,093.48	7,013.63	86,107.11

NOTE.—The States not included either had no rifle teams or were not paid out of the appropriation made by section 1661, Revised Statutes.

Mr. CHAMBERLAIN. If the Senator will read section 26 of the bill, he will find, in the first place, the organization is built upon a basis of 250,000 as the maximum strength.

Mr. JONES. That is the bill reported by the committee?

Mr. CHAMBERLAIN. Yes.

Mr. JONES. The maximum strength under the amendment is——

Mr. CHAMBERLAIN. Two hundred and fifty thousand.

Mr. JONES. So it is just the same?

Mr. CHAMBERLAIN. Yes.

Mr. JONES. Practically the only difference is that under the bill reported by the committee the maximum is reached in five years, while under the amendment it may be reached in one year if we can get that many to enlist.

Mr. CHAMBERLAIN. I understand that is the fact.

Mr. LA FOLLETTE's amendment to the amendment was agreed to, as follows:

Page 191, line 16, before the period insert: "nor to any State, Territory, or District, or officer, or enlisted man in the National Guard thereof, unless and until such State, Territory, or District provides by law that staff officers, including officers of the pay, inspection, subsistence, and medical departments hereafter appointed shall have had previous military experience, and shall hold their positions until they shall have reached the age of 64 years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened for that purpose, and that vacancies among said officers shall be filled by appointment from the officers of the militia of such State, Territory, or District: *Provided*, That this proviso shall not apply to any State or Territory until 60 days next after the adjournment of the next session of the legislature held after the approval of this act."

Mr. BRANDEGEE. Let me state in addition to what the Senator stated I think under the amendment that I offered the Quartermaster and Medical Corps are excluded from the computation.

Mr. CHAMBERLAIN. I said a competent force.

Mr. BRANDEGEE. I would suggest to the Senator that as it appears in the copy of the bill I have the period following the word "Guard" at the end of the twelfth line ought to be stricken out.

Mr. CHAMBERLAIN. On what page?

Mr. BRANDEGEE. Page 191 where the Senator from Wisconsin offered his amendment.

Mr. CHAMBERLAIN. I desire to offer an amendment on behalf of the committee. I intended to do it this morning but neglected it. I will ask the Secretary to read the amendment to the amendment.

The SECRETARY. On page 133, after the word "seventy-five," line 12, insert:

Provided further, That so much of the act approved January 25, 1907, as provides that the Chief of Coast Artillery shall be a member of the General Staff Corps is hereby repealed.

The amendment to the amendment was agreed to.

Mr. ROBINSON. Mr. President, I wish to suggest one amendment. On page 121, I move to strike out the proviso commencing in line 8 down to and including line 11 in the following words:

Provided, That nothing in this act shall be construed to limit in any way the provisions of the act of July 18, 1914, affecting the aviation section of the Signal Corps.

Mr. President, the inefficiency existing in the aviation section of the Signal Corps is now generally recognized. My investigation into the subject convinces me that the organization of an aviation corps in the United States Army independent of any control or subordination to the Signal Corps is imperative before the fundamental defects in the aviation service can be totally eliminated and that service developed and raised to that standard of efficiency which will reflect credit upon the United States Army and upon this Government. It is not my intention to discuss now, in detail, the present condition of the aviation section of the Signal Corps nor the causes which have brought about the humiliation of all who are interested in promoting and maintaining high standards in the United States Army. I have not had an opportunity of devoting sufficient time to the preparation of an amendment for the organization of an independent aviation corps. Indeed, that would require careful attention and the advice of officers skilled in military affairs and particularly familiar with the defects in the present service.

A newspaper, the Washington Evening Star, announces that the present Secretary of War has reached the conclusion that it is wise to consider changing the relation of the aviation section to the Army by the creation of an independent corps. Secretary Baker is quoted as saying that the time is not far distant when the United States should add armored and armed aeroplanes and other fighting aircraft to its Army air fleet, and that if this is done a new organization must be created to control it, so that its work may be coordinated with that of the other fighting forces of the Army. The Secretary is also quoted as saying, in substance, that heretofore the service has been looked upon as purely an auxiliary one for scouting, carrying messages, etc., but that the European war has demonstrated the broader usefulness of aircraft. I have no authority to quote the chairman of the Military Affairs Committee of the Senate, but I believe that he is convinced that a thorough reorganization of the aviation service is desirable, and that it will be necessary to establish a separate corps for its proper development. In any event, I express the hope that a satisfactory provision looking to that end may be adopted in the conference, as it is impracticable to prepare and adopt now the necessary amendments the preparation of which, as before stated, will require careful attention and technical knowledge.

Mr. President, I withdraw the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

Mr. SMITH of Georgia. I desire to reserve the amendment of the Senator from New York [Mr. WADSWORTH] on page 169.

Mr. LEE of Maryland. I desire to amend line 14, page 163, the sixty-second section of the bill. This is a limitation on the ultimate number of the National Guard, which fixes the ultimate strength of the National Guard at 500 to each Senator and Representative in Congress.

The section starts with 200 and by adding 50 per cent per annum reaches a maximum of 500, or, in other words, at the end of two years it will reach under the bill a total of $225,000, practically the maximum provided by this limitation. The House provides a maximum of 800. In view of the great liberality that has been shown by the Senate in agreeing just now to the amendment of the Senator from Connecticut fixing the number for the standing army at 250,000, it seems to be entirely appropriate now to move to strike out this limitation upon the ultimate number of the National Guard of 500 and insert 1,000 in lieu thereof for each Member of the House and of the Senate.

This amendment will give at the end of a four years' period 505,000 men as the number attained. At the end of the six years' period it will have gone to 530,000 men, not a disproportionate number by any means, with reference to a comparison between citizen soldiery and the professional soldiery. A ratio of two citizen soldiers to one professional is not an unreasonable number from any standpoint. Moreover, from the standpoint of reserves, even if the first line is to be the Regular Army, reserves should certainly be on a basis of not less than two to one. So, from both standpoints, from that of constitutional balance, and from the standpoint of a sufficient reserve, this limitation of 500 is too low. I move, therefore, that it be changed to 1,000.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 163, line 14, strike out "500" and insert "1,000."

The amendment to the amendment was rejected.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. NORRIS. Are we not to vote on the substitute amendment?

The VICE PRESIDENT. That is the question now before the Senate.

Mr. NORRIS. Upon that I ask for the yeas and nays.

The VICE PRESIDENT. The question is on agreeing to the amendment made as in Committee of the Whole as amended. The yeas and nays have been requested. Is the request seconded?

The yeas and nays were ordered.

Mr. SUTHERLAND. Mr. President, a parliamentary inquiry. If the substitute of the committee as amended be adopted, then I understand the bill will be reported to the Senate. I ask whether in the Senate it will be in order for me to offer the amendment which I offered as in Committee of the Whole and which was voted down without reserving the right to offer it in the Senate?

Mr. SMITH of Georgia. Unquestionably the whole subject comes up again in the Senate.

The VICE PRESIDENT. The Senator from Georgia has answered the Senator from Utah.

Mr. SMITH of Georgia. I wanted to present that view, because I certainly would insist that that is the case.

Mr. SUTHERLAND. I have great confidence in the Senator from Georgia; but still I should like to know whether the Vice President confirms that view.

The VICE PRESIDENT. The Chair is of the opinion that if the amendment of the committee as amended meets the approval of the Senate, and is then reported to the Senate from the Committee of the Whole, before it is adopted in the Senate

any amendment may be submitted that Senators desire to offer. The yeas and nays have been ordered on agreeing to the amendment as amended.

Mr. STONE. Would it be necessary to have an amendment reserved now?

The VICE PRESIDENT. The Chair does not think it necessary to reserve any amendment, because there is only one amendment, and if agreed to in the Senate that will end the question; but before it is agreed to in the Senate, when the bill comes to the Senate, it is open to amendment.

The Secretary will call the roll on agreeing to the amendment of the committee as amended.

The Secretary proceeded to call the roll.

Mr. BRADY (when his name was called). I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. He is absent, and I withhold my vote. If permitted to vote, I would vote "yea."

Mr. CHILTON (when his name was called). Making the same announcement as to my pair which I did on the former vote, I vote "yea."

Mr. COLT (when his name was called). Announcing the transfer of my pair the same as before, I vote "yea."

Mr. HARDING (when his name was called). Knowing that my general pair would vote on this question as I would vote, I vote "yea."

Mr. BRANDEGEE (when Mr. MCLEAN's name was called). My colleague [Mr. MCLEAN] is necessarily absent. He is paired with the Senator from Montana [Mr. MYERS]. If my colleague were present, he would vote "yea."

Mr. SUTHERLAND (when his name was called). I again announce my pair with the Senator from Arkansas [Mr. CLARKE]. I transfer my pair to the Senator from New Mexico [Mr. CATRON] and vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER] which I transfer to the Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. TILLMAN (when his name was called). Making the same announcement of transfer of pair which I did before, I vote "yea."

Mr. WILLIAMS (when his name was called). Repeating the explanation made upon an earlier roll call in regard to my pair, I vote "yea."

The roll call was concluded.

Mr. SWANSON. I desire to announce that my colleague [Mr. MARTIN of Virginia] is paired with the Senator from Maine [Mr. BURLEIGH], and that if present he would vote "nay."

Mr. ROBINSON. I desire to announce that my colleague [Mr. CLARKE of Arkansas] is absent on account of illness. He is paired with the Senator from Utah [Mr. SUTHERLAND].

Mr. MYERS. I have a pair with the Senator from Connecticut [Mr. MCLEAN]. I transfer that pair to the Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. BECKHAM. I desire to announce that the Senator from Tennessee [Mr. SHIELDS] is unavoidably absent on account of sickness in his family.

Mr. CURTIS. I wish to announce that the Senator from Michigan [Mr. TOWNSEND] is paired with the Senator from Florida [Mr. BRYAN], and that the Senator from Maine [Mr. BURLEIGH] is paired with the Senator from Virginia [Mr. MARTIN].

The result was announced—yeas 61, nays 14, as follows:

YEAS—61.

Ashurst	Hardwick	Newlands	Smith, Ga.
Bankhead	Hollis	O'Gorman	Smith, Md.
Beckham	Hughes	Oliver	Smith, Mich.
Borah	Husting	Owen	Smith, S. C.
Brandegee	James	Page	Sterling
Broussard	Johnson, Me.	Phelan	Sutherland
Chamberlain	Johnson, S. D.	Pittman	Taggart
Chilton	Jones	Poindexter	Thomas
Clapp	Kenyon	Pomerene	Tillman
Clark, Wyo.	Kern	Ransdell	Wadsworth
Colt	Lee, Md.	Reed	Warren
Cummins	Lewis	Shafroth	Weeks
Dillingham	Lippitt	Sheppard	Williams
du Pont	Lodge	Sherman	
Gallinger	Martine, N. J.	Simmons	
Harding	Nelson	Smith, Ariz.	

NAYS—14.

Curtis	Lane	Robinson	Walsh
Gronna	Myers	Stone	Works
Hitchcock	Norris	Swanson	
La Follette	Overman	Vardaman	

NOT VOTING—21.

Brady	Fall	McLean	Thompson
Bryan	Fletcher	Martin, Va.	Townsend
Burleigh	Goff	Penrose	Underwood
Catron	Gore	Saulsbury	
Clarke, Ark.	Lea, Tenn.	Shields	
Culberson	McCumber	Smoot	

So the amendment of the committee as amended was agreed to.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. The Chair believes that amendments to the amendment should now be offered, rather than after the amendment made as in Committee of the Whole is concurred in.

Mr. SUTHERLAND. Mr. President, I offer the amendment which I send to the desk, which perhaps need not be read, because it is the same identical amendment which I offered when the bill was before the Senate as in Committee of the Whole, with reference to the increase of the Coast Artillery from twenty-four thousand-odd, as provided in this bill, to the maximum of 30,000. I would not again offer this amendment if it were not for the fact that I am fearful that this particular corps will not be covered automatically by the amendment offered by the Senator from Connecticut [Mr. BRANDEGEE], which was adopted by the Senate, increasing the maximum number of men in the Army to 250,000. The provision in that proviso to the amendment is:

That in addition to the units specified in this section, additional units of Infantry, Cavalry, or Field Artillery to conform in composition with the requirements of sections 19, 20, and 21 of this act may be organized in the discretion of the President.

I observe that these three branches of the service are particularly mentioned, but the Coast Artillery, which is a distinct branch, is not mentioned. For that reason, I think the amendment ought to be adopted. I hope the chairman of the committee will not object to it.

Mr. DU PONT. Mr. President, will the Senator from Utah yield for a question?

Mr. SUTHERLAND. Certainly.

Mr. DU PONT. I should like to know whether the provisions of the Senator's amendment are mandatory or permissive to the President?

Mr. SUTHERLAND. The provision for the increase is mandatory. It leaves it, however, to the President to decrease the number to the minimum, in his discretion.

Mr. DU PONT. The amendment offered by the Senator from Connecticut and adopted by the Senate evidently does not affect the Coast Artillery.

Mr. SUTHERLAND. I am afraid it does not.

Mr. DU PONT. I do not think it does.

Mr. SUTHERLAND. We have increased the other branches of the service, and certainly this is a very necessary branch, and it ought to be increased.

Mr. BRANDEGEE. Will the Senator let me ask him a question?

Mr. SUTHERLAND. Yes.

Mr. BRANDEGEE. The Senator from Utah knows I am in favor of his amendment; that I voted for it on yesterday, and will vote for it again, if it is necessary; but I wish to call the Senator's attention to the fact that while the amendment which I offered provides additional units of the Infantry, Cavalry, and Field Artillery, additional units of those might be created by the President, and it would not be necessary to create any additional units of the Coast Artillery, would it, in order to increase the personnel of that corps?

Mr. SUTHERLAND. I am not sure about that; but as there is doubt about it, and inasmuch as this bill is going into conference and a great many amendments have already been made upon the theory that they will be considered in conference, I see no reason why this amendment also should not be adopted, and let it go into conference, to be considered in connection with the other provisions of the bill.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Utah to the committee amendment.

Mr. GALLINGER. Mr. President, I voted against the amendment when it was previously offered by the Senator from Utah, the statement having been made that other amendments to the bill would accomplish what the Senator from Utah had in view. I am now assured, however, by Senators who know much more about military matters than I do, that the amendments which have been made to the bill will not cover the Coast Artillery. Therefore, when I have an opportunity I shall change my vote and vote in favor of the amendment proposed by the Senator from Utah.

Mr. CHAMBERLAIN. Mr. President, I still think that this bill will cover the proposed amendment of the Senator from Utah. It is written in the same language as that in reference to the departments of the Army which is found on page 133, commencing in line 7, and is as follows:

Increase the number of sergeants to 2,104, the number of corporals to 3,156, the number of privates, first class, to 5,225, and the number of privates to 15,675.

It seems to me that is broad enough to cover the matter, Mr. President.

Mr. BRANDEGEE. Let it go to conference.

Mr. LA FOLLETTE. Mr. President, I voted against the amendment when it was presented by the Senator from Utah at the time when the bill was under consideration as in Committee of the Whole. I did so under a misapprehension. I have since ascertained that precisely the increase in the Coast Artillery covered by the amendment of the Senator from Utah is in accordance with the recommendation of Gen. Weaver. Gen. Weaver is one of the military experts in this country who have not been carried into hysteria by the organized propaganda for increasing, without cause, the military organizations of the country beyond all reason. I shall therefore be glad of the opportunity to support the amendment of the Senator from Utah as it is now presented.

The amendment submitted by Mr. SUTHERLAND is as follows:

On page 132, line 18, strike out the words "one thousand seven hundred and eighty-four" and substitute therefor the words "two thousand one hundred and four."

On page 132, line 19, strike out the words "two thousand five hundred and sixteen" and substitute therefor the words "three thousand one hundred and fifty-six."

On page 132, line 21, strike out the word "four."

On page 132, line 22, strike out the words "thousand one hundred and eighty-six" and substitute therefor the words "five thousand two hundred and twenty-five."

On page 132, line 23, strike out the words "twelve thousand five hundred and sixty-two" and substitute therefor the words "fifteen thousand six hundred and seventy-five."

On page 133, line 7, strike out the words "increase the number of" and substitute therefor the words "decrease the number of."

On page 133, strike out lines 8, 9, 10, 11, and 12 and substitute therefor "sergeants to 1,784, the number of corporals to 2,516, the number of privates, first class, to 4,186, and the number of privates to 12,562 as reserves become available."

Mr. STONE. Mr. President, I wish to say just a word about this amendment. I voted against the amendment offered by the Senator from Utah as in Committee of the Whole. I was led to believe that the text of the bill carried substantially the same force for the Coast Artillery as provided for in the amendment. I think that is a mistake. I regard the coast-defense service as one of the most important branches of the military service. I am very much in favor of having our coast defenses as strong as possible, within every limitation of reason and common sense, and I am going to change my vote and support the amendment now.

Mr. SWANSON. Mr. President, I voted against the amendment of the Senator from Utah when the bill was being considered as in Committee of the Whole. The Regular Army has been increased to 250,000 men, and I think the number of Coast Artillery provided in the amendment of the Senator from Utah will make it well proportioned. I think that branch of the service should be increased, and I shall take pleasure in changing my vote and voting for the amendment.

Mr. ROBINSON. Mr. President, I merely desire to say that I have made some investigation into this subject, and I am in favor of the amendment offered by the Senator from Utah, and hope that it will prevail.

Mr. THOMAS. Mr. President, I had the pleasure of supporting the Senator from Utah on the first occasion when he offered his amendment, and I shall take equal pleasure in voting with him now.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Utah to the amendment reported by the committee.

The amendment to the amendment was agreed to.

Mr. LEWIS. Mr. President, I desire now to tender an amendment, for which I ask the serious consideration of the Senate. I move to strike out section 56 of the bill and insert the amendment which I tender, and which I desire to inform the Senate is a repetition of section 82 of the bill as sent over from the House providing for training camps. I should like to have the amendment read.

Mr. OVERMAN. I think the Senate understands the amendment.

Mr. LEWIS. If the Senate is informed upon it, I will not take the time of the Senate to have it read.

Mr. REED. Let the amendment be stated, Mr. President.

Mr. LEWIS. Then let it be stated on request.

The VICE PRESIDENT. The amendment proposed by the Senator from Illinois to the amendment reported by the committee will be stated.

The SECRETARY. It is proposed to strike out section 56 and insert in lieu thereof the following:

SEC. 56. That the Secretary of War is hereby authorized to maintain, upon military reservations or elsewhere, camps for the military instruction and training of such citizens as may be selected for such instruction and training, upon their application and under such terms of enlistment and regulations as may be prescribed by the Secretary of War; to use, for the purpose of maintaining said camps and imparting military instruction and training thereat, such arms, ammunition, accouterments, equipments, tentage, field equipage, and transportation belonging to the United States as he may deem necessary; to furnish, at the expense of the United States, subsistence and medical supplies to persons receiving instruction at said camps during the period of their attendance thereat, to authorize such expenditures, from proper Army appropriations, as he may deem necessary for water, fuel, light, temporary structures, not including quarters for officers nor barracks for men, screening, and damages resulting from field exercises, and other expenses incidental to the maintenance of said camps, and the theoretical winter instruction in connection therewith; and to sell to persons receiving instruction at said camps, for cash and at cost price plus 10 per cent, quartermaster and ordnance property, the amount of such property sold to any one person to be limited to that which is required for his proper equipment. All moneys arising from such sales shall remain available throughout the fiscal year following that in which the sales are made, for the purpose of that appropriation from which the property sold was authorized to be supplied at the time of the sale. The Secretary of War is authorized further to prescribe the courses of theoretical and practical instruction to be pursued by persons attending the camps authorized by this section; to fix the periods during which such camps shall be maintained; to prescribe rules and regulations for the government thereof; and to employ thereat officers and enlisted men of the Regular Army in such numbers and upon such duties as he may designate.

Mr. LEWIS. Mr. President, I desire to make a simple statement. I am now moving to strike out section 56. When the bill was being considered as in Committee of the Whole, that motion was entertained by the Senate, and I then set forth my objection to that section, which provides for a volunteer army. I pointed out how I felt—that that section practically neutralized the National Guard out of existence, was of little service at best, and of no service under ordinary conditions of the country. The reasons I gave then, through the courtesy of the Senate, were rather elaborate, and I will not impose upon the Senate by repeating them.

I beg to say that from all over the country there came, in the form of telegrams and otherwise, an expression that we were striking out the provision of the bill which authorized training camps. The junior Senator from Georgia [Mr. HARDWICK] responded to that, as did others, pointing out that there was no foundation for this accusation. There was, however, a misapprehension in the country concerning it, and I tender now, in lieu of section 56, the amendment which has been read, which provides for the training camps, and which will leave no doubt on the subject. I respectfully ask that section 56 be stricken out and this provision covering the training camps be inserted.

Mr. HARDWICK. Mr. President, will the Senator yield for just a moment?

Mr. LEWIS. I yield to the Senator.

Mr. HARDWICK. The amendment which the Senator has offered, as I understand, is in exactly the same terms as section 82 of the House bill.

Mr. LEWIS. The statement of the Senator is correct. I have conformed to that section of the House bill literally. I ask that the amendment be adopted.

Mr. CHAMBERLAIN. Mr. President, a parliamentary inquiry. I ask if the question may not be divided, so that we may vote separately on the two propositions, first to strike out and then to insert?

The VICE PRESIDENT. A question of that kind can not be divided.

Mr. LA FOLLETTE. Mr. President, I wish to ask the Senator from Illinois if he will not explain briefly to the Senate the difference between the Senate provision which he proposes to strike out and the House provision which he proposes to substitute?

Mr. LEWIS. I will state to the Senator that section 56 of the bill provided for a volunteer army, permitted that army to be organized as a Federal force, put it under the surveillance of the President, as I respectfully insist, in time of peace, and subject to be called out by the President in time of war. Under the bill they were subject to training for 60 days a year. There were some amendments offered, I may say to the Senator, providing for 30 days' training and 90 days' training, respectively. The provision I tender serves this, as I see it. It does not create an army; it creates a mere opportunity for encampment on the part of the men in order that they may be trained by the United States, fitted to become soldiers, so that they may either become volunteers, in the event of a Federal volunteer army being created, or National Guardsmen, or, if they so desired, they could enter the Regular Army. It has the object of providing that form of an organization without creating a volunteer army.

Mr. LODGE. Mr. President, I desire to offer a substitute for the amendment proposed by the Senator from Illinois. My substitute follows the lines of section 82 of the House bill—which section the Senator from Illinois has embraced in his

amendment—with one or two modifications, or rather additions. I provide in this amendment that the United States shall pay the transportation and shall also—and this is a principal change—pay the "persons receiving instruction in said camps at the rate of pay now received by enlisted men in the Regular Army"—that is, for the month they are in camp. Otherwise my amendment is the same as that of the Senator from Illinois, except that I eliminate some provisions that are not necessary in regard to purchasing supplies, which are unimportant.

The main purpose of the amendment is to give those attending the camps pay. My reason for that is this: The Plattsburg camp last year, which was a very great success, could only be attended by men who were able to give not only their time, but who were able to pay all their own expenses. I think it is extremely desirable in connection with such camps to pay those who attend $15 for the month they are there and pay for their transportation and equipment. We should thus enable a much larger body of young men to receive the training afforded by the camps, men to whom the payment of $15 and expenses would be important. I think it will open the door much wider for a much larger class of young men, and I offer the amendment as a substitute for that of the Senator from Illinois.

Mr. LEWIS. Mr. President, does the Senator offer a substitute?

Mr. LODGE. Yes.

Mr. LEWIS. Then may I ask, Does the Senator concur in the motion to strike out section 56?

Mr. LODGE. This is offered as a substitute amendment to the Senator's amendment.

Mr. LEWIS. But I make the point that that can not be tendered unless the Senator concurs in my motion to strike out section 56.

Mr. LODGE. Why, Mr. President, under our rules, on a motion to strike out and insert, amendments are in order either to the paragraph proposed to be stricken out or the portion proposed to be inserted.

The VICE PRESIDENT. The amendment is in order.

Mr. LEWIS. If the Senator tenders his amendment, I am willing to accept it as an amendment to my amendment.

Mr. LODGE. Of course, if the Senator insists, I can take section 82, and, by a few verbal changes, make it my section.

Mr. LEWIS. I should like, then—if I may be pardoned to reply at this point—to adopt the suggestions which the Senator has made as additions to the provision I have tendered to be inserted in place of section 56; but I must first insist upon striking out section 56, in order to provide a place for the provision I have tendered and the amendment which the Senator from Massachusetts tenders to my provision.

The VICE PRESIDENT. Does the Senator from Illinois accept, in lieu of the amendment which he proposed to insert, the amendment of the Senator from Massachusetts?

Mr. LEWIS. I will accept the amendment of the Senator from Massachusetts if section 56 is stricken out; but I reserve my right to strike out section 56.

Mr. LODGE. Why, certainly, Mr. President.

The VICE PRESIDENT. There is not any question about it. The question now is on the motion of the Senator from Illinois to strike out section 56, and to insert an amendment modified by the amendment of the Senator from Massachusetts.

Mr. LEWIS. Which I accept, sir, as modified by the Senator from Massachusetts.

Mr. CHAMBERLAIN. Mr. President, I am not going to bore the Senate by making another speech, but I do hope the Senate will stand by its original determination to retain section 56. I am not going to undertake to make a speech again on it.

Mr. LEWIS. The two votes that were taken were taken under a misapprehension.

The VICE PRESIDENT. All in favor——

Mr. LEWIS. I should like to have a yea-and-nay vote upon the question. I demand a yea-and-nay vote upon it.

Mr. KERN. Let the amendment be stated as amended.

The VICE PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. It is proposed to strike out section 56 and to insert the following:

SEC. 56. That the Secretary of War is hereby authorized to maintain, upon military reservations or elsewhere, camps for the military instruction and training of such citizens as may be selected for such instruction and training, upon their application and under such terms of enlistment and regulations as may be prescribed by the Secretary of War; to use, for the purpose of maintaining said camps and imparting military instruction and training thereat, such arms, ammunition, accouterments, equipments, tentage, field equipage, and transportation belonging to the United States as he may deem necessary; to pay persons receiving instruction in said camps at the rate of pay now received by enlisted men in the Regular Army; to furnish, at the expense of the United States, transportation, subsistence, medical supplies, uniforms, and equipment to persons receiving instruction at said camps during the period of their attendance thereat; to authorize such expenditures, from proper Army appropriations, as he may deem necessary for water, fuel, light, temporary structures, not including quarters for officers nor barracks for men, screening, and damages resulting from field exercises, and other expenses incidental to the maintenance of said camps, and the theoretical winter instruction in connection therewith. The Secretary of War is authorized further to prescribe the courses of theoretical and practical instruction to be pursued by persons attending the camps authorized by this section; to fix the periods during which such camps shall be maintained; to prescribe rules and regulations for the government thereof; and to employ thereat officers and enlisted men of the Regular Army in such numbers and upon such duties as he may designate.

Mr. THOMAS. Mr. President, I suggest that the reading of this amendment is of no aid whatever. We can not hear a word the Secretary says, although he is trying to read at the top of his voice.

The VICE PRESIDENT. A request for the yeas and nays has been made. Is the request seconded?

The yeas and nays were ordered.

Mr. WILLIAMS. Did the Secretary conclude the reading of the amendment?

The VICE PRESIDENT. Yes.

Mr. WILLIAMS. There was so much confusion that I could not understand it. Was the amendment read as modified by the amendment to the amendment submitted by the Senator from Massachusetts?

The VICE PRESIDENT. It was.

Mr. NELSON. Mr. President, is not this a motion to strike out and insert as an entirety?

The VICE PRESIDENT. It is; undoubtedly.

Mr. NELSON. And if the amendment is carried it strikes out section 56?

The VICE PRESIDENT. And inserts.

Mr. WILLIAMS. A parliamentary inquiry, Mr. President—indeed, an inquiry about a matter of fact. Was what the Secretary read—which I could not hear in the disorder—merely the amendment offered by the Senator from Illinois [Mr. LEWIS], or was it the amendment offered by the Senator from Illinois as modified by the amendment of the Senator from Massachusetts?

The VICE PRESIDENT. As modified by the amendment of the Senator from Massachusetts.

Mr. LEWIS. Which was accepted by myself.

The VICE PRESIDENT. Which was accepted by the Senator from Illinois.

Mr. LODGE. I want to say that in offering the substitute which the Senator from Illinois accepted, I did so because I thought it put in a better form what was embodied in section 82. I am not in favor of striking out section 56, and I shall vote against striking it out and inserting.

Mr. NORRIS. Mr. President, I voted to strike section 56 out of the bill. I shall be glad to vote to strike it out again; but this motion includes the insertion of something that was only partly read by the Secretary, and when he was reading it there was so much confusion that nobody heard what he did read, so it is a leap in the dark.

Mr. GALLINGER. Mr. President, will the Senator permit a question?

Mr. NORRIS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. As I understand, the matter to be inserted pays the expenses, besides a per diem, of every man in the country who wants to take a trip somewhere to attend a camp. It seems to me that they will have about a million to take care of.

Mr. NORRIS. Well, it may be. I do not know that that is the result of it; but I felt that if I voted against this motion, I did not want to be charged with favoring section 56. I believe section 56 ought to go out of the bill; but from what little I could get from what the Secretary read, it seemed to me that this put something into the bill that did not add anything to the Army. There was no enlistment. There was not any provision by which this army could be brought into the service of the United States, but, in effect, it provided for an outing for somebody. I am unable to tell, from what I heard read, how long it would last, or how large it might be, or who paid for the refreshments.

Mr. SHAFROTH. Mr. President——

Mr. NORRIS. I yield to the Senator from Colorado.

Mr. SHAFROTH. Inasmuch as every Senator is entitled to know what is before the Senate, I ask that the part which was accepted by the Senator from Illinois, being the amendment offered by the Senator from Massachusetts, may be read.

Mr. NORRIS. That would not give sufficient information unless he read the part of section 82 that was stricken out. It ought to be read in its entirety; and it will not do any good to read it unless there is sufficient order in the Senate, so that it can be heard.

Mr. SHAFROTH. Inasmuch as the bill is before us, section 82 can be readily read.

Mr. NORRIS. Yes; I can read section 82, but this strikes out part of section 82, and inserts something that is not in the bill as a part of the portion that is stricken out.

Mr. SHAFROTH. I ask that the amendment offered by the Senator from Massachusetts to the amendment offered by the Senator from Illinois may be read.

Mr. NORRIS. I ask that the amendment now pending—the amendment proposed by the Senator from Illinois, and that means the amendment as modified—the amendment that we are voting on, may be read by the Secretary.

The VICE PRESIDENT. The Secretary will read, slowly.

Mr. LANE. I ask for order.

Mr. LEWIS. I ask that there may be some order that we may hear this read.

The VICE PRESIDENT. That the Chair can not furnish.

The SECRETARY. The Senator from Illinois [Mr. LEWIS] moves to strike out section 56 as reported by the committee and to insert the following:

That the Secretary of War is hereby authorized to maintain, upon military reservations or elsewhere, camps for the military instruction and training of such citizens as may be selected for such instruction and training, upon their application and under such terms of enlistment and regulations as may be prescribed by the Secretary of War; to use, for the purpose of maintaining said camps and imparting military instruction and training thereat, such arms, ammunition, accouterments, equipments, tentage, field equipage, and transportation belonging to the United States as he may deem necessary; to pay persons receiving instruction in said camps at the rate of pay now received by enlisted men in the Regular Army; to furnish, at the expense of the United States, transportation, subsistence, medical supplies, uniforms, and equipment to persons receiving instruction at said camps during the period of their attendance thereat; to authorize such expenditures, from proper Army appropriations, as he may deem necessary for water, fuel, light, temporary structures, not including quarters for officers nor barracks for men, screening, and damages resulting from field exercises, and other expenses incidental to the maintenance of said camps, and the theoretical winter instruction in connection therewith. The Secretary of War is authorized further to prescribe the courses of theoretical and practical instruction to be pursued by persons attending the camps authorized by this section; to fix the periods during which such camps shall be maintained; to prescribe rules and regulations for the government thereof; and to employ thereat officers and enlisted men of the Regular Army in such numbers and upon such duties as he may designate.

Mr. SHAFROTH. Mr. President, a parliamentary inquiry. As the amendment was read by the Secretary, does it contain an amendment offered by the Senator from Massachusetts?

The VICE PRESIDENT. Why, it is the amendment that the Senator from Massachusetts offered that the Senator from Illinois accepted.

Mr. SHAFROTH. Very well.

Mr. JONES. Mr. President, is this question divisible?

The VICE PRESIDENT. It is not. It is a motion to strike out and insert.

Mr. HARDWICK. Mr. President, a parliamentary inquiry. If the motion of the Senator from Illinois is voted down by the Senate, will a plain motion to strike out the section then be in order?

The VICE PRESIDENT. Undoubtedly. The yeas and nays have been called for, and have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). Making the same announcement that I made on the former votes, I vote "yea."

Mr. ROBINSON (when the name of Mr. CLARKE of Arkansas was called). I announce that my colleague [Mr. CLARKE of Arkansas] is absent from the Chamber on account of illness. He is paired with the Senator from Utah [Mr. SUTHERLAND].

Mr. COLT (when his name was called). Making the same announcement as before, I vote "nay."

Mr. HARDING (when his name was called). In the absence of the junior Senator from Alabama [Mr. UNDERWOOD], with whom I have a general pair, I withhold my vote.

Mr. SWANSON (when the name of Mr. MARTIN of Virginia was called). I desire to announce that my colleague [Mr. MARTIN of Virginia] is paired with the junior Senator from Maine [Mr. BURLEIGH]. If my colleague were present, he would vote "nay."

Mr. SUTHERLAND (when his name was called). Again transferring my pair with the senior Senator from Arkansas [Mr. CLARKE] to the junior Senator from New Mexico [Mr. CATRON], I vote "nay."

Mr. THOMAS (when his name was called). Announcing the same pair as before, I vote "nay."

Mr. TILLMAN (when his name was called). Announcing the same pair that I announced on the other roll calls, I vote "nay."

Mr. BANKHEAD (when Mr. UNDERWOOD's name was called). I desire to announce the unavoidable absence of my colleague [Mr. UNDERWOOD], and to state that he is paired with the junior Senator from Ohio [Mr. HARDING].

Mr. WILLIAMS (when his name was called). Repeating the explanation with regard to pairs which I made on the previous roll calls, I vote "nay."

The roll call was concluded.

Mr. BECKHAM. I wish to make the same announcement as before with regard to the absence of the junior Senator from Tennessee [Mr. SHIELDS]. He is absent on account of illness. I will let this announcement stand for the day.

Mr. BRANDEGEE. I wish to state that my colleague [Mr. MCLEAN] is paired with the Senator from Montana [Mr. MYERS]. If my colleague were here, he would vote "nay."

The result was announced—yeas 15, nays 58, as follows:

YEAS—16.

Ashurst	La Follette	Martine, N. J.	Sherman
Chilton	Lane	Myers	Simmons
Clapp	Lee, Md.	Reed	Smith, Ariz.
Hardwick	Lewis	Shafroth	Smith, Ga.

NAYS—58.

Bankhead	Hitchcock	O'Gorman	Sterling
Beckham	Hollis	Oliver	Stone
Borah	Hughes	Overman	Sutherland
Brandegee	Husting	Owen	Swanson
Broussard	James	Page	Taggart
Chamberlain	Johnson, Me.	Phelan	Thomas
Clark, Wyo.	Johnson, S. Dak.	Pittman	Tillman
Colt	Jones	Poindexter	Wadsworth
Culberson	Kenyon	Pomerene	Walsh
Cummins	Kern	Ransdell	Warren
Curtis	Lippitt	Robinson	Weeks
Dillingham	Lodge	Sheppard	Williams
du Pont	Nelson	Smith, Md.	Works
Gallinger	Newlands	Smith, Mich.	
Gronna	Norris	Smith, S. C.	

NOT VOTING—22.

Brady	Fletcher	Martin, Va.	Thompson
Bryan	Goff	McLean	Townsend
Burleigh	Gore	Penrose	Underwood
Catron	Harding	Saulsbury	Vardaman
Clarke, Ark.	Lea, Tenn.	Shields	
Fall	McCumber	Smoot	

So Mr. LEWIS's amendment to the amendment of the committee was rejected.

Mr. LEWIS. Mr. President, I now move to strike out section 56, and upon that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAMES. Mr. President, I send to the desk and ask to have read to the Senate a telegram sent to me by the adjutant general of Kentucky, J. Tandy Ellis, Gen. Roger D. Williams, Col. Jouett R. Henry, and Col. J. Embrey Allen, in reply to a statement of an interview given by former Assistant Secretary of War Breckinridge. I ask that it may be read to the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read, as requested.

The Secretary read as follows:

LEXINGTON, KY., *April 16, 1916.*

Senator OLLIE JAMES,
Washington, D. C.:

Referring to interview of former Assistant Secretary Breckinridge in to-day's issue of the Post, in which he attacks the National Guard and executive committee of the National Guard Association. Breckinridge does not represent sentiment of the Kentucky National Guard in criticism of this committee, which has the absolute confidence and indorsement of the entire Kentucky National Guard. Regarding his statement as to record of attendance, loss, waste, and embezzlement of public property, being a member of this guard himself and familiar with the official reports of his brother, Capt. E. L. D. Breckinridge, who was inspector instructor of Kentucky National Guard for a number of years and rendered most favorable reports to the War Department, we do not consider Henry Breckinridge's statements as applying to the Kentucky National Guard.

J. TANDY ELLIS,
Adjutant General Kentucky.
ROGER D. WILLIAMS,
Brigadier General Commanding Brigade.
JOUETT R. HENRY,
Colonel Third Kentucky.
J. EMBREY ALLEN,
Colonel Second Kentucky.

Mr. SHEPPARD. Mr. President, I ask to have the following telegram read.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Secretary will read.

The Secretary read as follows:

GALVESTON, TEX., *April 13, 1916.*

Hon. MORRIS SHEPPARD,
United States Senate, Washington, D. C.:

Permit us to acquaint you with our firm belief that section 56 of Chamberlain bill providing for volunteer army should be adopted. This is not a protest against National Guard features, but as the entire military policy is only an experiment we do not think so valuable

an arm as volunteer force, under exclusive Federal control, should be left out.

Robert G. Street, Maco Stcart, John Sealy, E. D. Cavin, R. Waverly Smith, H. A. Eiband, W. T. Armstrong, Frank J. Becker, Edward F. Harris, Louis A. Adoue, E. R. Cheesborough, V. E. Austin, Robert I. Cohen, Geo. Waverly Briggs, Chas. R. Brown, John D. Hodson, I. H. Kempner, M. S. Ujffy, Geo. D. Flood, Lewis Fisher, Frank A. Allen, F. G. Pettibone, E. O. Flood, and many others.

The VICE PRESIDENT. The yeas and nays have been ordered on the motion of the Senator from Illinois [Mr. LEWIS] to strike out section 56, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. COLT (when his name was called). Making the same announcement that I made before, I vote "nay."

Mr. HARDING (when his name was called). I transfer my pair with the junior Senator from Alabama [Mr. UNDERWOOD] to the Senator from Utah [Mr. SMOOT], and vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement that I made on the previous vote with reference to my pair, I vote "nay."

Mr. THOMAS (when his name was called). Announcing my pair and its transfer as heretofore, I vote "nay."

Mr. TILLMAN (when his name was called). Making the same announcement of my pair and its transfer that I did the other time, I vote "yea."

Mr. WILLIAMS (when his name was called). Repeating the previous announcement on the previous roll call, I vote "nay."

The roll call was concluded.

Mr. SWANSON. I desire to state that my colleague [Mr. MARTIN of Virginia] is paired with the junior Senator from Maine [Mr. BURLEIGH]. If my colleague were present, he would vote "yea."

Mr. CHILTON. Making the same announcement as to my pair and its transfer that I did before, I vote "yea."

Mr. CURTIS. I wish to announce that the Senator from Michigan [Mr. TOWNSEND] is paired with the Senator from Florida [Mr. BRYAN] and that the Senator from Idaho [Mr. BRADY] is paired with the Senator from Florida [Mr. FLETCHER].

The result was announced—yeas 37, nays 40, as follows:

YEAS—37.

Ashurst	James	Overman	Smith, Ga.
Bankhead	Jones	Owen	Smith, S. C.
Chilton	Kenyon	Page	Stone
Clapp	La Follette	Ransdell	Swanson
Culberson	Lane	Reed	Tillman
Cummins	Lee, Md.	Robinson	Vardaman
Curtis	Lewis	Shafroth	Works
Gronna	Martine, N. J.	Sherman	
Hardwick	Myers	Simmons	
Hughes	Norris	Smith, Ariz.	

NAYS—40.

Beckham	Harding	Nelson	Smith, Mich.
Borah	Hitchcock	Newlands	Sterling
Brandegee	Hollis	O'Gorman	Sutherland
Broussard	Husting	Oliver	Taggart
Chamberlain	Johnson, Me.	Phelan	Thomas
Clark, Wyo.	Johnson, S. Dak.	Pittman	Wadsworth
Colt	Kern	Poindexter	Walsh
Dillingham	Lippitt	Pomerene	Warren
du Pont	Lodge	Sheppard	Weeks
Gallinger	McLean	Smith, Md.	Williams

NOT VOTING—19.

Brady	Fall	McCumber	Smoot
Bryan	Fletcher	Martin, Va.	Thompson
Burleigh	Goff	Penrose	Townsend
Catron	Gore	Saulsbury	Underwood
Clarke, Ark.	Lea, Tenn.	Shields	

So the Senate refused to strike out section 56.

Mr. WEEKS. Mr. President, an amendment was adopted to section 56 the other day. I have it not before me, but it limits the time of training in the camps to 30 days a year. I wish to strike out section 56 as it is now and insert the section as it appears in the bill under date of March 24, which in effect leaves it——

Mr. REED. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. REED. Does a motion now lie to substitute a section for the section which has already been adopted as in Committee of the Whole and which the Senate has just refused to strike out?

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry.

Mr. WILLIAMS. The amendment which the Senator from Massachusetts is seeking to offer I have offered, and it is pending. I had concluded that the conferees would have full jurisdiction over the subject matter, and I thought instead of offering it I would let it go to conference and let the conferees handle the matter. If I understand what the junior Senator from Massachusetts desires, it is this: The Senate adopted an amendment to the Senate committee bill whereby it was agreed that the period of drilling and training should not extend beyond 30 days.

Mr. WEEKS. Yes.

Mr. WILLIAMS. I offered an amendment and asked that it be regarded as pending, to be taken up at the proper time, to substitute 90 for 30, so that it would read "not beyond 90 days," but after thinking about it I concluded that the entire matter would be in conference, and I therefore did not call for it. If what the Senator is seeking is to offer the amendment which I offered, it is now pending and the Secretary can read it.

Mr. WEEKS. I should like to ask the Senator from Mississippi if, in his opinion, the conferees can increase the time from 30 days to 90 days?

Mr. WILLIAMS. The entire provision of which the provision for 30 days is a part goes to conference and the conferees will have as much right to increase the period as to decrease it. The two Houses will be in absolute difference regarding the entire proposition. I have no objection to offering it now and having it voted upon as expressing the sense of the Senate, because the sense of the Senate would help persuade the Senate conferees, at any rate, to insist. Let the Secretary read the amendment which I offered and which was pending. It comes in on page 161, I think.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 161, in the proviso agreed to, following the word "only," on line 2, strike out "thirty" and insert "ninety," so as to read:

Provided, That without the consent of Congress such volunteer force shall not be called out for field service for more than a total period exceeding 90 days in any one year.

Mr. SMITH of Georgia. Mr. President, I submit a point of order that, after a motion to strike out, a motion to amend the original proposition is not in order. I concede that a motion to strike out and substitute might be made, but this is entirely different.

The VICE PRESIDENT. The Senator from Missouri [Mr. REED] raised the point of order. This is the rule:

If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall it prevent a motion simply to strike out; nor shall the rejection of a motion to strike out prevent a motion to strike out and insert.

Mr. WILLIAMS. Mr. President, addressing myself to the amendment, I have not thought it was necessary to submit the amendment or to pass it. I am of the opinion that the conferees can handle the question perfectly, and if it is left to my judgment I shall not offer the amendment but shall leave it to the conferees. I have a great deal of confidence in the fact that when the conferees meet and begin to harmonize all these different things they will reach a right conclusion. The conferees might perhaps agree to 60 days instead of 30 days. I think it would be better, if the Senator from Massachusetts will pardon me for making the suggestion, just to let that go by the board.

Mr. CHAMBERLAIN. I think so, too.

Mr. SUTHERLAND and others. Regular order!

The VICE PRESIDENT. The Chair thinks the Senator from Georgia is correct, that it can only be amended by a motion to strike out and insert. However, that is out of the way.

Mr. JAMES. It has been withdrawn anyway.

Mr. REED. Is there anything before the Senate?

The VICE PRESIDENT. Unless some one wants to move to amend.

SEVERAL SENATORS. Regular order!

Mr. REED. I move to amend section 2 as amended by striking out the words "and fifty" before "thousand," where it occurs in the clause "exceed 250,000 men," so that the proviso will read:

Provided, That the total enlisted force of the line of the Regular Army, excluding the Philippine Scouts, the enlisted men of the Quartermaster Corps, of the Medical Corps, and the unassigned recruits, shall not at any one time, except in the event of actual or threatened war or similar emergency in which the public safety demands it, exceed 200,000 men.

Mr. HUGHES. I make a point of order on that amendment. It was passed upon as in Committee of the Whole, and having been passed upon it can not be renewed.

The VICE PRESIDENT. The Chair has already ruled that there is one amendment, and that is the amendment which was reported from the committee as an entirety, and it is open to amendment in the Senate.

Mr. REED. Mr. President, I wish to say by way of preliminary that by offering this motion to reduce the number to 200,000 men I do not mean to say that I approve of a regular established army in time of peace of 200,000 men. But the Senate having passed an amendment raising the Army to 250,000

men in time of peace, I offer this amendment to the amendment in the hope that a reduction may be effected.

Mr. President, we are not, by the amendment, dealing with the question of a standing army in time of war. It is not a question of a standing army when war is threatened that we are dealing with, because the language of the amendment which was presented by the Senator from Connecticut is such as to fix the number at a time when there is no actual or threatened war and when there is no emergency in which the public safety demands a standing army greater than 250,000.

I do not believe we ought to fasten upon the taxpayers of this country an established army, a permanent army, a professional army of professional soldiers, in a time of profound peace to exceed 200,000 men. The figure named would have appalled us a few months ago; it would have appalled those of us who were not "peace-at-any-price" men; it would have appalled those of us who believe that the Army ought to be somewhat strengthened. When it is proposed, as it is proposed in this bill, to fasten upon the taxpayers the enormous burden of a standing army of 250,000 men in a time of profound peace, when there is neither threat of war nor danger of war; when it is proposed, in addition to that, to establish military camps which are to cost an unknown sum of money; when it is proposed, in addition to that, to establish a volunteer army of unknown size and at an unknown cost; when it is proposed, in addition to that, to turn every school almost in the country into a training camp—when all these are added together and when on top of that will come a bill to vastly increase our naval establishment, I say we have arrived at a time when we ought to give ourselves pause and indulge in a little sober thought.

If war threatens, if the clouds of war are lowering on the horizon, this amendment, with the restrictions contained in it, does not stop the President's hand, but in a time of peace, when there is no threat of war, when there is no trouble and no disturbance, I say that, in my humble judgment, to fasten a standing army of more than 200,000 men upon this country, an army of professional soldiers, whose business it is to maintain themselves, who will naturally be seeking for further advantage—to do that is a grave wrong to this country; it is a repudiation of the traditions not only of the Democratic Party but of the country itself, and it ought not to be done.

Mr. WILLIAMS. Mr. President, I do not think that the amendment offered by the Senator from Missouri [Mr. REED] means very much, and I am opposed to it principally because of what he thinks it means.

Mr. REED. Well, Mr. President, I thank the Senator for the compliment, and of course I am quite willing——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Missouri?

Mr. REED. To sit at his feet and learn wisdom.

Mr. WILLIAMS. I have not yielded to the Senator for an interruption. I have only five minutes in which to speak.

Mr. REED. The Senator ought to be polite during the five minutes.

Mr. WILLIAMS. I am; but I ask the Senator not to consume my time. I meant no disrespect to the Senator from Missouri; I meant just what I said; I am not so much opposed to the amendment because of what it really means as because of what the Senator from Missouri thinks it means.

The Senator from Missouri, by his amendment, provides that the Army shall not be over 200,000 men, except in the event of war or "threatened war." Now, what does "threatened war" mean? What sense is there in the phrase? The whole world has been threatened with war ever since Belgium was invaded and ever since the *Lusitania* was sunk. Are we now, the United States of America, in a state where we are threatened with war or not? Are we, or are we not, threatened with war from Mexico? Are we, or are we not, threatened with war from the settlement of the submarine question? Have we been, or have we not been, called in session to-morrow in solemn Congress assembled by the President of the United States for some purpose which we do not now ourselves even understand? Is that, or is it not, a war purpose? So, I say, of the phrase "threatened war" is kept in the Senator's amendment it means nothing——

Mr. REED. It is in the bill now.

Mr. WILLIAMS. Whether it is or not counts not, because it leaves in the President the same discretion to raise the Army to 250,000 men that was left with him by the amendment offered by the Senator from Connecticut [Mr. BRANDEGEE] and adopted by the Senate. Of course, if it means that the Army can not exceed a certain number except in the case of war or "threatened war," we are now in a state of "threatened war," provided the President thinks so.

I meant no disrespect to the Senator from Missouri; I think very highly of him; he and I are very good friends, and we are going to stay good friends; and whenever I say that a man means one thing and has stated another, I mean no disrespect to him morally, mentally, or physically. The Senator has said one thing and meant another. He thinks he means by this amendment that, if it is adopted, the President will not be able to raise the Army above 200,000 men, but it does not mean that, and can not mean that, provided the President thinks that we are "threatened" with international disturbance. I do not know what the Senator from Missouri thinks about it, but I think we are pretty seriously threatened right now with international disturbances, both from the East and from the South. So I see no use of adopting the amendment. If the amendment does mean what the Senator from Missouri intended it to mean, then I am still more opposed to it, because I think it is well and right to leave war preparation within the discretion of the President to raise the Regular Army up to 250,000 men if he thinks it necessary, if he thinks it advisable, and he will not think it either necessary or advisable unless the military advisers behind him—the Army officers and the staff—advise him to that effect.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Missouri?

Mr. WILLIAMS. I do.

Mr. REED. The time of the Senator from Mississippi has expired, I presume, has it not?

The VICE PRESIDENT. No; he has half a minute yet.

Mr. REED. Mr. President, I move to amend the amendment by striking out the word "excluding" and inserting the word "including" in the second line of the amendment.

The VICE PRESIDENT. There is an amendment pending.

Mr. HUGHES. There is an amendment pending, Mr. President.

The VICE PRESIDENT. There is an amendment pending.

Mr. HUGHES. I make a point of order against the second amendment that it is not in order.

The VICE PRESIDENT. The amendment is in the third degree, and is not in order.

Mr. MYERS. Mr. President——

Mr. HUGHES. I withdraw the point of order, so as to give the Senator from Missouri an opportunity to speak.

Mr. REED. Mr. President, I have just a word to say.

The VICE PRESIDENT. It is not within the power of the Chair to extend the five minutes.

Mr. REED. I have offered an amendment.

The VICE PRESIDENT. But there is an amendment pending.

Mr. REED. The point of order has been withdrawn.

Mr. HUGHES. I have withdrawn the point of order.

Mr. REED. Mr. President, if I had written the language of this amendment which the Senator from Mississippi [Mr. WILLIAMS] has criticized, I might have thought that I did not understand what I wrote myself, and I would naturally have taken it to the Senator from Mississippi to obtain his critical judgment upon it, but the language is not my own; it is the language that is in the bill now and that the Senator helped to vote in the bill, and, if it is ambiguous or meaningless, it is there not by any act or vote of mine. I have not undertaken to change that language. I am simply trying to strike out of the measure the one word "fifty." If that is done, the figures "250,000" will be reduced to "200,000" and would work a reduction in the proposed army of 50,000. If the section means nothing, it ought not to have been put in the bill. I think it does mean a great deal. I think it means that in a time of profound peace the President is absolutely authorized to have an army of 250,000 men to have that kind of an army whether there is any war or any threat of war; and that if we strike out the word "fifty" his power will be reduced to raising an army of 200,000 men in time of peace.

Mr. MYERS. Mr. President, I am very heartily in favor of the amendment offered by the Senator from Missouri [Mr. REED]. While I should prefer the number of the Army to be less than 200,000, I believe that 200,000 soldiers in times of peace are better than 250,000.

The way this bill now stands it provides for a regular standing army in times of peace of 250,000 men. The volunteer-army provision, which remains in the bill, at its full measure calls for about 258,000 men; the enrolled militia of the States at present number 134,000 men, with a prospect of being very greatly increased, making a total called for by this bill as it now stands of 642,000 men; and when you add to that number the pupils who will be enrolled in the schools and colleges, as provided in

the bill, it will doubtless bring the number to a million—a soldiery of a million men in times of peace in this country; and this country is not yet in the millionaire class when it comes to a standing army in times of peace.

I do not believe that the sentiment of the people is in favor of an army of that size in peace times. I believe that the figures—200,000 men—offered by the Senator from Missouri are much more in accord with the sentiment of the people of this country than are the figures 250,000. This is a peace army we are organizing. Of course the million men which this bill practically calls for would not be any too large, and probably not large enough in time of war, and in time of war we would get that many men without any trouble, and more, too, if necessary; but I do not believe the people of the country want to count their soldiery in figures of millions in times of peace. I hope the amendment will be adopted.

Mr. REED and Mr. MYERS called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). Making the same announcement that I have on several former ballots as to my pair and its transfer, I vote "nay."

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE], who is detained from the Chamber. However, I have the privilege of voting upon this amendment and I vote "nay."

Mr. COLT (when his name was called). Making the same announcement which I made on previous roll calls, I vote "nay."

Mr. HARDING (when his name was called). Again transferring my pair with the junior Senator from Alabama [Mr. UNDERWOOD] to the Senator from Utah [Mr. SMOOT], I vote "nay."

Mr. SUTHERLAND (when his name was called). I again announce my pair with the Senator from Arkansas [Mr. CLARKE], and transfer it to the Senator from New Mexico [Mr. CATRON] and vote "nay."

Mr. SWANSON. I desire to say that if my colleague [Mr. MARTIN of Virginia] were present he would vote "yea."

Mr. THOMAS (when his name was called). Announcing my pair and transfer as heretofore, I vote "yea."

Mr. TILLMAN (when his name was called). Announcing my pair and its transfer as I did on former votes, I vote "yea."

Mr. BANKHEAD (when Mr. UNDERWOOD's name was called). My colleague [Mr. UNDERWOOD] is unavoidably absent. He is paired with the Senator from Ohio [Mr. HARDING]. If present, my colleague would vote "yea."

Mr. WARREN (when his name was called). I have a pair with the senior Senator from North Carolina [Mr. OVERMAN]. I transfer that pair to the junior Senator from Illinois [Mr. SHERMAN] and vote "nay."

Mr. WILLIAMS (when his name was called). Repeating previous announcements upon previous roll calls, I vote "nay."

The roll call was concluded.

Mr. CURTIS. Mr. President, I have been requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Florida [Mr. FLETCHER];

The Senator from Maine [Mr. BURLEIGH] with the Senator from Virginia [Mr. MARTIN]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN].

The result was announced—yeas 32, nays 42, as follows:

YEAS—32.

Bankhead	Hitchcock	Norris	Swanson
Beckham	Kenyon	Ransdell	Taggart
Borah	Kern	Reed	Thomas
Clapp	La Follette	Robinson	Thompson
Culberson	Lane	Shafroth	Tillman
Cummins	Lewis	Simmons	Vardaman
Curtis	Martine, N. J.	Smith, Mich.	Walsh
Gronna	Myers	Smith, S. C.	Works

NAYS—42.

Brandegee	Hollis	Nelson	Smith, Ariz.
Broussard	Hughes	Newlands	Smith, Ga.
Chamberlain	Husting	O'Gorman	Smith, Md.
Chilton	James	Oliver	Sterling
Clark, Wyo.	Johnson, Me.	Owen	Sutherland
Colt	Johnson, S. Dak.	Page	Wadsworth
Dillingham	Jones	Phelan	Warren
du Pont	Lee, Md.	Pittman	Weeks
Gallinger	Lippitt	Poindexter	Williams
Harding	Lodge	Pomerene	
Hardwick	McLean	Sheppard	

NOT VOTING—22.

Ashurst	Fall	Martin, Va.	Smoot
Brady	Fletcher	Overman	Stone
Bryan	Goff	Penrose	Townsend
Burleigh	Gore	Saulsbury	Underwood
Catron	Lea, Tenn.	Sherman	
Clarke, Ark.	McCumber	Shields	

So Mr. REED's amendment to the substitute of the committee was rejected.

Mr. SMITH of Georgia. Mr. President, when in Committee of the Whole the Senate amended the pending bill on page 169, section 71, being the provision which described a contract that was to be made by the National Guard and by the militia. We amended the bill by adopting a substitute offered by the junior Senator from New York [Mr. WADSWORTH]. I move to strike out the words "Federal soldiers," in the substitute, and to insert the word "militia." It is utterly impossible, under the provisions of the Constitution to require the militia to sign a contract to become soldiers. That, however, is what we have done. The provision of the Constitution referred to in this amendment makes a distinction between Federal soldiers and the militia and between the powers of the President concerning the militia and the Regular Army.

Mr. President and Senators, we are dealing in this amendment with the National Guard or militia, and we provide that they shall be required to sign a contract of enlistment effective to create the status of Federal soldiers within the meaning of section 8, Article I, of the Constitution of the United States. I do not object to the oath required by the Senator from New York [Mr. WADSWORTH], that they shall obey the President of the United States and obey the governor of the State. Of course that means as the President and the governor have authority to command; but here you propose to require them to sign a contract, when they are militia, to be Federal soldiers. That is to say, they are one thing and you require them to sign a contract to be an entirely different thing. They can not be both. They are either militia under the Constitution or they are members of the Regular Army, Federal soldiers. They become entirely subject to the direction of the President under certain circumstances.

I am perfectly willing to let remain in the bill the oath that the Senator from New York prescribes, although that, I think, was unnecessary. I do submit, however, that we do not commend our conduct to the appreciation of those who consider it when we seriously adopt a provision that a member of the militia shall be required to sign a contract to be a member of the Regular Army—to sign a contract to be something which he expressly is not.

Mr. WADSWORTH. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from New York?

Mr. SMITH of Georgia. Certainly. I was through. I yield the floor to the Senator. I thought the Senator wanted to ask me a question.

Mr. WADSWORTH. Mr. President, the purpose of this amendment was to permit a soldier or officer of the so-called Organized Militia to voluntarily take an oath to sign an enlistment contract making himself primarily a Federal soldier. In my judgment that does not take away his obligation to the State, except in so far as his obligation to the Federal Government is superior.

There are cases of that kind in existence to-day, and if I may impose upon the patience of the Senate at this late hour for just a moment I will describe one or two.

The students at Yale University have organized a battalion of field artillery. They have enlisted for the regular term of enlistment in the Connecticut National Guard in order to do so. The Regular Army officer stationed at Yale University for the purpose of conducting the military courses there, which have been conducted for several years, is a lieutenant in the Regular Army, if my recollection is correct. He has, however, taken a commission in the Connecticut National Guard with the rank of major, in order to command that battalion of field artillery. He has a dual obligation. Will the Senator from Georgia contend that his obligation to the Federal Government, coming through his commission in the Regular Army, is not primary to his commission in the State militia?

Mr. SMITH of Georgia. I will answer the Senator. He simply accepted the assignment——

Mr. WADSWORTH. That is what this amendment proposes to do, on the assumption of dual obligation. The same is true of a captain of Infantry in the First New York Infantry.

Mr. LIPPITT. I understand that this is not compulsory.

Mr. WADSWORTH. It is voluntary.

Mr. SMITH of Georgia. Not at all.

Mr. WADSWORTH. And the section of the Constitution which is referred to in this amendment of mine, which was adopted in Committee of the Whole, refers to the power of Congress to raise and maintain armies. I have contended—and, of course, I have not much pride of my opinion in my contention, but others have suggested it to me as being tenable, at least—that the Congress, under that section, has a right to raise and maintain an army in any way it chooses; and if it can do it in

conjunction with the States, under a dual form of contract or oath, I think this particular provision which the Senator from Georgia attacks will stand.

Mr. SMITH of Georgia. Mr. President, I ask that the Secretary read that part of the provision. The Senator said it was voluntary. I say it requires the signature.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

The provisions of this act as to the National Guard shall not apply to enlisted men thereof who have not signed a contract of enlistment effective to create a status of Federal soldiers within the meaning of section 8, Article I, of the Constitution of the United States.

Mr. WORKS. Mr. President, I think the Senator from New York overlooks the fact that the Constitution and the enlistment of the militiaman fix his allegiance and determine exactly what his duties shall be. His duty is primarily to the State by virtue of the provisions of the Constitution and his enlistment. Now, the proposition is to change that allegiance by an oath that he is required to take, or may take, which is entirely violative of the Constitution.

Mr. THOMAS. Does the Senator think that allegiance could be changed if the oath were taken?

Mr. WORKS. No; it might not be changed, but certainly we ought not even to authorize an oath of that kind.

Mr. THOMAS. I quite agree with the Senator.

Mr. HUGHES. Mr. President, as I understand the provision of the Constitution, a State may organize and maintain militia, but it may not maintain troops. How can a man be a trooper of the United States and a militiaman of the State at the same time?

The difficulty with the whole proposition is that it is attempting to utilize the National Guard in a way that never was intended. It can not be done. You may get the votes of the members of the National Guard by attempting it, but it can not be done in a way to make it effective as a national force in time of peace.

Mr. MARTINE of New Jersey. Mr. President, almost remarkable, and yet fitting, I think, in this particular place, is the counsel of the father of the Democratic Party, Thomas Jefferson. I find in Jefferson's Autobiography, on page 226, these words:

If the present Congress—

Referring to the Congress of his day—

If the present Congress errs in too much talking, how could it be otherwise in a body to which the people send 150 lawyers, whose trade is to question everything, yield nothing, and talk by the hour? That 150 lawyers should ever do business together should never be expected.

That is from Thomas Jefferson's Autobiography. I commend it to my legal friends in this body. [Laughter.]

The VICE PRESIDENT. The question is on the amendment of the Senator from Georgia [Mr. SMITH] to the amendment of the committee.

Mr. SMITH of Georgia. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I make the same announcement as on a former ballot, and vote "nay."

Mr. CLARK of Wyoming (when his name was called). Repeating the announcement as to my pair made on a former occasion, I vote "nay."

Mr. HARDING (when his name was called). Repeating my announcement as to the transfer of my pair, I vote "nay."

Mr. JOHNSON of Maine (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. GRONNA]. In his absence, I withhold my vote.

Mr. SUTHERLAND (when his name was called). Repeating the announcement with respect to my pair that I made on the prior roll calls, I vote "nay."

Mr. WARREN (when his name was called). Announcing my pair as before, and the transfer of the Senator from North Carolina to the Senator from Illinois [Mr. SHERMAN], I vote "nay."

Mr. WILLIAMS (when his name was called). Making the same announcement as previously, I vote "nay."

The roll call was concluded.

Mr. JOHNSON of Maine. I transfer my general pair with the Senator from North Dakota [Mr. GRONNA] to the Senator from Arizona [Mr. ASHURST] and will vote. I vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Florida [Mr. FLETCHER];

The Senator from Maine [Mr. BURLEIGH] with the Senator from Virginia [Mr. MARTIN]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN].

The result was announced—yeas 15, nays 48, as follows:

YEAS—15.

Brandegee	Myers	Shafroth	Swanson
Culberson	O'Gorman	Simmons	Thomas
Hardwick	Owen	Smith, Ariz.	Tillman
Hughes	Robinson	Smith, Ga.	

NAYS—48.

Harding	Lodge	Sheppard	Bankhead
Hitchcock	McCumber	Smith, Mich.	Gallinger
Hollis	Martine, N. J.	Smith, S. C.	Beckham
Husting	Newlands	Sterling	Broussard
James	Norris	Sutherland	Chamberlain
Johnson, Me.	Oliver	Taggart	Chilton
Johnson, S. Dak.	Page	Thompson	Clapp
Jones	Phelan	Wadsworth	Clark, Wyo.
Kenyon	Pittman	Walsh	Cummins
Lane	Poindexter	Warren	Curtis
Lee, Md.	Pomerene	Weeks	Dillingham
Lippitt	Ransdell	Williams	du Pont

NOT VOTING—33.

Ashurst	Fletcher	Martin, Va.	Smoot
Borah	Goff	Nelson	Stone
Brady	Gore	Overman	Townsend
Bryan	Gronna	Penrose	Underwood
Burleigh	Kern	Reed	Vardaman
Catron	La Follette	Saulsbury	Works
Clarke, Ark.	Lea, Tenn.	Sherman	
Colt	Lewis	Shields	
Fall	McLean	Smith, Md.	

So the amendment of Mr. SMITH of Georgia to the amendment of the committee was rejected.

Mr. OWEN. Mr. President, in the organization of the General Staff the provision is that the members shall be detailed from corresponding grades in the Army. I move to insert, after the word "Army," in line 8, page 110, the words "including the Medical Corps," so that the Medical Corps will be represented on the General Staff. At present they have no representation as of right, although I believe they have an assignment there.

Mr. CHAMBERLAIN. I will accept that amendment.

Mr. OWEN. I send to the desk a letter which I ask to have included as a part of my remarks.

The VICE PRESIDENT. Without objection, that may be done.

The letter referred to is as follows:

WAR DEPARTMENT,
Washington, April 14, 1916.

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.

MY DEAR SIR: Referring to your letter of the 7th instant in regard to the Medical Corps, I beg to submit replies to your inquiries, as follows:

1. How many general officers of the line will there be in the Army should the provisions of H. R. 12766, calendar No. 285, of the Senate, become a law?

There will be 47 general officers of the line.

2. What will be the proportion of general officers to the officers of the line of the Army?

There will be 1 general officer to 163 officers of the line.

3. What is the proportion of general officers in the Medical Corps to the officers of the Medical Corps as a whole?

At present 1 general officer to 443 medical officers. As provided in the Senate bill 1 general officer to 896 officers of the Medical Corps.

4. Should R. S. 1222–1224 apply to the Medical Corps?

The medical officers provided for the Military Establishment are needed for duty therewith. If the provisions of R. S. 1222–1224 did not apply to medical officers, we would see them detailed away on all manner of duties.

The technical knowledge of these officers in matters of sanitation and in preventive medicine is made available to the country without the necessity of detailing them away from their proper duties and the Army suffering as a result. These officers are now available for a wide range of duties with the Regular Army and Organized Militia. Were they permitted to serve outside the Military Establishment, they could not but interfere with other properly constituted governmental agencies organized and supported to perform a particular function. If medical officers are to be permitted to accept civil positions, the department must know to what extent, the Medical Corps must then be increased accordingly, and the increased expense involved should then become a proper charge against some department of the Government other than the War Department.

5. What is the rate of casualties for medical officers?

The only data available at this time is that for the English service, compiled from the London Lancet, August 1, 1914, to January 29, 1916:

Killed	64
Died of wounds	33
Died from other causes	17
Missing	65
Wounded	271
Total	450

No figures are available from French sources as to casualties among medical officers. The Journal Officiel for August 14, 1915, Chamber of Deputies, reporting debate in the Chamber of Deputies of France, page 1, 359, second column, in debate M. Nevarre stated:

"Officers of the health service have paid a large tribute to this war. They have fallen at the side of our valiant fighters in proportion equivalent to those of officers of infantry."

There is not sufficient data at hand to show what the percentage of these losses has been.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Oklahoma to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. JONES. Mr. President, before this amendment is agreed to, I want to ask the chairman of the committee a question.

As I understand, the Chief of the Coast Artillery was made a member of the General Staff by legislation of Congress several years ago. I do not find in the bill here anything recognizing that provision to exist. I want to know whether or not this bill does away with that provision of the law and possibly takes the Chief of Coast Artillery out of the General Staff?

Mr. CHAMBERLAIN. Mr. President, the committee concluded, after going into this matter, that the Chief of the Staff Corps ought not to be on the General Staff. The Chief of the Coast Artillery was the one man who was retained on it. The committee thought they ought to be all put on or all left off; and to that end the Chief of the Coast Artillery Corps was left off.

Mr. JONES. I do not care whether the Chief of Engineers is a member of the General Staff or not. I think the Chief of Coast Artillery ought to be a member of the General Staff. It seems to me that is one of the most important lines of our defense, and I regret very much indeed that the committee has repealed that part of the law that made him a member of the General Staff. I think he ought to be a member of it.

Mr. CHAMBERLAIN. But, with all due deference to the distinguished officers connected with the Coast Artillery Corps, they have been insisting on more here all the time than almost any other branch of the service. I say that without disrespect to them. I could name some of the gentlemen who are here almost all the time, but they insisted on more than any other branch of the service. They have done it in the committee. They do it here in Congress. That amendment to leave off the Chief of the Staff Corps was adopted here this afternoon, and four or five Senators have come to me and asked me why he was left off. It is perfectly proper, of course; I am not criticizing anybody, but it has been so all the time.

Mr. JONES. I want to say to the Senator from Oregon that no member of the corps has spoken to me about it. In looking through the bill here I did not know that any amendment of that kind had been adopted this afternoon until a little while ago.

Mr. CHAMBERLAIN. Let me call the Senator's attention to the fact that the Coast Artillery Corps is represented on the General Staff by Maj. Moses, by Maj. Compton, and by Maj. Cullen—a pretty good representation on the General Staff for one branch of the service—and by Capt. Kilbourne, a very distinguished officer, as all of them are. Now, why should the chief of that particular corps be placed on the General Staff?

Mr. JONES. Of course, I do not know much about these military matters, but it has occurred to me that the Chief of the Coast Artillery, no matter who he is, ought to be on the General Staff.

The VICE PRESIDENT. There is no amendment pending before the Senate.

Mr. THOMAS. I wish to ask the Senator having charge of the bill whether the chiefs of other arms of the service are on the staff.

Mr. CHAMBERLAIN. They are not, except the Chief of the Militia Division.

Mr. DU PONT. If I may be permitted to say a word, the Engineer Corps——

The VICE PRESIDENT. The Chair would like to know what, under the unanimous-consent agreement, Senators are discussing.

Mr. JONES. I understood that the amendment offered by the Senator from Oklahoma had not been voted upon.

The VICE PRESIDENT. It has been agreed to.

Mr. JONES. Then, I move to strike out the amendment the chairman of the committee refers to, which was adopted this afternoon, taking the Chief of the Coast Artillery off the General Staff.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Washington to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. CHAMBERLAIN. There is one request that I desire to make, and that is to ask permission of the Senate that authority be given the clerks to renumber the sections of the bill so as to make them come in numerical order and that sections not specified by enumeration be given their proper numbers.

The VICE PRESIDENT. That is always done as a matter of form by the clerks. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for making further and more effectual provision for the national defense, and for other purposes."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 1294. An act to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

S. 3560. An act to validate a certain title whereon the purchase money has been paid on a private sale by order of the United States district court for the middle district of Pennsylvania, at No. 83, June term, 1910, sitting in bankruptcy; and

S. 4480. An act providing for the establishment of two additional terms of the district court for the eastern district of North Carolina, at Raleigh, N. C.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 308. An act to amend the act to regulate commerce, as amended, and for other purposes;

H. R. 529. An act creating an additional land district in the State of California, and for other purposes;

H. R. 6782. An act providing for the leasing of arid lands which are irrigable, belonging to Indian allottees, and fixing the maximum time for which such leases may run;

H. R. 8654. An act to amend an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, by adding a new section, to be known as section 7;

H. R. 8669. An act authorizing the Secretary of the Interior to extend the lease of certain land in Stanley County, S. Dak., for a buffalo pasture;

H. R. 9525. An act to establish a national park in the Territory of Hawaii;

H. R. 9909. An act to authorize the Chicago, Milwaukee & St. Paul Railway Co. to construct a bridge across the Missouri River;

H. R. 11320. An act granting the consent of Congress to the counties of Twin Falls and Minidoka, State of Idaho, to construct a bridge across Snake River;

H. R. 12716. An act amending sections 4898, 4906, 4921, 4934, and 4935 of the Revised Statutes of the United States; and

H. R. 13112. An act to amend section 14 of the seamen's act of March 4, 1915.

The message further announced that the House had passed the bill (S. 683) prohibiting the use of the name of any Member of either House of Congress or of any officer of the Government by any person, firm, or corporation practicing before any department of the Government.

The message also announced that the House had passed the bill (S. 4876) to provide for an increase in the number of cadets at the United States Military Academy.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 4889. An act to renew patent No. 21053; and

S. 5229. An act granting the consent of Congress to the county commissioners of Warren County, Pa., to construct a bridge across the Allegheny River in the borough of Warren, county of Warren, in the State of Pennsylvania.

PETITIONS AND MEMORIALS.

Mr. BURLEIGH presented a memorial of sundry citizens of Soldier Pond, Me., remonstrating against the enactment of legislation to permit railroad station agents to deliver the mail to post offices, which was referred to the Committee on Post Offices and Post Roads.

Mr. WARREN presented a memorial of sundry citizens of Cheyenne, Wyo., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Wyoming, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PHELAN presented petitions of Local Union No. 148, Journeymen Barbers, of San Francisco, and of Local Union No. 158, United Brotherhood of Carpenters and Joiners of America, of Los Angeles, in the State of California, praying for the en-

actment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a petition of Local Grange No. 369, Patrons of Husbandry, of Cotati, Cal., praying for Government ownership of telephone and telegraph systems, which was referred to the Committee on Post Offices and Post Roads.

He also presented the petitions of W. F. Durand, of Stanford University, and of Hon. W. B. Bunker, of Oakland, in the State of California, praying for the enactment of legislation to provide military training in civil educational institutions, which were ordered to lie on the table.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. POINDEXTER presented the memorial of Ernest Giles and sundry other citizens of Puyallup, Wash., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. LANE presented a memorial of 476 citizens of Oregon, remonstrating against an increase in the Army or Navy, and also against compulsory military service, which was referred to the Committee on Military Affairs.

Mr. JONES presented memorials of sundry citizens of Snohomish and of Lewis and Clarke Counties, all in the State of Washington, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Snohomish and of Granger, in the State of Washington, remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. NELSON presented a petition of the Farmers' Club, of Chamberlain, Minn., praying for the passage of the so-called rural-credits bill, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of the Farmers' Club, of Chamberlain, Minn., remonstrating against the enactment of legislation to change existing law relative to the coloring of oleomargarine, which was referred to the Committee on Agriculture and Forestry.

Mr. SMITH of Michigan presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Detroit and Bay City, in the State of Michigan, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Lakeview, Mich., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Three Rivers, Mich., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BURLEIGH:

A bill (S. 5638) granting a pension to Sibae S. Andrews; to the Committee on Pensions.

By Mr. PAGE:

A bill (S. 5639) granting a pension to Saloma V. Bedell (with accompanying papers); to the Committee on Pensions.

By Mr. LANE:

A bill (S. 5640) to amend paragraph 207 of the act approved October 3, 1913, entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes"; to the Committee on Finance.

A bill (S. 5641) granting an increase of pension to George M. Spencer (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5642) granting a pension to Lora W. Hughes; and

A bill (S. 5643) granting an increase of pension to Lydia A. Belknap (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5644) granting an increase of pension to Annie Humphreys; to the Committee on Pensions.

RIVER AND HARBOR APPROPRIATIONS.

Mr. NELSON submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

Mr. CHILTON. I move that the Senate adjourn.

The motion was agreed to; and (at 9 o'clock and 2 minutes p. m., Tuesday, April 18, 1916) the Senate adjourned until tomorrow, Wednesday, April 19, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 18, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art infinitely wise, all powerful, whose essence is love, God of our fathers and our God, we come to Thee because we believe in Thee and that without Thy help we can do nothing. As we turn back the pages of history and let the light of the past fall into our souls, we are impressed with the overwhelming fact that it is but the reflection of Thy glory shining down to us through the acts of our fathers who wrought well, wrought nobly, and builded even better than they knew, because Thy spirit brooded over them and was in them. So let it be with these Thy servants, for we realize that no act of theirs will stand the test of time unless it be in accordance with the eternal principles of right and truth and justice which are written in the heart of man, exemplified in the precepts and incomparable life of the Jesus of Nazareth. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill, joint resolutions, and concurrent resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5310. An act to authorize the county commissioners of Walla Walla and Franklin Counties, Wash., to construct a bridge across the Snake River between Pasco and Burbank;

S. J. Res. 119. Joint resolution to permit the issuance of medical and other supplies to the American National Red Cross for a temporary period;

S. J. Res. 98. Joint resolution to print as a public document the final report and testimony submitted to Congress by the United States Commission on Industrial Relations; and

S. Con. Res. 19. Concurrent resolution directing the Attorney General to investigate whether the phenomenal increase in the price of gasoline is the result of any violation of the laws of the United States.

AGRICULTURAL APPROPRIATIONS.

On motion of Mr. LEVER, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, with Mr. HAMLIN in the chair.

The CHAIRMAN. The Chair will state that when the committee rose on Saturday last there was pending an amendment offered by the gentleman from Massachusetts [Mr. WALSH] to strike out the paragraph.

Mr. LEVER. Pending the discussion of that I wish to make a brief statement. A few weeks ago the Committee on Agriculture authorized me to offer an amendment to this bill, at the proper place, providing—

For investigation and demonstration within the United States to determine the best methods of obtaining potash on a commercial scale, including the purchase or rent of lands and buildings and the erection of buildings and other structures necessary therefor, $175,000.

I ask unanimous consent that this amendment may be printed in the RECORD, so that gentlemen may see it and have an opportunity to study it before it is reached. It will be offered at page 49, after line 11. I ask unanimous consent to extend my remarks by printing this amendment.

The CHAIRMAN. The amendment will be reported for the information of Members.

Mr. LEVER. I have read it already.

Mr. MANN. It has been read, and the gentleman asks to have it printed for information.

The CHAIRMAN. Without objection, it will be printed in the RECORD.

The amendment is as follows:

Page 49, after line 11, insert the following:

"For investigation and demonstration within the United States to determine the best methods of obtaining potash on a commercial scale, including the purchase or rent of lands and buildings and the erection of buildings and other structures necessary therefor, $175,000."

The CHAIRMAN. The attention of the Chair has been called to the fact that the motion of the gentleman from Massachusetts [Mr. WALSH] to which the Chair referred a moment ago has not been reported from the Clerk's desk. Will the gentleman from Massachusetts renew his motion?

Mr. WALSH. I move to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. WALSH moves to amend by striking out the paragraph beginning with line 1, page 25, and ending with line 14, page 27.

Mr. LEVER. Mr. Chairman, this is the paragraph relating to the purchase and distribution of valuable seeds. Before the gentleman proceeds I wonder if we can not reach an agreement as to the amount of discussion on this item. I am going to suggest one hour, one-half to be controlled by the proponents of the amendment and one-half by the opposition to it.

Mr. MANN. Make it an hour and a half.

Mr. LEVER. I do not believe we will need that much.

Mr. MANN. I hope the gentleman will make it an hour and a half.

Mr. LEVER. Then I will make it an hour and a half, though I do not think it will all be consumed.

Mr. MANN. I hope not.

Mr. LEVER. I ask unanimous consent that all debate on this paragraph and amendments thereto be closed in one hour and a half, one half to be controlled by the proponents of the proposition and the other half by the opponents of it.

Mr. MANN. The gentleman had better make it specific.

Mr. LEVER. One-half to be controlled by the gentleman from Massachusetts [Mr. WALSH] and one-half by myself.

The CHAIRMAN. The gentleman asks unanimous consent that debate on this paragraph and all amendments thereto close in one hour and a half; one-half that time to be controlled by himself and one-half by the gentleman from Massachusetts [Mr. WALSH]. Is there objection?

There was no objection.

Mr. WALSH. Mr. Chairman, this is a provision of the Agricultural bill which Members of Congress would have the people believe is inserted for the benefit of the farmers of this country. Members may be able to fool themselves into thinking that it is for the benefit of the farmers, but you are not fooling the farmers of the country for one moment, neither are you fooling anybody else. Of what benefit is it to the farmer—the real farmer—of the West or of the South to receive a package of seed with 211 grains of corn in it? He could plant that in the corner of his front yard and never know that it was a part of his crop. It is not any new variety, but a kind with which he is familiar. Of what benefit is it to the farmer to receive a package of peas with something over 300 grains of seed? He knows how to plant peas, and how they grow, and what they are. The gentleman from Tennessee [Mr. SIMS] gave vent to a plaintive cry, when this paragraph was reached the other day, for more beans for Tennessee. I want to state to the gentleman that the city of Boston claims a monopoly on beans as well as culture, and I trust some Member from the Boston district will properly resent this attempt to take away that well-earned distinction.

Mr. ALLEN. Will the gentleman yield?

Mr. WALSH. I do not.

The CHAIRMAN. The gentleman declines to yield.

Mr. WALSH. But the gentleman from Tennessee [Mr. SIMS] says they want these beans down there so they can can them. Apparently they eat what they can, and what they can not they can. The best thing to do with the proposition for congressional free seed is to "can" it. The other day we had a measure before this House calling for vast appropriations for river and harbor improvements, and I voted against it. It had been properly termed, in several respects, a pork measure. I voted against that, and I shall vote against this provision, which the gentleman from Tennessee would have converted into a "bean measure." There is no reason why the Congress of the United States should furnish the farmers of Tennessee with seed to plant beans so that they can turn them over to the canneries and make a profit out of them. We ought to do the canning, and can both the "pork" bill and the "bean" bill, too. If you should provide in this bill to furnish the people of this country a package of clothespins or a bottle of soothing sirup, you would have a great demand for them, because it is human nature to get something for nothing; and undoubtedly the same gentlemen would vote for it, and seek to justify their action by giving the same reasons we now hear. Members say it is a great thing to have the children of the country receive seeds and plant them in their little gardens, because it stimulates the love of agriculture and horticulture; but you will notice that the children as they grow up into young manhood and womanhood do not stay on the farm. There is a cry to keep the children and young men on the farm, but all these years that we have spent money in sending out these seeds in the past have not resulted in stimulating the love of agriculture, as the boys continue to leave the farm just the same.

If this is such an important activity of the Department of Agriculture, I would like to inquire why it is, in the report of the Secretary and in the report of the Bureau of Plant Industry, you can not find a paragraph stating what has been accomplished by it; you can not find set forth in any of the department reports for the past year any reports that have been sent to the department by the recipients of these seeds; and yet on every package of seeds that is sent out by congressional distribution is a line, "Please report the results of the planting of these seeds to the department." And yet the Secretary of Agriculture in his report has not a single line regarding the congressional distribution of these seeds. The men in charge of the bureau having charge of the distribution of these seeds have not a single word as to the benefits or results that have been attained, and the committee's report has only five lines regarding it.

In these days, Mr. Chairman, when the people have their minds turned toward greater problems, I say to you that if you sincerely believe that the farmers of the country are deeply interested in this matter you will find they are willing to sacrifice for this year at least this gift out of your hands of one package of seeds, particularly if their attention were called to the fact that the amount called for in this paragraph, $250,000, will be sufficient to complete 20 aeroplanes for our Army and Navy in this country, which is a branch of the service which is sadly in need of attention, or go far toward paying for additional enlisted men in the ranks of the Army. I believe that the farmers would gladly sacrifice the little gift of a package of seeds which you are sending out under the guise of stimulating a love for agriculture.

Mention was made the other day of a young Swiss farmer in Nebraska by the gentleman from Nebraska [Mr. REAVIS], who had reached a high place in his profession as a farmer, who had taken prizes as the result of a high state of cultivation on his 20-acre farm. I warrant that that young farmer accomplished that without any aid from free seeds. As a matter of fact, Mr. Chairman, he took care to see to it that the farmers in his vicinity were furnished with seed by himself in order that his own crops might not be polluted; he did not want any free seed planted around in his neighborhood. If you are going to send out seed I say it should be seed of new and rare varieties, such as we provide for in the preceding paragraph in this bill. If you turn this appropriation into that you might accomplish some good and be solving some problems that the farmers at home would like to have solved. [Applause.]

Mr. LEVER. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman, I am surprised that the gentleman from Massachusetts [Mr. WALSH] wants to gouge the farmers of this country out of what little they get from the Government. I take it from his viewpoint that he thinks all the farmer is fit for is to pay taxes and go out to fight for his country. [Laughter.]

I suppose he lives in the city of Boston where, as he says, there is a monopoly on navy beans and culture. I have nothing against Boston; that is the place where our forefathers turned the tea overboard because they did not want to be treated unjustly, because they did not want to be taxed without representation; but it seems that the modern idea, according to this distinguished statesman, is that Boston is different from the old days when patriotism ruled there.

Mr. TAGUE. Will the gentleman yield?

Mr. QUIN. No; I can not yield.

Mr. TAGUE. I only wanted to correct the statement that the gentleman made. The gentleman from Massachusetts he refers to is not from the city of Boston.

Mr. QUIN. Then I am surprised at his taking so much unction unto himself to speak for Boston. I presume they want all the seed over there to feed the codfish, because they want to monopolize everything on earth. They already have, he says, a monopoly on culture and navy beans. I do not object to their keeping it on navy beans, for they serve a good purpose, but I think he overstates it when he says that they have it on culture. I know that Boston has one distinction—they consider the flavor of coon as sweet perfume and consider the standing of the nigger socially equal to that of a white man; that he is as good as a white citizen. They can keep that distinction if they want to, but I do not believe in that doctrine.

But this question of cutting out the seed, Mr. Chairman, seems to me to be one of injustice and hardship on the people

of this country. The seeds that go to the farmer and the people in the towns, who can plant a little garden in their backyard and raise vegetables enough for the family; the seeds that go out from the Agricultural Department through the distribution by Congressmen to the people of this Republic enable them to grow vegetables and raise something to reduce the high cost of living. I want to say to the distinguished gentleman from Massachusetts that the farmers of this country write to their Congressmen for garden seeds. They write to them for special field seeds. Not only is the amount allotted to Congressmen distributed, but they have hundreds and thousands of letters asking for garden seeds and flower seeds that they are not able to send out. While the farmer of this country is trying to earn the taxes that are levied upon him, let us in the name of justice keep giving him the little package of garden seeds that he is entitled to. [Applause.] Let his wife be made happy by raising a few beautiful flowers from the Government flower seeds. [Applause.] The gentleman from Massachusetts said that this item would build a few aeroplanes. I know there are a few cranks in this country like him who think you ought to tax the people enough to send them to the poorhouse in order to build a few more battleships and aeroplanes. That element never will be satisfied; they even want to take the shirt off the farmer's back and take his plow gear and harness away from him and his old turning plow and weld them into swords and other instruments for human destruction here in time of peace. I am for this garden-seed item and all the field seeds possible. [Applause.]

Mr. WALSH. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. REAVIS].

Mr. REAVIS. Mr. Chairman, I infer from remarks made in the House last Saturday afternoon when this motion to strike out the paragraph was first made that motions of this nature have been made in the past respecting this item, and that those occasions were more or less field days for the cub Members.

I have sat in this body for some four months and listened to the gentlemen on the other side of the aisle tell of the urgent necessity of devising new means for raising revenue. I have heard them appeal for a continuation of the obnoxious and odious stamp tax, misnamed the war tax, because of the impoverished condition of the Treasury. They have placed Uncle Sam, the symbol of a Nation that built God's youngest and best Government, that subdued a wilderness from sea to sea, that constructed the Panama Canal, the greatest engineering feat of all time—Uncle Sam the majestic, as stated by the gentleman from Wyoming [Mr. MONDELL], has been placed by them like a patient mendicant by the side of telephone booths begging pennies of chance customers for the purpose of defraying the expenses of his daily existence. I have seen gentlemen on the other side of the aisle abate their time-honored prejudice against the protective tariff principle, searching their souls for phrases to show how sad they were at being compelled to continue a tariff upon sugar for the purpose of raising needed revenue. The Ways and Means Committee at this time is searching this Nation with a telescope for some business, some commodity not already overtaxed, upon which to raise an additional sum which the enormous appropriations of this Congress will make necessary. And yet, Mr. Chairman, after burdening the taxpayer of this Nation with a continuation of the obnoxious war tax, with the tax upon sugar, with the taxes and tariffs yet to be returned from the Ways and Means Committee, I have seen the same gentlemen, who have been so grieved because of this necessity, and who have voted for these measures to raise the money, expend the money so derived by such measures to take the stumps out of the Trinity River, the snags out of the Brazos, to make navigable another stream that boasts of but a single boat with a 2-foot draft, having installed in it a foreign engine that is very satisfactory, because, as the testimony shows, "it can make a whistle blow and do other things." [Laughter.]

They have continued that appropriation by expenditures upon another so-called navigable river in such a condition that the appropriation will carry with it funds for the employment of some individual to gather the water hyacinths from the bosom of the sunny southern stream. At least $15,000,000, in my judgment, wasted in that bill alone. And on top of that now we have this other item, the free seed proposition, two hundred and fifty thousand and odd dollars appropriated for a distribution that is not a governmental function in any manner at all. I presume when this appropriation was originally made it was made for the purpose of ascertaining what seeds would grow in the different soils of the Nation, that it was experimental in character, and I presume—I must presume, because I am now in my first term—that the defense of it would be that it was still experimental; that we were sending out new and rare seeds for the purpose of learning something with reference to agriculture, but that presumption was dissipated by the impassioned and eloquent utterances of the gentleman from Tennessee [Mr. SIMS] last Saturday afternoon, when he said, "We do not want any new vegetables; we do not want any rare seeds; we want beans, and we want the old-fashioned bean," I suppose with all of its functions and characteristics intact and fully preserved. [Laughter.]

Mr. Chairman, I have heard of a Congressman on this floor who received a request from his constituent that he frank him a guinea pig, and of another one who received a request from a constituent that he frank him a goat, and upon his replying courteously that the Government was not distributing goats this year the constituent replied to him in this language: "It is a hell of a Congressman that can't get a goat for a constituent." [Laughter.] I sincerely trust that the desires of that constituent for a goat are not so enthusiastic that he will seek his Congressman's goat.

What governmental function is answered by this distribution of free seed? Why do you not send out postage stamps; and you gentlemen who represent suffrage States, why do you not have an appropriation to send out cut flowers to your lady voters? From my district there have been returned to me this year more than 200 packages of the seeds that were sent out, accompanied in most instances by a note to the effect that "We are not the objects of charity; we can purchase our own garden seed." [Applause.] And I say to you now, with this Congress facing the tremendous expenses that it is facing, with the momentous matters we have to meet that will add hundreds of millions of dollars to the burdens of the taxpayers in this country in the next year, you and I have no right to prostitute governmental functions by appropriating $250,000 with which to send out seeds, not for the benefit of the farmer, not for the benefit of agriculture, but for the benefit of the Congressman, to such an extent that the Nation to-day is rightfully looking upon it as the annual congressional graft. I shall support the amendment of the gentleman from Massachusetts to strike this appropriation from the bill. [Applause.]

I yield back the remainder of my time.

Mr. LEVER. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Chairman, I am opposed to the amendment of my good friend from Massachusetts [Mr. WALSH], and when he has been here seven years as the time will come, he himself will be opposed to the position which he now takes. I say this with absolute impartiality because I have voted both ways in the last seven years on this matter. There is no place in the country where this distribution of seed is of more real benefit than in a city district. I find by a little hasty calculation that this distribution costs the Government about $585 per congressional district. It is worth it in the city of New York.

Mr. MANN. The gentleman is leaving out the Senators in that calculation, is he not?

Mr. HOUSTON. Will the gentleman yield?

Mr. BENNET. For a question.

Mr. HOUSTON. I would just like to ask the gentleman if he has made a calculation as to the cost of one package of seed to the Government?

Mr. BENNET. No, sir.

Mr. HOUSTON. The figures which I have made hurriedly are that each package costs the Government about 1⅝ cents. That package contains five smaller packages each of which would retail and does retail at 5 cents, making the Government furnish to the people for 1⅝ cents 25 cents' worth of seed. [Applause.]

Mr. BENNET. I accept the gentleman's statement. I am not very much interested, however, in the intrinsic value of the seed because I have learned in my seven years of experience that there is a great deal more than $580 worth of brightness brought into the lives of the children in every city congressional district. What the gentleman from Massachusetts [Mr. WALSH] proposes, innocently, to do is to take out of the lives of hundreds of thousands of city children the only piece of nature study that they have during the entire year. There are many things I would give up far more quickly than I would the pride and satisfaction that I get from the letters that come to me from children, children in institutions, for instance, where a little package of flower seed gave them a little garden that is the only spot of nature's beautiful brightness that they have for their own from year's end to year's end. Out on the broad prairies and out in the farming communities the green grass and blue sky are common things not to be measured, but in the city with its teaming thousands, congested and crowded as it necessarily is, we ought to conserve if we can that which links humanity with nature's God.

I have been for this seed proposition now for the last three or four years, because I have become convinced that its trivial expenditure is one of the best little items of expenditure that the Government makes. I know the motion of the gentleman from Massachusetts is not going to prevail; it never has and it never does. There are different reasons why different people vote for it, but I wanted for once to lay before the House the reason why as a city representative, representing always a city district, I voted the last two or three times to keep this seed proposition in, and why I propose this time, with all respect to my friend from Massachusetts, whom I admire, to vote again as a city man to keep this item in and to preserve for the children of my district—and there are many of them—this link between that impulse that is in each of us to admire everything that there is of nature as manifested in its beautiful outward shape——

Mr. GORDON. Will the gentleman yield?

Mr. BENNET. I will.

Mr. GORDON. To what extent is the gentleman influenced by the strength that is caused by that link between the gentleman and his constituents?

Mr. BENNET. I am influenced precisely to the same extent as the gentleman from Ohio.

Mr. GORDON. Then the gentleman thinks it is graft?

Mr. BENNET. I disagree with the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I yield three minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, I am sorry I can not agree with my distinguished friend from Massachusetts [Mr. WALSH] on this proposition. I think his economy in this instance is misplaced. Neither can I agree with the gentleman from Nebraska [Mr. REAVIS]. I am surprised, coming from the State of Nebraska, as he does, he should support an amendment of this kind. Now, the farmers in my section of the country are not particularly anxious about this paragraph in the bill, but there are thousands of city dwellers who desire to participate in this distribution of seed.

My colleague from New York [Mr. BENNET] has made the kind of speech I would like to make if I had five minutes in which to do it and could do it as well. He has spoken of the school children. Let me say there are others besides school children who find a great deal of pleasure in cultivating these seeds. There are those who have small patches of ground in the country. They get out into the country during the recess period or during moments of leisure and there endeavor to cultivate the ground. It is a good thing for the city man and it is good for the farmer.

Apart from the fact that school children do seek these seeds and do indulge in nature's study resulting from the planting of them upon bare spots around congested centers, there is an economical side to this proposition too. The city man ought to know more about farming. He is constantly facing the problem of a higher cost of living and ought to be able to help himself.

We are now cultivating vacant tracts in built-up sections of the city, and these seeds help us in this respect. Strange to say, for one who represents a district that has not an unimproved acre of ground in it, I have a great demand from school-teachers and from children, as well as from men who have small patches of ground in the country. I delight in sending them seed, because I know they do a great deal of good. It keeps the folks in the open air. They ornament and beautify the waste places in the city. The planting of the seed brings the children up to nature, who otherwise never would see its beauties. It brings them into the glorious sunshine that prevails in the country and which we enjoy so little where the brick walls and the heated streets hedge us round about. I do not regret the expenditure of this seed money. It helps us in the cities to a little of your rich and wholesome country environment.

Give us a little more of the sunshine in the city, a little more of that happiness and cheer which comes upon every side of the home in the country. Give us a chance to see daylight once in a while in the built-up sections. The flowers, the sunshine, and the garden help to make life happier all along the line. [Applause.]

Mr. WALSH. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, I am in favor of the motion to strike out this provision, although I am not entirely agreed with the gentlemen who consider that no useful object is promoted by the distribution of this seed. Perhaps the greatest benefit we get out of it is the annual speech of my friend from Mississippi [Mr. CANDLER]. That is worth a good deal, but it is not worth $250,000.

My opposition to this provision in the bill is not entirely unselfish. I have found the distribution of seeds—and I will say to the young Members of the House who in the future will have occasion to distribute them, that I think they will have the same experience—I have found the distribution of seeds to be a great burden and an intolerable nuisance; that it takes up the time of the Congressman, with no benefit whatever to him. I have tried all kinds of methods for distributing them, usually the universal method of sending them out broadcast, with the result that some write to me as they have written the gentleman from Nebraska [Mr. REAVIS]. And some other constituent, objecting to my vote on the military bill or some other question, writes indignantly to ask if I think his vote can be purchased with a package of seeds. Then letters of explanation have to follow, stating that I have always opposed this provision, and only distribute the seeds because they are allotted to me, and that the people of some other district would have them if I did not send them out.

But the chief objection I have to this provision, Mr. Chairman, is that, in my judgment, it tends to bring Congress into disrepute. Notwithstanding the fact that the distribution of seeds is the cause of a great deal of expense and, as I have said, a great burden to every Member of the House who has them to distribute, a large part of the people in the country regard it as a form of congressional graft, and in this they are largely wrought up by the newspapers, who always have some adverse comment upon the proceedings in which we are now engaged.

A great portion of the public imagine that the distribution of seeds is for the benefit of the Congressman, that he gets some sort of political advantage out of that distribution. If he does, it is something that some other Members have been able to discover, because I have never been able to find it. The people at large regard the distribution of seeds as a small and petty matter, so far as results and methods are concerned, but as quite a large and important matter when they consider the item of $250,000 which is used to purchase the seeds.

Mr. RUCKER. Will the gentleman yield for a question?

Mr. GREEN of Iowa. With pleasure.

Mr. RUCKER. Has the gentleman made any attempt to ascertain how much it costs to send out these seeds per capita?

Mr. GREEN of Iowa. Do you mean what it costs the Government?

Mr. RUCKER. The people of the United States.

Mr. GREEN of Iowa. I can not say.

Mr. RUCKER. Does not the gentleman know that the cost per capita would be about one-fourth of a mill?

Mr. GREEN of Iowa. I know it is a very small sum considered individually, but it amounts probably to half a million dollars, taking it altogether, the entire expense connected with it in all forms. And the net result is that it tends, as I have said, to bring Congress into disrepute and cast a sort of a shadow upon the work of all the Members here. I think this amendment ought to be sustained. [Applause.]

Mr. WALSH. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. GORDON].

Mr. GORDON. Mr. Chairman, this old hoary-headed graft of free seeds has been in this bill since the time "when the memory of man runneth not to the contrary." The talk of our Republican friends that the Democrats are responsible for it is a little bit of cheap politics. Of course, our Republican friends are a little hard up for issues themselves at present, and they want to unload the burden of any appropriation which in any of its aspects is offensive to any class of people, upon the small Democratic majority in this House. My objection, however, to this appropriation is very much deeper than any mere matter of party and is, I hope, above any question of personal consideration.

I have faithfully distributed all the seeds allotted to me since the first year I was here. The first year I overlooked one of the provisions of the appropriation bill which forfeited all seeds not called for by April 1, and I missed the point that time and failed to distribute the entire allotment, which reverted under the law to the Agricultural Department. But I do wish that the gentlemen of this House, wholly regardless of political or personal considerations, would again give this question very careful consideration before the vote is taken. Two hundred and fifty thousand dollars is a small amount of money for Congress to appropriate, it is true, but that depends upon the purpose for which the appropriation is made. Now, the only claim that has been presented here for this appropriation is that it confers a special favor upon a large number of people and costs a small amount of money. But it seems to me that this contention wholly disregards the fact that it is appropriating public money to confer favors upon individuals. It is a step in the direction of that policy of the appropriation of grain to individuals out of the public warehouse, which obtained along toward the end of the decline and fall of the Roman Republic.

A great many sophistical reasons have been given here. I have heard my friend from Pennsylvania [Mr. MOORE] dilate at length about the little children and how pleased they were with these seeds. Now the real truth about it is that nearly everyone appreciates much beyond its real value anything he gets for nothing. And, of course, to that extent it is appreciated. But to the extent which the Government contributes toward this annual donation it seems to me that it violates a principle of sound government, and I am afraid that many of us are constrained to support this appropriation, not because of the personal benefit conferred upon individual constituents, but because of the political profit inuring to Members of Congress as the result of the distribution. It reminds your constituent that you are thinking of him, and I confess it is to that extent somewhat of a political asset, but I am getting sick and tired of having some of my constituents write me that it is time this graft were abolished and that I ought not to be a party to it. I feel they are right, too, and I hope it will be stricken out. [Applause.]

Mr. LEVER. Mr. Chairman, I yield five minutes to the gentlemen from Kentucky [Mr. KINCHELOE].

Mr. KINCHELOE. Mr. Chairman, in the short time I have been a Member of this House I have learned to believe that every time an appropriation is offered here for the benefit of the wealth-producing class of the country, especially the farmer, it is not only termed a "hoary-headed graft," but that Uncle Sam is a mendicant at all times and unable to pay this character of appropriation. Why, the gentleman from Nebraska [Mr. REAVIS] talks about Uncle Sam being a mendicant; that the Ways and Means Committee now are exerting their best efforts to raise revenue to run this Federal Government. You hear the majority of them on that side of the House talk that way when an appropriation comes up for the benefit of the people, and that we are threatening to go into bankruptcy. The Committee on Ways and Means is devising ways and means to raise revenue with which to defray the expenses of this Government—not in the way the Committee on Ways and Means devised revenue to run this Government when the Payne-Aldrich tariff bill was enacted into law, but in such a way as not to tax the shirts off the backs of the poor and consumers of this country, as a Republican Congress did, but, on the other hand, to continue to tax the rich of this country, who are able to pay. [Applause on the Democratic side.] By reason of this Democratic Congress and a Democratic President we have an income-tax bill that this year will raise a hundred million dollars of revenue to defray the expenses of this Government, not a dollar of which, thank God, comes out of the pockets of the poor, but every dollar of it comes out of the pockets of the rich of this country by reason of a Democratic administration. [Applause on the Democratic side.] Why, I have just left the committee room, where I heard the president of the Chamber of Commerce of New York City testify and say that this country was now in such a flourishing condition that confidence had been restored to the business interests of this country, so that it did not even need any Government aid to build up a merchant marine in this country.

The gentleman from Massachusetts [Mr. WALSH] has undertaken to tell us how many grains of seed are contained in a package of corn that is sent out, and of peas. Now, with all due respect to the gentleman, I doubt very seriously whether he would know the difference between a grain of corn and a grain of peas, coming from the place he does. [Laughter.] So long as a $400,000 appropriation is proposed for the harbor of Boston, you will find Massachusetts is on the job, and Uncle Sam is able to pay it; but when you want to appropriate $250,000 with which to purchase this seed, to send to the humble tenants of the home where the wife and children may plant that seed and cultivate and produce the vegetables upon which they shall subsist, then you hear these gentlemen from the city saying it is a "hoary-headed graft," and therefore it ought to be beaten. My friends, there is not an appropriation in any of these appropriation bills, in my judgment, that brings more comfort and does more good to more people than this paragraph in this bill.

I want to say to the gentleman from Nebraska [Mr. REAVIS], who has said that he had 200 packages of seed sent back to him with the statement that the recipients were not paupers, if he will transfer those 200 packages to me I will send them to some humble homes in Kentucky whose occupants are not paupers, but who will appreciate them, and there will be a just return, dollar for dollar, upon every investment that is made under this section of this bill [applause on the Democratic side], and why any man can stand on the floor of this House and oppose this bill, and especially a gentleman who comes from a great agricultural State like Nebraska, who gets so solicitous about the solvency of Uncle Sam, I do not understand. I do not believe there ought to be a dissenting vote against it. [Applause on the Democratic side.]

Mr. WALSH. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. FESS].

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] is recognized for five minutes.

Mr. FESS. Mr. Chairman, I recognize two sides to this question. I believe that a proper distribution of the Government seeds might be justifiable, but I confess it is a pretty difficult thing for me as a Member to know how to distribute them in a way that will make them acceptable without criticism from the people who do not want to receive them. There are those who resent the receipt of this governmental gratuity. Since this debate started I sent to my office for some correspondence. Let me read to you just one, among others like it:

> I am in receipt of your sample of vegetable seeds, all of which I note are old standard sorts. I also note that you wish a report of the results in my trial of these seeds to your department. Of course, you know that nobody can afford to plant Government seeds, as they are of no account, and I understand that there are a few bushels of them lying in this post office unclaimed, because the farmers are wise to the fact that they can not afford to plant rubbish. It is certainly an interesting state of American politics that the people are compelled to pay for this tiresome graft when more than half of them do not want it and have protested to their Congressmen against it, wasting their money in this way, and yet we find it impossible to get a Congressman with enough backbone to stop wasting this money.

Mr. STEENERSON. Mr. Chairman, will the gentleman yield there?

Mr. FESS. Yes.

Mr. STEENERSON. What is the business of that gentleman?

Mr. FESS. This man is a farmer.

Mr. STEENERSON. Is he a big farmer or a small farmer?

Mr. FESS. He is a large farmer. Now, here is another letter which I will read.

Mr. FORDNEY. Mr. Chairman, will the gentleman yield there?

Mr. FESS. Yes; I will yield.

Mr. FORDNEY. I want to say that I represent a strictly agricultural district, and I never heard of anybody in that district who was not willing and glad to receive those seeds; not a soul.

Mr. FITZGERALD. That is because the Republicans are accustomed to being brought up under the Federal Government. [Laughter.]

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] has the floor.

Mr. FESS. Mr. Chairman, I read:

> We return with thanks sample of flower and vegetable seeds sent through the mail. Just why it is necessary for the people to pay for these seeds with their taxes is more than any of us has ever been able to figure out.

Those seeds sent to this particular farmer were returned to my office, he paying, of course, the postage for the return.

Mr. DAVENPORT. Mr. Chairman, will the gentleman yield there for a question?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Oklahoma?

Mr. FESS. I will yield.

Mr. DAVENPORT. I would like to ask the gentleman if the farmers in Ohio, where he lives, who decline the seeds use a typewriter like the one used on the letter he is reading to the House? [Laughter.]

Mr. FESS. That was, but the other was not. [Laughter.] That makes it very evident that it is a very intelligent farmer, does it not? [Laughter.]

Now, here is another. I read:

> 'Tis sweet to be remembered; 'tis sad to be forgot;
> And deep, indeed, the anguish to be remembered not.

And then, later on, a dissertation upon the distribution of seeds, and, among other things, the letter says:

> Senator Foraker used to send me some garden seeds almost every year. You know I used to know him and Mrs. Foraker quite well, and she always saw to it that I got some seeds every year, until I got clean out of saving them any more.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Indiana?

Mr. FESS. I do not want you to think that I am reading humor into this debate. [Here the hammer fell.] That is what I expected. I was afraid of it. [Laughter.]

Mr. WALSH. I yield to the gentleman from Ohio one minute more.

Mr. ADAIR. Will the gentleman yield?

Mr. FESS. I will not yield. I want time enough to state my position. I think that if we knew how to distribute these seeds so that those who wanted them could get them and those

who do not care for them would not be bothered with them, realizing that we do not get a quantity sufficient to distribute to all of the district, it would be well to do it; but how are we to do that. Are we to send them out promiscuously and let them go everywhere, to those who wish them and to those who resent the gratuity? I doubt very much whether that is the best use to make of this money. Therefore I have my serious doubts whether this ought to be continued. Last year I addressed a letter to each school superintendent, requesting him to give me the number of families represented in the school. I stated to him my desire to distribute the seeds through the schools. I have no definite information of the success of the plan. However, many families in each community would be omitted because not represented in the school. This omission would be ground for the charge that discrimination was practiced.

There were many instances of clubs in villages using seeds for community betterment in a sort of clean-up campaign.

I am concerned about how to distribute these gratuities so as to justify sending them out.

My own opinion is that a better use of Government money can be made. It never was intended that the Government was to enter upon the practice of supplying the country with common garden and flower seeds. If the money were used to discover new uses or new vegetables and fruits, as well as flowers, it would be a very justifiable use of public funds. Any agency that multiplies either the knowledge of new products or the amount of the same is properly a governmental agency, and such knowledge should be given to the citizen. I would prefer to utilize the public funds for the purpose of such investigation rather than a distribution of seeds, especially when many recipients look upon such items as so many bids for political support.

Mr. LEVER. I yield three minutes to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Chairman, in the years that I have served here I have thought a good deal on this question, and I have heard the speeches annually delivered upon the subject of the Government seed distribution. I investigated the question as to where the opposition to the free distribution of garden seeds and flower seeds comes from. I find that, so far as my list is concerned, I have not received any letters against it for three or four years, and the only letters I ever received came from very wealthy farmers, who farm a thousand acres or more. I remember one particularly was very severe in his criticism of this graft, as he called it, and I investigated and found that he lived in Buffalo, N. Y., and that he came up to the Red River Valley and farmed about 4,000 acres of land, and had his own conservatory and his carriage and horses, and drove to Fargo, N. Dak., every other day to attend social functions. Now, that is not the kind of a farmer to whom I should send seeds. [Applause.]

The men who appreciate the vegetable seeds, as the gentleman from New York [Mr. BENNET] has stated, are the mechanics, the small people in the cities and villages, who have little garden spots, or perhaps just a few feet of ground upon which they can plant a little garden, or they are the school children who may have a school garden. Then, for instance, in a new country like my district, which was opened to settlement only a few years ago, the pioneer goes out on a claim, and he greatly appreciates the seeds that are sent to him. [Applause.]

As I say, for several years I have never heard one complaint. On the contrary, I will read in answer to the gentleman from Ohio one of the letters which I have received. It says:

> The garden seeds you sent me have done well. I got two wagon boxes full of tomatoes, three wagon boxes of cabbages. The onions and rutabagas are so large I can not describe them. One of our neighbors lost his calf, and we found him in my garden lying down behind a rutabaga, completely hidden.

[Laughter.]

Now, here is a postal card decorated on the back with a rose, which shows that the writer's idea of roses is well developed. This card says:

> The vegetable and flower seeds which you sent me were very good. We got good crops from the vegetables, and very well pleased with the flowers. Thank you.

On the back, to show the writer's appreciation, I suppose, is the form of a heart, and then this poem:

> Love is the union of two hearts
> That beat in silent melody,
> Time with its ravages imparts
> No fusion to its ecstasy.
> —Shakespeare.

Mr. HAMILTON of Michigan. Was this letter written by a man or a woman?

Mr. STEENERSON. That is objected to as incompetent, irrelevant, and immaterial. [Laughter.] In most cases the newspapers which oppose this free-seed distribution are those which publish the advertisements of seed houses.

The Government seed, according to my observation, is invariably good, and much of the seed sold is often old and fails to grow. I agree that some care and discrimination should be used in distributing seeds. They should not be sent to people who do not want them, but there are plenty of people who will make good use of them, and they can be found. The superintendents and teachers of the public schools in most cases will be glad to aid in this work.

I am convinced that the seed distribution stimulates love of nature in the young and interest in our great basic industry—agriculture—among the people.

Mr. LEVER. I yield three minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Chairman, every time there is an attempt to control or regulate certain corporations, you will hear the officers and fiscal agents of these corporations talk about their stocks being owned by widows and orphans. But now we hear gentlemen like the gentleman from Nebraska [Mr. REAVIS] and the gentleman from Ohio [Mr. GORDON] call this free seed distribution graft. Many poor widows and their orphans are unable to buy seeds, and who have to work in their little gardens in order to grow vegetables necessary for a living. There are some men whose souls are no larger than a mustard seed raised from free seeds, who call this seed distribution to real widows and their orphan children graft, and clamor to shut off this puny little appropriation for that purpose, but who vote to create new United States district judges where none are really needed to hold their offices 10 years and then retire on full salary for the balance of their lives. Some will even vote $20,000,000 for a superdreadnaught battleship to rust out on the seas, waiting for an enemy that never comes, and filled with officers who when they reach a certain age limit retire on three-quarters salary for the balance of their lives; and then contend that real destitute widows and orphans shall not have a package of free seeds that do not cost the taxpayers of this country more than 1¼ cents, as shown by my colleague, Judge HOUSTON. My friends, you ought to go and take something that will broaden your vision, and enlarge the impulses of your hearts and your love of humanity. [Applause.]

Mr. WALSH. I yield five minutes to the gentleman from Minnesota [Mr. ANDERSON].

Mr. ANDERSON. Mr. Chairman, I never have been able to understand the interest of the farmer from Philadelphia, Mr. MOORE, in the river and harbor bill until now. He is not interested in navigation. He is interested in irrigation. [Laughter.] He wants to get enough water in the Delaware River to irrigate some of the window boxes in which his constituents plant these garden seeds.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. ANDERSON. I yield to the gentleman from Philadelphia.

Mr. MOORE of Pennsylvania. We already have an assured depth of 30 feet at mean low water now in the Delaware River, and we are seeking to get 35 feet. We have all the water we need. All we want is channel depth. I am also interested in irrigation. I will explain that to the gentleman any time he wants to make an issue of it. [Laughter.]

Mr. ANDERSON. Well, the gentleman is interested in irrigation only to the extent of irrigating the Delaware River.

Mr. MOORE of Pennsylvania. Oh, no; I am interested in it all over the country. I want the farmers to thrive, especially in the gentleman's State. I like to see them grow wheat and grain, in order that they may supply us with the necessaries of life, so we can pay the farmer for it and make him prosperous.

Mr. ANDERSON. I am sure that if the farmers in Minnesota have to depend upon the interest of the gentleman from Philadelphia in order to prosper they will not get very far.

Mr. MOORE of Pennsylvania. Why, we are the best customers of the gentleman's farmers now.

The CHAIRMAN. The gentleman from Minnesota has the floor. [Laughter.]

Mr. ANDERSON. I thank the Chairman. I had almost overlooked that fact myself.

Mr. Chairman, I have never voted for this appropriation. I do not know that I shall do so now, although I think it has some merit. But it is so wasteful and so inefficient in the method which is ordinarily adopted in the distribution of these seeds that it is exceedingly difficult to justify it.

The gentleman from Ohio [Mr. FESS] says that he thinks some other method than the ordinary method of distribution of seeds might be of some value. I can tell the gentleman how he can make it of some value. Up to the present year I distributed seed to everyone in my district who asked for them and to many who

did not ask for them and who did not want them. This year I adopted a different plan. I took up with all the superintendents of schools in my district the question of making the distribution through these schools. I got a very cordial cooperation from them, and made a very extensive distribution through the schools, with the result school gardens have been established in a large number of towns and communities in my district, where the children undertake the cultivation of small plats in contest with each other. Prizes have been hung up by local associations and a great interest has been inculcated by these contests with seeds furnished by the Government.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. GREEN of Iowa. My predecessor tried that, and the result was that the schoolboys had an unusual supply of beans and such things for their bean shooters. [Laughter.]

Mr. ANDERSON. A gentleman sitting by me suggests that that was a good way to conserve the remainder of the crop.

Mr. FESS. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. FESS. That is the same plan that I used last year, but there are a lot of people that are not represented in the schools.

Mr. ANDERSON. And there are a lot of people that do not care anything about the seeds. It is not a question of getting an ideal method which will reach everyone. If you send them to everyone you will reach some one who does not care about seeds.

Mr. FESS. Will the gentleman yield again?

Mr. ANDERSON. Yes.

Mr. FESS. I found that there were a good many city-beautiful associations that asked for them for the city, but only a very few.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. FESS and Mr. SIMS, by unanimous consent, were given leave to extend their remarks.

Mr. LEVER. Mr. Chairman, I yield two minutes to the gentleman from Indiana [Mr. COX].

Mr. COX. Mr. Chairman, when I first came to Congress I voted to strike this item out, but I quickly learned to my surprise that there was no danger of its being stricken out. The distribution of Government seeds has been a considerable proposition with me. I took it up at the farmers' institute in my district and found that the farmers did not care anything about it. Three years ago I commenced distributing seeds to school children. I first commenced it in two counties. I found that the system grew and grew until this year I have sent out between twenty-three and twenty-five thousand packages to school children direct. I have had the pleasure of attending old-fashioned country fairs in the last two years in my district, where the school children furnished the material grown from these seeds and where they have won first premiums in contests with the farmers. I have, I think, 10 organizations of Boy Scouts in my district. I took this proposition up two years ago with the scout masters of the various towns. I think I now represent five or six hundred organizations where the scout masters have gone out in various towns and rented vacant lots, and have now got the boys in these organizations engaged in raising little crops from their gardens. It is the only way I had of disposing of my seed. I believe it has been an effective way and that it has been done in an effective manner. I believe it has produced good results. I do not believe that the farmers in my district care very much about the seeds. They told me so, but every time you get a child interested in agriculture you have begun to tie him to the land. [Applause.]

Mr. LEVER. Mr. Chairman, I yield two minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Chairman, we each receive an allotment of 25,000 packages of seed each year. So far as I am concerned, I have never been able to get enough to supply the demand of my constituents. I can hardly appreciate the consistency of gentlemen who yearly send out 25,000 packages of seed and yet decry and denounce the practice as graft. It is hardly consistent. There is not one of these gentlemen who say their constituents do not want the seed that will exchange them with me for something that their constituents do want.

The action of these gentlemen in using so many seed every year which they say their constituents do not want reminds me of a story I heard some time ago which I will take the liberty of telling. Two street urchins found a stray pup. They could not determine which one should have it. They put it in a box and finally agreed that the one who could tell the biggest lie should have the pup. About that time a clerical gentleman came along and he said, "What is the matter, boys?" They told him that they had found a pup but were unable to decide which one should have it, so they had finally agreed that the one that could tell the biggest lie should have the pup. "Oh," said this clerical looking gentleman, "Boys, I am very sorry for you; I am 60 years old and I never told a story in my life." The boys exclaimed with one accord, "Mister, the pup is yours." [Laughter.]

Mr. LEVER. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman from South Carolina has 18 minutes and the gentleman from Massachusetts 7 minutes.

Mr. LEVER. I yield eight minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Chairman, every time this provision for distributing seeds among the farmers comes up some Member from a city district rises to oppose it. Usually he is a new man, and I suppose it is as good a time to break him in as any other time. The gentleman from Massachusetts [Mr. WALSH] comes from a State where they have a monopoly of wooden nutmegs. That industry was started in Connecticut, but they have got to making them in Massachusetts now and have a monopoly of them. [Laughter.] Of course I do not suppose that the gentleman from Massachusetts would like to have that industry disturbed. He comes from the whaling district of Massachusetts, where they have codfish balls and the like. [Laughter.] The gentleman boasts that Boston has a monopoly of baked beans and culture, and he does not want seed distributed over the country for fear that competition might arise with the bean industry of Boston. We see these beans advertised extensively—pork and beans—and when you cut a can open you find a little piece of pork about as big as a possum's ear. [Laughter.] They call it, I believe, Boston pork and beans. The gentleman from Massachusetts does not want seeds, even a small quantity of choice vegetable seeds, distributed amongst the people of the United States. He does not want the farmers of the country to have seeds selected by the Agricultural Department. The department is selecting valuable seed and it is distributing them through the various sections of the country in order that our people may have the best variety of seed. We encourage garden work and increase the supply of garden products, and thus aid in feeding the people of the cities.

The gentleman from Massachusetts opposes the appropriation of $252,000 for this purpose, but he votes for a bill that appropriates $950,000 for pneumatic-tube service that carries the mails through the shutes and into the offices of the people of the cities. [Applause.] The gentleman from Nebraska [Mr. REAVIS], in opposing this measure and making light of sending these seed to farmers, said that we ought to send rose cuttings to the ladies; but the gentleman from Nebraska does not object to a bill that appropriates $950,000 for pneumatic-tube service which carries invitations to pink teas in the cities. [Laughter.] He does not object to that, but some of them over there oppose anything that will distribute a few vegetable seed among the farmers of the country. You Republicans over there are running up against a serious proposition when you oppose the great farming interests of this country. Let me say to the new Members, who are spending time here attacking the interests of the farmers, you had better be doing something else. Did you know that other Members over there used to do that when they first came here. But they either learned better or grew ashamed of it and quit it. [Applause and laughter.] But I suppose that these older and wiser Members are entitled to the amusement furnished by the wisdom and foresight of these courageous new Members.

This new Member from Massachusetts opposed the Government giving aid to the post roads of this country. We pleaded here for the building of a system of public roads in the rural districts, and the gentleman opposed that proposition. Gentlemen on that side, some of them, are constantly opposing propositions that will benefit the farmers of the country. The gentleman from Michigan [Mr. FORDNEY] said that he never heard of anybody complaining, but that the people in his district were always glad to receive these seeds. I have had letters from my district, in which they said, "The seeds you sent me last year were fine. Please add to your list the name of so and so"—some old gentleman or some widow who did not receive any before. And, gentlemen, it costs only $250,000 in all to send these seed, and yet the Seed Trust fights this little distribution of seeds every year. It is fighting it here to-day. It does not want this seed distribution to go on. It interferes with their business, and no trust wants any interference with its business. The Seed Trust wants this seed distribution stopped, and when these gentlemen are speaking against the distribution of seeds among the farmers they are speaking what the Seed Trust wants them to speak.

The little school children of the country receive the flower seeds, and they grow the flowers around the school yards and

that encourages them in making flower gardens and in building beautiful parks in the rural regions of the country. Gentlemen, find something else to oppose and speak about. Fight some big proposition and quit haranguing this House about a proposition that benefits the mass of the people in the rural sections of our country. [Applause.]

Mr. WALSH. Mr. Chairman, I yield one minute to the gentleman from Oregon [Mr. MCARTHUR].

Mr. MCARTHUR. Mr. Chairman, like the distinguished gentleman from Alabama [Mr. HEFLIN] who just took his seat, I, too, am opposed to the "Seed Trust." I believe very heartily in the wide distribution of choice and rare seeds. In connection with this seed distribution I have a letter from one of my constituents which I think I should read to this House, although I shall omit the name of the author:

PORTLAND, OREG., *February 15, 1916.*

Hon. C. N. MCARTHUR, M. C.,
Seed Distributor, Department of Agriculture.

DEAR SIR: I received the seeds which you sent. I will let you know how they grow. I will vote for you on election day.

[Laughter.]

Mr. Chairman, I am for the free distribution of seeds. [Applause and laughter.]

Mr. WALSH. Mr. Chairman, I yield three minutes to the gentleman from Michigan [Mr. JAMES].

Mr. JAMES. Mr. Chairman, practically every man in my district is a workingman—he either works in the mine as miner, trammer, or timberman, or else he is a farmer.

Last June I received a letter to the effect that I had been allotted 25,000 packages of vegetable seed and 5,000 packages of flower seed. Personally I did not believe there was a very strong demand in the twelfth district of Michigan for free seeds. In order to test the matter I had the following advertisement placed in every newspaper in my district, at my expense:

GOVERNMENT PUBLICATIONS, SEEDS, ETC.

HOW TO OBTAIN THEM.

The Government issues bulletins, books, etc., relating to the subjects mentioned below. I desire to send to each person any matter relating to the subjects in which he or she may be interested. The Government also allows me 25,000 packages of vegetable seed and 5,000 packages of flower seed. I do not wish to send seeds to anyone not interested. The Government will also distribute certain kinds of fish for the purpose of stocking or restocking ponds, lakes, etc. Kindly check off the subjects in which you are interested and mail to me.

(———) Agriculture Year Book.
(———) Diseases of Horses.
(———) Diseases of Cows.
(———) Fish for propagation.
(———) Vegetable seeds.
(———) Flower seeds.
(———) Labor bulletins.
(———) President's Annual Message.
(———) Farmers' bulletins.
(———) Miners' bulletins.
(———) Educational bulletins.

Name ——— ———,
Street number ——— ———,
Town or city ——— ———.

Cut out and mail to W. FRANK JAMES, House Office Building, Washington, D. C.

The result was that about 1,000 persons asked me for seed. To test the matter still further I mailed a slip worded as above to every person in my district that I could get the name of, by directory and otherwise. In addition, in many cases, where there was no directory, I sent slips to teachers and school superintendents to give to their pupils for the signatures of their parents. Altogether I sent out about 40,000 slips. Out of these slips and newspaper advertising I received 5,000 requests, or about 12½ per cent of the total. You can readily see that the greater proportion of my people, or about 87½ per cent, did not want "free seeds."

The distinguished gentleman from New York [Mr. BENNET] states that this appropriation is about $600 for each congressional district. Figuring, therefore, that the twelfth district of Michigan was entitled to $600 worth of seed, if I had sent out the entire allotment, I would have used 12½ per cent or $72.50 worth of seed to people who wanted and could use the seed, and would have wasted $527.50 worth of seed—and incidentally that much money—in sending seed to people who either could not use the seed or who would not use them in case they had been received. Figuring that other districts are the same as mine, which I believe they are, about $31,250 of this over $250,000 item is justified and the balance of about $218,750 is absolutely wasted.

If you gentlemen will try the experiment that I did, you will not favor the reckless and unwarranted expenditure of money. I shall therefore, Mr. Chairman, vote for this amendment doing away with free seeds.

The only fair and right way is to have each man interested in seeds write direct to the Department of Agriculture for the same, and have this department mail him what they think he should have.

Mr. WALSH. Mr. Chairman, the gentleman from Alabama [Mr. HEFLIN], in referring to some of the newer Members of this House, would have us believe that if we remain here as long as he has remained we would be talking on the other side of the question. I want to say to the gentleman from Alabama that I do not expect to remain in this House long enough to be considered by my constituents as a mere seed distributor nor a Government seed peddler, as, apparently, he prefers to have himself considered after having been here six terms. [Applause.] I believe that the people of my district, and I believe that the people of the country, expect the Members of the House of Representatives of the United States in Congress assembled to be devoting their thoughts and attention to more serious problems than the sending out of Government seeds in order that their constituents may become familiar with their signatures in the upper right-hand corner of the envelope, and that the people believe the Government has other uses for its money than to furnish seeds to keep canneries going for private profit.

Mr. RAGSDALE. Will the gentleman yield?

Mr. WALSH. The gentleman from Oklahoma asked the question if the letter read by the gentleman from Ohio was from a farmer, because it was written on a typewriting machine. Why, there is just as much justification for this Government to send a typewriting machine to every farmer in this country for him to write his letters with as there is for you to send them Government seeds every year. Send beans to Tennessee in order that the poor farmers may furnish the canning establishments with beans to be canned and thereby reap a profit. It is said the cost of this is only a quarter of a million dollars. That does not include the additional expense imposed on the Post Office Department and the additional carriage charges. It is noticeable how hungry they are for this free distribution in the States which pay the smaller share of our governmental expenses. Why, if you want to furnish school children, why do not you turn the distribution of seeds over to the boards of education of the various States and let them attend to it? Why is it necessary for Members of Congress to distribute these seeds and have their time taken up in caring for their proper distribution? This is part of the duties of an executive branch, not of the legislative branch.

I say that a more proper way to do this would be, as was suggested in the committee, to increase the appropriation for, as one Member proposed, rare seeds 100 or 200 per cent, and eliminate the congressional distribution of seed altogether, allow the Department of Agriculture to distribute these, and thereby you might benefit the people who are really interested in agriculture. They talk about bringing sunshine into the city tenement districts. Well, this sprouting sunshine would arrive just as promptly if the seeds arrived under the frank of the Department of Agriculture instead of under the congressional frank. Why, gentlemen, free Government seeds do not make farmers any more than pink pills would make physicians. There has been no stimulation of the agricultural industry resulting from this, and one reason is because you are sending out the same kind of seeds year after year—same old varieties and same old seeds. The gentleman from Alabama would have us believe the other day that the farmers of this country were anxious to know what became of the cottonseed products after they are shipped from the producers. Why, they are no more interested to know, after they sell their crop and get their money, what becomes of their product than they are interested in what became of "Charlie Ross" or who struck "Billy Patterson." Their interest ceases when they get their money, and they are even less interested in this seed distribution. [Applause.]

Mr. LEVER. Mr. Chairman, I yield the remainder of my time to the gentleman from Mississippi [Mr. CANDLER]. [Applause.]

Mr. CANDLER of Mississippi. Mr. Chairman, I am very much delighted at this unanimous and vociferous applause accorded to me on this momentous occasion. [Applause.] Of course it is called forth, I know, not so much by anything which I have said in the past or anything which I may say upon this occasion, but by reason of the great importance of the question which we have before us. It was suggested the other day when this provision was reached that there should be very little discussion in reference to it, but because of its importance more time was demanded, which has been usefully expended this morning——

Mr. SIMS. And so profitably used this morning.

Mr. CANDLER of Mississippi. So profitably used this morning, as suggested by the gentleman from Tennessee. I frankly confess to you I did not expect to participate in this discussion

at all. The fact is my distinguished and lovable friend from North Carolina [Mr. PAGE], who sits just to my right, reminded me a moment ago that I had intimated I would not speak, and really I did not intend to do so, but having been so unanimously called upon and it being demanded by so many that I say something [applause], of course, being an obliging gentleman, I shall have to comply. I am not surprised that this motion is made by the gentleman from Massachusetts [Mr. WALSH]. My recollection is that he opposed upon the floor of the House quite recently good roads for the farmer. He was opposed to their having improvements of that character, and hence he is opposed to their having any seed distributed by the Government to help them produce products to haul along these good roads when they obtain them, which I hope will not be at a very distant day. The truth of it is he seems to be opposed to everything that would benefit the country at large and would add to its prosperity and to the pleasure of the people. Hence he moves to strike this provision from this bill and proposes to take away from the farmer the small package of seed which might be sent him by his Member of Congress. The truth of it is the package of seed is the only communication, as I have called attention to before, between the Government of the United States and the individual citizen. It is the only message that he receives from the country which he supports, the only message that comes directly from the Government itself to him, to his wife, and to his children that will furnish them more happiness and will furnish them some profit and some benefit. [Applause.] This being the only message which he receives that comes directly from the Government, let us send him this little token at least once a year to remind him that the flag which he loves still floats above the Capitol of this great Nation in the city of Washington, and that while he toils to support the Government and keep that flag flying, which is the emblem of liberty, he is remembered and appreciated and not forgotten. [Applause.]

Now I am going to submit to you the history of a package of seed in order that you may see the benefits that are derived from this distribution. I hold in my hand a can of "Wofford's Japanese Honey Cane Sirup," made by Charles P. Wofford on his farm at Golden, Miss., and sent to me by him. Mr. Wofford wrote to me about three years ago and asked me to send him some literature in reference to various varieties of cane. I promptly went to the Agricultural Department, as I do always when my constituents write me for anything I can do for them. [Applause.]

I am not like the distinguished gentleman from Massachusetts [Mr. WALSH], who says that he does not want to be a Government seed distributor; that that is beneath the dignity of a statesman. I want to render any service I can for my people. [Applause.] Why, the greatest statesmen in all the history of the world and the greatest philosophers in the history of the world distributed seeds, and all really great Members of Congress favor it. [Applause.] Did you know that? [Laughter.] Thomas Jefferson began it and Benjamin Franklin continued it. Patrick Henry, the greatest orator that ever lived in the land, proclaimed it and advocated it. [Applause.]

My friend from Massachusetts [Mr. WALSH] ought to realize the fact that it is not only a great duty but a great privilege to send seeds to the people of this country or to perform any other service for them. [Applause.]

As I said a moment ago, I went over to the Agricultural Department and secured the literature and sent it to Mr. Wofford. He read it and wrote to me that he believed the land which he had would produce Japanese cane probably better than any other variety, and asked me to send him a few seed. I sent them to him. He planted that package of seed that year. It showed by actual demonstration upon his Llewellyn plantation at Golden, Miss., that it would grow, and grow luxuriantly. He saved the seed from the few stalks that that little package produced, and the next year he bought more seed and planted a good crop and made 2,000 gallons of Japanese cane sirup.

Mr. QUIN. How many gallons to the acre?

Mr. CANDLER of Mississippi. From 200 to 300 gallons to the acre. He saved seed then from that crop, and this past year he planted quite a crop in Japanese cane. I went up to his farm myself and saw it. In making the sirup he had a beautiful plant, neatly arranged; had all the woodwork whitewashed perfectly white. The attendants around the plant were dressed in white; had on white caps and clothes. Everything was done by him for cleanliness and beauty. The result was that this year he produced about 25,000 gallons of Japanese cane sirup, and he is the largest individual producer of Japanese cane sirup now in the United States of America. [Applause.] He had advance orders for 11,000 gallons of this splendid and most palatable sirup.

Mr. JOHNSON of Washington. Is all of this down on the Tombigbee?

Mr. CANDLER of Mississippi. Oh, no; not on the Tombigbee. It is in the good county of Tishomingo, from whence I originally came. [Applause and laughter.]

That is the history of one package of seed. If the gentleman from Massachusetts [Mr. WALSH] will investigate he will find that wealth has been produced all over this country that began from the reception of a little package of seeds. The illustration I have cited is one from actual life; and that gentleman, Mr. Charles P. Wofford, is a practical farmer, having a beautiful farm at Golden, Miss., but he told me that that farm had not paid a dividend until the package of seed came to him from which was produced this sirup that brought eventually the revenue that produced the first actual dividend that came from that farm. [Applause.]

People came from far and near to see the demonstration and the production of this sirup. They came from different communities and counties around about. This is a fair and pointed illustration of the value and the development of new varieties of seed that have been brought into this country by the Department of Agriculture that finally reached the people through this congressional distribution, carrying to them happiness and great benefit.

If there is nothing else in it except the happiness that it brings to the bright-faced little children of this land, it is worth that in itself. Think of the happiness that the gentleman from Minnesota [Mr. ANDERSON] has sent to the children in his district. Think of the happiness depicted in the faces of the children of other districts to whom Members of Congress sent seeds. [Applause.] It is worth the money to make the children happy. God bless the children.

Some Members seem to be troubled about the best way to distribute the seeds and get them to the people. If you have any difficulty at all of that kind send them to me and many other Members who get more requests all the time than they can promptly and conveniently fill. Let us continue to send this brightness to the people and this prosperity to the country. [Great applause.]

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. WALSH. Division, Mr. Chairman.

The committee divided; and there were—ayes 45, noes 118.

So the amendment was rejected.

Mr. CANDLER of Mississippi. Mr. Chairman, I want to ask unanimous consent to extend my remarks in the RECORD by incorporating as a part of the same a letter written from the Department of Agriculture to the most excellent and efficient clerk of the Committee on Agriculture, Dr. Murph, setting forth facts as to the distribution of the seed by the department.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The following is the letter referred to:

DEPARTMENT OF AGRICULTURE,
Washington, April 17, 1916.

DEAR DR. MURPH: Mr. W. A. Taylor, chief of the Bureau of Plant Industry, has furnished the following statement of the number of packages of vegetable and flower seeds and the number of boxes of bulbs distributed on congressional orders and the number of packages of such seeds and bulbs distributed by the department to voluntary crop correspondents of the Bureau of Crop Estimates, to voluntary weather reporters of the Weather Bureau, to the Alaska and Porto Rico Agricultural Experiment Stations, and on miscellaneous requests during the congressional seed distribution for 1914–15, and the same items, as estimated, for the distribution of 1915–16, still in progress:

	Total.	Vegetable.	Flower.	Bulbs.
1914–15.				
On congressional orders	14,685,389	11,504,259	3,171,208	9,922
Distributed by department	789,278	579,961	206,532	2,785
Total	15,474,667	12,084,220	3,377,740	12,707
1915–16.				
On congressional orders	15,773,078	12,091,514	3,671,016	10,548
Distributed by the department	441,870	369,070	72,400	400
Total	16,214,948	12,460,584	3,743,416	10,948

The quota of each Senator, Member, and Delegate consists of 25,000 packages of vegetable seed, 3,000 packages of flower seed, and 20 boxes of bulbs. The vegetable and flower seed are subject to change, package for package, up to 12,000 packages.

Very truly, yours, F. R. H., *Private Secretary.*

The Clerk read as follows:

FOREST SERVICE.

Salaries, Forest Service: One Forester, who shall be chief of bureau, $5,000; 1 chief of office of accounts and fiscal agent, $2,500; 7 district fiscal agents, at $2,000 each; 1 forest supervisor, $2,800; 1 forest supervisor, $2,700; 8 forest supervisors, at $2,400 each; 20 forest supervisors, at $2,200 each; 48 forest supervisors, at $2,000 each; 66 forest supervisors, at $1,800 each; 5 forest supervisors, at $1,600 each; 1 deputy forest supervisor, $1,800; 4 deputy forest supervisors, at $1,700 each; 28 deputy forest supervisors, at $1,600 each; 31 deputy forest supervisors, at $1,500 each; 18 deputy forest supervisors, at $1,400 each; 10 forest rangers, at $1,500 each; 22 forest rangers, at $1,400 each; 78 forest rangers, at $1,300 each; 287 forest rangers, at $1,200 each; 650 forest rangers, at $1,100 each; 80 forest guards, at $1,100 each, for periods not exceeding 6 months in the aggregate; 1 clerk, $2,100; 4 clerks, at $2,000 each; 19 clerks, at $1,800 each; 21 clerks, at $1,600 each; 9 clerks, at $1,500 each; 21 clerks, at $1,400 each; 9 clerks, at $1,300 each; 114 clerks, at $1,200 each; 89 clerks, at $1,100 each; 51 clerks, at $1,020 each; 30 clerks, at $960 each; 106 clerks, at $900 each; 2 clerks, at $840 each; 1 clerk or proof reader, $1,400; 1 clerk or translator, $1,400; 1 compiler, $1,800; 1 draftsman, $2,000; 3 draftsmen, at $1,600 each; 1 clerk or compositor, $1,600; 1 draftsman or surveyor, $1,500; 2 draftsmen or surveyors, at $1,400 each; 2 draftsmen, at $1,500 each; 6 draftsmen, at $1,400 each; 4 draftsmen, at $1,300 each; 11 draftsmen, at $1,200 each; 2 draftsmen at $1,100 each; 3 draftsmen, at $1,020 each; 1 draftsman, $1,000; 1 draftsman, $960; 8 draftsmen or map colorists, at $900 each; 1 draftsman or artist, $1,200; 1 draftsman or negative cutter, $1,200; 1 artist, $1,600; 1 artist, $1,000; 1 photographer, $1,600; 1 photographer, $1,400; 1 photographer, $1,200; 1 photographer, $1,100; 1 lithographer, $1,200; 1 lithographer's helper, $780; 1 blue-printer, $720; 1 machinist, $1,260; 2 carpenters, at $1,200 each; 2 carpenters, at $1,000 each; 1 carpenter, $960; 1 electrician, $1,020; 1 laboratory aid and engineer, $1,000; 6 laboratory aids and engineers, at $900 each; 2 laboratory aids and engineers, at $800 each; 1 laboratory helper, $720; 1 laboratory helper, $600; 1 packer, $1,000; 1 packer, $780; 4 watchmen, at $840 each; 1 messenger or laborer, $960; 3 messengers or laborers, at $900 each; 4 messengers or laborers, at $840 each; 3 messengers or laborers, at $780 each; 4 messengers or laborers, at $720 each; 6 messengers or laborers, at $660 each; 5 messengers, messenger boys, or laborers, at $600 each; 2 messengers, messenger boys, or laborers, at $540 each; 3 messengers or messenger boys, at $480 each; 3 messengers or messenger boys, at $420 each; 11 messengers or messenger boys, at $360 each; 1 charwoman, $540; 1 charwoman, $480; 1 charwoman, $300; 11 charwomen, at $240 each; in all, $2,361,320.

Mr. HUMPHREY of Washington. Mr. Chairman, on page 27, line 20, I reserve the point of order against "one forest supervisor, $2,800."

Mr. LEVER. Mr. Chairman, I will say to the gentleman from Washington that there is an increase in the salary of one supervisor of $200. The explanation of the forester is to the effect that this gentleman is in charge of one of the largest of all the forest units in Alaska, and that he has over 20,000,000 acres of land under supervision. Not only that, but he is very remote from headquarters, and therefore his responsibility necessarily is a good deal larger than if he were in close contact with headquarters in Washington. In addition to that, it was pointed out that the cost of living in Alaska was necessarily higher, and that the character of the work was more exacting than it is in the ordinary forests of the country. For that reason we allowed the increase. I might say to my friend that there are only three increases on this entire statutory roll, one for $200, which is the present item; another for $180, for a map colorist, and another, a $200 increase, in the salary of one artist, making a total of $580 in this roll in the way of increase. All the other increases are only apparent and not actual increases. They are increases by way of transfer.

Mr. HUMPHREY of Washington. Mr. Chairman, I have read the hearings in part, and as to the increase of the artist I think that ought to be made.

Mr. LEVER. Undoubtedly.

Mr. HUMPHREY of Washington. And I would not make a point of order against that item. But I do not see what use there is in having a forest supervisor in Alaska at all. There is no more use in having a supervisor up there than there would be in having one at the North Pole.

Mr. LEVER. Of course, the question of having a forest there at all is a question of policy on the part of the Government, but inasmuch as we have a forest there, and inasmuch as we must have some one to take care of it and look after it, it does seem to me that this small promotion is justified. I hope the gentleman will not make a point of order on it.

Mr. HUMPHREY of Washington. It may cost more to live up there; that is true; but I do not think he has anything to do.

Mr. LEVER. I expect he does have something to do, but I have not been up there.

Mr. HUMPHREY of Washington. Since the Government has been constructing the railways up there they get most of their lumber from Seattle. There is no forest up there to preserve. I do not think there is any necessity of having a supervisor in Alaska.

Mr. LEVER. I hope the gentleman will not make a point of order against this item. The gentleman may discuss the policy; but there is a forest there, and we have a man there, and unless the Government changes the policy I think we should give him a living salary.

Mr. HUMPHREY of Washington. I have been a Member of this House for 13 years and never have I made a point of order against a proposed increase of salary. The gentleman is perhaps entitled to it in a way, but I do not think we ought to lend any encouragement to preserving that alleged forest in Alaska.

Mr. JOHNSON of Washington. What forest is it?

Mr. HUMPHREY of Washington. It is the superintendent over the whole.

Mr. LEVER. Tongass and Chugach.

Mr. JOHNSON of Washington. Has not one of these forests been reduced by one-half by Executive order in the last year?

Mr. LEVER. There is no official statement of that, but there is a statement that one man has charge of the Tongass and Chugach area, covering half a million acres. That was the statement made before the committee.

The CHAIRMAN. Does the gentleman from Washington reserve his point of order?

Mr. HUMPHREY of Washington. I think I shall have to insist upon it, not for the purpose of taking away this man's salary, but to show the feeling I have that there ought not to be any forest reserve there.

Mr. LEVER. Mr. Chairman, I do not want to delay the committee at all on the point of order, but I am not sure that the matter is subject to a point of order. If the gentleman makes the point of order, I will argue it briefly.

Mr. HUMPHREY of Washington. I will make it or reserve it, as the gentleman prefers.

Mr. LEVER. I would rather the gentleman would make it.

Mr. HUMPHREY of Washington. I make it, then.

Mr. LEVER. Mr. Chairman, I call the attention of the Chair to the classification in the bill. We start off with "1 forest supervisor, $2,800; 1 forest supervisor, $2,700; 8 forest supervisors, at $2,400 each; 20 forest supervisors, at $2,200 each," and so on. The Chair will notice, there, that there is a classification or arrangement of the salaries of these forest supervisors. Now, as a matter of fact—and that is something that I do not think the Chair has anything to do with—there is an increase in the salary of a particular man, but I think the Committee of the Whole has the right to fix the classification and the salary attached to each class on the statutory roll; and if so, the Chair, disregarding the information that has come to him as to the immediate effect of this classification, may question if the language is subject to a point of order. I doubt very seriously if the increase of salary is subject to a point of order.

The CHAIRMAN. The Chair would like to ask the gentleman from South Carolina a question. Is it true or not true that at that particular place the supervisor in Alaska receives in the current law a salary of $2,600?

Mr. LEVER. I think that is true, but the current law does not show that this particular individual does receive this salary of $2,600. We have a forest supervisor at $2,600. This individual is employed under that language. We are creating another class, and the effect is that this man has been put in a class above—that is, in the $2,800 class; and if we have a right to classify at all, we have the right to fix the classification.

I may say to the Chair that the gentleman from Illinois [Mr. RAINEY], who was Chairman of the Committee on the Whole in the consideration of the Post Office appropriation bill, had a question very similar to this brought to his attention. I think the question was raised by the gentleman from Mississippi [Mr. SISSON], and the Chair then held that, having the right to classify, the committee had the right to fix the salary attached to the classification. I think this is a similar proposition. That ruling was made during the present Congress.

The CHAIRMAN. Under the current law, does the position of supervisor of forests in Alaska carry with it the salary at $2,600?

Mr. LEVER. It does not. There is not a line, I will say to the Chair, in this bill which fixes any place for any individual. This man, as a matter of fact, heretofore has been carried as "one forest supervisor at $2,600." It does not say "one supervisor in Alaska at $2,600," nor does it say in this bill "one forest supervisor in Alaska at $2,800." It simply says, "forest supervisor," and the only information that the Chair could have as to where this supervisor is located is the information that has come to his attention in the discussion of this item. It seems to me it is purely a matter of classification, not salary.

The CHAIRMAN. The Chair would like to ask this additional question of the gentleman: Is there any class of forest supervisors carrying with it a salary of $2,800?

Mr. LEVER. There is not. This is a new classification that is provided for.

The CHAIRMAN. The Chair is constrained, as he sees it, to rule that this is an increase of salary not authorized by law.

Mr. LEVER. Then, Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from South Carolina.

The Clerk read as follows:

Amend, page 27, line 20, after the word "each," by inserting "one forest supervisor, $2,600."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

General expenses, Forest Service: To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, national forests, forest fires, and lumbering, but no part of this appropriation shall be used for any experiment or test made outside the jurisdiction of the United States; to advise the owners of woodlands as to the proper care of the same; to investigate and test American timber and timber trees and their uses, and methods for the preservative treatment of timber; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to erect necessary buildings: *Provided*, That the cost of any building erected shall not exceed $650; to pay all expenses necessary to protect, administer, and improve the national forests; to ascertain the natural conditions upon and utilize the national forests; and the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests to be exported from the State or Territory in which said forests are respectively situated; to transport and care for fish and game supplied to stock the national forests or the waters therein; to employ agents, clerks, assistants, and other labor required in practical forestry and in the administration of national forests in the city of Washington and elsewhere; to collate, digest, report, and illustrate the results of experiments and investigations made by the Forest Service; to purchase necessary supplies, apparatus, and office fixtures, and technical books and technical journals for officers of the Forest Service stationed outside of Washington, and for medical supplies and services and other assistance necessary for immediate relief of artisans, laborers, and other employees engaged in any hazardous work under the Forest Service; to pay freight, express, telephone, and telegraph charges; for electric light and power, fuel, gas, ice, washing towels, and official traveling and other necessary expenses, including traveling expenses for legal and fiscal officers while performing Forest Service work; and for rent outside of the District of Columbia, as follows:

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. We appropriate upward of $5,500,000 for the Forestry Service in the United States, and at the present time the cost of lumber in all the centers of distribution is going up very rapidly. I would like to ask the gentleman from South Carolina if he can tell to what extent the Government preservation of forests contributes to the commercial use of lumber? I want to find out how much we get back for our investment, and to what extent we dispose of lumber to the commercial world.

Mr. LEVER. That is what I thought the gentleman was driving at. I have here a summary of the receipts from the national forests for all purposes, including sales of timber, grazing, special leases, and so on. It is as follows:

The aggregate area which has been seeded and planted since the establishment of the national forests amounts to approximately 125,000 acres.

SPECIAL USES.

There were in force on July 1, 1915, permits for miscellaneous uses of the forests aggregating 18,342. These were for something over 70 different purposes, including hotels, pastures, sawmills, stores, fox farms, etc. Of the total number of permits, something over 10,000 were free, and the balance returned to the Treasury $77,819 in occupancy fees.

RECEIPTS.

Summarized, the cash receipts from the national forests during the fiscal year 1915 were $2,481,469.35. This represents an increase of nearly $44,000 over the previous year. During the first half of the current year cash receipts were nearly $200,000 more than during the same period of the previous year. These amounts do not include the value of the timber given away, which amounts to $206,464.13; the revenue foregone through selling a certain amount of timber at cost, the excess of actual value over sale value amounting to $33,000; the revenue foregone through free use of grazing lands, aggregating nearly $80,000; the revenue foregone through closing to grazing certain areas for the protection of municipal water supplies, conserving the elk herds, and for other reasons, amounting to about $60,000 more, or the possible revenue foregone through free permits for a variety of miscellaneous uses of forest lands, which would aggregate about $100,000 if commercial charges were made for these various uses.

Mr. MOORE of Pennsylvania. Is the grazing that is referred to there grazing for cattle or sheep?

Mr. LEVER. Grazing for cattle, sheep, and horses.

Mr. MOORE of Pennsylvania. I expect to raise a question about sheep later on.

Mr. LEVER. Very well.

Mr. MOORE of Pennsylvania. Are the receipts increasing?

Mr. LEVER. There was an increase during the last fiscal year as against the preceding year of $44,000, but during the past six months the receipts from the national forests have increased $200,000 over the receipts for a like period during the last fiscal year.

Mr. MOORE of Pennsylvania. I thank the gentleman for that statement.

Mr. LEVER. It was stated by the Forester before the committee this year and last year that it is hoped that receipts from the national forests will increase normally about $250,000 a year.

Mr. MOORE of Pennsylvania. Can the gentleman tell how the lumber that goes into commerce is disposed of, and where the principal shipping points are?

Mr. LEVER. I can not tell the gentleman the principal shipping points, but I will say that the timber from the national forests is sold to lumber companies at an agreed stumpage price, and, of course, the lumber itself is sold by the lumber companies.

Mr. MOORE of Pennsylvania. I presume the timber is picked out of the forest, and so taken as will not tend to destroy the forest itself?

Mr. LEVER. The forest cruisers make it their business to pick out full-grown trees; that is, ripe forest trees.

Mr. MOORE of Pennsylvania. Does the bureau advertise for proposals for the timber that is to be sold?

Mr. LEVER. Oh, yes. Anything beyond $100 worth they advertise, and it is sold to the highest bidder.

Mr. MOORE of Pennsylvania. Then the contractor does the cutting.

Mr. LEVER. He does the cutting and cleans up the brush.

Mr. MOORE of Pennsylvania. And he does the hauling?

Mr. LEVER. He does the hauling.

Mr. MOORE of Pennsylvania. The Government has nothing to do with that?

Mr. LEVER. The Government has nothing to do with that at all, except to cruise the timber and point out such as may be cut under the contract.

Mr. CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Will the gentleman indicate one or two points from which shipments are made, if he has knowledge on that point?

Mr. LEVER. I can not put my hand on that information, but it was discussed before the committee.

Mr. MOORE of Pennsylvania. Are they chiefly western points?

Mr. LEVER. Chiefly western points; yes. Does the gentleman have in mind the eastern forests? If he does, I will say that the receipts so far from the eastern forests amount to only about $7,500.

Mr. MOORE of Pennsylvania. There was some arrangement about the Appalachian chain. I do not believe the Government has taken over the forests it intended to take under the legislation passed several years ago, but I wanted to know whether we were cutting off any Government timber in the East and putting it on the market.

Mr. LEVER. Thus far I think there has only been $7,500 of timber taken off of the Appalachian and White Mountain forests. The gentleman understands that these are new forest reserves.

Mr. MOORE of Pennsylvania. I understand that. Mr. Chairman, I ask unanimous consent to introduce a statement from the Philadelphia Ledger as to the present demand for lumber.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to print an article in the RECORD. Is there objection?

There was no objection.

The matter is as follows:

DEMAND FOR LUMBER OUTRUNNING SUPPLY.

White-pine demand in this city is greater than the supply this spring, according to lumbermen who are manifesting interest in the proposed inspection of every white-pine planting in the State by the department of forestry. This is to be done in an effort to prevent the white-pine blister rust from getting a foothold in Pennsylvania.

Years ago there were thousands of acres of fine white pine in Pennsylvania and the State department of forestry is endeavoring to restore the State to its old position as a white-pine producer. Including this year's plantings, the State has set out about 25,000,000 trees on its reservations and the greater part is white pine.

Local trade is heavy in spruce this year, and it is said price records are likely to be broken. Hemlock, too, is advancing while the revival of building is sending laths and shingles up. Gum and poplar are reported to be in much better demand. Oak, both plain and quartered, of course, keeps up in general favor, while the trade says that ash, maple, and basswood are quite as popular and almost as scarce. Yellow pine from the Carolinas is firm in all sizes.

Owing to unsatisfactory shipping conditions, high freights, and a general revival of demand it is generally believed that prices are likely to show abnormal tendencies here and there, and opinion is virtually unanimous that it will be a record year for lumber in and around Philadelphia if supply can keep anything like reasonable pace with demand.

Mr. MOORE of Pennsylvania. In connection with this article I desire to say calmly and without intent to criticize anyone who criticized the river and harbor improvements, that this question of lumber raises the question of transportation about as pointedly as any other matter Congress has to deal with, except iron and steel. Some years ago the golden Northwest had about all it could do to keep up with the rise of timber. Forests were cut off, farmers had difficulty in obtaining enough boards to build shacks in which to live. That condition may come in other sections of the country where we have more people to occupy dwellings. I apprehend we shall have to exercise more care with respect to forests and with respect to the avenues of communication by which we may get lumber to the people.

Mr. BOOHER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Missouri.

Mr. BOOHER. I was interested quite a little in the statement the chairman of the committee made that there had been an increase in the receipts in the last fiscal year from lumber. I want to call the gentleman's attention to the fact that they included in that the collections for the last fiscal year of $80,000 received from water power. That does not belong to the Forestry Bureau. If the gentleman will read the hearings he will see that it has been taken out of that and placed in the Interior Department.

Mr. LEVER. It has not become a law yet.

Mr. BOOHER. But it has passed the House. The year before there were no rentals for water power included in the receipts, so that if you take out the $80,000 from the receipts, the additional source of water-power rent, there is an absolute decrease of about $37,000.

Mr. MOORE of Pennsylvania. I am seeking light, and I am obliged to the gentleman for his statement, but my time is running.

Mr. LEVER. But I am not satisfied to let the gentleman's statement go unchallenged.

Mr. BOOHER. Now, if the gentleman will pardon me, and I will try and get him more time, if he will look at page 7 of the hearing in the Forest Service, after speaking of the receipts, this question was asked, "What, in a general way, does the miscellaneous item include?" The miscellaneous item was $175,840.40, and this is the answer to the question, "That includes about $80,000 for water-power purposes."

I have failed to find in the hearings of any other year where they said anything about receiving rentals from water-power purposes. This is the first year that any money was received from water power.

Mr. LEVER. The gentleman from Missouri has discovered a mare's-nest, but the truth about the matter is that until last year the Forestry Service did not charge anything whatever for the uses to which the gentleman refers, and therefore it could not make any return. In an item in the appropriation bill for the year before we permitted the department to make charges for the use of this property, and properly so, because there is no reason why we should permit the use of property without charging a reasonable fee. The result is we have put $80,000 into the Treasury during the past year.

Mr. BOOHER. I do not think I have discovered a mare's-nest; I am finding no fault. I was correcting what appeared to me to be an error in the statement about the receipts and expenditures.

Mr. LEVER. The gentleman will understand why it was.

Mr. BOOHER. I say it is a new item in the receipts, and if you take that out and adjust the account according to the items in the receipts of last year and the year before, there is an actual decrease of $37,000.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BOOHER. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Pennsylvania be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. If the gentleman will indulge me, I will proceed with what I had in mind. It is not my purpose to find fault with the Forestry Service. I do not know enough about it to criticize it. I am interested, however, in the gradual depletion of the forests of the country and the increase of the price of lumber to the consumer. When we talk of the improvement of means of transportation by water, perhaps we have in mind as much the obtaining of the products of the soil and of those commodities necessary for the upbuilding of the States as anything else. The great forests of the extreme Northwest are rich in Douglas fir and pine and other lumber that is greatly desired in the East. We can not get it in the East, except through the Panama Canal, and that service has been blocked for some time by reason of the slides. There is plenty of timber standing elsewhere, and yet the price to the consumer in the East is constantly going up. We are interdependent in this country and ought to be able to help each other in this matter of lumber. Such a condition of great forests and high prices would not be permitted to exist in the older countries like Germany, Switzerland, or France. No matter how we view the situation, transportation enters into it. We could get together if our transportation methods were improved.

Along the Atlantic seaboard to-day the prices are rising so that they are almost prohibitive. Builders hesitate about new operations and the consumers of lumber who want to construct homes find themselves in a quandary.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. JOHNSON of Washington. When the Forest Service advertises for bids and sells timber as low as $1.10 a thousand feet for the best fir, $1.50 for cedar, and 50 cents a thousand for hemlock, far below the commercial prices, and the Government sustains that under a five-year contract, the buyer paying no interest, no taxes, and no fire protection, has not the Government done more than it ought to do to reduce prices and put other people out of business? I am trying to show the gentleman that he has touched on the very nub of the whole conservation problem.

Mr. MOORE of Pennsylvania. Very well; I want light on this subject. We also want cheaper lumber, and we ought to have it. There are your great western forests. We have forests along the Atlantic seaboard. The forests of North Carolina and South Carolina and Virginia are at our very doors, and yet, because of transportation conditions, we are unable to get lumber in the eastern market at a reasonable figure. We have to pay almost as much as the lumber in the forest is worth to get it to the city. One reason for that is that the railroads under present war pressure are unable to carry that lumber to satisfy the demands in the great cities. Another reason is that the waterways along the inside of the coast line have not been opened up so that we can have this cheaper transportation.

In Virginia to-day there are more than 9,000,000 acres of arable land awaiting the hand of the tiller, very largely because it is removed from the line of the railroads and there is no other improved avenue of approach. It is so in North and South Carolina to a very large extent. We are dependent all along our coast now chiefly upon timber that comes from these Southern States. There was a chance that we might have relief when the Panama Canal was opened and we hoped we might get a chance to get at the splendid timber that comes from Oregon and Washington, but——

Mr. JOHNSON of Washington. Oh, the gentleman means from British Columbia.

Mr. MOORE of Pennsylvania. No; I do not.

Mr. JOHNSON of Washington. How are our coastwise bottoms going to compete with British Columbia in reaching the Philadelphia markets?

Mr. MOORE of Pennsylvania. The gentleman has touched upon another subject which I wish he would deal with in his own time, but I wish to say, as showing the good faith of the people of the East in their desire to deal with the people of the West, that we have recently constructed great piers on rivers like the Hudson in order to receive lumber from Washington and Oregon via the Panama Canal. We are doing our part.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. LEVER. Mr. Chairman, this is the general-expense item of the bill, and we have not reached any definite appropriation yet, and I would like very much to get along.

Mr. MANN. Oh, it is under this item that the general subject is up for discussion. Several of us want to be heard upon this.

Mr. LEVER. What I have in mind is that we have specific items further on in the bill which deal with fire protection and classification of lands and all those various things, and I thought probably we could save time by getting to those. It does not make any difference, however, although I would like if possible to close debate.

Mr. MANN. I suggest to the gentleman that he let it run along for a while.

Mr. CULLOP. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the committee something

about the income from the forest reserves. The chief of the bureau, I understand, is Mr. Henry S. Graves.

Mr. LEVER. Yes.

Mr. CULLOP. On page 70 of the hearings I notice he says the cash receipts during the past fiscal year have been $2,481,479.35. That is from the sale of timber, from pasturage, and other items.

Mr. LEVER. Does the gentleman want that in detail?

Mr. CULLOP. I want to ask the gentleman some questions about the details. I notice on page 728 concerning this income some very valuable information, in my judgment:

Mr. POTTER. The average price for cattle is at present 54 cents. The average price for sheep is 13½ cents per annum.

Does the chairman of the committee consider that a fair remuneration for pasturage per head for 12 months?

Mr. LEVER. If the gentleman will read just a little further——

Mr. CULLOP. I am going to.

Mr. LEVER. He will find a very practical western man on the committee—Mr. STEELE—regards that as rather high; but he will also notice that the chairman of the committee said that it is rather low; so I think the gentleman has the information before him as to my attitude.

Mr. CULLOP. Let me read a little further:

Mr. HAWLEY. How many months would that be for?

Mr. POTTER. That is for the entire year. Where the stock are only grazed a portion of the year, if it is for a period of less than a year and more than four months, we charge on the basis of one-tenth of the annual rate per month. If it is for less than four months, we charge on the basis of one-ninth of the annual rate per month.

The CHAIRMAN. You charge 54 cents for cattle per year?

Mr. POTTER. Yes, sir.

The CHAIRMAN. That is very cheap.

Mr. STEELE. That is not very cheap. You want to go into the cattle business.

The CHAIRMAN. They used to charge a dollar a head a month in my country.

Mr. Chairman, it does seem to me that 54 cents a year per head charged for grazing cattle is entirely inadequate and most unreasonable to the public. There are very large appropriations made every year for the keeping up of these forest reserves, and it seems to me that where they are rented out good business conduct at least would require a larger charge for rental than 54 cents a year per head for cattle and 13½ cents a head for sheep. It does seem to me that in fairness to the public the Government ought to realize a larger sum for rentals per head for either cattle or sheep than is being realized, according to the hearings.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. CULLOP. Yes.

Mr. HUMPHREY of Washington. I was going to ask the gentleman from Indiana if he could imagine any good reason why these sheep pastures should be in a forest reserve anyhow? There are no trees on it, never have been and never will be.

Mr. CULLOP. No; I can not. I am not posted upon the forest-reserve business as I desire, and that is why I am here trying to get some information.

Mr. HUMPHREY of Washington. Will the gentleman yield again?

Mr. CULLOP. Certainly.

Mr. HUMPHREY of Washington. In round numbers there is over one-third of all the land in the forest reserves that has not a merchantable tree on it and never has had and never will have.

Mr. CULLOP. The gentleman is very familiar and well informed on this subject. How many acres are contained in the forest reserves out in the West, say, west of the Rocky Mountains?

Mr. HUMPHREY of Washington. I can tell in general terms, but taking it in my State we have 23,000 square miles—12,000,000 acres.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CULLOP. I will ask unanimous consent to proceed for five minutes, although I may not use all of that time, for the purpose of securing further information on this matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none.

Mr. LEVER. As the gentleman from Indiana wants informatiton, we have 138,000,000 acres in the forest reserves at this time in our country.

Mr. CULLOP. How many of those 138,000,000 acres have timber growing upon it?

Mr. HUMPHREY of Washington. A little over half.

Mr. CULLOP. Then the other half can not be classified as a forest reserve, and would be more properly classified as a prairie or desert reserve?

Mr. HUMPHREY of Washington. As desert would state it better.

Mr. CULLOP. Desert, perhaps, would be the proper term.

Mr. LEVER. Then the gentleman certainly would not have them charge 54 cents a head for cattle grazing on desert; that would be too much, would it not?

Mr. CULLOP. That is where the stock graze at times, as they are as a rule not altogether barren.

Mr. LEVER. On the desert?

Mr. CULLOP. There are a number of places, I have no doubt, that are not altogether barren; but if an acre of land is worth anything, it is certainly worth more than 54 cents an acre, and it certainly would not be a very wise stockman who would rent barren desert land for the purpose of pasturage of his stock under any consideration.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. HUMPHREY of Washington. I would say for the gentleman's information and to give some illustration about this grazing land that the Forest Service made an exchange down in Arizona, and they got 1,200,000 acres of land, as I recall it, estimated to be worth 15 to 25 cents an acre. They exchanged that for scrip, and that scrip was used and some of the best timberland in the United States, acre for acre, was secured. Now, this 15 to 25 cents an acre land is covered by sagebrush and inhabited by jack rabbits and coyotes, and it takes 100 acres to feed a sheep.

Mr. CULLOP. Well, it does not matter how many acres it takes to feed a sheep. If the sheep is fed it is worth more than 13½ cents a year. That is the proposition I want to put up in this matter. If it took 1,000 acres to feed a sheep and still they were fed, it was worth more than 13½ cents a year, and if it took 100 or 500 acres to feed a steer a year, if the steer was fed, it was still worth more than 54 cents to the public for rental of land for use for that purpose. If it furnished the nourishment to feed and fatten the cattle, it was worth more than 54 cents per head per year, and the management of this department should see that the people get more for it.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. CULLOP. I do.

Mr. JOHNSON of Washington. Out in the southwestern Washington district I can show the gentleman where three agents of the Government pursued one man the best part of this last summer only because one cow, in a country where there was neither railroad nor wagon roads, got over an imaginary line, and after three months' work on the part of those agents they fined the man a little less than 54 cents, and have not collected it and never can collect it. That is governmental policy and activity.

Mr. CULLOP. Has the gentleman from Washington informed the chief of this bureau of that fact?

Mr. JOHNSON of Washington. I have done so.

Mr. CULLOP. Has the gentleman informed the power higher up that he might remove the chief of bureau who would be so careless in the discharge of his duty? From this report and the testimony given here it seems to me that on this chief would be a good place to use the ax and deprive him of his position, and, further, to give opportunity for better returns in the way of rental, and better things connected with his department might be the result.

Mr. HUMPHREY of Washington. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CULLOP. I regret very much my time has expired, as I would be pleased to yield to the genial gentleman from Washington [Mr. HUMPHREY].

Mr. TAGUE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Mr. FOCHT. Mr. Chairman, I would like to ask the chairman whether under the stimulus of this appropriation which we have had for some years there has been an increase in the amount of standing timber or whether it has been decreasing. Upon the theory that appropriations are made with the idea of protecting our forests the same as we do in Pennsylvania, which was the pioneer State in reforestation—under the leadership of John Birkenbine and Dr. Rothrock we have increased the quantity of standing timber there, notwithstanding the fact that great quantities are annually cut away, and for which the State receives a revenue.

Mr. LEVER. Mr. Chairman, I would say to the gentleman from Pennsylvania that the policy of the department in ref-

erence to the forests of this country is undoubtedly conserving the forests and conserving the timber supply of this country.

That is due not only to a more scientific way of cutting the timber, but it is due largely to the fact that the forests are now protected against very destructive fires, which in the past have swept out very large bodies of timber. My recollection is—and I will put the exact figures in the RECORD—that in 1910 in one of the big forest fires in the West something like $15,000,000 worth of standing timber was destroyed. My recollection, too, is that during the past year the value of timber destroyed by forest fires is something like $280,000. In other words, a better protection of the forest from time to time is largely reducing the damage to the forest both by way of fires and by way of overgrazing, and like of that, on forests which are really grazing land.

Mr. FOCHT. You feel, then, that the great result desired is being accomplished by the use of this appropriation?

Mr. LEVER. I may state to the gentleman another recollection of the figures, that during the last 10 years there has been an increase in the number of sheep and cattle upon the forest reservations grazing preserves of something like 50 per cent.

Mr. FOCHT. I would like to ask another question. Most of the Members of this House, like myself, have been in constant receipt of circular letters from the gentleman named Gifford Pinchot, in which certain officials are characterized and the popular mind is led to believe that there is great corruption in the direction and management of the national forests and water powers of this country. What is your opinion and what is your answer to him?

Mr. LEVER. I will say to the gentleman from Pennsylvania that I have never myself received any such circular, and I am greatly surprised and greatly regret to know that Mr. Pinchot, for whom I have a very high personal regard, would make such a statement. It has never come to the attention of the committee and never has been investigated by the committee.

Mr. FOCHT. I never heard it here, but have elsewhere. He made such deliverance in the Lewisburg courthouse and in public declarations elsewhere as well as in these letters, and if they are to be believed, then there have been great abuses.

Mr. LEVER. I can say in a general way that I regard Mr. Graves, the head of this service, as one of the most competent, honest, and honorable officials with whom I have ever come in contact.

Mr. FOCHT. Then Mr. Pinchot's statements, you believe, are unwarranted if they are a reflection upon any official in any capacity?

Mr. LEVER. I say that unhesitatingly.

Mr. HUMPHREY of Washington. What was the statement that you said Pinchot had made?

Mr. FOCHT. Frequently that the great reserves of this country are being wasted, and the conservation idea, both as to timber and water power, of this country has been dissipated and fallen into the hands of corrupt corporations and trusts.

Mr. HUMPHREY of Washington. He ought to know, because the public domain of this country was looted more when Pinchot was at the head of the Forest Service than in all the rest of the days of the Republic put together.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that he may proceed for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FOCHT. The gentleman from Pennsylvania [Mr. MOORE] is a strong advocate of waterways, and we are in hearty accord with his advanced ideas with respect to the cheap transportation of freight, lumber, or whatever it may be, but the point that seems to have been missed in his observations was the question of the reduction of the tariff on lumber in the last revenue bill—I believe from $2.50 to $1.25 per thousand feet. I would like to have the gentleman state to the committee whether in his opinion the increased cost in the lumber is due to the fact that the tariff has been reduced or not.

Mr. MOORE of Pennsylvania. Mr. Chairman, I would say to the gentleman that the reduction of the duty on lumber very seriously affected the lumber industry of the United States, and that as we took the duty off of lumber the price was protected in Canada, so that Canada reaped the benefit which the United States yielded up.

Mr. FOCHT. Then the reduction of the tariff on lumber has not been beneficial?

Mr. MOORE of Pennsylvania. It has not helped the industry or the consumer in the United States at all.

Mr. JOHNSON of Washington. I would like to state for the gentleman's information that here is a report from the consul general of British Columbia, Mansfield, dated March 25, this year, 1916, in which he says:

> Lumber exports from British Columbia to the United States last year were the largest in the history of the industry, amounting in the aggregate to 77,641,320 feet, or about 13 per cent of the total output.

This consular report, only a month old, also shows that the industries of that Province have fallen off 50 per cent, and they have been driven to keep alive by shoving over lumber and logs into the United States.

Mr. FOCHT. Then, the reduction of the tariff, so far as protecting the producer or reducing the cost to the consumer is concerned, has been a failure? That is the idea, is it?

Mr. JOHNSON of Washington. Absolutely so.

Mr. MOORE of Pennsylvania. The consumer in the United States has derived no benefit whatever. The price has gone up to the consumer constantly, and Canada has participated in the proceeds.

Mr. HUMPHREY of Washington. Right along the line of the question asked by the gentleman from Pennsylvania, I wish to call attention to the fact that while the mills in British Columbia have been increasing their output this has not been true on this side. I hold in my hand a statement that I think ought to be accepted on the other side of the aisle. It is from the Secretary of Agriculture, Mr. Houston, under date of February 24, 1916. I am sorry that the Democratic leader is not on the floor of the House, so that he could not accuse me of citing partisan authorities. Secretary Houston says:

> The mill capacity of the northwest coast is easily 30 per cent in excess of the output. The slightest upward movement of the lumber market results in some mills running double shifts and the construction of other mills, in order to take advantage of the opportunity afforded to liquidate their lumber holdings. A number of concerns have already been forced into bankruptcy, and others have been saved only through various forms of reorganization, bringing in additional capital or falling back heavily upon the banks. The buying of timber is at a standstill.

Now, that is the condition on this side, where the tariff was taken off, as compared with the condition on the other side, in British Columbia.

My distinguished friend from Pennsylvania [Mr. MOORE] spoke awhile ago about the Panama Canal. At the time that we commenced to agitate the question of the repeal of the Panama Canal tolls act I had a list of 56 vessels that had been constructed or were being constructed for the purpose of running through the Panama Canal. As soon as we repealed that act that stopped all that prospective trade. No foreign ships can come into our ports in the coastwise trade to carry cargo around to the Atlantic coast, but they can go across British Columbia and do that. As long as we had a free canal, making a difference of $1.50 a thousand, we could reach the market on the Atlantic coast. This is the trouble with the market on the Atlantic coast to-day.

Mr. MOORE of Pennsylvania. What was the condition of the American lumber market for the first six months after the passage of the low-tariff law?

Mr. HUMPHREY of Washington. Well, the lumber market was affected considerably, but not so much as the shingle market. Sixty-three per cent of the shingle mills closed in 60 days after the Underwood bill was placed on the statute books.

Mr. MOORE of Pennsylvania. The condition I spoke of a little while ago, resulting in the increase of prices, has all been since the European war broke out. When there was no war in Europe, when we were operating under the law that had been passed, there was stagnation in the lumber market in this country.

Mr. HUMPHREY of Washington. Yes. When we had a tariff, and when we had the prospect of going through the Panama Canal without the payment of tolls, there was a chance for our lumber. I have read to you a statement of the conditions made by the Secretary of the Interior to Senator MYERS. I am glad to bear out the statement made in regard to it.

Mr. MANN. Mr. Chairman, I would like to make an inquiry about one or two things in the paragraph. Under the authority to erect necessary buildings that we carry every year, does the gentleman know how many buildings we have erected?

Mr. LEVER. Since the establishment of the Forest Service, I will say to the gentleman from Illinois, we have erected 2,000.

Mr. MANN. Does the gentleman know how many were established in the last fiscal year?

Mr. LEVER. I can not tell how many offhand.

Mr. MANN. The gentleman does not recall even indefinitely as to the number?

Mr. LEVER. We have been controlling the forests about 15 years, and during that time we have constructed 2,000.

Mr. MANN. I wanted to know if we were going at it full tilt or not.

Mr. LEVER. No; we are not going at it full tilt.

Mr. MANN. This item in regard to employees engaged in hazardous service under the Forest Service makes no reference to the law. But is the expenditure confined to that law?

Mr. LEVER. It is; yes.

Mr. MANN. I am not at all sure that it would be under the language of this bill.

Mr. LEVER. I understand that is the practice, at least. I do not think they have had many of these cases.

Mr. MANN. They have had quite a number of them.

Mr. LEVER. Not in this fiscal year.

Mr. MANN. I think so.

Mr. LEVER. The gentleman's recollection is no doubt better than mine.

Mr. MANN. My recollection is neither good nor definite, but I read the report and I had that impression.

Mr. LEVER. My impression is there were comparatively few.

Mr. MANN. Under the language of the bill, which makes no reference to the law, I am not at all sure that there would be a limitation, and I am not at all sure it would be done through the Department of Labor, where the law places it. But if they do not intend to go outside of the law, I have no objection, although I do not think the Forest Service itself should inaugurate any policy of its own in reference to the payment of these claims.

Mr. LEVER. Nothing has come to the attention of the committee along that line that would justify us in having any concern about it.

Mr. MANN. Does the gentleman know how much we receive for permits for water-power development in the Forest Service?

Mr. LEVER. I can give that to the gentleman; yes. I thought I had the exact facts here, but I have not. But the statement was made before the committee that about $80,000 had been received for water-power privileges.

Mr. MANN. I should have supposed it would be larger. Mr. Chairman, the Secretary in his annual report makes this statement:

> The national forests contain approximately one-half of the water power of the West. The department for nearly a decade has been issuing permits for its development. Unfortunately, the present law does not authorize the granting of permits for fixed periods. It should be amended, and recommendations to this end have been made repeatedly by the department. While authority to grant term permits undoubtedly would aid water-power utilization, the fact remains that development, practically to the extent of the market, actually is now taking place on the forests.

Then he makes the further statement:

> In the Western States power development has advanced proportionately very much more rapidly than in the East, where land is privately owned.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MANN. He goes on:

> The amount of water power used in the generation of electricity by public-utilities corporations, street railway companies, and municipalities has in the last decade increased 440 per cent in the West, or more than twice as fast as in the remainder of the country. There, in proportion to population, four and one-half times as much water power is used as in the remainder of the United States and nearly three times as much as in the Eastern States.

Again he makes this statement:

> Of the existing 1,800,000 water horsepower in the Western States, 50 per cent is in plants constructed in whole or in part on the forests and operated under permit from the department. Plants under construction will develop about 200,000 additional horsepower, while over 1,000,000 more is under permit for future construction.

It has been the habit of the Department of Agriculture for some years to make the statement that is made by everybody else—and it may be true; I do not say that it is not—that the law ought to be amended so as to give the permit for a fixed period. Yet, when we find that half of the water-power development in the West is on the national forests, and that amounts to about 900,000 horsepower—the half—and 200,000 horsepower more is under construction, and permits for 1,000,000 more horsepower have been issued, it does not look as though the development had entirely ceased. In one part of the report of the Secretary, made, I suppose, copying the reports of the Secretaries for several years, and copying the popular supposition on the subject, you read that water-power development had ceased on the national forests because they could not get a permit for a fixed period. Then, in another place we find that they have issued permits now for 1,000,000 horsepower, which is more than half of the entire water power developed in the West, and 200,000 horsepower in addition under construction. I know we have been regaled and entertained and instructed frequently by the gentleman from Washington and others, about how all of the development out there was held up because they could not possibly afford to develop the water power, and when we passed the Adamson bill in the House we were told that they could not afford to develop the water power unless they had a permit for a fixed period; and we are told now by the gentlemen who are lobbying throughout the country for the Shields water power or dam bill that it is impossible for men to obtain capital to develop water power unless they get a fixed period and liberal terms. Yet, here it is, in the Forest Service, where the permit is revocable at any minute, that they are developing more water power now than ever was being developed in the history of the country. Certainly, notwithstanding all that they say, they are not being unduly burdened by the Government in the way of charges if they have only been charged for the last fiscal year less than $80,000 for 900,000 water horsepower under operation. I do not know whether we will have to revise our ideas on the subject or not. I do know that there is a very powerful movement being inaugurated by the people now controlling the water powers of the country in favor of hamstringing the Government in connection with the development of future water powers over which the Government has control. A very powerful—I use the term respectfully—lobby has been inaugurated all over the United States for the purpose of controlling or influencing the action of Congress in connection with the dam bill, which will, I suppose, before the session expires, come before this House for action.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. McLAUGHLIN. Mr. Chairman, in the book called "Program of Work of the Department for the Fiscal Year 1916," in the part devoted to the Forest Service and under the head of water powers, we read something of the results of the work of that service, as follows:

> On July 1, 1914, 184 permits were, in effect, for water-power projects, including transmission lines, and 103 separate permits for transmission lines. The total power capacity of projects under permit was 1,067,621 horsepower, an increase of 284,021 horsepower, or 36 per cent, for the fiscal year. The total number of approved easements now in force upon the national forests is approximately 800.

That is the statement as to the work the department has been and is doing in connection with the water powers.

Mr. JOHNSON of Washington. Mr. Chairman, I have the honor to represent a district that has an enormous amount of water power in it and three great forest reserves. I have always regretted that the handling of the forest-reserve problem, and these forest-reserve appropriations, amounting to about one-quarter of the total sum appropriated in the name of agriculture, should be carried in this Agricultural bill. Most Congressmen are interested in agriculture, few in forestry. The hearings before the committee run to all phases of agriculture. A great many of the Members of this House, as the distinguished gentleman from Indiana [Mr. CULLOP] stated a few moments ago, know little about the forest-reserve proposition and are concerned less. It is to the credit of these gentlemen that they remain on the floor, listen to the debate, and take part in it. Our hope of relief is in agitation.

Before much headway is made in the attempt to solve the problem of the forests up pops the water-power proposition. The most of the unharnessed Federal water power is in the far West, and its management, control, and operation is to be fixed for the people out there by the Representatives of the people of the East, just as this forest reserve conservation scheme was thrust upon the West in years gone by, with the idea that if it might turn out to be a good thing for future generations then the present generation would have to grin and bear its evils and its ills.

My belief is that the people in the real forest-reserve States, where there are real forests, much potential water power, and other resources still in Government control, are not anxious to break down the so-called idea of conservation, or to forfeit management by the Government; but they realize that it is only a question of time until Congress must solve the problem of private ownership against Government ownership. This problem has made much trouble for the great lumber business of the Northwest, and the trouble becomes worse instead of better. I do not want to take up too much time, and yet it is a large problem, and of the greatest moment to my district certainly, and probably to my State. If I can get a little time, I should like to read to Members who are interested enough to stay here this afternoon the advertisements of the Forestry Bureau, which it puts out to solicit business, to beg for sums to

help bolster up this service so that they can come to Congress and make some kind of a showing of progress, in accord with past promises.

Mr. LEVER. Will the gentleman indicate how much time he wants?

Mr. JOHNSON of Washington. I am going to be as brief and concise as I can.

Mr. LEVER. I am doing this in the interest of the gentleman, so that he can make a connected statement.

Mr. JOHNSON of Washington. I want to make the statement good and plain. I have remained in my seat the best part of the time since this session began, and beyond a 10-minute speech on the Indian appropriation bill, 10 minutes on the immigration bill, and 10 or 15 minutes on another bill, I have occupied no time of this Congress; and I shall not desire to go back to my district and say that on account of a belated Democratic effort to speed up at this late date I could not get a little time for so great a problem.

Mr. LEVER. I do not want to take the gentleman off his feet at all.

Mr. JOHNSON of Washington. In the general debate on this bill no Member said a word about the Forest Service.

Mr. LEVER. I want to give the gentleman 15 or 20 minutes' consecutive time.

Mr. JOHNSON of Washington. I have made no preparation for that, but I know I have some information that this Congress should have, and I will try and be as brief as I can.

To begin with, let me say the problem that has come up, as brought out by questions by the gentleman from Pennsylvania [Mr. MOORE] and others, why has the low cost of logs, and a lumber business out West, which for the past three years had a struggle for its very existence, resulted in a high price right now of the manufactured product in the East? Next, we must pay some heed to the cry in every forest-reserve locality for more money to help develop and build roads and do something to develop these great conserved blocks of area that obstruct progress in every Western State. I desire to show what has happened to counties who have been told, year after year, ever since conservation became the magic word for dreamers and theorists to conjure with, that some of these counties would receive something substantial in lieu of the taxes they have lost. What have the forest-reserve counties received in the far West? I will show one county in the State of Washington that has been led to believe that it would receive great sums which received last year the great sum of 34 cents. Thirty-four cents for road building and schools! Is anything the matter with the system?

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. HUMPHREY of Washington. Does not the gentleman himself think that something is the matter with the Forestry Service, which has $2,000,000,000 worth of property and can not pay expenses, when you take it in our own State, which has 12,000,000 acres, and according to a statement transmitted by the department a few days ago to one Senator the State of Washington has made $60,000,000 out of it, while the Forestry Service, with 12,000,000 acres, is always behind?

Mr. JOHNSON of Washington. Just so. The holdings of the Forestry Bureau comprise a vast principality. I am inclined to regret that the gentleman from Washington, my colleague, made the point of order this morning against the salary of a forester up in Alaska, who is in effect king of 20,000,000 acres of land. He is master of all he surveys, and he should have a prince's salary.

Now, to get back to the problem brought out by the gentleman from Pennsylvania. Here is something about the sale of timber this year in Washington:

CARLSBORG CO. MAKES BIG BUY IN OLYMPIC FOREST—DISTRICT FORESTER APPROVES PURCHASE OF 28,660,000 FEET OF TIMBER ON DUSEWALLIPS RIVER.

PORTLAND, OREG., *January 19, 1916.*

The district forester has approved the sale of 28,660,000 feet of timber on the Olympic National Forest to the Carlsborg Mill & Timber Co., of Seattle.

The timber is situated on the Dusewallips River, in township 26 north, range 3 west, on the Olympic National Forest, and consists of 23,490,000 feet of Douglas fir, 2,840,000 feet of cedar, 2,000,000 feet of hemlock, and 330,000 feet of grand fir.

The prices paid are $1.10 per thousand feet for the fir, $1.50 for the cedar, and 50 cents per thousand for the hemlock and grand fir. The company will have until March 1, 1919, in which to remove the timber.

Those are the prices that the Government gets in its sales of timber, and the buyer pays neither taxes, interest, or fire protection. Private timber out there pays as high as 90 cents a thousand taxes. Where does the private owner get off?

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. SMITH of Michigan. What are the prices paid for private timber on the stump, under the same conditions that this timber is sold by the Government?

Mr. JOHNSON of Washington. Well, the prices have gone all to pieces out there in the last few years. The man who sends me this clipping says:

It seems to be a great shame that the Government should sell timber at such small prices when citizens are lugging along timber year after year, through hard times, free competition with Canada, no free tolls through the Panama Canal, and paying enormous taxes.

The Government has gone into the timber business, you see. The Government pays no taxes, it exacts no interest from those who buy its timber, and a generous Congress makes up the deficit. My correspondent writes:

Of course, it is child's play for the Government, but now, when times are beginning to pick up, it seems a cruel blow.

Now, then, these contracts run for years, subject to a reappraisal of value every five years. These contracts are made at a reduced price to parties who pay nothing for taxation until their timber is down and ready to move.

Mr. LEE. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. LEE. How far is this timber that the gentleman speaks of from ports of transportation?

Mr. JOHNSON of Washington. Well, this particular tract is on the Dusewallips River, and maybe is 20 or 30 miles from tidewater.

Mr. LEVER. Will the gentleman yield?

Mr. JOHNSON of Washington. Certainly.

Mr. LEVER. How does the stumpage price charged by the Forestry Service differ from that charged by individuals?

Mr. JOHNSON of Washington. I take it the forest reserve managers have no desire to ruin prices or destroy business, but to make any sales at all they must get just under the market price, making allowance for the fact that a Government sale carries no overhead charges, while the private sale carries all of the overhead charges that any other big business deal does. The probabilities are that when the contracts are made they are 10 per cent or more below contracts at private sale. In other words, if I go to a man who owns private timber to buy so many million feet, to be cut within the next five years, I must lay down cash or its equivalent. If I buy from the Government, I pay only part cash and no interest. So, if the Government figures seem a little higher, they are really a little lower.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Washington may be extended five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. JOHNSON of Washington. I have tried to answer the chairman of the committee.

Mr. LEVER. I ask the gentleman if he knows that the average stumpage price charged by the Forestry Service is $2.48 a thousand? How does that compare with the ordinary price of stumpage charged by private parties?

Mr. JOHNSON of Washington. I see those figures stated in the hearings before the Federal State Commission. I notice, too, that the average price is largely built up on California prices.

Now, here is another thing: The United States is building the Alaska railroad. It was the hope of the people of the Northwest, and particularly the people of the section where I live, that they would supply some of the lumber needed; that it would be cut from our own United States forest reserves for the Alaskan railroad. But I have a report which says that the contract has been let, and I have been informed that it is sublet to a British Columbia concern. That is a fine thing to help bring prosperity to this side of the line, is it not?

Mr. HUMPHREY of Washington. The contract was given to a British Columbia firm; they were the lowest bidders.

Mr. JOHNSON of Washington. One thing more: This report of the consul general at Vancouver, British Columbia, says that one of the greatest complaints that British Columbia has had, outside of its troubles on account of the war, is that the Panama Canal is blocked so that they can not do a lumber business such as they began to build up when this Democratic administration kindly gave them free tolls.

Mr. MOORE of Pennsylvania. While that condition prevails on the western coast an export tax has been put on lumber on the eastern coast.

Mr. JOHNSON of Washington. When the United States adopted the Underwood tariff as a law, and made lumber, logs, and shingles free, British Columbia promptly put an export duty on logs to force our capital to come over there, but when British Columbia recently got very hard up on account of the war they lifted their export tax on logs so that they could float some logs down Puget Sound and cut in on an already demoralized market. That is where we got double-crossed, to use a street expression.

Mr. MOORE of Pennsylvania. Does the gentleman know to what extent the East obtains this splendid lumber that originates in his country?

Mr. JOHNSON of Washington. I understand that the mill men of my own home town, Hoquiam, helped to establish great yards at Poughkeepsie, expecting to send 22-foot draft vessels, lumber laden, through the canal, up the Atlantic, into the river at Poughkeepsie and supply a great eastern market that British Columbia promptly went after.

Mr. MOORE of Pennsylvania. I am glad the gentleman has referred to that, because I know splendid piers have been built at Poughkeepsie, 100 miles or thereabouts from the sea, with the expectation that we might participate in some of this Panama Canal trade.

Mr. JOHNSON of Washington. And I will say to the gentleman that while we are trying to do that, build ships and reach an eastern market, we are accused of being in a conspiracy to stifle industry on account of politics, and we are accused of being prosperous when we try to keep the mills going and to keep labor even partially employed, as we have had to do the past three years.

Mr. MOORE of Pennsylvania. One reason for deepening the Hudson River was that we might encourage this western trade.

Mr. JOHNSON of Washington. I am glad to know that.

Mr. SMITH of Michigan. Mr. Chairman, I have listened with a good deal of interest to the condition of the lumber market as it has been explained by the gentleman whose localities it affects, and I have had in mind the interest of the consumer, and while we are told that the tariff has been removed for the ostensible purpose of reducing the cost, we find that the consumer pays the same price under free trade, that there has been no reduction, and that he has received no benefit. I know that at one time not very many years ago the price of forest timberlands was high, upon the theory that it was feared they might become exhausted. They were purchased in large holdings and bonds were floated upon those timber holdings. Soon after that the lumber market fell off by reason of the reduction in the tariff, permitting free lumber to come into this country, so that a great many of the bonds became depreciated in value, and a good many of the timber companies were obliged to suspend business because they lost their markets. Removing the duty greatly affected the lumber market, and resulted in the loss of the lumber market. When the tariff was removed the Canadian Government put on an equal embargo, the American lumberman lost his market and the consumer paid the same prices for his lumber.

Much the same thing applies to this water-power proposition. It occurs to me that a water-power site ought to be carefully preserved and not disposed of at a trifling cost by the Government until there is some demand for the use of the power. I can cite not only one but other large water-power dams that have been constructed, upon which bonds have been floated, and upon which interest has been defaulted and payment of principal not made. It is unfair to the people thus to grant these water privileges and power for the purpose of exploitation, the mere issuing of bonds and the disposition of them to the investing public, when there is no demand for the power, and without hope or expectation other than simply exploiting the bonds. As a good business proposition I would think that before such bonds are authorized or disposed of we should see to it that there is a demand for the power after it is developed, and the dam constructed in good faith as a commercial enterprise.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. Certainly.

Mr. FESS. The State in which the gentleman lives has gone into the water-power development, has it not?

Mr. SMITH of Michigan. Not the Federal Government. We have no Federal Government powers there. They are all owned by the State or rather by private concerns.

Mr. FESS. There are a good many private concerns?

Mr. SMITH of Michigan. Yes; and as a general thing they are all a success, and there has been no defaulting on the bonds nor mulcting of the public by these water-power companies in our State.

Mr. FESS. I happen to know of one man who developed for cities the electric light plants through water power, and it seems to have been a very great success.

Mr. SMITH of Michigan. Yes. These water dams are all in successful operation and furnish much power for manufacturing and lighting in Michigan.

Mr. FESS. The question is whether the State ought to do that or whether the individual should be permitted to do it.

Mr. SMITH of Michigan. It does not make any difference whether the State or the individual does that, providing there is a demand for the product; but when you go out into these western countries and construct large water-power sites with the avowed purpose of issuing bonds against them and selling those bonds to an innocent public, when they do not know the necessity for the power or whether the project will be successful, it seems to me we should consider the matter carefully before disposing of it.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. FESS. Is the Great Northern Power Co. a private power or a State power?

Mr. SMITH of Michigan. I can not say. I do not recollect any such company in Michigan.

Mr. McLAUGHLIN. Mr. Chairman, the matter spoken of by the gentleman from Washington [Mr. JOHNSON], the price at which the Forest Service sells timber, and how that price compares with the prices paid for private timber, was brought up at a hearing before the Committee on Agriculture. A member of the committee asked:

I believe the Forest Service, so it is said anyway, has a way of fixing prices on sales of timber at less than or different from prices obtained by private interests. Is that true, and if it is what is the reason for it?

And the forester answers that question, and his statement is clearly to the effect that prices are not less, everything proper being taken into consideration.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN. In just a moment. On page 76 there is another question and answer, and that question was asked after the forester and his assistant had made more or less detailed statements of their methods of arriving at value, and fixing prices at which standing timber will be sold.

What do you find finally, as a matter of fact, by comparing your prices with prices paid for property belonging to private interests?

And the concluding statement of the gentleman who answered that question is:

The price of Government timber tends to be a little above the price of corresponding private timber.

Mr. JOHNSON of Washington. State that again.

Mr. McLAUGHLIN. "The price of Government timber tends to be a little above the price of corresponding private timber." Now, that is the statement of a very competent assistant in the Forestry Service, Mr. Greeley, who very favorably impressed the committee.

Mr. JOHNSON of Washington. It should be more.

Mr. McLAUGHLIN. I thought the complaint was that the Government was sacrificing its timber and was selling it at lower prices than private interests were able to sell their timber and was thereby interfering with the business of private interests and demoralizing the market.

Mr. JOHNSON of Washington. I do not admit for a moment that the Government price in this particular northwestern territory is higher, but I contend it should be higher as a matter of equality, for the man who buys from the Government has neither taxes or interest to pay. That is one reason of itself that it should be higher, or it is not an equal bargain.

Mr. McLAUGHLIN. Here is a further question:

It seems to me I have heard that the Government is selling its timber cheaper than private interests sell theirs.

And here is the answer of Mr. Greeley, to whom I have referred to above:

I am very sure that that statement is not true as applied to timber that is of the same quality and accessibility.

Mr. MANN. Will the gentleman yield for a question?

Mr. McLAUGHLIN. Yes.

Mr. MANN. Is it not almost inevitably certain that whether it be Government timber or privately owned timber the timber is the same and the bidder is not likely to pay very much more either one way or the other?

Mr. McLAUGHLIN. Why, I suppose an intelligent bidder would bid about the same for private timber as for Government timber.

Mr. MANN. He is bidding, I take it, for the timber—not for the ownership.

Mr. JOHNSON of Washington. And the Government fixes the minimum price; that is the sale basis always.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I want to see if we can not arrange to get along a little bit.

Mr. JOHNSON of Washington. Mr. Chairman, I want to put in a brief statement at this point.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto close in 15 minutes. Is there objection. [After a pause.] The Chair hears none.

Mr. HUMPHREY of Washington. Mr. Chairman, I have just listened with a great deal of interest to the statement made by the gentleman from Michigan [Mr. MCLAUGHLIN]—and I hope I may have his attention for a moment—in which he seeks to show that the Forest Service sells its timber for a little bit more than a private party. Now, if that statement is true, I wonder what has become of all this argument we have heard so often that these great forest reserves were established in order to keep the timber barons of the West from robbing the people. What is the trouble with the forest reserve, has it gone into combination with Weyerhauser and the other great timber owners of our western country? I thought the very purpose of the Forest Reserve was to let the people have cheaper lumber, cheaper timber, and now not only the gentleman from Michigan says, but the Forest Service comes here and boasts of the fact, that they charge more, so instead of helping the people against the monopoly they have claimed exists in the West, but which never did exist except in their imagination, they now are in combination with them. Now, the truth about it is that for a great many years we heard the argument on the floor of this House that the purpose of establishing these forest reserves was to keep private owners from monopolizing the timber lands of the great West; that they were making millions of dollars in the way of fortunes.

Mr. CULLOP. Will the gentleman yield there?

Mr. HUMPHREY of Washington. Certainly.

Mr. CULLOP. If I understood the gentleman correctly when I had the floor some time ago, they were exchanging with private owners timberlands for desert lands and calling them forest reserves. Now, does not the name of "forest reserve" mean something? Does it mean "forest" or "desert"?

Mr. HUMPHREY of Washington. It does not mean anything so far as the name "forest" is concerned, because, as I called to the attention of the gentleman awhile ago and on the floor of the House on two or three other occasions, I pointed out where the Forestry Service exchanged not only thousands but millions of acres of treeless land and took that into the forest reserves and took out of the public lands and gave to the railroads timberlands, and so far as I know, during the time that illustrious reformer was at the head of the Forestry Service or had anything to do with it, there never was an exchange of land whereby the forest land was gotten into the forest reserves and barren land taken out of forest reserves.

Mr. LEVER. Will the gentleman yield?

Mr. HUMPHREY of Washington. I do.

Mr. LEVER. Has any such thing as that happened within the last four years, to the gentleman's knowledge?

Mr. HUMPHREY of Washington. No; I do not think so. So far as I know, since that illustrious gentleman who was decorated with a medal last night got out of the Forestry Service, there has been no more of these transactions; but that great reformer having been in there long enough to assist the railroads—or at least without any protest from him—to get 1,200,000 acres of land, it stopped when he went out; at least there has not been any since then.

Mr. CULLOP and Mr. FORDNEY rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. HUMPHREY of Washington. I yield to the gentleman from Michigan.

Mr. FORDNEY. I will say to the gentleman that prior to the time the gentleman from Washington speaks of in the San Francisco Mountain Reserve there was a million and a quarter acres of land that had nothing but sagebrush on it, taken by the Government, and land scrip or blanks which were called forest-reserve scrip given to the owners of that land, and that scrip located in the State of Washington and took the choicest timberland that the Government owned.

Mr. HUMPHREY of Washington. Yes; and I will say to the distinguished gentleman that I have in my possession two letters from a gentleman who went with that distinguished reformer, to whom we have referred, Gifford Pinchot, to the President, and suggested that change be made. I wish I had them here so I might put them in the RECORD.

I have referred to that transaction a good many times, and I think there have been some gentlemen on the floor of the House that sought to show that Mr. Pinchot did not know anything about it. I did not know whether he did or not, but I have these two letters from men who went with him, who state that he did.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CULLOP. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for two minutes.

The CHAIRMAN. The time has been fixed by the committee.

Mr. MCLAUGHLIN. Mr. Chairman, the gentleman from Washington [Mr. HUMPHREY] says that the Forest Service and those who supported it led the people to believe that the main object to be reached was the sale of timber to the people at a lower price. He puts words into the mouths of the gentlemen connected with the Forest Service. I do not believe they have advocated or promised anything of the kind. One object of the Forest Service is and has been to keep prices reasonable by keeping the timber out of the hands of private interests, who, by monopolizing it, could put prices just where they pleased. Now, that has evidently been the result of the Forest Service. Why, everybody knows what the experience was in other States. We in Michigan know to our sorrow what the policy pursued or total lack of policy there led to. Immense areas of timberland were picked up by private interests, lands carrying beautiful timber—hardwood and the lighter woods—the State retained hardly an acre of timberland. Every dollar realized from that timber has been gathered in by private interests to make great fortunes, which do nobody any good, and a large part of the land, after the timber was removed, went back to the State for nonpayment of taxes.

Mr. SMITH of Michigan. Will the gentleman yield for a question?

Mr. MCLAUGHLIN. Yes.

Mr. SMITH of Michigan. Was the purpose of the forest reserve accomplished in keeping down the prices? Has it had that effect?

Mr. MCLAUGHLIN. No one can tell, but the price has not been high; and, as far as the charge that the Government is interfering with private business by charging lower prices, the fact appears, and the testimony proves it, that the average price charged by the Government is often higher than is paid for privately owned timber.

Now, as to these exchanges of fine timberland owned by the Government for the waste lands, this is the first time in the House that I have heard it charged that the Forest Service or the friends of the Forest Service were responsible for that law or the disagreeable and unprofitable results of it—unprofitable for the Government. I think if the gentleman from Washington, who perhaps knows as much as anyone as to how that deal was framed and how the provision under which that kind of work was done was put in the bill, will refresh his memory, he will not charge the vicious features of the law or its unfortunate results to officials of the Forest Service. A bill was pending in Congress here some 12 years ago—I do not remember just how long ago, but it was some time before I came and I have been here 10 years—and a law was passed which was called the "lieu law," that the Government might exchange with individuals, or with "persons," as the law used the word—might exchange land with persons—with the idea of making an equitable, proper exchange in the interest of both individual and the Government. That law was amended, as I am informed, on the floor of the House in such a way as to make it possible for "persons" to exchange land, and to enable railroad companies, or anyone owning large tracts of land, to exchange those tracts—waste lands and sagebrush, and so forth, and such stuff as that, as has been spoken about—for fine timberland. After the law was passed and railroads wished to make exchanges, it was objected by the department that railroad companies did not have the privilege of that law, because the law said only "persons" should have that privilege, but the construction put upon it by those whose duty it was to construe it was that that word "person" meant natural and artificial persons, and the railroad companies availed themselves, as did other corporations, of the privilege of exchanging their worthless land, taking the finest timberland that the Government owned, not with the consent or connivance of officials of the Forest Service—not with their knowledge or belief that when the law was passed it would be so used. The framing of the law as far as it included the feature referred to, was the work of private institutions, and corporations, and railroad companies. And when it was discovered that that construction had been put on the law, and that use was being made of it, the law was repealed. And it seems to

me it is not becoming now for the gentleman from Washington to charge the trouble to the Forest Service.

Mr. FORDNEY. Mr. Chairman, I move to strike out the last word.

I am sorry to differ with my colleague. In the first place, until 1889, the public lands of this country were disposed of largely by cash entry. Outside of the granted limits of a railroad lands were sold by the Government at $1.25 per acre, and double minimum, or $2.50, inside of granted limits. In 1889 the cash-entry law was repealed by Congress and no lands have been sold by the Government at cash entry since 1889. In 1896 the forest-exchange law was adopted, which gave, when our forest reserves were established, the right to individuals owning lands within fixed forest-reserve limits to exchange with the Government lands within those forest reserves for lands outside of the forest reserve, selected from public lands unappropriated in any State in the Union. Many of the lands granted to railroad companies, both within the granted limits and within indemnity limits, were thrown into forest reserves. I never knew of any railroad company exchanging a single acre of land with the Government for lands outside of a forest reserve, but the laws permitted it. But this has been the custom and is the custom to-day. Individuals have purchased lands from the railroad companies within the limits of a forest reserve where they could purchase valueless or cheap lands, took that right and went to some other State or some Territory and selected valuable lands from the Government, then deeded their valueless lands to the Government—a one-sided deal absolutely, the Government having absolutely nothing to say about that exchange.

As an illustration, gentlemen, I am going to be personal. In 1898 I wanted to purchase 40 acres of Government land adjoining some land that I owned in the district represented by the gentleman from Washington [Mr. JOHNSON]. There was no law by which I could obtain title to that 40 acres of land, except to purchase some kind of land scrip, namely, forest-reserve scrip, so called. I went to a banker and asked him to procure for me 40 acres of forest-reserve scrip, which he did, and for which I paid him $193, or a little less than $5 an acre.

I conveyed that land described in the deed (so-called scrip) to the Government and went to the land office at Olympia, Wash., laid down my quitclaim deed to the Government, with an abstract of title showing that the title was perfect in me, and selected these 40 acres of land that I wanted, which I sold shortly afterwards for $3,200. The land I gave to the Government was not worth 32 cents. I did not know the lands I was buying when I purchased that strip, but when I obtained the blank deed I discovered I had purchased 40 acres of cut-over lands. I then filled my name in that deed; I then knew the land I was getting. It was cut-over land within the district of the gentleman from Washington [Mr. JOHNSON] in township 21 north, range 9 west, on the Humptulips River; burned over, with nothing but stumps left upon it.

I later went to the Commissioner of the General Land Office here in Washington and pointed out the fault of that law and related the same story to him that I am giving to you, and he was astounded. I went to the then Secretary of the Interior, Mr. Hitchcock, and called his attention to the defects in that law and asked him if he would sanction a bill which I would introduce which should provide that the exchange of lands of that character should be of lands of approximately the same value. Both the Commissioner of the General Land Office and the Secretary of the Interior agreed to do that; I introduced the bill; but when I brought it before the Committee on the Public Lands of the House, of which I was a member, I got my own vote for the bill. All the rest voted against it. [Applause.]

Mr. WALSH. Mr. Chairman, I ask unanimous consent to extend my remarks on the paragraph.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. All debate on the paragraph and amendments thereto has expired by agreement. All the pro forma amendments will be withdrawn, without objection, and the Clerk will read.

The Clerk read as follows:

Absaroka National Forest, Mont., $7,425.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Washington moves to strike out the last word.

Mr. HUMPHREY of Washington. Mr. Chairman, the gentleman from Michigan [Mr. MCLAUGHLIN] seems to be astonished that I have made the statements that I have on the floor of the House. I do not see why he should be astonished unless he was not here when the bill was under discussion each time for many years past. He is in error when he says that that law was amended so as to take in railroads. That is not the fact.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. McLAUGHLIN. I was speaking about the law being amended, and the construction was put upon the word "person" in such a way as to include railroads.

Mr. HUMPHREY of Washington. Now, the gentleman is right.

Mr. McLAUGHLIN. That is the meaning I intended to convey.

Mr. HUMPHREY of Washington. That construction was made by the Secretary of the Interior to include the railroads, but even with that construction there was no compulsion upon the department to make these changes—none whatever. You can search those records in vain—and I went through many hundreds of pages of that record—you can search those records in vain to find where any man connected with the Forest Service ever protested against that exchange. The only man who ever protested against that exchange and called attention to the fact that it would be a fraud and steal on the Government was Binger Hermann, and I have often thought that that was the reason why he was afterwards prosecuted and persecuted, because he had called attention to the fact that that would be a fraud on the Government.

Mr. FORDNEY. Binger Hermann was the Commissioner of the General Land Office in the case I related.

Mr. HUMPHREY of Washington. And it is in the record that Binger Hermann called the attention of the Secretary of the Interior to the fact that to make these exchanges would be a fraud on the Government; and when they insisted upon it he finally said the exchange ought to be made on the ground of value, and not upon the ground of acre per acre, because it was afterwards demonstrated that some of this land, worth 15 cents an acre, was exchanged, by the methods which the gentleman from Michigan [Mr. FORDNEY] has described, for land worth $200 an acre.

I challenge anybody to show where Mr. Gifford Pinchot ever raised his voice from the beginning to the end of this transaction, and as I stated to the gentleman from Michigan [Mr. MCLAUGHLIN] a few moments ago, I have in my hand two letters, written by reputable gentlemen, who told me that Gifford Pinchot went with them to the President and urged that this transaction be consummated. But you do not have to depend upon letters for proof of that.

Mr. CULLOP. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Indiana?

Mr. HUMPHREY of Washington. In one moment. I want to answer the gentleman from Michigan [Mr. MCLAUGHLIN] first. A company in Santa Barbara, Cal., owned 48,000 acres of land, and they had seen these transactions take place with the Santa Fe Railroad, and it occurred to them it would be a good thing to have the Government take their 48,000 acres of land, valued at 25 cents an acre, and let them take scrip and go out and select land somewhere else. There was a protest against that transaction, and I remember that protest came from Binger Hermann. But soon after that protest was made Mr. Gifford Pinchot turned up, out in California, and he wrote a letter which I have placed in the RECORD—you can find it if you want to see it—suggesting that this exchange be made.

Tell me that he did not know anything about it! I will tell you other transactions that he knew about in the Forest Service after he became Chief Forester. When this bill that the gentleman from Michigan [Mr. FORDNEY] was talking about, for the purpose of amending the law, was in here to stop these transactions in the West, and it was urged by the men in the West, because if the obnoxious law were not repealed it would take everything they had in that country and give it to the railroads—while that bill was pending in this House there were 240,000 acres in Montana belonging to the Northern Pacific Railroad, and they wanted to get the same thing and do the same thing that the Santa Fe had done, and——

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Ohio?

Mr. HUMPHREY of Washington. In a moment. And while that was pending a distinguished Member of this House went to Gifford Pinchot, then the Chief Forester, and urged upon him not to permit this thing to be consummated until this bill could be passed to stop it, and Mr. Pinchot replied that he did not propose to brush aside a great policy because a railroad was

going to make something out of it. As a result that deal was consummated with his active assistance, and the Northern Pacific Railroad got 240,000 acres of the best timber land in the West for lands that were practically worthless. Now, there is a transaction, and if the distinguished gentleman from Michigan [Mr. MCLAUGHLIN] does not think that is true, let him ask Gifford Pinchot.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. BOOHER. Mr. Chairman, I have listened very attentively to the discussion of the lumber situation in the West, trying to learn something about the conditions out there. The gentlemen from that section of the country do not agree. I could not understand the logic of the gentleman from Washington [Mr. JOHNSON]. He complains because the Government is selling its standing timber so cheaply that it destroys the business of the private owners of timber. A year ago a speech was made in this House by the gentleman from Oregon [Mr. HAWLEY], in which he took exactly the contrary position, and said that the Government was selling its timber for the highest price of any stumpage owner in this country. I want to read just what he said. I want to show that the lumber industry of the West is not injured at all by the tariff. If putting it on the free list or doing anything else with it would make lumber cheaper to the farmers of the West, I would be one in this House who would vote to make it cheaper. I think the Lumber Trust of this country has robbed the people of this country long enough, and it is time to call a halt.

Mr. FORDNEY. Will the gentleman yield?

Mr. BOOHER. Yes.

Mr. FORDNEY. The gentleman speaks of the Lumber Trust. Now, what does the gentleman know about any Lumber Trust? Does he know that there is any such thing?

Mr. BOOHER. Oh, yes; and so does everybody else.

Mr. FORDNEY. Wait a minute. Does not the gentleman know that it has been determined by the Government after careful investigation that there is no such thing?

Mr. BOOHER. Oh, no; I do not know that.

Mr. FORDNEY. Why does the gentleman use that word?

Mr. BOOHER. I will use it again——

Mr. FORDNEY. The gentleman is wrong about that.

Mr. BOOHER. And I will say that the Lumber Trust has made money enough out of the people, whether it made it when there was a high tariff on lumber or when there was no tariff.

Now, let us see what the gentleman from Oregon [Mr. HAWLEY] said. It was in a discussion along this same line, when this section of the bill was pending. It does not appear in the RECORD as the gentleman made it, but I have got from the Printing Office the original notes of what the gentleman from Oregon [Mr. HAWLEY] said on that occasion. It was during a running debate between the gentleman and myself. Here is what he said:

> If we are going to put the Forest Service on a paying basis and make it a source of revenue, we must authorize large sales, and if legislation is necessary enact the necessary legislation so that the sales can be made in large enough bodies to pay the operators a reasonable return. Now, for instance—

This is what I want to call attention to—

> on the Siuslaw River, in Oregon, there are about 13,000,000 feet of lumber. The people on that river are putting up $317,000 for the improvement of the river in order to get their lumber, when it is sawed, out on the bay and on the ocean. They have 13,000,000 feet of timber, and when they get ready to market that timber they will make money on it, and no one will buy timber on a national forest and pay the Government price—and they usually get the highest price in the market around them.

The gentleman from Washington [Mr. JOHNSON] says they are selling it too cheaply; that they are destroying private business. A year ago the gentleman from Oregon [Mr. HAWLEY] said that they were selling it too high; that the Government got the highest price for its timber stumpage. Now, is there any trouble with the lumber situation? Has lumber gone down? Lumber is higher than it was before the passage of the Underwood bill. Everything that is made out of timber is higher than it was before the passage of that bill. Then putting lumber on the free list has not destroyed the lumber industry anywhere. If it has, I do not know where it is. Build a barn or build a house, and you will find out what the price of lumber is.

Mr. JOHNSON of Washington. Will the gentleman yield for a question?

Mr. BOOHER. Yes.

Mr. JOHNSON of Washington. If the great war in Europe has increased the price of everything else, is it not a little bit astonishing that lumber is about a year and a half behind everything else in reaching a fair price? Does the gentleman begrudge lumber picking up a little bit in price?

Mr. BOOHER. Mr. Chairman, the gentleman is using the same argument that they used for the panic of 1893.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BOOHER. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes more.

Mr. LEVER. Pending that, I ask unanimous consent that all debate on this paragraph, which is just one line, may close in 10 minutes.

Mr. FORDNEY. I would like five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. BOOHER. The gentleman is using the same argument that was used about the panic of 1893. Our Republican brethren say that the panic of 1893 was caused by the Wilson Act, which was enacted and went into effect in September, 1894. That has been the argument from the time of that panic down to the present time. The great Senator from Iowa, Mr. Dolliver, when the Payne bill was pending, said he thought his party had used that argument about long enough; that he had told that story to the people of the country until he had become ashamed of it, and he was not going to tell it any more; that he could not understand how the tariff act of 1894 caused the panic of 1893.

The gentleman from Washington says if it had not been for the war in Europe there would not have been any sale for lumber, that there would have been no increase in the price of lumber. Well, I am sorry that the war increased the price of lumber, because lumber ought to be free to the people of this country. It ought to be just as cheap as it can be to build homes for the people of this country. It would be better for the people of this country if every man with a family owned a little cabin that covered his family, and it would be better if lumber were cheap enough so that every man could afford to buy it; but lumber has gone up because there is a war in Europe. Did hides go up after they were put on the free list because there was a war in Europe? Did wool go up after it was put on the free list on account of the war in Europe? Is that a fact now? Are those things true? Let us argue these propositions from a logical standpoint. Why, the gentleman from Washington [Mr. JOHNSON] said you could not compete with the Government lumber, that it was sold so cheaply by the Government that it put the private lumber dealers out of business. A year ago the gentleman from Oregon [Mr. HAWLEY] said it was sold higher than the people outside sold their stumpage, and consequently the Government could not sell it and make the Forest Service a paying institution. We discussed that question thoroughly, and that was his reason for it. Gentlemen seem to think there is some trouble with the lumber industry somewhere. They say that the Forestry Service are selling lumber too cheap, because they are selling it on the stump for more than a dollar a thousand, but the lumberman sells that same lumber to the people of this country for $40 a thousand. Now, do they want anything more; are they entitled to anything more?

Mr. JOHNSON of Washington. The people of Missouri do not get a saw log at a dollar a thousand, do they?

Mr. BOOHER. Get what?

Mr. JOHNSON of Washington. They get manufactured lumber at the commercial price and freight.

Mr. BOOHER. It costs them $7.50 or $8 to put lumber in a sawed condition and put it on the cars to ship. Your lumbermen get out of that lumber $40 a thousand when the man comes to buy it to put into his home.

Mr. JOHNSON of Washington. The gentleman does not forget the transportation.

Mr. BOOHER. No; that is in it, of course; say that is half the cost.

Mr. JOHNSON of Washington. We have been selling lumber at the mill for $6 to $7.50 a thousand; yes, and putting it on the train at $6.

Mr. BOOHER. I am not talking of what it costs at the mill, I am talking of what it costs the consumer.

Mr. JOHNSON of Washington. Well, then, talk about that, and do not jump on the lumber industry.

Mr. BOOHER. I am talking about it when it gets to the man that uses it. I have had men engaged in the business tell me that a child 12 years old could buy lumber just as well as an experienced buyer. It is all sold to the retailer at the same price, and yet it is said there is no Lumber Trust.

Mr. FORDNEY. Mr. Chairman, the gentleman's statement is so full of error that he ought to strike it from the RECORD.

Mr. BOOHER. I shall not do it.

Mr. FORDNEY. I know the gentleman will not. He is full of error himself, or he would not make such a statement. He has stated that lumber can be produced for $8 at the mill and sells at $40 to the consumer. When the gentleman from Washington asked him what it costs to produce lumber in Washington he did not know. I know he does not know, because he would not make such a statement if he did know, if he is an honest man, and I believe he is honest. I know him, but he is misguided in his judgment.

I am in the lumber business, and I happen to know what I am talking about. I am in the business in the district of the gentleman from Washington.

Mr. BOOHER. If the gentleman is in the business, will not he tell us what it costs to manufacture lumber?

Mr. FORDNEY. Yes; I will tell you. Lumber sold last year at the mills in Mr. JOHNSON's (of Washington) district for $5.50 per thousand, low grades. Average grades of lumber sold for $9 at the sawmills in his district. The freight on that lumber to New York State and New England is 80 cents per 100 pounds. Fir lumber, the predominating lumber produced on the Pacific coast in Washington and Oregon, weighs 3,200 pounds to the thousand feet, rough lumber. Multiply 32 by 80 and you get the amount of freight, or $25.60, in round numbers, from the State of Washington to New York; 60 cents per hundred to the Mississippi River and the Missouri River. Add the freight to the mill cost and you will find that the profit to the mill man is very small. Why do you make such statements?

The average cost of production of lumber in the Southern States, where 40 per cent of all the lumber is produced in the United States, is about $9.50, not including the value of the stumpage.

Mr. WINGO. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. WINGO. Is the gentleman speaking of ordinary boards?

Mr. FORDNEY. I am speaking of the average product of the entire tree. It does not cost any more to manufacture a board of high grade than it does a board of low grade, but you get less for the low grade. I have given the gentleman the average cost of the entire tree.

Mr. WINGO. To what extent is it manufactured, rough board or finished sides or flooring?

Mr. FORDNEY. I gave you the price of rough lumber. When put into ceilings, sidings, wainscoting, or car siding you must add the difference in cost of putting the lumber through dry kiln, through the planing mill, into the drying shed, and onto the car, and add that to the price of the rough lumber.

Mr. WINGO. Will the gentleman yield again?

Mr. FORDNEY. Yes.

Mr. WINGO. Do I understand the gentleman to say that the cost of manufacturing southern pine in the rough boards, going through the process he has mentioned, is over $9 a thousand?

Mr. FORDNEY. Yes.

Mr. WINGO. What is the Kansas City price?

Mr. FORDNEY. I am not in the retail business and do not know.

Mr. WINGO. The price at wholesale at the mill?

Mr. FORDNEY. At the mill? In March, 1913, southern lumber was selling from $16 to $18 straight manufactured, dressed, rough, and all grades. In 1915 those prices were around $12. At the present time the prices on lumber are higher than six months ago, materially so.

Mr. WINGO. What is the price at the mill on the cars of ordinary southern pine boards?

Mr. FORDNEY. If the gentleman will pick out some grade, I can tell him, but I give you an average. It is not correct to give prices of a single grade. For instance, from 40 to 60 per cent of the lumber from the southern pine tree is a low grade and only about 10 per cent high grade, and one should take the average of the entire product in order to obtain a correct idea of values.

The Clerk read as follows:

Alamo National Forest, N. Mex., $4,222.

Mr. FORDNEY. Mr. Chairman, I move to strike out the last word.

Mr. WINGO. Will the gentleman yield further?

Mr. FORDNEY. Yes.

Mr. WINGO. Take an ordinary 1-inch board in the clear. What is the present price of that on the cars?

Mr. FORDNEY. That would depend on the width and length of the board. If you are selling from 6 feet up, which is a merchantable board, that is one thing. If it is 16 or 18 or 20 feet in length, a board 1 inch thick and 12 inches wide, it would bring a much higher price. The same grade 6 inches wide and 10 or 12 feet long of average high-grade lumber in Southern States would sell to-day from $20 to $30 per thousand. But there is only 5 to 10 per cent of your tree that makes that class of lumber and 40 to 60 per cent of the low grade, and much of the low grade is sold below cost of production.

Now, the gentleman says the industry has not been injured by free trade on lumber, and he speaks about the panic of 1893 being caused by the Democratic tariff of 1894. He says it was so stated by the Republicans. It is true. The anticipation of a free-trade law the minute that your party was elected in 1892 brought distress to the country. Every man with capital invested knew what your policy was; you had declared for free trade. They knew that the House and the Senate and the President of the United States were controlled by the Democratic Party, and you were going to lower the rate of duty, and immediately business depression came over the country. I was in business, and I know that if the panic had lasted a year longer, and I had had anything I would have been busted. Most men that had anything went into bankruptcy. There were $2,000,000,000 worth of railroad property in the hands of receivers when your party went out of power.

Eight hundred thousand men are employed this minute in sawmills and planing mills of the United States, supporting a population of men, women, and children of 4,000,000. And yet, my friend, you would put upon the free list the products of that labor, while everything that is consumed by these people and the people by whom they are employed pays some sort of duty. Is it fair and just to single them out? I say no.

Mr. DAVIS of Texas. Mr. Chairman, will the gentleman tell what brought on the panic of 1873? There was no Democratic election then.

Mr. FORDNEY. There was a shortage of gold in the United States with which to pay foreign debts, and the largest firm of importers in the land, in New York, failed because they could not get gold to pay their foreign debts, and immediately a panic began. [Applause on the Republican side.]

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. McLAUGHLIN. The gentleman speaks about the influence of the tariff. Does the gentleman know anything about contracts being made for the purchase of lumber in Canada and the tariff added to the price?

Mr. FORDNEY. I do. I saw a contract made with a Canadian manufacturer for the sale of lumber to a Pittsburgh firm when the Underwood tariff law was being discussed by the Ways and Means Committee, and there was a provision in that contract which provided that if lumber went on the free list before that lumber was shipped to the United States the Canadian should get just that much more for his lumber. I saw that contract.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

The Clerk read as follows:

Chugach National Forest, Alaska, $9,418.

Mr. BOOHER. Mr. Chairman, I move to strike out the last word. The gentleman from Michigan [Mr. FORDNEY] I am satisfied knows all about the price of lumber, but he did not tell this House what it was. He did not answer the question of the gentleman from Arkansas [Mr. WINGO], and he did not intend to answer it—just like all these other gentlemen who know, but who refuse to give the information that they have.

Mr. FORDNEY. Mr. Chairman, will the gentleman yield?

Mr. BOOHER. Yes.

Mr. FORDNEY. What question was it that the gentleman asked that I did not answer?

Mr. BOOHER. He asked the gentleman time and time again to tell what the price of lumber at the mill was and the gentleman did not tell it, nor did he tell the cost of manufacturing lumber per 1,000 feet.

Mr. FORDNEY. I will tell it just as soon as the gentleman gets through.

Mr. BOOHER. Mr. Chairman, I desire to read to the gentleman something about the panic of 1893, and I am going to read it from a Republican journal, and then I am going to put in some remarks of several eminent Republicans in this country when Mr. Cleveland called Congress together in 1893 to repeal the Sherman silver bill. August 20, 1893, this article appeared in the Chicago Inter Ocean under the title "Reaping the whirlwind":

THE NEW YORK BANKS.

When the future historian tells the world of the great financial panic of 1893, he will say: "In the winter and spring months of that year the New York bankers and financiers sowed the wind and during the summer months reaped the whirlwind." We know no arrangement of words that will more graphically describe the action of New York financiers and the results of that action than to quote the words of Col. Ingersoll "that early in the season of disturbance properly called this 'a bankers' panic.'" Nor are the New York bankers alone to blame. Those of Boston and Philadelphia came in for their share. They were only ex-

celled by the New Yorkers because of the greater importance and opportunity of the latter.

And yet it was the Wilson bill that was passed a year later!

There was, perhaps, no organized conspiracy against the West in the great financial centers of the East, but there was a general understanding all along the line that the West should be forced into line to help the East accomplish what it had long desired. Early in the winter a bank president, conversing with a Chicago man of business, said to him: "Mr. Jones, we are going to make the West pay up for this summer." "But why should you press your western creditors this summer?" asked Mr. Jones. The reply was, "Well, we think it would make you a little more thoughtful about currency matters and drive you from your foolish ideas about silver." It is unnecessary to repeat the conversation that followed. The initial question and answer are only given to indicate the intention and object the eastern financiers had in view.

The Boston bank president was not making an idle remark, suggested merely by his own thoughts. Both the matter and the manner of the remark indicated that it was the result of a consultation, and that it meant concerted action all along the eastern shore. Politics and finance were combined in the scheme.

I would like now to have the opportunity to read what Mr. Thomas B. Reed said to the House at the special session of Congress called by Mr. Cleveland in 1893. It is very interesting reading now. Oh, there was no thought about the Democrats having come into power and having a low tariff bill in view; they never referred to that; but it was Republican legislation, passed by a Republican Congress and signed by a Republican President, that these men laid the panic to.

Mr. FORDNEY. During the Democratic administration?

Mr. BOOHER. Oh, no; it had been passed long before any Democratic administration. The gentleman well knows that. On August 26, 1893, in this House, Mr. Reed, of Maine, said:

Crises like the present are not uncommon in the history of the world; indeed they seem to be essential to human progress and to arise out of the characteristics of human nature itself. Probably if wise men, now alive, had been consulted in the formation of mankind there would not have been these fluctuations which now disturb us and which disfigure the history of the time. If we could have had that perfection of wisdom which is exhibited, so far as I have ever known, only in a greenback oration [laughter], we should have the human race proceeding on the upward grade steadily, without faltering, and without relapse.

But, unfortunately, human nature was not framed in that way. Instead of a continuous upward movement, always rising, always going forward, the movement of the human race seems to be a series of upward starts and falls of almost proportionate length. The general progress has always been onward, but there have been many times when the movement has seemed to be to the rear.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BOOHER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BOOHER. It is a pity the Republicans of to-day did not live then, Mr. Chairman. He continues:

In the history of civilized nations these alternations have not been infrequent. The great rises and the great falls have extended over long periods of time. At intervals there have been minor falls as well as minor upliftings. We seem now to be at the beginning of one of those declines, the like of which happens after a long period. Unless all indications fail, we are in a situation very much like that which afflicted England in 1793 and in 1825, and which began to afflict us in the year 1873.

I reckon one of the minor falls was in 1907, when you had the President and every department of the Government. That was the time when the more money a man had in the bank the less he could get out, and the fellow who did not have any money in the bank was more fortunate than the man who had. Who was in power when the great falls in this country began? Who gave the whole country the smallpox on the financial question? You did in 1873, according to Mr. Reed. Here is something that Mr. Ryan, of Kansas, said at the same time, on August 21, 1893, and he was a prominent Republican from that State in his day. He said this at the same session of Congress:

I am satisfied that the passage of the bill offered by the gentleman from West Virginia [Mr. Wilson]—to repeal Sherman law—will help to restore public confidence in the financial policy of the Government, and notwithstanding all that has been said in derision of "confidence" during this debate by gentlemen who hold the opposite view on the pending measure, there is nothing that is of more importance, either to the individual or the Government.

Let us, as was so generously said on the 4th of March last by the distinguished leader of the Republican side of the Chamber, "place patriotism above partisanship, and whether we were sent here as Democrats, Republicans, or Populists, accept equal responsibility for the present deplorable situation, join hands to repair the present and avert impending disaster to our common country, and show that we regard the whole of it as of greater importance than any part of it, all its people more than any portion.

Here is what another distinguished Republican said at that same session, Mr. Charles W. Stone, of Pennsylvania:

The Sherman law, whether originally so or not, is now undoubtedly a factor in the business depression.

Mr. Covert, of New York, another Republican, said:

This enactment as it stands is more and very much more than a cowardly makeshift; it is absolutely wrong as a matter of principle. It has been demonstrated by the saddest experience that it is disastrous as a matter of policy.

August 23, 1893, the House being in Committee of the Whole for the consideration of the bill to repeal the purchasing clause of the Sherman Act, the gentleman from Pennsylvania, Mr. Dalzell, said:

The act was passed on the 14th of July and went into operation on the 13th of August. And what has been the result? I have here a statement from the Treasury Department showing the amounts of gold and silver coin and certificates, United States notes, and national-bank notes in circulation August 1, 1893. How many of our obligations are payable in gold? These: First, gold certificates, amounting to $87,704,739; second, Treasury notes under act of July 14, 1890, amounting to $148,286,348; third, United States notes, amounting to $346,681,016. In other words, there is now payable in gold by the United States $582,672,103. These are our gold obligations; and how much gold have we to pay them with? Only $100,000,000 in gold.

Why, my friends, if you put aside the immense resources and the credit of the American people, the National Treasury is to-day, according to legal definition, bankrupt. Such being the state of our accounts, what does it mean to continue this policy? It means simply to widen the breach between our liabilities and our assets, and the time must ultimately come when our gold reserve, in proportion to the burden it has to bear, will be simply an insignificant bagatelle. Do we want to continue that policy indefinitely? Do we want to continue to buy 54,000,000 ounces of silver each year without limit as to time and pay for them in gold?

How long do you suppose that even the imperial resources of our magnificent domain, the energy and enterprise, the honesty and purpose of the American people, will persuade the world of our ultimate solvency measured in the world's standard of value gold? It is not the monthly addition for a few months of silver purchases under the act of 1890 that has shaken confidence; so far as the money question has anything to do with the existing depression, its influence is derived from the dreary prospect of the indefinite continuance of such violation of the laws of sound finance.

So, Mr. Chairman, when we want to know about the panic of 1893 we ought to go back and take the words of men who were then on the stage of action and who were great actors in that great drama. They told the people of the country what was the trouble then, what they believed was wrong, and Mr. Reed said it began in this country in 1873; that it began in England in 1793, and that they were growing and constantly growing.

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. BOOHER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting other extracts.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BOOHER. Mr. Chairman, under leave to print, I insert the following remarks of Senator Dolliver, of Iowa, made on June 10, 1909, in the Sixty-first Congress, to be found in the RECORD of that Congress, first session, at page 2995:

Not only have I succeeded in acquiring some little knowledge about these matters since the Dingley tariff law was framed, but I have also acquired a rather more generous interpretation of the industrial and commercial situation of 1897 than I was accustomed those days to put into my speeches either in the House of Representatives or upon the stump.

If I were called upon now in the calm light of 12 years' reflection, to say that putting wool on the free list resulted in closing factories and destroying the flocks of the country and ruining the business of the country, I should hesitate to do it. It is a very wise man who can tell what was the cause of the industrial depression which burst in a panic upon the United States in all departments of its affairs in 1893. I have become satisfied that we, as Republican partisans, finding the argument too convenient, have exaggerated the relation of the tariff controversy to that great industrial crisis. It always was a little difficult to connect the panic of 1893 with the tariff act of 1894, in view of the fact that the event seemed to precede the cause in such a way as to put almost any ordinary man upon suspicion So I am not going to discuss that question except to say that we have already had two or three mistakes made in this bill by misrepresenting the industrial conditions of 1894, 1896, and 1897.

My honored friend from Idaho Mr. Heyburn, the other day brought tears to my eyes when he was making his magnificent plea for putting a duty on certain mineral ores, because he said under certain tariffs the mines were shut. We ought to know that the mines were shut, not because of certain particular tariffs, but because the business of the country and of the world was long prostrate in the midst of financial disaster up to that time unapproached in our commercial history. While all these things entered into it, I do not think that it was necessary to attribute all of it to the tariff, and certainly not all the trouble that happened to lead and paint and the consumption of such merchandise to the little change that had been effected in tariff schedules some years before. And so the closing of these factories and the falling off in the demand for sheep and a thousand things entered into it.

He is not a wise man in the interpretation of statistics or commercial and industrial history who attributes to one thing a result of world-wide significance, to the production of which a thousand causes, some of them too obscure even to observe, operated over a long period of time.

Mr. FORDNEY. Mr. Chairman, I move to strike out the last word. The gentleman from Missouri [Mr. BOOHER] goes back to the demonetization of silver, away back in 1873. Did you ever in all your life hear tell of a child catching the whooping cough in 1873 and not whooping until 1916? [Applause on the Republican side.] That is old, my friends; that is forgotten long ago. The gentleman called attention to Col. Bob Ingersoll's statement. He was a lecturer, supposed to be a sort of preacher, who declared that there was no hell or heaven, and that he did not believe in God. If his judgment was no better on a business proposition than on those things his opinion is not worth very much. I would like to believe there is no hell, but I can not believe it. [Laughter.]

Mr. BOOHER. Will the gentleman yield?

Mr. FORDNEY. I do.

Mr. BOOHER. But he was a good Republican, was he not?

Mr. FORDNEY. I do not know. I think he was misguided, and I hope the poor fellow is in heaven. If there are no lumbermen in heaven I do not want to go there. My friends, your President, a Democratic President, Grover Cleveland, a brave man, a grand man, and much more appreciated after having been President than he was before or during his term of office, declined to sign a Democratic tariff bill, and it became a law without his signature, and you abuse that law because it brought on a panic——

Mr. REILLY. Why did he decline to sign it?

Mr. FORDNEY. He said it was not low enough.

Mr. REILLY. He said that the Senate had destroyed its democracy.

Mr. FORDNEY. He accused his party of perfidy, of agreeing to do one thing and doing another, and I never knew them to do anything else. [Laughter on Republican side.] The gentleman assails the 1873 money question; but who gave our monetary system the smallpox in 1896? William Jennings Bryan; and you backed him up then, too. That failed. If his policy had prevailed, this country undoubtedly would have suffered the greatest panic of any country in the world. But, whether you are right or wrong in your tariff policy, you know we did have a panic after you adopted your free-trade policy, so called, in the Wilson tariff law. You do know that the Republican Party, in 1896, was returned to power upon the policy of protection. You do know, my friends, before the Republican Party could get a tariff law upon the statute books—which was afterwards called the Dingley law—the foreign importers filled our warehouses to the roof with goods brought into this country before the Republican tariff law could be enacted. You do know it was 1 year and 18 months after the adoption of that law before these foreign products could be disposed of in this country. You do know, my friends, that immediately upon the disposal of these goods—or the consumption of them in this country—our industries began to thrive, prosper, and grow rapidly. You do know that during the life of that law we had greater prosperity in this country than ever before. You do know that the country was prosperous under the Payne tariff law; but you succeeded in making the people believe that it was not a tariff revision downward, even though it actually was a severe one. You do know, my friends, you came back into power and adopted a free-trade policy. You know that under your tariff law to-day the ad valorem rates on imports are below 10 per cent ad valorem. You do know that right now, with the war in Europe, such a war as was never heard of before, the imports are greater than at any time in the history of the country.

The CHAIRMAN. The time of the gentleman has expired, and, without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

Mr. MANN rose.

The CHAIRMAN. The committee limited the debate on this item to 10 minutes.

Mr. MANN. I did not hear the committee limit it.

The Clerk read as follows:

Apache National Forest, Ariz., $9,279.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I regret very much, indeed, that the gentleman from Texas [Mr. DAVIS] and the gentleman from Missouri [Mr. BOOHER], in the consideration of a forest item in the Agricultural bill, should endeavor to provoke a tariff debate, which would be interesting only to those who have been dead and gone for years. It is characteristic, however, that those two gentlemen should go back to 1873. [Laughter on the Republican side.] It seems to me that we ought to forego a discussion of tariff at this time and get down to business. [Applause.] While the speeches of the two gentlemen were very entertaining, the gentleman from Michigan making an entertaining speech and the gentleman from Missouri reading entertaining speeches of former Republicans, which he probably would not have listened to if he had been here at the time, I think we ought to speed up and pass along these items in the agricultural appropriation bill.

Mr. BOOHER. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. BOOHER. Does not the gentleman think he is a little unkind to charge this side of the House with starting a tariff discussion when three gentlemen on that side of the House held a private debate over there on the tariff?

Mr. MANN. The gentleman from Missouri is wide of the mark. Gentlemen on this side had been discussing this bill and the condition of the forest reserve at this time and the condition of the lumber business at this time, especially in the Northwest. The gentleman from Missouri, in a prepared speech, which he had prepared in advance to put upon the House at this time, rose and read a speech about the panic of 1873. [Laughter on the Republican side.] And it takes a good deal of forbearance, in view of all he said, for this side of the House to insist that we confine ourselves to the business before the committee, which is the agricultural appropriation bill, and let the panic of 1873 look out for itself. It is dead and gone.

Mr. LEVER. Mr. Chairman, I hope the suggestion of the gentleman from Illinois [Mr. MANN] may be carried out, both on this side of the House and on the other side of the House. We are not so much concerned as to who started this tariff discussion—certainly no member of the Committee on Agriculture started it—as we are in the passage of this legislation.

It has always been the custom of the Committee of the Whole to refrain from political discussion on the Agricultural appropriation bill. I hope we may not to-day depart from that very old and very wholesome custom. I may say, however, Mr. Chairman, that I am trusting to have the full support of the gentleman from Illinois [Mr. MANN] from now on in speeding up the consideration of this bill.

Mr. MANN. Why does the gentleman say "from now on"?

Mr. LEVER. We spent an hour and a half discussing seeds that we might have very properly spent in discussing the bigger problems in this bill.

Mr. MANN. I did not use any of that time.

Mr. LEVER. I confess that. But I am trying to get the gentleman now to lock arms with me and let us march along with the consideration of this bill this afternoon.

Mr. MANN. I am sure the gentleman is not trying to get me to lock horns with him. [Laughter.]

Mr. LEVER I do not want the gentleman to lock horns with me. [Laughter.] I said "lock arms."

Mr. JOHNSON of Washington. If these were 11 items in the rivers and harbors bill, I would be expected to get on this floor and talk at great length about them, explaining that each one was a very meritorious project. In regard to the 11 forest-reserve items in the State of Washington, I am going to talk a little about them; and I regret exceedingly that the debate has ranged from the crime of 1873 to the European war, with a few amens from the "amen corner" over there. [Laughter.] And I am going to take a little time on the forest-reserve proposition if I can get it.

Mr. LEVER. The gentleman will find I am not going to press too strongly a proposition to close debate when there is debate on the bill; but I do feel that gentlemen ought not to inject into this debate a discussion of the tariff, and I hope this side of the House, at least, will join forces with me and press this bill forward and confine the debate to the matter at issue, which is the bill itself.

The Clerk read as follows:

Arapahoe National Forest, Colo., $5,736.

Mr. BOOHER. Mr. Chairman, in order that history may stay straight and the facts may appear in the RECORD as to who started this thing [laughter], I want to call the attention of my good friend from Illinois to the fact that the gentleman from Pennsylvania [Mr. FOCHT], the gentleman from Washington [Mr. JOHNSON]——

Mr. JOHNSON of Washington. I am glad I started it.

Mr. BOOHER (continuing). And the gentleman from Pennsylvania [Mr. MOORE] held a very animated private conversation over there for five minutes on the effect of the tariff on lumber [applause on the Democratic side], and agreed thoroughly with one another, and agreed that the Underwood bill called for the low price of lumber and the Wilson bill caused the panic of 1893. They did not allow anybody on this side to ask a question. I do not blame the gentleman from Illinois [Mr. MANN] or any other gentleman on that side for being a little sore about the panics in this country.

Mr. MANN. If the gentleman wants us to discuss the tariff, we will spend the next two weeks doing it.

Mr. BOOHER. Oh, no.

Mr. HARRISON. Mr. Chairman, I make the point of order the gentlemen are not discussing the amendment.

The CHAIRMAN. The gentleman from Mississippi makes the point of order that the debate is not in order, and the Chair sustains the point of order.

Mr. BOOHER. It is always regrettable to talk about things that happened in the dim past, because that brings up memories that sometimes we try to forget, and we do forget them when it is to our interest. It is hardly to our interest to strike out the last word, according to my amendment, but I think I set the House straight as to who started this thing, and I am ready to quit. [Laughter and applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Arkansas National Forest, Ark., $11,930.

Mr. WINGO. Mr. Chairman, I move to strike out line 22 and substitute the following language.

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. WINGO moves to amend by inserting, in lieu of line 22, the following:

"That the Executive orders and proclamations setting forth and reserving certain lands in the State of Arkansas, known and designated as the Ozark National Forest and the Arkansas National Forest, as forest reserves be, and they are hereby, suspended, set aside, vacated, and held for naught as to all public lands now included in said reserves lying and being situated within the State of Arkansas, and that all public lands therein be, and they are hereby, excluded from said forest reserves and are hereby restored to the public domain, the same as though said orders and proclamations had not been issued."

Mr. LEVER. I reserve a point of order on that, Mr. Chairman. I wonder if I may not make arrangements with the gentleman to close debate? How much time does the gentleman desire on this paragraph?

Mr. WINGO. I think five minutes will be all I desire.

Mr. LEVER. I ask unanimous consent that all debate on this paragraph and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate on this paragraph and all amendments thereto close in five minutes. Is there objection?

Mr. WINGO. Reserving the right to object, I want to offer another amendment, and possibly we had better make it 10 minutes.

Mr. LEVER. I will make it 10 minutes.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] modifies the request, making it 10 minutes.

Mr. MANN. I object. We want to know what it is.

Mr. LEVER. The gentleman from Arkansas informed me he had another amendment.

Mr. MANN. I understand; but I want to discuss this amendment. I heard the amendment and I know what it is. I may want to discuss it.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate close in 15 minutes.

Mr. MANN. I do not know how much time will be required. Let the gentleman proceed.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] objects.

[Mr. WINGO addressed the committee. See Appendix.]

Mr. LEVER. I do not care to take the time of the Chair in arguing the point of order. It seems clearly that it is subject to the point of order. If I read the amendment aright it seems to me that it provides affirmative legislation, which is contrary to the rule, and the Holman rule does not apply.

The CHAIRMAN. The Chair is of the opinion that the point of order is well taken. Not only does it seek to strike out, but it changes existing law, not only affecting this item but other items. The Chair sustains the point of order.

Mr. WINGO. I desire to offer another amendment.

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. WINGO moves to amend by inserting as a new paragraph after line 22, the following:

"*Provided*, That all funds arising from the sale of timber in the Arkansas National Forest shall be used in aiding in the survey and construction of permanent roads in the counties in which said timber is cut."

Mr. LEVER. I reserve a point of order on that, for the purpose of allowing the gentleman from Arkansas to discuss it for five minutes.

The CHAIRMAN. The gentleman from South Carolina reserves the point of order, and the gentleman from Arkansas is recognized for five minutes.

[Mr. WINGO addressed the committee. See Appendix.]

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word. I am glad the gentleman from Arkansas has brought up one phase of the forest-reserve problem. There is no doubt that roads are needed in counties that lie within the forest reserves. The problem comes to this: Either these sums appropriated for each reserve for road management, trail building, range stations, and certain little work they want to do are too much because less would accomplish the purpose, or else they are far too little for the real development of the counties. In the meantime the Federal Government receives for itself 65 per cent of all the income of all the forest reserves. I know of one great county, which is denied both population and advancement on account of the reserve, that gets from the forest reserve the magnificent sum of $4,006, to be divided for schools and roads. There is pressure on the local forest officer all the time to make some improvements, and to secure the money for improvements he must make more sales. It makes no difference whether the Government sale of stumpage is a few cents higher or lower than the prevailing price. As a matter of fact, the price depends on the distance from transportation where the sale is made.

I believe in Oregon this past summer the forest reserve sales of timber have been higher than the commercial sales. I think that in part of the Olympic Peninsula they have been considerably lower. Congress some day must face the problem of who shall make the improvements in the Federal domain. We talk here about appropriating $25,000,000 for good roads, to be paid for by licking stamp taxes, and we let the great public domain, amounting to one-half of all of the territory of the 11 Western States, go begging, go hang. We pass these little appropriations for $10,000, for $15,000, or, maybe, $25,000 for forest upkeep, fire protection, rangers, and trails, and let those great reserves lie as huge black clouds on the prosperity and development of the Western States. If the United States is going to keep locked up these great reserves, keep them out of population and cultivation, and sell the timber piecemeal, at any price it pleases, then it is up to the United States not to put 65 per cent of that return into the Federal Treasury, but to let it go where it originated, where it belongs, and where it is sorely needed.

The Clerk read as follows:

Boise National Forest, Idaho, $5,247.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word. A great deal of this problem as to what should be handed to these one hundred and sixty-odd forest reserves and the income derived therefrom lies, as the debate has here shown, around the selling price of lumber. I desire to refer to the figures that were presented to the Federal Trade Commission during its hearings last summer in regard to the lumber industry, as compiled by that commission. These hearings show that the average selling price per thousand in 1910 was $14.30; in 1911, $12.35; in 1912, $13.21; in 1913, $13.64; in 1914, $11.18; and the six months of 1915, $10.90. That has been about the base price for rough lumber—$11 per thousand feet—although a year ago it went away below that. Now, then, based on the figures of the Federal Trade Commission for the total manufacturing and logging cost amounts to $10.19 a thousand on a commodity that is sold for $10.90 or $11. No charge has been figured for taxation. That will answer the inquiry of the gentleman from Missouri [Mr. BOOHER] a short time ago as to the cost of manufacturing the lumber and the price at which it was selling at the mills in the Far West.

Mr. MANN. Mr. Chairman, I move to strike out the last word. What has become of the Bonneville National Forest, Wyo.?

Mr. LEVER. I assume, although I do not know it offhand, that it has been combined with one of the other forests. Several forests have been combined.

Mr. MANN. What is it combined with?

Mr. LEVER. It has been consolidated with Bridger and Washakie Forests.

Mr. MANN. Can the gentleman give data as to the expense and receipts from any one of these forests?

Mr. LEVER. I regret to say that we have not the receipts. We have the disbursements but not the receipts by forest units. We do have the receipts by States, and I can give it to the gentleman by States.

Mr. MANN. Of course that is absolutely valueless.

Mr. LEVER. I appreciate that, and I am sorry that I have not the figures by forests. I was looking it up a moment ago, and this is the best that I can do.

Mr. BENNET. Mr. Chairman, I move to strike out the last two words for the purpose of asking the chairman of the committee whether we have reached the stage in connection with these national forests where we are treating them as, one might say, a crop? For the last 8 or 10 years, in connection with this forestry matter, we have been reading that the proper way to treat forests is as a crop.

Mr. LEVER. If the gentleman means to make inquiry as to the method of controlling——

Mr. BENNET. No.

Mr. LEVER. I will say that all of the cutting of the forests, the reseeding, and the reforestation, and all that, are done under scientific methods; and to that extent will be treated as a crop.

Mr. BENNET. The only time I ever came through northern Germany I came through some miles of German forests where there were what you might call successive layers of forests, indicating, evidently, that the trees were all about the same age.

Mr. LEVER. The gentleman is inquiring whether or not we have reached a point where we cut certain trees and let certain trees grow—take off a yearly crop?

Mr. BENNET. Yes.

Mr. LEVER. I hardly think we have reached that point, although our ambition is to get that kind of management so that we will have an annual crop; but, of course, our forests are so large and the development has been so slow that we have not yet reached a state of efficiency such as they have in the German forests. That is the ambition.

Mr. BENNET. I understood the gentleman to say that he could give the aggregate amount of receipts from the sale of timber from forests?

Mr. LEVER. Yes; I did. I put that in the RECORD a moment ago, and I can give it to the gentleman again if he desires.

Mr. HAUGEN. For the gentleman's information I will state that the receipts from timber were $1,175,000; from grazing, $1,130,000; and from miscellaneous, $175,000; making a total of $2,944,000.

Mr. BENNET. And the expense in connection with that?

Mr. HAUGEN. Nearly $5,000,000. We have a deficit of $2,500,000.

Mr. BENNET. So that it is not on what you might call a commercial footing?

Mr. HAUGEN. Not quite. It is short two million and a half, and I want to state in addition to that that we were given to understand a number of years ago that this service would be made self-supporting.

We are now two and a half million dollars short. We increased the receipts two years ago by $40,000, and last year by $59,000, and it is estimated that the increase will be made self-supporting in six years. How those figures are arrived at, I am unable to comprehend. How can you increase the receipts to $2,500,000 in six years with an increase of forty or fifty thousand dollars a year? I know the Forester estimates a $250,000 increase, but that increase in six years is only a million and a half, and we have to have two and a half million dollars in order to play even.

Mr. LEVER. Mr. Chairman, in response to the suggestion of my friend from Iowa, the statement of the Forester is that there is a debit balance on the running current expenses of the Forest Service of about $1,650,000.

Mr. HAUGEN. Yes; but the gentleman must add to that the 10 per cent and the 25 per cent, and if he will add the two items he will have $2,500,000.

Mr. LEVER. Of course I am giving the statement of the Forester himself and taking his bookkeeping for it. Now, the statement also is that it is the belief we can increase the forest receipts at the rate of $250,000 a year, although for the past few years they have not been that——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent that my time be extended five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. HAUGEN. I am giving the figures of the Forester, but the gentleman from South Carolina has omitted the 10 per cent and the 25 per cent. The 10 per cent paid to the States for roads and trails is $244,319, and the 25 per cent for schools and roads is $610,797.75. The two items added to the $1,646,020 makes a total of $2,501,136.75.

Mr. LEVER. But the gentleman seems to be failing to credit the Forestry Service with the 10 per cent and the 25 per cent provisions.

Mr. HAUGEN. That is in the cash receipts.

Mr. LEVER. Well, it comes into the Treasury as receipts from Forestry Service and then goes out for certain specific purposes.

Mr. HAUGEN. If the gentleman will turn to page 745 he will find Mr. Graves, the Forester, stated that the cash receipts from timber were $1,175,133.95, for the grazing privileges $1,130,000, and for miscellaneous items $175,000. Then the value of the timber given away was $260,000, and for special privileges $79,000; all told, $2,944,000.

Mr. LEVER. That is correct.

Mr. McLAUGHLIN. Mr. Chairman, the gentleman may be particularly interested in knowing that there is considerable expense connected with the taking care of the forests of which he possibly loses sight. Now, in 1914 the expense of fighting fires was about $700,000, and there is a considerable expense attending the getting into shape to take care of the forests. There are new propositions involved. There are now 22,000 miles of trails and 2,500 miles of roads and 20,000 miles of telephone lines. The cost of taking care of fires will likely be large each year, although the facilities with which the service has supplied itself and the methods that are being perfected naturally will decrease the loss from fires and lessen the expense of the work of preventing fires. As an example, whereas the expenditure for taking care of fires in 1914 was $700,000, the expenditure in 1915 was only $207,000, and it is believed that with the building of roads, trails, telephone lines, and improvements of that kind the forests can be taken care of and fires can be prevented, or where they occur the loss of timber will be smaller and smaller as the years go by; but a large part of this expenditure had to be incurred in the first instance.

Mr. BENNET. Mr. Chairman, this particular matter is one which is of great interest, through analogy, to my State. I presume because New York is an Eastern State it is assumed that we have no timber, but in the Adirondack Mountains we have great quantities of timber, and there is one point where there is an unbroken forest stretching 150 miles in our Eastern State. It is also one of our great problems, because in the constitution of 1894 there was a provision put in that we can not even remove from the timber on State lands the dead and down timber, that we can not cut even a burnt tree, and that we must let the forest simply rot whether it is sound timber or unsound timber.

Mr. LEVER. I will say to the gentleman that is a very unsound policy, according to the teachings we have.

Mr. COX. Why did you put that provision in your constitution?

Mr. BENNET. Along in 1894 the science of forestry was not at all advanced anywhere in the United States, and the thing we did at that time was a very advanced thing. We provided wherever any of this mountain timber came under the control of the State through tax sales that it should not thereafter be sold.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BENNET. That nothing should be done with it. We had the rudiments of a right idea, that at any rate the forest should be preserved. Now, it is not difficult to amend the constitution of our States, and for the last 8 or 10 years I have been gaining all the information I can as a citizen of New York State to the end, possibly, that sometime I could help others utilize it in connection with our State. And it seems to me we might have reached the position in connection with the national forests where we have had, I assume, the finest kind of scientific assistance, and where what has been done in the national forests would be of some benefit to us in the State of New York, by way of example. We import trees——

Mr. LEVER. I am certain if the gentleman will take this matter up with the Forestry Service he will find he may get a great deal of very useful information, and I am satisfied the forest policy of this country is now being predicated upon the very best information available in the world and that we are following the best policy. Of course, we have not developed so far as Germany and many of the older countries have.

Mr. BENNET. And the mere fact that we are not making a profit does not discourage the gentleman from South Carolina at all?

Mr. LEVER. Absolutely not. If we change the policy of the Forestry Service we could make a profit, but the question is whether we should make a profit at the expense of efficiency, and we do not feel at this time that we ought to do it. We feel that we should make a profit and retain efficient service likewise.

Mr. BENNET. And in the meantime is the timber crop being wasted or conserved?

Mr. LEVER. The timber crop is being more and more conserved each year. Doubtless in an area covering 138,000,000 acres some is being wasted, but more and more is being conserved.

Mr. BENNET. And the gentleman has no vital suggestions as to change?

Mr. LEVER. I do not know, except to let us grow instead of rushing us.

Mr. GODWIN of North Carolina. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a statement showing the progress of farm-demonstration work in my State.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD by printing a statement showing the progress of farm-demonstration work in his State. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Bridger National Forest, Wyo., $2,779.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I understood the gentleman from South Carolina to say that the Bonneville National Forest has been consolidated with the Bridger National Forest and with the Washakie National Forest. Is that correct?

Mr. LEVER. The gentleman asked about the Bonneville National Forest. That has been combined with the Bridger and the Washakie National Forests.

Mr. MANN. For what reason are these forests consolidated?

Mr. LEVER. For better administrative purposes.

Mr. MANN. And to be more economical?

Mr. LEVER. More economical; yes, sir.

Mr. MANN. I have heard often of reforms, and I have no doubt this is a reform, and I have nearly always found them somewhat expensive.

Now, my distinguished friend from South Carolina—and there is no man in this House for whom I have a higher or more affectionate regard—says that the Bonneville National Forest, Wyo., has been consolidated with the Bridger National Forest and the Washakie National Forest, Wyo., for efficiency and economy. Last year we made an appropriation for the Bonneville National Forest of $6,755, for the Bridger National Forest of $1,988, and for the Washakie National Forest of $2,096, the total of the three forests being $10,839, barring a mistake, which might easily occur, but it would not be very much. That was $10,839 before they had this streak of economy.

Mr. LEVER. If the gentleman will yield for a statement on that.

Mr. MANN. Let me put this all together and then I will yield. Now, in carrying the appropriation for the Bridger National Forest of $2,779, and the Washakie National Forest of $11,725, it makes a total of $14,504, and in order to effect this economy we make an appropriation of nearly $4,000 more than we did last year. Now, I yield.

Mr. LEVER. I was just about to say to the gentleman from Illinois that the figures he is reading do not give the situation, for this reason: Mr. Graves, before the committee, made this general statement in reference to all these individual forest acts, namely, that the changes in the appropriation represented the changes of work within the forest. For instance, in one forest it might be developed that they had a timber sale, which they did not have the year before. It might require, therefore, a few more timber cruisers to be put in there, and they have estimated for that. On the other hand, it might be found that in one forest the activities of the forester were somewhat reduced. Timber cruisers would be sent from that forest to another forest. That was the general statement of the proposition.

Mr. MANN. There might have been one thousand and one things. Everybody in the forest might have dropped dead suddenly, or the timber might have been blown up by the roots. There may be special cases. I asked awhile ago if there was any information as to how much the receipts were from these forests, so that we might know there was special work going on in the forest, and that information has not been furnished to the committee. Now then, whatever else is true, this is true, namely, that last year for these three forests we appropriated $10,839. Then, having effected economy in administration through a consolidation, we now propose to appropriate $14,504.

Mr. LEVER. Now, let me read the statement of the Forester on the subject.

Mr. MANN. I have no doubt they will have a good excuse.

Mr. LEVER. They say this:

The increase of $9,629 for this Washakie Forest is due to the transfer of the area formerly comprised in the Bonneville Forest to the Washakie administration, and the increased timber-sale business results in this increased appropriation.

They say it is due to the increase in the timber-sale business.

Mr. MANN. We ought to have that information. They give as the reason for the increase the fact that the other forest is consolidated with that. Now, the gentleman will not misunderstand me. I have a great deal of confidence in the Forest Service. I think Mr. Graves is a gentleman of great ability and absolute integrity. I do not criticize the theory upon which they take care of the forests. I have always defended them, and do now, but I have often noticed—and I think it is proper to call attention to it once in a while—that when people make a change on the ground of economy they usually add to the expense in order to effect the economy.

The CHAIRMAN. The time of the gentleman from Illinois has expired. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Columbia National Forest, Wash., $8,758.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Washington [Mr. JOHNSON] moves to strike out the last word.

Mr. JOHNSON of Washington. Here is one of the forest reserves, the Columbia Forest Reserve, in the State of Washington, located largely in Skamania County. The amount for expenditure is $8,758, a considerable portion of which will go, I have no doubt, toward the maintenance of a tree nursery and for the maintenance of a trail or sort of mountain road up the Wind River.

This particular forest reserve will not have any great timber sales—although it has as fine a body of standing timber on it as there is in the United States—until roads of some kind are built into it. The forester will not build many wagon roads at $8,758 a year, the amount that is carried in this bill.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Pennsylvania?

Mr. JOHNSON of Washington. Yes.

Mr. MOORE of Pennsylvania. Why will this timber not be available for commercial purposes? Is it too remote?

Mr. JOHNSON of Washington. Much of it will not be available because of lack of transportation facilities. The timber is on the mountain sides. Some is sold under contract now and then, solicitations being made to people to come and buy it.

Mr. MOORE of Pennsylvania. Are there no roads approaching this forest?

Mr. JOHNSON of Washington. Yes. The people of this sparsely settled county are bonding themselves to the extent of $200,000 to try to build roads to a portion of this forest reserve in order to get a chance to go to and from the post offices.

Mr. MOORE of Pennsylvania. The timber in this forest reserve is, as a rule, tall timber?

Mr. JOHNSON of Washington. Yes.

Mr. MOORE of Pennsylvania. And the trunks are extremely large in circumference?

Mr. JOHNSON of Washington. Yes. They rarely cut a tree there unless it is 2½ or 3 feet through.

Mr. MOORE of Pennsylvania. If the ripe timber is advertised for sale, how would the purchaser or contractor get at it?

Mr. JOHNSON of Washington. He would make a contract for enough timber to warrant him in taking in a donkey engine and logging outfit.

Mr. MOORE of Pennsylvania. On the mountainside?

Mr. JOHNSON of Washington. Yes; to bring it down to tidewater.

Mr. MOORE of Pennsylvania. Then he would not attempt to get the timber out unless he had water transportation to get it out on?

Mr. JOHNSON of Washington. Oh, this is just north of the Columbia River and not far from two or three transcontinental railroads.

Mr. MOORE of Pennsylvania. Is this timber Oregon pine or Douglas fir that the gentleman refers to?

Mr. JOHNSON of Washington. Douglas fir, principally.

Mr. MOORE of Pennsylvania. That is a tremendously large tree, as we look at it in the East.

Mr. JOHNSON of Washington. Yes.

Mr. MOORE of Pennsylvania. What railroad train would carry that kind of lumber?

Mr. JOHNSON of Washington. Oh, after it is cut up it can be conveyed on the railroads.

Mr. MOORE of Pennsylvania. Where will it be cut up?

Mr. JOHNSON of Washington. In the forest.

Mr. MOORE of Pennsylvania. Do you mean to say that the contractor would set up his sawmill in the forest and cut his lumber there?

Mr. JOHNSON of Washington. No; the sawmill is not in the forest. The logging camp is in the forest, and the logs are cut up in lengths.

Mr. MOORE of Pennsylvania. Then the timber is skidded down to the water to be transported?

Mr. JOHNSON of Washington. Yes. The cost of this logging, to get it to the mill, is a little more than $5 a thousand feet. The logs might be loaded upon a train and sold at $8 to $10 a thousand feet.

Mr. MOORE of Pennsylvania. As to the forest the gentleman is now discussing, is there any railroad within reach available for the purpose of conveying the timber, either in the rough or cut up?

Mr. JOHNSON of Washington. Not in the forest reserve.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield further?

Mr. JOHNSON of Washington. Yes.

Mr. GREEN of Iowa. My friend from Pennsylvania [Mr. MOORE] seems to think that a railroad would not be able to properly move this timber. Is there not some way by which he can get a branch of his Intercoastal Canal up there and get it into the river and harbor bill? [Laughter.]

Mr. JOHNSON of Washington. I will say to the gentleman that between the rainfall out our way and water in the Columbia River we will furnish him with all the water he will ever need, and all the power he will ever need, and with all the lumber as well.

Mr. GREEN of Iowa. That is a great deal better than some of the projects in the river and harbor bill, because you have the water, and they did not have the water.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. MOORE of Pennsylvania. The gentleman knows the value of waterways as a means of getting this lumber out.

Mr. JOHNSON of Washington. I certainly do. I appreciate everything that will make the wheels go around. Big business makes little business.

Mr. MOORE of Pennsylvania. Oregon and Washington certainly use every stream that is available for the purpose of getting the timber to the export point.

Mr. JOHNSON of Washington. Yes; another county in my district is without a railroad in it yet and is dependent entirely on water transportation.

Mr. MOORE of Pennsylvania. Does not the gentleman think that if the distinguished gentleman from Iowa [Mr. GREEN], who has this little hitch in his mind about rivers and harbors, were to visit the coast once in a while and take himself away from his benighted interior he would learn a little more about the great country in which he lives?

Mr. JOHNSON of Washington. While the gentleman from Pennsylvania is impressing the gentleman from Iowa with the value of waterways, I am trying to impress all Members who are patient enough to stay here with the absolute necessity of looking deeply into the forest-reserve problem.

Mr. MOORE of Pennsylvania. Does the gentleman think that if the freight charges and the price of lumber keep on going up there will be a surplus in the profits of the farmers of Iowa sufficient to enable them to build homes in the near future?

Mr. JOHNSON of Washington. My experience is that when an Iowa farmer builds a barn about once in a lifetime, and pays about $20 a thousand for the rough lumber out of which to build it, he howls about it for the remainder of his natural life. [Laughter.]

Mr. MOORE of Pennsylvania. Of course he does; and he fights the appropriation for the free seeds we give him because we appreciate the value of the products which he raises from those seeds. [Laughter.]

Mr. FESS. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. FESS. How many of these forests that the gentleman knows about have timber in them like the timber in the national forest reserve there at Mount Rainier?

Mr. JOHNSON of Washington. I presume the Mount Rainier stand of forest would rank among the very finest on this continent. We call it Mount Tacoma, however. All of the reserves in western Washington are like it. All the reserves in Washington, Oregon, and California have these great stands of timber.

Mr. MONDELL. Not all in California.

Mr. JOHNSON of Washington. All in northern California, I would say.

Mr. FESS. If we have large national-forest possessions equal to that at Mount Rainier, the country is much richer in this particular than the general membership of the House would believe, I think. Certainly I never had such an eye opener—having lived in the woods much of my life—as when I had an opportunity to go through a portion of that wonderful forest, and I wondered how many of the national forests that are spoken of here are of a similar character.

Mr. JOHNSON of Washington. The gentleman must have seen some in Arizona——

Mr. FESS. Not quite as good as that.

Mr. JOHNSON of Washington. With no trees on them at all. Now, if the gentleman from Ohio went up into the Rainier National Forest, no doubt he congratulated himself that that great wealth of timber belongs to the Government of the United States, including all the people in his district, and he never stopped to think that it is a great checkerboard arrangement, with every other section in large parts of it belonging to the holders of scrip who have laid up that wonderful property of timber where neither moth, rust, nor taxes can get at it. That is an investment for you. In the meantime the people owning timber outside of the forest reserve are taxed to the utmost limit, to the point where they have actually got to cut their timber inside of a few years or never receive the value for it that they pay in taxes alone. Further than all that, the Forest Service, under the public prod and the prod of Congress, is trying to increase its sales of timber, and selling its stumpage at $1.10 a thousand or less, which gives no adequate return for the upbuilding of the forest-reserve counties. That is the situation that I am trying to bring to the attention of Congress.

Mr. McLAUGHLIN and Mr. BENNET rose.

Mr. LEVER. I ask unanimous consent that all debate on this paragraph and amendments thereto close in five minutes. The gentleman from New York [Mr. BENNET] can get in on the next line.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. McLAUGHLIN. Mr. Chairman, the gentleman from Washington [Mr. JOHNSON] is complaining of the amount of money that States and local communities are receiving out of the forest receipts, and complaining that the local communities there are not getting money enough to enable them to build roads. Several bills are now pending—some of them before the Committee on Agriculture—to provide that a larger portion of the receipts from the sales of timber and other forest products be paid to the States, or be used in cooperation with the States, for the construction of highways. Some of these bills are very liberal. If they are passed, it seems to me they will furnish a lot of money and will meet the demands made by the gentleman from Washington [Mr. JOHNSON].

I am sure the committee will give these bills very careful attention, and I trust the need the gentleman points out will be fully met. With that statement of what is going on, I hope the gentleman will not continue his complaint, taking five minutes after reading each item, each one being only a line and a half, and further, unnecessarily, it seems to me, delaying the consideration of this bill. We are going to take up those road measures and consider them at length; and that is the only way the question involved in them can properly be considered, for it can not now be considered here. Those measures will very likely be duly reported to the House. Then there will be opportunity for consideration of them and of all the matters upon which the gentleman is now speaking so frequently and at such length.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. JOHNSON of Washington. Before any bill of that kind can be considered to any reasonable extent and brought in with the hope of passage there will have to be a public opinion de-

veloped that the forest reserves are not supposed in a reasonable time to bring a profit to the Federal Treasury.

Mr. McLAUGHLIN. The bills are before the committee, a subcommittee has been appointed to consider them, and when this bill is out of the way hearings will be held and the distinguished gentleman from Washington will have an opportunity to appear before the committee and make his argument. I am sure if he appeals as eloquently there as he has here and if he offers facts and figures, which he says are available, they will certainly have weight with the committee.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Colville National Forest, Wash., $6,883.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of having the attention of the gentleman from Washington. I say very frankly that I did not understand exactly what his complaint was in relation to the Columbia National Park.

Mr. JOHNSON of Washington. It is a large reserve in a large but lightly populated county. This forest reserve is a bar to population. The county desires to take its place in the march of progress and help to build a great trunk road and the necessary feeders. The forest reserve gives back to each county that has area in it 25 per cent of the sales, to be divided for schools, road fund, and so forth. This county last year got $4,000. For several years there has been given an additional sum of 10 per cent to be spent by the forest-reserve people as they please, and of that the county has had $1,051. Now, $1,051 for road building in the mountains will not go a great ways. I presume that it costs $10,000 to $15,000 a mile to build a good wagon road in that country. There is a trail built by the forest-reserve people for their own use to reach the nursery up there. That trail connects up with nothing. The commissioners of this county have sent in a petition to me to get enough money out of the 10 per cent fund or the 25 per cent fund to enable them to go on with the State road building proposition. How can I do it? The people out there fail to realize that all the money that the State of Washington got out of its 11 great reserves last year amounted to only $48,000, and when you spread it around among the counties which contain the 11,600,000 acres of land, you have not much per county.

Mr. BENNET. What is the area of the State?

Mr. JOHNSON of Washington. It is two-thirds more than there are of the forest reserves; that is, the forest reserves occupy about one-third of the State, and the State is 69,000 square miles. The forest-reserve part pays no taxes; pays no allegiance to the governor or the legislature of that State. Congress is where one-third of my State is governed as to matters of administration and revenue, and yet I am begrudged a few minutes to talk about the great inequalities that conservation has thrust upon that State when this bill comes up. Hidden somewhere in this bill is an item appropriating $5,000 for demonstrations in stump pulling. That is our little sop, $5,000 to conduct experiments in stump pulling. That makes us feel fine. [Laughter.] Some day we want to see the Government stump puller out where we have the stumps.

Mr. HAWLEY. Will the gentleman yield?

Mr. BENNET. I will.

Mr. HAWLEY. In answering the question, which the gentleman asked of the gentleman from Washington, with reference to Oregon, I will say that there are over 13,000,000 acres in the forest reserves. They have on them, it is estimated, 160,000,000,000 feet of timber. Estimating on a basis of 50 cents per thousand for assessment purposes, the value of that would be $80,000,000 for purposes of taxation. At a tax rate of one cent and a quarter on each dollar of assessed valuation, which is a very low rate and much lower than the real rate, it would bring in $1,000,000 in taxes per year. From the 13,000,000 acres, which is over one-fifth of the State of Oregon, with 160,000,000,000 feet of timber on it, the Forest Service received not quite $200,000 from it during the past fiscal year, or about a cent and a half an acre, and since there is returned only one-fourth of the receipts we received less than three-eighths of a cent per acre in lieu of taxation. Twenty-five per cent is returned to the State from the receipts from forests within the State, which is distributed to the forest-reserve counties, or about $50,000 in place of a million dollars taxation. In addition, 10 per cent of receipts are used by the Forest Service for roads and trails in the forests.

Mr. BENNET. I understood the gentleman correctly, did I not, that that $50,000 goes to the State?

Mr. HAWLEY. It goes to the State, and it is distributed among the counties in which the forest reserves are for roads and schools.

Mr. BENNET. Whereas the taxable value of that property, if it were not for the Federal ownership, would have an annual tax value of $1,000,000?

Mr. HAWLEY. At least that. That is basing it on 50 cents per thousand feet, and a cent and a quarter tax rate on each dollar of assessed valuation.

The CHAIRMAN. The time of the gentleman from New York has expired. The Clerk will read.

The Clerk read as follows:

Coronado National Forest, Ariz., $6,486.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I am very glad the gentleman from Oregon [Mr. HAWLEY] has taken a hand in this discussion, for he knows a great deal about forestry. In answer to the gentleman from New York [Mr. BENNET] he made some reference to the manner in which the funds raised from these forests were distributed. I want to ask him if my understanding is correct, that we dispose of the timber—that is to say, cut the ripe trees in the forest and sell them—and that the fund goes into the National Treasury?

Mr. HAWLEY. The money is paid into the Treasury of the United States and annually 25 per cent of it is distributed among the States from which it was received and that is distributed to the forest-reserve counties for roads and schools.

Mr. MOORE of Pennsylvania. The Federal Government gain or loss there is in this only, that the State, if in control of the forest, would derive some taxes from it.

Mr. HAWLEY. Yes; in the case of the State of Oregon, at the valuation I gave of 50 cents per thousand and at a very low tax rate of a cent and a quarter on the dollar of assessed valuation, we would get $1,000,000 a year taxes in place of $50,000 or less that we do get.

Mr. MOORE of Pennsylvania. Let us take this Coronado National Forest, which is in Arizona, for which the Government makes an appropriation of $6,486. If any of that timber is cut off and sold under contract the proceeds will be turned into the Federal Treasury and then 25 per cent of it would be returned to the State of Arizona. Is that correct?

Mr. HAWLEY. Twenty-five per cent of it would be returned to the State for distribution among the counties in which the forest reserves are.

Mr. MOORE of Pensylvania. Will the gentleman explain the reason for that?

Mr. HAWLEY. The reason is that it is a small return to the State in lieu of taxes lost.

Mr. MOORE of Pennsylvania. In that connection I wish to say as bearing upon the question of the East and the West, which I would like to have understand each other better, that in a State like Pennsylvania, which is an old State comparatively, the forest is maintained by the State. The older States contribute to the general expenses of the Government, and in this instance they contribute to the maintenance of a forest in Arizona, to the extent that the State of Arizona will get 25 per cent of the proceeds of Federal timber sold.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. HAWLEY. The State of Pennsylvania has the advantage for taxation purposes of all of its superficial area. Taking just the opposite statement, if the forest reserves in every State that are now held in every State were the properties of the State, or could become the property of the citizens of the State, then there would be no call upon the State of Pennsylvania or anyone else to contribute any money for the maintenance of those forests. They would be maintained without expense to the public, and to the great profit of the citizens of the States in which they are located.

Mr. MOORE of Pennsylvania. We are using our forests, of course, to the very best advantage.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. FESS. The difference, too, between Pennsylvania and the West, especially these timber tracts, is that Pennsylvania has reclaimed about a million acres that are to be reforested. There is not much timber on them that can be used now.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent for two minutes in order to answer the question raised by the gentleman from Ohio [Mr. FESS].

Mr. LEVER. Mr. Chairman, I was going to make a request that gentlemen let us finish these individual forests. We are discussing theoretical questions here and can do it indefinitely. The chairman of the committee is absolutely helpless to close debate.

Mr. HAUGEN. Mr. Chairman, at this point if I can secure a couple of minutes I would like to make this statement.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

Mr. HAUGEN. Mr. Chairman, the situation is this: The Government turns over 160,000,000 acres of land, gives the Forester authority to sell and make the best bargain he can. In addition to that it puts up $1,600,000 in cash besides the use of the land, grazing privileges, and timber on the land, and in addition to that it turns over to the States some $800,000, and the Government is out some two million and a half dollars. Now, it seems to me that Uncle Sam has been exceedingly liberal with the people of the Western States or in the forests. I would like to ask the gentleman to point out a single enterprise that gives up 35 per cent of its gross receipts for taxes. Here, Uncle Sam out of every dollar collected turns over 35 cents.

Mr. HAWLEY. Did you never know of an enterprise being taxed upon its gross receipts?

Mr. HAUGEN. Railroads have been taxed on their gross receipts, and there are a number of things.

Mr. HAWLEY. And upon property value, also.

Mr. HAUGEN. And many would be glad to pay taxes on their gross receipts.

Mr. HAWLEY. And taxed on the property value also.

Mr. HAUGEN. Certainly; some of them are.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HAUGEN. I will.

Mr. MOORE of Pennsylvania. Following the line of thought suggested by the gentleman from Iowa, I would say that Pennsylvania—and I am not using this as an argument against any western State at all, but in the line of the gentleman's suggestion—Pennsylvania appropriates as much as $300,000 a year to the increase of its forest reserve, and it has now more than a million acres in that reserve. Whatever the proceeds from the sale of timber, of course, inures to the State; it is turned over to the school fund for the education of the children of the Commonwealth. I mention this merely because the gentleman has raised a question which has been discussed by some of us, and I thought it fair to mention it.

Mr. HAUGEN. My State, in order to encourage the planting of trees and the growing of trees, has allowed $100 for a number of years. We have taken money from the treasury to encourage it; but these reserves were turned over and the land was turned over to grazing privilege and the forest reserve; not only that, but $1,600,000 in addition. Now, I have no quarrel with the Forester. I believe he is a most excellent and capable gentleman. I have no quarrel with Mr. Pinchot, his predecessor; but I confess we were told a number of years ago that if we would turn over the forests, in a short time they would be made at least self-sustaining.

Mr. LEVER. That was stated by Mr. Pinchot.

Mr. HAUGEN. Yes. Of the present Forester I have no criticism to offer, but I confess I am disappointed in the results. We were told this great department, or this great division of the department, would be made self-sustaining, and after all these years, after we have advertised and endeavored to get people to buy this lumber, to try to make the best bargains possible, here we are appropriating two and a half million dollars every year out of the Public Treasury.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. Mr. Chairman, I move to strike out the last three words.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in five minutes, and in the meantime——

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BENNET. Mr. Chairman, if I can have the attention of the chairman of the committee, I do not think he really appreciates the interest that there is in this subject in the distances from these western countries.

The 15-cent magazines still circulate in the city of New York. And for years when the gentleman was a member of the Committee on Agriculture, although it was under a Republican House, those of us who used to vote with that committee and incidentally vote with the gentleman from South Carolina [Mr. LEVER], whose views were the same as the views of the then chairman, as I now recall them, used to subject ourselves to a good deal of political danger in doing so. And when you subject yourself to more or less political danger in order to stand by a committee of the House you do get more or less of interest in the subject. And I want to say to the gentleman, in addition to that, that this is really one of our great national problems. And in connection with that I wish to say that as this House progresses one of the great benefits is the educational value that comes from discussion just as we are having it. Ten years ago the gentleman from Wyoming [Mr. MONDELL] and the gentleman from Washington, Mr. Cushman, and other gentlemen from the Western States prophesied—and I want to say this particularly in justice to the memory of our friend Cushman—a condition would come around, just as has come around, according to the statements now of the gentleman from Washington and the gentleman from Oregon. I am a conservationist. I am a friend of Mr. Graves, the Forester, and I am a friend of Mr. Pinchot, although I am frank to say that that statement will not add to my popularity in the House. But I like him. And therefore, it seems to me, the gentleman from South Carolina [Mr. LEVER] ought to allow a reasonable latitude for discussion. I will say another thing to him——

Mr. LEVER. Let me call my friend's attention to this fact, that the "gentleman from South Carolina" has been exceedingly liberal on this bill. We have been running on the forestry item since half past 12 o'clock. It is now 5 o'clock—three hours and a half or more. We have debated the wherefores and the whereases of forestry from Germany to this Coronado National Forest, in Arizona. And I want to suggest to the gentleman another thing, that during all that time and under all this discussion there have been only two amendments proposed to any of these paragraphs, both of which were subject to a point of order, and not in order under the rules of the House on this bill. There has not been a suggestion from any of the complainants in this case either to add to or substract from a single, solitary item in this bill on this subject, even to the dotting of an "i" or the crossing of a "t." So I think the gentleman, who is an exceedingly practical man, and lovable with it all, will agree with me, who is practical if not lovable——

Mr. BENNET. Both.

Mr. LEVER (continuing). That this discussion is purely theoretical, and has been so all day; and that if it continues in the strain in which it has gone, it will continue to-morrow and next day, and on indefinitely. Here we have 155 different forest items and 8 district items, making a total of 163 one-line paragraphs in this bill. If the gentlemen want to kill time, I know they can do it under the rules of the House, but I do not believe that the country wants them to do it, and I do not believe that the gentlemen on that side want them to do it. I believe we want to leave here at a reasonable time this year, and I believe we can do it. Certainly I hope, at least, we can go on with this bill this afternoon until we can reach something where we can begin talking about things that really have some value.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LEVER. I trust, Mr. Chairman, that we may read a while now.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Crater National Forest, Oreg. and Cal., $14,893.

Mr. BENNET. Mr. Chairman, the gentleman from South Carolina took all of my last five minutes and prevented me from saying that the great affection the House has for him is the reason that we are progressing so rapidly under this forest proposition. And I say that knowing that his recollection is as good as mine, and that he and I can recall six or seven years ago when we used to strike these forest items we simply prepared to take two or three days of time on them. Now, of course, there will be nothing like that, and there is no disposition to unduly delay things. But I just desire to reiterate that in the East, as well as in the West, there is still a tremendous interest in this problem. I used to vote with the committee, although, as I say, I was a great friend of Gifford Pinchot.

Mr. HARRISON. Mr. Chairman——

The CHAIRMAN. Will the gentleman from New York yield to the gentleman from Mississippi?

Mr. BENNET. Certainly.

Mr. HARRISON. I make the point of order that the gentleman's speech is dilatory, and I will ask the gentleman from New York if that is not true?

Mr. BENNET. It is not.

Mr. HARRISON. Is not the gentleman just trying to delay the proceedings?

Mr. BENNET. The gentleman is not.

Mr. HARRISON. And the gentleman is really in good faith in presenting this?

Mr. BENNET. If the gentleman talked more than 15 minutes, he would be dilatory.

Mr. HARRISON. It seems to me the gentleman has talked longer than that.

Mr. BENNET. It may seem that way, but the clock will not bear it out. I will say to the gentleman from Mississippi, who was not here when I said it before, that the timber crop—if I can have the attention of the gentleman from Mississippi——

Mr. HARRISON. I am listening.

Mr. BENNET. That the timber crop of the State of New York is one of the most important crops in our State. This whole subject is full of interest to us in the State of New York.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman from New York yield?

Mr. BENNET. I will yield to the gentleman for a short question.

Mr. MOORE of Pennsylvania. Does the gentleman think it fair that a Representative of the State of New York, which is taking care of its own forests, should not have the right to discuss the expenditure of public money in nearly every other State in the Union for the preservation of forests located there? And does the gentleman think that a gag should be placed upon him in attempting to carry on such a discussion?

Mr. BENNET. I am not being gagged.

Mr. MOORE of Pennsylvania. Well, I noticed the gentleman from Mississippi [Mr. HARRISON], who is a member of the Committee on Rules, sat down ominously when the gentleman from South Carolina interrupted the gentleman from New York.

Mr. BENNET. The gentleman from Mississippi always rises in order. [Laughter.]

Mr. LEVER. The gentleman from Mississippi will not attempt to deny to any gentleman a privilege that belongs to him.

Mr. HARRISON. I remember hearing the gentleman from Illinois [Mr. MANN], the minority leader on that side, a little while ago say that we ought to speed up on this matter and that we ought to confine our remarks to this bill. It seems that the gentlemen on that side are not following their leader.

Mr. BENNET. Well, Mr. Chairman, we are not taking instructions on this side. [Laughter.] We are still representing constituencies, and we are responsible to our individual constituencies and to our individual consciences.

As I was about to say, this is the first time in 10 years that I really appreciated that there was merit in the contention of the gentlemen from the far Western States. I know what it is to represent a constituency, and I know what a favorable suggestion is put upon discussions made in behalf of one's constituencies. I do not do these gentlemen any injustice when I state that I used to think their views were somewhat colored by the interests of their constituencies; but I will give an instance that happened in my experience in a recent Congress that caused me to change my opinion, when the gentleman from Louisiana [Mr. WATKINS], a valuable Member of this House, secured my assistance to have a bill put through that Congress to quiet title to a forest in Louisiana on the Red River, which covered a square league. At that time he brought to my attention something that I have never forgotten, and that was that the taking out of the taxable value of that league of land was, to a certain extent, disturbing to their county arrangements. We got the bill through, and the gentleman from Louisiana was very grateful; and a year or two afterwards he said to me that the restoration of that tract of taxable area had really assisted in the development of that section.

The CHAIRMAN. The time of the gentleman from New York has expired. The pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Deschutes National Forest, Oreg., $8,259.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Washington moves to strike out the last word.

Mr. JOHNSON of Washington. Mr. Chairman, in commenting on these forest-reserve appropriation items I must be careful to pick out forest reserves that have real forests on them. This one, the Deschutes National Forest, in Oregon, has. Take any of these forests that has timber on it and you will find somewhere in the vicinity advertisements of the Forestry Bureau, reading exactly in these words:

You can get good stumpage at the right price within the national forests, and you pay for it when you cut it.
No need to make a big investment in timber and carry heavy overhead charges during the life of your operation.
Figure out the immense saving in interest.

That is a Forestry Bureau advertisement. That is competition for the lumber industry, and adds to the troubles of that industry. I am not one of those who charge all the evils that the great lumber industry in the Northwest has endured recently to the Underwood Tariff Act. But I take it that the striking off of the small tariff that we had prior to the enactment of the Underwood bill was pretty near the finishing touch to an industry that has been more viciously assaulted, and with less cause, by the magazines, the heads of great Government bureaus, and muck-raking individuals than any other industry.

Now, go right over into British Columbia and you find that Government advertising the same kind of timber. Their advertisement reads this way:

British Columbia has a wood for every use. British Columbia forest products are unequalled. It will pay you to buy home products. Write to the Forest Branch, Victoria, British Columbia, for official pamphlets or other information concerning structural timber, interior finish, flooring, doors, shingles, siding, car stock, poles, etc. Buy lumber grown and manufactured in Canada.

There you have it. The Government of British Columbia works hand in hand with its timber industry, and helps to sell the product of that industry, and is well pleased if the sales go into the United States, as they now do, while our own Government invites people with money to come out West to buy our timber from the national forests, to pay no interest and no taxes, and compete with the men who have pioneered there and tried to make our State a prosperous Commonwealth. Should not the United States be fair in the actual trial of Government ownership versus private ownership? In my opinion it will be no time at all until we hear a bill read on this floor to provide for the building of a railroad on one of these forest reserves, so that the Government can sell the timber that is now a white elephant on the hands of the forest management.

Mr. Chairman, I have no criticism of the Chief Forester. I think he is laboring with the greatest problem that was ever left on anyone's hands. I would offer amendments to every one of these paragraphs to give back 65 per cent, the whole amount that goes into the National Treasury from these sales, to be used for local improvements in the country from which the money comes if I did not know such amendments would be ruled out under points of order. The great Bureau of Forestry has this thing in its own hands. The best it can do is to make provision for the future. About all the resources of many of these western counties lie in the forest reserves. The timber is tied up; the water power and minerals are being tied up; the lands are not permitted to be opened for settlement and agricultural development. The people who went into these counties in good faith years ago are there yet, taxing themselves to the breaking point, and waiting for the conservationists to keep their promises of prosperity and plenty. Congress wants to help, no doubt, but it has not got time. And when we get some more Government-owned projects on our hands—steamships, telegraph, telephone, 200-pound parcels express, railroads, and goodness knows what all—we will have still less time.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Durango National Forest, Colo., $6,873.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. Time was when I discussed forestry items at length, but during the last few years I have taken very little of the time of the House in the discussion of this subject. The principal reason for that changed attitude on my part is the fact that there has been a great improvement in the administration of the Forest Service in the past few years, also we have become accustomed to the reserves. This problem of the forest reserves is a great problem. It was not undertaken at the request of the people of the Western States. It was undertaken largely at the suggestion of men who believed that the remaining vast timber resources of the country would be better cared for and conserved if placed under the Federal Government. Personally, I never criticized the establishment of a forest reserve that contained timber. Formerly we were called upon to criticize the establishment of forest reserves that contained scarcely enough timber to put a fence around them. Finally the policy changed, and the Government ceased to include vast untimbered areas in the reserves.

So far as the mountain States are concerned, we have now reached a time and condition when I think the people, in the main, believe that the reasonable establishment of reserves, that is, the establishment of reserves within reasonable boundaries, properly and wisely administered, are a good thing for that country and for the country as a whole. Of course we have the same problem that the people of the Pacific West have, in that vast areas of our territory within the reserves are withheld from private ownership, and hence withheld from taxation. The problem is not as acute with us as it is with the coast States, partly because the percentage of our area within reserves is not so great as theirs, partly because the lands within reserves in the intermountain country are not so valuable as the lands within the reserves on the Pacific coast. Out on the Pacific coast it is a very great hardship to have

these vast and valuable areas withheld from private ownership, and hence from taxation.

The very small sum that the States now receive, 25 per cent of the income from the reserves, is a mere bagatelle, a mere drop in the bucket, a negligible quantity, as the gentleman from Oregon [Mr. HAWLEY] has so clearly stated, compared with the amount that those areas would yield in taxes were they in private ownership and assessed and taxed even at a low rate. I do not see how we are going to cure that situation in the immediate future. It seems to me those folks will have to grin and bear it for a time, because the country has entered upon this policy and will adhere to it, in my opinion. Eventually the reserves will bring large returns, and, in my opinion, the time will come when under public ownership these areas in the Pacific West will yield sufficient income from the 25 per cent, or such other proper percentage of the income as may be fixed, to pay the States as well as they would be if the lands were in private ownership and under taxation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask for five minutes more.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN. The gentleman from Wyoming asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, under these conditions it is hardly fair for my friend from Pennsylvania to suggest that his great State and other Eastern States are contributing to these Western States for support of forest reserves as though it was something the Western States had asked for, and as though the condition that had been established was established at their suggestion, or as though as a matter of fact they were receiving anything like the returns from these areas which they are entitled to receive. I believe that it is good public policy to retain these great western timber areas in forest reserves. I believe that we can improve the management of these reserves in the future as it has been improved in the past. I believe that eventually the people of these States will feel that the establishment of the reserves over forested areas was a good thing. In the meantime the condition is exceedingly trying, and especially trying when the management is not wise, just, and reasonable.

Some gentlemen have thought it strange that one Member would rise and protest against the forestry officials charging too much for stumpage on a reserve, and then the complaint from another district would be that they were not charging enough. The probability is that both gentlemen were right, and had reason for the complaint they made. Because if in a region where the forest reserve is the only timber resource that the people have, the stumpage price should be low in order that the people may have lumber at a reasonable price.

If on the other hand the forest reserve is surrounded by great private holdings and there are many areas from which timber can be obtained and lumber secured, the forestry stumpage price should not be so low as to practically confiscate the values of the private owner. It follows that at one and the same time, and possibly in the same reserve, or in the same State, there may be a perfectly legitimate complaint that in one place the price of stumpage is too high and at another place it is too low. It is a matter of management. I think they do much better in my part of the country than they were doing years ago, and I am hopeful of improvement in the service in the future.

The official at the head of the service is a good man and has good men around him. I do not agree with them in all things by any means, but I do believe they are doing their best, and they are certainly improving conditions of administration. It is a trying situation for the Pacific Coast States. It is a trying situation that is created by the withholding of vast areas from taxation; it is particularly trying in those States where large areas of valuable land and timber are so held, and they are not only entitled to liberal treatment in expenditures for improvements but to the utmost consideration in administration.

The Clerk read as follows:

Fishlake National Forest, Utah, $4,060.

Mr. BENNET. Mr. Chairman, if I can have the attention of the chairman of the committee, there was a statement made this afternoon that seems to me can not possibly be correct, and I would like to have the chairman of the committee say whether it is or not. Either the gentleman from Washington [Mr. JOHNSON] or the gentleman from Oregon [Mr. HAWLEY] gave me the impression that over the superficial area of every national forest neither the State nor any municipality had any jurisdiction whatever. That is to say, if a man committed a crime in some portion of the State of Washington and fled into a national forest, he could only be taken out of that forest by the action of some Federal authority. I do not know whether he intended to make that statement as broadly as I have made it, but I would like to ask the chairman whether there is a lack of all jurisdiction over the forest reserves within a State.

Mr. LEVER. I will say to the gentleman from New York that my opinion is that the forest reserve has complete jurisdiction as to the control and administration of the reserve, but, of course, the Federal Government would not have jurisdiction in a case such as the gentleman states. I happen to know that we can not set up a game preserve in one of these forests without special legislation.

Mr. HAWLEY. Will the gentleman yield?

Mr. BENNET. I will.

Mr. HAWLEY. The State's process runs through all the national-forest lands. The municipal jurisdiction extends over them. The game and fish laws extend over them. The fish in the streams and the game belong to the State and are taken only under State license.

Mr. JOHNSON of Washington. How is it about the establishment of national parks and monuments?

Mr. HAWLEY. The State process runs over them.

Mr. JOHNSON of Washington. I doubt very much if it does.

Mr. BENNET. Then the gentleman from Washington [Mr. JOHNSON] was a little too broad in his statement that neither the governor nor any of the executive officials had any power in the national forests?

Mr. LEVER. That is my opinion; yes.

Mr. BENNET. I am very glad to get it, because it seemed to me entirely out of accordance with our institutions and our processes of the enforcement of law that a third of a State should be a refuge for criminals.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

Mr. LEVER. I do not think the gentleman's statement went that far.

Mr. BENNET. He said that neither the governor nor any of the officials of the State had any power over the forests.

Mr. JOHNSON of Washington. What I meant to say was that the State of Washington is two-thirds State and one-third Province, and you can not get away from it.

Mr. BENNET. That is another one of those general statements that I shall have to get particulars about.

Mr. HAWLEY. The National Forest Service exercises jurisdiction over the forests in this way: They have charge of the timber. They protect it from fire. No one can cut any timber or have any use of it without their consent or agreement. If anyone goes into the forest for camping purposes—they have the privilege of going through the forest—they must observe the regulations made by the Forest Service to protect the timber from destruction by fire or wanton waste.

Mr. BENNET. But the State and its subordinate municipalities retain the ordinary control over the passer-by or even the sojourner.

Mr. HAWLEY. Yes. The gentleman understands what I mean when I say that the process of the State runs all through it.

Mr. BENNET. Absolutely.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Hayden National Forest, Wyo. and Colo, $7,358.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from South Carolina how long he expects to continue? I think this would be a very good place to stop.

Mr. LEVER. Mr. Chairman, we have about five pages remaining of the various units, and they can be read easily in 10 minutes.

Mr. MONDELL. Oh, we can hardly do that.

Mr. LEVER. And the general discussion which we have had this afternoon has not applied to these particular items. It can be readily taken up to-morrow morning on some proposition that really is involved in the discussion, and I was hoping that we might finish these individual items and then I will be glad to rise.

Mr. MONDELL. We could not agree to that, because there are a number of items with regard to which gentlemen desire to express some views. I think this is a good place to stop.

Mr. LEVER. If the gentleman had been following the proceedings very closely this afternoon he would agree with me

that we have not been discussing these items very closely. I hope the gentleman will let us run along and finish this.

Mr. MONDELL. I think it is about time to adjourn, and I shall have to make the point of no quorum if the committee does not rise soon.

Mr. LEVER. I hope the gentleman will not press that point. I would hate very much to have to bring Members here. We have made no progress here to-day.

Mr. MONDELL. I think the gentleman has made excellent progress.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Idaho National Forest, Idaho, $7,450.

Mr. MONDELL. Mr. Chairman, I do not want to make the point of no quorum, I will say to my friend, but I shall have to make it if we continue without a quorum.

Mr. LEVER. I hope the gentleman will not make it.

Mr. MONDELL. I feel that the committee has done its duty for to-day.

Mr. FOSTER. It seems to me very strange that after spending all the afternoon on a very few items the gentleman should now want to make the point of order, and I am in favor of letting him make it if nothing else will stop him.

Mr. LEVER. I hope the gentleman will let the Clerk read.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman from Wyoming [Mr. MONDELL] yield to me for a moment?

Mr. MONDELL. Yes.

Mr. MOORE of Pennsylvania. I want to ask the gentleman from South Carolina, with the consent of the gentleman from Wyoming, as to the extent sheep are raised in the forest reserves?

Mr. LEVER. The number of sheep? Oh, there are quite a number of sheep in the forest reserves, which I can give the gentleman in a moment; but these are matters that come more properly under a different item in the bill, when I will be glad to discuss it.

Mr. MOORE of Pennsylvania. Can the gentleman give the approximate number in the forests?

Mr. LEVER. There are 3,600,000 head of sheep and goats in the national forests.

Mr. MOORE of Pennsylvania. Does the Government have any interest in them?

Mr. LEVER. Oh, none whatever. We have—I think I know what the gentleman desires—a herd of sheep in the State of Wyoming which we imported from Australia, Corriedale sheep, which we are using for experimental purposes.

Mr. MOORE of Pennsylvania. I want to get some information before we pass to other paragraphs. Under what terms are these 3,600,000 sheep, to which the gentleman referred, permitted to graze in the forest reserves?

Mr. LEVER. At a charge of 13½ cents each per annum.

Mr. MOORE of Pennsylvania. They are owned by private parties?

Mr. LEVER. Undoubtedly.

Mr. MOORE of Pennsylvania. Who are granted permission——

Mr. LEVER. Under a permit issued by the Forestry Service to graze at a stipulated price of 13½ cents a head per annum.

Mr. MOORE of Pennsylvania. Most of them graze in what States?

Mr. LEVER. I do not know that I could tell the gentleman; that great western country is so great——

Mr. MOORE of Pennsylvania. Wyoming, Montana——

Mr. LEVER. Yes; Idaho, Arkansas.

Mr. MOORE of Pennsylvania. I will not press the gentleman further this afternoon. I am very much obliged to him.

The Clerk read as follows:

Minam National Forest, Oreg., $6,476.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word. I desire to incorporate, in connection with my remarks to-day, a statement in regard to the actual financial returns of the Olympic National Forest, which are as follows: The Forester states that the receipts from the Olympic Reserve, which are negligible save for timber sales, have been as follows, and I am running back five years: Nineteen hundred and twelve, $948.88; 1913, $2,064.98; 1914, $11,673.17; and 1915, $17,978.98. Those are the returns from the heaviest timbered reserve of all, and extending over four counties, each of which has about one-half its area, broadly speaking, in the forest reserve. These counties got back last year from this $17,948 sale about $4,000 out of a total return of $48,000, which went to the entire State of Washington, with its twenty-odd forest-reserve counties. These people have been told every single year since this policy went into effect that soon they would have something grand in lieu of taxes.

The same statement the distinguished gentleman from Wyoming [Mr. MONDELL] has made here on the floor to-day has been made to them year after year, and now we hear it again. In this one reserve is an area of 1,600,000 acres, and that is some land when you consider it, mostly all good timber. The chief forester says that, though the last annual sales amounted to $17,900, he expects the sales will increase to from $35,000 to $40,000 by 1917, and then remain at such figures indefinitely. That is the best we may hope from the sale of timber in a district where every tree that is cut down is 2 feet or more through, and where the trees are so thick that the sun rarely reaches the ground. What hope has the present generation of these four great counties? They do not want their lands taken out of the forest reserves, except the agricultural bottoms, but they do want some returns from the sale of their resources to be used for road building. They will have it, and Congress will be importuned until they get it.

The Clerk read as follows:

Montezuma National Forest, Colo., $4,670.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I think we ought to have a quorum here to discuss this bill. I make the point that there is no quorum present.

The CHAIRMAN. The gentleman makes the point that there is no quorum present.

Mr. LEVER. Mr. Chairman, I am sorry to have to postpone further consideration of this important bill to-day, but I move that the committee do now rise.

Mr. MONDELL. Mr. Speaker, I withdraw the point of no quorum.

The motion that the committee do now rise was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12717, the Agricultural appropriation bill, and had come to no resolution thereon.

SENATE BILL AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bill and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5310. An act to authorize the county commissioners of Walla Walla and Franklin Counties, Wash., to construct a bridge across the Snake River between Pasco and Burbank; to the Committee on Interstate and Foreign Commerce;

S. J. Res. 119. Joint resolution to permit the issuance of medical and other supplies to the American National Red Cross for a temporary period; to the Committee on Military Affairs;

S. J. Res. 98. Joint resolution to print as a public document the final report and testimony submitted to Congress by the United States Commission on Industrial Relations; to the Committee on Printing; and

S. Con. Res. 19. Concurrent resolution directing the Attorney General to investigate whether the phenomenal increase in the price of gasoline is a result of any violation of the laws of the United States; to the Committee on Interstate and Foreign Commerce.

WITHDRAWAL OF PAPERS.

Mr. KALANIANAOLE, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of House bill 7958, first session, Sixty-third Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. DECKER, indefinitely, on account of serious illness of his father.

To Mr. MOONEY, indefinitely, on account of death in family.

To Mr. TAGUE, indefinitely, on account of illness in his family.

To Mr. SIEGEL, for 10 days, on account of important business.

HOUR OF MEETING TO-MORROW.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. tomorrow.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

Mr. MONDELL. Reserving the right to object, does not the gentleman think we are getting along with this bill very well and that we could very properly adjourn until 12 o'clock?

Mr. LEVER. The progress made to-day was not at all satisfactory, and we have been meeting from time to time on this bill at 11 o'clock anyhow.

Mr. HAWLEY. Will the gentleman yield?

Mr. LEVER. I yield.

Mr. HAWLEY. Is it the intention to dispense with Calendar Wednesday to-morrow?

Mr. LEVER. That has already been done by unanimous consent.

Mr. MONDELL. So I understood.

Mr. LEVER. And we meet at 12 o'clock on Thursday for Calendar Wednesday.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

COMMUNICATION FROM THE PRESIDENT.

Mr. KITCHIN. Mr. Speaker, I send to the desk the resolution the adoption of which I move.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House concurrent resolution 30.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday the 19th day of April, 1916, at 1 o'clock in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The SPEAKER. Is there objection to the consideration of the resolution?

Mr. MONDELL. Mr. Speaker, reserving the right to object, is the gentleman anxious to consider this resolution this evening?

Mr. KITCHIN. It ought to be considered at once. The President has a very important message to deliver to the Congress in person to-morrow, and the Senate, I understand, is waiting for us to pass this resolution and send it right over.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on agreeing to the resolution.

The resolution was agreed to.

EXTENSION OF REMARKS.

Mr. McKELLAR. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Tennessee rise?

Mr. McKELLAR. For the purpose of asking unanimous consent to extend my remarks in the RECORD by having printed a speech of W. J. Harris, a member of the Federal Trade Commission, on the subject of the powers and duties of that commission.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD by printing a speech of Mr. W. J. Harris, a member of the Federal Trade Commission. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of forest reserves.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD on the subject of the forest reserves. Is there objection?

There was no objection.

Mr. BENNET. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in relation to the expatriation of citizens by including a communication and an opinion of Judge Hough, of New York City.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks on the subject of the expatriation of American citizens. Is there objection? [After a pause.] The Chair hears none.

CHANGE OF REFERENCE.

Mr. CROSSER. Mr. Speaker, I ask unanimous consent that the bill (H. R. 11329) to authorize the Secretary of Labor to cooperate with other departments of the Government in fostering, promoting, and developing the welfare of the wage earners of the United States, by creating new opportunities for permanent and profitable employment, and for other purposes, which was referred to the Committee on Public Lands, be referred to the Committee on Labor.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the bill H. R. 11329, which was referred to the Committee on Public Lands, be referred to the Committee on Labor. And the Chair will state that this bill might be referred to any one of six or eight different committees with propriety. Is there objection?

Mr. MONDELL. Reserving the right to object, is this a private bill?

The SPEAKER. No; it is not a private bill. It is a bill that does all sorts of things.

Mr. MONDELL. May it properly go to the Committee on Labor?

The SPEAKER. Well, the Chair thinks it could; yes. We studied it pretty closely. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Wednesday, April 19, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting tentative draft of legislation authorizing the Secretary of the Treasury to accept a correctionary deed to the United States not modifying in any way the area heretofore conveyed by Pennsylvania, New York & Long Island Railroad for post-office site in New York City (H. Doc. No. 1032); to the Committee on Public Buildings and Grounds and ordered to be printed.

2. A letter from the Secretary of War, submitting a tentative draft of bill to cover a revised establishment of the southerly and westerly boundaries of the military reservation of Fort Marion, St. Augustine, Fla. (H. Doc. No. 1033); to the Committee on Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STERLING, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 14387) to authorize the construction of a bridge across the Fox River at Geneva, Ill., reported the same with amendment, accompanied by a report (No. 570), which said bill and report were referred to the House Calendar.

Mr. HAMILTON of Michigan, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 549) to regulate the interstate transportation of immature calves, reported the same without amendment, accompanied by a report (No. 571), which said bill and report were referred to the House Calendar.

Mr. TILSON, from the Committee on Military Affairs, to which was referred the bill (S. 4726) to permit issue by the supply departments of the Army to certain military schools and colleges, reported the same without amendment, accompanied by a report (No. 572), which said bill and report were referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TILLMAN, from the Committee on the Public Lands, to which was referred the bill (H. R. 14630) to quiet title in certain citizens to certain lands lying within the meander line on the St. Francis River, and being parts of lots and tracts of land lying in Craighead County, Ark., reported the same without amendment, accompanied by a report (No. 567), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. PRICE, from the Committee on Claims, to which was referred the bill (H. R. 9201) to carry out the findings of the Court of Claims in the case of Charles H. Whipple, reported the same adversely, accompanied by a report (No. 568), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (H. R. 7421) directing the accounting officers of the Treasury to credit and settle an account of Samuel D. Barkley, reported the same adversely, accompanied by a report (No. 569), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 10645) granting a pension to Elizabeth R. Foster, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and a resolution were introduced and severally referred as follows:

By Mr. HAYES: A bill (H. R. 14766) directing the Secretary of the Treasury to sell the present Federal building and site at San Jose, Cal., and to acquire a new site, and to provide for the erection and completion thereon of a public building in the said city of San Jose, Cal.; to the Committee on Public Buildings and Grounds.

By Mr. BRITT: A bill (H. R. 14767) to regulate the mileage allowed Senators and Representatives in Congress; to the Committee on Mileage.

Also, a bill (H. R. 14768) to purchase a post-office site and to build a post-office building in the city of Marion, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. HAWLEY: A bill (H. R. 14769) to cede to the State of Oregon certain lands on the shores of the Upper Klamath Lake, Oreg.; to the Committee on the Public Lands.

By Mr. GARD: A bill (H. R. 14770) for the construction of a public building at Eaton, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. WALKER: A bill (H. R. 14771) granting the consent of Congress to commissioners of Charlton County, Ga., and Nassau County, Fla., to construct a bridge across the St. Marys River, to be known as the Dixie Highway Bridge; to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: A bill (H. R. 14772) providing for selections in lieu of certain lands granted for educational purposes; to the Committee on the Public Lands.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 14773) to provide a site for a post-office building at Lexington, Miss.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14774) to provide a site for a post-office building at Indianola, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. WICKERSHAM: A bill (H. R. 14775) to establish the Mount McKinley National Park, in the Territory of Alaska; to the Committee on the Public Lands.

By Mr. HAYDEN: A bill (H. R. 14776) to provide for the erection of a public building at Grand Canyon, in the State of Arizona; to the Committee on Public Buildings and Grounds.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 14777) to provide for the control of the floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes; to the Committee on Flood Control.

By Mr. ABERCROMBIE: Joint resolution (H. J. Res. 204) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 14778) granting a pension to Gilbert Adams; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 14779) making an appropriation to construct a national home for aged and infirm colored people and working girls, and for other purposes; to the Committee on War Claims.

Also, a bill (H. R. 14780) making an appropriation for the payment of certain claims growing out of the Civil War; to the Committee on War Claims.

By Mr. BARNHART: A bill (H. R. 14781) granting an increase of pension to Wilbur F. Wheadon; to the Committee on Invalid Pensions.

By Mr. CARAWAY: A bill (H. R. 14782) granting an increase of pension to Agnes Mick; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 14783) granting an increase of pension to Henry W. Higley; to the Committee on Invalid Pensions.

By Mr. GANDY: A bill (H. R. 14784) for the relief of Alma Provost; to the Committee on Claims.

By Mr. GRAY of Indiana: A bill (H. R. 14785) granting an increase of pension to Albert E. Duty; to the Committee on Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 14786) granting a pension to Lodema Epperson; to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 14787) granting an increase of pension to Henry J. Doyne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14788) granting a pension to Mary E. Stacey; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 14789) granting an increase in pension to Mrs. Elizabeth Voneky; to the Committee on Invalid Pensions.

By Mr. KETTNER: A bill (H. R. 14790) granting to the Atchison, Topeka & Santa Fe Railway Co. the right to maintain a wharf across certain submerged lands of the United States in the harbor of San Diego, Cal.; to the Committee on Rivers and Harbors.

By Mr. LAFEAN: A bill (H. R. 14791) granting an increase of pension to John C. Jamison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14792) granting an increase of pension to Matilda Gnau; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14793) granting an increase of pension to Lamanda E. Busey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14794) granting an increase of pension to Frederick Wagner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14795) granting an increase of pension to Annie H. Uhler; to the Committee on Invalid Pensions.

By Mr. LIEBEL: A bill (H. R. 14796) granting a pension to Emma M. Dame; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 14797) granting a pension to Richard Glover; to the Committee on Pensions.

Also, a bill (H. R. 14798) granting a pension to Katharine Fey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14799) granting a pension to Edward H. Osmond; to the Committee on Pensions.

Also, a bill (H. R. 14800) granting an increase of pension to Sarah M. Parrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14801) granting an increase of pension to Zachary T. Francis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14802) granting an increase of pension to John Reid; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14803) granting an increase of pension to Sarah A. Thatcher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14804) granting an increase of pension to John Reid; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14805) granting an increase of pension to Ida M. Satterfield; to the Committee on Invalid Pensions.

By Mr. NORTH: A bill (H. R. 14806) granting a pension to Mary L. Alexander; to the Committee on Invalid Pensions.

By Mr. OAKEY: A bill (H. R. 14807) granting a pension to Sarah E. Strickland; to the Committee on Pensions.

By Mr. SCOTT of Michigan: A bill (H. R. 14808) granting an increase of pension to Oscar E. Harper; to the Committee on Pensions.

By Mr. SCOTT of Pennsylvania: A bill (H. R. 14809) granting an increase of pension to Bridget Trainor; to the Committee on Invalid Pensions.

By Mr. STOUT: A bill (H. R. 14810) for the relief of Katie Canniff; to the Committee on Claims.

By Mr. SULLOWAY: A bill (H. R. 14811) granting an increase of pension to Michael F. Conway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14812) granting an increase of pension to James M. Jenness; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14813) granting an increase of pension to George C. Jackman; to the Committee on Invalid Pensions.

By Mr. VAN DYKE: A bill (H. R. 14814) for the relief of Edward J. Lynch, collector of internal revenue for the district of Minnesota; to the Committee on Claims.

By Mr. WILSON of Illinois: A bill (H. R. 14815) granting an increase of pension to Girard C. Geisse; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of New Seattle (Wash.) Chamber of Commerce against United States relinquishing control of the Philippine Islands; to the Committee on Insular Affairs.

By Mr. ALMON: Petition of M. D. Cobb and others, of Madison County, Ala., concerning rural-credit bill; to the Committee on Banking and Currency.

By Mr. BARCHFELD: Petition of First Presbyterian Church and Christian Endeavor Society of Duquesne, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Encampment No. 1, Union Veterans' Legion of Pittsburgh, Pa., favoring House bill 11707, to increase pensions of soldiers' widows; to the Committee on Invalid Pensions.

Also, petition of citizens of Pittsburgh, Pa., favoring the Nolan bill, House bill 11522; to the Committee on Reform in the Civil Service.

By Mr. BARKLEY: Petition for location of mine relief station at Pineville, Ky.; to the Committee on Labor.

By Mr. BEAKES: Petition of Judson Boyce and nine citizens of River Rouge; Baptist Church and Sunday School, of Rollin; Woman's Christian Temperance Union, of Adrian; and Baraca Class of Grace Baptist Church, River Rouge; all in the State of Michigan, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BROWNING: Petition of 103 people of Paulsboro, N. J., favoring national prohibition; to the Committee on the Judiciary.

By Mr. COPLEY: Petition of 70 people of Hebron and Congregational Church of 230 people, of Naperville, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CURRY (by request): Petition of Woman's Christian Temperance Union of 18 people, of Davis; 50 people of Davis; Presbyterian Church of Davis; and 13 people of French Camp, all in the State of California, favoring national prohibition; to the Committee on the Judiciary.

Also (by request), petition of 21 citizens of the Veterans Home and Yountville, Cal., against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Memorial of Andrew Jackson Democratic Club, of Brooklyn, N. Y., in re legislation; to the Committee on Reform in the Civil Service.

Also, petition of citizens of Kansas City, Mo., favoring woman's suffrage; to the Committee on the Judiciary.

Also, petition of J. M. Williams, of New York, in re foreign relations; to the Committee on Foreign Affairs.

By Mr. DILLON: Petition of sundry citizens of Spencer, McCook County, S. Dak., opposing House bills 491, 6468, and 13778; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens in re rural-credit legislation; to the Committee on Agriculture.

Also, memorial of board of directors of the Lead (S. Dak.) Commercial Club, favoring adequate military preparedness; to the Committee on Military Affairs.

Also, memorial of the Yankton (S. Dak.) Woman's Club, indorsing House resolution 137; to the Committee on Rules.

By Mr. DOOLITTLE: Petition of 64 citizens of Emporia, Kans., protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Wabaunsee County, Kans., favoring a Christian amendment to the United States Constitution; to the Committee on the Judiciary.

By Mr. EAGAN: Memorial of Illinois Commandery of the Military Order of the Loyal Legion, and Fifth Avenue Association, on national defense and military engineering lectures, favoring preparedness; to the Committee on Military Affairs.

By Mr. ESCH: Petition of Joseph Havel and 10 others of Wonewac, Wis., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. FLYNN: Memorial of Andrew Jackson Democratic Club, Brooklyn, N. Y., favoring House bill 6915, to pension aged employees of the Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of Walter Farwell, of Chicago, Ill., favoring adequate preparedness for national defense; to the Committee on Military Affairs.

Also, papers to accompany bill for relief of Henry W. Higley; to the Committee on Invalid Pensions.

Also, petition of the Pedic Society of the District of Columbia, for a bill regulating the practice of pediatry or chiropody; to the Committee on the District of Columbia.

By Mr. GARDNER: Petition of 37 citizens and Men's Club of Maple Street Church, of Danvers, Mass., favoring national prohibition; to the Committee on the Judiciary.

Mr. Mr. HADLEY: Petitions of citizens of Geneva and Bellingham, Wash., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. HAYDEN: Petition of E. S. Beall and 3 other citizens, of Phoenix, Ariz., opposing the passage of House bill 652; to the Committee on the District of Columbia.

Also, petition of Robin Gould and 18 other citizens, of Bowie, Ariz., favoring the adoption of a prohibition amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, petitions of Christian Church of 77 people, of Tucson; mass meeting of 400 people, of Tempe; Methodist Episcopal Church of 400 people, of Tucson, all in the State of Arizona, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HAWLEY: Petition of citizens of Eddyville, Oreg., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Memorial of T. C. Warrington and 6 other people, of Salem, Ohio, against increase of Navy; to the Committee on Naval Affairs.

By Mr. HOPWOOD: Petitions of 2 citizens of Fairchance, 5 citizens of Brownsville, 8 citizens of Belle Vernon, 13 citizens of Uniontown, 9 citizens of Fayette City, 16 citizens of Somerset, 23 citizens of Connellsville, 11 citizens of Meyersdale, 12 citizens of Berlin, 2 citizens of MacDonaldton, 6 citizens of Garrett, 6 citizens of Ursina, 11 citizens of Rockwood, 6 citizens of Hooversville, 6 citizens of Jerome, 4 citizens of Holsopple, 15 citizens of Windber, 1 citizen of Friedens, and 6 citizens of Allegheny, all in the State of Pennsylvania, to tax interstate mail-order business and to support House bills 270 and 712; to the Committee on Ways and Means.

By Mr. HUTCHINSON: Petition of sundry citizens of Trenton, Mercer County, N. J., against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens and organizations of the State of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

By Mr. IGOE: Petition of clerks in Quartermaster Corps, United States Army, St. Louis, Mo., favoring House bill 13671; to the Committee on Military Affairs.

By Mr. KENNEDY of Iowa: Petition of citizens of Fairfield, Iowa, protesting against House bills 491, 6468, and 13778; to the Committee on the Post Office and Post Roads.

By Mr. LAFEAN: Petition of grain committee of the Commercial Exchange, of Philadelphia, Pa., against passage of House bill 10405, grain-grades act; to the Committee on Agriculture.

Also, memorial of American Cotton Manufacturers' Association, favoring reasonable tariff for protection of home industries; to the Committee on Ways and Means.

Also, petition of Illinois Commandery of the Military Order of the Loyal Legion, favoring preparedness; to the Committee on Military Affairs.

By Mr. LEHLBACH: Memorial of Verona (N. J.) Methodist Episcopal Church, favoring passage of House bill 10924, to prohibit export of rums, etc., to Africa; to the Committee on Alcoholic Liquor Traffic.

Also, petition of sundry citizens of Newark, N. J., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LIEBEL: Papers to accompany House bill for relief of Emma M. Dame; to the Committee on Invalid Pensions.

By Mr. LONDON: Petition of Henry Tuomala and 26 other citizens of Mahtowa, Carlton County, Minn., protesting against all such acts as would lead our country to war against the working classes of another country; to the Committee on Foreign Affairs.

Also, petition indorsing House joint resolution No. 38, calling upon the President to convene a congress of neutral nations to offer mediations to the nations at war, from mass meeting of citizens of twentieth, twenty-second, and twenty-ninth assembly districts, New York City; to the Committee on Foreign Affairs.

By Mr. MAGEE (by request): Petition of residents of Onondaga County, N. Y., in re House bill 13048; to the Committee on the District of Columbia.

By Mr. NORTH: Petition of 30 citizens of Kittanning, protesting against the enactment of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of Pomona Grange No. 58, Marion Center, Pa., favoring nation-wide prohibition; to the Committee on the Judiciary.

By Mr. PATTEN: Memorial of Board of Aldermen of New York City, favoring House bill 6915, relative to retirement of aged postal employees; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Protest of citizens of Kelseyville, Cal., against the passage of a bill to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. ROWE: Memorial of Union League Club of Chicago, favoring preparedness; to the Committee on Military Affairs.

Also, petition of Barrister & Schell, indorsing Senate joint resolution 92; to the Committee on the District of Columbia.

Also, petition of citizens of New York, indorsing the Stevens bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Henry Steers, of New York, opposing House bill 8036; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Richard Kane, of Brooklyn, N. Y., indorsing House bill 6915; to the Committee on Claims.

By Mr. SMITH of Texas: Petition of citizens of Stanton, Tex., favoring national prohibition; to the Committee on the Judiciary.

By Mr. STINESS: Petitions of Retail Druggists' Association of Providence, R. I., favoring House bill 13568, the Ashurst-Stephens bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Walter A. Read, general treasurer, favoring a volunteer army as provided in section 56 of the Chamberlain bill; to the Committee on Military Affairs.

Also, papers to accompany House bill 14762, granting an increase of pension to Ellen L. Bentley; to the Committee on Invalid Pensions.

Also, petitions of R. E. Ostby, Halsey De Wolf, Mrs. John R. Hess, Mary F. Barker, Harold Barker, Gladys P. Barker, Clara L. Hess, Lincoln B. Northup, of Providence; C. McConnell, of Westerly; and Charles A. Stahl, jr., of Oakland Beach, all in the State of Rhode Island, favoring the so-called Chamberlain military bill, especially section 56; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: Petition of citizens of Whitewater, Colo., against Sunday observance bill for the District of Columbia; to the Committee on the District of Columbia.

By Mr. VARE: Memorial of Manufacturers' Club of Philadelphia, Pa., against granting of freedom to the Philippines at an early date; to the Committee on Insular Affairs.

Also, memorial of Commercial Exchange of Philadelphia, Pa., against House bill 10405, grain-grades bill; to the Committee on Agriculture.

Also, memorial of Manufacturers' Club of Philadelphia, Pa., against erection of a Government armor-plate plant; to the Committee on Military Affairs.

SENATE.

WEDNESDAY, *April 19, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we are the possessors of the experience and the achievements and faith of all the generations. Thou hast brought us into a rich and noble inheritance. We are not bound by the narrow ideals or traditions of any blood. Out of all people Thou hast gathered us together and given to us a great commission, that we may stand for the rights of humanity, that we may help the onward march of perfected humanity.

We pray Thy blessing upon us this day. Lay Thy hand upon Thy people. Grant to give to us the wisdom which cometh from on high, that we may wisely counsel and safely direct and order the steps of this national life, that we may make no fatal mistakes. May we give glory ever to God, for the good of the people whom we serve, and we pray for that larger circle of humanity to whose interests we have committed ourselves. We pray Thee to lead us to the accomplishment of the divine purpose in us. For Christ's sake. Amen.

The Journal of the proceedings of the legislative day of Monday, April 17, 1916, was read and approved.

INCREASE OF CADETS AT MILITARY ACADEMY.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4876) to provide for an increase in the number of cadets at the United States Military Academy.

Mr. CHAMBERLAIN. I move that the Senate disagree to the amendments of the House and request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. CHAMBERLAIN, Mr. HITCHCOCK, and Mr. DU PONT conferees on the part of the Senate.

THE PATENT OFFICE.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 683) prohibiting the use of the name of any Member of either House of Congress or of any officer of the Government by any person, firm, or corporation practicing before the Patent Office in advertising his business, which were, in line 4, to strike out the words "the Patent Office" and insert "any department or office of the Government," and to amend the title so as to read: "An act prohibiting the use of the name of any Member of either House of Congress or of any officer of the Government by any person, firm, or corporation practicing before any department or office of the Government."

Mr. POINDEXTER. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

LANDING OF SIR FRANCIS DRAKE IN CALIFORNIA.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the concurrent resolution (S. Con. Res. 20) authorizing the appointment of a representative of the United States Government to appear at the celebration of the landing of Sir Francis Drake on the coast of California.

Mr. PHELAN. I move that the Senate concur in the amendments of the House of Representatives with an amendment to the amendments to strike out the numeral "20" after "S. J. Res." and insert the numeral "121." It is a mere verbal correction.

The VICE PRESIDENT. The Senator from California moves that the Senate concur in the House amendments with an amendment. The question is on the motion of the Senator from California.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 529. An act creating an additional land district in the State of California, and for other purposes;

H. R. 8654. An act to amend an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, by adding a new section to be known as section 7; and

H. R. 8669. An act authorizing the Secretary of the Interior to extend the lease of certain land in Stanley County, S. Dak., for a buffalo pasture.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 9909. An act to authorize the Chicago, Milwaukee & St. Paul Railway Co. to construct a bridge across the Missouri River;

H. R. 11320. An act granting the consent of Congress to the counties of Twin Falls and Minidoka, State of Idaho, to construct a bridge across Snake River; and

H. R. 13112. An act to amend section 14 of the seamen's act of March 4, 1915.

H. R. 12716. An act amending sections 4898, 4906, 4921, 4934, and 4935 of the Revised Statutes of the United States, was read twice by its title and referred to the Committee on Patents.

H. R. 9525. An act to establish a national park in the Territory of Hawaii, was read twice by its title and referred to the Committee on Pacific Islands and Porto Rico.

H. R. 308. An act to amend the act to regulate commerce, as amended, and for other purposes, was read twice by its title and referred to the Committee on Interstate Commerce.

H. R. 6782. An act providing for the leasing of arid lands which are irrigable, belonging to Indian allottees, and fixing the maximum time for which such leases may run, was read twice by its title and referred to the Committee on Indian Affairs.

UNITED STATES DISTRICT COURT OF PORTO RICO.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Resident Commissioner from Porto Rico, which will be noted in the RECORD and referred to the Committee on Pacific Islands and Porto Rico.

The communication is as follows:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., April 18, 1916.

Hon. THOMAS H. MARSHALL,
President of the Senate, Washington, D. C.

MY DEAR MR. MARSHALL: I received last night the following cablegram from Porto Rico:

"LUIS MUÑOZ RIVERA,
"*255 House Office Building, Washington, D. C.:*

"The house of delegates unanimously resolved to petition Congress to abolish the United States district court of Porto Rico, conferring the jurisdiction thereof on the Supreme Court of Porto Rico, on the ground that this precedent had been established in all the Territories, and, besides, that the Federal court always disregards the civil laws of the

island in rendering its decisions and because of the necessity of economy in appropriations.

"HERMINIO DIAZ, *Speaker.*"

The House of Delegates of Porto Rico is composed of 20 Unionists, 14 Republicans, and 1 member of the Labor Party. Thus, as the resolution was unanimous, it represents the opinion of all parties in the island.

I respectfully request that this resolution be inserted in the RECORD and referred to the Committee on Pacific Islands and Porto Rico for consideration.

Very sincerely, L. MUÑOZ RIVERA.

PETITIONS AND MEMORIALS.

Mr. WILLIAMS presented petitions of sundry citizens of Mississippi, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SAULSBURY presented petitions of sundry citizens of Smyrna and Greenboro, in the State of Delaware, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHERMAN presented memorials of sundry citizens of Illinois, remonstrating against the enactment of legislation to restrict the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Illinois, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Chicago, Streator, and Highland Park, all in the State of Illinois, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Chicago and Greenup, in the State of Illinois, remonstrating against the creation of the proposed juvenile court in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Chicago, Barrington, Downers Grove, Hinsdale, and Granite City, all in the State of Illinois, remonstrating against appropriations being made for sectarian purposes, which were ordered to lie on the table.

He also presented a petition of the Commercial Club, of Depue, Ill., praying for an increase in armaments, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Vermilion, Ill., remonstrating against an increase in armaments, which was ordered to lie on the table.

Mr. WALSH presented a memorial of sundry citizens of Townsend, Mont., remonstrating against any change being made in the parcel-post law, which was referred to the Committee on Post Offices and Post Roads.

Mr. OLIVER presented memorials of sundry citizens of Pennsylvania, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Pennsylvania, praying for the enactment of legislation to found the Government on Christianity, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of State College, Pa., remonstrating against the enactment of legislation to provide for an extension of military training in land-grant colleges, which was referred to the Committee on Military Affairs.

He also presented a petition of Encampment No. 1, Union Veteran Legion, of Pittsburgh, Pa., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

He also presented a petition of the Pennsylvania State Federation of Labor, praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

He also presented a petition of the congregation of the Home-United Presbyterian Church, of Pittsburgh, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Manufacturers' Club of Philadelphia, Pa., remonstrating against the abandonment of our sovereignty over the Philippine Islands, which was ordered to lie on the table.

He also presented a memorial of the Manufacturers' Club of Philadelphia, remonstrating against the establishment of a Government armor-plate plant, which was ordered to lie on the table.

He also presented memorials of the Society of Friends of Fallsington, and sundry granges, in the State of Pennsylvania, remonstrating against an increase in armaments, which were ordered to lie on the table.

He also presented a petition of the board of Trade of West Chester, Pa., praying for the passage of the so-called vocational education bill, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Pennsylvania, praying for the placing of a tax on exportations of gasoline and for an investigation of the Standard Oil Co. and the price of gasoline, which were ordered to lie on the table.

He also presented petitions of sundry granges of Pennsylvania, praying for Government ownership of telephone and telegraph systems, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry patriotic societies in the State of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. SMITH of Maryland presented a petition of the congregation of the Cavalry Methodist Protestant Church of Baltimore, Md., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of the congregation of the Calvary Methodist Protestant Church, of Baltimore, Md., praying for the enactment of legislation to prohibit interstate transmission of race-gambling odds and bets, which was referred to the Committee on Interstate Commerce.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. STERLING presented a memorial of sundry citizens of Fall River and Turner Counties, in the State of South Dakota, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. NORRIS presented a memorial of sundry citizens of York County, Nebr., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. LIPPITT presented a petition of the Rhode Island State Division, Sons of Veterans, praying for the enactment of legislation to permit the free use of discarded rifles to Sons of Veterans for military drill, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Anthony, R. I., praying for Government ownership of telephone and telegraph systems, which was referred to the Committee on Post Offices and Post Roads.

Mr. BRADY presented petitions of sundry citizens of Idaho, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Middleton, Idaho, remonstrating against an increase in armaments, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Ferdinand, Idaho, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. JOHNSON of South Dakota presented petitions of sundry citizens of South Dakota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Grange, No. 139, Patrons of Husbandry, of Fruitdale, S. Dak., remonstrating against an increase in armaments, which was ordered to lie on the table.

He also presented petitions of Local Grange No. 139, Patrons of Husbandry, of Fruitdale; and of Pocahontas Grange, No. 46, Patrons of Husbandry, of Dixon, in the State of South Dakota, praying for Government ownership of telephone and telegraph systems, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Salem, Winfred, Canova, Madison, Montrose, Unityville, Centerville, and Beresford, all in the State of South Dakota, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Salem, Winfred, Canova, Montrose, Unityville, Beresford, and Centerville, all in the State of South Dakota, remonstrating against the enactment of legislation for compulsory Sunday observance

in the District of Columbia, which were ordered to lie on the table.

Mr. McLEAN presented petitions of sundry citizens of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 186, Musicians' Protective Association, of Waterbury, Conn., remonstrating against certain proposed amendments to the copyright law, which was referred to the Committee on Patents.

He also presented a petition of sundry citizens of Hartford, Conn., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Wallingford, Conn., praying for the withdrawal of the United States troops from Mexico, which was referred to the Committee on Foreign Relations.

Mr. PHELAN presented petitions of sundry citizens of Los Angeles and Santa Cruz, in the State of California, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a petition of Camp No. 59, United Spanish War Veterans, of Coronado, Cal., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Colton, Cal., praying for an appropriation of $300,000 for the Yosemite National Park, and for the creation of a national park service, which was referred to the Committee on Appropriations.

Mr. GRONNA presented a petition of sundry citizens of Woodworth, N. Dak., praying for the adoption of certain amendments to the rural-credits bill, which was ordered to lie on the table.

He also presented memorials of sundry citizens of North Dakota, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of North Dakota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Fargo, N. Dak., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. CLARK of Wyoming presented petitions of sundry citizens of Wyoming, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. WADSWORTH presented petitions of sundry citizens of New York, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of New York, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of New York City, N. Y., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a petition of the Board of Aldermen of New York City, praying for the enactment of legislation to grant pensions to employees of the Postal Service, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of New York, remonstrating against the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. JONES. I present a petition of the Chamber of Commerce of Cordova, Alaska, addressed to the President and Congress of the United States, asking that in the construction of railroads in Alaska 50 miles of line be constructed to the Bering field, and giving other valuable information with reference to the necessities for such a railroad. I ask that the petition may be printed in the RECORD and referred to the Committee on Territories.

There being no objection, the petition was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

A petition.

To the President and Congress of the United States:

Whereas by acts of Congress approved March 12, 1914, the President is authorized and directed to locate, construct, and operate not to exceed 1,000 miles of railroad in the Territory of Alaska, at a cost not to exceed $35,000,000; and

Whereas under this authority the President has caused to be located and has designated for construction a line from Seward to Fairbanks with a branch to the Matanuska coal field, a total of about 504 miles, leaving nearly 500 miles now to be located and designated for construction under the provisions of the law; and

Whereas the mileage already designated for construction will tap and make available the coal from the Matanuska and Nenana coal fields, but will not touch or open the Bering River coal field; and

Whereas the Behring field is the nearest to market of any of the coal fields in Alaska, its coal is most urgently needed and requires only 30 miles of new track to make it available, while 20 miles additional, or a total of only 50 miles will make the Katalla oil as well as the Bering coal available; and

Whereas the Bering coal is absolutely essential to the proper development of the great copper field adjacent to it, and is the only essential lacking for the development of a great copper-mining and smelting industry in Alaska:

Wherefore your petitioners, the Cordova Chamber of Commerce, representing the business interests of this district, respectfully pray that 50 miles of railroad be located and constructed by the Government so as to open up the Bering coal field and bring the coal to the harbor at Cordova and to the markets of the Copper River district.

A memorandum showing further reasons in favor of such railroad construction is hereto attached.

Respectfully submitted.

CORDOVA CHAMBER OF COMMERCE,
By GEO. C. HAZLET, *President.*
EDWARD F. MEDLEY, *Secretary.*

[Memorandum.]

COAL OFFERED FOR LEASE, BUT NO RAILROAD.

It is stated that the regulations for the leasing of coal lands on the public domain in Alaska will shortly be issued, but no way is provided for hauling out the coal, so far as the Bering River field is concerned. There must be a railroad before there can be any coal mining.

The Government has gone to great expense in resurveying the coal lands of the Bering River field and dividing them into leasing tracts to be offered to the public. A large sum of money has been spent during the past year for this purpose. It is well known that a railroad is necessary before coal can be mined, for the Government has had its engineers for months surveying the various railroad routes into the field.

The Secretary of the Interior has recommended appropriations of more than $10,000,000 for railroad building in Alaska during the coming year, but nothing is recommended for the Bering River field.

AUTHORITY SUFFICIENT.

There is no lack of authority for building railroads to the Bering field. The President was not only authorized, but directed to build not to exceed a thousand miles of railroad in Alaska. For this purpose he was authorized to spend $35,000,000. Opening the coal fields was one of the main purposes expressed in the law for the building of railroads. Of the thousand miles authorized, only about 500 miles have so far been designated for construction. This is the line from Seward to Fairbanks. This is estimated to cost $27,000,000. This leaves $8,000,000 of the $35,000,000 and nearly 500 miles out of the 1,000 miles authorized.

BERING FIELD CLOSEST TO MARKET.

There is no good reason why a line should not be built to the Bering field. The coal is the best, or equal to the best, and there is the greatest demand for it. It will be of the greatest use in developing the other resources of the Territory.

There are three available coal fields in Alaska, namely, the Bering River, the Matanuska, and the Nenana. The distance from the various fields to market is as follows:

	Miles.
Bering River to Cordova	68
Matanuska to Seward	185
Nenana to Fairbanks	104

The Copper River & Northwestern Railway reaches 38 miles of the distance from Cordova to the Bering field, so that only 30 miles of new track is necessary to bring this coal to market. These 30 miles are of easy construction. Twenty miles further would tap the Katalla oil field. Thus, with 50 miles of new track, the coal, oil, and copper would all be assembled at Cordova on easy grades and at the lowest cost. It is estimated the first 30 miles to the nearest coal could be built in 90 days, or at most in six months.

The estimated cost, in round figures, and time for completion of railroad facilities to the different fields is as follows:

DISTANCE, ESTIMATED COST, AND TIME OF COMPLETION.

Bering River to Cordova, 30 miles; $1,000,000; six months.
Matanuska to Seward, 184 miles; $7,000,000; three years.
Nenana to Fairbanks, 104 miles; $3,000,000; three years.

It is estimated by a very able commission who studied the subject that the coal from the Bering field can be hauled to Cordova by rail for $1.42 a ton, while from the Matanuska to Seward it will cost $3.38 a ton. There seems no justification for the Government to open Matanuska coal and keep the Bering field closed.

DISCRIMINATION.

Aside from all economic questions, is it just to develop one locality in Alaska and refuse to develop another equally entitled to it? Is it intentional discrimination? The interstate-commerce law provides—

"That it shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever."

Violation of this law is punishable by fine and imprisonment.

When the Government itself goes into the railroad business, though it is not amenable to the law, should it not, nevertheless, be guided by the just principles of the law? If it is criminal for a private corporation to strangle and kill one locality while it upbuilds another, should not the Government itself refrain from doing the same thing?

PRIVATE RAILROAD IMPOSSIBLE.

The Government may expect that when the coal is opened somebody will at once come in and build a railroad to the Bering field. It has

often been said that the owners of the Copper River & Northwestern Railway will do so. But this is a false hope. The Copper River people did plan to build a railroad there at one time. They took an option on 5,280 acres of coal land, made surveys for a railroad to it, and would no doubt have built the line and opened a coal mine. But the Government interposed, charged the parties with a conspiracy to monopolize the coal field, canceled the title to the coal land, and thus stopped the proposed railroad building.

The law has now been changed so that coal lands can not be bought at all, but must be leased.

A railroad is expressly prohibited from taking a lease, except for coal for its own use. This is impracticable, for coal in the small quantity required for a railroad's fuel supply can not be economically mined.

A railroad must have coal for traffic as well as for fuel.

A railroad is also prohibited by law from carrying any coal mined or produced by it or in which it has any interest. A railroad therefore can neither own nor lease nor have any interest in a coal mine.

Conversely, a coal company can not own a railroad. A franchise or right of way for a railroad can only be obtained by a railroad company.

The only chance, then, for private construction is that one company take a lease of coal land and another build the railroad. But if the two companies should enter into an agreement that one should open a mine and the other build a railroad to haul the coal, it would then be an unlawful combination or conspiracy. Section 8 of the coal-leasing law expressly forbids this.

If the Copper River & Northwestern Railway should venture again to build to the field, they could again be charged with conspiracy to monopolize the coal. The coal lease to which they proposed to build would also be subject to cancellation.

No doubt the Government could amend the law so as to induce private companies to build a railroad to the Bering coal. They can not do so under existing laws.

GOVERNMENT RAILROAD NECESSARY UNDER LEASING SYSTEM.

It was clearly recognized by those who advocated the leasing system that Government railroads were essential to the plan. Hon. Walter Fisher, former Secretary of the Interior, in an annual report, says:

"The adoption of a leasing policy will take away from the promoters of such a road the lure of great gain from the exploitation of the coal fields. This exploitation clearly should be prevented in the public interest. But at the same time, the Government must recognize that if it withdraws from private capital this incentive for railroad construction, the Government itself must assume the obligation of making possible that kind of development upon which it insists for the general good. It has been urged that the Government should meet this objection by guaranteeing the payment of bonds or the interest on bonds equal to the cost of the construction of the road. I can see no advantage whatever in this policy. If the Government is to guarantee the cost of construction, I see no reason why the Government should not own the railroad outright whether it operates it or leases to an operating company."

Dr. Alfred H. Brooks, Chief of the Alaska Division of the United States Geological Survey, a member of the first Alaska Railroad Commission, and one of the ablest of all students of Alaska development, says:

"Under the old policy, now happily abandoned, these lands would in part have been granted to private corporations which by railway construction, in turn would make the latent wealth of these and others available. This policy having been abandoned, the only alternative is for the Government to furnish the transportation. Without railways the land is valueless; with them it becomes an asset of importance. It was probably these more than purely commercial considerations, as much as the opportunity to furnish a new field of activity to our people, that led to the enactment of the law providing for Government railroads in Alaska. A further argument lies in the general acceptance of the principle of leasing the mineral fuels in the public lands rather than selling them. A Government railroad is almost a necessary corollary of leasing mineral lands in an undeveloped field."

GOVERNMENT COMPETITION.

Even if the law did not practically prohibit private railroad building in Alaska as it does, there would still be the danger of Government competition. A private line to the Bering field would surely have to compete with the Government line to the Matanuska except as to coal for local use. It might have to compete with a Government line to the Bering field itself. The President has undoubted authority to build there.

The coal-leasing law also expressly reserves 5,280 acres of coal land in the Bering field, and authorizes the President to open mines to compete with any other coal mine or railroad when in his opinion the price of coal is too high. Thus the threat of destructive competition is always before one who might venture to build a private road or open a coal mine.

Unless the Government itself will build a railroad to the Bering field, its position is more hopeless than it was before the railroad and coal-leasing laws were passed. Instead of being opened, it is more effectively closed.

NAVAL COAL TESTS.

It may be said that one reason why a railroad to the Bering field is not being built is that a test showed the coal unsuitable for naval use, while Matanuska coal is suitable. But this test was another example of injustice to the Bering field. A physician was sent to select the sample tested from the Bering field, while an experienced coal-mining engineer selected that from Matanuska.

There are many different veins of coal in the Bering field and many kinds of coal. The doctor happened to pick a poor sample for the peculiar needs of the Navy. The chemical analysis shows the coal of the two fields to be of the same general character. The same coal-mining engineer who selected the good sample from Matanuska does not hesitate to say that there is equally as good naval coal in the Bering field, and probably as much or more of it.

LOCAL USE PRINCIPAL VALUE OF BERING COAL.

But even if never a pound of Bering coal is used for the Navy, it does not justify strangulation of the district.

The principal value of the coal is for local uses. For upon the coal depends the other development of the tributary districts. The great copper belt extending over a hundred miles in length along the Chitina and Copper River Valleys must stay practically undeveloped until the coal is available.

There is one great copper mine opened there for which the Copper River Railroad was built. How many others there might have been if the coal were available, can not be told. But there are over 500 other copper claims located in the district. The owners of these claims have spent hundreds of thousands of dollars in their development and have been waiting for years for the opening of the coal. The ores are of the highest grade and the coal, lime, silica, and all elements for smelting are so near and so easy to assemble at a fine harbor on tidewater that it is the most favorable locality in the entire world for development of a great copper industry. The one essential lacking is a railroad to the coal.

The Kennecott Mines are producing about 300,000 tons of ore a year. A large part of this is 72 per cent ore—nearly pure copper. But there is much more low-grade ore, running from 5 per cent to 15 per cent, which must now be crushed and concentrated at the mine until it is at least 50 per cent copper before it can be shipped at all; for it must now be carried through Cordova and past the coal field and taken to Tacoma, 1,400 miles away, to be smelted. Nothing but the richest ore can stand this transportation. How many thousands or millions of tons of ore would be produced were it permitted no one can say. But in Montana, in Utah, and in Arizona, where the conditions are not so favorable for cheap copper production, the ores mined run into the millions of tons per year. Fine cities and prosperous communities are built and supported on the copper industry alone. Butte, a thriving city of 75,000 population, is an example of what might be built at Cordova were only a little reasonable sense and justice used about it. As it stands, the Government will neither develop the field itself nor permit anybody else to do it.

Hon. Walter Fisher, former Secretary of the Interior, referring to this situation, says:

"I personally visited the Bering field and examined some of its coal veins and coal mines. * * * The erection of smelters on Prince William Sound will cause an immediate demand for coal, as the first smelters will probably be erected near Cordova, which is the tidewater terminal of the Copper River & Northwestern Railway, which now taps the principal copper field of the Territory.

"One of the pressing needs of the Territory is the construction of such smelters at which the copper ore especially can be smelted without the labor and expense of transporting the ore the enormous distance now necessary for this purpose. The main purpose and practically the only present use of the expensive railroad from Cordova up the Copper River is the transporting of the ore from the so-called Bonanza copper field, in which the Morgan-Guggenheim Syndicate, which owns this railroad, already has extensive interests. No smelter, however, has as yet been constructed, and none would be profitable until the coal and copper can be brought together. Once the Bering coal fields are open, the transportation becomes in this, as in other respects, the most important problem, upon the solution of which future development will depend. The enormous expense of railroad construction through mountainous and glacier-covered territory makes it practically certain that the Copper River Railroad will remain the natural distributor for any of this coal for which there may be a demand in the interior of the particular district in which it is located. I think it may be assumed, not only from the statements made to me by its officials, but also from the very nature of the case, that the people interested in this road will construct smelting works at Cordova as soon as Alaskan coal is available for its use. Smelters at Cordova would be able to take care of the copper ores, of which there are many indications throughout the entire district tributary to Prince William Sound. The exploitation and commercial development of these ores would promptly follow the construction and operation of such smelters. * * *

"The harbor at Cordova is so clearly superior in all respects to any other harbor available for the Bering coal fields that the slightly longer transportation necessary by this route appears entirely unimportant, especially as the grade is practically a water grade to the coal fields."

CRUEL INJUSTICE TO THE PEOPLE.

The people of the towns of Cordova, Chitina, McCarthy, and Kennecott and other places are not only obliged to see the great resources about them remain undeveloped, the ores produced in their district hauled away to be smelted and to build up communities in a distant State instead of their own, but they must bring even the coal they use for domestic purposes from foreign fields a thousand miles and more away instead of from the Alaska coal field right at their own doors.

The people of Katalla, only 10 miles from the Bering coal, are obliged to pay $20 per ton for coal for domestic use brought from British Columbia.

These communities having a population of only two or three thousand pioneers, struggling to build up their towns against the natural hardships of the country, see their best efforts defeated by the obstruction and discrimination of their own Government.

Heretofore pioneers have been helped and not hindered. They have been praised for their courage and appreciated for their enterprise in building prosperous communities in our undeveloped territories.

MALIGNANT POLITICS.

The truth is, the Bering coal has long been the subject of political controversy. The most astonishing lies have been invented about it and retailed to the public for political purposes. The Ballinger-Pinchot quarrel raged about it. The enemies of the Taft administration used it freely as a weapon of attack in the Cunningham coal cases and the Controller Bay incident. Its uses for such purposes ought to have passed. The time seems to have come when it should be put to its natural uses.

THE COPPER RIVER RAILROAD.

The Copper River Railroad is an excellent line extending 200 miles from Cordova inland. It would long ago have thrown out a branch to the Bering coal, but was stopped. Now it can not. It is owned by the Kennecott Copper Corporation, which owns the producing copper mine already referred to. The shareholders of this company number six or seven thousand. It is operated more as a mine road than a commercial line because it has not been permitted to extend to the coal. It has for the same reason been prevented from extending other branches into the copper field or further to the interior. Its growth is stopped. The rates are necessarily higher because it can not develop its territory and so increase its volume of business.

GOVERNMENT MAY CONDEMN.

By the terms of the Alaska railroad law the President is fully authorized to condemn or purchase any existing line of railroad or any part thereof, or to compel any such line to make traffic connections with a Government line.

Therefore in extending a line to the Bering coal, the Government may make use of the existing line as far as it goes. It may purchase or condemn the 38 miles of track, or if considered preferable, could condemn or purchase the whole of the existing line.

But it is not at all necessary to do either. The law is ample to compel the existing line to make a traffic connection with any line the

Government may build to the coal, upon reasonable terms and conditions, to be adjusted by the Interstate Commerce Commission, if necessary.

The Government could, as an alternative plan, secure running rights over the 38 miles of existing line and so handle the coal traffic independently. Such contracts for running rights are very common. The Union Pacific Railroad, for example, secured such rights on the Northern Pacific track from Portland to Seattle, and operates its own trains over its rival's tracks, in full competition with it.

Such contracts for running rights may be seen in nearly every large city where two or more railroads use the same tracks to enter the terminals.

Unless the Government means to own all the railroads in Alaska now or hereafter to be built, it must consider traffic connections and running rights agreements with private lines. The law requires them to make such connections.

ROUTE OFFICIALLY RECOMMENDED.

In 1912 an expert commission was sent to Alaska under authority of Congress expressly to study the subject of railroad routes and the development of the coal fields. It was composed of distinguished Army and Navy and civil engineers and included Dr. Alfred H. Brooks, Chief of the Alaska division of the United States Geological Survey. Referring to the Cordova route and the Bering coal, they reported and recommended as follows:

"It is evident that on the Cordova route the first investment will be less than on the Seward route, the resulting freight rates will be lower, the terminal port offers a better harbor than the one at Seward, and the tributary coal field promises the earlier developments because its product can be marketed cheaper. Each of these economic features points clearly to the advisability of reaching the Tanana Valley via the valley of the Copper River, and the commission therefore recommends the construction of a railway from Chitina to Fairbanks."

The second engineering commission, which was sent in 1914, though it made no recommendations, confirmed the report of the first commission in all essential facts. No doubt, upon reasons which seemed sufficient, the report of the first commission was rejected in so far as a line to Fairbanks is concerned. It is certainly unusual to send an expert commission to examine and recommend action, and then take a course directly opposite to their recommendation. But the line to the Bering coal field still calls for decision.

CORDOVA HARBOR.

The report of the Army and Navy engineers confirmed the opinion of Secretary Fisher, heretofore quoted, as to Cordova Harbor. They say:

"After its study of all available harbors the commission is of the opinion that the one at Cordova is without question the best. It has no disadvantage not possessed by all and one great advantage possessed by no other, namely, an ample area of good anchorage. Seward is evidently the seaport for the Matanuska coal and Cordova the logical outlet for the Bering River coal. The comparison of transportation rates given in the foregoing table show that for an output of 500,000 tons annually it will cost $1.96 a ton more to haul Matanuska coal to Seward than it will to haul the Bering River coal to Cordova, and the analysis further shows that for double this output the additional cost will be $1.11. This places the Matanuska coal at such disadvantage that it could probably not be marketed at tidewater in competition with the Bering River coal."

PREPAREDNESS.

As a site for a military and naval base for national defenses the harbor at Cordova is unique. It is superior to any site in the Hawaiian Islands or any other point on the Pacific coast. It is completely landlocked and can easily be made impregnable to attack from either land or sea. In addition, there can be here assembled three commodities of the greatest need in war, namely, copper, coal, and oil. All these commodities are produced and can be brought to Cordova Harbor with 250 miles of railroad, 200 miles of which are already in operation. There is no other similar district on the Pacific seaboard, probably no other in the entire world. In the hands of an enemy this site would be most dangerous. In case of war it would no doubt be seized by an enemy instantly and a branch quickly extended to the coal and oil fields.

PROCRASTINATION.

It may be said that it is intended to build a railroad to the Bering coal, but that it must wait until the line is finished from Seward to Fairbanks. This will probably take five years. What can be gained by waiting? It can be built as cheaply now as then. Of all possible reasons, procrastination would seem the least excusable.

SIXTEEN YEARS OF EFFORT.

Coal was discovered in the Bering field in 1896. In 1900 Congress passed the first act intended to make the coal available. This act failed to work. Then in 1904, 1906, 1908, 1910, and lastly in 1914, Congress legislated upon the subject of Alaska coal land. Thus in 16 years six different acts have been passed upon the subject; but the Bering coal is still unopened.

The leasing system is now to be tried, but without a railroad there can be no coal mines. The Government only can build it under existing conditions.

REPORTS OF COMMITTEES.

Mr. SAULSBURY, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 5503) to provide for the purchase of a site for the erection of a Federal building at Georgetown, Del., reported it without amendment and submitted a report (No. 359) thereon.

Mr. ROBINSON, from the Committee on Interstate Commerce, to which was referred the bill (H. R. 8234) to prevent interstate commerce in the products of child labor, and for other purposes, reported it with an amendment and submitted a report (No. 358) thereon.

He also, from the Committee on Claims, to which was referred the bill (S. 5206) for the relief of mail contractors, reported it with amendments and submitted a report (No. 360) thereon.

Mr. JOHNSON of Maine, from the Committee on Pensions, to which was referred the bill (H. R. 12194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 361) thereon.

He also, from the same committee, to which was referred the bill (H. R. 12843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 362) thereon.

Mr. SUTHERLAND, from the Committee on the Judiciary, to which was referred the bill (S. 1308) to amend an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1911, reported it with amendments and submitted a report (No. 363) thereon.

Mr. WADSWORTH, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 1288. A bill for the relief of Simon M. Preston (Rept. No. 366);

H. R. 2235. An act for the relief of the widow and heirs at law of Patrick J. Fitzgerald, deceased (Rept. No. 365); and

H. R. 7239. An act for the relief of Philip H. Heberer (Rept. No. 364).

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 1056. A bill for the relief of Alfred Sjostrom (Rept. No. 368); and

S. 4807. A bill for the relief of James W. Cross (Rept. No. 367).

Mr. HARDING, from the Committee on Claims, to which was referred the bill (S. 4581) for the relief of Victor A. Ermerins, reported it without amendment and submitted a report (No. 369) thereon.

Mr. RANSDELL, from the Committee on Commerce, to which was referred the bill (S. 4085) to establish a Coast Guard station on the coast of Louisiana, in the vicinity of Barataria Bay, reported it with an amendment and submitted a report (No. 370) thereon.

FOX RIVER BRIDGE, ILLINOIS.

Mr. SHEPPARD. From the Committee on Commerce, I report back favorably, with amendments, the bill (S. 5415) to authorize the construction of a bridge across the Fox River at Geneva, Ill., and I submit a report (No. 356) thereon. I ask for the immediate consideration of the bill.

Mr. LEWIS. Mr. President, I move the passage of the bill.

The VICE PRESIDENT. The Chair is inquiring whether there is any objection to its present consideration.

Mr. LEWIS. I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. That has already been asked for. Does the Senator object?

Mr. LEWIS. I am favoring it. I did not understand that the request was made by the Senator from Texas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, in line 7, after the words "Fox River," to insert "at a point suitable to the interest of navigation," and in line 11, after the date "nineteen hundred and six," to strike out the remainder of section 1, so as to make the bill read:

Be it enacted, etc., That the Chicago & North Western Railway Co., a corporation organized and existing under the laws of the States of Wisconsin, Illinois, and Michigan, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge across the Fox River, at a point suitable to the interest of navigation, in the city of Geneva and State of Illinois in accordance with the act of Congress entitled "An act to regulate the construction of bridges across navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CREDIT IN CERTAIN ACCOUNTS.

Mr. LANE. From the Committee on Claims I report back favorably without amendment the bill (S. 697) authorizing a credit in certain accounts in the office of the Auditor for the War Department, and I submit a report (No. 357) thereon. I call the attention of the Senator from Pennsylvania to the report.

Mr. OLIVER. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Oregon.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury and the proper accounting officers of the Treasury Department to credit in the accounts of the Treasurer of the United States the sum of $3,965.28, carried in the accounts of the Auditor for the War Department, and in the general account of the Treasurer of the United States, as unavailable funds, and representing differences found in the accounts of the late Brig. Gen. Alexander Hays, United States Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. OLIVER. I ask unanimous consent that the report accompanying the bill be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The report this day submitted by Mr. LANE is as follows:

[S. Rept. No. 357, 64th Cong., 1st sess.]

CREDIT IN CERTAIN ACCOUNTS.

The Committee on Claims, to whom was referred the bill (S. 697) authorizing a credit in certain accounts in the office of the Auditor for the War Department, having considered the same, report thereon with a recommendation that the bill do pass.

This is a bill to credit the accounts of the late Brig. Gen. Alexander Hays, United States Volunteers, who served as second lieutenant, Eighth Infantry, United States Army, from June 18, 1846, to April 12, 1848, when he resigned; as major and colonel, Twelfth and Sixty-third Pennsylvania Infantry; and as brigadier general of Volunteers from April 24, 1861, to May 5, 1864, when he was killed in battle.

Alexander Hays graduated at West Point on July 1, 1844. He was assigned to the Fourth Infantry, then at Camp Salubrity, La., near Natchitoches. The little army at Natchitoches was termed the "Army of observation"; when at Corpus Christi, Tex., it became the "Army of occupation," about 2,200 men, all Regulars; and when across the Rio Grande it was termed the "Army of invasion." Its history is the history of Zachary Taylor's operations in the War with Mexico. Lieut. Alexander Hays was present for duty in all these operations up to the middle of May, 1846, two weeks after the battle of Resaca de la Palma. He was in action at that battle and was wounded. He was also in action at Palo Alto the day before. Lieut. Hays early received mention for bravery. In a daring charge Lieut. Hays, with a classmate, Lieut. Woods, attended only by one man, put to flight a crew operating a gun and captured the gun, the first one taken from the enemy in the Mexican War. He was brevetted first lieutenant for gallant services at Palo Alto and Resaca. Two weeks after receiving his wound at Resaca he was unfit for field duty and was ordered home for recruiting service. He returned to the field of active operations September, 1847, with a large body of recruits, in time to join the battalion of regular recruits under Capt. Seneca G. Simmons, attached to the volunteer brigade of Gen. Joseph Lane, which left Vera Cruz September 19, fighting its way to the City of Mexico, relieving the beleaguered and hard-pressed garrison at Puebla while on the way. Lieut. Hays, who had been appointed assistant adjutant general of the brigade, was with Gen. Lane in all the engagements of his memorable expedition. He participated in the following engagements in Mexico: Palo Alto, Resaca de la Palma, Santa Fe, Paso de Ovegas, National Bridge, Huamantla, El Pinal, Atlixco, San Augustine de la Palma, Tehuacan, Galaxara, Tlaxcala, Orizaba, Tulancingo, and Zacultiplan.

Some of these were skirmishes, but many were important affairs. In his report of the engagement at Zacultiplan, Gen. Lane mentions Lieut. Hays as his aid, and concludes by saying:

"Lieut. Alexander Hays, Eighth Infantry, acting assistant adjutant general, needed not this occasion to signalize his bravery, coolness, and devotion to his duties. His behavior in every emergency added, if possible, new honors."

On April 12, 1848, the war over, Lieut. Hays resigned his commission and returned to Pittsburgh to engage in civil pursuits. On March 28, 1848, Gen. Lane addressed the following letter to President Polk:

"To His Excellency the PRESIDENT OF THE UNITED STATES:

"SIR: At parting with Bvt. First Lieut. Alexander Hays, Eighth Infantry, I should do him, myself, and the service at large the uttermost injustice not to mention especially his good behavior upon all occasions and to recommend him in the strongest manner to the notice of the War Department.

"Lieut. Hays, after services at Palo Alto and Resaca de la Palma, which won his brevet, joined my column at the National Bridge, being then on duty with Capt. Heintzelman's battalion of recruits. In the conflict of Huamantla, at Puebla, Atlixco, Tlaxcala, Matamoros, and Galaxara he behaved with distinguished courage and coolness; and evincing remarkable capacity for the post of quartermaster, I appointed him such for my brigade, the duties of which office he discharged to my entire satisfaction. He accompanied me to the City of Mexico from Puebla, and upon the first vacancy I selected him as one of my aids and acting assistant adjutant general. Since that time, at Tehuacan, Orizaba, Tertihuacan, Tulancingo, and Sequaltaplan, he has fully justified my confidence and esteem. I can add nothing in this respect to my official reports, already forwarded.

"When I obtained my leave of absence Lieut. Hays tendered his resignation, Gen. Butler not feeling at liberty to allow him to accompany me home. He is unable to perform infantry duty from the rheumatism and neuralgia (contracted in a long period of exposure and fatigue and a fall from his horse near the National Bridge).

"There is no man that I would more highly commend than Lieut. Hays, and nothing could afford me so much pleasure (should he desire to remain in the service) than to know of his appointment as quartermaster or to some other office in the Army which your better judgment may designate.

"I am, Mr. President,

"Very respectfully, your obedient servant,

"JOSEPH LANE,
"Brigadier General."

Alexander Hays, classmate of Winfield Scott Hancock, Alfred Pleasanton, and Simon Buckner, comrade of Grant, Augur, Russell, Longstreet, and A. P. Hill, was the same ideal soldier in Mexico that he was on the battle fields of our Civil War.

At the outbreak of the Civil War Lieut. Hays was engaged in bridge engineering. He at once gave up his work and enlisted in a militia company in Pittsburgh known as the City Guard, of which he was chosen captain. This company became part of the Twelfth Regiment, for three months' service, and Capt. Hays was commissioned major. On May 14, 1861, he was appointed captain of the Sixteenth United States Infantry. At the close of the term of the service of the Twelfth Regiment he returned to Pittsburgh and recruited a regiment for the war, the Sixty-third Pennsylvania Volunteers, of which he was commissioned colonel. In an engagement at second Bull Run Col. Hays, while leading his men, received a shot which shattered his leg. Before entirely recovered from his wound he was assigned to the command of the Third Brigade of Casey's Division, Twenty-second Corps, in charge of the defenses of Washington. He fought gallantly and successfully in the three days' battle at Gettysburg. On the 5th of May, 1864, the first day's fight in the Wilderness, Gen. Hays, then in command of the survivors of Kearney's old division of heroes, occupying the key to Grant's position, was shot through the head, dying three hours afterwards. Gen. Hancock, in his report of the Battle of the Wilderness, spoke of the death of Gen. Hays as follows:

"Gen. Alexander Hays, that dauntless soldier, whose intrepid and chivalric bearing on so many battle fields had won for him the highest renown, was killed at the head of his command."

Gen. Grant, in his "Personal Memoirs," speaking of the death of his old classmate, says:

"One of our most gallant commanders, Gen. Alexander Hays, was killed. I had been with him at West Point and had served with him through the Mexican War. He was a most gallant officer, ready to lead his command wherever ordered. With him it was 'Come, boys,' not 'Go.'"

The death of Gen. Hays is thus described by Gen. Walker in his history of the Second Army Corps:

"The losses had been heavy. Among the killed of that afternoon was Gen. Alexander Hays. At Gettysburg, at Bristow, at Mine Run, at Mortons Ford, this devoted officer rode, with his staff and flag behind him, the mark of a thousand riflemen, the admiration of the two armies, only to fall in a tangled wilderness, where scarce a regiment could note his person and derive inspiration from his courage and martial enthusiasm. All the peculiar advantages of the Army of the Potomac were sacrificed in this jungle fighting into which they were called to engage. Of what use here was the tactical skill and perfection of form; of what use here the example and the personal influence of a Hays or a Hancock?"

The books in the auditor's office show the differences were due to Lieut. Hays's failure to make returns for subsistence supplies turned over to him at Puebla, Mexico, October 31, 1847, on account of recruiting expenses and on account of regular supplies and transportation of the Army. At this time Alexander Hays was a young, inexperienced lieutenant, working under great difficulties, and enduring severe hardship in the performance of his duties. A quotation from a letter which he wrote to his brother on March 16, 1846, gives some idea of the conditions. He said:

"I would like to give you some account of our landing and passage to the interior, but will not have space, I fear. Previous to going there I had been put upon extra duty for some time, and after we arrived the old general [Lane] made it permanent by selecting me for every expedition, sometimes acting as captain of a steamboat, sometimes as skipper of a yawl. On another expedition I was sent to purchase cattle for 'Uncle Sam.' I had no money, only my sweet, honest face, and that 300 miles from the Army, where I was totally unknown. I succeeded in obeying my orders, not without considerable difficulty, and returned after a month's absence with 80 yoke, pronounced to be 'the finest lot of cattle ever collected.' Without giving me any rest, I was sent again and again until finally 'exhausted nature could stand it no more,' and I was laid up."

It has been a legend in the Hays family that these expeditions were the cause of the apparent shortages, and that because of the remoteness from the Army and Washington and the unusual conditions the exacting demands for receipts and accountings were never lived up to.

There is no appropriation carried by the bill, as it simply seeks to credit the accounts, and in view of the valiant service of Gen. Hays and the unusual duties thrust upon him in securing supplies and commissary necessities for the Army and the fact that this soldier's high character precludes the possibility of there having been any misappropriation, your committee is of the opinion that favorable action should be taken upon the bill, and therefore recommend its passage.

THE TREATMENT OF WATER FRONTS.

Mr. CHILTON, from the Committee on Printing, reported the following resolution (S. Res. 171), and it was considered by unanimous consent and agreed to:

Resolved, That the article entitled "The treatment of water fronts," by the Senator from Nevada, Mr. NEWLANDS, which was printed in the Journal of the American Institute of Architects for April, 1916, be included in Senate Document No. 362, Sixty-fourth Congress, with accompanying illustrations.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 5645) for the establishment of Noyes, in the State of Minnesota, as a port of entry and delivery for immediate transportation without appraisement of dutiable merchandise; to the Committee on Commerce.

A bill (S. 5646) granting an increase of pension to William Mitchell; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 5647) to compensate Sophie Kosack for injuries sustained and to reward her for bravery displayed in rescuing

the imperiled in the "Old Ford's Theater" disaster; to the Committee on Claims.

By Mr. JOHNSON of South Dakota:

A bill (S. 5648) authorizing and directing the Secretary of the Interior to furnish certain information relative to the employment of members of the Lower Yanktonai Tribe and Two Kettle Band of the Cheyenne Indian Reservation, S. Dak., as scouts in 1863 (with accompanying papers); to the Committee on Indian Affairs.

A bill (S. 5649) for the relief of Arthur Nelson (with accompanying papers); to the Committee on Claims.

By Mr. RANSDELL:

A bill (S. 5650) to provide for the control of the floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes; to the Committee on Commerce.

By Mr. McCUMBER:

A bill (S. 5651) for the establishment of Northgate, in the State of North Dakota, as a port of entry and delivery for immediate transportation without appraisement of dutiable merchandise; to the Committee on Commerce.

By Mr. WALSH:

A bill (S. 5652) to provide for the erection of a public building at Glasgow, Mont. (with accompanying papers); to the Committee on Public Buildings and Grounds.

A bill (S. 5653) for the relief of Lars T. Rykken; to the Committee on Claims.

A bill (S. 5654) granting an increase of pension to Eddy J. Workman (with accompanying papers); to the Committee on Pensions.

By Mr. BROUSSARD:

A bill (S. 5655) to create a waterway commission and a board of river regulation, to promote interstate commerce by the development of the Mississippi River and its tributaries, and to control the floods of the rivers of the Mississippi River watershed; to the Committee on Commerce.

By Mr. STERLING:

A bill (S. 5656) for the relief of Milton C. Conners and George G. Conners, doing business under the firm name of Conners Bros.; to the Committee on Claims.

By Mr. GRONNA:

A bill (S. 5657) providing for the admission to the mails as second-class matter of publications issued by certain public institutions and boards; to the Committee on Post Offices and Post Roads.

By Mr. WARREN:

A bill (S. 5658) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Honolulu Gas Co. (Ltd.), by extending it to include all of the island of Oahu, Territory of Hawaii; to the Committee on Pacific Islands and Porto Rico.

By Mr. MYERS:

A bill (S. 5659) for the establishment of Sweet Grass and Gateway, in the State of Montana, as ports of entry and delivery for immediate transportation without appraisement of dutiable merchandise; to the Committee on Commerce.

A bill (S. 5660) for the relief of Frank Hartman; to the Committee on Claims.

By Mr. CLAPP:

A bill (S. 5661) granting an increase of pension to Kate C. U. Daniels (with accompanying paper); to the Committee on Pensions.

By Mr. OLIVER (for Mr. PENROSE):

A bill (S. 5662) granting an increase of pension to John Stouffer; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 5663) granting a pension to Ellen McGraw (with accompanying papers); to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 5664) granting a pension to Sarah S. Cole; to the Committee on Pensions.

By Mr. KERN:

A bill (S. 5665) granting a pension to Michael J. Fisher (with accompanying papers); and

A bill (S. 5666) granting an increase of pension to Winfield S. Webster (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 5667) to provide for the refund under certain conditions of the additional taxes or penalties of 50 per cent imposed under the provisions of section 3176 of the Revised Statutes of the United States, or subsection 5 of section 38 of the act of August 5, 1909, known as the special excise corporation-tax law, or both, for neglect to make, at the proper time or times, returns required under the provisions of section 2 or of paragraph or subsection S of section 4 of the act of October 3, 1913, known as the income-tax law, or under the provisions of the act of October 22, 1914, known as the war-revenue law, or such act as extended; to the Committee on Finance.

A bill (S. 5668) directing the reexamination of the accounts of the late Peter G. S. Ten Broeck; to the Committee on Military Affairs.

By Mr. MARTINE of New Jersey:

A bill (S. 5669) for the relief of sundry railroad companies; to the Committee on Claims.

By Mr. SMITH of Maryland:

A bill (S. 5670) to license operators of cinematographs, moving-picture machines, and similar apparatus, and for other purposes; to the Committee on the District of Columbia.

INTERNATIONAL AGREEMENTS.

Mr. PHELAN. Mr. President, I introduce a joint resolution and ask that it be read.

The joint resolution (S. J. Res. 122) reaffirming the faith of the United States in the peaceful settlement of international disputes by all reasonable and honorable means, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That despite the enlargement of the Army and Navy required by present world conditions, the United States of America reaffirm their faith in the policy of the peaceful settlement of international disputes by all reasonable and honorable means, and declare their desire and intention to welcome such international agreements as will make large or competitive armaments unnecessary.

Mr. PHELAN. I ask for the adoption of the joint resolution.

Mr. LODGE. My attention was diverted. I should like to hear the joint resolution read.

The VICE PRESIDENT. It is a joint resolution, and under the rules of the Senate it must go to a committee.

Mr. PHELAN. I ask unanimous consent for its immediate consideration.

Mr. LODGE. I object; I want to hear it first.

The VICE PRESIDENT. The joint resolution will be again read.

The Secretary again read the joint resolution.

Mr. STONE. Mr. President, I am under the impression at least that it would be better if my friend from California [Mr. PHELAN] would consent to have the joint resolution referred to the Committee on Foreign Relations, as I think should be done with all similar resolutions. The Senator from California understands that in saying this I do not mean to express the least dissent to the substance of the resolution; but we may have a flood of such resolutions, and I merely think it better to begin now by sending them all to the Committee on Foreign Relations. I move that the joint resolution——

Mr. LODGE. It is not necessary to move that the joint resolution be referred; it goes to the committee under the rule.

The VICE PRESIDENT. If there is objection to unanimous consent——

Mr. STONE. I object.

The VICE PRESIDENT. If there is objection, the joint resolution will go to the Committee on Foreign Relations, under the rules of the Senate.

Mr. PHELAN. Mr. President, I defer to the request of the chairman of the Committee on Foreign Relations [Mr. STONE]. While I strongly favor the so-called policy of preparedness, I believe that the passage of the joint resolution at this time would be opportune in view of the fact that we are about to be called in joint session to hear an address by the President of the United States. I can not divine the object of the call, nor do I know what is to be the character of the message, but I thought at this time, immediately after the passage of the bill for military preparedness, that the passage of such a joint resolution would be opportune. I submitted it to several of my colleagues in advance of its introduction, and in view of the objection to its consideration without a reference to the committee necessarily I yield.

The VICE PRESIDENT. The joint resolution will be referred to the Committee on Foreign Relations.

GOOD ROADS.

Mr. SHAFROTH. Mr. President, I offer an amendment to House bill 7617, concerning good roads. The amendment is short and I ask that it be read.

There being no objection, the amendment was read and ordered to lie on the table and be printed, as follows:

After the word "roads," in the twenty-second line of page 6, strike out the semicolon and insert the following: "by the payment of one-fourth of the total cost of any such road, in the manner and upon the conditions hereinafter provided, whenever individuals, the county, and State in which such road is situate shall each have contributed an amount equal to one-fourth of the estimated cost thereof."

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WADSWORTH submitted an amendment proposing to appropriate $3,000 to be used to cooperate with horticultural

organizations in the standardization of botanical names in horticultural use, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. JONES submitted an amendment proposing to appropriate $1,000,000 for the acquisition, by purchase or condemnation, of a tract of land at or near American Lake, in the State of Washington, sufficient for annual maneuvers and encampment of such of the military forces of the United States as may be assembled at that point, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. SMITH of Arizona submitted an amendment proposing to appropriate $1,000 to pay to Tom K. Richie, of Tucson, Ariz., having been inadvertently covered into the Treasury on a forfeited cash recognizance in a case pending in the United States district court, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. RANSDELL submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

Mr. CLARKE of Arkansas (for Mr. BRYAN) submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

Mr. STERLING submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

Mr. SMITH of Michigan submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

Mr. JOHNSON of Maine submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was ordered to be printed and, with the accompanying paper, referred to the Committee on Commerce.

SPEECH BY SENATOR WALSH (S. DOC. NO. 410).

Mr. OWEN. Mr. President, I ask unanimous consent to have printed as a public document a speech delivered by the Senator from Montana [Mr. WALSH] at the Jefferson Day banquet, April 13, 1916, in this city.

The VICE PRESIDENT. Without objection it is so ordered.

NOMINATION OF LOUIS D. BRANDEIS (S. DOC. NO. 409).

Mr. CHILTON. Mr. President, I ask unanimous consent that the hearings held before the Committee on the Judiciary on the nomination of Louis D. Brandeis and the report of the committee thereon be printed as a public document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

EXPOSITION AT SAN ANTONIO, TEX.

Mr. SHEPPARD. Mr. President, I wish to give notice that on the conclusion of the morning business on Friday, April 21, the eightieth anniversary of the battle of San Jacinto, whereby the independence of Texas was achieved, I shall address the Senate on the subject of the Texas Bicentennial and Pan American Exposition to be held at San Antonio in 1918. This exposition will commemorate the two hundredth anniversary of the founding of San Antonio, and will show the progress and resources of Texas and the Southwest. It will also have for its object the cultivation of closer trade relations between the United States and the other nations of Pan America.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on this day approved and signed the joint resolution (S. J. Res. 24) authorizing the Librarian of Congress to return to Williamsburg Lodge, No. 6, Ancient Free and Accepted Masons, of Virginia, the original manuscript of the record of the proceedings of said lodge.

THE AQUEDUCT BRIDGE.

The VICE PRESIDENT. Morning business is closed.

Mr. SWANSON. Mr. President, I move that the Senate proceed to the consideration of House bill 759, being the bill for the erection of the Aqueduct Bridge. I beg to say in this connection that the bill has been reported unanimously by the Committee on Commerce of the other House, that it passed that House without a dissenting vote, that it has been unanimously reported by the Commerce Committee of the Senate, and I know of no objection to it. The old bridge has been condemned, and it is necessary that the proposed new bridge be constructed at an early date.

The VICE PRESIDENT. The question is on the motion of the Senator from Virginia [Mr. SWANSON] to proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 759) to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof, which had been reported from the Committee on Commerce with amendments.

Mr. KENYON. Mr. President——

Mr. GALLINGER. Let the bill be read, Mr. President.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause to be constructed a bridge across the Potomac River at or near what is now known as the Aqueduct Bridge, replacing said bridge with a substantial structure, at a cost of not more than $1,000,000.

SEC. 2. That the Secretary of War is further authorized, if in his judgment it should be necessary, to acquire any lands, easements, rights, or property on each side of the Potomac River, by purchase or condemnation, as may be desired for the construction of said bridge and the approaches thereto.

SEC. 3. That the Secretary of War is further authorized to make such contract for the removal of the present bridge and for the sale thereof as in his discretion may be proper, and to cover the proceeds of such sale, if any, into the Treasury of the United States.

SEC. 4. That in the discharge of his duties hereunder the Secretary of War is hereby authorized and directed to employ the services of such engineers and other persons as he shall determine to be necessary to carry out the provisions of this act.

SEC. 5. That the sum of $150,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of securing proper plans and for the payment of any lands, easements, rights, or property: *Provided*, That the plans and specifications herein authorized shall be so drawn and prepared as to insure the construction of a bridge and approaches thereto within the limit of cost of $1,000,000, as fixed herein. As soon as the plans and specifications are approved the Secretary of War shall give public notice of the specifications and invite competitive bids for the construction of the bridge and approaches thereto according to the specifications, reserving the right to reject any or all such bids.

SEC. 6. That the said bridge shall be used as a highway for traffic, and for gas and water mains, power, telegraph and telephone wires or cables, upon such conditions and for such compensation as may from time to time be prescribed by the Secretary of War: *Provided*, That the Washington & Old Dominion Railway, now using the Aqueduct Bridge, shall be permitted, with the approval of the Secretary of War, to change its location so as to cross with a double track the new bridge and approaches herein provided for and to connect its railway, located in Alexandria County, Va., and in the District of Columbia, with the tracks of said new bridge; and that all plans for such change are to be approved by the Secretary of War: *And provided further*, That a standard system of electric propulsion shall be installed by said railway on said new bridge, and no dynamo furnishing power to this portion of the road of said railway shall be in any manner connected with the ground, and that the cost of paving and maintaining in good condition between the tracks and 2 feet outside thereof shall be paid by said railway: *And provided further*, That any electric railway shall have the right to use said new bridge upon terms determined by the Secretary of War, who is hereby authorized and directed to hear the interested parties and to fix the terms of joint trackage. And all electric railways using said new bridge shall, in addition to taxes and other charges, pay monthly into the Treasury of the United States the sum of one-half of 1 cent for each passenger transported each way over said new bridge, and just and reasonable rates or charges on all freight transported thereon, and of these sums, when paid into the Treasury, one-half shall be credited to the District of Columbia.

SEC. 7. That one-half of the entire expense of constructing said bridge, and its maintenance when constructed, including the amount appropriated in section 5 of this act, shall be paid by the District of Columbia.

SEC. 8. That the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, for the purpose of maintaining and repairing the present Aqueduct Bridge until the new bridge herein provided for is completed.

Mr. SWANSON. I ask that the amendments proposed by the committee be acted upon.

The first amendment reported by the Committee on Commerce was, in section 6, page 3, line 5, after the word "cables," to insert "and interurban railroads," so as to read:

SEC. 6. That the said bridge shall be used as a highway for traffic, and for gas and water mains, power, telegraph and telephone wires or cables, and interurban railroads upon such conditions and for such compensation as may from time to time be prescribed by the Secretary of War.

The amendment was agreed to.

The next amendment was, in the same section, on page 3, line 24, after the word "bridge," to insert "and the double track above described," so as to read:

And provided further, That any electric railway shall have the right to use said new bridge and the double track above described upon terms determined by the Secretary of War.

The amendment was agreed to.

Mr. STERLING. Mr. President, I suggest to the Senator from Virginia that a further amendment should be made. In

section 5, page 2, line 17, after the word "property," I move to insert the words "necessary in the construction of said bridge."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In section 5, page 2, line 17, after the word "property," it is proposed to insert "necessary in the construction of said bridge," so as to read:

SEC. 5. That the sum of $150,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of securing proper plans and for the payment of any lands, easements, rights, or property necessary in the construction of said bridge.

Mr. SWANSON. I have no objection to that amendment.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. SMOOT. Mr. President, section 7 of the bill provides:

SEC. 7. That one-half of the entire expense of constructing said bridge, and its maintenance when constructed, including the amount appropriated in section 5 of this act, shall be paid by the District of Columbia.

If the bill becomes a law as reported to the Senate, the District of Columbia will pay one half of the expense of constructing the bridge and the Government of the United States will pay the other half.

Mr. President, I think it is well understood that before many years there will be constructed a $4,000,000 bridge over the Potomac River in the neighborhood of the Lincoln Memorial. I understand that that project is being considered favorably by the other House, and the Government is to pay every dollar of the expense of that bridge, if the plans as mapped out are carried to a successful conclusion.

I think, Mr. President, the State of Virginia ought, at least, to pay part of the expense of the bridge provided for in the pending bill, and should receive a part of whatever charges are collected from the railroads for transportation over the bridge; and to bring that about I am going to offer an amendment to section 7, so that it will read as follows:

SEC. 7. That one-third of the entire expense of constructing said bridge, and its maintenance when constructed, including the amount appropriated in section 5 of this act, shall be paid by the State of Virginia, and one-third by the District of Columbia.

In other words, the Government of the United States would pay one-third, the District of Columbia one-third, and the State of Virginia one-third. I can not see, Mr. President, why that amendment should not be accepted by the Senator having the bill in charge.

It is stated that the Government of the United States owns some property in Alexandria County, Va. That is true, but the bridge will be more of an advantage to the people of Virginia than it will be to the District of Columbia. As long as the Government is to build a $4,000,000 bridge over the Potomac River near the Lincoln Memorial, it seems to me the Government of the United States should not be compelled to pay one-half the expense of building the bridge now proposed, and all of the expense of building the memorial bridge, while the State of Virginia is to pay nothing.

Mr. SMITH of Georgia. Mr. President, will the Senator allow me to ask him a question?

Mr. SMOOT. Certainly.

Mr. SMITH of Georgia. What is the necessity for the other bridge if we build this one? What occasion is there for another?

Mr. SMOOT. Well, Mr. President, I suppose it is to be the memorial bridge that has been insisted upon by the Senators of Virginia; and I understand that sufficient sentiment has been created in Congress so that it is going to be built.

Mr. OVERMAN. It is not to be a traffic bridge.

Mr. SMOOT. No. As the Senator from North Carolina suggests, it is not to be a traffic bridge. Of course, the railroads or the interurban lines will not be allowed to pass over that bridge. The name suggests the purpose of the bridge.

Mr. SWANSON. Mr. President, in reference to the amendment offered by the Senator from Utah, in the first place it means, if passed, that this bridge will not be constructed. Secondly, there is no justice in it. About one-third of the land in Alexandria County, I think, is owned by the Government. The United States Government pays no taxes, county or State. Alexandria County is perpetually embarrassed to keep its roads in order. All that it has ever asked of this Government was to improve its own roads through its own property, which the Government has repeatedly refused to do. Now, how can you expect the people of this county to pay taxes to build a bridge when the Government, which owns about one-third of the entire property in the county, does not pay a cent of taxes?

This is a bridge built largely for the benefit of the Government property at Fort Myer and to afford access to the 1,500 acres of land which the Government owns in Alexandria County. The law does not permit the State of Virginia to build bridges. These bridges are built by the counties. Here is a county adjoining Washington in which about one-third of the property pays no taxes for any purpose—State, local, or otherwise—and that condition makes it an absolute act of justice that this bridge should be constructed by the United States Government.

The railroads pay twelve or fifteen thousand dollars a year, one-half a cent on every passenger that comes over either way, which amounts to about $15,000 a year. That is paid by the citizens coming in and going out of Washington every day.

It seems to me that it is but right and proper that this bill should be passed as it stands. It has been reported unanimously by the Commerce Committee and passed unanimously in the House. All of these bridges, I think, that have been built to Alexandria County have been paid for half by the Government and half by the District of Columbia, because the Government pays no taxes, and it owns about one-third of all the property there. It is not a property in which there is any profit to the State of Virginia. It is used mostly for ornamental purposes. The land is utilized for parks; and anyone can see how a county is embarrassed when a large part of the nearest property in it to Washington—its most valuable property—is free of taxes.

Furthermore, as I have said, there is no law that would permit the State of Virginia to build bridges in the counties. These bridges are built by the counties themselves. It would be an act of injustice for this Government to take more than one-third of the property of Alexandria County and pay no taxes on it and then refuse to construct a bridge there. If it paid taxes, they would more than pay for this bridge.

Mr. WEEKS. Mr. President, before the Senator takes his seat may I ask him a question?

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Massachusetts?

Mr. SWANSON. I do.

Mr. WEEKS. I wish to ask the Senator if it is not a fact that the Government constructed the military road from the end of Chain Bridge to Arlington Cemetery, and if the Government did not construct a road from the village across the river at the end of the Aqueduct Bridge to Fort Myer?

Mr. SWANSON. After a long time we induced the Government to construct roads through it own property recently. Up to that time the roads had been constructed to the Government property, and the Government did not construct roads through its own property. There are sections of the Government property now through which no roads have been constructed. It is impossible to get the Government to do it, and it pays no taxes. I want to say that if there is any county or section of this country that has a hard time, it is Alexandria County, with the Government owning about one-third of the land and paying no taxes.

Mr. WEEKS. Mr. President, one more question. Is it true that the military road from the end of the Chain Bridge to the Arlington Cemetery is entirely through Government property?

Mr. SWANSON. I think it is entirely through Government property. Where does the Senator say?

Mr. WEEKS. From the end of the Chain Bridge.

Mr. SWANSON. The Chain Bridge down below here? I think the Government owns nearly all that property for its experimental farm, and so forth.

Mr. WEEKS. How about the road from the village across the river, at the end of the Aqueduct Bridge, to Fort Myer?

Mr. SWANSON. I think the Government owns up to the bridge—all of that property except the town, and it has a way through there. The town it does not own, but I think it owns to the other side of the bridge, if I am not mistaken.

Mr. SMITH of Georgia. There is just a short distance there that the Government does not own.

Mr. SWANSON. Alexandria County is a very small county, and anybody can see how a county is embarrassed with large Government properties in it paying no taxes, either local, State, or otherwise.

Mr. SMOOT. Mr. President, the Senator complains of the amount of property owned by the Government within Alexandria County that does not pay any taxes, and claims that one-third of the land in that county is owned by the Government of the United States, and that for this reason the Government ought to build this bridge and also build the public roads in that county. Why, Mr. President, we have States in the West in which the Government holds 79 per cent of the lands within the State.

Mr. BORAH. Eighty-three per cent.

Mr. SMOOT. Yes; and, as the Senator says, 83 per cent. It does not pay a cent of taxes, nor does it help build the State roads. It seems to me unjust for the Government of the United States to be compelled to pay half of the expense and the District of Columbia the other half for building a bridge

across the Potomac River to assist the people of Virginia to reach the District of Columbia.

Mr. SWANSON. I should like to say, if the Senator will permit me, that this question as to the pro rata division of this expense as to the amount of property has been examined by committees; it has been looked into, and the committees have been unanimous in reporting in the case of bills of this kind for Alexandria County that this division is just and right.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. SMOOT. I yield to the Senator from Minnesota.

Mr. NELSON. I want to say that this bridge bill has never been considered by the full Committee on Commerce. I am a member of that committee and have attended every meeting that has been called. We have a bridge subcommittee, and where a bill comes back from the War Department it goes to that subcommittee and is reported by it. The Senator from Texas [Mr. SHEPPARD] has undoubtedly reported this bill from that subcommittee; but we have never had before the full Committee on Commerce a consideration of this bill, and I was somewhat surprised to see it reported and put on the calendar.

Mr. SMOOT. Mr. President, my amendment simply provides that the State of Virginia shall pay one-third of the expense. One-third of the property in the county belongs to the Government. All I ask is that the State shall pay one third of the expense of building the bridge and that the Government of the United States shall pay one third; the District of Columbia will pay the other third; and it seems to me it is nothing but fair that that division of the expense of building the bridge should be made.

Mr. SMITH of South Carolina. Mr. President, will the Senator from Utah allow me to ask him a question?

Mr. SMOOT. Yes.

Mr. SMITH of South Carolina. How was the present bridge built? Under what system or plan was the present bridge constructed?

Mr. SMOOT. I suppose it was built under the half-and-half plan, although I will say frankly to the Senator that I have not examined that matter, and I will not say positively.

Mr. SMITH of Arizona. Mr. President——

Mr. SMOOT. I yield to the Senator from Arizona.

JOINT MEETING OF THE TWO HOUSES.

The VICE PRESIDENT (at 12 o'clock and 50 minutes p. m.). The time has arrived at which, in accordance with the concurrent resolution of the two Houses, the Senate will proceed to the Hall of the House of Representatives to listen to the address of the President of the United States.

The Senate, preceded by the Vice President and the Secretary, and headed by the Sergeant at Arms, proceeded to the Hall of the House of Representatives.

At 1 o'clock and 20 minutes p. m. the Senate returned to its Chamber, and the Vice President resumed the chair.

ADDRESS OF THE PRESIDENT (H. DOC. NO. 1034).

The address of the President of the United States, this day delivered at the joint meeting of the two Houses of Congress, is as follows:

Gentlemen of the Congress, a situation has arisen in the foreign relations of the country of which it is my plain duty to inform you very frankly.

It will be recalled that in February, 1915, the Imperial German Government announced its intention to treat the waters surrounding Great Britain and Ireland as embraced within the seat of war and to destroy all merchant ships owned by its enemies that might be found within any part of that portion of the high seas, and that it warned all vessels, of neutral as well as of belligerent ownership, to keep out of the waters it had thus proscribed or else enter them at their peril. The Government of the United States earnestly protested. It took the position that such a policy could not be pursued without the practical certainty of gross and palpable violations of the law of nations, particularly if submarine craft were to be employed as its instruments, inasmuch as the rules prescribed by that law, rules founded upon principles of humanity and established for the protection of the lives of non-combatants at sea, could not in the nature of the case be observed by such vessels. It based its protest on the ground that persons of neutral nationality and vessels of neutral ownership would be exposed to extreme and intolerable risks, and that no right to close any part of the high seas against their use or to expose them to such risks could lawfully be asserted by any belligerent government. The law of nations in these matters, upon which the Government of the United States based its protest, is not of recent origin or founded upon merely arbitrary principles set up by convention. It is based, on the contrary, upon manifest and imperative principles of humanity and has long been established with the approval and by the express assent of all civilized nations.

Notwithstanding the earnest protest of our Government, the Imperial German Government at once proceeded to carry out the policy it had announced. It expressed the hope that the dangers involved, at any rate the dangers to neutral vessels, would be reduced to a minimum by the instructions which it had issued to its submarine commanders, and assured the Government of the United States that it would take every possible precaution both to respect the rights of neutrals and to safeguard the lives of non-combatants.

What has actually happened in the year which has since elapsed has shown that those hopes were not justified, those assurances insusceptible of being fulfilled. In pursuance of the policy of submarine warfare against the commerce of its adversaries, thus announced and entered upon by the Imperial German Government in despite of the solemn protest of this Government, the commanders of German undersea vessels have attacked merchant ships with greater and greater activity, not only upon the high seas surrounding Great Britain and Ireland but wherever they could encounter them, in a way that has grown more and more ruthless, more and more indiscriminate as the months have gone by, less and less observant of restraints of any kind; and have delivered their attacks without compunction against vessels of every nationality and bound upon every sort of errand. Vessels of neutral ownership, even vessels of neutral ownership bound from neutral port to neutral port, have been destroyed along with vessels of belligerent ownership in constantly increasing numbers. Sometimes the merchantman attacked has been warned and summoned to surrender before being fired on or torpedoed; sometimes passengers or crews have been vouchsafed the poor security of being allowed to take to the ship's boats before she was sent to the bottom. But again and again no warning has been given, no escape even to the ship's boats allowed to those on board. What this Government foresaw must happen has happened. Tragedy has followed tragedy on the seas in such fashion, with such attendant circumstances, as to make it grossly evident that warfare of such a sort, if warfare it be, can not be carried on without the most palpable violation of the dictates alike of right and of humanity. Whatever the disposition and intention of the Imperial German Government, it has manifestly proved impossible for it to keep such methods of attack upon the commerce of its enemies within the bounds set by either the reason or the heart of mankind.

In February of the present year the Imperial German Government informed this Government and the other neutral governments of the world that it had reason to believe that the Government of Great Britain had armed all merchant vessels of British ownership and had given them secret orders to attack any submarine of the enemy they might encounter upon the seas, and that the Imperial German Government felt justified in the circumstances in treating all armed merchantmen of belligerent ownership as auxiliary vessels of war, which it would have the right to destroy without warning. The law of nations has long recognized the right of merchantmen to carry arms for protection and to use them to repel attack, though to use them, in such circumstances, at their own risk; but the Imperial German Government claimed the right to set these understandings aside in circumstances which it deemed extraordinary. Even the terms in which it announced its purpose thus still further to relax the restraints it had previously professed its willingness and desire to put upon the operation of its submarines carried the plain implication that at least vessels which were not armed would still be exempt from destruction without warning and that personal safety would be accorded their passengers and crews; but even that limitation, if it was ever practicable to observe it, has in fact constituted no check at all upon the destruction of ships of every sort.

Again and again the Imperial German Government has given this Government its solemn assurances that at least passenger ships would not be thus dealt with, and yet it has again and again permitted its undersea commanders to disregard those assurances with entire impunity. Great liners like the *Lusitania* and the *Arabic* and mere ferryboats like the *Sussex* have been attacked without a moment's warning, sometimes before they had even become aware that they were in the presence of an armed vessel of the enemy, and the lives of non-combatants, passengers and crew have been sacrificed wholesale, in a manner which the Government of the United States cannot but regard as wanton and without the slightest color of justification. No limit of any kind has in fact been set to the indiscriminate pursuit and destruction of merchantmen of all kinds

and nationalities within the waters, constantly extending in area, where these operations have been carried on; and the roll of Americans who have lost their lives on ships thus attacked and destroyed has grown month by month until the ominous toll has mounted into the hundreds.

One of the latest and most shocking instances of this method of warfare was that of the destruction of the French cross-Channel steamer *Sussex*. It must stand forth, as the sinking of the steamer *Lusitania* did, as so singularly tragical and unjustifiable as to constitute a truly terrible example of the inhumanity of submarine warfare as the commanders of German vessels have for the past twelvemonth been conducting it. If this instance stood alone, some explanation, some disavowal by the German Government, some evidence of criminal mistake or wilful disobedience on the part of the commander of the vessel that fired the torpedo might be sought or entertained; but unhappily it does not stand alone. Recent events make the conclusion inevitable that it is only one instance, even though it be one of the most extreme and distressing instances, of the spirit and method of warfare which the Imperial German Government has mistakenly adopted, and which from the first exposed that Government to the reproach of thrusting all neutral rights aside in pursuit of its immediate objects.

The Government of the United States has been very patient. At every stage of this distressing experience of tragedy after tragedy in which its own citizens were involved it has sought to be restrained from any extreme course of action or of protest by a thoughtful consideration of the extraordinary circumstances of this unprecedented war, and actuated in all that it said or did by the sentiments of genuine friendship which the people of the United States have always entertained and continue to entertain towards the German nation. It has of course accepted the successive explanations and assurances of the Imperial German Government as given in entire sincerity and good faith, and has hoped, even against hope, that it would prove to be possible for the German Government so to order and control the acts of its naval commanders as to square its policy with the principles of humanity as embodied in the law of nations. It has been willing to wait until the significance of the facts became absolutely unmistakable and susceptible of but one interpretation.

That point has now unhappily been reached. The facts are susceptible of but one interpretation. The Imperial German Government has been unable to put any limits or restraints upon its warfare against either freight or passenger ships. It has therefore become painfully evident that the position which this Government took at the very outset is inevitable, namely, that the use of submarines for the destruction of an enemy's commerce is of necessity, because of the very character of the vessels employed and the very methods of attack which their employment of course involves, incompatible with the principles of humanity, the long established and incontrovertible rights of neutrals, and the sacred immunities of non-combatants.

I have deemed it my duty, therefore, to say to the Imperial German Government that if it is still its purpose to prosecute relentless and indiscriminate warfare against vessels of commerce by the use of submarines, notwithstanding the now demonstrated impossibility of conducting that warfare in accordance with what the Government of the United States must consider the sacred and indisputable rules of international law and the universally recognized dictates of humanity, the Government of the United States is at last forced to the conclusion that there is but one course it can pursue; and that unless the Imperial German Government should now immediately declare and effect an abandonment of its present methods of warfare against passenger and freight carrying vessels this Government can have no choice but to sever diplomatic relations with the Government of the German Empire altogether.

This decision I have arrived at with the keenest regret; the possibility of the action contemplated I am sure all thoughtful Americans will look forward to with unaffected reluctance. But we cannot forget that we are in some sort and by the force of circumstances the responsible spokesman of the rights of humanity, and that we can not remain silent while those rights seem in process of being swept utterly away in the maelstrom of this terrible war. We owe it to a due regard for our own rights as a nation, to our sense of duty as a representative of the rights of neutrals the world over, and to a just conception of the rights of mankind to take this stand now with the utmost solemnity and firmness.

I have taken it, and taken it in the confidence that it will meet with your approval and support. All sober-minded men must unite in hoping that the Imperial German Government, which has in other circumstances stood as the champion of all that we are now contending for in the interest of humanity, may recognize the justice of our demands and meet them in the spirit in which they are made.

PRINTING OF THE PRESIDENT'S ADDRESS (H. DOC. NO. 1034).

Mr. STONE. Mr. President, I ask that the address of the President of the United States this day delivered to the joint session of the two Houses of Congress be referred to the Committee on Foreign Relations for consideration, and that 5,000 additional copies be printed for the use of the Senate document room.

The VICE PRESIDENT. Without objection, it is so ordered.

THE AQUEDUCT BRIDGE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 759) to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Utah [Mr. SMOOT], on which he has the floor.

Mr. SHEPPARD. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Texas?

Mr. SMOOT. I yield.

Mr. SHEPPARD. Mr. President, I want to state that I polled the Commerce Committee to secure a majority of signatures to a favorable report of the bill for the construction of a new Aqueduct Bridge across the Potomac River. I did so, because I thought speedy action on the bill was absolutely necessary. Since 1910 there have been repeated reports from the engineers of the War Department condemning the present bridge and pronouncing it unsafe for human life and travel. It was stated in the House debate on the bill that unless speedy action should be taken some calamity might occur which would be an everlasting and a sad reflection upon the Congress. For that reason I pursued the very usual course that is followed here in the Senate Chamber and secured the signatures of a majority of the members of the Commerce Committee in favor of reporting the bill. I did not have the opportunity of seeing the Senator from Minnesota [Mr. NELSON], or I should have presented the measure to him. I explained it, however, to those members of the committee whom I saw.

As to whether the State of Virginia should pay a part of the cost of this bridge is another question. The land on the Virginia side belongs to the Federal Government; it does not belong to the State of Virginia. If the State of Virginia pays a part of the cost of the bridge, it will necessarily want a part of the control. The bridge has some strategic significance; it connects Fort Myer, which is one of our principal Army posts, with a large section of country to the north and east. There are many reasons which would make it advisable for the Government to retain complete control of the bridge. I say, however, that this is entirely another question.

I merely wanted to explain to the Senate why it was that the bill was reported without being submitted to a formal meeting of the Commerce Committee.

Mr. GALLINGER. Mr. President, will the Senator from Utah permit me to make a statement?

Mr. SMOOT. I will.

Mr. GALLINGER. I want to call attention to a custom that has grown up in the Senate of late years, and that is of ignoring the meetings of committees, of polling the membership of committees, getting a majority—a bare majority—and then reporting a bill. This is not an isolated case. Bills are brought to my desk every day, and I am asked to attach my signature to the back of them. I ordinarily do it, as a matter of courtesy, but it is a very bad practice. If bringing this matter somewhat prominently before the Senate will tend to cure that practice, a very good work will have been done.

This is a very important bill. It is not like the bridge bill which a Senator ordinarily reports for the building of a bridge across an inconsequential stream somewhere. This is a matter, certainly, which ought to have been considered by the Committee on Commerce as a whole.

I have had charge of some bills similar to this—for this matter of rebuilding the Aqueduct Bridge is not a new matter—and such bills used to be referred to the Committee on the District of Columbia; but I, as chairman of that committee, never thought of doing otherwise than calling the full committee together to give the bills consideration.

Mr. SHEPPARD. Mr. President, the Senator from New Hampshire knows that it has been almost impossible to secure meetings of committees during the last two or three months.

Mr. GALLINGER. That has seemed to be the case during the past two or three years. We find that condition existing as to all our committees; but the leaders on the other side of

the Chamber ought to see that such a bad practice is speedily put an end to. I attend committee meetings, but I frequently find that there are no quorums present, and my time is wasted. Nonattendance on committee meetings seems to be almost universal of late.

Mr. CLARKE of Arkansas. Mr. President, will the Senator from Utah permit me to make a brief statement about this matter?

The PRESIDING OFFICER (Mr. WALSH in the chair). Does the Senator from Utah yield to the Senator from Arkansas?

Mr. SMOOT. I do.

Mr. CLARKE of Arkansas. Mr. President, the practice of the Committee on Commerce is not quite so loose as one would suppose to be the case from some of the statements which have been made. Very few bills are reported by that committee by polling the individual members of the committee. There seem to be exceptional circumstances that justified that practice in this case. When the matter was called to my attention, I said, if the consent of the entire membership of the committee could be obtained, it would be a satisfactory way of reporting the bill on the floor. It never occurred to me as a possibility that the bill would be brought back here without having been presented to the Senator from Minnesota [Mr. NELSON], who is the former chairman of that committee and the ranking opposition member at the present time. I was advised that the entire membership of the committee was favorable to the passage of the bill with certain amendments, and on that condition I consented to its being reported to the Senate.

Any member of the committee has a right to object to the committee being polled, and if a single member of the Committee on Commerce now says that he had no opportunity for considering the matter, it would be my pleasure, and I am sure it would be the pleasure of the Senate, to have the bill recommitted.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Texas?

Mr. SMOOT. I yield.

Mr. SHEPPARD. Mr. President, the advice which the honorable chairman of the committee speaks of did not come from me. I did not advise him as to the matter.

Mr. CLARKE of Arkansas. That is true. I have not had any communication whatever from the Senator from Texas, and any statement I made was not intended to include him.

Mr. SMOOT. Mr. President, I want to emphasize what has been said here by the Senator from New Hampshire [Mr. GALLINGER] in regard to polling committees. I suppose every Senator knows that I absolutely refuse to indorse a bill by polling a committee when any Senator comes to me for the purpose of getting my signature to it without the consideration of a committee. I never have believed in polling committees, and I never will indorse a bill in that way in order that it may be reported to the Senate.

In view of the statement made by the Senator from Arkansas [Mr. CLARKE] I think I had better not say anything more about the bill until I know whether the Senator from Minnesota desires to object to its consideration and to move its recommittal, because, if it is to be recommitted to the committee, I would prefer to say nothing more at this time.

Mr. NELSON. Mr. President, without intending to reflect upon or criticize anybody in connection with this matter, I desire to say that this bill has received no consideration before the committee at any meeting which I have attended. We have a subcommittee on bridges, to which are referred the ordinary bridge bills. That committee sends such bills to the War Department for any suggestions the department may care to make regarding them; and, where there is no objection to them, the committee reports them to the Senate. Most of the bridge bills, in fact all of them, are simply to give authority to build bridges over streams.

Mr. SMOOT. And they involve no expense to the Government.

Mr. NELSON. They involve no expense to the Government. This is an entirely different case from that of an ordinary bridge bill. This is a bill to construct a new bridge and to appropriate something over $1,000,000 for that purpose. I suggest that a bill of this character and importance ought to be considered by the full committee; and to that end it should be recommitted.

I desire the Senator from Texas, as I have said, to understand that I am not criticizing him. I can readily see how the report happened to be made. I myself have sometimes foolishly, when an appeal has been made to me—although I have always felt reluctant about doing it—acceded to requests for the reporting of a bill without bringing it before the committee; but this is a bill of such transcendent importance, involving, as it does, a good many hundred thousand dollars, and affecting the State of Virginia as well as the District of Columbia and the railroad companies, that I think the bill ought to go back to the committee for full consideration, and so I move that the bill be recommitted to the Committee on Commerce.

Mr. SWANSON. Mr. President, I recognize that if the Senator makes a point of order against the bill, that it has not been reported by the committee, except by polling its members, the point of order lies, and that, on the objection of any Senator, the bill will go back to the committee. I desire to say, however, that I think this matter ought to be acted upon speedily. Because of the condition of the bridge an accident is likely to occur there at any time. The bridge has been repeatedly condemned since 1910. Soon the street cars will be entirely prohibited from going over the bridge and thereby a great many people will be discommoded. All I ask is that, if the bill is recommitted to the committee, it be considered and acted on promptly by them and disposed of speedily by the Senate.

Mr. SHEPPARD. Mr. President, let me add here that only one street car is allowed on the bridge at a time, and the tonnage which may be transported across the bridge at one time is limited to a very small amount. As has been stated by the Senator from Virginia, an accident may happen on that bridge at any time.

Mr. NELSON. Mr. President, I want to say to the Senator from Virginia, if he will allow me, that, so far as I am concerned, I will not delay the bill a moment. I simply want it to receive full consideration before the committee, and I will join with the friends of the bill in expediting its consideration. I have no purpose of delaying it.

Mr. SWANSON. Mr. President, I have no objection to the bill being recommitted.

Mr. NEWLANDS. Mr. President, before this bill appropriating $1,000,000 for the construction of a bridge across the Potomac to Virginia goes back to the committee, as I assume it will, I wish to call attention to two considerations: One is that this bill contains no provision that the plans shall be submitted to and approved by the National Fine Arts Commission as to their artistic features; and the other is that half of the cost of this bridge can not justly be imposed upon the District of Columbia, but it should be considered entirely as a national project.

Mr. President, the work is now going on of developing Washington on the lines or plans originated by Washington and L'Enfant and elaborated by the so-called Park Commission, with the aid of the most distinguished architects, artists, and sculptors in the country, and perhaps in the world. Those plans were worked out through a committee of the Senate—the Committee on the District of Columbia, headed by the then Senator from Michigan, Mr. McMillan—and the plans were paid for out of the contingent fund of the Senate. Unfortunately an antagonism arose between the Senate and the House with reference to those plans, not regarding their excellence, but over questions of authority, and that contention has lasted until this day. The plans have not been formally approved, and the artistic development of Washington has been maintained, not in an orderly way under established law but by the constant watchfulness and contention of those in the country who are devoted to its artistic development.

Among other things that have been accomplished by this artistic sentiment has been the creation of a National Fine Arts Commission, composed of the most distinguished artists, architects, and sculptors in the country, acting in a public-spirited way, whose duties, although most onerous and without compensation, have been most intelligently and conscientiously performed. The appropriation for that commission, originally $10,000, has been reduced to $5,000, and I am told that as a result of certain antagonisms created by that commission in the exercise of the duty put upon it by Congress and the President they are seriously considering in another body the denial of any appropriation whatever. Without sufficient funds, with an inadequate force of assistants, that commission has struggled on, devoting a large portion of the time of its members to a constantly increasing work, the importance of which can not be overestimated, although it is not easily brought to the attention of or understood by the public.

There is a disposition upon the part of officials connected with some of the executive departments to escape from the jurisdiction of that commission, imposed by the law of Congress and by the Executive order of the President. The departments become restive under the restraints of the canons of art imposed by this highly competent commission, and recently the Treasury Department, having failed to comply with the law regarding the submission of the plans for a heat and power plant to this

commission, having disobeyed the law, through what it claimed to be an inadvertence, entered into a contract for the construction of a building under plans prepared by it, and then, when it was sought by a Member of the Senate by a resolution presented in this body to give Congress the opportunity to inquire into the facts and to change its own mind with reference to a matter which had originated through the Appropriations Committee of another body and without the initiative of the committee having jurisdiction, every power of the Treasury Department, every influence, every activity was exercised to prevent Congress from availing itself of the opportunity of securing the information that would enable it to act intelligently upon the subject. That act of insubordination is fruitful of results, and will be fruitful of results. Executive officers, with no high conception of art, eager to carry through their plans, will seek to evade the restraints imposed by law through the Art Commission.

I do not know whether the bridge in question comes within the exact terms of the act of Congress creating the Commission of Fine Arts, or whether it comes within the exact terms of the Executive order, made by the President of the United States, regarding the submission of plans of public structures to this commission. I have not that order before me; and therefore I think it wise in this bill to see to it that these plans, so far as their artistic features are concerned, are submitted to this able and capable commission.

Mr. President, the development of this water front is one of the most important questions relating to the development of Washington. Throughout America our water fronts have been neglected. Throughout America our water fronts are examples of hideousness and frightfulness, instead of examples of art and beauty, as they are in every other civilized country. Features that nature has provided not only for use but to charm the eye of man should always receive the highest decoration in aid of nature, and we are in danger of neglecting this in Washington.

Go to Dusseldorf-on-the-Rhine, go to Munich, go to Dresden, go all along the Danube and the Volga, and see the water fronts there with their wharves and bridges and structures all harmoniously designed to impress the eye as well as to meet the requirements of the utilities.

Mr. President, we have an opportunity here in Washington to present a model for this entire country; and the art societies and the architectural associations and the federated art associations are looking to Washington for the models which they will hold up in their respective communities to be followed. We have already invaded one of the most important water fronts in Washington, the water front that stretches from the Bureau of Engraving and Printing down to the War College, a distance of a mile. In view of the mangy, neglected, rotting wharves and rotting structures along that water front, it is no wonder that when the Appropriations Committee of the House located that power plant they thought that any structure would be an ornament to it. They did not realize, however, that this Commission of Arts had in their minds a beautiful construction rivaling those of the Seine or the Thames or the Rhine or the Volga or the Danube, and that opposite this beautiful island park which we are constructing, with its stadium, with its place for memorials of distinguished Americans, was to be this water-front construction, a complete setting to the picture, the frame of the picture itself. So, failing to exercise their imagination, they authorized the structure to go up in that place; and one of the things that the art societies of the country fear is that that building being put up there will discourage and prevent the development of the rest of the water front upon the lines pointed out by the Art Commission.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Minnesota?

Mr. NEWLANDS. Certainly.

Mr. NELSON. Has the Senator any objection to having this bill referred back to the Committee on Commerce?

Mr. NEWLANDS. I will be through in just a moment.

Mr. President, I therefore wish to call the attention of the Committee on Commerce, of which I am not a member, to this important feature and to urge them to see to it that this structure, costing a million dollars, is submitted to competent expert authority with reference to its artistic features.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Connecticut?

Mr. NEWLANDS. Certainly.

Mr. BRANDEGEE. When the question of the location of this power plant was before the Senate the last time the Senator from Nevada referred, as he has just done, to the violation of some law because it had not been submitted to the Art Commission. At that time I stated that, in my opinion, if the law had been violated—if there was a law requiring that before it was located it should be submitted to the Art Commission and that law had not been complied with—there was no valid contract in existence; whereupon the senior Senator from Virginia [Mr. MARTIN], the chairman of the Appropriations Committee, read from the statutes the act authorizing the erection of this power plant, and it seemed to me as he read it that there was nothing in the act that required it to be submitted to the Art Commission.

I readily agree with the Senator that the Executive order was violated in that case if I understand the facts; but the Senator has again to-day stated that the law was violated. Can the Senator cite to me the law to which he refers as having been violated?

Mr. NEWLANDS. It is not before me.

Mr. BRANDEGEE. Is the Senator sure that there is such a law?

Mr. NEWLANDS. Yes; I examined the law after the discussion which I had with the Senator from Virginia to which the Senator refers.

Mr. GALLINGER. Mr. President, I have the law before me, and if the Senator will permit me I will read from it.

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from New Hampshire?

Mr. NEWLANDS. Yes.

Mr. GALLINGER. It is the act approved May 17, 1910. It provides for a commission of "seven well-qualified judges of the fine arts, who shall be appointed by the President," and specifies that—

> It shall be the duty of such commission to advise upon the location of statues, fountains, and monuments in the public squares, streets, and parks in the District of Columbia, and upon the selection of models for statues, fountains, and monuments erected under the authority of the United States and upon the selection of artists for the execution of the same.

Mr. NEWLANDS. There is also a provision there giving the President certain authority.

Mr. GALLINGER. Not in the bill, I think.

Mr. NEWLANDS. My recollection is that there is a provision of law giving the commission jurisdiction of such questions of art as were submitted to it by the President, and that an Executive order was made, pursuant to that, requiring every executive official in Washington to submit the plan of any public building whose construction is contemplated in the District of Columbia to the Art Commission before construction is commenced.

Mr. BRANDEGEE. I can readily understand that any law that gave the President authority, by proclamation or an Executive order, to require a thing in his discretion might be a valid law, and a proclamation issued by the President in pursuance of it might have the force of law. I am in thorough sympathy with the Senator from Nevada in what he says, not only about this bridge, but about the power plant and its location. I simply desire to call the Senator's attention, however, to the fact that I do not think he strengthens his case any by basing it upon a violation of law unless he is certain there has been a violation of law.

I will go further and say that if the law does not require such structures as public bridges and structures that the Government pays for in the District of Columbia to be submitted to some commission of experts, so that they may be objects of beauty, or, if not, that at least they may not be eyesores and hideous objects, I am in favor of passing such a law.

Mr. NEWLANDS. I realize what the Senator says—that unless the action of the executive official was clearly against the law, it does not strengthen our case to rely upon that. My recollection is that the law provided for the submission of any question of art by the President to this Art Commission, and my recollection was that, pursuant to that, he made an order. I will state, however, that, with reference to this particular matter, that phase of the question has entirely disappeared; because, as I pointed out to the Senate at the time we were debating the amendment to the urgent deficiency bill on this subject, if Congress, after its attention was called to this act of omission or inadvertence upon the part of the Secretary of the Treasury, voted an appropriation for the completion of a building the plans of which had not been submitted to this commission, it ratified the contract, and therefore the contract itself would not be illegal.

Mr. GALLINGER. I will say, if the Senator will permit me——

Mr. NEWLANDS. Certainly.

Mr. GALLINGER. That if there is any statute covering that matter—that is, giving the President authority to do certain

things—it must have been a supplementary statute to the one I have quoted, and I have not any knowledge of it. Perhaps it exists.

Mr. NEWLANDS. I will look it up, and if I find I am in error I will so state.

Mr. GALLINGER. The statute of 1910 gives no such authority.

Mr. NEWLANDS. There is but one other thing, and that is with reference to the imposition of half of the cost upon the District of Columbia.

It seems to me perfectly clear that if the cost is to be apportioned at all, Virginia ought to stand its share as well as the District of Columbia and the Federal Government. I do not believe, however, that the cost should be apportioned at all. I believe that this is purely a national project. It relates to interstate commerce. The Federal Government has the absolute control over these rivers.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Connecticut?

Mr. NEWLANDS. Certainly.

Mr. BRANDEGEE. Does the Senator from Nevada really think that the Senator from Virginia, who is scratching his head in anxiety as the Senator refers to this horrible thing, would want this bridge if his State had to pay anything toward its construction?

Mr. NEWLANDS. I do not think it would be fair to impose part of the cost of this bridge on Virginia, nor do I think it fair to impose part of the cost upon the District of Columbia. As the Senator states, the bridge is being constructed, in the main, for the convenience of the Government. The Government owns Arlington on the other side; it owns a military post there, and it must have some means of ready communication with the property which it owns and which it conducts. As a matter of convenience to itself, it is building this bridge. I am aware that it is the custom to place a portion of the cost of almost everything that is designed or devised either in or near the District of Columbia upon the District of Columbia; but this is certainly not within the District of Columbia. Only one end of the bridge, I presume, is in the District of Columbia. There seems to be a constantly increasing disposition to add to the burdens of the District of Columbia.

I have some familiarity with this District, and I state that for the past three or four years the assessments in the District of Columbia have been steadily raised so that they have reached a percentage beyond that of any other community with which I am familiar.

Mr. GALLINGER. Mr. President, those assessments are made by officials of the District of Columbia.

Mr. NEWLANDS. Yes.

Mr. GALLINGER. We are not responsible for that.

Mr. NEWLANDS. Yes; but something can be said as to the source of responsibility. I do not say Congress is responsible for it, but it has been done. There are numerous properties in this District that can not be sold to-day for the amount of the assessment, although the assessment is nominally only two-thirds of the real value. There are numerous instances of this kind, I am told; and I think the Senate Committee on Commerce might well consider whether the District of Columbia should not escape from the burden of this project as well as the State of Virginia, and whether it should not be placed in its entirety upon the General Government, whose interest it serves, and not upon the District government, which has neither jurisdiction over nor ownership of it.

Mr. SWANSON. Mr. President, I have no objection to this bridge bill being referred back to the committee, as under the rules of the Senate when a bill is reported from a committee on the basis of a poll, if an objection is made, it is not considered a proper report from the committee, and must be referred back.

I should like to say in this connection, however, that I hope this bill will be promptly reported. Since 1910 this bridge has been condemned. It is unsafe to go over it. If a catastrophe happens there, the responsibility is with this Congress and not with others. If this bridge becomes condemned and can not be used at all, thousands of people will be deprived of all means of coming in and out of Washington.

As to the State of Virginia paying a part of the expense of building this bridge, there is no justice whatever in it. The control of this bridge is left absolutely to the Secretary of War for war purposes, for an Army post, and it is an absolute piece of folly to presume that Virginia or the county of Alexandria will pay a part of the cost of a bridge as to which it has nothing to do with the plans, the cost, the control, the repairs, or anything else. The Government has control of the river to the low-water mark on the other side. The bridge connects Government property, and there is absolutely no justice in expecting the county of Alexandria to pay part of the cost when the Government owns, I think, nearly one-third of the property in that county—I can not be positive—and pays no taxes on it. The railroads pay about $12,000 or $15,000 per annum, which is nearly one-third of the maintenance of this bridge, taken out of passengers.

As to whether the Government and the District of Columbia should share this expense between themselves, that is for these two parties to determine; but it is a Government bridge, constructed by the Government, controlled by the Government, and no one would think of not letting it be under the control of the Secretary of War.

I simply ask the Committee on Commerce to report the bill promptly.

The PRESIDING OFFICER. In the absence of objection, the motion of the Senator from Minnesota prevails.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913.

The message also announced that the House further insists upon its disagreement to the amendment of the Senate still in disagreement between the two Houses on the bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KITCHIN, Mr. RAINEY, and Mr. FORDNEY managers at the further conference on the part of the House.

GOOD ROADS.

Mr. BANKHEAD. Mr. President, I move that the Senate proceed to the consideration of House bill 7617, commonly known as the good-roads bill.

The PRESIDING OFFICER. The Senator from Alabama moves that the Senate proceed to the consideration of House bill 7617. Is there objection?

Mr. GALLINGER. Mr. President, I wish to ask the Senator if he can approximate the probable length of time that will be taken in the consideration of this bill?

Mr. BANKHEAD. I hope we shall be able to pass the bill perhaps to-day, certainly to-morrow.

Mr. GALLINGER. Within a day or two?

Mr. BANKHEAD. I shall make every effort to do that.

Mr. GALLINGER. Mr. President, we agreed to consider and complete two important bills recently by unanimous consent, and they have been disposed of. I have noticed in the press that a program of legislation has been laid out for Congress in another place, and I feel a little concerned to get information as to whether or not it is probable that that extensive program is to be carried out at this session of Congress.

I have done all I could up to the present time to hasten legislation, but if a program is to be made up for us, and we are to stick to it, that will keep us here until July next, I think we might just as well remain until December. While I presume the Senator has not the information I should like to secure from him, yet I do want to suggest to the Senator and to other Senators having in charge important measures of legislation that so far as I am concerned—and of course what I do accounts for little in this body—I am not going to distress myself to sit here day after day and submit myself to a great deal of inconvenience to hasten legislation and to make a quorum if we are going to be kept here until midsummer, because, as I have suggested, after July Washington is a pretty pleasant place to live in, and it would not hurt us any more perhaps to remain until December than it would to remain until July or August.

I did not expect the Senator to give me definite information on that point; but if we are to remain here, if it has been ordained that we shall remain here, if the fiat has gone forth that we are to remain here until we consider all the bills that we have had suggested to us from another place, then we ought to give very careful consideration to every measure that is before the Senate, and not have them pressed through under the whip and spur or perhaps agreed by unanimous consent that they should be legislated upon for the purpose of saving time.

Mr. BANKHEAD. Mr. President——

Mr. GALLINGER. This is a mere admonition.

Mr. BANKHEAD. I am very sorry indeed that I am unable to give the Senator from New Hampshire the information that he seeks. I do not know of any program that has been laid down, and I do not know that I would be informed if such a program had been laid down. I simply want to get the bill before the Senate. Both political parties are committed to it in their platforms.

I will say to the Senator from New Hampshire, if he would enter into a bargain with me that we could carry out, that no Senator should consume more time in discussing the bill than I shall do, we will pass it very soon. Do I understand that the bill is before the Senate?

Mr. GALLINGER. No; the motion has not been put.

I will make one further suggestion to the Senator. The bill the Senator has reported is a very different bill from the bill which came from the House of Representatives.

Mr. BANKHEAD. It is very different, I agree.

Mr. GALLINGER. It is very different. Personally I am strongly in favor of the bill the Senator reported as compared with the bill which came to us from another body.

I want to give one further word of admonition, if I may be permitted to do so, and that is, if the Senator's bill is passed in the form substantially in which it is reported, I trust when it goes to conference the Senator, with his well-known strong personality and influence, will see to it that we do not have a bill sent back to us from conference which provides for building dirt roads all over the country. If such a bill comes back, some considerable time will be consumed, I assure the Senator, if some of us are alive.

Mr. BANKHEAD. All I can say to the Senator on that point is that I am in favor of this bill; and I shall, of course, if it goes to conference, insist upon its main provisions, inasmuch as the Senate will have instructed me to do that when the bill has been passed.

Mr. GALLINGER. Mr. President, I think we ought to have a quorum before the motion is put. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from New Hampshire suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	Myers	Smith, Md.
Bankhead	Hardwick	Nelson	Smith, Mich.
Beckham	Hitchcock	Newlands	Smoot
Borah	Hollis	Norris	Sutherland
Brady	Husting	O'Gorman	Swanson
Burleigh	James	Owen	Taggart
Chilton	Johnson, S. Dak.	Page	Thomas
Clapp	Jones	Phelan	Thompson
Clark, Wyo.	Kenyon	Pittman	Tillman
Clarke, Ark.	Kern	Poindexter	Townsend
Culberson	La Follette	Pomerene	Underwood
Cummins	Lane	Ransdell	Vardaman
Curtis	Lewis	Saulsbury	Wadsworth
Dillingham	Lippitt	Shafroth	Walsh
du Pont	Lodge	Sheppard	Weeks
Gallinger	McLean	Smith, Ariz.	Williams
Gronna	Martine, N. J.	Smith, Ga.	Works

Mr. CHILTON. I wish to announce the absence of my colleague [Mr. GOFF] on account of illness. I will let this announcement stand for the day.

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from Florida [Mr. FLETCHER]. He is detained on account of official business. This announcement may stand for the day.

The PRESIDING OFFICER (Mr. MYERS in the chair). Sixty-eight Senators have answered to the roll call. A quorum of the Senate is present. The question is on the motion——

Mr. BANKHEAD. I move that the Senate proceed to the consideration of House bill 7617, commonly called the good-roads bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter, which had been reported from the Committee on Post Offices and Post Roads with an amendment in the nature of a substitute.

Mr. BANKHEAD. I ask unanimous consent that the formal reading of the bill be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. BORAH. May I ask the Senator a question before we proceed with this matter?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Idaho?

Mr. BANKHEAD. I do.

Mr. BORAH. I presume we are all desirous of considering the measure as rapidly as it may be done, but I should like to know what the Senator's program is, because I have not had time to ascertain the details of the bill.

Mr. BANKHEAD. I, of course, expect that the bill will take the regular course in the Senate. It is before the Senate, subject to amendment and subject to debate, and I know of no way of limiting debate. Therefore I assume that it will necessarily take the course that bills always take in the Senate. It is the unfinished business, and I think we ought to be able to dispose of it in a day or two, or three at the outside. I have no disposition to hurry it through.

Mr. BORAH. Does the Senator expect to dispose of it to-day?

Mr. BANKHEAD. Of course I hope to. That is with the Senate.

Mr. BORAH. If the Senator hopes to, I hope he will not.

Mr. GALLINGER. But the Senator quite understands, if he will permit me, that hope deferred makes the heart sick.

Mr. BANKHEAD. Very often.

Mr. BORAH. This is an important measure; it has come from the committee, and I do not suppose that a dozen Senators outside of the committee have had time to study the details of the bill. I am very anxious, at least, to know something about it. It concerns our part of the country considerably. We are about 80 per cent under the control of the National Government, and I am anxious to know what the National Government is going to do toward taking care of its own particular property.

Mr. BANKHEAD. For the information of the Senator, I will say that when the bill was reported a copy of the bill and a copy of the report, which is somewhat voluminous and undertakes to explain every section of the bill, were laid on each Senator's desk. That was more than two weeks ago. Of course it is fair to assume that it was overlooked, but this morning a copy of the bill and report are again placed upon the desks of Senators.

Mr. BORAH. Precisely. When I came into the Chamber this morning I was greeted by the report and the bill. I do not know what the capacity of other Senators is, but I can not pass upon this kind of a measure by simply glancing at the front page of a report.

Mr. BANKHEAD. Nobody is insisting upon that.

Mr. BORAH. I do not care to delay the matter further than to say that I do not want to have it disposed of to-day or to-morrow.

Mr. BANKHEAD. As I said, that is with the Senate, of course.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from California?

Mr. BANKHEAD. I do.

Mr. WORKS. Mr. President, I have made some efforts to inform myself about the bill. I read the report with a good deal of care and looked into the bill somewhat, as much as I could, engaged as we all have been within the last two or three weeks. I think it is due to the Senate that the Senator from Alabama should explain the provisions of the bill. I do not know how many Senators have read the report that has been made. It is a very ingenious one. It tries to meet every constitutional question that might be raised respecting it, and it involves some very important questions of law as well as of policy.

The bill involves the expenditure of $75,000,000 by the National Government to aid the States in the construction of roads within the States, not national roads, not interstate roads, but every possible highway within the States where the mails are carried, and, of course, the mails are carried over most of the roads in all the States. I think it is a very serious matter to enter upon a proposition to embark the Government in the expenditure of money for these purposes, and I think it is due from the Senator from Alabama to make a full explanation of the bill.

The PRESIDING OFFICER. The Senator from Alabama has asked unanimous consent that the formal reading of the bill be dispensed with. Is there objection to the request?

Mr. GALLINGER. And that it be read for amendment.

The PRESIDING OFFICER. The Senator may add that, if he wishes.

Mr. BANKHEAD. It may be read for amendment. It is open to amendment then.

The PRESIDING OFFICER. Does the Senator from Alabama incorporate in his request that it be read for amendment?

Mr. BANKHEAD. Yes.

The PRESIDING OFFICER. The Senate has heard the request of the Senator from Alabama. Is there objection?

Mr. KENYON. As I understand it, that does not prevent the doing away with the reading of the bill by the Secretary.

Mr. BANKHEAD. Oh, no.

The PRESIDING OFFICER. The Chair understands that according to the request, if granted, the bill will be read by the Secretary for the purpose of having amendments offered.

Mr. BANKHEAD. The reason why I suggested that the formal reading of the bill should be dispensed with was that it would save two readings. It has to be read for amendment. I did not make the request with any purpose or intention of hurrying it at all. I thought perhaps it would save time.

Mr. NORRIS. Will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. BANKHEAD. I do.

Mr. NORRIS. I have no objection to dispensing with the formal reading, but I do not like the form in which the request now appears.

Mr. VARDAMAN. If the Senator from Alabama will allow me——

Mr. BANKHEAD. In a moment. I have yielded to the Senator from Nebraska.

Mr. NORRIS. The request is now made, I understand, to have it read for amendment.

Mr. BANKHEAD. When it is read.

Mr. NORRIS. I do not want to get the Senate in a position where we would be precluded from offering amendments to the bill that we were not ready to present at the time of the reading. That is the only safeguard I wish to secure.

Mr. BANKHEAD. I withdraw my request.

Mr. VARDAMAN. I was going to suggest to the Senator from Alabama that he would save time by allowing the bill to be read.

Mr. BANKHEAD. I withdraw my request and will let the bill be read.

The PRESIDING OFFICER. The Secretary will read the bill in the usual order.

The SECRETARY. The Committee on Post Offices and Post Roads report to strike out all after the enacting clause of the bill and to insert:

That the Secretary of Agriculture is authorized to cooperate with the States, through their respective State highway departments, in the construction of rural post roads; but no money apportioned under this act to any State shall be expended therein until its legislature shall have assented to the provisions of this act, except that, until the final adjournment of the first regular session of the legislature held after the passage of this act, the assent of the governor of the State shall be sufficient. The Secretary of Agriculture and the State highway department of each State shall agree upon the roads to be constructed therein and the character and method of construction.

SEC. 2. That for the purpose of this act the term "rural post road" shall be construed to mean any public road over which the United States mails are or might be transported, excluding every street and road in a place having a population, as shown by the latest available Federal census, of 2,500 or more, except that portion of any such street or road along which the houses average more than 200 feet apart; the term "State highway department" shall be construed to include any department of another name, or commission, or official or officials, of a State empowered, under its laws, to exercise the functions ordinarily exercised by a State highway department; the term "construction" shall be construed to include reconstruction and improvement; "properly maintained" shall be construed to mean in practically as good a condition as when it was first built; necessary bridges and culverts shall be deemed parts of the respective roads covered by the provisions of this act.

SEC. 3. That for the purpose of carrying out the provisions of this act there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1917, the sum of $5,000,000; for the fiscal year ending June 30, 1918, the sum of $10,000,000; for the fiscal year ending June 30, 1919, the sum of $15,000,000; for the fiscal year ending June 30, 1920, the sum of $20,000,000; and for the fiscal year ending June 30, 1921, the sum of $25,000,000. So much of the appropriation apportioned to any State for any fiscal year as remains unexpended at the close thereof shall be available for expenditure in that State until the close of the succeeding fiscal year, except that amounts apportioned for any fiscal year to any State which has not a State highway department shall be available for expenditure in that State until the close of the third fiscal year succeeding the close of the fiscal year for which such apportionment was made. Any amount apportioned under the provisions of this act unexpended at the end of the period during which it is available for expenditure under the terms of this section shall be reapportioned, within 60 days thereafter, to all the States in the same manner and on the same basis, and certified to the Secretary of the Treasury and to the State highway departments and to the governors of States having no State highway departments in the same way as if it were being apportioned under this act for the first time.

SEC. 4. That so much, not to exceed 5 per cent, of the appropriation for any fiscal year made by or under this act as the Secretary of Agriculture may estimate to be necessary for administering the provisions of this act shall be deducted for that purpose, available until expended. Within 60 days after the close of each fiscal year the Secretary of Agriculture shall determine what part, if any, of the sums theretofore deducted for administering the provisions of this act will not be needed for that purpose and apportion such part, if any, for the fiscal year then current in the same manner and on the same basis, and certify it to the Secretary of the Treasury and to the State highway departments, and to the governors of States having no State highway departments, in the same way as other amounts authorized by this act to be apportioned among all the States for such current fiscal year. The Secretary of Agriculture, after making the deduction authorized by this section, shall apportion the remainder of the appropriation for each fiscal year among the several States in the following manner: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery routes and star routes in all the States, at the close of the next preceding fiscal year, as shown by the certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary of Agriculture.

SEC. 5. That within 60 days after the final passage of this act the Secretary of Agriculture shall certify to the Secretary of the Treasury and to each State highway department and to the governor of each State having no State highway department the sum which he has estimated to be deducted for administering the provisions of this act and the sum which he has apportioned to each State for the fiscal year ending June 30, 1917, and on or before January 20 next preceding the commencement of each succeeding fiscal year shall make like certificates for such fiscal year. The Secretary of Agriculture and the State highway department of each State may jointly determine at what times, and in what amounts, payments, as work progresses, shall be made under this act. Such payments shall be made by the Secretary of the Treasury, on warrants drawn by the Secretary of Agriculture, to such official, or officials, or depository, as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State or county.

SEC. 6. That any State desiring to avail itself of the benefits of this act shall, by its State highway department, submit to the Secretary of Agriculture project statements setting forth proposed construction of any rural post road or roads therein. If the Secretary of Agriculture approve a project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require. Items included for engineering, inspection, and unforeseen contingencies shall not exceed 10 per cent of the total estimated cost of the work. If the Secretary of Agriculture approve the plans, specifications, and estimates, he shall notify the State highway department and immediately certify the fact to the Secretary of the Treasury. The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this act on account of such project, which shall not exceed 50 per cent of the total estimated cost thereof. No payment of any money apportioned under this act shall be made on any project until such statement of the project, and the plans, specifications, and estimates therefor, shall have been submitted to and approved by the Secretary of Agriculture; nor until there shall have been made available for expenditure by or on behalf of said State on the project money, labor, and material in such amounts, at such prices and such terms as may be agreed on between the Secretary of Agriculture and the State highway department, the aggregate amount to be not less than the amount to be received from the United States for expenditure on such project; nor until an agreement shall have been made with the Secretary of Agriculture, to his satisfaction, that the rural post road or roads so to be constructed under such project will be properly maintained by the State, or any subdivision thereof; nor shall any such payment be in excess of $10,000 per mile, exclusive of the cost of bridges of more than 20 feet clear span. The construction work and labor in each State shall be done in accordance with its laws, and under the direct supervision of the State highway department, subject to the inspection and approval of the Secretary of Agriculture and in accordance with the rules and regulations made pursuant to this act.

SEC. 7. That the Secretary of Agriculture is authorized to withhold apportionment of funds to any State in which roads constructed under the provisions of this act have not, in his judgment, been properly maintained by the State, or any subdivision thereof, if within six months after he has given notice in writing to the State highway department such roads be not properly maintained by the State, or any subdivision thereof. The Secretary of Agriculture is also authorized temporarily to decline to issue warrants under this act upon failure on the part of any State, or its State highway department, to comply with the provisions of this act or upon breach of agreement made with him pursuant to this act; and finally to decline to issue such warrants if, within three months after he has given notice in writing to the State highway department, such failure be not corrected or such breach be not remedied to his satisfaction. If he withhold an apportionment or finally decline to issue a warrant under this section, the Secretary of Agriculture shall certify the reasons therefor to the Secretary of the Treasury and to the State highway department before the close of the fiscal year in which such action is taken and shall report the same to the next regular session of Congress.

SEC. 8. That, out of the appropriations made by or under this act, the Secretary of Agriculture is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to rent such buildings in the city of Washington and elsewhere, to purchase such supplies, material, equipment, office fixtures, and apparatus, and to incur such travel and other expense as he may deem necessary for carrying out the purposes of this act.

SEC. 9. That the Secretary of Agriculture is authorized to make rules and regulations for carrying out the provisions of this act.

SEC. 10. That this act shall be in force from the date of its passage.

Mr. KENYON. Mr. President, I wish the Senator from Alabama would, if he can, let this matter go over until to-morrow. We are interested in the road question; I know I am very deeply myself. There are very few Senators in attendance this afternoon. So many things have gone on that the Senate is rather wearied, and its mind is naturally upon some other subjects at this time. I know Senators would like to hear the Senator from Alabama with a full attendance here. The bill is of such tremendous importance and involves so many intricate and interesting questions that I think it would be very conducive to

the welfare of the measure and to the welfare of the country if it could go over. I do not want to delay it.

Mr. SMOOT. Mr. President, in connection with what the Senator from Iowa has already said, I should like to have the Senator from Alabama agree to lay the bill aside temporarily. It will then be the unfinished business, and if he will do that I will move to take up the calendar and consider bills on the calendar to which there is no objection. I think we could get rid of 15 pages of the calendar this afternoon if the Senator would agree to that course.

Mr. BANKHEAD. I will say to the Senator from Utah that I am perfectly willing to adjourn at a reasonable hour this evening, and then the Senate will have to-morrow morning, after the routine business, for the calendar.

Mr. SMOOT. There may be something come up to-morrow morning that will occupy the morning hour, and I will say to the Senator that there are a number of Senators who desire to make speeches upon the bill who are not prepared to do so this afternoon.

Mr. BANKHEAD. And they may not be prepared to-morrow.

Mr. SMOOT. They would be prepared to do so to-morrow. I understand, however, Mr. President, there is one Senator on the other side of the Chamber who desires to make a speech this afternoon. He might go on with his speech, and after he has concluded, perhaps the Senator from Alabama would consent to laying the bill aside.

Mr. BANKHEAD. I think there are a number of Senators here, perhaps, who want to make speeches on this proposition. Let us go on this afternoon and permit them to do so.

Mr. SMOOT. For the present, then, we will go on until there is no Senator ready to speak on the bill.

Mr. BANKHEAD. Mr. President, I do not intend to consume the time of the Senate in discussing this bill. I discussed this question before the Senate several years ago, and the Senate is perfectly familiar, not with my views but with the views that are held by the country and those who are interested in this legislation. I do not desire, Mr. President, and it is not my habit, to take credit for anything that does not belong to me. I take no pride whatever in the authorship of this bill, and it may be well enough perhaps to state to the Senate briefly how this particular bill happens to be now before the Senate.

The National Association of Highway Engineers held a national convention in Chicago last fall and discussed this whole question of road building and the best method that could be secured for participation between the National Government and the States in road building. They prepared a bill, sent me a copy of it, and requested me to introduce it in the Senate. There were some provisions in the bill that did not quite meet with the approval of my judgment, and I therefore made some changes in the bill before introducing it. About that time a bill came over from the House of Representatives on this question known as the "Shackleford good-roads bill." Perhaps Senators are more familiar with the provisions of that bill than they are with the provisions of the bill now before the Senate. It may have attracted their attention more directly.

The Committee on Post Offices and Post Roads, after very carefully considering the provisions of that bill, could not give it their approval. It contained a number of provisions that did not appear to be wise, and that perhaps could not be made workable. In that view of the case the bill now before the Senate, reported unanimously by the Post Offices and Post Roads Committee, was submitted to the Agricultural Department. The road division in that department, myself, and others had several conferences on the bill. They suggested some amendments that I think are important. The bill was then submitted to the Secretary of Agriculture for his review. He carefully went over the provisions of the bill and, as I now remember, made one or two minor suggestions as to amendments. That is the bill now before the Senate.

The committee in framing this bill never for a moment lost sight of the interests and rights of the States in the construction of these roads; and if Senators will examine the bill—section 6, I believe it is—they will at once see that the bill provides that the money shall be expended and that the roads shall be constructed under the laws of the States and under the supervision of the State authorities, whether a highway commission, or, in the absence of a highway commission, the constituted road authorities of the respective States. I thought this was very important. If Senators will examine another section of the bill, or perhaps it is the same section or one a little later, they will find that the committee has provided that the States may furnish labor or material in the construction of such roads, the price to be paid for such labor and material to be agreed upon between the State authorities and the Secretary of Agriculture.

The bill provides for the distribution of this appropriation. Such distribution is based upon three propositions: The area of the States, the population of the States, and the road mileage of the States—the three being added together. The bill provides that when the State authorities, either the State highway commission or any other constituted road authorities of the State, shall have selected a route for the construction of a road and shall have presented their plans and specifications, agreed upon the method of construction and the character of the roads, then they shall submit the question to the Secretary of Agriculture for his review; and if he approves the plans, the specifications, and estimates which have been submitted as to the cost of construction the Government of the United States becomes bound to pay one-half of the cost of the construction of the road. The State, subdivisions of the State, or individuals may contribute the other 50 per cent of the cost of construction.

There are other provisions of the bill which I do not think it is necessary for me to go over and to explain in detail.

The reason, Mr. President, why the committee thought it wise and fair to apportion this money upon area, mileage of ronds, and population——

Mr. WARREN. The Senator from Alabama means, I presume, post roads?

Mr. BANKHEAD. Yes; I mean post roads.

The reason the committee thought it wise and fair to apportion this money upon area, mileage of roads, and population, was that there are a great many States in the Union which are sparsely populated; they do not have as many miles of post roads as do other States; but they have a large area, and that area makes up the general average when we come to the appropriations.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER (Mr. HUSTING in the chair). Does the Senator from Alabama yield to the Senator from California?

Mr. BANKHEAD. I yield to the Senator from California.

Mr. WORKS. I should like to ask the Senator whether the committee reporting this bill determined what proportion of roads would fall under the definition of "post roads" as given in the bill itself?

Mr. BANKHEAD. The bill provides that "post roads" shall be construed to mean roads over which the rural mail goes or may go after improvement.

Mr. WORKS. Yes; I understand the definition very well; but the question was what proportion of roads in the several States would be included in that definition?

Mr. BANKHEAD. The Agricultural Department, according to the last census, as they claim, states that the mileage of post roads and star routes is 1,195,014, and that there are in all, Mr. President, in this country more than 2,199,646 miles of roads; but the rural mail does not go over half of them for the very good reason that a very large percentage of that mileage is in such condition that the rural mail can not go over it. That is one of the things that we ought to keep in mind in considering this bill; that its purpose is, if possible, to extend the rural service wherever it can properly go on roads on which it can properly travel.

Mr. GALLINGER. Will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New Hampshire?

Mr. BANKHEAD. I do.

Mr. GALLINGER. There is a phrase I find in the bill which is rather bewildering.

Mr. BANKHEAD. To what section does the Senator from New Hampshire refer?

Mr. GALLINGER. I refer to section 2, which reads:

> That for the purpose of this act the term "rural-post road" shall be construed to mean any public road over which the United States mails are or might be transported.

Does not the Senator think that is very vague? Might not this money be used entirely in constructing roads over which the mails are not now being transported on the ground that they "might be transported" over such roads?

Mr. BANKHEAD. I have just said, Mr. President, that the purpose of that language is to improve that class of roads, as far as possible, over which the mails do not go at this time. It is impossible, as the Senator from New Hampshire knows, to build all these roads as hard-surface roads. The purpose of the bill is, as I understand, to build roads over which the mails and the products of the farmer may be carried in proper safety at all seasons of the year.

Mr. GALLINGER. Yes; undoubtedly; that is a good purpose; but it occurs to me that it might be better to limit these appropriations to the roads—execrable as they are in many parts

of the country—over which the mails are now being transported, and not permit the money to be used for roads that may some time or might some time be used for that purpose—a mere fiction or a guess. I wish the Senator from Alabama would carefully think that over. I presume he has already given it some consideration.

Mr. BANKHEAD. Yes; I will do so.

Mr. LANE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Oregon?

Mr. BANKHEAD. I now want to answer the Senator from New Hampshire.

Mr. GALLINGER. I thought that possibly the Senator might think it better to limit the expenditure of this money to roads over which the mails are now being transported. Even in my own little State, where we have spent a large amount of money for the construction of roads—millions of dollars, indeed—there are many roads over which the mails are now going that are almost impassable, and the money which would be expended under this bill, which would come to my State, would hardly take care of the fifth part of those roads, I believe.

Mr. BANKHEAD. Mr. President, the committee had in mind that it could very well trust the expenditure of this money to the road authorities of the States. We did not believe, and do not now think, that the State highway commissions, or, in the absence of a State highway commission, the recognized and legally constituted road authorities of the State, would expend this money anywhere where they could not get sufficient results for the expenditure; and we thought perhaps it was well enough——

Mr. GALLINGER. The Senator from Alabama knows that I am not going to be factious about this matter. This bill appeals to me very strongly as being the most sensible bill that I have yet come across which contemplates the expenditure of the money of the Government for the building of roads in the States. But the Senator knows that there will immediately be a contest in every State; influential parties will insist upon building a road in this direction, and other parties in the other direction, and so on, and there will be a constant fight as to where these roads shall be constructed. I have in mind a little strip of road in New Hampshire which I very much want to have improved, but I apprehend it would be opposed by other parties who will say that the money ought to be spent on some other road. That was the only thought I had in mind.

Mr. BANKHEAD. Mr. President, does not the Senator think it would be wiser to leave this question to the State authorities—to the highway commission or to the regularly constituted road authorities of the State—to determine whether or not any of the Government's money shall be expended on the extension of a road that ought not properly to be improved?

Mr. GALLINGER. I will say that may be so.

Mr. LANE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Oregon?

Mr. BANKHEAD. Yes.

Mr. LANE. I think the committee is right, if the Senator please. In the older States there may be the objection to which the Senator from New Hampshire has made reference, but in the West, on the Pacific coast, through the mountain regions, the mail is carried now upon mule back over trails to communities which are marooned for lack of ordinary highway facilities. I think the Postmaster General and the committee had in mind the pressing necessity of relieving the unfortunate condition of those people when this provision was placed in the bill, and if it is handled with ordinary common sense and business discernment for the needs of the people, I believe it will be the most useful provision in the bill.

Mr. BANKHEAD. Mr. President, as I said in the beginning, I do not intend to discuss the merits of this bill; the bill speaks for itself. On the report which the committee have filed we have expended a great deal of labor. We have searched the records and obtained every particle of information that we could find and embodied it in that report; and I believe that every section of this bill which is not entirely clear and which is not perfectly understood by every Senator on the floor will be made clear by consulting the report which we have filed, which is on the desk of every Senator in the Chamber, and which contains a complete explanation.

I have no disposition, Mr. President—and, of course, the Senate knows I have no such purpose—to try to railroad this bill through the Senate. I want it discussed, if Senators desire to discuss it, and amended, if they desire to amend it. If, in the judgment of Senators and the Senate, weak points in this bill are discovered and places where it can be improved, I apprehend there will be no difficulty in having proper amendments adopted. As I said in the beginning, I have no pride of authorship in this bill; I indorse it——

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Mississippi?

Mr. BANKHEAD. I do.

Mr. VARDAMAN. Answering the objection suggested by the Senator from New Hampshire [Mr. GALLINGER], section 6 of the bill provides:

> That any State desiring to avail itself of the benefits of this act shall, by its State highway department, submit to the Secretary of Agriculture project statements setting forth proposed construction of any rural post road or roads therein. If the Secretary of Agriculture approve a project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require.

So there is that restriction which would prevent the probability of any waste or the expenditure of the money in a remote section where it will not bring satisfactory return upon the amount invested.

Mr. GALLINGER. Mr. President——

Mr. VARDAMAN. And again, if I may be permitted, the State will contribute half of the money which is to be invested in the building of roads, and we can very safely indulge the presumption that the authorities of the States will not waste, at any rate, their own money. I hope the Congress may in the future manifest the same deep interest and prudence in safeguarding the disbursements of all public funds as is shown in the matter of the proposed appropriation for building post roads throughout the country.

Mr. GALLINGER. Mr. President, if the Senator from Alabama will permit me, I will say that that is a safeguard to which I have not given very careful thought, but I think very likely it will obviate the objection which I have suggested. However, my impression is that the phraseology might be bettered if the provision should read "road over which the mails are or are likely to be transported." I think that would be better than the words "might be transported."

Mr. BANKHEAD. I have no objection to that.

Mr. LANE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Oregon?

Mr. BANKHEAD. I want to say just a word more, and then I am through for the present so far as I am concerned.

The committee in the framing of this bill kept as far away as possible from Federal supervision, believing perhaps that it was better to leave the question of construction and the question of location to the State authorities, to be determined and administered under the laws of the State and under the supervision of the State authorities; but we did not quite see our way clear to eliminate every question of Federal supervision over these roads, inasmuch as the Government is to put up one-half of the money with which to build them. However, we limited the Federal supervision in the greatest possible degree.

Mr. POMERENE. Mr. President——

Mr. BANKHEAD. I yield to the Senator.

Mr. POMERENE. I desire to ask the Senator a question. The Senator from Mississippi [Mr. VARDAMAN] has called attention to this language used in section 6:

> That any State desiring to avail itself of the benefits of this act shall, by its State highway department, submit to the Secretary of Agriculture project statements setting forth proposed construction of any rural post road or roads therein.

Does that language mean that if a project should be submitted which simply contemplated the filling up of a lot of mudholes on some back road the authorities in Washington would have full power to fill up those mudholes?

Mr. BANKHEAD. The highway commission of the State, in the first place, would determine such a matter. They submit the plans; they designate the road to be built, its location, and the estimate for the improvement, to the Secretary of Agriculture; and while I regret, Mr. President, that we found it necessary to do so, we had to lodge the veto power somewhere, and we thought it best to give to the Secretary of Agriculture the power to say: "That is not a proper road to be built; it is not in a proper place; the construction of it is not what it ought to be; the estimate of cost is too high; and I am not, as the representative of the Government of the United States, willing to approve it and put up half the money for it." That is the proposition.

Mr. POMERENE. Suppose that a very substantial sum of the money which is appropriated out of the Federal Treasury for road purposes were desired to be used by the State authorities simply for the purpose of repairing an ordinary dirt road?

Mr. BANKHEAD. Well, Mr. President, I am constrained to believe that the Senator from Ohio has not read the bill——

Mr. POMERENE. I have been trying to read it.

Mr. BANKHEAD. Because there is an express provision in the bill which says that none of this money shall be used for repairs or maintenance.

Mr. POMERENE. I am very glad to know that.

Mr. BANKHEAD. We thought, Mr. President, after the Government of the United States had contributed its share to the building of roads, that it was the duty of the States to see that they were maintained; for without maintenance roads are not worth anything.

Mr. POMERENE. If the Senator will pardon me, I am in favor of Federal aid in the construction of highways, but I realize at the same time that most of the work of this character must be done by the local or State authorities, and I want to encourage them to the uttermost; but if we were to fritter away the Federal funds in mere repairs on some out-of-the-way road, or simply for the purpose of making a road temporarily passable, we would be discouraging the local authorities.

Mr. BANKHEAD. There is no doubt about that, and the bill expressly provides that none of this money shall be used for repairs or maintenance.

Mr. LANE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Oregon?

Mr. BANKHEAD. Yes.

Mr. LANE. I wish at this time—for I think it is an opportune time—to mention the fact that if the Senate had been so wise as to adopt the amendment offered by me yesterday, which provided for a national-defense army to defend this country against all comers, that army to consist of 500,000 men, we will say, per annum, required to go out and build roads, except for two days in the week, when they would undergo military training, we would have had the roads without the expense now proposed, and we would have secured double the amount of military training for our people which will be given under the military reorganization bill which has been passed.

Mr. MARTINE of New Jersey. Mr. President——

Mr. BANKHEAD. I yield to the Senator from New Jersey.

Mr. MARTINE of New Jersey. Mr. President, I feel that the Senator from Ohio [Mr. POMERENE] need have little fear that any of the money proposed to be appropriated from the Federal Treasury will be spent simply for the purpose of filling mudholes, because in the bill, on page 7, it is provided that—

> The Secretary of Agriculture and the State highway department of each State shall agree upon the roads to be constructed therein and the character and method of construction.

So the Treasury of the United States is reasonably safeguarded in that respect. No Secretary of Agriculture would permit a contribution from the United States Government to go to any State whatever simply to fill up mudholes.

I am an earnest advocate of this bill. I am a member of the Committee on Post Offices and Post Roads, and I know, as the chairman of the committee has stated, the careful deliberation and the amount of study which have entered into the framing of this measure.

I am an earnest advocate of a good-roads system everywhere and anywhere. We know in the State of New Jersey how much has been accomplished in this direction. Our roads there are par excellence; there are none better. We are favored with a splendid administration, both in our road department and in other departments of our State government, and we have a governor and those associated with him who have been a credit and an honor to our State and a glory to our country. The work that has been accomplished by our road commission has resulted in a splendid system of highways, ramifying over the State very generally, and has resulted in an increased value to property on all sides in our State. I can commend our general system of highways to the people of the United States; and if we can have Federal aid we will accomplish wonders in the direction of good roads, and our system will prove a model not only for our own country, but for any other country which may send visitors to us.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Mississippi?

Mr. BANKHEAD. I do.

Mr. WILLIAMS. I wish to ask the Senator from Alabama a question. On page 13, in section 8, beginning in line 18, I find this language:

> That, out of the appropriations made by or under this act, the Secretary of Agriculture is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere.

Then follows the language concerning which I wish to ask a question:

> To rent such buildings in the city of Washington and elsewhere.

In other words, a part of the money appropriated is to be used for the rent of buildings in the city of Washington. Will the Senator tell me why that is necessary? A million-dollar building has been erected for the Department of Agriculture; but that department is already renting other buildings—I do not know how many—all over the city, in spite of the fact that we gave them a building. It seems to me that to appropriate anything for the renting of buildings in the city of Washington is purely superfluous.

Mr. BANKHEAD. Mr. President, if the Senator will examine the bill, he will find a provision that not more than 5 per cent of the money appropriated shall be expended for administrative purposes, which include many things besides the renting of buildings, if the renting of buildings is necessary.

Mr. WILLIAMS. I am not speaking about the renting of buildings elsewhere.

Mr. SWANSON. Mr. President, will the Senator permit me to interrupt him?

Mr. WILLIAMS. I beg the Senator's pardon. I am not speaking about buildings elsewhere; I am speaking about the renting of buildings in the city of Washington. The Senator knows and I know that there is a very large amount of graft going on in connection with the renting of buildings in the city of Washington by the various departments—I will take back the word "graft"; I do not mean that; I mean unnecessary expenditures—and the more buildings we erect for the departments the more they seem to rent.

Mr. President, I give notice that at the proper time I shall offer an amendment—and I ask the Secretary to take down the amendment—to strike out, on page 13, line 21, the word "in" and insert the words "outside of," and in line 22, page 13, to strike out the words "and elsewhere," so that the clause as amended shall read:

> To rent such buildings outside of the city of Washington.

Mr. BANKHEAD. The only objection, I understand, is to the renting of buildings in the city?

Mr. WILLIAMS. That is all—in the city. It is absolutely useless. We gave them a million-dollar building down there, and all they did was to take a room where there had been seven men and distribute them into three rooms, or where there had been three men and put them into two rooms, and then to keep on renting buildings all over this city for the Forestry Division and for other parts of the Agricultural Department.

It does not do any good to erect these buildings if these people are going to keep up this rental system; and, whether true or not, I have heard that they pay more than private renters do for the same sort of quarters, in the same neighborhood, from the same landlords.

Mr. SWANSON. Mr. President, if the Senator will permit me——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Virginia?

Mr. BANKHEAD. I do.

Mr. SWANSON. The Agricultural Department rents about $132,000 worth of buildings. As chairman of the Committee on Public Buildings and Grounds as soon as I was elected chairman I made a very full inquiry of every department in Washington in reference to their buildings, how much they rented for, the amount of space, the assessed value, and the average amount of the investment; and all of these reports have come in. They show that the Government rents nearly $600,000 worth of buildings in the city of Washington.

Mr. SMOOT. Over $600,000 worth.

Mr. SWANSON. Over $600,000 worth. It is not the fault of the Public Buildings Committee; it is the fault of the committees outside of that, who make these appropriations for rentals.

As the Senator from Mississippi [Mr. WILLIAMS] has well said, there have been two very fine buildings erected for the Agricultural Department. We hardly get through furnishing a building before they arrange for keeping up their rentals at what they were formerly. But in looking into the matter I find that the Agricultural Department has grown so rapidly, so many new bureaus have been added—and every year one or two bureaus are added—that I think they do need some rentals of buildings.

Now, the present Bureau of Roads in the Agricultural Department rents a building. I think it has always been compelled to rent a building.

Mr. VARDAMAN. Mr. President, will the Senator from Alabama permit me to ask the Senator from Virginia a question?

Mr. BANKHEAD. I will.

Mr. VARDAMAN. I am very much interested in the revelations that the Senator from Virginia is making. Has the Senator from Virginia made an estimate of the number of buildings that are rented, and the amount of money paid for them, by the Government—buildings that the Government could get along without?

Mr. SWANSON. Over $600,000 of rent is paid in Washington every year for buildings.

Mr. VARDAMAN. What portion of that can be dispensed with?

Mr. SWANSON. I have asked the Supervising Architect's Office to take these reports I have obtained and to make an estimate as to what it would cost to construct buildings to house all of these different departments, what rented buildings ought to be dispensed with, and to give me a statement as to what we can do, so that we may have another public buildings bill to construct such buildings as we ought to construct, to dispense with those that are unnecessary, and in the future to prevent any rentals in Washington; and that ought to be done.

Mr. VARDAMAN. I think it would be a very proper procedure.

Mr. SWANSON. Now, understand, the committee of which I am chairman has directed me to try to get a bill passed, or an amendment to some appropriation bill, in which a commission shall be appointed to examine into the rental of every building in Washington, to examine whether or not these rentals are necessary, to examine as to what these buildings can be constructed for where they are absolutely needed, and to report at the next session of Congress a complete plan to get rid of all rentals in Washington; and I think that will be put on.

Mr. WILLIAMS. It will not do you any good. They will keep on renting.

Mr. SMOOT. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Utah?

Mr. BANKHEAD. I do.

Mr. SMOOT. I wish to say to the Senator from Mississippi [Mr. VARDAMAN] that the Appropriations Committee has considered the question as to whether any rooms can be dispensed with that are now being rented by the Government. There are only three departments of the Government that are not asking for authority to rent additional rooms over and above what they have to-day. I can assure the Senator that before this session of Congress is out there will be some kind of a resolution presented to the Senate authorizing the appointment of a committee for the investigation of this whole rent question, with a view—as the Senator from Virginia has said his committee has had in mind—of seeing just what it would cost the Government to construct sufficient buildings to house all of the employees of the Government.

Mr. VARDAMAN. Mr. President, how do the rentals paid by the Government compare with the rents paid by private citizens?

Mr. SMOOT. The rents that the Government is paying now are somewhat higher than those paid by private individuals.

Mr. VARDAMAN. How much higher?

Mr. SMOOT. I will say to the Senator that the Government in some cases rents buildings at 37½ cents a square foot; in other instances it runs as high as 50 cents. It depends upon the class of building and where it is located. I will say to the Senator, however, that taking the rent as a whole, I understand that it is somewhat higher than that paid by private concerns.

Mr. VARDAMAN. Does the Senator know how much higher?

Mr. SMOOT. I should judge it is something like from 5 to 7½ per cent higher.

Mr. THOMAS. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Colorado?

Mr. BANKHEAD. I yield.

Mr. THOMAS. I should like to inquire of the Senator from Utah if he knows whether the Maltby Building is occupied?

Mr. SMOOT. It is not occupied, and I suppose that every time a department has asked for increased space the Maltby Building has been brought up before the committee. I want to give credit to the junior Senator from Colorado because he has mentioned that building upon all occasions when additional room was required, and he has insisted that it be used; but I do not believe that the head of any one of the departments feels that he wants to have his department occupy that building. They will make all sorts of excuses, saying that it is unsafe, and that it has been condemned, and that it is insanitary.

Mr. WILLIAMS. Why do we not sell it, then?

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield, and to whom?

Mr. BANKHEAD. To whom? That is what I should like to know. [Laughter.]

Mr. SHAFROTH. I should like to say a word right here.

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Colorado?

Mr. BANKHEAD. I do.

Mr. SHAFROTH. I should like to say a word with respect to the Maltby Building. I have examined that building. There is not a crack in any of the walls. It is perfectly safe. I can not get any of the departments to occupy it, however, because some want tiled floors, and some want nickel-plated plumbing, and some want a fireproof building, and all of those things prevent it. I will state, however, that there are some people now occupying that building. The Sergeant at Arms of the Senate, being crowded, has concluded to put a force over there, and it is being occupied to a limited extent, but I do not see why that building could not be occupied by all the offices required under this bill and why they would not be well accommodated in every respect.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Mississippi?

Mr. BANKHEAD. I yield.

Mr. WILLIAMS. If the Senator from Alabama will pardon me just a moment longer, I remember when Mr. James W. Wadsworth, of New York, was chairman of the Agricultural Committee in the House of Representatives and when I was the senior minority member of that committee, that the Department of Agriculture came to us and wanted us to erect the building which now exists, and one of the reasons which they gave was that we would stop the enormous amount of rentals which they were paying out in the city of Washington. We appropriated the money; we erected the building; and, to my surprise, I find that they are renting just about as much as they did before they had the building. We did not destroy the old Agricultural Department building. We left that. We gave them a million-dollar new building, and yet they are still renting all over the city of Washington.

In answer to a question propounded by my colleague [Mr. VARDAMAN], I am not sure that I know enough to answer accurately in percentages, but I have heard that in one or two cases in the city of Washington the Government is paying to a landlord 25 per cent more than is being paid by a private tenant just next door. Whether that be true or not I do not know. It came to me in a way that does not stamp it with the authenticity of original information. I hope, however, that when the Senator from Utah has the investigation by his committee they will not stop with merely asking the rent paid and the location of the tenement rented or for what purpose it is rented, but that they will go back and find, not the nominal contractor, but the real flesh-and-blood man who was appointed by the department or the bureau to enter into the contract, and that they will also find out just what is being paid next door for exactly the same sort of tenement.

I despise making charges. All of you know I never do it, because the most precious thing for any human being in the world is his reputation, outside of his character, and no man has a right lightly to charge corruption; but I have a notion that if this thing were pursued back to the flesh-and-blood man who really acted for the Government in effecting a contract there might be found now and then a rake-off, because I can not otherwise understand why so much should be rented, and why what is rented should be rented at the figures at which it is rented.

Mr. BANKHEAD. Mr. President, I stated in the beginning that the Agricultural Department had made some minor amendments or suggestions with reference to this bill. The item in question is one of their suggestions. I am perfectly willing to accept the amendment of the Senator from Mississippi when we come to it. I think perhaps we will be able to get along without it.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New Hampshire?

Mr. BANKHEAD. I do.

Mr. GALLINGER. If I may be permitted to say a word about this matter of rent, it is something in which I have taken a good deal of interest. As chairman of the Committee on the District of Columbia for 12 years I looked into it from time to time without very much satisfaction. I feel sure that there is a recent publication—I can not put my hand on it now—which shows the percentage that the owners of the buildings now rented by the Government are receiving, and if I am not entirely

mistaken it ranges from 5 to 14 per cent; there are buildings rented in this District where the owners are getting 14 per cent on the property.

Mr. VARDAMAN. Mr. President, if the Senator will permit me just in this connection, a day or two ago I was told by a prominent official of the Post Office Department, when he came before the committee and asked for an appropriation to erect a building to be used by the department, that in the case of the building they are now occupying they are paying a rental of 16 per cent on the investment. If this be true, such a condition is inexcusable.

Mr. GALLINGER. The document to which I allude—and I regret that I can not designate it specifically—does not show so large a percentage as that, but it shows an inordinate percentage in some cases. Now, one further word.

Mr. VARDAMAN. I want the Senator to understand——

The PRESIDING OFFICER. Does the Senator from Alabama further yield to the Senator from Mississippi?

Mr. BANKHEAD. I am yielding to the Senator.

Mr. VARDAMAN. I want the Senator to understand that my statement was not in anywise contradictory of his. I was simply adding that fact to the cumulative evidence on the subject which tends to show that something ought to be done to correct these abuses.

Mr. GALLINGER. I should like the Senator from Virginia to remain one moment, if he will.

If I may be permitted to allude to the Agricultural Department—and I do not allude to it in any factious spirit, or for the purpose of criticizing the man who is at the head of that department—when we appropriated for the new building, as a matter of fact, there were two new buildings constructed, and a space is left in the center for a third building, for which doubtless we will be asked to appropriate in the near future.

The Senator from Virginia, who has great energy and ability, says he is going to take up this matter and see if we can not construct enough buildings to accommodate the Government without renting. I will ask the Senator from Virginia how long ago it was that we appropriated to construct, I think, three public buildings on the squares between Fourteenth and Fifteenth Streets and running south from that point?

Mr. SWANSON. I did not catch the location of the place. What squares does the Senator mean?

Mr. CURTIS. Does the Senator mean the property south of the Willard Hotel?

Mr. GALLINGER. I do.

Mr. SWANSON. I will say to the Senator that the Committee on Public Buildings and Grounds last year reported a bill to construct a building there for the Department of Justice. We have done it repeatedly. We tried to get it through the Senate, and objection was made all the time to the passage of the bill.

The Department of Justice pays, I think, $46,000 a year for rentals. The Department of Justice has no building whatever except what is rents. The Government bought the land there to construct a building for that department. As chairman of the committee, I reported last year a bill to proceed at once to the construction of the building. Every time the bill would come up the Senator from Ohio, Mr. Burton, or the Senator from New York, Mr. Root, one or the other, would object to its consideration. It was impossible for us to get it considered.

Recently I have talked with the Attorney General and other representatives of the Department of Justice, and they thought possibly it was better to let a bill be introduced in the House first and come over here. I had a talk with them about a week ago, and they still thought we had better see what the House of Representatives would do before we proceeded over here. We have bought the land there, we have been losing the interest on it, and we are paying rentals.

If there is any building that is needed it is one for the Department of Justice. I have urged it ever since I have been here, and objection has always arisen unless we would enter into an agreement that we would pay 5 per cent for a man to inspect the building, when the Supervising Architect's Office here is prepared to do it. I have not been willing to put into the bill a provision compelling us to pay for the inspection of that building when the Supervising Architect's Office could do it and save to the Government 5 per cent on the cost of the building. The objection to the passage of that bill has been because a member of the American Institute of Architects insists that he has a moral right, if not a legal right, to get 5 per cent for watching the construction of the building.

Mr. GALLINGER. Mr. President, the Government purchased the land——

The PRESIDING OFFICER. Does the Senator from Alabama yield the floor?

Mr. GALLINGER. I am holding the floor by the courtesy of the Senator from Alabama.

Mr. BANKHEAD. He is holding it for me.

Mr. GALLINGER. There does not seem to be any great rush in legislation to-day, so I suppose we may have a little leeway, to make it interesting, as they do in the House of Representatives.

The PRESIDING OFFICER. The Chair feels that he has given some leeway.

Mr. GALLINGER. As a matter of fact, the Government purchased the land several years ago, as I remember. The Government has dispossessed the occupants of several properties there, including the Emergency Hospital. The Government turned them out, and they had to raise money by private contribution and public contribution and build a new hospital. There stands the land in the name of the Government, and we do not appropriate for the building.

I do not know exactly the facts that the Senator has presented as to the impossibility of getting the appropriation made by Congress. It ought to be made, and ought to be made at once. The Senator from Virginia—and this is what I wanted to admonish him about—when he takes this contract to construct enough buildings to accommodate all the departments of the Government, will find that he has a very large contract on his hands. I will suggest that when that is done, if it ever shall be done, and there is room enough to give every man larger breathing space than he can get outdoors, we will find that by multiplying bureaus and divisions in the Government departments, which we are constantly doing, we will still be looking for some place to rent for the Government at 10 or 12 or 14 per cent.

Just a word about the Maltby Building. I lived in that building for four years, at the top of it.

Mr. OVERMAN. So did I.

Mr. GALLINGER. It is a most charming place, and I was rather sorry when I was dispossessed; but somebody discovered that it was unsafe. We owned a building south of the theater in Fifteenth Street, a substantial brick building. If it had been in New Hampshire it would have been allowed to stand there five or six hundred years, and would have been pointed to as an evidence of splendid construction. A certain Senator entered that building once, and saw a little crack in the wall, and he came back here and reported that it was unsafe, and we tore it down. The land is there now, with no building on it, and we have lost the use of that building.

Mr. CURTIS. Mr. President, may I ask the Senator a question right there?

Mr. GALLINGER. Certainly, if I may be permitted to yield to the Senator.

Mr. CURTIS. Was not the building that formerly stood next to the Riggs Bank the one that was occupied by the Department of Justice?

Mr. GALLINGER. Yes. It was pulled down because somebody saw a crack in the wall, I believe.

Mr. CURTIS. And the Government still owns that site, does it not?

Mr. GALLINGER. It still owns the land; yes.

This is a question that ought to be taken up; and I am glad that the Senator from Virginia [Mr. SWANSON], with his usual energy, says that he will take it up and try to solve the problem. It is a serious problem, which ought to be met bravely and courageously.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Virginia?

Mr. BANKHEAD. Yes; I yield.

Mr. SWANSON. There is a great deal in the suggestion made by the Senator from New Hampshire that the rapidity with which the departments have been created has necessitated the rental of buildings. For instance, the Department of Commerce has been separated from the Department of Labor. The Department of Labor has been created—a new department. A new bureau, the Children's Bureau, has been created. Consequently, it has necessitated an increased rental to house these bureaus, because none of these departments will give up any of the space they occupy when you give them a new building. The only department I know of that has surrendered a building is the Treasury Department. When we built a new building over here for the Bureau of Engraving and Printing, I understand the Treasury Department ceased a great deal of its rentals. I do not know how much they amounted to, though I had the figures, but very few of the departments do that. With that exception, when you construct a building for them, they keep up their existing rentals.

The fault in that respect is not with the Committee on Public Buildings and Grounds. It is with the Appropriations Committee. These gentlemen never appear before us to authorize a rental. The only thing we authorize is the construction of buildings. All of the rentals are authorized by other committees, and not the Committee on Public Buildings and Grounds.

Mr. CURTIS. Mr. President, right there I should like to make a suggestion. The Committee on Appropriations must authorize the rental of buildings until the Committee on Public Buildings and Grounds authorizes their construction.

Mr. SWANSON. That is true; and consequently that committee is compelled to authorize rentals, when new departments or bureaus are created, until we have a general building or construction bill. It is nearly impossible to get separate bills through the House and Senate. We have not had a building bill since 1911. I tried for two sessions to get through here a building for the Department of Justice. I pushed it urgently and with all the energy I had, yet it was impossible to get it through.

I will endeavor to report a bill for this purpose very soon, and I want to get the Senator from New Hampshire [Mr. GALLINGER] to help me get through a building for the Department of Justice. If any objection arises on that side, where all the objection was raised the last time, I hope he will suppress it; and I hope the Senator from Utah [Mr. SMOOT] will aid me in suppressing any objection that may arise to the construction of a building for the Department of Justice. We own the land. We have lost the interest on it for years. It is an absolute piece of business folly that the Government should buy that land and not utilize it. Yet, although we have tried for years to construct a building on it, on account of the opposition of some Senators we have been unable to do so.

I shall be very glad to have that building bill reported promptly.

Mr. BANKHEAD. Mr. President, I have said all I care to say at this time on this bill. I am going to yield the floor, unless some Senator wants to ask me a question.

Mr. CURTIS. Mr. President, before the Senator yields the floor I desire to ask him a question in regard to this part of section 3:

> Any amount apportioned under the provisions of this act unexpended at the end of the period during which it is available for expenditure under the terms of this section shall be reapportioned, within 60 days thereafter, to all the States in the same manner and on the same basis.

What effect would that have on the States that refused to appropriate their one-half?

Mr. BANKHEAD. It could have but one effect, and that would be that it would go back into the Treasury for redistribution to those who did appropriate.

Mr. CURTIS. Would that State be considered again in the redistribution, having failed to appropriate?

Mr. BANKHEAD. Oh, yes; I think so.

Mr. CURTIS. That is the question I wanted to ask, Mr. President.

Mr. COLT. Mr. President——

Mr. BANKHEAD. I yield the floor to the Senator from Rhode Island.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Colorado?

Mr. SHAFROTH. No; I do not care to interrupt the Senator from Rhode Island, if he is going to take the floor.

Mr. BANKHEAD. I am yielding to the Senator from Rhode Island.

Mr. JONES. Mr. President, I understand that the Senator from Rhode Island is not going to confine his remarks to this bill, but is going to discuss a bill of very great importance. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Johnson, Me.	Page	Stone
Beckham	Johnson, S. Dak.	Poindexter	Sutherland
Brandegee	Jones	Pomerene	Swanson
Burleigh	Kenyon	Ransdell	Taggart
Chilton	Kern	Reed	Thomas
Clark, Wyo.	Lane	Robinson	Thompson
Colt	Lee, Md.	Shafroth	Underwood
Curtis	Lewis	Sheppard	Vardaman
Gallinger	Lodge	Simmons	Wadsworth
Gronna	McCumber	Smith, Ariz.	Walsh
Hardwick	Martine, N. J.	Smith, Md.	Williams
Hollis	Myers	Smith, S. C.	
Husting	Norris	Smoot	
James	Overman	Sterling	

The PRESIDING OFFICER. Fifty-three Senators having answered to their names, a quorum is present. The Senator from Rhode Island [Mr. COLT] is entitled to the floor.

Mr. HOLLIS. Will the Senator yield to me to give a short notice.

Mr. COLT. Certainly.

RURAL CREDITS.

Mr. HOLLIS. I desire to give notice that immediately upon the conclusion of the consideration of the good-roads bill, which is now the unfinished business, I shall move to take up the rural-credits bill—Senate bill 2986.

FEDERAL JUDGES.

Mr. COLT. Mr. President, I shall not detain the Senate long. Senate bill 706, reported by the Senator from Georgia [Mr. SMITH] from the Committee on the Judiciary, has been before the Senate several times for discussion. It so happens that I was not present on one or two of those days. I think the bill is a most important measure, and I desire at this time briefly to express my objections to it.

Mr. President, I am opposed to this bill because I believe it is unjust to the Federal judges, dangerous in principle, and of doubtful constitutionality.

It is unjust to the judges, because it clothes the President with power to retire them wholly, or in great part, from the duties of their office and to reduce their rank or standing in the courts. It is dangerous in principle, because it authorizes Executive interference with the judiciary, and is thus an infringement of Anglo-Saxon liberty, which rests upon the independence of the judiciary and the supremacy of law. It is of doubtful constitutionality, because under the Constitution the power to create judicial offices and to regulate the standing of judges is vested in Congress, and the constitutional power of the President is limited to filling the judicial offices which have been established by Congress.

Mr. President, the pending bill, after reciting the present law, which permits Federal judges at the age of 70 who have held a commission for 10 years to retire on full pay, reads as follows:

> In the event any circuit judge, having so held a commission or commissions at least 10 years continuously, and having attained the age of 70 years as aforesaid, shall, nevertheless, remain in office, the President, if in his opinion the public good so requires, may appoint, by and with the advice and consent of the Senate, an additional circuit judge of said circuit, who, notwithstanding the incumbency of the judge so entitled to resign, shall sit customarily as one of the judges of the circuit court of appeals of his circuit. And the judge so entitled to resign shall thenceforth be relieved, save as hereinafter provided, from the duty imposed by section 118 of this title to sit as one of the judges of said circuit court of appeals, and shall be held and treated as if junior in commission to the remaining judges of said court, who shall, in the order of the seniority of their respective commissions, exercise such powers and perform such duties as by law may be incident to seniority.

The bill then provides that, whenever the "public good shall so require," the circuit judge so entitled to resign may be designated by the presiding judge of the circuit court of appeals, or the Chief Justice of the United States, to sit upon the hearing of any case in the circuit court of appeals, and may also be designated to sit in the district court. Then follow substantially similar provisions with respect to the district judges.

Mr. President, when I read the provisions of this bill the thought came to me, Are we going back to the age of James the First and Lord Coke, when the great chief justice was dismissed from office for interfering with the royal prerogative; or, Are we living in the twentieth century, under the common law and the Constitution of the United States? There is no difference in principle between judges holding office at the pleasure of the King and judges who can be "relieved" of their official duties and deprived of their rank or standing in the courts at the pleasure or will of the Executive.

If this bill becomes a law, the President at once will be vested with power to create 15 additional circuit and district judges, and with power to retire from their active official duties 15 circuit and district judges now in office, and at the same time to lower their rank or standing in the courts; and this Executive power of appointing new judges and retiring old judges from their active duties and reducing them in rank is to continue in every case where a circuit or district judge holding office has reached the age of 70 and has served 10 years continuously.

Mr. President, the position of a Federal judge under the Constitution and laws of the United States is marked by three distinct features—permanent tenure of office, fixed compensation, and the gradation of judges according to length of service.

The Constitution declares that the judges shall hold their offices during good behavior, and that their compensation shall not be diminished during their continuance in office. By these

provisions the framers of the Constitution believed they would secure judges of high character, free from partisanship and from every form of corrupting influence, and who would devote their lives to an impartial administration of law.

By the statutes of the United States the judges are ranked according to the seniority of their commissions. Section 215 of the Judicial Code declares that—

> The Associate Justices shall have precedence according to the dates of their commission, or, when the commissions of two or more of them bear the same date, according to their ages.

In the act of March 3, 1891, establishing the circuit court of appeals, it is provided:

> And the circuit judges in attendance upon the court, in the absence of the chief justice or associate justice of the Supreme Court, shall preside in the order of the seniority of their respective commissions.

There are also other provisions in the statutes which clearly mark this feature of our Federal judicial system. Thus we find that under the existing law age and length of service add honor, dignity, and responsibility to the office of Federal judge. The present bill is a reversal of this policy. Under this bill age and length of service are penalized by a forced retirement from active duty and a reduction in rank or standing.

Mr. President, there are at this time 128 circuit and district judges who are holding their offices during good behavior, at a fixed compensation, and whose rank in the courts is based upon the seniority of their commissions. Nine of the circuit judges are now the active presiding judges of the nine circuit courts of appeal. The Supreme Court Justices seldom, if ever, preside in these courts, because their duties keep them in Washington. In each of these nine circuits it is the resident circuit judge holding the oldest commission who presides over the court. If the senior circuit judge is disqualified, the circuit judge holding the next oldest commission presides. The circuit judge whose date of commission is next in seniority to that of the presiding circuit judge sits at the right of the presiding judge, and the circuit judge whose commission is of a still later date sits at the left.

The district judge who holds the senior commission is known as the senior district judge, and should a district judge be required to sit in the circuit court of appeals he would be selected, if not disqualified, and, if disqualified, the district judge holding the next commission in the order of seniority would be called upon.

The presiding judge of the circuit court of appeals occupies a position of exceptional dignity and responsibility. He is, in fact, the chief justice of that court. He presides at the sessions of the court, assigns cases for consideration by particular judges, and performs other administrative functions.

Now, this bill gives the President the power to say to every presiding circuit judge of the circuit court of appeals who has reached the age of 70 and has served 10 years:

> I will strip you of your office of chief justice, retire you from the active duties assigned to you by law, and relegate you to the rank of a judge holding a junior commission.

The truth is that these presiding judges and all others to whom the provisions of this bill may be applied become, in fact, mere supernumeraries who can no longer be employed in the regular service of the courts, but can only be called upon in case of emergency, and then they are not to occupy their accustomed position in the court, but, in the language of the bill, are "to be held and treated as if juniors in commission to the remaining judges of said court."

If this bill is sound in principle, there is no good reason why it should not be extended to the Supreme Court; and if it were so extended it would give the President power at this time to increase the number of Justices from 8 to 11, to retire the Chief Justice and the two senior Associate Justices from active duty, and to reduce them to the rank of Justices holding junior commissions; in other words, the Chief Justice and the two senior Associate Justices would become mere supernumeraries.

Mr. WALSH. Mr. President, will the Senator from Rhode Island permit me?

Mr. COLT. Certainly.

Mr. WALSH. I am very much interested in what the Senator is saying concerning the applicability of the bill to the Supreme Court. But let us assume that such a condition exists on the Supreme Court as the bill is intended to meet; let us assume that four justices of the Supreme Court are past the age of 70 years; that they are physically incapacitated and unfit for the discharge of their duties and decline to resign, what would the Senator from Rhode Island do?

Mr. COLT. The Senator is making, to my mind, an impossible supposition.

Mr. WALSH. The Senator is making only such a supposition as the Senator from Rhode Island has propounded. He has propounded the case of the applicability of the bill to the Supreme Court. Of course, in order to do so we must assume that a somewhat similar condition exists.

Now, let me ask the Senator from Rhode Island a question. He understands perfectly well the condition to which the bill is addressed. There are some of these circuit judges over 80 years of age, one of them actually bedridden. He never discharges his duty, he never sits in court, he is physically incapable of sitting in court.

Let me say to the Senator I sympathize much with what he is saying in denunciation of the bill, but I am still confronted with the difficulty, and I will ask the Senator what he would do?

Mr. COLT. Mr. President, I deal with this aspect of the case later on. The remedy in the supposed case of the Supreme Court which the Senator has assumed, the remedy in every case, and the only remedy under the Constitution, is by a special act creating an additional judge.

Mr. WALSH. That is to say, the Senator suggests that instead of a general act dealing with the subject a special act shall be passed.

Mr. COLT. I recall that in the case of Mr. Justice Moody, who became ill soon after his appointment, a special act was passed. I recall the case of Mr. Justice Hunt, of New York, where Congress passed a special bill.

Mr. WALSH. Let me ask the Senator, Did they not both resign?

Mr. COLT. Justice Hunt, as I recall, could not resign, because he did not come within the provisions of the statute. He had not served a sufficient length of time.

Mr. WALSH. Exactly; and I understand a special bill was passed allowing him to resign.

Mr. COLT. Let me answer the inquiry of the Senator by saying that after the most careful reflection upon this subject, and in view of the constitutional provision of life tenure of the Federal judges, I know no way of meeting the situation in which a judge remains on the bench after he has become incapacitated except by appealing to Congress and having a special act passed.

Mr. CLARK of Wyoming. Mr. President, will the Senator yield to me for a moment?

Mr. COLT. Certainly.

Mr. CLARK of Wyoming. I wish to suggest to the Senator from Montana that, as I remember the terms of the bill, the suppositious case which he puts to the Senator from Rhode Island is hardly in harmony with the language and purpose of the bill. The bill, as I understand it, does not relate to those cases which the Senator has intimated it does relate to alone. The bill relates to those cases where, in the judgment of the President, the general good requires it. There might be something besides physical incapacity or mental incapacity. In any case that appealed to the President, where, in his judgment, the country would be better served if another judge were on the bench, he could make the appointment, as I understand the bill, not having looked at it recently.

Mr. WALSH. The Senator will understand I did not intend by my inquiry addressed to the Senator from Rhode Island to enter upon a general defense of the bill or of every feature of it. I am very desirous, however, to get the view of the Senator from Rhode Island, because no man in this body is better equipped to express an opinion on the subject than he.

Mr. COLT. There is no man in this body of whose judgment I have a higher opinion in regard to all legal questions than the Senator from Montana, and I am exceedingly obliged to him for interrupting me. However, I would be very glad if at this time he would wait until I deal with the legal aspect of this question both under the common law and the Constitution of the United States.

The only aspect of the bill I have thus far presented is that it seemed to me unjust with respect to its treatment of the Federal judges; in other words, that the bill gives the President the power of retiring judges from the bench and degrading them in their rank in cases where that should not be done.

Mr. SUTHERLAND. Before the Senator resumes, will he permit me to make a suggestion with reference to the case which the Senator from Montana supposes?

Mr. COLT. Certainly.

Mr. SUTHERLAND. The Constitution provides that the judges both of the Supreme Court and inferior courts shall hold their offices during good behavior. If we can imagine a case where a judge on the bench would continue to hold his office and draw his salary and positively decline to perform any of the duties of his office, I suggest that that might well constitute a case of misbehavior.

The case that is supposed, however, is a case where the judge is unable to perform his duties and declines to resign. While I am not entirely clear about it, it seems to me that that might also present a case of misbehavior on the part of a judge who is

unable to perform the duties and persists in holding the office. The Constitution nowhere defines what constitutes misbehavior.

Mr. WALSH. If the Senator from Rhode Island will allow me a moment, I should like to call the attention of the Senator from Utah for just a moment to this point. That, of course, is very interesting, and possibly is a very proper solution of it. I dare say that a great many people would conclude that it was no breach of good behavior which the Constitution contemplated if a man did not resign. But let me ask the Senator from Utah how then he would get rid of the man who was thus lacking in good behavior in not resigning?

Mr. SUTHERLAND. The Constitution assumes that there is some way to get rid of him.

Mr. WALSH. That is what I want to know.

Mr. SUTHERLAND. He might be gotten rid of by impeachment.

Mr. WALSH. Of course. There is no doubt about that.

Mr. SUTHERLAND. He might be gotten rid of by Congress passing a statute defining what should constitute misbehavior and declaring that upon that being established his right to hold the office should cease.

Mr. WALSH. That is what I wanted to understand. I wanted to understand what was the Senator's idea as to whether he thought that Congress could legislate to meet the situation or not.

Mr. SUTHERLAND. I have not gone so far as to determine precisely what the remedy would be, but, at any rate, the Constitution does contemplate that the judge can hold the office only during good behavior, and, of course, there must be some way of providing and applying a remedy.

Mr. SMITH of Georgia. Mr. President, allow me to ask a question here.

Mr. COLT. As I deal with these various questions, I will be glad if I may finish what I have to say, and then Senators can interrogate me upon any particular point.

Mr. SMITH of Georgia. I only want to ask the Senator from Utah one question, and then I will not interrupt the Senator further. It is this: Did not the minority report in the House which the Senator from Utah had placed in the RECORD take the position that lack of good behavior meant lack of good moral conduct, and that under it a judge could not be dealt with unless his moral conduct became bad?

Mr. SUTHERLAND. I do not recall, Mr. President, whether or not that was the case.

Mr. SMITH of Georgia. I know that was in the report, but I am not clear as to what it means.

Mr. COLT. It may be said that the application of the principle of this bill to the Supreme Court bears a close analogy in its mode of operation and effect to its application to the nine circuit courts of appeal. These courts may be called little Supreme Courts, since they are courts of last resort in most cases, and they were established for the very purpose of relieving the Supreme Court. Indeed, as pointed out by the Senator from Utah [Mr. SUTHERLAND], there is even more justification for applying this bill to the Supreme Court by reason of the flexibility of the circuit and district courts, owing to the interchange of the judges in these courts.

Mr. President, in view of the position and standing under the Constitution and laws of the United States of the 128 circuit and district judges I can not but regard this bill as unjust in its treatment of these judges.

But, Mr. President, this is not the most objectionable feature of this bill. The most objectionable feature is the control which it gives the President over the Federal judiciary. Such control is revolutionary in principle; it undermines the independence of the courts; it strikes at the very foundation of our liberty. This liberty is founded upon the supremacy of law, and the supremacy of law signifies the entire absence of arbitrary or discretionary power on the part of the Executive to interfere with the courts or the judges. It further signifies equality before the law, which means that all persons must be tried by the same kind of law, and that the parties before the court must stand upon an equality.

In speaking of this rule of law as the predominant characteristic of English institutions Dicey says:

> The rule of law means, in the first place, the absolute supremacy or predominance of regular law as opposed to the influence of arbitrary power, and excludes the existence of arbitrariness, of prerogative, or even wide discretionary authority on the part of the Government. It means, again, equality before the law, or the equal subjection of all classes to the ordinary law of the land administered by the ordinary law courts; the rule of law in this sense excludes the idea of any exemption of officials or others from the duty of obedience to the law which governs other citizens or from the jurisdiction of the ordinary tribunals.

This bill is subversive of these great principles because it not only permits Executive interference with the judges, but it violates the principle of equality before the law. The Government does not stand upon an equality with the private citizen before the courts when it has the power to retire from active duty and to degrade in rank and standing the very judge before whom a Government case is being tried.

History teaches that to permit the Government to occupy the position contemplated by this bill is wrong, because it offers a temptation to subserviency on the part of the judges and to an abuse of power on the part of the Government. Judges should not be placed in a position where they can be displaced if they incur the displeasure of the Executive. The absolute independence of United States judges is essential to guard the Constitution and the rights of individuals. It is essential to the faithful performance of their duties in the impartial administration of justice. The power of encroachment on the part of the Executive means the insecurity of the legal freedom of the citizen.

In considering this bill let us ever keep in mind that the Government is engaged in most important litigation in the Federal courts, and hence is not a disinterested party. Attorneys General and district attorneys who represent the Government in these cases are human, and what is more natural than that they should advise the Executive, when the Government has suffered defeat in some close and important case, that the court needs strengthening by a change in its composition.

It is clear, then, that under our system of jurisprudence the Executive should not be vested with power to reconstruct the courts by the creation of new judges and the retirement of old judges from their active duties and standing in the courts. There is no true liberty if the power of judging is not entirely separated from the Executive power.

Mr. President, the framers of the Constitution understood fully the great principles which underlie our liberty, and in the Constitution they have carefully guarded the Federal courts and the judges against any encroachment of Executive power. There are several controlling provisions on this subject:

Section 8 of Article I, in defining the powers vested in Congress, declares that Congress shall have power—

> To constitute tribunals inferior to the Supreme Court.

Section 1 of Article III declares:

> The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.
>
> The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

Section 1 of Article II declares:

> The executive power shall be vested in a President of the United States of America. * * *
>
> * * * He shall nominate and, by and with the advice and consent of the Senate, shall appoint * * * judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. * * *

By the first two of these provisions the power to establish inferior courts is vested in Congress. As the judge is a necessary part of a court, the office of judge must be created by Congress; and, in fact, Congress has always designated by statute the number of judges who should comprise the courts. It is certainly a doubtful question whether Congress can delegate this power to the Executive.

By the third of these provisions the judges are to hold their offices during good behavior, receiving a compensation which shall not be diminished during their continuance in office. By this provision the independence of the judiciary is secured by life tenure and a fixed compensation. And here again it is certainly a doubtful question whether a judge can be said to hold his office during good behavior when he can be "relieved" against his will from his official duties as prescribed by law, and can only be called upon to sit in some particular case or cases in the event of an emergency. Clearly this bill violates the spirit if not the letter of this constitutional provision.

By the last of these provisions the President is vested with the power to appoint, with the consent of the Senate, the judges of the Supreme Court and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law.

The power to appoint circuit and district judges is vested, by implication, in the President under the latter part of this paragraph. It is plain from the language used that the office must first be "established by law," and that the only power vested in the President is to fill an office so established. Manifestly he has no power to create the office of circuit or district judge. His power is strictly limited to filling such of these offices as Congress may establish. It is clear, therefore, that the provi-

sions of this bill on their very face are of doubtful constitutionality.

Mr. President, no system of tenure of office works perfectly in the case of judges. There are some objections to a life tenure and other objections to a shorter period. The framers of the Constitution believed that a life tenure was best, and consequently Federal judges must continue to hold their offices during good behavior until the Constitution is changed. In the working of this life-tenure system it has been found that sometimes a judge will remain in office after the time when he is capable of discharging the duties of the office. Such instances are rare, but they do occur.

To meet this situation Congress has provided that judges who have reached the age of 70 and have served 10 years may retire on full pay. It is said, however, that this provision does not give adequate relief, as some judges fail to take advantage of it and still retain their office when unable to fulfill its requirements.

The object of this bill, it is claimed, is to meet this situation by enabling the President to appoint a new judge and practically to retire the old judge who has not availed himself of his right to resign. The result would be that we should then have three classes of Federal judges—active judges, supernumerary judges, and judges who have resigned after 70—all of whom would draw full pay.

Now, what I want to call attention to is that in the actual working of our Federal system, so far as the circuit and district judges are concerned, there is little difference between a judge who has resigned and a judge who still holds on to the office but is unable to perform his judicial work. The interchange of circuit and district judges is such under the law that we have practically the same result whether a judge resigns or is incapacitated. In the instance cited by the Senator from Georgia [Mr. SMITH] of a judge who had been confined to his house for years the only effect is that some other judge takes his place, and the situation is substantially the same as if this particular judge had resigned. What is needed in such a case, whether the judge continues in office or resigns, is an additional judge.

I can not attach much weight to the reasoning that a judge who is incapacitated by reason of physical infirmities can still be of service to the courts by occupying the position of a supernumerary. Nor am I impressed with the argument that judges who have reached the age of 70 would be glad to take advantage of the privileges conferred by the bill instead of resigning on full pay. To test this question I would be very glad if the Senator from Georgia would offer an amendment to the bill to the effect that no judge should be obliged to submit to the provisions of the bill until he had filed a written request with the Department of Justice.

To my mind the whole issue raised by this bill resolves itself into the inquiry, Shall additional circuit and district judges required for the proper conduct of judicial business be created by the Executive or by act of Congress? In other words, Shall we substitute the President for Congress in fixing the number of necessary judges for the Federal courts?

It is possible that it may be a more direct and convenient way to obtain this relief at the hands of the Executive than through the regular channel of Congress; but in regard to this proposition we must weigh practical convenience on the one hand as against the grave constitutional and other objections which arise in the attempt to vest any such power in the Executive. And, further, I can see more room for political manipulation with respect to these high offices if the President is vested with the power conferred by this bill than if the power should remain in Congress, where, I believe, it belongs under both the common law and the Constitution of the United States.

The only safe course, then, to pursue in affording such relief to the circuit and district courts as may now be necessary is for Congress to pass a special act in every case where an additional judge is required.

The suggested plan of the Attorney General differs widely in principle and practical operation from this bill. According to this plan the President is required to appoint circuit and district judges in every case where the judge does not resign as now provided by law. This would not only call for an unnecessary number of additional judges, but it would work a manifest injustice in the great majority of cases. Most judges at the age of 70, just as is the case with Senators in this body, have only reached the maturity of their powers and are capable of doing their best work.

In an instructive paper prepared by Judge B. F. Long, of North Carolina, and introduced into the RECORD the other day by Senator OVERMAN, appear the following facts: Twenty-two of the 56 judges of the Supreme Court were between 56 and 66 years of age when appointed, and 36 out of these 56, though of mature age at the time of their appointment, served from 10 to 34 years. Further, 20 of the judges of the Supreme Court served comparatively long periods after they were 70, as, for example, Chief Justice Taney, 17½ years; Chief Justice Marshall, 9½ years; Justice Nelson, 9¾ years; Justice Bradley, 8⅝ years; and so on. The author also draws similar illustrations from the English courts. It is manifest, therefore, that under our constitutional system of life tenure Congress should not pass a law requiring the President to appoint an additional judge whenever a circuit or district judge reaches the age of 70 and does not resign.

Whether we consider the plan of the Attorney General or that plan as modified by this bill, the only solution of the problem is to call upon Congress to act as the necessities of the situation may require.

Mr. President, we are not confronted with any startling or unusual condition with respect to our circuit and district courts. There is no emergency such as might afford some justification for novel and hazardous legislation. Our Federal judicial system has worked well. It has commanded the admiration of the world. It is the unique feature in our constitutional form of Government. It stands as the protector of the Constitution and of individual rights against the exercise of every form of arbitrary power. Let us guard it in every way. Let us resolve that it shall be neither changed nor modified, except when demanded by the sober, mature judgment of the American people.

OSAGE OIL LEASES.

Mr. LANE. Mr. President, I wish to place in the RECORD the terms which govern the sale of the oil lands of the Osage Indians in Oklahoma. They will be sold to-morrow. The sale has been deferred from time to time, and I am informed that there is great dissatisfaction among the Indians in regard to the price which has been set upon their lands by the Indian Bureau. The lands are to be sold upon terms in which the bidding is based upon a bonus in addition to a fixed royalty of from one-sixth to one-fifth of the product. There are some of these lands for which offers have been made of one-half. Other lands are worth more; some are worth less, perhaps; but in the way the sales are to be made the lands will be disposed of under a method which leaves it largely to guesswork and which is acknowledged to be a matter of chance by the bureau. The value of the lands is not definitely ascertained; the bidding is restricted to those who can put up the cash as a bonus or a bet. This excludes not only men who are familiar with drilling oil and operating wells but do not have the cash to tender as a bonus, yet could give a bond for the faithful performance of their contracts, but also, and for the same reason, excludes large numbers of others. This method of sale has been objected to by many, and the sales have been deferred from time to time.

Complaint was also made in regard to the sale of the gas lands. The gas was to be sold by the Indian Bureau for one-half a cent for each 1,000 cubic feet. Under the terms of the former lease the Indians had received in the past about one-twentieth of a cent for a thousand cubic feet of gas. Under fire and after complaint was heard by the Committee on Indian Affairs against such injustice, the Indian Bureau saw its way clear to accept 3 cents per thousand cubic feet of gas for its wards.

What I wish to do, with the consent of the Senate, is to have this advertisement for tenders placed in the RECORD in connection with my statement that an offer has been made, apparently a bona fide offer, of 50 per cent royalty for some of the lands which are to be sold at one-fifth royalty, in addition to whatever bonus may be bid upon it, which will amount to no man knows what. These lands are being sold upon uncertain terms, and the claim is made that the Indians will lose not less than $10,000,000 and perhaps $16,000,000 if such deals are made.

I introduced a resolution some time ago asking that the land be sold upon a simple royalty basis with the unfair bonus or betting clause left out. A well producing 3 barrels a day necessarily is not as valuable as one which produces 50 barrels a day, or another which produces a thousand barrels a day or a "gusher" from which returns may produce $7,000 or $8,000 a day, as is the case now in some portions of this same territory or adjoining territory belonging to the Indians. Yet they all sell at the same price of one-sixth or one-fifth royalty.

I feel that the rights of the Indians are not being protected. I do not say that to reflect upon any one unjustly; but an appeal was made to me to-day to the effect that this was especially a matter of conscience with Congress; that we are primarily the guardians of those people; and asking me if I was going to consent, without protest, to the method proposed by which the Indians will be parted from their property, and by which it was alleged they will lose from $10,000,000 to $16,-

000,000. I felt it my duty to call the attention of the Senate to the subject.

As I have said, the lands are to be sold to-morrow upon terms which will pay them, in my opinion and that of many others, much less than the Indians would receive if the lands were sold upon a fair basis of ordinary business principles.

I ask the consent of the Senate to place the price list of the bureau to which I have referred in the RECORD, so that all men may read it in connection with the statement which is apparently a bona fide offer, was made of one-half royalty, minus a bonus, instead of a one-fifth royalty with an unknown bonus for some of the identical lands that are rated for sale in it.

I give notice also that if the sale is made of those or any other lands at a price less than its actual value I shall do what I can to stop it.

I now ask that the circular to which I have referred be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The circular referred to is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

PUBLIC SALE OF LEASES OF DEVELOPED OSAGE INDIAN OIL LANDS.

TERMS AND CONDITIONS.

Approximately 100 quarter-section or fractional quarter-section units of developed oil lands located in Osage County, Okla., will be offered for lease for oil-mining purposes to the highest responsible bidder in accordance with the provisions of this circular at public auction at the office of the superintendent of the Osage Indian Agency, Pawhuska, Okla., beginning Tuesday, February 15, 1916, at 2 o'clock p. m.

These lands belonging to the Osage Tribe of Indians are located within the so-called Foster lease, which will expire by limitation on March 16, 1916, are now producing oil, and are being operated by various sublessees under the regulations of the Secretary of the Interior.

Oil leases will be made for a period of five years from March 17, 1916, and as long thereafter as oil is found in paying quantities, but such period shall not extend beyond the time the title to the minerals remains in the Osage Tribe, which time will expire April 8, 1931, unless otherwise provided by Congress.

Successful bidders may keep a representative on the premises after the day of sale, and will take possession of the properties under new leases on March 17, 1916. All leases and accompanying papers shall be upon forms prescribed, and operations shall be conducted in accordance with the regulations approved by the Secretary of the Interior August 26, 1915.

The equipment, including the casing, on some of the lands offered for lease has been appraised, which appraisements are shown in the following list. All bids must be for a bonus in addition to the royalties as hereinafter fixed, and in addition thereto the appraised value of the equipment and casing must be paid for at the time of sale. Should no acceptable bid be received for any of the tracts offered, the present operators will be given new leases thereon as provided by the regulations approved August 26, 1915.

Lessees shall pay to the Osage Tribe a royalty on oil of one-sixth, except that such royalty shall be one-fifth when the production from all the producing wells on any quarter section or fractional quarter section during any calendar month shall be sufficient to average 100 or more barrels of oil per producing well per day.

Each quarter section or fractional quarter section will be offered separately, and a bidder may acquire any number of such tracts the acreage of which added to that of Osage lands held under lease by the bidder on the date of sale does not exceed 4,800 acres, provided that the present sublessee who is now operating any tract included in the following list will be permitted to bid upon such tract independent of present acreage held by him.

Successful bidders will be required to make payments on the day of sale in the form of exchange or certified check on a solvent national bank as follows: Twenty per cent of the amount of bonus offered plus the appraised value of equipment and casing payable to George N. Wise, special disbursing agent, shall be deposited with the superintendent of the Osage Agency. If any bid is not approved by the Secretary of the Interior, all such payments shall be promptly returned to the bidder.

Where the value of the equipment on any tract is not specified such tract will be offered for lease independent of the equipment, and the successful bidder may negotiate for the purchase of such equipment from the present sublessee. If sale of the equipment is not perfected in such cases between interested parties the present sublessee will be allowed 30 days after March 16, 1916, within which to remove any equipment to which he is legally entitled, but in no case shall the casing in any producing wells be removed.

Upon being notified of the acceptance of bid successful bidders shall execute leases and file same with necessary accompanying papers and balance of purchase price or bonus with the superintendent of the Osage Agency on or before March 10, 1916. Failure on the part of any bidder to comply with this requirement will operate as a forfeiture of the amount theretofore paid and subject his lease to disapproval. Bond shall be furnished in the sum of $1,000 for each quarter section or fractional part thereof, but the lessee may file one bond in the sum of $15,000 to cover all such leases to which he may be a party.

Prospective bidders may at any time inspect the detailed inventory of equipment and other records concerning production of wells on any unit at the office of the superintendent, Osage Agency, and should inspect the properties before date of sale, as neither the production nor condition of equipment is guaranteed.

Bidders who can not be present on the date of sale may be represented by an agent, but such agent must have a duly executed power of attorney to so act from the real party in interest. Written bids may also be submitted addressed to J. George Wright, Superintendent, Pawhuska, Okla., which shall give the description of the land, the terms of the bid, and be accompanied by exchange or certified checks as herein required of oral bidders, and by a sworn statement as to good faith and ability to pay the balance of bid and to operate the property. Such bids should be mailed so as to reach Pawhuska not later than February 14, 1916, and should be marked on the outside of the envelope "Bid on oil lands." Any written bid so received will be given consideration, and the highest such bid for any tract will be announced at the sale as the first bid. Should no higher oral bid be received a tract may be awarded to the maker of the highest written bid.

In order to afford protection to all interests involved against irresponsible bidders, the superintendent of the Osage Agency may, on his own initiative, and upon the request of any other bidder shall, require any bidder to submit satisfactory evidence of good faith and that he has the cash in hand or at his command, and to furnish, whenever called upon by the superintendent during the progress of the sale, an authenticated statement of some solvent national bank to the effect that the bidder has the means to purchase the property. All bidders or agents should come to the sale prepared to make such showing promptly when called upon. The superintendent shall refuse to entertain any bid from any person who does not make a showing satisfactory to him in this respect.

The Osage council shall meet on Wednesday, February 16, 1916, to consider the bids received and to make recommendations with reference thereto.

The lands included in the following list are offered for lease for oil only. The gas rights are being leased separately. Should the oil lessee in drilling for oil bring in a gas well he shall be reimbursed the expense of such well by the gas lessee in the manner provided in the regulations of August 26, 1915.

The right is reserved by the Secretary of the Interior to reject any and all bids and to disapprove any lease. Further information may be had upon application to the superintendent of the Osage Agency.

DESCRIPTION OF LANDS TO BE OFFERED.

PROPERTIES NOW OPERATED BY BARNSDALL OIL CO.

Tract No. 1. SE. ¼ sec. 29, T. 27 N., R. 12 E. (lot 30); 10 wells; production for month of November, 1915, 1,504.81 barrels.

Appraisement:	
Casing in wells	$6,767.82
Other equipment	9,812.64
	16,580.46

Tract No. 2. NE. ¼ sec. 29, T. 27 N., R. 12 E. (lot 29); 2 wells; production for month of November, 1915, 117.67 barrels.

Appraisement:	
Casing in wells	$1,228.31
Other equipment	1,767.35
	2,995.66

Tract No. 3. SW. ¼ sec. 22, T. 27 N., R. 12 E. (lot 28); 2 wells; production for month of November, 1915, 48.21 barrels.

Appraisement:	
Casing in wells	$644.08
Other equipment	762.79
	1,406.87

Tract No. 4. NW. ¼ sec. 22, T. 27 N., R. 12 E. (lot 27); 9 wells; production for month of November, 1915, 320.41 barrels.

Appraisement:	
Casing in wells	$2,667.23
Other equipment	3,815.45
	6,482.68

Tract No. 5. SE. ¼ sec. 21, T. 27 N., R. 12 E. (lot 28); 7 wells; production for month of November, 1915, 323.14 barrels.

Appraisement:	
Casing in wells	$2,127.15
Other equipment	4,324.71
	6,451.86

Tract No. 6. NE. ¼ sec. 21, T. 27 N., R. 12 E. (lot 27); 7 wells; production for month of November, 1915, 278.15 barrels.

Appraisement:	
Casing in wells	$2,294.78
Other equipment	3,127.70
	5,422.48

Tract No. 7. SE. ¼ sec. 16, T. 27 N., R. 12 E. (lot 26); 1 well; production for month of November, 1915, none.

Appraisement:	
Casing in well	$303.16
Other equipment	380.03
	683.19

Tract No. 8. SW. ¼ sec. 15, T. 27 N., R. 12 E. (lot 26); 14 wells; production for month of November, 1915, 315.75 barrels.

Appraisement:	
Casing in wells	$3,768.08
Other equipment	6,988.50
	10,756.58

Tract No. 9. NW. ¼ frac. sec. 15, T. 27 N., R. 12 E. (lot 25); 1 well; production for month of November, 1915, 8.86 barrels.

Appraisement, casing in well	$107.99

Tract No. 10. NE ¼ sec. 8, T. 23 N., R. 12 E. (lot 71); 5 wells; production for month of November, 1915, 415.03 barrels.

Appraisement:	
Casing in wells	$3,191.72
Other equipment	4,655.40
	7,847.12

Tract No. 11. NE. ¼ sec. 7, T. 23 N., R. 12 E. (lot 71); 4 wells; production for month of November, 1915, 1,670.96 barrels.

Appraisement:	
Casing in wells	$2,491.13
Other equipment	4,714.02
	7,205.15

Tract No. 27, SW. ¼ sec. 22, T. 20 N., R. 12 E. (lot 112); 4 wells; production for month of November, 1915, 267.33 barrels.

Appraisement:	
Casing in wells	$1,047.61
Other equipment	1,698.54
	2,746.15

Tract No. 13. NW. ¼ sec. 34, T. 22 N., R. 12 E. (lot 91); 3 wells; production for month of November, 1915, 194.47 barrels.

Appraisement:	
Casing in wells	$2,141.83
Other equipment	2,790.74
	4,932.57

Tract No. 14. NE. ¼ sec. 34, T. 22 N., R. 12 E. (lot 91); 5 wells; production for month of November, 1915, 495.40 barrels.

Appraisement:	
Casing in wells	$3,210.22
Other equipment	4,399.54
	7,609.76

Tract No. 15. SW. ¼ sec. 33, T. 21 N., R. 12 E. (lot 104); 11 wells; production for month of November, 1915, 7,121.60 barrels.

Appraisement:	
Casing in wells	$6,940.15
Other equipment	17,957.79
	24,897.94

Tract No. 16. SW. ¼ sec. 32, T. 21 N., R. 12 E. (lot 104); 1 well; production for month of November, 1915, 62.02 barrels.

Appraisement:	
Casing in well	$617.46
Other equipment	1,175.90
	1,793.36

Tract No. 17. NE. ¼ sec. 32, T. 21 N., R. 12 E. (lot 103); 4 wells; production for month of November, 1915, 1,358.78 barrels.

Appraisement:	
Casing in wells	$2,357.33
Other equipment	3,344.17
	5,701.50

Tract No. 18. SE. ¼ sec. 31, T. 21 N., R. 12 E. (lot 104); 2 wells; production for month of November, 1915, 748.20 barrels.

Appraisement:	
Casing in wells	$1,230.86
Other equipment	2,263.00
	3,493.86

Tract No. 19. SW. ¼ sec. 30, T. 21 N., R. 12 E. (lot 102); 1 well; production for month of November, 1915, 10.39 barrels.

Appraisement:	
Casing in well	$577.13
Other equipment	2,306.90
	2,884.03

Tract No. 20. NE. ¼ sec. 29, T. 21 N., R. 12 E. (lot 101); 1 well; production for month of November, 1915, 55.33 barrels.

Appraisement:	
Casing in well	$580.84
Other equipment	1,004.07
	1,584.91

Tract No. 21. NW. ¼ sec. 10, T. 21 N., R. 12 E. (lot 95); 1 well; production for month of November, 1915, 31.32 barrels.

Appraisement, casing in well $636.04

Tract No. 22. SW. ¼ sec. 10, T. 21 N., R. 12 E. (lot 96); 8 wells; production for month of November, 1915, 799.28 barrels.

Appraisement:	
Casing in wells	$5,102.15
Other equipment	4,559.72
	9,661.87

Tract No. 23. NE. ¼ sec. 3, T. 21 N., R. 12 E. (lot 93); 3 wells; production for month of November, 1915, 312.53 barrels.

Appraisement:	
Casing in wells	$1,925.26
Other equipment	2,648.29
	4,573.55

Tract No. 24. SW. ¼ sec. 3, T. 21 N., R. 12 E. (lot 94); 1 well; production for month of November, 1915, 36.35 barrels.

Appraisement:	
Casing in well	$626.67
Other equipment	1,175.97
	1,802.64

Tract No. 25. SE. ¼ sec. 3, T. 21 N., R. 12 E. (lot 94); 4 wells; production for month of November, 1915, 286.03 barrels.

Appraisement:	
Casing in wells	$2,805.45
Other equipment	3,386.41
	6,191.86

Tract No. 26. NW. ¼ sec. 22, T. 20 N., R. 12 E. (lot 111); 10 wells; production for month of November, 1915, 2,085.01 barrels.

Appraisement:	
Casing in wells	$5,835.23
Other equipment	8,514.89
	14,350.12

Tract No. 27. SW. ¼ sec. 22, T. 20 N., R. 12 E. (lot 112); 4 wells; production for month of November, 1915, 397.32 barrels.

Appraisement:	
Casing in wells	$2,310.33
Other equipment	2,596.04
	4,906.37

Tract No. 28. SE. ¼ sec. 22, T. 20 N., R. 12 E. (lot 112); 3 wells; production for month of November, 1915, 448.46 barrels.

Appraisement:	
Casing in wells	$1,846.35
Other equipment	3,526.80
	5,373.15

Tract No. 29. NE. ¼ sec. 17, T. 20 N., R. 12 E. (lot 109); 2 wells; production for month of November, 1915, 789.16 barrels.

Appraisement:	
Casing in wells	$1,250.10
Other equipment	1,233.31
	2,483.41

Tract No. 30. NW. ¼ sec. 16, T. 20 N., R. 12 E. (lot 109); 10 wells; production for month of November, 1915, 1,489 barrels.

Appraisement:	
Casing in wells	$5,537.07
Other equipment	8,589.46
	14,126.53

Tract No. 31. SW. ¼ sec. 16, T. 20 N., R. 12 E. (lot 110); 1 well; production for month of November, 1915, 194.09 barrels.

Appraisement:	
Casing in well	$577.27
Other equipment	1,325.41
	1,902.68

Tract No. 32. SE. ¼ sec. 16, T. 20 N., R. 12 E. (lot 110); 1 well; production for month of November, 1915, 92.88 barrels.

Appraisement:	
Casing in well	$590.80
Other equipment	1,244.98
	1,835.78

Tract No. 33. NE. ¼ sec. 15, T. 20 N., R. 12 E. (lot 109); 5 wells; production for month of November, 1915, 639.08 barrels.

Appraisement:	
Casing in wells	$2,848.20
Other equipment	4,424.74
	7,272.94

Tract No. 34. SW. ¼ sec. 15, T. 20 N., R. 12 E. (lot 110); 1 well; production for month of November, 1915, 61.22 barrels.

Appraisement:	
Casing in well	$589.11
Other equipment	605.14
	1,194.25

Tract No. 35. NE. ¼ sec. 10, T. 20 N., R. 12 E. (lot 107); 5 wells; production for month of November, 1915, 319.15 barrels.

Appraisement:	
Casing in wells	$3,059.42
Other equipment	5,028.54
	8,087.96

Tract No. 36. SE. ¼ sec. 10, T. 20 N., R. 12 E. (lot 108); 1 well; production for month of November, 1915, 108.08 barrels.

Appraisement:	
Casing in well	$575.35
Other equipment	535.75
	1,111.10

Tract No. 37. NE. ¼ sec. 9, T. 20 N., R. 12 E. (lot 107); 2 wells; production for month of November, 1915, 1,340.18 barrels.

Appraisement:	
Casing in wells	$719.60
Other equipment	1,939.07
	2,658.67

Tract No. 38. SW. ¼ sec. 9, T. 20 N., R. 12 E. (lot 108); 2 wells; production for month of November, 1915, 205.46 barrels.

Appraisement:	
Casing in wells	$1,131.30
Other equipment	1,634.30
	2,765.60

Tract No. 39. NE. ¼ sec. 8, T. 20 N., R. 12 E. (lot 107); 3 wells; production for month of November, 1915, 1,082.21 barrels.

Appraisement:	
Casing in wells	$1,929.08
Other equipment	1,934.54
	3,863.62

Tract No. 40. SE. ¼ sec. 8, T. 20 N., R. 12 E. (lot 108); 2 wells; production for month of November, 1915, 411.15 barrels.

Appraisement:	
Casing in wells	$3,592.49
Other equipment	3,035.02
	6,627.51

Tract No. 41. NE. ¼ sec. 5, T. 20 N., R. 12 E. (lot 105); 1 well; production for month of November, 1915, 39.07 barrels.

Appraisement:	
Casing in well	$626.38
Other equipment	544.53
	1,170.91

Tract No. 42. SE. ¼ sec. 3, T. 20 N., R. 12 E. (lot 106); 1 well; production for month of November, 1915, 21.56 barrels.

Appraisement:	
Casing in well	$567.49
Other equipment	597.84
	1,165.33

Tract No. 43. NE. ¼ sec. 21, T. 29 N., R. 11 (lot 235); 3 wells; production for month of November, 1915, 177.90 barrels.

Appraisement:	
Casing in wells	$750.37
Other equipment	1,136.62
	1,886.99

Tract No. 44. NE. ¼ sec. 16, T. 29 N., R. 11 E. (lot 233); 1 well; production for month of November, 1915, 30.24 barrels.

Appraisement:	
Casing in well	$256.76
Other equipment	359.15
	615.91

Tract No. 45. NW. ¼ sec. 16, T. 29 N., R. 11 E. (lot 233); 2 wells; production for month of November, 1915, 92.10 barrels.

Appraisement, casing in wells $382.42

Tract No. 46. SW. ¼ sec. 34, T. 27 N., R. 11 E. (lot 201); 3 wells; production for month of November, 1915, 210.79 barrels.

Appraisement:	
Casing in wells	$2,076.94
Other equipment	2,219.86
	4,296.80

Tract No. 47. NW. ¼ sec. 30, T. 27 N., R. 11 E. (lot 261); 5 wells; production for month of November, 1915, 791.27 barrels.

Appraisement:	
Casing in wells	$5,044.77
Other equipment	11,060.53
	16,105.30

Tract No. 48. SE. ¼ sec. 29, T. 27 N., R. 11 E. (lot 262); 1 well; production for month of November, 1915, 144.37 barrels.

Appraisement:	
Casing in well	$1,121.73
Other equipment	2,395.75
	3,517.48

Tract No. 49. NW. ¼ sec. 21, T. 27 N., R. 11 E. (lot 259); 1 well; small gas well not in use.

Appraisement, casing in well $825.91

Tract No. 50. NE. ¼ sec. 20, T. 27 N., R. 11 E. (lot 259); 4 wells; production for month of November, 1915, 1,013.01 barrels.

Appraisement:	
Casing in wells	$3,089.65
Other equipment	8,963.05
	12,052.70

Tract No. 51. SE. ¼ sec. 20, T. 27 N., R. 11 E. (lot 260); 4 wells; production for month of November, 1915, 124.65 barrels.

Appraisement:	
Casing in wells	$3,624.55
Other equipment	5,521.28
	9,145.83

Tract No. 52. SW. ¼ sec. 19, T. 27 N., R. 11 E. (lot 260); 1 well; production for month of November, 1915, none.

Appraisement:	
Casing in well	$1,201.47
Other equipment	2,518.76
	3,720.23

Tract No. 53. SE. ¼ sec. 17, T. 27 N., R. 11 E. (lot 258); 1 well; production for month of November, 1915, none.

Appraisement:	
Casing in well	$714.98
Other equipment	3,032.80
	3,747.78

Tract No. 54. NW. ¼ sec. 31, T. 25 N., R. 11 E. (lot 287); 6 wells; production for month of November, 1915, 10,355.37 barrels.

Appraisement:	
Casing in wells	$5,072.72
Other equipment	12,283.12
	17,355.84

Tract No. 55. SW. ¼ sec. 30, T. 25 N., R. 11 E. (lot 286); 15 wells; production for month of November, 1915, 46,232.32 barrels.

Appraisement:	
Casing in wells	$15,029.34
Other equipment	30,182.33
	45,211.67

Tract No. 56. SW. ¼ sec. 29, T. 24 N., R. 11 E. (lot 298); 4 wells; production for month of November, 1915, 1,223.44 barrels.

Appraisement:	
Casing in wells	$2,650.77
Other equipment	5,190.88
	7,841.65

Tract No. 57. SE. ¼ sec. 29, T. 24 N., R. 11 E. (lot 298); 3 wells; production for month of November, 1915, 1,042.87 barrels.

Appraisement:	
Casing in wells	$2,455.84
Other equipment	5,184.04
	7,639.88

Tract No. 58. SW. ¼ sec. 16, T. 24 N., R. 11 E. (lot 294); 3 wells; production for month of November, 1915, 230.90 barrels.

Appraisement:	
Casing in wells	$2,059.74
Other equipment	2,562.98
	4,622.72

Tract No. 59. SW. ¼ sec. 32, T. 23 N., R. 11 E. (lot 312); 5 wells; production for month of November, 1915, 554.51 barrels.

Appraisement:	
Casing in wells	$3,887.26
Other equipment	3,908.80
	7,796.06

Tract No. 60. SW. ¼ sec. 31, T. 23 N., R. 11 E. (lot 312); 1 well; production for month of November, 1915, none.

Appraisement, casing in well $725.16

Tract No. 61. SE. ¼ sec. 31, T. 23 N., R. 11 E. (lot 312); 15 wells; production for month of November, 1915, 1,163.12 barrels.

Appraisement:	
Casing in wells	$12,376.83
Other equipment	13,547.28
	25,924.11

Tract No. 62. NE. ¼ sec. 30, T. 23 N., R. 11 E. (lot 309); 7 wells; production for month of November, 1915, 720.45 barrels.

Appraisement:	
Casing in wells	$5,617.01
Other equipment	6,780.51
	12,397.52

Tract No. 63. SE. ¼ sec. 30, T. 23 N., R. 11 E. (lot 310); 8 wells; production for month of November, 1915, 741.64 barrels.

Appraisement:	
Casing in wells	$5,759.77
Other equipment	6,504.68
	12,264.45

Tract No. 64. NW. ¼ sec. 29, T. 23 N., R. 11 E. (lot 309); 7 wells; production for month of November, 1915, 814.74 barrels.

Appraisement:	
Casing in wells	$5,031.06
Other equipment	6,450.53
	11,481.59

Tract No. 65. SW. ¼ sec. 29, T. 23 N., R. 11 E. (lot 310); 8 wells; production for month of November, 1915, 752.29 barrels.

Appraisement:	
Casing in wells	$5,926.43
Other equipment	8,622.01
	14,548.44

Tract No. 66. NE. ¼ sec. 24, T. 23 N., R. 11 E. (lot 158); 6 wells; production for month of November, 1915, 2,053.50 barrels.

Appraisement:	
Casing in wells	$4,723.36
Other equipment	7,634.87
	12,358.23

Tract No. 67. NW. ¼ sec. 24, T. 23 N., R. 11 E. (lot 158); 1 well; production for month of November, 1915, 10 barrels.

Appraisement:	
Casing in wells	$678.34
Other equipment	882.92
	1,561.26

Tract No. 68. SE. ¼ sec. 24, T. 23 N., R. 11 E. (lot 157); 9 wells; production for month of November, 1915, 1,900.57 barrels.

Appraisement:	
Casing in wells	$6,038.71
Other equipment	10,476.82
	16,515.53

Tract No. 69. NE. ¼ sec. 23, T. 23 N., R. 11 E. (lot 158); 2 wells; production for month of November, 1915, 315.80 barrels.

Appraisement:	
Casing in wells	$1,407.18
Other equipment	1,984.26
	3,391.44

Tract No. 70. SE. ¼ sec. 23, T. 23 N., R. 11 E. (lot 157); 10 wells; production for month of November, 1915, 2,514.44 barrels.

Appraisement:	
Casing in wells	$7,204.59
Other equipment	10,162.65
	17,367.24

Tract No. 71. SE. ¼ sec. 19, T. 23 N., R. 11 E. (lot 308); 1 well; production for month of November, 1915, 81.65 barrels.

Appraisement:	
Casing in well	$730.10
Other equipment	824.59
	1,554.69

Tract No. 72. NE. ¼ sec. 6, T. 22 N., R. 11 E. (lot 313); 8 wells; production for month of November, 1915, 550.25 barrels.

Appraisement:	
Casing in wells	$5,778.50
Other equipment	8,341.84
	14,120.34

Tract No. 73. SE. ¼ sec. 6, T. 22 N., R. 11 E. (lot 314); 3 wells; production for month of November, 1915, 218.03 barrels.

Appraisement, casing in wells $2,066.49

Tract No. 74. NW. ¼ sec. 5, T. 22 N., R. 11 E. (lot 313); 4 wells; production for month of November, 1915, 433.87 barrels.

Appraisement:	
Casing in wells	$2,791.39
Other equipment	2,352.77
	5,144.16

Tract No. 75. SW. ¼ sec. 1, T. 27 N., R. 10 E.; 1 well; dead gas well.

Appraisement, casing in well $159.19

Tract No. 76. SW. ¼ sec. 30, T. 24 N., R. 10 E.; 3 wells; production for month of November, 1915, 98.74 barrels.

Appraisement:	
Casing in wells	$2,139.27
Other equipment	2,109.53
	4,248.80

Tract No. 77. NE. ¼ sec. 27, T. 22 N., R. 10 E.; 6 wells; production for month of November, 1915, 1,090.52 barrels.

Appraisement:	
Casing in wells	$5,398.73
Other equipment	9,558.04
	14,206.77

Tract No. 78. NW. ¼ sec. 36, T. 22 N., R. 10 E.; 6 wells; production for month of November, 1915, 510.62 barrels.

Appraisement:	
Casing in wells	$3,374.43
Other equipment	6,471.56
	9,845.99

Tract No. 79. NE. ¼ sec. 35, T. 22 N., R. 10 E.; 7 wells; production for month of November, 1915, 923.82 barrels.

Appraisement:	
Casing in wells	$3,828.24
Other equipment	5,250.58
	9,078.82

Tract No. 80. SW. ¼ sec. 33, T. 22 N., R. 10 E.; 1 well; production for month of November, 1915, 524.16 barrels.

Appraisement:	
Casing in well	$659.80
Other equipment	1,802.30
	2,462.10

Tract No. 81. SE. ¼ sec. 32, T. 22 N., R. 10 E.; 1 well; production for month of November, 1915, 469.80 barrels.

Appraisement:	
Casing in well	$776.37
Other equipment	2,527.25
	3,303.62

Tract No. 82. SE. ¼ sec. 27, T. 22 N., R. 10 E.; 1 well; production for month of November, 1915, 104.57 barrels.

Appraisement:	
Casing in well	$979.23
Other equipment	1,309.98
	2,289.21

Tract No. 83. NE. ¼ sec. 24, T. 22 N., R. 10 E.; 2 wells; production for month of November, 1915, 145.27 barrels.

Appraisement:	
Casing in wells	$1,521.21
Other equipment	1,878.89
	3,400.10

Tract No. 84. NW. ¼ sec. 24, T. 22 N., R. 10 E.; 4 wells; production for month of November, 1915, 1,139.82 barrels.

Appraisement:	
Casing in wells	$3,097.00
Other equipment	6,212.82
	9,309.82

Tract No. 85. SE. ¼ sec. 23, T. 22 N., R. 10 E.; 2 wells; production for month of November, 1915, 46.30 barrels.

Appraisement, casing in wells $2,915.63

Tract No. 86. NE. ¼ sec. 13, T. 22, R. 10 E.; 8 wells; production for month of November, 1915, 1,460.68 barrels.

Appraisement:	
Casing in wells	$8,008.09
Other equipment	9,846.28
	17,854.37

Tract No. 87. NW. ¼ sec. 13, T. 22, R. 10 E.; 4 wells; production for month of November, 1915, 414.70 barrels.

Appraisement:	
Casing in wells	$2,950.65
Other equipment	3,961.15
	6,911.80

Tract No. 88. SW. ¼ sec. 13, T. 22, R. 10 E.; 4 wells; production for month of November, 1915, 506.99 barrels.

Appraisement:	
Casing in wells	$2,907.92
Other equipment	3,997.61
	6,905.53

Tract No. 89. SE. ¼ sec. 13, T. 22, R. 10 E.; 4 wells; production for month of November, 1915, 739.04 barrels.

Appraisement:	
Casing in wells	$4,159.82
Other equipment	4,066.98
	8,226.80

Tract No. 90. NE. ¼ sec. 5, T. 21 N., R. 10 E.; 1 well; production for month of November, 1915, 1,494.92 barrels.

Appraisement:	
Casing in well	$1,620.04
Other equipment	2,260.39
	3,880.43

Tract No. 91. NW. ¼ sec. 20, T. 29 N., R. 9 E.; 7 wells; production for month of November, 1915, 719.33 barrels.

Appraisement:	
Casing in wells	$5,088.59
Other equipment	6,505.30
	11,593.89

Tract No. 92. NE. ¼ sec. 25, T. 24 N., R. 9 E.; 2 wells; production for month of November, 1915, 132.67 barrels.

Appraisement, casing in wells $1,563.06

Tract No. 93. SE. ¼ sec. 25, T. 24 N., R. 9 E.; 2 wells; production for month of November, 1915, 171.05 barrels.

Appraisement:	
Casing in wells	$2,149.82
Other equipment	3,602.85
	5,752.67

Tract No. 94. SW. ¼ sec. 18, T. 21, R. 9 E.; 7 wells; production for month of November, 1915, 822.22 barrels.

Appraisement:	
Casing in wells	$8,093.68
Other equipment	12,619.02
	20,712.70

Tract No. 95. NW. ¼ sec. 1, T. 21 N., R. 9 E.; 1 well; production for month of November, 1915, 258.78 barrels.

Appraisement:	
Casing in well	$1,577.02
Other equipment	2,599.41
	4,176.43

Tract No. 96. NE. ¼ sec. 24, T. 21 N., R. 8 E.; 9 wells; production for month of November, 1915, 2,033.40 barrels.

Appraisement:	
Casing in wells	$9,798.51
Other equipment	20,329.46
	30,127.97

Tract No. 97. SE. ¼ sec. 24, T. 21 N., R. 8 E.; 2 wells; production for month of November, 1915, 56.24 barrels.

Appraisement:	
Casing in wells	$2,300.95
Other equipment	2,743.30
	5,044.25

Tract No. 98. SE. ¼ sec. 2, T. 21 N., R. 8 E.; 2 wells; production for month of November, 1915, 294.60 barrels.

Appraisement:	
Casing in wells	$1,313.85
Other equipment	2,246.71
	3,560.56

Tract No. 99. SW. ¼ sec. 1, T. 21 N., R. 8 E.; 10 wells; production for month of November, 1915, 1,822.56 barrels.

Appraisement:	
Casing in wells	$7,603.78
Other equipment	10,488.79
	18,092.57

PROPERTIES NOW OPERATED BY THE GYPSY OIL CO.

Tract No. 100. SE. ¼ sec. 1, T. 21 N., R. 7 E.; 13 wells; pipe line runs for month of November, 1915, 38,999.46 barrels.

Appraisement, casing in wells $23,577.66

Tract No. 101. NW. ¼ sec. 1, T. 21 N., R. 7 E.; 1 well; pipe-line runs for month of November, 1915, 3,002.47 barrels.

Appraisement, casing in well $1,616.70

Tract No. 102. SW. ¼ sec. 1, T. 21, R. 7 E.; 1 well; pipe-line runs for month of November, 1915, 3,753.08 barrels.

Appraisement, casing in well $1,754.97

Tract No. 103. NE. ¼ sec. 1, T. 21 N., R. 7 E.; 32 wells; pipe-line runs for month of November, 1915, 117,422.63 barrels.

Appraisement, casing in wells $54,281.19

PROPERTIES NOW OPERATED BY THE WOLVERINE OIL CO.

Tract No. 104. SE. ¼ sec. 20, T. 24 N., R. 11 E.; SE. ¼ and SW. ¼ sec. 21, T. 24 N., R. 11 E. (lot 296); 5 wells; pipe-line runs for month of November, 1915, 511.12 barrels.

Appraisement, casing in wells $2,248.66

PROPERTIES NOW OPERATED BY H. V. FOSTER AND JOHN H. BRENNAN.

Tract No. 105. NW. ¼ sec. 30, T. 25 N., R. 11 E. (lot 285); 9 wells; pipe-line runs for month of November, 1915, 44,931.55 barrels.

Appraisement:	
Casing in wells	$14,999.56
Other equipment	26,418.99
	41,418.55

PROPERTIES NOW OPERATED BY THE STEYNER OIL CO.

Tract No. 106. NE. ¼ sec. 33, T. 29 N., R. 10 E.; 1 well; very small gas well, estimated at 750,000 cubic feet per day.

Appraisement, casing in well $709.68

Tract No. 107. S. ½ sec. 20, T. 23 N., R. 12 E. (lot 76); 1 well; pipe-line runs for month of November, 1915, 40 barrels.

Appraisement, casing in well $363.49

PROPERTIES NOW OPERATED BY H. V. FOSTER AND A. D. ROBB.

Tract No. 108. SW. ¼ sec. 7, T. 24 N., R. 11 E. (lot 292); 4 wells; pipe-line runs for month of November, 1915, 3,767.81 barrels.
Appraisement, casing in wells..... $2,994.06

CATO SELLS.
Commissioner of Indian Affairs.

WASHINGTON, D. C., *January 12, 1916.*
Approved:

FRANKLIN K. LANE, *Secretary.*

NOTE.—The surface equipment as appraised does not include buildings or other improvements, which become the property of the Osage Indians upon the expiration of present leases.

EXECUTIVE SESSION.

Mr. SMOOT. Mr. President——

Mr. STONE. Mr. President, if the Senator from Utah wishes to present some business, I will not interfere; otherwise, I will move an executive session.

Mr. SMOOT. If the Senator wishes to do that, I will simply say that I was going to ask that House bill 7617, the good-roads bill, be temporarily laid aside, and then I intended to move to take up the calendar to consider unobjected cases until half past 5 o'clock; but if the Senator desires an executive session, I will refrain from doing so.

Mr. STONE. There is a general desire to have a short executive session and then to adjourn.

Mr. SMOOT. Very well, I shall not object to that course being followed.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 20, 1916, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 19, 1916.

ASSISTANT SECRETARY OF WAR.

William M. Ingraham, of Maine, to be Assistant Secretary of War, vice Henry Breckinridge, resigned.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

First Lieut. Sidney H. Guthrie, Coast Artillery Corps, to be captain from April 16, 1916, vice Capt. James M. Fulton, dismissed April 15, 1916.

Second Lieut. Edward Roth, jr., Coast Artillery Corps, to be first lieutenant from April 16, 1916, vice First Lieut. Sidney H. Guthrie, promoted.

CORPS OF ENGINEERS.

Second Lieut. Oscar O. Kuentz, Corps of Engineers, to be first lieutenant from December 11, 1915, vice First Lieut. Edwin H. Marks, promoted.

Second Lieut. William E. R. Covell, Corps of Engineers, to be first lieutenant from January 12, 1916, vice First Lieut. Earl North, promoted.

Second Lieut. Edwin R. Kimble, Corps of Engineers, to be first lieutenant from March 24, 1916, vice First Lieut. Albert H. Acher, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 19, 1916.

POSTMASTERS.

INDIANA.

E. E. Stull, North Liberty.

IOWA.

Sylva E. E. Thompson, Roland.

MICHIGAN.

Samuel Folz, Kalamazoo.

MINNESOTA.

John P. Anderson, Butterfield.
Peter W. Gorrie, Morristown.
C. J. Reagan, Appleton.
W. J. Struble, Mora.

MONTANA.

John Dunn, Red Lodge.
Maurice J. Keenan, Hobson.

NORTH DAKOTA.

John B. Wagner, Lidgerwood.

PENNSYLVANIA.

Caroline E. W. Curry, Glen Olden.
John H. Custer, Stoyestown.
John H. Driscoll, Clarendon.
C. P. Gettier, Littlestown.
A. T. Groff, Confluence.
Elias B. Leiby, Marysville.
K. A. McLain, Fredericktown.

VERMONT.

Martha G. Kibby, Randolph Center.

REJECTIONS.

Executive nominations rejected by the Senate April 19, 1916.

Samuel T. Dusenberry to be postmaster at Tuxedo Park, N. Y.
Sanford W. Abbey to be postmaster at Canandaigua, N. Y.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 19, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Spirit, ever present, working in and through the hearts of Thy children, help us to open wide the portals of our souls that we may be guided in the duties of this day and render faithful service in the working out of the purposes Thou hast ordained, and thus be worthy of the gifts Thou hast bestowed upon us and merit the "Well done, good and faithful servant." In the name of Thy Son, Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. LINTHICUM rose.

The SPEAKER. For what purpose does the gentleman from Maryland rise?

Mr. LINTHICUM. To ask unanimous consent to extend my remarks in the RECORD by inserting a letter from James W. Helme, of Lansing, Mich., and my reply thereto, on House resolution 137.

The SPEAKER. Who is the man?

Mr. LINTHICUM. James W. Helme, of Lansing, Mich.

The SPEAKER. The gentleman from Maryland [Mr. LINTHICUM] asks unanimous consent to extend his remarks in the RECORD by printing a letter from James W. Helme, of Lansing, Mich. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment resolution of the following title:

House concurrent resolution 30.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, the 19th day of April, 1916, at 1 o'clock in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

SUGAR TARIFF BILL.

Mr. KITCHIN. Mr. Speaker, I call up for consideration the conference report on the bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913.

The SPEAKER. The gentleman from North Carolina [Mr. KITCHIN] calls up the conference report on the sugar tariff bill, H. R. 11471, which the Clerk will report. Is it a complete report?

Mr. KITCHIN. It is a disagreeing report as to one amendment.

The conference report was read as follows:

CONFERENCE REPORT (NO. 573).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties

and to provide revenue for the Government, and for other purposes," approved October 3, 1913, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the title, and agree to the same with an amendment as follows: In the last line of the Senate amendment to the title strike out the words "manufactures of sugar" and insert in lieu thereof the words "other articles"; and the Senate agree to the same.

The committee of conference has been unable to agree on the amendment of the Senate to the bill.

CLAUDE KITCHIN,
HENRY T. RAINEY,
J. W. FORDNEY,
Managers on the part of the House.

F. M. SIMMONS,
WM. J. STONE,
H. C. LODGE,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties and provide revenue for the Government, and for other purposes," approved October 3, 1913, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House recedes from its disagreement to the amendment of the Senate to the title of the bill with an amendment which makes the title broad enough to cover all the articles provided for in paragraphs 177 and 178 of the sugar schedule of the tariff act of October 3, 1913, and covered by the bill.

The committee of conference has been unable to agree on the amendment of the Senate to the bill providing that the present rates of duty upon sugar and kindred articles shall remain in full force and effect until May 1, 1920, and placing the above articles on the free list after that date.

CLAUDE KITCHIN,
HENRY T. RAINEY,
J. W. FORDNEY,
Managers on the part of the House.

Mr. MANN. Mr. Speaker, I see the conferees agreed to an amendment of the title. I suppose there is no objection to that, because the title originally was erroneous. The original title was to amend an act. The Senate amendment is to change the title so as to amend a certain paragraph.

Mr. KITCHIN. We agreed to that with an amendment.

Mr. MANN. As a matter of fact, if the House has its way and passes the bill in the form it was originally passed by the House it is not an amendment of the tariff act at all. It is to repeal certain provisos and does not pretend to amend it.

Mr. KITCHIN. Yes; we agreed with the Senate conferees on something, with the hope that they would yield something to us. We were very fair about it.

Mr. MANN. Of course, whenever it goes into a law it will appear in either case as an act to amend a certain act, when it does not amend at all. It simply repeals certain provisions in the act.

Mr. KITCHIN. The act itself will show exactly what it does, in spite of the title.

Mr. MANN. As I understand, it is the intention of the gentleman to do what about the other provisions?

Mr. KITCHIN. I intend to move to further insist on the disagreement of the House. Mr. Speaker, I move the adoption of the report.

The SPEAKER. The question is on the adoption of the conference report.

The conference report was agreed to.

Mr. KITCHIN. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment and ask for a further conference. The House understands well the attitude of the Senate and of the House.

The SPEAKER. The gentleman from North Carolina moves that the House further insist on its disagreement and ask for a conference.

Mr. GORDON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GORDON. Would a motion to concur have precedence over the motion that the gentleman has just made?

Mr. MANN. Yes.

The SPEAKER. A motion to recede and concur would.

Mr. GORDON. I would like to make that motion, if it is in order.

The SPEAKER. The gentleman from Ohio [Mr. GORDON] moves that the House recede from its disagreement and concur in the Senate amendment. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the "noes" seemed to have it.

Mr. GORDON. Mr. Speaker, I demand a division.

The SPEAKER. The gentleman from Ohio [Mr. GORDON] asks for a division.

The House divided; and there were—ayes 7, noes 71.

Mr. GORDON. Mr. Speaker, I make the point that there is not a quorum present.

The SPEAKER. The gentleman makes the point that there is no quorum present. Evidently there is not a quorum present, and the Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. The question is on agreeing to the motion of the gentleman from Ohio that the House recede from its disagreement and concur in the Senate amendment.

The question was taken; and there were—yeas 27, nays 309, answered "present" 2, not voting 95, as follows:

YEAS—27.

Bailey	Davenport	Hilliard	Sims
Brumbaugh	Dill	Johnson, Ky.	Sisson
Buchanan, Ill.	Gallagher	Keating	Steele, Iowa
Callaway	Gordon	Kincheloe	Tavenner
Caraway	Gray, Ala.	London	Thompson
Connelly	Gray, Ind.	McDermott	Van Dyke
Crosser	Hastings	Quin	

NAYS—309.

Abercrombie	Dixon	Hughes	Oglesby
Adamson	Doolittle	Hull, Iowa	Oldfield
Aiken	Doremus	Hull, Tenn.	Oliver
Alexander	Doughton	Humphrey, Wash.	Olney
Allen	Dowell	Humphreys, Miss.	O'Shaunessy
Almon	Drukker	Husted	Overmyer
Anderson	Dunn	Igoe	Padgett
Ashbrook	Dyer	Jacoway	Page, N. C.
Aswell	Eagan	James	Paige, Mass.
Austin	Eagle	Johnson, Wash.	Park
Ayres	Edmonds	Kahn	Parker, N. J.
Bacharach	Edwards	Kearns	Parker, N. Y.
Barchfeld	Ellsworth	Keiley	Peters
Barkley	Elston	Kennedy, Iowa	Phelan
Barnhart	Esch	Kent	Platt
Beakes	Estopinal	Kiess, Pa.	Porter
Bell	Evans	King	Pou
Bennet	Ferris	Kitchin	Powers
Black	Fess	Kreider	Pratt
Blackmon	Fields	Lafean	Ragsdale
Booher	Finley	La Follette	Rainey
Borland	Fitzgerald	Langley	Raker
Britt	Flood	Lee	Ramseyer
Britten	Focht	Lehlbach	Rauch
Browne	Fordney	Lenroot	Rayburn
Browning	Foster	Lesher	Reilly
Bruckner	Frear	Lever	Ricketts
Buchanan, Tex.	Freeman	Lewis	Roberts, Mass.
Burgess	Fuller	Lieb	Roberts, Nev.
Burke	Gandy	Lindbergh	Rodenberg
Butler	Gard	Linthicum	Rogers
Byrnes, S. C.	Garland	Littlepage	Rouse
Byrns, Tenn.	Garner	Lloyd	Rowe
Caldwell	Garrett	Longworth	Rowland
Candler, Miss.	Gillett	Loud	Rubey
Cannon	Glass	McArthur	Rucker
Cantrill	Glynn	McClintic	Russell, Mo.
Capstick	Gould	McCracken	Russell, Ohio
Carew	Graham	McCulloch	Sanford
Carter, Mass.	Green, Iowa	McFadden	Schall
Cary	Greene, Mass.	McGillicuddy	Scott, Mich.
Chandler, N. Y.	Greene, Vt.	McKellar	Shallenberger
Charles	Gregg	McKenzie	Sherley
Cline	Griffin	McLaughlin	Sherwood
Coady	Hadley	McLemore	Shouse
Collier	Hamilton, Mich.	Magee	Sinnott
Conry	Hamilton, N. Y.	Maher	Slayden
Cooper, W. Va.	Hamlin	Mann	Sloan
Cooper, Wis.	Hardy	Mapes	Small
Copley	Harrison	Martin	Smith, Idaho
Costello	Haskell	Matthews	Smith, Mich.
Cox	Haugen	Mays	Smith, Minn.
Crago	Hawley	Meeker	Smith, N. Y.
Cramton	Hayes	Miller, Del.	Smith, Tex.
Crisp	Heflin	Miller, Minn.	Sparkman
Cullop	Helgesen	Miller, Pa.	Steagall
Curry	Helm	Mondell	Stedman
Dale, Vt.	Helvering	Montague	Steele, Pa.
Dallinger	Hensley	Moore, Pa.	Steenerson
Danforth	Hernandez	Moores, Ind.	Stephens, Miss.
Darrow	Hicks	Morrison	Stephens, Tex.
Davis, Minn.	Hinds	Moss, Ind.	Sterling
Davis, Tex.	Holland	Mott	Stiness
Denison	Hollingsworth	Neely	Stone
Dent	Hood	Nelson	Stout
Dewalt	Hopwood	Nicholls, S. C.	Sulloway
Dickinson	Houston	Nolan	Sumners
Dies	Howell	North	Sutherland
Dillon	Huddleston	Oakey	Sweet

Swift	Tinkham	Ward	Wingo
Switzer	Towner	Wason	Wise
Taggart	Tribble	Watson, Pa.	Wood, Ind.
Taylor, Ark.	Vare	Watson, Va.	Woods, Iowa
Taylor, Colo.	Venable	Webb	Young, N. Dak.
Temple	Vinson	Whaley	Young, Tex.
Tillman	Volstead	Wheeler	
Tilson	Walker	Williams, T. S.	
Timberlake	Walsh	Williams, Ohio	

ANSWERED "PRESENT"—2.

Howard McAndrews

NOT VOTING—95.

Adair	Foss	Kinkaid	Saunders
Anthony	Gallivan	Konop	Scott, Pa.
Beales	Gardner	Lazaro	Scully
Burnett	Godwin, N. C.	Liebel	Sears
Campbell	Good	Lobeck	Sells
Carlin	Goodwin, Ark.	Loft	Shackleford
Carter, Okla.	Gray, N. J.	McKinley	Siegel
Casey	Griest	Madden	Slemp
Chiperfield	Guernsey	Moon	Snell
Church	Hamill	Mooney	Snyder
Clark, Fla.	Hart	Morgan, La.	Stafford
Coleman	Hay	Morgan, Okla.	Stephens, Cal.
Cooper, Ohio	Hayden	Morin	Stephens, Nebr.
Dale, N. Y.	Heaton	Moss, W. Va.	Tague
Decker	Henry	Mudd	Talbott
Dempsey	Hill	Murray	Thomas
Dooling	Hulbert	Nichols, Mich.	Treadway
Driscoll	Hutchinson	Norton	Watkins
Dupré	Johnson, S. Dak.	Patten	Williams, W. E.
Emerson	Jones	Price	Wilson, Fla.
Fairchild	Keister	Randall	Wilson, Ill.
Farley	Kennedy, R. I.	Reavis	Wilson, La.
Farr	Kettner	Riordan	Winslow
Flynn	Key, Ohio	Sabath	

So the motion to recede and concur was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. WATKINS with Mr. NICHOLS of Michigan.

Mr. MAHER with Mr. STEPHENS of California.

Mr. RIORDAN with Mr. Moss of West Virginia.

Mr. WILSON of Florida with Mr. SNELL.

Mr. THOMAS with Mr. NORTON.

Mr. SEARS with Mr. TREADWAY.

Mr. MURRAY with Mr. SNYDER.

Mr. MORGAN of Louisiana with Mr. SLEMP.

Mr. TAGUE with Mr. MORIN.

Mr. SCULLY with Mr. MUDD.

Mr. SAUNDERS with Mr. MORGAN of Oklahoma.

Mr. SABATH with Mr. SELLS.

Mr. PRICE with Mr. REAVIS.

Mr. LOFT with Mr. MOONEY.

Mr. TALBOTT with Mr. MCKINLEY.

Mr. LIEBEL with Mr. SCOTT of Pennsylvania.

Mr. HENRY with Mr. KEISTER.

Mr. HAY with Mr. STAFFORD.

Mr. DRISCOLL with Mr. HEATON.

Mr. CARLIN with Mr. HUTCHINSON.

Mr. CLARK of Florida with Mr. GUERNSEY.

Mr. HART with Mr. EMERSON.

Mr. FLYNN with Mr. JOHNSON of South Dakota.

Mr. HAYDEN with Mr. CAMPBELL.

Mr. HAMILL with Mr. KINKAID.

Mr. GALLIVAN with Mr. DEMPSEY.

Mr. DECKER with Mr. BEALES.

Mr. ADAIR with Mr. COOPER of Ohio.

Mr. KONOP with Mr. GRAY of New Jersey.

Mr. HULBERT with Mr. GOOD.

Mr. DOOLING with Mr. ANTHONY.

Mr. SHACKLEFORD with Mr. WILSON of Illinois.

Mr. LOBECK with Mr. COLEMAN.

Mr. WM. ELZA WILLIAMS with Mr. GRIEST.

Mr. PATTEN with Mr. FAIRCHILD.

Mr. WILSON of Louisiana with Mr. CHIPERFIELD.

Mr. KEY with Mr. FARR.

Mr. BURNETT with Mr. FOSS.

Mr. STEPHENS of Nebraska with Mr. KENNEDY of Rhode Island.

Mr. DALE of New York with Mr. SIEGEL.

Mr. MCANDREWS (for the motion) with Mr. HILL (against).

Mr. MOON with Mr. MADDEN.

Mr. DUPRÉ (against motion to concur) with Mr. HOWARD (for motion to concur).

Until April 27:

Mr. LAZARO with Mr. WINSLOW.

Mr. HOWARD. Mr. Speaker, I have a pair with the gentleman from Louisiana [Mr. DUPRÉ] and under a misapprehension I voted "aye." I desire to withdraw my vote, and to answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The doorkeeper will unlock the doors.

Mr. KITCHIN. Mr. Speaker, I move that the House insist on its disagreement to the Senate amendment and ask for a further conference.

The SPEAKER. The gentleman from North Carolina moves that the House insist on its disagreement to the Senate amendment and ask for a further conference.

The motion was agreed to.

The SPEAKER announced the following conferees: Mr. KITCHIN, Mr. RAINEY, and Mr. FORDNEY.

ORDER IN THE GALLERIES.

The SPEAKER. The Chair wants to admonish the people in the galleries that they are here by the courtesy of the House, and that during the proceedings to-day they must not talk, or applaud, or read newspapers, or anything of that sort. If they do, the galleries will be cleared.

AGRICULTURAL APPROPRIATION BILL.

On motion of Mr. LEVER, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, with Mr. HAMLIN in the chair.

The Clerk read as follows:

Nebraska National Forest, Nebr., $2,365; and to extend the work to the Niobrara division thereof, $5,000: *Provided*, That from the nurseries on said forest the Secretary of Agriculture, under such rules and regulations as he may prescribe, may furnish young trees free, so far as they may be spared, to residents of the territory covered by "An act increasing the area of homesteads in a portion of Nebraska," approved April 28, 1904, $7,365.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph.

I have no doubt that this paragraph may be of some value, but we have stricken out a provision for furnishing free cuttings, and so forth, in the arid regions of the Northwest from the other stations. Why is the item for the furnishing of trees in Nebraska left in the bill?

Mr. LEVER. I will say to the gentleman from Illinois that this item, if he will recall, was placed in the bill some four or five years ago, on the floor of the House, at the instance of the gentleman from Nebraska [Mr. KINKAID], and the committee has not seen fit to disturb it, inasmuch as this was the action of the House. My information is that there have been distributed during the fiscal year 112,110 trees—pine, box elder, ash, cottonwood, white elm, and so forth—to 746 applicants; and the testimony also is that the distribution has been very successful. In view of the action of the House itself the committee did not feel that it ought to disturb the item.

Mr. MANN. Mr. Chairman, I do not suppose that they are going to distribute very many white-pine trees from this nursery, and probably they will not distribute white-pine trees that are afflicted with the white-pine blister rust, yet it might be possible.

I received last night in my room, where it ought not to come—it ought to have come to the office—a letter which was not opened there, but opened by my secretary this morning with other mail of that kind, from the secretary of the Interstate Committee for the Suppression of the Pine Blister Rust. Very likely other Members received the same letter——

Mr. LEVER. I have a copy myself.

Mr. MANN. Because it is a manifold letter. This letter was dated April 15, 1916, which was last Saturday. It asks Members of the House to support the appropriation in the Agricultural bill for the investigation and suppression of the white-pine blister rust.

The Agricultural appropriation bill has been on the calendar now for several weeks. Last Saturday, after the bill had been on the calendar for several weeks, we passed the paragraph containing this appropriation. After the item was passed in Committee of the Whole, or about the same time, the secretary of this association sent out this letter to Members of Congress. How valuable his services are! After the matter has been on the calendar for weeks this association wakes up to the fact that an appropriation is proposed, after it has been passed; and in order that the association may have reason for paying the salary of the secretary, he writes a letter to the various Members of Congress asking them to support an appropriation that has already been agreed to. If the White Pine Blister Rust Association is as slow in reference to the white-pine blister rust as it is in reference to appropriations for its suppression, we will be waiting a long time for the suppression of that disease.

Mr. SLOAN. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. SLOAN. I should like to ask where this secretary lives.

Mr. MANN. I do not know where he lives. The Interstate Committee for the Supression of the Pine Blister Rust has its office at 4 Joy Street, Boston, Mass.

Mr. SLOAN. I desire to say that the worst blisters are over toward the Atlantic Ocean and not in the middle of the continent. I think this is a proper appropriation. It has been granted for a number of years. It is for the northwestern part of Nebraska.

Mr. MANN. I thought the gentleman was talking about the rust blister.

Mr. SLOAN. I have disposed of that; I am talking about this appropriation. The facts are that the appropriation is asked for the northwestern part of Nebraska, where we have what little arid land the State possesses. Nebraska is known as the tree-planters' State, named so by our legislature. When it was admitted into the Union very few trees marked its plains. There were very few along its streams, but Nebraska perhaps has taken the lead in planting trees and developing forestry.

Nebraska sent to this Capital J. Sterling Morton, Secretary of Agriculture, who was the father of Arbor Day, and whose enthusiasm and enterprise for tree planting was the forerunner of Arbor Day, since adopted as a holiday by nearly every State in the Union. Nebraska year after year has been developing forestry. And this nursery instituted in this particular section and climate produces trees more likely to grow when transplanted in that locality than elsewhere and more likely to thrive than trees produced in other climates and localities.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. SLOAN. Yes.

Mr. HUMPHREY of Washington. How many acres have you planted there?

Mr. SLOAN. Thousands of acres and millions of trees; new trees are being planted every year.

Mr. HUMPHREY of Washington. How large are the trees?

Mr. SLOAN. Oh, they do not compare with the trees in Washington nor the family tree of the gentleman from Washington, probably, but they are all growing. They have not become old enough or large enough to fall with ripeness and interfere with the lumber business. [Laughter.]

Mr. HUMPHREY of Washington. I want to ask if this is one of those reproductions where they testify in the hearings that it cost $10 to $12 an acre to plant them, and only 1 acre out of 3 lives.

Mr. SLOAN. That is not in Nebraska; that is in some other State.

Mr. HUMPHREY of Washington. I think the gentleman is mistaken, and perhaps he had better give this information, because the item is subject to a point of order.

Mr. SLOAN. This is not in my district; it is in the district of the gentleman from Nebraska, Mr. KINKAID, who is not on the floor, and I am speaking for him in his absence, with the lack, perhaps, of complete detail information. I have been through that country and I know and can assure the gentleman that arboriculture is there progressing.

Mr. HUMPHREY of Washington. According to the best information I have received as to the replanting of these small trees, none of them have ever reached a marketable size, and that it costs the Government $10 to $12 an acre in the first place, and that only 1 acre out of 3 grows; and if we are to judge by the rest of the forests in the forest reserve, 50 years from now they will pay 6 per cent on 17½ cents an acre.

Mr. SLOAN. I think the gentleman is looking through too pessimistic eyes. We do not expect, of course, to rival the State of Washington.

Mr. HUMPHREY of Washington. Take the great timber that we have in Washington, on the Pacific coast, under the forest-reserve system since it has been established. They have so conducted it—notwithstanding they have the most magnificent forests on the face of the earth—it only pays an income of 6 per cent on 17½ cents an acre. It has paid less than a cent an acre ever since they have conducted it.

Mr. SLOAN. If I may get by with this appropriation by agreeing that matters are not properly conducted in the State of Washington, I will subscribe.

Mr. HUMPHREY of Washington. They are not properly conducted anywhere as far as this reseeding or replanting is concerned. It is one of the greatest frauds that was ever attempted to be perpetrated by a Government bureau.

Mr. SLOAN. Outside of Nebraska it may be so.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

Mr. HUMPHREY of Washington. Mr. Chairman, I renew the point of order, or, rather, I will reserve it.

Mr. LEVER. I am not sure that it is subject to a point of order. Does the gentleman make the point of order or reserve it?

Mr. HUMPHREY of Washington. The gentleman wants to make a few observations.

The CHAIRMAN. The gentleman from Washington is recognized.

Mr. HUMPHREY of Washington. Mr. Chairman, I have before me a copy of the hearings, in which they give the estimate of what it costs to replant these trees; and the estimate is that it costs $12 an acre. Then I see, turning over two pages, they say that only 1 out of 3 acres grows. So it costs about $30 an acre to replant an acre of timber that 50 years from now will be worth 17½ cents. Now, that is not unusual; it is characteristic of the whole Forestry Service.

Mr. Chairman, this particular provision is for the State of Nebraska; and Judge KINKAID, I understand, is not able to be on the floor of the House. If he were here and could not give any more specific explanation or information than has his colleague, I would certainly make the point of order. The only reason I am going to withdraw it is that he is not able to be here, and he might perhaps know something about it which no one else does know. I will withdraw the point of order, although I think I am not doing a public service in withdrawing it.

Mr. BENNET. Mr. Chairman, I move to amend by adding, after the word "for," in line 16, the words "or to any State."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 35, after the word "for," in line 16, insert the words "or to any State."

Mr. LEVER. I reserve a point of order on that.

Mr. BENNET. It is not subject to a point of order. The rule is very clear. The paragraph itself, being subject to a point of order, having been permitted to remain in by the committee, it is subject to any germane amendment, and as I desire to speak to the amendment, if the gentleman proposes to make the point of order I hope he will make it now, so that I can be heard.

Mr. LEVER. I shall be constrained to make the point of order, and I call attention to the fact that the territory in which the trees are distributed is limited by the act itself to residents of the territory covered by the act increasing the area of homesteads in a portion of Nebraska.

The gentleman's amendment will open the gates wide and permit the distribution of these trees to any State in the Union.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. MANN. The gentleman does not pretend that the act referred to in this paragraph has anything to do with the distribution of trees?

Mr. LEVER. No.

Mr. MANN. That is the enlarged homestead act.

Mr. LEVER. Yes; but the gentleman's amendment——

Mr. MANN. Does the gentleman mean to say that where we describe a certain territory we can not reduce or increase it?

Mr. LEVER. As I understand the gentleman's amendment—as I caught it from the reading—it would permit a distribution from this particular nursery to any section of the country.

Mr. MANN. Certainly.

Mr. LEVER. I do not know whether I am right about it, because I am not a parliamentarian, but the point I make is that certainly it was the purpose of Congress to confine this distribution to a certain section.

Mr. MANN. But Congress has not yet expressed its purpose. This is the bill.

Mr. LEVER. I am perfectly willing, as far as I am concerned——

Mr. MANN. I am not in favor of the gentleman's amendment, but I do not think it is subject to the point of order.

Mr. LEVER. I am not in favor of the gentleman's amendment, and to save further time I will withdraw the point of order and take a vote upon it.

Mr. MANN. I do not think it is subject to the point of order.

The CHAIRMAN. The gentleman from South Carolina withdraws the point of order, and the gentleman from New York is recognized for five minutes.

Mr. BENNET. Mr. Chairman, as this paragraph is in the bill it limits the free distribution of these trees to a certain portion of the State of Nebraska. There are certain States in the Union which are making great efforts in forestry, amongst others the State of New York. It is not so very long since that we had to import trees from Germany at a high price. Here are trees being grown in the United States, and therefore more suitable, in all probability, for New York than the imported trees from Germany, and it is not to be overlooked also that we can get these trees free, whereas we have to pay for them when we import them.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes, although I am afraid if the gentleman interrupts me that he will do away with the seriousness of my remarks.

Mr. MANN. The gentleman from New York was ill the latter part of last week, or possibly the first of this week, and therefore is not aware of the fact that on page 22 of the bill we adopted a new policy, and cut out the free distribution of trees, under an item which carried an appropriation of $160,000, where heretofore we have distributed trees free, and that the House deliberately said it would not follow that policy hereafter.

Mr. BENNET. The gentleman is quite correct about my absence last week on account of illness, and I have no doubt that he is correct about what occurred last week. He is usually correct as to what occurred last week [laughter], but that does not interfere at all with the fact that here it is the purpose to distribute trees free to a certain part of the State of Nebraska, to wit, the district of our good friend Mr. KINKAID. If that is going to be done for Nebraska, and apparently it is, why should not States that are not engaged in the business of making a profit for themselves, as such, have as much right—not any more—but just as much as the good people who happen to live in this arid territory in western Nebraska, which has been so feelingly described by the gentleman from Nebraska [Mr. SLOAN]? I simply stand for the right of the individual State to have as much consideration as some other particular State, and also for the opportunity to improve the timber of the State of New York by getting these young trees from this nursery out in Nebraska. I have no feeling against the State of Nebraska. I suppose they can raise trees there. They raise other things.

Mr. NORTON. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. NORTON. Does the gentleman want some of those trees in his district?

Mr. BENNET. Oh, the gentleman thinks that is humorous.

Mr. NORTON. Oh, no; I want a little information.

Mr. BENNET. I will say to the gentleman that in Van Courtland Park and in the Botanical Gardens in the district which I have the honor to represent there are more different kinds of trees than there are in the whole State from which he comes, and I would be very glad to add to them these Nebraska trees.

Mr. MILLER of Minnesota. Is there as great a variety of trees grown in the State of Nebraska as the gentleman states are grown in the Bronx? Are they going to try to grow as great a variety in Nebraska?

Mr. BENNET. Oh, no; but they are trying to grow a few trees, and I have no doubt that they grow good trees there and I would like to get them for the State of New York, and I can see no reason why Nebraska should not help us to spread those trees all over the United States.

Mr. MANN. Mr. Chairman, in the State of Nebraska there is a limited area of arid land that is not susceptible of cultivation under the ordinary methods which have been adopted in most places. A few years ago, where theretofore we had provided for homesteads of 160 acres, we passed what was known as the Kinkaid Act, granting homesteads of 640 acres within a certain limited area. Even that act was not very successful in getting people to take up this land. A large amount of it was taken up and a considerable amount of it was abandoned, and in the effort to get people on that land, homesteaders, to live there and cultivate it, the Government did inaugurate the policy of giving away willow trees or some other kind of trees, mostly poplars, probably, for there are not many kinds that will grow out there. In order to get people on that land we are offering them 640 acres and as an additional inducement planting trees, which are given to them. That does not apply to the States generally, much less to the State of New York.

Mr. MILLER of Minnesota. Will the gentleman yield for an inquiry?

Mr. MANN. I will.

Mr. MILLER of Minnesota. Is there any requirement in reference to young trees that are given to the settlers on this land? Is there any requirement on the part of the Government that compels the homesteader or settler to have a certain area covered by these trees? I have in mind the old tree claim.

Mr. MANN. I think not, as far as that is concerned, but they have a great many requirements.

Mr. MILLER of Minnesota. Then, as a matter of fact, is not perhaps the giving of the trees the hardship and a difficulty in respect to the settlement of the country rather than an aid?

Mr. MANN. Oh, no; people are not required to take the trees. There is no requirement in taking the homestead land that they shall plant any trees like there is under one of the laws in reference to the planting of trees. There is no such requirement; but they offer trees if they will plant them and take care of them on this land in an effort to prevent the shifting of the sand and to get people to till the soil and live upon it.

Mr. LEVER. Mr. Chairman, I ask for a vote.

Mr. KINKAID rose.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in 10 minutes.

Mr. MANN. The gentleman from Nebraska to have five minutes?

Mr. LEVER. Yes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and amendments thereto close in 10 minutes, and that the gentleman from Nebraska [Mr. KINKAID] have 5 minutes of that time. Is there objection? [After a pause.] The Chair hears none.

Mr. KINKAID. Mr. Chairman, I have arrived barely in time to meet the pending question on the wing. I am most grateful to the membership for the courtesy shown me during my absence concerning the item of $7,325 to be expended on the two forest reserves in the Nebraska congressional district.

Mr. Chairman, the special provision in question was provided in behalf of my constituents, I might say in behalf of entrymen under the Nebraska one-section homestead law, that they should be granted free young trees from the Government nursuries operated in that same territory. Several years ago when it was being debated whether or not an experiment should be tried for reforesting in the sand-hill country, which grew pine trees centuries ago, it was proposed to the Secretary of Agriculture—the very distinguished, accomplished, and experienced Mr. Wilson, of Iowa, who did so much for agriculture in the United States and in the world—that the settlers would cooperate with the Government in planting young trees and thus proportionately relieve the Government of the expense of planting these young trees and the care of them for a number of years until they could take care of themselves, and thereby determine whether the experiment of reforesting Nebraska sand hills could be made a success. The proposition was made to Secretary Wilson by me, and he agreed it was logical and economical that the settlers in that locality be afforded opportunity to cooperate with the Government, and he then and there recommended that such a clause as the one now in question be inserted in the next Agricultural appropriation bill, and each Agricultural appropriation bill has since contained such a provision, and the settlers have been cooperating with the Government, and they have succeeded well in growing these pine trees, usually jack pine, upon their homestead claims in the territory tributary to the Government nursery.

The result is that the country is being beautified and the climate improved by these trees, which are set out upon every 640-acre homestead and upon farms and ranches to which the title has passed.

The provision has proven a decided success. There is an object lesson on pine-tree growing existing in the county of my residence, the county of Holt, where these pine trees were planted 18 years ago under the auspices of the State, and that experiment has been sufficiently successful to commend a more extended experiment on the part of the Government, and it was on the warrant, in the main, of this object lesson that the Government entered upon the experimentation of pine-tree reforesting in a national way.

Trees covering about 2 acres are to be found in a patch or a little grove, and those trees now approximate the size of saw timber; in fact, they would make a small saw log and promise in time to make pine saw logs; so that the reforesting of that sand-hill country, where it has been centuries since there were any pine trees or any other trees grown, can be made a success; and, in my very candid judgment, this provision is very worthy and should be sustained.

Mr. STEENERSON. Will the gentleman yield?

Mr. KINKAID. I will.

Mr. STEENERSON. How much has been reforested in the State of the gentleman?

Mr. KINKAID. Oh, 25,000 acres, more or less.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I do not desire to consume any time on this amendment, although I hope it may be defeated. I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Nez Perce National Forest, Idaho, $10,120.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word. I would like the attention of the chairman for a moment. How many employees have they in that forest?

Mr. LEVER. I will say very frankly to the gentleman I do not have the information in reference to that at my finger tips, but I can easily get it.

Mr. HUMPHREY of Washington. What I want to know is this: The chairman will probably recall when this bill was under consideration two sessions ago, I think it was, I called attention to the fact that as near as we could obtain the information they had a bookkeeper for each one of these national forests.

Mr. LEVER. That is not the information that has come to the committee. I understand they have an accountant, a bookkeeper, at each forest district.

Mr. HUMPHREY of Washington. Well, now I see by looking at the hearings here that it costs one dollar out of every thirty-seven to keep account of it.

If that is true, it seems to me that that is something that ought to be corrected. What would be thought of a private establishment that would pay $1 out of every $37 for the purpose of having somebody keep account of it?

Mr. LEVER. A little closer observation would have shown the gentleman the error of his figures; but I may say that the gentleman from Oregon brought some information out before the committee on that proposition. The explanation of the Forester was to the effect that he was required under acts of Congress to keep a very elaborate accounting system, probably more elaborate than any other bureau or department of the Government.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. LEVER. Let me finish my statement. And that necessarily the accounting expense was a good deal heavier than would be expected in private business. If the gentleman will refer to page 702 of the hearings, the statement of Mr. Adams, in charge of this particular line of work, he will find a rather full explanation of the situation. Mr. Adams says:

> This item of accounting covers the handling of appointments, which involves quite a large amount of work—far more than would be required in any private concern. In comparing Government expenditures with those of private concerns it should be borne in mind that we are compelled to observe many laws, civil-service rules, and departmental regulations, which force us to do a very large amount of work that no private concern is required to do. It is hardly fair to the Government to compare Government costs with costs in private concerns in this kind of work. There is a very large amount of administrative cost keeping which is necessary if we are going to be able to make these reports to Congress in the manner prescribed and keep track of the unit cost of work performed by different units of the organization and by different individuals, so that we can compare them and detect instances of inefficiency. The records of unit costs furnish the basis, in a large measure, for the inspection work of the service—

And so on.

Mr. McLAUGHLIN. Will the gentleman yield to me for a moment?

Mr. LEVER. I will.

Mr. McLAUGHLIN. And he goes on to say:

> On the basis of the total amounts appropriated, the cost would be only a little over 1 per cent; but if the total amount of the receipts is included, the percentage of cost is less than 1 per cent.

Mr. HUMPHREY of Washington. I notice that is what he said, but I do not see how you can figure it out that $1 in $37 is only 1 per cent. If the statement made further on in the hearing is correct, then it costs approximately $150,000 a year for the Government to have bookkeepers to tell them what is being done with the money in the Forest Service.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Ochoco National Forest, Oreg., $6,451.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word. Is the chairman of the committee prepared to say that they do not have a bookkeeper for each one of these national forests?

Mr. LEVER. I am prepared to say this to the gentleman from Washington, that no bookkeeper or accountant, as such, is detailed to each of these forest units, but they very likely have a clerk there, an individual who keeps accounts, who not only does the clerical work proper, the accounting work proper, but also has supervision and control over the machinery and tools and things of that kind used in that particular forest. And, in addition to that service, he does other work. But there is no bookkeeper, as such, there.

Mr. HUMPHREY of Washington. What is the other service that he performs? He does not act as forest ranger, does he?

Mr. LEVER. I do not think so, but he keeps tract of the tools of the Forest Service and these other odds and ends. I do not know just what they are.

Mr. HUMPHREY of Washington. My recollection is that in some of these national forests they have as low as four or five employees, and out of those employees is one who receives perhaps $1,200, and that all the duty he performs is to keep track of what the others do, bookkeeping, and keeping track of the various transactions.

Mr. LEVER. I am not sure but that the gentleman states that about correctly. I was trying to——

Mr. HUMPHREY of Washington. I want to call the attention of the committee to this, and it seems to me that they ought to take some step to compel the Forest Service to remedy that condition. Think of the absurdity and the imposition it is upon this Government to have one employee out of every five or six for the purpose of keeping an account of and watching what the others do, and paying him $1,200 a year.

Mr. LEVER. I do not think the gentleman is quite fair to the department. I do not think it true that this man has nothing to do except to keep the accounts and watch what the others are doing. There is somebody there at the head of the service and in that particular forest unit, but there is no man there, as I understand it—although I may be wrong—whose only business it is to keep account and keep track of the work of the rest of the men employed.

Mr. HUMPHREY of Washington. You take it in Alaska, and there are probably 8 or 9 or 10 men up there, and out of that 10, or whatever number it is, you have a bookkeeper, and you pay him at the rate of probably $1,200 a year. And all the work that that man does could be done by a bookkeeper in two days for the entire year. No private concern would think of conducting their business in that way. It is impossible to get information from the Forest Service itself. Therefore I do hope before this bill comes in here again that the chairman will get some definite information.

Mr. HAUGEN. I would like to ask the gentleman a question.

Mr. HUMPHREY of Washington. Yes.

Mr. HAUGEN. Is the gentleman's statement based on personal knowledge? The gentleman has been on these forest reserves and is familiar with what is being done. The gentleman understands the committee has no personal knowledge of the administration. It accepts the statement of the forester and those who represent him. I assure the gentleman that the committee will welcome any information founded on facts.

Mr. HUMPHREY of Washington. The gentleman from Iowa is one of the gentlemen to whose attention I called this matter before, and I have every confidence in the gentleman, but I can not get that information. It is no use to submit an inquiry to the Forest Service. They either do not know or they will not give you any information. I have tried for years, and I could not get from them definite information on any question.

Mr. HAUGEN. Then the gentleman will appreciate the difficulties that the committee is laboring under. It is as difficult for the committee to get information as it is for any other Member to get it.

The CHAIRMAN. The time of the gentleman from Washington has expired. The pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Okanogan National Forest, Wash., $9,994.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Washington moves to strike out the last word.

Mr. HUMPHREY of Washington. Mr. Chairman, I want to say further to my friend from Iowa that when this matter was brought up before, as nearly as I could get the information, that was found to be substantially correct—that there was a bookkeeper at each one of these national forests, and it is no wonder that it costs one dollar out of every thirty-seven for bookkeeping. I remember I asked the gentleman at that time if they would not ascertain the facts; and the proper way to ascertain the facts is to have the forester come before the committee and find out from him what the facts are.

Mr. LEVER. Mr. Chairman, I am sure the gentleman has not read the statement found on page 702. Let me read it for the gentleman's information. I read:

> On the basis of the total amounts appropriated the cost would be only a little over 1 per cent; but if the total amount of receipts is included the percentage of costs is less than 1 per cent.

That is the statement of Mr. Adams, who has charge of that branch of the work.

Mr. HUMPHREY of Washington. I do not know what it costs in percentages, but I do know that there is no necessity for

having a bookkeeper for every four or five individuals; and if the statement is correct that they have a bookkeeper for each one of these national forests, I think it would be safe to say that you have a bookkeeper for every 9 or 10 men in the service.

Mr. LEVER. I do not think the gentleman's statement is correct.

Mr. HUMPHREY of Washington. I do not know. I can not find out.

Mr. LEVER. I have given the gentleman the best information I have.

Mr. HUMPHREY of Washington. I have asked the question of the gentleman for the last three years, and he has had ample opportunity to find out, and the power to find out. I hope when he comes in here the next time he will have the desired information.

Mr. LEVER. The trouble is that the gentleman will not accept the information that is furnished him.

Mr. HUMPHREY of Washington. I never had any opportunity to get information, either from the gentleman or from the Forest Service.

Mr. LEVER. I am inclined to think the gentleman would not understand it if he got it. [Laughter.]

Mr. HUMPHREY of Washington. I probably would not understand what the gentleman thinks is information, if what he has given to the House just now is considered to be information; and I think I have a majority of the House with me when I make that statement.

Mr. LEVER. The gentleman is the only man who has ever said that. I think the committee is well prepared to answer questions concerning this bill. But we can not make people understand things that they refuse to understand when the information is given to them.

Mr. HUMPHREY of Washington. The gentleman makes that statement, but I think I can understand information as well as he can give it.

Mr. LEVER. Sometimes I think the gentleman does not want to understand information upon this proposition.

Mr. HAUGEN. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. HAUGEN. I think the gentleman, if he will read the hearings, will have to concede that the committee has done its part. The committee tried to get the information. The gentleman will find that in the hearings all sorts of questions have been asked. The chairman of the committee has stated just what information the committee has had.

Mr. LEVER. I can not understand what the gentleman says.

Mr. HUMPHREY of Washington. I can not understand accurately what the gentleman from South Carolina says.

Mr. LEVER. Perhaps we are talking at cross-purposes.

Mr. HAUGEN. I was stating to the gentleman that we have obtained all the information that is obtainable, and that if the gentleman will read the hearings, covering some 1,700 pages, he will admit that the committee has done its part. It is possible that the committee has not all the information that is desired and which it should have, but we have done our best.

Now, if the gentleman has inside information, and undoubtedly he is more familiar with these projects than I am, the committee would welcome any information that he or any other gentleman has to contribute.

Mr. HUMPHREY of Washington. Mr. Chairman, inasmuch as the gentleman is using time that was yielded to me, I wish he would talk loud enough for me to hear him.

The CHAIRMAN. The time of the gentleman from Washington has expired. The pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Oregon National Forest, Oreg., $12,560.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Washington moves to strike out the last word.

Mr. HUMPHREY of Washington. Mr. Chairman, if I can get a little more information from the gentleman from Iowa I would be willing to pass this particular item. Now, I do not think it is incumbent upon every Member of this House to read all these hearings. The committee members ought to read them. I will ask the gentleman from Iowa [Mr. HAUGEN] if he knows whether or not they do employ a bookkeeper for each one of these national forests?

Mr. HAUGEN. Mr. Chairman, I stated that the only information the committee had is what we get from the departments.

Mr. HUMPHREY of Washington. What is that information?

Mr. HAUGEN. We got all the information possible, and the chairman of the committee has stated what information the committee has. The chairman of the committee has stated that the cost of bookkeeping is 1 per cent. The gentleman from Washington says it is 37 per cent. I concede that the gentleman from Washington has more inside information on this subject than any member of the committee has. He lives in the vicinity of these forests, and undoubtedly has inside knowledge. All the information we have is simply the information furnished by the department.

Mr. HUMPHREY of Washington. Now, just let me ask the gentleman this question, without confusing it with any other: Do you have a bookkeeper for each one of these forest reserves?

Mr. HAUGEN. The chairman stated that he has not that information. If bookkeepers are employed they are not classified as such. It has not been possible for the committee to get that information. When questions were asked by Members as to the number of employees, discussion generally drifted into percentages and other discussions.

Mr. HUMPHREY of Washington. Now, Mr. Chairman, after taking up 15 minutes of the time of the House we get the information that they do not know. After asking the question over and over again as to whether or not they have one bookkeeper for each one of these national forests we finally find out that they do not know. I would like to ask whether that question was asked of the men who were before the committee. Does the gentleman from Iowa know whether it was asked?

Mr. HAUGEN. The chairman of the committee [Mr. LEVER] answered the gentleman's question a minute ago. He stated that questions were asked, and he stated what information was given. He stated that one man was assigned to keep accounts. What other work he does I do not know; but accepting the statement of the Forester, we assume that his time is occupied to good advantage.

Mr. HUMPHREY of Washington. After all the committee got just as much information from the Forest Service as a Member of the House can get. In other words, they can not get any.

Mr. ANDERSON. If the gentleman will yield, I will say that the department estimated for the current year for nine forest clerks at $1,200, two forest clerks at $1,100——

Mr. HUMPHREY of Washington. I refuse to yield further, because I am not asking about clerks. I am asking about bookkeepers.

Mr. ANDERSON. These gentlemen are bookkeepers.

The CHAIRMAN. The gentleman declines to yield further.

Mr. HUMPHREY of Washington. If the gentleman will answer the question, I will yield. If the gentleman from Minnesota [Mr. ANDERSON] is prepared to answer the question I have asked the other members of the committee, as to whether or not they have a separate bookkeeper for each one of these national forests, I will yield for an answer.

Mr. ANDERSON. I will take time in my own right.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Olympic National Forest, Wash., $16,598.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word, in order that I may refer to line 22, the appropriation for the Olympic National Forest Reserve, which I notice has been reduced from $17,178 to $16,598, and I wonder why.

Mr. LEVER. It was stated in the hearings that this decrease of $580 results from the removal of the supervisor's office to the Federal building, this making a decrease of the amount hitherto allotted for rent and quarters' expenses.

Mr. JOHNSON of Washington. The saving is in the rent at the city outside of the reserve where the headquarters are?

Mr. LEVER. That is the statement I have.

Mr. JOHNSON of Washington. This is a reserve where promises have been made from the start that something would be done for the benefit of the community. This reserve covers nearly 1,000,000 acres of the land of one county, leaving not enough outside taxable property for the proper advancement of that county. I might add for the information of those concerned that out of the 25 per cent returned to the State of Washington as its share of the sales in the forest reserve, that money to be doled around among the forest-reserve counties, the amount in lieu of taxes is less than one-half cent per acre. That is how the wonderful 25 per cent pans out. This great Olympic Forest Reserve has not yet received one five-cent piece from the 10 per cent fund. In this reserve there are homesteaders who went into the valleys and took up agricultural lands 25 years ago, and they are still waiting for roads. Their post routes have fallen down. The parcel post does not go to them unless

an extra 2 cents is paid on every pound. The forest reserve has seared the hopes of these settlers.

Now, what has it done on the outside? The holding of all that Federal timber for conservation—for posterity, if you please—has resulted in some of the owners of the half of the timber on the outside being compelled to go into an extensive process of liquidation. In other words, the Government holds its timber. The private owners must cut their timber to pay their taxes. In one county, as shown by an exhibit before the Federal Trade Commission, the increase in taxation on the property outside of the reserve in 10 years went up 405 per cent, while the valuation went up about half that. Who can hold timber at that rate? Does anyone call that conservation? Why, gentlemen, if we continue to conserve the Government's part and make our people slaughter their part, what will happen? The time may come when Congress will have to take over the rest of the lumber industry or provide some scheme by which it shall not be taxed to death and absolutely frozen out in an effort to conserve something for the people who will be here 100 years from now.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Payette National Forest, Idaho, $10,537.

Mr. POWERS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the subject of immigration by printing a short and well-written article by Dr. Ryan, professor of economics in one of our universities.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD on the question of immigration by the printing of the document to which he refers. Is there objection?

There was no objection.

Mr. ANDERSON. Mr. Chairman, the gentleman from Washington [Mr. HUMPHREY] asked for certain information with respect to the number of bookkeepers employed at the different forest stations. So far as I know, there are no bookkeepers estimated for as such; but the estimate does show that there were 9 forest clerks estimated for at $1,200 each; 2 forest clerks, at $1,100 each; 2 clerks, at $1,200 each, for three months; 1 clerk, at $1,020, temporary; 38 clerks, at $900, for from 1 to 8 months; 13 clerks, at from $120 to $840 each, from 6 to 10 months. These are the only men that are estimated for outside of Washington who could be employed in bookkeeping work. I think this answers the question of the gentleman from Washington, because there being something more than 150 forests there can not under this estimate be one clerk or one bookkeeper for each national forest.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12717, the Agricultural appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. JOHNSON of South Dakota, by unanimous consent, was given leave of absence, for four days, on account of sickness.

WITHDRAWAL OF PAPERS.

Mr. KINCHELOE, by unanimous consent, was given leave to withdraw from the files of the House without leaving copies papers in the case of George Price, H. R. 5779, Sixtieth Congress, no adverse report having been made thereon.

RECESS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the House stand in recess until 12.55 p. m.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Accordingly, at 12 o'clock and 47 minutes p. m., the House stood in recess until 12 o'clock and 55 minutes p. m.

JOINT MEETING OF SENATE AND HOUSE.

At the expiration of the recess the House resumed its session and was called to order by the Speaker.

At 12 o'clock and 56 minutes p. m. the Doorkeeper, Joseph J. Sinnott, announced the Vice President of the United States and the Members of the United States Senate.

The Members of the House rose.

The Senate, preceded by the Vice President and their Secretary and Sergeant at Arms, entered the Chamber.

The Vice President took the chair at the right of the Speaker, and the Members of the Senate took the seats reserved for them.

The SPEAKER. On the part of the House, as a committee to wait on the President and escort him into the House, the Chair appoints the gentleman from North Carolina [Mr. KITCHIN], the gentleman from New York [Mr. FITZGERALD], the gentleman from Virginia [Mr. FLOOD], the gentleman from Illinois [Mr. MANN], and the gentleman from Wisconsin [Mr. COOPER].

The VICE PRESIDENT. On behalf of the Senate, the Vice President appoints the Senator from Indiana [Mr. KERN], the Senator from New Hampshire [Mr. GALLINGER], the Senator from Missouri [Mr. STONE], the Senator from Kentucky [Mr. JAMES], and the Senator from Iowa [Mr. KENYON].

At 12 o'clock and 59 minutes p. m. the President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House and stood at the Clerk's desk amid applause on the floor and in the galleries.

The SPEAKER. Gentlemen of the Senate and House of Representatives, I present to you the President of the United States. [Applause.]

ADDRESS OF THE PRESIDENT (H. DOC. NO. 1034).

The PRESIDENT. Gentlemen of the Congress, a situation has arisen in the foreign relations of the country of which it is my plain duty to inform you very frankly.

It will be recalled that in February, 1915, the Imperial German Government announced its intention to treat the waters surrounding Great Britain and Ireland as embraced within the seat of war and to destroy all merchant ships owned by its enemies that might be found within any part of that portion of the high seas, and that it warned all vessels, of neutral as well as of belligerent ownership, to keep out of the waters it had thus proscribed or else enter them at their peril. The Government of the United States earnestly protested. It took the position that such a policy could not be pursued without the practical certainty of gross and palpable violations of the law of nations, particularly if submarine craft were to be employed as its instruments, inasmuch as the rules prescribed by that law, rules founded upon principles of humanity and established for the protection of the lives of non-combatants at sea, could not in the nature of the case be observed by such vessels. It based its protest on the ground that persons of neutral nationality and vessels of neutral ownership would be exposed to extreme and intolerable risks, and that no right to close any part of the high seas against their use or to expose them to such risks could lawfully be asserted by any belligerent government. The law of nations in these matters, upon which the Government of the United States based its protest, is not of recent origin or founded upon merely arbitrary principles set up by convention. It is based, on the contrary, upon manifest and imperative principles of humanity and has long been established with the approval and by the express assent of all civilized nations.

Notwithstanding the earnest protest of our Government, the Imperial German Government at once proceeded to carry out the policy it had announced. It expressed the hope that the dangers involved, at any rate the dangers to neutral vessels, would be reduced to a minimum by the instructions which it had issued to its submarine commanders, and assured the Government of the United States that it would take every possible precaution both to respect the rights of neutrals and to safeguard the lives of non-combatants.

What has actually happened in the year which has since elapsed has shown that those hopes were not justified, those assurances insusceptible of being fulfilled. In pursuance of the policy of submarine warfare against the commerce of its adversaries, thus announced and entered upon by the Imperial German Government in despite of the solemn protest of this Government, the commanders of German undersea vessels have attacked merchant ships with greater and greater activity, not only upon the high seas surrounding Great Britain and Ireland but wherever they could encounter them, in a way that has grown more and more ruthless, more and more indiscriminate as the months have gone by, less and less observant of restraints of any kind; and have delivered their attacks without compunction against vessels of every nationality and bound upon every sort of errand. Vessels of neutral ownership, even vessels of neutral ownership bound from neutral port to neutral port, have been destroyed along with vessels of belligerent ownership in constantly increasing numbers. Sometimes the merchantman attacked has been warned and summoned to surrender before being fired on or torpedoed; sometimes passengers or crews have been vouchsafed the poor security of being allowed to take to the ship's boats before she was sent to the bottom. But again

and again no warning has been given, no escape even to the ship's boats allowed to those on board. What this Government foresaw must happen has happened. Tragedy has followed tragedy on the seas in such fashion, with such attendant circumstances, as to make it grossly evident that warfare of such a sort, if warfare it be, can not be carried on without the most palpable violation of the dictates alike of right and of humanity. Whatever the disposition and intention of the Imperial German Government, it has manifestly proved impossible for it to keep such methods of attack upon the commerce of its enemies within the bounds set by either the reason or the heart of mankind.

In February of the present year the Imperial German Government informed this Government and the other neutral governments of the world that it had reason to believe that the Government of Great Britain had armed all merchant vessels of British ownership and had given them secret orders to attack any submarine of the enemy they might encounter upon the seas, and that the Imperial German Government felt justified in the circumstances in treating all armed merchantmen of belligerent ownership as auxiliary vessels of war, which it would have the right to destroy without warning. The law of nations has long recognized the right of merchantmen to carry arms for protection and to use them to repel attack, though to use them, in such circumstances, at their own risk; but the Imperial German Government claimed the right to set the understandings aside in circumstances which it deemed extraordinary. Even the terms in which it announced its purpose thus still further to relax the restraints it had previously professed its willingness and desire to put upon the operations of its submarines carried the plain implication that at least vessels which were not armed would still be exempt from destruction without warning and that personal safety would be accorded their passengers and crews; but even that limitation, if it was ever practicable to observe it, has in fact constituted no check at all upon the destruction of ships of every sort.

Again and again the Imperial German Government has given this Government its solemn assurances that at least passenger ships would not be thus dealt with, and yet it has again and again permitted its undersea commanders to disregard those assurances with entire impunity. Great liners like the *Lusitania* and the *Arabic* and mere ferryboats like the *Sussex* have been attacked without a moment's warning, sometimes before they had even become aware that they were in the presence of an armed vessel of the enemy, and the lives of non-combatants, passengers and crew, have been sacrificed wholesale, in a manner which the Government of the United States cannot but regard as wanton and without the slightest color of justification. No limit of any kind has in fact been set to the indiscriminate pursuit and destruction of merchantmen of all kinds and nationalities within the waters, constantly extending in area, where these operations have been carried on; and the roll of Americans who have lost their lives on ships thus attacked and destroyed has grown month by month until the ominous toll has mounted into the hundreds.

One of the latest and most shocking instances of this method of warfare was that of the destruction of the French cross-Channel steamer *Sussex*. It must stand forth, as the sinking of the steamer *Lusitania* did, as so singularly tragical and unjustifiable as to constitute a truly terrible example of the inhumanity of submarine warfare as the commanders of German vessels have for the past twelvemonth been conducting it. If this instance stood alone, some explanation, some disavowal by the German Government, some evidence of criminal mistake or wilful disobedience on the part of the commander of the vessel that fired the torpedo might be sought or entertained; but unhappily it does not stand alone. Recent events make the conclusion inevitable that it is only one instance, even though it be one of the most extreme and distressing instances, of the spirit and method of warfare which the Imperial German Government has mistakenly adopted, and which from the first exposed that Government to the reproach of thrusting all neutral rights aside in pursuit of its immediate objects.

The Government of the United States has been very patient. At every stage of this distressing experience of tragedy after tragedy in which its own citizens were involved it has sought to be restrained from any extreme course of action or of protest by a thoughtful consideration of the extraordinary circumstances of this unprecedented war, and actuated in all that it said or did by the sentiments of genuine friendship which the people of the United States have always entertained and continue to entertain towards the German nation. It has of course accepted the successive explanations and assurances of the Imperial German Government as given in entire sincerity and good faith, and has hoped, even against hope, that it would prove to be possible for the German Government so to order and control the acts of its naval commanders as to square its policy with the principles of humanity as embodied in the law of nations. It has been willing to wait until the significance of the facts became absolutely unmistakable and susceptible of but one interpretation.

That point has now unhappily been reached. The facts are susceptible of but one interpretation. The Imperial German Government has been unable to put any limits or restraints upon its warfare against either freight or passenger ships. It has therefore become painfully evident that the position which this Government took at the very outset is inevitable, namely, that the use of submarines for the destruction of an enemy's commerce is of necessity, because of the very character of the vessels employed and the very methods of attack which their employment of course involves, incompatible with the principles of humanity, the long established and incontrovertible rights of neutrals, and the sacred immunities of non-combatants.

I have deemed it my duty, therefore, to say to the Imperial German Government that if it is still its purpose to prosecute relentless and indiscriminate warfare against vessels of commerce by the use of submarines, notwithstanding the now demonstrated impossibility of conducting that warfare in accordance with what the Government of the United States must consider the sacred and indisputable rules of international law and the universally recognized dictates of humanity, the Government of the United States is at last forced to the conclusion that there is but one course it can pursue; and that unless the Imperial German Government should now immediately declare and effect an abandonment of its present methods of warfare against passenger and freight carrying vessels this Government can have no choice but to sever diplomatic relations with the Government of the German Empire altogether.

This decision I have arrived at with the keenest regret; the possibility of the action contemplated I am sure all thoughtful Americans will look forward to with unaffected reluctance. But we cannot forget that we are in some sort and by the force of circumstances the responsible spokesmen of the rights of humanity, and that we cannot remain silent while those rights seem in process of being swept utterly away in the maelstrom of this terrible war. We owe it to a due regard for our own rights as a nation, to our sense of duty as a representative of the rights of neutrals the world over, and to a just conception of the rights of mankind to take this stand now with the utmost solemnity and firmness.

I have taken it, and taken it in the confidence that it will meet with your approval and support. All sober-minded men must unite in hoping that the Imperial German Government, which has in other circumstances stood as the champion of all that we are now contending for in the interest of humanity, may recognize the justice of our demands and meet them in the spirit in which they are made. [Long-continued applause.]

At 1 o'clock and 15 minutes p. m. the President retired from the Hall of the House.

Thereupon the Vice President and the Members of the Senate returned to their Chamber.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12717, the Agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. HAMLIN in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Pend Oreille National Forest, Idaho. $10,320.

Mr. NORTON. Mr. Chairman, I would like to inquire of the chairman of the committee as to whether the Department of Agriculture or the Forest Service makes a report to Congress on each of these items, or does it merely report that there is a certain balance of the amount appropriated for each forest reserve?

Mr. LEVER. The department is required under the law to give a detailed statement of each appropriation. Whether they have done that or not in each forest I do not know.

Mr. NORTON. Does the gentleman's committee receive a statement from the department giving each item? Take the item just read. There is an appropriation of $10,320. Does the department report in detail how that amount is expended?

Mr. LEVER. All matters of expenditure in the Department of Agriculture are referred to the Committee on Expenditures in

the Agricultural Department. It would not come properly before this committee.

Mr. SMITH of Michigan. There is a Committee on Expenditures on Agriculture and they have a report with an itemized statement of every dollar expended.

Mr. NORTON. I am trying to find out whether the Committee on Agriculture has before it a report to which it can refer to ascertain how each item has been expended, whether it has been expended for bookkeepers or clerks or for men actually at work in the forests.

Mr. LEVER. It has before it this Book of Estimates, which gives very full information as to the details of expenditures proposed in the items and also a statement in detail of the manner in which the expenditures have been made for the fiscal year.

Mr. NORTON. I will say to the gentleman that for the most part the Indian Bureau reports in detail how each appropriation is expended, and the Committee on Indian Affairs knows, when an appropriation of $10,000 has been made and is expended, just how it has been expended, and knows each item for which expenditure under the appropriation was made.

Mr. LEVER. The gentleman's first question of me was whether or not the committee received or Congress received a detailed report, and my answer to him was that our committee as such did not receive that report, but that it went to the Committee on Expenditures in the Agricultural Department; but the Committee on Agriculture itself has had before it a detailed statement of the various purposes for which this money is to be expended, but it did not come to us in the nature of a report. We got it in the way of testimony.

Mr. NORTON. The itemized statements, of course, are made to Congress and not to a particular committee.

Mr. LEVER. Yes.

Mr. NORTON. What I want to know is whether such an itemized statement is made each year to Congress by the Forest Service, and whether it is available to your committee?

Mr. LEVER. We had a statement before the committee which we did not put into the hearings because it is enormously bulky, but it is at the service of the individual members of the committee and it showed in detail these expenditures.

Mr. NORTON. If that is true, then if the gentleman from Washington [Mr. HUMPHREY] desired to know just how the $10,320 appropriated under this item last year was expended he *could* refer to that itemized report?

Mr. LEVER. There is no doubt in the world about that. I will say to the gentleman that I personally have not had the slightest trouble in getting any information from the Forest Service, nor has the Committee on Agriculture.

Mr. NORTON. I had in mind that if such an itemized report was not made it should be made.

Mr. LEVER. It is made.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Pike National Forest, Colo., $10,165.

Mr. HICKS. Mr. Chairman, I move to strike out the last word, and I do so not because I am opposed to the item, but for the purpose of asking a few questions of the chairman, with his permission, and one of them is in regard to the Montezuma National Forest, carried in line 8, page 35. Is that a part of the Mesa Verde National Park?

Mr. LEVER. Mr. Chairman, I would say to the gentleman that I really do not know. There are 155 of these forest units, and it is almost impossible for members of the committee to remember just how the segregation is made.

Mr. HICKS. Wherever any of those great prehistoric ruins, such as are found in the Mesa Verde, are located in a national forest, are they taken care of under the appropriations we are making in this bill?

Mr. LEVER. No. They go to the Committee on Appropriations, and as I recollect it they are carried in the sundry civil appropriation bill.

Mr. HICKS. One more question. The great bulk of the foresters are paid just a little over $90 a month, as I understand it?

Mr. LEVER. Yes.

Mr. HICKS. Out of that amount do they not have to provide horses and fodder for their horses, as well as their own keep?

Mr. LEVER. Yes.

Mr. HICKS. And their own board?

Mr. LEVER. Yes.

Mr. HICKS. Does the department have any trouble in finding men to take those positions under those conditions?

Mr. LEVER. I think not. The department has been rather successful in getting a very high class of men in this service.

Mr. HICKS. I want to pay my tribute to those men. I have been among them; I have seen them on the range; and the enthusiasm, earnestness, and conscious pride with which they perform their work in the solitudes of those unbroken wildernesses is worthy of consideration and congratulation.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

Mr. HICKS. Yes; with pleasure.

Mr. HAWLEY. A great many of the men who do the work on the national forests are settlers in the forests or residents on near-by lands. During the summer months when they have leisure time they work on the national forests to get money with which to improve their claim or to make a living.

Mr. HICKS. Then they do not have to give all of their time to the service of the Government?

Mr. HAWLEY. A great many, the gentleman will remember, under the terms of the bill are employed for a service not exceeding six months.

Mr. HICKS. Does their pay stop when they quit work?

Mr. HAWLEY. Yes; they are paid for the months of service.

Mr. HAUGEN. They do trapping and hunting in addition, for which they get paid.

Mr. HICKS. Mr. Chairman, I withdraw the pro forma amendment and thank the gentleman from South Carolina for his courtesy.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Selway National Forest, Idaho, $12,659.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice that most of the amounts in these forests items are changed, so that I suppose the intention is to have the appropriations for the ensuing year correspond with the expenditures for the past year. Of course they can not tell just what they are in the current year; but in this item there is carried an appropriation of $12,659 for the current year, and they still carry the exact amount. That is very close figuring—$12,659. They must figure these items very close if after a year's experience they find that it was just the right amount to appropriate—the odd thousands and $59 instead of $60.

Mr. LEVER. The gentleman will find that running though the entire department.

Mr. MANN. Oh, there are some places, but most of them are in round sums.

Mr. LEVER. In these forest items that is true, but in other items they have figured it out even to the cent.

Mr. MANN. Oh, no; not in many. Most of the appropriations are in round sums, in the large items.

Mr. LEVER. It is true that these are subject to the same criticism.

Mr. MANN. Oh, I have not made any criticism.

Mr. LEVER. I mean suggestion.

Mr. MANN. Not even a suggestion. I congratulate the service when they can figure out that it is going to expend $12,659, that that is the exact amount that they want two years hence, because that is what they have expended.

Mr. LEVER. I see the gentleman's point, and it may be well taken.

Mr. MANN. Oh, I say I congratulate the service.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Targhee National Forest, Idaho and Wyo., $5,956.

Mr. McCRACKEN. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 37, line 12, strike out "$5,956" and insert in lieu thereof the following: "$80,756: *Provided*, That of the foregoing sum $75,000 shall be used for the construction and improvement of the highway from the southern boundary line of the Targhee and Madison National Forests into Yellowstone Station on the west border of the Yellowstone National Park and commonly known as the Utah-Idaho-Yellowstone Highway."

Mr. LEVER. Mr. Chairman, reserving the point of order. I would like to ask the gentleman how much time does he desire?

Mr. McCRACKEN. Not more than five minutes.

The CHAIRMAN. The gentleman from Idaho.

Mr. McCRACKEN. Mr. Chairman, perhaps more people traveled through the Yellowstone Park last year than ever traveled through that great scenic region before. Many of them had made the trip all the way by automobile from the Atlantic coast, traveling over the Lincoln Highway as far west as San Francisco, and then upon their return eastward they took the side trip from Pocatello and Salt Lake City over this highway, known as the Utah-Idaho-Yellowstone Highway. Now, I want to say to the gentlemen of this House, that this road, which is nearly 300 miles in length, has been constructed by the counties of Idaho which lie between Salt Lake City and the Yellowstone National Park. Fifty miles of this highway

run through the Targhee National Forest, and I think that the Government of the United States ought to bear its part in its construction.

The people along the highway in the different counties have expended thousands of dollars in the upkeep and repair of the road. Now, all I ask you to do is to permit the Forestry Bureau to expend the small sum of $75,000 in the reconstruction of that part of the highway which runs through the Targhee National Forest, a distance of approximately 50 miles.

Last summer, when I was in the Yellowstone National Park, I met men from Maine, New Jersey, Texas, Oklahoma, Missouri, Nebraska, Illinois, and Florida, who had traveled all the way from their homes in their automobiles, passing over this highway to and through the Yellowstone Park, and it seems to me that this amendment deserves consideration by this House.

Since the people of my State have gone to the expense which they have to construct a highway which is fitted for the people of your States to travel upon after they have reached that section of the country, surely the Government of the United States ought to construct a highway through its own forest, and that is all we ask you to do. I earnestly ask the consideration of the committee at this time for the adoption of this amendment. It will only be a short time until the proceeds from the Targhee National Forest will be sufficient to repay the Government for the money which it should now expend in the construction of this highway. Why should not this matter receive consideration by the gentlemen of this House? There are men from your own States who will travel over that highway this year and who will travel over it next year. Automobiles were only permitted to pass through the park last year, yet something like 6,000 automobiles went through it in the month of August. By the building and improving of this highway you would thereby teach your people to "see America first," rather than spend their money in Europe. Why, when this war broke out in Europe there were 3,000,000 American citizens over there on sight-seeing excursions. Last year they could not go to Europe, and as a result many of them went to San Francisco, and while en route either to or from the fair they visited the Yellowstone National Park, and in that way obtained a knowledge of this country which they never had before. I insist that the point of order ought not to lie as against this amendment, and I hope that it may be adopted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Idaho may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Chairman, I want to ask the gentleman in reference to this road; just where is the Targhee National Forest?

Mr. McCRACKEN. The Targhee National Forest is in the southeastern part of the State of Idaho, and it borders upon a portion of the west side of the Yellowstone National Park.

Mr. MANN. It is on the western border of the Yellowstone National Park, on the west side?

Mr. McCRACKEN. It borders on about one-half of the west boundary of the park.

Mr. MANN. Does it run north as far as the park runs north?

Mr. McCRACKEN. No, sir.

Mr. MANN. Where is the Madison National Forest?

Mr. McCRACKEN. The Madison National Forest is in the State of Montana, and borders on the west boundary of the Yellowstone National Park.

Mr. MANN. Lies between the park line and Montana?

Mr. McCRACKEN. Yes; to the north and west.

Mr. MANN. Is that north of the Targhee?

Mr. McCRACKEN. Yes, sir.

Mr. MANN. I will say to the gentleman that my only information on the subject is carried by the bill. You call it a highway. It is simple to me to call it a road. That is what it is, and not much of a road at that, possibly. How far does this road propose to run? How does it connect up with the Yellowstone Park, and what other entrances are there to the Yellowstone Park?

Mr. McCRACKEN. There is a north entrance to the Yellowstone Park, which is at Gardner, in the southern part of Montana; the east and south entrances are in Wyoming, and the west entrance on the west boundary of the park, located at Yellowstone, Mont., just over the Idaho line, which is the terminus of the Yellowstone Branch of the Oregon Short Line Railroad.

Mr. MANN. And people go in there now?

Mr. McCRACKEN. Oh, yes; during the summer season.

Mr. MANN. How?

Mr. McCRACKEN. By wagon and by automobile.

Mr. MANN. How do they go there by automobile?

Mr. McCRACKEN. They go into the park over the road which I have just referred to, and which runs from Salt Lake City, through Utah and Idaho, to the west entrance on the boundary line of Yellowstone Park.

Mr. MANN. What kind of road is it?

Mr. McCRACKEN. For the most part it is a dirt road and is in good condition. At one point on this road and within the Fort Hall Indian Reservation, the State of Idaho expended $40,000; and this is the road for which I now ask for $75,000 to be used at certain points in the Targhee Forest which need improvement and repair. It is located in the mountains where the altitude is some 8,000 feet, and the gentleman will understand that the melting of the heavy snows in that region in the spring of the year causes washouts in the road which must be repaired before auto tourists can travel them. These repairs are made in part at least by the employees in charge of the Targhee National Forest.

Mr. MANN. I have been led to believe from the reading of the forestry experts—that is a sort of a fad of mine—that wherever we had a forest the mountain streams from the range were never permitted to wash gullies or anything of the kind on the land or the roads. That is one of the chief reasons for having a forest reserve.

Mr. LEVER. Has the gentleman concluded?

Mr. MANN. Yes.

Mr. McCRACKEN. I would like to ask the gentleman from South Carolina [Mr. LEVER] if he proposes to insist upon the point of order against my amendment?

Mr. LEVER. I will say to the gentleman that I shall insist on the point of order. It is clearly subject to the point of order, and I will say to him that there are a number of bills pending before the Committee on Agriculture which look to the character of work that the gentleman proposes to do, and I assure the gentleman as soon as this bill is finished I hope to have a report from one of the subcommittees on that proposition. There may be a bill reported from the committee, but I do not know. So for the present I am constrained to make the point of order.

Mr. McCRACKEN. Does the gentleman refer to the bill introduced by Representative TAYLOR of Colorado?

Mr. LEVER. It is a bill collaborated in by Mr. TAYLOR and Mr. MONDELL and other gentlemen from the West.

Mr. McCRACKEN. And does that bill seek to permit the Forestry Department to apply receipts from the forest reserves to the construction of roads within the forests?

Mr. LEVER. Yes.

Mr. McCRACKEN. Where is that bill?

Mr. LEVER. It does a little more than that. The bill provides that in addition to that the funds out of the Federal Treasury to be used for the building of roads in the national forests are to be repaid into the Treasury out of receipts from the national forests from time to time. The subcommittee has been appointed on that bill and others.

Mr. McCRACKEN. Does the gentleman think there is a fair prospect for the passage of the bill?

Mr. LEVER. There is a good prospect for the consideration of the bill by the committee.

I make the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I have always been known as a park man.

I think I have never voted against a park or the creation of a park. I believe in national parks and national forests, but what has just been said leads me to make a remark: There is a tendency on the part of many people to think that whatever they have must be fully improved at once. Some people, if they build or buy a house, want to go to a store and buy all the furniture to fill it up at once. That is not the way to furnish a house; it is not the way to improve a park.

To set aside a piece of ground as a park or a forest, so that it will not be taken for other purposes, with a view to its future improvement, is one thing, but to say that the national forests which we run at a loss all the time, which we hold in the interest of a succeeding generation, so that we may have timber owned by the General Government when much of the privately owned timber has been disposed of, and then to say that in addition to all that we shall expend all the money we receive from the sale of timber in those national forests to build roads through them for the benefit of sightseers is to me a preposterous proposition. If we have these great national forests and great

national parks throughout the country saved for the future, it ought not to be expected that we will so improve them now that people will see everything in them from an automobile passing by. The truth is that one does not really enjoy a park or a forest unless he goes through it under hardships. For a man to really enjoy a forest, he must walk through it, climbing over logs, up the hillsides, over the rocks, swimming a stream now and then, and walking through the wet morass.

Mr. JOHNSON of Washington. That is the way the mails are delivered to us. [Laughter.]

Mr. HAWLEY. It sounds beautiful.

Mr. MANN. Now, there is an association of automobilists throughout the country attracting the attention of everybody toward the building of highways—a laudable and proper function for them. They have the idea that they can stampede the country into having the Government build automobile roads wherever anybody's fancy may lead him to want to go. I do not deny that there ought to be such roads constructed in many places, but I object decidedly to the idea carried in some of the bills which have been introduced that where the Government has retained for the future a large area of land, for development in the future for the pleasure and profit on the one side and the other of the people, that that puts us under an obligation at once to put it in shape as though it were a parlor in our homes. There will be people here when we are dead and gone. Let them do some work and have some of the pleasure of improving these great forests and parks. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Additional national forests created or to be created under section 11 of the act of March 1, 1911 (36 Stat. L., p. 963), and lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted for the purposes of said act, $67,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the paragraph.

Mr. MANN. What authority is there now for us to make an appropriation for the purchase or the acquisition by condemnation proceedings of additional land in these Appalachian forests?

Mr. LEVER. I will ask the gentleman from Georgia [Mr. LEE] and the gentleman from Oregon [Mr. HAWLEY], members of the National Forest Commission, to take care of this item.

Mr. HAWLEY. There is yet an unexpended balance of the appropriation made some years ago for the purpose of making purchases of land.

Mr. MANN. I know that appropriation has been made.

Mr. HAWLEY. Yes.

Mr. MANN. But what authority is there to make an appropriation for that purpose now? This makes an appropriation for that purpose.

Mr. HAWLEY. This makes an appropriation to care for the forests after they have been acquired by the Government and placed under the supervision of the Forest Service in the Department of Agriculture. This is not to buy any land, but to care for the land after it is purchased, just as the other national forests are cared for.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MANN. Oh, I see the purpose. This is to be read in connection with the original paragraph. It is not for the acquisition of lands, but just for the care of lands already acquired?

Mr. HAWLEY. Yes.

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. I do not yield to anybody just at present.

There was expended on this Appalachian system last year a total of $1,139,141.26. I have handled in a way real estate all my life, and bought and sold, but I can not say very profitably, but it has not sent me to the poorhouse yet. Maybe it will. Now, I find the expense to the Government of buying this property amounts practically to about 20 per cent of the amount that is paid—maybe not—for Forest Service salaries, $108,000. Maybe that includes the care; but out of the $1,139,141.26 expended for this service $916,000 was expended for the purchase of land and for salaries and solicitors' offices and things of that kind, and there was expended the sum of $160,000 plus $62,000, which amounts to nearly 20 per cent of the total expenditure.

Well, I suppose the titles down there are not very perfect. Perhaps we ought to exercise a great deal of care about them. But I should say that $51,000 for legal expenses in addition to traveling expenses, the two combined amounting to over $62,000 for legal expenses in connection with the purchase of a million dollars' worth of property, was a very high rate of lawyer's fees.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. HAWLEY. As I recall, part of that legal expense paid this last year was for land that had been bought some years ago. The titles to such lands as we buy in the Appalachian Mountains are very frequently seriously imperfect. The measures necessary to secure adequate title are frequently expensive, and the expenses were made in this year, but the purchase of the land had been previously authorized.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MANN. Undoubtedly that has been the case, but these legal expenses have continued from year to year about the same. Much of the legal expense of the land bought last year was incurred the year before, and the year before that. I do not know just how far they go to the expense up here of finding title from the time of Queen Anne or Henry VIII, tracing it down, and knowing who lived on the land, or looked at it; but I suppose they are very careful, because there is no limit to the amount of money which can be paid to them for such expenses.

Mr. HAWLEY. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. HAWLEY. The gentleman was entirely correct in his remark a moment ago that the titles, especially in the South, are very imperfect, and it has been the practice of the Department of Justice to accept nothing that does not vest title without doubt in the Government. It must be an absolutely good title or they do not accept it.

Mr. MANN. Mr. Chairman, a title guaranty company would have examined these titles and given a guaranty to the Government of the validity of the titles for half of the expense that the Government has incurred, paying its own examiners of titles, and we have no guaranty now. They will find out that some of these titles will fail——

Mr. HAWLEY. The gentleman would not hold the commission chargeable with that? The law fixes the way in which the titles shall be passed.

Mr. MANN. Oh, I am not holding the commission chargeable for any of this. I hope the distinguished gentleman from Oregon [Mr. HAWLEY] and the other distinguished gentleman from Georgia [Mr. LEE], members of the commission, will not think I am criticizing the commission. In the first place, the commission do not know and can not know a great deal about the details of things of this sort, except as presented to them in a general way. They are not paid anything extra for their services, which have been rendered willingly, freely, and with great effect on this commission. But, of course, all this work is not done under the direct eye or hand of the members of the commission. It seems to me that it is a rather high expense. I do not know why the Government should be much more particular in buying farm land of the poorest kind——

Mr. LEVER. Forest land.

Mr. MANN. Oh, well, whatever you call it, it is farm land, for farm purposes. There is no forest to speak of on most of it. The forest has been cut off. I do not know why the Government should be much more particular than an ordinary citizen who buys that land; but if a citizen down there buying this land, or if the purchasers of timberlands—and there have been a great many species of timberlands purchased in Virginia and south of there—should spend 10 per cent of the cost of the land on attorney's fees, they would think they were going to the poorhouse. If anyone should propose that, they would drop dead from heart disease. I will ask the gentleman from Michigan [Mr. FORDNEY], whom I never asked about it, whether anyone expects in buying timberland to pay 10 per cent attorneys' fees for examining the title.

Mr. FORDNEY. It is absurd.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. MANN. No; I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. TILSON. Mr. Chairman, I move to strike out the last word, for the purpose of asking for some information in regard to the lands purchased under the act referred to in this paragraph. I was very much interested in the passage of that act, and should like to know in a general way just what has been done under it, whether the lands that have been purchased

have been designated as national forests, whether these forests have a name as well as a habitation, and, in general, what has been done with the land that has been purchased under the act?

Mr. HAWLEY. The land that has been purchased under the act has been divided into national forests, but is administered at present under one general appropriation in the bill. These forests are known by names, both in the New England States and in the Southern States. They have individual names.

Mr. MANN. If the gentleman will get House Document No. 130, of this session of Congress, he will find a pretty full description, including maps giving the location of all of these forests.

Mr. TILSON. Does it show the White Mountains as well as the Appalachians?

Mr. MANN. Yes.

Mr. HAWLEY. There is a map of the White Mountain region.

Mr. LEE. It gives the area, the acreage, and the price.

Mr. TILSON. My question was directed especially to what is being done with these lands now. Does anybody live on them?

Mr. HAWLEY. They are cared for the year round by supervisors who have charge of them, and special fire protection is given to them during the summer months. The supervisors of the forests are supposed to remain at or near them at all times, to take charge of them.

Mr. TILSON. Were any clearings or cabins included in the lands purchased in the southern Appalachians?

Mr. HAWLEY. Occasionally a clearing where it was in the body of a larger purchase, with some old buildings on it, but no buildings of any value have been acquired. We have paid for nothing except the value of the land, and whatever forest products there might be on it.

Mr. TILSON. Is there much good standing timber on the lands in the Appalachians?

Mr. HAWLEY. We have bought occasionally some hardwood like oak or poplar and occasionally a virgin forest of spruce and some pine, but generally the lands have been cut over at least once, the better timber being taken off.

Mr. TILSON. Mr. Chairman, referring to the large expense of securing title to lands, I happen to know something of the difficulty of securing title to some of those lands, especially in the southern Appalachians. Before I left that country it was my business, as a sort of avocation, to survey, and I did survey for private individuals some of the lands in the region where are now some of those reservations in the southern Appalachians. I know for a fact that many cases like this occurred. One man would make an entry and receive a State grant for a tract of mountain land. Then some one else, disregarding the first entry, would enter again upon the same land. Later on, a squatter would come along and settle upon the land and hold it under adverse possession for a number of years. Then there would be a contest between the first man entering, the second man entering, and the squatter who had come on later and that held the whole or a part of it under adverse possession for a number of years. So I can readily understand how the difficulty of straightening out the titles in that region might be somewhat great.

Mr. JOHNSON of Washington. Will the gentleman yield for a question?

Mr. TILSON. Certainly.

Mr. JOHNSON of Washington. Did these disputes bring in an agent of the Interior Department as well as an agent of the Agricultural Department at the same time?

Mr. TILSON. I know nothing at all about the difficulties that the United States has had. My own experience in the matter was prior to the time when the Government began to acquire land there. I was speaking of the general difficulties of titles in that part of the country. Probably the Department of Agriculture has had to contend with some of those difficulties, but personally I know nothing about the difficulties which have been encountered.

Mr. FORDNEY. The great difficulty in the titles to those lands is chiefly where records were destroyed during the Civil War, breaking the chain of title. State laws have been enacted which permit those titles to be put through the court of chancery to confirm the title, and it is done very quickly and cheaply in that way in the average Southern State.

Mr. TILSON. In addition to the other difficulties referred to, some of these mountain lands have not been profitable always, and sometimes have not yielded anything, and many of them have been sold for taxes, so very often a tax title enters into the problem to complicate it.

Mr. MANN. Mr. Chairman, the gentleman asked whether anything was being done with these lands that were purchased, whether we were taking care of them. We are appropriating half a million dollars a year to take care of them. The total appropriation was——

Mr. HAWLEY. Eight million dollars.

Mr. MANN. I was thinking it ran up into the neighborhood of $15,000,000, but evidently I was mistaken. Well, we buy land worth $8,000,000 and spend a half million dollars a year to take care of it. That is a pretty high expense.

Mr. HAWLEY. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. HAWLEY. The amount appropriated in this bill for taking care of the forests purchased under the so-called White Mountain and Appalachian law is $67,000.

Mr. MANN. The gentleman is correct and I am wrong.

Mr. HAWLEY. For the maintenance of the district service for these forests there is appropriated $14,900.

Mr. MANN. I was figuring for the moment that these districts were for the Appalachian Reserve, but they are not. They are for the general service. If we are only expending $67,000 on the Appalachian and White Mountain Reserves, I think we are doing very well. Although I was mistaken in regard to the amount, I was right in thinking it was an extravagance.

Mr. LEE. If the gentleman will pardon me, I think it costs 5 cents an acre to protect these lands a year.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. MANN. Yes.

Mr. JOHNSON of Washington. Does the gentleman know what has been spent for fine automobile roads in the forest reserves behind Biltmore and why we should be burdening future generations with our roads in the country where there is no hope of resource in the form of timber?

Mr. MANN. I know I have been to Asheville several times, and in my judgment about the only thing a large share of the land around there is good for is to raise forests. I think it is suitable for that, and if I was running a place down there I would have an automobile road to connect with the Biltmore Road, so that the many, many people who go to Asheville for their health—for a tuberculosis cure—could get out and have a chance to ride on those roads.

Mr. JOHNSON of Washington. And let the Government pay the bill.

Mr. MANN. Let the Government pay a very small part.

Mr. HAWLEY. The automobile road in Mount Pisgah National Forest was there when the Government bought it. We do not own the Biltmore Forest, but we do own the forest known as Pisgah, which is just across the French Broad River from the Biltmore Forest. Mr. Vanderbilt had constructed a fairly good mountain road from the end of the county road up to Buck Springs Lodge on the summit and down on the other side of the mountain.

Mr. MANN. And we did not build the road.

Mr. HAWLEY. It was there when we bought the Pisgah Forest.

Mr. MANN. And we have not torn it up yet. [Laughter.]

Mr. HAWLEY. I hope we never will.

Mr. LEVER. Let me say further that the amount of money that may be expended for road building is fixed by law.

Mr. MANN. How much is it?

Mr. LEVER. It is 10 per cent of the general appropriation and 25 per cent of the proceeds of the forests.

Mr. MANN. That is what we donate to the county and State. I do not recollect of any law that fixes the amount that the National Government can appropriate.

Mr. HAWLEY. Ten per cent of the receipts from the forests are used by the service in building roads and trails in the forests, and then on page 41 there is a further appropriation for $400,000 for roads and trails through national forests.

Mr. MANN. Oh, yes; but there is no provision of law that restricts the amount that may be expended for road building.

Mr. HAWLEY. Only that it provides for the expenditure of these sums and does not provide for the expenditure of additional sums.

Mr. MANN. I do not suppose that they can expend money unless it is appropriated.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

The Clerk read as follows:

In national forest district 2, $48,400.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. Yesterday there was some discussion, as there has been to-day, of the need of roads within the forest reserves. Attention was called to the fact that the need was so very great,

the reserves being largely mountainous, road building difficult and expensive, that it was impossible to meet the demand for roads and to provide the necessary roads with the 25 per cent of the reserve income which goes to the State, and with the 10 per cent of the forest income which may be and is used for road building by the Secretary of Agriculture.

Early in the session I introduced a bill the purpose of which was to provide for an advance of funds, to be reimbursed, for the construction of roads in a forest reserve in the State of Wyoming to the extent of about $80,000.

Several bills were introduced later along the same line, having in view the construction of roads in forest reserves in various parts of the country. Later a general bill was introduced which has been referred to the committee, proposing a fund of $10,000,000—$1,000,000 to be appropriated annually in the way of advances for the building of these roads. I think the situation in the forest reserve for which I introduced a bill is a situation which will clearly illustrate not only the necessity for this road construction but the wisdom of it, with a certainty that if the funds are intelligently expended the Federal Government will be reimbursed within a reasonable time for its outlay.

In the reservation to which my bill applies the Government is now selling timber for which it receives about $60,000 per annum for stumpage. In order that the Government contractors, the contractors under the Government for this timber, may reach their timber, it has been necessary for the county to build and maintain a long, difficult, and expensive road. The county must bear that expense, because this road approaching the timber is not on the reserve, but in the open country adjacent to it, so the county actually builds and maintains the road, which in the main is used for the purpose of getting out the timber which the Government is selling at the rate of $60,000 per annum. These timber sales will continue for at least 20 years, according to the estimate of the Agricultural Department, so that ultimately the Government will receive from this source above a million dollars, if the estimate be correct. Beyond where the county maintains the road is a very considerable stretch of road running through the reserve that is not only needed by the Forest Service, but is a very important highway, reaching from the headwaters of the Wind River to the headwaters of the Snake River, a road of very great importance from the standpoint of the reserve and the people on both sides of the forest reserve. It is very clear that the 10 per cent fund available for that construction, which would only amount to about $6,000 a year, would not build the road within the reserve, some 35 miles in length, in time to make it of any value to this generation.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. On the other hand, the Government may safely advance funds for the construction of that particular road, at least, by reason of the assurance that the department has that the sales of timber in this immediate locality in the next few years will reimburse the Government expenditure. It is proposed in the bill which is now before the committee, and which we are assured will receive careful, and we hope favorable, consideration, that out of the appropriations that are made the Secretary shall select roads where conditions exist necessitating road building for the benefit of the Forest Service and the surrounding community, and where the conditions are such as will reasonably insure an early return of the investment made by the Government. By making these advances we very greatly aid the Government in the disposition of its resources in the reserves; we make the roads available in the near future when, if we followed the line of procedure which we have been following in the past, the roads would not be useful during the period when most needed by the Government for the disposition of the forest products. We hope that this bill will be favorably considered and passed at an early date.

Mr. BENNET. Mr. Chairman, I move to strike out the last two words; and I would like to have the attention of the chairman of the committee. What is the understanding of the chairman of the committee as to what constitutes a forest district?

Mr. LEVER. The total forest area of the United States is divided up into seven forest districts, with headquarters at certain points. The headquarters of forest district No. 1 is at Missoula, Mont., and of No. 2 at Denver, Colo., and so on. Each of these seven districts has its capital, so to speak, and concentrated there are the men who are the experts in the various lines of activities carried on by the Forest Service. You have your grazing experts, the timber experts, and the like of that, and in addition to that you also have your disbursing officer and your law clerk, who passes upon permits and titles to entries and the like of that.

Mr. BENNET. Then each one of these national forests that we have been passing over here in the last day or two is in a forest district?

Mr. LEVER. That is correct.

Mr. BENNET. Then I want to call the attention of the gentleman to what seems to me is a very great danger of bad administration; and I say this with some experience in both State and city affairs. Here are comparatively large sums for necessary miscellaneous expenses incident to the general administration of the Forest Service. Then these other items, commencing on page 31, are for salaries, and field and station expenses, and so on, including maintenance—in other words, the same general character of service, to a certain extent, as that contemplated under these latter items.

It has been my observation in the city of New York, in the State of New York, and in the Government that wherever you give a department a chance to duplicate or have two offices, each of whom can do the same thing, that two or three things are certain to follow. First, there is a duplication of work, and, second, if the power that controls the purse strings attempts to curtail the doing of the work through a particular official, then the work is shifted over onto the other official, where there has not been so much scrutiny, and the result is a multiplation of appropriations and a duplication of work, and, what is more serious than either, a decrease in efficiency.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. HAWLEY. The suggestion I was going to make related to the first part of the gentleman's remarks relative to the forest districts. If the gentleman is interested and would apply to the Forest Service, they will send him a map of the United States with the forest districts marked on the map, showing how the country is divided into forest districts.

Mr. BENNET. I can not say that I am particularly interested in the geographical distribution, but I am interested because of some extensive experience in administration affairs.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield on that point?

Mr. BENNET. Yes.

Mr. HAWLEY. Take, for instance, the forest district which consists of Oregon and Washington. There is a forest office of a general character in Portland. Then, for the administration of the several forests there is a supervisor's office at Albany, about 90 miles south of Portland; another at Eugene, still farther south; another at Roseburg, 200 miles south; and another at Grants Pass, about 300 miles south; and there are many others in the two States. But I am speaking of those now on the west side of the Cascade Mountains in Oregon, a part of which I have indicated. The forest work is administered from these subordinate offices. The central office has supervision of all the work, approves of sales of timber, grazing leases, other contracts, and on other business arising out of the forests sent by the local officials from the local divisions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent that I may proceed for three minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. HAWLEY. So that the money is not all expended from the forest district office, but is expended from the subordinate offices as well, so the danger of duplication of work is somewhat eliminated by reason of that, each office having appropriated to it or available for its expenditure the money available for the forest over which it has control, or that portion of it.

Mr. BENNET. As I caught the gentleman's statement there are about seven of these suboffices, is that right?

Mr. HAWLEY. In the district?

Mr. BENNET. Yes.

Mr. HAWLEY. There are more than that; I only named a few.

Mr. BENNET. How many forests are in that district?

Mr. HAWLEY. In Oregon and Washington there are some 28.

Mr. JOHNSON of Washington. If the gentleman is going to include Washington, he has not detailed the offices in western Washington.

Mr. HAWLEY. I only named a few for the purpose of illustration to show how the work is divided. There are how many forest reserves in Washington?

Mr. JOHNSON of Washington. In the district I have the honor to represent, 3, and 11 in the State. The district forester always has an office outside of the forest reserve, and he has a head officer at some large central point, near the forest reserve, and then you have the ranger station, where these fellows hide out all winter, hibernate.

Mr. BENNET. What you might call duplicating offices would be in connection with a particular set of transactions, we will say. There is the ranger office, an office in the forest, and the district superintendent's office. He has two offices.

Mr. JOHNSON of Washington. The district superintendent of Oregon and Washington is, I believe, at Portland; but the supervisor of the Olympia National Forest has his office at Olympia, Wash.; and, then, there is an office at Denver, Colo., I take it.

Mr. BENNET. Then comes Denver, Colo.

Mr. JOHNSON of Washington. That is where the supplies come from.

Mr. HAWLEY. All these district officers, of which there are seven, have direct relation with the Forest Service Office in Washington.

Mr. BRITT. Will the gentleman yield?

Mr. HAWLEY. I have not the floor.

Mr. BENNET. I will yield to the gentleman from Oregon to answer the question.

Mr. BRITT. The seven forestry districts to which the gentleman from Oregon refers—are they provided by statute or departmental regulation?

Mr. HAWLEY. These districts are created by the Forest Service to accomplish the administration of the forests in the most economical and efficient way according to their judgment. Then, they are appropriated for by Congress upon the division made by the service.

Mr. BENNET. Then, the answer is they are created by the department and not by statute.

Mr. BRITT. One other question. There is a list of forest reserves provided for specifically, commencing page 31 and ending page 38. Now, then, those in my district, five in number, are not included here. Do I understand the provision for their maintenance and operation is included in the general district——

Mr. HAWLEY. The gentleman means the Appalachian Forest?

Mr. BRITT. Yes.

Mr. HAWLEY. The gentleman will find them provided for on page 38, lines 10 to 15. Now, if the gentleman will yield further, in the administration of the national forests, the first man who comes in contact with anyone who desires to do business with a forest is a ranger. Somebody will want a permit to graze sheep, cattle, or horses on the reserve, or cut some timber. They see the ranger, talk it over with him, and a temporary agreement is made. This goes to one of these local offices where the facts are stated. If there is a dispute, an investigation is made of that matter, and the question at issue settled. A contract is then made at the local office for grazing, the selling of timber, or whatever the subject matter may be.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HAWLEY. Mr. Chairman, I am very much opposed to this motion to strike out the last word, and I ask to be recognized for five minutes.

Mr. BENNET. Mr. Chairman, I will yield the floor and let the gentleman take the floor.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon? [After a pause.] The Chair hears none.

Mr. HAWLEY. Then the local office passes upon the contract—the tentative contract entered into by the ranger. That contract after being passed on by the local office is then sent to the division office in Portland for its information and approval when necessary. They have the authority to enforce the contract. This arrangement has been made by the Forest Service, I believe, from the standpoint of efficiency and to prevent improper contracts being made and to provide some general supervision of the entire work. Rangers, in making agreements for grazing, might admit too many on the forest or too few. There are continually complaints arising. There are also complaints of the price charged for timber, or where a trespass occurs. Complaints are made that the charge for trespass is in excess of the damage done.

Mr. BENNET. There is no man in the House who is better equipped on this subject, and I gather it that the gentleman thinks there is a necessity for all this machinery?

Mr. HAWLEY. We have the national forests and desire to protect them, to sell products from them, and administer them generally as property of the Government. We must have machinery with which to accomplish that. Whether this is more expensive than it ought to be can not be told until some different system that is just as effective has been installed and tried out.

Mr. BENNET. I think there is a defect in the gentleman's logic. The gentleman belongs to one of the finest committees of the House, that has grown up with the forest problem. Does the gentleman think it worth while, now that the attention of the House has been called to the extent of the machinery, to investigate and see whether there is not too much of it? I was out of the House for four years——

Mr. HAWLEY. I will say in answer to the gentleman's question on that point that I have investigated, and as the expense for the administration of forests is increased——

Mr. BENNET. The greater the deficit?

Mr. HAWLEY. The greater the deficit, possibly; and the committee has been trying to avoid it. I have traveled over the forests, but I am not prepared to recommend a different system. The only way to establish a standard is to establish another system and see which one of the two is the best.

Mr. BENNET. There are great forests in private ownership. Do they have as cumbersome a system as the Government of the United States does in connection with its national forests?

Mr. HAWLEY. So far as the privately owned forest or timbered lands are concerned, there is no attempt to care for them on such a scale or plan. They were formerly cared for so little in our State that the legislature passed a law requiring one of two things, that the individuals form an association for the protection of their lands under the supervision of the State forester and pay an assessment for the care of them, or, if they did not do so, the State cared for them at the expense of the owner, and the cost of caring for them was put on the tax roll of the county in which the lands were situated and collected as a part of the annual tax.

Mr. BENNET. That was a protection against fire?

Mr. HAWLEY. I say that there had been no systematic attempt on the part of the private owners to care for their timbered lands to the same extent as is done by the Government.

Mr. MANN. Does the gentleman know how the cost of caring for the national forests of the West compares with the cost of caring for the Bronx National Forest in the gentleman's district?

Mr. BENNET. Ours is much more expensive.

Mr. HAWLEY. I suppose the Bronx serves purposes our forests do not serve.

Mr. MOORE of Pennsylvania. I wanted to ask the gentleman from New York, in the time of the gentleman from Oregon, whether they confine themselves in the Bronx forest reserve to one kind of trees?

Mr. BENNET. Oh, no; and neither do they in Oregon. They have a lot of trees in Oregon, of all kinds and conditions.

Mr. MANN. They send some tall timber here. [Laughter.]

Mr. MOORE of Pennsylvania. They do; a Woodman of the World.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

In national forest district 3, $55,200.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

I agree with the gentleman from Illinois that there ought to be a little speeding up of the business of the House, and it seems to me that this would be a good place to begin. We have dealt with this national forest reserve situation now for two or three days, and it seems to be the troublesome section of the bill. It is unfortunate the Committee on Agriculture is not in the position the Committee on Rivers and Harbors found itself in in a matter of this kind. One of the difficulties in passing the rivers and harbors bill was the discussion that constantly ensued over flood prevention, relating to appropriations along the Mississippi and its tributaries. That was the backbone of obstruction to the rivers and harbors bill in former sessions of Congress, as the national forest reserve seems to be the cause for annual discussion in this bill, which ought to pertain solely to agriculture.

I would not for a moment remove forests from agriculture, generally speaking, or attempt to differentiate——

Mr. FESS. With the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. FESS. Is not this the main trouble, in dealing with these bills, that one has too much water in it and the other has not enough water?

Mr. MANN. The trouble there was a flood of water and here is a——

Mr. MOORE of Pennsylvania. Flood of eloquence. I want to ask the forceful chairman of the committee, the gentleman from South Carolina [Mr. LEVER], why he does not resort to some such method as the gentleman from Mississippi [Mr. HUMPHREYS] did in his treatment of the troublesome problem in the rivers and harbors bill, namely, induce some one, our friend from Washington [Mr. JOHNSON], for instance, to come before the House with a rule to create a new committee—a committee on forestry—which would relieve the Committee on Agriculture from this eternal discussion of tall trees?

Mr. JOHNSON of Washington. I desire to state to the gentleman from Pennsylvania that I have made many efforts to secure the indorsement of those chiefly interested in this executive management, of not only the committee but the departments of the Government itself. It stands to reason that if these great Federal resources, including mines, water power, and forests, are of the value that it is contended they are, they deserve more consideration than they get, even though this is as good as can be designed under present workings.

Mr. MOORE of Pennsylvania. No committee likes to lose its hold on some of its important adjuncts, and I presume that forestry is an important feature of the Agricultural bill.

Mr. JOHNSON of Washington. The trouble is that part of the forestry problems are in the Agricultural Department and part in the Interior Department.

Mr. MOORE of Pennsylvania. What would happen if we separated forestry from the Committee on Agriculture and created a new committee?

Mr. LEVER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from South Carolina?

Mr. MOORE of Pennsylvania. I do.

Mr. LEVER. Let me say to the gentleman from Pennsylvania that, while I can not speak for the Committee on Agriculture, I myself would look rather favorably upon the proposition to create such a committee as he suggests, or as the gentleman from Washington [Mr. JOHNSON] suggests.

Mr. MOORE of Pennsylvania. I thought the gentleman probably would look with favor upon the proposition.

Mr. LEVER. The chairman of the Committee on Agriculture has no ambition to stretch his authority or keep hold of this proposition. But that is a matter that we have not considered at all; it was not a matter for us to consider.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MANN. Will the gentleman yield for another interruption?

Mr. MOORE of Pennsylvania. Yes.

Mr. MANN. I doubt if any considerable number of Members are here who were here when the Forestry Service was placed in the Department of Agriculture. The fact is that there was a bitter fight between the Department of Agriculture and the Department of the Interior. As I recall the matter, it was a very bitter fight, and finally it resulted in an armed peace, because Congress took hold of it.

I question whether the gentleman from South Carolina or any other member of the Committee on Agriculture would be willing to transfer the Forest Service out of the Agricultural Department. That is where it would go if they took it out of the Agricultural appropriation bill. It may be easy to talk about it; but when somebody proposes to do it you will find the Committee on Agriculture, which is always one of the ablest and strongest committees of this House, lined up in solid opposition to the proposition, and I will be on their side if I am here.

Mr. LEVER. As I said a moment ago, the Committee on Agriculture has never given any consideration to the matter of transferring the Forest Service from the Department of Agriculture to the Department of the Interior, from which it was originally taken, as I recollect it. I would like to know from the gentleman from Illinois whether my impression is correct that the Committee on Appropriations used to have jurisdiction over the forests?

Mr. MANN. I think so, but I am not sure.

Mr. LEVER. It had, probably. The Forest Service has given the Committee on Agriculture more concern, probably, than any other service with which it has to deal. It is an enormously big problem, and we try as nearly as we can to meet the situation squarely and fairly, and we do the best we can. There are conflicting views in this country as to what the policy of the Government ought to be. The committee has tried to follow as nearly as it can what seems to be the proper policy.

Mr. MOORE of Pennsylvania. Now, Mr. Chairman, I shall have to proceed in order to place the views I have before the committee.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield there?

Mr. MOORE of Pennsylvania. I yield.

Mr. JOHNSON of Washington. I want to say in this connection that I have introduced a bill in this and in the previous Congress calling for the transfer of the Bureau of Forestry to the Department of the Interior.

Mr. LEVER. What committee did that go to?

Mr. JOHNSON of Washington. Well, it seems to be a sort of hot potato, but I think it is now resting in the Committee on Public Lands. I would like to have it referred to the Committee on Agriculture, in view of the statement of the chairman.

Mr. LEVER. I do not want the gentleman to think that I have committed myself on that subject.

Mr. JOHNSON of Washington. I was about to extend congratulations on the committal that the gentleman has just made.

Mr. MOORE of Pennsylvania. I observe, with sympathy and concern, the anxiety of the gentleman from South Carolina to pass his bill. His committee has worked hard and worthily in order to bring out a great national measure, and it seems a shame that half of the time usually allotted to a bill of this kind should be taken up with one phase of it.

Those who are interested in forestry might find it greatly to their advantage to create a new committee. A change of that character was made in the Committee on Rivers and Harbors when we created the Committee on Flood Control. Under the old system the Committee on Rivers and Harbors seldom took out in a regular way more than $8,000,000 for purposes of flood control, but on the creation of the Committee on Flood Control the members of that committee, taking more interest in their work and having looked over the field, they now come into Congress and propose to ask not $8,000,000 per annum but a total of $45,000,000.

So it might be advisable for forestry to take itself out of agriculture and come into the House with a committee of its own.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired. The Clerk will read.

The Clerk read as follows:

In national forest district 4, $50,400.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the last word.

Mr. MONDELL. Mr. Chairman, the gentleman from Pennsylvania [Mr. MOORE] bears testimony to the effect of creating new committees or transferring services from one committee to another, as illustrated in river and harbor and flood-control appropriations. I am somewhat responsible for the transfer of the forest reserves from the Interior to the Agricultural Department. I introduced a bill for that purpose which became a law. The largest sum we had ever appropriated for the forests under the Interior Department was $365,000, if I recollect rightly, about the sum we now expend annually for the maintenance of these district offices. The appropriations have grown as the service has grown and as the necessities of the service have grown, and in the main I think the funds have been economically expended.

But I am not so sure about this matter of the forest districts. I very well remember when the forest districts were first created. I believed at that time that I was justified in saying that they were created largely for the purpose of making the forestry policy popular in certain localities where it had been very unpopular. I am sure that certain of the communities in the West where there had been a very great deal of adverse criticism of the Forest Service suddenly became very favorable to the Forest Service when arrangements were made for the payment of large sums in rent and the creation of a large official force in those communities. I have never been fully satisfied that all these district offices were necessary or that they were economically administered; and I want to ask the gentleman from South Carolina if the committee in its hearings, this year or last year or in the recent past, has gone care-

fully into the question of the expenditures of the sums that we appropriate for the various district offices?

Mr. LEVER. Mr. Chairman, as I said in the early part of the day, the matter of expenditures would come necessarily before the Committee on Expenditures in the Department of Agriculture. The Committee on Agriculture has looked generally into the expenditures, and has had testimony before it which in its judgment justifies the recommending of the appropriations.

Mr. MONDELL. I assume the gentleman will not say that it is not the province of the Committee on Agriculture, in holding hearings relative to appropriations, to go into the question of how the appropriations are spent.

Mr. LEVER. The committee has done that, and I am trying to differentiate, if I can, the jurisdiction of the Committee on Expenditures in the Department of Agriculture and of the Committee on Agriculture itself. We have called the Forester and the various chiefs and subchiefs of the department, and have inquired of them the character of the work they are doing, and how much they are spending for various items. We have examined the statement of work as set out in this volume here. I myself have gone through various and sundry volumes of statements of the department, of the Forest Service, as to what it is doing. The committee likewise has done that. The hearings before the committee make a volume of 1,700 pages this year, and we think, as a matter of fact, that we have gone fully enough into the expenditures in making these estimates.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I ask for five minutes more.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the debate on this paragraph and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate on this paragraph and amendments thereto close in five minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I understand the chairman of the committee to say that the committee have gone into the question of expenditures in the district offices sufficiently to satisfy the committee that these sums are needed and have been economically expended. Yet I remain rather unconvinced that it is necessary to spend $362,000 per annum for these offices.

For a number of years after the Forest Service was well under way the service got along without district offices, and the various superintendents and supervisors reported directly to Washington. I realize that is not in all respects and at all times an entirely satisfactory method. There are questions which need to be decided that should be decided more quickly than they can be or would be if referred to the Washington office; but I have never been convinced that it was necessary to maintain six different expensive offices as intermediaries between the local supervisors and superintendents and the office at Washington.

Mr. LEVER. I think the gentleman will agree with me that the reason for the decentralization of the supervisory work of the Forest Service probably came about more because of the criticism upon the floor of the House of the large-sum appropriations for supervisory expenses and the concentration of the work in the city of Washington than for any other reason. In addition to that the Forest Service thought they could get a much more economical administration, and much more satisfactory from the standpoint of the people in the West, by a decentralized system of administration than they could possibly get by a centralized system such as they used to have.

Mr. MONDELL. I do not desire to be understood as saying that these offices should be abolished—certainly not all of them—but I am of the opinion that the forces maintained at and in connection with these offices are larger than they need to be, and that these various districts throughout the country could very considerably reduce the amount expended without harm to the service.

Mr. McLAUGHLIN. I have no doubt that what the gentleman says is true, that the Government does not carry on its work economically, that in many departments clerks could be dispensed with, and that the entire work could be carried on with less expense. Now, as to the question of the administration of the forests in districts, the committee did consider that matter, and we have the explanation of the forester as to the reason for creating the districts. He said:

> The administration of the national forests is decentralized as much as possible.

And further on he says:

> We aim to have as much of the business transacted in the field as possible, and as little of the detail and routine work come to Washington as possible, in the interest of prompt transaction of business and the convenience of those who do business with the Forest Service.

And all the forester told us in regard to the working of the service indicated and satisfied us that the work is more satisfactorily done, if not more economically done, more conveniently done, with better opportunity for the transaction of the business with more convenience to those who have business with the service, than if the only headquarters of the service were in Washington.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I ask unanimous consent for one minute.

The CHAIRMAN. Debate was closed by order of the committee. Without objection, the pro forma amendment will be considered withdrawn, and the Clerk will read.

The Clerk read as follows:

> In national forest district 5, $70,100.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I do not desire to be understood as advocating the abandonment of the district office system. I have no doubt that there are many benefits to the people and the service following from that system. But from the beginning I believed that the system was one which was likely to lead to extravagances, and, having made some little inquiry, I am inclined to think that it has tended that way. Three hundred and sixty-two thousand dollars is a pretty large sum to expend, beside what we expend here in the Washington office and what is spent on and around the reserves.

Mr. COX. The gentleman from Wyoming has given this considerable study. What officers would he eliminate?

Mr. MONDELL. I have not gone into the matter carefully enough to have an opinion on that point, and therefore I do not care to express one. Here is an expenditure of $64,000, $48,000, $55,000, for the maintenance of district offices, which is pretty large when you take into consideration that all that they do is to act as an intermediary between the office here and the local reserves. There are some questions settled in the district office, a good many questions, that could not be settled on the reserve, but it would be very easy to modify the administration so as to give the local officials more authority, possibly retaining a little more here, and thus reduce the expenses of these various district headquarters.

Mr. COX. The gentleman lives in the country where most of these reserves are. Has he ever talked with these people who have immediate charge with a view of seeing what persons could be eliminated?

Mr. MONDELL. No; I have not. I have not felt the responsibility that I should feel if I was a member of the Agriculture Committee, but I did have some opinions when this policy was adopted. I expressed some views relative to it, and the expense has been about as I anticipated. Then we were told that if we would only wait a short time the expense of the district offices could be largely reduced, but we have gone on paying rent and employing many clerks and maintaining very fine establishments, a part of which we need and some we do not need at all.

Mr. COX. Does the gentleman hope to live long enough to see the force decreased?

Mr. MONDELL. I am not expressing that faith.

Mr. JOHNSON of Washington. Did the gentleman ever hear a forest ranger, or any officer connected therewith, state that he ought to be separated from the office for the good of the service?

Mr. MONDELL. No; nor any Congressman. [Laughter.]

Mr. FESS. Seriously, does the gentleman from Wyoming think that an establishment that is actually a losing one will ever be discontinued?

Mr. MONDELL. The Forestry Service, in my opinion, eventually will be a paying service. If I live as long as I hope to live, I expect to see the Forestry Service a paying service without laying undue and improper burdens upon the people of that locality.

Mr. MANN. Make it as long as you want to live and you are safe.

Mr. FESS. Mr. Chairman, I rise in opposition to the amendment. I want to ask the chairman of the committee a question. What proportion of the activity of the Forestry Service is devoted to the reforestation of denuded places?

Mr. LEVER. If the gentleman will defer that question until we get to it, and it is on page 41 of the bill, I shall be very glad to go into it fully.

Mr. FESS. I will do that.

Mr. HAWLEY. If the gentleman will permit me, I was going to say that on pages 239 and 240 of the program the work in part is reforestation, and the sum of $165,000 is used.

Mr. FESS. There has been $5,000,000 altogether expended, and $165,000 would be a very small proportion. Is the most of this to care for forests already in existence and to market the timber? I am now speaking of the $5,000,000.

Mr. LEVER. It is used for a number of different purposes which are set out in the bill. We have one appropriation for fighting forest fires, $150,000. Another for the purchase and maintenance necessary for the office, laboratory supplies, instruments, and so forth, $150,000. There is another item of $135,000 in reference to the distillation of wood alcohol and another item of $400,000 for permanent improvements, and so forth. All of these are covered by the sum mentioned.

Mr. FESS. But the amount that is applied to reforestation is rather small in comparison with the total amount.

Mr. LEVER. Yes; $165,000.

Mr. FESS. I have never visited any national forest for the purpose of studying it, but I have been over much of the ranges in Pennsylvania, which are purely State forests. Most of that activity is for reforestation, and I wondered whether the National Government was doing much in that line.

Mr. LEVER. The total reforestation for the past year was 18,000 acres.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RUSSELL of Missouri having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 683) prohibiting the use of the name of any Member of either House of Congress or of any officer of the Government by any person, firm, or corporation practicing before any department of the Government.

The message also announced that the Senate had agreed to the amendments of the House to the concurrent resolution (S. Con. Res. 20) authorizing the appointment of a representative of the United States Government to appear at the celebration of the landing of Sir Francis Drake on the coast of California with a further amendment, as follows: Strike out the numerals "20" after S. J. Res. and insert "121."

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 4876) to provide for an increase in the number of cadets at the United States Military Academy, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHAMBERLAIN, Mr. HITCHCOCK, and Mr. DU PONT as the conferees on the part of the Senate.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

In national forest district 6, $61,400.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word. I want to call the attention of the committee to a change of front in regard to the Forest Service with reference to why it was necessary to create these great reserves in the West. We were told for a good many years that it was necessary to create forest reserves in order to protect the public domain from private individuals. That was the great cry away back in the days of Pinchot, that private interests were going to grab the great forests of the West and make immense fortunes out of them. That was given as the reason why we should create the forest reserves, and they continued to make that cry and create these reserves until the Congress prohibited it.

Now they are singing a new tune and coming before Congress and asking that new reserves be created, because private capital can not afford to own these great forests. I have in my hand a communication sent by the Secretary of Agriculture to Senator MYERS under date of February 24, 1916, and it is very interesting to see the change that has come over the spirit of their dreams. I want to read a few extracts from this letter:

The interest on the capital invested in the timber, together with the taxes levied upon it and the necessary cost of protection from fire, constitute an annual carrying charge averaging probably 7 per cent on the first cost. The effect of such a yearly carrying charge, compounded, is to double the cost of the investment every 8 or 10 years. No matter how cheaply timber may be obtained in the first instance it can not be carried many decades under these conditions without acquiring a high cost, and the success of such investments is necessarily predicated upon a steady increase in the market value of timber as well as a steady growth of timber sufficient to at least offset its steadily increasing cost due to the carrying charges.

Mr. JOHNSON of Washington. Mr. Chairman, will my colleague yield there?

Mr. HUMPHREY of Washington. Yes.

Mr. JOHNSON of Washington. I would like to introduce in that connection a statement made by Mr. Henry S. Graves, the Chief Forester, published in the digest of the hearings of the Federal Trade Commission, in which the Chief Forester himself says, speaking of our Northwest country, that many sawmills are operated there at an actual loss because carrying charges on their indebtedness would not permit them to close down, and that about 132 mills were idle altogether. That was about the time the Underwood law went into effect and that sent down about a hundred of them.

Mr. HUMPHREY of Washington. Mr. Chairman, I desire to continue to read a little further, because I have heard here so much on the floor of the House and read so much in the saffron magazines about the grabbing of the great resources of the West for the purpose of building up great private fortunes that it is quite a relief to find the head of the service making these statements.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. HUMPHREY of Washington. Mr. Chairman——

Mr. LEVER. Oh, will not the gentleman let the next line be read?

Mr. HUMPHREY of Washington. Very well.

The Clerk read as follows:

In national forest district 7, $14,900.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word. I continue to read:

Far-sighted men in the Northwest are already urging that the Government take back the less accessible timber previously acquired out of the public domain, thus assuming the function of carrying this resource, in which private ownership has plainly broken down. No such opportunity to apply this policy will ever again be afforded as is now presented by the Oregon and California lands. Considerable amounts of this timber can undoubtedly be sold to advantage from time to time to existing mills, as there is legitimate demand for it for immediate exploitation, under the same principles which govern the disposition of timber on the national forests.

Then he ends up this portion of the letter by saying:

In this way timber sales may be made without disturbing the industry, while at the same time easily yielding sufficient revenue to liquidate completely the railroad's equity within the 10-year limit suggested by the Attorney General as well as the advance made to the State covering delinquent taxes. Otherwise the timber should be held and protected by the Government, with the time of its subsequent removal left discretionary with the responsible executive department.

As one man from the West I am glad to see this change of front in those who have been saying so much about the public domain being robbed by private enterprise.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. McLAUGHLIN. Does the gentleman believe that private interests would not acquire this property because they could not afford to hold it and carry it?

Mr. HUMPHREY of Washington. I am reading from the report of the Secretary of Agriculture.

Mr. McLAUGHLIN. But the gentleman expresses no opinion on it himself?

Mr. HUMPHREY of Washington. I am not expressing any opinion. I am reading what the head of the Forest Service says now, as against what they have been preaching for the last 15 or 20 years, during which time they have been insisting that these reserves must be created by the Government, otherwise great private fortunes would be built up. They now come in and argue the Government must take these forests, because private individuals can not afford to own them.

Mr. DOOLITTLE. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. DOOLITTLE. Has the gentleman any opinion on it himself?

Mr. HUMPHREY of Washington. Have I an opinion on what?

Mr. DOOLITTLE. On what the gentleman is discussing, the view of the Chief Forester?

Mr. HUMPHREY of Washington. I think the Secretary of Agriculture in this letter is much nearer right than those who have gone before, who filled the country and the magazines full of this howl about the resources of the West being seized and exploited for private profit.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield further?

Mr. HUMPHREY of Washington. Yes.

Mr. McLAUGHLIN. If the private interests were unable to acquire or hold them, what becomes of the argument so often made by the gentleman himself and his colleagues, Mr. JOHNSON and Mr. HAWLEY, that if this Forest Service did not obtain, the

local communities out there would receive taxes to the extent of millions and millions of dollars. If private interests could not afford to own them, they could not afford to pay the taxes.

Mr. HUMPHREY of Washington. That is another statement in which the gentleman is wrong. I will give him an illustration, and perhaps it will please him. When Mr. Pinchot was forester, or just after he went out, I do not remember which, he wrote an article for Pearson's Magazine which was widely published, in which he contended that the State of Washington ought to be very much pleased with the returns we were receiving from the forest reserves in lieu of the taxes. I had occasion to look it up. At that time we received in lieu of taxes in the State of Washington $14,400 a year from the Forest Service. If it had been in private ownership, we would have received over $7,000,000 a year if we had taxed it the same as private holdings.

Mr. McLAUGHLIN. But the gentleman said private interests could not afford to hold them.

Mr. HUMPHREY of Washington. I am reading what the Secretary of Agriculture said; and one of the reasons he said they can not afford to own them is because they are being taxed, and, of course, the Government can own them, because they are not taxed; and neither do they cut off the timber or sell it or do anything except to let it stand in the forests and rot.

The CHAIRMAN. The time of the gentleman from Washington has again expired.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last two words.

Mr. LEVER. I wonder if the gentleman will not wait until we reach the next item?

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Chair will recognize the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Chairman, while I am on my feet, for the benefit of the gentleman from Michigan, who seems to have a hazy idea about conditions in the West in regard to these forest reserves, I think I will give him a little history about these great private holdings. I wonder if the gentleman knows that the foundation for the great holdings of the Weyerhauser Co. came through the assistance of the Forest Service? I wonder if he knows that 750,000 acres of railroad land in the State of Washington—barren mountain tops, rocks, and glaciers; absolutely worthless—was included in the forest reserves, and the railroads were permitted to make an exchange, acre for acre, for the best timberland of that State, and then the railroads sold to Weyerhauser? That was the foundation of the great Weyerhauser holdings in the State of Washington; and yet we hear these gentlemen talk about we must have these forest reserves to conserve the resources and keep private capital from seizing all the lands of the West.

Mr. LEVER. Of course the gentleman will say that the instance to which he refers did not occur under the present Forestry Service?

Mr. HUMPHREY of Washington. No; it did occur during the time when my friend Gifford Pinchot was just coming to be recognized as the head and front of the great conservation movement of this country.

Mr. CULLOP. Will the gentleman yield?

Mr. HUMPHREY of Washington. Certainly.

Mr. CULLOP. I would like to ask the gentleman from Washington how long Mr. Graves has been connected with the Forestry Service?

Mr. HUMPHREY of Washington. Well, I can not tell the gentleman from Indiana.

Mr. LEVER. Five or six years, I think.

Mr. CULLOP. Now I would like to ask another question. In this exchange of land, about which the gentleman from Washington has been talking, the consideration to the Government was wholly inadequate as to the value of the property transferred, was it not?

Mr. HUMPHREY of Washington. In most cases it was practically nothing.

Mr. CULLOP. Now, is there anything under that view of the case to prevent the Government from suing and recovering this land back and restoring to the other party this worthless land that the Government received in exchange?

Mr. HUMPHREY of Washington. Well, that is a legal question which I am not competent to answer. I have been trying for a good many years to get some investigation of this Forestry Service to see whether that might not be done, but the gentleman from Indiana knows that this service has been held sacred for a good many years, and no man has dared lift his voice upon the floor of this House against it but what he would be a target of all the yellow magazines of the United States.

Mr. CULLOP. Then I would like to remind the gentleman from Washington, if he will permit——

Mr. HUMPHREY of Washington. Certainly.

Mr. CULLOP. That it grew up under the administration of his party, that it was installed there.

Mr. MANN. Everything in the Government did that.

Mr. CULLOP. Oh, no; the gentleman from Illinois is much mistaken.

Mr. HUMPHREY of Washington. Since my friend's party has gotten in power they have not made a step toward correcting it, and although it has been called to their attention repeatedly they have taken no action whatever; so, evidently, his party looked with favor upon what had been done. Now, I never did have very much regard for that argument where a man tried to excuse himself for doing wrong because somebody else had done wrong.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. JOHNSON of Washington. Mr. Chairman, I shall use five minutes to discuss whether the large holders of private timber are not, many of them, now in favor of a movement to revert large timber holdings to the Government, and to the inquiry made by the gentleman from Michigan [Mr. McLAUGHLIN] as to what then becomes of the question of the need of taxation. After great quantities of the timber had gone into the reserves, which was followed by the great magazine hue and cry that the United States would soon be without timber, the mere fact of reserving so much of the timber area helped to create a value for the outside timber, caused it to rise in price. That resulted in heavy taxation—to a point now that taxes on timber are so high as to force liquidation in some cases. I know of one $50,000,000 concern that is cutting off every tree they own, regardless of the price received. Now, if the large reserved tracts were privately owned a much lesser rate of taxation would be sufficient for all State and county needs.

For instance, here is an illustration of the taxation problem, taken from statements before the Federal Trade Commission: In the year 1906 a small tract of timberland was assessed at $20,000 and taxed for $696. In the year 1914 it is assessed at $35,000 and taxed $1,170. That is a sample of the way taxes are growing. I was interrogated yesterday as to the actual cost and the actual selling price. Here is a statement covering the period from 1906 to the year 1914, giving the cost of conversion, including logging, the cost of manufacturing, insurance, interest on the operating investment, depreciation, and general expenses, not counting selling expenses and not counting the cost of the logs themselves that the operation started with. In 1906 the cost was $11.05, selling price $15; 1907, cost $12.85, selling price $17; 1908, cost $10.91, selling price $14; 1909, cost $11.53, selling price $13.10, and so on.

In 1914 the cost was $12.95, or practically $13, and sold for $14.79, or call it $15, and not a cent for the selling expense. The difference—in round numbers, $2—represents all that can possibly be paid for the log. Owners of large tracts who themselves own mills are putting their logs into those mills at an estimated value of about 69 or 70 cents and paying taxes considerably above that. If that is conservation, I would like to have it explained to me.

Mr. McLAUGHLIN. Will the gentleman answer a question?

Mr. JOHNSON of Washington. Yes.

Mr. McLAUGHLIN. It has been suggested that the day is coming when the private owners will wish to give up their property and not seek to acquire more. Does not the gentleman think that the land then would be acquired very promptly by private interests?

Mr. JOHNSON of Washington. Well, there have been many changes in ownership.

The CHAIRMAN. All time has expired. The Clerk will read.

The Clerk read as follows:

In the District of Columbia, $127,730.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I do this for the purpose of asking the gentleman from South Carolina [Mr. LEVER] if he will not put in the RECORD the location of these national forest district offices?

Mr. LEVER. In forest district No. 1 the capital is Missoula, Mont.; district No. 2, Denver, Colo.; district No. 3, Albuquerque,

N. Mex.; district No. 4, Ogden, Utah; district No. 5, San Francisco; district No. 6, Portland, Oreg.; and national forest district No. 7, Washington City.

Mr. MOORE of Pennsylvania. They are all west of the Rocky Mountains except the headquarters in the District of Columbia. The total expense of keeping these offices is what?

Mr. LEVER. Upward of $300,000.

Mr. MOORE of Pennsylvania. And that is expended largely for salaries?

Mr. LEVER. Well, yes; largely.

Mr. MOORE of Pennsylvania. Mostly salaries.

Mr. BENNET. Mr. Chairman, I move to strike out the last two words.

It seems to me, Mr. Chairman, that we have developed a defect in relation to this Forest Service that requires more attention than possibly it is receiving, and that is the evident and probable duplication that there is in connection with these two methods—that is, the forest districts and the 135 individual forests, each with its own officers and its own rangers.

The chairman of the Committee on Agriculture said, "We have no jurisdiction. We are purposing to protect the Committee on Expenditures in the Department of Agriculture." Now, there is a Committee on Expenditures in the Department of Agriculture. It is composed of Mr. DOUGHTON, of North Carolina; Mr. ASWELL, of Louisiana; Mr. Moss, of Indiana; Mr. KINCHELOE, of Kentucky; Mr. KING, of Illinois; Mr. HUTCHINSON, of New Jersey; and Mr. REAVIS, of Nebraska. But one of the defects of the operation of this House—and it is not entirely incident to the Department of Agriculture—is the difficulty of getting any proposition like this followed up.

Now, the gentleman from Oregon [Mr. HAWLEY], who lives out in that country, and the gentleman from Washington [Mr. JOHNSON] and others do not attempt to say but that there is duplication, and unnecessary duplication, and therefore unnecessary expenditure of Government funds.

Mr. LEVER. If the gentleman will permit, I did not understand the gentleman from Oregon [Mr. HAWLEY] to make that statement.

Mr. BENNET. I said he did not attempt to say there was not. The gentleman from Oregon is from that section of the country. And, oh, well, he would not want to get very rambunctious about it. He is one of the most honest men on the footstool. He did not get up and say and will not get up and say that there is no waste in the service.

Mr. LEVER. I do not believe there is any more waste in this service than there is waste incidental to every Government service. If so, it has not come to our attention.

Mr. BENNET. And the gentleman from South Carolina [Mr. LEVER], who is a good, conscientious man, does not say that there is no waste, and yet nothing is going to be done about it. I hope I am going to be a very poor prophet. I have deliberately read upon the floor of this House the names of the members of that committee, so that they will look at the RECORD of to-day and see what has been brought before this Congress in relation to duplication in expenditure.

Mr. ANDERSON. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. ANDERSON. Of course, the gentleman is a good parliamentarian and he knows this committee has not any legislative jurisdiction. What would the Committee on Expenditures in the Agricultural Department do about it if they found there was a duplication of work?

Mr. BENNET. The gentleman simply emphasizes my point. Everybody is passing it along. The Committee on Agriculture says, "We have no authority. There is the Committee on Expenditures in the Department of Agriculture."

Mr. ANDERSON. I think the Committee on Agriculture has jurisdiction, but it certainly has no jurisdiction in this bill.

Mr. BENNET. I agree with that.

Mr. LEVER. I think the gentleman misinterpreted my statement. I said I was trying to differentiate the jurisdiction of the two committees.

Mr. BENNET. For what purpose was the gentleman attempting to differentiate the jurisdiction of the two committees?

Mr. LEVER. I do not remember the connection in which I was speaking.

Mr. BENNET. Other Members were calling the attention of the chairman of the committee to the fact that there was patent duplication here, an opportunity for duplication in the building up of bureaus, one of the curses of our Government, and the gentleman said, "Well, we have a Committee on Expenditures in the Department of Agriculture."

Mr. MANN. Will the gentleman yield?

Mr. BENNET. Yes.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BENNET. I ask unanimous consent to proceed for three minutes.

Mr. HAUGEN. Mr. Chairman, I ask for five minutes.

The CHAIRMAN. The gentleman asks unanimous consent that the gentleman from New York be permitted to proceed for five minutes. Is there objection?

There was no objection.

Mr. MANN. The Committee on Expenditures in the Agricultural Department is one of the expenditure committees, since I have been here, at least, that has made a good many investigations and has done a good deal of work about expenditures in the Agricultural Department and has never been able to find out any improper expenditure in the Forestry Service.

Mr. BENNET. Mr. Chairman, I have not been here as continuously as the gentleman from Illinois [Mr. MANN], but if that is the condition I accept his statement that that is so.

Mr. LEVER. The gentleman may remember that Mr. Littlefield, of Maine, made a very thorough examination into this service and all of the branches of the service under the Department of Agriculture.

Mr. HAUGEN. Oh, that was 10 or 15 years ago.

Mr. BENNET. Mr. Chairman, if my recollection is correct, the investigation made by Mr. Littlefield, of Maine, was made before these district offices were created. Is that correct? Gentlemen say that is so. At the time Mr. Littlefield, of Maine, made his investigation there were no such things as district offices.

Mr. LEVER. The gentleman said that these investigations did not disclose anything wrong in connection with the Forest Service.

Mr. BENNET. The distinguished gentleman from Maine, Mr. Littlefield, could not have made discoveries of any duplication between the offices in the separate forests and the offices in the forest districts two or three years before the forest districts were created.

Mr. MANN. Mr. Chairman, I do not wish to be understood as saying that the committee had ever investigated the Forest Service. I do not know whether they did or not, but both during Mr. Littlefield's time and since Mr. Littlefield's time that committee has done quite a lot of investigating in the Department of Agriculture, and they never discovered anything in the Forest Service that was improper. I do not know how extensively they investigated the Forest Service. Maybe their attention was directed elsewhere. But it has been one of the active expenditure committees in the past.

Mr. BENNET. Mr. Chairman, I hope the present committee will keep up the good reputation of its predecessors.

Mr. HAUGEN. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. HAUGEN. I would like to ask the gentleman from Illinois [Mr. MANN] if he has any knowledge of reports made by the Committee on Expenditures in the Department of Agriculture, except Mr. Littlefield's report, and also the investigation of Dr. Wiley?

Mr. MANN. I do not know whether any reports were made. Mr. Littlefield did not make any report that I know of or that I recall.

Mr. BENNET. I think the gentleman is in error about that. I think Mr. Littlefield, of Maine, did make a report.

Mr. HAUGEN. They published the hearings.

Mr. MANN. Oh, yes; they published the hearings, but I am talking about reports.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. McLAUGHLIN. The gentleman insists that there is duplication of officials, but he does not particularize. The Committee on Agriculture is industrious, but they need help. I ask the gentleman to point out the particulars. The gentleman says broadly and generally that there is opportunity for duplication. Particularize; point out something.

Mr. BENNET. Mr. Chairman, that sounds well on the floor of the House.

Mr. McLAUGHLIN. Oh, these general charges sound well in the ears of some men.

Mr. BENNET. I pointed out, and nobody has denied it, that there is here an opportunity for duplication. I have asked Member after Member if the existing system did not lend itself to duplication, and nobody denies that it does lend itself to duplication.

Mr. HOWELL. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. HOWELL. I would like to call the attention of the gentleman to the fact that the forestry area embraces something like 160,000,000 acres of land. If each of those districts had an equal proportion of that 160,000,000 acres of land, it would administer something like 20,000,000 acres in each district. The expense of administration, according to these figures, is less than one-fourth of a cent per acre. Does not the gentleman from New York think that it is due the people utilizing those forests to have the administration of the forests convenient and accessible to its patrons, when in any event, the cost does not much exceed one-fourth of a cent per acre?

Mr. BENNET. Well, when I am informed that the forests are operated at an annual deficit of $2,500,000 and that there is no immediate prospect of that expense being materially reduced, it seems to me that the House has a perfect right to ask some of the committees that have jurisdiction over this subject to investigate to find out if the best methods are being pursued.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. CLARK of Missouri. Mr. Chairman, I would like to have that five minutes in which to ask a question solely for information.

Mr. LEVER. Mr. Chairman, I will withdraw my request for the limitation of debate on this paragraph and amendments thereto to five minutes and let the gentleman from Missouri have full opportunity.

Mr. CLARK of Missouri. Five minutes is plenty.

The CHAIRMAN. The gentleman from Missouri [Mr. CLARK] is recognized for five minutes.

Mr. CLARK of Missouri. I want to ask the chairman of this committee [Mr. LEVER] or the gentleman from Iowa [Mr. HAUGEN] or anybody else who has the information, How much is this appropriation for forests?

Mr. LEVER. About $5,500,000.

Mr. CLARK of Missouri. How much do we get back?

Mr. LEVER. Two million nine hundred thousand.

Mr. CLARK of Missouri. My understanding is that the German Government makes a handsome revenue every year out of the forestry business. There is more timber in Germany now than there was when Frederick the Great was on the throne of Prussia, and yet they have used timber all the time to a very large extent. Now, what is the reason why the German Government can make a very handsome profit out of forestry, and we run into the hole every year two and one-half million dollars? If any gentleman here can answer that I would like for him to do it.

Mr. BORLAND. I think I can answer that question for the gentleman.

Mr. CLARK of Missouri. What is the answer?

Mr. BORLAND. The reason is that the area of the national forests includes a large amount of waste land that has no timber on it at all; but that waste land has to have foresters and rangers and all the expenses of administration that go in connection with it. The timberland that is actually used does not produce the necessary revenue, and we have a large amount of land included in forest reserves that is not productive.

Mr. CLARK of Missouri. What is the sense of having rangers and foresters and all the rest of it in that part of the forest reserves that is of no earthly use?

Mr. BORLAND. That goes back and involves the question of whether a good deal of that area ought originally to have been withdrawn and inclosed in the forest reserves.

Mr. CLARK of Missouri. Is it the expectation that this double-headed performance of appropriating over $5,000,000 a year and losing $2,500,000 is going on in perpetuity?

Mr. BORLAND. I think we have been increasing the amount that we have made out of the forests. The amount of the return from the forests has been growing.

Mr. CLARK of Missouri. I will tell you what I am in favor of doing. As soon as this war across the sea is over I am in favor of appointing a committee of three sensible, industrious, honest men, to go to Germany and stay there and study their forest system until they get it absolutely pat, and then come back here and tell us about it and introduce it. [Applause.] There is no sense in our experimenting on how to do a thing when somebody else has already learned thoroughly to do it.

Mr. BOOHER. I want to say to my colleague that he would not have to send to Germany. He can go up into Canada and find that that Dominion, with one-third the number of acres of land in forest reserves that we have, put into their treasury last year $2,000,000 in the way of profit from their forest-reserve system.

Mr. CLARK of Missouri. Then, let that committee go around by way of Canada.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. CLARK of Missouri. In a moment. I understand that the German Government will not permit a man to cut down a tree in that country unless he plants four trees of a certain designated kind——

Mr. COX. Two.

Mr. CLARK of Missouri. Unless he plants two in place of the one he cuts down.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. CLARK of Missouri. I will yield first to the gentleman from Washington, as he was first up.

Mr. HUMPHREY of Washington. I was just going to ask the distinguished Speaker if he did not recall the fact that our friend Gifford Pinchot was educated largely in Germany, and certainly my friend would not assume that anybody knows more about forestry than Gifford Pinchot does.

Mr. CLARK of Missouri. Yes; I would. I would assume that without any hesitancy whatever. [Laughter and applause.]

Mr. MOORE of Pennsylvania. Will the gentleman from Missouri yield?

Mr. CLARK of Missouri. Yes.

Mr. MOORE of Pennsylvania. I have personally been in the celebrated Stillewald forest, just outside of the city of Zurich, in Switzerland, and perhaps it constitutes the best example of forest regulation in the world. I should like, for the information of the gentleman, to read an extract from a report——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. The time was fixed by the committee.

Mr. CLARK of Missouri. I have said everything I wanted to say.

Mr. HAUGEN. I will yield my time to the gentleman.

Mr. CLARK of Missouri. If we are going on at this rate, we might as well quit the whole thing.

Mr. MOORE of Pennsylvania. The gentleman has opened up a very interesting subject——

The CHAIRMAN. All debate on this paragraph and amendments thereto is closed.

Mr. MANN. I ask unanimous consent that the gentleman from Iowa [Mr. HAUGEN] have five minutes.

Mr. LEVER. I think he ought to have it.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Iowa [Mr. HAUGEN] have five minutes. Is there objection?

There was no objection.

Mr. HAUGEN. I desire to say to the gentleman from New York [Mr. BENNET] and to every Member of this House that all Members are entitled to information that has been asked for. It can also be said without reflecting upon the integrity or the industry of members of the Committee on Agriculture that it has not all the information it should have. I believe it can also be said that they have done everything that could be done and that can be expected. That committee, as all other committees do, gets its information from the department. It gets its information from the same source as other committees do—from Government officials. With few exceptions, if any, the members of that committee have no personal knowledge of these various forest districts or how the money is being expended throughout the country. Therefore it must rely upon the information it gets from the department. I approve of the suggestion made by the Speaker, and the suggestion made by Members here, that we should have a committee to investigate this subject and make it possible to furnish this House with the information which it is entitled—not to go to Germany, but to go on the ground, to go into the various districts, and then examine the books and to ascertain if the money is wisely expended. I have suggested it a number of times. I believe provision should be made for that. I believe that members of the Committee on Agriculture could devote part of their time to good advantage in visiting various forest districts in investigating and reporting, so that Congress might have first-hand information, the information which it is entitled to.

Mr. STEENERSON. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. STEENERSON. Does the department claim that they will in the near future make this Forest Service self-sustaining?

Mr. HAUGEN. Oh, they have claimed that from the very first. I think in the beginning Mr. Pinchot said that inside of six years the Forest Service would be self-supporting, but the further we go the further we get away from that. We are now out $2,500,000 a year.

Mr. STEENERSON. And this sum is increasing.

Mr. HAMILTON of Michigan. Instead of sending a commission abroad, at considerable expense to the country, would it not be a good idea for that committee to begin to figure on reducing expenditures in the administration of the Forest Service right here now? That is within their reach.

Mr. HAUGEN. I am not in favor of sending a committee abroad. It is not necessary, in my opinion. Send them out into the United States and let them examine witnesses and investigate and report as to our own national forests and if money expended is properly and wisely expended.

Mr. STEENERSON. Why does not the Committee on Agriculture call witnesses outside of the department and find out about this matter? The committee is not limited to information furnished by the department, nor is any other committee of this House.

Mr. HAUGEN. The committee has been ridiculed for gathering too much information of the kind furnished. We have 1,700 pages of it here. What is needed is for some one to visit the various districts to investigate and report facts as they exist for the information of Congress. Either the chairman of the Agriculture Committee should appoint a subcommittee or Congress should appoint a committee giving it authority to summon witnesses, investigate, and report.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

In all, for the use, maintenance, improvement, protection, and general administration of the specified national forests, $1,800,508: *Provided*, That the foregoing amounts appropriated for such purposes shall be available interchangeably in the discretion of the Secretary of Agriculture for the necessary expenditures for fire protection and other unforeseen exigencies: *Provided further*, That the amounts so interchanged shall not exceed in the aggregate 10 per cent of all the amounts so appropriated.

Mr. McLAUGHLIN. Mr. Chairman——

Mr. LEVER. I ask unanimous consent that debate on this paragraph and amendments thereto close in 10 minutes.

Mr. MOORE of Pennsylvania. May I have five minutes?

Mr. LEVER. Yes.

Mr. CARAWAY. Reserving the right to object, I wish to offer an amendment.

Mr. CANNON. I should like to have five minutes.

Mr. MANN. We need 20 minutes on this side.

Mr. LEVER. I ask unanimous consent that the debate on this paragraph and amendments thereto close in 25 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate on this paragraph and amendments thereto close in 25 minutes. Is there objection?

There was no objection.

Mr. McLAUGHLIN. Mr. Chairman, there have been a good many criticisms of the administration of the forests, that it was costing too much, and for other reasons, but those who recall how the forests were in the first place established will recollect that it was not possible to have their exterior lines defined, and that large sums of money have been necessarily expended in order to learn the proper description and to define the limits of the forests. It may be said that the plan first employed was not the proper one in the laying out of the forests, that there should not have been so much haste; but at the time there seemed to be a necessity for haste because there was a continuous and persistent effort made by private interests to acquire the forests, and there was strenuous opposition to the establishment of any kind of a forest policy.

All money carried by this bill is not to be spent directly in ordinary forestry or for the care of forests. In some years we have spent as high as a million dollars for fighting fires. A hundred thousand dollars is provided in the bill for the purpose of selecting and setting aside lands more suitable for agriculture than for forestry, opening these lands to homestead entry; $400,000 in this bill is appropriated for building roads, and the department has already constructed 22,000 miles of trails, 2,500 miles of road, and 20,000 miles of telephone. The extent of the work can be gathered from these expenditures, that would not have been necessary in a foreign country which does not compare in size, character, or operations with this country.

There is $135,000 carried in this bill for the purpose of assisting and maintaining a forest laboratory at Madison, Wis., where the work is done in cooperation with the University of Wisconsin. That is charged to the Forestry Service, although it is not strictly applicable to the Forestry Service or for the care of the forests.

Mr. HUMPHREY of Washington. Can the gentleman tell us the total amount expended for salaries?

Mr. McLAUGHLIN. I can not, but I was calling the attention of the House to some of these unusual expenses, ordinarily not expenses for the care of the forests.

Millions of money have been spent every year for the purpose of building houses, laying out trails, putting up telephone and telegraph lines, and all that—making permanent improvements. Expenditures along these lines will not be necessary hereafter, except for maintenance.

Mr. BORLAND. Will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. BORLAND. The gentleman is more familiar with forestry than I am, but last summer when we were in the national forests we were told that the forest fires, to a certain extent, were normally a good thing; that when the fires had occurred they kept down the insect pests, and since the fires had decreased the insects had been increasing wonderfully; that the fires did not destroy the ripe, green timber, but did destroy the old, dead stock and kept down the increase of the insects. Is there anything in that?

Mr. McLAUGHLIN. The gentleman's statement is interesting, whether it is true or not. I have not time to answer him.

Mr. HAMILTON of Michigan. Did the gentleman get that from a magazine article?

Mr. BORLAND. No; it was not taken from a magazine article; it was told us out there.

Mr. McLAUGHLIN. There was an expenditure of $700,000 in 1914 for fighting forest fires, and last year the system of fighting fires had been so perfected and was so much more efficient that only $207,000 were necessary, while the fires were almost as numerous as in the year before. Many appropriations carried in this bill are for preliminary work—getting ready for proper care of the immense forest area of more than 160,000,000 acres—for experiments and for investigations not necessary in foreign countries, and for work not strictly in the line of forestry.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, the Speaker of the House, Mr. CLARK, a little while ago threw into the discussion one of the most interesting problems in connection with forestry. Some of us who have been abroad can appreciate its importance. This is the most wasteful country in the world in many things. We have not learned the lessons of the Old World in forestry, although we have tremendous areas in the United States, which do not prevail in European countries. They have to be more careful in Europe with respect to their food supplies, as well as to timber and other resources. This war has proven that more than anything else.

So far as the forests of Germany are concerned, they are protected and well protected. Germany did not cut and sell any standing timber, but purchased wherever she could for years. I was in the Black Forest and gained a great deal of information in respect to Germany's economic policy in the matter of trees and lumber.

It is true that where a tree was displaced, even to the extent that one might be struck by lightning, a tree was generally planted to take its place. The supply was kept up. They have regulations to cover this point. In Switzerland, where there is still less area than in Germany, the problem becomes more acute. They are necessarily more economical. The forest I made reference to a while ago is just outside the city of Zurich. It contains 2,000 acres. It is easy to understand why conditions there would not apply to the situation in the United States, where the forests are so much greater. But the city of Zurich exercises great care over its 2,000 acres. It is watched over almost with the care that the housewife in America watches over her flower garden. There is a forester and his assistants, and they are constantly checking up the trees, marking every one; they can tell the age of them from year to year. When the trees are ripe there is a cutting in a limited area of, say, 100 acres. When that is cut over, then another 100 acres, and so on. Meanwhile the rest of the forest is growing in a sort of graduated scale of 100-acre tracts. There is a constant growth and replacing of the trees that are taken away. Then there comes the distribution. They cut their trees into lumber and dispose of it for the benefit of the city. It is sold, so far as they think it wise to dispose of it. Nothing is lost, even to the twigs, which are turned into the brooms that sweep the highways of the city. Everything is accounted for and checked up to such a nicety that the system would be enormously expensive if applied to the great forests of the United States. It may be true that we are wasteful; it is true that they are economical; but our problem is vastly different from theirs. We can probably never equal their economic system unless we reduce our forest area and increase our population.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The gentleman from Arkansas [Mr. CARAWAY] is recognized.

Mr. CARAWAY. Mr. Chairman, I yield back my time and will ask recognition on the next paragraph.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] is recognized.

[Mr. CANNON addressed the committee. See Appendix.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

For the selection, classification, and segregation of lands within the boundaries of national forests that may be opened to homestead settlement and entry under the homestead laws applicable to the national forests, $100,000.

Mr. CARAWAY. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 39, at end of line 14, by inserting the following:

"That hereafter 50 per cent of the proceeds of sales of timber cut from the national forest reservations in the State of Arkansas shall be, and is hereby, appropriated to promote the teaching of agriculture, domestic economy, animal husbandry, and dairying within the State of Arkansas. The sum so appropriated shall be divided equally among the four district agricultural schools of said State and the College of Agriculture; that is, 20 per cent of such sum so appropriated shall go to each of the five institutions herein named and shall be devoted exclusively to instruction in agriculture, animal husbandry, dairying, and household economics, and for experimental and demonstrative purposes in the aforesaid sciences; that the dean of the College of Agriculture and the president of each of the four district agricultural schools herein mentioned shall report direct to the Secretary of Agriculture annually the sum so obtained under this appropriation, and the uses to which it has been put, and furnish the Secretary with any and all other information that he, within his discretion, may require."

Mr. LEVER. Mr. Chairman, I reserve a point of order on the amendment.

Mr. CARAWAY. Mr. Chairman, I hope the gentleman from South Carolina [Mr. LEVER] will not press his point of order. Eighty per cent of the people in my State are engaged in agriculture, and necessarily they must continue in that occupation. There is an arbitrary freight zone conforming to the center of the Mississippi River, extending north and south. All shipments west of the river carry such an enormously increased rate that it prohibits manufacture to a very considerable extent. Therefore, if not by choice by necessity, our people are compelled to remain farmers, and this condition must remain until we get an adjustment of our freight rates, which I hope will be soon. But since we are engaged in agriculture we want to become the best farmers in the world, the most expert tillers of the soil. In furtherance of this ambition we have established agricultural schools, in which agriculture, animal husbandry, household economics, and dairying are successfully taught. These institutions need increased appropriations more than the State is able to make at this time. This amendment seeks to aid these institutions and the college of agriculture. There are 20,000,000 acres included in the Arkansas National Forest Reserve—that in round numbers. There were two and one-half million acres, but recent withdrawals left about 2,000,000 acres. The average assessed valuation of land in our State is $14.85 per acre. These lands included in the national forest reserve are not so valuable. I think, however, an assessed valuation of $10 per acre would be not unreasonable. Therefore you will perceive there are $20,000,000 worth of public property in that State that bears no part of the burdens of maintaining schools, building roads, or in any other way supports any of the State's varied activities. For the purpose of maintaining schools we levy an assessment of 7 mills. This is a voluntary act, and affects all private property, real and personal. If this $20,000,000 worth of property were to be assessed the same amount for the same purpose, it would yield the sum of $140,000 toward the support of education. It now yields but little, and what it does pay to various counties in support of roads and schools this amendment does not seek to change. It merely seeks to have 50 per cent, which does not touch the 35 per cent the counties now receive, appropriated toward the support of the schools in which agriculture is taught.

The amendment seeks to grant to the College of Agriculture the same proportional amount of funds that each of the agricultural schools would receive. However, our College of Agriculture—one of the land-grant schools—while established more than 40 years ago, is situated in the northwest part of the State and where conditions of climate and soil are entirely different from that of the great body of the State. So six years ago, by act of the legislature, the State was divided into four districts and in each district was an authorization for the establishment of an agricultural school. For the founding of these schools only $160,000 was appropriated. The location of the school in its district was awarded to the community which would contribute most of its private means toward the erection of suitable buildings and providing lands upon which the school should be located. These private donations were much in excess of what the legislature gave of the State's funds. The schools have prospered in spite of adverse conditions, and last year, which was the fifth year, they had an annual enrollment of more than 2,000 pupils. Most of these were boys and girls from the county. I shall discuss more particularly the school located in my home town, Jonesboro. I am more familiar with it than I am with the others. It is, I think, one of the most useful schools in this country. Despite the limited appropriations and without a dollar for advertising, either by solicitation or publication, it has more pupils than it can accommodate. When I left home last December there were many boys sleeping in the barns, because the dormitories could not contain them, and both boys and girls had been denied entrance for this season. In its last year's enrollment were boys from seven different States. Our faculty, likewise, is made up of men and women from many States. The president, Mr. Kays, and one of the best school men I ever knew, is from Illinois. Two of the teachers are from the State of Pennsylvania, and one, I remember, comes from South Carolina, so you will perceive that we are not sectional in the selection of our faculty nor in admitting pupils.

Stock-judging teams from this school, though their entrance requirement is only that of the eighth grade and the course four years, took first honors in Kansas City and third place at the international stock shows at Chicago.

We must farm. That is our occupation both by choice and necessity. What we produce that is not necessary to feed and clothe our own people goes out to help feed the people of other sections. The more we produce, the more surplus we have, and the more we can contribute toward clothing and feeding the world. Now, we ask that 50 per cent of the proceeds arising from the sales of timber from the national forest reserve situated in our State be given us for the purpose of teaching the boys and girls—the men and women of the coming generation—the art of agriculture, dairying, animal husbandry, and household economics. Their skill so acquired will add to the wealth of the world. These forests now yield from all sources $37,800 per year.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the time of the gentleman from Arkansas be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. CARAWAY. I yield.

Mr. MOORE of Pennsylvania. I wish before the gentleman closes he would make some reference to the effect of the passage of his amendment as a precedent to be considered by other States.

Mr. CARAWAY. Really, whatever I might say about that would be a matter of conjecture. I believe, however, it will lead to a like demand and good results in them.

Mr. MOORE of Pennsylvania. The law at the present, I think, is that only 25 per cent shall be applied for school purposes.

Mr. CARAWAY. Yes, sir.

Mr. MOORE of Pennsylvania. And if you adopt this, it would take Arkansas out of the general run.

Mr. CARAWAY. It would. I recognize that it is a special appeal for a special purpose. It will give to these five institutions a little more than $18,500 a year. In the years that are to come, of course, the income will be much greater.

As an illustration of the interest our people have in this subject, our present governor, in a spirit of economy, vetoed more than half the appropriation made by the last legislature for the support of these agricultural schools. Our people in the districts in which the schools are located are keeping them up. Under the law there is not a dollar available in either district for the payment of teachers' salaries, and will not be for another year. The people have met this emergency by guaranteeing the salaries of the teachers, and are thereby keeping these schools open.

Mr. BORLAND. Will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. BORLAND. If I am right, Arkansas has grown wonderfully in agricultural resources in the last decade, has she not?

Mr. CARAWAY. It is a revolution.

Mr. BORLAND. My observation as to Arkansas is that she is going to have a magnificent future as a cotton State.

Mr. CARAWAY. Yes.

Mr. BORLAND. I think all the section from the gentleman's territory east is going to be the garden cotton State in the Union.

Mr. CARAWAY. Yes; we are trying to realize our opportunities. When this agricultural school about which I am now talking was established there was not a silo in my whole district. The first silo that many of the people ever saw was built at that agricultural school. There were more than 50 erected in my county last year, and you must remember that the school is but five years old. We now have improved live stock and have adopted the most improved farming methods. The people are awake not only to the methods of scientific farming but are also improving their homes. Last week from one of the local papers published in Cross County in my district appeared an article which shows the advancement that is being made along these lines. The gentleman whose name is mentioned there I know well. I wish to have the article included in my remarks.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Arkansas yield to the gentleman from Washington?

Mr. CARAWAY. Yes; I yield.

Mr. JOHNSON of Washington. Did I understand the gentleman a moment ago to say that they were without funds to provide school-teachers in some of the counties?

Mr. CARAWAY. No; I was referring to the agricultural schools. The law of our State requires appropriations to be made for specific purposes. The legislature appropriated for these agricultural schools $85,000, divided into two items, one of $40,000 and one of $45,000. The $45,000 item contained the provision for the teachers' salaries; that is, the teachers in these agricultural schools. The governor vetoed that item, and by that act took away the appropriation for the salaries of the teachers in these schools.

Mr. JOHNSON of Washington. It does not apply to county schools?

Mr. CARAWAY. It applies to agricultural schools, and to these only. These schools are open to the boys and girls of every State on the same terms as they are to the boys and girls in our own State. The only cost of attending these schools is the price of the food they eat and the clothing they wear. There is no charge made for rooms, heat, light, or tuition. As I said before, we now have pupils in this school in my home town from seven different States, and we extend to them the exact advantages and at the exact cost that our pupils receive and pay.

Mr. COX. Do not these outside students pay a cent?

Mr. CARAWAY. I believe they pay $5, a nominal sum.

Mr. MANN. Do they not pay board?

Mr. CARAWAY. I did not intend to convey that impression. They pay the exact cost of the food as it is served on the table, but they pay nothing for rooms.

Mr. MANN. Does that include rooms? I understood the gentleman stated that they did not pay anything for light and rent.

Mr. CARAWAY. They do not pay anything for rooms, light, heat, or tuition.

Mr. MANN. Does the State pay for the rooms?

Mr. CARAWAY. The State bears the expense of rooms, heat, and light, and where the State fails to do it our people have generously helped out the appropriation. The sum we here seek from the National Treasury is small, and yet we feel that the advantages will be incalculable. We realize that the national forest is the property of the National Government, and therefore the property of all the people of the Nation, and yet since the State must maintain the Government, must build the highways, must furnish opportunities for education, must feed and clothe the people who are the owners of these forests, and further that these forests are withdrawn for all time from the assessed wealth of the State, we feel that it is but just that this amendment should pass. After all, the Government has no property except what it holds in trust for the people, and owes no duty except to administer that trust in the interest of the people. Since all people must be fed and clothed, and the cost of the things they eat and wear is necessarily affected by the cost of the production, the people—and by the people I mean all the people—will be benefited by the education, scientifically, of the men and women who produce the things that feed and clothe us all. Therefore it does no injustice to those residing in other States, the joint owners with us of these funds, that they be appropriated for the teaching of agriculture, animal husbandry, dairying, and domestic economy in the schools that will benefit by this appropriation.

AN IDEAL FARM.

Much good has been accomplished and many valuable lessons taught by the diversified farm campaign waged in Cross County during the past two years; but there is one farmer whose work along this line stands out as an object lesson to all tillers of the soil in this section. We have reference to our good friend Mr. W. A. Faulkner, who resides 2 miles northeast of Cherry Valley. This editor had the good fortune to spend the day at his place on Tuesday of this week, and the things that we saw were in the nature of a revelation to us. Little lacking in every detail was the one we found nestling among the hills of old Crowleys Ridge on this bright spring morning.

The drive from this city was made in company with Mr. R. J. Jackson in his car, and shortly after our arrival at Mr. Faulkner's place we were escorted by that gentleman and his son, I. H. Faulkner, on a sight-seeing trip around his place. We will first describe his home. Situated at the foot of a gently sloping hill, with a beautiful oak grove in front, the house is one of those old imposing southern structures, with a wide hallway running between. On the inside we found all the modern improvements that one would expect to find in some swell home in the city. But there are porcelain bathtubs, kitchen sinks, hot and cold running water, and pretty chandelier suspended from the ceiling to accommodate the gas-lighting system.

Out in the yard close by is the pumping station which supplies the house and barns with an abundant supply of fresh water from a deep well. The pumps are driven by a gas engine of large size, which is also used to drive the wood saw, grist mill, washing machine, churn, and, in fact, everything on the place that requires power for its operation.

Next we were shown over the fields, orchards, and herds of sheep, cattle, and hogs. Mr. Faulkner's main hobby is pure-bred stock, and we saw some of the finest that it has ever been our pleasure to inspect.

By this dinner was announced as ready by Mrs. Faulkner, who supervises that detail of the household duties, and let it be said right here that from the variety and quantity of edibles placed before us, she is a thorough and capable manager. But the most important feature in connection with that sumptuous meal is the fact that every article on the table with the exception of sugar and coffee was produced there on the place.

Just after being seated at the table, we were served with a glass of delightful homemade grape wine. One taste of it would make some of California's boastful native sons turn green with envy. And then there were real yellow-legged chickens, fish, country-cured ham, and all the necessary delicacies, such as preserves, jam, pickles, and canned fruit. Even the fish served were home raised, having been taken that morning from a private pool near by, which had been stocked several years ago with black bass and crappie.

It is not often that a hungry editor has an opportunity to enjoy a visit with all the delights, such as we found on this trip, and it came in the nature of a most pleasant surprise to us.

Mr. Faulkner some yeas ago pictured in his mind's eye a model farm, equipped with every modern convenience. He set about to make his vision a living reality, and whether he has succeeded or not one only has to go and see. Mr. Faulkner is our idea of a prosperous farmer. Would that we had more like him.

The CHAIRMAN. Does the gentleman from South Carolina [Mr. LEVER] insist on his point of order?

Mr. LEVER. I regret very much, Mr. Chairman, that I must insist on my point of order.

The CHAIRMAN. The point of order is sustained.

Mr. JOHNSON of Washington. Mr. Chairman, I offer an amendment on this paragraph.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 39, line 14, after the word "forests," strike out "$100,000" and insert "$300,000."

[Mr. JOHNSON of Washington addressed the committee. See Appendix.]

Mr. LEVER. Mr. Chairman, the amount carried in the bill is the amount estimated for by the department, and I trust the amendment will be defeated.

The CHAIRMAN. The question is on the amendment of the gentleman from Washington [Mr. JOHNSON].

The amendment was rejected.

Mr. EDWARDS. Mr. Chairman, you frequently hear demagogues say, "Congress has done nothing for the farmers of the country." This untrue statement needs no denial, for the intelligent farmers of the country know the charge is false, and they also know that it generally eminates from some self-serving politician who has an eye on a congressional seat, and the purpose of the criticism is apparent.

We have passed the good-roads bill, carrying $25,000,000 for roads, and numerous other bills that directly effect and benefit the farmers of the country, but no bill that comes before Congress is so truly "the farmers' bill" as the one now being considered.

This bill carries $24,501,093 for agricultural development, and with which the Agricultural Department is to give aid to American farmers. This is the farmers' bill, and the Agricultural Department is the farmers' department.

We have of late heard much about "preparedness." This bill is a "preparedness" measure, for the armies and navies of the world, with guns and other necessary equipment, would be useless and helpless without food and clothing. Food and clothing

come, along with a big share of the great wealth of the world, from the soil as the result of the "sweat from the farmer's brow."

Except those who actually investigate, few realize the largeness of the Agricultural Department and the many important things it is doing for the upbuilding and development of the country. No money to be appropriated at this session of Congress will be spent for more useful purposes than will the sum carried in this bill. It is interesting to note the estimates and the amounts carried in this bill, which are as follows:

Appropriations, 1917, United States Department of Agriculture.

Bureau or office.	Appropriation in Agricultural act, 1916.	Bureau or office estimates, 1917.	Department estimates, 1917.	Reported by House committee.	Increase over or decrease below department estimates.	Increase over or decrease below 1916 appropriation.
Office of the Secretary	$352,040	$405,510	$402,600	$402,350	− $250	+ $50,310
Office of Farm Management	271,080	345,790	295,850	285,810	− 10,040	+ 14,730
Weather Bureau	1,666,050	1,805,650	1,798,610	1,770,760	− 27,850	+ 104,710
Bureau of Animal Industry	2,585,536	3,204,906	2,815,746	2,965,746	+150,000	+ 380,210
Bureau of Plant Industry	2,139,150	2,365,610 280,000	2,242,770 280,000	2,511,620	− 11,150	+ 372,470
Forest Service	5,553,256	5,656,236	5,549,736	5,549,936	+ 200	− 3,320
Bureau of Chemistry	1,066,381	1,196,581 [1] 30,000	1,147,801 [1] 30,000	1,153,801	− 24,000	+ 87,420
Bureau of Soils	327,935	358,735	358,735	328,735	− 30,000	+ 800
Bureau of Entomology	829,900	899,780 [1] 5,000	850,380 [1] 5,000	868,880	+ 13,500	+ 38,980
Bureau of Biological Survey	446,290	544,870 125,000	493,910 125,000	574,230	− 44,680	+ 127,940
Division of Accounts and Disbursements	44,920	45,170	44,920	44,920		
Division of Publications	193,500	200,580	196,080	197,530	+ 1,450	+ 4,030
Bureau of Crop Estimates	283,480	321,244	316,436	316,436		+ 32,956
Library	46,020	49,040	49,520	49,520		+ 3,500
Miscellaneous expenses, Department of Agriculture	115,000	120,000	115,000	115,000		
Rent in the District of Columbia	123,689	123,689	123,689	123,689		
States Relations Service	2,821,840	3,030,080	2,881,840	2,969,840	+ 88,000	+ 148,000
Office of Public Roads and Rural Engineering	586,465	865,325	612,505	599,700	− 12,805	+ 13,235
Office of Markets and Rural Organization	484,050	840,191	835,201	792,590	− 42,611	+ 308,540
Enforcement of the insecticide act		120,540	110,260	105,000	− 5,260	+ 105,000
Federal Horticultural Board		75,000	75,000	75,000		+ 75,000
Total, Department of Agriculture, for routine and ordinary work	19,936,582	23,076,527	21,756,589	21,801,093	+ 44,504	+1,864,511
Miscellaneous appropriations:						
Enforcement of the insecticide act	100,000					− 100,000
Enforcement of the plant quarantine act	50,000					− 50,000
Exchange of lands, State of Washington	50,000					− 50,000
Domestic potato quarantine	100,000					− 100,000
Demonstrations on reclamation projects	40,000	50,000	40,000	40,000		
International Dry Farming Congress, Denver, Colo	20,000					− 20,000
Cooperative fire protection of forested watersheds of navigable streams	100,000	100,000	100,000	100,000		
Experiments and demonstrations in live-stock production in cane-sugar and cotton districts of the United States	60,000	60,000	60,000	60,000		
Naval stores investigations	5,000	5,000	5,000		− 5,000	− 5,000
Eradication of foot-and-mouth and other contagious diseases of animals	2,500,000	2,500,000	2,500,000	2,500,000		
Lands for dry farming station, Oklahoma	200					− 200
Commission on rural credits	10,000					− 10,000
Maps, charts, and reports to trace shifting of agricultural industries		15,000	15,000		− 15,000	
Experiments in dairying and live-stock production in semiarid and irrigated districts of the Western United States		87,500	87,500		− 87,500	
State cooperation in marketing work		35,000	35,000		− 35,000	
Grand total, Department of Agriculture	22,971,782	25,929,027	24,599,089	24,501,093	− 97,996	+1,529,311

Every item is for a useful purpose and will help in the building of a greater country.

As will be seen from this table, the amount carried in the Agriculture appropriation act for 1916 is $22,971,782; in addition, sums aggregating $225,000 appropriated by special acts and $395,000 by the recent urgent deficiency bill will be expended during the present fiscal year, making a total, aside from the permanent annual and deficiency appropriations, of $23,591,782. The sum carried in the appropriation bill for 1917, as reported by the committee, is $24,501,093, an increase over the amount carried in the appropriation act for the present fiscal year of $1,529,311.

By comparing the appropriations for the preceding year we see that Congress is doing more and more each year to develop agriculture, and with the increased appropriations the department grows and its usefulness to agriculture and to the American people extends and expands.

The scope of the activities of the Agricultural Department may be classed as follows:

(1) Research work, which includes the scientific study of the fundamental problems of agriculture.

(2) Educational or extension work, which aims to make available to the rural population the results of the department's experiments and discoveries.

(3) Regulatory work, which includes the administration of the following statutes: Meat-inspection act, cattle-quarantine act, diseased-animal transportation acts, 28-hour act, virus-serum-toxin act, food-and-drugs act, insecticide and fungicide act, plant-quarantine act, seed-importation act, Lacey game act, migratory-bird act, and the cotton-futures act. The administration of the national forests also may be included under this heading.

This is the ninth Agricultural bill I have helped to enact, and I am proud of my record.

Money spent as is proposed under this class of legislation is an investment and returns good dividends to the Nation. Almost every phase and subject relating to agriculture is dealt with by the department, and there ought not to be any objection on the part of anyone to the prompt passage of this bill. The benefits are, of course, directly to the farmers of the country, but the whole American people, regardless of class or avocation, are benefited through the splendid results being achieved by this department. The legislation is not sectional. It should not be sectional.

The South, the greatest agricultural section of the country in point of rich and undeveloped possibilities, will be more beneficially affected by these appropriations than any other section unless it is the great western section. All internal improvements help our country and make our people more independent and prosperous. As our people prosper our country prospers, too. All internal improvements as proposed in this bill, and like building good roads, improving transportation by navigation and otherwise, is money well spent in the interest of increased productions, easier and cheaper marketing, and as our harbors are opened up and the markets across the waters are opened to our products, increasing the demand for what we produce to sell, the prices will correspondingly increase to the American producer.

Congress, since I have been a Member, has taken a keen interest in the development of American agriculture, which may be called the backbone of all preparedness plans, because it enables us to prepare otherwise.

Those gentlemen from city districts who criticize "free seeds" and agricultural appropriations are ignorant of the great wrong they are guilty of. Those same gentlemen are ready to vote hundreds of millions for the Army and the Navy and yet ignore the great mainspring of all true preparedness and howl "economy" when this bill, with only a few millions, is before Congress.

Every loyal American who believes in his country and who has his country's welfare at heart should applaud and help Congress in its efforts to help the American farmers.

The agricultural interests of this country will not come fully into its own, however, until we have a rural-credits act which will enable the American farmer to develop and finance his farming operations by securing long-time loans at low rates of interest. We want a real rural-credits act, such as will work to the advantage of the farmers and not against their interest. Friends of the rural-credits legislation will not be satisfied with a "makeshift" in this important subject. It is my purpose when the rural-credits subject is up in the House to have more to say on the subject, so I shall not discuss it further at this time.

You will find the Representatives from the South and, in fact, with few exceptions, from every quarter of the country, standing squarely behind this Agricultural appropriation bill, insisting upon its passage. It means much to the farmers and it means much to the whole American people, and should become a law as speedily as possible in order that the good work of this great department may proceed with its constructive service in building up the greatest industry of the world.

Mr. CARAWAY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the Agricultural bill.

Mr. HICKS. I make the same request.

The CHAIRMAN. The gentleman from Arkansas [Mr. CARAWAY] and the gentleman from New York [Mr. HICKS] ask unanimous consent to extend their remarks on the Agricultural appropriation bill. Is there objection?

There was no objection.

The Clerk read as follows:

For the survey and platting of certain lands, chiefly valuable for agriculture, now listed or to be listed within the national forests, under the act of June 11, 1906 (34 Stat., p. 233), and the act of March 3, 1899 (30 Stat., p. 1095), as provided by the act of March 4, 1913, $85,000: *Provided*, That any unexpended balance of an appropriation of $85,000 to be expended "for the survey and platting of certain lands, chiefly valuable for agriculture," etc., provided by the act of March 4, 1915, entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916," be, and the same is hereby, continued and made available for and during the fiscal year ending June 30, 1917, for the purpose of this appropriation.

Mr. HERNANDEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New Mexico offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HERNANDEZ: Page 40, line 7, after the word "appropriation," insert the following:

"*Provided further*, That in making the surveys and plattings herein authorized the usual rectangular system or legal subdivisions shall be followed, and that not to exceed any 40 acres of each 160-acre tract shall contain more than 10,000 feet of merchantable timber, board measurement, thereon."

Mr. LEVER. Mr. Chairman, I reserve a point of order on that amendment.

Mr. HERNANDEZ. Mr. Chairman, my object in offering this amendment is to call the attention of the committee to the fact that in administering the forest homestead act of June 11, 1906, the Department of Agriculture, through the Forestry Bureau, has usually left the administration of the law entirely to the judgment of the local officers, called rangers. As far as my experience goes—and I have had some practical experience, for a good many complaints have been made through me to the department—an applicant for a forest homestead goes before the ranger at the ranger's station and notifies him that he wishes to make a filing on certain land. He fills out an application, which is supposed to go to the district forester, the man who has charge of the forests within two or three States. By him it is referred back to the supervisor and the local forester. By and by the applicant for the homestead is notified that his application has been accepted or rejected, as the case may be.

If it is accepted, in nine cases out of ten where he has made application for a homestead of 160 acres or 80 acres, he gets perhaps 35 acres, 18 acres, 26 acres, or any odd number like that. This is the manner in which this forest homestead act is being administered. When the applicant finds out he has been given only a small portion of the land that he expected to receive, he gets disgusted and goes away, and that is precisely what the Forestry Bureau, through the ranger, wants him to do. That has been my experience in the State of New Mexico in regard to the forest homestead law. Now, this amendment goes quite a long way toward curing that defect. It provides that, notwithstanding a certain tract of land, say of 40 acres, containing as many trees perhaps as half the number of gentlemen who are here in this Hall at the present time, the applicant shall have that land listed to him in a reasonable and sensible way, so that he can fence it up.

A great deal has been said here about forests out in the West, and I am glad to know that a good many people are changing their opinion about this thing and are finding out that we out there have been made the victims of a mistaken theory, which was impracticable to say the least, and that Members are coming around now and finding out that a good deal of the area that they supposed to be a boulevard was nothing but a desert.

I have no personal complaint or criticism to make of the Bureau of Forestry, as I personally—and I believe my constituents—have been always treated by the department in a fair and businesslike manner, and the average stockman is likewise satisfied in the way permits have been issued for the grazing of bands of sheep and cattle.

As far as the timber is concerned, we believe that in time it will become the most valuable asset within the national forests, and from that item alone will come sufficient revenue to make the forests self-supporting. We are all in favor of the Government disposition of the timber within the forests at the best obtainable figure, and in that line good and efficient service is being performed by the bureau, as far as we know. The timber should be taken care of, the matured product sold, and the logged-off land sold or homesteaded as rapidly as possible.

The revenues derived from grazing stock within the national forests is the main source of revenue to-day, at least in my State; we pay our fees cheerfully and abide by all the rulings thereunder.

I note with a great deal of satisfaction that during the last five years considerable land formerly embraced within the boundaries of the forests has been eliminated and restored to the public domain; we believe that this is a step in the right direction and should be followed up with as many more eliminations as possible, so that these lands can be filed upon under the homestead laws and become taxable property.

I am very much impressed by what our honored Speaker said in his remarks about sending three men to Germany, Canada, or any other place where a perfect system of forest service could be studied, and then have the best of these methods introduced in the United States for the benefit of our country and our people.

I was also much impressed by what was said by the gentleman from Missouri [Mr. BORLAND] on the subject of waste lands and the cost of administering them. What financial benefit can either the Government of the United States or her citizens get by having lands within the forest reserve which has not a stick of merchantable timber upon it, when hundreds of good farmers would be glad to settle on such land, till the soil, make a good living, and bring in a revenue to their State in the way of taxes. We have many thousands of acres in my State in just such a condition, and it is to be hoped that some method, rule, or regulation may be adopted by the Forest Department by which such lands that have only scrub oak, small piñon, and other such scrub brush may be utilized by the farmer, and not called "forest," when in a thousand years you could not cut a single board that would cover a man's body.

The item in the bill now under consideration of $100,000 for the purpose of listing, surveying, and segregating lands that could be used for agriculture within the national forests is another step in the right direction, which we hope will materially assist in correcting the many defects in the administration of the forest-homestead act, which, as I have already stated, has not, in my opinion, been administered so as to encourage settlers within these forests, although that was the purpose of said act; but said law has been left entirely discretionary with the Bureau of Forestry; but common sense and good reason should dictate to them that no man can very well afford to take up 23, 28, 35, or 77 acres of such land, when it is hard enough to make a living on 160 or even 320 acres of better land in New Mexico. I would have offered another amendment, or at least suggested one, to the committee in charge of the bill at this time, but a step at a time in the right direction is enough, and at some future day I shall offer such amendments as my people may deem necessary, so as to give the home seeker an opportunity to make a living.

My proposed amendment would have read as follows:

That the act of June 11, 1906, be amended so as to read that a homesteader could file on any land within the national forest containing any certain number of feet not to exceed 50,000, and that said timber should be reserved to the Government except so much thereof, as the homesteader would need to build his house and barn on the land, the remainder to remain under the jurisdiction of the department, and to be taken care of by the claimant or owner of the land.

There is such reservations now in the classified coal-land law, and I do not see why the same could not be applicable to timberlands.

Now, I would like to say a few words in regard to the distribution of vegetable, flower, and valuable forage seeds.

In my State we have as many farmers, and good farmers, as any State with approximately as many people as we have, be-

sides our many thousands of children, and these children have done much toward beautifying our cities and our country homes by planting and caring for their gardens, besides the fact that very many of them will become good farmers, which is the crying need of our country. I have sent out this year my full allotment of vegetable, flower, and forage seeds and could have used at least 5,000 packages more, for there is hardly a day passes but what I receive requests from my farmer and city constituents for different kinds of seeds.

I have listened to the remarks of several gentlemen who are in favor of cutting out the seed appropriation, and I want to say to them that to take away from the people, and especially the children the innocent pleasure and farming education by the planting and beautifying of their homes, and the supplying their needs for the home would be a crying shame, and I thoroughly agree with the gentleman from New York [Mr. BENNET] when he says that there are many other things that could be given up than the satisfaction in knowing that the seeds furnished by our Government are giving pleasure and relief for hundreds of thousands of our people throughout the United States.

In this regard I would like to state that we do not receive sufficient forage crop seeds that are practically new to most of us, such as Sudan Grass, Feterita, Hegari, and Dwarf Milo. I have not only used many more than my own quota, but have applied for several hundred packages additional, and have now on my desk a large number of applications for such seed and am unable to supply them to my constituents.

These seeds are given out by the Government for the purpose of testing them in different sections throughout the country, and it behooves us to help our people and encourage them in the planting of such forage crops, so that our country may in time be known as one of the great forage-crop countries of the world.

It may be that in the large cities such crops could not and would not be of any great advantage, but in the great West and Middle West this is what we need, and the man who is against the plan of helping our people in our farming districts is not a good friend of the farmer. We have too many people now who are occupied in mercantile and other pursuits, but our farming communities are short of farmers, and this should be encouraged so as to make the farmer self-sustaining and a pride to his community and the country at large.

I entirely agree with the remarks made by the gentleman from Mississippi [Mr. QUIN] in this regard, and the Government can not do better, in my humble opinion, than to keep up the good work in the distribution of seeds of every character, and especially of forage crops.

I have never had any seeds returned from my district, never had any complaint, except from those who have not received any, and they clamor to send them seeds of all kinds, especially forage seeds.

There are, I might say, thousands of newcomers in my State, most of them from Ohio, Illinois, Nebraska, Oklahoma, and Kansas, who are very desirous of trying in their new homes the best forage seeds that they think would be adaptable to the soil of New Mexico.

I do not believe that there ought to be a single dissenting vote on this item of seeds.

Mr. LEVER. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. LEVER. If the Chair has any doubt about it, I will withdraw the point of order and ask for a vote.

The CHAIRMAN. The gentleman from South Carolina withdraws the point of order. The question is on the amendment offered by the gentleman from New Mexico [Mr. HERNANDEZ].

The question was taken; and on a division (demanded by Mr. HERNANDEZ) there were—ayes 30, noes 31.

Accordingly, the amendment was rejected.

The Clerk read as follows:

For fighting and preventing forest fires and for other unforeseen emergencies, $150,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word, particularly for the purpose of calling the attention of the committee to some matters in reference to the Madison station. I have brought up two letters out of a good many that I have received on this subject. I do not know whether they have been written to Members generally, but probably not. They are Chicago letters. I shall not read the whole of them, but I ask unanimous consent to extend my remarks by printing the whole in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The letters are as follows:

CHICAGO MILL & LUMBER CO.,
Chicago, February 29, 1916.

Hon. JAMES R. MANN,
Member of Congress, Washington, D. C.

DEAR SIR: Illinois ranks third among the States as a producer of wooden boxes used in shipping. Chicago alone has about 20 factories, and the remainder of the State probably has as many more.

We therefore make bold to address you with reference to the amendment proposed by Mr. RANSDELL to the bill making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917.

It is from this appropriation that the Forest Products Laboratory at Madison, Wis., secures its funds.

The writer has recently visited the laboratory there, as have a great many of the leading manufacturers of packages in the West; in fact, we have had some meetings in the laboratory. We are all intensely interested in the development of box specifications, the testing work for which is being done at that laboratory for the National Association of Box Manufacturers, which association is the only body representing nationally the 1,000 package manufacturers in the country, who do an annual business of probably $300,000,000.

We should like to see a larger appropriation for this laboratory, which, we understand, can be secured through the amendment proposed by Mr. RANSDELL, for we know that the work at the laboratory is hampered for lack of funds.

One of the purposes of the tests being made at the laboratory is to lead those in possession of our timber facilities into a better understanding of how they may conserve the forests by putting into packages sufficient but still not more material than is actually needed to carry the load.

Your cooperation in this matter will greatly oblige us.

Yours, very truly,

C. FRED YEGGE, *Vice President.*

THE NATIONAL ASSOCIATION OF BOX MANUFACTURERS,
Chicago, Ill., March 6, 1916.

Hon. JAMES R. MANN, M. C.,
Washington, D. C.

DEAR SIR: The National Association of Box Manufacturers represents the makers of wooden shipping containers throughout the United States. These manufacturers consume approximately 15 per cent of the total lumber production of the country annually.

The manufacturers referred to are vitally interested in the work which has been carried on for some months by the Forest Products Laboratory, at Madison, Wis., which laboratory is under the supervision of the Department of Agriculture. This laboratory conducts experiments as to the relative strengths of the various kinds of packages in which the output of the factories of the United States is shipped, and very valuable work has been done in developing the relative strengths of the various woods used in the making of shipping containers. The members of the National Association of Box Manufacturers have from time to time furnished the laboratory with boxes constructed of representative woods produced in the various parts of the United States on which to conduct their experiments.

The progress of the work so far has conclusively shown that great conservation in the forest product of the United States can be made by more scientific construction and the reduction of the thickness of materials used in the manufacture of wooden containers, which, as we have said, consume some 15 per cent annually of the total lumber production of the country.

As some of the largest wooden-box manufacturers in the United States are located in Chicago, I am taking the liberty of addressing you with reference to the amendment by Senator RANSDELL to the bill making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917. It is from this appropriation that the above laboratory secures its working funds. We are vitally interested in a sufficiently large appropriation being made to enable the laboratory to continue this valuable work, and at the annual convention of the National Association of Box Manufacturers, held in Chicago on February 1, the following resolution was passed:

"*Resolved*, That this association petition the Members of Congress and the Secretary of the Department of Agriculture to arrange a sufficient appropriation annually to the Forest Products Laboratory at Madison, Wis., to enable them to carry to a conclusion the work of testing all materials used in boxes or shipping-container construction, the different types of construction, etc., which this association believes would be of great benefit to the country and also to forest conservation."

Respectfully, F. C. GIFFORD, *Secretary.*

Mr. MANN. I have watched the Madison laboratory for a good many years. I do not know whether I helped start it or whether I only helped to enlarge it. I know that I did one or the other in connection with the investigations relating to wood that might be used for paper. I understand they have extended their scope and are doing other work along various lines. It is a pleasure, in view of all that has been said on the floor recently about the Forestry Service, to present something distinctly praiseworthy in the work that they are doing.

I do not know what the Ransdell amendment is. Of course, it is an amendment in the Senate and not in the House. I asked the gentleman from South Carolina a little while ago, privately, what the reason was for the reduction in the appropriation carried in this item, and he said that it was a transfer, that there was no actual reduction. I do not know whether there ought to be much of an increase or not, but I do know that the paper manufacturers throughout the country have repeatedly told me that this laboratory at Madison was doing a work of great value to them. I am glad to know that the box manufacturers who use 15 per cent of the lumber say that the work is of great value to

them in showing and telling them how they can make boxes out of less wood than they would have used without the result of the work at Madison. I think it is a very interesting work.

Mr. LONGWORTH. Mr. Chairman, I rise in opposition to the amendment. I have just read an article in the evening paper, as follows:

Charging that "the most formidable and best organized lobby" in the history of the conservation movement is at work in Washington, Gifford Pinchot, former Chief of the United States Forestry Service, in an address at the annual banquet of the National Academy of Sciences last night declared that conservationists must do everything in their power to defeat the lobby.

I want to ask the gentleman from South Carolina if he has any knowledge of that lobby referred to.

Mr. LEVER. Absolutely I have not. I have not seen Mr. Pinchot for several years, and I have not seen anybody else that has the earmarks of a lobbyist.

Mr. LONGWORTH. It says it is the most formidable and the best organized lobby in history.

Mr. LEVER. I am not acquainted with that situation at all.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For the purchase and maintenance of necessary field, office, and laboratory supplies, instruments, and equipments, $150,400.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. There has been considerable said about the great cost of the Forest Service, and a number of gentlemen have expressed the hope that the service would soon be placed on a paying basis. The Speaker, who always lends interest to any subject which he discusses, suggested that we might profitably study the methods of the German Empire with the view of making our forest reserves pay. There are very good reasons, some of which I pointed out earlier in the day, why our Forestry Service does not pay now. The principal reason is that we have taken under the Federal wing for the benefit of coming generations great areas of forest land for the products of which there is no immediate market. We are conserving these great values, amounting to hundreds of millions of dollars, with a view of caring for future generations.

When we start out on an enterprise of that kind we may expect to spend some money without immediate returns. We can not hope to have immediate large returns, but eventually the returns will pay the running expenses, in my opinion, and without burdening the people in the regions in which the reserves are located. I do not mean to say that I think any special effort should be made to make the reserves pay. I think they should be conducted in the public interest, without any special effort to make them pay, certainly no effort to make them pay by burdening the people locally; but I think they will eventually be made to pay.

I want to say just a word with regard to the suggestion of the distinguished gentleman from Missouri [Mr. CLARK], the Speaker of the House, that it might be well for us to send a commission to Germany to study German forestry methods. They have made their forest reserves pay. While I generally agree with the Speaker on matters that are not political, I can not agree with him on this matter. We had a little too much of German methods in Forestry Service a number of years ago. We had a gentleman at the head of the service who meant well and who knew a great deal about forestry and forests, who had the idea that we could put into operation here in our country German methods. German forestry methods, no matter how good they may be for Germany, are no more adapted to our country than German military methods are *adapted to* our country, and our people would no more tolerate German forestry methods than they would tolerate German military methods.

Mr. BORLAND. Is the gentleman quite accurate about that? Is not the question of forestry methods one of science? It is not a question of methods, like military methods.

Mr. MONDELL. The German methods of caring for the forests are, in a measure, military, and include police control, and while with them the primary purpose is, no doubt, to preserve the forests for the use of the people, yet in doing that they feel that they must make the forests pay, and they make them pay, even though their maintenance is burdensome upon the people of the locality. Our conditions are not German conditions. Our forests do not lie, as the forests of Germany do, in thickly populated sections, surrounded by great cities.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to continue for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I do not believe we have much to learn from the Germans with regard to the care of forests, more than we have already learned from them. We have learned many things from that great people relative to forests and forest care and forest preservation, as we have in other lines, but I think we have reached a point where we are developing an excellent American system. It still has its faults of administration, it still has its duplications of service, it is still, I am inclined to think, unnecessarily expensive in certain directions, but we are developing an American service along American lines fitted to American conditions.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I am sorry that I can not yield. I only have five minutes and I want to follow this thought. With regard to this matter of making the forests pay, let me make this suggestion: One reason why our forests have not paid is that we have not improved them so as to make them generally available and usable. Mr. Pinchot, quite a number of years ago, asked for $5,000,000 as a capital fund for the purpose of making the forests accessible and usable by road construction and in other ways. I believe it would have been a wise expenditure of public money, and I think that that road bill which the committee is going to report will be a wise step in the direction of making the forests pay. The forests do not pay now partly because they are not accessible; we can not get at them and their products. It is difficult to reach their resources, and we can afford to spend a considerable sum of money as a capital investment to make these great resources available and available quickly.

Mr. TILSON. Would the gentleman build railroads into the forests?

Mr. MONDELL. No; unless the Government was going to do lumbering. I do not think that would be wise.

Mr. TILSON. Would the ordinary wagon road really make them accessible commercially?

Mr. MONDELL. It would make them much more accessible and usable commercially, and in many ways which I have not the time now to explain, but which are understood by those who are familiar with the reserves.

Now, it was suggested by the gentleman from Iowa that we should have a commission to study the forestry question. Well, I am of the opinion that we do not need a domestic commission any more than we need a foreign commission. I think the committee has gotten along very well in taking care of the Forestry Service. I think the committee might with profit examine a little more thoroughly than it does the question of the duplication of work and unnecessary expenditure, for instance, in connection with district offices, and perhaps here in Washington. I think the Committee on Agriculture can work this problem out without the aid of any commission for a domestic or a foreign investigation. On the other hand, expenditures in the way of capital investment that will make the resources of the forests available for use will help along on the road toward a self-supporting forestry system. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

For investigations of methods for wood distillation and for the preservative treatment of timber, for timber testing, and the testing of such woods as may require test to ascertain if they be suitable for making paper, for investigations and tests within the United States of foreign woods of commercial importance to industries in the United States, and for other investigations and experiments to promote economy in the use of forest products, $135,200.

Mr. HARRISON. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from South Carolina is this the paragraph to which Senator RANSDELL offered an amendment to increase the amount?

Mr. LEVER. It is.

Mr. HARRISON. The reason why I ask the gentleman is that I have had a good many letters about this paragraph from certain people in my section of the State who are interested in it and who are under the impression that Senator RANSDELL by his amendment sought to erect another such plant as I believe is located at Madison, Wis. His amendment does not go that far?

Mr. LEVER. I have not read his amendment, and only know about it from newspaper accounts; but my impression is that

the amendment he offered was to increase the amount of the appropriation $75,000 with a view to establishing a plant at New Orleans similar to the one now located at Madison, Wis., the appropriation for which is carried by this item.

Mr. HARRISON. May I ask the gentleman how much that plant at Madison cost?

Mr. LEVER. The plant was established long before I became a member of the committee and I do not know its cost. For its maintenance and care under this item we appropriate $135,200.

Mr. McLAUGHLIN. That plant was supplied by the State without expense to the Federal Government.

Mr. LEVER. We have no memorandum of its cost.

Mr. BROWNE. The State of Wisconsin appropriated $50,000 to furnish the building and the housing and to help install the machinery and everything in the forest products laboratory at Madison. That was done, I think, in 1910 or 1912, when the legislature appropriated that amount of money.

Mr. LEVER. As I recall, this work is being done in cooperation with the University of Wisconsin.

Mr. BROWNE. Yes, sir.

Mr. HARRISON. Do I understand this whole appropriation goes for the work in connection with that particular plant?

Mr. LEVER. Yes; to this particular plant.

Mr. HARRISON. Is that all the money that the department stated is required for this work?

Mr. LEVER. We gave the estimates exactly.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HARRISON. I do.

Mr. MOORE of Pennsylvania. Is this a new item?

Mr. LEVER. No; this item has been in the bill for some years.

Mr. HARRISON. This, Mr. Chairman, appears to me to be a very important matter. In reading the hearings it seems to me they are doing great work. I know that in my section, which is quite a timber section, and where there are large sawmills, where up until two or three years ago we had no paper mills, and where formerly the refuse and slabs were burned or thrown away, the sawmills now utilize them in the manufacture of paper, and it seems to me that this plant——

Mr. LEVER. And wood alcohol.

Mr. HARRISON. They are not manufacturing wood alcohol at that point, yet I understand they are doing it in some instances, so I was very anxious to see just the amount of appropriation that is needed for this work be appropriated, because I think it is very important.

As I understand, they get these woods and experiment in them, not only from the territory adjacent to Madison, Wis., but they get them from the West and the South and the East, from all over the country?

Mr. LEVER. That is true.

Mr. HARRISON. And even from foreign countries. I am very much interested and in favor of this paragraph.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

Mr. BROWNE. Mr. Chairman, I move to strike out the last two words.

Mr. LEVER. Mr. Chairman, may I ask to close debate on this in five minutes?

Mr. BROWNE. Yes. I move to strike out the last two words. I am somewhat familiar with the workings of the forest part of the laboratory at Madison. Since it was established they have made some 125,000 timber tests, and they are consulted by every woodworking establishment throughout the United States of any size. They are consulted by cities in regard to paving blocks and in regard to wood preservatives. They have made many experiments in regard to preserving wood.

Mr. BORLAND. As I undertsand it, the work they do is not local to the immediate latitude of Wisconsin, but it takes in the wood from all over the United States?

Mr. BROWNE. All over the United States.

Mr. BORLAND. So that the result of the work done there at the Madison laboratory is available all over the United States?

Mr. BROWNE. All over the United States.

Mr. BORLAND. It would not serve any good purpose to have other laboratories in other sections of the country?

Mr. BROWNE. I do not think so. This one is accessible for the country.

The gentleman from Mississippi spoke about the experiments they were making as to alcohol. This is not wood alcohol. They are manufacturing a vegetable alcohol out of the by-products of sawmills. For instance, they are taking, simply, sawdust—and their experiments are not in the experimental stage now, but the process is practically perfected—and they have shown in this laboratory that they can make 20 gallons of vegetable alcohol from 1 ton of sawdust. Wood alcohol is manufactured by the decomposition of wood. Vegetable alcohol is manufactured by the grinding up of wood and the application of certain chemicals which bring down the starch and thus produces a vegetable alcohol, the same as we get from potatoes and corn. They claim that they can manufacture it at from 15 to 20 cents a gallon.

Mr. HARRISON. May I ask the gentleman how they get these woods that they want to test in this laboratory? Do they send men to the forest sections, or must the particular industry interested in it or the person interested in certain woods take it up with this laboratory?

Mr. BROWNE. It is generally done by manufacturers and lumbermen sending timber right there.

Mr. HARRISON. And they do not send men out to investigate it?

Mr. BROWNE. They do to some extent, but most of it is sent there, and the railroad companies in a good many instances carry it free for the experiment.

Mr. HARRISON. And I understand they issue bulletins, too, along this line?

Mr. BROWNE. Yes, sir.

Mr. HICKS. May I ask the gentleman whether or not they make any charge for this?

Mr. BROWNE. They make no charge whatever. For instance, take the question of wood preservatives and wood stains. Some of these wood stains and preservatives sell for 50 to 75 cents a gallon. This forest laboratory has shown that just as good preservatives can be made for 15 cents a gallon. They made a test on the yellow pine. They had thought for years that by tapping pine for turpentine they spoiled the wood for commercial use by weakening it. They made the test at the laboratory and found that it did not injure the wood at all, and are using this wood right along for commercial purposes.

Mr. HARRISON. I want to say to the gentleman that they are using the yellow pine now for paving blocks after it is creosoted, and I presume that they got that from that test that was made at Madison, Wis.

Mr. BROWNE. That is a fact. They test for packing boxes of various shapes, resulting in a revision of the specifications of the Interstate Commerce Commission for boxes used in the shipping of explosives. The railroads of the United States paid $40,000,000 in one year for claims for goods that were lost in transit. A large amount of this was because of the design in boxes, and by improving the design they diminish the loss. As to the strength of wood in using wood for paper purposes, they found out that hemlock and other woods that formerly were thought not to be fit for making paper could, by applying what is known as the sulphide process, be manufactured into paper, and they are manufacturing paper from it.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask that the time of the gentleman from Wisconsin be extended one minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MOORE of Pennsylvania. Will the gentleman explain in that time what is being done in the way of relieving the stringency in the paper market through the experiments that have been conducted at that point?

Mr. BROWNE. They are establishing the fact that woods like hemlock and other woods—the tamarack, I think—can be utilized in making the quality of paper used for newspapers and wrappers.

Mr. MOORE of Pennsylvania. We are depending largely for our supply of spruce and paper woods on Canada just now, but the conditions there are not very favorable, and I was wondering whether anything was being done here to Americanize that situation.

Mr. HARRISON. I will say to the gentleman that they are making paper now out of yellow pine in the South.

Mr. MOORE of Pennsylvania. Through experiments recently conducted?

Mr. HARRISON. Yes. In my district there is a concern that is capitalized at $2,000,000 which is making that paper.

Mr. MOORE of Pennsylvania. As the gentleman knows, that is a very important problem just now.

Mr. HARRISON. Yes.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. MANN. Mr. Chairman, the shortage in paper in the main is in the higher grades of paper. They use spruce and hemlock

and some tamarack for making wood pulp from which print paper is made, and they have done it for many years, although they have done some good work at the Madison Laboratory in connection with those things. I do not know, but I suspect that if they are making paper out of yellow pine in the South, it is by the sulphite process.

Mr. HARRISON. I think the gentleman is correct about that.

Mr. MANN. It is not a very pleasing process to the nostrils, but out of it they make a very strong light-weight wrapping paper, the best wrapping paper in the world.

Mr. HARRISON. Yes.

Mr. MANN. I would like to ask the gentleman from South Carolina, if I may, whether any of these box manufacturers took the trouble to appear before the Committee on Agriculture with reference to this item?

Mr. LEVER. I do not think they did.

Mr. MANN. Then they can not criticize too much if they do not get what they want.

Mr. LEVER. There is an interesting statement here on the subject of paper making at Madison, which I think would interest the House. I read:

Tests have shown that pulps of commercial values and suitable for use in the manufacture of news and wrapping paper can be made by the sulphite process from 10 species of native woods, several of which grow in large quantities in the national forests. Some of these woods are now used to a limited extent, others not at all. Mills have started to use Sitka spruce, western hemlock, Engelmann spruce, red fir, white fir, and lodgepole pine. Other species are under investigation.

Tests on 23 species, of which large quantities are available in the United States, have demonstrated that practically all of them have immediate promise as substitutes for spruce in the manufacture of the cheaper grades of papers, such as news, manilas, box board, etc. Newsprint manufactured from these woods was successfully used by the St. Louis Republic and the New York Herald in printing one of their current editions. Nearly all of these were also tested as to their adaptability to the steaming or boiling treatment before grinding. One mill recently erected has been largely guided by the results of these tests, and a large mill in Wisconsin is now operating on eastern hemlock where spruce was formerly used.

So that I take it from that that they must be making some real progress with their paper work.

Mr. MANN. Well, they are not making much progress, so far as that is concerned, because it is a process of grinding, and you can mix hemlock and tamarack and some other things with spruce wood, but the spruce wood grinds off on a coarse grindstone so that it comes with enough fiber to it to hang together. The paper has to hang together when it is wet. When the paper is made it comes off in a wet sheet, wringing wet, practically. They press the water out as much as they can, but it goes on the roller wet. A powder will not hang together; a flour or powder will not hang together at all. The spruce wood ground up does have some fiber. Very few of these other woods have sufficient fiber, or else they have too much fiber, and that will not make a smooth paper. With all of those they usually mix some sulphite pulp, and it all hangs together. But they have done good service up there.

Mr. BROWNE. It is stated that one mill was recently established in Wisconsin that uses hemlock where they used spruce before. I presume the hemlock is promising.

Mr. MANN. They always did use hemlock, but they must use with it some sulphite pulp. The sulphite pulp is more expensive than the spruce or hemlock. I think the gentleman from Wisconsin said something a moment ago about making alcohol out of wood, so that it is drinkable.

Mr. BROWNE. It is a vegetable alcohol.

Mr. MANN. Of course, it is.

Mr. BROWNE. I am not expert enough to know whether it is palatable or not.

Mr. MANN. They have made it, or claimed to have made it. I think they have not advertised it much, because my recollection is that they do not pay any tax on it. Grain alcohol, 100 proof, is taxed $1.15 a gallon, I believe. But some years ago they claimed they had discovered a process for making potable alcohol from wood. I meant to look it up at that time. I made some inquiry about it. I found that there was no tax on it. They could afford to make alcohol by that process, if it cost them a dollar a gallon, if there was no tax on it.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

For experiments and investigations of range conditions within national forests or elsewhere on the public range, and of methods for improving the range by reseeding, regulation of grazing, and other means, $30,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania:
Page 40, line 24, after the figures "$30,000," insert the following: "*Provided*, That such experiments and investigations shall include the assembling and distribution of information to encourage the development of the sheep industry in and about the forests of the United States."

Mr. LEVER. I reserve a point of order on that amendment. I wonder if the gentleman will agree to a limitation of time for debate on this amendment.

Mr. MOORE of Pennsylvania. I was hoping the gentleman would accept this amendment. It does not involve any change in the amount of the appropriation.

Mr. LEVER. That is very true, but we are spending a good deal of money in another bureau to do just exactly what the gentleman proposes to do by this amendment.

Mr. MOORE of Pennsylvania. Not as to the sheep industry itself.

Mr. LEVER. Oh, yes.

Mr. MOORE of Pennsylvania. Not specifically?

Mr. LEVER. Not specifically; but the Bureau of Animal Industry is doing a great deal in that line.

Mr. MANN. Is the gentleman from Pennsylvania sure that he wishes to promote the production of sheep and not the elimination of mosquitoes?

Mr. MOORE of Pennsylvania. I am quite sure. I want to eliminate the mosquito, but I want also to encourage the sheep.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. McLAUGHLIN. The range is taken care of with the idea of increasing the quantity and quality of the grass upon which the sheep will feed, and very satisfactory results are being reached.

Mr. LEVER. Under this very item, too.

Mr. McLAUGHLIN. Under this very item. They are doing the very thing that the gentleman would have done.

Mr. MOORE of Pennsylvania. What I am asking in this amendment is that there be a specific direction to the bureau to inquire into the proper grazing places and to give information to those who may be encouraged to develop the sheep industry and to engage in that business.

Mr. LEVER. That is just what they are trying to do under this item.

Mr. SHALLENBERGER. Does the gentleman know that sheep are higher now than they have been for many years?

Mr. MOORE of Pennsylvania. That is the reason I would like to have the farmers of the country take a greater interest in the raising of sheep. They would profit by it.

Mr. SHALLENBERGER. Does the gentleman know that wool is about two and a half times as high at it was; and is not that the kind of encouragement that men need in this industry?

Mr. MOORE of Pennsylvania. Wool is high——

Mr. SHALLENBERGER. And mutton is high.

Mr. MOORE of Pennsylvania. And mutton is high——

Mr. SHALLENBERGER. And sheep are high.

Mr. MOORE of Pennsylvania. And sheep are high, because it is impossible just now to do business with foreign countries; and we have the finest opportunity in the world to turn the attention of the American farmer to a profitable industry right now, if we will tell him what some farmers do not know, that there is a fine market for wool and a fine market for mutton. It may appeal as strongly to the farmer as it does to the man in the city that just now we are paying very high prices for what we have to eat, and we are paying fairly good prices for what we have to wear, and the sheep enters very largely into that problem.

Mr. BORLAND. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Missouri.

Mr. BORLAND. Does the gentleman know that one reason for the increase in the price of sheep is because the Republican orators told the country that the wool industry was going to be ruined by free wool, and so they sold off their flocks of sheep, and now there is a scarcity of them?

Mr. MOORE of Pennsylvania. I do not know as to that. The American farmer knows what was true, and he also knows that the present higher price is due to the war.

Mr. LEVER. Mr. Chairman, I hope the gentleman will not start a tariff discussion here.

Mr. FOSTER. Mr. Chairman, I rise to a point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, it seems to me that I am proceeding in my own time.

The CHAIRMAN. What is the point of order made by the gentleman from Illinois?

Mr. FOSTER. The point of order is that we do not want to open up a tariff discussion, and that this discussion is not confined to the amendment.

Mr. MOORE of Pennsylvania. I have confined all I have said to the amendment. The gentleman complains about a tariff discussion. That was begun on the gentleman's own side.

Mr. MANN. The gentleman from Pennsylvania had not even mentioned the tariff.

Mr. MOORE of Pennsylvania. I raised no question as to the tariff. I am willing to do it, but the gentleman from Illinois [Mr. FOSTER] ought to apply his lecture to the gentlemen on his own side of the House who raised the question.

Mr. FOSTER. I do not care who raised it. It is out of order.

The CHAIRMAN. The gentleman will proceed in order.

Mr. MOORE of Pennsylvania. I have proceeded in order.

Mr. MANN. The gentleman has a right to proceed.

Mr. FOSTER. The gentleman has been talking about the situation in his home town and is not talking to his amendment. I make the point of order.

Mr. MOORE of Pennsylvania. The gentleman can make the point of order, but he ought to be in the House when the discussion is going on——

Mr. FOSTER. The gentleman from Illinois is on the floor more days and more hours than is the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. The gentleman comes in and gets restless at this late hour of the day.

The CHAIRMAN. This discussion is out of order and the time of the gentleman from Pennsylvania has expired.

Mr. MANN. The time expired by my colleague using the time of the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for five minutes. Is there objection?

Mr. FOSTER. I object.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman has an amendment pending.

Mr. MOORE of Pennsylvania. I move to strike out the last word in my amendment.

The CHAIRMAN. The Chair is under the impression that a Member can not offer an amendment, talk five minutes upon it, and then offer an amendment to his amendment.

Mr. MANN. Not if some one else is asking for the floor.

Mr. LEVER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. LEVER. A point of order was reserved against the gentleman's amendment. Is it competent for him to offer an amendment pending the decision of the Chair?

Mr. MANN. No; of course it is not.

Mr. LEVER. I am not opposed to the gentleman from Pennsylvania proceeding for five minutes. The gentleman and I can get along very well together.

Mr. MOORE of Pennsylvania. Yes; we would if it had not been for the interference of the gentleman from Illinois.

Mr. FOSTER. The "gentleman from Illinois" will interfere whenever he thinks it best.

The CHAIRMAN. Does the gentleman from South Carolina insist on his point of order?

Mr. LEVER. I make the point of order that the amendment is not germane.

Mr. MOORE of Pennsylvania. Mr. Chairman, I would like to discuss that. I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk again read the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, this paragraph provides for experiments and investigations of range conditions within national forests or elsewhere on the public domain, and for methods of improving the range by reseeding, regulation of grazing, and other means. My amendment conforms to the language of the paragraph. It is wholly germane to the paragraph.

Mr. LEVER. Mr. Chairman, I call attention to the fact that this item in the bill provides for experiments and investigations of range conditions within national forests and for improving the range by reseeding, regulation of grazing, and so forth. The gentleman's amendment is, as I caught from the reading, to encourage the sheep industry and study the sheep industry and give out information about the sheep industry, which is not in line with the work under that item at all, but is carried in the Bureau of Animal Industry. This is to study the range itself.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. LEVER. Certainly.

Mr. MOORE of Pennsylvania. Does not the gentleman understand that grazing would apply to sheep as well as to cattle?

Mr. LEVER. Undoubtedly, but this is to study range conditions, and the gentleman's proposition is for the study of the sheep industry, with a view of developing it.

Mr. MOORE of Pennsylvania. And it relates to experiments and investigations in reseeding, the regulation of grazing, and so forth.

Mr. LEVER. The gentleman might have that in mind, but the amendment does not say so.

Mr. MOORE of Pennsylvania. I was very careful to follow the language of the paragraph.

Mr. BENNET. Mr. Chairman, it seems to me that the amendment offered by the gentleman from Pennsylvania is clearly in order under this line of decisions. For instance, to use the old illustration, if a bill is under consideration for the admission of one Territory as a State, it is not in order to introduce an amendment authorizing the admission of another Territory as a State, but if the original bill proposes to admit two or more States then the admission of another State may be included in an amendment.

This particular paragraph is divided into at least two parts. In line 21 it is for the experiment and investigation of range conditions; then, in line 23, the methods for improving the range by reseeding, regulation of grazing, and other means. There are at least four different methods proposed in connection with the appropriation. Now, the gentleman from Pennsylvania simply proposes to make a fifth, for which a part of this $30,000 may be expended. The amendment is certainly germane to the paragraph under discussion.

The CHAIRMAN. The Chair thinks that the gentleman from New York [Mr. BENNET] has divided the paragraph properly; but the Chair is impressed that the method provided for in the paragraph for improving the range is by reseeding, regulation of the grazing, and by other means. The amendment of the gentleman from Pennsylvania [Mr. MOORE] is as follows:

Provided such experiments and investigations shall include the assembling and distribution of information to encourage the development of the sheep industry in and about the forests of the different States.

It seems to the Chair that this introduces an entirely new feature, and would be foreign to the work provided for in this paragraph, and the Chair therefore sustains the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Mr. LEVER. Mr. Chairman, may we close debate on this in five minutes?

Mr. MOORE of Pennsylvania. Yes; so far as I am concerned.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I had no thought of introducing the tariff into this discussion by offering this amendment; but I did have a serious purpose, and one which, I think, should commend itself to all sections of the country. There is a great demand for wool at the present time, and we have not in America sufficient sheep to supply a clip to meet the demand. There is a demand for more mutton in this country, and the price of mutton has gone up exceedingly.

If the gentleman thinks that I am discussing the tariff when I refer to the fact that the people of the country to-day have to pay more for their meat and more for their clothing than heretofore, he is welcome to put that interpretation upon it. The fact is that the cost of living has gone up, and under such conditions it is important to bring to the attention of the farmers of the country the necessities of their best customers in the city. We need the wool in the large centers of population. We need it to fabricate into garments to be worn by the people. We need the meat; but while we need these things, the supply of sheep is constantly decreasing in the United States, and we are prevented from invading the foreign market by reason of war conditions. I would like to ask what harm can be done by a simple amendment suggesting to a department to which we are appropriating $24,000,000—$5,500,000 of which is to go into forestry alone—what harm can be done in directing that a proportion of a $30,000 appropriation for improving grazing lands in forests be applied to obtaining and distributing information that will encourage the farmer to improve his own opportunities by increasing the sheep supply in the country?

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. KEATING. Is it the gentleman's contention that under Democratic administration the price of wool is so high as to increase the cost of clothing unreasonably?

Mr. MOORE of Pennsylvania. Does the gentleman want to go into a tariff discussion and invite the criticism of the distinguished gentleman from Illinois [Mr. FOSTER]?

Mr. BORLAND. Mr. Chairman, I make the point of order that the gentleman from Pennsylvania is not speaking to his amendment.

Mr. KEATING. I would be perfectly willing to enter into a discussion of the tariff with the gentleman, on the subject of wool.

Mr. MOORE of Pennsylvania. Oh, I am willing to enter into a discussion of it, but not now. We have not sheep enough now in the United States to supply the demand for wool or mutton.

Mr. BORLAND. Mr. Chairman, I make the point of order that the gentleman from Pennsylvania has made his explanation that he does not want to enter into a tariff discussion, and he is not discussing the amendment, but is discussing an amendment which has already been ruled out.

The CHAIRMAN. The point of order is sustained. The discussion of the gentleman from Pennsylvania is not germane to his amendment.

Mr. FORDNEY. Mr. Chairman, I submit that the question——

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry——

Mr. MANN. I make the point of order that there is no quorum present.

Mr. LEVER. Mr. Chairman, I had hoped that the gentleman from Pennsylvania [Mr. MOORE] might have gotten through with his remarks before we rose.

Mr. MOORE of Pennsylvania. I thank the gentleman from South Carolina for that statement. He has been very generous with me; but I shall reserve what I have to say for another occasion. [Laughter.]

Mr. KINKAID. Mr. Chairman, I will ask the gentleman from Illinois to reserve his point of order for a moment.

Mr. MANN. I reserve the point of order for the moment.

Mr. KINKAID. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DOOLITTLE. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12717, the Agricultural appropriation bill, and had come to no resolution thereon.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present——

Mr. LEVER. Will the gentleman withhold that for a moment?

Mr. MANN. Mr. Speaker, I withdraw the point of order.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-morrow it adjourn to meet at 11 o'clock a. m. on Friday.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that when the House adjourns to-morrow it adjourn to meet at 11 a. m. Friday. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point that there is no quorum present; evidently there is not.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1294. An act to amend section 81 of the act entitled, "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

S. 4480. An act providing for the establishment of two additional terms of the district court for the eastern district of North Carolina, at Raleigh, N. C.; and

S. 3560. An act to validate a certain title whereon the purchase money has been paid on a private sale by order of the United States District Court for the Middle District of Pennsylvania, at No. 83, June term, 1910, sitting in bankruptcy.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned to meet to-morrow, Thursday, April 20, 1916, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, a bill and a resolution were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MCKELLAR, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 78) authorizing the Secretary of War to loan certain tents, saddles, and bridles for the use of the national encampment, Knights of Pythias, to be held at Nashville, Tenn., in August, 1916, reported the same with amendment, accompanied by a report (No. 574), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHALLENBERGER, from the Committee on Military Affairs, to which was referred the bill (H. R. 13984) granting to the city of Philadelphia, in the State of Pennsylvania, a right of way through the United States military reservation at Fort Mifflin, Pa., reported the same with amendment, accompanied by a report (No. 575), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 14688) granting a pension to Daniel O'Brien; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14222) granting an increase of pension to Emanuel Pflieger; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and a resolution were introduced and severally referred as follows:

By Mr. JOHNSON of Kentucky (by request): A bill (H. R. 14816) to provide for the use of public-school buildings in the District of Columbia as community forums, and for other purposes; to the Committee on the District of Columbia.

By Mr. MATTHEWS: A bill (H. R. 14817) authorizing the Secretary of War to donate condemned cannon and cannon balls to the village of Hicksville, Ohio; to the Committee on Military Affairs.

By Mr. LOUD: A bill (H. R. 14818) for the purchase of a site and erection of a public building at Clare, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. CARTER of Oklahoma: A bill (H. R. 14819) for the purchase of a site and the erection thereon of a public building at Idabell, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14820) for the purchase of a site and the erection thereon of a public building at Atoka, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14821) for the purchase of a site and the erection thereon of a public building at Hugo, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. OGLESBY: A bill (H. R. 14822) to prevent and punish the desecration, mutilation, or improper use within the District of Columbia of the flag of the United States of America; to the Committee on the Judiciary.

By Mr. STOUT: A bill (H. R. 14823) permitting the Savage Bridge Co. to construct, maintain, and operate a bridge across the Yellowstone River in the State of Montana; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Kentucky (by request): A bill (H. R. 14824) to prevent fraud at public auctions in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HAYDEN: A bill (H. R. 14825) to provide for an auxiliary reclamation project in connection with the Yuma project, Arizona; to the Committee on Irrigation of Arid Lands.

By Mr. CULLOP: Resolution (H. Res. 207) for the investigation of the Forestry Service; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII private bills were introduced and severally referred as follows:

By Mr. CRISP: A bill (H. R. 14826) for the relief of F. M. Barfield; to the Committee on Claims.

By Mr. DENT (by request): A bill (H. R. 14827) authorizing and directing the President to nominate and appoint Capt. James B. Hutchinson, Philippine Scouts, a captain of Infantry in the United States Army; to the Committee on Military Affairs.

Also, a bill (H. R. 14828) granting an increase of pension to Franklin D. Russell; to the Committee on Invalid Pensions.

By Mr. EMERSON: A bill (H. R. 14829) granting an increase of pension to Augusta A. King; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 14830) granting an increase of pension to Mr. Louis H. Blake; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14831) granting an increase of pension to Robert F. Hart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14832) granting an increase of pension to Sarah P. Jessup; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14833) granting an increase of pension to George P. Price; to the Committee on Invalid Pensions.

By Mr. HELVERING: A bill (H. R. 14834) granting an increase of pension to Minerva Bilsland; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 14835) for the relief of the heirs of Daniel Woolford; to the Committee on War Claims.

By Mr. HILL: A bill (H. R. 14836) granting an increase of pension to David E. Godfrey; to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 14837) for the relief of the heirs of Joseph Ramsey; to the Committee on War Claims.

By Mr. HULL of Iowa: A bill (H. R. 14838) granting an increase of pension to William H. Crawford; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 14839) for the relief of John P. Purdon; to the Committee on Military Affairs.

By Mr. KELLEY: A bill (H. R. 14840) for the relief of Jackson Elmer; to the Committee on War Claims.

By Mr. NORTH: A bill (H. R. 14841) granting an increase of pension to Melinda Wimer; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 14842) granting a pension to Charles C. Abernathy; to the Committee on Pensions.

By Mr. PLATT: A bill (H. R. 14843) granting an increase of pension to James H. Hopkins; to the Committee on Invalid Pensions.

By Mr. POU: A bill (H. R. 14844) for the relief of sundry building and loan associations of the United States; to the Committee on Claims.

By Mr. RAYBURN: A bill (H. R. 14845) for the relief of the legal representatives of R. H. Wells; to the Committee on War Claims.

By Mr. RUCKER: A bill (H. R. 14846) granting an increase of pension to Albert Fetterhoff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14847) granting an increase of pension to Nancy J. Oden; to the Committee on Invalid Pensions.

By Mr. SCOTT of Pennsylvania; A bill (H. R. 14848) granting an increase of pension to Sarah Kissinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14849) granting an increase of pension to Sarah C. Hikes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14850) granting an increase of pension to Samuel Saylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14851) granting an increase of pension to Henry Schaeffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14852) granting an increase of pension to Albert H. Holtzinger; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 14853) granting an increase of pension to James B. Shannon; to the Committee on Pensions.

By Mr. SULLOWAY: A bill (H. R. 14854) granting an increase of pension to Minnie Crawford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14855) granting an increase of pension to William A. Cheney; to the Committee on Invalid Pensions.

By Mr. VARE: A bill (H. R. 14856) granting an increase of pension to Lewis Low; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14857) granting an increase of pension to Eliza H. Hector; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14858) granting an increase of pension to Mary A. Brady; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14859) granting an increase of pension to Franklin Deal; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14860) granting an increase of pension to Mary S. Sweitzer; to the Committee on Invalid Pensions.

By Mr. WALKER: A bill (H. R. 14861) granting a pension to Louisa Morrison; to the Committee on Pensions.

PETITIONS ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CONRY: Memorial of Board of Aldermen of New York City, favoring House bill 6915, relative to retirement of aged postal employees; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of Baird-North Co., of Providence, R. I., favoring passage of House bill 11621, relative to mailing catalogues; to the Committee on the Post Office and Post Roads.

Also, petition of Adolph Lewishon, of New York, against surrender of the Philippine Islands by the United States; to the Committee on Insular Affairs.

Also, petition of F. C. Barton, of New York, favoring passage of House bill 13767, the Rainey bill; to the Committee on Ways and Means.

By Mr. DARROW: Memorial of Manufacturers' Club, of Philadelphia, Pa., relative to establishment of a Government armor-plate plant; to the Committee on Naval Affairs.

Also, memorial of Manufacturers' Club, of Philadelphia, Pa., against surrender of the Philippine Islands by the United States; to the Committee on Insular Affairs.

By Mr. DAVIS of Texas: Memorial of National Editorial Association, indorsing House bill 8664; to the Committee on Printing.

Also, petition of sundry citizens of Texas, favoring national prohibition; to the Committee on the Judiciary.

By Mr. DILL: Petition of Mrs. G. W. Owens and other residents of Spokane, Wash., protesting against the passage of S. 645, compulsory Sunday-observance bill; to the Committee on the District of Columbia.

Also, petition of Mrs. G. W. Owens and other residents of Spokane, Wash., protesting against the passage of House bills 491 and 6468, to amend postal laws; to the Committee on the Post Office and Post Roads.

By Mr. DILLON: Memorial of American Association of Woolen and Worsted Manufacturers, indorsing House bill 10496; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Spencer, S. Dak., opposing House bill 13048; to the Committee on the District of Columbia.

By Mr. FLYNN: Petition of F. C. Barton, of New York, favoring passage of the Rainey bill, House bill 13767; to the Committee on Ways and Means.

Also, petition of Baird-North Co., of Providence, R. I., favoring passage of House bill 11621, relative to mailing catalogues; to the Committee on the Post Office and Post Roads.

Also, petition of Adolph Lewishon, of New York, against surrender of the Philippine Islands by the United States; to the Committee on Insular Affairs.

By Mr. FULLER: Petition of 128 citizens of Streator, Ill., against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. GUERNSEY: Petition of sundry citizens of the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HENSLEY: Petition of R. G. Ramsey and others, of Flat River, Mo., against passage of House bill 13048, to create juvenile court in the District of Columbia; to the Committee on the District of Columbia.

By Mr. KELLEY: Petitions of sundry citizens and organizations of the State of Michigan, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KING: Petition favoring the adoption of national constitutional prohibition by the Trinity Lutheran Church Council, of Galesburg, Ill., representing 921 people, and signed by Rev. C. M. Olander, pastor, and J. Emil Peterson, clerk; to the Committee on the Judiciary.

Also, resolution adopted by Tyndale Castle, No. 16, of Quincy, Ill., and signed by Mr. J. L. Howe, patron dictator, and Mr. E. J. Bracht, patron scribe, opposing House bills 6468 and 491, making Columbus Day a legal holiday for the District of Columbia; to the Committee on the District of Columbia.

By Mr. LOUD: Memorial of Bay City Central Trades and Labor Council, favoring the Penrose-Griffin bill, relative to in-

definite leave for aged employees of postal service; to the Committee on the Post Office and Post Roads.

By Mr. MORIN: Petition of the Pennsylvania Prison Society, in favor of appropriation of $500,000 for establishment of institution for treatment of the feeble-minded; to the Committee on Appropriations.

Also, petition of Defiance Machine Works, for locating Government armor plant at Defiance, Ohio; to the Committee on Military Affairs.

Also, petitions of F. J. Sweeney, J. W. Sherrer, J. W. Windsor, George A. Urling, jr., George A. Urling, C. A. Painter, W. W. Merkel, all of Pittsburgh; and S. G. Stoothoff, of Wilkinsburg; G. A. Bell, of Carnegie; F. V. L. Handy, of Sewickley; and R. R. Travis, of Blairsville, all in the State of Pennsylvania, in favor of investigations of Standard Oil Cos. and export tax on gasoline; to the Committee on Ways and Means.

Also, petition of Wilfred Lewis, of Philadelphia, Pa., in opposition to House bill 8665; to the Committee on Appropriations.

Also, petition of the Anti-Imperialist League of Boston, Mass., in favor of Philippine bill; to the Committee on Insular Affairs.

Also, petition of Pennsylvania Chocolate Co., of Pittsburgh, Pa., in favor of Stephens-Ashurst bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of William H. Mercer, of Pittsburgh, Pa., in favor of section 56, Chamberlain bill; to the Committee on Military Affairs.

Also, petition of C. E. Brown, Esq., of Pittsburgh, Pa., in favor of adequate preparedness in military affairs; to the Committee on Military Affairs.

Also, petition of J. B. Nessle, of Pittsburgh, Pa., in favor of section 56, Chamberlain bill; to the Committee on Military Affairs.

Also, petition of A. M. Hananer, of Pittsburgh, Pa., in favor of section 56, Chamberlain bill; to the Committee on Military Affairs.

Also, petition of Dr. Chevalier Jackson, of Pittsburgh, Pa., in favor of adequate provisions for Medical Corps and Medical Reserve Corps; to the Committee on Military Affairs.

Also, petition of Leslie M. Johnston, of Pittsburgh, Pa., in favor of section 56, Chamberlain bill; to the Committee on Military Affairs.

Also, petition of interstate committee, for suppression of pine-blister rust; to the Committee on Agriculture.

Also, petition of Star of Oakdale Council, No. 165, of Oakdale, Pa., in favor of House bill 558; to the Committee on Immigration and Naturalization.

By Mr. OAKEY (by request): Petition of German-American Alliance of Hartford, Conn., for the speedy passage of House bills 81, 3614, 4741, and 6083, amending the naturalization laws of the United States; to the Committee on Immigration and Naturalization.

Also (by request), petition of German-American Alliance of Hartford, Conn., protesting against the passage of a national prohibition amendment; to the Committee on the Judiciary.

By Mr. PLATT: Petition of sundry citizens of Newburgh, N. Y., on freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. RAINEY: Petition of G. Lock and other citizens of Beardstown, Ill., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Martha Brokaw and other citizens of Rockport, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petition of sundry citizens of New York, favoring preparedness; to the Committee on Military Affairs.

Also, petition of John D. Spellman, favoring bill for retirement of employees of postal service; to the Committee on the Post Office and Post Roads.

Also, petition of the Peoples' National Bank, favoring the uniform bill-of-lading act; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of New York City, favoring passage of the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. SCULLY: Memorial of Trenton Chamber of Commerce, against Government ownership of armor plants; to the Committee on Military Affairs.

Also, memorial of Illinois Commandery of Military Order Loyal Legion and Military Engineering Lectures; Union League Club, of Chicago, Ill.; and Fifth Avenue Association on National Defense, favoring preparedness; to the Committee on Military Affairs.

By Mr. SNELL: Petition of Elizabeth B. Moore, Anna B. Mason, Mrs. L. L. Shedden, Emma C. Cole, Mrs. James Shaw, Minnie L. Parkhurst, and Erminia J. Hall, of the Thursday Club, of Plattsburg, N. Y., in favor of national preparedness; to the Committee on Military Affairs.

Also, petition of James A. Spencer, Charles M. Tait, R. M. York, S. M. Payne, J. M. Daly, J. W. Sipper, W. R. Perrin, J. H. Callahan, A. N. Abbott, Dr. James Spencer, Leon Fletcher, I. Sacks, Arthur T. Johnson, Charles McDonald, N. E. Marsh, Henry Miller, Abel Lavack, A. J. Gingras, M. E. Loveland, Fred Culead, A. C. Gates, George F. Dawley, W. W. Harvey, Grant W. Fuller, and G. S. Dundon, of Gouverneur, N. Y., in favor of the Hay bill; to the Committee on Military Affairs.

Also, petition of Charles Atwood, H. M. Clark, W. H. La Fountain, Mrs. M. H. La Fountain, Mrs. Rocco Cagianese, Mrs. L. D. Williams, L. D. Williams, Mrs. H. M. Clark, Mrs. C. E. Wescott, C. E. Wescott, Mr. and Mrs. H. H. Collins, Mr. and Mrs. George Hawkins, Mrs. Virginia Taylor, L. V. Taylor, Mrs. J. R. Latray, and Mr. and Mrs. Charlie Fletcher, of Cranberry Lake, N. Y., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of F. M. Kezor, Charles H. Hayes, John D. Benham, Henry Duprey, C. Johnson, William Dean, Ray Pratt, D. A. Oldfield, William Tayhee, K. Page, G. E. Daniels, L. Page, B. Daniels, J. Johnson, E. Dean, S. A. West, J. A. Henne, E. A. Kezor, Nelson Kezor, William Kezor, and George Kezor, of Saranac Lake, N. Y., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, resolution of Walter H. Benedict Woman's Relief Corps, No. 120, of Plattsburg, N. Y., in favor of national preparedness; to the Committee on Military Affairs.

Also, resolution of the Ladies' Aid Society of the First Methodist Episcopal Church of Plattsburg, N. Y., in favor of national preparedness; to the Committee on Military Affairs.

Also, petition of A. Bouchard, of Mooers, N. Y., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, resolution of the Philomela Club, of Plattsburg, N. Y., in favor of national preparedness; to the Committee on Military Affairs.

Also, petition of G. G. White, Elinor White, Laura E. White, and Margaret E. White, of Lake Placid, N. Y., in favor of the Emerson resolution to permit the free importation of condensed milk from neutral countries to Belgium and Germany; to the Committee on Foreign Affairs.

Also, resolution of Mrs. George H. Rea, secretary, in behalf of Beekman Grange, No. 941, of Beekman, N. Y., favoring national preparedness; to the Committee on Military Affairs.

By Mr. SULLOWAY: Petition of Martin B. Smith and other citizens, of New Durham, N. H., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. WALSH: Petition of New Bedford (Mass.) District Sunday School Association, urging adoption of Sheppard-Gallinger national prohibition constitutional amendment; to the Committee on the Judiciary.

SENATE.

THURSDAY, *April 20, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we lift our hearts to Thee that we may know the orderly will of God and way that Thou dost deal with us as a Nation. Thou has taught us that the pure in heart shall see God. In the midst of unanswered questions, unsolved problems, unmeasured forces; in the midst of the limitations of human life, we come to Thee. We pray that we may have the discernment of the Divine will, that we may be sure we are at peace with God; and out of communion with Thee may we learn the way of life and be found ready to stand by that which Thou dost reveal of Thy will for us as a Nation. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. WADSWORTH presented memorials of sundry citizens of New York, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Ashwood, N. Y., remonstrating against the proposed creation of a juvenile court in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. TAGGART presented a petition of the Indiana State Dairy Association, praying for the enactment of legislation to provide that oleomargarine shall be made without milk and its products, which was referred to the Committee on Agriculture and Forestry.

Mr. OLIVER (for Mr. PENROSE) presented a petition of Sergeant Hamilton Fish Post, No. 20, Veterans of Foreign Wars of the United States, of Philadelphia, Pa., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of Samuel Ashley Chapter, Daughters of the American Revolution, of Claremont, N. H., praying for an increase in armaments, which was ordered to lie on the table.

He also presented petitions of the congregation of the First Christian Church of Merrimack; of Oceanside Grange, Patrons of Husbandry, of Hampton; of the Quarterly Convention of the Woman's Christian Temperance Union, of Hampton Falls; and of 25 citizens of Rochester, all in the State of New Hampshire, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. McLEAN presented petitions of sundry citizens of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Round Table Society of Bridgeport, Conn., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

He also presented a petition of the congregation of the First Methodist Episcopal Church of New Haven, Conn., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of the congregation of the First Methodist Episcopal Church of New Haven, Conn., praying for the exclusion from the mails of gambling devices and advertisements of the same, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the congregation of the First Methodist Episcopal Church of New Haven, Conn., praying for the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the congregation of the First Methodist Episcopal Church of New Haven, Conn., praying for the enactment of legislation to prohibit false statements as to curative effects or contents of packages or bottles of medicine, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the congregation of the First Methodist Episcopal Church of New Haven, Conn., praying for the enactment of legislation to prevent foreign mailing of lottery advertisements to the United States, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the congregation of the First Methodist Episcopal Church of New Haven, Conn., praying for the enactment of legislation to prohibit appropriations for sectarian purposes, which was ordered to lie on the table.

He also presented a petition of the congregation of the First Methodist Episcopal Church of New Haven, Conn., praying for prohibition of the exportation of intoxicating liquor to Africa, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the First Methodist Episcopal Church of New Haven, Conn., praying for the enactment of legislation to prohibit interstate transmission of race-track gambling bets, etc., which was referred to the Committee on Interstate Commerce.

Mr. TOWNSEND presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. LA FOLLETTE presented petitions of sundry citizens of Wisconsin, praying for national prohibition, which were referred to the Committee on the Judiciary

He also presented a petition of Local Union, International Seamen's Union of America, of Chicago, Ill., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Wisconsin, remonstrating against the enactment of legislation to prohibit interstate commerce in convict-made goods, which were referred to the Committee on Education and Labor.

Mr. SHEPPARD presented petitions of sundry citizens of Texas, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Mexia, Tex., remonstrating against the adoption of section 11 of the so-called cotton-futures bill, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of the District of Columbia, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

Mr. KENYON presented memorials of sundry citizens of Carnarvon and Centerville, in the State of Iowa, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. PHELAN presented a petition of Local Union No. 61, International Brotherhood of Electrical Workers, of Los Angeles, Cal., praying for an investigation into conditions surrounding the marketing of dairy products, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Union No. 5, American Brotherhood of Cement Workers, of San Jose, Cal., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. ASHURST. I present resolutions adopted at the Progressive State convention for Arizona, favoring the adoption of the Susan B. Anthony woman-suffrage amendment to the Constitution. I ask that the resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Resolved, That we, the Progressive State convention for Arizona, meeting this 8th day of April, 1916, in Bisbee, for the purpose of naming delegates to the Progressive national convention, do hereby most heartily indorse the Susan B. Anthony amendment, known in this Congress as the Sutherland-Mondell amendment, and earnestly urge Congress to pass forthwith on to the States for ratification this amendment enfranchising all the women of the country. We do this because the Progressive Party has always stood for woman suffrage and because we believe that the unjust discrimination now existing between the women of the East and the women of the West should be speedily removed and all women enjoy the same privileges and protection under the National Constitution.

Resolved, That copies of this resolution be sent to the President of the United States; the Speaker of the House of Representatives; Senator THOMAS, chairman of the Woman Suffrage Committee in the Senate; E. Y. WEBB, chairman of the Judiciary Committee of the House of Representatives; ANDREW VOLSTEAD, minority leader of the Judiciary Committee of the House; Minority Leader JACOB GALLINGER, of the Senate; Minority Leader JAMES R. MANN, of the House; and to the two Senators and to the Representative from Arizona, with the request that the resolution be read into the CONGRESSIONAL RECORD.

PAUL E. FERNALD,
Secretary, Box 397, Tucson, Ariz.

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 1272) for the relief of Thomas Huggins, asked that that committee be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

Mr. ROBINSON, from the Committee on Claims, to which was referred Senate resolution 41 providing for the adjudication of certain claims by the Court of Claims, reported it without amendment and submitted a report (No. 374) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 4368. A bill for the relief of D. A. Barbour and Andrew Gladden (Rept. No. 372);

S. 4866. A bill to carry out the findings of the Court of Claims in the case of the Commercial Pacific Cable Co. (Rept. No. 371); and

H. R. 6651. An act providing for the payment for certain services arising under the Navy Department (Rept. No. 373).

Mr. BROUSSARD, from the Committee on Claims, to which was referred the bill (S. 3294) to appropriate a sum of money to pay Rhoda Menz, W. W. Christmas, and James M. Christmas, heirs of Myra Clarke Gaines, for certain lands in Louisiana, reported it with an amendment and submitted a report (No. 376) thereon.

LESTER A. ROCKWELL.

Mr. HITCHCOCK. From the Committee on Military Affairs I report back favorably without amendment the bill (S. 1362) for the relief of Lester A. Rockwell, and I submit a report (No. 375) thereon. As a similar bill passed the Senate at the last session of Congress and is again reported by the committee, I ask unanimous consent for its present consideration. It was delayed partly on my account in reporting it, and it is submitted by the committee twice. As I stated, a similar bill was passed by the Senate at the last session of the last Congress.

Mr. SMOOT. I did not hear what the bill is.

Mr. HITCHCOCK. It is a bill merely changing the record of Lester A. Rockwell so that he may have a pensionable status. It is not of very much importance except to the man. It was favorably considered by the committee and a similar bill was passed in the last Congress.

Mr. CULBERSON. I ask the Senator if it is a case of desertion?

Mr. HITCHCOCK. It is a case of technical desertion, but upon the merits and equities the committee agreed, like in many other cases of the same sort, that the man should be given a pensionable status.

Mr. SMOOT. Is there any reason why the bill should be passed immediately, I will ask the Senator?

Mr. HITCHCOCK. I am merely asking for it because I should have made the report some time ago.

Mr. SMOOT. I should like to have it go to the calendar.

Mr. HITCHCOCK. Very well.

Mr. SMOOT. Because I should like to have the calendar taken up at the earliest date possible.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BROUSSARD:

A bill (S. 5672) for the relief of sundry building and loan associations; to the Committee on Claims.

By Mr. ASHURST:

A bill (S. 5673) to provide for the retirement of employees in the classified civil service of the United States of America, the establishment of a civil-service superannuation and disability pension system, and for other purposes; to the Committee on Civil Service and Retrenchment.

By Mr. WALSH:

A bill (S. 5674) to reimburse the county of Lewis and Clark, State of Montana, for expenses incurred by it for the construction of a public highway through the Helena National Forest (with accompanying papers); to the Committee on Agriculture and Forestry.

By Mr. SMITH of Michigan:

A bill (S. 5675) for the relief of John Henry Gibbons, captain on the retired list of the United States Navy; to the Committee on Naval Affairs.

By Mr. BURLEIGH:

A bill (S. 5676) granting a pension to Augustus M. Brown; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5677) for the proper observance of Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

By Mr. TAGGART:

A bill (S. 5678) granting a pension to Joseph M. Adams; and

A bill (S. 5679) granting an increase of pension to Simeon Noble; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5680) granting an increase of pension to Emma R. Adams (with accompanying papers); to the Committee on Pensions:

By Mr. McLEAN:

A bill (S. 5681) providing for an increase of salary of the United States district attorney for the district of Connecticut; to the Committee on the Judiciary.

By Mr. OLIVER (for Mr. PENROSE):

A bill (S. 5682) granting a pension to Catharine R. Hutchinson;

A bill (S. 5683) granting a pension to James A. Stine; and

A bill (S. 5684) granting an increase of pension to John Wonderly; to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 5685) granting an increase of pension to Robert Hedrick (with accompanying papers); to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 5686) authorizing the Secretary of War to make a donation of condemned cannon and cannon balls; to the Committee on Military Affairs.

PROPOSED FEDERAL MOTION PICTURE COMMISSION.

Mr. SMITH of Georgia. I introduce what I understand is a bill which has been agreed upon by the friends who are in favor of the regulation of motion pictures and a large number of the manufacturers of films. I introduce it, however, by request, and ask that it be referred to the Committee on Education and Labor:

A bill (S. 5671) to create a new division of the Bureau of Education, to be known as the Federal Motion-Picture Commission, for the regulation of motion pictures intended for interstate and foreign commerce, and defining its powers and duties.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

Mr. WALSH submitted an amendment proposing to appropriate $6,387.10 to be paid to the county of Lewis and Clark, State of Montana, being one-half of the cost of construction of so much of the Priests Pass Road in that county as passes through the Helena National Forest, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

THE RESTORATION OF PEACE IN EUROPE.

Mr. NEWLANDS. I submit a resolution, and ask that it be read:

The resolution (S. Res. 172) was read, as follows:

The Senate of the United States resolves as follows:

The people of the United States, composed for the most part either of natives or the descendants of natives of the warring countries in Europe, have viewed with distress the existing war, involving, as it does, the universal destruction of the fit and courageous and the general impairment of condition. They have observed with satisfaction the recent announcements of the English and German Governments regarding a possible peace.

Whilst the announcement of each Government contains phrases intended to encourage its own people yet having the effect of irritating the opposing peoples, it is observed that each announcement practically involves the restoration of the status quo ante.

It is to be regretted that on each side phrases have been used which were likely to be misunderstood on the other side, such as the demand of England that German militarism should be destroyed, a phrase which means, to the German people, that German nationalism should be destroyed.

Without going into the contentions of the ancient empires which have been inherited by the peoples descended from them, or elaborating upon the modern contentions of existing empires, it is clear that the immediate cause of the existing war was that one of the two Teutonic States, surrounded by hostile Slavs on the one side and hostile Latins on the other, felt that its national life was threatened by the destruction of its Crown Prince through a conspiracy organized in a Slav State, and insisted upon its right to punish this Slav State without foreign intervention, that from this small commencement an almost universal war has arisen, more destructive than any which the world has hitherto witnessed, that, as a result of this war, the Teutonic allies have won on land, whilst the entente allies have won on the sea, and that the result is a deadlock of forces destructive and paralyzing to all.

The Teutonic allies have accomplished the declared purpose of the war—the punishment of Servia. This has been done. It can not be undone. The people of all the warring countries desire peace. Their governments undoubtedly wish to gratify this aspiration, but in a way that will not involve the impairment of national sovereignty and prestige. Each regards this contest as one for national life. Each disclaims the idea of aggression or conquest. The enthusiasm of the war is over. A grim determination upon the part of each to maintain its national life unimpaired, alone animates the courage and steadies the purpose of all.

The rage of the conflict makes diplomatic parley impossible. The governmental announcements of England and Germany indicate a harmony of view as to many things, such as that no indemnity shall be demanded, that Belgium shall be restored as an independent state, that the portion of France recently occupied by Germany shall be restored, that the status of Alsace and Lorraine, settled over 40 years ago by treaty between Germany and France, shall not be disturbed.

Just as England and France demand that they should be secured by buffer States and proper boundaries against Teutonic aggression in the west, Germany demands that she should be secured against Slav aggression in the east. The disposition of Poland therefore becomes important. Might it not be possible by mutual concessions of existing rights by both Teutons and Slavs to reestablish the ancient kingdom of Poland, or at least a part of it, as a sovereign buffer state?

Austria demands security on the south. The Teutonic States, in conjunction with Bulgaria, have destroyed the sovereignty of Servia. May it not be possible to restore that sovereignty or if that is impossible may not Servia's prosperity be made more secure in the future through a modified autonomy established under Austrian sovereignty?

Germany's colonial possessions have been wrested from her. May they not be restored, or, at all events compensated for through some favorable readjustment of her boundaries or sphere of influence in Turkey and Asia Minor?

Russia, locked in by icebound ports, demands access to the southern seas. She has won her way to the Persian Gulf. Why should not this, or free access to the Mediterranean through the Dardanelles, be secured to her?

There remains the question of German militarism and English navalism, the one dominant on land, the other dominant on sea. Why may it not be possible, without irritating phrases, for each of these Governments to state publicly its views, not regarding disarmament, but a gradual reduction of armament on land and sea, and a gradual approach toward the adjustment of international disputes, as domestic disputes are adjusted, through international tribunals, organized and proceeding as do domestic tribunals, according to the orderly forms of law, with power to enforce their decrees? Surely the progress which has been made in the substitution of law and order for violence in the settlement of individual disputes through domestic tribunals created for the purpose, justifies the hope that a similar international evolution

will spring from the blood of the heroes whose valor and courage on land and sea, unequaled in the history of the world, have been fruitless of result except deterioration of race and impoverishment of condition.

The Senate of the United States, profoundly impressed by the solemnity of the hour, urges upon the warring nations a calm consideration of these views.

Mr. NEWLANDS. Mr. President, I desire to give notice that to-morrow, at the conclusion of the remarks of the Senator from Colorado [Mr. THOMAS], I shall address the Senate on the resolution.

The VICE PRESIDENT. The resolution will lie on the table and be printed.

ADDRESS BY SENATOR HOLLIS (S. DOC. NO. 411).

Mr. HITCHCOCK. Mr. President, I ask unanimous consent that there may be printed as a public document the address delivered by the junior Senator from New Hampshire [Mr. HOLLIS] before the Common Counsel Club, of Washington, D. C., April 13, 1916, on the subject of "What the administration is doing for the farmer."

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

NOMINATION OF LOUIS P. BRANDEIS (S. DOC. NO. 409).

Mr. CHILTON. I ask unanimous consent that 1,000 extra copies of the report of the subcommittee and the hearings in the Brandeis case be printed for the use of the Senate.

The VICE PRESIDENT. Without objection, it is so ordered.

TARIFF ON SUGAR.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, and further insisting upon its disagreement to the amendment of the Senate still in disagreement between the two Houses on the bill, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SIMMONS. I submit the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the title, and agree to the same with an amendment as follows: In the last line of the Senate amendment to the title strike out the words "manufactures of sugar" and insert in lieu thereof the words "other articles"; and the Senate agree to the same.

The committee of conference has been unable to agree on the amendment of the Senate to the bill.

F. M. SIMMONS,
W. J. STONE,
H. C. LODGE,
Managers on the part of the Senate.
CLAUDE KITCHIN,
HENRY T. RAINEY,
J. W. FORDNEY,
Managers on the part of the House.

Mr. SIMMONS. Mr. President, I move the adoption of the report.

Mr. HARDWICK. Mr. President, the Senator is not asking a vote on that question now?

Mr. SIMMONS. No; I am simply moving the adoption of the report. It is a formal matter, and only disposes of the matters in agreement.

Mr. HARDWICK. The Senator is right.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina.

The report was agreed to.

Mr. SIMMONS. Mr. President, I desire to move—I shall not ask immediate action on the motion—that the Senate recede from its amendment in disagreement to House bill 11471; and pending that I ask unanimous consent that on Saturday next, at not later than 5 o'clock p. m., the Senate will proceed to vote on the motion I have made to recede from the amendment in disagreement.

Mr. HARDWICK. Mr. President, will the Senator yield to me?

Mr. SIMMONS. I will.

Mr. HARDWICK. I desire to say to the Senator that I shall oppose the motion to recede, and I think I shall want something like two hours to discuss the question. Of course the Senator is chairman of the committee and chairman of the conferees on the part of the Senate and will to some extent have priority of consideration. In the opinion of the Senator, does his motion allow an opportunity for me to have that much time?

Mr. SIMMONS. I was going to change my motion to a request that we proceed to the consideration of the motion and that we vote at not later than 5 o'clock on Saturday next. I will, then, lay the matter aside and not call it up until Saturday morning, but I will call it up on Saturday at any hour the Senator desires to begin his speech. I do not know of any other Senator who desires to speak on it.

Mr. HARDWICK. I have no objection to that.

Mr. SIMMONS. I change my motion to a request for unanimous consent that the Senate proceed to the consideration of the conference report on House bill 11471, and that on Saturday next, at not later than 5 o'clock p. m., the Senate will proceed to vote upon the conference report. We will take it up on Saturday at whatever time suits the convenience of the Senator from Georgia.

Mr. TOWNSEND. Mr. President, do I understand that this is the so-called sugar bill?

Mr. SIMMONS. Yes; the Senator is correct. I am asking unanimous consent that we proceed to the consideration of this conference report, and that on Saturday next, April 22, at not later than 5 o'clock p. m., the Senate will proceed to vote upon the conference report.

Mr. HARDWICK. If the Senator will pardon me, we do not have to have unanimous consent for the present consideration of a conference report, but we might have to have unanimous consent to delay proceedings under the conference report until a specified hour of a specified day.

Mr. GALLINGER. If the Senator will permit me, the presentation of a conference report is privileged, but not its consideration.

Mr. SIMMONS. No; it is only the report that is privileged, and not the consideration of the report.

The VICE PRESIDENT. The Chair is lost. The Chair thought the conference report had been agreed to.

Mr. HARDWICK. It has been agreed to.

Mr. SIMMONS. If the Chair thought that, the Chair is right. I move that the Senate recede from its amendment in disagreement with the House.

Mr. CURTIS. Mr. President——

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. I should like to ask the Senator from North Carolina a question. Suppose the unanimous consent requested by the Senator should be given. In what position would the conference report then be between now and Saturday?

Mr. SIMMONS. The conference report has been adopted. The only thing pending before the Senate now is the motion I have just made that the Senate recede from its amendment in disagreement.

Mr. BRANDEGEE. In what position would that motion be between now and Saturday if unanimous consent is given? In other words, the unfinished business is on the calendar undisturbed, the hour of 2 o'clock not yet having arrived. Supposing that by unanimous consent we now proceed to consider the motion made by the Senator that the Senate recede from its disagreement and agree that not later than 5 o'clock on Saturday we will vote upon it. Where does it stand between now and then; in other words, on to-morrow and Saturday?

Mr. SIMMONS. I think it would be the unfinished business between now and then.

Mr. BRANDEGEE. I did not understand whether or not the Senator intended to displace the unfinished business.

Mr. SIMMONS. I do not wish, to-day and to-morrow, to interfere with any other legislation, nor do I think that if this motion should prevail I would interfere. To remove all trouble about it, however, I will change the motion so as to move that at 12 o'clock on Saturday next we proceed to the consideration of the motion that the Senate recede from its amendment in disagreement, and that not later than 5 o'clock——

Mr. LIPPITT. Ask unanimous consent.

Mr. SMOOT. I suggest that instead of moving the Senator ask unanimous consent.

Mr. SIMMONS. If I said "move," I meant to ask unanimous consent, because that is what I have been asking for all the time. It was a mere inadvertence in the use of terms.

Mr. GALLINGER. Mr. President, the Senator would better ask unanimous consent that at a certain hour on Saturday we proceed to the consideration of the motion.

Mr. SIMMONS. I have just done that.

Mr. GALLINGER. The Senator did not make it very clear.

The VICE PRESIDENT. Let the Secretary state the request as he understands it.

Mr. SIMMONS. Let me state it, if there is any misunderstanding about it.

The VICE PRESIDENT. It has been taken down. Let the Secretary State it.

The SECRETARY. It is agreed by unanimous consent that on Saturday, April 22, 1916, at 1 o'clock p. m., the Senate will proceed to the consideration of the motion entered by the Senator from North Carolina [Mr. SIMMONS] on the 20th instant, that the Senate recede from its amendment in disagreement to H. R. 11471, and that at not later than 5 o'clock p. m. on the said day the Senate will proceed to vote without further debate upon the said motion.

The VICE PRESIDENT. The Chair does not believe that this unanimous-consent agreement comes fairly within the rule requiring a call of the Senate for a quorum. It is not for the purpose of taking a final vote on the passage of a bill or joint resolution. Is there objection to the unanimous-consent agreement? The Chair hears none, and it is adopted.

THE CALENDAR.

The VICE PRESIDENT. The morning business is closed.

Mr. SMOOT. Mr. President, I move that the Senate proceed to the consideration of unobjected bills on the calendar under Rule VIII.

The VICE PRESIDENT. It is in order now to proceed with the calendar.

Mr. SMOOT. I move to proceed with the calendar of unobjected bills.

The VICE PRESIDENT. The calendar under Rule VIII is in order.

Mr. OVERMAN. Unobjected bills.

Mr. SMOOT. Unobjected bills.

Mr. SMITH of Georgia. Is it limited to unobjected bills?

Mr. SMOOT. We would be limited to unobjected bills under *my motion.*

The VICE PRESIDENT. The Senator from Utah moves that the Senate proceed to the consideration of unobjected bills on the calendar under Rule VIII.

Mr. SMITH of Georgia. I have not considered it myself, but I desire to ask if the motion can limit the consideration simply to unobjected bills? Is it not in order at any time under the rule when a bill is reached to move to proceed to its consideration? Is it not in order at any time to move to consider a bill under the rule, and would such a motion exclude that privilege?

The VICE PRESIDENT. The Chair is of opinion that the Senator from Utah has a right to make the motion, and if the Senate adopts it unobjected bills alone will be considered. If it is not agreed to, any Senator, of course, has the right at any time to move to take up any bill.

Mr. SMOOT. That is as I understand it.

The VICE PRESIDENT. The question is on the motion of the Senator from Utah.

The motion was agreed to.

The VICE PRESIDENT. The first bill on the calendar will be stated.

The SECRETARY. A bill (S. 1053) to provide for stock-raising homesteads, and for other purposes.

Mr. SMOOT. There has been a House bill reported from the Committee on Public Lands upon the same subject matter, and I move that Senate bill 1053 be indefinitely postponed.

Mr. STERLING rose.

Mr. SMOOT. I will say to the Senator from South Dakota, who introduced this bill providing for stock-raising homesteads, that, as the Senator knows, a House bill covering this same subject has been reported, and it is on the calendar.

Mr. STERLING. I understand that, but I will ask the Senator——

Mr. SMOOT. I therefore move the indefinite postponement of the Senate bill.

Mr. STERLING. I wondered if the Senator from Utah might not have House bill 407 reported by the Senate Committee on Public Lands considered.

Mr. SMOOT. That can not be done under the motion at this time, but we will reach that bill to-day.

The VICE PRESIDENT. The question is on the indefinite postponement of Senate bill 1053.

The motion was agreed to.

The bill (S. 1062) relating to the duties of registers of United States land offices and the publication in newspapers of official land-office notices was announced as next in order.

Mr. SUTHERLAND. Let that go over.

The VICE PRESIDENT. The bill goes over on objection.

The bill (S. 706) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as next in order.

Mr. GALLINGER. Let that go over.

Mr. SMITH of Georgia. I move to proceed to consideration of the bill.

Mr. SMOOT. I object to its consideration at this time.

The VICE PRESIDENT. The Chair has ruled that if the motion of the Senator from Utah prevailed it would not be in order to move to take up another bill.

Mr. SMITH of Georgia. I did not so understand the Chair.

The VICE PRESIDENT. That was the ruling of the Chair. The Chair also ruled that if the motion did not prevail, then any Senator could move to proceed to the consideration of a bill on the calendar.

Mr. SMITH of Georgia. The noise was so great that it was impossible for me to hear what the Chair ruled.

The VICE PRESIDENT. The Chair will make the ruling now, and there can be an appeal taken from the decision of the Chair.

Mr. WALSH. Mr. President, I venture to express the hope that the Senator from Georgia will not press that motion at this time. As he knows very well, the bill will give rise to debate. We have not had an opportunity to clear up the calendar for a long time, and I should like to see the calendar proceeded with.

Mr. SMITH of Georgia. I understand that under the ruling of the Chair we can not proceed with it unless I appeal from the decision of the Chair. I do not intend to do that, although I thought under the rule the Senate at any time could change from one order to another order. But I will not make the motion. I will ask the privilege of withdrawing the motion.

The VICE PRESIDENT. The bill goes over under objection.

The bill (S. 609) to aid in the erection of a monument to Pocahontas at Jamestown, Va., was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill goes over.

The bill (S. 611) for the erection of a monument to the memory of Matthew Fontaine Maury, of Virginia, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. The bill goes over.

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States conferring upon women the right of suffrage, was announced as next in order.

Mr. SMITH of Georgia. Let that go over.

The VICE PRESIDENT. The joint resolution will go over.

The joint resolution (S. J. Res. 72) to provide for holding the San Antonio Bicentennial Exposition in 1918, was announced as next in order.

SEVERAL SENATORS. Let it go over.

Mr. SHEPPARD. I was going to ask that the joint resolution go over, inasmuch as I intend to address the Senate tomorrow in regard to this exposition.

The VICE PRESIDENT. The joint resolution will go over.

The bill (S. 2406) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, was announced as next in order.

Mr. GALLINGER. Let that go over.

The VICE PRESIDENT. The bill will go over.

COST OF LIVING IN THE DISTRICT OF COLUMBIA.

The joint resolution (S. J. Res. 43) authorizing and directing the Department of Labor to make an inquiry into the cost of living in the District of Columbia, and to report thereon to Congress as early as practicable, was announced as next in order.

Mr. KENYON. Mr. President, there are two committee amendments to the joint resolution, one of which I urge should not be adopted. I think it was inadvertently placed in the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on Education and Labor with amendments.

The first amendment of the committee was, in line 4, after the word "living," to insert "of wage earners."

Mr. REED. Mr. President, I wish to make an inquiry before the amendment is agreed to. What is the reason why an in-

vestigation of this sort should cost $6,000 in the city of Washington when we have all sorts of Government employees under salary whose business it is to investigate questions of this kind?

Mr. KENYON. I do not understand that there are any employees of the Government who are authorized to make this investigation. The joint resolution has been recommended by the Department of Labor. We passed a law here some years ago fixing the hours of employment for women in the District of Columbia. Unless there is some investigation of the cost of living the other law practically amounts to nothing. The basis of this whole matter, I will say very frankly, will be to get information which possibly may lead to the adoption of a minimum wage law in the District of Columbia.

Mr. REED. Mr. President, just one question further. Is it not true that the Department of Labor itself has a very large number of men who are engaged in occupations akin to this and that they could simply be detailed for the work? I am not going to object to an investigation. Indeed, I say to the Senator from Iowa frankly I am not going to object to the joint resolution if he insists upon it in this form, but it appears that every time there is anything to be done by any of the departments here it must cost a lot of money, although they have a great number of employees. I have often wondered what those employees were doing. Most of them draw good salaries; there are a lot of them in Washington; and to investigate the cost of living in a practical way in the city of Washington ought not to be very difficult. If, however, some one proposes to go into an exhaustive examination, it will cost money.

There are three or four ways to make an investigation. One is the common-sense practical way, which is a very short way. The other is a long-intricate device to run indefinitely into any sort of cost.

Mr. KENYON. I realize that, of course; but the investigation can not be extended indefinitely under this appropriation. It may be that the appropriation is a little too large, but it need not all be expended if a lesser amount will suffice.

This has been recommended twice, I will say to the Senator, by the Committee on Education and Labor. Last year it was on the calendar, but was never reached. Hearings were had on the subject before a subcommittee, and again the joint resolution was recommended. I feel that this is a very meritorious proposition. I do not want, of course, to increase the number of Government employees.

Mr. REED. Mr. President, would not the Senator from Iowa be content to change his joint resolution so that the Department of Commerce and Labor would be directed to make this investigation? I make the suggestion; I may be wrong in making it, for I have not examined the matter. I do, however, know that every time the Government starts to do anything it appears that it has got to get a lot of new employees. I know that our appropriation bills this year will necessarily carry an astounding amount of money. This only involves an expenditure of $6,000, but a large number of $6,000 items will help to swell the grand total of our appropriations. I simply make the suggestion to the Senator from Iowa. I am not going to object to the consideration of the resolution.

Mr. KENYON. I will say that I do not desire to have appropriations made which are not necessary, and if there is any opportunity of saving money anywhere I will join in doing so. Let this joint resolution go over, and I will make an investigation as to whether or not the Department of Commerce and Labor can do the work without the extra appropriation.

Mr. GALLINGER. Then let the joint resolution go over, Mr. President.

The VICE PRESIDENT. The joint resolution goes over.

BUSINESS PASSED OVER.

The bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

The bill (S. 640) for the relief of Ellen B. Monahan was announced as next in order.

Mr. WORKS. Let that go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

The resolution (S. Res. 43) for the appointment of a committee to investigate and inquire into the causes of the existing freight blockade and embargoes on the trunk-line railroads entering into the port of New York was announced as next in order.

Mr. GALLINGER and Mr. SMOOT. Let that go over, Mr. President.

The VICE PRESIDENT. The resolution goes over.

SOLICITATION OF FUNDS FOR POLITICAL COMMITTEES, ETC.

The bill (S. 668) making it unlawful for any Member of Congress to serve on or solicit funds for any political committee, club, or organization was announced as next in order.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That hereafter it shall be unlawful for any Member of the Senate of the United States or any Member of the House of Representatives of the United States, during the term for which such Senator or Member has been elected, to solicit funds, directly or indirectly, for any political committee, club, or organization.

SEC. 2. That the violation of this act is hereby declared to be a misdemeanor, and any person convicted of violating the same shall be punished by a fine of not less than $1,000 or imprisonment for a term of not less than 60 days, or both, at the discretion of the court.

Mr. REED. Mr. President, if I understand the bill correctly, if a Member of this Senate belonging to a local political club in his own city should ask some one to contribute a box of cigars he could be fined $1,000?

Mr. GALLINGER. Undoubtedly.

The VICE PRESIDENT. In addition to being punished by "imprisonment for a term not less than 60 days."

Mr. REED. I think the bill is absurd, and I object to its consideration on that ground.

The VICE PRESIDENT. Objection is made to the consideration of the bill, and it will be passed over.

BILLS PASSED OVER.

The bill (S. 665) to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States, limiting the amount of campaign expenses, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that go over, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 669) to limit the use of campaign funds in presidential and national elections was announced as next in order.

Mr. SMOOT. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1840) to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, June 27, 1898, and February 26, 1909, was announced as next in order.

Mr. OVERMAN. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes, was announced as next in order.

Mr. HUGHES. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

The bill (S. 2730) to fix the compensation of assistant appraisers of merchandise, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The VICE PRESIDENT. The bill goes over.

VOCATIONAL EDUCATION.

The bill (S. 703) to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure, was announced as next in order.

Mr. SMITH of Georgia. Mr. President, I will detain the Senate at this time just to speak briefly of this bill. At an early day I hope to discuss it more in detail. I hope in the meantime Senators may begin studying it.

My wish is to call the attention of the Senate to the leading features of the bill, and then to ask Senators to consider it. I very much hope that I shall have the cooperation of the Senate to pass this bill within the next 30 days, and send it over to the other House. I stop now to ask any Senator who can to think about it.

The bill proceeds upon three lines: First, to appropriate money in cooperation with the States to pay vocational teachers in agriculture; second, to appropriate money in cooperation with the States to pay vocational teachers in the mechanic arts; third, to appropriate money in connection with the States to pay for training teachers to give instruction in these specialties. The bill requires contribution by each State equal to the amount received from the Government.

The bill provides for a State board in each State; it also provides for a national board. The State board is to work out

the plan for the use of the money in a State and submit it to the national board; and the national board is to approve it if the money is to be paid from the National Treasury, to cooperate with the States. That is the general line of the bill.

Mr. GALLINGER. Mr. President, let the bill go over for the present.

Mr. SMITH of Georgia. Of course the bill will go over. I only take occasion to ask Senators to think about it, and, if possible, to read it over and also to think about this question. The bill as it stands makes the national board from the members of the Cabinet. There are friends of the measure who desire an independent board. I ask Senators to consider the question as to whether we should have an independent board or use a board made up from the Cabinet and the Commissioner of Education.

Mr. GALLINGER. But, Mr. President, considering the present condition of the Federal Treasury, I think Senators ought to look at the appropriation carried in this bill.

Mr. SMITH of Georgia. I will state what the appropriation is. The appropriation begins with $500,000 a year for each of the three lines of work I have mentioned; it finally reaches $3,000,000 for the actual instruction in agriculture and the same amount in the mechanic arts, and $1,000,000 finally for the training of teachers. It also proceeds upon the same lines as our agriculture extension law, guaranteeing a certain amount of the fund to each State, without regard to the size or population of the State, so each State will at least have a sufficient fund to conduct the effort in a reasonable way. The bill is generally constructed along the line of the agricultural extension bill, which we adopted nearly two years ago.

Mr. GALLINGER. Mr. President, I had observed that, and as I am solicitous to help my Democratic friends in the matter of taking care of the deficit, it occurred to me that the Democratic Party did not want to make these appropriations this year for that purpose.

Mr. SMITH of Georgia. Well, the first appropriation amounts to less than a million and a half dollars. We begin with that for next year. Two or three amendments will be required to the bill.

The bill was prepared by a commission appointed under a resolution which originated in the Senate, authorizing the President to appoint a commission to study the question and to frame and suggest a bill. The Senator from Vermont [Mr. PAGE] and I represented the Senate upon that commission, and the Senator from Vermont, to whom again I desire to pay tribute publicly for his devotion to this subject and for his splendid work in behalf of vocational education, will certainly join me in presenting the measure to the Senate. I would not under any circumstances be willing to take it up or to act upon it in his absence, and I am glad at all times to give him that credit for this work which his services deserve.

COL. JAMES JACKSON.

The bill (S. 1162) to place certain officers of the Army on the retired list was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, and place him on the retired list of the Army with the rank and retired pay of brigadier general, any colonel now on the retired list of the Army who served with credit as an enlisted man and officer of the Regular Army of the United States during the Civil War, who has been brevetted captain, major, and lieutenant colonel, respectively, for gallant services in battles in the Civil War and in actions against Indians, who has been awarded the congressional medal of honor for most distinguished gallantry in action against Indians, and who is now and has been since early in 1904 on active duty.

Mr. SMOOT. Mr. President, when this bill was under consideration on a previous occasion there was an objection to its passage in the form in which it was reported from the committee. It applies only to one officer, as I understand; and I will ask the Senator from Oregon [Mr. CHAMBERLAIN] if he has prepared the amendment which was suggested when the bill was last under consideration, stating the name of the officer to be benefited by the bill?

Mr. CHAMBERLAIN. I can do that, I will say to the Senator, and I am prepared to do it if the Senator prefers to have it as a special bill.

Mr. SMOOT. I think it will be very much better to have it as a special bill.

Mr. CHAMBERLAIN. Then, Mr. President, if the Senator prefers to have it in that form, I will state the amendment. I move to strike out all after the enacting clause and to insert:

That the President be, and he is hereby, authorized to appoint Col. James Jackson, United States Army, retired, to the position and rank of brigadier general on the retired list.

The VICE PRESIDENT. The question is on the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. CHAMBERLAIN, the title was amended so as to read: "A bill authorizing the President to appoint Col. James Jackson, United States Army, retired, to the rank of brigadier general on the retired list."

AMENDMENT OF THE RULES.

The Senate proceeded to consider the resolution (S. Res. 7) providing that any Senator upon his own request may be recorded and counted as present in order to constitute a quorum, which had been reported from the Committee on Rules with an amendment at the end of line 4, to add the word "state," so as to make the resolution read:

Resolved, That the rules of the Senate be amended as follows: In Rule XII, clause 1, after the words "by the Senate," there shall be inserted the following: "and any Senator may arise and declare that he is paired and state how he would vote if not paired, and may add that being present he desires to be so recorded, in order to constitute a quorum; whereupon he shall be so recorded and his presence as a part of the quorum announced by the Chair."

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee. Without objection, the amendment is agreed to.

Mr. POINDEXTER. Mr. President, if I understand the resolution from the reading by the Secretary, it authorizes the Presiding Officer, if a Senator is present and makes an announcement of his pair, to count him as present for the purpose of making a quorum. It has been the practice of the Senate in recent years to count him under those circumstances as present; and it seems to me that the resolution is unnecessary and futile, and so I object to it.

Mr. WILLIAMS. Mr. President, I hope the Senator from Washington will not object to the passage of the resolution. I will explain to the Senate the practical difficulty it is designed to meet. The resolution, by the way, was reported unanimously, I will say to the Senator from Washington, by the members of the Committee on Rules.

Every now and then the roll is called to ascertain whether or not a quorum is present. It develops on the roll call that a quorum is present, and immediately after that there is a yea-and-nay vote, and those Senators who are present and paired announce their pairs and withhold their votes, and are not counted.

Mr. POINDEXTER. Mr. President, I have observed a number of instances in which Senators were counted as present under those circumstances, if they were actually present.

Mr. GALLINGER. But there is no uniformity about it.

Mr. WILLIAMS. I know of no rule of the Senate whereby they can be counted as present, and, if that has occurred, it must have been in addition to the rule or something else.

I am as much opposed as anybody can be to counting a Senator present against his will; but when a Senator thinks he can represent his constituents best by being counted in order to make a quorum, and he is counted at his own request, it seems to me undoubtedly that he ought to be counted. The only question that could arise in any Senator's mind is as to whether the rule should not be changed still further so as to count the Senator present against his will, which is done in the other House; but certainly a Senator ought to be counted present by his own request to make a quorum. I hope the Senator will withdraw his objection. The matter was pretty well discussed in the Committee on Rules, and finally the committee unanimously reached the conclusion to report the resolution.

Mr. WALSH. Mr. President, I should like to ask the Senator a question. Will not this rule, if adopted, carry the necessary implication that a Senator actually present can not be counted to make a quorum unless with his consent?

Mr. WILLIAMS. He can not be counted now.

Mr. ROBINSON. Mr. President, he is counted now.

Mr. WALSH. The fact about the matter is that the presiding officer now actually does count him, and has repeatedly counted him against his protest within the last two years.

Mr. WILLIAMS. I know of no rule of the Senate under which that may be done. In the House of Representatives, in order to count Members as present, they had to change the rule, and it seems to me we would have to change it here before we could do that. Whether that has been done or not, it has missed my observation; but if it has been done, it has been done, to express it in the most charitable way, in addition to the rule, for no rule of the Senate gives any right to a presiding officer of the Senate to count a Senator as present who has not voted.

I want to obviate that difficulty and give the Senate a quorum wherever Senators are willing to be counted as present—and in most cases they are willing and want to be so counted. When

I rise and say that I am paired with the senior Senator from Pennsylvania and therefore must withhold my vote, and other Senators make similar announcements, and then when the roll is called upon a vote it is found that a quorum has not voted, it is necessary to make another point of no quorum and call the roll for a quorum again. That happened during the last session of Congress again and again and again. There ought to be some uniformity about it.

Mr. GALLINGER. Mr. President, I will say to the Senator from Mississippi that Vice President Sherman and the present occupant of the chair, as I remember, have counted present to make a quorum Senators who were paired. I made a mild protest against it on one occasion, thinking that the Chair had transcended the authority given him by the rule; but I think it is very desirable to have a rule of this kind so that we may have uniformity in the administration of the rule.

Mr. WILLIAMS. Of course.

Mr. GALLINGER. And I am strongly in favor of it.

Mr. WILLIAMS. If the Senator from Washington will pardon me, the point made by the Senator from New Hampshire strikes me as irresistible. If there is any question about the right to do what has been done, then why not cure the trouble by adopting a rule making it uniform and universal in its operation, and leaving a Senator to represent his constituents by being present to constitute a quorum when he thinks that is the proper way to represent them?

The VICE PRESIDENT. This is a case in which the Chair thinks the Chair has a right to make an inquiry, because if this rule should be adopted it would be the duty of the Chair to enforce it. What does the Senate expect the Chair to do under this rule if Senators rise, state that they are paired, state how they would vote, but do not vote, and if they had voted the result would be different from the vote as shown by those who actually did vote? What is the Chair going to do under circumstances of that kind?

Mr. CLARKE of Arkansas. Mr. President, I have heretofore objected to the consideration of this resolution a time or two because I thought it was not only unnecessary but wrong. There has been manifest a spasmodic disposition to improve the rules of the Senate by enforcing these according to their true spirit and real meaning, which, it is needless to say, is the way in which rules should be enforced. I believe that 90 per cent of the rules and ruling which control our proceedings here were made by repeated acquiescence by the Senate in the action of the Presiding Officer in deciding that a given matter should be disposed of in a certain way. During the short periods that I have occupied the chair I have undertaken on occasion to test out the sentiment of the Senate with reference to that method of improving the rules rather than by the enforcement of the mere letter of the particular rule. I thus sought to utilize the element of growth which is necessarily and inherently a part of every written code that is intended ultimately to control or regulate human affairs. I have, therefore, not hesitated to say that a Senator is present when he is actually present in person and in fact. I did not believe and do not now believe that a rule is necessary to affirmatively confer power to do this. If a Senator actually present should elect to withhold his vote, under a custom here which authorized him to do it when he was paired with another Senator of opposite views, he should have the added right to object to his presence being noted for the purpose of making a quorum and thus have the effect of disfranchising those who are present by developing the absence of a quorum. I felt that I was authorized to hold if he is present for one purpose that he is present for all purposes. I have not hesitated to say that. The Senate has had repeated opportunities to reverse that ruling if it should see proper to do so and has persistently refused to challenge such ruling by an appeal therefrom.

The proposed rule gives to the Senator himself the right to say whether he is present or absent for legislative purposes. He may rise in his place and say he is absent in a parliamentary sense although everybody knows he is present in fact. Now, I am not going to take advantage of the right to object to the present consideration of this resolution and thus afford the Senate further opportunity to dodge doing or refusing to do what the proposed rule is intended to do. If the Senate wants that kind of a rule, it ought now to vote for this resolution.

I am gradually getting into that state of mind where I believe that the rules of the Senate must get worse in order to get better. The present rules of the Senate do not enable this body to do business as intelligently and expeditiously as the public welfare demands, nor to properly conserve its time so as to utilize the function of debate for the purpose of enlightening those who have not made a special study of the particular question which is under consideration at the time. I think the way to bring that about is to abuse the rules to a point of nullification, to a point where they will become absolutely absurd—and that point is not far away now—and then something will be done in the direction of their reformation and improvement.

I have heretofore antagonized all attempts to adopt a cloture rule because I believed that the history of the absence of cloture during filibusters has justified the existing practice; but the filibusters come so infrequently that they can hardly be relied upon further to justify a continuation of the present practice. I believe I can say now that there ought to be a majority cloture rule in this body; that is, the old previous question ought to be adopted, so that in the current consideration of bills there could be something like a rational saving of time.

The only thing that makes me add a qualification at all is the existence of the necessity for a filibuster. The very thing which on occasion makes the absence of a cloture rule unpopular is the very thing that leaves in my mind the lingering belief that possibly it is justified. But I have now about become convinced that the good in it has steadily grown less, until it has now reached a point where it bears no just relation to the evil which comes from the waste of time during the current transaction of business here on occasions when no filibuster is in progress. Unlimited and uncontrolled debate in the Senate in the transaction of routine, ordinary business is an evil that can not be much longer ignored.

This matter here, as the Senator from Mississippi has said, presents a square issue and gives the Senate an opportunity to record its real preference concerning the disputed matter. I do not prefer to have the rule changed as the Senator proposes; but if the Senate does, it is all right. I think it will make the rules worse, and as soon as they are made as bad as they can be made a movement will grow up here to change them. I have attempted, as I said before, in my small way, utilizing the small opportunities that have come to me at intervals as temporary presiding officer, to make some progress in that direction. I hold to the view that under the existing demoralization in the enforcement of the rules of the Senate and the uncertainty in their meaning a presiding officer who is worth his salt will be continually making rulings that call for challenge; because it is no part of the duty or mission of a progressive, intelligent, and independent presiding officer who wants to conserve the time of the Senate, to the end that it may be devoted to the things that the Senate is assembled to do, to sit here and avoid friction by allowing abuses to continue without deliberately creating situations that may be utilized for their correction and betterment.

I think we have enough law about counting a quorum; but if any presiding officer has a notion that he has not authority to repeat what has been done by others, then the Senate ought to come to his help and say by a special rule that he can count a quorum. I do not want to leave it to the individual Senator to say that he can be counted or not at his exclusive election, because in many instances that will defeat the very purpose in allowing the presiding officer to have anything to say about it.

I shall vote against the resolution, although I am not going to object to its consideration.

Mr. OVERMAN. I call for the regular order.

Mr. LIPPITT. The consideration of the resolution has been objected to.

Mr. SUTHERLAND. Is there not an objection to this resolution? If so, I call for the regular order.

Mr. POINDEXTER. As I made the objection, I want to say just one word further as to the ground upon which I object.

I will confer later with the Senator from Mississippi [Mr. WILLIAMS] in regard to the resolution; but if it shall be adopted it will be the first time that the Senate has recognized in a rule the practice of pairing. My opinion is that there are many abuses in that practice. I believe that there are many cases where the practice serves a perfectly legitimate and useful and almost necessary purpose; but the purpose of pairing indiscriminately and generally on every occasion, whether there is any emergency affecting the Senator who requests to be paired or not, is an abuse. Because of the fact that the resolution seeks to establish that practice in the rules of the Senate, in my opinion is objectionable.

I insist at this time upon my objection.

The VICE PRESIDENT. Objection being made, the resolution will be passed over.

BILLS, ETC., PASSED OVER.

The resolution (S. Res. 20) for appointment of a committee of Senators to examine into questions relating to the acquisition or construction of manufacturing plants to supply the Army and

Navy with arms, armament, etc., was announced as next in order.

Mr LODGE. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 1428) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900 was announced as next in order.

Mr. SMITH of Georgia. The Senator from Florida [Mr. BRYAN], who reported the bill, is absent. I think it had better go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3551) relating to the procedure in the United States courts was announced as next in order.

Mr. CLARKE of Arkansas. I object.

The VICE PRESIDENT. The bill will be passed over.

AGRICULTURAL DEVELOPMENT.

The bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes, was announced as next in order on the calendar.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will go over.

H. P. BALDWIN AND OTHERS.

The bill (H. R. 6241) to ratify, approve, and confirm an act amending the franchise granted to H. P. Baldwin, R. A. Wadsworth, J. N. S. Williams, D. C. Lindsay, C. D. Lufkin, James L. Coke, and W. T. Robinson, and now held under assignment to Island Electric Co. (Ltd.), by extending it to include the Makawao district on the island of Maui, Territory of Hawaii; and extending the control of the Public Utilities Commission of the Territory of Hawaii to said franchise and its holder, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GRONNA subsequently said: I wish to ask the Senator from Colorado if the bill just passed is the one to which I objected the other day?

Mr. SHAFROTH. Yes; it is the bill the Senator objected to and of which an explanation has been made to him.

Mr. GRONNA. I ask that the bill may go over.

The VICE PRESIDENT. The bill has been passed.

Mr. GRONNA. Then, I move to reconsider the vote by which the bill was passed.

Mr. WORKS. I hope the Senator will not do that until he can look into the matter. I have investigated it, and it seems to me an entirely proper piece of legislation.

Mr. GRONNA. Very well; I will simply enter a motion to reconsider.

The VICE PRESIDENT. The motion to reconsider will be entered.

BILLS, ETC., PASSED OVER.

The bill (S. 34) granting to the State of Utah title to certain lands in said State for uses as a fish hatchery was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will go over.

The joint resolution (S. J. Res. 93) authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States was announced as next in order.

Mr. LODGE. Let that go over.

The VICE PRESIDENT. The joint resolution will go over.

MEXICAN PEAS.

The bill (S. 3536) to provide for the storing and cleansing of imported Mexican peas, commonly called "gorbanzos," was considered as in Committee of the Whole.

The bill was reported from the Committee on Finance with an amendment to strike out all after the enacting clause and to insert:

That under such regulations and conditions as may be prescribed by the Secretary of the Treasury, bonded warehouses may be established in which imported garbanzo, wheat, barley, and other grains and seeds may be stored, cleaned, repacked, or otherwise changed in condition, but not manufactured, and withdrawn for exportation without the payment of duty thereon: *Provided*, That the whole or any part of such imported garbanzo, wheat, barley, or other grains and seeds, and the waste material and by-products incident to cleaning or otherwise treating said imported grains and seeds, may be withdrawn for domestic consumption upon the payment on the quantity so withdrawn of the duty imposed by law on such garbanzo, wheat, barley, and other grains and seeds in their condition as imported: *And provided further*, That the compensation of customs officers and storekeepers for all services in the supervision of such warehouses shall be paid from moneys advanced by the warehouse proprietor to the collector of customs and be carried in a special account and disbursed for such purposes, and all expenses incurred shall be paid by the warehouse proprietor.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ASHURST subsequently said: Mr. President, I wish to be pardoned for a moment while I make an explanation to the Senator from North Dakota [Mr. GRONNA]. I was very anxious to have Senate bill 3536 passed, but the Senator from North Dakota objected to it unless it was amended. It was passed while I was discussing the matter with him. I hope the Senate will recur to it, because I do not want any advantage taken in that way. I wish to propose some amendments.

The Senator from North Dakota objects to the provision in the bill which inserts "wheat, barley, and other grains and seeds." If the Senate will agree to reconsider the votes by which the bill was ordered to a third reading and passed, I would suggest, to meet the objection of the Senator from North Dakota, that certain amendments be made: On page 2, line 2, to strike out "wheat, barley, and other grains and seeds"; in line 6, to strike out "wheat, barley, or other"; in line 7, to strike out the words "grains and seeds"; in line 8, to strike out the word "grains" and insert the word "garbanzo"; in line 9, to strike out the words "and seeds"; in line 11, to strike out the words "wheat, barley, and other"; and in line 12, to strike out the words "grains and seeds."

Mr. GRONNA. I will say if those amendments are adopted, I shall have no objection to the passage of the bill.

The VICE PRESIDENT. The bill is passed now.

Mr. ASHURST. I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. ASHURST. I move, on page 2, line 2, to strike out the words "wheat, barley, and other grains and seeds."

The amendment was agreed to.

Mr. ASHURST. In line 6, I move to strike out the words "wheat, barley, or other."

The amendment was agreed to.

Mr. ASHURST. In line 7, I move to strike out the words "grains and seeds," and in line 8 to strike out the word "grains" and insert the word "garbanzo."

The amendment was agreed to.

Mr. ASHURST. In line 9, I move to strike out the words "and seeds"; in line 11 to strike out the words "wheat, barley, and other"; and in line 12 to strike out the words "grains and seeds."

The amendment was agreed to.

Mr. ASHURST. With these amendments agreed to the bill simply applies to garbanzo.

Mr. GRONNA. Mr. President, I think it is only fair to myself to say that I was not in the Senate when this bill was reached for consideration. I was busily engaged on other important business of the Senate, namely, attending a hearing on the so-called sisal hemp investigation. I did object to the passage of the bill the other day, and I informed the Senator from North Carolina, the chairman of the Committee on Finance, having the bill in charge, that I would oppose it unless the amendments which have been submitted by the Senator from Arizona were made to it.

Mr. SIMMONS. Mr. President, I desire to make one statement regarding the bill. As it passed the House it provided only for what are known as garbanzo peas. It was amended by the Committee on Finance at the suggestion of the Treasury Department so as to include wheat, barley, and other grains. The Senator from North Dakota [Mr. GRONNA] objects to those additions, and I am perfectly content to have them stricken from the bill and that the bill should be passed.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: "A bill to provide for the storing and cleaning of imported Mexican peas, commonly called 'garbanzo.'"

THE FEDERAL TRADE COMMISSION.

Mr. LEWIS. Mr. President, may I now ask the unanimous consent of the Senate to have the address of Hon. Edward N. Hurley, vice chairman of the Federal Trade Commission, made at Boston in the last few days, printed in the RECORD. Mr. President, this is the only address that sets forth the general procedure of matters which come before that commission, and also

establishes the relationship that this commission bears to the general trade of the whole country and the manner in which it may be remedied wherever there is complaint before that body. It also discloses directions as to economy and finance of value to all the commercial men of the Nation, and copies have been demanded in numbers approximating 5,000.

Mr. HUGHES. Mr. President, we have enforced the rule against matter happening outside the Chamber. We can not now make an exception. Will the Senator not let us give him privilege to print as a document?

Mr. LEWIS. The Senator from New Jersey asks me to consent to have a document of this; but, Mr. President, an address made by another member of the commission was put in the RECORD, and it is the desire of the vice chairman to have this put in the RECORD so that both may be read in the RECORD upon the same level with each other. I know I ask an exception to the general rule, but this is an exceptional address.

I am anxious to have this accommodation afforded, if it can be done without a violation of any rule.

Mr. SMOOT. Because we made a mistake before it is no excuse for us to make another one. This is the same matter the Senator has brought up a number of times this week. I must object to it going into the RECORD. I have no objection to its being printed as a public document, but I do object to printing it in the RECORD.

Mr. LEWIS. I ask the Senator to withhold his objection for the present. I could not accept to have it made a document until I can confer with those who have asked me to present Mr. Hurley's address for the RECORD. Therefore I temporarily withdraw it from consideration and will return to it later after I have presented to those interested the condition of our rules on this subject, and that the disposition is to allow it to be made a public document, if I will consent.

Mr. SMITH of Georgia. I suggest to the Senator that it will be better to print it as a public document. It will be of more use to those of us who wish to read and keep it. I could not get a speech made from the outside on similar subjects printed in the RECORD, and we can not under our conditions make exception, as much as we would like to accommodate the Senator.

Mr. LEWIS. I withhold the matter for the present.

PUBLIC PRINTING AND BINDING.

The bill (S. 1107) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications was announced as next in order.

Mr. SUTHERLAND, Mr. LA FOLLETTE, and Mr. GALLINGER. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

NATIONAL BANKING ACTS (S. DOC. NO. 412).

The resolution (S. Res. 110) to print the pamphlet entitled "The National Bank Act and Other Laws Relating to National Banks" as a Senate document was read, considered, and agreed to as follows:

Resolved, That the pamphlet submitted by the Senator from Oklahoma [Mr. OWEN] on December 13, 1915, entitled "The National Bank Act as Amended the Federal Reserve Act, and Other Laws Relating to National Banks," be printed as a Senate document, and that 1,000 additional copies be printed for the use of the Senate document room.

MEMORIAL TO ALFRED NOBLE.

The joint resolution (S. J. Res. 63) authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial to Alfred Noble was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on the Library with amendments on page 2, line 1, after the word "memorial," to insert "fountain"; in line 4, after the word "memorial," to insert "fountain"; and in line 5, after the word "memorial," to insert "fountain," so as to make the joint resolution read:

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant permission to the American Society of Civil Engineers for the erection on public grounds of the United States in the city of Washington, D. C., other than those of the Capitol, the Library of Congress, and the White House, of a memorial fountain to Alfred Noble, a civil engineer of distinguished ability in connection with Government work, whose services have been of conspicuous benefit to the country: *Provided*, That the site chosen and the design of the memorial fountain shall be approved by the Commission of Fine Arts, and that the United States shall be put to no expense in or by the erection of the said memorial fountain: *Provided further*, That if the erection of this memorial fountain shall not be begun within three years from and after the passage of this resolution the permission granted may, in the discretion of the Chief of Engineers, be revoked at any time.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed,

The title was amended so as to read "Joint resolution authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial fountain to Alfred Noble."

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 4654) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors was announced as next in order.

Mr. SMITH of Georgia. Let that go over.

The VICE PRESIDENT. The bill will go over.

JUVENILE COURT FOR THE DISTRICT OF COLUMBIA.

The bill (H. R. 9803) to emancipate from certain disabilities children who have judgments of conviction for crime of record against them in the Juvenile Court of the District of Columbia was considered as in Committee of the Whole. It provides that no judgment of conviction against any child of record in the Juvenile Court of the District of Columbia under an act entitled "An act to create a juvenile court in and for the District of Columbia," approved March 19, 1906, shall operate as a disqualification of any such child for jury duty, or for holding office, or for any other public service under the Government of the United States or the District of Columbia, and no child against whom a judgment of conviction may stand in said Juvenile Court of the District of Columbia under said act aforesaid shall be denominated a criminal by reason of any such judgment, nor shall such judgment be denominated a conviction.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 645) to provide for the closing of barber shops in the District of Columbia on Sunday was announced as next in order.

Mr. HARDING. I ask that the bill may go over.

The VICE PRESIDENT. The bill will go over.

The bill (H. R. 7571) to provide for the appointment of the recorder of deeds of the District of Columbia by the Commissioners of the District of Columbia was announced as next in order.

Mr. SMITH of Georgia. Let that go over.

Mr. LODGE. It is an adverse report.

Mr. SMITH of Georgia. I think we may be able to amend it and put it in a shape where the Senate would like to pass it.

Mr. SMOOT. Then let it go over.

The VICE PRESIDENT. The bill will go over.

The bill (H. R. 11240) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors was announced as next in order.

Mr. SMITH of Georgia. This is to pension soldiers and sailors other than those of the Civil War. I object.

Mr. JOHNSON of Maine. It is a House bill.

Mr. SMITH of Georgia. But it is not only for soldiers of the Civil War but for those other than of the Civil War.

Mr. JOHNSON of Maine. That is true. The bill has been on the calendar for nearly two months.

Mr. SMITH of Georgia. I do not object to regular Civil War pension bills, and I am not going to object to any of them, but when it comes to the Spanish-American War I think the rules applicable to Civil War pensioners ought not to be applied to Spanish-American War pensioners. I want to have an opportunity to look at this bill.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 50) authorizing the Secretary of the Interior to sell the coal deposits in and under certain public lands to the Republic Coal Co., a corporation, was announced as next in order.

Mr. LA FOLLETTE. I think that had better go over.

The VICE PRESIDENT. It goes over.

The bill (S. 3329) for an appropriation of $105,000 to purchase water rights within the West Okanogan Valley irrigation district, and for other purposes was announced as next in order.

Mr. CURTIS. Let that go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 4424) to provide for the payment of drainage assessments on Indian lands in Nebraska was announced as next in order.

Mr. NORRIS. Let that go over.

The VICE PRESIDENT. The bill will go over.

JOSHUA NICHOLLS.

The bill (S. 509) for the relief of the heirs of Joshua Nicholls was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 7, to strike out "$33,450" and insert "$20,450," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Elizabeth R. Nicholls and Joanna L. Nicholls, heirs at law of Joshua Nicholls, deceased, out of any money in the Treasury not otherwise appropriated, the sum of $20,450, for and on account of property belonging to said Joshua Nicholls destroyed and captured by the United States soldiers in the year 1863, in the State of South Carolina, during the late Civil War. The said Joshua Nicholls was throughout said war a loyal citizen of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELLEN B. MONAHAN.

Mr. LANE. I should like to return to the bill (S. 640) for the relief of Ellen B. Monahan.

Mr. SMOOT. I will say to the Senator from Oregon that that bill was objected to by the Senator from California [Mr. WORKS]. It went over upon his objection, and he is absent from the Chamber now.

Mr. LANE. All right.

JAMES STANTON.

The bill (H. R. 5835) for the relief of James Stanton was considered as in Committee of the Whole. It proposes to pay to James Stanton, of Leavenworth, Kans., $1,912.40, the same being for extra work performed by said James Stanton on a contract with the War Department, dated June 8, 1908, for grading, paving, curbing, and rock hauling on Grant Avenue, Fort Leavenworth, Kans.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEW ENGLAND COAL & COKE CO.

The bill (H. R. 7862) for the relief of New England Coal & Coke Co., owner of the American barges *Emilie* and *Cassie*, and Bruusgaard Kiosterud Dampskibsaktieselskab, owner of the Norwegian steamship *Hesperos*, was considered as in Committee of the Whole. The bill is as follows:

Be it enacted, etc., That the claim of the New England Coal & Coke Co., owner of the American barges *Emilie* and *Cassie*, and the claim of Bruusgaard Kiosterud Dampskibsaktieselskab, owner of the steamship *Hesperos*, for injuries alleged to have been suffered in collisions which occurred in Elizabeth River, Va., on October 18, 1915, between the U. S. S. *Arethusa* and said barges and U. S. S. *Arethusa* and the *Hesperos*, for and on account of the damages resulting to said barges and said steamship *Hesperos*, respectively, by reason of said collisions, may be submitted to the United States court in the district in which suit shall be filed by the United States to recover damages and losses by said collision, under and in compliance with the rules of said court sitting as a court of admiralty; and the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the damages sustained by reason of said collisions, if any shall be found to be due either for or against the United States, upon the same principles and measure of liability, with costs as in like cases in admiralty between private parties, and with the same right of appeal

SEC. 2. That the mode of service of process shall conform to the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the United States."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNITED STATES DRAINAGE & IRRIGATION CO.

The bill (H. R. 7248) for the relief of the United States Drainage & Irrigation Co. was considered as in Committee of the Whole. It proposes to pay to the United States Drainage & Irrigation Co., a corporation existing under the laws of the State of New York, $9,498.43, in full for additional work performed by said United States Drainage & Irrigation Co. under its certain contract with the War Department, dated December 15, 1911, for jetty work at the mouth of Broadkill River, Del.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADMINISTRATOR OF H. B. GARTON.

The bill (H. R. 7502) for the relief of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased, was considered as in Committee of the Whole. It proposes to confer jurisdiction upon the Court of Claims to rehear, retry, determine, and finally adjudicate the claim of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased, No. 70075, Indian depredations, in the Court of Claims, and to award judgment therein as fully and completely as if the petition had not been dismissed, and also gives full jurisdiction and power to the Court of Claims to rehear and retry the claim upon all evidence that has been or may be presented upon a hearing in the case.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER.

The resolution (S. Res. 107) relative to leasing of Osage oil lands was announced as next in order.

Mr. CURTIS. Mr. President, I think that had better go over.

The VICE PRESIDENT. The resolution goes over.

The bill (S. 1093) to permit the Denison Coal Co. to relinquish certain lands embraced in its Choctaw and Chickasaw coal lease and to include within said lease other lands with the segregated coal area was announced as next in order.

Mr. LA FOLLETTE. I think that had better go over.

The VICE PRESIDENT. The bill goes over.

The bill (S. 1100) to pay the balance due the loyal Creek Indians on the award made by the Senate on February 16, 1903, was announced as next in order.

Mr. CURTIS. Mr. President, I desire to be present when this bill is taken up, and if it is in order under the rule, I move that the bill go to the Calendar under Rule IX.

The VICE PRESIDENT. Without objection, the bill will go to the calendar under Rule IX.

The bill (S. 1096) to provide for carrying into effect of the agreement between the United States and the Muskogee (Creek) Nations of Indians ratified by act of Congress approved March 1, 1901, and supplemental agreement of June 30, 1902, and other laws and treaties with said tribe of Indians, was announced as next in order.

Mr. CURTIS. Mr. President, I make the same motion with respect to that bill which I made as to the bill just preceding it.

Mr. SMITH of Georgia. Mr. President, the Senator from Oklahoma [Mr. OWEN] is absent from the Chamber. He reported the bill, and seems to be in charge of the matter. I object to the bill going over under Rule IX. Indeed, I object to either of the bills being placed under Rule IX. Of course, that would cut them out of consideration entirely on this order of the calendar. We can pass them to-day.

Mr. CURTIS. Mr. President, these two measures have been before the Senate many times and have always been defeated. I wish to be present when they are taken up, as I do not desire to have them go through this body without opposition. They are very objectionable bills. I should, therefore, like to have them go to the calendar under Rule IX. Then they can only be taken up on motion. If it is in order, I move that Senate bill 1096 go to the calendar under Rule IX.

Mr. SMITH of Georgia. Mr. President, I make the point of order that the motion is out of order at the present time. We are proceeding under a motion, which we adopted, to call the calendar and dispose of those cases which are not objected to. That order is not broad enough to permit the change of position of these bills on the calendar.

The VICE PRESIDENT. Does the Senator from Georgia make a point of order, or does he object to the consideration of the bill?

Mr. SMITH of Georgia. I object to the immediate consideration of the bill, and I also object——

The VICE PRESIDENT. The bills will go over on the objection of the Senator from Georgia.

The bills referred to are as follows:

A bill (S. 1100) to pay the balance due the loyal Creek Indians on the award made by the Senate on February 16, 1903; and

A bill (S. 1096) to provide for carrying into effect of the agreement between the United States and the Muskogee (Creek) Nation of Indians ratified by act of Congress approved March 1, 1901, and supplemental agreement of June 30, 1902, and other laws and treaties with said tribe of Indians.

The bill (S. 4251) to authorize the Ponca Tribe of Indians to appear in and be made parties to any suits filed in the Court of Claims by the Omaha Tribe was announced as next in order.

Mr. HITCHCOCK. I ask that that go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

The bill (S. 1094) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Ponca Tribe of Indians against the United States was announced as next in order.

Mr. SMOOT. Mr. President, Orders of Business 218, 219, and 220 are all about the same class of bills, and I ask that they all go over.

The VICE PRESIDENT. In the absence of objection, it is so ordered.

The bills referred to are as follows:

A bill (S. 1094) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Ponca Tribe of Indians against the United States;

A bill (S. 1098) to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribe of Indians; and

A bill (S. 4250) for the relief of the Ottawa Indian Tribe of Blanchards Fork and Roche de Bœuf.

CLAIMS OF INDIANS ON FORT BERTHOLD RESERVATION, N. DAK.

The bill (S. 4526) authorizing the Arikara, Gros Ventre, and Mandan Tribes of Indians, of the Fort Berthold Reservation, N. Dak., to submit claims to the Court of Claims, was considered as in Committee of the Whole. The bill was read, as follows:

Be it enacted, etc., That all claims of whatsoever nature which any or all of the tribes of Indians of the Fort Berthold Reservation, N. Dak., may have against the United States, which have not heretofore been determined by the Court of Claims, may be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for determination of the amount, if any, due said tribes from the United States under any treaties, agreements, or laws of Congress, or for the misappropriation of any of the funds of said tribes, or for the failure of the United States to pay said tribe any money or other property due; and jurisdiction is hereby conferred upon the Court of Claims, with the right of either party to appeal to the Supreme Court of the United States to hear and determine all legal and equitable claims, if any, of said tribe against the United States, and to enter judgment thereon.

SEC. 2. That if any claim or claims be submitted to said courts, they shall settle the rights therein, both legal and equitable, of each and all the parties thereto, notwithstanding lapse of time or statutes of limitation, and any payment which may have been made upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as an offset in such suits or actions, and the United States shall be allowed credit for all sums heretofore paid or expended for the benefit of said tribe or any band thereof. The claim or claims of the said tribes or band or bands thereof may be presented separately or jointly by petition, subject, however, to amendment, suit to be filed within five years after the passage of this act; and such action shall make the petitioner or petitioners party plaintiff or plaintiffs and the United States party defendant, and any band or bands of said tribe the court may deem necessary to a final determination of such suit or suits may be joined therein as the court may order. Such petition, which shall be verified by the attorney or attorneys employed by said tribes or any bands thereof, shall set forth all the facts on which the claims for recovery are based, and said petition shall be signed by the attorney or attorneys employed, and no other verification shall be necessary. Official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said tribe or bands thereof to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys for said tribes or bands of Indians.

SEC. 3. That upon the final determination of such suit, cause, or action the Court of Claims shall decree such fees as it shall find reasonable to be paid the attorney or attorneys employed therein by said tribe or bands of Indians, under contracts negotiated and approved as provided by existing law, and in no case shall the fee decreed by said Court of Claims be in excess of the amounts stipulated in the contracts approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and no attorney shall have a right to represent the said tribe or any band thereof in any suit, cause, or action under the provisions of this act until his contract shall have been approved as herein provided. The fees decreed by the court to the attorney or attorneys of record shall be paid out of any sum or sums recovered in such suits or actions, and no part of such fee shall be taken from any money in the Treasury of the United States belonging to such tribes or bands of Indians in whose behalf the suit is brought unless specifically authorized in the contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior as herein provided: *Provided*, That in no case shall the fees decreed by said court amount to more than 10 per cent of the amount of the judgment recovered in such cause.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARMY AND NAVY MEDAL OF HONOR ROLL.

The bill (H. R. 4701) to establish in the War Department and in the Navy Department, respectively, a roll designated as "the Army and Navy medal of honor roll," and for other purposes, was announced as next in order.

Mr. SMITH of Georgia. Mr. President, I object to the consideration of that bill.

Mr. WARREN. Will not the Senator from Georgia withhold that objection for a moment?

Mr. SMITH of Georgia. I withhold my objection for a moment.

Mr. WARREN. I wish the Senator from Georgia to understand what the bill is. I feel some responsibility for the bill, Mr. President, because there are many poor men who might benefit by its passage who will expect me to represent them here, since I happen at this moment to be the only one whose duty it is to explain the measure. It is a bill which has twice passed the other House and has been favorably reported twice in this body. It is a bill which provides $10 per month for every man 65 years old who for exceptional gallantry in battle has been awarded the congressional medal of honor. The number of men who can receive the benefits of this bill is but few, and the total amount per annum can hardly exceed $12,000, which will most likely rapidly grow less. I think every nation provides special pensions or extra allowances to all those who have been thus honored, and in most countries the amount is greater than provided for in this bill.

Originally under the law only enlisted men—privates and noncommissioned officers—could receive the bestowal of the congressional medal, but later commissioned officers were included, and also the Navy was included with the Army. The conditions now imposed are very exacting, and but very few are recipients of the medal.

Heretofore I have hesitated about any monetary consideration being added to the exceptional distinction of possessing the highest national honor medal within the gift of any nation; but while very many may never apply for this pension, yet many others are poor, crippled, ill, and in need. They took their lives in their hands to perform feats of daring uncalled for in the way of regular assigned duty, and this in time of our Nation's great need.

Mr. SMITH of Georgia. This is a bill with reference to medals of honor. It excludes the bunch that came altogether from some one State?

Mr. WARREN. Yes.

Mr. SMITH of Georgia. Then, I do not object to its consideration.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That there is hereby established in the War Department and Navy Department, respectively, a roll designated as "the Army and Navy medal of honor roll." Upon written application made to the Secretary of the proper department, and subject to the conditions and requirements hereinafter contained, the name of each surviving person who has served in the military or naval service of the United States in any war, who has attained or shall attain the age of 65 years, and who has been awarded a medal of honor for having in action involving actual conflict with an enemy distinguished himself conspicuously by gallantry or intrepidity, at the risk of his life, above and beyond the call of duty, and who was honorably discharged from service by muster out, resignation, or otherwise, shall be, by the Secretary of the proper department, entered and recorded on said roll. Applications for entry on said roll shall be made in such form and under such regulations as shall be prescribed by the War Department and Navy Department, respectively, and proper blanks and instructions shall be, by the proper Secretary, furnished without charge upon request made by any person claiming the benefits of this act.

SEC. 2. That it shall be the duty of the Secretary of War and of the Secretary of the Navy to carry this act into effect and to decide whether each applicant, under this act, in his department is entitled to the benefit of this act. If the official award of the medal of honor to the applicant, or the official notice to him thereof, shall appear to show that the medal of honor was awarded to the applicant for such an act as is required by the provisions of this act, it shall be deemed sufficient to entitle the applicant to such special pension without further investigation. Otherwise all official correspondence, orders, reports, recommendations, requests, and other evidence now on file in any public office or department shall be considered. A certificate of service and of the act of heroism, gallantry, bravery, or intrepidity for which the medal of honor was awarded, and of enrollment under this act, and of the right of the special pensioner to be entitled to and to receive the special pension herein granted, shall be furnished each person whose name shall be so entered on said roll. The Secretary of War and the Secretary of the Navy shall deliver to the Commissioner of Pensions a certified copy of each of such of said certificates as he may issue, as aforesaid, and the same shall be full and sufficient authority to the Commissioner of Pensions for the payment by him to the beneficiary named in each such certificate the special pension herein provided for.

SEC. 3. That each such surviving person whose name shall have been entered on said roll in accordance with this act shall be entitled to and shall receive and be paid by the Commissioner of Pensions in the Department of the Interior, out of any moneys in the Treasury of the United States not otherwise appropriated, a special pension of $10 per month for life, payable quarter yearly. The Commissioner of Pensions shall make all necessary rules and regulations for making payment of such special pensions to the beneficiaries thereof.

Such special pension shall begin on the day that such person shall file his application for enrollment on said roll in the office of the Secretary of War or of the Secretary of the Navy after the passage and approval of this act, and shall continue during the life of the beneficiary.

Such special pension shall not deprive any such special pensioner of any other pension or of any benefit, right, or privilege to which he is or may hereafter be entitled under any existing or subsequent law, but shall be in addition thereto.

The special pension allowed under this act shall not be subject to any attachment, execution, levy, tax, lien, or detention under any process whatever.

SEC. 4. That in case any person has been awarded two or more medals of honor, he shall not be entitled to and shall not receive more than one such special pension.

Rank in the service shall not be considered in applications filed hereunder.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 12027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was announced as next in order.

Mr. SMITH of Georgia. Mr. President——

Mr. SMOOT. This is a Civil War pension bill.

Mr. SMITH of Georgia. Is it confined exclusively to soldiers of the Civil War?

Mr. SMOOT. Yes.

Mr. SMITH of Georgia. Then I do not object to its consideration.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 3, line 7, before the words "per month," to strike out "$36" and insert "$40," so as to make the clause read:

The name of John A. Weaver, late of Company K, Sixty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, line 6, before the words "per month," to strike out "$27" and insert "$30," so as to make the clause read:

The name of David J. Ryan, late of Company I, Twenty-first Regiment, and Company D, Forty-first Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 11, after the word "determine," to strike out:

And provided further, That in the event of the death of Margaret Weber, the name of said Charles Weber shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Margaret Weber.

So as to make the clause read:

The name of Margaret Weber, widow of Charles Weber, late of Company E, Fifty-third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Charles Weber, helpless and dependent child of said Charles Weber, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

The next amendment was, on page 7, after line 22, to strike out:

The name of John W. B. Huntsman, late of Company C, Ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 11, before the words "per month," to strike out "24," and insert "$20," so as to make the clause read:

The name of Elizabeth Smith, widow of Edward W. Smith, late of Company I, Fifty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 23, before the words "per month," to strike out "$27," and insert "$36," so as to make the clause read:

The name of John Wilson, late of Company B, Twenty-ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, line 17, before the words "per month," to strike out "$24," and insert "$30," so as to make the clause read:

The name of Stephen Johnson, late of Company C, One hundred and twenty-ninth Regiment, and Company H, Forty-fourth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, line 3, before the words "per month," to strike out "$24," and insert "$20," so as to make the clause read:

The name of Lucy F. Brown, widow of Latham A. Brown, late acting master United States ship *Kinco*, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, after line 20, to strike out:

The name of Ellen G. Roder, widow of Stephen Roder, late of Company I, Eleventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 16, line 7, after the word "Artillery," to insert "War with Mexico, and principal musician Fifty-fifth Regiment Kentucky Volunteer Infantry," so as to make the clause read:

The name of Charles C. Eckert, alias Conrad Eckert, late of Batteries A and D, Third Regiment United States Artillery, War with Mexico, and principal musician Fifty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, line 13, after the name "Davis," to insert "widow of Joshua B. Davis, late first lieutenant and quartermaster Thirty-first Regiment Illinois Volunteer Infantry, and," so as to make the clause read:

The name of Martha J. Davis, widow of Joshua B. Davis, late first lieutenant and quartermaster Thirty-first Regiment Illinois Volunteer Infantry, and former widow of Samuel Benedict, late of Company B, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 19, line 4, before the words "per month," to strike out "$27" and insert "$30," so as to make the clause read:

The name of Miron Fellows, late of Company C, First Regiment New York Veteran Cavalry, and Company K, Second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, line 2, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Eva M. Van Pelt, widow of William D. Van Pelt, late of Company A, Twenty-first Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, line 21, after the name "Sholley," to insert "widow of Jacob H. Sholley, late of Company M, Second Regiment Missouri State Militia Cavalry, and"; and in line 23, before the word "nurse," to strike out "late a," so as to make the clause read:

The name of Sitha J. Sholley, widow of Jacob H. Sholley, late of Company M, Second Regiment Missouri State Militia Cavalry, and nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 29, line 1, before the words "per month," to strike out "$30" and insert "$20," so as to make the clause read:

The name of Helen D. Harrison, widow of George W. Harrison, late captain, assistant quartermaster, and brevet lieutenant colonel, United States Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CLAIMS OF SIOUX TRIBE OF INDIANS.

The bill (S. 4371) authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims was considered as in Committee of the Whole. The bill was read, as follows:

Be it enacted, etc., That all claims of whatsoever nature which the Sioux Tribe of Indians may have against the United States, which have not heretofore been determined by the Court of Claims, may be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for determination of the amount, if any, due said tribe from the United States under any treaties, agreements, or laws of Congress, or for the misappropriation of any of the funds of said tribe, or for the failure of the United States to pay said tribe any money or other property due; and jurisdiction is hereby conferred upon the Court of Claims, with the right of either party to appeal to the Supreme Court of the United States, to hear and determine all legal and equitable claims, if any, of said tribe against the United States, and to enter judgment thereon.

SEC. 2. That if any claim or claims be submitted to said courts, they shall settle the rights therein, both legal and equitable, of each and all the parties thereto notwithstanding lapse of time or statutes of limitation, and any payment which may have been made upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as an offset in such suits or actions, and the United States shall be allowed credit for all sums heretofore paid or expended for the benefit of said tribe or any band thereof. The claim or claims of the tribe or band or bands thereof may be presented separately or jointly by petition, subject, however, to amendment, suit to be filed within five years after the passage of this act; and such action shall make the petitioner or petitioners party plaintiff or plaintiffs and the United States party defendant, and any band or bands of said tribe the court may deem necessary to a final determination of such suit or suits may be joined therein as the court may order. Such petition, which shall be verified by the attorney or attorneys employed by said Sioux Tribe or any bands thereof, shall set forth all the facts on which the claims for recovery are based, and said petition shall be signed by the attorney or attorneys employed, and no other vertification shall be necessary. Official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said tribe or bands thereof to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys for said tribe or bands of Indians.

SEC. 3. That upon the final determination of such suit, cause, or action the Court of Claims shall decree such fees as it shall find reasonable to be paid the attorney or attorneys employed therein by said tribe or bands of Indians under contracts negotiated and approved as provided by existing law, and in no case shall the fee decreed by said Court of Claims be in excess of the amounts stipulated in the contracts approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and no attorney shall have a right to represent the said tribe or any band thereof in any suit, cause, or action under the provisions of this act until his contract shall have been approved as herein provided. The fees decreed by the court to the attorney or attorneys of record shall be paid out of any sum or sums recovered in such suits or actions, and no part of such

fees shall be taken from any money in the Treasury of the United States belonging to such tribe or bands of Indians in whose behalf the suit is brought unless specifically authorized in the contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior as herein provided: *Provided*, That in no case shall the fees decreed by said court amount to more than 10 per cent of the amount of the judgment recovered in such cause.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 8092) confirming patents heretofore issued to certain Indians in the State of Washington, was announced as next in order.

Mr. CURTIS. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4722) for the relief of the occupants of the Tuttle town site, was announced as next in order.

Mr. CURTIS. I ask that the bill go over. I understand that an item covering that is in the Indian appropriation bill which was recently passed.

The VICE PRESIDENT. The bill will be passed over.

HOURS OF SERVICE OF RAILROAD EMPLOYEES.

The bill (S. 3769) to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 2, after line 23, to strike out:

SEC. 2. That nothing in this act shall be held to affect or abate any violation of the act hereby amended or any suit or action pending because of such violation at the time of the approval of this act.

And in lieu thereof to insert:

SEC. 2. That nothing in this act shall affect, or be held to affect, any suit that may be instituted for recovery of penalty for violation of the act hereby amended occurring prior to the approval of this act, or any suit for such penalty or growing out of alleged violation of the act hereby amended which may be pending in any court at the time of the approval of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN L. MOON.

The bill (S. 3539) for the relief of John L. Moon was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to John L. Moon, of Opelika, Lee County, Ala., the sum of $200, as a reward for services rendered in the apprehension of criminals in the burglary of the United States post office at Auburn, Ala.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROTECTION OF FISHERIES.

The bill (S. 4401) to conduct investigations and experiments for ameliorating the damage wrought to the fisheries by predacious fishes and aquatic animals was considered as in Committee of the Whole.

The bill had been reported from the Committee on Fisheries with an amendment to strike out all after the enacting clause and insert:

That the Commissioner of Fisheries be, and he is hereby, authorized and directed to conduct investigations and experiments for the purpose of ameliorating the damage wrought to the fisheries by dogfish and other predacious fishes and aquatic animals.

SEC. 2. That the said investigations and experiments shall be such as to develop the best and cheapest means of taking such fishes and aquatic animals, of utilizing them for economic purposes, especially for food and to encourage the establishment of fisheries and markets for them.

SEC. 3. That the sum of $25.000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Commissioner of Fisheries to carry out the provisions of this act, the same to be immediately available.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

JAMES C. HILTON.

The bill (S. 606) for the relief of James C. Hilton was considered as in Committee on the Whole. It directs the Secretary of the Treasury to credit in the accounts of Passed Asst. Paymaster James C. Hilton, United States Navy, $6,033.61, being the amount stolen from United States funds by a person or persons unknown and charged against the accounts of James C. Hilton on the books of the Treasury Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEPOSITS OF ASSETS OF INSOLVENT NATIONAL BANKS.

The bill (H. R. 3575) to amend section 5234 of the Revised Statutes of the United States so as to permit the Comptroller of the Currency to deposit upon interest the assets of insolvent national banks in other national banks of the same or of an adjacent city or town was considered as in Committee of the Whole.

The bill had been reported from the Committee on Banking and Currency with an amendment, on page 2, line 4, before the word "for," to insert "with the Treasurer of the United States," so as to make the bill read:

Be it enacted, etc., That section 5234 of the Revised Statutes of the United States be amended by adding at the end thereof the following:

"*Provided*, That the comptroller may, if he deems proper, deposit any of the money so made in any regular Government depositary or in any State or National bank either of the city or town in which the insolvent bank was located or of a city or town adjacent thereto as practicable. If such deposit is made, he shall require the depositary to deposit United States bonds or other satisfactory securities with the Treasurer of the United States for the safe-keeping and prompt payment of the money so deposited. Such depositary shall pay upon such money interest at such rate as the comptroller may prescribe, not less, however, than 2 per cent per annum upon the average monthly amount of such deposits.

The amendment was agreed to.

Mr. HUGHES. Mr. President, I have no objection to what is evidently the purpose of the bill, but I want to call attention to the language of the proviso which reads:

That the comptroller may, if he deems proper, deposit any of the money so made.

I do not know what that language means, and I will inquire if any Senator can explain it?

Mr. NELSON. Mr. President, I desire to state that the purpose of the bill is to provide in the case of insolvent banks when they are placed in the hands of receivers that whatever money is collected may be deposited in banks in the neighborhood of the insolvent bank.

Mr. HUGHES. Is that what is meant by the words "deposit any of the money so made"?

Mr. NELSON. That means money made out of the receivership; that is all. The bill is designed to keep the money in the neighborhood instead of sending it off to some large city in a central point.

Mr. HUGHES. If the language is satisfactory to the Senator, it is to me; but I do not entirely understand it.

Mr. NELSON. That is the only purpose of the bill.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER.

The bill (S. 3927) for the relief of the legal representatives of Francis Busch, deceased, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). The bill will be passed over.

MAINE CENTRAL RAILROAD CO.

The bill (S. 3405) for the relief of the Maine Central Railroad Co. was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,566 to the Maine Central Railroad Co. for a special train from Mount Desert Ferry, Me., to New York City conveying foreign mails from the steamship *Kronprinzessin Cecile*, per order of the acting superintendent of the Railway Mail Service at Boston, Mass., August 6, 1914.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATIONS, OREGON.

The bill (S. 1550) to authorize the establishment of fish-cultural stations on the Columbia River or its tributaries in the State of Oregon was considered as in Committee of the Whole.

The bill had been reported from the Committee on Fisheries with an amendment on page 1, line 6, after the word "Oregon," to insert "or the State of Washington," so as to make the bill read:

Be it enacted, etc., That the Secretary of Commerce be, and he is hereby, authorized and directed to establish two or more fish-cultural stations on the Columbia River or its tributaries in the State of Oregon or the State of Washington for the propagation of salmon and other food fishes, and to make the necessary surveys, and purchase sites, construct ponds and buildings, construct, purchase, and hire boats and

equipments, and employ such assistance as may be required for the construction and operation of such fish-cultural stations at suitable points to be selected by the Secretary of Commerce, and the number of such stations to be determined by him; and for said purpose the sum of $100,000 is hereby authorized to be appropriated: *Provided*, That before any final steps shall have been taken for the construction of fish-cultural stations in accordance with this bill, the States of Oregon and Washington, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper: *Provided further*, That the operations of said hatcheries may be suspended by the Secretary of Commerce whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatcheries.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the establishment of fish-cultural stations on the Columbia River or its tributaries in the State of Oregon or the State of Washington."

BILL PASSED OVER.

The bill (S. 4418) to establish game sanctuaries in national forests, and for other purposes was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

GILA RIVER, ARIZ.

The bill (S. 4635) authorizing and directing the Secretary of the Interior to determine the most suitable method of preventing further erosion and overflow on Gila River, Ariz., was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to cause to be made by competent engineers the necessary examinations, investigations, and surveys for the purpose of determining the most suitable and practical method or methods of constructing levees, revetments, or other suitable works sufficient to prevent the Gila River from further eroding and wearing and washing away its banks and from further overflowing its banks at any point in Graham County, Ariz.; provides that said engineers shall also determine and report upon the most suitable, feasible, and practicable means of holding the said river within a fixed channel as it flows through said Graham County; provides that said Secretary shall submit to Congress the results of such examinations, investigations, and surveys, together with an estimate of the cost thereof, with recommendations thereon, at the earliest practicable date; and appropriates $15,000, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the purpose of conducting the investigations, examinations, and surveys.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 4586) to protect and conserve the halibut fisheries of the Pacific Ocean, to establish closed seasons in halibut fishing in certain waters thereof, and to restrict the landing of halibut in the United States of America and the Territory of Alaska during the closed seasons established was announced as next in order.

Mr. JONES. Mr. President, that is a bill I have not had an opportunity to give any consideration. I did not know it was pending before the Committee on Fisheries. I ask that it may go over until I can have a chance to examine it.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4884) for the relief of the estate of A. B. Denton was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 8592) for the relief of the heirs of C. S. Barbee was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 9291) for the relief of the estate of Thomas J. Mellon was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 8787) for the relief of the heirs of Hundley V. Fowler, deceased, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 9458) for the relief of the heirs of Santos Benavides was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 9459) for the relief of the heirs of S. P. H. Williams was announced as next in order.

Mr. SMOOT. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 9555) for the relief of the estate of Thomas N. Aaron was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 9556) for the relief of the heirs of John Faulkner was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 9635) for the relief of the estate of Williamson Page was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 5986) for the relief of the heirs of the late Peter Deel was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 10933) for the relief of the estate of Paul A. Swink was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 3447) for the relief of the legal representatives of the estate of Robert B. Pearce was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

FLATHEAD INDIAN RESERVATION, MONT.

The bill (S. 1059) to provide for the payment for certain lands within the former Flathead Indian Reservation, in the State of Montana, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands, with amendments, on page 1, line 7, after the word "June," to strike out "sixth" and insert "twenty-fifth"; on line 8, after the words "nineteen hundred and," to strike out "twelve" and insert "ten"; and on page 2, line 1, after the word "have," to strike out "heretofore settled upon or entered such lands" and insert "between August 26, 1910, and June 14, 1911, settled upon, or between said dates filed applications to enter such lands, and which applications have been or may hereafter be allowed," so as to make the bill read:

Be it enacted, etc., That in all cases where lands within the former Flathead Indian Reservation which were classified and appraised during the years 1912 and 1913 by the commission appointed for that purpose under authority of the act of June 25, 1910, have been appraised at an amount in excess of the amount at which similar lands were appraised by the Flathead Commission of 1907 and 1908, persons who have between August 26, 1910, and June 14, 1911, settled upon, or between said dates filed applications to enter, such lands, and which applications have been or may hereafter be allowed, shall not be required to pay more for the lands so settled upon or rented by them than the highest amount specified by the Flathead Commission of 1907 and 1908 for lands of like character and similar classification.

SEC. 2. That in all cases where patents shall be issued for land paid for under the foregoing sections of this act there shall be transferred, from any funds belonging to the United States not otherwise appropriated, to the credit of the Indians for whose benefit such lands are disposed of, such an amount as shall equal the difference between the amount so paid under said sections and the amount at which the lands so paid for have been appraised or reappraised by the commission of 1912 and 1913.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 1065) to provide for summer-residence homesteads, and for other purposes, was announced as next in order.

Mr. NORRIS. Let that bill go over.

Mr. MYERS. I hope the Senator who made that objection will at least wait until the bill is read, and see the nature of it. Under the rule I believe he can object at any time.

Mr. NORRIS. I have no objection to having the bill read, but I shall object to its consideration. I know what the bill is.

Mr. SMOOT. There is no need of wasting time.

Mr. NORRIS. I thought I would interpose the objection now, in order to save time.

Mr. MYERS. I do not make the request, then.

LANDS IN GLACIER NATIONAL PARK.

The bill (S. 1741) for the relief of certain homestead entrymen for land within the limits of the Glacier National Park was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, on page 1, line 5, after the words

"Pat Doyle," to insert "Walter E. Barricklow," so as to make the bill read:

Be it enacted, etc., That the homestead entries heretofore made by Howard E. Jones, Ernest R. Henthorn, Daniel C. Doverspike, Ora Reeves, Louis N. Fournier, Pat Doyle, Walter E. Barricklow, and Frank Kelly for lands within the limits of the Glacier National Park, in the Kalispell, Mont., land district, which entries were allowed under an order issued by the Secretary of the Interior on May 21, 1910, based upon lists approved by the Secretary of Agriculture prior to the passage of the act of May 11, 1910 (36 Stat. L., p. 354), creating the said Glacier National Park, be, and they are hereby, excepted from the force and effect of said act of May 11, 1910: *Provided*, That should said entries not be perfected as required by law the lands embraced therein shall revert to and become a part of the said Glacier National Park.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DELILAH SIEBENALER.

The bill (S. 1746) for the relief of Delilah Siebenaler was considered as in Committee of the Whole. It authorizes the Secretary of Agriculture to refund to Delilah Siebenaler the sum of $188.41, paid to the Department of Agriculture by said Delilah Siebenaler for certain timber which she cut from her homestead entry within the Cabinet Forest Reserve, Mont., prior to her receipt of patent therefor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PATENTS AND SURVEYS OF PRIVATE LAND CLAIMS.

The bill (S. 1860) in reference to the issuance of patents and copies of surveys of private land claims was considered as in Committee of the Whole. It provides that upon the payment into the Treasury of the United States of one-half of the cost of surveying and platting, which may have heretofore been made and not paid for, or which may be hereafter made, of any private land claim in New Mexico which may have been confirmed, and in reference to which the survey and plat thereof may have been or may be reported to the General Land Office and approved, a patent shall be issued to the confirmee, his heirs or assigns, for such claim, and also copies of the field notes of such approved survey and plat thereof, when requested from the proper officer, the cost of the copies of such field notes of such survey and plat to be paid for by the confirmee, his heirs or assigns, in addition to paying the said one-half of the cost of surveying and platting said claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHNSTON-M'CUBBINS INVESTMENT CO.

The bill (S. 3257) for the relief of Johnston-McCubbins Investment Co. was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay to Johnston-McCubbins Investment Co., out of any money in the Treasury not otherwise appropriated, being settlement in full of an unpaid balance of rental due for discontinued terminal railway post-office premises used for terminal purposes in the city of Salisbury, N. C., from December 16, 1913, to July 1, 1914, the sum of $644.33.

Mr. SMOOT. Mr. President, is there a report on the bill?

The PRESIDING OFFICER. There is no report on the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATE SUITS AGAINST FEDERAL GOVERNMENT.

The bill (S. 5126) giving the consent of the United States for the bringing of certain suits in the Supreme Court of the United States, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that bill go over.

Mr. SMITH of Georgia. Mr. President——

Mr. LODGE. Mr. President, I hope the Senator from Utah will not object to the consideration of the bill. It simply gives certain States the right to sue; that is all. I do not see why those States should be deprived of the right.

Mr. SMOOT. I have no objection at all to the bill, but the last time the calendar was under consideration there was an objection.

Mr. SMITH of Georgia. Mr. President, I would suggest to the Senator that the Judiciary Committee, after having this matter under consideration for quite a length of time, worked on it until I think we all agreed that this bill was proper.

Mr. LODGE. My State has a claim, and other States have claims, and I think they ought to be allowed to go in like a private suitor to try the claims. This covers all of them.

Mr. SMOOT. Then I will not object to the consideration of the bill; and if the Senator who made the objection before wants to do so, he can ask for a reconsideration.

Mr. WORKS. Mr. President, I should not like to have the statement made by the Senator from Georgia passed by. He says that the whole Committee on the Judiciary was satisfied with the bill.

Mr. SMITH of Georgia. I was under that impression.

Mr. WORKS. I think the Senator is mistaken about that; but I am not going to object to the present consideration of the bill. My objection to the bill was that this litigation ought not in the first instance to go into the Supreme Court of the United States. The Senator may remember that I made that objection.

Mr. SMITH of Georgia. I was under the impression that when we finally passed upon it there was no objection. There were several objections at times. If I was mistaken about that, I thank the Senator for correcting me.

Mr. WORKS. My opinion about it is that the jurisdiction of the Court of Claims should be enlarged, and any suits of this kind should be commenced in that court. I object to loading up the Supreme Court of the United States with original jurisdiction.

Mr. CHILTON. Mr. President, I simply ask permission to print in the RECORD the report of the subcommittee to the Committee on the Judiciary, giving the history of this matter and the authorities.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The report is as follows:

The Committee on the Judiciary, to whom were referred S. 902, S. 4059, and S. J. Res. 68, all of which sought to give the consent of the United States that suits may be brought against it by the States, beg leave to report as follows:

In addition to the above, S. 3346, giving to the Court of Claims jurisdiction to adjudicate certain claims of the State of Massachusetts against the Federal Government, was also referred to the Committee on the Judiciary, but that bill was reported back to the Senate and the Committee on the Judiciary was discharged from further consideration thereof and the same was referred to the Committee on Claims. However, if the solution of the subject made by the Committee on the Judiciary shall be approved by the Senate, it is submitted that there may be no need of any further consideration by the Senate of that bill.

The committee recommend as a substitute for all the bills above mentioned and pending before it the following:

"*Be it enacted, etc.*, That any State which now has or hereafter shall have a cause of action against the United States, which, as between individuals, would be cognizable in a court of justice, is hereby authorized to sue the United States thereon in the Supreme Court of the United States. The United States shall have the right in any such suit to interpose any counterclaim, set-off, equitable, or other defense which could be made by the defendant were such suit between individuals.

"SEC. 2. Process against and notices to the United States in any such suit may be served upon the Attorney General."

And the same is now reported to the Senate with the recommendation that the same do pass as S. 5126, and that the said S. 902, S. 4059, and S. J. Res. 68 be indefinitely postponed.

The judicial power of the United States as fixed by the Constitution extends "to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens, or subjects."

The Constitution further provides that—

"In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make." (Art. 3, sec. 2.)

By the eleventh amendment these powers were restricted as follows:

"The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State or by citizens or subjects of any foreign State."

It has been held that the United States can sue a State in an original suit brought in the Supreme Court of the United States. (136 U. S., 211; 143 U. S., 621.)

In the latter case, on page 643, the court says:

"The words in the Constitution, 'in all cases * * * in which a State shall be party, the Supreme Court shall have original jurisdiction,' necessarily refer to all cases mentioned in the preceding clause in which a State may be made, of right, a party defendant, or in which a State may, of right, be a party plaintiff.'"

These cases settle beyond all question the constitutional power of the Supreme Court of the United States to determine any suit in which a State may be a plaintiff or defendant, as well as the proposition that the United States can sue a State in the Supreme Court of the United States. The anomalous rule of allowing the United States to sue a State without the reciprocal right of a State to sue the

United States rests upon the doctrine that a sovereign can not be sued without its consent, and that the States gave their consent to have suits brought against them by a sister State, or by the United States, when they came into the Union and ratified the Constitution. (143 U. S., 646.) But the United States has not given its consent to be made a defendant, and the purpose of the bills before us and of this substitute bill is to grant that consent.

The question presented is whether or not it is right, just, and expedient to grant that consent. In the above-cited case of the United States *v.* Texas the question at issue was the boundary line between Texas and the Territory of Oklahoma. It seems that the whole of Greer County governed by Texas was involved, Texas claiming that the county was within the boundary of that State and the United States claiming that it was within the Territory of Oklahoma. The Supreme Court decided that a proper running of the boundary line put Greer County within the Territory of Oklahoma, and thereupon the claim of Texas was held to be erroneous and she was deprived of the jurisdiction which she had theretofore exercised over the county. The effect of the judgment was to transfer the land and people of the whole county from the jurisdiction of the State of Texas to the jurisdiction of the Territory of Oklahoma. If it had happened, by a similar mistake of running the boundary line, that Greer County had been erroneously placed under the jurisdiction of the Territory of Oklahoma, the State of Texas would have been helpless, except by an appeal to Congress, to correct the mistake. No reason has been assigned, and, as we think, no reason can be assigned, why, in this kind of a controversy, the State should not have the same right to appeal to the judicial power of the United States and to the jurisdiction of the Supreme Court for relief. If the sovereign State of Texas could be compelled to release its jurisdiction of a whole county by virtue of a judgment and decree of the Supreme Court, then it would seem only fair, if the position of the parties were reversed, that the Federal Government should be compelled, by the exercise of the same judicial power, to submit to a full legal investigation and to the decree and judgment which would follow the ascertainment of the facts.

The Senate has very recently passed an act granting to the State of Nevada a large tract of land for the benefit of its school fund. The same kind of grant has been made to other States. Under the terms of the grant to Nevada the State makes certain selections and locations under a plan set forth in the act. After the State shall make the selection and location it is entirely possible that there may arise a conflict due to one construction by an engineer or other subordinate officer of the Interior Department on the one side and a claim of the State on the other. If the State shall get upon the wrong side of any such controversy, the United States can fix the boundary and recover her rights by a suit in the Supreme Court of the United States against the State of Nevada. But if it should so happen that the United States through its officer should claim and occupy any part of the land granted to the State, the latter is left to the arbitrary judgment of the Department of the Interior, right or wrong, and has no recourse to any court.

A bill is pending in the Senate to provide for the development of water power and the use of public lands in relation thereto (H. R. 408). Section 13 of that bill provides:

"That nothing in this act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State relating to the control, appropriation, use, or distribution of water."

But suppose rights are claimed by the State, which rights are, in fact, invaded by the execution of the law of Congress. This might make a controversy between the State and the United States. There would be no trouble for the United States to get relief by a suit in the Supreme Court; but the State, however much its rights might be trampled upon by an executive officer, will be relegated to the tedious processes of Congress for relief.

Instances could be multiplied of the need of this reciprocal right of the States to sue the Federal Government. When we recall that the United States has had dealings with States and that contractual relations exist by virtue of acts of Congress and grants of lands, and that controversies have already arisen over boundaries, trust funds, and mutual obligations arising out of these acts and out of actual contracts, it seems that the question whether or not the Federal Government should be compelled to give the States the right to bring suit against it on the grounds of fairness and justice must be answered in the affirmative.

The Federal Government is a sovereign, but so is each of the States. Except so far as they have by the Constitution granted powers to the Federal Government, the States are supreme. Therefore the same reasons which can be urged against compelling the United States to submit to being made a defendant in the Supreme Court could be urged on behalf of each one of the States.

In the case of the United States *v.* Texas (143 U. S., 648), in a dissenting opinion by Chief Justice Fuller and Mr. Justice Lamar, the position is taken that the United States can not sue a State in an original suit in the Supreme Court. This dissenting opinion makes no reference to the case of The United States *v.* North Carolina (136 U. S., 211), wherein the original jurisdiction of the Supreme Court was exercised without question; and the only significance to this dissenting opinion is that, as late as 1891, it was seriously denied that the United States could sue a State without the latter's consent.

But for the eleventh amendment the States would have been compelled to submit to suits brought by individuals, because the original grant of judicial power was broad enough to embrace such controversies. (Chisholm *v.* Georgia, 2 Dall., 419.) This latter decision, holding that a State may be sued in the Supreme Court by a citizen of another State and that judgment may be rendered in default of an appearance, was made in February, 1793. As a direct result of this decision, on the 5th of March, 1794, a resolution of Congress was passed submitting the eleventh amendment to the States for ratification. It is hardly worth while to consider to what extent the States then recognized the right of the Federal Government to sue them in an original suit in the Supreme Court of the United States; but it is altogether probable that had the right been then asserted the eleventh amendment would have contained a provision to compel the United States to submit to a suit by a State to the same extent that the State could be sued by the Federal Government. It must be borne in mind that nowhere in the Constitution is there an express consent given by the States to a suit brought by the United States. That consent is inferred from section 3, article 2. (143 U. S., 646.)

In the last case cited the Supreme Court held that the States, having adopted the Constitution, "agreed" to the grant of judicial power and original jurisdiction in the Supreme Court in all cases "in which a State shall be a party," without excluding those in which the United States may be the opposite party, and that, therefore, the exercise of original jurisdiction in a suit brought by the United States against a State was not infringing upon the sovereignty of the State, but was "with the consent of the State sued."

It is too late to argue that by the grant of judicial power the States did not mean to create the anomalous condition that if there were mutual accounts between them and the United States which could not be adjusted out of court the State must wait for the Federal Government to bring a suit before it could file its sets-off. The thought constantly recurs, however, that the decisions leave the relations between the Federal Government and the States in the position that if the United States should sue a State upon an account the State might file a set-off which would more than avail to defeat the claim of the United States, and yet might not have a judgment over for the difference between the claim of the plaintiff and that of the defendant. The above considerations make it clear that there are no constitutional reasons why this bill should not pass. The grant of judicial power extends to "controversies to which the United States shall be a party." The Supreme Court has held that because original jurisdiction is given in those suits "to which a State shall be a party" the United States may sue a State in the Supreme Court.

It is the opinion of this committee that justice is denied when one party can sue and the other can not. It can not long obtain that the United States can sue a State, denying the reciprocal right to the State, without engendering a feeling of distrust, suspicion, and envy which is not conducive to patriotism and cordiality. The sovereign dignity of the States is as much their pride as is the sovereign dignity of the United States. The judicial construction which has evolved an actual consent of sovereign States to be sued by the Federal Government by an interpretation of article 3, section 2, of the Constitution, has clearly created an anomalous and unfair, if not a dangerous, situation. We hear much these days of the rights of States. All admit that in so far as power has not been granted by the Constitution the States are supreme, but the fear is often expressed that gradually the Federal Government is encroaching upon the rights of the States. Is not this one-sided right to invoke the judicial power, in controversies between the Nation and the States, an instance of such an encroachment, as well as a needless denial of justice?

The suggestion is made that this Republic, composed of 48 sovereign States, each with equal dignity and right, and all, outside of the granted powers in the Constitution, real sovereigns, has so construed the grant of judicial power and of jurisdiction to the Supreme Court as to leave the States, in their contractual relations with the Federal Government, but half sovereigns. A national tribunal has been created which has jurisdiction over all suits to which a State may be a party, and yet the States are in the humiliating position of being compelled to submit to a suit brought by the Federal Government without the reciprocal right of compelling the Government to submit to a suit brought by a State in the same kind of a controversy. In other words, the Federal Government, one sovereign, can compel the State, another sovereign, to keep the latter's obligations; but, no matter how solemn may be the duty and the obligation of the Federal Government, the State is powerless to enforce it. Does not such a condition imply a misconception of the purposes and objects to be attained in giving original jurisdiction to the Supreme Court? How can we expect the States to be satisfied, to feel that security which comes only with the consciousness of justice, when the enforcement of justice is one-sided and arbitrary?

The general grant of judicial power in suits in which the United States may be a party and the grant of original jurisdiction in the Supreme Court in a suit in which a State shall be a party have been so construed as to read that "the judicial power shall extend to suits to which the United States shall be a party plaintiff," whereas the Constitution meant to create a tribunal to try cases in which the United States is a "party."

The substitute bill will put into operation the full judicial power granted by the Constitution.

Upon the grounds of expediency, nothing can be urged against this bill except the possibility of the United States having to defend many suits. Such a claim is an indictment of each one of the 48 States of the Union. It is unfair to the States and entirely inconsistent with their sovereign dignity to presuppose that any of them will attempt to implead the United States except in a controversy which has received careful consideration and which can not be adjusted except by an appeal to the highest court in the land and is of such importance as to demand that judgment.

It might as well be argued that the United States would, upon slight cause, harass the States as it is to contend that the States would, except in the utmost good faith, sue the United States. The States act by the authority of their legislative bodies and through their executive departments. There is nothing in the past history of the government of the States to justify the belief that the legislature of a State would authorize a suit to be brought against the Federal Government unless it was concerning a matter of great importance which could be settled in no other way. If the Federal Government has not abused its right of suit against the States, so we may well conclude the States will not abuse the proposed legislation. The 48 sovereigns of the United States may well be trusted to confine their suits brought under the proposed legislation to matters which comport with the dignity of the Supreme Court and the high regard which the people of the country have for that tribunal.

In the opinion of this committee, the proposed legislation will make for peace, contentment, and good feeling. The Supreme Court of the United States is the national tribunal. It now tries controversies between States involving all sorts of questions of boundary and mutual obligations. (N. J. *v.* N. Y., 5 Peters, 284; R. I. *v.* Mass., 12 Peters, 657; Mo. *v.* Iowa, 7 How., 660; Fla. *v.* Ga., 17 How., 478; Ala. *v.* Ga., 23 How., 505; Mo. *v.* Ky., 11 Wall., 395; Va. *v.* W. Va., 11 Wall., 39; Nebr. *v.* Iowa, 143 U. S., 359.)

An investigation of the record in those suits will show that they were not instituted for slight cause, but that the controversies embrace matters which were in good faith in dispute between the parties and were of such dignity and importance as to demand decision by the Supreme Court of the United States. There is nothing in any of these cases to warrant the suggestion that the States acted hastily in bringing the suits. It is submitted that to legislate upon the assumption that one sovereign State of this Union would abuse the jurisdiction of the United States court is entirely out of harmony with the history of this country, the conduct of the States in the past, and is almost insulting to the sovereign dignity of the States.

The proposed legislation limits the suits which can be brought under its provisions to those which would be cognizable in a court of justice "between individuals." That clause was intended to exclude

any chance of involving a political right or claim as the subject matter of a suit. There was inserted in the bill the right of the United States in any such suit to interpose any counterclaim, set-off, equitable or other defense, which could be made by the defendant were such suit between individuals. One of the purposes of that clause was to make it perfectly clear that where the questions involved would be the settling of accounts there could be no doubt of the right of the United States to interpose any matter which might make the settlement complete.

In the case of Virginia *v.* West Virginia (220 U. S., 27) the Supreme Court held that in suits between States—

"The case is to be considered in the untechnical spirit proper for dealing with a quasi-international controversy, remembering that there is no municipal code governing the matter, and that this court may be called on to adjust differences that can not be dealt with by Congress or disposed of by the legislature of either State alone."

And in Kansas *v.* Colorado (206 U. S., 46) the court said:

"In a qualified sense and to a limited extent the separate States are sovereign and independent, and the relations between them partake something of the nature of international law."

Inasmuch as the court announced this principle upon the ground that the parties to the suit were sovereigns, the same rule would apply in controversies between the United States and a State.

In the case of Virginia *v.* West Virginia (220 U. S.) it was held that in the exercise of its original jurisdiction the Supreme Court is not bound by any special rule or by any particular form of pleading, but that it could exercise its original jurisdiction in its own way. Suits brought under the proposed act would, of course, be governed by this rule.

Mr. NELSON. Mr. President, I simply desire to say that while I shall not object to the consideration of this bill at this time, I am opposed to the bill, and shall vote against it, and was not in favor of it in the committee.

Mr. BRANDEGEE. Mr. President, with reference to the statement of the Senator from Georgia as to the attitude of the committee, I will state that there was opposition to the bill in the committee, and there was a roll call on it, if I remember correctly. I think it was only reported favorably by a majority of one, but of that I am not quite sure. I voted against it in the committee, and I shall be compelled to vote against it if it comes up for action; but I do not object at all to its present consideration.

Mr. CHILTON. Mr. President, I should like just for a minute to make an explanation. I think the Committee on the Judiciary has put in more time upon this subject than probably upon any other matter that has been before it, certainly since I have had the honor to be a member of that committee. I do not wish to take up the time. Certainly this matter has been considered enough, and I do think the Senate ought to act now, and the bill ought to be passed. As the law now is the Government can sue a State, but a State can not sue the Government. In other words, only a part of the judicial power granted by the Constitution to the Supreme Court can be exercised. The report which I have filed explains the situation; and as we are working now under unanimous consent and the five-minute rule, I desist in the hope that a vote may be taken before the time shall expire.

Mr. STERLING. Mr. President, I do not know that I shall oppose this bill, but in view of the objections that are made I should like to give the subject a little further consideration. I think I shall object to its consideration at this time.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

BILLS PASSED OVER.

The bill (H. R. 54) to pension widows and minor children of officers and enlisted men who served in the War with Spain, Philippine insurrection, or in China was announced as next in order.

Mr. CHILTON. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes, was announced as next in order.

Mr. CHILTON. Let that bill go over.

Mr. SMOOT. May I ask the Senator to give me an opportunity to explain the bill to him for a moment? Then, if he wants to object——

Mr. CHILTON. No; there is no use of taking further time with the calendar. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4256) to amend section 5146 of the Revised Statutes of the United States, so as to permit national banks located near the boundary line of adjoining States, subject to the discretion of the Comptroller of the Currency, to select only a majority, instead of three-fourths, of their directors from residents of the State in which they are respectively located was announced as next in order.

Mr. CHILTON. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 55) to authorize the Secretary of the Treasury to use at his discretion surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States was announced as next in order.

Mr. CHILTON. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 5221) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the following-named persons at the rates named:

Cornelius A. Ahearne, late acting assistant surgeon, United States Army, $12 per month.

Eliza J. Crittenden, widow of Charles Crittenden, late of Company I, Twenty-fifth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Delia Carey, widow of Michael Carey, late of Company I, Seventh Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Susan Bryant, widow of George Bryant, late of Company D, First Regiment Connecticut Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Lucy Babcock, widow of Aaron E. Babcock, late of Company B, Sixth Regiment Connecticut Volunteer Infantry $20 per month in lieu of that she is now receiving.

Walter H. Hutchinson, late first lieutenant Company A, Ninety-ninth Regiment United States Colored Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Joseph W. Crowell, late of Company D, First Battalion Nebraska Veteran Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Mary Megrady, former widow of Edward Haney, late of Company B, Fourteenth Regiment Michigan Volunteer Infantry, $12 per month.

Luther W. Garrett, late of Company D, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William M. Dern, late of Company A, Forty-sixth Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

James Cronan, late of Company C, Forty-seventh Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Jeremiah Cramer, late of Company D, One hundred and fifty-second Regiment Indiana Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Francisco Wadsworth, late of Company C, First Regiment Maine Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Sewell W. Hewett, late of Company C, Fourth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Mary F. Pulcifer, widow of Alfred H. Pulcifer, late captain Company D, Second Regiment Massachusetts Volunteer Heavy Artillery, $24 per month in lieu of that she is now receiving.

Nancy D. Morey, widow of Israel C. Morey, late of Company F, Seventh Regiment Minnesota Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Austin L. Myers, helpless and dependent child of Thomas W. Myers, late of Company C, Thirty-ninth Regiment Illinois Volunteer Infantry, $12 per month.

John M. Jennings, late second lieutenant Company K, Seventy-fourth Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

George W. Parsons, late of Company K, One hundred and seventeenth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Richard Simpson, late of Company B, Forty-seventh Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Clinton Neligh, late of Company I, Sixty-seventh Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Cyrus Stephenson, late of Company I, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John P. Walker, late of Company H, One hundred and thirtieth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Jesse Miller, late of Company L, Eighth Regiment Indiana Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Mauris Summers, late of Company D, Eighty-second Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John Withers, late of Company A, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Susan Backus, widow of Jerome Backus, late of Company D, Thirty-fourth Regiment Illinois Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Mary McHenry, widow of Charles H. McHenry, late of Company H, Fifty-first Regiment Illinois Volunteer Infantry, $12 per month.

Johnathan B. Huffman, late of Company A, Thirty-fourth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Cyrus Bowman, late of Company B, McLaughlin's Squadron Ohio Volunteer Cavalry, and Company C, Fifth Regiment Ohio Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

William Green, late of U. S. S. *Rattler*, *Great Western*, and *Tyler*, United States Navy, $50 per month in lieu of that he is now receiving.

Asa Gatton, late of Company A, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Thomas O. Oliver, late unassigned, Twenty-second Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Henry S. Fargo, late of Company D, Third Regiment, and Company A, Fifth Regiment Michigan Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James Bosley, late of Company E, Sixty-seventh Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

May Vandiver, widow of Benjamin F. Vandiver, late of Company C, Sixty-sixth Regiment, and Company K, Seventy-third Regiment Pennsylvania Volunteer Infantry, $12 per month.

Luther H. Palmer, late of Company C, Third Regiment California Volunteer Infantry, $40 per month in lieu of that he is now receiving.

William A. Willard, late of Company H, One hundred and forty-fourth Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William L. Mayden, late of Company B, Thirteenth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Samuel Graham, late of Company A, Ninetieth Regiment Ohio Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Parthenia Mattingly, widow of David C. Mattingly, alias Cosmas Mattingly, late of Company H, Sixth Regiment Kentucky Volunteer Cavalry, $12 per month.

William Hall, late of Company C, One hundred and thirty-first Regiment, and Company F, Twenty-ninth Regiment, Illinois Volunteer Infantry, $50 per month in lieu of that he is now receiving.

John Lynn, late of Company A, Forty-eighth Regiment Kentucky Volunteer Infantry, $40 per month in lieu of that he is now receiving.

John Penrod, late of Companies C and D, Twentieth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Walter S. Gibson, late of Company D, Fortieth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Adam Pulley, late of Company F, Thirty-fourth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George C. Warrick, late of Company C, Eighty-sixth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Mary E. Corson, widow of John W. Corson, late of Company F, Twenty-fifth Regiment New Jersey Volunteer Infantry, and former widow of Alexander McCormick, late of U. S. S. *Shenandoah*, United States Navy, $12 per month.

Dolores Lucero de Salaz, widow of Vicente Salaz, late of Company G, First Regiment New Mexico Volunteer Infantry, $20 per month in lieu of that she is now receiving.

James McKinney, late of Company A, First Regiment Michigan Volunteer Engineers and Mechanics, $40 per month in lieu of that he is now receiving.

Thomas F. Rowley, late of Company A, Twelfth Regiment Massachusetts Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Francis M. Kenerson, late of Company F, Seventh Regiment New Hampshire Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Nancy L. King, widow of John H. King, late of Company C, Ninety-third Regiment Indiana Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Samuel A. Hogue, late of Company G, Fortieth Regiment Illinois Volunteer Infantry, and captain Company H, Thirteenth Regiment Illinois Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Isaac F. Green, late of Company A, Osage County Regiment Missouri Home Guards, $27 per month in lieu of that he is now receiving.

William Etheredg, late of Company I, Third Regiment Iowa Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

William Roberts, late of Company H, Fifty-first Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Lydia A. Heatherly, widow of Elam T. Heatherly, late of Company E, Eleventh Regiment West Virginia Volunteer Infantry, $20 per month.

Charles W. Thornton, late of Company B, Eighth Regiment New York Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Charles E. Abbott, late of Company B, One hundred and forty-seventh Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William B. Dickey, late captain and assistant quartermaster, United States Volunteers, $36 per month in lieu of that he is now receiving.

James A. Gould, late of Company E, Sixteenth Regiment Vermont Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Edwin Bates, late of Company I, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Alonzo Newell, late of Troop F, Sixth Regiment United States Cavalry, $40 per month in lieu of that he is now receiving.

Joseph N. Foster, late of Companies B and D, Ninth Regiment New York Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Gilman P. Lombard, late of Company C, Twenty-first Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Arthur G. Sawyer, late of Company I, First Regiment Maine Volunteer Heavy Artillery, $50 per month in lieu of that he is now receiving.

George H. Stillman, late of Company G, One hundred and twenty-third Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James S. Anderson, late of Company M, Fifth Regiment Illinois Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Mary E. Lindsay, former widow of Henry Schively, late of Company G, Sixteenth Regiment Pennsylvania Volunteer Cavalry, $12 per month.

Ella C. Moody, widow of Joel Moody, late captain Company H, Second Regiment Indian Home Guards, and former widow of John M. Porter, late of Company H, Twenty-ninth Regiment Wisconsin Volunteer Infantry, $20 per month.

Lars Isaacson, late of Company A, Second Battalion, Sixteenth Regiment United States Infantry, and Company K, Forty-fourth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John D. Vance, late of Company D, and sergeant major, Twenty-fourth Regiment Ohio Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Stephen M. Teachout, late of Company F, First Regiment Michigan Volunteer Light Artillery, $36 per month in lieu of that he is now receiving.

Adonirum C. Harper, late of Company A, One hundred and thirty-second Regiment Illinois Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Parley B. West, late of Company B, Sixty-fifth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Samuel Campman, late of Company B, One hundred and eighth Regiment Illinois Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Shirley M. Nichols, widow of Edwin C. Nichols, late captain of Company G, Eighth Regiment New Jersey Volunteer Infantry, and first lieutenant of Company F, Twenty-fourth Regiment Veteran Reserve Corps, $24 per month in lieu of that she is now receiving.

Frank Seavey, late of Company A, Twenty-seventh Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Kate A. Brown, widow of Thomas G. Brown, late major, Sixty-fifth Regiment Indiana Volunteer Infantry, $20 per month.

Louise M. Wilson, widow of William M. Wilson, late of Company C, Third Regiment Rhode Island Volunteer Cavalry, and former widow of Landric M. Holcomb, late of Company D, Fourteenth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Lloyd Roberts, late of U. S. S. *Sabine*, *Ohio*, and *New Hampshire*, United States Navy, $50 per month in lieu of that he is now receiving.

Marion K. P. Sellmer, widow of Charles Sellmer, late captain of Company B, Eleventh Regiment Maine Volunteer Infantry, $30 per month in lieu of that she is now receiving.

Samuel Mercer, late of Company I, Second Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Harriet A. Mills, dependent mother of Charles B. Mills, late of Company B, Thirteenth Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Emily Thompson, widow of Jonah Thompson, late of Company I, One hundred and fifty-first Regiment Indiana Volunteer Infantry, and former widow of Henry H. Brown, late of Company G, One hundred and eighteenth Regiment Indiana Volunteer Infantry, $12 per month.

Cora E. Gossin, widow of Andrew J. Gossin, late of Company A, Thirteenth Regiment United States Infantry, $12 per month.

George W. Fernald, late of Company C, Eighty-second Regiment New York Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Rollin O. Joslyn, late of Company I, Fifteenth Regiment Vermont Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Hester Ann Steel, widow of James M. Steel, late of Company A, Eighty-seventh Regiment Indiana Volunteer Infantry, and Company A, First Regiment United States Veteran Volunteer Engineers, $20 per month in lieu of that she is now receiving.

Samuella Goodrich, widow of John T. Goodrich, late of Company F, Twenty-third Regiment Indiana Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Ruth J. McCann, widow of Thomas K. McCann, late captain and assistant quartermaster, United States Volunteers, $24 per month in lieu of that she is now receiving.

Morris P. Gossard, late of Company C, One hundred and forty-ninth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James H. Isbell, late of Company H, Eighteenth Regiment Iowa Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Henry D. Lockwood, late of Company E, Twenty-third Regiment Wisconsin Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Amos L. Griffith, late of Company F, Fifth Regiment Tennessee Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Elvira H. Jackson, widow of Isaac Jackson, late unassigned, Thirty-third Regiment Indiana Volunteer Infantry, and former widow of Daniel Miller, late of Company B, Third Regiment Michigan Volunteer Cavalry, $12 per month.

Henry M. Chase, late of Company A, Coast Guards, Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Jeremiah Lloyd, late of Company C, One hundred and eighteenth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Lidia M. Gosnel, widow of Simeon Gosnel, late of Company E, Second Regiment North Carolina Volunteer Mounted Infantry, $20 per month in lieu of that she is now receiving.

Janet Lamoreux, widow of Pardon B. Lamoreux, late second lieutenant Company K, First Regiment Wisconsin Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

John Cook, jr., late of Company H, One hundredth Regiment, and Company A, One hundred and eighty-seventh Regiment, New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Mary Thibodo, widow of Stephen Thibodo, late of Troop G, United States Mounted Rifles, War with Mexico, and Company B, Twelfth Regiment Iowa Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Henrietta Thayer, former widow of Septimus Ireland, late of Company K, Thirty-third Regiment Wisconsin Volunteer Infantry, $12 per month.

Emma E. Keyes, widow of William T. Keyes, late of Company C, Tenth Regiment, and Company D, Twenty-ninth Regiment, Maine Volunteer Infantry, $12 per month.

Virginia Bailey, widow of Mark Bailey, late of Company D, Ninth Regiment United States Colored Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Lydia C. Locke, widow of Charles E. Locke, late of Company I, Eighth Regiment, and Company B, Sixty-seventh Regiment, Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD B. CRAIG.

The joint resolution (H. J. Res. 87) authorizing and directing the Secretary of the Treasury to credit the stamp account of Edward B. Craig, as collector of internal revenue of the collection district of Tennessee, in the sum of $2,034.89, being the representative value of certain internal-revenue documentary stamps which were taken from the office of said collector by an act of burglary, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to credit the stamp account of Edward B. Craig, as collector of internal revenue for the collection district of Tennessee, in the sum of $2,034.89, being the representative value of certain internal-revenue documentary stamps which, on the night of June 23, 1915, were, by an act of burglary, taken from the safe in which the same had been properly deposited while in the custody and care of said collector.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SMITH of Georgia. Mr. President, it is nearly 2 o'clock. At that time we must take up the unfinished business. I am unwilling to pass from the call of the calendar without expressing an earnest dissent from the action of the Senate taking up the calendar under Rule VIII and limiting by motion action upon bills on the calendar to those bills to the consideration of which no objection is made.

Of course, the calendar can be called under Rule VIII, and by unanimous consent the consideration may be limited to bills to which there is no objection. The rule provides that at the conclusion of the morning business, unless otherwise ordered by the Senate, the Senate shall consider the calendar of bills until 2 o'clock, and that the consideration shall be of bills and resolutions not objected to, and "the objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration."

The right by motion to continue the consideration of a bill objected to is expressly given in this rule of the Senate.

The right at any time under the rules is given at the conclusion of the morning business to move to proceed to the consideration of any measure ripe for consideration in the Senate, and this right can not be withdrawn over objection; it can only be withdrawn temporarily through a unanimous consent.

Is it not therefore clear that the rules of the Senate forbid the limitation of consideration of bills on the calendar to bills unobjected to, except where by unanimous consent the limitation is made?

Mr. SMOOT. Of course I have a precedent to which I could cite the Senate, but the Senator says he does not desire to discuss it, and I will not cite it.

Mr. GALLINGER. The Senator from Utah is right in saying that there is a precedent, but it is a very bad precedent.

Mr. SMOOT. I was going to refer to it.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 7617.

Mr. WORKS obtained the floor.

Mr. SMOOT. Will the Senator from California yield to me for just a moment?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Utah?

Mr. WORKS. I yield.

Mr. SMOOT. I was going to ask the Senator having the bill in charge if he would not agree to lay aside the unfinished business for an hour in order to finish the calendar? I do not believe it would take over an hour, and then to-morrow, immediately after the routine morning business, he can call up the bill he has in charge for the balance of the day.

Mr. BANKHEAD. The Senator from Utah can call up the calendar to-morrow morning at the close of the routine business.

Mr. SMOOT. It would be very much easier to take up the unfinished business instead of the calendar at that time.

Mr. BANKHEAD. I hope the Senator from Utah will allow us to proceed with the bill. I do not feel that I can yield under the circumstances, and I must insist upon proceeding with it.

Mr. SMOOT. I regret that the Senator so decides.

GOOD ROADS.

The Senate as in Committee of the Whole resumed the consideration of the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

The PRESIDING OFFICER. The Senator from California [Mr. WORKS] is entitled to the floor.

Mr. THOMAS. Will the Senator yield to me for a moment?

Mr. WORKS. I yield to the Senator from Colorado.

Mr. THOMAS. I had intended to speak upon the pending bill to-day, but I am not in a physical condition to do so. I wish to give notice that to-morrow, after the remarks of the Senator from Texas [Mr. SHEPPARD], I shall address the Senate upon the pending bill.

Mr. WORKS addressed the Senate. After having spoken for about an hour and a half, he said:

Mr. President, I expected to complete what I had to say this afternoon, but the interruptions that have occurred have taken much of the time, and I am feeling somewhat weary, so I will ask the Senate to allow me to complete these remarks to-morrow or at some later time. I desire next to go into the question of the legality of this effort to appropriate the public funds. I presume there are other Senators who are ready to go on, so that no time will be lost. For that reason I will suspend here and give notice that I will proceed with what I have to say to-morrow.

[Mr. WORK's speech is printed in the Senate proceedings of the following day, April 21, 1916.]

The PRESIDING OFFICER. The question is upon the substitute reported by the committee.

Mr. SMOOT. I understand that the Senator from Colorado [Mr. SHAFROTH] desires to speak next. He is not in the Chamber. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jones	O'Gorman	Smoot
Bankhead	Kenyon	Overman	Sterling
Borah	Kern	Page	Stone
Brady	La Follette	Pittman	Swanson
Burleigh	Lane	Poindexter	Taggart
Chamberlain	Lee, Md.	Pomerene	Thompson
Chilton	Lewis	Ransdell	Tillman
Cummins	Lodge	Reed	Underwood
Curtis	McCumber	Robinson	Walsh
Gallinger	Martin, Va.	Shafroth	Warren
Gronna	Martine, N. J.	Sheppard	Williams
Hollis	Myers	Simmons	Works
Husting	Nelson	Smith, Ariz.	
Johnson, Me.	Newlands	Smith, Ga.	
Johnson, S. Dak.	Norris	Smith, Mich.	

Mr. CHILTON. My colleague [Mr. GOFF] is absent on account of illness. I will let this announcement stand for the day.

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. A quorum is present.

Mr. SHAFROTH. Mr. President, I have offered an amendment to the bill, which I should like to present to the Senate at this time. The bill in the first part provides that the Nation shall pay half and that the States shall pay the other half for the construction of these roads. I have drawn a provision which fits into the bill very well. It is after the word "roads," on page 6, line 22, to insert these words:

By the payment of one-fourth of the total cost of any such road, in the manner and upon the condition hereinafter provided, whenever individuals, the county, and State in such such road is situate shall each have contributed an amount equal to one-fourth of the estimated cost thereof.

Mr. President, the object of this amendment is, first, to get twice as much road built with the money that is contributed by the National Government. Instead of the Government paying one-half it is to pay one-fourth, and the balance of the cost is made up by contributions of the State, the county, and individuals.

The second object of the amendment is to provide that individuals shall subscribe, and therefore have a personal interest in the construction of the road, which will prevent unworthy enterprises from being undertaken. When it comes to the pocketbook men will not agree to pay their own money to construct a road unless it is necessary.

So those are the two objects which it seems to me this amendment will serve in the bill.

Now, as to the first one, the one-fourth and the one-half contribution, I want to say that the tables that are shown in the report and the tables that are found in the World Almanac as to the amount of money that is contributed for road building are perfectly astonishing. Individuals, counties, and States now contribute enormous sums of money to road building. The report estimates that $300,000,000 last year was contributed for these purposes. The World Almanac shows in detail that there was contributed in the year 1914, $249,055,068 by States, counties, and individuals. The bill appropriates simply $5,000,000 for the first year, $10,000,000 for the second year, $15,000,000 for the third year, $20,000,000 for the fourth year, and $25,000,000 for the fifth year.

Mr. GALLINGER. Mr. President——

Mr. SHAFROTH. I yield to the Senator.

Mr. GALLINGER. Has the Senator the aggregate amount contributed by individuals?

Mr. SHAFROTH. No; the total is not divided. I will state to the Senator that the experience we had in the State of Colorado——

Mr. GALLINGER. Before the Senator proceeds to give that information I wish to say I have had a little experience in trying to raise money for various public purposes, and my impression is that the amount which will be contributed by individuals will be negligible.

Mr. SHAFROTH. The experience in Colorado is directly contrary to that.

Mr. GALLINGER. I am glad to hear it.

Mr. SHAFROTH. It is true that individuals will not subscribe where they have to pay for all the road. That is true; but where they get a large contribution from the State, a large contribution from the county, they readily respond.

This is the experience which I had with the legislature of our State: It passed laws appropriating certain amounts of money in large sums for the construction of roads between certain points on condition that the counties should contribute a like amount and the individuals benefited would pay a like amount. For instance, there is one road I have in mind to which the State contributed $5,000. The county immediately contributed $5,000. The individuals found that $15,000 would not build the road and so they contributed $10,000, and did it readily.

Mr. GALLINGER. Will the Senator permit me?

Mr. SHAFROTH. I yield to the Senator.

Mr. GALLINGER. Were not those instances where the road was built to some resort or to some club or to some golf links where people of means were willing to put up some money to make it a little pleasanter to get there?

Mr. SHAFROTH. No, sir; it was built between two towns. The money that is to be subscribed by individuals need not be along the line of the road absolutely. It can be subscribed by citizens in each town to some extent, but the people who raise the money will do so all along the line and in towns also.

Mr. President, when you go to a farmer in the country or to an individual in a city and say, "We want you to contribute to build a road between certain points," he will ask, "What help do we get?" If there is no help, they do not do it. The result is that the road is not built. But as quick as you say that the State will help, that the Nation will help, that the county will help, then you will find that people will be eager to get those roads and eager to contribute their share to build them. It is on that account that I believe if you make it one-fourth that the Nation is to contribute you will get many times more roads where the people are willing to have them constructed under it, and in the end you are bound to get twice the length of road by reason of this provision.

Mr. President, I wish to call attention to the enormous amount spent upon roads in the various States. There are only two States in the Union that have their roads surfaced to the extent of 50 per cent. The State of Massachusetts has 51 per cent; the State of Rhode Island has a little over 50 per cent. The Western States have a very small percentage of their roads surfaced. But, Mr. President, it is marvelous how much has been contributed by individuals, counties, and States in the construction of roads. Take, for instance, Arizona. She contributed last year $1,009,733 for the construction of roads.

Mr. SMITH of Arizona. If the Senator will permit me, and the Government owning about 50 per cent in permanent reservations from which the State gets nothing.

Mr. SHAFROTH. I fully concur in the statement that there is a great outrage done to Arizona by reason of these permanent

reservations upon which the State can not raise a dollar by taxation.

Mr. SMOOT. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Utah.

Mr. SMOOT. Does not the Senator's amendment relieve the Government from paying for the roads proposed in the bill from one-half to one-quarter?

Mr. SHAFROTH. No; the amount appropriated is $5,000,000. Now, the question is how much road building can we get for that $5,000,000? If you make the United States Government put up half, you will get only half the quantity of roads that you would get by making it a quarter. I should like to make it less, because I believe you could get that much more road building from this fund, but inasmuch as there are only about four organizations that could contribute, namely, the Government itself, the State, the county, and then the individuals, or cities on the road, it seems to me that we are getting as much as we can out of this bill in the shape of road building. Does the Senator from Utah desire to ask any further question?

Mr. SMOOT. I have not the bill before me, but on reading the amendment it looks to me as though the effect of the amendment will be just the opposite.

Mr. SHAFROTH. Oh, no; if you turn to the bill which I have here you can readily see that it is immaterial what proportion comes in. Section 3 provides:

That for the purpose of carrying out the provisions of this act there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1917, the sum of $5,000,000—

And so forth. That is the amount. Now, how far can we make that appropriation go? If you are going to make the General Government pay one-half of the cost of the road, then you can see you will have one-half as much of the road constructed, whereas if you make the division one-fourth you will have double the amount of road building.

Mr. LODGE. Mr. President——

Mr. SHAFROTH. I yield to the Senator.

Mr. LODGE. The Senator was mentioning the percentage of State highway mileage. Did he mention Massachusetts?

Mr. SHAFROTH. Yes, sir; I did.

Mr. LODGE. It is 51 per cent.

Mr. SHAFROTH. Yes, sir. I have before me the amount of funds contributed by the States and by local contributions of all kinds to road building. Massachusetts spent $6,020,609 on roads in 1914. She has 8,908 miles of road surfaced. She has 17,272 miles of public roads, improved and unimproved, which makes 51.7 per cent of the roads of that State that are surfaced and in good condition.

Mr. LODGE. That is the amount of State highway mileage, what are called good roads.

Mr. SHAFROTH. Yes, sir.

Mr. WARREN. Mr. President——

Mr. SHAFROTH. I yield to the Senator.

Mr. WARREN. Does not the Senator believe that he has afforded the Government too small a proportion? My idea is that many States would not accept the red tape and trouble and expense, and so forth, connected with having a partnership with the United States, where the United States paid only a quarter.

Mr. SHAFROTH. I do not think so. I think the result of this will be that you will get double the road building.

Mr. POMERENE. Mr. President——

Mr. SHAFROTH. Let me answer the suggestion of the Senator from Wyoming.

Mr. WARREN. If the Senator will allow me further, I am of the opinion that the Senator is going to defeat his own object in placing the percentages along the line which he has indicated.

Mr. SHAFROTH. No.

Mr. WARREN. I do not think the State of Colorado, and I am taking the States as they present themselves——

Mr. SHAFROTH. I can take any State here and demonstrate that the State is now putting up twenty times as much money as it will get from the Federal Government. Surely, if in the year 1914 it put up twenty times as much, there would be no trouble in putting up the balance of this money in the way of getting roads built partially by the Federal Government. I yield to the Senator from Ohio.

Mr. POMERENE. I desire to say, apropos of what the Senator from Wyoming has stated that nearly all the States are doing more or less road building. I can not conceive that it is possible that any State would ever refuse to aid the contribution from the Federal Government.

Mr. WARREN. In contribution, but what about the things that go with it by the terms of the bill, in the matter of management and consultation and delay, and so forth?

Mr. POMERENE. It requires no more expense to manage the building of a road which is built totally by the State authorities than it does when it is built in partnership with the Federal Government.

Mr. SHAFROTH. I want to call the attention of the Senator from Ohio to the fact that Ohio is a good illustration. Ohio built, in the year 1914, $11,261,880 worth of roads. The portion which would come to the State of Ohio by reason of this bill is inconsiderable compared to that sum. The amount which it would receive the first year under this bill would be simply $118,000. Is it possible when it gets $118,000 that it would not put up the other three-fourths in road building, and if it put up three-fourths would not the amount of construction be twice as much as if it put up only half? Certainly it would.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Alabama?

Mr. SMITH of Arizona. Then why not make it one-twentieth?

Mr. SHAFROTH. The trouble is when you make it one-twentieth the amount is so small you get from the Federal Government that it would be subject to the objection which the Senator from Wyoming [Mr. WARREN] just made, namely, the quantity of red tape and things of that kind would make obstacles so great as to make it undesirable to take the trouble.

Mr. BANKHEAD and Mr. POMERENE addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Colorado yield?

Mr. SHAFROTH. I yield to the Senator from Alabama.

Mr. BANKHEAD. I simply wanted to ask the Senator from Colorado what would become of his amendment with the argument he makes in case the individuals he talks about as being so generous refuse to put up their share?

Mr. SHAFROTH. We have not had that condition.

Mr. BANKHEAD. I think we have it everywhere.

Mr. SHAFROTH. No; I do not think so, but I am perfectly willing in that contingency to say that these three—State, county, and individuals—shall do it. Now, what proportion the State wants to undertake or what proportion the county wants to take in that event, it seems to me, is immaterial to us, perhaps, although I think there ought to be an element here of the individual subscribing, because it is going to be a check upon the pork-barrel construction. Whenever you have individuals interested, then unquestionably you will get constructed a road that ought to be built. But if you are going to have simply the States contribute with the National Government it will depend upon who has got the best pull in order to get a road built, and roads may be built that are unnecessary by reason of that. The element of individual subscription is most valuable in getting a good road. Now I yield to the Senator from Ohio.

Mr. POMERENE. The Senator has answered the question which I intended to ask as to whether he would have these subscriptions voluntary or compulsory under the law.

Mr. SHAFROTH. Oh, voluntary.

Mr. POMERENE. In my own State the plan we have adopted, when it comes to the permanent construction of roadways, is that the State contributes 50 per cent, the county 25 per cent, the township 15 per cent, and the other 10 per cent is assessed against the property which may be benefited.

Mr. SHAFROTH. In our part of the country there has been no occasion for assessment against property. If you make the proportion small which the individuals must contribute, it will be that much easier for the individuals. I am not wedded to these particular proportions, although I do believe there ought to be an element of personal interest in individuals in order to get roads that are worth being constructed.

Mr. SMOOT. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Utah.

Mr. SMOOT. I thought the Senator from Colorado agreed to the statement made by the Senator from Ohio [Mr. POMERENE] that the roads could be built under the supervision of the Government as cheaply as they could under the supervision of the States. If that ever happens it will be the reversal of all the work that has been undertaken by our Government in the States.

Mr. POMERENE. Mr. President——

Mr. SMOOT. I want to say to the Senator that I do not believe the roads can be built under the supervision of the Government in the Western States as cheaply as they can be built under the supervision of the States.

Mr. SHAFROTH. I agree with you.

Mr. SMOOT. It seems to me that the provision of the bill is very much better than the amendment offered by the Senator from Colorado for this reason.

Mr. SHAFROTH. But that does not affect my amendment. It does not affect what you are going to do. I adopt the other provision of the bill.

Mr. SMOOT. I am perfectly aware of that; but I was going to tell the Senator why I think the half is better than the quarter plan. The State receives just so much money out of the proposed appropriation, and it takes just so much money to build a mile of road. If the Government of the United States pays the State of Ohio, for instance, $180,000 out of the first year's appropriation, they might just as well pay half as one-quarter, and complete the road as far as it will go upon that basis and then there would only be the control of the Government over that length of road. But if the State wants to extend its road building beyond what the Government appropriation will build, and can raise money in any way for the extension, as the State of Ohio has done in the past, the Government paying one-half the cost would not prevent it from doing so and the road so extended; the State would have control of the road and would not be under the Government supervision.

Mr. POMERENE. I think I failed to make myself clear or the Senator from Utah did not understand me. I do not mean to say that these roads are to be built under the control of the Federal Government. I think the State authorities should have general supervision.

Mr. SMOOT. But the bill does not provide that.

Mr. POMERENE. It does in substance. In any event, my thought is that these funds are only provided where the plans may be subject to the approval of the Government here.

Mr. SMOOT. Certainly.

Mr. POMERENE. But that the general work, the actual construction, shall be under the State or county authorities, as the case may be.

Mr. SHAFROTH. I think that is the provision of the bill. The work is to be done by the State under the supervision of the State. The general plan is to be approved by the Secretary of Agriculture.

Mr. SMOOT. The bill provides—

That the Secretary of Agriculture is authorized to cooperate with the States, through their respective State highway departments, in the construction of rural post roads.

Mr. SHAFROTH. That is true, but the actual work is to be done under the supervision of the State.

Now, Mr. President, I want to answer the objection just made by the Senator from Utah with respect to this one-half and one-fourth contribution. He says let the National Government contribute half on the highway construction and then let the individual, the county, or the State do the balance of the road. Suppose you have enough money by the National Government contribution to construct 10 miles of road and suppose the others contribute one-half. On that basis only 10 miles of road are constructed. When only one-fourth of the cost is contributed by the Nation out of its appropriation to that State it will construct 20 miles. Now that is a great advantage to the people of the State along the 20 miles. If the National Government pays one-half, then those persons who are living along that 10 miles of road will only have to put up a small part for their own private use and the people on the other 10 miles will have to pay double in order to get a road along their land.

Here is a proposition that by the payment of the National Government's one-half, 10 miles of road can be constructed. If that is true, the State and the counties and the people contribute only one-half of the amount. Suppose the Nation contributes one-fourth, then 20 miles will be constructed. If 10 miles only are constructed, as the Senator from Utah suggests, then the other 10 miles can be built by private subscription, but they will have to build it at their own expense, and they will not do it at all. Now, I yield to the Senator from South Dakota.

Mr. STERLING. Mr. President, I have been in vain endeavoring to understand the Senator's logic. He has asserted again and again that if the General Government contributes but one-fourth, twice as many miles will be constructed and paid for.

Mr. SHAFROTH. The reason is simply this, and it is very plain, it seems to me. Where the Nation contributes one-fourth and you require somebody else to contribute three-fourths, you will build twice as much road. If you pay one-fourth of it out of the National Treasury and compel the other people to contribute three-fourths, you can readily see that under this bill there will be twice as much constructed.

Mr. NORRIS. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Nebraska.

Mr. NORRIS. The Senator means, as I understand him, that for the same amount of Federal cash you get twice as much road in one instance as you will in the other.

Mr. SHAFROTH. Certainly; that is my idea.

Mr. POMERENE. Mr. President, if I may——

Mr. SHAFROTH. I yield to the Senator from Ohio.

Mr. POMERENE. The question arose a moment ago as to whether this construction should be done by the State or the Federal authority. Let me call the attention of the Senator from Utah to that portion of section 6, on page 12, beginning with line 15, which reads:

The construction work and labor in each State shall be done in accordance with its laws, and under the direct supervision of the State highway department, subject to the inspection and approval of the Secretary of Agriculture and in accordance with the rules and regulations made pursuant to this act.

Mr. SMOOT. I think that is right, and that is as I understand it; but all the work will be subject to the inspection and approval of the Secretary of Agriculture.

Mr. SMITH of Arizona. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Arizona.

Mr. SMITH of Arizona. I should like to ask the Senator from Colorado what difference it makes if we are going to build a road, say, from Tucson to Nogales, in Arizona? It is the scheme to build a road between two towns. They estimate immediately what the Government will give. We know before that road starts that we will have to give all that is necessary to build it except what the Government itself contributes. Then, in the scheme of every road you start it is absolutely immaterial. The only materiality is as to how much they get from the Government. So the mere proportion has nothing whatever to do with the amount of road that the State will build.

Mr. SHAFROTH. In answer to the Senator's inquiry I will state that, in my judgment, directly the contrary takes place. It seems to me to be plain that if 10 miles of road can be constructed by the Government under this bill upon a contribution of one-half, if it requires the people and the county and the State to contribute three-fourths and the National Government one-fourth, the result will be that they will get 20 miles of road constructed under this bill.

Mr. SMITH of Arizona. I fail to put my question fully. There are between a number of these towns nothing but Government reservations lying, and there is nobody living on them, and no one can live on them.

Mr. SHAFROTH. You will find that the condition will be that Nogales will want to contribute something under that. You will find that they will make a contribution without any trouble or without any difficulty.

Mr. NORRIS. Mr. President——

Mr. SHAFROTH. I yield to the Senator.

Mr. NORRIS. Referring to the particular question put by the Senator from Arizona, would not this be the result: If we constructed roads hereafter from one town to the other and the Government contributed one half, there would be a part of the people, if there was a law similar to the one in Ohio, who would have to make up the other half?

Mr. SMITH of Arizona. There are no people there to pay.

Mr. NORRIS. The land is there; there is something to put the road on.

Mr. SMITH of Arizona. The Government owns the land.

Mr. NORRIS. Then, I suppose there will be an amendment that the Government will have to contribute something, and I am not sure but that it ought, in States where the Government owns the land. If we had a law similar to the Ohio law, that is what would take place. The result would be that the owners of land on that portion of a particular road would have more to pay than the owners of land on other portions that the Government had to construct.

Mr. SHAFROTH. It would be unfair as to them.

Mr. NORRIS. Exactly; it would be unfair. So, when the Senator spreads the Government contribution out over the entire length of the road, he makes everybody who has to contribute something equal in his contribution.

Mr. SHAFROTH. In some years past the only contributions that were made in the construction of roads were by individuals, by working upon the road. That was a great hardship upon the individuals. It is true it was mostly in labor, but, nevertheless, inasmuch as other people use the roads, it was proper and right that other people, living in distant parts even, should pay certain parts for the construction of the road. Then there was a township element that entered into the contribution. This whole country has been developed very largely by the contribution of individuals and counties. It has been only in recent years that at least any large number of States have been contributing anything to the construction of roads. This has grown so

that the States are contributing large amounts. In my State a constitutional amendment was adopted which provides for the levy of a certain number of mills upon the taxable property of the State, which brings a return of $600,000 each year. When you take into consideration what else is paid there, you will find that the State of Colorado spent in the year 1914 on roads $2,601,449. The amount which Colorado would get under this bill during the first year would be $86,000. What proportion is $86,000 to $2,601,449? Is it possible that if the contributions were divided into fourths, so that the National Government would contribute one-fourth only, that the other three-fourths would not be raised by those counties and individuals and States, when right now they are contributing twenty times as much as this bill would give to the States?

It seems to me there is no other difficulty. You will find that citizens have objected to putting money into roads because they had to do it all. That is the reason, and whenever they get an opportunity to receive some aid or some assistance in the way of a State or county contribution they have readily cooperated with the county. When you add one-fourth by the National Government you will find the success of this bill will be largely increased in enlarging and doubling the amount of road building there will be under this bill for the same amount of money that is contained in the appropriation made in the bill.

Mr. WORKS. I should like to ask the Senator from Colorado if Colorado is raising the amount of money he mentions, which she is able to do, why should the Government contribute at all to build her roads?

Mr. SHAFROTH. They are contributing a considerable amount of money it is true, and by the people taxing themselves for it. It is quite a burden, and I believe the Federal Government ought to assist. I think it is of benefit to the Federal Government. I think from the standpoint of post roads and of military roads and a number of standpoints, and for the interest of interstate commerce, it is a matter of concern in which the National Government ought to contribute. These States, of course, pay these amounts in preference to not having the roads. It simply shows their interest in the roads.

Now, Mr. President, I want to call attention to the fact that even in a rural district where you have a road that is to be constructed you will find that if the individuals have got to do it alone they will say no. Some enterprising individual may say "I will put the road through for a distance of 5 miles," and sometimes they do.

But, Mr. President, whenever you get cooperation, whenever you can make it so that a good road will pass a man's farm and he will pay but one-fourth of the amount for its construction, you will find that he will readily cooperate and join with the Government, and that you will have a good deal more road building than if you had to rely solely upon the individual. That being the case, it seems to me that to provide that the proportion which the United States Government shall pay shall be one-fourth instead of one-half is vastly to the advantage of good road building.

Mr. President, the logic of the position of the Senator from Utah [Mr. SMOOT] would be good if it were to the effect that you would get but half of the amount appropriated. That is true. If, for instance, we should say that we would appropriate only for two roads then, whether 50 per cent or 25 per cent would be paid for the roads, if the amount were limited by the division of one-fourth or one-half, the Senator's logic would be good; but here is the exact amount appropriated—$5,000,000 the first year. What is that? It is a mere bagatelle compared to what the State, by reason of the contributions by the State government, by the county governments, and by individuals——

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Utah?

Mr. SHAFROTH. I yield to the Senator.

Mr. SMOOT. Why does not the Senator from Colorado make the amount to be contributed by the Government one-twelfth or one-twentieth? I will say that the amount which will go from the Government to the States under this bill will not amount to more than one-twentieth of the amount which the States expend in road building.

Mr. SHAFROTH. Yes; that is so.

Mr. SMOOT. Then why not make the amount one-twentieth? If the Senator wants to cover more miles of road by his proposed amendment, that is the way to do it. Let us extend it as far as possible. I believe if the Senator will look at the figures showing the amount of money expended by the States in road building, he will ascertain that nearly every State in the Union has spent twenty times more than the amount which the bill, in case it becomes a law, provides shall go to the States.

Mr. SHAFROTH. That is true; but I want to answer that argument by a statement which the Senator from Utah made a little while ago. He said the reason the States will not contribute in this case and will not come into the plan is because of the red tape necessary in order to get money from the National Government; that for that reason they would not do it; and if you make the proportion too small, there is not any doubt but what that would be the case.

Mr. President, you can readily see what would be the result. Suppose a man owned a farm lying along a road which he desired improved, or on which rural postal service was desired, and the question arose as to whether or not the Government would contribute one-twentieth, he would say "that does not amount to much, and I will not go into it"; but if you say that the Government will pay one-fourth, that the State government will contribute one-fourth, and that the county government will contribute one-fourth, he would say "I will get a good road which passes my land for one-fourth of its cost; that will improve my land." It would then be to his interest financially to subscribe to the plan.

Mr. TAGGART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. SHAFROTH. I yield.

Mr. TAGGART. Under the Senator's amendment, as I understand, the State, the county, and individuals are respectively to pay a quarter of the expense of the construction of roads and the Federal Government the other quarter?

Mr. SHAFROTH. Yes, sir.

Mr. TAGGART. In some of the States which do not have highway commissions they have no right, as I understand, to levy a State road tax. In order to meet the requirements of the Senator's amendment, would it not be necessary that the constitutions of such States should be changed in order that the States might impose a State road tax? In our own State of Indiana we have a township tax and a county tax, but we have no right to impose a road tax on account of not having a State highway commission. So that the Senator's amendment for the building of roads there would not be applicable, so far as the State part of it is concerned.

The question I want to put to the Senator is whether, in case a State was not able to levy such a tax or had to change its constitution so as to get its quarter, and the individual should not pay his quarter, what would become of the Senator's amendment so far as the building of roads is concerned?

Mr. SHAFROTH. This bill contemplates that there will have to be legislation on the part of the State, and the State doubtless can arrange that. In the State of Colorado we have a constitutional amendment which permits a levy of a certain number of mills upon all taxable property of the State. That, however, was not true up to within six years ago. Until that time we had to rely upon general appropriations, just as appropriations are made by Congress here with respect to general matters. The legislature would appropriate so much for a certain road, provided that the county and individuals would subscribe a certain amount.

Mr. TAGGART. But suppose the States which have not at present the power to make the levy contemplated by the Senator's amendment should not pass the appropriate legislation, what would be the result?

Mr. SHAFROTH. Then, in such an event, they will not get the road; that is all. That is the very test. The test is as to whether the road is a good road, whether it is essential that it should be constructed; and you will find that there are enough people who want the advantage of securing the Government fund, who will be glad to get the benefit of it, and will subscribe for the road if it is needed. It is true that heretofore it has been in the richer communities of our State, where the people have been willing to subscribe to road building and where the counties and the States have been willing to subscribe.

Mr. SMITH of Arizona. Mr. President, I appreciate the patience of the Senator from Colorado in yielding to interruptions, but right at this point I should like to interrupt him.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Arizona?

Mr. SHAFROTH. I am very glad to yield to the Senator.

Mr. SMITH of Arizona. Mr. President, I desire to state a condition which I know applies in may of the Western States where there are but few individuals who could contribute. If they were required to contribute one-fourth, as the Senator's amendment provides, it would impose a burden upon the people which they are unable to bear by individual subscription. That is the condition in my State to-day.

Further, is it thought that the Government under any sort of supervision will permit any county or any State to receive a dollar of the Federal contribution for road construction unless the program for the building of the road, including its location and the points between which it is to be built, is determined and fixed by the Government? Would the amendment be of any benefit under those conditions? While it might help the State of Colorado, it would certainly be injurious to other States. Will it help a particle that Government assistance is based on mileage? The Government will not spend the money to build a road starting from a town and stopping perhaps so abruptly that it will be absolutely worthless.

The only question of any importance to us, so far as our road building is concerned, is the amount of money contributed by the Government. When the Government makes its contribution, and we lay out a plan for a road, and they agree to it, we know we have got by hook or by crook to raise all that the Government does not put up for the enterprise. It matters nothing in the world, except as an embargo on many of the Western States, to change the proportion from the one-half plan proposed by the committee.

Mr. SHAFROTH. By changing from the half plan to the one-fourth plan, if the amount of money which the Senator from Arizona has stated is to be appropriated, you could have two roads instead of one; that would be the difference.

The conditions in my State are almost identical with those described by the Senator from Arizona as existing in that State. There is not quite as much vacant land in Colorado, but we have large mountainous sections. Roads are built there principally by contributions from towns that want to get access to other parts of the State. Consequently there is no trouble with relation to that matter.

Mr. President, it seems to me that these are the two important things to be attained by this amendment, namely, getting twice as much road building for the same amount of money contributed by the National Government under the bill; and, the second is, getting an individual interest aroused which will prevent people from lobbying with and urging officials to construct roads which are not needed. You will find when an individual contribution is required, if the roads can not be obtained unless the contribution is made, that you will get good roads in every instance.

It is a small amount with which the Government is appropriating. As I have shown here, twenty times as much money is spent in every State in the Union by the State, county, and individuals as the States will get under the appropriations of the bill; yet the amount is going to grow, it is going to be larger and larger each year. If you start upon the basis of one-half, you will find that you will not get much road building. This amendment simply tends to increase the amount of road mileage which will be built.

Mr. BANKHEAD. Mr. President, I hope this amendment will not be adopted. To my mind, it spoils "the whole plan of salvation." So far as this bill is concerned, it is built upon different lines and upon a different theory from that contemplated in the amendment proposed by the Senator from Colorado; and I hope the Senate will promptly dispose of it by voting it down.

Mr. NORRIS. Will the Senator from Alabama yield to me?

Mr. BANKHEAD. I will.

Mr. NORRIS. Mr. President, I was under a misapprehension as to what part of the bill the amendment was offered. I supposed it was an amendment offered to come in on page 11 to strike out "50" and to insert "25." I want to ask the Senator from Alabama why it was or how it was that the committee reached the conclusion that a division on the basis of a 50 per cent contribution was the proper division? I refer to the language on page 11 of the bill, where it is provided that the payment by the Federal Government shall not exceed 50 per cent of the total estimated cost. Did the committee reach that conclusion after taking evidence or making investigation; and if so, what was it?

Mr. BANKHEAD. Mr. President, this question has been debated both in committee and in the Senate, and the general consensus of opinion has been, so far as I know, that the division provided for in the bill is a proper one; that the Government, if it is going to participate in the building of post roads at all—as the Government is certainly authorized to do, and as it is certainly its duty to do—then it ought to be willing to pay one-half of the cost of the construction. That is the theory upon which the proposition was based.

Mr. NORRIS. I understood that the committee had reached that conclusion, but I was asking my question purely for information, because I have wondered a good while what part of the contribution ought to be made by the National Government. I was wondering if the committee in its investigation had reached that conclusion after some tangible evidence or what their reasons were as to why the division should be made on that basis.

Mr. BANKHEAD. Our reason, as I have already said, was that, after very thorough discussion of the question, we thought it was a fair distribution between the States and the National Government.

Mr. NORRIS. Mr. President, I was temporarily out of the Chamber when the Senator from Colorado offered his amendment. From the conversation I had with him in regard to the proposed amendment I was under the impression that he was offering an amendment on page 11, line 21, to strike out "fifty" and insert "twenty-five."

Mr. SHAFROTH. I expect to follow the pending amendment with that amendment; but the amendment which is now pending comes in in the first part of the bill, after the first three lines.

Mr. NORRIS. Yes; I have had it pointed out to me.

Mr. SHAFROTH. Very well.

Mr. NORRIS. Mr. President, I told the Senator from Colorado in our conversation that I had made up my mind to offer an amendment on page 11, in line 21, to strike out "fifty" and insert "twenty-five." If the Senator is going to offer that amendment, of course I will not offer it; and I was under the impression when I came in and heard the debate that that was the pending amendment.

It seems to me that there are serious objections to the amendment of the Senator from Colorado now pending. I believe that the object sought to be accomplished could be fully met by such an amendment as I have indicated, and the questions I have asked the chairmen of the committee have been asked for the purpose of getting light on the subject.

Of course we must draw an arbitrary line somewhere. The committee has drawn it in the bill at 50 per cent. It may be that that is right; but to me it seems that we ought to make the contributions of the Federal Government just as small as we can make it, with a view of having all of the States take advantage of the appropriation. It seems to me that 50 per cent is entirely too large, and that if that were cut in two, and made 25 per cent, instead of 50 per cent, there is no State that would not take advantage of it, and it would result in more road building under the bill than though the bill were left as it is. I will have more to say, however, on that subject when the amendment is offered. At the time I took the floor I was under a misapprehension, and supposed that the amendment to which I have referred was pending. I do not care to take up the time of the Senate in discussing that amendment now, if the Senate is anxious to vote on the amendment which has been proposed by the Senator from Colorado, and which is now pending.

Mr. SMOOT. Mr. President, if this amendment is adopted, in my opinion, there will be little road building in any State in the Union.

Mr. GALLINGER. Under this bill?

Mr. SMOOT. Under this bill. It seems to me that it will be almost impossible to get the officials of the county, the officials of a State, and individuals to agree to provide $3 for the Government's $1 to build a road. The State may agree to it and the county not agree to it, or the State and the county may agree to it, and the individuals not agree to it. The amendment provides that each must contribute an amount equal to one-fourth of the estimated cost of the road. Under such a provision the State would not get $1 of appropriations from the Government for building roads unless all agree.

Mr. SHAFROTH. Would the Senator object to a provision that the State, the county, and individuals shall contribute three-fourths?

Mr. SMOOT. That certainly would be better than the present provision.

Mr. SHAFROTH. I think the element of money paid by individuals is an important element; but, of course, if the amount could not be obtained under the present provisions of the amendment, it would be better to make it three-fourths from the three sources instead of one-fourth from each source.

Mr. SMOOT. The Senator must admit that under the wording of the amendment individuals could prevent any appropriation from the Government for building roads in any State in the Union under this bill.

Mr. SHAFROTH. Certainly; but the individual, above all others, is the one who is interested and wants the road.

Mr. SMOOT. Well, Mr. President, who pays the taxes which the State will contribute? The individual. Who pays the taxes which the county will contribute? The individual.

Mr. SHAFROTH. Not a particular individual, but all the individuals.

Mr. SMOOT. Mr. President, no individual will contribute unless he is directly interested in the road and in the locality where it is going to be built. There is no question, of course, so far as the money paid by the State is concerned, that it may be contributed in the form of taxes by individuals in the various counties of the State; but so far as the money that is to be contributed by the county is concerned, nearly all of it will be contributed by individuals who have to contribute the other one-fourth of the amount, and to me it seems that it would be perfectly useless to adopt this amendment, and if it is adopted, in my opinion there will be no road building under this bill.

Mr. STERLING. Mr. President, let me ask the Senator from Utah a question. If a road should cost, for example, $10,000 a mile—and under this bill a road may cost $20,000 a mile and the Government would contribute half of it—but say that a road costs $10,000 a mile and the General Government contributes one-fourth, leaving $7,500 to be divided between the State, the county, and individuals, the individual to pay $2,500, how many individuals does the Senator think would be able to contribute that much as a road tax or how many roads would be built under such conditions?

Mr. SMOOT. Indeed, the question may be asked how many individuals will do that. The contributions will be voluntary; they are not compulsory; and I do not think it would be possible to secure a great many contributions from individuals under this plan.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Colorado [Mr. SHAFROTH] to the amendment reported by the committee.

The SECRETARY. After the word "roads," in line 22, page 6, it is proposed to amend the amendment of the committee by inserting:

By the payment of one-fourth of the total cost of any such road, in the manner and upon the conditions hereinafter provided, whenever individuals, the county, and State in which such road is situate shall each have contributed an amount equal to one-fourth of the estimated cost thereof.

Mr. KENYON. Mr. President, I think this is such an important amendment that we should have a quorum present; and I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson, S. Dak.	O'Gorman	Sterling
Bankhead	Jones	Overman	Stone
Brandegee	Kenyon	Page	Swanson
Chilton	Kern	Pomerene	Taggart
Cummins	La Follette	Robinson	Underwood
Curtis	Lewis	Shafroth	Walsh
Gallinger	Lodge	Sheppard	Warren
Hitchcock	Martin, Va.	Simmons	Williams
Hollis	Martine, N. J.	Smith, Ariz.	
Hughes	Nelson	Smith, Mich.	
Johnson, Me.	Norris	Smoot	

Mr. WARREN. My colleague [Mr. CLARK of Wyoming] is unavoidably detained from the Chamber to-day.

Mr. SHEPPARD. I wish to state that the Senator from Mississippi [Mr. VARDAMAN] is absent on official business.

The PRESIDING OFFICER. Forty-one Senators have answered to their names. There is not a quorum present. The Secretary will call the list of absentees.

The Secretary called the names of the absent Senators, and Mr. LANE, Mr. MYERS, Mr. POINDEXTER, Mr. RANSDELL, Mr. SMITH of Georgia, and Mr. THOMPSON answered to their names when called.

Mr. CHAMBERLAIN, Mr. BECKHAM, and Mr. BURLEIGH entered the Chamber and answered to their names.

Mr. BECKHAM. I wish to announce that the junior Senator from Tennessee [Mr. SHIELDS] is absent on account of illness in his family.

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present. The question is on the adoption of the amendment proposed by the Senator from Colorado to the amendment reported by the committee.

Mr. SHAFROTH. Mr. President, I desire to perfect my amendment before it is voted upon. In line 5 of the printed amendment I desire to strike out the word "each," and in line 6 to strike out "one-fourth" and insert "three-fourths," so as to read:

By the payment of one-fourth of the total cost of any such road, in the manner and upon the conditions hereinafter provided, whenever individuals, the county, and State in which such road is situate shall have contributed an amount equal to three-fourths of the estimated cost thereof.

It seems to me that that will bring about twice the road building that will be brought about under the bill in the form in which it was reported, and I offer the amendment in that form.

Mr. BANKHEAD. Mr. President, I hope the amendment will not be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado, as modified, to the amendment reported by the committee.

The amendment to the amendment was rejected.

Mr. CURTIS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 9, in line 5, after the word "time," it is proposed to add:

Provided, That in States where the constitution prohibits the State from engaging in any work of internal improvements, then the amount of the appropriation under this act apportioned to any such State shall be turned over to the highway department of the State or to the governor of said State, to be expended under the provisions of this act and under the rules and regulations of the Department of Agriculture, when any number of counties in any such State shall appropriate or provide the proportion or share needed to be raised in order to entitle such State to its part of the appropriation apportioned under this act.

Mr. BANKHEAD. Mr. President, I examined that amendment before the Senator offered it. I think it is a very proper amendment, and I hope it will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. NORRIS. Mr. President, on page 11, line 21, I move to strike out "50" and insert "25."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment on page 11, line 21, it is proposed to strike out "50" and insert "25," so that, if amended, it will read:

The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this act on account of such project, which shall not exceed 25 per cent of the total estimated cost thereof.

Mr. NORRIS. Mr. President, it has seemed to me for some time that the Federal Government could well afford to contribute something toward the building of roads. As to just how the contribution ought to be made, as to just how much the contribution ought to be, as to the exact conditions under which the contribution should be made, there is a very wide difference of opinion, and I confess I have no well-defined idea in my own mind as to just what these conditions and these proportions ought to be. There are some reasons that have not yet been given in this debate, why it is perfectly legitimate for the Federal Government to make these contributions.

Originally, I think, roads, as a rule, were constructed by direct labor or by direct taxation in road districts, perhaps the smallest unit, and later on the unit was enlarged, and townships were required to look after the roads within the townships, and then counties, and then States; and now for several years there has been an agitation in favor of the Federal Government making some contribution. This bill is here in answer to that sentiment.

These changes in the road question have come about on account of the changed conditions of travel. When we had practically no travel, when the travel was confined to the oxcart and later on to the horse vehicle, there was not such a demand. There was more reason why the roads should be constructed and maintained by local authority. The development of the automobile, however, has enlarged the scope of the road question, and made it, to a certain extent at least, a national one.

I know it is argued by those who are opposed to Federal contribution that the States ought to build the roads. When it was first agitated that the States should build the roads, the opposition was on the ground that the counties ought to do it; and when it was first agitated that the counties should do it, the objection to that, at the beginning, was that it ought to be done by the townships. I think a fair examination and consideration of the question will lead the unbiased mind to the conclusion that all of these different geographical subdivisions ought to be taken into consideration, and that the Federal Government—not to all of the roads, but to some interstate highways, as I will call them—ought to contribute a share. The State ought to contribute, perhaps not to all of the roads within the State, but to those that are used for the purpose of connecting the counties or the business places in the counties of the State. It seems to me that the Federal Government ought to contribute something, the State ought to contribute something, the county ought to contribute something, and something ought to be contributed by those who receive a more direct benefit from the road.

We have no jurisdiction here over the State, over the county, or over the individuals, and we can only go as far as to say

what portion the Federal Government shall contribute and under what conditions the contribution shall be made; and, notwithstanding the views of some of those who object to this bill, I believe it is the object of this legislation for us to do that thing. The State, then, in raising its share of the funds can divide it up, for instance, as Ohio has done, by providing that the State shall pay, I believe, one-half and the county another proportion——

Mr. POMERENE. Mr. President, in Ohio the county pays 25 per cent, the township 15 per cent, and the property holders 10 per cent.

Mr. NORRIS. The county 25 per cent, the township 15 per cent, and those directly benefited the other 10 per cent. It seems to me that is a very fair division of it. But whatever that may be, so far as the State is concerned, each State will determine for itself; and this bill does not undertake to provide anything further than the division between the Federal Government and the State. I think the contribution of the Federal Government ought not to go to all of the roads in the country. It ought to be confined to a system of interstate highways; and, as I look at this bill, giving, as it does, to the Secretary of Agriculture power to say what the conditions shall be, what the specifications shall be, and where the roads shall be, it is intended to carry out that theory.

What proportion the Federal Government ought to pay is another question, as I said at the beginning, that is not well settled in my mind. Earlier in the day I asked some questions of the chairman of the committee with a view of getting some information on that subject, as to whether the committee had ascertained just what the proper division should be, whether it had taken any evidence or made any investigation to ascertain what the division should be; but, as I take it from the chairman's answer, the committee have just arbitrarily settled on the particular division of 50 per cent named in the bill because they believe it to be just, and I am not sure that the taking of evidence or further investigation would throw any additional light on the subject. It must necessarily be a question upon which minds will disagree.

To my mind this ought to be the basis: We ought to have the Federal Government contribute the smallest sum that will induce all of the States to take advantage of the law and get the Federal contribution. If we make the contribution too small, the States may not take advantage of it. If we make it too large, it becomes a Federal "pork-barrel" proposition, and puts upon the Federal Government too much of the burden of constructing the roads.

I believe most people will agree that the larger portion of the contribution made for the purpose of building good roads must be made by local authorities—State, county, and township, and those directly interested in the proposition. What the Federal Government ought to do is to make a contribution that would compensate for the interstate nature of the traffic, and, since the advent of the automobile, particularly, the interstate traffic upon what would be called interstate roads is quite an item.

You can go into almost any of the States and find highways bearing various names, upon which there is travel every day by people from almost every State in the Union. In my own State, on the great Lincoln Highway, passing through there, as it also passes through a large number of other States, you will find every day hundreds of automobiles from States outside of Nebraska. Where it passes through the State of Iowa you will find using the road hundreds of automobiles that are owned by people living outside of the limits of Iowa and who pay no tax in Iowa. Now, a contribution made by the Federal Government on the theory that the people of the entire Nation use these international highways, it seems to me, would be just and fair, providing the contribution were not unjust.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. NORRIS. I yield to the Senator.

Mr. GALLINGER. The Senator says that automobiles pass through the State of Iowa and pay no tax. Do they not pay an automobile tax?

Mr. NORRIS. I think not; no—not unless they are owned in Iowa.

Mr. GALLINGER. It is very different, then, from what it is in other parts of the country. Take it in the District of Columbia. We pay an automobile tax in the District of Columbia, and if we cross over the Maryland border we have to pay another automobile tax.

Mr. NORRIS. Yes; so I understand.

Mr. GALLINGER. That is a great abuse, I think.

Mr. NORRIS. I think so, too.

Mr. CUMMINS. Mr. President——

Mr. NORRIS. I yield to the Senator from Iowa.

Mr. CUMMINS. I can suggest the dividing line with respect to the payment of tax by foreign automobiles.

There is in this country a system of reciprocity with regard to automobile taxes. If an automobile proposing to enter the State of Iowa comes from a State which allows an Iowa automobile to enter its territory without pay, the automobile can pass into Iowa without pay; but when there is no such reciprocity established by the laws of the respective States, then it must pay the regular automobile fee, just as here. For instance, take Maryland. Maryland and Iowa are reciprocal States, and an automobile bearing an Iowa license can enter Maryland without any further pay, just as an automobile from Maryland can enter Iowa without pay.

Mr. GALLINGER. I wish that might be extended to the District of Columbia. The automobiles from Maryland and Virginia pass over our streets without any tax being assessed against them, but if we cross the border, either north or south, we have to take out a State license.

Mr. NORRIS. We can remedy that very easily by prohibiting their entrance into the District without payment unless they grant the same privilege to the automobiles of the District.

Mr. GALLINGER. I have been hoping that might be done. I know that I paid an automobile tax in Maryland of $15 or thereabouts, and I think I have crossed the line twice.

Mr. NORRIS. I read very frequently of automobilists from the District being arrested if they pass over the line. It always seemed to me it was a hardship. I do not suffer directly, because I have not been able yet to buy even a Ford, so that I am not bothered in that way; but——

Mr. GALLINGER. In view of what has seemed to happen in the State of Nebraska, perhaps the Senator will be favored to some extent. [Laughter.]

Mr. NORRIS. I hope so. It may be that if I had been there and had contributed to the result I might have some claim for one; but as it is I have not.

Mr. President, I have talked with many people who have crossed the continent in automobiles, and have asked them whether they had any trouble, and almost invariably they say they passed from one ocean to the other without ever being interrupted or caused any inconvenience whatever.

What I have said about the automobile applies to the automobile truck as well. There are many places where there is a great deal of interstate traffic in produce from the farm. It applies also to the carrying of the mails; and I can see how it is going to be extended, it seems to me, greatly. All these things indicate to me that it is not unfair that the Federal Government should pay something toward the upbuilding of interstate highways.

I remember that when I was a boy and lived on a farm in Ohio we were compelled to work on the road to pay for the levy that was made against the land that we owned; and that was about the only attention that was given to the road. It was worked by the various people who lived in the community, and, of course, as a rule, very poor work was done. As I said a while ago, we passed from that era. The city man became interested in the country roads. He is interested in a great many ways, and by taxation he ought to be required to pay something toward the upkeep of the road and toward its building, and so we can carry it on clear through to the Nation. It has become a national question as well as a local one.

Mr. President, there is no system of constructing highways that is complete unless the law provides for the maintenance of the highway after it has been constructed. It would be folly, I think, for any legislative body, State or national, to provide for the building of highways unless there was a provision in the law for the maintenance of the highway after it was constructed. It has always seemed to me that the authorities—the State authorities, perhaps—ought to maintain men who do nothing else but look after the highways, just as the railroads maintain section men, because everybody knows that where a little damage is done to a road a little work done immediately after the damage will save the expenditure perhaps of hundreds of dollars—if the matter were neglected for a week or 10 days. This bill, it seems to me, makes a pretty good provision about the maintenance of the highways. I have sometimes wondered whether it would not be fair and whether it would not be right for the Federal Government to pay a portion of the maintenance fee. There is not any such thing provided in this bill, and I am not sure that the bill is right in that respect. The State that does not maintain the highway that has been constructed, where there has been a Federal contribution toward its construction, will immediately lose the right to get any further Federal contribution if the Secretary desires to enforce the law. I think in that respect the bill is

not exactly what it ought to be; and I expect later on to offer an amendment that will make it compulsory upon the Secretary of Agriculture to refuse any further contribution in case the roads constructed in any State are not properly maintained by that State. As the bill is now drawn, it seems to me it gives some leeway by which the Secretary might permit States to disregard their duties in this respect.

Now, Mr. President, coming down to the particular amendment I have offered——

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. NORRIS. I yield to the Senator.

Mr. CUMMINS. Before the Senator from Nebraska passes to the amendment he has in mind, I should like to ask him a question that has rather a broad scope, and that presents at least one of the difficulties in my mind. I should like a little aid from him, if he is willing to give it.

Premising the question with a statement, I may suggest that in my State the aggregate length of the highways is, I believe, 107,000 miles. If all these highways were improved, as some time they must be, at a cost, we will say, of $6,000 a mile, the entire expense would be nearly $700,000,000. This bill proposes to give to my State, in the course of five years, a little more than $2,000,000. That, of course, is but a drop in the bucket, it is almost a negligible amount, as compared with the entire expense of improving all the highways of my State. Each State must have a system which ultimately will cover the improvement of all the highways of the State that are to be improved, the manner of their improvement, the kind of material that is to be used in the improvement, and everything of that sort.

Under this bill the Federal Government, represented by the Secretary of Agriculture, I believe, must be consulted with reference to the location of the highway to be improved and the kind of improvement that is to be put upon it. I have doubted the effect of that interference. I have wondered whether the amount proposed to be given to a State is compensation for the attempt to adjust what may be the policy of the State with regard to the improvement and the opinion of the Secretary of Agriculture with regard to the improvement. I should like to have the Senator's view about the conflict which may arise between the view of the State officials or the view of the State legislature and the view of the Secretary of Agriculture with regard to the improvement of highways, and whether, if that difference is not reconciled, it would be fair to make a State that can not adjust its system to the opinion of the Secretary of Agriculture pay any part of the tax which must necessarily be levied in order that other States that can so adjust themselves shall be benefited by the appropriation.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. NORRIS. I should like to answer the Senator from Iowa before I yield further.

I can see how it is possible under this bill for very serious disagreement to take place between the State authorities and the Secretary of Agriculture. I should be glad to obviate that in the bill, if I could, but I do not know how it could be done. It seems to me that it is impossible to obviate that possible difficulty, although I do not think it is a probable one, if we retain, as I think we must, the right to say to the State what kind of road shall be built, providing the State gets Federal aid.

I can see how a Secretary of Agriculture and the authorities of the State of Iowa might get into a dispute and both be stubborn and unreasonable, or one of them be unreasonable, and not accomplish anything. As I said, on the other hand, I do not know how to obviate that possibility, but the probabilities are that there will be no such difficulty. I take it that the Secretary of Agriculture will be anxious to do what is fair and what is right, and that he will provide rules and regulations for the building of these roads that will apply alike to all of the States, and that he will treat Iowa the same as he will treat Illinois; that States having similar territory or similar conditions to meet in the construction of roads will be treated along the same line. On the other hand, the officials of Iowa, being anxious to get the Federal contribution, will necessarily pay some attention to the ideas of the Secretary of Agriculture. It means that we are leaving this matter to a board consisting of a State authority and a Federal authority, and there must be an agreement of those two authorities before any road can be constructed or Federal aid obtained. If there is any way to avoid the difficulty that may possibly arise, I should be glad, of course, to see it done.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska further yield to the Senator from Iowa?

Mr. NORRIS. Certainly.

Mr. CUMMINS. May I make the possible controversy a little more concrete? I think in many of the Western States—I know in my own—there is now going on a controversy with regard to the improvement of highways. One school of statesmen or engineers insist that gravel roads are all that are necessary and that the proposal to put down hard-surfaced roads at an expense of ten, twelve, or fifteen thousand dollars a mile is unwise and unnecessary. There is another body of men who are just as certain that the roads ought to be of some hard-surfaced variety, either macadam or brick or cement, or some material of that sort.

Now, suppose that my State was finally to conclude—and I am not saying that it will, and I am not suggesting that I hope it will—that the gravel road, which is fairly usable for 365 days of the year, is the best way, everything considered, to deal with the question. The Secretary of Agriculture says that a hard-surfaced road is the only true solution of the present difficulty. He could take money from the Federal Treasury and put down a little hard-surface road in some particular locality and leave all the rest of the State under the general policy that it might adopt for the gravel road. That is what I have in mind.

Mr. NORRIS. Yes. I can see, of course, there is a possibilty of a dispute there that might be serious. That same possibility exists in the Senator's own State among the authorities of his State. If he were going to build a road in Iowa and this bill were not passed, he would have, as he says, some citizens of Iowa, some engineers who would say, "We must have a brick pavement." Other engineers would say, "We want a gravel road." Other engineers would say, "We must not only have a brick pavement, but we must have some certain specifications in regard to the foundations for the brick."

Mr. STERLING. Mr. President——

Mr. NORRIS. I will yield to the Senator in just a moment. There is endless opportunity for disagreement; but in Iowa, without any Federal aid, they would have to come to some conclusion at some time through some instrumentality or get no road; and of course it would be that way with the Federal conditions. I yield to the Senator from South Dakota.

Mr. STERLING. The Senator from Nebraska has answered partly my question in the last statement he made. It seems to me it rests within the State among the engineers in regard to the material of which the road shall be constructed or how it shall be constructed before Federal aid can be invoked. It must be settled by the State authority, by the highway commission of the State, for example.

Mr. CUMMINS. I am assuming just that; but suppose it does not suit the Secretary of Agriculture?

Mr. NORRIS. It would have to suit the Secretary of Agriculture.

Mr. CUMMINS. Precisely; and therefore all our roads would have to be built with the consent of the Secretary of Agriculture.

Mr. STERLING. While I agree, in the main, that it will have to suit the Secretary of Agriculture as to the plan of construction, the material of which constructed, and so forth, yet I think the Secretary of Agriculture must, in the various States with their different conditions, take into consideration the conditions in those States. For example, in Iowa or in South Dakota it would be impossible to get the material without too great a cost with which to build a hard road. He would agree to Federal aid with the construction of a road with such material as they had.

Mr. NORRIS. I have no doubt there would be no serious difficulty. The Secretary of Agriculture would be anxious, and so would the State authorities, to get the best possible roads for the money expended. We must remember that under this bill the amount that goes to any State is a definite fixed sum. I presume the Secretary of Agriculture, wanting to do what was right and to get the most good roads possible, would be guided a great deal by the opinion and the judgment of the engineers who represented the State authorities of a particular State where he was building a road.

Mr. SWANSON. If the Senator will permit me, I was on the subcommittee with the senior Senator from Alabama [Mr. BANKHEAD] and aided in preparing the bill, and I answered the very objection that has been presented by the Senator from Iowa. At the beginning of the bill the first section provides—

That the Secretary of Agriculture is authorized to cooperate with the States.

We think that language is as strong as could be made without absolutely surrendering the right of supervision. It is the

purpose of the bill to have cooperation and to aid the States in the initiation. If the Senator will consider the full force of the word "cooperation," he will see that it is about the strongest term we could use without absolutely surrendering the right to see that the money is properly expended.

Mr. CUMMINS. I agree that there is some difference between cooperation and coercion, but section 6 of the bill says specifically—

That any State desiring to avail itself of the benefits of this act shall, by its State highway department, submit to the Secretary of Agriculture project statements setting forth proposed construction of any rural post road or roads therein. If the Secretary of Agriculture approve a project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require.

And thereafter the bill says:

If the Secretary of Agriculture approve the plans, specifications, and estimates, he shall notify the State highway department and immediately certify the fact to the Secretary of the Treasury.

I assume that the Secretary of Agriculture will exercise an honest judgment, but there is a great variety in honest judgment, and I can easily see how the controversy will arise, because it is in my State now in the most aggravated and intense form; neither side is willing to give up.

Mr. NORRIS. Now, right here suppose we have a Secretary of Agriculture to come in during this dispute that is existing in Iowa and decide the question?

Mr. CUMMINS. That would make it very much worse than it is now. The only way we can ever settle that dispute is in the Legislature of the State of Iowa, whose law or whose decision will not convince but control all the people of the State.

Mr. SWANSON. If the Senator will permit me——

Mr. NORRIS. I yield to the Senator from Virginia.

Mr. SWANSON. This bill was prepared with a view that the initiation in the plans and the character of the roads and the method of construction shall be with the States. The department can not originate a proposition; it must be brought here by the State authorities. Consequently there is no limitation as to the amount to be spent, except that it can not exceed $10,000. There is a limitation in the bill.

Mr. CUMMINS. A limitation on the Government.

Mr. SWANSON. On the Government. The Government can contribute no more than that.

Mr. CUMMINS. Do you contemplate having roads built that cost $20,000 a mile?

Mr. SWANSON. No; they can not exceed that. If the Senator from Nebraska will permit me, we have had the same discussion in every State near the cities where the travel is immense, and a gravel road is very quickly destroyed, and the State and county insist on a surfaced road. Where the travel is very small through Virginia and other States a gravel road or a sand-clay road is constructed by the State authorities, and those roads are being approved. When we had the appropriation of $500,000 for experimental purposes in the Post Office appropriation act, the Federal department approved various kinds of roads as were desired and needed by the State authorities.

Mr. CUMMINS. Personally——

Mr. SWANSON. I do not see how the Senator can have language stronger by leaving it to the States to initiate and making it cooperative without absolutely turning the money loose and with the chance that a great deal of it would be wasted.

Mr. CUMMINS. I am not in favor of that. I was originally in favor of what is known commonly as the Bourne plan, in which the Government loaned its credit to the State and assumed that it would enable the State in the course of 47 years to take advantage of the credit of the General Government to receive a great deal more money than is proposed here without costing the Federal Government anything and without any supervision as to the character of road that should be built by this loan. That seems to be impracticable at the present time. While I do not say I am going to vote against this bill, for I am very much in favor of Federal aid to roads, and I think it is due the country that the Federal Government should spend money in the improvement of the highways, my impression has been toward the selection of certain prominent roads in a State, and allowing the General Government to build those roads in any way it saw fit to build them. For instance, take the Lincoln highway. The Federal Government takes the Lincoln highway across Iowa and across Nebraska and builds it so that it would be an example of the best highway building in the country. In my judgment that would do very much more for the cause than to spend a similar amount of money through a State in this way.

Mr. SWANSON. If the Senator will permit me, this bill was drawn so that a thing of that kind can be done in Iowa or Nebraska. With the money you get under this bill, if it is desired by Nebraska and Iowa, and request is made to the department, and that is the proposition presented, and if the plans and specifications are proper, it can be approved. It was fixed so that the States themselves could determine the road upon which the money should be expended.

I think if the Senator from Nebraska will consider he will see why we could not adopt the amendment limiting it entirely to 25 per cent. There was a great deal of debate in the committee and in the subcommittee as to what sum should be fixed definitely that the Federal Government should pay. Some wanted it one-third, some wanted one-fourth, some wanted one-half, and, after much discussion and consideration, the conclusion was reached that not exceeding one-half should be the term used. That would allow latitude also to let the States adopt as they may see fit, one-fourth or one-third, but not exceeding one-half. There are some large States where there is a great deal of population, but there are other States where the population is sparse and the expense is large and they could not construct good roads if limited to one-fourth or one-third. There was a great deal of difficulty in getting some States to take hold of the $500,000 which was appropriated in the Post Office appropriation act, dividing it among the States. It provided for one-third, a specific sum, and some States would not even accept that, stating that rather than to be bothered with it they would let it go. With the specifications and all they gave it up and it went to other States. After considering this matter in all its phases——

The PRESIDING OFFICER. Does the Senator from Nebraska surrender the floor?

Mr. NORRIS. I do not intend to do so.

Mr. BANKHEAD. Will the Senator from Nebraska kindly yield to me to ask him a question?

Mr. NORRIS. I should like to have a chance to answer some of the questions, and then I will be glad to yield. I should like to get in a word myself before the Chair decides that I have lost the floor.

Mr. President, I think the objection made by the Senator from Iowa could be applied to any possible bill that could be brought before the Senate, not only on the building of roads but anything else. There must be some discretion somewhere. Somebody must be left to determine what is the proper plan, the proper conditions, the proper specifications. If we had a bill here to build a public building and we decided that it should be left, as we have often done, to a commission consisting of the Secretary of State, the Secretary of War, and the Secretary of the Treasury to decide on the plans, the objection might be made that those three men would never agree, and it is possible that after the money is appropriated and the law passed we would get no building because it would be possible for them to disagree. There is not a bill providing for a judgeship but what there is a possibility of some one being selected to carry out the provisions of the law who will be dishonest, who will be unreasonable, or who will be incompetent.

It seems to me that, in the first place, we ought not at least to pass a law that will turn money over to the State and let them build as they please, under any conditions that they see fit, and at any place that they may see fit. That is contrary to the theory on which we are trying to get aid to some of the interstate highways.

Mr. President, as to the particular amendment that I have offered, we must bear in mind that the amount we have appropriated for each State is specific, it is definite. This amendment has nothing to do with that. I see the Senator from Alabama [Mr. BANKHEAD] has returned to the Chamber. I yield to him now.

Mr. BANKHEAD. I understood the Senator from Nebraska to say that he intended to offer an amendment to the bill providing that the Secretary of Agriculture should withhold the appropriation made for a State unless the State maintained the road. Am I correct in that?

Mr. NORRIS. Yes; the Senator is correct.

Mr. BANKHEAD. Now, I want to ask the Senator if he has read section 7 of the bill?

Mr. NORRIS. Yes; I have read the entire bill.

Mr. BANKHEAD. If he has not, when he reads it, I ask him if he does not think that covers the ground entirely? I make the suggestion in order that we may avoid delay in discussing or voting upon amendments that are entirely covered by the bill.

Mr. NORRIS. The Senator is laboring under a misapprehension if he thinks I have not read the bill. He is laboring

under another misapprehension if he thinks I have not read section 7. I have one amendment pending on page 11, but I expect to offer an amendment to section 7 to strike out in section 7 the words "is authorized to" and insert in lieu thereof the word "shall," so that, if adopted, the bill will read:

That the Secretary of Agriculture shall withhold apportionment of funds to any State—

And so forth, instead of reading as it does now:

That the Secretary of Agriculture is authorized to withhold—

And so forth.

Mr. President, I am going back again to the amendment that is now pending. The effect of the amendment, as I started to say a while ago, if adopted, would be, from every dollar appropriated out of the Federal Treasury, to get just twice as much road under this bill as we would if the amendment were not adopted. In other words, suppose a State should receive a million dollars as its portion of the fund in any one year, instead of spreading that million dollars out over a length of road that could be built for $2,000,000, where the State would have to contribute the other half, it would spread it out over just twice that much road. In other words, the State would have to build 2 miles instead of 1 to get the same contribution.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Michigan?

Mr. NORRIS. I yield to the Senator.

Mr. TOWNSEND. Why not put it down to one-tenth, then, and get ten times as much road.

Mr. NORRIS. I will answer that question, Mr. President. It is a proper question. It has been asked and answered before to-day, but I will take it up again. Why not put it down to 25 cents a mile or one-twentieth, as the Senator from Utah [Mr. SMOOT] said? Mr. President, this is the answer to it: It is because that would be no inducement to the State to make application for Federal funds. It would be no inducement to the State to construct a road under this bill. It would be so small that it would not pay to make the application and comply with the law, and hence no road would be built under the law. As I said at the beginning, if my judgment is right, we ought to fix the contribution as small as we can and yet get each State to take advantage of the provisions of the bill.

Mr. KENYON. Mr. President——

Mr. NORRIS. I yield to the Senator from Iowa.

Mr. KENYON. Under the Senator's amendment, reducing from 50 per cent to 25 per cent, why not reduce the appropriation one-half?

Mr. NORRIS. That could be done.

Mr. KENYON. It is a little contrary to custom; but would not that be a good thing?

Mr. NORRIS. That might not be the proper thing to do. Of course, this division is arbitrary and the appropriation is arbitrary. I am not sure but that that might be a good idea. That, however, has nothing to do with the merits of this amendment.

Some Senators ask, Why not cut this down? Let us take the other view of it and ask, Why not raise it? Why not say that the States shall contribute 10 cents for each mile of road constructed out of funds from the Federal Treasury? Would we want that? Is there anybody here who would want to advocate that kind of a proposition? I think not. Immediately we would get on dangerous ground. That is an extreme. If we fix the amount to be paid by the Government at one-twentieth, that would be the other extreme. It may be that 25 per cent is right; it may be that 50 per cent is right; but I believe that every State would take advantage of the law if the amount were fixed at 25 per cent, the same as it would if the rate were fixed at 50 per cent. As has been shown here this afternoon by the Senator from Colorado [Mr. SHAFROTH], in the last year every State in the Union has expended twenty times—I believe those were the figures—more money for the construction of roads within its limits than it would have to pay to get the advantage of this bill if the amount were fixed at 25 per cent instead of 50 per cent.

Mr. President, is there anything sacred about this 50 per cent? Is it like the famous, time-honored, sacred, but rather abandoned, theory of 16 to 1, and that nothing else will do except 50 per cent? Would 49 per cent hurt? Would 51 per cent be criminal? It is possible that some other provision ought to be made than the one I have drawn in my amendment; I am not contending anything to the contrary. My own judgment is we could put it still lower, because, after all, this contribution is not going to be a drop in the bucket so far as the construction of the highways of the Union are concerned. Every State has got to build and will build and does build many times more highways than it would build under the provisions of this law; and so long as the States are going to build more roads anyway, it seems to me as to the contribution that the Federal Government makes, it would be wise to spread it out over as great a length of road as possible, and get what I think everybody will concede will be a first-class road, and require the States to properly maintain the road after it is constructed.

The nearer you put the Federal contribution to the total cost of the road, the nearer you come to making a "pork-barrel" proposition of the whole thing; and the nearer you approach the other limit, so low, but yet so high, that the State will consider it a benefit to take advantage of the law, you come that much nearer to perfection in the bill, as I look at it.

It seems to me, therefore, that we ought to adopt an amendment that would cut down the Federal contribution at least as far as the amendment I have proposed does so.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Nebraska [Mr. NORRIS] to the amendment reported by the committee. [Putting the question.] By the sound the Chair is unable to decide.

Mr. KENYON and Mr. NORRIS called for the yeas and nays.

Mr. BANKHEAD. Mr. President, I should like to know what the motion is.

Mr. VARDAMAN. Mr. President, I rise to a parliamentary inquiry. What is the exact question?

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Nebraska [Mr. NORRIS] to the amendment reported by the committee. The Secretary will state the amendment to the amendment.

Mr. BANKHEAD. I hope the amendment will not be adopted.

The SECRETARY. On page 11 of the committee amendment, line 21, it is proposed to strike out "fifty" and to insert "twenty-five," so as to read:

The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this act on account of such project, which shall not exceed 25 per cent upon the total estimated cost thereof.

The PRESIDING OFFICER. The yeas and nays are called for.

The yeas and nays were ordered, and the Secretary proceeded to call the roll:

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. MCLEAN]. In his absence I transfer that pair to the Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT]. In his absence I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. SIMMONS (when his name was called). I inquire whether the junior Senator from Minnesota [Mr. CLAPP] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. SIMMONS. I transfer my pair with that Senator to the Senator from California [Mr. PHELAN] and vote "nay."

Mr. SMITH of Georgia (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Maryland [Mr. LEE] and vote "nay."

Mr. STERLING (when his name was called). I am paired with the Senator from South Carolina [Mr. SMITH]. I transfer that pair to the Senator from Illinois [Mr. SHERMAN] and vote "nay."

Mr. STONE (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Kansas [Mr. THOMPSON] and vote "nay."

Mr. SUTHERLAND (when his name was called). I wish to inquire if the Senator from Arkansas [Mr. CLARKE] has voted?

The PRESIDING OFFICER. The Chair is informed he has not voted.

Mr. SUTHERLAND. I have a general pair with that Senator, and therefore withhold my vote.

Mr. SHAFROTH (when the name of Mr. THOMAS was called). I announce the absence of my colleague [Mr. THOMAS] on account of illness.

Mr. TOWNSEND (when his name was called). I have a general pair with the junior Senator from Florida [Mr. BRYAN], but I believe if he were present he would vote as I am going to vote, and therefore I will vote. I vote "nay."

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. In his absence I transfer that pair to the Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. WALSH (when his name was called). I inquire whether the Senator from Rhode Island [Mr. LIPPITT] has voted?

The PRESIDING OFFICER. The Chair is informed the Senator from Rhode Island has not voted.

Mr. WALSH. I have a general pair with that Senator, which I transfer to the Senator from Louisiana [Mr. BROUSSARD] and vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Tennessee [Mr. LEA] and vote "nay."

The roll call was concluded.

Mr. GALLINGER. I inquire if the senior Senator from New York [Mr. O'GORMAN] has voted?

The PRESIDING OFFICER. The Chair is informed he has not voted.

Mr. GALLINGER. I have a general pair with that Senator, and in his absence will withhold my vote; but will be glad to be counted to make a quorum if necessary. I shall not object to that being done.

Mr. WARREN. I wish to announce the absence of my colleague [Mr. CLARK of Wyoming], who is paired with the Senator from Missouri [Mr. STONE], as stated by that Senator.

Mr. CHILTON. I have a pair with the Senator from New Mexico [Mr. FALL], which I transfer to the Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. JAMES. I desire to announce that my colleague [Mr. BECKHAM] is unavoidably detained, and is paired with the Senator from Delaware [Mr. DU PONT].

I transfer the pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Wisconsin [Mr. HUSTING] and vote "nay."

Mr. LA FOLLETTE. I wish to announce the unavoidable absence of the junior Senator from Wisconsin [Mr. HUSTING], who is paired on this vote, under the statement of the Senator from Kentucky [Mr. JAMES], with the Senator from Massachusetts [Mr. WEEKS].

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from South Dakota [Mr. JOHNSON] and vote "nay."

Mr. GALLINGER. I am requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Colorado [Mr. THOMAS];

The Senator from Idaho [Mr. BRADY] with the Senator from Florida [Mr. FLETCHER]; and

The Senator from Kansas [Mr. CURTIS] with the Senator from Georgia [Mr. HARDWICK].

The yeas and nays resulted—yeas 11, nays 36, as follows:

YEAS—11.

Brandegee	Jones	Oliver	Shafroth
Cummins	Kenyon	Page	Wadsworth
Hughes	Norris	Pomerene	

NAYS—36.

Ashurst	La Follette	Ransdell	Stone
Bankhead	Lane	Robinson	Swanson
Burleigh	Lewis	Sheppard	Tillman
Chamberlain	Martin, Va.	Simmons	Townsend
Chilton	Martine, N. J.	Smith, Ariz.	Underwood
Gronna	Myers	Smith, Ga.	Vardaman
Hollis	Overman	Smith, Mich.	Walsh
James	Pittman	Smoot	Warren
Johnson, Me.	Poindexter	Sterling	Williams

NOT VOTING—49.

Beckham	du Pont	Lee, Md.	Sherman
Borah	Fall	Lippitt	Shields
Brady	Fletcher	Lodge	Smith, Md.
Broussard	Gallinger	McCumber	Smith, S. C.
Bryan	Goff	McLean	Sutherland
Catron	Gore	Nelson	Taggart
Clapp	Harding	Newlands	Thomas
Clark, Wyo.	Hardwick	O'Gorman	Thompson
Clarke, Ark.	Hitchcock	Owen	Weeks
Colt	Husting	Penrose	Works
Culberson	Johnson, S. Dak.	Phelan	
Curtis	Kern	Reed	
Dillingham	Lea, Tenn.	Saulsbury	

The PRESIDING OFFICER. On the amendment of the Senator from Nebraska to the amendment reported by the committee, the yeas are 11 and the nays 36. The Senator from Delaware [Mr. SAULSBURY], the Senator from Utah [Mr. SUTHERLAND], and the Senator from New Hampshire [Mr. GALLINGER] being present but not voting, a quorum is present, and the amendment is rejected.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 42 minutes p. m.), on motion of Mr. BANKHEAD, the Senate took a recess until to-morrow, Friday, April 21, 1916, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 20, 1916.

ASSISTANT SECRETARY OF WAR.

William M. Ingraham to be Assistant Secretary of War.

RECEIVER OF PUBLIC MONEYS.

Andrew J. Foster to be receiver of public moneys at Lakeview, Oreg.

POSTMASTERS.

GEORGIA.

Stephen B. Pace, Carrollton.
R. C. Thornton, Hartwell.

ILLINOIS.

Joseph H. Wagoner, Glenellyn.

MISSISSIPPI.

W. N. Guyton, Blue Mountain.

NEW JERSEY.

J. H. Barcklow, Moorestown.

VIRGINIA.

Sidney Sheltman, Christiansburg.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 20, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our Heavenly Father, we appeal to Thee with all the fervor of our soul in the present crisis and pray most earnestly that the strained relations 'twixt our Government and the Government of Germany may be justly and amicably adjusted without violence, for what affects one nation affects all nations for weal or for woe. Already the earth is reeking with the blood of innocent men, women, and children. Millions are dead and other millions are maimed for life. Thousands of homes have been destroyed and desolation stalks over the land where once peace and happiness reigned. Move, we beseech Thee, upon the hearts of those responsible for the awful conditions existing in half the world. Teach them and all mankind the art of living together in peace and harmony; that love may fill all hearts, all homes, all peoples, that Thy kingdom may indeed come and Thy will be done on earth as it is in heaven. In the name of the Prince of Peace. For Thine is the kingdom and the power and the glory forever. Amen.

CALL OF THE HOUSE.

The SPEAKER. The Clerk will read the Journal.

Mr. GARD. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GARD. I make the point that there is no quorum present.

The SPEAKER. The gentleman from Ohio makes the point that there is no quorum present.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from North Carolina moves a call of the House.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. GARD. Mr. Speaker, I withdraw the point of order.

Mr. MANN. It is too late.

The SPEAKER. It is too late. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Anthony	Cooper, Ohio	Evans	Graham
Browne	Copley	Fairchild	Griest
Burnett	Dale, N. Y.	Farley	Griffin
Cantrill	Davis, Minn.	Flynn	Guernsey
Carter, Mass.	Decker	Foss	Hart
Cary	Dempsey	Frear	Heaton
Casey	Dewalt	Gallivan	Henry
Chandler, N. Y.	Dooling	Gardner	Hill
Chiperfield	Driscoll	Good	Jacoway
Coady	Dupré	Goodwin, Ark.	Johnson, S. Dak.

Johnson, Wash.	McCracken	Ragsdale	Switzer
Jones	McCulloch	Rauch	Tague
Kennedy, Iowa	McKinley	Reavis	Talbott
Kennedy, R. I.	Madden	Russell, Ohio	Thomas
Kettner	Maher	Sabath	Treadway
Konop	Moon	Scott, Pa.	Vare
Lazaro	Mooney	Scully	Watkins
Lever	Morgan, La.	Sears	Williams, W. E.
Lewis	Morin	Siegel	Wilson, Fla.
Liebel	Moss, W. Va.	Snell	Wilson, La.
Linthicum	Murray	Snyder	Winslow
Lobeck	Patten	Stafford	
Loft	Pou	Steele, Pa.	
Loud	Price	Stephens, Nebr.	

The SPEAKER. On this vote 340 Members, a quorum, have responded to their names.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. The Clerk will read the Journal.

THE JOURNAL.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5415. An act to authorize the construction of a bridge across the Fox River at Geneva, Ill.; and

S. 697. An act authorizing a credit in certain accounts in the office of the Auditor for the War Department.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 12766. An act to increase the efficiency of the Military Establishment of the United States.

CADETS AT WEST POINT.

Mr. HAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 4876, a bill to increase the number of cadets at the West Point Military Academy, and agree to the conference asked for by the Senate.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (S. 4876) to provide for an increase in the number of cadets at the United States Military Academy.

Mr. HAY. Mr. Speaker, the Senate disagreed to the House amendments and asked for a conference.

Mr. MANN. The gentleman wants the House to insist upon its amendments and ask for a conference.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent to take from the Speaker's table Senate bill 4876, insist on the amendments of the House thereto, and agree to the conference asked for by the Senate. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. HAY, Mr. DENT, and Mr. KAHN.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday. The Clerk will call the committees.

The Clerk called the Committee on Printing.

REVISION OF PRINTING LAWS.

Mr. BARNHART. Mr. Speaker, I call up House bill 8664.

The SPEAKER. The Clerk will report it.

The Clerk read the title of the bill, as follows:

A bill (H. R. 8664) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into Committee of the Whole House on the state of the Union, with the gentleman from Mississippi [Mr. SISSON] in the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8664, with Mr. SISSON in the chair.

On assuming the chair Mr. SISSON was greeted with applause.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8664. The Clerk will report it.

The title of the bill was again read.

Mr. BARNHART. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Without objection, the first reading of the bill will be dispensed with.

There was no objection.

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. BARNHART. Mr. Chairman, I wish first to make an uninterrupted explanation of the provisions of this bill, after which I shall be glad to yield to any Member who desires to ask me any question in reference to it.

To the Members of this House who served in the Sixty-third Congress, and to many who served in previous Congresses, the revision of the Government printing laws is no new subject. Some 15 years ago abuses and recklessness in Government printing and binding procedure became so apparent that the Congress appointed a committee of experts to investigate and report, and the findings of this commission were so strikingly suggestive of needed reforms that a good many abuses and much of the carelessness in printing excessive and practically useless documents were abandoned. But the printing laws which permitted or encouraged this abuse or carelessness in Government printing have not been materially changed, and in both the Sixty-second and the Sixty-third Congresses diligent effort was made to enact a comprehensive and efficient public printing law, with the result that in the Sixty-second Congress the bill passed the Senate, but failed on account of time in the House, and in the Sixty-third Congress the bill passed the House, but failed in the Senate on account of lack of time necessary to consider it. The bill hereby presented is virtually the same that passed the House in the Sixty-third Congress after many days of diligent and painstaking consideration of the needs of the public service and the efficient organization of a force necessary to promote accurate, prompt, and economical Government printing, and dependable distribution of the same. It is the same as the one introduced by the Senate Committee on Printing. It carries, with one or two exceptions, the same wages of employees agreed upon in the bill which passed the House, and which are generally satisfactory to all concerned, the same being based on reports furnished by the Department of Labor and also by inquiry on the part of the committee for wage scales in printing establishments of the leading cities of the United States. Furthermore, the bill carries provision for furnishing Members of Congress the kind of public documents needed in their respective districts, rather than an assortment of documents for all districts alike, whereby all Members find more or less documents allotted to them which their constituents can not use to any advantage, and which policy of distribution is the cause of an enormous waste of public documents.

To the Members of the present session of Congress who were not Members heretofore I especially present some of the features of this bill and point out some of the causes that necessitated, as the committees of both branches of the Congress believe, the revision of the printing laws so as to conform to present needs. In presenting this bill to the House in the Sixty-third Congress I presented a brief carrying the fundamentals of the bill and some argument in favor of improved legislation for the public-printing service, and am pleased to resubmit it both for the edification of those not familiar with the bill and with the Government printing service, and that it may have place in the RECORD that new Members may gather therefrom a comprehensive grasp of the scope and purpose of the proposed legislation.

This bill is a plain business proposition in which every Member of Congress and every reading and thinking individual in our country is interested, for it has to do with their general information, their convenience, and their expenditures. And inasmuch as I am anxious to spend as little time as possible in general debate and give you the most intelligent and comprehensive outline of the proposed legislation possible, it will be a favor if I be spared from interruptions during the formal presentation, and after I am through with this I will try to answer any interrogatories which may suggest themselves to you.

FOREWORD.

As a matter of information, the Government has a public printing office the buildings and equipment of which are invoiced at $5,500,000, the annual expenditure for the operation of the establishment is approximately $7,000,000, and the output must be the mental and mechanical product of the best and most accurate skill in the printer's art. The building is a model in architectural arrangement, the equipment is modern and complete, and the four thousand and more employees have sanitary system, medical attention, and emergency hospital facilities highly creditable to the best Government in the world.

In addition, in comparison with the wage scales of printers, binders, and machinists in the printing industries of the large cities of the United States, as shown by the union wage scales officially compiled by the Department of Labor, our Government pays its Printing Office employees more than the average

wage scales, it gives them an annual leave of absence of 30 days with full pay, it guarantees stable wages whether prosperity or panic prevails in the country, it provides them with medical and surgical relief during working hours, and it assures them permanent employment if they are faithful. With these ideal conditions as a foundation for a public printing service the people have a right to expect helpful results, and they may have if Congress will systematize and economize to the end that a maximum of service in useful public documents be given at a minimum of expense.

Your Committee on Printing has carefully and impartially considered the necessity for better legislation for this branch of the Government service. It has given hearings to all who asked to be heard and to many whose knowledge and advice might aid in the preparation of a good bill. And it has gathered data from the hearings and investigations of preceding committees in both House and Senate, and comes to you with the fundamentals, at least, of a just and wholesome measure, in which every Member is interested.

The impression is abroad that Members of Congress—in both branches—are following long-established customs of grab-bag methods in printing and franking privileges not creditable to those big enough to make laws for our national welfare. It is doubtful if this impression is justified, as a whole, but that there is a tremendous waste in our methods of printing and distributing public documents there is not a doubt, as the official report accompanying this bill will readily show you. You would be amazed if I were to tell you that in public-document procedure alone we surely waste a half million dollars a year; and add to this the wrapping, franking, envelopes, leave to print, and other excesses which this bill aims to correct and it will amount to more than a million dollars a year that is absolutely wasted, except to those who profit by the production.

FEATURES OF THE BILL.

Most of this bill is reaffirmation of existing law. Whenever present law has been found conducive to good results, it has not been changed, but the advantageous new features of the bill, as the committee sees them, grouped into general subjects, are as follows:

Valuation system of allotment of documents to Members, so each may have the publications he needs for distribution in his particular locality.

Restrictions of departments in free-hand and duplicate document printing.

Limitation of printing frank slips and envelopes, correcting both printing and franking abuses.

Restricting leave to print extraneous matter in the CONGRESSIONAL RECORD.

More satisfactory plan for printing for committees.

Labor-saving method of folding, wrapping, and handling public documents.

Publication of morning bulletin of day's program of House and Senate business, showing advance program of congressional proceedings.

Rearrangement of Government printing officials and salaries.

More general supervision by joint committee and Public Printer over all public printing.

Requiring all printing and binding to be done at the Government Printing Office.

And providing fines and imprisonment for violations of franking and distribution privileges.

FAULTY DOCUMENT DISTRIBUTION.

Not only is our present system of printing and distributing extravagantly wasteful, but it does not give Members of Congress their allotment of the kind of publications that are most helpful to the people they represent. For instance, every Member of Congress sends out many publications to his people which are of little or no use to them, because they are allotted to him and he thinks it better to send them out than to let them lapse and be sold for junk paper. A Member in a purely agricultural district has little use for the publications useful in cities now allotted to him, and the Member representing the city has little or no use for much of the agricultural literature, and so forth, allotted to him. As it is now, Representatives from forest and prairie, from seacoast and interior, from cotton belt and wheat fields, from shop and live-stock ranch, and from city and country, are all given the same kind of free documents for their constituents, and, of course, much of it is useless because it has no relation to conditions in the locality to which it is allotted.

Hereafter each Member of the House will be allotted $1,800 worth of public documents for his district each year and each Senator $2,200 worth each year. This is practically the same expense per Member—a little more, indeed—as the Government is now incurring in printing documents. But the advantages of the new system are many. In brief, the Printing Office will issue limited-edition copies of documents from time to time as the demand requires, and this will save much waste in printing allotment stuff not wanted, as is now done; each Member will be given only what he orders, and many will therefore draw less than their allotment, which will be another saving; no Member can draw on his allotment after his term expires, and new Members can supply the wants of their constituents as soon as their term begins and not encounter an exhausted document list because the predecessor had drawn out everything available, both present and future; Members can order what they need, and nothing else will be printed and wasted for them, and thus the people will get that which is helpful in their vicinity and vocation, and there will be no excess printing of unwanted documents, as is always done where Members are given the same allotments of the various documents.

And so this provision will be a great saving in printing expense, a great convenience to Members, and a great help to those for whose benefit public documents are issued.

FRANKED STATIONERY PRINTING.

The franking privilege is much abused at much cost and without profit to any considerable number. True, this is a function of legislation not strictly within the province of this committee, but we can help by the regulation of frank slip and envelope printing, so that the possibility of excessive franking shall be limited. To say nothing of the number of frank slips and white document envelopes used by Representatives during the year 1914, the Public Printer reports that twenty-two and a half million manila document envelopes of various sizes were furnished to Representatives and Senators—an average of 41,500 each. In addition to this departments used millions, and committees of the House and Senate were furnished with hundreds of thousands of free white envelopes and letter sheets for correspondence purposes, and each Member had his liberal cash stationery allowance besides. You say this is only the custom established by years of precedents. That is true, but wrongdoing is not justified by all the precedents and customs of the ages, and that misusing public funds in this way is plainly and inexcusably wrong who will deny?

How will our limitation of printing document envelopes and forbidding their use under penalty by others than Members work economy in the franking expense, you ask. I will tell you: First, the abolition of the small-size document envelope will estop Members from using large quantities of them contrary to law in correspondence; second, it will stop the wholesale practice of inviting the public to pitch in for free public documents whether or not they are needed or used; third, it will stop the abuse of private interests promoting speeches in Congress, paying for the printing of large quantities of them and then using some Member's envelope, folding, and franking privilege to send them out; and, fourth, the curtailment of not-wanted document printing will discourage the practice that has long prevailed of some Members franking out any kind of useless document stuff just to show constituents on the mailing lists that they are not forgotten by their Representatives in Congress.

FRANK-PRIVILEGE ABUSES.

If I were to give you all the reports of abuses of the franking privilege which have come to the knowledge of members of this committee it would require a considerable extension of my time, and some of it might not be accurate, for evasion of the law is usually covered up; but if I were to tell you that 750,000 speeches of a Member of Congress were once sent to an agency in Philadelphia to be used by an organization to boost a high protective tariff, and that the Government paid for the folding, for the envelope printing, and for the franking through the mails, you would have a hint of the possibilities of abuse of the franking privilege. Or if I were to cite the alleged distribution of a million and a half of speeches by a Member of Congress through Government franked envelopes by an organization which sought to exploit its ideas of a combined moral and industrial question, all at Government expense, you would see evidence of the abuse of the franking privilege. Or if I were to cite you to part 65 of the hearings pursuant to Senate resolution 92 by a Senate subcommittee of the Committee on the Judiciary, you would be astounded at the evidence that 320,000 copies of a selfish interest pamphlet had been printed, wrapped, and franked at Government expense, and you would applaud the Post Office Department in its undertaking to recover from this selfish interest $57,600 postage expense which the Government incurred in transmitting this illegally franked document through the mails. Or if I were to tell you that a congressional campaign committee had more than 1,000,000 Government-printed speech envelopes left over after a campaign, which represented a large public

expense, and that these envelopes were disposed of as junk by some one unknown to a Government record, you would admit carelessness, to say the least. Or if I were to show you that a certain congressional exponent of a will-o'-the-wisp political propaganda had 2,000,000 speech envelopes printed at one time, and either sent them out carrying his hallucination or wasted them, you would be justified, after knowing these few instances of the many of the kind, in sidestepping your dignity far enough to exclaim, "Rotten!"

PENALTIES FOR VIOLATIONS.

I want to also call your attention to the fact that there are enough sharp teeth in this bill to protect the proposed law from imposition. Section 50 provides a fine of $1,000 as penalty for any Government distributing agent selling or disposing of for gain any public document printed for free distribution; and also provides a fine of $5,000 or imprisonment for 5 years, or both, for any officer or employee of the Government Printing Office who violates this section. Section 31 provides a fine of $3,000 or imprisonment for 7 years, or both, for the Public Printer if he shall by himself or in collusion with others defraud the Government. Section 32 provides a fine of $1,000 or imprisonment for five years, or both, for the Public Printer or any of his official subordinates if any such be interested in any industry which furnishes supplies for the Government Printing Office. And section 49 provides a fine of $1,000 for any Member of Congress or agent or employee of the Government who shall assist any private institution or individual to the unlawful use of franked envelopes or frank slips.

Furthermore, section 51 protects the CONGRESSIONAL RECORD from misuse by providing that any matter not spoken in order on the floor of the House or Senate shall first be offered, then considered by the respective Printing Committee, and passed on by the respective House before it be published. There is an exception, however, whereby leave-to-print matter germane to the subject under consideration may be inserted in the RECORD by unanimous consent, but it must be limited to four pages. And these provisions, the committee estimates, will greatly curtail the inconvenient bulk and the unnecessary expense of the CONGRESSIONAL RECORD, which ought to be a succinct reproduction of the proceedings of Congress and not the carryall for every Tom, Dick, and Harry in the country to exploit his ideas at the expense of the Government and to the inconvenience of everybody who would like to read the actual proceedings of Congress.

ECONOMY IN THE BILL.

To the casual observer the proposed changes might seem inconsequential, but to the investigator they show large possibilities of retrenchment and benefit to the public service. In the matter of economy alone this bill must attract your approval. Here is a table of estimates of curtailment and increases of expenses carried in the bill which we ask you to inspect. It specifies the provisions of the bill upon which the committee bases its estimates of economies to be effected:

Economies.

Section 2: Vesting Joint Committee on Printing with authority to prevent duplications and waste in printing and distribution of documents, and authority to investigate other abuses in the public printing (estimate based on actual savings effected by printing investigation commission under similar authority)	$25,000.00
Section 3: Compilation of memorial volumes and other documents by clerk of Joint Committee on Printing	900.00
Section 5: Reduction in salary of Deputy Public Printer	500.00
Section 8: Reduction in salary of purchasing agent	600.00
Section 10: Reduction in compensation of assistant superintendent of work in charge of night work	600.00
Section 15: Leave of absence at day rate paid at time granted instead of at rate earned	8,000.00
Section 34: Folding of documents for valuation distribution at Government Printing Office	25,000.00
Section 35, paragraph 1: Restriction of "unanimous-consent" printing of documents by either House (estimated)	25,000.00
Section 36: Elimination of departmental publications from numbered-document series of Congress, and thus preventing duplication	19,952.25
Section 38, paragraph 1: Elimination of print of private pension and war claims bills as introduced (cost, Sixty-first Congress, $172,554.80)	80,000.00
Section 43, paragraph 2: Restriction of use of embossed letterheads and envelopes by Members of Congress	33,132.71
Section 45: Restriction of committee binding	10,000.00
Section 48, paragraph 1: Franked document envelopes issued free to Members of Congress to be of manila stock instead of more expensive grade	43,560.00
Section 50, paragraph 1: Valuation plan for distribution of documents by Members of Congress	150,000.00
Section 50, paragraph 4:	
(2) Elimination of one edition of Congressional Directory in long session	4,187.52
(5) Substituting new process instead of engraving for memorial volumes	5,000.00
(8) Elimination of abridgment of messages and documents	13,847.83
(8) Limiting size of annual reports of departments and establishments (estimate)	10,000.00
Section 50, paragraph 4—Continued.	
(17) Elimination of list of patents from annual report of commissioner to Congress	$6,646.07
(20) Discontinuance of geological depository libraries	4,418.48
(22a) Elimination of Secretary's report from Agricultural Yearbook	16,029.00
(22g) Discontinuance of Annual Report on Field Operations, Bureau of Soils	17,310.66
(23) Discontinuance of annual list of officers of merchant steamers, etc	2,500.00
Section 51, paragraph 4: Restricting matter inserted in CONGRESSIONAL RECORD to subjects germane to proceedings of Congress (estimated)	100,000.00
Section 51, paragraph 6: Limiting remainder copies of CONGRESSIONAL RECORD to be bound for Members	72,588.00
Section 63:	
Paragraph (4): Limiting distribution of Decisions of Comptroller of the Treasury	8,712.00
Paragraph (10c)—	
Increasing subscription price of Patent Gazette from $5 to $10 per year	15,000.00
Patent Gazette from $5 to $10 per year	15,000.00
Eliminating Patent Gazette depository libraries	12,858.74
Paragraph (12): Sale of Daily Commerce Reports	30,000.00
Discontinuing publication of Commercial Relations	6,245.99
Section 64, paragraph 1: Requiring all printing and binding to be done at Government Printing Office (based on 10 per cent saving on $500,000 worth of such work now done outside)	56,000.00
Section 78, paragraph 4: Elimination of duplicate copies of documents sent to depository libraries	23,730.87
Section 79, paragraph 2: Selection of documents to be sent to depository libraries	110,000.00
Section 79, paragraph 6: Revising library mailing lists of departments	5,000.00
Total economies	936,320.12
Less increases	138,557.00
Net economies	797,763.12

Increases.

Section 4, paragraph 1: Salary of Public Printer, from $5,500 to $6,000 per annum	$500.00
Section 10: Salary of medical and sanitary officer, from $2,600 to $3,000	400.00
Section 10: Salary of assistant superintendent of work and foreman of printing, from $2,500 to $2,750	250.00
Section 14: Compensation of 320 printers and 270 bookbinders, from 50 to 55 cents an hour	75,120.00
Section 15: Leave of absence to 82 temporary employees	2,787.00
Section 40: Printing clerk for House of Representatives	2,500.00
Section 51, paragraph 2: Daily table of contents	10,000.00
Section 63 (10a): Copies of patents for sale to libraries	12,000.00
Section 72, paragraph 1: Division of publications in each department and independent establishment of the Government	10,000.00
Increase in miscellaneous publications (estimated)	25,000.00
Total increases	138,557.00

In most instances the figures in this list are based on unquestionable statistics of actual saving. Other estimates of probable economies are based on conclusions of clerks and heads of divisions who are familiar with present practices which they know to be excessive and uselessly expensive. And, besides, we can safely add another big item of economy in franking cost to the Postal Service by the limitation of the free-for-all use of franked envelopes, in the lesser quantities of documents that will be sent out under the proposed allotment reform, in lesser number of documents of little or no interest to anybody, and in the reduction of bulk of the CONGRESSIONAL RECORD, Yearbooks, and many other publications carrying a superfluity of space filled with reports, and so forth, in which the public has little or no concern. For instance, the elimination of the annual report of the Secretary of Agriculture in the Yearbooks will amount to a saving per year of $16,000 worth of paper and printing and the weight of the book and consequent franking expense will be reduced proportionately. Many other similar instances of franking economy by reason of reduction in bulk could be cited, but you see the horse sense in the Yearbook illustration as well as the committee saw it and as the wayfaring man, though a fool, can see it.

GENERAL OBSERVATIONS.

Time forbids that I go into general details of the manifold merits of this bill. It has no politics in it, it has no favoritism in it, and it has no purpose except that Members of Congress be given a more useful and more economic public printing service than now. Of course, it is not satisfactory to all. No improved legislation was ever proposed which curtailed privileges or eliminated unnecessary expense that did not incur opposition from those who want to be let alone or those who want more than consistency and justice will permit.

There are, as we believe, so many advantageous features in this bill that no Member of Congress can vote against it and serve his constituents best. It may be improved by amendments, and to that end the committee invites sincere endeavor from any source. But opposition which arises because the bill provides for a faithful public service, rather than continue the present method of a service wide open to imposition, ought not to have much influence with Members who are here to serve the

public rather than the public serve them with advertising facilities.

It is high time that the people measure the merit of their Members of Congress by their work and votes in legislative endeavor rather than by the number of letters and the amount of free document stuff they frank out. But I would not be understood as opposed to the legitimate use of the franking privilege. The people have a right to know the nature of bills, what is being said of them, and what is being done in their Congress and by heads of their Government. They, too, have a right to Government helps in suggestions of experts in health, comfort, industry, and vocational endeavor. This is a people's Government, and they have a right to be liberally advised through free postage privilege what is being done for them or to them, so they may intelligently direct the future by their votes.

The present methods of misusing the public printing and franking privilege is not graft. It is a custom that has grown up because of lax and flexible regulations, which means most anything that precedent or differences of opinion have established. It has not been actual violation of law, for there has been no well-defined enactment, and officials and Members have placed their own interpretations on what they have a right to do and the people's Treasury has suffered accordingly.

But hereafter the law will be specific if you enact this bill; department heads, subordinate officials, and Members will all know what is proper and what improper, and Congress and the public can easily learn from official publicity if officials are overdoing in the matter of promiscuous document distribution.

Gentlemen, the citations in the committee report and in this presentation merely touch the high places of economic possibility in congressional printing and franking. Abuses that result from "everybody's business is nobody's business" are the bane of the public service. We can correct much that is wrong and wasteful by passing this bill, and we owe it to the country as exemplars of finance, of public trust, and of honor to do it.

There is an adage as old as honesty itself which says if we be true to ourselves we will not be false to others. Therefore, in fairness to Members of Congress and in justice to those whom they represent we ought to pass this bill and make clear what is right and what is wrong in public-document printing and distribution. The misuse of Government printing and franking has been the stalking horse of common scandal for years, and whether or not it is warranted we can here efface the cause, and I believe it is up to every Member of this House to aid in this legislation that this public service may be vastly improved and its use freed from criticism forever.

I now gladly yield to any who may want to submit interrogatories relative to the bill.

Mr. AUSTIN. May I ask the gentleman what will be the cost of the Yearbook under this new arrangement?

Mr. BARNHART. The bill as provided dispenses with the annual report of the Secretary of Agriculture in the Yearbook, which materially reduce its size, and while the Yearbooks now cost something like 82 cents, under this plan they can be reduced to something like 50 cents per copy. The present arrangement that I have referred to, carrying an allotment to each Member of about $1,800, covers the Yearbooks, agricultural bulletins, and things of that sort.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. SMITH of Michigan. Will the printing of these documents be submitted to public contract or bid, or be done by the Government Printing Office?

Mr. BARNHART. It will be done by the Government Printing Office, as at present.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. COOPER of Wisconsin. The gentleman from Indiana said this new arrangement would do away with the report of the Secretary of Agriculture. What does that consist of?

Mr. BARNHART. It comprises about 200 or 250 pages of prefix to each Yearbook that is published. It is the annual report of the Secretary of Agriculture, which the Secretary himself concedes can be put into a little pamphlet, with a great saving. This report is a matter in which the general public is not concerned.

Mr. COOPER of Wisconsin. Hereafter it will not appear in the Yearbook?

Mr. BARNHART. It will not appear in the annual Yearbook, and therefore the cost of both printing and carrying through the mail will be reduced, so that the total cost will be considerably less than it now is.

Another thing about this feature of the bill is that a new Member coming into Congress will have his annual allotment of $1,800 worth of documents available as soon as he is in. Under the present arrangement a Member going out of Congress, if he sees fit, may take out with him all of the documents that are credited to his district, and the incoming Member, as most of you know, has a great struggle in order to secure anything in the way of documents that his district needs and to which it is entitled.

Mr. EMERSON. Is it not also a fact that the outgoing Member can claim his documents allotted to his district until the beginning of the next session of Congress, although he is out of Congress and has not been a Member for nine months?

Mr. BARNHART. I understand that ex-Members take them out. The new Congressman, not having been sworn in, has no authority to take them, even if there be any left for him.

Mr. HUDDLESTON. I should like to ask the gentleman if this practice of the outgoing Member claiming the documents allotted after his time has expired is not upheld by the rule of the folding room which is made under direction of the House Committee on Printing?

Mr. BARNHART. In reply to that I will say that there is something to that effect in the old law that is not very clear. It is subject to various constructions and has been carried along in that way. Whatever may be the fact about what has been, the provision of the new bill removes that objection fully, as we verily believe.

Mr. HUDDLESTON. Will the gentleman yield for a question?

Mr. BARNHART. Certainly.

Mr. HUDDLESTON. When does this bill go into operation?

Mr. BARNHART. On the 1st of July, 1916.

Mr. HUDDLESTON. What would the present Members lose under it?

Mr. BARNHART. Nothing at all. They would have all the allotment that is due them for the balance of the year.

Mr. HUDDLESTON. Who fixes the value of the documents?

Mr. BARNHART. That is determined by the actual cost of them.

Mr. WALSH. Why could not the allotment of a new Member be made available on and after his term begins on the 4th of March?

Mr. BARNHART. That is what the bill does.

Mr. WALSH. I understood the gentleman to say it was not available until he was sworn in.

Mr. BARNHART. I should have said it would be available when his term begins.

Mr. HUDDLESTON. On the 4th of March?

Mr. BARNHART. Yes; that is the provision.

Mr. RUSSELL of Missouri. Under your proposed plan there will, I presume, be no fixed number of public documents that will be printed? There will have to be, I should think, some elastic rule by which the number will be determined after the Congressmen select documents, as they will under the new law.

Mr. BARNHART. The Government Printing Office is authorized in the bill to keep on hand an adequate supply of these documents that are authorized by the Congress from time to time, and there will always be a stock on hand that you can draw against as long as you have any document value remaining to your credit.

Mr. RUSSELL of Missouri. I am in favor of the gentleman's bill, but it is probable that there will be a very much greater number of some documents desired under this plan than we are given under the present law. For instance, we now get about 800 copies of the Yearbook. There is no doubt in my mind that if this act is passed there will be more demand for Yearbooks and for horse books and for cattle books than are now printed, and therefore an increased quantity of those books will be required.

Mr. BARNHART. That will be taken care of by the Government Printing Office, so that the folding room will have a supply of those documents on hand all the time. It will be carefully regulated in the matter of editions, and a great saving will be effected. I will explain to the gentleman from Missouri that at the present time he has a great number of documents to his credit that no doubt he can not use, for which he has no demand, and they are left in the folding room, and every two years or so the Joint Committee on Printing makes a general housecleaning of obsolete publications. Some years ago we sold about $100,000 worth of paper junk which had cost probably ten times as much as we got for it.

Mr. RUSSELL of Missouri. I have found that to be the case. For instance, the books or documents of the Coast and Geodetic Survey I never have any use for, not a single copy of them. I

give them to the Members who do want them, because in my district there is no call for them.

Mr. SMITH of Idaho. I am very much in favor of this bill, but it seems to me it is hardly fair to retiring Members of Congress to cut them off on the 4th of March, when there are always a number of documents authorized during the term of such Members which have not yet been issued at the close of Congress on the 4th of March.

Mr. BARNHART. A retiring Member can take out every document to the extent of his $1,800, but he must get them out of the folding room before his term expires.

Mr. SMITH of Idaho. That is true; but it takes probably six months or a year to print some of these reports after they are authorized, and they may not be available during a Member's term——

Mr. BARNHART. Oh, no; not that long.

Mr. SMITH of Idaho. There are many documents in which a retiring Member may be especially interested which would not be available until the 1st of July or the 1st of September after his term has expired.

Mr. BARNHART. The gentleman is mistaken about that. It does not require six months or a year to get out an ordinary document. They get them out very much sooner than that.

Mr. SMITH of Idaho. Very often a retiring Member expects to get into the race for Congress again, and it seems to me it would be unfair to cut him off on the 4th of March from receiving documents authorized to be printed during his term.

Mr. BARNHART. It does not. Each Member of Congress will have his full allotment of documents, but he must take them out before the expiration of his term. Then he has the franking privilege until the opening of the next regular session of Congress in December.

Mr. REILLY. Is it not a fact that under the law, if a special session of Congress is called, the retiring Member of Congress loses the right to all books that are in the folding room as soon as the new Member takes his oath of office?

Mr. BARNHART. He may lose all his right then, but as a rule he sees to it that his documents are all out, especially if he is ambitious for the future, and he will send them home or elsewhere for his future use. As I understand it, public documents are not the personal property of the Congressman; they belong to the district which he represents, to all the people in the district, and not to the Member of Congress.

Mr. REILLY. The point I want to make is that under the gentleman's bill the outgoing Congressman would be in the same position that he is to-day if a special session of Congress is called and the new Member sworn in before the following December.

Mr. BARNHART. Yes; except that he can not impose upon the incoming Member by taking out all the documents credited to his district, as he does now, and transfer them to somebody else or use them for his own purposes. I recall that once in my experience I had a large number of documents transferred to me by an outgoing Member who did not like his successor; and, in order to play the game square, I transferred to the incoming Member what had been transferred to me by his predecessor; and the new Member thought ever afterwards that I was the finest Member of Congress with whom he was acquainted, notwithstanding the fact that he was under no obligations at all to me, because the documents belonged to his district and not to him individually nor to his predecessor.

Mr. FOCHT. I understand that the franking privilege now begins on the first Monday in December for a new Member?

Mr. BARNHART. No; on the 4th of March.

Mr. FOCHT. He is elected in November, and he can not frank documents until December.

Mr. MANN. No; I misunderstood; the franking privilege of the new Member begins right after his election, before his term commences.

Mr. FOCHT. And the franking privilege of an outgoing Member continues until the following December; is that it?

Mr. BARNHART. Yes.

Mr. FOCHT. As I understand it, this bill relieves a great injustice, with respect to publications that come out after a man is defeated. As I understand, a Member will have his full privilege, up to his $1,800 limit, for publications that come out during the existence of his franking privilege.

Mr. BARNHART. Yes; that is all simplified. Under the limitation of $1,800 he has anything that is available up to the time he goes out.

Mr. WHEELER. Will the gentleman yield?

Mr. BARNHART. Certainly.

Mr. WHEELER. What is the cost of the yearbooks and the book on the diseases of cattle and horses?

Mr. BARNHART. Well, they differ, according to the number of copies and the number of pages printed.

Mr. WHEELER. What did they cost this year?

Mr. BARNHART. I have not inquired for 1915, but in 1914 I think it was about 78½ cents.

Mr. MANN. About 90 cents.

Mr. BARNHART. They probably sell for that at the document room. It depends, of course, on the number published, very largely. We are now publishing a new horse book, and there is a great deal of new copy going into it. After the type has once been set up and electrotyped the Government can run off extra volumes very much cheaper than the original print cost.

Mr. WHEELER. Suppose there is a large demand for horse books.

Mr. BARNHART. Well, suppose there is demand enough to take all your allotment in horse books and no requests for anything else. You are getting what you want for your district, and under the present plan you do not get what your people want, but you have a lot of junk on hand that you would like to trade for what you need.

Mr. KREIDER. Will the gentleman yield?

Mr. BARNHART. I will.

Mr. KREIDER. Will a Member be furnished with the value of each book, so that he may have some idea how fast he is drawing on his allotment?

Mr. BARNHART. Oh, yes; they will publish a catalogue with the prices of all the books, and you can select from that any Government publication you choose.

Mr. KREIDER. I think the gentleman is making a very desirable change. I know in my case I have, I suppose, a ton of stuff down there that I would be glad to send out, but I am afraid to send it out, for fear the people receiving it would consider it an insult.

Mr. BARNHART. I think some might take it at least as a joke.

Mr. BLACK. Will the gentleman from Indiana yield?

Mr. BARNHART. I will.

Mr. BLACK. Does the $1,800 allowed each Member include publications that are authorized by special resolution?

Mr. BARNHART. It provides for everything that now goes to the folding room, and, in addition, the farmers' bulletins.

Mr. BLACK. For instance, the report of the Industrial Commission. These reports are authorized by resolution of the House. Would they be included?

Mr. BARNHART. They would. They would be printed and catalogued and priced, and each Member could have as many as he wished. This goes into the allotment, which totals from $1,600 to $1,650 under the present plan.

Mr. BLACK. Is a Member allowed these different documents under the present law; is it fixed by act of Congress?

Mr. BARNHART. The allotment is fixed by the bill when it passes.

Mr. BLACK. I mean under the present law?

Mr. BARNHART. Yes; they are all provided as authorized by law.

Mr. BLACK. What is the status of the resolution passed by the House in regard to the report of the Industrial Relations Committee?

Mr. BARNHART. It has just passed the Senate, and the bill is now on my desk in the hope that I may call it up to-morrow and have it finally passed.

Mr. HOWARD. Will the gentleman yield?

Mr. BARNHART. I will.

Mr. HOWARD. Taking into consideration the value of the documents that are now allotted under the bill proposed by the gentleman's committee, will there be a decrease or increase in the allotment of documents?

Mr. BARNHART. An increase in allotment. The cost of the allotment now is about $1,650, and this bill adds to that the Farmers' Bulletins, which is, I think, $100 more, or a little less, depending on the number of pages in the bulletin. We have made that a part of the distribution plan so that you may have it all in bulletins if you wish, and then we have added $50 more so that there will be a little leeway, and thereby you can have it all in documents or bulletins.

Mr. HOWARD. The intrinsic value of the documents is $1,800, and under the present law it is $1,650.

Mr. BARNHART. Yes; but $100 of that $1,800 is Farmers' Bulletins. That is, as included in the present plan.

Mr. REILLY. Will the gentleman yield?

Mr. BARNHART. With pleasure.

Mr. REILLY. Is the gentleman not mistaken as to the cost of the 12,000 Farmers' Bulletins?

Mr. BARNHART. No; I think not; but I am not sure.

Mr. REILLY. You buy them of the Public Printer and they cost 5 cents apiece.

Mr. BARNHART. The average cost per year of the Farmers' Bulletins, I think, is about $100.

Mr. REILLY. And that is for the 12,000?

Mr. BARNHART. Yes.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. BARNHART. Certainly.

Mr. SMITH of Michigan. The Government prints occasionally special volumes, like the Colonial Debates and Messages of the Presidents and other special publications. Could a part of this allotment be used for any publications of that sort?

Mr. BARNHART. Yes; the provisions of the law cover every publication that the House or the Senate authorizes as a public document.

Mr. SMITH of Michigan. Or has authorized.

Mr. BARNHART. Yes; if they are ordered. In reference to these special publications to which the gentleman refers, they are included in the basis of the committee's estimate. We have taken the cost of all of the congressional publications for the past 14 years for the 392 Members, and it averages about $1,600.

Mr. TILSON. Will the gentleman yield?

Mr. BARNHART. With pleasure.

Mr. TILSON. Do I understand the gentleman to say that the Farmers' Bulletins can be bought hereafter at the rate of $8 a thousand?

Mr. BARNHART. I did not say that.

Mr. TILSON. You figure 12,500 bulletins to cost $100, and we are to pay only the cost; that is about what it figures out.

Mr. BARNHART. Yes; but I may be mistaken about the cost. It might be $200, but my recollection is that it is $100 for the 12,500. It is either $100 or $200.

Mr. TILSON. At any rate, the gentleman understands that we will be permitted to purchase under our allotment these Farmers' Bulletins at cost rates?

Mr. BARNHART. I would not say that. I understand that the joint committee or the Public Printer fixes the value of documents that are for sale to the public, and if you purchase as the public you will not get it for the same price as that at which they are allotted to Members of Congress for free distribution, because that is at actual cost, whereas in the sale of public documents to the public the price is fixed so as to cover costs of sale, storage, and other items incident to retailing publications.

Mr. TILSON. If a Congressman wished to go in now and get 5,000 extra Farmers' Bulletins, does the gentleman understand that he could get them at something like the rate he indicates?

Mr. BARNHART. If he would have to buy them through the Superintendent of Documents—I could not say as to that; but if the Agricultural Department wanted to order them at actual cost, that is what they would cost the Congressman, and that is the average price they have been costing, taking an average of several years.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. CANNON. I suppose, this being a public document, if a Member wanted farmers' bulletins he could go and get them. They are stereotyped.

Mr. BARNHART. Yes.

Mr. CANNON. He could go and get them at cost and have them folded for nothing.

Mr. BARNHART. Yes; I think so.

Mr. CANNON. So that he would buy 10 per cent cheaper than the public would?

Mr. BARNHART. I presume so, although the bill does not carry anything of that kind, because this provision for the sale of these documents is made by the Joint Committee on Printing and is not in this bill.

Mr. CANNON. Precisely.

Mr. BARNHART. We could not do that, because there is a variation in the cost of paper, and so forth. A permanent price could not be fixed here. Costs of production vary too much. The price of paper and ink is now higher than it was a year ago. Indeed, there are many things entering into variation of cost that we could not safely fix a standard price.

Mr. CANNON. I am speaking now touching speeches that we all send out. I get an estimate of the cost. The envelopes cost me nothing, the frank is printed. The speech is stereotyped and I can order any amount that I choose to order and pay for them.

Mr. BARNHART. Yes.

Mr. CANNON. At cost?

Mr. BARNHART. Yes.

Mr. CANNON. So that I apprehend the farmers' bulletins could be obtained in the same way?

Mr. BARNHART. I think so, or approximately so.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. ROGERS. In the bill as it passed the House a year ago there was a provision, section 50, paragraph 3, for the printing of daily reports of hearings of committees of Congress. I understand that the Senate eliminated that section?

Mr. BARNHART. Yes; but I will explain to the gentleman that, while the Senate has eliminated that section, if the House will stand by the committee we will put it in the bill again and make another effort to keep it in.

Mr. ROGERS. May I ask if it is the gentleman's plan to offer that as an amendment?

Mr. BARNHART. Yes; we have the copy of it already prepared.

Mr. RUCKER. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. RUCKER. As I understood the gentleman's answer to the gentleman from Georgia [Mr. HOWARD], this bill fixes the value of documents which each Member may draw at substantially the value of the documents now allotted to each Member?

Mr. BARNHART. Yes; practically that.

Mr. RUCKER. I want to suggest this: Every year we find an increase in population in the country, and every year there is an increased demand for a great many publications—for instance, the Horse Book, the Cattle Book, and the Yearbook, and the five or six or seven hundred Farmers' Bulletins. Does the gentleman believe that with this increase of demand, which is a healthy demand and a proper demand, the House should bind itself to conditions in the past? Ought we not rather to keep abreast of the conditions of the present and increase the amount?

Mr. BARNHART. The committee decided that the thing to do in a matter of that kind would be for Congress to cross the bridge when it comes to it.

Mr. RUCKER. But we have already got to the bridge.

Mr. BARNHART. I think it is a safe proposition that the gentleman from Missouri [Mr. RUCKER] does not use one-fourth of the documents that are allotted to him.

Mr. RUCKER. This is true. I have run my face down here at the Agricultural Department I believe right now for 20,000 more Farmers' Bulletins than I was entitled to, and I have not a single one to waste. I have an almost unlimited demand from farmers and all the schools in my district. They are very greatly in demand and my opinion about it is that if you send forth to the country the word that a Member can get up to $1,800 worth of Farmers' Bulletins there will be a demand on him for substantially that amount, and, therefore, we will not be able to supply demands for other things. That is the fear I have.

Mr. CANNON. May I make a suggestion to the gentleman along that line?

Mr. BARNHART. Certainly.

Mr. RUCKER. I would be very glad to hear from the gentleman from Illinois.

Mr. CANNON. Somebody prompts demands from school children by round robins.

Mr. BARNHART. Yes.

Mr. CANNON. Frequently I get from one high school a request for as many as 200, plus, and I find that each boy and girl wants a copy of some particular document—100 or 200 of them.

Mr. RUCKER. May I ask the gentleman from Illinois a question in the time of the gentleman from Indiana?

Mr. BARNHART. Certainly.

Mr. RUCKER. If, as a matter of fact, there be 25 or 50 boys or girls or both in a school who are studying agricultural conditions, is it not well to furnish them with bulletins?

Mr. CANNON. But they do not know what they ask for. Somebody has prompted them to do it, because it is just like a round robin. Each boy and each girl asks for identically the same bulletin.

Mr. BARNHART. If the gentleman will permit, I will explain how I get through with difficulties of that sort. In my State of Indiana we do not have free textbooks, but the school boards furnish a great many charts and things of that sort which conduce to the general education of the pupils. When I have these requests from schools I, in substance, say to the teachers who make the requests, or the pupils, that the Government of the United States does not print enough bulletins to furnish to all schools in my district, but the school board can purchase them at about the cost of the actual printing by sending to the superintendent of documents at Washington, D. C.,

and I have never had any difficulty in getting out of my trouble in that way. I believe if these Farmers' Bulletins are used as textbooks, that the school boards in the several States ought to make provision to furnish them as they make provision for other documents which they use.

Mr. RUCKER. It looks to me, if the gentleman will pardon me, like reasoning in a circle. After all, the people pay the expense.

Mr. BARNHART. Yes; that is true.

Mr. RUCKER. It is immaterial, so far as the Government is concerned, whether it is paid through State or National channels—the people pay for it. Now, if there be a demand, such as I think exists, I believe we ought to supply it, because the Government can supply it more cheaply than the various States can supply, and especially, after all, as the people pay for it. My suggestion is this, in brief: I believe that along this line we can not be accused of prodigality or wanton waste. I believe the amount, instead of being $1,800, ought to be at least $2,500, for the reason that no gentleman will ask for publications that he does not want, and in this way we avoid the publication of thousands of documents which are expensive and which serve no useful purpose apart, probably, from the use of a few scientific men.

Mr. BARNHART. Has the gentleman ever heard of a professional document distributer in Congress?

Mr. RUCKER. A professional what? I do not know what the gentleman means. Who is it?

Mr. BARNHART. I am just asking. If the gentleman does not know, I will not say anything about it.

Mr. RUCKER. If the gentleman means to indicate that he is now talking to a professional document distributer I want to say frankly I have been at the service of the humblest citizen in my district to furnish any document furnished by Congress if it is available and I can get it, and I am not embarrassed in my pursuit of those documents, and get them if I can.

Mr. BARNHART. Just a word in reply to that. I certainly meant no reference to the gentleman from Missouri, but I knew of several instances which have come to my attention since I have been chairman of the Committee on Printing, and one is that a certain Member of Congress sent a full carload of documents, most of which were obsolete, into his district for distribution. I know that because I have a relative in the Railway Mail Service who told me that an entire carload of documents went into that district at one shipment. I merely called the attention of the gentleman from Missouri to that fact because I heard of this instance and have heard of other instances wherein a demand for public documents is created by writing all over the district and inquiring if they did not want this, that, or the other, and if the public understand they can get anything free they may be expected to ask for them, whether they use them or not. A legitimate demand for a public document certainly means when a man really needs it and writes for it in order to get some benefit out of it; but if they are sent all sorts of stuff in which they are not interested it is thrown into the waste basket, just as I used to do before I became a Member of Congress and as my friend from Pennsylvania and others here know newspaper men do, and the public does the same.

Mr. RUCKER. If the gentleman will pardon me for a moment, I will say I fully agree with the gentleman, but so far as the people getting something for nothing I get rather tired of that, and I am not criticizing the gentleman there, but a man can not get something for nothing if he pays for it, and the taxpayer in this instance pays for it. Now, I do not understand that a farmer in a district is going to ask for a horse book if he does not want it, or for a Yearbook if he does not want it, and I am trying to protect him from a whole lot of charts, figures, and a whole lot of stuff being put off on him which nobody wants, but it is a kind of imposition on a Member of Congress. He has got to do something to justify the people in sending him here, and as he can not do anything else he, unfortunately, sometimes makes mistakes and sends out a lot of stuff which sometimes justifies severe criticism, and what he wants to do is to get an adequate quantity of good stuff, that which the people really want and will use and will derive benefit from.

Mr. BARNHART. Now, the purpose of this bill—I think we can reach an understanding readily—the purpose of this bill is to do the very thing that the gentleman from Missouri has been suggesting and all the other Members have been suggesting, and that is to give to the people, for instance, of your district that which they actually want and not give you a whole lot of stuff for distribution in your district that nobody in your district will use, and thereby I say the amount we have now allotted to each Member, if he will use it, will be of vastly more benefit to his people.

Mr. RUCKER. I think the gentleman is absolutely right. I can see now that when your bill becomes a law—and I intend to vote for it—I can see now staring me in the face a demand in my district for so many Agricultural Year Books that I have got to say to them I can not furnish them, because Congress will not appropriate the money in some way.

Mr. BARNHART. I think Congress will take care of the wants of the people in the way of increased appropriation if they find it necessary. If you want to increase this allotment from $1,800 to $2,500 and have the majority, it can be done whenever occasion requires; but we are starting out on this basis because we believe it would furnish not only more documents than each Member is now getting, but it is taking these useless documents that are now being allotted to you and turning them into real live stuff for distribution.

Mr. RUCKER. I fully agree with the gentleman, and I think your bill is an admirable one, and I am for it; but I wish you would increase it by putting it $2,500.

Mr. BRITTEN. Has the gentleman's committee ever considered an exchange of publications for seed where the seed is not desired; in city districts, for instance? Has your committee ever considered making an exchange of agricultural bulletins for seed?

Mr. BARNHART. The law could hardly do that, but the Members can do what trading they desire to do, so far as the committee is concerned. You could, I presume, take the seeds allotted to you and trade them to Members from the rural districts who might want seeds rather than documents, and you could thus have documents, and both of you serve your constituents better thereby.

Mr. BRITTEN. Of course I understand that.

Mr. BARNHART. But the law, I think, ought not to undertake to authorize any transfers of that sort.

Mr. LITTLEPAGE. There seem to be many admirable features in your bill. I thought I would inquire of the gentleman if it provides for the stoppage of a leakage in reference to the public documents provided for Members of the House? Now, I will preface my question by these premises: When I was here four years ago I ran out of horse books, and cattle books, and farmers' agricultural books, and the necessity arose for buying some. I was informed that around on a certain street we could buy all we wanted at certain prices. I remember to have sent off a sack of these books to a certain postmaster, writing the name of the constituents on the books, but the sack did not reach the post office. I began to feel that there was a "nigger in the woodpile." The late Junior Brown and myself employed a man to look into the situation, and we discovered about 170 sacks of the books, but we did not know whether ours were among them or not, down here in a certain barn, and I could not find anybody who had directed the books to that barn. I do not know how they came there unless they were taken by some person. Now, what I want to know is, Does your bill provide for the stoppage of that leakage?

Mr. BARNHART. It provides for the fine of a Member of Congress who will indulge in it, and, further than that, the committee did not provide any detective service to apprehend violators, but it does provide what the present law does not, namely, a heavy fine for a Member of Congress, or any employee of Congress, or any employee of the Government Printing Office for selling these public documents or disposing of them in any other way except as provided by this law. [Applause.]

Mr. LITTLEPAGE. It is very gratifying to hear that much. Now, how about the people not in the Government service and who are not Members of Congress having these public documents for sale? What provision do you make to ascertain where they get them from?

Mr. BARNHART. I would not know of any other way except that you file a complaint of some sort and bring them before the court and compel them to answer.

Mr. LITTLEPAGE. I want to say to the chairman, and to the House as well, that I have had that experience and I have no doubt if the truth was known other Members of the House have had the same experience, and we do not know how many of our own books we have been buying heretofore.

Mr. BARNHART. And we do not know how many of the documents we have sent out that may have been sold to other Members and sent out by them.

Mr. LITTLEPAGE. They would hardly be sent back here and put in a barn.

Mr. BARNHART. I admit that.

I want a few minutes more, and I think it would be better to take these matters up when we come to the sections carrying these provisions or precautions. I have 20 minutes more and

the time is approaching when I shall have to yield the floor, and I want to make a few more statements.

Mr. LITTLEPAGE. I will not detain you but a few moments. If your bill does not provide taking care of that matter, would you object to an amendment along that line?

Mr. BARNHART. Not at all. I think it is covered sufficiently so that the gentleman from West Virginia will be entirely satisfied with it. We have it so strong that there may be some objection to it on the floor of the House because it may possibly seem to be a reflection on Members. On the other hand, the thing is happening continuously that the gentleman refers to, and the committee is fully aware of it. It seems to me there should be some protection against abuses like that and that people should be given the documents to which they are entitled.

Another feature of this bill is the regulation of the franking privilege. The bill does not seek to curtail the possibility of any Member of the House using the franking privilege to the largest extent consistent with efficient service. But it does seek to curtail the privilege of some outside interest sending a speech to some Member of the House or the Senate asking him to get time to deliver it on the floor in the interest of some special propaganda or some special interest, and then providing the money to have these speeches printed with the understanding—and under the present condition it is perfectly legitimate—that the printed speech shall be inclosed in an envelope furnished by the Government and carrying the frank of the Member who delivered the speech, so that the special interests or the individual who is interested in the propaganda may broadcast it all over the United States.

By reference to the report of this committee you will find that in some instances the privilege has been abused. Within my own knowledge it was abused in the case of one Member of Congress having delivered a speech and having 2,000,000 copies of it printed; and the interests that were back of this propaganda employed some 30 or 40 women here in Washington, rented rooms, and imposed on the Government of the United States to the extent of using free mails and free envelopes to broadcast that speech throughout the United States—a speech in which, if I understood the matter aright, the Member himself or his State was not greatly interested.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. HUMPHREY of Washington. I do not want the gentleman to give the name, if he thinks he should not; but it does seem to me, in fairness to this House, that he ought to give the name of the Member who did that.

Mr. BARNHART. I will say to the gentleman from Washington that if the committee were to start in and give the names of Members who have indulged in questionable practices of that kind it would be surprising. But I think it was not intentionally done. It is generally supposed that this is all right. The Member does not know exactly what he is entitled to, and the Member might say: "This is a matter of special interest to the world and to the United States." But I have in mind not only that one, but very, very many others. I gave that one as a particular instance. I recall this—and it was so reported to me by the Government Printing Office—that at one time a million copies of a Member's speech on prohibition were circulated to the people of the United States through misused franking privilege, and at another time a speech on high-protective tariff was sent here for delivery, and then there were printed and sent to an agency in a city not very far from Washington 750,000 copies of that speech, and those copies were distributed by this organization through misused franking privilege as a propaganda. Now, I am not saying that the same thing might not be done by an antiprohibition propaganda if the liquor interests of the country wanted a speech printed and distributed by a Member. Under the practice they would have the same privilege as the other propaganda enjoyed. But the bill seeks to stop all outside use and abuse of the franking privilege.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield again?

Mr. BARNHART. Yes.

Mr. HUMPHREY of Washington. Is it not a fact that an entire book or publication by Henry George was printed in the RECORD on one occasion and circulated through the mails free?

Mr. BARNHART. I have no personal knowledge of that, but I have heard a rumor that that was done. But it is not uncommon that these things are done, and I do not think that, as a rule, there has been any evil intention on the part of the Members who do it, because they feel that other Members have been doing it and that it has been a custom. We have all been engaged in it more or less, because we do not know what is the absolute dividing line of consistency with respect to the distribution of public documents.

Mr. HUMPHREY of Washington. As a matter of fact, it is not illegal under the laws as they stand. A Member is not violating the law.

Mr. BARNHART. That is true. It is a free pitch in.

Mr. TRIBBLE. May I interrupt the gentleman with a question there?

Mr. BARNHART. Yes.

Mr. TRIBBLE. There was one feature of the bill that was objected to in the previous Congress, and I trust that feature is not in the bill at the present time. It is on the question of envelopes. As a rule, when I send out a speech I take a leaf of the CONGRESSIONAL RECORD and print the speech on that. If you fold it and put it in these small envelopes, they go to the district and your constituents can conveniently put them in their pockets and read them. Now, the bill provides that speeches shall be sent out in great big envelopes. I think the Members of the House should be advised of that fact, that this bill provided last year that no small envelopes should be provided for speeches. Is that feature still in the bill?

Mr. BARNHART. It is still there.

Mr. TRIBBLE. You have got in this bill the provision for the large envelopes?

Mr. BARNHART. Yes.

Mr. TRIBBLE. Can you explain why I should not be allowed to send out a small envelope, take a leaf of the CONGRESSIONAL RECORD and fold it four times, or take a small speech of two pages and fold it three times? Now, to put that in a great big envelope would absolutely look ridiculous. Will not the gentleman agree to allow small envelopes to be used, of the same material as the big envelope? You have four times as much material in the large envelopes as in the small ones. Why not give us the small envelope?

Mr. BARNHART. That is an easy question.

Mr. TRIBBLE. It is not easy for me.

Mr. BARNHART. I will try to answer it. The provision was placed in the bill after long observation, both by the Government Printing Office and by the members of the Joint Committee on Printing, of the fact that the envelope privilege was being the most grossly abused, probably, of any privilege in the House. If I were to tell the gentleman of all the instances that I know of such abuse he would be surprised. I have in mind one specific instance of a Member of Congress, not now a Member—he has gone to his reward—and, as I recall it, he claimed he was proceeding all right. He gave an order at one time for 60,000 No. 6¼ white envelopes with his frank on it, and at the same time he gave an order for 60,000 white envelopes, No. 6, and in his misconception of the law he explained to the man to whom he gave the order that he was going to take the No. 6¼ envelope and put a Farmers' Bulletin in it and a letter and inclose a No. 6 envelope addressed to himself for reply; and while he did not know it, he was violating the law in inviting every voter in his district to violate the law in sending back to him a franked reply.

Mr. TRIBBLE. I was not inquiring about the good envelopes. I am speaking of the same material out of which you make your big envelopes.

Mr. BARNHART. I want to answer the gentleman's question, but I would like to be permitted to go ahead with my statement. It is so badly disconnected now by interruptions that I do not think I can get it cleared up. I will answer that there was a further motive in that, and that is that some Members of Congress draw their $125 stationery allowance in money, and then evidently go to the Government Printing Office and secure free the good white No. 6 and No. 6¼ document envelopes and use them in their private correspondence.

Mr. TRIBBLE. The gentleman is talking about good envelopes, and I am talking about manila envelopes.

Mr. BARNHART. I see that there could not be that objection in that case, but I was explaining what the committee had in mind. The man who did that in the case I have in mind did not do it, I take it, with any intention to violate the law. That was done just as other things are done under the present loose conditions. It was a free pitch in. But, as a matter of fact, it is an imposition upon the Public Treasury. Some Members of Congress do not do these things, and therefore they are discriminated against by Members who do indulge in these grab-bag methods. I do not say that as a reflection on Members, because it has been so common, and the law is so lax or indistinct in this matter of public documents and as to the franking privilege, that nobody, I presume, has specifically and intentionally violated the law; but the law has been violated by wholesale, and the committee has been fully advised of it. So that they have attempted to stop it in such a way as will pre-

vent the accusation that is frequently made, that Members of Congress are engaged in franking graft and document graft at the expense of the people for which charges there may be at times some foundation, although not intentionally done.

Mr. FESS. Will the gentleman yield?

Mr. BARNHART. I yield to the gentleman.

Mr. FESS. A Member has the privilege of taking the money which is allowed him for stationery in lieu of the stationery?

Mr. BARNHART. Yes.

Mr. FESS. Why should that custom exist? Why should not that be corrected?

Mr. BARNHART. For this reason: Some Members of Congress desire to buy their stationery at home. I know some Members who spend their stationery allowance in their home districts, with their home printers. They prefer to do it in that way.

Mr. FESS. Surely it would not be cheaper to do it that way than to buy their stationery here, which is printed at the Government Printing Office.

Mr. BARNHART. I can not say as to that.

Mr. FESS. There is an allowance in money to each Member for stationery?

Mr. BARNHART. Yes; an allowance of $125 a year.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. BARNHART. I will yield for just one more question, and then I have agreed to yield a part of my time. How much time have I remaining?

The CHAIRMAN. Four minutes.

Mr. BARNHART. We were to have had two hours for the general debate.

Mr. CANNON. I ask unanimous consent that the gentleman may have another hour, or such time as he desires.

Mr. BARNHART. We have not been at work on this bill two hours. We have occupied only one hour.

Mr. KIESS of Pennsylvania. I have an hour.

Mr. BARNHART. The committee as a whole have two hours for general debate under the rule, and I certainly want to yield a part of that time.

Mr. CANNON. If the gentleman has used all of his time except four minutes, I ask unanimous consent that his time may be extended for an hour, or such part of it as he desires to use.

Mr. BARNHART. I thank the gentleman from Illinois for his courtesy, but I do not want to use that much time. I want to get to the reading of the bill.

Mr. CANNON. Then 30 minutes.

Mr. KIESS of Pennsylvania. I will yield out of my time such time as the gentleman desires.

Mr. BARNHART. That will be satisfactory.

Mr. HUMPHREY of Washington. I do not want to take up any time, but I wish to say to my friend from Ohio [Mr. FESS] that I am one of the Members who draw the $125 instead of drawing stationery from the House stationery room, and I would like to state why I prefer to do it. I do not want to take it out of the gentleman's time.

Mr. BARNHART. That is perfectly legitimate.

Mr. HUMPHREY of Washington. I do it because I have had trouble about my account on two or three occasions. I do not like to carry any account. I like to pay for things as I go along.

Mr. BARNHART. Many Members feel the same way about it.

Mr. HUMPHREY of Washington. I do not like to run accounts.

Mr. BARNHART. It is an allowance in money, just the same as a Member's clerk hire.

Mr. TILSON. As a matter of fact, it costs a Member fully that, or more, for his stationery during the year.

Mr. FESS. It costs me more than that.

Mr. COLEMAN. Has the gentleman from Indiana any objection to our using a small envelope, if made of the same material as the large one?

Mr. BARNHART. I apprehend there can be no serious objection to that. When we get to that section of the bill we can discuss that fully.

Mr. COLEMAN. I think it is an imposition upon the mail carriers of the District to make them carry thousands of these large envelopes when they can easily carry the smaller ones.

Mr. DILL. The gentleman suggested that the franking privilege was to be limited in regard to the sending out of speeches made by some one else and for certain purposes. Does this bill limit the number of a man's own speeches which he may send out?

Mr. BARNHART. Oh, no. It limits the privilege to the man himself or to one of the national campaign committees.

Mr. DILL. But if he sees fit to hire some one outside of his office, and let somebody outside of his office address them, does this bill prohibit that?

Mr. BARNHART. No; it puts him on his honor and under a penalty not to give this privilege to somebody to exploit a private propaganda at Government expense.

Mr. DILL. If it is the Member's propaganda, then what?

Mr. BARNHART. That is perfectly proper. That is his own privilege.

Mr. BENNET. Will the gentleman yield for a question?

Mr. BARNHART. Yes; I will yield to the gentleman from New York.

Mr. BENNET. I call the gentleman's attention to an instance of what has been done. A man not a Member of Congress sent down to the Government Printing Office and ordered 25,000 or 30,000 copies of a speech made by a man not now in Congress, and directed the Public Printer to put on the envelopes the frank of a Member of Congress who was not consulted, and by simply sending to the Public Printer the money to pay for the printing of those speeches had them shipped to him for distribution in the district. I wish to ask the gentleman from Indiana whether that is to be permitted?

Mr. BARNHART. I think the committee are unanimous in the belief that that would open the door very widely for abuse, and the fact is that any Member could secure those speeches through his national committee. We provide a means for taking care of that. In such a case it will all be charged up to the committee under the new bill, which will not permit individuals here, there, and everywhere to pay for the printing of speeches and then avail themselves of the franking privilege, which is a privilege that belongs exclusively to Members of Congress.

Mr. BENNET. I do not think the gentleman did me the honor to give very close attention to my question. I said that was done in 1915. My question was whether it would be possible to do it under this bill.

Mr. BARNHART. It would not.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. KIESS of Pennsylvania. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. MILLER], and I ask unanimous consent that Mr. MILLER may speak on a subject not related to the bill.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Pennsylvania [Mr. MILLER] may speak on a subject not related to the bill. Is there objection?

There was no objection.

Mr. MILLER of Pennsylvania. Mr. Chairman, I desire to make some observations on the question of requiring claimants who ask to be compensated for property taken or destroyed by authority of the United States Government during the Civil War to prove the loyalty of the owner of such property at the time it was taken or destroyed. The observations, however, are only a prelude to reciting an incident which had its inception in the South during the progress of the war and its culmination in the North after the close of the war, in which a chivalrous and gallant citizen of Atlanta, Ga., was an active participant. I believe such incidents should be preserved, as they tend to unite more firmly the bonds of fraternity and loyalty of our common country.

Some days ago, in the discussion of a bill reported by the Committee on Claims, a motion was brought before the House to dispense with the proof by the claimant of the loyalty of the owner of goods taken or destroyed during the Civil War at the time such goods were taken. During the discussion the tragedy of the war was recalled, and, as I then and and now believe, some uncharitable and unnecessary remarks were made concerning the attitude of the people of the South at the time the war was in progress.

A few days later a Member on the side of the House to the Speaker's right made some equally unnecessary, mistaken, and uncharitable remarks about the attitude of the people residing at Gainsville, Tex., in 1862, in the thirteenth congressional district, now represented by a gentleman, Mr. STEPHENS, whom I am glad and proud to call my friend.

Prior to these occurrences I had formed and oftimes expressed the hope that the day for raking over the embers of the Civil War had passed. I confess that in the late sixties and early seventies, when engaged in the heat of a political campaign, I sometimes waved the ensanguined emblem; but I trust that time and age have softened the asperities of youth, and I can truthfully repeat the words of the sainted and immortal Lincoln, "With malice toward none and charity for all," and take by the

hand my friends who represent the thirteenth district in Texas [Mr. STEPHENS], the fifth of Georgia [Mr. HOWARD], the ninth of North Carolina [Mr. WEBB], and the third of Arkansas [Mr. TILLMAN] with the same feelings of friendship that I do my friend from the second of Illinois [Mr. MANN], of the second of New Hampshire [Mr. WASON], and of the eighth [Mr. WATSON], twenty-fourth [Mr. TEMPLE], twenty-ninth [Mr. PORTER], and thirty-second [Mr. BARCHFELD] of my own beloved Pennsylvania, and wish them each and all a fair journey through life and at the end a "crossing of the bar" in joy and peace.

But, as I said at the outset, I did not take the floor so much to say the foregoing as to relate an incident that should arouse the sensibilities of our better natures. On the same day on which the discussion first above referred to occurred I had occasion to repair to the House restaurant and took a seat at the same table with the courteous gentleman who so ably represents the fifth Georgia district [Mr. HOWARD]. We talked about the discussion just had in the House. We agreed that the North and South were now equally loyal to the Government and equally loved the common flag of our country. I remarked that the people of the South had the same justification in remembering, honoring, and revering the memories of the men who marched with Lee, and Jackson, and Pickett, and Longstreet, and other Confederate generals to victory and final defeat that the people of the North had to remember, honor, and revere the men who marched with Grant, and Sherman, and Thomas, and Sheridan, and Meade, and other Union generals to final victory. [Applause.]

My Georgia friend remarked that if any man could have a supposed grievance against the North he thought he could, but added, "I want you to believe that I have not." He then continued: "My father was a man of considerable means when the war broke out. In addition to his home in Atlanta, he was largely interested in manufacturing, and just outside the city he had a large farm stocked with horses, cattle, and other farm animals to the number of several hundred.

"When Atlanta was occupied by the Union Army, Gen. Sherman made my father's dwelling his headquarters, and during the time it was so occupied Gen. McPherson had been killed in battle and his body was brought to Gen. Sherman's headquarters and laid out for burial in my father's house on a davenport in one of the rooms, and was taken thence to his home for burial.

"After Gen. Sherman moved on south and his protection withdrawn the buildings of my father in town and country and his factories in the city were burned and the personal property on the farm seized and taken for the use of the Union Army. My father was left homeless and practically penniless.

"Some household furniture was saved from the fire, and among it the davenport, which was an heirloom and highly prized by the family."

Years passed by, the Society of Ohio, an organization formed interalia to perpetuate the glory and memory of the soldiers from Ohio who had died in the Southland, heard of the incident of the davenport. They secured the address of the Atlanta gentleman who owned it. They wrote a letter of inquiry and learned that he still owned and possessed the relic. They then wrote a second letter, stating that they were collating mementos of Gen. McPherson and asked him if he would sell the davenport; and if so, to price it to them. He wrote back that the davenport was an heirloom; that as such he highly prized it; that he would not sell it, but that if the society would accept it as a gift he would make a present of it to them. With his own hands he crated it, delivered it to the railroad depot, paid the freight on it to its destination, and shipped it to the society, where, with other relics of the brave and gallant McPherson, it to-day graces the hall of the society. [Applause.]

Do you know, Mr. Speaker, I would like to have the opportunity to vote for a bill to reimburse the descendants of this gallant and chivalrous southern gentleman for some of the loss their ancestor sustained and dispense with proof as to his loyalty to the United States Government at the time of the loss. Perhaps such a bill would be inopportune, but we can all rejoice with his loved ones that they have inherited from this father a legacy richer than lands or gold or rubies, the memory of one who could so soon so far forget his own misfortunes as to aid in perpetuating the honor of the commander of those who had so lately despoiled him.

I hope that some day I may visit Atlanta and as a token of respect for gallantry and chivalry—may I not say to loyalty as he then saw it—plant a flower in the sod beneath which all that was once mortal now rests. Requiesct in pace! [Applause.]

Mr. KIESS of Pennsylvania. Mr. Chairman, I yield eight minutes to the gentleman from Missouri [Mr. BORLAND], and I ask unanimous consent that the gentleman may speak on a subject not related to the bill.

The CHAIRMAN (Mr. OLIVER). The gentleman from Pennsylvania asks unanimous consent that the gentleman from Missouri may speak on a subject not related to the bill. Is there objection?

There was no objection.

Mr. BORLAND. Mr. Chairman, what is the present condition of affairs in Mexico? It was on or about October 9 last that Carranza was recognized by the United States as the head of the Mexican Government. With the moral force which this gave him he has been recognized by the other powers and has been enabled to resume diplomatic relations with the world. This carries with it the power of controlling the national forces and the pledging of the national credit as well as disposing of the national property, and it should carry with it the responsibility to maintain a reasonable degree of public order. The question which Americans are asking themselves to-day is, "Is there a responsible government in Mexico to whom foreigners can look for protection, or is there simply a de facto government with diplomatic rights but with no national responsibility?"

It may be said that the present government is a de facto one only, and that Carranza is not President or even provisional President, but only the first chief of a revolution. How long should a de facto government continue, and why? This one claims to have continued for more than three years, and was formally recognized by us more than six months ago. What duties and responsibilities, if any, to foreign residents and friendly powers does a de facto government escape by remaining in that nebulous condition?

The first chief of the revolution, since he was recognized as the head of the Government, has not even been directing his government from the City of Mexico, the national capital. On the other hand, it is averred that he has assumed the power of taxation, and possibly also of confiscation of property, and that he has bargained away concessions and franchises; that he deals with the national credit; that he enjoys a diplomatic standing which enables him to protest against the invasion of the national right or injury to the national dignity or the unauthorized use of the national railroads or other property. It does seem that the ruler who objects to the exercise of police power by neighboring States who have shown the most helpful and friendly spirit toward him should further show that he is not only willing but able to police the country himself. We have a right to expect that accompanying these protests of national dignity shall be a vigorous and sincere exercise of the national power for the protection of the rights of friendly nations and their citizens. Can it be possible that a government exists that is all rights and no duties, which has the power to protest but not to police, which can criticize but not cooperate?

For my own part I believe that American citizens have a right to be in Mexico and even to own property and to carry on industrial enterprises there. [Applause.] While there may be some large American interests in Mexico, there must be a very much larger number of interests which are of very moderate size, and an overwhelming majority of small interests and individual properties; but, big or little, American enterprise has a right to go abroad. [Applause.] American citizens and their business and property must be protected and respected in other lands. If we are to burst the shackles of provincialism and build up a foreign commerce our citizens and their business enterprises must be encouraged to seek foreign fields. While Americans who choose to locate abroad and to make investments in other countries must obey the law of the country where they are domiciled, must refrain from fomenting political discord, and, to some extent, must even bear with patience local troubles and vicissitudes, yet having done so they have the right to demand the protection of a stable and responsible government ready, able, and willing to respond to its national and international obligations. The existence of such a government ready to demonstrate its willingness and power to cooperate with this Government is the only permanent basis of peace in Mexico. [Applause.]

Mr. KIESS of Pennsylvania. Mr. Chairman, I yield to the gentleman from Ohio [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a speech of the Hon. John J. Sullivan, on William McKinley.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by printing the speech referred to. Is there objection?

There was no objection.

Mr. KIESS of Pennsylvania. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BARNHART. Mr. Chairman, before commencing to read the bill I want to state very briefly that the committee has an understanding with several gentlemen who can not be here today that section 14, relating to wages in the Government Printing Office; section 15, relative to leave of absence; and section 20, relating to the printing of Government envelopes, be passed, and that we may consider those sections at a future time when the bill is under consideration. I ask unanimous consent that those three sections be passed over when we come to them and that we may return to them some time in the future.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. OGLESBY. Reserving the right to object. Do any of these sections cover the size of the Government envelope?

Mr. BARNHART. No; it relates to the stamped envelopes that the Government prints and sells.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that sections 14, 15, and 20 be passed for the present, and that they may be returned to in the future. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That there shall be a Joint Committee on Printing, consisting of three members of the Committee on Printing of the Senate and three members of the Committee on Printing of the House of Representatives, to be designated by the Committee on Printing of the Senate and by the Committee on Printing of the House of Representatives, respectively.

SEC. 1. Par. 2. The members of the Joint Committee on Printing who are reelected to the succeeding Congress shall continue as members of said committee until their successors are designated as provided for in this section: *Provided*, That the President of the Senate and the Speaker of the House of Representatives shall, on the last day of a Congress, appoint members of their respective Houses who have been elected to the succeeding Congress to fill the vacancies then about to occur on said committee, and such appointments shall continue until their successors are designated as provided for herein. The Joint Committee on Printing as constituted by this section shall exercise all the powers and duties devolving upon said committee under the law, and it may authorize one or more of its members to exercise such of its functions as necessity shall require when Congress is not in session.

Mr. BARNHART. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 2, line 14, after the word "session," insert: "said committee shall elect from the members thereof a chairman and vice chairman, who shall not be Members of the same House.

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 2. Par. 1. The Joint Committee on Printing shall have power to adopt and employ such measures as, in its discretion, may be deemed necessary to remedy any neglect, delay, duplication, or waste in the execution of the public printing and binding and the distribution of Government publications, and shall exercise general supervision over printing and binding for Congress as provided for in this act.

Mr. TILSON. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman what is the object of the peculiar structure of the bill—making separate sections and labeling them part paragraphs and part sections? For instance, here is section 2, paragraph 1, and section 2, paragraph 2, and later on there are a number of paragraphs all constructed in the same way.

Mr. BARNHART. The purpose was, and it is the practice in many legislative bills, to group the special items together, so that they may be under a common head, for the purpose of indexing them and convenience in reference.

Mr. TILSON. Is there any particular object in maintaining the section numbers? Why should not section 2, paragraph 2, be section 3?

Mr. BARNHART. It is a matter of convenience in indexing; for instance, to bring the Government employees under one head, so that it is an easy matter to refer to them. While they could all be put in one paragraph the bill was prepared in this way in order to classify them and make it clearer and easier as reference.

Mr. TILSON. The committee tried to cover all matter relating to one subject under one section, designating different subheads as paragraphs.

Mr. BARNHART. That is so that they can be readily referred to by paragraph. That would be especially true in the law when printed.

Mr. TILSON. It is rather an unusual construction and that was the reason that I called attention to it.

The pro forma amendment was withdrawn.

The Clerk read as follows:

SEC. 3. The Joint Committee on Printing shall appoint a clerk, an inspector, and a stenographer, at $3,000, $2,000, and $1,000 per annum, respectively, to be appropriated for and paid one-half by the Secretary of the Senate and one-half by the Clerk of the House of Representatives. The clerk and the inspector shall give bonds for the faithful performance of their respective duties in the sum of $5,000 each, to be approved by the Joint Committee on Printing. The clerk of said committee shall perform such duties as shall be required of him by said committee and shall, unless otherwise provided for, edit and compile all memorial volumes and other documents printed under its direction. The inspector for said committee shall be a member of the boards of inspection and condemnation at the Government Printing Office, as provided for in this act, and shall perform such other duties as shall be required of him by said committee: *Provided*, That the Joint Committee on Printing may designate an employee of the Government Printing Office to act for said inspector for a period of not to exceed 30 days in any one fiscal year, without additional compensation therefor.

Mr. BARNHART. Mr. Chairman, I offer the following committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 3, line 8, strike out the word "appoint" and insert in lieu thereof the word "elect."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. CANNON. Mr. Chairman, just one word before the Clerk reads. I move to strike out the last word. I do not know much about the law as it now is or as it is proposed to be amended. This section provides, as amended, for the election of a clerk, an inspector, and a stenographer, at $3,000, $2,000, and $1,000, respectively, per annum. I see that the joint committee is to consist of three Members of each body—the Senate and the House. I suppose these clerks are to be divided up?

Mr. BARNHART. Mr. Chairman, that is the purpose in changing this word "appoint" to the word "elect." Heretofore the matter has been fairly divided; but the membership of the committee has always considered that the chairmanship of the Joint Committee on Printing belonged to the Senate, and when these clerks were appointed they were appointed by the chairman of the committee. The change in this language will give the entire membership of the committee the privilege of electing these officials, and that will make an equal distribution between the House and the Senate. That was the purpose in changing the word.

Mr. CANNON. How are they going to distribute three clerks evenly?

Mr. BARNHART. There are some others. There are several others to be appointed; for instance, the compiler of the Congressional Directory and the indexer of the RECORD. There is an equal number, and they have usually been divided satisfactorily. This change was suggested merely to facilitate the matter, that they may be elected rather than appointed.

Mr. CANNON. We will get the additional employees further on in the bill?

Mr. BARNHART. Yes.

The Clerk read as follows:

SEC. 10. There shall be appointed by the Public Printer a chief clerk, who shall act also as appointment clerk, at a salary of $2,500 per annum; an accountant, at $2,500 per annum; a superintendent of buildings and equipment, who shall possess a practical knowledge of mechanical, civil, and electrical engineering, at $3,000 per annum; a medical and sanitary officer, at $3,000 per annum; an assistant superintendent of work, who shall act also as foreman of printing and shall be a practical printer, at $2,750 per annum; a second assistant superintendent of work whenever required to supervise night work, who shall be a practical printer, at $2,500 per annum for the time so employed; a foreman of binding, who shall be a practical bookbinder, at $2,500 per annum; a foreman of presswork, who shall be a practical pressman, at $2,500 per annum; and a storekeeper, at $2,500 per annum; all of whom shall, under the direction of the Public Printer, perform the duties ordinarily attached to their respective positions and such other duties as this act or the Public Printer may require of them.

Mr. BARNHART. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 8, line 14, after the word "annum" insert "and the additional amount paid for night work."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. CANNON. Mr. Chairman, I would like to inquire what that means?

Mr. BARNHART. Mr. Chairman, if the gentleman will permit, I will briefly explain. The assistant superintendent of night work is now paid $3,600 a year. The assistant superintendent who has charge of day work, and who has much larger responsibilities, is paid $2,500 a year. The rule at the Printing Office is that for night work they pay an additional allowance of 20 per cent; and it is the judgment of the committee, and it was the intention, that the night man should have a less allowance than the day man, except that he should have his 20 per

cent extra for the night work. The day superintendent will now receive under the provisions of this bill $2,750, while the night superintendent will receive $2,500 plus the 20 per cent allowed for night work.

Mr. CANNON. Are these the same salaries they are getting now?

Mr. BARNHART. No; the man to which this refers now receives $3,600, and it is a reduction of $600 in his salary; but I think the gentleman from Illinois will agree with me that the man who is in charge of day work, including all of the job printing and everything of that sort, who has been receiving $2,500 a year, while his assistant, who has charge of night work, receives $3,600 a year, ought to have his salary increased, and that the present basis of pay is hardly fair. We therefore decided to increase the pay of the assistant day superintendent to $2,750 and reduce the night superintendent to $2,500 plus the 20 per cent, a total of $3,000.

Mr. CANNON. Otherwise, are these salaries increased or decreased generally along through the bill?

Mr. BARNHART. There is a change in the salary of the Deputy Public Printer from $4,500, now paid, to $4,000. I apprehend that the gentleman from Illinois will recall that at one time, when there was considerable disturbance in the Public Printing Office, when we had four different Public Printers in one year, the importance of having a competent man there was so clearly manifest that the salary of the Deputy Public Printer was increased so as to secure the services of such a man, and that Capt. Brian was at that time secured. He has proved an invaluable man, but after they got leveled down and started right again his wages were permitted to stand. The purpose is to increase the salary of the Public Printer, the responsible head, from $5,500 to $6,000, and, in order to be consistent with other departments of the Government and the Bureau of Engraving and Printing, reduce the Deputy Public Printer to $4,000.

Mr. CANNON. What is he getting now?

Mr. BARNHART. Four thousand five hundred dollars.

Mr. CANNON. And Capt. Brian is still the occupant of that position?

Mr. BARNHART. He is still there.

Mr. CANNON. He is still the Deputy Public Printer?

Mr. BARNHART. Yes.

Mr. CANNON. I do not believe that his salary ought to be reduced, at least as long as Capt. Brian remains there. I do not know where he comes from. He is certainly not a constituent of mine, but I do know about his competency. We may, it is true, increase the salary of the Public Printer, but the salary of as valuable an official as Capt. Brian I do not believe should be decreased.

Mr. BARNHART. I will say to the gentleman that it is not based upon any man, but it is based on the general average of employees in other departments and of other subordinate employees in the printing office. For instance, the superintendent of work, the most important man in the whole institution, is paid $3,600 a year. Now, the committee thought it was hardly fair to leave the salary of the Deputy Public Printer, whose duties, when the Public Printer is in charge, are not more important than the superintendent of work, at $4,500, while we leave the superintendent of work, necessarily a competent man, at $3,600; so in the adjustment we tried to get everything in the bound of reason and in harmony with the salaries paid in the other departments of the Government.

Mr. CANNON. The gentleman said that Capt. Brian was brought in there when there was confusion and there was necessity for him.

Mr. BARNHART. Since then there have been several branches of foremanship established, such as chief clerk, and so forth, the duties of which Capt. Brian formerly performed and which he is not performing now. For instance, superintendence of the building was formerly under his charge, and other duties he once discharged have been distributed to others, because of the increase in duties and the responsibility that necessarily followed.

Mr. CANNON. Well, I shall not offer an amendment. Capt. Brian is a most competent man. I recollect during the time I served on the Committee on Appropriations, having jurisdiction over the appropriations for this service, and without speaking less for any other man, I thought that he was one of the most competent men who ever appeared before that committee.

Mr. BARNHART. Yes; but we are making law for the future. However, if the Appropriations Committee should propose to give Capt. Brian an additional thousand dollars, or five hundred dollars, per year, it could have my vote to that end, because he has been since his connection with the Government Printing Office a very dependable, a very worthy, and a very efficient official. There was no disposition to cut the salary of Capt. Brian because he was Capt. Brian, but at the same time, as a legislative proposition, the committee went all over this and really felt this was what ought to be done; that this is what the law ought to be, without considering Capt. Brian or any other man in the position.

Mr. CANNON. This is the House bill.

Mr. BARNHART. This is the House bill. The Senate committee has reported the Senate bill, which is practically the same; the salaries in this instance are identical.

Mr. CANNON. Well, I am not inclined to offer an amendment.

Mr. CONRY. Will the gentleman yield?

Mr. BARNHART. I will yield, but I have no time to yield. The gentleman can move to strike out the last word in his own right.

Mr. CANNON. And then the gentleman can yield.

Mr. CONRY. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman from Indiana what the salary has been heretofore of the practical printer who is now receiving $2,750 per annum—the day man?

Mr. BARNHART. Two thousand five hundred dollars.

Mr. CONRY. And the gentleman's committee has increased the pay $250?

Mr. BARNHART. Why, we have just been all over that. Was the gentleman present?

Mr. CONRY. I was not present.

Mr. BARNHART. We have already passed that.

Mr. CONRY. For my satisfaction I should like to ask again.

Mr. BARNHART. I am willing to take the time to answer the gentleman.

Mr. CONRY. What was the reason for the increase?

Mr. BARNHART. For the reason we want to get it in harmony with other salaries, so there might not be a feeling prevail that some are getting too much and some too little. We tried, in a conscientious way, to equalize with the salaries paid in other departments of the Government.

Mr. CONRY. This increase is predicated upon the feeling that exists there, a feeling of dissatisfaction over the disproportion of salaries?

Mr. BARNHART. Yes; this is why the salary of foreman of printing was fixed as it was, and he is now designated as assistant superintendent of work. If the superintendent of work should not be able to be present, his duty devolves upon the assistant, and the committee decided that it was only fair to increase him to $2,750 a year. Furthermore, it seemed to the committee that as the other assistant superintendent is in charge at night and receives $2,500 under the bill, an amendment was passed giving him the additional 20 per cent that is given all employees who work at night, making his salary $3,000 a year.

Mr. CONRY. Heretofore his salary has been $3,600.

Mr. BARNHART. Yes, sir.

Mr. CONRY. Has the gentleman looked into the question to compare the salary received with the responsibilities that rest upon his shoulders?

Mr. BARNHART. We have.

Mr. CONRY. With salaries received by gentlemen occupying similar positions in the large printing establishments throughout the country?

Mr. BARNHART. Yes; we have gone very largely on recommendations from the Government Printing Office.

Mr. CONRY. Is it not true that the salaries of those people occupying similar positions in large business establishments throughout the country average $80 a week?

Mr. BARNHART. I have no information to that effect.

Mr. CONRY. Did you investigate that view of the situation?

Mr. BARNHART. We have had hearings on this bill from time to time for six years.

Mr. CONRY. Did the gentleman who occupies this position have an opportunity to be heard?

Mr. BARNHART. I can say to the gentleman from New York that his wages, at $3,600, are in excess of any other amount that the committee heard of as being paid to any man holding a like position.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CONRY. Mr. Chairman, I ask unanimous consent for three minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent for three minutes more. Is there objection?

There was no objection.

Mr. CONRY. Is it not true that the responsibilities he is compelled to assume justify this Government in paying him $3,600 a year?

Mr. BARNHART. We do not think so. If we did we would have left it in the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. BARNHART].

The question was taken and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 12. Par. 1. There shall be a superintendent of public documents in the Government Printing Office, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall give a bond in the sum of $25,000 for the proper accounting of all moneys received by him and the faithful performance of his duties. The superintendent of public documents shall receive a compensation of $3,500 per annum. He shall, under the direction of the Public Printer, have charge of the public documents office in the Government Printing Office and shall exercise general supervision over the distribution of all Government publications committed to his custody.

Mr. HAMILL. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from New Jersey rise?

Mr. HAMILL. To strike out the last word, and under cover of that fiction to ask a few questions. I would like to ask the chairman of the committee who it is that appoints the superintendent of documents at the present time?

Mr. BARNHART. The Public Printer appoints him.

Mr. HAMILL. And the purpose of this section is, then, to take from the Public Printer the power of appointment and to put it in other hands, is that so?

Mr. BARNHART. Yes; that is the purpose.

Mr. HAMILL. Well, gentlemen of the committee, I think that this a very unwise thing to do, and if I had been here when section 5 was being read I would have offered an amendment to that section which would have provided that the Deputy Public Printer be appointed by the Public Printer. I shall do so later. I think there is nothing so calculated to create discord in the running of a big shop like the Public Printing Office as taking out of the hands of the Public Printer the right to appoint his subordinates. Take, for instance, the case we are discussing, section 12, the superintendent of documents is appointed from an outside source. You do not have the harmony that you would have if the Public Printer appointed him. And there is another thing to be considered, and that is that you are taking this office out of the civil service. Now, none of us are against the civil service. At least, I never have found a gentleman yet, whatever his private intention, who had the temerity to stand in public and say he was a foe to the civil service, and when you are taking this important office, where a qualified man is needed, out of this system, you are dealing the system a blow which is very regrettable, indeed.

Mr. BARNHART. Mr. Chairman, the purpose of the committee in making these two changes was to relieve the Public Printer as much as possible from some of the rocks that proved so disastrous to other Public Printers in the past. It was done for that reason, and for the other, that the heads in other departments of the Government, the responsible heads, are appointed by the President. For instance, if this Deputy Public Printer and the superintendent of documents are appointed by the Public Printer, the Public Printer is the "whole works," and with our present Public Printer and with the one who preceded him, and whom I knew very well, I would not have any objection to such a condition prevailing. But nobody knows what the future may bring forth, and therefore the committee thought it would be safe that the President might have a representative in the Government Printing Office, here and there, that he could call on for information from time to time that might be helpful to the well-being of public service.

Mr. FESS. Will the gentleman yield?

Mr. BARNHART. I yield.

Mr. FESS. To whom will the superintendent of public documents be responsible?

Mr. BARNHART. Indirectly the superintendent of public documents is responsible to the Congress of the United States, and he is also to the Public Printer. But directly he would be responsible to the President of the United States. Heretofore, when these disturbances occurred in the Government Printing Office which precipitated a whole lot of trouble and more or less scandal, it was openly charged by Members on the floor of the House and the Senate, and by newspapers, that there was a one-man combination in the Government Printing Office which there was no means of breaking through; that everybody was subservient to the Public Printer himself, and therefore there was no means of having any other representation in the Government Printing Office as they have in other departments of the Government. And as I say, one scandal after another followed, some of them no doubt unjust and unfounded, I take it, but the fact that the organization was so one manned, and thereby different from other departments of the Government, caused much of the trouble.

Both the Committees on Printing of the House and of the Senate felt that such a danger might confront us in the future, and in order to conserve against such a possibility this plan was adopted of having a Deputy Public Printer, who would be the Public Printer during the disability or absence of the Public Printer, and responsible to the President of the United States. And this superintendent of documents, who handles very large sums of money, and so forth, we felt ought also to be selected by the President.

Mr. FESS. Mr. Chairman, I move to strike out the last word. Does the gentleman think the same efficiency will be subserved in this particular department?

Mr. BARNHART. Yes; larger efficiency, because of direct responsibility. And I call the attention of the gentleman from Ohio [Mr. FESS] to this condition: In the State Department the Assistant Secretary and the Counselor are appointed by the President. In the Treasury Department the Assistant Secretaries, the Treasurer, and Assistant Treasurer, the Commissioner of Internal Revenue, the Comptroller of the Treasury, the Assistant Comptroller, the Comptroller of the Currency, the Superintendent of the Public Health Service, the Superintendent of the Life-Saving Service, the Register of the Treasury, the Director of the Mint, and other heads of bureaus, are all appointed by the President. It is done for the purpose, I understand, of breaking up the possibility that there might be too much power in one of these departments with such large responsibilties and expenditures to be intrusted to one man's hands. I do not know what else, but what is true of the Treasury Department is true also of many others. I have here two full sheets of these instances of presidential appointments in departments.

Mr. FESS. Then this would not be setting a new precedent?

Mr. BARNHART. Oh, no. It is following other precedents that have doubtless proven very satisfactory, as they have not been abolished.

Mr. CANNON. Mr. Chairman, I offer a pro forma amendment to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. CANNON. What is the tenure of office? Does he hold one year or two years or four years?

Mr. BARNHART. It is in the discretion of the President, the same as other appointive officials.

Mr. CANNON. It is not under the civil service?

Mr. BARNHART. No; these two positions are not under the civil service.

Mr. CANNON. I know it is by and with the advice and consent of the Senate, but it is quite in the power of Congress to legislate that the appointment should be made by the President without the consent of the Senate. Yet the practice has grown up that it is by and with the advice and consent of the Senate. I have thought sometimes that this "by and with the advice and consent of the Senate," when unduly extended, running into thousand-dollar postmasters, for that matter, and a great many other places, tended to magnify the Senate when you came to distribute patronage and to minimize the House. I take it for granted that——

Mr. BARNHART. Mr. Chairman, will the gentleman yield just there? In these two particular instances these men are virtually the servants of the Congress, and if there is any place where there should be the approval of the Congress of appointees, it seems to me it is in the places held by these appointees who are to specially serve the Congress.

Mr. CANNON. But this has the approval of the Senate. However, there is much of printing done by the departments. I suppose that most of the printing that is done in the Government Printing Office is for the departments. I take it that is so.

Mr. BARNHART. The majority of it, I can assure the gentleman from Illinois, is for Congress.

Mr. CANNON. I am not informed as to that; and if the gentleman has investigated touching that, I would take his word for it a good deal quicker than I would any knowledge that I have. But I recollect on one occasion—and I will not mention names—where we had an Architect of the Capitol—always called "Architect of the Capitol"—and there was some jealousy amongst the architects outside, and they made a strong move to have him removed. He was a very competent man, an all-around man. For the work he has to do he is one of the most competent officials I have ever met. Yet the President appoints, and he was about to be removed and somebody else brought in. Now, if there is any official under the Government that the House and Senate are interested in, it is in the Architect of the Capitol. Finally a compromise was reached on an intimation that if this gentleman or employee for the convenience

of the House and Senate was to be at the mercy of the President without confirmation by the Senate maybe he would not get any salary. A compromise was finally made by which the word "Architect" was discarded and he was designated as "Superintendent of the Capitol." He is still a good architect. I do not know, but I suppose these superintendents and these officials, except Capt. Brian, have been in there a long time?

Mr. BARNHART. I think they are old-timers, most of them.

Mr. CANNON. They do not change when the administration changes?

Mr. BARNHART. Well, probably a shift is made of some man up and another down.

Mr. CANNON. I mean, out of the office entirely?

Mr. BARNHART. No; they could not do that. They are under civil service.

Mr. CANNON. The superintendent of public documents and the Public Printer are not under the civil service, I take it.

Mr. BARNHART. No; and it is not so provided here.

Mr. CANNON. Nor are any of these high-salaried people under the civil service, as I take it, especially those who are appointed by the President by and with the advice and consent of the Senate.

Mr. BARNHART. Everybody in the Government Printing Office now, as I understand it, except the Public Printer and the old "claybank horse" that they use down there, is under the civil service.

Mr. CANNON. They, then, can not be under the civil service because it is an appointment made by the President by and with the advice and consent of the Senate.

Mr. BARNHART. That is just what I have been trying to explain. This does take him out of the civil service. We have passed the Deputy Public Printer provision.

Mr. CANNON. He is not under the civil service.

Mr. BARNHART. No; and the purchasing agent.

Mr. CANNON. He is not under the civil service.

Mr. BARNHART. No; he was not, but he is now.

Mr. CANNON. Is he not appointed by the President?

Mr. BARNHART. No. This provision provides that he and the superintendent of documents and the Deputy Public Printer shall hereafter be appointed by the President.

Mr. TILSON. In other words, the effect of this bill will be to take those men out of the civil service.

Mr. CANNON. That may not be the intention, but that will be the effect of it.

Mr. BARNHART. The President will probably never go outside of the civil service for them, because he will probably find men in the Government Printing Office who are better fitted than anybody else for those positions. All the other departments of the Government have found by long experience that, the heads of departments being responsible to the President rather than to the Cabinet officer the system has worked advantageously. The Government Printing Office has had more or less trouble along this line, and all the committees that have had this printing bill up for some years have made this provision in it. It was first called the Smoot bill. It is the same thing carried on down. Mr. Landis, of Indiana, I think, had charge of the bill when it was originally drafted; at least he had charge of the investigations that resulted in the suggestion at that time of most of the changes that are contained in this bill. Other features have been added, but most of the bill came as the result of the investigation of the conditions of the Printing Office, and Mr. Landis, of Indiana, was chairman of the committee that made that investigation. They found mistakes in management, they corrected them, and the correction of those abuses created a large saving; and that prompted this bill. It ought to have been passed at once, but it was not done. While it passed the House once and the Senate once, it never got through the House and the Senate in the same Congress.

The CHAIRMAN. The time of the gentleman from Illinois has expired. All time has expired on this paragraph.

Mr. TILSON. Mr. Chairman, I move to strike out the last word.

Mr. CANNON. It can not expire. Evidently the Chair is mistaken.

The CHAIRMAN. Debate on this paragraph has been closed.

Mr. TILSON. I move to amend the paragraph by striking out the last word.

Mr. HULBERT. I move to strike out the first word. I want to have the last word. [Laughter.]

Mr. TILSON. I offer a pro forma amendment, which I think is in order.

Mr. BENNET. Why not move to strike out the paragraph?

The CHAIRMAN. All time has expired on the paragraph.

Mr. TILSON. But it is subject to amendment, and I move to strike out the last word.

Mr. HULBERT. Does the Chair entertain my motion?

Mr. TILSON. I think I am entitled to the floor.

Mr. CANNON. Debate has not been closed.

The CHAIRMAN. By unanimous consent all the pro forma amendments are withdrawn, and the gentleman from Connecticut [Mr. TILSON] is recognized.

Mr. TILSON. Mr. Chairman, I offer this pro forma amendment for the purpose of trying to have the effect of this provision clearly defined. Is it not true that at the present time the deputy printer and the superintendent of documents are under the civil service, and protected thereby?

Mr. BARNHART. They are appointed by the Public Printer.

Mr. TILSON. Regardless of whom the President might appoint after this bill becomes a law, whether he should appoint these men or take men from outside, as soon as he made this appointment under the new law would not the effect of this bill be that the President, if he saw fit, might immediately remove these men and appoint others in their places?

Mr. BARNHART. Yes.

Mr. TILSON. In other words, the protection of the civil service would be taken from them? That is correct, is it not, and that is the purpose of it?

Mr. BARNHART. No; that is not the purpose of it. As I stated before, the purpose of it is to get the Government Printing Office on the same basis as all of the other departments of the Government are organized and operated, and that is that the head of the department shall not have sole charge of everything that is going on, but in order that we may have some other means of finding out what is going on, by having some independent appointees. We are only asking for these three, and they are very important. One is a purchasing agent, who, the committee feel, ought to be responsible to somebody else than the Public Printer. That is no reflection on the present Public Printer nor on any past Public Printer, as far as I know; but it is always better to play safe, and these other departments have found that it has proven entirely satisfactory that the President should have some one responsible to him in these large departments besides the one man at the head.

Mr. HULBERT. Will the gentleman yield for a question?

Mr. BARNHART. I shall be glad to yield when I have finished answering the gentleman from Connecticut. I can not answer two questions at the same time.

Mr. TILSON. As I understand, I have the floor, and I am yielding to the gentleman from Indiana.

Mr. BARNHART. That is correct.

Mr. TILSON. I will yield later to the gentleman from New York, if I have any time.

Mr. BARNHART. I have no time of my own to yield, and I can not answer two men at the same time.

Mr. TILSON. What I wish to bring out is what effect this provision will have. What the gentleman says may be true as to the effect of the bill and what is being done here may be for the best interests of the service. but what I want to have understood is what the effect will be as far as the civil service is concerned.

Mr. BARNHART. The Government Printing Office is maintained very largely for the benefit of Congress. I did not answer his question before, but my information is that something over 60 per cent of the printing done in the Government Printing Office is done for Congress. Now, it seems to all of the committees that have had anything to do with this bill—and that has been in about five Congresses, as I remember it—that it is important that we have some executive control over a few of these subordinate places—for instance, the superintendent of documents. We ought to have a man in there whom we can approve or disapprove. As he is now appointed, nobody approves him. The Public Printer appoints him, and we have thought it best for the good of the service, for the hereafter, considering what has happened in the past, that this change be made, in harmony with all the other departments of the Government. It is not an attack on the civil service at all.

Mr. TILSON. Mr. Chairman, I ask unanimous consent to withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. HAMILL. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. HAMILL: Section 12, page 9, strike out all of line 5, beginning with the word "President," and the first five words in line 6, and insert the words "Public Printer."

Mr. HAMILL. Mr. Chairman, this puts before us the proposition we have been debating and gives us a chance to express an

opinion on it. I think it has been fully debated, and I will not discuss it any further.

Mr. BARNHART. Let us have a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from New Jersey [Mr. HAMILL].

The amendment was rejected.

Mr. SMITH of New York. Mr. Chairman, I ask unanimous consent to return to section 10 for the purpose of offering an amendment. I was not here when that section was reached, and I want to offer an amendment to it if I can get unanimous consent to do so.

Mr. BARNHART. Is it an amendment correcting the phraseology of the bill?

Mr. SMITH of New York. No; it is not. It has to do with the salary of one of the men.

Mr. BARNHART. It has been taken up twice and decided twice. After we passed it once, the gentleman from New York [Mr. CONRY] called it up, and we took 10 minutes on it.

Mr. CONRY. I knew nothing about the situation. I understand my colleague Mr. SMITH is familiar with it. I think it is a matter of simple justice to consider it.

The CHAIRMAN. Is there objection to the request of the gentleman from New York [Mr. SMITH]?

There was no objection.

Mr. SMITH of New York. I move to amend, on page 8, line 14, by striking out the figures "$2,500" and inserting in lieu thereof "$3,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 8, line 14, strike out the figures "$2,500" and insert "$3,000."

Mr. SMITH of New York. Mr. Chairman, the purpose of this amendment is to retain for the superintendent of work at night the salary he is now receiving. This salary placed in the bill is a reduction from $3,000 to $2,500, and I can see no reason for making that discrimination against a man who is performing a very important work. The superintendent of work at night is the foreman of printing, and he has charge of the other divisions; he has about 650 men at work under him, and on account of the character of his work and the necessity for knowledge of every phase of the Government Printing Office work it requires a man of special knowledge and special intelligence. In view of that fact, I believe the reduction should not be made.

Mr. CONRY. The gentleman from New York is a printer?

Mr. SMITH of New York. I understand the printing business.

Mr. CONRY. The gentleman knows that the salary of men occupying a similar position in the large printing establishments is much larger than that prescribed by law?

Mr. SMITH of New York. Yes; I have an official statement of the secretary of the New York Typographical Union, in which he says that in the New York Journal office, where 330 men are employed, the salary of the foreman of printing is $80 a week. In the New York Globe, where they have 85 men, the foreman's salary is $75 a week. In the New York Times the salary is $80; New York Tribune the salary is $80. So that a man in charge of 650 men in the Government Printing Office will receive a less salary than that received by the foreman of printing on a New York newspaper.

Mr. CANNON. Will the gentleman yield?

Mr. SMITH of New York. Yes.

Mr. CANNON. Do they get 30 days leave of absence with pay, and do they get sick leave with pay?

Mr. SMITH of New York. I believe in many cases they do.

Mr. BARNHART. And half a day off all summer?

Mr. SMITH of New York. I believe the New York printing offices give as good treatment to their employees as that given by the Government Printing Office.

Mr. BARNHART. Mr. Chairman, as some Members may have come in since this matter was gone over before, I will say that it was carefully investigated by the committee, and they increased the salary of the assistant superintendent, who has charge of the office in the daytime, from $2,500 to $2,750 a year. The salary of the assistant superintendent, who has charge at night—such work as getting out the CONGRESSIONAL RECORD—is allowed under the provisions of this bill $2,500, with an additional 20 per cent for night work, and that makes a total of $3,000. He is now being paid the same amount that the superintendent of work, the man in charge of the whole office, is paid—$3,600. The other assistant superintendent, who has charge of the Government Office in the daytime, certainly has larger responsibilities than the man in charge of the office at night, because of the great variety of work and because of the fact that at night there are 500 or 600 employees while in the daytime there are some 3,500.

In the readjustment of these salaries the committee thought it was only fair to increase the salary of the day assistant superintendent $250 and to give the night superintendent what they thought was a fair amount—$2,500, plus the 20 per cent, which makes $3,000, while the day assistant superintendent gets but $2,750.

Mr. FESS. And some part of the year the night superintendent is not continued when Congress is not in session.

Mr. BARNHART. Yes; but his regular salary will continue right along, although a part of the time he will not have to work at night, but will get $2,500 anyhow.

Mr. SMITH of New York. Does the gentleman from Indiana overlook the fact that in the daytime there is the superintendent of work, at $3,600, and the assistant superintendent, at $2,750, while the man at night is alone and absolutely responsible for every department; and, in addition to that, he is in charge of the printing force, with no assistant foreman?

Mr. BARNHART. The Public Printer is on duty in the daytime, and also the Deputy Public Printer. They are not supposed to work at night, but they are supposed to be on duty all the time and subject to call at any time the plant may need their services.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. CONRY) there were 7 ayes and 20 noes.

So the amendment was rejected.

The Clerk read section 13 of the bill.

The CHAIRMAN. Earlier in the day by unanimous consent sections 14, 15, and 20 were passed to be taken up at a later hour. So the Clerk will read section 16.

Mr. HAMILL. Mr. Chairman, I ask unanimous consent to include in that section 5.

The CHAIRMAN. Section 5 has been already read and passed.

Mr. HAMILL. Mr. Chairman, I ask unanimous consent to return to section 5 for the purpose of offering an amendment.

Mr. BARNHART. Mr. Chairman, I shall object to that. We have been over it fully, and I am certainly impelled to make the objection. We must make some progress. If these matters are to be considered and Members have a real interest in the bill they should be present when the bill is read. We have been over the matter, and I object.

Mr. HAMILL. Mr. Chairman, I make the point of no quorum.

Mr. BENNET. Oh, I hope the gentleman from New Jersey will not do that. We have been making good progress in the bill, and it is a good bill, and we ought to bear and forbear. Possibly an arrangement could be made by which section 5 could be taken up in connection with section 15, and I ask unanimous consent that the amendment of the gentleman from New Jersey [Mr. HAMILL] be taken up in connection with the sections that have been passed over.

The CHAIRMAN. The gentleman from New York and the gentleman from New Jersey ask unanimous consent that section 5 be returned to and passed over with the other sections that were passed by unanimous consent, for the purpose of offering an amendment.

Mr. HAMILL. Mr. Chairman, I merely want to make this remark: That that is probably the most important section in this bill, and it has been passed by a very small number of Members here, and if the request of the gentleman from New York is acceded to it will give us a chance and perhaps a larger House to take up this very vital matter.

The CHAIRMAN. Is there objection?

Mr. BARNHART. Mr. Chairman, I hope the gentleman from New York will withdraw his request, because this request for unanimous consent can come later. We have been over this, and if we turn back and reconsider each time a Member comes in who has not happened to be on the floor when a particular section was passed who does not like what has been done by the committee, we will not make very much progress.

Mr. BENNET. Let me call the attention of the gentleman to the fact that we have read 13 or 14 sections this afternoon, which is more than were read of the agricultural bill in three days. If he accedes to this request, and we all proceed in a brotherly way, I think he will make a good deal of progress.

Mr. BARNHART. So far as the point of order is concerned, Mr. Chairman——

Mr. BENNET. There is no point of order.

Mr. FINLEY. Mr. Chairman, I suggest an easy way out of it—that the gentleman from New Jersey let his request go over until the bill is read, and then we might recur to the section for the purpose of offering his amendment.

Mr. BARNHART. I am willing to enter into that sort of an agreement.

Mr. HAMILL. That is all I want.

The CHAIRMAN. Does the gentleman from New York agree to the suggestion of the gentleman from South Carolina that section 5 be taken up at the end of the bill for the purpose of offering the amendment of the gentleman from New Jersey?

Mr. BENNET. That is my understanding.

The CHAIRMAN. The Chair will put the request of the gentleman from South Carolina that section 5 go over until the completion of the reading of the bill under the five-minute rule, at which time section 5 shall be taken up for the purpose of an amendment by the gentleman from New Jersey [Mr. HAMILL]. Is there objection?

Mr. GARRETT. Mr. Chairman, reserving the right to object, I suggest to the gentleman from New Jersey that he offer his amendment now.

Mr. HAMILL. I have not got it written out at the present time.

The CHAIRMAN. The Chair will state to the gentleman from Tennessee that it would require unanimous consent to do that.

Mr. GARRETT. Let us hear what the amendment is. I object.

Mr. HAMILL. Mr. Chairman, I will present the amendment after we read two or three more sections.

Mr. GARRETT. Then the gentleman will renew his request after that?

Mr. HAMILL. Mr. Chairman, I withdraw the point of no quorum, and will make the request for unanimous consent to return to section 5 at a later period.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 18. Par. 2. The Joint Committee on Printing shall fix upon standards of paper of every description which, in its judgment, will be required by the Government Printing Office for all the purposes of the public printing and binding for Congress, the Executive Office, the judiciary, and the several executive departments, independent offices, and establishments of the Government. The Public Printer shall, under the direction of the said committee, advertise in two newspapers or trade journals published in each of the cities of Boston, New York, Washington, Atlanta, Cincinnati, St. Louis, Chicago, San Francisco, and Seattle for sealed proposals to furnish the Government with paper as specified in the schedule prescribed by the Joint Committee on Printing. The advertisement shall specify the minimum quantity of each kind of paper estimated to be required for either three months, six months, or one year, as the Joint Committee on Printing may determine; but when the minimum so specified exceeds, in any case, 1,000 reams, it shall state that proposals will be received for 1,000 reams or more. The Public Printer shall furnish a schedule and samples of the standards of papers to applicants who may desire to bid.

Mr. BARNHART. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 16, line 13, after the word "Government," insert:
"*Provided*, That the standard of paper for the printing of postal cards shall be fixed upon by the Postmaster General."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FESS. Mr. Chairman, I move to strike out the last word. May I ask why these particular cities were selected from which to receive bids? In other words, why not Detroit or Denver?

Mr. BARNHART. Mr. Chairman, it was the purpose of the Joint Committee on Printing in rearranging this schedule to distribute it over as wide an area as possible, and yet not put it in all of the newspapers of the United States for the reason that bidders are supplied generally by clipping bureaus and trade papers, and this was merely a form of establishing more of an assurance than anything else that we have advertised for bids. There were originally many more cities included in this list, but the advertisement is just a little short notice each year of the time of the letting, and it amounts to practically nothing. As a matter of convenience in giving it as broad a distribution as possible these cities were selected.

Mr. FESS. A change was made reducing the number?

Mr. BARNHART. Yes; from what it formerly was.

Mr. SMITH of New York. Mr. Chairman, I move to strike out the first word. I would like to ask the gentleman from Indiana if putting the proviso where he did in the middle of the section it will not look as though all of the rest of the paragraph were under that proviso?

Mr. BARNHART. There is a period at the end of the proviso, which makes it all right.

Mr. CANNON. Mr. Chairman, I rise to oppose the pro forma amendment. The advertisement is to specify the minimum quantity of each kind of paper estimated to be required for either three months, six months, or one year, as the Joint Committee on Printing may determine. What is the maximum?

Mr. BARNHART. Mr. Chairman, the Public Printer's estimate is considered the minimum, and if an emergency arises under which he should want a larger quantity it is specified in the contract and in the bid that the successful bidder will furnish this amount, more or less, at the same price, without another letting.

Mr. CANNON. Precisely. It seems to me that it ought to be for all that is required. Oh, we have seen paper go up and down——

Mr. BARNHART. It is doing that now, especially up.

Mr. CANNON. I saw a revolution almost in this House under the cry of free print paper and in the country, and, for that matter, we got free print paper, and I am told it has gone up, so that revolution was a useless one if it was a revolution.

Now, if this paper doubles in price, is the gentleman sure that all the paper required would be received at the bid?

Mr. BARNHART. The Joint Committee on Printing has that interrogatory in the hands of the Attorney General, and have not yet received a reply. In the recent letting of print-paper contracts, which I think was on the 20th of January, bids were made for a great quantity—the year's supply of paper. Since that time the price of paper has gone up by leaps and bounds, said to be due to the fact of the inability to get certain paper-making ingredients imported into this country. The price in some instances has gone up 50 per cent, and in some few instances 150 per cent.

Mr. CANNON. Not this kind of paper?

Mr. BARNHART. Some of these contractors who made these bids gave a bond of $5,000, filed their bonds at the time they made the bids, that they would make good the contract, yet a great many of them have notified the Joint Committee on Printing and the Public Printer that they are not prepared to make these contracts because they can not get the paper, and so they have been notified that they will have to forfeit the bonds given. It is the only way that the Joint Committee on Printing can possibly proceed. Now, with reference to the quantity of paper, it will be in pounds and not in value. If the Government Printer needs so many pounds of paper to print our valuable and more or less necessary speeches and he needs so much to print the CONGRESSIONAL RECORD, he specifies the quantity in pounds, because they have to have that many pounds of paper, and if the price goes up or the price goes down it is the fortune or the misfortune of the contractor, as the case may be, as we let the contract for the full year.

Mr. CANNON. Precisely; but there is no maximum here; there is a minimum.

Mr. BARNHART. No; we could either fix a maximum or a minimum by striking out the word "annually," because the contracts carry the words "more or less." It is utterly impossible for the Government Printer to estimate to the pound how much paper he is going to use, so he specifies what he considers to be the minimum, and the bids are taken and bidders agree to furnish so many pounds of paper, more or less, and then if it comes along toward the end of the year and the paper is not holding out and the Public Printer finds he is going to require more pounds of paper than contemplated in the contract, the contractor is required to furnish the excess amount of paper the Government Printer will need during the balance of the year.

Mr. CANNON. Does the gentleman understand that if the price of paper goes down the Government is bound?

Mr. BARNHART. It is bound under its full-year contracts. These bids are for a fiscal year. They agree to furnish so many pounds of paper within the fiscal year, and at the end of that fiscal year the contract is off.

Mr. CANNON. Precisely.

Mr. BARNHART. That is the way all Government material is bought, as we are informed.

Mr. CANNON. Print paper has a lifetime, I am told, of about 25 years. That is, print paper such as is used for a thousand speeches or ten thousand speeches.

Mr. BARNHART. Commonly called "news print."

Mr. CANNON. I suppose that is the case. Then, I understand, the paper used in the CONGRESSIONAL RECORD is better.

Mr. BARNHART. Yes; that used for the permanent RECORD is.

Mr. CANNON. For the permanent RECORD, but the paper used for the daily RECORD I suppose is print paper?

Mr. BARNHART. It is the same kind that is used in general job work of printing speeches, and so forth.

Mr. COX. Will the gentleman yield?

Mr. BARNHART. I will.

Mr. COX. As a matter of curiosity, I would like to ask the chairman one question, and that is, How much is annually expended by the Government in the purchase of paper?

Mr. BARNHART. One million two hundred thousand dollars.

Mr. COX. At the same rate per pound?

Mr. BARNHART. No; because some of the paper costs 2 cents a pound and some of it 25 cents a pound.

Mr. COX. And it all costs $1,200,000?

Mr. BARNHART. About that.

Mr. COX. Is this paper for use of all the Government establishments?

Mr. BARNHART. It is what the Government Printing Office uses.

Mr. BEAKES. Mr. Chairman, I move to strike out the last two words for the purpose of asking the chairman of the committee why we advertise in two papers, in, for instance, Boston and Atlanta, and leave out such cities as Indianapolis and Detroit?

Mr. BARNHART. Mr. Chairman, it was not any reflection on the cities that they are dropped out, but it was due to the fact that the committee felt that really it was just a waste of money to broadcast this matter and let a lot of papers in the same locality publish the same thing.

Mr. BEAKES. Why did the committee put two in each locality which they picked out ?

Mr. BARNHART. That has been the custom always heretofore, just as in many of the States; the public advertising is done in that way. I know it is in my State, and I think in the State of Michigan also. It is the law in our State that two of the leading newspapers of each county shall carry the public advertising. That is for the purpose of not giving any one newspaper a monopoly on public advertising.

But I think this was done, as it had been done for many years, because it is the custom to do it that way. I will say to the gentleman from Michigan [Mr. BEAKES] that the expense of it is merely nominal. The advertisements are about 5 inches long—a little notice of the letting of the Government paper contract that goes in these papers once a year. The fact of the matter is the cost of it is hardly worth as much as the time we have spent this afternoon in discussing the question of this newspaper advertising. It is nominal. It is distributed all over the United States and amounts, I am informed, to about $500 a year. The big newspapers do not care anything about it as a matter of business.

Mr. BEAKES. Mr. Chairman, I move that on page 16, after line 17, after the word "Chicago," the word "Detroit" be inserted.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 16, in line 17, by adding, after the word "Chicago," the word "Detroit."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 18. Par. 3. The sealed proposals to furnish paper shall be opened in the presence of the Joint Committee on Printing not later than the first Monday in February of each year, as determined by the Joint Committee on Printing, and the contracts shall be awarded by it, in its discretion, to the lowest and best bidder for the interest of the Government: *Provided*, That every proposal shall be accompanied by a bond in such sum as shall be fixed upon by the Joint Committee on Printing, with a corporate surety, which must be duly qualified as provided by law, as a guaranty that the bidder, if his proposal is accepted, will enter into a contract with the United States of America, by the Public Printer, to furnish the paper proposed for and will execute a bond for the faithful performance of such contract; and by satisfactory evidence that the bidder is a manufacturer of, or a dealer in, the description of paper which he proposes to furnish and is capable of complying with his proposal: *Provided*, That if no award is made for any lot of paper on the first or any subsequent opening of proposals therefor, the Joint Committee on Printing may direct the Public Printer to readvertise for new proposals on such lots in the manner it shall prescribe, or said committee may authorize the Public Printer to purchase such paper in the open market as required from time to time at the lowest and best market price therefor.

Mr. BARNHART. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Committee amendment: Page 18, line 4, after the word "therefor," insert:

"*Provided further*, That paper furnished under contracts awarded as provided herein shall be manufactured in accordance with the provisions of section 1 of the act approved June 19, 1912, entitled 'An act limiting the hours of daily service of laborers and mechanics employed upon work done for the United States.'"

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was agreed to.

Mr. REILLY. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman a question. Who prepares the specifications that are sent out for bids on paper?

Mr. BARNHART. They are prepared by a special committee of experts on paper.

Mr. REILLY. Have you ever had any complaint from paper manufacturers that the specifications so prepared interfered with the Government receiving lower prices for paper?

Mr. BARNHART. I do not recall in my experience of having had any such difficulty. At the lettings I have seen as high as 60 bidders present, indicating there was ample competition.

Mr. REILLY. I will say that what made me ask the question was that one of the largest paper manufacturers in my section of the State complained about the specifications, and he said the specifications as presented and sent out by the committee interfered materially with the Government getting paper as cheap as it could get it under more liberal specifications, and better paper also.

Mr. BARNHART. And I may further say to the gentleman from Wisconsin that that might be true, and I can give an instance. They make what is called "loft-dried" paper. The process of loft drying is slow, being dried by air. Then they have what is called "machine-dried" paper—dried by artificial heat—and that process is very much more rapid, and the "machine-dried" paper can be made cheaper than the "loft-dried" paper, and some commercial firms use it. But the Bureau of Standards and the experts that the Government has have decided there is no substitute for "loft-dried" paper that will endure as long as the genuine. What is true in that respect I have no doubt may be true in a good many others.

I have had some experience myself in purchasing paper, and I know that there is a quality that some mills can not make—do not have the machinery to make—while other mills have it. I admit there is a good deal of whimsicality about these things. It would be like my friend if he were to go out and buy a dress for his wife—if he had a wife—and he might select one piece of goods for his wife and I would select another piece for mine, costing different or the same prices, and in the outcome we would probably both have what we wanted. And what is true of things of that sort is true of the purchase of supplies of all kinds. There is a wide difference of opinion. But the Government found it necessary to fix a standard, and if the gentleman was present at the letting of these contracts he would find that a great many of the bids are qualified by saying they are willing to furnish it without being specific as to the tint of the paper or as to the texture of it or as to the thickness of it. In that way the first thing the Government would know it would have a great conglomeration of all sorts of paper. The committee established a fixed standard which they believed was liberal enough to invite large and wide competition, and we are trying religiously to follow it.

Mr. REILLY. Has the chairman had the experience of ordering one kind of paper from the purchasing department of this Government one month, and the next month ordering the same kind of paper and getting an entirely different kind of paper—inferior in quality?

Mr. BARNHART. If a carload ever comes in and does not fill the specifications and the sample that is submitted at the time they made the bid, the paper is rejected.

Mr. REILLY. If you order it from the stationery room in the House Office Building, you never get the same kind twice.

Mr. BARNHART. Well, the Joint Committee on Printing has not anything to do with that.

Mr. REILLY. They ought to have an expert to look it up.

Mr. BARNHART. They have no more to do with that than the gentleman from Wisconsin.

Mr. REILLY. Does not that come under your jurisdiction?

Mr. BARNHART. Oh, no.

Mr. REILLY. The joint committee ought to take jurisdiction and see that we get the same quality of paper each time.

Mr. BARNHART. That is exactly what is provided in this bill; but at present we do not get it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, I make the formal amendment to strike out the last word. This amendment reads:

Provided, That paper furnished under contracts awarded as provided herein shall be manufactured in accordance with the provisions of section 1 of the act approved June 19, 1912, entitled "An act limiting the hours of service of laborers and mechanics employed upon work done for the United States."

I have sent for the act. I do not know what it is exactly. I want to get a copy of that act. Has the gentleman the act?

Mr. BARNHART. Yes; we have it.

Mr. CANNON. Has the gentleman the language of the act?

Mr. BARNHART. Yes; in full.

Mr. CANNON. This is an act entitled "An act limiting the hours of daily service of laborers and mechanics employed upon

work done for the United States or for any Territory or for the District of Columbia, and for other purposes."

Now, that is work done for the United States. This is proposed legislation for work done by the man who made the paper which he proposes under contract to deliver to the United States, as I understand it. So far as I know, no legislation of that kind has been enacted heretofore. In other words, has the gentleman knowledge as to how many paper mills employ hands that work more than eight hours a day?

Mr. BARNHART. Yes; in a general way. Quite a number of the principal paper mills of the country are going voluntarily to the eight-hour basis. I have a list of them here.

Mr. CANNON. How many paper mills are there in the country?

Mr. BARNHART. I can not say as to that.

Mr. CANNON. And in round numbers, how many are operating under the eight-hour law?

Mr. BARNHART. The majority of the mills that bid on these contracts are working under the eight-hour law.

Mr. CANNON. But how can the gentleman tell how many will bid?

Mr. BARNHART. We have nothing except the experience of how many have bid from year to year. All of those who did bid, or a great majority of them, are on an eight-hour basis, and in the recent past—on March 21, 1916—at Kalamazoo the hours were reduced to eight hours; on March 21, 1916, at Holyoke, Mass., and at Dayton, Ohio; and again, on February 29, another mill at Holyoke, Mass., went on the eight-hour basis. One after the other they are doing this.

Mr. CANNON. That is six of seven mills.

Mr. BARNHART. These are of recent occurrence. They include all paper manufacturers in these particular places.

Mr. CANNON. Precisely; in six or seven places. I do not know how many mills there are, but print paper is now on the free list. Now, would that prevent a man who made paper in Canada or in Norway from bidding, or a man who bought the paper that was made in Canada or Norway? Could that paper be used under this amendment?

Mr. BARNHART. Well, I apprehend the paper could be made anywhere. I do not know of any provision of law that would prohibit the United States from buying paper as it does other supplies.

Mr. CANNON. I know; but would it prohibit the man who makes the contract availing himself of the free paper that came from all over the world?

Mr. BARNHART. He could not do it unless it was made in an eight-hour mill, because the amendment provides that it shall be done in accordance with a certain enactment, which provides for an eight-hour day.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. Mr. Chairman, I ask for a little further time. I want to understand this.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for how long?

Mr. CANNON. Five minutes or ten. I just want to inquire what this amendment does.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. CANNON. Now, print paper is made from wood pulp. That is ground up. Is this language broad enough to cover the man who cuts down the pine trees and the man that hauls the pine trees to the mill?

Mr. BARNHART. It says the paper shall be manufactured. I think that limits it to the actual work of the manufacture of the paper. It seems to me that is as clear as language can make it. It would take a great stretch of imagination to hold that a man who goes out and cuts down the trees would be manufacturing the paper or that the man who hauls the wood to the market could be considered as manufacturing the paper. It seems to me it would be far-fetched to take that view of it.

Mr. CANNON. Well, why should it not?

Mr. BARNHART. Well, if anybody wants to put a construction of that kind upon it, they can.

Mr. CANNON. Well, the man that builds the truck that hauls the paper to deliver it, the transportation carrier that transports the paper, the man that sows the wheat and harvests it, upon which all these people subsist, or the man who produces the meat that they eat—why should it not apply equally to them? Why should paper makers be the only ones subject to this amendment?

Now, mind you, to get a cheap article paper was put on the free list. Anybody can import it. The Government is a tolerably small consumer of paper that is used. It seems to me that to do equal justice in God's chancery you ought to extend it all along the line. I think the gentleman had better, by unanimous consent, pass this section by and let us have a full committee present.

Mr. BARNHART. We have already passed the amendment.

Mr. CANNON. Oh, no.

Mr. BARNHART. All this talk is permitted purely out of courtesy.

Mr. CANNON. Oh, no. I do not so understand it.

The CHAIRMAN. The amendment has been adopted.

Mr. BARNHART. I appreciated that, and all this discussion is subject to a point of order; but it was going on by courtesy.

Mr. CANNON. I made the pro forma amendment, and I was recognized.

Mr. BARNHART. The amendment was adopted before the gentleman from Illinois spoke.

Mr. CANNON. Mr. Chairman, I ask unanimous consent that this may be passed over, so that we can let a full committee take the responsibility of passing upon it. I ask unanimous consent to return.

Mr. CULLOP. If the gentleman wants it set aside, perhaps he could make that motion.

Mr. BARNHART. The gentleman from Illinois can reserve the right to have a separate vote in the House on this amendment. It has already gone into the bill.

Mr. CANNON. Well, I would rather the committee would pass upon it.

The CHAIRMAN. The Chair will state, for the information of the members of the committee who were not present at the time that the amendment was adopted, that several gentlemen made some pro forma amendments, and quite a discussion was had on the matter before the gentleman from Illinois [Mr. CANNON] was recognized. What is the request of the gentleman from Illinois?

Mr. CANNON. If the amendment has been disagreed to, I ask that that action may be vacated.

The CHAIRMAN. The amendment was agreed to.

Mr. CANNON. I ask that, by unanimous consent, that action may be vacated, and that it may be passed over until we have a larger attendance in the committee.

Mr. BARNHART. Mr. Chairman, I am not going to object to that, because the same thing has been done here before; but hereafter when we have passed a section, unless there is some extraordinary reason why the matter should not have been settled when the section was under consideration, I shall object to returning to it. I do not object in this instance.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] asks unanimous consent that the vote by which this amendment was agreed to be vacated, and that the section be passed—until what time?

Mr. CANNON. I do not care—until next Calendar Wednesday.

Mr. BENNET. Why not simply pass it over and take it up at a more convenient time?

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the amendment be passed. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 18. Par. 8. In case of the default of any contractor to furnish paper as provided in this section, he and his sureties shall be responsible for any increase of cost to the Government in procuring a supply of such paper which may be consequent upon such default. The Public Printer shall report every such default, with a full statement of all the facts in the case, to the Attorney General, who shall prosecute the defaulting contractor and his sureties upon their bond in the district court of the United States in the district in which such defaulting contractors reside or such suretyship is undertaken.

Mr. CULLOP. Mr. Chairman, I move to strike out the last word. I wish to ask a question of the chairman of the committee. This paragraph seems to put a limitation on the liability of the bond, that it shall only be the difference in price. Now, is not the bond to cover any other default that may be made in the contract except that one?

Mr. BARNHART. This makes the Government whole, and the committee thought that was all that was necessary. It did not intend to inflict any profit-making penalty on the surety.

Mr. CULLOP. But there may be other defaults, such as in quality or failure to deliver on time, and other things of that kind. Now, is this intended to fix a limitation so that it will apply only to the difference in price? It would appear that way from the language of it.

Mr. BARNHART. This is the custom of other departments, and the committee felt that all that the Government can consistently ask in matters of this kind is to be made safe from losses.

Mr. CULLOP. But this does not provide for making the Government whole except in one instance.

Mr. BARNHART. Oh, I call attention of my colleague to the language—

For any increase of cost to the Government in procuring a supply of such paper which may be consequent upon such default.

That covers the cost, whatever it may be.

Mr. CULLOP. It fixes the liability as the difference in cost. Now, suppose the quality is not up to the standard, or suppose the time of delivery is not complied with; would not the bond cover a loss of that kind?

Mr. BARNHART. It certainly does. It says—

For any increase of cost to the Government in procuring a supply of such paper.

Mr. CULLOP. But the difference in price is what is fixed as the limitation.

Mr. BARNHART. I think my colleague misunderstands that. This provision here is simply to protect the Government from any loss.

Mr. CULLOP. For any increase of cost——

Mr. BARNHART. Loss to the Government in securing the supplies. The purpose of the bond is to cover cases of the kind which I cited a while ago. First a man gives a bond that he will make the contract, and then when he makes the contract he gives a bond for the faithful performance of it, and his bond must be fixed in a sufficient amount to cover any extra cost to which the Government may be put in having the contract fulfilled.

Mr. CULLOP. Suppose a contractor did not furnish the quality stipulated in the contract?

Mr. BARNHART. His paper would be rejected. He would be notified of the rejection, and if he refused to fill the contract, the Government would go into the open market under the direction of the Joint Committee on Printing and purchase such supplies, and proceed against his surety.

Mr. CULLOP. If there was an increase in the cost?

Mr. BARNHART. Yes. The Government would not be a loser on anything else except the increase in cost.

Mr. CULLOP. Does the gentleman think that provision would enable the Government to recover for any other loss connected with the contract?

Mr. BARNHART. I think so, for any increase of cost. You might say, "for the increase of any cost," or "for any increase of cost." It seems to me either of them would cover it, and that the language is sufficient to cover any increase of cost.

Mr. CULLOP. Would it not be better if it said "for any loss or damage sustained" instead of "for any increase of cost," so that it would then cover any loss, and remove it from all doubt whatever?

Mr. BARNHART. These matters were submitted to the counselor for the Public Printer, who is detailed from the Attorney General's office. He went over these provisions in reference to the bonding, and this is the substance of his recommendation.

Mr. CULLOP. If the committee thinks it is sufficient, why, all right.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

SEC. 18. Par. 9. The Public Printer may, when authorized by the Joint Committee on Printing, purchase paper not provided for by annual contract, in the open market at the lowest market price for the quality required, after due advertising; and, whenever they may deem the quantity required so small or the want so immediate as not to justify advertisement, the Public Printer may purchase the paper so required at the lowest and best market price after at least three competitive proposals have been requested.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. The Public Printer may, when authorized by the Joint Committee on Printing, purchase in the open market paper not provided for by annual contract, at the lowest market price for the quality required, after due advertising, and so on. This says "in the open market," although the paper may be made in Norway or Canada, or purchased in the United States. Does the gentleman mean to provide here that that paper purchased in the open market must necessarily have been made in a paper mill where the hours of labor were eight or less?

Mr. BARNHART. This paper is not purchased on an annual contract.

Mr. CANNON. Let that be as it may. Paper is paper, whether it is purchased in the open market or under an annual contract.

Mr. BARNHART. This provision is intended to cover emergencies, matters that might not be thought of at the beginning of the year, such as odds and ends. It has occurred frequently that a mill having the contract has burned down or flooded, and it was utterly impossible to procure the paper until they could rebuild. Under those circumstances the Public Printer would notify the Joint Committee on Printing, and they would authorize him to go into the open market for his emergent needs.

Mr. CANNON. Precisely, although it might have been made by 12-hour labor.

Mr. BARNHART. Yes; but it could not amount to much during the entire year.

Mr. CANNON. In other words, it is just a little baby. [Laughter.]

Mr. FARR. Mr. Chairman, I move to strike out the last word. I would like to ask if orders might not be withheld and this provision might not be taken advantage of.

Mr. BARNHART. That would be up to the Public Printer to ascertain whether any such trick were being pulled off on the Government. The contract is so clear and specific that he shall furnish this paper in such quantities and at such time as the Public Printer may require, that there would be no loophole of that kind. He could not withhold unless he could show to the satisfaction of the Government Printer and the joint committee that there was something unusual in the way of furnishing the paper which might be needed at the moment.

Mr. FARR. It might be an adult, rather than a little baby, as the gentleman from Illinois suggests.

Mr. CLINE. The Committee on Printing takes a bond; they purchase the regular supplies from a company, and if there is any delinquency on the part of the party contracting he would be liable on his bond for any loss sustained.

Mr. BARNHART. Certainly; but on the other hand, if something should occur so that a certain quality of paper could not be furnished, then this would tide them over. I remember when they issued the emergency currency that the demand for that sort of paper was so unexpected that the firm furnishing it was not prepared to make it as fast as needed, and it had to go to some other mill. Sometimes the need for paper arises for which no contract has been made, and that has to be purchased in the open market.

Mr. FESS. Will the gentleman yield?

Mr. BARNHART. Yes.

Mr. FESS. I think you had a case not long ago where it was impossible to get the paper under contract because the mill with which you had the contract had been flooded.

Mr. BARNHART. That occurs occasionally.

Mr. FESS. That occurred in the Ohio valley, and the parties came over here to see about it.

Mr. BARNHART. This provision merely protects the Public Printer and the Government and enables it to tide around emergencies that are unavoidable and to meet emergencies that could not be anticipated at the time of contract letting.

The pro forma amendment was withdrawn.

The Clerk read as follows:

SEC. 19. Par. 1. The Public Printer shall prepare a schedule of the estimated quantity of all materials and supplies other than paper required by the Government Printing Office for the ensuing fiscal year, showing the description and quality of each article, and, under the direction of the Joint Committee on Printing, shall advertise for proposals for furnishing the same and enter into written contracts therefor with the lowest and best bidder for the interest of the Government: *Provided*, That should the Public Printer fail to receive any acceptable proposal after due advertising he may proceed to purchase such materials and supplies in the open market at the lowest and best market price after at least three competitive proposals have been requested, but such purchases shall not in any year exceed the sum of $500 for any particular article without the approval of the Joint Committee on Printing. The Public Printer shall report without delay to the Joint Committee on Printing the number of bidders, the amount of each bid, and the award in every instance.

Mr. BARNHART. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

On page 20, line 25, after the word "instance," insert:

"*Provided further*, That the Public Printer may, in his discretion, purchase any such supplies, or any articles enumerated in section 31 of this act, under contract included in the annual schedule of supplies prepared by the General Supply Committee when the interests of the service and economy would be thereby promoted; and nothing in this act shall be held to deprive any executive department, independent office, or establishment of the Government of its rights and privileges under the act of June 17, 1910, to purchase supplies other than printing, binding, and blank-book work in accordance with said act."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

Mr. BENNET. Mr. Chairman, I want to say that that is a pretty long and important amendment to be taken up for consideration at this particular hour and time. It is not a part of the printed bill. Could not that be printed in the RECORD, and be permitted to go over?

Mr. BARNHART. I will say that this amendment is the result of the conflict of opinion between some heads of the departments and the general supply committee, and if the gentleman will notice the wording of the amendment, it simply provides

that this shall be done wherever economy can be conserved. It does not take away from the departments any right to specify what they want, but if two or three departments are handling the same kind and quality of supplies, together with the Government Printer, it is believed by the joint committee that by bunching these into one lot we will get better prices and effect a saving for the Government, rather than to let each one buy in small quantities.

Mr. BENNET. What is the act of June 17, 1910?

Mr. BARNHART. It created the supply committee of the Government.

Mr. BENNET. Mr. Chairman, may we have the amendment again reported?

The amendment was again reported.

Mr. BENNET. Mr. Chairman, let me see if I understand the amendment. There is a central committee of supplies created by the act cited. It is proposed to give the Public Printer the right to purchase a list of supplies if he desires other than those enumerated, covered by the sections of the bill, through the central committee of supplies, whenever, in his judgment, it will result in economy to the Government?

Mr. BARNHART. Hardly that. On the other hand, the purpose of the amendment, as the committee understands it, is to provide that these several departments of the Government shall submit to the Government Printer, who buys the paper in larger quantities than anybody, their schedule of needs for the year, and if it is found by this supply committee that the Government Printer can purchase these supplies by buying them in bulk, in common, at a saving to the Government, he is then by this amendment authorized to elect such purchase.

Mr. BENNET. I am frank to say that as I have heard the amendment read I do not think it effects what the gentleman from Indiana has just said. At any rate, it does not effect it clearly, and that is an additional reason, it seems to me, in view of its importance, why we ought to have some opportunity to see it in print. I understand the gentleman to say that it is the result of some conflict of opinion.

Mr. BARNHART. If the gentleman from New York were to stop at the semicolon after the word "promoted," his idea is in harmony with it, but taking that with what follows—

and nothing in this act shall be held to deprive any executive department—

And so forth, it clarifies the situation so that the purpose of the amendment is made clear that it is in the interest of economy, and whenever it is found to be in the interest of economy this plan shall be adopted, and otherwise not.

Mr. BENNET. Mr. Chairman, that language after the point indicated by the gentleman does not add anything to what might be called the probative force of the amendment at all. It says that nothing theretofore contained shall take away from any of the departments any of the rights secured under the act mentioned.

Mr. BARNHART. It simply gives the Public Printer this privilege.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARNHART. Mr. Chairman, I think there is no misunderstanding in the committee as to what this means.

Mr. BENNET. It does not do what the gentleman thinks it does.

Mr. BARNHART. First it does this: It preserves the rights of all of the departments to select the sort of material that they want.

Mr. BENNET. They have that now.

Mr. BARNHART. Without this amendment the bill would deprive them of that privilege. Taking the amendment with the section just read, the gentleman will see that it means this, that if a Government department has a bid for paper and the Public Printer finds he can do better under that bid than he himself can do, he has the privilege of taking advantage of it, so the whole proposition is in favor of economy.

Mr. BENNET. The section reads:

SEC. 19. Par. 1. The Public Printer shall prepare a schedule of the estimated quantity of all materials and supplies, other than paper, required by the Government Printing Office for the ensuing fiscal year, showing the description and quality of each article, and, under the direction of the Joint Committee on Printing, shall advertise for proposals for furnishing the same and enter into written contracts therefor with the lowest and best bidder for the interest of the Government.

And now comes the proviso:

Provided, That should the Public Printer fail to receive any acceptable proposal after due advertising, he may proceed to purchase such materials and supplies in the open market at the lowest and best market price after at least three competitive proposals have been requested, but such purchases shall not in any year exceed the sum of $500 for any particular article, without the approval of the Joint Committee on Printing. The Public Printer shall report without delay to the Joint Committee on Printing the number of bidders, the amount of each bid, and the award in every instance.

That relates to the Government Printing Office. This amendment, which possibly is not germane, though nobody wants to raise any points of order, does something in relation to the other departments of the Government. As I caught it from the reading, what it does is to permit the Public Printer to utilize this central supply board, I will call it, for the purpose of purchasing supplies if in that way he can get them at an advantage to the Government.

Mr. BARNHART. Yes.

Mr. BENNET. The gentleman says it means something else—that it allows the department to use the Public Printer for the purpose of purchasing supplies.

Mr. BARNHART. If the gentleman got such an impression from what I said, I surely did not mean to give it. What I tried to say was that with the grouping of these things, if the Public Printer could get the advantage of a better market thereby, this amendment authorizes him to do it through the General Supply Committee.

Mr. COX. Mr. Chairman, will the gentleman from New York allow me to ask a question?

Mr. BENNET. Certainly.

Mr. COX. Has this amendment been submitted to the supply committee?

Mr. BARNHART. The departments objected to the section which has just been read because they thought it took from them some of their rights, and they thought it might possibly curtail their ability to buy to the best advantage. This amendment preserves all of their rights and gives the Public Printer the opportunity of taking advantage of any extra price that may be made through the General Supply Committee.

Mr. COX. Have the departments passed on the amendment that is now under discussion?

Mr. BARNHART. All except what is excepted.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. COX. Mr. Chairman, I move to strike out the last two words. The reason I make the inquiry is this: About three months ago I met Mr. Wilmarth down here in the lobby, the chief clerk of the Treasury Department. If I remember correctly, he is the chairman of the supply committee. I had a whole lot to do with that supply committee three or four years ago. He called my attention to the fact that the bill as it was then prepared would interfere with their supply committee, and I advised him to go with the supply committee to the heads of the departments down there and prepare an amendment. I told him I felt sure that they would readily agree to it. He said the only thing he cared anything about was that the bill did not interfere with the supply committee. As I gathered from the reading of the amendment, I thought the gentleman preserved the integrity of the supply committee.

Mr. BARNHART. This section does. The latter part of this uses the language, "other than printing and binding and blank-book work," because that is Government Printing Office work. Otherwise it is their own language.

Mr. COX. The gentleman says the last part of the amendment was prepared by the supply committee?

Mr. BARNHART. It was approved by them.

Mr. COX. I do not think there is any danger at all.

Mr. CULLOP. If this amendment were not adopted, might not the construction be put upon this section that it repeals the act of 1910 creating the supply committee, and therefore this amendment is construing by statute this section of the bill, and that is why it is both pertinent and necessary, in order that there might not be any misconstruction of it?

Mr. BARNHART. That is the purpose, and there is no conflict of opinion.

Mr. BENNET. Mr. Chairman, I have submitted the amendment to three or four gentlemen on this side, and, without making any reflection upon either the collective intelligence of all of us or the individual intelligence of any of us, I am frank to say that we can not understand it. Now, I ask unanimous consent that this amendment may be passed over. We have not been obstructive on this bill, and we are entitled to fair treatment and consideration.

Mr. BARNHART. Mr. Chairman, with all due respect to the gentleman from New York, the committee took it upon themselves two months ago to write a letter to every Member of this House and to send a report on this bill and to send the bill and include therein copies of its findings in the matter of

wages and paper. That was issued about the first of January, as I remember, probably the 10th or 12th; and further than that, as a matter of fact, we have had this matter up with the departments and this amendment is now satisfactory. They have objected to it before, but it is now satisfactory, except we did not propose to have this supply committee purchase or supply to the Government Printer printing and binding, because that would be inconsistent with the whole scheme of the Government Printing Office.

Mr. BENNET. I will ask the gentleman if this particular amendment was contained in the letter which the gentleman so kindly sent to us?

Mr. BARNHART. No; I said the whole matter——

Mr. BENNET. Oh, no.

Mr. BARNHART. The whole matter as it was carried in the bill originally. I think this amendment simply clarifies the situation to the satisfaction of the departments.

Mr. BENNET. All I ask is unanimous consent that this particular amendment lie over to be printed in the RECORD, so that all the Members may see it. It is rather evident that we can not have a vote on this bill before next Wednesday afternoon, and I think the gentleman is really making some progress.

Mr. BARNHART. Well, Mr. Chairman, it is a lengthy bill. The House in the past has considered this bill twice. It was amended and passed the last Congress after a consideration of some 15 or 20 days. Every detail of it was gone over, and the department objected to the particular wording of this language, and as a result this amendment was arranged. If we have to turn back to every other page of the bill we will not get anywhere.

Mr. BENNET. The gentleman has made considerable progress. We are now on the twentieth page, and we have not been considering the bill for three hours.

Mr. BARNHART. The gentleman from New York unfortunately no doubt was not in Congress when the bill passed in its present form.

Mr. BENNET. I regret that as much as the gentleman. [Laughter.]

Mr. BARNHART. If he had he would have had from 15 to 20 hot days of service, for I know he would have been in the midst of it, when we went over and thrashed these things out to the fullest satisfaction of everybody. We have only two Calendar Wednesdays in which to consider this bill.

Mr. BENNET. I would vote to give the gentleman a third Wednesday.

Mr. BARNHART. I believe this bill is of so much importance to the general well-being of the membership of the House and their constituents, with the saving of almost a million dollars, that I think we ought to speed up if we can the consideration of the bill. This committee is not insisting on being obstinate or anything of that sort, but we would like to make progress.

Mr. BENNET. The gentleman has made excellent progress. Now, let me call attention to his amendment.

The CHAIRMAN. Gentlemen understand that all this is being done by unanimous consent. Unless there is some further discussion or amendment offered——

Mr. BENNET. Mr. Chairman, I move to strike out the words "Section 21" from the amendment. Mr. Chairman, if I can have the attention of the chairman of the committee just to indicate the difficulties of his amendment. In the first place he proposes to attach to section 19 an amendment which refers to something which is going to be defined later by section 21, which in itself is a rather unusual procedure, and then the gentleman provides that the Public Printer may in his discretion purchase, without any limit, such supplies of any of the articles enumerated in section 21 under this act—which section we have not read and which follows section 20, which the committee has not yet gone over and which of course will be subject to amendment when reached—"any such supplies," and none of us know officially what supplies are in section 21. Of course, we can find out when we reach it, but which apply to manifold blanks, books, and forms, required in duplicating processes; complete binding devices for filing uniform official papers, loose-leaf books of every description.

Mr. BARNHART. Will the gentleman yield just a minute?

Mr. BENNET. Yes.

Mr. BARNHART. Section 21 is existing law and has worked satisfactorily for all these years.

Mr. BENNET. Nobody is denying that.

Mr. BARNHART. The gentleman from New York was insisting that we did not know what section 21 was, but we do, because it is existing law.

Mr. BENNET. I said that "officially" we did not. Of course, it may be amended. And you are asking this committee, with not the most extreme limit of attendance and without any prior opportunity to consider it, to take off all the limit under which the Public Printer can buy any of these patented things.

Now, the gentleman talks about scandals under the old régime. I know very well they can so draw specifications in any of these departments in connection with these patented articles, as has been provided for in section 21, so that only one person can bid. What the gentleman's amendment does is this, namely, it puts in the power of the Public Printer—and, so far as the amendment is concerned—without any supervision on the part of the Joint Committee on Public Printing——

Mr. BARNHART. The gentleman is mistaken about that.

Mr. BENNET. I am not. I hold the amendment in my hand.

Mr. BARNHART. These purchases are all under the supervision of the Joint Committee on Printing.

Mr. BENNET. All the others are, but this eliminates the Joint Committee on Public Printing. It says:

Provided further, That the Public Printer may, in his discretion.

There is no Joint Committee on Public Printing there.

Mr. BARNHART. If the gentleman will be fair and read on, he will see that he may purchase these through the General Supply Committee, which is under the Secretary of the Treasury.

Mr. BENNET. Mr. Chairman, I went up to the head of one of the departments one time and I laid before him specifications of his particular division, which read all right on their face, except they specified in one place a yellow card. I asked him if he knew what that was, and he said it was a specification for such-and-such an article. I said, "Yes; it is; but as that provision is drawn, requiring that yellow card, there is only one concern in the United States that can bid." I went another time to another department and went over its specifications in relation to paint, and I explained to the head of that department what the specifications meant, and that only two concerns could bid. The gentleman from Indiana is one of the best men in the House, and I know in advance that he will absolve me from saying anything personal in reference to himself or his committee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent that this amendment go over and be printed in the RECORD and considered with some care.

The CHAIRMAN. The gentleman from New York asks unanimous consent that this amendment may go over.

Mr. BARNHART. Will the gentleman yield?

Mr. BENNET. I yield.

Mr. BARNHART. I do not know sure that the gentleman from New York is aware of it, but for the benefit of the committee and that it may go into the RECORD, I think the gentleman is aware of what the opposition to this amendment means. It means a fight of the loose-leaf binderies of the country and manufacturers of patented articles against the Government Supply Committee. These manufacturers of patented articles want the privilege of selling direct to the department without any supervision from anybody. I do not want to make any charges, but they might have friends in these departments, and certain institutions having these protected articles could see to it that they get their products into that department. It is a fight against standardization. That is what it is. The committee is aware whence it comes. These manufacturers do not want standardization; they do not care about economy. These manufacturers that are fighting this are fighting it because they want to maintain their own prices for these articles and do not want the Government Supply Committee to have any regulation of them. In other words, they want to control. Instead of permitting the Government to say what it will buy, they want to tell the Government what it must buy.

The CHAIRMAN. The gentleman from New York [Mr. BENNET] asks unanimous consent that this amendment be passed over. Is there objection. [After a pause.] The Chair hears none.

The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. TRIBBLE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 4701. An act to establish in the War Department and in the Navy Department, respectively, a roll, designated as "the Army and Navy medal of honor roll," and for other purposes;

H. J. Res. 87. Joint resolution authorizing and directing the Secretary of the Treasury to credit the stamp account of Edward

B. Craig, as collector of internal revenue for the collection district of Tennessee, in the sum of $2,034.89, being the representative value of certain internal-revenue documentary stamps which were taken from the office of said collector by an act of burglary;

H. R. 7502. An act for the relief of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased;

H. R. 5835. An act for the relief of James Stanton;

H. R. 9803. An act to emancipate from certain disabilities children who have judgments of conviction for crime of record against them in the juvenile court of the District of Columbia;

H. R. 7862. An act for the relief of New England Coal & Coke Co., owner of the American barges *Emilie* and *Cassie*, and Bruusgaard Kiosterud Dampskibsa-Ktieselskab, owner of the Norwegian steamship *Hesperos*; and

H. R. 7248. An act for the relief of the United States Drainage & Irrigation Co.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11471) to amend paragraphs 177 and 178 of an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, relating to the duty on sugar, molasses, and other articles.

REVISION OF PRINTING LAWS.

The committee resumed its session.

The Clerk read as follows:

SEC. 19. Par. 2. The Public Printer may purchase materials and supplies, other than paper, not included in his annual schedule or otherwise provided for, in the open market at the lowest market price for the quality required, after due advertising, but such purchases shall not in any year exceed the sum of $500 without the approval of the Joint Committee on Printing; and, whenever they may deem it would not promote the public interests to advertise for proposals, the Public Printer may purchase the materials and supplies so required at the lowest and best market price after at least three competitive proposals have been requested, but such purchases shall not in any year exceed the sum of $300 for any particular article: *Provided*, That the Public Printer may purchase printing inks, rollers, and glue, or material for the manufacture thereof, and tapes, press blankets, and lubricating oils in the open market, without previous advertising, at the lowest market price for the quality required, but whenever directed by the Joint Committee on Printing, he shall advertise for bids for such materials and supplies: *Provided further*, That the Public Printer is hereby authorized to manufacture printing inks and rollers for the use of the Government Printing Office whenever, in his opinion, it would be to the best interest of the Government to do so.

Mr. BENNET. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. BENNET. I do this simply for the purpose of saying this: The gentleman from Indiana [Mr. BARNHART] has a perfect right to say, because he has a very thorough knowledge of the subject—the most thorough knowledge of any man in the House—that the opposition to his amendment comes from manufacturers of loose-leaf systems.

Mr. BARNHART. And other patented articles.

Mr. BENNET. The gentleman imputed to me knowledge that I do not possess. I did not know, until my attention was called to it by the gentleman from Pennsylvania [Mr. MOORE], that the gentleman's amendment referred to section 21, and I did not know what was in section 21 until I read it.

I am simply opposed to that blind style of blanket amendments coming in here without previous consideration, and I think it due really to the bulk of the House to have as important an amendment as that printed in the RECORD. And, without any apology at all, I shall at any time, whether I come under the censure of the gentleman or not, exercise my right as a Member of the House, even though it should inure to the benefit of the manufacturers of a patented article, to have the House know what it is doing when it does it.

I ask unanimous consent, Mr. Chairman, to withdraw my pro forma amendment.

The CHAIRMAN. The gentleman from New York withdraws his pro forma amendment, and the Clerk will read.

Mr. CLINE. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Indiana moves to strike out the last two words.

Mr. CLINE. This provision provides that "the Public Printer may purchase printing inks, rollers, and glue, or material for the manufacture thereof, and tapes, press blankets, and lubricating oils in the open market, without previous advertising, at the lowest market price for the quality required." That does not require any advertising. Is any limit put on the amount that the Public Printer may purchase without advertising, unless directed to advertise by the Committee on Printing?

Mr. BARNHART. Well, of course the Government Printer, under his bond, could not purchase unnecessary supplies of that kind and waste them; and he is given this privilege in this instance for the reason that this class of supplies is perishable, and the price fluctuates, so long-time contracts are not economical. Any printer on the floor—and there are several of them—will understand that of all the unstable markets we have the worst is that for ink, and so on. This plan has prevailed for several years without detriment.

Mr. CLINE. He would not purchase a great supply of these things under this provision?

Mr. BARNHART. No; he would not, because if he did some of it would spoil. It is mostly perishable.

The CHAIRMAN. The gentleman from Indiana [Mr. CLINE] withdraws his pro forma amendment. The Clerk will read.

The Clerk read as follows:

SEC. 26. The Deputy Public Printer, the assistant superintendent of work, and the inspector for the Joint Committee on Printing shall constitute a board of condemnation, which, by direction of the Public Printer, shall ascertain the condition of presses and other machinery, equipment, material, and supplies in the Government Printing Office, when there is reason to believe that the same is no longer serviceable to the Government, and report its findings in writing to the Public Printer, who may proceed to condemn the same in accordance with such report: *Provided*, That whenever the superintendent of public documents shall report to the Public Printer an accumulation of Government publications in his possession for which there is no demand, the Public Printer may direct said board to examine such publications and submit a written report thereon, and, upon the recommendation of such board and the approval of the Joint Committee on Printing, he may proceed to condemn and dispose of said publications to the highest and best bidder as waste paper or make such other disposition of the same as the said committee shall direct.

Mr. BENNET. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. BENNET. I happen to be one of the two members on the part of the House of the Committee on the Disposition of Useless Papers in the Executive Departments, and therefore I am familiar with the fact that before any paper in an executive department can be destroyed the Congressional Library must be consulted and must certify that such paper has no historical value.

Now, I notice in this section 26 this board can direct the destruction of any papers regardless of whether they have historical value or not. What differentiates them from papers in the executive departments?

Mr. BARNHART. I think the gentleman from New York is referring to his committee work, which pertains to records, while this section refers only to ordinary printed matter.

Mr. BENNET. Only blanks?

Mr. BARNHART. To public documents.

Mr. BENNET. Such matter as could have no historical value?

Mr. BARNHART. Undoubtedly.

Mr. BENNET. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 35. Par. 2. Every communication submitted to Congress, or either House thereof, by the Executive Office, the judiciary, or any executive department, independent office, or establishment of the Government shall have written thereon, or attached to the letter of transmittal, an estimate of the probable cost of printing the usual number thereof as a document, together with a recommendation as to whether the same should be printed, and, if accompanied by illustrations, the letter of transmittal shall so state: *Provided*, That if the estimated cost of printing a communication so transmitted is less than $100, it may be ordered printed by either House without reference to its Committee on Printing as herein provided; but, whenever a recommendation is submitted that a communication be not printed, it shall not be made a document by either House until reported upon by the committee to which it may be referred, and then only as provided for in this section: *Provided further*, That nothing in this section relating to estimates or reference to the Committee on Printing shall apply to printing the usual number of reports of committees of Congress; to addresses or messages of the President to Congress, when not accompanied by other papers; to communications submitted to Congress by any executive department, independent office, or establishment of the Government, the printing of which is provided for by law; to communications from the Court of Claims; to estimates of appropriations; or to matter printed for the use of either House in executive or secret session: *Provided further*, That all reports on examinations and surveys of rivers and harbors authorized by law which may be prepared during a recess of Congress shall, in the discretion of the Secretary of War, be printed by the Public Printer as documents of the following session of Congress.

Mr. LONDON. Mr. Chairman, may I ask the chairman of the committee a question? What is the meaning of the expression "independent office"?

Mr. BARNHART. Where is that?

Mr. LONDON. It occurs twice in this section. For example, you have on line 15 the words "independent office." What is the meaning of it?

Mr. BARNHART. The Interstate Commerce Commission and the Civil Service Commission are classed as independent offices.

The Clerk read as follows:

SEC. 37. Par. 5. Of the Senate reports on private bills and simple and concurrent resolutions, there shall be distributed, unbound, to the Senate document room, not to exceed 150 copies; and to the House document room, not to exceed 200 copies. Of the House reports on private bills and simple and concurrent resolutions, there shall be distributed, unbound, to the Senate document room, not to exceed 100 copies; and to the House document room, not to exceed 500 copies. Of both Senate and House reports on private bills and simple and concurrent resolutions, there shall be distributed, unbound, to the Executive Office, 2 copies; to the Secretary of the Senate, not to exceed 10 copies; to the Clerk of the House, not to exceed 20 copies; to the Government Printing Office, for official use, 5 copies; to the Superintendent of Public Documents, 2 copies; to the Library of Congress, 2 copies: *Provided*, That reports on bills for the survey of rivers and harbors shall take the distribution of private reports.

Mr. BOOHER. Mr. Chairman, I would like to ask the chairman of the Committee on Printing what is meant by the provision in section 37, paragraph 5, lines 9 and 10?—

And to the House document room, not to exceed 200 copies.

That refers to copies of reports of the Senate on bills. That would not make one copy for each Member. There are 435 Members of the House——

Mr. MANN. This relates to private bills.

Mr. BARNHART. These are merely reports on private bills, and on simple and concurrent resolutions, and the fact is that 200 copies are seldom or never used. That is the widest possible range that the document room estimates that might ever be needed. We might print enough for every Member of the House, but most of them would lie in the document rom. It is very rarely that there is a call for a report on a private bill.

Mr. BOOHER. Then the gentleman thinks 200 copies are amply sufficient to cover all demands?

Mr. BARNHART. Yes; and this means quite a saving.

Mr. BENNET. Mr. Chairman, I move to strike out the last word, and ask unanimous consent that I may proceed for five minutes on a matter not connected with the bill.

The CHAIRMAN. The gentleman from New York asks unanimous consent that he may proceed for five minutes on a mater not connected with the bill. Is there objection?

Mr. BARNHART. Mr. Chairman, I am perfectly willing to grant that, but the committee has been very anxious to get at least half of this bill read to-day, and I fear that if I agree to the gentleman's request to make a speech not germane to the bill now, somebody else will ask the privilege, and our time may all be taken. Would the gentleman object to waiting until we have read half the bill?

Mr. BENNET. I would have been nearly through by this time.

Mr. BARNHART. All right; go ahead.

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. BENNET. Mr. Chairman, when I came to Congress on the 1st of December there were placed in my hands the papers relating to a man named Solomon Schwartz. Inasmuch as I have been trying to get action through the State Department during the intervening months, but without any success, I feel it my duty to lay the facts in relation to this American citizen before this House.

Solomon Schwartz, an Austrian born, was naturalized in 1901. When the war broke out in Europe he was in Great Britain, where he had been for some time on business. Because of his Austrian birth he was arrested as an unregistered alien enemy. He gave money to the officials of the British Government to send to this country to obtain the proofs of his instantly asserted American citizenship. They took the money, but made no attempt to obtain the proofs, and convicted him of being an unregistered alien enemy and sentenced him to six months' imprisonment under their act. While he was serving that sentence they were given the proofs that he was an American citizen.

That sentence expired in March, 1915, and it will doubtless surprise the Members of this House, as it has surprised me, to find that during that intervening year Solomon Schwartz, an American citizen, has lain in that foreign jail without a charge against him and without any effort on the part of our Government to obtain his release. I have seen the Secretary of State, who agrees with me that such a thing ought not to be; but nothing is done. I have been to the counselor, Mr. Polk, and he agrees with me that that man ought not to be permitted to remain there; but there he is. In pursuance of my duty as a Representative I desire to call the attention of this House to the following provisions of the Revised Statutes of the United States:

SEC. 1999. Whereas the right of expatriation is a natural and inherent right of all people, indispensible to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle this Government has freely received emigrants from all nations and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign States, owing allegiance to the Governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed: Therefore any declaration, instruction, opinion, order, or decision of any officer of the United States which denies, restricts, impairs, or questions the right of expatriation, is declared inconsistent with the fundamental principles of the Republic.

SEC. 2000. All naturalized citizens of the United States, while in foreign countries, are entitled to and shall receive from this Government the same protection of persons and property which is accorded to native-born citizens.

SEC. 2001. Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign Government, it shall be the duty of the President forthwith to demand of that Government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release, and all the facts and proceedings relative thereto shall as soon as practicable be communicated by the President to Congress.

With those provisions on the statute books of the United States this American citizen has been permitted to remain in that foreign jail for a year, and I know of no remaining way open to me as a Representative of the district in which this man's people live except to lay these facts before the American Congress. I shall take such action as I may deem best to effectuate the purpose of securing his release, but before doing that it seemed to me only just and proper to lay before my fair-minded colleagues, equally insistent with me, I am sure, in protecting the rights of American citizens everywhere, the fact that this one lone American citizen, without friends, without influence, it is true, foreign born, it is true, without means, it is true, has been allowed to languish that length of time in that jail.

Mr. BOOHER. Will the gentleman yield?

Mr. BENNET. Certainly.

Mr. BOOHER. What reason do they give for not acting?

Mr. BENNET. The Secretary of State said he ought to be out.

Mr. BOOHER. What do they say as to why they take no action?

Mr. BENNET. Nothing; one man up there says this man is of immoral character. I told the Secretary of State, and he said, "Have any accusations been made against the man?" I said, "No." He said, "Under the common law every man is presumed to be innocent until proved guilty."

Mr. BOOHER. One question more. Does not the gentleman think he should introduce a resolution and have it reported to ascertain why they do not take action?

Mr. BENNET. I think that is the course I shall have to pursue. In my search of the records I am unable to find any precedent where an American citizen has lain for a year in a foreign jail where the matter has been called to the attention of the department for six months and nothing been done.

Mr. BOOHER. The man certainly ought to have a trial.

The pro forma amendment was withdrawn.

The Clerk read as follows:

SEC. 44. Any committee or commission of Congress, or either House thereof, authorized to hold hearings or to conduct investigations, shall have printed for its use not to exceed 1,000 copies, in all, of any hearing before such committee or commission upon pending legislation; but no committee or commission shall have printed more than 500 copies, in all, of any other matter germane to its official business, and such matter shall not exceed 100 printed pages in any one instance, except as may be authorized by resolution of either House as provided in section 35 of this act: *Provided*, That if any of the hearings or other matter printed for the use of said committees or commissions are designated as "confidential," no additional copies shall be printed for such distribution as is otherwise provided for in this act; but if any committee or commission shall direct that the distribution of its hearings or publications be withheld until such time as it authorizes them to be made public, the Public Printer shall print and hold in confidence such additional copies as may be required until authorized to distribute them: *Provided further*, That hearings and other publications of committees or commissions of Congress shall be numbered consecutively throughout a Congress.

Mr. BARNHART. Mr. Chairman, I offer the following committee amendment.

Page 52, after line 5, insert:

SEC. 44. Par. 2. The Joint Committee on Printing is authorized and directed to publish, during the sessions of Congress, a daily bulletin of public hearings to be held by all committees and subcommittees of Congress, or congressional commissions, in such form and under such regulations as said joint committee shall prescribe. In addition to information concerning said hearings, the bulletin shall contain such other announcements relating to Congress, or either House thereof, or to the committees or commissions thereof, as the Joint Committee on Printing shall deem appropriate to publish therein. All commit-

tees, subcommittees, and officers of Congress, and all congressional commissions are directed to assist in the preparation of said bulletin by furnishing promptly to the Joint Committee on Printing such information as it shall require relating to public hearings held or to be held by said committees, subcommittees, or commissions, or to announcements which said joint committee shall deem appropriate to publish in such bulletin. Said bulletin shall be printed and distributed by the Public Printer to the number and in such manner as shall be determined by the Joint Committee on Printing.

Mr. MANN. I would like to ask the gentleman if that is the crazy proposition of last year for the publication of a journal? I think you had better let that go over.

Mr. BARNHART. No; it is not to publish a journal but a daily bulletin, perhaps in the back of the CONGRESSIONAL RECORD, regarding the proceedings of committees, and so forth, on succeeding days.

Mr. MANN. I hope that the gentleman will let it go over so that we can see it.

Mr. BARNHART. I am willing to let it go over.

Mr. CANNON. Does this mean that the hearings are to be published?

Mr. BARNHART. Oh, no; it is a daily program published on the last page of the RECORD, or in some other way, that we may turn to it and ascertain what is going on before the committees, and so forth, on that day. It is a sort of a daily announcement. It is a difficult matter to keep in touch with the many committees, and several Members have introduced bills urging the importance of something of this kind being done.

Mr. MANN. It means that the newspaper boys, and they are a bright lot, want us to "let George do the work"—furnish them information so they can write letters in their office without coming up to the Capitol at all—something that they do now once in a while, instead of sending a boy around to the committee rooms to see if there is going to be a committee meeting.

Mr. BARNHART. I would like to read up to page 56 before I move that the committee rise.

Mr. MANN. The committee will rise in about 15 minutes.

Mr. BARNHART. I hope that we can read to the bottom of page 56.

Mr. CANNON. If the gentleman will yield, there are many hearings before committees, and it is supposed that the House is in possession of the hearings. But, lo and behold, when the bills come up for consideration the House has no knowledge of what the hearings contain. These hearings are printed. Are they public documents after they are printed?

Mr. BARNHART. No; they are printed under the authorization given to committees to have such printing and binding done as may be deemed necessary.

Mr. CANNON. Are they frankable?

Mr. BARNHART. Yes.

Mr. CANNON. After all, if it be about important current business, it seems to me that the House ought to have possession of the hearings, so that they can be informed as to what is going on. Does your bill treat of that in any way?

Mr. BARNHART. Not directly.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the amendment just reported be passed over. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 48. Par. 1. The Public Printer shall furnish, without charge, to the Vice President, Senators, Representatives, Delegates, and Resident Commissioners, manila envepoles, not smaller than 6¼ by 10½ inches in size, ready for mailing the CONGRESSIONAL RECORD, or any part thereof, and other Government publications. Envelopes so furnished shall be printed in black ink only and contain in the upper left-hand corner thereof the following words: "United States Senate," or "House of Representatives, U. S.," "Part of CONGRESSIONAL RECORD," or "Government publication," "Free"; in the upper right-hand corner, the facsimile signature or the name of the Vice President, Senator, Representative, Delegate, or Resident Commissioner ordering the same, and the letters "V. P.," "U. S. S.," or "M. C."; in the lower right-hand corner the name of the State of Territory; and in upper left-hand corner may also be printed, in case of an extract from the CONGRESSIONAL RECORD, the name of the Member, the date, the topic or subject matter, and a quotation from the CONGRESSIONAL RECORD of not to exceed 30 words. No other words shall be printed thereon, except the title of a Government publication which may be mailed in such envelopes.

Mr. BARNHART. Mr. Chairman, I offer the following committee amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Page 54, line 14, strike out the word "free" and insert in lieu thereof the words "postage free."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BARNHART. Mr. Chairman, I also offer the following committee amendment.

The Clerk read as follows:

Page 54, line 25, after the word "envelopes" insert:

"*Provided*, That any Member of Congress desiring white envelopes instead of manila envelopes as provided herein, may order the same by prepaying the cost thereof in excess of the amount that such manila envelopes would cost the Government."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. TRIBBLE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out line 7, page 54, and the words "in size," in line 8, being the words "not smaller than 6¼ by 10½ inches in size."

Mr. TRIBBLE. Mr. Chairman, I think the membership of this House ought to understand what is being done in this paragraph, and I therefore make the point of order that there is no quorum present.

Mr. MANN. Mr. Chairman, I suggest to the gentleman that he withdraw the point of order of no quorum and let the amendment go over.

Mr. TRIBBLE. I am willing to do that, and I will make that request.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the amendment just offered may go over without prejudice. Is there objection?

Mr. TRIBBLE. Mr. Chairman, I would like to have some agreement about when it will be taken up—until the next time this bill is taken up, to be taken up then the first thing.

Mr. GARRETT. Will not the gentleman tell us now what it is?

Mr. BARNHART. Oh, there have been some other paragraphs that have been passed over, and I would not want to agree to take up the gentleman's amendment the first thing.

Mr. MANN. The gentleman himself will have to pass it over, because if he makes the point of no quorum it will be passed over.

Mr. TRIBBLE. That is true, but it would be the first thing to take up on next Wednesday.

Mr. MANN. Yes; that is true.

Mr. GARRETT. It might and might not. Several other things have been passed over.

Mr. TRIBBLE. I am willing that it should take its place after the other matters which have been passed over have been disposed of.

Mr. BARNHART. That is satisfactory.

The CHAIRMAN. Without objection, the amendment will be passed over.

There was no objection.

The Clerk read as follows:

SEC. 48. Par. 2. The Public Printer shall also furnish, without charge, to the Vice President, Senators, Representatives, Delegates, and Resident Commissioners blank franks printed on sheets and perforated, or singly, for mailing Government publications. Franks so furnished shall be printed in black ink only and contain in the upper left-hand corner thereof the following words, to wit: "Government Publication. Free," "United States Senate," or "House of Representatives, U. S.," and in the upper right-hand corner the facsimile signature or the name of the Vice President, Senator, Representative, Delegate, or Resident Commissioner ordering the same, and the letters "V. P.," "U. S. S.," or "M. C.," and in the lower right-hand corner the name of the State or Territory: *Provided*, That the Public Printer shall furnish to the Department of Agriculture such franks as the Secretary of Agriculture may require for sending out seeds on congressional orders, which franks shall be printed as provided herein and shall also bear the words "United States Department of Agriculture, Congressional Seed Distribution," or such other printed matter as the Secretary of Agriculture may direct, and be of such size and style as may be prescribed by him; the expense of printing the said franks shall be charged to the allotment of appropriation for printing and binding for Congress.

Mr. BARNHART. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 55, line 8, after the word "publication" insert the word "postage."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. TILSON. Mr. Chairman, I move to strike out the last word. I should like to ask the gentleman in charge of the bill if, under this section, it would be permissible to print the name of the city as well as the State or Territory? For instance, there are many Members from the large cities, like New York, Chicago, or Philadelphia, whose entire districts are within the city. They might wish to have not only the name of the State but the name of the city printed on their envelopes, and I would inquire whether that would be permitted under this provision, which states that the name of the State or the Territory may be printed?

Mr. BARNHART. It does not provide for the printing of post-office addresses on the envelope, and I doubt if it would be well to have that done, because it would necessitate so many changes.

Mr. MANN. Oh, no.

Mr. TILSON. This is the law now——

Mr. MANN. I do not think there is any change from existing law in this.

Mr. BARNHART. No.

Mr. TILSON. But it says, "the name of the State or Territory."

Mr. MANN. That the name of the State or Territory shall be printed on it. As a matter of fact, they put "Chicago" on for me because it is a great convenience and no cost. They do it under existing law, and undoubtedly they will do it under this.

Mr. BARNHART. I think there will be no question about that.

Mr. TILSON. I just noted it and wished to be assured.

Mr. BARNHART. If we put the provision in for all cities, with Representatives from districts that have a large number of post offices it might cost an enormous amount of money.

Mr. TILSON. I did not mean that.

Mr. BARNHART. We had better leave it as it is, and if we change it the other way we might leave the bars down to a very large amount of work.

Mr. TILSON. I happen to know a number of Members whose districts are entirely within one large city who have the name of the city printed on the envelopes they now use, and I did not wish to see this convenience taken away from them.

Mr. BARNHART. I think there will be no question about that.

The Clerk read as follows:

SEC. 49. It shall be unlawful for any person entitled to franked envelopes or franked slips under the provisions of this act to furnish the same, either directly or indirectly, to any individual, committee, organization, or association for the use or benefit of such individual, committee, organization, or association: *Provided*, That the foregoing provision shall not apply to any committee or commission composed of Members of Congress: *Provided further*, That it shall be unlawful for anyone except the Public Printer to print franked envelopes or franked slips for the mailing of Government publications, and all such franked envelopes or franked slips shall bear the imprint of the Government Printing Office: *Provided further*, That the Public Printer shall include in his annual report to Congress a statement showing, by name, the number and cost of franked envelopes and franked slips furnished each Senator, Representative, Delegate, Resident Commissioner, or officer or committee of Congress, or either House thereof, during the preceding fiscal year, indicating separately those printed for the mailing of speeches and Government publications: *Provided further*, That any person who shall violate the provisions of this section shall be fined not more than $1,000.

Mr. BARNHART. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SISSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8664, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, Mr. HEATON was granted leave of absence for one week on account of illness in his family.

DISPOSITION OF USELESS PAPERS.

Mr. TALBOTT, from the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, submitted a report (No. 582) that the files and papers described in the report of the Acting Secretary of the Treasury in House Document No. 905, Sixty-fourth Congress, first session, dated March 15, 1916, were not needed in the transaction of the current business of such department and have no permanent value or historical interest, which report was ordered to be printed.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 683. An act prohibiting the use of the name of any Member of either House of Congress or of any officer of the Government by any person, firm, or corporation practicing before any department of the Government.

EXTENSION OF REMARKS.

Mr. PARK. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD on that part of the Agricultural bill relating to naval stores.

The SPEAKER. The gentleman from Georgia [Mr. PARK] asks unanimous consent to extend his remarks on that part of the Agricultural bill relating to naval stores. Is there objection? [After a pause.] The Chair hears none.

Mr. PLATT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter from a National Guard officer.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

CHANGE OF REFERENCE.

Mr. HELVERING. Mr. Speaker, I ask unanimous consent for a change of reference of H. R. 13477, which was referred to the Committee on Interstate and Foreign Commerce, whereas it should have been referred to the Committee on Military Affairs.

Mr. MANN. What is it?

Mr. HELVERING. It is a bill for the construction of a bridge at Fort Riley, Kans., on the military reservation.

Mr. ADAMSON. Mr. Speaker, this is a bill to build a bridge at Government expense on a military reservation on a stream that is not navigable.

Mr. HELVERING. Yes.

Mr. ADAMSON. Mr. Speaker, I do not understand that our committee deals with anything but navigable streams.

The SPEAKER. Evidently it ought not to go to the Committee on Interstate and Foreign Commerce.

Mr. ADAMSON. No, sir; if the Speaker will only give me those to which I am entitled, I will be satisfied.

The SPEAKER. The trouble with the gentleman is he claims too many. Without objection, the change of reference is ordered.

There was no objection.

Mr. ADAMSON. The Speaker will do me justice to say that I have bowed with sublime acquiescence to his ruling, and I acknowledge he has taken a great many away from me to which I thought I was entitled.

The SPEAKER. The Chair agrees to that.

ADJOURNMENT.

Mr. GARRETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p. m.) the House adjourned to meet to-morrow, Friday, April 21, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting a supplemental estimate of appropriation for military post, Schofield Barracks, Territory of Hawaii (H. Doc. No. 1035); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, submitting estimates of appropriation as follows: For sanitarium, Fort Stanton, N. Mex.; post office, Glasgow, Ky.; Marine Hospital, New York, N. Y.; post office, Shelbyville, Ind.; and Treasury building, Washington, D. C. (H. Doc. No. 1036); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting a tentative draft of a bill for the extension, alterations, and repairs post-office building, Norristown, Pa. (H. Doc. No. 1037); to the Committee on Public Buildings and Grounds and ordered to be printed.

4. A letter from the Secretary of War ad interim, transmitting a report of the officer in charge of public buildings and grounds, presenting a comprehensive plan for the development of East Potomac Park as a public recreation ground (H. Doc. No. 1038); to the Committee on Appropriations and ordered to be printed, with illustrations.

5. A letter from the Director of the Carnegie Institution of Washington, D. C., transmitting memorandum concerning sites for a national archives building (H. Doc. No. 1039); to the Committee on Appropriations and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MAYS, from the Committee on the Public Lands, to which was referred the joint resolution (H. J. Res. 184) providing

for one year's extension of time to make installment payments for the land of the former Fort Niobrara Military Reservation, Nebr., reported the same with amendment, accompanied by a report (No. 578), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CRAGO, from the Committee on Military Affairs, to which was referred the bill (H. R. 13342) to improve and maintain certain public roads and parts thereof included within the limits of the national park at Gettysburg, as defined by the act of Congress entitled "An act to establish a national military park at Gettysburg, Pa.," approved February 11, 1895, and making appropriation therefor, reported the same without amendment, accompanied by a report (No. 576), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill (S. 3581) authorizing the Secretary of the Interior to issue a patent to that portion of land, being a fractional block, bounded on the north and east by Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola, in the State of Florida, reported the same without amendment, accompanied by a report (No. 579), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 3580) releasing the claim of the United States Government to lot No. 306 in the old city of Pensacola, Fla., reported the same without amendment, accompanied by a report (No. 580), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 13835) to authorize the county commissioners of Aitkin County, Minn., and the town board of Logan Township in said county and said State, to construct a bridge across the Mississippi River on the line between sections 26 and 27, township 149 north, range 25 west, fourth principal meridian, reported the same with amendment, accompanied by a report (No. 581), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 11660) for the relief of Mathilda Hesterman, reported the same with amendment, accompanied by a report (No. 577), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. DOOLITTLE: A bill (H. R. 14862) providing for the liberal construction of the pension laws and for other purposes; to the Committee on Invalid Pensions.

By Mr. MOSS of Indiana: A bill (H. R. 14863) to provide capital for agricultural development, to create standard forms of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create financial agents for the United States, and for other purposes; to the Committee on Banking and Currency.

By Mr. FERRIS: A bill (H. R. 14864) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869; and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes; to the Committee on the Public Lands.

By Mr. EMERSON: A bill (H. R. 14865) to fix the pay of Federal jurors; to the Committee on the Judiciary.

By Mr. NORTH: A bill (H. R. 14866) to extend, reorganize, and classify the Rural Free Delivery Mail Service of the United States, to fix salaries of rural carriers, and to compensate rural free-delivery carriers who have faithfully performed their duties; to the Committee on the Post Office and Post Roads.

By Mr. MUDD: A bill (H. R. 14867) authorizing the purchase or acquisition of the aviation field at College Park, Md., and property adjacent thereto for aviation, maneuvers, and other military purposes; to the Committee on Military Affairs.

By Mr. SINNOTT: A bill (H. R. 14868) to accept the cession by the State of Oregon of exclusive jurisdiction over the lands embraced within the Crater Lake National Park, and for other purposes; to the Committee on the Public Lands.

By Mr. McARTHUR: Joint resolution (H. J. Res. 205) authorizing the President of the United States to invite foreign nations to participate in the dedication of the Columbia River highway; to the Committee on Industrial Arts and Expositions.

Also, a joint resolution (H. J. Res. 206) providing for appointment of joint committee from House and Senate to attend formal opening of Columbia River highway; to the Committee on Industrial Arts and Expositions.

By Mr. BENNET: Resolution (H. Res. 208) relative to clerk hire of certain members of the House; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 14869) granting an increase of pension to Isaac McConnell; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 14870) for the relief of William A. Duff; to the Committee on Claims.

By Mr. BARNHART: A bill (H. R. 14871) granting an increase of pension to William B. Lewis; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 14872) granting a pension to Frank W. Tuttle; to the Committee on Pensions.

By Mr. CAREW: A bill (H. R. 14873) granting a pension to Florence E. Remington; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 14874) granting a pension to Charles J. Rosenecker; to the Committee on Pensions.

By Mr. CROSSER: A bill (H. R. 14875) granting a pension to Hattie Kinkade; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 14876) granting an increase of pension to James Derning; to the Committee on Invalid Pensions.

By Mr. DILL: A bill (H. R. 14877) granting an increase of pension to Charles E. Bemis; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 14878) granting a pension to Felix Karl; to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 14879) for the relief of Edward P. Dyer; to the Committee on Military Affairs.

By Mr. HEATON: A bill (H. R. 14880) granting an increase of pension to Charles Christian; to the Committee on Invalid Pensions.

By Mr. KONOP: A bill (H. R. 14881) granting a pension to Elsie M. Underhill; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 14882) granting an increase of pension to Adam K. Bayler; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 14883) granting an increase of pension to James P. Neikirk; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 14884) granting an increase of pension to Townsend Roberts; to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 14885) granting an increase of pension to William Dolson; to the Committee on Invalid Pensions.

By Mr. MAYS: A bill (H. R. 14886) for the relief of Aquila Nebeker; to the Committee on the Public Lands.

By Mr. NORTH: A bill (H. R. 14887) granting a pension to Lena Demozzi; to the Committee on Pensions.

By Mr. OLDFIELD: A bill (H. R. 14888) granting a pension to William A. Kush; to the Committee on Pensions.

By Mr. PARK: A bill (H. R. 14889) for the relief of the estate of Jackson J. Mash, deceased; to the Committee on Claims.

By Mr. PARKER of New York: A bill (H. R. 14890) granting a pension to Sergt. John W. Deyo; to the Committee on Pensions.

By Mr. PRATT: A bill (H. R. 14891) granting a pension to Elmer Bennett; to the Committee on Pensions.

By Mr. RIORDAN: A bill (H. R. 14892) for the relief of Maurice Spillane, alias Maurice Splan; to the Committee on Naval Affairs.

By Mr. SIMS: A bill (H. R. 14893) granting a pension to Louisa Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14894) granting a pension to Lydia B. Spence; to the Committee on Invalid Pensions.

By Mr. SINNOTT: A bill (H. R. 14895) granting a pension to Wesley O. Staver; to the Committee on Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 14896) granting an increase of pension to Gustavus Odor; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 14897) granting a pension to Eliza C. Spears; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 14898) granting an increase of pension to Charles H. Pomeroy; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 14899) granting a pension to Sarah M. Thompson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Memorial of Cincinnati Chamber of Commerce, favoring vocational education; to the Committee on Education.

Also, memorial of Hamilton County Memorial Association, favoring an adequate Army and Navy; to the Committee on Naval Affairs.

By Mr. BAILEY: Petition of sundry citizens of Pennsylvania, favoring preparedness; to the Committee on Naval Affairs.

Also, petition of sundry citizens, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Pennsylvania, in reference to excessive price of gasoline; to the Committee on Interstate and Foreign Commerce.

By Mr. BEALES: Petitions of 500 people, of 556 people, of the Bethlehem Evangelical Church of 150 people, of the Men's Bible Class, of the Methodist Episcopal Church of 312 people, of the Evangelical Church of 206 people, all of York, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of residents of Gettysburg, Pa., protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of the Lutheran Ministerial Association of York County, Pa., urging the passage of the Sheppard-Barkley bill; to the Committee on the District of Columbia.

By Mr. BRUMBAUGH: Papers to accompany House bill 14677, for relief of Mary A. Heinz; to the Committee on Invalid Pensions.

By Mr. CRAGO: Petitions of church organization at Connellsville, Reading, East Stroudsburg, and Philadelphia, all in the State of Pennsylvania, favoring a national constitutional amendment; to the Committee on the Judiciary.

Also, memorial of Eureka Grange, Scottdale, Pa., on preparedness; to the Committee on Military Affairs.

Also, memorial of Eureka Grange, Scottdale, Pa., in postalizing the wires; to the Committee on the Post Office and Post Roads.

By Mr. CURRY: Petition of 84 citizens of Lodi and Sacramento, Cal., against the passage of House bill 652, to provide for the closing of barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

Also, petition of 119 citizens of Lodi and Sacramento, Cal., against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of sundry citizens, favoring the Susan B. Anthony suffrage amendment; to the Committee on the Judiciary.

Also, petition of citizens of New York, in re preparedness; to the Committee on Military Affairs.

Also, memorial of National Grange legislative committee, Patrons of Husbandry, in re leasing of water powers; to the Committee on the Public Lands.

Also, memorial of Federated Trades Council of Colorado Springs, Colo., favoring the Susan B. Anthony amendment; to the Committee on the Judiciary.

Also, memorial of New York State Millers' Association, in re grain-inspection legislation; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS of Texas: Petitions of sundry citizens and organizations, in re foreign relations; to the Committee on Foreign Affairs.

By Mr. DENISON: Petitions of 69 members of First United Presbyterian Church of Sparta; Epworth League of Carbondale; 26 Presbyterian people of Baldwin; First Presbyterian Church of Carbondale; Baptist Young People of Carbondale; and Christian Endeavor Society of Christian Church of Carbondale, Ill., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Pinckneyville, Ill., and Cairo, Ill., opposing House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. DILL: Petition of Mr. T. A. Hoover and other residents of Hassan, Wash., protesting against the passage of Senate bill 645 and House bill 645; to the Committee on the District of Columbia.

By Mr. DILLON: Petition of citizens of Turner County, S. Dak., opposing House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. FLYNN: Petition of citizens of New York in re preparedness; to the Committee on Military Affairs.

Also, memorial of New York State Millers' Association, in re grain-inspection legislation; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Northern Illinois Telephone Co., protesting against House bill 563, to amend the interstate-commerce act; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Streator, Ill., protesting against House bill 652, to provide for the closing of barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

By Mr. GARDNER: Petition of Harry C. Norton Camp, No. 129, Sons of Veterans, of Haverhill, Mass., favoring passage of bill to pension widows of Civil War veterans; to the Committee on Invalid Pensions.

By Mr. GORDON: Letter of H. P. McIntosh, president Guardian Savings & Trust Co., of Cleveland, Ohio, in opposition to the duty of 4 cents per pound on chewing gum imposed by the emergency-revenue act and suggesting a reduction in the import duty on chicle of 10 cents per pound; to the Committee on Ways and Means.

Also, letter of Mr. Irving K. Heller, of Cleveland, Ohio, urging the establishment of a 1-cent letter-postage rate and an increase of 1 cent in the mailing rate of periodicals; to the Committee on the Post Office and Post Roads.

By Mr. GRAHAM: Memorial of general assembly of the Presbyterian Church in the United States of America, asking for the submission of an amendment to the Constitution forever forbidding polygamy in the United States; to the Committee on the Judiciary.

By Mr. GRAY of Indiana: Resolution by L. S. Bowman and other citizens of Richmond, Ind., favoring the Chamberlain military bill; to the Committee on Military Affairs.

Also, resolution by the American Bankers' Association, presented by George C. Flora, Connersville, Ind., favoring legal obligation of the Government for the payment of Philippine bonds; to the Committee on Insular Affairs.

Also, resolution by the Indiana State Council of Civil Service Employees, favoring House bill 5139 and other measures providing for civil-service retirement; to the Committee on Reform in the Civil Service.

Also, petition of W. A. Clements, of Richmond, Ind., and other citizens of the sixth congressional district of Indiana, opposing the enactment of House bill 8665; to the Committee on Labor.

Also, remonstrance by members of the First German Baptist Church, Indianapolis, Ind., against the enactment of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. HAMILTON of New York: Petition of sundry citizens of Sheridan, N. Y., protesting against the passage of House bill 13048; to the Committee on the District of Columbia.

By Mr. HOLLINGSWORTH: Memorial of German-American Alliances at Bridgeport, Ohio, protesting against war on Germany; to the Committee on Military Affairs.

By Mr. KELLEY: Petition of Sixth Michigan District Woman's Christian Temperance Union, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Memorial of executive committee of the Society of the Chagres, favoring House bill 8828; to the Committee on Interstate and Foreign Commerce.

Also, petition of Baird-North Co., of Providence, R. I., favoring House bill 11621; to the Committee on the Post Office and Post Roads.

Also, petition of Screw Machine Corporation, of Providence, R. I., favoring bill for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. KONOP: Petitions of 50 people of Hortonville; Woman's Club, of 28 people, of Crandon; Woman's Christian Temperance Union, of 40 people, of Crandon; and 30 Baptist people of Hortonville, all in the State of Wisconsin, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LAFEAN: Memorial of General J. H. Smith Post, No. 83, Veterans of Foreign Wars of the United States, San Francisco, Cal., favoring House bill 13671 and Senate bill 5115; to the Committee on Military Affairs.

By Mr. McARTHUR: Invitation from Rose Festival Association, of Portland, Oreg., to Columbia River highway opening; to the Committee on Rivers and Harbors.

By Mr. MORIN: Petition of Dr. Chevalier Jackson, of Pittsburgh, Pa., in favor of adequate provisions for Medical Corps and Medical Reserve Corps; to the Committee on Military Affairs.

Also, petition of Dr. John D. Mulligan, E. S. Morgan, and J. K. H. Tucker, all of Pittsburgh, Pa., in favor of investigation of Standard Oil Co. and export tax on gasoline; to the Committee on Ways and Means.

By Mr. O'SHAUNESSY: Petitions of sundry citizens of Rhode Island, in re military preparedness; to the Committee on Military Affairs.

Also, memorial of sundry firms, in re postal legislation; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Rhode Island, protesting against proposed bill for Federal censorship of moving pictures; to the Committee on Education.

Also, memorial of Boston Chamber of Commerce, in re tariff commission; to the Committee on Ways and Means.

Also, memorial on postalizing the wires; to the Committee on the Post Office and Post Roads.

By Mr. PRATT: Petition of South Pulteney Grange, No. 1388, Mr. George H. Schoeffler, master, and Mrs. Charles C. Potter, secretary, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of W. H. Baker, master, and sundry other members of Schuyler County Grange, No. 42, Beaver Dams, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Memorial of Seattle Chamber of Commerce on the subject of American control in the Philippines; to the Committee on Insular Affairs.

By Mr. RANDALL: Memorial of Methodist Episcopal Church of Baldwin Park, Cal., favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Mrs. J. B. Davis and 12 others of Huntington Park, Cal., protesting against House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of First Congregational Church of Los Angeles, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Memorial of Board of Aldermen of New York, indorsing the Griffin bill; to the Committee on the Post Office and Post Roads.

Also, memorial of New York Young Republican Club, in re preparedness; to the Committee on Military Affairs.

Also, petition of Richey, Browne & Donald, of Maspeth, N. Y., in re the Tavenner bill; to the Committee on Labor.

Also, memorial of Congressional Union of the sixth congressional district of Brooklyn, favoring the Susan B. Anthony amendment; to the Committee on the Judiciary.

By Mr. SCOTT of Michigan: Petition of citizens of Kalkaska County, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SCULLY: Memorial of General J. H. Smith Post, No. 83, Veterans of Foreign Wars of the United States, of San Francisco, Cal., favoring House bill 13671 and Senate bill 5115; to the Committee on Military Affairs.

By Mr. STINESS: Petitions of Rhode Island Citizens' Historical Association, favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of John E. Burke and Frederick W. Tillinghast, of Providence, R. I., favoring the Chamberlain bill, especially section 56; to the Committee on Military Affairs.

Also, petition of Baird-North Co., of Providence, R. I., favoring the Tague bill for 8-cents-a-pound rate of postage on catalogues, circulars, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of Screw Machine Products Co., of Providence, R. I., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. TEMPLE: Petition of the Presbyterian Church of Claysville, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of F. J. Parker and 22 citizens of New Castle, Pa., opposing House bill 13048; to the Committee on the District of Columbia.

Also, petition of the United Presbyterian Church of Claysville, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Methodist Episcopal Church of Claysville, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Westminister Church of Burgettstown, Pa., in favor of national prohibition; to the Committee on the Judiciary.

Also, petition of the First Presbyterian Church of Burgettstown, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the First Methodist Episcopal Church of Ellwood City, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Christian Church of Wampum, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of J. R. Bell, recording secretary, Patriotic Order Sons of America, Florence, Pa., opposing the juvenile court bill for the District of Columbia; to the Committee on the District of Columbia.

By Mr. TILSON: Petition of Woman's Foreign Missionary Society of the First Methodist Episcopal Church of New Haven, Conn., for an amendment of the pure food and drugs act; to the Committee on Agriculture.

Also, petition of Woman's Foreign Missionary Society of the First Methodist Church of New Haven, Conn., favoring legislation to prohibit the sale of liquor in the Philippine Islands; to the Committee on Alcoholic Liquor Traffic.

Also, petition of Woman's Foreign Missionary Society of the First Methodist Church of New Haven, Conn., favoring legislation to prohibit the exportation of rum to Africa; to the Committee on Alcoholic Liquor Traffic.

Also, petition of Woman's Foreign Missionary Society of the First Methodist Church of New Haven, Conn., favoring a national antigambling law; to the Committee on the Judiciary.

Also, petition of Woman's Foreign Missionary Society of the First Methodist Episcopal Church of New Haven, Conn., for a Federal motion-picture commission; to the Committee on Education.

Also, petition of Woman's Foreign Missionary Society of the First Methodist Church of New Haven, Conn., urging legislation at once to prohibit the mailing of lottery advertisements from foreign nations; to the Committee on Interstate and Foreign Commerce.

Also, petition of Woman's Foreign Missionary Society of the First Methodist Episcopal Church of New Haven, Conn., urging legislation to exclude gambling devices from the mails; to the Committee on the Post Office and Post Roads.

Also, petition of Woman's Foreign Missionary Society of the First Methodist Episcopal Church of New Haven, Conn., for a Sunday rest law in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Woman's Foreign Missionary Society of the First Methodist Episcopal Church, to prohibit sectarian appropriations by constitutional amendment; to the Committee on the Judiciary.

SENATE.

FRIDAY, *April 21, 1916.*

(Legislative day of Thursday, April 20, 1916.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

GOOD ROADS.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

Mr. WORKS. Mr. President——

Mr. STERLING. Will the Senator from California yield to me for a moment?

Mr. WORKS. I yield to the Senator from South Dakota.

Mr. BANKHEAD. I understand that the Senator from South Dakota has risen to suggest the absence of a quorum. I wish to give notice that when the roll has been called I shall ask unanimous consent, when we get a quorum, to fix an hour sometime this afternoon when we can vote on this bill.

Mr. STERLING. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	Myers	Smoot
Bankhead	Hardwick	Nelson	Sterling
Beckham	Hollis	Norris	Stone
Brandegee	James	Oliver	Sutherland
Burleigh	Johnson, Me.	Page	Taggart
Chamberlain	Johnson, S. Dak.	Pomerene	Tillman
Chilton	Jones	Ransdell	Vardaman
Clapp	Kenyon	Saulsbury	Wadsworth
Clark, Wyo.	Kern	Shafroth	Warren
Curtis	La Follette	Sheppard	Weeks
Dillingham	Lane	Simmons	Works
Gallinger	Martin, Va.	Smith, Ariz.	
Gore	Martine, N. J.	Smith, Md.	

Mr. CHILTON. I wish to announce that the Senator from Texas [Mr. CULBERSON], the Senator from North Carolina [Mr. OVERMAN], the Senator from Montana [Mr. WALSH], the Senator from New York [Mr. O'GORMAN], and the Senator from Georgia [Mr. SMITH] are engaged in an important hearing before the Judiciary Committee.

I wish to announce for the day that my colleague [Mr. GOFF] is absent on account of illness.

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from Florida [Mr. FLETCHER]. He is absent on official business. This announcement may stand for the day.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present. The Senator from Alabama presents a proposed unanimous-consent agreement, which will be read.

The Secretary read as follows:

It is agreed by unanimous consent that at not later than 5 o'clock on the calendar day April 21, 1916, the Senate will proceed to vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 7617, the good-roads bill, through the regular parliamentary stages to its final disposition.

The VICE PRESIDENT. Is there objection?

Mr. OLIVER. Mr. President, I will have to object to that.

Mr. BANKHEAD. Does the Senator from Pennsylvania object?

Mr. OLIVER. I do.

Mr. POMERENE. I did not understand the statement made by the Senator from Pennsylvania.

Mr. OLIVER. It was simply an objection, Mr. President.

Mr. WORKS resumed and concluded the speech begun by him yesterday. The speech entire is as follows:

Mr. WORKS. Mr. President, I rise to oppose the pending bill. I appreciate the fact that it is an unpopular thing to do, as it is avowedly legislation in the interest of the States and particularly of the farmers of the several States. But the bill is so clearly vicious as a matter of policy and to my mind it is so clearly against the spirit if not the letter of the Constitution, that I feel it incumbent upon me to discuss the bill at some length.

I have had occasion to say heretofore that the present tendency of legislation in Congress is to wipe out almost completely the dividing line between the sovereignty and jurisdiction of the States and the Federal Government, and that this has been brought about largely by the desire of the States to secure appropriations of money from the National Government. To my mind it has become a serious situation. Some other Senators do not seem to regard it so.

But, sir, in order to show what the present tendency is in that direction, I am going to call the attention of the Senate to a list of the bills that have been introduced in this body and the House of Representatives with a view to securing appropriations by the Congress of the United States for the benefit of the individual States.

This bill appeals more strongly perhaps to Congress than any of the others, because every State represented by every Member of this body and of the other House of Congress is to have a part of the loot. But that, to my mind, only makes the situation worse.

The list to which I am about to call the attention of the Senate should not only attract the attention of this body but of the whole country as showing what is proposed to be done in the way of securing money out of the National Treasury.

I first call attention to bills introduced in the Senate, with a statement of what their purposes are.

SENATE BILLS.

CITRUS CANKER.

S. 1220 (Mr. FLETCHER). Arrest and eradicate citrus canker, appropriating—— $4,000,000

PUBLIC HEALTH.

S. 2214 (Mr. RANSDELL). Encourage rural sanitation, with special reference to prevention and suppression of malaria and typhoid fever—— 500,000

S. 3202 (Mr. NORRIS). Federal aid in caring for indigent tuberculous persons—— 2,000,000
(To be expended under direction of Secretary of the Treasury and supervision of the Surgeon General of the Public Health Service.)

S. 4086 (Mr. RANSDELL). Care of persons afflicted with leprosy and to prevent spread of leprosy—— $250,000
(Administered by United States Public Health Service.)

PUBLIC ROADS.

S. 46 (Mr. SMOOT). Granting State of Utah 1,000,000 acres of land to aid in construction and maintenance of public roads, to be sold at $1.25 per acre. Loss to United States—— 1,250,000

S. 731 (Mr. WARREN). Granting State of Wyoming 1,000,000 acres, for same purpose as above, to be sold at public auction.

S. 732 (Mr. WARREN). Granting to each of the States of Arizona, Colorado, Idaho, Montana, New Mexico, Nevada, Utah, and Wyoming 1,000,000 acres as above.

S. 815 (Mr. MCCUMBER). Granting State of North Dakota 300,000 acres of land to aid in maintenance of system of public roads, to be disposed of at public sale.

S. 1215 (Mr. SHAFROTH). Granting State of Colorado 1,000,000 acres of land to aid in maintenance and construction of public roads. Patent to be issued to State.

S. 1216 (Mr. SHAFROTH). Building and improvement of public roads by cooperation, equal amounts to be contributed by individuals, county, State, and Government, beginning with $10,000.

S. 1218 (Mr. BANKHEAD). United States to aid States in the construction of rural post roads, Secretary of Agriculture to cooperate with State highway department of each State, appropriating for year ending June 30—
1917—— 2,000,000
1918—— 5,000,000
1919—— 10,000,000
1920—— 15,000,000
Certain apportionment to be made to each State.

S. 2203 (Mr. SWANSON). United States to aid States in construction and maintenance of rural post roads, in amount not exceeding in any calendar year—— 25,000,000

S. 2381 (Mr. MYERS). Granting public lands to Arizona, Colorado, Idaho, Montana, New Mexico, Nevada, Utah, and Wyoming, each, 250,000 acres, to be sold at public auction.

S. 3398 (Mr. BRYAN). Create United States highway fund for good roads, now or hereafter needed for post roads, military, or interstate commerce. Bonds to be issued in denominations of $20 or multiples, payable in 50 years at 3 per cent, total issue not to exceed—— 500,000,000

S. 3517 (Mr. GORE). Cooperative highways act in aid of States accepting the act, for construction rural post and military roads, etc., for year ending June 30—
1917—— 7,500,000
1918, not more than—— 12,500,000
1919, not more than—— 17,500,000
And for next succeeding 6 fiscal years, not more than— 25,000,000

S. 3591 (Mr. SHEPPARD). Aid States in the construction and maintenance of rural roads, to be appropriated in any fiscal year, not more than—— 25,000,000

S. J. Res. 31 (Mr. SHEPPARD). Survey Rio Grande border of United States to determine advisability of highway, either along entire border or certain sections, and to make estimate of cost; to defray cost of such survey authorized to spend—— 25,000

EDUCATIONAL.

S. 813 (Mr. MCCUMBER). Granting to the several States where there are unappropriated public lands, to each 500,000 acres for penal, charitable, and educational institutions; land to be sold for not less than $10 an acre.

S. 50 (Mr. SMOOT). Aid to establish school or department of instruction in mines and mining, to each State and Territory, from sales of public lands, year beginning July 1—
1912—— 5,000
1913—— 10,000
1914—— 15,000
1915—— 20,000
1916—— 25,000
And $25,000 for each succeeding year.

S. 703 (Mr. SMITH of Georgia). Vocational educational bill, appropriated to the States year ending June 30—
1916—— 500,000
1917—— 750,000
1918—— 1,000,000
1919—— 1,250,000
1920—— 1,500,000
1921—— 1,750,000
1922—— 2,000,000
1923—— 2,500,000
1924—— 3,000,000
And annually thereafter $3,000,000.

AGRICULTURAL.

S. 926 (Mr. BORAH). Agricultural capital act, to establish division of scientific distribution and marketing of agricultural and other products; separate branch of the Government, under board of directors of 15 members, to remain in power and control of agricultural producers of United States, each member to receive salary of $12,000 a year, except president and secretary, who shall receive $15,000 a year. Appropriation—— 5,000,000
And sum equal to $15,000 for each additional organization made part of this asociation after original 300 counties have been organized. This sum or sums to be repaid to the Treasury with interest at 2 per cent per annum, payable annually after the second year of completion of organization of association, provided repayments may be made in sums of $15,000, or duplicate thereof, at any time

The Senator from Idaho [Mr. BORAH] says to me that that bill did not pass. Very few of these bills have passed.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Does the Senator from California yield to the Senator from Idaho?

Mr. WORKS. I do.

Mr. BORAH. I will say also that the bill shows that it was introduced by request.

Mr. WORKS. Very few of these bills have passed, Mr. President. I am not submitting this list for the purpose of showing that they have passed. I am simply showing the tendency of the present legislation in the direction I have stated.

S. 459 (Mr. WILLIAMS). Drainage fund and reclamation of swamp lands, a certain proportion of sales of public lands in Alabama, Arkansas, Florida, Illinois, Indiana, Iowa, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, and Wisconsin, beginning with June 30, 1902, and in addition appropriates $2,000,000

S. 724 (Mr. WARREN). Aid to States establishing irrigation projects, approved by Secretary of Interior, United States to guarantee interest on bonds to be issued by district for that purpose.

S. 1383 (Mr. ROBINSON). To investigate and survey swamp lands of Mississippi Valley, appropriation 500,000

S. 1922 (Mr. JONES). To aid States in forming irrigation districts, United States to guarantee bonds (duplicate of S. 724).

S. 1738 (Mr. MYERS). To promote instruction in forestry in States and Territories which contain national forests, 5 per cent of gross receipts from national forests during any fiscal year, not to exceed in any fiscal year to any State or Territory 7,500

S. 3348 (Mr. WALSH). Granting to State of Montana 100,000 acres of land for support of school of forestry at State university, to be sold for not less than $10 an acre.

S. 3329 (Mr. POINDEXTER). To purchase water rights in West Okanogan Valley irrigation district in State of Washington for Indian lands 105,000

Mr. President, those are the Senate bills. They are not all of them. They have not been brought down to the present date.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Iowa?

Mr. WORKS. I yield.

Mr. KENYON. Has the Senator a list of bills for public buildings that have been introduced? Are there not a vast number of those?

Mr. WORKS. Yes. Those are not included in the list I have. They come in every session of Congress. My purpose now is to show the way we are tending in legislation respecting the rights of the Federal Government and the States.

I have here a similar list of bills introduced in the House that I will ask to include in my remarks without reading. Some of them are duplicates; that is, they are the same bills that have been introduced in the Senate, but a good many of them are not.

The list referred to is as follows:

HOUSE BILLS.

CITRUS CANKER.

H. J. Res. 19 (Mr. RAKER). To prevent further spread and stamp out disease known as citrus canker $300,000

H. R. 256 (Mr. SPARKMAN). To arrest and eradicate citrus canker 4,000,000

FROST PREVENTION.

H. R. 366 (Mr. RAKER). For examinations and experiments for purpose of devising and perfecting system of frost prevention in citrus and deciduous fruit regions, appropriating 100,000

H. R. 9679 (Mr. TAYLOR of Colorado). Same for fruit-growing sections of Rocky Mountain region 50,000

EXTERMINATE PESTS.

H. R. 9687 (Mr. TAYLOR of Colorado). To prevent blight and exterminate pests destructive of potato and alfalfa 35,000

H. R. 370 (Mr. RAKER). To destroy coyotes, squirrels, and other animals injurious to agriculture and animal industry, and ground squirrels in national forests and California 380,000

H. R. 12483 (Mr. BURNETT). To exterminate boll weevils. 15,000

H. R. 8048 (Mr. SMITH of Idaho). To destroy predatory animals, the additional sum of 250,000

H. R. 8232 (Mr. ROBERTS of Nevada). To exterminate coyotes in Nevada 100,000

H. R. 8674 (Mr. HOWELL). To destroy predatory animals 250,000

DISEASE IN ANIMALS.

H. R. 6045 (Mr. KING). To prevent and eradicate foot-and-mouth disease 2,000,000

H. R. 9128 (Mr. PARK). To treat and eradicate lung-worm disease in hogs, additional sum of 100,000

INDUSTRIAL ALCOHOL.

H. R. 11256 (Mr. CASEY). To provide commission to aid in developing denatured-alcohol production in farm distilleries and use for light, heat, and power, etc. Commissioner to receive $6,000 a year 40,000

PUBLIC HEALTH.

H. R. 193 (Mr. ADAMSON). To provide for care and treatment of persons afflicted with leprosy and prevent spread of leprosy 250,000

H. R. 352 (Mr. RAKER). To prepare and distribute free of cost antirabic virus to be used in the treatment of rabies 25,000

H. R. 5777 (Mr. MORGAN of Louisiana). To establish a national leprosarium 500,000

H. R. 6026 (Mr. EDWARDS). For use of Public Health Service in encouraging rural sanitation, with special reference to prevention and suppression of malaria and typhoid fever $1,000,000

H. R 6892 (Mr. GALLIVAN). To provide care and treatment for citizens of the United States afflicted with tuberculosis, Government to pay $1 a day for each patient admitted to hospital.

H. R. 6896 (Mr. RAKER). To provide Federal aid for persons afflicted with tuberculosis in State institutions when such persons are not citizens of such State 2,025,000

H. R. 8027 (Mr. KENT). To standardize treatment of tuberculosis in United States and provide Federal aid for persons afflicted 2,000,000

(To be expended under direction of Secretary of Treasury and Surgeon General of Public Health Service.)

H. R. 8352 (Mr. KENT). Same, except there is no appropriation named, but provides "That within the appropriations made from time to time for such purposes," etc.

H. R. 9668 (Mr. STEAGALL). To create a department of the Public Health Service for the prevention, etc., of tuberculosis in prisons of United States, both Federal and State. Salary of head, $5,000 per annum and for expenses $5,000 per annum 10,000

H. R. 10928 (Mr. WATKINS). For use of United States Public Health Service in encouraging rural sanitation, with special reference to the prevention and suppression of pellagra and typhoid 100,000

H. R. 11864 (Mr. KENT). To provide Federal aid in caring for indigent tuberculous persons. (No specific appropriation. Same as H. R. 8352.)

PROMOTE FARM INDUSTRIES IN ARKANSAS.

H. R. 3062 (Mr. CARAWAY). To authorize 50 per cent of proceeds from sale of timber from national forest in Arkansas to be paid to State of Arkansas for promotion of agriculture, etc.

DEFENSE HIGHWAYS.

H. R. 3667 (Mr. STEPHENS of California). For national defense highway from Los Angeles through to New York City; then north to Portland, Me., and from New York west through Chicago, Minneapolis, Seattle, San Francisco to San Diego; 50-year bonds to be issued; total not to exceed 100,000,000

WATER DEVELOPMENT.

H. R. 3677 (Mr. ROBERTS of Nevada). For drilling and testing wells in Nevada to determine underflow of water available for irrigation by pumping 100,000

DRAINAGE OF SWAMP LANDS.

H. R. 6804 (Mr. WHALEY). To establish drainage fund to reclaim swamp lands, to prevent dissemination of malaria, etc 10,000,000

H. R. 10125. (Mr. KETTNER). To reclaim swamp lands through district organization and authorizing Government aid therefor. Bonds of district or contracts entered into with Government to become lien on legal subdivisions of lands in such district.

PUBLIC ROADS.

H. R. 237 (Mr. MCKELLAR). To aid States in construction and maintenance of rural post roads; not to exceed 25,000,000

H. R. 261 (Mr. SMITH of Idaho). Granting 50,000 acres timbered land in national forest reserves to State of Idaho for construction of public roads and bridges.

H. R. 264 (Mr. SMITH of Idaho). To use credit of United States to aid States in maintenance of roads and to create national highway commission; 50-year bonds at 3 per cent; total amount not to exceed 500,000,000

H. R. 269 (Mr. ROBERTS of Nevada). Granting State of Nevada 1,000,000 acres land to aid in construction of public roads in Nevada. To be sold at not less than $1.25 1,250,000

H. R. 299 (Mr. MCCRACKEN). Granting to each of the public-land States and Territories for public roads and highways fund, 1,000,000 acres of land to be sold for not less than $10 an acre.

H. R. 307 (Mr. ADAMSON). Rent for use of public roads traveled by mail carrier, $25 per mile, and $15 per mile each year hereafter.

H. R. 405 (Mr. FERRIS). To aid the States in construction and maintenance of rural post roads, not to exceed in any fiscal year 25,000,000

H. R. 479 (Mr. TILLMAN). To aid States in maintaining roads and to create a national highway commission, authorizing issuance of 50-year 3 per cent bonds; total not to exceed 1,000,000,000

(Commission to have 7 members; 4 to receive $10,000 annually each, 3, $5,000, and necessary expenses.)

H. R. 541 (Mr. ASWELL). To aid States in construction of rural post roads 25,000,000

H. R. 614 (Mr. KINCHELOE). To aid States in construction of rural post road (and same amount for each fiscal year thereafter) 48,000,000

H. R. 695 (Mr. AUSTIN). To construct, maintain, and improve post roads through joint action with States (of which $10,000,000 shall be available annually) 50,000,000

H. R. 714 (Mr. CANDLER of Mississippi). Joint action of Government and States for construction, etc., of public roads ($20,000,000 of which shall be available annually) 100,000,000

H. R. 3040 (Mr. LEE). To establish a bureau in the Department of Agriculture known as bureau of public highways, and to provide aid in improvement of public roads ($20,000,000 of which shall be available during the years 1916, 1917, and 1918) 60,000,000

H. R. 3047 (Mr. MOON). To aid States in construction of rural post roads 25,000,000

H. R. 3063 (Mr. BYRNES of South Carolina). To aid States in construction of rural post roads $25,000,000
H. R. 4700 (Mr. LANGLEY). Federal aid to States in construction of rural post roads for fiscal years 1917, 1918, 1919, 1920, each 25,000,000
H. R. 4706 (Mr. BYRNS of Tennessee). To aid in construction, etc., of rural post roads 25,000,000
H. R. 4755 (Mr. BORLAND). To provide a national ocean-to-ocean highway over pioneer trails of Nation. Warrants for one-half cost of construction to be issued to State on certification of completion of construction through such State.
H. R. 5775 (Mr. STEPHENS of Mississippi). To aid States in construction of rural post roads 25,000,000
H. R. 6065 (Mr. SELLS). To use credit of Government to aid States in making good roads and to create a national highway commission; 50-year 3 per cent bonds to be issued 500,000,000
H. R. 6425 (Mr. ANTHONY). Federal aid for improvement of public highways traveled by rural free delivery mail carriers 5,000,000
H. R. 7541 (Mr. TRIBBLE). To aid States in construction of rural post roads 20,000,000
H. R. 7551 (Mr. RUBEY). Providing United States to make compensation for use of highways for rural delivery, $30 per annum per mile for class A, $25 for class B, and $20 for class C.
H. R. 7614 (Mr. HAYDEN). National aid to States in construction of rural post roads 25,000,000
H. R. 7617 (Mr. SHACKLEFORD). To promote agriculture, etc., and to aid States in construction of roads used in interstate commerce, military, etc 25,000,000
(This bill has passed the House and is now in the Senate.)
H. R. 7641 (Mr. BELL). To construct national highway in Georgia 250,000
H. R. 8819 (Mr. HASTINGS). To aid States in construction of rural post roads 25,000,000
H. R. 9429 (Mr. TAYLOR of Colorado). Provides Secretary of Agriculture, on behalf of United States, shall aid States in construction of rural post roads 25,000,000
H. R. 9688 (Mr. TAYLOR of Colorado). Providing for expenditure of 25 per cent of receipts from national forests on road and trail construction.
H. R. 9804 (Mr. HENRY). Authorizing Secretary of Agriculture to cooperate with States in construction of highways. Appropriating for year ending June 30—
1917 7,500,000
1918 12,500,000
1919 17,500,000
and for next succeeding 6 fiscal years not more than 25,000,000
H. R. 9806 (Mr. MCKELLAR). To promote agriculture and better secure national defense and to aid States in construction of rural post roads 25,000,000
H. R. 9812 (Mr. ABERCROMBIE). To aid States in construction of rural post roads. Year ending June 30—
1917 25,000,000
1918 25,000,000
1919 25,000,000
H. R. 10111 (Mr. SMITH of New York). To construct two national multiroad highways from Atlantic to Pacific and from Canada to Mexico. Provides for two commissioners from each of named States, each of whom shall receive $100 a week salary (16 States represented, making 32 commissioners). Provides for second commission to consist of 1 commissioner from each of 32 States not named, to be called together only in case of war. Heavy bond issue authorized.
H. R. 11881 (Mr. HUMPHREY of Washington). Granting State of Washington public lands "all unreserved, nonmineral public lands within said State," to aid in construction of public roads, to promote forestry, horticulture, and vocational education.
H. R. 11258 (Mr. TAYLOR of Colorado). To provide for sale of 250,000 acres of public lands in certain States, one-half of all moneys received for same to be paid into a special fund in the Treasury known as "public-roads fund," to be used in construction of interstate public roads within limits of States named.

EDUCATIONAL.

H. R. 457 (Mr. HUGHES). Vocational education. Appropriating for year—
1916, in all 1,500,000
1917, in all 2,200,000
1918, in all 2,900,000
1919, in all 3,500,000
1920, in all 4,000,000
1921, in all 4,500,000
1922, in all 5,000,000
1923, in all 6,000,000
1924 and annually thereafter 7,000,000
H. R. 10571 (Mr. TILLMAN). To create national board of rural industrial schools for mountain children, to be composed of 3 members, at $4,000 per annum 300,000
H. R. 10589 (Mr. ABERCROMBIE). To investigate and promote rural education, industrial traning, and eliminate adult illiteracy 1,000,000
H. R. 11250 (Mr. HUGHES). Vocational education. Same appropriations as H. R. 457 and same bill with some additions and change of wording.

FRANKING PRIVILEGE.

H. R. 742 (Mr. CLARK of Florida). To extend the franking privilege to literature published by boards of health of States and Territories in United States.

Mr. McLEAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Connecticut?

Mr. WORKS. I yield to the Senator.

Mr. McLEAN. Has the Senator the total amount of the appropriations called for by the bills that have been introduced?

Mr. WORKS. I have not footed up the total. For that reason I do not know what they amount to.

Mr. President, it is an age of extravagance in legislation. Both the political parties in their platforms declare against extravagance in the management of the affairs of the Government. The Democratic Party did so very properly in its platform of the last campaign. But I want to say, Mr. President, that I have never in my experience seen or heard of a more extravagant management of public affairs and a greater tendency toward extravagance in legislation than we have had under the present administration.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Alabama?

Mr. WORKS. I do.

Mr. BANKHEAD. Will it interrupt the Senator if I ask him a question?

Mr. WORKS. Not at all.

Mr. BANKHEAD. I will ask the Senator if both political parties have not emphatically indorsed in the two conventions the legislation contained in this bill?

Mr. WORKS. That may be, Mr. President. I think the political parties have exhibited exactly the same tendency that is being exhibited in legislation, but that does not help the matter; in fact, it only makes it worse.

I wish to call the attention of the Senate to an article that appeared in the San Francisco Chronicle of April 13 last showing the conditions and the tendencies in my own State. It is headed "Public indebtedness."

[From the San Francisco Chronicle, Apr. 13, 1916.]

PUBLIC INDEBTEDNESS—IT IS INCREASING AT AN ALARMING RATE IN THE MUNICIPALITIES OF CALIFORNIA.

In an address before a meeting of bankers recently held, State Controller John S. Chambers, after giving some figures of the increase of taxation in this State at a rate of 33⅓ per cent faster than our increase of taxable property, and of the resulting abnormal increase of State, and especially municipal, debt in this State, made the following statements, which we assemble from a number of separated paragraphs, with an occasional change or omission of words to fit them to their new connection:

"The totals of our receipts and expenditures are huge and the percentages of increase alarming. As our population grows and our governmental problems multiply the legitimate cost of government will go up. But we should put the brakes on. Even legitimate expenditures can be held down or postponed. How long can we stand the present state of affairs? Should the present rate of increase continue, the burden will soon become unbearable. We vote away millions of dollars with scarcely a thought to the future. The bonds will run anywhere from fifteen to forty years or longer, with the bulk of the principal and interest to be paid by our children and children's children. But I protest not only in the name of posterity but in the name of the taxpayers of the present day. The burden is already too heavy. It is time to stop and think."

That is the end of the quotation from the controller, and the editorial proceeds:

Scattered through the address and in connection with figures presented there is much more of the same kind. In separating the expressions from their contexts, too long to quote, we have not in any case done violence to Controller Chambers's presentation or argument. It is a solemn warning from the State's highest fiscal official.

Controller Chambers gives many figures upon which to base his warning. They may be summed up by saying that during the last five years the bonded debt of the State has increased by 457 per cent, of the counties by 308 per cent, and of the cities 96.8 per cent, with large amounts of bonds authorized but not yet sold. Computed at 4 per cent, which is below the rate paid by the political subdivisions of the State, the interest on the total debt of the State and its subdivisions was last year $10,113,500, which was about the total cost of running the State government five years ago when we started on our orgy of debt and taxation.

As only the people can authorize public debt, they are, as Controller Chambers says, directly responsible. But the people do not initiate. They follow leadership and suggestion, and the misfortune of the people has been in too readily yielding to leadership which was unduly emotional and was possessed with the idea of doing everything at once.

It may be thought, Mr. President, that the State of California is an exception. To a certain extent it is. It has been growing with great rapidity; public improvements have been made largely on that account; it has expended a large amount of money upon the improvement of its roads; but what I am saying about the State of California extends to other States as well and to legislation in Congress.

Let me read this editorial from the Washington Post of only a few days ago, entitled "Where will it end?"

[From the Washington Post, Apr. 19, 1916.]

WHERE WILL IT END?

The State governments of Massachusetts and New York are devoting all their energy to the solution of the problem of raising sufficient revenue to take care of the steadily increasing expense of administration. In Massachusetts the legislature has been trying to work out a more equitable form of income tax, while New York has been trying to evolve other methods of making the inadequate revenues square with the excessive appropriations. Meanwhile the Ways and Means Committee of Congress is casting about for new means of raising revenue. It is

proposed to double the income tax, so that $100,000,000, in addition to the present revenue, may be raised each year from this source. It is proposed likewise to levy a tax on inheritances and munitions of war and to increase the taxes on beer and whisky.

Yet even $100,000,000 additional revenue will not solve the financial problem of the Government. Even since the estimates were made as to what sum would be needed, the Senate has passed the Government armor-plate bill, calling for an appropriation of $11,000,000, and has approved of a Government nitrate factory, calling for an expenditure of $15,000,000. These two items alone would add $26,000,000 to the appropriations of the present Congress.

The Government is steadily encroaching upon the functions of the States, and if the present tendency continues the people are not likely to be willing to support expensive State governments. Both the States and the Federal Government are going into the same field of taxation, and the burden of the people soon will be too heavy for toleration.

Where will it end? How long will it be before the people protest against paying taxes to the State and the Nation for precisely the same service? There is no doubt the States and the Nation are overlapping and duplicating public service. Isn't it time for some effort to be made toward ending the waste? Instead of the annual conference of governors, wouldn't it be better to call the chief executives of the various States to Washington and give them an opportunity to discuss the problem of taxation and expenditures with the national leaders?

Mr. President, the bill that is under consideration is one of the worst of its kind. It does not profess to legislate in the interests of the National Government or to carry out any governmental policy or function. Its title shows that quite clearly. The title is—

To provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

The title to the act is significant.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield further to the Senator from Alabama?

Mr. WORKS. In just one moment. The actual purposes of the bill are stated in the first instance, and then follows the statement that these roads may be used in the transportation of interstate commerce, and so forth. I yield to the Senator from Alabama.

Mr. BANKHEAD. I wish to call the attention of the Senator from California to the fact that he has read what was the title of the bill as it came from the House. If he will look at the last page of the bill, he will find that the committee changed the title of the bill. I should like to have him read the present title of the bill.

Mr. WORKS. I have no objection to doing that. I have examined the Senate committee bill with a good deal of care, and the title of the House bill is quite accurate as showing the purposes of the bill, as I shall attempt to point out. But if the Senator desires me to read the title that is at the end——

Mr. BANKHEAD. On the last page of the bill.

Mr. WORKS (reading)—

Amend the title so as to read: "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes."

That is a better title in that it does not disclose the real purposes of the bill.

Mr. President, I am going to take up the time of the Senate to analyze this bill and see just what it does provide for. I have numbered the different provisions of the bill, I think, in such a way as to disclose just what it provides for and the real object of the proposed legislation. It provides:

The Secretary of Agriculture is authorized to cooperate with the States in the construction of rural post roads.

Right in the beginning I contend that the Government of the United States has no right to enter into any contract with a State to improve the rural roads as a governmental act. If the road is one over which the Government has jurisdiction and has the right to construct, that obligation rests upon the Government and not upon the States. The laws of the United States respecting it are supreme. The State has no right to control it by legislation or otherwise if it is a governmental procedure. Yet the very first step in this bill is to provide for practically a partnership between the States and the Government for the construction of rural post roads. The bill is confined undoubtedly to rural post roads upon the theory that the Government has jurisdiction only to deal with that kind of road, and, if it has, then, in my judgment, it must deal with it alone.

The next provision is:

2. No money apportioned under the act can be expended until the legislature of the State gives its consent.

Another very peculiar provision. The Government of the United States feels it incumbent upon it to expend money for the purpose of improving its rural roads, but it is prohibited from using that money unless the State in which the improvement is proposed to be made consents to it through its legislature.

3. Rural post road is defined as—

any public road over which the United States mails are or might be transported, except in cities having a population of 2,500 or more.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Idaho?

Mr. WORKS. I yield.

Mr. BORAH. I wish to ask the Senator from California a question. I had intended to ask it of the chairman of the committee, but I should like to have the view of the Senator from California regarding it. The bill provides:

That for the purpose of this act the term "rural post roads" shall be construed to mean any public road over which the United States mails are or might be transported.

I do not understand the meaning of the phrase there "or might be transported," for I suppose the mails "might be transported" over almost any conceivable road.

Mr. WORKS. Mr. President, the evident intention of the bill was to cover everything in sight and yet keep within the Constitution, if that were possible. That is perfectly evident from the terms of the bill.

Mr. GALLINGER. Will the Senator permit me to make a suggestion?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from New Hampshire?

Mr. WORKS. I yield to the Senator.

Mr. GALLINGER. It will be remembered that when this bill was under consideration yesterday I called attention to that phraseology in the bill, faulty as I think it is, and suggested that I should offer an amendment to it, which I propose to do at the proper time.

Mr. BORAH. Excuse me; but does the Senator from New Hampshire state that he is going to offer an amendment to this particular phrase to which I have referred?

Mr. GALLINGER. That is my purpose.

Mr. BORAH. Very well.

Mr. WORKS. Would the Senator from New Hampshire mind suggesting what his amendment is to be and the object of it?

Mr. GALLINGER. Mr. President, I do not know that I have the amendment properly formulated at this moment, but it occurred to me that the language, "any public road over which the United States mails are or might be transported," was as broad as the Senator from California has suggested; that it "covered everything in sight." The bill can be improved by changing the phraseology, I think, in several ways. It could be improved there if it should say "over which the United States mails now are or are likely to be transported," so that the Secretary of Agriculture or some other authority could ascertain whether the rural roads were likely to be extended in certain directions. Still, that is not satisfactory to me, and I am going to try to frame better phraseology.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from North Dakota?

Mr. WORKS. I yield to the Senator.

Mr. McCUMBER. The Senator from California has just called attention to the fact that the States must consent to the provisions of this act. Suppose a State does not consent to its provisions, can the State relieve itself from taxation to pay for the projects for building roads in other States?

Mr. WORKS. Not at all, Mr. President. That is one of the things upon which I am going to comment a little later; but while this bill is intended to benefit all of the States alike, under the rule established in the bill itself, if some State is unable or unwilling to pay for the other half that is provided in order to do the work, then it must still pay the taxes necessary to improve the roads in the other States.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Alabama?

Mr. WORKS. I yield to the Senator.

Mr. BANKHEAD. I desire to suggest to the Senator from California that the Senator from Kansas has prepared an amendment, which I think is a very proper one, covering that very point. I wish he was here to read it.

Mr. WORKS. It needs to be covered, Mr. President; there is no doubt about that.

Mr. BANKHEAD. There are a great many things that need to be covered.

Mr. WORKS. Mr. President, I want to call attention to the peculiar provision in No. 3, to which I was referring at the time I was interrupted. It will be seen that this legislation enters into the cities of the different States provided they have not

above a certain population. It is not only proposed to include rural routes outside of a city, but it is proposed to enter the cities themselves, and to improve their streets.

Mr. BANKHEAD. The Senator is mistaken about that.

Mr. WORKS. No. 4. The State highway departments are described as any organization having control of the highways of the State.

5. The term "construction" is defined to include reconstruction and improvement.

They are not willing to stop at the original construction of roads and streets, but it is extended to reconstruction and improvements.

6. "Properly maintained" is defined to mean in practically as good condition as when it was first built.

That provision relates to the duty and obligation of the States to keep the roads in proper condition or to properly maintain them, and it obligates the States to keep the roads in as good condition as when they were first built.

7. There is appropriated for the purposes of the act, $75,000,000; $5,000,000 June 30, 1917; $10,000,000 for the next year; $15,000,000 for the next year; $20,000,000 for the next year; and $25,000,000 for the last year, 1921, making a total of $75,000,000.

8. Five per cent of the appropriation for any fiscal year may be applied to administering the provisions of the act and deducted for that purpose.

9. The Secretary of Agriculture is authorized to apportion the remainder of the appropriation for each fiscal year among the several States according to area, population, and ratio of rural-delivery routes.

There has been objection made heretofore to this basis of apportionment. That is a matter to which I have given no attention.

10. The Secretary of Agriculture is required to certify to the Secretary of the Treasury and each State highway department and to the governor of each State having no highway department the amount deducted for administration and the sum apportioned to each State for the fiscal year.

11. The Secretary of Agriculture and the State highway department of each State may jointly determine at what time and in what amounts payments may be made as the work progresses.

To that I want to call the attention of the Senate. The State can not act freely under this bill in determining what roads shall be constructed. It can only do it upon agreement with the Secretary of Agriculture. Neither can the Secretary of Agriculture determine for the United States what roads shall be improved under the bill, but it can only be done by agreement between the State and the Federal authorities, which is a limitation upon the powers of both of them. It is a limitation upon the power of the State to improve its own roads, and at the same time it is a limitation upon the power of the Government—if it has that power, which I think it has not—to construct a rural-route road. There can be no partnership as between the Government and the State, it seems to me, in determining the question as to what roads shall be improved and how they shall be improved.

12. Any State desiring to avail itself of the benefits of the act must submit to the Secretary of Agriculture project statements setting forth proposed construction of any rural post road or roads therein.

13. The Secretary of Agriculture must approve the project recommended.

Now, just think about it, Mr. President! The temptation on the part of the States will be to make only such improvements as are provided for in this act, because by acting under it they get one-half of the amount of the expenses paid by the Federal Government; but when they come to determine what roads shall be improved, they must submit their project to the Secretary of Agriculture, and they can not move until he approves it and the plans and specifications that are required to be presented to him for approval. So the temptation of the State is not to act at all unless it can act under this bill, and when it attempts to act under it its discretion as to what roads it shall improve may be controlled by the Secretary of Agriculture.

14. When the project is approved the State highway department must furnish the Secretary of Agriculture with such surveys, plans, specifications, and estimates therefor as he may require.

Showing that before any step can be taken at all in the matter the approval of the Secretary of Agriculture must be had at each step.

15. If the Secretary of Agriculture approve the plans, specifications, and estimates, he must certify the fact to the Secretary of the Treasury.

16. The Secretary of the Treasury shall thereupon set aside the share of the United States payable under the act on account of such project, which shall not exceed 50 per cent of the total estimated cost thereof.

17. No payment on any money apportioned shall be made on any project until the statement of the project and the plans, specifications, and estimates are approved by the Secretary of Agriculture.

18. Nor until the State shall make available for expenditure by or on behalf of the State money, labor, and material in such amounts, at such prices, and such terms as may be agreed on between the Secretary of Agriculture and the State highway department, not less in the aggregate than the amount to be received from the United States.

That provision allows the State to contribute in money, labor, or materials; but those contributions must be passed upon by the Secretary of Agriculture. He determines what the value of the labor is, and what is the value of the materials that go into the roads. That is proper enough for the protection of the United States; but it is still tying the hands of the State in carrying on public works and internal improvements within the State, and it is objectionable to me for that reason.

19. Nor until an agreement shall have been made with the Secretary of Agriculture to his satisfaction that the rural post road or roads to be constructed will be properly maintained by the State or any subdivision thereof.

This is a portion of the bill to which I call especial attention. Provision is made that the States shall keep these roads in repair or shall maintain them, and the bill provides what shall constitute "maintenance"; that is, to keep the roads in as good condition as when they were first constructed.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Idaho?

Mr. WORKS. I yield to the Senator.

Mr. BORAH. Would it interrupt the Senator if I should submit a question to him at this point?

Mr. WORKS. Not at all.

Mr. BORAH. I desire to ask the Senator from California a question as to the effect of this bill relative to that portion of the country which the Senator from California and I in part represent. This bill provides that the National Government shall appropriate and supply a certain fund, and that each State shall provide an equal fund, as I understand; and that constitutes the entire fund out of which the building of these roads in the particular State is to go forward and to be made?

Mr. WORKS. Yes.

Mr. BORAH. It is not so much so in the State of California, for the State of California has a vast amount of her State under cultivation, which is tax-paying property; but take a State like mine, for instance, where 80 per cent of it is not subject to taxation at all, but is withdrawn from taxation and withdrawn practically from entry. In the first instance, it is most difficult for that State to raise the amount which it is expected to raise. It must raise the entire amount on about 20 per cent of the property of the State. Twenty per cent of the property of the State must pay the entire amount of $900,000, or whatever it is, we will say, that the State of Idaho would be entitled to. Not only would it be difficult to raise the amount, but the burden would be put upon the State of maintaining those roads after they were built, and that burden also would rest upon 20 per cent of the property of the State. So far as the States are concerned, whose lands are withdrawn from public entry, are in reservations, and under the control of the National Government, this proposed law would be a tremendous hardship; it would be practically inapplicable.

Mr. WORKS. And, Mr. President, the Senator from Idaho has not stated all of the hardships that might result from it. It should be borne in mind, in that very connection, that the Secretary of Agriculture has the right to dictate where these roads shall be built.

Mr. BORAH. Exactly.

Mr. WORKS. And they may be built in the portion of the State where the National Government is particularly interested and where the State is less interested, and thus help to improve the public lands; and the State would be helpless against it.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from South Dakota?

Mr. WORKS. I yield.

Mr. STERLING. I should like to ask the Senator from California if he understands that, without the consent of the highway commission of a State, the Secretary of Agriculture may designate and determine absolutely where a road shall be constructed?

Mr. WORKS. Not at all. The Secretary of Agriculture, though, has the power to determine where it shall not be con-

structed; unless the State authorities are content to build the road where the Secretary of Agriculture wants it built, it can not be built at all. Of course, the Secretary of Agriculture can not compel the construction of the road at any one place.

Mr. BORAH. The practical effect is the same——

Mr. WORKS. The practical effect is the same.

Mr. BORAH. Because if the Secretary of Agriculture says, "I do not want it in this place," the State must come to his terms.

Mr. WORKS. Certainly.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Nebraska?

Mr. WORKS. I yield.

Mr. NORRIS. I myself concede that the effect is just what the Senator from Idaho has said; yet does the Senator think that that part of the bill is objectionable which requires an agreement between the State authorities and the Secretary of Agriculture as to where a road shall be built?

Mr. WORKS. I regard it as exceedingly objectionable.

Mr. NORRIS. Would the Senator permit the State authorities to designate the road and then require the Secretary of Agriculture to pay the Government's share, without regard to where he thought the road ought to be located?

Mr. WORKS. Not at all.

Mr. NORRIS. Well, what would the Senator propose?

Mr. WORKS. I have stated as clearly as I could that I thought the whole system of going into partnership between the States and the Government was vicious in itself, and that it tied the hands of both parties, the States as well as the Government.

Mr. NORRIS. I understand the Senator objects to that; and I can see there is some ground for the objection, because I can easily appreciate, I think, that it might have the effect which the Senator has stated; but, assuming—of course the Senator is opposed to the bill—that we are going to devise some plan by which Federal aid shall be given, if the proposed plan is not a proper one, what would the Senator suggest in its place?

Mr. WORKS. I have no suggestion to make about it, Mr. President, because I think it is utterly impossible to draft a bill undertaking to carry out a system of this kind that would be legitimate or fair as between the States and the Government. I think it is impossible, because the whole thing is wrong in principle and can not be carried out by any kind of legislation, in my judgment. The remedy, as suggested in an aside by the Senator from North Dakota [Mr. MCCUMBER], is that the States build their own roads; and that is precisely what the States ought to do. My own State of California ought to be ashamed to take any of this money if it is offered by the National Government. The people of my State ought to have the independence to build their own roads and not ask a donation from the Federal Government.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Idaho?

Mr. WORKS. I yield.

Mr. BORAH. Would the Senator make an exception with reference to those roads which are in every sense great interstate highways?

Mr. WORKS. I was expecting to mention that matter a little later on, but I may just as well do so now. I have always believed that the National Government might properly contribute to the construction of what might be called "a national highway" connecting the different States, because that would be interstate in its character, just the same as it may contribute to the construction of a railroad which passes through different States. I think that exception can fairly be made, but I myself have never been willing to go further than that.

Mr. NORRIS. Mr. President, I should like to ask the Senator another question.

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Nebraska?

Mr. WORKS. Certainly; I yield to the Senator.

Mr. NORRIS. I am not asking these questions in any critical sense.

Mr. WORKS. I am glad to be interrupted.

Mr. NORRIS. If we can get a bill, I should like to get one that is practical; but the suggestion the Senator has just made to the Senator from Idaho rather appeals to me as being a reasonable one. I want to ask the Senator if he does not believe that those who are behind the bill—I may be mistaken as to this; I am not one of those who drafted the measure—have not in view the very thing which the Senator has suggested—that this should be rather an interstate proposition, and that the agreement required between the Secretary of Agriculture and the State authorities would have the effect, so far as the Federal Government is concerned, of confining its assistance or making its donations to interstate highways? Of course the highways built under this bill, if it is passed, will only be a very small item compared with the highways that will be needed by all the States; and, as I understand, those who are behind this bill do not contemplate assisting any road except those which might become portions of an interstate network.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from New Hampshire?

Mr. WORKS. If the Senator will pardon me just a moment until I answer the Senator from Nebraska, I will then yield to him.

I wish I might be able to believe from the terms of this bill that the intention of its framers and its friends is such as the Senator from Nebraska [Mr. NORRIS] suggests, but any such idea as that, it seems to me, is excluded by the very terms of the bill itself. It can not by any possibility be construed in that way or as intending anything of the sort.

I now yield to the Senator from New Hampshire.

Mr. NORRIS. If the Senator will permit me, before we leave this point, to make a further suggestion, I wish to say that the very fact that the consent of an official of the Government, namely, the Secretary of Agriculture, is required, and by virtue of such requirement he can compel the State to build roads in particular localities, would seem to me an indication that what I have stated was the intention of the framers of the bill.

Mr. WORKS. I ask the Senator if that is the real intention of the bill, would it not have been a fair and honest thing to have said so in terms?

Mr. NORRIS. I think so myself; I agree with the Senator as to that.

Mr. WORKS. I now yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, whatever difficulties there are in the way of passing this piece of legislation will not, it seems to me, be made less by the suggestion that the appropriation should be made to aid in the construction of interstate highways. The little State of New Hampshire is sandwiched in between Vermont and Massachusetts. The highways extending from New Hampshire into Massachusetts doubtless run into the hundreds, and there are nearly as many into Vermont. If we are simply going to make appropriations to improve those particular roads which run from one State into another, I apprehend that we will have more difficulty than the author of this bill contemplates under its present terms.

Mr. WORKS. I do not mean to be understood as favoring that kind of legislation. I was speaking with reference to the power of the Government to deal with the matter.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Washington?

Mr. WORKS. I yield.

Mr. JONES. I want to ask the Senator if the language in the first paragraph of the bill does not really itself refute the suggestion of the Senator from Nebraska, where it authorizes the Secretary of Agriculture to cooperate with the States "in the construction of rural post roads"?

Mr. WORKS. Every provision of the bill refutes it from beginning to end.

20. Nor shall any such payment be in excess of $10,000 per mile, exclusive of bridges, or more than 20 feet clear span.

I wonder if there are not a good many roads in the State of Idaho, for example, that can not be constructed for $10,000 a mile, which would be excluded by the provisions of this bill? There will be a good many in the State of California, I know.

21. The construction work and labor in each State shall be done in accordance with its laws and under the direct supervision of the State highway department—now, mark the language—subject to the inspection and approval of the Secretary of Agriculture and in accordance with the rules and regulations made pursuant to the act.

How can the State regulate and control the construction of the roads if they are to be constructed in accordance with the rules and regulations of the Agricultural Department and in accordance with the direction of the Secretary of Agriculture? It takes away the right of the States to control the matter of the construction of their own roads.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from South Dakota?

Mr. WORKS. I yield.

Mr. STERLING. I should like to ask, if the State consents to the arrangement and accepts half of the cost of the improve-

ment of the road from the Federal Government, is there any objection, and can there be any objection, to an inspection by the Federal Government of that road into which the Federal money goes?

Mr. WORKS. There is no objection from the point of view of the Federal Government. Of course, there is no reason why the Government should consent to put its money into any proposition unless it has some control over the investment; but that is not the vicious feature of it at all. It takes away from the States the right to control the construction of their own roads and forms a partnership between the National Government and the State that is entirely inconsistent with the functions of the two.

Mr. STERLING. I will just say, with reference to that, that it all comes back to the question of the consent of the States; if the State consents to it, it is not taking away the right of the State.

Mr. WORKS. The States are very likely to consent when they can get money out of the National Treasury, and that is the temptation that is presented here—for the State to do what it would not otherwise do in order to get money out of the Federal Treasury.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from New Jersey?

Mr. WORKS. I yield.

Mr. MARTINE of New Jersey. It seems to me the States would get results and the United States would get results from cooperation in this matter between the States and the Government. Let me ask, Is the Senator in favor of Federal aid at all?

Mr. WORKS. Not of Federal aid to the States; no.

Mr. MARTINE of New Jersey. For the construction of roads or highways?

Mr. WORKS. Not at all.

Mr. MARTINE of New Jersey. Well, therein we widely differ.

Mr. WORKS. Then I presume the Senator will hardly regard it as worth while to argue the question with me.

Mr. MARTINE of New Jersey. I realize the Senator's position, but I believe it is infinitely wise for the well-being of the country at large that the States and the United States Government should cooperate in the construction of highways and roads in our country.

Mr. WORKS. I understand the Senator feels that way about it, as do a great many other good people.

Mr. MARTINE of New Jersey. I can not see where any wrong would be done by the United States contributing a sum of money for the improvement of the highways in California any more than in appropriating money for a post office in Los Angeles.

Mr. WORKS. The post office, Mr. President, is a Government building, while the work that is proposed to be done under this bill is to be done upon roads which are not Government roads in any sense.

Mr. MARTINE of New Jersey. But the fact is that the erection of the Government building accrues to the benefit of private property around the city of Los Angeles.

Mr. WORKS. Suppose the Government should propose to construct a post office in Los Angeles under an agreement with the State authorities that the State authorities and the Government must agree on the building, as to when and how it should be constructed and the cost of it, would the Senator think that would be right?

Mr. MARTINE of New Jersey. I do not think that condition would ever prevail, or that there is any similarity between the two cases. One is a fixed building at a definite place, while highways serve entirely different purposes, having in view the general transit and travel of the people to and fro, facilitating trade and commerce and promoting the general welfare of the whole people. I look upon them as being widely different.

Mr. WORKS. Yes; they are different for an entirely different reason than the one stated by the Senator. One of them is a strictly Government function. A post-office building is constructed for the purpose of carrying on the business of the Government, and therefore is exclusively within the jurisdiction and power of the Government. There is certainly no comparison between that and aiding the States to build their roads.

Mr. MARTINE of New Jersey. I think there is a degree of similarity in some respects.

Mr. WORKS. Mr. President, No. 22 provides:

22. The Secretary of Agriculture is authorized to withhold apportionments of funds to any State which has failed to maintain roads previously constructed.

If the Secretary of Agriculture should determine that the roads already constructed had not been kept up to the condition that they were when they were completed, then the State is denied any participation in this fund. No. 23 provides that the Secretary of Agriculture is authorized——

Mr. NORRIS. Mr. President, before the Senator leaves No. 22, may I ask him a question?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Nebraska?

Mr. WORKS. Yes.

Mr. NORRIS. If a State fails to keep a road in repair, does not the Senator think that any further Federal aid ought to cease?

Mr. WORKS. Yes; I think it ought to cease in the beginning.

Mr. NORRIS. I understand the Senator holds that view.

Mr. WORKS. If the Senator is looking at it from the point of view of the Government, he and I do not disagree about that. I do not think the Government ought to put money in these roads without protecting itself; but that is not the trouble that I have suggested. The trouble is the combination between the two; that is the difficulty.

Mr. NORRIS. I know the Senator takes that view of it, and I am not criticizing him; he has the right to that view, of course; but assume now that we pass a bill extending Federal aid, ought there not to be a provision in it compelling the care of these roads after they are built? How else could the Government bring about that condition unless it was authorized to cease giving any more funds if the State did not keep the roads in repair?

Mr. BORAH. Mr. President, may I ask the Senator from Nebraska a question?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Idaho?

Mr. WORKS. I yield.

Mr. BORAH. How would it be possible, for instance, situated as we are in the State of Idaho and as some of the other States are situated, to keep up the roads when only 20 per cent of the property can be taxed?

Mr. NORRIS. The Senator from Idaho presents what to me is a very serious objection, and one which I think will have to be met in some way by some proper amendment as affecting his State and States similarly situated. I presume, if there were no change made, it would present a difficulty that would probably prevent Idaho from getting any part of the money under this bill.

Mr. McCUMBER. Although it would be compelled to pay for roads in other States.

Mr. BORAH. I think the Senator from Nebraska is correct when he draws the conclusion that it would probably inhibit us from participating in this matter at all.

Mr. NORRIS. It might do that; yes.

Mr. BORAH. Because, in the first place, we could not afford, upon 20 per cent of the property in our State, to raise the fund, perhaps; but we certainly could not afford to keep up the road.

Mr. NORRIS. I was asking my question now on the assumption——

The PRESIDING OFFICER. Does the Senator from California further yield to the Senator from Nebraska?

Mr. WORKS. I yield.

Mr. NORRIS. I was asking my question on the assumption that we passed the bill now, doing away with the objection that has been made both by the Senator from Idaho and by the Senator from California. If we do decide that Federal aid shall be given, then ought there not to be a provision in the bill that these roads must be maintained by somebody or, as a penalty, the further payment of money will cease?

If the Senator will permit just this sentence, it seems to me that in any good-roads proposition, whether of State or National scope, the care of the road after it is constructed is just as important as the construction of the road. So far as I am concerned, that would be a sufficient objection to cause me to oppose any bill if proper provision were not made for the maintenance of the road after it was constructed.

Mr. BORAH. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from California further yield to the Senator from Idaho?

Mr. WORKS. I do.

Mr. BORAH. What is the provision of the bill with reference to keeping up and maintaining roads in case a State does not do so?

Mr. NORRIS. They get no further funds, as I understand this bill.

Mr. BORAH. Exactly; but what becomes of the road? Has the National Government no interest in the road, to keep it up if the State does not?

Mr. NORRIS. As I understand, the bill makes no provision on that subject excepting that the State is penalized, if it does not keep up the road, by not getting any further contribution.

Mr. WORKS. There is no provision in the bill to protect the Government against allowing the road to become out of repair except the one that has just been mentioned.

Mr. BORAH. Certainly if the National Government is going to put $75,0000,000 into building roads—and, of course, that is just the beginning—if it is going to put this vast amount of money into it, the Government would have sufficient interest in the proposition, as an interstate matter, to keep up the road if the State did not. I am astonished to hear that there is no provision that in case the State does not act the National Government will act.

Mr. WORKS. The Senator from Nebraska has asked me a question that I think deserves an answer. I think the Senator is perfectly right in maintaining that the Government, in order to protect itself, should have some such control as this over the roads; but I suggest to the Senator that that is the vicious feature of the whole thing. The Government must step in and interfere with the affairs of the State in order to protect itself, and therefore the State authorities and Federal authorities necessarily come in conflict.

Mr. GALLINGER. Mr. President——

Mr. WORKS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I do not know how it may be in other parts of the country, and I presume this is a mere regulation of the Post Office Department; but in my State, unless the existing roads over which the star-route mail and the rural-delivery mail is carried are kept in good condition, they are under a threat from the department that the service will be discontinued. As a result, our roads are kept in pretty good repair, even though they are not macadamized as a good many hundred of miles of roads in New Hampshire are.

Mr. WORKS. 23. The Secretary of Agriculture is authorized to temporarily decline to issue warrants upon failure of the State to comply with the provisions of the act, or upon breach of agreements made with him pursuant to the act, and shall finally decline if within three months the failure is not corrected or the breach remedied to his satisfaction.

24. The Secretary of Agriculture must certify the reasons for withholding the apportionment to the Secretary of the Treasury and to the State highway department.

25. The Secretary of Agriculture is authorized to employ assistants, clerks, and other persons in the city of Washington and elsewhere, to rent buildings in the city of Washington and elsewhere, to purchase supplies, material, equipment, office fixtures and apparatus, and to incur such travel and other expenses as he may deem necessary for carrying out the purposes of the act.

That brings the matter of the conduct of this business into Washington, to be controlled by the Secretary of Agriculture, and permits him to rent buildings, and gather together employees, and do all of the things necessary to conduct the business in Washington.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Alabama?

Mr. WORKS. I yield.

Mr. BANKHEAD. I am sure the Senator wants to be perfectly accurate. The provision of the bill which authorizes the rental of buildings was stricken out yesterday.

Mr. WORKS. I was not aware of that. I am glad it has been improved to that extent.

Mr. President, I have tried to analyze the provisions of the bill so that they ought to be fairly well understood, and I have endeavored to do so in an impartial and fair way. Now I want to call attention to the provisions of the report of the committee, and analyze that just a little.

I do not know who prepared this report; but, whoever he was, he is a genius. He has tried in every way possible to convince Congress and the country that it is an awfully good thing to do, and to dispel the idea that it can by any possibility be in opposition to the Constitution of the United States. This I shall attempt to refute before I get through.

Referring to the question as to whether it is intended for the benefit of the Government or for the benefit of the States or for the benefit of the individual residents of the States, let me call attention to the first statement of the committee report as giving the reasons why this legislaion is alleged to be necessary. The Senate will notice that it is not because of the inability of the Government to transmit the mails or to perform any governmental function. There is no intention to legislate for any such reason as that.

Under the heading "Why Federal aid is needed—Present deplorable condition of public roads," it is said that the reason Federal aid is needed is that for three-quarters of a century the Federal Government has discontinued making appropriations for road construction, and that the States have failed to construct and maintain proper roads, although it is stated:

> This failure to accomplish results has not been due to lack of outlay in money and energy. for it is estimated that in 1904, $80,000,000 in money and labor was expended on the public roads, and that in 1914 the expenditure had grown to about $260,000,000.

The reason for making the appropriation is fairly well stated in that first clause of the report; and the reason why the Government is called upon to expend its money in that way is simply because the States have failed to do so. In other words, because the States have failed to perform their functions the Federal Government is called in to help them to carry out those functions by expending the money that belongs, not to any individual State, but to the whole country.

Under the head "Phenomenal traffic growth," which is equally significant, it is said the enormous increase in traffic on the public highways is set forth, indicating that it is not governmental purposes or the use of rural roads for carrying the mails that is the incentive for making this enormous appropriation.

Under the head "States and counties unable alone to meet new conditions," it is said that half of our population is living in cities, but they must be fed by the products from the country, and thus the cities are directly concerned with the conditions of the rural roads. The products of the cities are being sent out many miles into the country by huge delivery trucks, and this again gives to the city a direct pecuniary interest in the condition of the public roads.

Again it is said, under this head:

> It has become apparent, however, that the task of providing adequate public roads throughout the United States is a great enough task to demand participation by the Federal Government to the end that every unit, from the township to the Federal Government, shall carry out a well-ordered part in the great undertaking.

Now, what are we proposing to do? What are we proposing to initiate by this kind of legislation? It is clearly shown by that statement in the report that we are going to provide for a complete system of road construction throughout the whole United States; and the appropriation of this comparatively small sum of $75,000,000 must be only a beginning, because to carry out this vast scheme would cost billions of dollars instead of millions. The reason for it all is not that it is necessary in the interest of the Government as a government, but because the States are not able to carry on these improvements within their own borders; and therefore the Government of the United States is expected to go into the States and do for them what they are not able to do for themselves. I say it is utterly unjustifiable from any point of view as a matter of policy or as a matter of law, as I shall attempt to point out later on.

Under the heading "Direct bearing of roads upon national welfare," it is said:

> The building of an adequate system of public roads should not be regarded as merely a provision for the handling of a vast traffic, but it should also be considered as an essential to the balanced development of our great domain and of the furtherance of our welfare, physically and morally, as a people.

Then, under the head of "Propriety of Federal participation," it is said:

> Few critics of Federal aid now advance the objection that such aid is unconstitutional.

Mr. President, I am afraid I am one of the exceptions, for I shall attempt to show before I have done that the present effort to appropriate the moneys of the Government is in violation at least of the spirit of the Constitution, if not of its letter. The report proceeds:

> The provision in Article I, section 8, of the Constitution authorizing Congress to establish post offices and post roads, is most specific, even if sufficient authority could not be gleaned from the "general-welfare" clause in the preamble, and again in Article I, section 8, and from the clause authorizing the regulation of commerce among the several States.

I call the attention of the Senate to that clause, for there it is attempted to specify the provisions in the Constitution, some of which or all of which, it is claimed or assumed, will justify this expenditure of money within the States, and that I shall come to later.

The only authority noted upon this sort of internal improvement to the extent provided by the bill is the short extracts from distinguished statesmen of earlier days as follows:

> Thomas Jefferson, in a letter written in 1786, had a vision of a great internal development of the country, for he said:
> "I experience great satisfaction at seeing my country proceed to facilitate the intercommunication of its several parts by opening rivers, canals, and roads."

Evidently Mr. Jefferson had reference to the opening of canals to be used in interstate commerce, not the construction of local roads within a State.

Alexander Hamilton said in 1801:

"The improvement of the communications between the different parts of our country is an object well worthy of the national purse. * * * To provide roads and bridges is within the direct purview of the Constitution."

Mark the language there, Mr. President—"the improvement of the communications between the different parts of our country." It does not include local roads.

President Madison, in a message to Congress, said:

"I particularly invite again the attention of Congress to the expediency of exercising their existing powers and, where necessary, of resorting to the prescribed mode of enlarging them in order to effectuate a comprehensive system of roads and canals, such as will have the effect of drawing more closely together every part of our country by promoting intercourse and improvements, and by increasing the share of every part in the common stock of national prosperity."

Which is precisely like the other, and does not relate to local improvements.

Henry Clay, speaking in Congress in 1818, said:

"Of all the modes in which a Government can employ its surplus revenue none is more permanently beneficial than that of internal improvement. Fixed to the soil, it becomes a durable part of the land itself, diffusing comfort and activity and animation on all sides. The first direct effect is on the agricultural community, into whose pockets comes the difference in the expense of transportation between good and bad ways."

That also related to the question of transportation, and evidently to interstate commerce.

Daniel Webster, in an address in the United States Senate in 1830, said:

"They [meaning the United States Government] enjoy the revenues derived from commerce, and the States have no abundant and easy sources of public income. The customhouses fill the General Treasury, while the States have scanty resources except by resorting to heavy direct taxes.

"Under this view of things I thought it necessary to settle, at least for myself, some definite notions with respect to the powers of the Government in regard to internal affairs, and I arrived at the conclusion that Government had power to accomplish sundry objects, or aid in their accomplishment, which are now commonly spoken of as internal improvements."

Which is precisely to the same effect.

Eight years later President Jackson, commenting on President Monroe's message, said:

"No less than 23 different laws have been passed through all the forms of the Constitution appropriating to upward of $2,500,000 out of the National Treasury in support of that improvement, with the approbation of every President of the United States, including my predecessor, since its commencement. The views of Mr. Monroe upon this subject were not left to inference. During his administration a bill was passed through both Houses of Congress conferring the jurisdiction and prescribing the mode by which the Federal Government should exercise it in the case of the Cumberland Road. He returned it with objections to its passage, and in assigning them took occasion to say that in the early stages of the Government he had inclined to the construction that it had no right to expend money except in the performance of acts authorized by other specific grants of power according to a strict construction of them, but that on further reflection and observation his mind had undergone a change; that his opinion then was that Congress had an unlimited power to raise money, and that in its appropriation it had a discretionary power, restricted only by the duty to appropriate it to purposes of common defense and of general, not local, national, not State, benefit, and this was avowed to be the governing principle through the residue of his administration."

This statement evidently relates to the construction of just one road. I will consider President Monroe's veto message, to which reference is made, further along. These quotations furnish a very slender foundation for this proposed legislation.

In this connection this remarkable and unfounded statement is made respecting the veto message of President Monroe, to which I shall call attention a little later:

When President Monroe vetoed the Federal road act in 1822 he did not base his veto upon the ground that Congress had no right to make appropriations to aid in road improvement, but upon the establishment of the road as a turnpike upon which tollgates were erected and tolls collected and in which the enforcement of the tolls by penalties was involved.

That is a misstatement of what was actually said by President Monroe, as I shall show when I come to his veto message.

Then, under the head of "Federal aid to other public improvements," it is said:

Attention has been directed again and again in connection with proposed Federal legislation in aid of road improvement, to the appropriations made by Congress for rivers and harbors, for the Panama Canal, and to aid in the establishment of transcontinental railroads. These citations would appear to be entirely justified, as the primary purpose of all those appropriations was to facilitate the development of the country and the transportation of people and products.

All of these are distinguishable from the present proposition, in that they were connected with interstate commerce or were the carrying out of Government functions.

It is further said under this head:

The Federal Government has a direct pecuniary interest in the improvement of public roads, as it now has an annual appropriation of $53,000,000 for the maintenance of a rural mail delivery service, involving the employment of nearly 44,000 rural mail carriers.

But it should be borne in mind that the money expended by the Government, mentioned here, is under a provision for the carrying of the mails. It does not include the improvement of roads. The Government has never undertaken to construct rural roads for the benefit of the Government.

Again, it is said:

The importance of an adequate system of public roads from a military standpoint will become increasingly evident with the development and more general use of the motor truck.

Then, under the head "Beneficial results to be expected from Federal aid—equalizing cost burdens," it is said:

The farmer has been—

Now we come to the farmer.

The farmer has been from time immemorial paying the bill for the building and upkeep of public roads. Appropriations of State funds in recent years have transferred a slight portion of this burden to the owners of city property, but it is probably conservative to say that at least 75 per cent of the money raised for road purposes at the present time is paid by the owners of country property.

Mr. President, I do not know how true that statement may be, but it does not in the least alter the situation. We are legislating here continually for the farmers, and probably as a class they need legislation for their benefit less than any other class in this country. There is no class of people in the United States to-day who are more prosperous as a whole than the farmers, and I happen to know that a good many of the intelligent farmers of this country are indignant at the use that is made of their name in the effort to procure legislation of this kind. Whatever may be the outcome, the farmer will have to bear his share of this burden, whether the money comes out of the National Treasury or the State treasury.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from South Dakota?

Mr. WORKS. I yield.

Mr. STERLING. The Senator from California has referred to objections on the part of farmers to legislation of this character. I should like to ask him if he has heard of any objection on the part of farmers to this particular piece of legislation?

Mr. WORKS. No; I have not. I was not referring to this particular legislation; but I have heard such objection to other legislation of a similar kind, and I think the Senator has also. I have no doubt he has.

Then, under the heading "Encouragement of systematic road management," it is said:

Legislation by Congress requiring on the part of the States, as a condition to receiving Federal aid, that they provide for systematic and responsible supervision of the joint funds thus created, would be a long step in the direction of effective road management now so urgently needed. It is a self-evident proposition that in small communities the selfish influence of powerful individuals has greater opportunity to act counter to the public welfare than in the larger political communities.

This shows that the intention here is to carry out a general system and bring the Government into the construction of the roads to furnish the technical knowledge and skill that are necessary in order to construct them, and to relieve the States of that burden.

Then, under the heading "Higher standards of construction and maintenance," it is said:

Federal legislation properly enframed should insure the formation of a Federal corps of highway engineers, representative of the best technical and practical ability obtainable in this country.

I remember that the Senator from Alabama yesterday called attention to the fact either that it was a body of engineers that first suggested legislation of this kind or that they have as a body encouraged it. That is quite natural. Probably there is no other set of men that will benefit or profit more by it than the engineers.

Under the heading of "Permanent improvements in lieu of temporary repairs" it is said:

By confining the expenditures of the joint fund supplied by the Federal Government and the respective State governments to construction rather than to maintenance tangible and durable roads will be provided to take the place of those upon which untold millions have been expended for temporary patchwork in the past.

Under the heading "Government should require maintenance" it is said:

While the primary purpose of the Government in entering upon the policy of Federal aid is to secure the construction of systems of highways which are urgently needed, it should not forego the opportunity and the duty to require on the part of the States that they adequately maintain every mile of road constructed with the aid of Federal money.

So, with reference to "Correlation of road improvement." Under that heading it is said:

It is essential to the normal development of transportation facilities that the public roads of each State shall be coordinated and correlated with the public roads of the adjoining States. In the absence of the

correlating influence which Government participation may provide it is probable that the development of the road system of the Nation as a whole would be haphazard and uneconomical.

Under the heading "Roads would be improved in the order of their importance" it is said:

It has been repeatedly estimated that 20 per cent of the roads may be so designated and improved as to carry some 80 to 85 per cent of the traffic. It may be assumed that the highway department of each State, representing both county and State interests, acting in cooperation with the Federal Government representatives, will select for improvement those roads which will best serve the traffic needs of the State and its local subdivisions.

Under the heading "Fundamental considerations in framing Federal-aid legislation—The Federal Government should cooperate with the State governments" it is said:

It is manifestly important that the Federal Government shall deal with a definite and responsible agency in carrying out the policy of Federal aid to road improvement. There are, besides the Federal Government, four distinct governmental units, namely, the State, the county, the township, and the municipality. As the primary purpose of Federal aid is to improve country roads, the municipality need not be considered in this connection.

Under the heading "No disturbance of State control" this very remarkable statement is made:

No policy of Federal aid should be adopted which does not permit the retention by the States of the fullest measure of control consistent with the necessary inspection and safeguarding which is customary with all Federal appropriations.

Under the heading "Self-help should be encouraged and 'pork barrel' discouraged" it is said:

While the contribution on the part of the Federal Government should be substantial, so that results of some magnitude might be accomplished, such contribution should impose upon the States the duty of contributing in at least as large a measure, so that there may be no insidious paternalism established, which would stifle local initiative and self-help.

Under the heading "Factors of apportionment" it is said:

Some plan must be adopted at the outset for determining what proportion of Federal appropriation shall go to each State. In arriving at the most feasible and equitable plan, consideration must be given to those factors which are intimately related to the public roads. First, it must be considered that primarily the road is designed for the use of the people, and it would, therefore, seem more equitable that population should form a basic factor in determining the distribution of appropriations.

Now, under the estimate of apportionment provided, California would receive the following amounts:

First year	$155,750
Second year	311,500
Third year	467,250
Fourth year	623,000
Fifth year	778,750
Or a total of	2,336,250

Friday, April 21, 1916.

Mr. WORKS. Mr. President, I have analyzed as best I could the provisions of the bill, with such comments as I desired to make upon it, and also the report of the committee. I pass now to a consideration of the constitutional question involved. I think it must be admitted that there is no direct or enumerated power in the Constitution that would authorize the United States to aid the States in the construction of local roads. The real question is whether there is any implied or incidental power that would justify legislation of this kind; and in dealing with it, Mr. President, we must bear in mind that this is not a proposition to aid in the construction of any particular highway that does or might connect States and therefore be interstate in character. It is proposed to enter upon a general system throughout the whole country of investing the money of the National Government in the improvement of local roads. I undertake to say that there is no provision in the Constitution, and no incidental or implied power resulting from any provision of the Constitution, which would justify legislation of this kind.

Mr. SHAFROTH. May I ask the Senator a question?

Mr. WORKS. Certainly.

Mr. SHAFROTH. Does not the policy which has been pursued in the last 20 years with respect to the withdrawal of lands from entry, the withdrawal of reservoir sites, the withdrawal of water-power sites, thereby preventing any taxation to be raised by the State for local purposes, almost of necessity require that there should be substantial aid by the Federal Government in matters concerning local affairs, especially when it must be considered as being constitutional in view of the fact that the object and purpose is primarily to have roads for the Postal Service, for military service, and for interstate-commerce service?

Mr. WORKS. Mr. President, nothing that Congress or the executive department has done in the past, however unjust or just it may be, could justify Congress in violating the Constitution of the United States. There is nothing, it seems to me, in anything the Government has done that is parallel to what is proposed to be done now or that could uphold any legislation of this kind.

I recognize fully the injustice to the Western States that is referred to by the Senator from Colorado, but this is a separate and distinct proposition which must be dealt with alone. It can not be affected by anything that has taken place in the past.

Mr. SHAFROTH. Does not the Senator think that the bill as framed, under the language which is used, would be upheld by the Supreme Court of the United States as being constitutional?

Mr. WORKS. No; I do not by any means. There is absolutely nothing in any decision of the Supreme Court or any other court down to the present time that I have been able to discover which can justify such legislation as this, and I am going to attempt to show it is in violation of the Constitution and can not be justified.

When a lawyer is called upon to deal with the question of incidental or implied powers of the National Government he turns almost instinctively to the opinion of Chief Justice Marshall in the case of McCulloch against The State of Maryland. It is a great opinion, delivered by a great judge, upon a great question. It has practically fixed the law of construction of the Constitution of the United States that has been followed by all of the decisions of the Federal and State courts from that time down to this.

Mr. KENYON. I wish to understand the Senator. Does he contend that the Federal Government could not under the Constitution appropriate money to assist in the development of interstate roads, or does he take the position that the pending bill is not for that kind of development?

Mr. WORKS. Mr. President, it is not necessary for me to take any position respecting the right of the Government to participate with the States in the construction of interstate highways. That question is not before the Senate by this bill. I contend that the bill is not for the purpose of constructing interstate highways at all. It does not purport to be any such thing. It is an effort to aid the States in the construction of local roads within the borders of the several States, and it does not deal with all the States together. It deals individually with each State, because any action that may take place under the bill is limited to cases where the legislature of the State assents to it. Therefore there may be some of them that would take advantage of the legislation and some that would not. As was suggested here yesterday, if one of the States should not assent to the provisions of the bill and take advantage of it, then that State is compelled to pay its share of the taxes to improve the roads in the other States, which is eminently unjust.

Mr. President, I think I need not apologize to the Senate of the United States for taking up some of its time in considering with some particularity and quoting at some length from the case to which I have referred.

The case of McCulloch *v.* State of Maryland (4 Wheaton, 316, 400) involved the power of Congress to pass "An act to incorporate the subscribers to the Bank of the United States." It was admitted that no express power to establish such a corporation was contained in the Constitution, and that the Federal Government was one of limited and enumerated powers. The effect of the decision was to give to Congress such incidental powers of legislation as is necessary to carry out the powers expressly given. The case is a leading one, the opinion being delivered by Chief Justice Marshall.

Now, in the beginning let me call attention to the situation and the question really involved here. It is perfectly evident that under this decision and others that have followed it there must be some direct power given to the Government of the United States to which some incidental power may be attached in order to entitle the Government to enter upon a scheme of this kind. Therefore we must necessarily stop to inquire what is the direct or enumerated power under the Constitution to which we can attach some incidental power that will justify this kind of legislation.

Let me quote from this opinion:

In discussing these questions the conflicting powers of the General and State Governments must be brought into view, and the supremacy of their respective laws, when they are in opposition, must be settled.

If any one proposition could command the universal assent of mankind, we might expect it would be this—that the Government of the Union, though limited in its powers, is supreme within its sphere of action. This would seem to result necessarily from its nature.

In that connection I want to again call attention to what I said yesterday—that it is absolutely necessary that we should divide the power as between the States and the National Government. If the construction of these roads as post roads is a Government function or is within the power of the National

Government, then the laws of the United States must be supreme respecting the work to be done or the power to be executed. There can be no division of power in a matter with which the National Government has a right to deal, as between the State and the Federal Government. I proceed with the quotation:

It is the Government of all, its powers are delegated by all, it represents all, and acts for all. Though any one State may be willing to control its operations, no State is willing to allow others to control them. The Nation, on those subjects on which it can act, must necessarily bind its component parts. But this question is not left to mere reason; the people have, in express terms, decided it by saying, "This Constitution and the laws of the United States which shall be made in pursuance thereof" "shall be the supreme law of the land," and by requiring that the members of the State legislatures and the officers of the executive and judicial departments of the States shall take the oath of fidelity to it.

The Government of the United States, then, though limited in its powers, is supreme; and its laws, when made in pursuance of the Constitution, form the supreme law of the land, "anything in the constitution or laws of any State to the contrary notwithstanding."

Among the enumerated powers we do not find that of establishing a bank or creating a corporation.

And I insist, Mr. President, that under the enumerated powers we find none authorizing the United States to aid in the construction of roads within a State.

But there is no phrase in the instrument which, like the Articles of Confederation, excludes incidental or implied powers and which requires that everything granted shall be expressly and minutely described. Even the tenth amendment, which was framed for the purpose of quieting the excessive jealousies which had been excited, omits the word "expressly," and declares only that the powers "not delegated to the United States nor prohibited to the States are reserved to the States or to the people," thus leaving the question, whether the particular power which may become the subject of contest has been delegated to the one Government or prohibited to the other, to depend on a fair construction of the whole instrument.

I insist in that connection again, Mr. President, that there can be no joint power respecting a matter of this kind. Of course, in certain instances the States and the Federal Government have coordinate jurisdiction; but that can not possibly be so here. Either the one Government or the other must have the right and jurisdiction to deal with this question; and if it has, that necessarily excludes the power and jurisdiction of the other.

The men who drew and adopted this amendment had experienced the embarrassments resulting from the insertion of this word in the articles of confederation and probably omitted it to avoid those embarrassments. A constitution to contain an accurate detail of all the subdivisions of which its great powers will admit and of all the means by which they may be carried into execution would partake of the prolixity of a legal code and could scarcely be embraced by the human mind. It would probably never be understood by the public. Its nature, therefore, requires that only its great outlines should be marked, its important objects designated, and the minor ingredients which compose those objects be deducted from the nature of the objects themselves. That this idea was entertained by the framers of the American Constitution is not only to be inferred from the nature of the instrument but from the language. Why else were some of the limitations, found in the ninth section of the first article, introduced? It is also in some degree warranted by their having omitted to use any restrictive term which might prevent its receiving a fair and just interpretation? In considering this question, then, we must never forget that it is a constitution we are expounding.

Although among the enumerated powers of government we do not find the word "bank" or "incorporation," we find the great powers to lay and collect taxes, to borrow money, to regulate commerce, to declare and conduct a war, and to raise and support armies and navies. The sword and the purse, all the external relations, and no inconsiderable portion of the industry of the Nation are intrusted to its Government. It can never be pretended that these vast powers draw after them others of inferior importance merely because they are inferior. Such an idea can never be advanced. But it may with great reason be contended that a Government, intrusted with such ample powers, on the due execution of which the happiness and prosperity of the Nation so vitaily depends, must also be intrusted with ample means for their execution. The power being given, it is the interest of the Nation to facilitate its execution. It can never be their interest, and can not be presumed to have been their intention, to clog and embarrass its execution by withholding the most appropriate means. Throughout this vast Republic, from the St. Croix to the Gulf of Mexico, from the Atlantic to the Pacific, revenue is to be collected and expended, armies are to be marched and supported. The exigencies of the Nation may require that the treasure raised in the North should be transported to the South; that raised in the East converted to the West; or that this order should be reversed. Is that construction of the Constituion to be preferred which would render these operations difficult, hazardous, and expensive? Can we adopt that construction (unless the words imperiously require it) which would impute to the framers of that instrument, when granting these powers for the public good, the intention of impeding their exercise by withholding a choice of means? If, indeed, such be the mandate of the Constitution, we have only to obey; but that instrument does not profess to enumerate the means by which the powers it confers may be executed; nor does it prohibit the creation of a corporation, if the existence of such a being be essential to the beneficial exercise of those powers. It is, then, the subject of fair inquiry how far such means may be employed.

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The power of creating a corporation is one appertaining to sovereignty, and is not expressly conferred on Congress. This is true. But all legislative powers appertain to sovereignty. The original power of giving the law on any subject whatever, is a sovereign power; and if the Government of the Union is restrained from creating a corporation, as a means for performing its functions, on the single reason that the creation of a corporation is an act of sovereignty, if the sufficiency of this reason be acknowledged, there would be some difficulty in sustaining the authority of Congress to pass other laws for the accomplishment of the same objects.

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The power of creating a corporation, though appertaining to sovereignty, is not, like the power of making war or levying taxes or of regulating commerce, a great substantive and independent power which can not be implied as incidental to other powers or used as a means of executing them. It is never the end for which other powers are exercised, but a means by which other objects are accomplished. No contributions are made to charity for the sake of an incorporation, but a corporation is created to administer the charity; no seminary of learning is instituted in order to be incorporated, but the corporate character is conferred to subserve the purposes of education. No city was ever built with the sole object of being incorporated, but is incorporated as affording the best means of being well governed. The power of creating a corporation is never used for its own sake, but for the purpose of effecting something else. No sufficient reason is therefore perceived why it may not pass as incidental to those powers which are expressly given, if it be a direct mode of executing them.

That suggests an idea, Mr. President. There must not only be an enumerated or express power from which you may infer or draw an indirect or incidental power, but that incidental power must be one that is reasonably necessary to carry out the enumerated or expressed power.

But the Constitution of the United States has not left the right of Congress to employ the necessary means for the execution of the powers conferred on the Government to general reasoning. To its enumeration of powers is added that of making "all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution, in the Government of the United States, or in any department thereof."

It was contended in argument that only such incidental or implied powers can be exercised as are absolutely necessary to carry out the expressed powers.

In discussing this contention the Chief Justice said:

But the argument on which most reliance is placed is drawn from the peculiar language of this clause. Congress is not empowered by it to make all laws which may have relation to the powers conferred on the Government, but such only as may be "necessary and proper" for carrying them into execution. The word "necessary" is considered as controlling the whole sentence and as limiting the right to pass laws for the execution of the granted powers to such as are indispensable, and without which the power would be nugatory. That it excludes the choice of means and leaves to Congress in each case that only which is most direct and simple.

Is it true that this is the sense in which the word "necessary" is always used? Does it always import an absolute physical necessity so strong that one thing to which another may be termed necessary can not exist without that other? We think it does not. If reference be had to its use in the common affairs of the world, or in approved authors, we find that it frequently imports no more than that one thing is convenient or useful or essential to another. To employ the means necessary to an end is generally understood as employing any means calculated to produce the end and not as being confined to those single means without which the end would be entirely unattainable.

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The word "necessary" is of this description. It has not a fixed character peculiar to itself. It admits of all degrees of comparison and is often connected with other words which increase or diminish the impression the mind receives of the urgency it imports. A thing may be necessary, very necessary, absolutely, or indispensably necessary. To no mind would the same idea be conveyed by these several phrases. This comment on the word is well illustrated by the passage cited at the bar from the tenth section of the first article of the Constitution. It is, we think, impossible to compare the sentence which prohibits a State from laying "imposts or duties on imports or exports except what may be absolutely necessary for executing its inspection laws," with that which authorizes Congress "to make all laws which shall be necessary and proper for carrying into execution" the powers of the General Government without feeling a conviction that the convention understood itself to change materially the meaning of the word "necessary" by prefixing the word "absolutely." This word, then, like others, is used in various senses, and in its construction the subject, the context, the intention of the person using them are all to be taken into view.

Mr. President, there are some other things in this opinion, or in the extracts which I have taken from it, which I think are important to this question, but I shall ask to include them in my remarks without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The extracts referred to are as follows:

Let this be done in the case under consideration. The subject is the execution of those great powers on which the welfare of a nation essentially depends. It must have been the intention of those who gave these powers to insure, as far as human prudence could insure, their beneficial execution. This could not be done by confiding the choice of means to such narrow limits as not to leave it in the power of Congress to adopt any which might be appropriate, and which were conducive to the end. This provision is made in a constitution intended to endure for ages to come, and consequently to be adapted to the various crises of human affairs. To have prescribed the means by which government should, in all future time, execute its powers would have been to change, entirely, the character of the instrument, and give it the properties of a legal code. It would have been an unwise attempt to provide, by immutable rules, for exigencies which, if foreseen at all, must have been seen dimly, and which can be best provided for as they occur. To have declared that the best means shall not be used, but those alone without which the power given would be nugatory, would have been to deprive the legislature of the capacity to avail itself of experience, to exercise its reason, and to accommodate its legislation to circumstances. If we apply this principle of construction to any of the powers of the Government, we shall find it so pernicious in its operation that we shall be compelled to discard it.

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Take, for example, the power "to establish post offices and post roads." This power is executed by the single act of making the establishment. But from this has been inferred the power and duty of carrying the mail along the post roads, from one post office to another; and from this implied power has again been inferred the right to punish those who steal letters from the post office or rob the mail. It may be said, with some plausibility, that the right to carry the mail and to punish those who rob it is not indispensably necessary to the establishment of a post office and post road. This right is indeed essential to the beneficial exercise of the power but not indispensably necessary to its existence.

Mr. WORKS. After fully considering the various questions raised, the court concluded:

We admit, as all must admit, that the powers of the Government are limited, and that its limits are not to be transcended. But we think the sound construction of the Constitution must allow to the National Legislature that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional.

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After the most deliberate consideration, it is the unanimous and decided opinion of this court that the act to incorporate the bank of the United States is a law made in pursuance of the Constitution and is a part of the supreme law of the land.

Mr. President, the report on this bill has mentioned and attempted to construe the veto message delivered by President Monroe involving the very question that is involved here, except that that was legislation attempting to aid in the construction of a single road. It is said in the report, in substance, that the President did not veto the bill on the ground that Congress had no power to enact laws of that kind or to render aid such as was proposed or to construct roads in a general sense, but that it was only held by him that toll roads could not be established by the Government and tolls collected by it.

Mr. President, that is a mistake. The veto message goes much further than that. The fact of establishing a toll road and the collection of tolls were mentioned in the message, but the conclusion of the President was not founded on any such consideration as that, as a reading of the message will show. I look upon this message as one of the most important that has been delivered in the way of a message or of a decision of the courts of the country involving this question. It covers every conceivable ground upon which it is claimed that legislation of this kind may rest. It takes up the very things which are mentioned in the report of the committee as foundations for this legislation, refutes every one of them from beginning to end, and reaches the conclusion that no such legislation is competent on the part of the Government. It should be remembered in this connection that this veto message was delivered two years after the celebrated decision of the court in McCulloch against The State of Maryland, and it was in the light of the decision of Chief Justice Marshall that this veto message was delivered, although it is not mentioned in the veto message itself.

Now, in view of what has been said about it and of the importance of this message, I want to call particular attention to some of its provisions and its reasoning.

The veto message of President Monroe was upon a bill entitled "An act for the preservation and repair of the Cumberland Road," May 4, 1822, and will be found in Messages and Papers of the Presidents, volume 2, pages 142 to 144:

Having duly considered the bill entitled "An act for the preservation and repair of the Cumberland Road," it is with deep regret, approving, as I do, the policy, that I am compelled to object to its passage and to *return the bill to* the House of Representatives, in which it originated, under a conviction that Congress do not possess the power under the Constitution to pass such a law.

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It has never been contended that the power was specifically granted. It is claimed only as being incidental to some one or more of the powers which was specifically granted. The following are the powers from which it is said to be derived:

First, from the right to establish post offices and post roads; second, from the right to declare war; third, to regulate commerce; fourth, to pay the debts and provide for the common defense and general welfare; fifth, from the power to make all laws necessary and proper for carrying into execution all the powers vested by the Constitution in the Government of the United States or in any department or officer thereof; sixth, and lastly, from the power to dispose of and make all needful rules and regulations respecting the territory and other property of the United States.

According to my judgment it can not be derived from either of those powers nor from all of them united, and in consequence it does not exist.

Following that broad statement, the message discusses generally the powers and jurisdiction of the States and of the National Government, and, after having done that, takes up specifically the different claims of power and discusses them all minutely. I am not going to take up time in reading these discussions, although I think they are most important and should receive the attention of the Senate. I am admonished by the desire of the Senator from Alabama [Mr. BANKHEAD] to push this bill along that I ought not to take up more of the time than is proper and necessary under the circumstances. I have no disposition, although I am very much opposed to the bill, to prevent action upon it. I will ask to be allowed to insert in the RECORD the extracts from the message which I have here in my hand.

The VICE PRESIDENT. Without objection, it is so ordered.

The extracts referred to are as follows:

It may be presumed that the proposition relating to internal improvements by roads and canals, which has been several times before Congress, will be taken into consideration again either for the purpose of recommending to the States the adoption of an amendment to the Constitution to vest the necessary power in the General Government or to carry the system into effect on the principle that the power has already been granted. It seems to be the prevailing opinion that great advantage would be derived from the exercise of such a power by Congress. Respecting the right there is much diversity of sentiment. It is of the highest importance that this question should be settled. If the right exist it ought forthwith to be exercised. If it does not exist, surely those who are friends to the powers ought to unite in recommending an amendment to the Constitution to obtain it.

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The Constitution of the United States, being ratified by the people of the several States, became of necessity to the extent of its powers the paramount authority of the Union. On sound principles it can be viewed in no other light. The people, the highest authority known to our system, from whom all our institutions spring and on whom they depend, formed it. Had the people of the several States thought proper to incorporate themselves into one community, under one government, they might have done it. They had the power, and there was nothing then nor is there anything now, should they be so disposed, to prevent it. They wisely stopped however at a certain point, extending the incorporation to that point, making the National Government thus far a consolidated Government and preserving the State governments without that limit perfectly sovereign and independent of the National Government. Had the people of the several States incorporated themselves into one community, they must have remained such, their constitution becoming then, like the constitution of the several States, incapable of change until altered by the will of the majority. In the institution of a State government by the citizens of a State a compact is formed to which all and every citizen are equal parties. They are also the sole parties and may amend it at pleasure. In the institution of the Government of the United States by the citizens of every State a compact was formed between the whole American people which has the same force and partakes of all the qualities to the extent of its powers as a compact between the citizens of a State in the formation of their own constitution. It can not be altered except by those who formed it or in the mode prescribed by the parties to the compact itself.

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There were two separate and independent governments established over our Union, one for local purposes over each State by the people of the State, the other for national purposes over all the States by the people of the United States. The whole power of the people, on the representative principle, is divided between them. The State governments are independent of each other, and to the extent of their powers are complete sovereignties. The National Government begins where the State governments terminate, except in some instances where there is a concurrent jurisdiction between them. This Government is also, according to the extent of its powers, a complete sovereignty. I speak here, as repeatedly mentioned before, altogether of representative sovereignties, for the real sovereignty is in the people alone.

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I will now proceed to examine the powers of the General Government, which, like the governments of the several States, is divided into three branches—a legislative, executive, and judiciary—each having its appropriate share. Of these the legislative, from the nature of its powers, all laws proceeding from it, and the manner of its appointment, its members being elected immediately by the people, is by far the most important. The whole system of the National Government may be said to rest essentially on the powers granted to this branch. They mark the limit within which, with few exceptions, all the branches must move in the discharge of their respective functions.

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The next circumstance to be attended to is that the people composing this Union are the people of the several States, and not of the United States in the full sense of a consolidated government. The militia are the militia of the several States; lands are held under the laws of the States, descents, contracts, and all the concerns of private property, the administration of justice, and the whole criminal code, except in the cases of breaches of the laws of the United States made under and in conformity with the powers vested in Congress and of the laws of nations, are regulated by State laws. This enumeration shows the great extent of the powers of the State governments. The territory and the people form the basis on which all governments are founded. The militia constitutes their effective force. The regulation and protection of property and of personal liberty are also among the highest attributes of sovereignty. This, without other evidence, is sufficient to show that the great office of the Constitution of the United States is to unite the States together under a Government endowed with powers adequate to the purposes of its institution, relating, directly or indirectly, to foreign concerns, to the discharge of which a National Government thus formed alone could be competent.

This view of the exclusive jurisdiction of the several States over the territory within their respective limits, except in cases otherwise specially provided for, is supported by the obvious intent of the several powers granted to Congress, to which a more particular attention is now due. Of these the right to declare war is perhaps the most important, as well by the consequences attending war as by the other powers granted in aid of it. The right to lay taxes, duties, imposts, and excises, though necessary for the support of the civil government, is equally necessary to sustain the charges of war; the right to raise and support armies and a navy and to call forth and govern the militia when in the service of the United States are altogether of the latter kind. They are granted in aid of the power to make war and intended to give effect to it. These several powers are of great force and extent, and operate more directly within the limits

and upon the resources of the States than any of the other powers. But still they are means only for given ends. War is declared and must be maintained, an army and a navy must be raised, fortifications must be erected for the common defense, debts must be paid. For these purposes duties, imposts, and excises are levied, taxes are laid, the lands, merchandise, and other property of the citizens are liable for them; if the money is not paid, seizures are made and the lands are sold. The transaction is terminated; the lands pass into other hands, who hold them, as the former proprietors did, under the laws of the individual States. They were means only to certain ends; the United States have nothing further to do with them. The same view is applicable to the power of the General Government over persons. The militia is called into the service of the United States; the service is performed; the corps returns to the State to which it belongs; it is the militia of such State and not of the United States. Soldiers are required for the Army, who may be obtained by voluntary enlistment or by some other process founded in the principles of equality. In either case the citizen after the tour of duty is performed is restored to his former station in society, with his equal share in the common sovereignty of the Nation. In all these cases, which are the strongest which can be given, we see that the right of the General Government is nothing more than what it is called in the Constitution, a power to perform certain acts, and that the subject on which it operates is a means only to that end; that it was both before and after that act under the protection and subject to the laws of the individual State within which it was.

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I shall conclude my remarks on this part of the subject by observing that the view which has been presented of the powers and character of the two Governments is supported by the marked difference which is observable in the manner of their endowment. The State governments are divided into three branches—a legislative, executive, and judiciary—and the appropriate duties of each assigned to it without any limitation of power except such as is necessary to guard against abuse in the form of bills of right. But in instituting the National Government an entirely different principle was adopted and pursued. The Government itself is organized, like the State governments, into three branches, but its powers are enumerated and defined in the most precise form. The subject has already been too fully explained to require illustration by a general view of the whole Constitution, every part of which affords proof of what is here advanced. It will be sufficient to advert to the eighth section of the first article, being that more particularly which defines the powers and fixes the character of the Government of the United States.

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Having shown the origin of the State governments and their endowments when first formed; having also shown the origin of the National Government and the powers vested in it; and having shown, lastly, the powers which are admitted to have remained to the State governments after those which were taken from them by the National Government, I will now proceed to examine whether the power to adopt and execute a system of internal improvement by roads and canals has been vested in the United States.

Before we can determine whether this power has been granted to the General Government it will be necessary to ascertain distinctly the nature and extent of the power requisite to make such improvements. When that is done we shall be able to decide whether such power is vested in the National Government.

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It may be urged that the opposition suggested by the owner of the land or by the States individually may be avoided by a satisfactory arrangement with the parties. But a suppression of opposition in that way is no proof of a right in Congress, nor could it, if confined to that limit, remove all the impediments to the exercise of the power. It is not sufficient that Congress may, by the command and application of the public revenue, purchase the soil, and thus silence that class of individuals, or by the accommodation afforded to individual States put down opposition on their part. Congress must be able rightfully to control all opposition or they can not carry the system into effect. Cases would inevitably occur to put the right to the test. The work must be preserved from injury, tolls must be collected, offenders must be punished. With these culprits no bargain can be made. When brought to trial they must deny the validity of the law, and that plea being sustained all claim to the right ceases.

If the United States possess this power, it must be either because it has been specifically granted or that it is incidental and necessary to carry into effect some specific grant. The advocates for the power derive it from the following sources: First, the right to establish post offices and post roads; second, to declare war; third, to regulate commerce among the several States; fourth, from the power to pay the debts and provide for the common defense and general welfare of the United States; fifth, from the power to make all laws necessary and proper for carrying into execution all the powers vested by the Constitution in the Government of the United States or in any department or officer thereof; sixth, and lastly, from the power to dispose of and make all needful rules and regulations respecting the territory and other property of the United States. It is to be observed that there is but little accord among the advocates for this power as to the particular source from whence it is derived. They all agree, however, in ascribing it to some one or more of those above mentioned. I will examine the ground of the claim in each instance.

The first of these grants is in the following words: "Congress shall have power to establish post offices and post roads." What is the just import of these words and the extent of the grant? The word "establish" is the ruling term; "post offices and post roads" are the subjects on which it acts. The question, therefore, is, What power is granted by that word? The sense in which words are commonly used is that in which they are to be understood in all transactions between public bodies and individuals. The intention of the parties is to prevail, and there is no better way of ascertaining it than by giving to the terms used their ordinary import. If we were to ask any number of our most enlightened citizens who had no connection with public affairs and whose minds were unprejudiced what was the import of the word "establish" and the extent of the grant which it controls, we do not think there would be any difference of opinion among them. We are satisfied that all of them would answer that a power was thereby given to Congress to fix on the towns, courthouses, and other places throughout our Union at which there should be post offices the routes by which the mails should be carried from one post office to another, so as to diffuse intelligence as extensively and to make the institution as useful as possible, to fix the postage to be paid on every letter and packet thus carried, to support the establishment, and to protect the post offices and mails from robbery by punishing those who should commit the offense. The idea of a right to lay off the roads of the United States on a general scale of improvement, to take the soil from the proprietor by force to establish turnpikes and tolls, and to punish offenders in the manner stated above would never occur to any such person. The use of the existing road by the stage, mail carrier, or post boy in passing over it as others do is all that would be thought of, the jurisdiction and soil remaining to the State, with a right in the State or those authorized by its legislature to change the road at pleasure.

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If the United States possessed the power contended for under this grant, might they not in adopting the roads of the individual States for the carriage of the mail, as has been done, assume jurisdiction over them and preclude a right to interfere with or alter them? Might they not establish turnpikes and exercise all the other acts of sovereignty above stated over such roads necessary to protect them from injury and defray the expense of repairing them? Surely, if the right exists, these consequences necessarily followed as soon as the road was established. The absurdity of such a pretension must be apparent to all who examine it. In this way a large portion of the territory of every State might be taken from it, for there is scarcely a road in any State which will not be used for the transportation of the mail. A new field for legislation and internal government would thus be opened.

From this view of the subject I think we may fairly conclude that the right to adopt and execute a system of internal improvement, or any part of it, has not been granted to Congress under the power to establish post offices and post roads; that the common roads of the country only were contemplated by that grant and are fully competent to all its purposes.

The next object of inquiry is whether the right to declare war includes the right to adopt and execute this system of improvement. The objections to it are, I presume, not less conclusive than those which are applicable to the grant which we have just examined.

Under the last-mentioned grant a claim has been set up to as much of that system as relates to roads. Under this it extends alike to roads and canals.

We must examine this grant by the same rules of construction that were applied to the preceding one. The object was to take this power from the individual States and to vest it in the General Government. This has been done in clear and explicit terms, first, by granting the power to Congress, and, secondly, by prohibiting the exercise of it by the States. "Congress shall have a right to declare war." This is the language of the grant. If the right to adopt and execute this system of improvement is included in it, it must be by way of incident only, since there is nothing in the grant itself which bears any relation to roads and canals. The following considerations, it is presumed, prove incontestably that this power has not been granted in that or any other manner:

The United States are exposed to invasion through the whole extent of their Atlantic coast by any European power with whom we might be engaged in war—on the northern and northwestern frontier on the side of Canada by Great Britain and on the southern by Spain or any power in alliance with her. If internal improvements are to be carried to the full extent to which they may be useful for military purposes, the power as it exists must apply to all the roads of the Union, there being no limitation to it. Wherever such improvements may facilitate the march of troops, the transportation of cannon, or otherwise aid the operations or mitigate the calamities of war along the coast or in any part of the interior they would be useful for military purposes, and might therefore be made. The power following as an incident to another power can be measured as to its extent by reference only to the obvious extent of the power to which it is incidental. So great a scope was, it is believed, never given to incidental power.

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The second number of the clause, which is applicable to military and naval purposes alone, claims particular attention here. It fully confirms the view taken of the other enumerated powers, for had it been intended to include in the right to declare war, by way of incident, any right of jurisdiction or legislation over territory within a State, it would have been done as to fortifications, magazines, arsenals, dockyards, and other needful buildings. By specifically granting the right as to such small portions as might be necessary for these purposes and on certain conditions, minutely and well defined, it is manifest that it was not intended to grant it as to any other portion on any condition for any purpose or in any manner whatsoever.

It may be said that, although the authority to exercise exclusive legislation in certain cases within the States with their consent may be considered as a prohibition to Congress to exercise like exclusive legislation in any other case, although their consent should be granted, it does not prohibit the exercise of such jurisdiction or power within a State as would be competent to all the purposes of internal improvement. I can conceive no ground on which the idea of such a power over any part of the territory of a State can be inferred from the power to declare war. There never can be an occasion for jurisdiction for military purposes, except in fortifications, dockyards, and the like places. If the soldiers are in the field or are quartered in garrisons without the fortifications, the civil authority must prevail where they are. The government of the troops by martial law is not affected by it. In war, when the forces are increased and the movement is on a greater scale, consequences follow which are inseparable from the exigencies of the State. More freedom of action and a wider range of power in the military commanders, to be exercised on their own responsibility, may be necessary to the public safety; but even here the civil authority of the State never ceases to operate. It is also exclusive for all civil purposes.

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I come next to the right to regulate commerce, the third source from whence the right to make internal improvements is claimed. It is expressed in the following words: "Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." The reasoning applicable to the preceding claims is equally so to this. The mischief complained of was that this power could not be exercised with advantage by the individual States, and the object was to transfer it to the United States. The sense in which the power was understood and exercised by the States was doubtless that in which it was transferred to the United States. The policy was the same as to three branches of this grant, and it is scarcely possible to separate the two first from each other in any view which may be taken of the subject. The last, relating to the Indian

tribes, is of a nature distinct from the others, for reasons too well known to require explanation. Commerce between independent powers for communities is universally regulated by duties and imposts. It was so regulated by the States before the adoption of this Constitution equally in respect to each other and to foreign powers. The goods and vessels employed in the trade are the only subjects of regulation. It can act on none other. A power, then, to impose such duties and imposts in regard to foreign nations and to prevent any on the trade between the States was the only power granted.

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The fourth claim is founded on the right of Congress to "pay the debts and provide for the common defense and general welfare" of the United States. This claim has less reason on its side than either of those which we have already examined.

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An unqualified power to pay the debts and provide for the common defense and general welfare, as the second part of this clause would be if considered as a distinct and separate grant, would extend to every object in which the public could be interested. A power to provide for the common defense would give to Congress the command of the whole force and of all the resources of the Union; but a right to provide for the general welfare would go much further. It would, in effect, break down all the barriers between the States and the General Government and consolidate the whole under the latter.

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I have dwelt thus long on this part of the subject from an earnest desire to fix in a clear and satisfactory manner the import of the second part of this grant, well knowing from the generality of the terms used their tendency to lead into error. I indulge a strong hope that the view herein presented will not be without effect, but will tend to satisfy the unprejudiced and impartial that nothing more was granted by that part than a power to appropriate the public money raised under the other part. To what extent that power may be carried will be the next object of inquiry.

It is contended on the one side that as the National Government is a Government of limited powers it has no right to expend money except in the performance of acts authorized by the other specific grants according to a strict construction of their powers; that this grant in neither of its branches gives to Congress discretionary power of any kind, but is a mere instrument in its hands to carry into effect the powers contained in the other grants. To this construction I was inclined in the more early stage of our Government, but on further reflection and observation my mind has undergone a change for reasons which I will frankly unfold.

The grant consists, as heretofore observed, of a twofold power—the first to raise, the second to appropriate, the public money—and the terms used in both instances are general and unqualified. Each branch was obviously drawn with a view to the other, and the import of each tends to illustrate that of the other. The grant to raise money gives a power over every subject from which revenue may be drawn, and is made in the same manner with the grants to declare war, to raise and support armies and a navy, to regulate commerce, to establish post offices and post roads, and with all the other specific grants to the General Government. In the discharge of the powers contained in any of these grants there is no other check than that which is to be found in the great principles of our system, the responsibility of the Representative to his constituents.

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If then the right to raise and appropriate the public money is not restricted to the expenditures under the other specific grants according to a strict construction of their powers, respectively, is there no limitation to it? Have Congress a right to raise and appropriate the money to any and every purpose according to their will and pleasure? They certainly have not. The Government of the United States is a limited Government, instituted for great national purposes, and for those only. Other interests are committed to the States whose duty it is to provide for them. Each government should look to the great and essential purposes for which it was instituted and confine itself to those purposes. A State government will rarely, if ever, apply money to national purposes without making it a charge to the Nation. The people of the State would not permit it. Nor will Congress be apt to apply money in aid of the State administrations for purposes strictly local in which the Nation at large has no interest, although the State should desire it. The people of the other States would condemn it. They would declare that Congress had no right to tax them for such a purpose, and dismiss at the next election such of their representatives as had voted for the measure, especially if it should be severely felt. I do not think that in offices of this kind there is much danger of the two governments mistaking their interests or their duties. I rather expect that they would soon have a clear and distinct understanding of them and move on in great harmony.

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The right of appropriation is nothing more than a right to apply the public money to this or that purpose. It has no incidental power, nor does it draw after it any consequences of that kind. All that Congress could do under it in the case of internal improvements would be to appropriate the money necessary to make them. For every act requiring legislative sanction or support the State authority must be relied on. The condemnation of the land, if the proprietors should refuse to sell it, the establishment of turnpikes and tolls, and the protection of the work when finished must be done by the State. To these purposes the powers of the General Government are believed to be utterly incompetent.

To the objection that the United States have no power in any instance which is not complete to all the purposes to which it may be made instrumental, and in consequence that they have no right to appropriate any portion of the public money to internal improvements because they have not the right of sovereignty and jurisdiction over them when made, a full answer has, it is presumed, been already given. It may, however, be proper to add that if this objection was well founded it would not be confined to the simple case of internal improvements but would apply to others of high importance. Congress have a right to regulate commerce. To give effect to this power it becomes necessary to establish customhouses in every State along the coast and in many parts of the interior. The vast amount of goods imported and the duties to be performed to accommodate the merchants and secure the revenue make it necessary the spacious buildings should be erected, especially in the great towns, for their reception. This, it is manifest, could best be performed under the direction of the General Government. Have Congress the right to seize the property of individuals if they should refuse to sell it, importers best adapted to the purpose to have it valued, and to take it at the valuation? Have they a right to exercise jurisdiction within those buildings? Neither of these claims has ever been set up, nor could it, as is presumed, be sustained. They have invariably either rented houses where such as were suitable could be obtained, or where they could not, purchased the grounds of individuals, erected the buildings, and held them under the laws of the State. Under the power to establish post offices and post roads houses are also requisite for the reception of the mails and the transaction of the business of the several offices. These have always been rented or purchased and held under the laws of the State in the same manner as if they had been taken by a citizen. The United States have a right to establish tribunals inferior to the Supreme Court, and such have been established in every State of the Union. It is believed that the houses for these inferior courts have invariably been rented. No right of jurisdiction in them has ever been claimed, nor other right than that of privilege, and that only while the court is in session. A still stronger case may be urged. Should Congress be compelled by invasion or other cause to remove the Government to some town within one of the States, would they have a right of jurisdiction over such town, or hold even the house in which they held their session under other authority than the laws of such State? It is believed that they would not. If they have a right to appropriate money for any of these purposes, to be laid out under the protection of the laws of the State, surely they have an equal right to do it for the purposes of internal improvements.

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The Cumberland Road is the only regular work which has been undertaken by the General Government or which could give rise to any question between the two Governments respecting its powers. It is a great work, over the highest mountains in our Union, connecting from the seat of the General Government the eastern with the western waters, and more intimately the Atlantic with the Western States, in the formation of which $1,800,000 have been expended. The measures pursued in this case require to be particularly noticed as fixing the opinion of the parties, and particularly of Congress, on the important question of the right.

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By an act of April 30, 1802, entitled "An act to enable the people of the eastern division of the territory northwest of the River Ohio to form a constitution and State government and for the admission of such State into the Union on an equal footing with the original States, and for other purposes," after describing the limits of the proposed new State and authorizing the people thereof to elect a convention to form a constitution, the three following propositions were made to the convention, to be obligatory on the United States if accepted by it: First, that section No. 16 of every township, or, where such section had been sold, other lands equivalent thereto, should be granted to the inhabitants of such township for the use of free schools. Second, that the 6 miles' reservation, including the salt springs commonly called the Sciota Salt Springs, the salt springs near the Muskingum River and in the military tract with the sections which include the same, should be granted to the said State for the use of the people thereof, under such regulations as the legislature of the State should prescribe; provided, that it should never sell or lease the same for more than 10 years. Third, that one-twentieth part of the proceeds of the public lands lying within the said State which might be sold by Congress from and after the 30th of June ensuing should be applied to the laying out and making public roads from the navigable waters emptying into the Atlantic, to the Ohio, and through the State of Ohio, such roads to be laid out under the authority of Congress, with the consent of the several States through which they should pass.

These three propositions were made on the condition that the convention of the State should provide by an ordinance irrevocable without the consent of the United States, that every tract of land sold by Congress after the 30th of June ensuing should remain for the term of five years after sale exempt from every species of tax whatsoever.

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I will now proceed to the fifth source from which the power is said to be derived, viz, the power to make all laws which shall be necessary and proper for carrying into execution all the powers vested by the Constitution in the Government of the United States or in any department or officer thereof. This is the seventeenth and last of the enumerated powers granted to Congress.

I have always considered this power as having been granted on a principle of greater caution to secure the complete execution of all the powers which had been vested in the General Government. It contains no distinct and specific power, as every other grant does, such as to lay and collect taxes, to declare war, to regulate commerce, and the like. Looking to the whole scheme of the General Government, it gives to Congress authority to make all laws which should be deemed necessary and proper for carrying all its powers into effect.

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I come now to the last source from which this power is said to be derived, viz, the power to dispose of and make all needful rules and regulations respecting the territory or other property of the United States, which is contained in the second clause of the third section of the fourth article of the Constitution.

To form a just opinion of the nature and extent of this power it will be necessary to bring into view the provisions contained in the first clause of the section of the article referred to, which makes an essential part of the policy in question. By this it is declared that new States shall be admitted into the Union, but that no new States shall be formed or erected within the jurisdiction of any other State nor any States be formed by the junction of two or more States or parts of States, without the consent of the legislatures of the States concerned as well as of the United States.

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Since, then, it is manifest that the power granted to Congress to dispose of and make all needful regulations respecting the territory and other property of the United States relates solely to the territory and property which had been ceded by individual States, and which after such cession lay without their respective limits, and for which special provision was deemed necessary, the main power of the Constitution operating internally, not being applicable or adequate thereto, it follows that this power gives no authority, and has even no bearing on the question of internal improvements. The authority to admit new States and to dispose of the property and regulate the territory is not among the enumerated powers granted to Congress, because the duties to be performed under it are not among the ordinary duties of that body, like the imposition of taxes, the regulation of commerce, and the

like. They are objects in their nature special, and for which special provision was more suitable and proper.

Having now examined all the powers of Congress under which the right to adopt and execute a system of internal improvement is claimed and the reasons in support of it in each instance, I think that it may fairly be concluded that such a right has not been granted. It appears and is admitted that much may be done in aid of such a system by the right which is derived from several of the existing grants, and more especially from that to appropriate the public money. But still it is manifest that as a system for the United States it can never be carried into effect under that branch or under all of them united, the great and essential power being deficient, consisting of a right to take up the subject on principle; to cause our Union to be examined by men of science with a view to such improvements; to authorize commissioners to lay off the roads and canals in all proper directions, to take the land at a valuation if necessary, and to construct the works; to pass laws with suitable penalties for their protection; and to raise a revenue from them, to keep them in repair, and make further improvement by the establishment of turnpikes and tolls, with gates to be placed at the proper distances.

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The advantages which would be derived from such improvements are incalculable. The facility which would thereby be afforded to the transportation of the whole of the rich productions of our country to market would alone more than amply compensate for all the labor and expense attending them. Great, however, as is that advantage, it is one only of many and by no means the most important. Every power of the General Government and of the State governments connected with the strength and resources of the country would be made more efficient for the purposes intended by them. In war they would facilitate the transportation of men, ordnance, and provisions, and munitions of war of every kind to every part of our extensive coast and interior on which an attack might be made or threatened. Those who have any knowledge of the occurrences of the late war must know the good effect which would result in the event of another war from the command of an interior navigation alone along the coast for all the purposes of war as well as of commerce between the different parts of our Union. The impediments to all military operations which proceeded from the want of such a navigation and the reliance which was placed, notwithstanding those impediments on such a commerce, can not be forgotten. In every other line their good effect would be most sensibly felt. Intelligence by means of the Post Office Department would be more easily, extensively, and rapidly diffused. Parts the most remote from each other would be brought more closely together. Distant lands would be made more valuable, and the industry of our fellow citizens on every portion of our soil be better rewarded.

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If it is thought proper to vest this power in the United States, the only mode in which it can be done is by an amendment of the Constitution. The States individually can not transfer the power to the United States, nor can the United States receive it. The Constitution forms an equal and the sole relation between the General Government and the several States, and it recognizes no change in it which shall not in like manner apply to all. If it is once admitted that the General Government may form compacts with individual States not common to the others, and which the others might even disapprove, into what pernicious consequences might it not lead? Such compacts are utterly repugnant to the principles of the Constitution and of the most dangerous tendency. The States through which this road passes have given their sanction only to the route and to the acquisition of the soil by the United States, a right very different from that of jurisdiction, which can not be granted without an amendment to the Constitution and which need not be granted for the purposes of this system except in the limited manner heretofore stated. On full consideration, therefore, of the whole subject I am of opinion that such an amendment ought to be recommended to the several States for their adoption.

Mr. WORKS. I desire to call particular attention to one of the subjects that he discusses, which I think is the only one that by any possibility can be used as a foundation for legislation of the kind that is now before the Senate. He says:

It is to be observed that there is but little accord among the advocates for this power as to the particular source from whence it is derived. They all agree, however, in ascribing it to some one or more of those above mentioned. I will examine the ground of the claim in each instance.

The first of these grants is in the following words: "Congress shall have power to establish post offices and post roads." What is the just import of these words and the extent of the grant? The word "establish" is the ruling term; "post offices and post roads" are the subjects on which it acts. The question therefore is, What power is granted by that word? The sense in which words are commonly used is that in which they are to be understood in all transactions between public bodies and individuals. The intention of the parties is to prevail, and there is no better way of ascertaining it than by giving to the terms used their ordinary import. If we were to ask any number of our most enlightened citizens, who had no connection with public affairs and whose minds were unprejudiced, what was the import of the word "establish" and the extent of the grant which it controls, we do not think there would be any difference of opinion among them. We are satisfied that all of them would answer that a power was thereby given to Congress to fix on the towns, courthouses, and other places throughout our Union at which there should be post offices, the routes by which the mails should be carried from one post office to another, so as to diffuse intelligence as extensively and to make the institution as useful as possible, to fix the postage to be paid on every letter and packet thus carried, to support the establishment, and to protect the post offices and mails from robbery by punishing those who should commit the offense. The idea of a right to lay off the roads of the United States on a general scale of improvement, to take the soil from the proprietor by force, to establish turnpikes and tolls, and to punish offenders in the manner stated above would never occur to any such person. The use of the existing road by the stage, mail carrier, or postboy in passing over it as others do is all that would be thought of, the jurisdiction and soil remaining to the State, with a right in the State or those authorized by its legislature to change the road at pleasure.

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If the United States possessed the power contended for under this grant, might they not in adopting the roads of the individual States for the carriage of the mail, as has been done, assume jurisdiction over them and preclude a right to interfere with or alter them? Might they not establish turnpikes and exercise all the other acts of sovereignty above stated over such roads necessary to protect them from injury and defray the expense of repairing them? Surely if the right exists these consequences necessarily followed as soon as the road was established. The absurdity of such a pretension must be apparent to all who examine it. In this way a large portion of the territory of every State might be taken from it, for there is scarcely a road in any State which will not be used for the transportation of the mail. A new field for legislation and internal government would thus be opened.

It may be remarked in this connection, Mr. President, that it is recited in the report of the committee that for three-quarters of a century the United States Government has not enacted any such legislation as this; it has not aided States in the construction of roads within their borders. It has taken no action of that kind, presumably for the reason that the decision in the McCulloch case, to which I have called attention, and the veto message of President Monroe established beyond a doubt in the mind of anyone who had examined them the fact that the Government had no such power under the Constitution.

Mr. President, I have a few other decided cases here bearing upon this question, not so directly as the ones to which I have referred, but which, I think, embody the principles which should control and the limitation that should be placed upon the National Government in dealing with questions of this kind.

The case of Pensacola Telegraph Co. against Western Union Telegraph Co. (96 U. S., 1) is an interesting one, in which the respective rights of a State and the Federal Government in dealing with interstate commerce is considered. Congress by statute, approved July 24, 1866, granted—

to any telegraph company the right to construct, maintain, and operate lines of telegraph through and over any portion of the public domain of the United States, over and along any of the military or post roads which have been or may hereafter be declared such by act of Congress, and over, under, or across the navigable streams or waters of the United States.

On the 11th of December, 1866, the Legislature of the State of Florida by statute granted to the Pensacola Telegraph Co.—

the exclusive privilege and right of establishing and maintaining lines of electric telegraph in the counties of Escambia and Santa Rosa, either from different points within said counties or either of them from any point in this or any other State.

On the 5th of June, 1867, the directors of the Western Union Telegraph Co. by resolution accepted the provisions of the act of Congress above referred to.

On the 14th of February, 1873, the Legislature of Florida granted to the Alabama & Florida Railroad Co. certain rights to construct, maintain, and operate a telegraph line over the same territory embraced in the exclusive grant to the Pensacola Telegraph Co.

On the 24th of June, 1874, the Pensacola & Louisville Railroad Co. granted to the Western Union Co. the right to erect a telegraph line upon its right of way and also the rights and privileges conferred by the acts of 1873 and 1874.

The Western Union Co. immediately commenced the erection of the line, but before its completion this suit was brought by the Pensacola Telegraph Co. to enjoin the work and the use of the line on account of the alleged exclusive right of the company under its charter from the State of Florida, which raised directly the question of the powers of the State and Federal Government to control such use.

I quote extracts from the opinion of Chief Justice Waite:

Congress has power "to regulate commerce with foreign nations and among the several States" (Const., Art. I, sec. 8, par. 3), and "to establish post offices and post roads" (id., par. 7). The Constitution of the United States and the laws made in pursuance thereof are the supreme law of the land. (Art. VI, par. 2.) A law of Congress made in pursuance of the Constitution suspends or overrides all State statutes with which it is in conflict.

Since the case of Gibbons v. Ogden (9 Wheat., 1) it has never been doubted that commercial intercourse is an element of commerce which comes within the regulating power of Congress. Post offices and post roads are established to facilitate the transmission of intelligence. Both commerce and the Postal Service are placed within the power of Congress, because, being national in their operation, they should be under the protecting care of the National Government.

* * * * * * *

The Government of the United States, within the scope of its powers, operates upon every foot of territory under its jurisdiction. It legislates for the whole Nation, and is not embarrassed by State lines. Its peculiar duty is to protect one part of the country from encroachments by another upon the national rights which belong to all.

The State of Florida has attempted to confer upon a single corporation the exclusive right of transmitting intelligence by telegraph over a certain portion of its territory. This embraces the two westernmost counties of the State and extends from Alabama to the Gulf. No telegraph line can cross the State from east to west or from north to south within these counties except it passes over this territory. Within it is situated an important seaport, at which business centers and with which those engaged in commercial pursuits have occasion more or less to communicate. The United States have there also the necessary machinery of the National Government. They have a navy yard, forts, custom-

houses, courts, post offices, and the appropriate officers for the enforcement of the laws. The legislation of Florida, if sustained, excludes all commercial intercourse by telegraph between the citizens of the other States and those residing upon this territory except by the employment of this corporation. The United States can not communicate with their own officers by telegraph except in the same way. The State, therefore, clearly has attempted to regulate commercial intercourse between its citizens and those of other States and to control the transmission of all telegraphic correspondence within its own jurisdiction.

It is unnecessary to decide how far this might have been done if Congress had not acted upon the same subject, for it has acted. The statute of July 24, 1866, in effect, amounts to a prohibition of all State monopolies in this particular. It substantially declares, in the interest of commerce and the convenient transmission of intelligence from place to place by the Government of the United States and its citizens, that the erection of telegraph lines shall, so far as State interference is concerned, be free to all who will submit to the conditions imposed by Congress, and that corporations organized under the laws of one State for constructing and operating telegraph lines shall not be excluded by another from prosecuting their business within its jurisdiction if they accept the terms proposed by the National Government for this national privilege. To this extent, certainly the statute is a legitimate regulation of commercial intercourse among the States, and is appropriate legislation to carry into execution the powers of Congress over the Postal Service. It gives no foreign corporation the right to enter upon private property without the consent of the owner and erect the necessary structures for its business, but it does provide that whenever the consent of the owner is obtained no State legislation shall prevent the occupation of post roads for telegraph purposes by such corporations as are willing to avail themselves of its privileges.

It is insisted, however, that the statute extends only to such military and post roads as are upon the public domain, but this, we think, is not so. The language is, "through and over any portion of the public domain of the United States, over and along any of the military or post roads of the United States which have been or may hereafter be declared such by act of Congress, and over, under, or across the navigable streams or waters of the United States." There is nothing to indicate any intention of limiting the effect of the words employed, and they are, therefore, to be given their natural and ordinary significance. Read in this way, the grant evidently extends to the public domain, the military and post roads, and the navigable waters of the United States. These are all within the dominion of the National Government to the extent of the national powers, and are, therefore, subject to legitimate congressional regulation. No question arises as to the authority of Congress to provide for the appropriation of private property to the uses of the telegraph, for no such attempt has been made. The use of public property alone is granted. If private property is required, it must, so far as the present legislation is concerned, be obtained by private arrangement with its owner. No compulsory proceedings are authorized. State sovereignty under the Constitution is not interfered with. Only national privileges are granted.

The State law in question, so far as it confers exclusive rights upon the Pensacola Co., is certainly in conflict with this legislation of Congress. To that extent it is, therefore, inoperative as against a corporation of another State entitled to the privileges of the act of Congress. Such being the case, the charter of the Pensacola Co. does not exclude the Western Union Co. from the occupancy of the right of way of the Pensacola & Louisville Railroad Co. under the arrangement made for that purpose.

This sentence in the opinion is significant as limiting the power of the Federal Government:

These are all within the dominion of the National Government to the extent of the national powers.

And the extent of the national powers is confined to commerce between the States and not within a State. And it is expressly held and confined in Western Union Telegraph Co. *v.* Pennsylvania Railroad Co. (195 U. S., 540) that the act only applies "to commercial intercourse by telegraph among the States," and does not confer upon telegraph companies the right to enter upon private property without the consent of the owner.

As it applies to post roads, the right of the Government to control or maintain them is necessarily confined to the use for interstate commerce and not mere local traffic or transportation. In the later case emphasis is given to this paragraph of the opinion in the earlier decision:

It (the act of 1866) gives no foreign corporation the right to enter upon private property without the consent of the owner and erect the necessary structures for its business, but it does provide that whenever the consent of the owner is obtained no State legislation shall prevent the occupation of post roads for telegraph purposes by such corporations as are willing to avail themselves of its privileges.

The fact that the legal title to post roads established as such, as set out in the veto message of President Monroe, may be in the adjoining private owner and must be acquired under State laws by any company seeking to use it would prevent entry upon it under authority of the United States. And this was clearly established by the case of Western Union Telegraph Co. *v.* Ann Arbor Railroad Co. (178 U. S., 239).

The strongest support for the claim of unlimited power in the National Government to maintain and control post roads may be found in this statement of Mr. Justice Field in Ex parte Jackson (96 U. S., 727):

The power vested in Congress to establish post offices and post roads has been practically construed, since the foundation of the Government, to authorize not merely the designation of the routes over which the mails shall be carried, and the offices where letters and other documents shall be received to be distributed or forwarded, but the carriage of the mail, and all measures necessary to secure its safe and speedy transit, and the prompt delivery of its contents.

But the question involved related solely to the right of the Government to prescribe what should or should not be transmitted through the mail and had no reference to the right to build or maintain a road within a State.

To the same effect is Public Clearing House *v.* Coyne (194 U. S., 497).

That the power of Congress to control the operation of railroads over which mails are carried is confined to roads doing an interstate business is definitely determined in Gladson *v.* Minnesota (166 U. S., 427, 430), in which it was claimed that the State regulations were—

an attempt on the part of the State to regulate interstate commerce; and secondly, being an unlawful interference with and an attempt to regulate the United States mail.

Of this the court said:

The principles of law which govern this case are familiar and have been often affirmed by this court. A railroad corporation created by a State is for all purposes of local government a domestic corporation, and its railroad within the State is a matter of domestic concern. Even when its road connects, as most railroads do, with railroads in other States, a State which created the corporation may make all needful regulations of a police character for the government of the company while operating its road in that jurisdiction. It may prescribe the location and the plan of construction of the road, the rate of speed at which the trains shall run, and the places at which they shall stop, and may make any other reasonable regulations for their management in order to secure the objects of the incorporation and the safety, good order, convenience, and comfort of the passengers and of the public. All such regulations are strictly within the police power of the State. They are not in themselves regulations of interstate commerce; and it is only when they operate as such in the circumstances of their application, and conflict with the express or presumed will of Congress exerted upon the same subject, that they can be required to give way to the paramount authority of the Constitution of the United States. (Stone *v.* Farmers' Loan & Trust Co., 116 U. S., 307, 333, 334; Smith *v.* Alabama, 124 U. S., 465, 481, 482; Hennington *v.* Georgia, 163 U. S., 299, 308, 317; New York, New Haven & Hartford Railroad *v.* New York, 165 U. S., 628, 632.)

An entirely different rule is applied where such regulations affect interstate commerce, as held in Illinois Central Railroad Co. *v.* Illinois (163 U. S., 142), in which it was said:

Upon the state of facts presented by this record, the duties of the Illinois Central Railroad Co. were not confined to those which it owed to the State of Illinois under the charter of the company and other laws of the State, but included distinct duties imposed upon the corporation by the Constitution and laws of the United States.

The State may doubtless compel the railroad company to perform the duty imposed by its charter of carrying passengers and goods between its termini within the State. But so long, at least, as that duty is adequately performed by the company, the State can not, under the guise of compelling its performance interfere with the performance of paramount duties to which the company has been subjected by the Constitution and laws of the United States.

The State may make reasonable regulations to secure the safety of passengers, even on interstate trains, while within its borders. But the State can do nothing which will directly burden or impede the interstate traffic of the company, or impair the usefulness of its facilities for such traffic. (Railroad Co. *v.* Richmond, 19 Wall., 584, 589; Stone *v.* Farmers' Loan & Trust Co., 116 U. S., 307, 334; Smith *v.* Alabama 124, U. S. 465.)

The opinion in re Debs (158 U. S., 564) is a most interesting and instructive one, as bearing on this question. The case was one of an attempted obstruction of transportation by railroad companies, thereby interfering with interstate commerce and the carrying of the mails. After quoting extensively from the opinion of Chief Justice Marshall in McCulloch against Maryland, to which I have already referred, Mr. Justice Brewer said:

Under the power vested in Congress to establish post offices and post roads, Congress has, by a mass of legislation, established the great Post Office System of the country, with all its detail of organization, its machinery for the transaction of business, defining what shall be carried and what not, and the prices of carriage, and also prescribing penalties for all offenses against it.

Obviously these powers given to the National Government over interstate commerce and in respect to the transportation of the mails were not dormant and unused. Congress had taken hold of these two matters, and by various and specific acts had assumed and exercised the powers given to it, and was in the full discharge of its duty to regulate interstate commerce and carry the mails. The validity of such exercise and the exclusiveness of its control had been again and again presented to this court for consideration. It is curious to note the fact that in a large proportion of the cases in respect to interstate commerce brought to this court the question presented was of the validity of State legislation in its bearings upon interstate commerce, and the uniform course of decision has been to declare that it is not within the competency of a State to legislate in such a manner as to obstruct interstate commerce. If a State, with its recognized powers of sovereignty, is impotent to obstruct interstate commerce, can it be that any mere voluntary association of individuals within the limits of that State has a power which the State itself does not possess?

As, under the Constitution, power over interstate commerce and the transportation of the mails is vested in the National Government and Congress by virtue of such grant has assumed actual and direct control, if follows that the National Government may prevent any unlawful and forcible interference therewith. But how shall this be accomplished? Doubtless, it is within the competency of Congress to prescribe by legislation that any interference with these matters shall be offences against the United States, and prosecuted and punished by indictment in the proper courts. But is that the only remedy? Have the vast interests of the Nation in interstate commerce, and in the transportation of the mails, no other protection than lies in the possible punishment of those who interfere with it?

* * * * * * *

But there is no such impotency in the National Government. The entire strength of the Nation may be used to enforce in any part of

the land the full and free exercise of all national powers and the security of all rights entrusted by the Constitution to its care. The strong arm of the National Government may be put forth to brush away all obstructions to the freedom of interstate commerce or the transportation of the mails. If the emergency arises, the Army of the Nation, and all its militia, are at the service of the Nation to compel obedience to its laws.

See also State of Pennsylvania against Wheeling, and so forth, Bridge Co. (18 U. S., 421).

These cases, like all the others, rest upon the powers of the United States to deal with interstate transportation. I have no doubt, however, that the National Government has the power to protect the transportation of its mails within a State, subject to reasonable regulations by the State authorities and to private rights.

In Hepburn *v.* Griswold (8 Wall., 603, 615) the court said:

But the extension of power by implication was regarded with some apprehension by the wise men who framed and by the intelligent citizens who adopted the Constitution. This apprehension is manifest in the terms by which the grant of incidental and auxiliary powers is made. All powers of this nature are included under the description of "power to make all laws necessary and proper for carrying into execution the powers expressly granted to Congress or vested by the Constitution in the Government or in any of its departments or officers."

The same apprehension is equally apparent in the tenth article of the amendments, which declares that "the powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States or the people."

We do not mean to say that either of these constitutional provisions is to be taken as restricting any exercise of power fairly warranted by legitimate derivation from one of the enumerated or express powers. The first was undoubtedly introduced to exclude all doubt in respect to the existence of implied powers, while the words "necessary and proper" were intended to have a "sense," to use the words of Mr. Justice Story, "at once admonitory and directory," and to require that the means used in the execution of an express power "should be bona fide, appropriate to the end." The second provision was intended to have a like admonitory and directory sense and to restrain the limited Government established under the Constitution from the exercise of powers not clearly delegated or derived by just inference from powers so delegated.

* * * * * * * * *

It must be taken then as finally settled, so far as judicial decisions can settle anything, that the words "all laws necessary and proper for carrying into execution" powers expressly granted or vested have in the Constitution a sense equivalent to that of the words, laws, not absolutely necessary, indeed, but appropriate, plainly adapted to constitutional and legitimate ends, laws not prohibited, but consistent with the letter and spirit of the Constitution, laws really calculated to effect objects intrusted to the Government.

Mr. President, I have tried in the first instance to show that as a matter of policy the Government ought not to go into legislation of this kind. I believe it would be a great mistake. Everybody who stops to think about it knows that if we should enter into this field, as is proposed by this bill, and which carries an appropriation of only $75,000,000, it would be only a beginning. It would amount to practically nothing. In the State of California we would get, of the total amount that is provided for in the bill, only something over $2,000,000, which would amount to practically nothing to the State of California in dealing with the roads in that State. The temptation would present itself, after this money is expended, to go on and expend more and more for the purpose of improving the roads of the States; and if this legislation is justified and is necessary, it must be carried further in order to carry out the intent of Congress, as indicated by this bill and the report that is made by the committee.

Are we ready to undertake an enterprise of that kind on the part of the National Government that will mean the expenditure of millions of dollars, independently of any question of power in the Government so to legislate? I think it would be bad policy. I think it would be dangerous. I regard this bill as one of the worst and most vicious "pork-barrel" pieces of proposed legislation that has ever come before this body.

I do not say that, Mr. President, because I am opposed to the improvement of the roads. By no means. I am a great believer in the expenditure of money by the States and by the National Government, where it has a right to act in the matter, in the construction and improvement of highways. There is probably no State in the Union that has exhibited more enterprise and expended more money in the construction and improvement of its roads than the State which I represent in part on the floor of the Senate. I have myself approved of that course by the State. You can go to California to-day and ride from the city of San Francisco to the city of Los Angeles, nearly 500 miles, upon a road that is almost as smooth as a floor. They have established automobile bus lines that are traveling now, eight from each end, between those two cities, carrying passengers, and they are being well patronized, because it is a trip that anyone would like to take. But that is a question for the States to determine. It is a State function. The Government of the United States has no business to go into my State in any guise or for any purpose to expend the money of the National Government to build the roads of California.

Mr. SHAFROTH. Mr. President——

Mr. WORKS. I yield to the Senator from Colorado.

Mr. SHAFROTH. I should like to call the attention of the Senator from California to the fact that in the year 1914 the total expenditure of State funds, joint funds, and local funds amounted to $14,670,614, and yet there are 48,000 miles of roads in the State, of which only 9,388 are improved.

Mr. WORKS. Mr. President, I desire to be as accurate as I can in dealing with the question of the expenditures in my own State for the purpose of constructing and improving the roads. With that object in view I wired the State highway commission, asking them to give me a statement of the amount of money expended by the State and by the counties for this purpose, and I have extracted from a telegram received in answer the following information:

Counties of State have spent per year in recent years from $7,000,000 to $9,000,000.

State appropriated under act of 1909 during past six years $18,000,000.

Counties have spent in highway bonds probably an equal amount, $18,000,000.

Averaging expenditure of counties at $8,000,000 per year for 6 years	$48, 000, 000
State	18, 000, 000
County bonds	18, 000, 000
Total	$84, 000, 000

Which would give an average expenditure per year for the last six years for roads in California of $14,000,000.

I ought to say, Mr. President, in justice to the State highway engineer, Mr. Fletcher, from whom I received this telegram, that he urges me to support the bill as being a good thing for the State of California. I am not at all surprised that a State engineer should support a bill of this kind. The State engineers in the different States throughout the country have been for the bill from the first. In fact, I think they were probably the first body that really agitated the idea of making these appropriations from the National Treasury to help the States in the construction of their roads. I have no doubt in the world that Mr. Fletcher believes that this would be a good thing for the State of California. I apprehend that he has not considered it from all sides, but is taking a naturally selfish view of the question as to what good may come from it to his own State.

But I hope I am not susceptible of being influenced by any such considerations in dealing with a great question of this kind. I know that the great part of the people of my State would like to have me support this bill. I have no doubt but that I shall be criticized by a good many people for opposing it; but I am thoroughly convinced that the bill is bad, and therefore I am trying to do what seems to be my duty as the representative not only of my State but of the United States.

Mr. President, I think I have said now all that I desire to say about this bill. As I said in the beginning, it is not a very popular stand to take. Most of the States—unthinkingly, I believe—are anxious to profit by the use of the money of the National Government; but I think it ought not to be done in this way, as a matter of policy. I believe that it can not be done constitutionally.

Mr. WORKS subsequently said: Mr. President, the veto message from which I quoted is so important a document that I ask that it may be printed in full in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The veto message referred to is as follows:

VETO MESSAGE.

WASHINGTON, *May 4, 1822.*

To the House of Representatives:

Having duly considered the bill entitled "An act for the preservation and repair of the Cumberland Road," it is with deep regret, approving as I do the policy, that I am compelled to object to its passage and to return the bill to the House of Representatives, in which it originated, under a conviction that Congress do not possess the power under the Constitution to pass such a law.

A power to establish turnpikes with gates and tolls, and to enforce the collection of tolls by penalties, implies a power to adopt and execute a complete system of internal improvement. A right to impose duties to be paid by all persons passing a certain road, and on horses and carriages, as is done by this bill, involves the right to take the land from the proprietor on a valuation and to pass laws for the protection of the road from injuries, and if it exists as to one road it exists as to any other, and to as many roads as Congress may think proper to establish. A right to legislate for one of these purposes is a right to legislate for the others. It is a complete right of jurisdiction and sovereignty for all the purposes of internal improvement, and not merely the right of applying money under the power vested in Congress to make appropriations, under which power, with the consent of the States through which this road passes, the work was originally commenced, and has been so far executed. I am of opinion that Congress do not possess this power; that the States individually can not grant it, for, although they may assent to the appropriation of money within their limits for such purposes, they can grant no power of jurisdiction or sovereignty by special compacts with the United States. This power can be granted only by an amendment to the Constitution and in the mode prescribed by it.

If the power exist it must be either because it has been specifically granted to the United States or that it is incidental to some power which has been specifically granted. If we examine the specific grants of power we do not find it among them, nor is it incidental to any power which has been specifically granted.

It has never been contended that the power was specifically granted. It is claimed only as being incidental to some one or more of the powers which are specifically granted. The following are the powers from which it is said to be derived:

First, from the right to establish post offices and post roads; second, from the right to declare war; third, to regulate commerce; fourth, to pay the debts and provide for the common defense and general welfare; fifth, from the power to make all laws necessary and proper for carrying into execution all the powers vested by the Constitution in the Government of the United States or in any department or officer thereof; sixth and lastly, from the power to dispose of and make all needful rules and regulations respecting the territory and other property of the United States.

According to my judgment it can not be derived from either of those powers, nor from all of them united, and, in consequence, it does not exist.

Having stated my objections to the bill, I should now cheerfully communicate at large the reasons on which they are founded if I had time to reduce them to such form as to include them in this paper. The advanced stage of the session renders that impossible. Having at the commencement of my service in this high trust considered it a duty to express the opinion that the United States do not possess the power in question, and to suggest for the consideration of Congress the propriety of recommending to the States an amendment to the Constitution to vest the power in the United States, my attention has been often drawn to the subject since, in consequence whereof I have occasionally committed my sentiments to paper respecting it. The form which this exposition has assumed is not such as I should have given it had it been intended for Congress, nor is it concluded. Nevertheless, as it contains my views on this subject, being one which I deem of very high importance and which in many of its bearings has now become peculiarly urgent, I will communicate it to Congress, if in my power, in the course of the day, or certainly on Monday next.

JAMES MONROE.

WASHINGTON, *May 4, 1822.*

To the House of Representatives:

I transmit the paper alluded to in the message of this day on the subject of internal improvements.

JAMES MONROE.

VIEWS OF THE PRESIDENT OF THE UNITED STATES ON THE SUBJECT OF INTERNAL IMPROVEMENTS.

"It may be presumed that the proposition relating to internal improvements by roads and canals, which has been several times before Congress, will be taken into consideration again either for the purpose of recommending to the States the adoption of an amendment to the Constitution to vest the necessary power in the General Government or to carry the system into effect on the principle that the power has already been granted. It seems to be the prevailing opinion that great advantage would be derived from the exercise of such a power by Congress. Respecting the right there is much diversity of sentiment. It is of the highest importance that this question should be settled. If the right exist, it ought forthwith to be exercised. If it does not exist, surely those who are friends to the power ought to unite in recommending an amendment to the Constitution to obtain it. I propose to examine this question.

"The inquiry confined to its proper objects and within the most limited scale is extensive. Our Government is unlike other governments both in its origin and form. In analyzing it the differences in certain respects between it and those of other nations, ancient and modern, necessarily come into view. I propose to notice these differences so far as they are connected with the object of inquiry and the consequences likely to result from them, varying in equal degree from those which have attended other governments. The digression, if it may be so called, will, in every instance, be short and the transition to the main object immediate and direct.

"To do justice to the subject it will be necessary to mount to the source of power in these States and to pursue this power in its gradations and distribution among the several departments in which it is now vested. The great division is between the State governments and the General Government. If there was a perfect accord in every instance as to the precise extent of the powers granted to the General Government, we should then know with equal certainty what were the powers which remained to the State governments, since it would follow that those which were not granted to the one would remain to the other. But it is on this point, and particularly respecting the construction of these powers and their incidents, that a difference of opinion exists, and hence it is necessary to trace distinctly the origin of each government, the purposes intended by it, and the means adopted to accomplish them. By having the interior of both governments fully before us we shall have all the means which can be afforded to enable us to form a correct opinion of the endowments of each.

"Before the Revolution the present States, then Colonies, were separate communities, unconnected with each other except in their common relation to the Crown. Their governments were instituted by grants from the Crown, which operated, according to the conditions of each grant, in the nature of a compact between the settlers in each colony and the Crown. All power not retained in the Crown was vested exclusively in the Colonies, each having a government consisting of an executive, a judiciary, and a legislative assembly, one branch of which was in every instance elected by the people. No office was hereditary, nor did any title under the Crown give rank or office in any of the Colonies. In resisting the encroachments of the parent country and abrogating the power of the Crown, the authority which had been held by it vested exclusively in the people of the Colonies. By them was a Congress appointed, composed of delegates from each colony, who managed the war, declared independence, treated with foreign powers, and acted in all things according to the sense of their constituents. The Declaration of Independence confirmed in form what had before existed in substance. It announced to the world new States, possessing and exercising complete sovereignty, which they were resolved to maintain. They were soon after recognized by France and other powers, and finally by Great Britain herself in 1783.

"Soon after the power of the Crown was annulled the people of each colony established a constitution or frame of government for themselves, in which these separate branches—legislative, executive, and judiciary—were instituted, each independent of the others. To these branches, each having its appropriate portion, the whole power of the people not delegated to Congress was communicated, to be exercised for their advantage on the representative principle by persons of their appointment, or otherwise deriving their authority immediately from them, and holding their offices for stated terms. All the powers necessary for useful purposes held by any of the strongest Government of the Old World not vested in Congress were imparted to these State governments without other checks than such as are necessary to prevent abuse, in the form of fundamental declarations or bills of right. The great difference between our governments and those of the Old World consists in this, that the former, being representative, the persons who exercise their powers do it not for themselves or in their own right, but for the people, and therefore while they are in the highest degree efficient they can never become oppressive. It is this transfer of the power of the people to representative and responsible bodies in every branch which constitutes the great improvement in the science of government and forms the boast of our system. It combines all the advantages of every known government without any of their disadvantages. It retains the sovereignty in the people, while it avoids the tumult and disorder incident to the exercise of that power by the people themselves. It possesses all the energy and efficiency of the most despotic governments, while it avoids all the oppressions and abuses inseparable from those governments.

"In every stage of the conflict from its commencement until March, 1781, the powers of Congress were undefined, but of vast extent. The assemblies or conventions of the several colonies being formed by representatives from every county in each colony and the Congress by delegates from each colonial assembly, the powers of the latter for general purposes resembled those of the former for local. They rested on the same basis, the people, and were complete for all the purposes contemplated. Never was a movement so spontaneous, so patriotic, so efficient. The Nation exerted its whole faculties in support of its rights, and of its independence after the contest took that direction, and it succeeded. It was, however, foreseen at a very early stage that, although the patriotism of the country might be relied on in the struggle for its independence, a well-digested compact would be necessary to preserve it after obtained. A plan of confederation was in consequence proposed and taken into consideration by Congress even at the moment when the other great act which severed them from Great Britain and declared their independence was proclaimed to the world. This compact was ratified on the 21st of March, 1781, by the last State, and thereupon carried into immediate effect.

"The following powers were vested in the United States by the Articles of Confederation. As this, the first bond of union, was in operation nearly eight years, during which time a practical construction was given to many of its powers, all of which were adopted in the Constitution with important additions, it is thought that a correct view of those powers and of the manner in which they are executed may shed light on the subject under consideration. It may fairly be presumed that where certain powers were transferred from one instrument to the other and in the same terms, or terms descriptive only of the same powers, that it was intended that they should be construed in the same sense in the latter that they were in the former.

"Article I declares that the style of the Confederacy shall be 'The United States of America.'

"Article II. Each State retains its sovereignty, freedom, and independence, and every power and right which is not expressly delegated to the United States.

"Article III. The States severally enter into a firm league of friendship with each other for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to or attacks made upon them on account of religion, sovereignty, trade, etc.

"Article IV. The free inhabitants of each State, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all the privileges and immunities of free citizens in the several States, etc. Fugitives from justice into any of the States shall be delivered up on the demand of the executive of the State from which they fled. Full faith and credit shall be given in each State to the records and acts of every other State.

"Article V. Delegates shall be annually appointed by the legislature of each State to meet in Congress on the first Monday in November, with a power to recall, etc. No State shall appoint less than two nor more than seven, nor shall any delegate hold his office for more than three in six years. Each State shall maintain its own delegates. Each State shall have one vote. Freedom of speech shall not be impeached, and the members shall be protected from arrests, except for treason, etc.

"Article VI. No State shall send or receive an embassy or enter into a treaty with a foreign power. Nor shall any person holding any office of profit or trust under the United States or any State accept any present, emolument, office, or title from a foreign power. Nor shall the United States or any State grant any title of nobility. No two States shall enter into any treaty without the consent of Congress. No State shall lay any imposts or duties which may interfere with any treaties entered into by the United States. No State shall engage in war unless it be invaded or menaced with invasion by some Indian tribe, nor grant letters of marque or reprisal unless it be against pirates, nor keep up vessels of war, nor any body of troops in time of peace, without the consent of Congress; but every State shall keep up a well-regulated militia, etc.

"Article VII. When land forces are raised by any State for the common defense all officers of and under the rank of colonel shall be appointed by the legislature of each State.

"Article VIII. All charges of war and all other expenses which shall be incurred for the common defense or general welfare shall be defrayed out of a common treasury, which shall be supplied by the several States in proportion to the value of all the land in each State granted to individuals. The taxes for paying each proportion shall be levied by the several States.

"Article IX. Congress shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article; of sending and receiving ambassadors; entering into alliances, except, etc.; of establishing rules for deciding what captures on land and water shall be legal; of granting letters of marque and reprisal in time of peace; appointing courts for the trial of piracies and felonies on the high seas; for deciding controversies between the States and between individuals claiming lands under two or more States whose jurisdiction has been adjusted; of regulating the alloy and value of coin struck by their authority and of foreign coin; fixing the standard of weights and measures; regulating the trade with the Indians; establishing and regulating post offices from one State to another and throughout all the States, and exacting such postage as may be requisite to defray the expenses of the office; of appointing all officers of the

land forces except the regimental; appointing all the officers of the naval forces; to ascertain the necessary sums of money to be raised for the service of the United States and appropriate the same; to borrow money and emit bills of credit; to build and equip a Navy; to agree on the number of land forces and to make requisitions on each State for its quota; that the assent of nine States shall be requisite to these great acts.

"Article X regulates the powers of the committee of the States to sit in the recess of Congress.

"Article XI provides for the admission of Canada into the Confederation.

"Article XII pledges the faith of the United States for the payment of all bills of credit issued and money borrowed on their account.

"Article XIII. Every State shall abide by the determination of the United States on all questions submitted to them by the Confederation, the Articles of the Confederation to be perpetual and not to be altered without the consent of every State.

"This bond of union was soon found to be utterly incompetent to the purposes intended by it. It was defective in its powers; it was defective also in the means of executing the powers actually granted by it. Being a league of sovereign and independent States, its acts, like those of all other leagues, required the interposition of the States composing it to give them effect within their respective jurisdictions. The acts of Congress without the aid of State laws to enforce them were altogether nugatory. The refusal or omission of one State to pass such laws was urged as a reason to justify like conduct in others, and thus the Government was soon at a stand.

"The experience of a few years demonstrated that the Confederation could not be relied on for the security of the blessings which had been derived from the Revolution. The interests of the Nation required a more efficient Government, which the good sense and virtue of the people provided by the adoption of the present Constitution.

"The Constitution of the United States was formed by a convention of delegates from the several States, who met in Philadelphia, duly authorized for the purpose, and it was ratified by a convention in each State which was especially called to consider and decide on the same. In this progress the State governments were never suspended in their functions. On the contrary, they took the lead in it. Conscious of their incompetency to secure to the Union the blessings of the Revolution, they promoted the diminution of their own powers and the enlargement of those of the General Government in the way in which they might be most adequate and efficient. It is believed that no other example can be found of a Government exerting its influence to lessen its own powers, of a policy so enlightened, of a patriotism so pure and disinterested. The credit, however, is more especially due to the people of each State, in obedience to whose will and under whose control the State governments acted.

"The Constitution of the United States, being ratified by the people of the several States, became of necessity to the extent of its powers the paramount authority of the Union. On sound principles it can be viewed in no other light. The people, the highest authority known to our system, from whom all our institutions spring and on whom they depend, form it. Had the people of the several States thought proper to incorporate themselves into one community, under one government, they might have done it. They had the power, and there was nothing then, nor is there anything now, should they be so disposed, to prevent it. They wisely stopped, however, at a certain point, extending the incorporation to that point, making the National Government thus far a consolidated Government, and preserving the State governments without that limit perfectly sovereign and independent of the National Government. Had the people of the several States incorporated themselves into one community, they must have remained such, their Constitution becoming then, like the constitution of the several States, incapable of change until altered by the will of the majority. In the institution of a State government by the citizens of a State a compact is formed to which all and every citizen are equal parties. They are also the sole parties and may amend it at pleasure. In the institution of the Government of the United States by the citizens of every State a compact was formed between the whole American people which had the same force and partakes of all the qualities to the extent of its powers as a compact between the citizens of a State in the formation of their own constitution. It can not be altered except by those who formed it or in the mode prescribed by the parties to the compact itself.

"This Constitution was adopted for the purpose of remedying all defects of the Confederation, and in this it has succeeded beyond any calculation that could have been formed of any human institution. By binding the States together the Constitution performs the great office of the Confederation; but it is in that sense only that it has any of the properties of that compact, and in that it is more effectual to the purpose, as it holds them together by a much stronger bond; and in all other respects in which the Confederation failed the Constitution has been blessed with complete success. The Confederation was a compact between separate and independent States, the execution of whose articles in the powers which operated internally depended on the State governments. But the great office of the Constitution, by incorporating the people of the several States to the extent of its powers into one community and enabling it to act directly on the people, was to annul the powers of the State governments to that extent, except in cases where they were concurrent, and to preclude their agency in giving effect to those of the General Government. The Government of the United States relies on its own means for the execution of its powers, as the State governments do for the execution of theirs, both governments having a common origin or sovereign, the people—the State governments the people of each State, the National Government the people of every State—and being amenable to the power which created it. It is by executing its functions as a Government thus originating and thus acting that the Constitution of the United States holds the States together and performs the office of a league. It is owing to the nature of its powers and the high source from whence they are derived—the people—that it performs that office better than the Confederation or any league which ever existed, being a compact which the State governments did not form, to which they are not parties, and which executes its own powers independently of them.

"There were two separate and independent governments established over our Union, one for local purposes over each State by the people of the State, the other for national purposes over all the States by the people of the United States. The whole power of the people, on the representative principle, is divided between them. The State governments are independent of each other, and to the extent of their powers are complete sovereignties. The National Government begins where the State governments terminate, except in some instances where there is a concurrent jurisdiction between them. This Government is also, according to the extent of its powers, a complete sovereignty. I speak here, as repeatedly mentioned before, altogether of representative sovereignties, for the real sovereignty is in the people alone.

"The history of the world affords no such example of two separate and independent governments established over the same people, nor can it exist except in governments founded on the sovereignty of the people. In monarchies and other governments not representative there can be no such division of power. The government is inherent in the possessor; it is his, and can not be taken from him without a revolution. In such governments alliances and leagues alone are practicable. But with us individuals count for nothing in the offices which they hold; that is, they have no right to them. They hold them as representatives, by appointment from the people, in whom the sovereignty is exclusively vested. It is impossible to speak too highly of this system, taken in its twofold character and in all its great principles of two governments, completely distinct from and independent of each other, each constitutional, founded by and acting directly on the people, each competent to all its purposes, administering all the blessings for which it was instituted, without even the most remote danger of exercising any of its powers in a way to oppress the people. A system capable of expansion over a vast territory not only without weakening either government, but enjoying the peculiar advantage of adding thereby new strength and vigor to the faculties of both; possessing also this additional advantage, that while the several States enjoy all the rights reserved to them of separate and independent governments, and each is secured by the nature of the Federal Government, which acts directly on the people, against the failure of the others to bear their equal share of the public burdens, and thereby enjoys in a more perfect degree all the advantages of a league, it holds them together by a bond altogether different and much stronger than the late Confederation or any league that was ever known before—a bond beyond their control, and which can not even be amended except in the mode prescribed by it. So great an effort in favor of human happiness was never made before; but it became those who made it. Established in the new hemisphere, descended from the same ancestors, speaking the same language, having the same religion and universal toleration, born equal and educated in the same principles of free government, made independent by a common struggle and menaced by the same dangers, ties existed between them which never applied before to separate communities. They had every motive to bind them together which could operate on the interests and affections of a generous, enlightened, and virtuous people, and it affords inexpressible consolation to find that these motives had their merited influence.

"In thus tracing our institutions to their origin and pursuing them in their progress and modifications down to the adoption of this Constitution two important facts have been disclosed, on which it may not be improper in this stage to make a few observations. The first is that in wresting the power, or what is called the sovereignty, from the Crown it passed directly to the people. The second that it passed directly to the people of each Colony and not to the people of all the Colonies in the aggregate; to 13 distinct communities and not to 1. To these two facts, each contributing its equal proportion, I am inclined to think that we are in an eminent degree indebted for the success of our Revolution. By passing to the people it vested in a community every individual of which had equal rights and a common interest. There was no family dethroned among us, no banished pretender in a foreign country looking back to his connections and adherents here in the hope of a recall; no order of nobility whose hereditary rights in the Government had been violated; no hierarchy which had been degraded and oppressed. There was but one order, that of the people, by whom everything was gained by the change. I mention it also as a circumstance of peculiar felicity that the great body of the people had been born and educated under these equal and original institutions. Their habits, their principles, and their prejudices were therefore all on the side of the Revolution and of free republican government.

"Had distinct orders existed our fortune might and probably would have been different. It would scarcely have been possible to have united so completely the whole force of the country against a common enemy. A contest would probably have arisen in the outset between the orders for the control. Had the aristocracy prevailed, the people would have been heartless. Had the people prevailed, the nobility would probably have left the country, or, remaining behind, internal divisions would have taken place in every State and a civil war broken out more destructive even than the foreign, which might have defeated the whole movement. Ancient and modern history is replete with examples proceeding from conflicts between distinct orders, of revolutions attempted which proved abortive, of republics which have terminated in despotism. It is owing to the simplicity of the elements of which our system is composed that the attraction of all the parts has been to a common center, that every change has tended to cement the union, and, in short, that we have been blessed with such glorious and happy success.

"And that the power wrested from the British Crown passed to the people of each Colony the whole history of our political movement from the emigration of our ancestors to the present day clearly demonstrates. What produced the Revolution? The violation of our rights. What rights? Our chartered rights. To whom were the charters granted, to the people of each Colony or to the people of all the Colonies as a single community? We know that no such community as the aggregate existed, and, of course, that no such rights could be violated. It may be added that the nature of the powers which were given to the delegates by each Colony and the manner in which they were executed show that the sovereignty was in the people of each and not in the aggregate. They respectively presented credentials such as are usual between ministers of separate powers, which were examined and approved before they entered on the discharge of the important duties committed to them. They voted also by Colonies and not individually, all the members from one Colony being entitled to one vote only. This fact alone, the first of our political association and at the period of our greatest peril, fixes beyond all controversy the source from whence the power which has directed and secured success to all our measures has proceeded.

"Had the sovereignty passed to the aggregate, consequences might have ensued, admitting the success of our Revolution, which might even yet seriously affect our system. By passing to the people of each Colony the opposition to Great Britain, the prosecution of the war, the Declaration of Independence, the adoption of the Confederation, and of this Constitution are all imputable to them. Had it passed to the aggregate, every measure would be traced to that source; even the State governments might be said to have emanated from it, and amendments of their constitutions on that principle be proposed by the same authority. In short, it is not easy to perceive all the consequences into which such a doctrine might lead. It is obvious that the people in

mass would have had much less agency in all the great measures of the Revolution and in those which followed than they actually had, and proportionably less credit for their patriotism and services than they are now entitled to and enjoy. By passing to the people of each Colony the whole body in each were kept in constant and active deliberation on subjects of the highest national importance and in the supervision of the conduct of all the public servants in the discharge of their respective duties. Thus the most effectual guards were provided against abuses and dangers of every kind which human ingenuity could devise, and the whole people rendered more competent to the self-government which by an heroic exertion they had acquired.

"I will now proceed to examine the powers of the General Government, which, like the governments of the several States, is divided into three branches—a legislative, executive, and judiciary—each having its appropriate share. Of these the legislative, from the nature of its powers, all laws proceeding from it, and the manner of its appointment, its members being elected immediately by the people, is by far the most important. The whole system of the National Government may be said to rest essentially on the powers granted to this branch. They mark the limit within which, with few exceptions, all the branches must move in the discharge of their respective functions. It will be proper, therefore, to take a full and correct view of the powers granted to it.

"By the eighth section of the first article of the Constitution it is declared that Congress shall have power—

"First. To lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States;

"Second. To borrow money;

"Third. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

"Fourth. To establish an uniform rule of naturalization and uniform laws respecting bankruptcies;

"Fifth. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures;

"Sixth. To provide for the punishment of counterfeiting the securities and current coin of the United States;

"Seventh. To establish post offices and post roads;

"Eighth. To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

"Ninth. To constitute tribunals inferior to the Supreme Court, to define and punish piracies and felonies committed on the high seas, and offenses against the laws of nations;

"Tenth. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

"Eleventh. To raise and support armies;

"Twelfth. To provide and maintain a navy;

"Thirteenth. To make rules for the government of the land and naval forces;

"Fourteenth. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

"Fifteenth. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be in the service of the United States, reserving to the States the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress;

"Sixteenth. To exercise exclusive legislation in all cases whatever over such district (not exceeding 10 miles square) as may, by the cession of particular States and the acceptance by Congress, become the seat of government of the United States; and to exercise like authority over all places purchased, by the consent of the legislature of the State in which the same may be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;

"Seventeenth. And to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

"To the other branches of the Government the powers properly belonging to each are granted. The President, in whom the executive power is vested, is made Commander in Chief of the Army and Navy and militia, when called into the service of the United States. He is authorized, with the advice and consent of the Senate, two-thirds of the Members present concurring, to form treaties, to nominate and, with the advice and consent of the Senate, to appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers whose appointments are not otherwise provided for by law. He has power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment. It is made his duty to give to Congress from time to time information of the state of the Union, to recommend to their consideration such measures as he may judge necessary and expedient, to convene both Houses on extraordinary occasions, to receive ambassadors, and to take care that the laws be faithfully executed.

"The judicial power is vested in one Supreme Court and in such inferior courts as Congress may establish; and it is made to extend to all cases in law and equity arising under the Constitution, the laws of the United States, and treaties made under their authority. Cases affecting ambassadors and other public characters, cases of admiralty and maritime jurisdiction, causes in which the United States are a party, between two or more States, between citizens of different States, between citizens of the same State claiming grants of land under different States, between a State or the citizens thereof and foreign States, are specially assigned to these tribunals.

"Other powers have been granted in other parts of the Constitution which, although they relate to specific objects unconnected with the ordinary administration, yet, as they form important features in the Government and may shed useful light on the construction which ought to be given to the powers above enumerated, it is proper to bring into view.

"By Article I, section 9, clause 1, it is provided that the migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by Congress prior to the year 1808, but a tax or duty may be imposed on such importation not exceeding $10 for each person.

"By Article III, section 3, clause 1, new States may be admitted by Congress into the Union, but that no new State shall be formed within the jurisdiction of another State, nor any State be formed by the junction of two or more States or parts of States without the consent of the legislatures of the States concerned as well as of the United States. And by the next clause of the same article and section power is vested in Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, with a proviso that nothing in the Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

"By Article IV, section 4, the United States guarantee to every State a republican form of government and engage to protect each of them against invasion; and on application of the legislature, or of the executive when the legislature can not be convened, against domestic violence.

"Of the other parts of the Constitution relating to power, some form restraints on the exercise of the powers granted to Congress and others on the exercise of the powers remaining to the States. The object in both instances is to draw more completely the line between the two governments and also to prevent abuses by either. Other parts operate like conventional stipulations between the States, abolishing between them all distinctions applicable to foreign powers and securing to the inhabitants of each State all the rights and immunities of citizens in the several States.

"By the fifth article it is provided that Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which in either case shall be valid as a part of the Constitution when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode may be proposed by Congress: *Provided*, That no State, without its consent, shall be deprived of its equal vote in the Senate, and that no amendment which may be made prior to the year 1808 shall affect the first and fourth clauses in the ninth section of the first article.

"By the second section of the sixth article it is declared that the Constitution, and laws of the United States which shall be made in pursuance thereof, and all treaties made under the authority of the United States, shall be the supreme law of the land, and that the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding. This right in the National Government to execute its powers was indispensable to its existence. If the State governments had not been restrained from encroaching on the powers vested in the National Government, the Constitution, like the Confederation, would soon have been set at naught; and it was not within the limit of the human mind to devise any plan for the accomplishment of the object other than by making a national constitution which should be to the extent of its powers the supreme law of the land. This right in the National Government would have existed under the Constitution to the full extent provided for by this declaration had it not been made. To prevent the possibility of a doubt, however, on so important a subject it was proper to make the declaration.

"Having presented above a full view of all the powers granted to the United States, it will be proper to look to those remaining to the States. It is by fixing the great powers which are admitted to belong to each government that we may hope to come to a right conclusion respecting those in controversy between them. In regard to the National Government this task was easy, because its powers were to be found in specific grants in the Constitution; but it is more difficult to give a detail of the powers of the State governments, as their constitutions, containing all powers granted by the people not specifically taken from them by grants to the United States, can not well be enumerated. Fortunately a precise detail of all the powers remaining to the State governments is not necessary in the present instance. A knowledge of their great powers only will answer every purpose contemplated, and respecting these there can be no diversity in opinion. They are sufficiently recognized and established by the Constitution of the United States itself.

"In designating the important powers of the State governments it is proper to observe, first, that the territory contemplated by the Constitution belongs to each State in its separate character and not to the United States in their aggregate character. Each State holds territory according to its original charter, except in cases where cessions have been made to the United States by individual States. The United States had none when the Constitution was adopted which had not been thus ceded to them and which they held on the conditions on which such cession had been made. Within the individual States it is believed that they held not a single acre; but if they did it was as citizens held it, merely as private property. The territory acquired by cession lying without the individual States rests on a different principle and is provided for by a separate and distinct part of the Constitution. It is the territory within the individual States to which the Constitution in its great principles applies, and it applies to such territory as the territory of a State and not as that of the United States. The next circumstance to be attended to is that the people composing this Union are the people of the several States, and not of the United States in the full sense of a consolidated government. The militia are the militia of the several States; lands are held under the laws of the States; descents, contracts, and all the concerns of private property, the administration of justice, and the whole criminal code, except in the cases of breaches of the laws of the United States made under and in conformity with the powers vested in Congress and of the laws of nations, are regulated by State laws. This enumeration shows the great extent of the powers of the State governments. The territory and the people form the basis on which all governments are founded. The militia constitutes their effective force. The regulation and protection of property and of personal liberty are also among the highest attributes of sovereignty. This, without other evidence, is sufficient to show that the great office of the Constitution of the United States is to unite the States together under a Government endowed with powers adequate to the purposes of its institution, relating, directly or indirectly, to foreign concerns, to the discharge of which a National Government thus formed alone could be competent.

"This view of the exclusive jurisdiction of the several States over the territory within their respective limits, except in cases otherwise specially provided for, is supported by the obvious intent of the several powers granted to Congress, to which a more particular attention is now due. Of these the right to declare war is perhaps the most important, as well by the consequences attending war as by the other powers granted in aid of it. The right to lay taxes, duties, imposts, and excises, though necessary for the support of the civil government, is equally necessary to sustain the charges of war; the right to raise and support armies and a navy and to call forth and govern the militia when in the service of the United States are altogether of the latter kind. They are granted in aid of the power to make war and intended to give effect to it. These several powers are of great force and extent and operate more directly within the limits and upon the resources of the States than any of the other powers. But still they are means only for given ends. War is declared and must be maintained, an

army and a navy must be raised, fortifications must be erected for the common defense, debts must be paid. For these purposes duties, imposts, and excises are levied, taxes are laid, the lands, merchandise, and other property of the citizens are liable for them; if the money is not paid seizures are made and the lands are sold. The transaction is terminated; the lands pass into other hands, who hold them, as the former proprietors did, under the laws of the individual States. They were means only to certain ends; the United States have nothing further to do with them. The same view is applicable to the power of the General Government over persons. The militia is called into the service of the United States; the service is performed; the corps returns to the State to which it belongs; it is the militia of such State, and not of the United States. Soldiers are required for the Army, who may be obtained by voluntary enlistment or by some other process founded in the principles of equality. In either case the citizen, after the tour of duty is performed, is restored to his former station in society, with his equal share in the common sovereignty of the Nation. In all these cases, which are the strongest which can be given, we see that the right of the General Government is nothing more than what it is called in the Constitution, a power to perform certain acts, and that the subject on which it operates is a means only to that end; that it was both before and after that act under the protection and subject to the laws of the individual State within which it was.

"To the other powers of the General Government the same remarks are applicable and with greater force. The right to regulate commerce with foreign powers was necessary as well to enable Congress to lay and collect duties and imposts as to support the rights of the Nation in the intercourse with foreign powers. It is executed at the ports of the several States and operates almost altogether externally. The right to borrow and coin money and to fix its value and that of foreign coin are important to the establishment of a National Government, and particularly necessary in support of the right to declare war, as, indeed, may be considered the right to punish piracy and felonies on the high seas and offenses against the laws of nations. The right to establish an uniform rule of naturalization and uniform laws respecting bankruptcies seems to be essentially connected with the right to regulate commerce. The first branch of it relates to foreigners entering the country; the second, to merchants who have failed. The right to promote the progress of useful arts and sciences may be executed without touching any of the individual States. It is accomplished by granting patents to inventors and preserving models, which may be done exclusively within the Federal district. The right to constitute courts inferior to the Supreme Court was a necessary consequence of the judiciary existing as a separate branch of the General Government. Without such inferior court in every State it would be difficult and might even be impossible to carry into effect the laws of the General Government. The right to establish post offices and post roads is essentially of the same character. For political, commercial, and social purposes it was important that it should be vested in the General Government. As a mere matter of regulation, and nothing more, I presume, was intended by it, it is a power easily executed and involving little authority within the States individually. The right to exercise exclusive legislation in all cases whatsoever over the Federal district and over forts, magazines, arsenals, dockyards, and other needful buildings with the consent of the State within which the same may be is a power of a peculiar character, and is sufficient in itself to confirm what has been said of all the other powers of the General Government. Of this particular grant further notice will hereafter be taken.

"I shall conclude my remarks on this part of the subject by observing that the view which has been presented of the powers and character of the two Governments is supported by the marked difference which is observable in the manner of their endowment. The State governments are divided into three branches—a legislative, executive, and judiciary—and the appropriate duties of each assigned to it without any limitation of power except such as is necessary to guard against abuse, in the form of bills of right. But in instituting the National Government an entirely different principle was adopted and pursued. The Government itself is organized, like the State governments, into three branches, but its powers are enumerated and defined in the most precise form. The subject has already been too fully explained to require illustration by a general view of the whole Constitution, every part of which affords proof of what is here advanced. It will be sufficient to advert to the eighth section of the first article, being that more particularly which defines the powers and fixes the character of the Government of the United States. By this section it is declared that Congress shall have power, first, to lay and collect taxes, duties, imposts, and excises, etc.

"Having shown the origin of the State governments and their endowments when first formed; having also shown the origin of the National Government and the powers vested in it, and having shown, lastly, the powers which are admitted to have remained to the State governments after those which were taken from them by the National Government, I will now proceed to examine whether the power to adopt and execute a system of internal improvement by roads and canals has been vested in the United States.

"Before we can determine whether this power has been granted to the General Government it will be necessary to ascertain distinctly the nature and extent of the power requisite to make such improvements. When that is done we shall be able to decide whether such power is vested in the National Government.

"If the power existed it would, it is presumed, be executed by a board of skillful engineers, on a view of the whole Union, on a plan which would secure complete effect to all the great purposes of our Constitution. It is not my intention, however, to take up the subject here on this scale. I shall state a case for the purpose of illustration only. Let it be supposed that Congress intended to run a road from the city of Washington to Baltimore and to connect the Chesapeake Bay with the Delaware and the Delaware with the Raritan by a canal, what must be done to carry the project into effect? I make here no question of the existing power. I speak only of the power necessary for the purpose. Commissioners would be appointed to trace a route in the most direct line, paying due regard to heights, water courses, and other obstacles, and to acquire the right to the ground over which the road and canal would pass, with sufficient breadth for each. This must be done by voluntary grants, or by purchases from individuals, or, in case they would not sell or should ask an exorbitant price, by condemning the property and fixing its value by a jury of the vicinage. The next object to be attended to after the road and canal are laid out and made is to keep them in repair. We know that there are people in every community capable of committing voluntary injuries, of pulling down walls that are made to sustain the road, of breaking the bridges over water courses and breaking the road itself. Some living near it might be disappointed that it did not pass through their lands and commit these acts of violence and waste from revenge or in the hope of giving it that direction, though for a short time. Injuries of this kind have been committed and are still complained of on the road from Cumberland to the Ohio. To accomplish this object Congress should have a right to pass laws to punish offenders wherever they may be found. Jurisdiction over the road would not be sufficient, though it were exclusive. It would seldom happen that the parties would be detected in the act. They would generally commit it in the night and fly far off before the sun appeared. The power to punish these culprits must therefore reach them wherever they go. The must also be amenable to competent tribunals, Federal or State. The power must likewise extend to another object not less essential or important than those already mentioned. Experience has shown that the establishment of turnpikes, with gates and tolls and persons to collect the tolls, is the best expedient that can be adopted to defray the expense of these improvements and the repairs which they necessarily require. Congress must therefore have power to make such an establishment and to support it by such regulations, with fines and penalties in the case of injuries, as may be competent to the purpose. The right must extend to all those objects, or it will be utterly incompetent. It is possessed and exercised by the States individually, and it must be possessed by the United States or the pretension must be abandoned.

"Let it be further supposed that Congress, believing that they do possess the power, have passed an act for those purposes, under which commissioners have been appointed, who have begun the work. They are met at the first farm on which they enter by the owner, who forbids them to trespass on his land. They offer to buy it at a fair price or at twice or thrice its value. He persists in his refusal. Can they, on the principle recognized and acted on by all the State governments that in cases of this kind the obstinacy and perverseness of an individual must yield to the public welfare, summon a jury of upright and discreet men to condemn the land, value it, and compel the owner to receive the amount and to deliver it up to them? I believe that very few would concur in the opinion that such a power exists.

"The next object is to preserve these improvements from injury. The locks of the canal are broken, the walls which sustained the road are pulled down, the bridges are broken, the road itself is plowed up, toll is refused to be paid, the gates of the canal or turnpike are forced. The offenders are pursued, caught, and brought to trial. Can they be punished? The question of right must be decided on principle. The culprits will avail themselves of every barrier that may serve to screen them from punishment. They will plead that the law under which they stand arraigned is unconstitutional, and that question must be decided by the court, whether Federal or State, on a fair investigation of the powers vested in the General Government by the Constitution. If the judges find that these powers have not been granted to Congress, the prisoners must be acquitted, and by their acquittal all claim to the right to establish such a system is at an end.

"I have supposed an opposition to be made to the right in Congress by the owner of the land and other individuals charged with breaches of laws made to protect the works from injury, because it is the mildest form in which it can present itself. It is not, however, the only one. A State, also, may contest the right, and then the controversy assumes another character. Government might contend against government, for to a certain extent both the Governments are sovereign and independent of each other, and in that form it is possible, though not probable, that opposition might be made. To each limitations are prescribed, and should a contest rise between them respecting their rights and the people sustain it with anything like an equal division of numbers the worst consequences might ensue.

"It may be urged that the opposition suggested by the owner of the land or by the States individually may be avoided by a satisfactory arrangement with the parties. But a suppression of opposition in that way is no proof of a right in Congress, nor could it, if confined to that limit, remove all the impediments to the exercise of the power. It is not sufficient that Congress may by the command and application of the public revenue purchase the soil, and thus silence that class of individuals, or by the accommodation afforded to individual States put down opposition on their part. Congress must be able rightfully to control all opposition or they can not carry the system into effect. Cases would inevitably occur to put the right to the test. The work must be preserved from injury, tolls must be collected, offenders must be punished. With these culprits no bargain can be made. When brought to trial they must deny the validity of the law, and that plea being sustained all claim to the right ceases.

"If the United States possess this power, it must be either because it has been specifically granted or that it is incidental and necessary to carry into effect some specific grant. The advocates for the power derive it from the following sources: First, the right to establish post offices and post roads; second, to declare war; third, to regulate commerce among the several States; fourth, from the power to pay the debts and provide for the common defense and general welfare of the United States; fifth, from the power to make all laws necessary and proper for carrying into execution all the powers vested by the Constitution in the Government of the United States or in any department or officer thereof; sixth and lastly, from the power to dispose of and make all needful rules and regulations respecting the territory and other property of the United States. It is to be observed that there is but little accord among the advocates for this power as to the particular source from whence it is derived. They all agree, however, in ascribing it to some one or more of those above mentioned. I will examine the ground of the claim in each instance.

"The first of these grants is in the following words: 'Congress shall have power to establish post offices and post roads.' What is the just import of these words and the extent of the grant? The word 'establish' is the ruling term; 'post offices and post roads' are the subjects on which it acts. The question therefore is, What power is granted by that word? The sense in which words are commonly used is that in which they are to be understood in all transactions between public bodies and individuals. The intention of the parties is to prevail, and there is no better way of ascertaining it than by giving to the terms used their ordinary import. If we were to ask any number of our most enlightened citizens, who had no connection with public affairs and whose minds were unprejudiced, what was the import of the word 'establish' and the extent of the grant which it controls, we do not think there would be any difference of opinion among them. We are satisfied that all of them would answer that a power was thereby given to Congress to fix on the towns, courthouses, and other places throughout our Union at which there should be post offices, the routes by which the mails should be carried from one post office to another, so as to diffuse intelligence as extensively and to make the institution as useful as possible, to fix the postage to be paid on every letter and packet thus carried, to support the establishment, and to protect the post

office and mails from robbery by punishing those who should commit the offense. The idea of a right to lay off the roads of the United States on a general scale of improvement, to take the soil from the proprietor by force, to establish turnpikes and tolls, and to punish offenders in the manner stated above would never occur to any such person. The use of the existing road by the stage, mail carrier, or post boy in passing over it as others do is all that would be thought of, the jurisdiction and soil remaining to the State, with a right in the State or those authorized by its legislature to change the road at pleasure.

"The intention of the parties is supported by other proof, which ought to place it beyond all doubt. In the former act of Government, the Confederation, we find a grant for the same purpose expressed in the following words: 'The United States in Congress assembled shall have the sole and exclusive right and power of establishing and regulating post offices from one State to another throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office.' The term 'establish' was likewise the ruling one in that instrument, and was evidently intended and understood to give a power simply and solely to fix where there should be post offices. By transferring this term from the Confederation into the Constitution it was doubtless intended that it should be understood in the same sense in the latter that it was in the former instrument, and to be applied alike to post offices and post roads. In whatever sense it is applied to post offices it must be applied in the same sense to post roads. But it may be asked, If such was the intention, why were not all the other terms of the grant transferred with it? The reason is obvious. The Confederation being a bond of union between independent States, it was necessary in granting the powers which were to be exercised over them to be very explicit and minute in defining the powers granted. But the Constitution to the extent of its powers having incorporated the States into one Government like the government of the States individually, fewer words in defining the powers granted by it were not only adequate, but perhaps better adapted to the purpose. We find that brevity is a characteristic of the instrument. Had it been intended to convey a more enlarged power in the Constitution than had been granted in the Confederation, surely the same controlling term would not have been used, or other words would have been added, to show such intention and to mark the extent to which the power should be carried. It is a liberal construction of the powers granted in the Constitution by this term to include in it all the powers that were granted in the Confederation by terms which specifically defined and, as was supposed, extended their limits. It would be absurd to say that by omitting from the Constitution any portion of the phraseology which was deemed important in the Confederation the import of that term was enlarged, and with it the powers of the Constitution, in a proportional degree, beyond what they were in the Confederation. The right to exact postage and to protect the post offices and mails from robbery by punishing the offenders may fairly be considered as incidents to the grant, since without it the object of the grant might be defeated. Whatever is absolutely necessary to the accomplishment of the object of the grant, though not specified, may fairly be considered as included in it. Beyond this the doctrine of incidental power can not be carried.

"If we go back to the origin of our settlements and institutions and trace their progress down to the Revolution, we shall see that it was in this sense, and in none other, that the power was exercised by all our colonial governments. Post offices were made for the country, and not the country for them. They are the offspring of improvement; they never go before it. Settlements are first made, after which the progress is uniform and simple, extending to objects in regular order most necessary to the comfort of man—schools, places of public worship, courthouses, and markets; post offices follow. Roads may, indeed, be said to be coeval with settlements; they lead to all the places mentioned, and to every other which the various and complicated interests of society require.

"It is believed that not one example can be given, from the first settlement of our country to the adoption of this Constitution, of a post office being established without a view to existing roads or of a single road having been made by pavement, turnpike, etc., for the sole purpose of accommodating a post office. Such, too, is the uniform progress of all societies. In granting, then, this power to the United States it was undoubtedly intended by the framers and ratifiers of the Constitution to convey it in the sense and extent only in which it had been understood and exercised by the previous authorities of the country.

"This conclusion is confirmed by the object of the grant and the manner of its execution. The object is the transportaton of the mail throughout the United States, which may be done on horseback, and was so done until lately, since the establishment of stages. Between the great towns and in other places where the population is dense stages are preferred because they afford an additional opportunity to make a profit from passengers; but where the population is sparse and on crossroads it is generally carried on horseback. Unconnected with passengers and other objects, it can not be doubted that the mail itself may be carried in every part of our Union with nearly as much economy and greater dispatch on horseback than in a stage, and in many parts with much greater. In every part of the Union in which stages can be preferred the roads are sufficiently good provided those which serve for every other purpose will accommodate them. In every other part where horses alone are used if other people pass them on horseback surely the mail carrier can. For an object so simple and so easy in its execution it would doubtless excite surprise if it should be thought proper to appoint commissioners to lay off the country on a great scheme of improvement, with the power to shorten distances, reduce heights, level mountains, and pave surfaces.

"If the United States possessed the power contended for under this grant, might they not in adopting the roads of the individual States for the carriage of the mail, as has been done, assume jurisdiction over them and preclude a right to interfere with or alter them? Might they not establish turnpikes and exercise all the other acts of sovereignty above stated over such roads necessary to protect them from injury and defray the expense of repairing them? Surely if the right exists these consequences necessarily followed as soon as the road was established. The absurdity of such a pretension must be apparent to all who examine it. In this way a large portion of the territory of every State might be taken from it, for there is scarcely a road in any State which will not be used for the transportation of the mail. A new field for legislation and internal government would thus be opened.

"From this view of the subject I think we may fairly conclude that the right to adopt and execute a system of internal improvement, or any part of it, has not been granted to Congress under the power to establish post offices and post roads; that the common roads of the country only were contemplated by that grant, and are fully competent to all its purposes.

"The next object of inquiry is whether the right to declare war includes the right to adopt and execute this system of improvement. The objections to it are, I presume, not less conclusive than those which are applicable to the grant which we have just examined.

"Under the last-mentioned grant a claim has been set up to as much of that system as relates to roads. Under this it extends alike to roads and canals.

"We must examine this grant by the same rules of construction that were applied to the preceding one. The object was to take this power from the individual States and to vest it in the General Government. This has been done in clear and explicit terms, first by granting the power to Congress, and secondly by prohibiting the exercise of it by the States. 'Congress shall have a right to declare war.' This is the language of the grant. If the right to adopt and execute this system of improvement is included in it, it must be by way of incident only, since there is nothing in the grant itself which bears any relation to roads and canals. The following considerations, it is presumed, prove incontestably that this power has not been granted in that or any other manner.

"The United States are exposed to invasion through the whole extent of their Atlantic coast by any European power with whom we might be engaged in war—on the northern and northwestern frontier, on the side of Canada, by Great Britain, and on the southern by Spain or any power in alliance with her. If internal improvements are to be carried to the full extent to which they may be useful for military purposes, the power as it exists must apply to all the roads of the Union, there being no limitation to it. Wherever such improvements may facilitate the march of troops, the transportation of cannon, or otherwise aid the operations or mitigate the calamities of war along the coast or in any part of the interior they would be useful for military purposes, and might therefore be made. The power following as an incident to another power can be measured as to its extent by reference only to the obvious extent of the power to which it is incidental. So great a scope was, it is believed, never given to incidental power.

"If it had been intended that the right to declare war should include all the powers necessary to maintain war, it would follow that nothing would have been done to impair the right or to restrain Congress from the exercise of any power which the exigencies of war might require. The nature and extent of this exigency would mark the extent of the power granted, which should always be construed liberally, so as to be adequate to the end. A right to raise money by taxes, duties, excises, and by loan; to raise and support armies and a navy; to provide for calling forth, arming, disciplining, and governing the militia when in the service of the United States, establishing fortifications and governing the troops stationed in them independently of the State authorities; and to perform many other acts, is indispensable to the maintenance of war. No war with any great power can be prosecuted with success without the command of the resources of the Union in all these respects. These powers, then, would of necessity and by common consent have fallen within the right to declare war had it been intended to convey by way of incident to that right the necessary powers to maintain war. But these powers have all been granted specifically with many others, in great detail, which experience had shown were necessary for the purposes of war. By specifically granting, then, these powers it is manifest that every power was thus granted which it was intended to grant for military purposes, and that it was also intended that no important power should be included in this grant by way of incident, however useful it might be for some of the purposes of the grant.

"By the sixteenth of the enumerated powers, Article I, section 8, Congress are authorized to exercise exclusive legislation in all cases whatever over such district as may by cession of particular States and the acceptance of Congress, not exceeding 10 miles square, become the seat of Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other useful buildings. If any doubt existed on a view of other parts of the Constitution respecting the decision which ought to be formed on the question under consideration, I should suppose that this clause would completely remove it. It has been shown after the most liberal construction of all the enumerated powers of the General Government that the territory within the limits of the respective States belonged to them; that the United States had no right under the powers granted to them, with the exception specified in this grant, to even the smallest portion of territory within a State, all those powers operating on a different principle and having their full effect without impairing in the slightest degree this right in the States; that those powers were in every instance means to ends, which being accomplished left the subject—that is, the property, in which light only land could be regarded—where it was before, under the jurisdiction and subject to the laws of the State governments.

"The second number of the clause, which is applicable to military and naval purposes alone, claims particular attention here. It fully confirms the view taken of the other enumerated powers, for had it been intended to include in the right to declare war, by way of incident, any right of jurisdiction or legislation over territory within a State, it would have been done as to fortifications, magazines, arsenals, dockyards, and other needful buildings. By specifically granting the right as to such small portions of territory as might be necessary for these purposes and on certain conditions, minutely and well defined, it is manifest that it was not intended to grant it as to any other portion on any condition for any purpose or in any manner whatsoever.

"It may be said that, although the authority to exercise exclusive legislation in certain cases within the States with their consent may be considered as a prohibition to Congress to exercise like exclusive legislation in any other case, although their consent should be granted, it does not prohibit the exercise of such jurisdiction or power within a State as would be competent to all the purposes of internal improvement. I can conceive no ground on which the idea of such a power over any part of the territory of a State can be inferred from the power to declare war. There never can be an occasion for jurisdiction for military purposes except in fortifications, dockyards, and the like places. If the soldiers are in the field or are quartered in garrisons without the fortifications, the civil authority must prevail where they are. The government of the troops by martial law is not affected by it. In war, when the forces are increased and the movement is on a greater scale, consequences follow which are inseparable from the exigencies of the State. More freedom of action and a wider range of power in the military commanders, to be exercised on their own

responsibility, may be necessary to the public safety; but even here the civil authority of the State never ceases to operate. It is also exclusive for all civil purposes.

"Whether any power short of that stated would be adequate to the purposes of internal improvement is denied. In the case of territory, one Government must prevail for all the purposes intended by the grant. The jurisdiction of the United States might be modified in such manner as to admit that of the State in all cases and for all purposes not necessary to the execution of the proposed power; but the right of the General Government must be complete for all the purposes above stated. It must extend to the seizure and condemnation of the property, if necessary; to the punishment of offenders for injuries to the roads and canals; to the establishment and enforcement of tolls, etc. It must be a complete right to the extent above stated or it will be of no avail. That right does not exist.

"The reasons which operate in favor of the right of exclusive legislation in forts, dockyards, etc., do not apply to any other places. The safety of such works and of the cities which they are intended to defend, and even of whole communities, may sometimes depend on it. If spies are admitted within them in time of war, they might communicate intelligence to the enemy which might be fatal. All nations surround such works with high walls and keep their gates shut. Even here, however, three important conditions are indispensable to such exclusive legislation: First, the ground must be requisite for and be applied to those purposes; second, it must be purchased; third, it must be purchased by the consent of the State in which it may be. When we find that so much care has been taken to protect the sovereignty of the States over the territory within their respective limits, admitting that of the United States over such small portions and for such special and important purposes only, the conclusion is irresistible not only that the power necessary for internal improvements has not been granted, but that it has been clearly prohibited.

"I come next to the right to regulate commerce, the third source from whence the right to make internal improvements is claimed. It is expressed in the following words: 'Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes.' The reasoning applicable to the preceding claims is equally so to this. The mischief complained of was that this power could not be exercised with advantage by the individual States, and the object was to transfer it to the United States. The sense in which the power was understood and exercised by the States was doubtless that in which it was transferred to the United States. The policy was the same as to three branches of this grant, and it is scarcely possible to separate the two first from each other in any view which may be taken of the subject. The last, relating to the Indian tribes, is of a nature distinct from the others for reasons too well known to require explanation. Commerce between independent powers or communities is universally regulated by duties and imposts. It was so regulated by the States before the adoption of this Constitution equally in respect to each other and to foreign powers. The goods and vessels employed in the trade are the only subjects of regulation. It can act on none other. A power, then, to impose such duties and imposts in regard to foreign nations and to prevent any on the trade between the States was the only power granted.

"If we recur to the causes which produced the adoption of this Constitution, we shall find that injuries resulting from the regulation of trade by the States, respectively, and the advantages anticipated from the transfer of the power to Congress were among those which had the most weight. Instead of acting as a nation in regard to foreign powers, the States individually had commenced a system of restraint on each other whereby the interests of foreign powers were promoted at their expense. If one State imposed high duties on the goods or vessels of a foreign power to countervail the regulations of such power, the next adjoining States imposed lighter duties to invite those articles into their ports, that they might be transferred thence into the other States, securing the duties to themselves. This contracted policy in some of the States was soon counteracted by others. Restraints were immediately laid on such commerce by the suffering States, and thus had grown up a state of affairs disorderly and unnatural, the tendency of which was to destroy the Union itself and with it all hope of realizing those blessings which we had anticipated from the glorious Revolution which had been so recently achieved. From this deplorable dilemma, or, rather, certain ruin, we were happily rescued by the adoption of the Constitution.

"Among the first and most important effects of this great Revolution was the complete abolition of this pernicious policy. The States were brought together by the Constitution as to commerce into one community equally in regard to foreign nations and each other. The regulations that were adopted regarded us in both respects as one people. The duties and imposts that were laid on the vessels and merchandise of foreign nations were all uniform throughout the United States, and in the intercourse between the States themselves no duties of any kind were imposed other than between different ports and counties within the same State.

"This view is supported by a series of measures, all of a marked character, preceding the adoption of the Constitution. As early as the year 1781 Congress recommended it to the States to vest in the United States a power to levy a duty of 5 per cent on all goods imported from foreign countries into the United States for the term of 15 years. In 1783 this recommendation, with alterations as to the kind of duties and an extension of this term to 25 years, was repeated and more earnestly urged. In 1784 it was recommended to the States to authorize Congress to prohibit, under certain modifications, the importation of goods from foreign powers into the United States for 15 years. In 1785 the consideration of the subject was resumed, and a proposition presented in a new form, with an address to the States, explaining fully the principles on which a grant of the power to regulate trade was deemed indispensable. In 1786 a meeting took place at Annapolis of delegates from several of the States on this subject, and on their report a convention was formed at Philadelphia the ensuing year from all the States, to whose deliberations we are indebted for the present Constitution.

"In none of these measures was the subject of internal improvement mentioned or even glanced at. Those of 1784, 1785, 1786, and 1787, leading step by step to the adoption of the Constitution, had in view only the obtaining of a power to enable Congress to regulate trade with foreign powers. It is manifest that the regulation of trade with the several States was altogether a secondary object, suggested by and adopted in connection with the other. If the power necessary to this system of improvement is included under either branch of this grant, I should suppose that it was the first rather than the second. The pretension to it, however, under that branch has never been set up. In support of the claim under the second no reason has been assigned which appears to have the least weight.

"The fourth claim is founded on the right of Congress to 'pay the debts and provide for the common defense and general welfare' of the United States. This claim has less reason on its side than either of those which we have already examined. The power of which this forms a part is expressed in the following words: 'Congress shall have power to lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.'

"That the second part of this grant gives a right to appropriate the public money, and nothing more, is evident from the following considerations: First. If the right of appropriation is not given by this clause, it is not given at all, there being no other grant in the Constitution which gives it directly or which has any bearing on the subject, even by implication, except the two following:

"First, the prohibition, which is contained in the eleventh of the enumerated powers, not to appropriate money for the support of armies for a longer term than two years; and, second, the declaration of the sixth member or clause of the ninth section of the first article that no money shall be drawn from the Treasury but in consequence of appropriations made by law.

"Second. This part of the grant has none of the characteristics of a distinct and original power. It is manifestly incidental to the great objects of the first part of the grant, which authorizes Congress to lay and collect taxes, duties, imposts, and excises, a power of vast extent, not granted by the Confederation, the grant of which formed one of the principal inducements to the adoption of this Constitution. If both parts of the grant are taken together (as they must be, for the one follows immediately after the other in the same sentence), it seems to be impossible to give to the latter any other construction than that contended for. Congress shall have power to lay and collect taxes, duties, imposts, and excises. For what purpose? To pay the debts and provide for the common defense and general welfare of the United States, an arrangement and phraseology which clearly show that the latter part of the clause was intended to enumerate the purposes to which the money thus raised might be appropriated.

"Third. If this is not the real object and fair construction of the second part of this grant, it follows either that it has no import or operation whatever or one of much greater extent than the first part. This presumption is evidently groundless in both instances. In the first, because no part of the Constitution can be considered useless; no sentence or clause in it without a meaning. In the second, because such a construction as made the second part of the clause an original grant, embracing the same object with the first, but with much greater power than it, would be in the highest degree absurd. The order generally observed in grants, an order founded in common sense, since it promotes a clear understanding of their import, is to grant the power intended to be conveyed in the most full and explicit manner, and then to explain or qualify it, if explanation or qualification should be necessary. This order has, it is believed, been invariably observed in all the grants contained in the Constitution. In the second, because if the clause in question is not construed merely as an authority to appropriate the public money, it must be obvious that it conveys a power of indefinite and unlimited extent; that there would have been no use for the special powers to raise and support armies and a navy, to regulate commerce, to call forth the militia, or even to lay and collect taxes, duties, imposts, and excises. An unqualified power to pay the debts and provide for the common defense and general welfare, as the second part of this clause would be if considered as a distinct and separate grant, would extend to every object in which the public could be interested. A power to provide for the common defense would give to Congress the command of the whole force and of all the resources of the Union; but a right to provide for the general welfare would go much further. It would in effect break down all the barriers between the States and the General Government and consolidate the whole under the latter.

"The powers specifically granted to Congress are what are called the enumerated powers, and are numbered in the order in which they stand, among which that contained in the first clause holds the first place in point of importance. If the power created by the latter part of the clause is considered an original grant, unconnected with and independent of the first, as in that case it must be, then the first part is entirely done away, as are all the other grants in the Constitution, being completely absorbed in the transcendent power granted in the latter part; but if the clause be construed in the sense contended for, then every part has an important meaning and effect; not a line, a word, in it is superfluous. A power to lay and collect taxes, duties, imposts, and excises subjects to the call of Congress every branch of the public revenue, internal and external, and the addition to pay the debts and provide for the common defense and general welfare gives the right of applying the money raised—that is, of appropriating it to the purposes specified according to a proper construction of the terms. Hence it follows that it is the first part of the clause only which gives a power which affects in any manner the power remaining to the States, as the power to raise money from the people, whether it be by taxes, duties, imposts, or excises, though concurrent in the States as to taxes and excises, must necessarily do. But the use or application of the money after it is raised is a power altogether of a different character. It imposes no burden on the people, nor can it act on them in a sense to take power from the States or in any sense in which power can be controverted, or become a question between the two Governments. The application of money raised under a lawful power is a right or grant which may be abused. It may be applied partially among the States, or to improper purposes in our foreign and domestic concerns; but still it is a power not felt in the sense of other power, since the only complaint which any State can make of such partiality and abuse is that some other State or States have obtained greater benefit from the application than by a just rule of apportionment they were entitled to. The right of appropriation is therefore from its nature secondary and incidental to the right of raising money, and it was proper to place it in the same grant and the same clause with that right. By finding them, then, in that order we see a new proof of the sense in which the grant was made, corresponding with the view herein taken of it.

"The last part of this grant, which provides that all duties, imposts, and excises shall be uniform throughout the United States, furnishes another strong proof that it was not intended that the second part should constitute a distinct grant in the sense above stated, or convey any other right than that of appropriation. This provision operates exclusively on the power granted in the first part of the clause. It recites three branches of that power—duties, imposts, and excises—those only on which it could operate, the rule by which the fourth—

that is, taxes—should be laid being already provided for in another part of the Constitution. The object of this provision is to secure a just equality among the States in the exercise of that power by Congress. By placing it after both the grants—that is, after that to raise and that to appropriate the public money—and making it apply to the first only it shows that it was not intended that the power granted in the second should be paramount to and destroy that granted in the first. It shows also that no such formidable power as that suggested had been granted in the second, or any power against the abuse of which it was thought necessary specially to provide. Surely if it was deemed proper to guard a specific power of limited extent and well-known import against injustice and abuse, it would have been much more so to have guarded against the abuse of a power of such vast extent and so indefinite as would have been granted by the second part of the clause if considered as a distinct and original grant.

"With this construction all the other enumerated grants, and, indeed, all the grants of power contained in the Constitution, have their full operation and effect. They all stand well together, fulfilling the great purposes intended by them. Under it we behold a great scheme, consistent in all its parts, a government instituted for national purposes, vested with adequate powers for those purposes, commencing with the most important of all, that of the revenue, and proceeding in regular order to the others with which it was deemed proper to endow it, all, too, drawn with the utmost circumspection and care. How much more consistent is this construction with the great objects of the institution and with the high character of the enlightened and patriotic citizens who framed it, as well as of those who ratified it, than one which subverts every sound principle and rule of construction and throws everything into confusion.

"I have dwelt thus long on this part of the subject from an earnest desire to fix in a clear and satisfactory manner the import of the second part of this grant, well knowing from the generality of the terms used their tendency to lead into error. I indulge a strong hope that the view herein presented will not be without effect, but will tend to satisfy the unprejudiced and impartial that nothing more was granted by that part than a power to appropriate the public money raised under the other part. To what extent that power may be carried will be the next object of inquiry.

"It is contended on the one side that as the National Government is a government of limited powers it has no right to expend money except in the performance of acts authorized by the other specific grants according to a strict construction of their powers; that this grant in neither of its branches gives to Congress discretionary power of any kind, but is a mere instrument in its hands to carry into effect the powers contained in the other grants. To this construction I was inclined in the more early stage of our Government; but on further reflection and observation my mind has undergone a change, for reasons which I will frankly unfold.

"The grant consists, as heretofore observed, of a twofold power—the first to raise, the second to appropriate, the public money—and the terms used in both instances are general and unqualified. Each branch was obviously drawn with a view to the other, and the import of each tends to illustrate that of the other. The grant to raise money gives a power over every subject from which revenue may be drawn, and is made in the same manner with the grants to declare war, to raise and support armies and a navy, to regulate commerce, to establish post offices and post roads, and with all the other specific grants to the General Government. In the discharge of the powers contained in any of these grants there is no other check than that which is to be found in the great principles of our system, the responsibility of the representative to his constituents. If war, for example, is necessary, and Congress declare it for good cause, their constituents will support them in it. A like support will be given them for the faithful discharge of their duties under any and every other power vested in the United States. It affords to the friends of our free governments the most heartfelt consolation to know—and from the best evidence, our own experience—that in great emergencies the boldest measures, such as form the strongest appeals to the virtue and patriotism of the people, are sure to obtain the most decided approbation. But should the representative act corruptly and betray his trust, or otherwise prove that he was unworthy of the confidence of his constituents, he would be equally sure to lose it and to be removed and otherwise censured, according to his deserts. The power to raise money by taxes, duties, imposts, and excises is alike unqualified, nor do I see any check on the exercise of it other than that which applies to the other powers above recited, the responsibility of the representative to his constituents. Congress know the extent of the public engagements and the sums necessary to meet them; they know how much may be derived from each branch of revenue without pressing it too far; and, paying due regard to the interests of the people, they likewise know which branch ought to be resorted to in the first instance. From the commencement of the Government two branches of this power, duties and imposts, have been in constant operation, the revenue from which has supported the Government in its various branches and met its other ordinary engagements. In great emergencies the other two, taxes and excises, have likewise been resorted to, and neither was the right or the policy ever called in question.

"If we look to the second branch of this power, that which authorizes the appropriation of the money thus raised, we find that it is not less general and unqualified than the power to raise it. More comprehensive terms than to 'pay the debts and provide for the common defense and general welfare' could not have been used. So intimately connected with and dependent on each other are these two branches of power that had either been limited the limitation would have had the like effect on the other. Had the power to raise money been conditional or restricted to special purposes, the appropriation must have corresponded with it, for none but the money raised could be appropriated, nor could it be appropriated to other purposes than those which were permitted. On the other hand, if the right of appropriation had been restricted to certain purposes, it would be useless and improper to raise more than would be adequate to those purposes. It may fairly be inferred these restraints or checks have been carefully and intentionally avoided. The power in each branch is alike broad and unqualified, and each is drawn with peculiar fitness to the other, the latter requiring terms of great extent and force to accommodate the former, which have been adopted, and both placed in the same clause and sentence. Can it be presumed that all these circumstances were so nicely adjusted by mere accident? Is it not more just to conclude that they were the result of due deliberation and design? Had it been intended that Congress should be restricted in the appropriation of the public money to such expenditures as were authorized by a rigid construction of the other specific grants, how easy would it have been to have provided for it by a declaration to that effect. The omission of such declaration is therefore an additional proof that it was not intended that the grant should be so construed.

"It was evidently impossible to have subjected this grant in either branch to such restriction without exposing the Government to very serious embarrassment. How carry it into effect? If the grant had been made in any degree dependent upon the States, the Government would have experienced the fate of the Confederation. Like it, it would have withered and soon perished. Had the Supreme Court been authorized, or should any other tribunal distinct from the Government be authorized, to impose its veto, and to say that more money had been raised under either branch of this power—that is, by taxes, duties, imposts, or excises—than was necessary, that such a tax or duty was useless, that the appropriation to this or that purpose was unconstitutional, the movement might have been suspended and the whole system disorganized. It was impossible to have created a power within the Government or any other power distinct from Congress and the Executive which should control the movement of the Government in this respect and not destroy it. Had it been declared by a clause in the Constitution that the expenditures under this grant should be restricted to the construction which might be given of the other grants, such restraint, though the most innocent, could not have failed to have had an injurious effect on the vital principles of the Government and often on its most important measures. Those who might wish to defeat a measure proposed might construe the power relied on in support of it in a narrow and contracted manner, and in that way fix a precedent inconsistent with the true import of the grant. At other times those who favored a measure might give to the power relied on a forced or strained construction, and, succeeding in the object, fix a precedent in the opposite extreme. Thus it is manifest that if the right of appropriation be confined to that limit, measures may oftentimes be carried or defeated by considerations and motives altogether independent of and unconnected with their merits, and the several powers of Congress receive constructions equally inconsistent with their true import. No such declaration, however, has been made, and from the fair import of the grant, and, indeed, its positive terms, the inference that such was intended seems to be precluded.

"Many considerations of great weight operate in favor of this construction, while I do not perceive any serious objection to it. If it be established, it follows that the words 'to provide for the common defense and general welfare' have a definite, safe, and useful meaning. The idea of their forming an original grant, with unlimited power, superseding every other grant, is abandoned. They will be considered simply as conveying a right of appropriation, a right indispensable to that of raising a revenue and necessary to expenditures under every grant. By it, as already observed, no new power will be taken from the States, the money to be appropriated being raised under a power already granted to Congress. By it, too, the motive for giving a forced or strained construction to any of the other specific grants will in most instances be diminished and in many utterly destroyed. The importance of this consideration can not be too highly estimated, since, in addition to the examples already given, it ought particularly to be recollected that to whatever extent any specified power many be carried the right of jurisdiction goes with it, pursuing it through all its incidents. The very important agency which this grant has in carrying into effect every other grant is a wrong argument in favor of the construction contended for. All the other grants are limited by the nature of the offices which they have severally to perform, each conveying a power to do a certain thing, and that only, whereas this is coextensive with the great scheme of the Government itself. It is the lever which raises and puts the whole machinery in motion and continues the movement. Should either of the other grants fail in consequence of any condition or limitation attached to it or misconstruction of its powers, much injury might follow, but still it would be the failure of one branch of power, of one item in the system only. All the others might move on. But should the right to raise and appropriate the public money be improperly restricted, the whole system might be sensibly affected, if not disorganized. Each of the other grants is limited by the nature of the grant itself; this, by the nature of the Government only. Hence it became necessary that, like the power to declare war, this power should be commensurate with the great scheme of the Government and with all its purposes.

"If, then, the right to raise and appropriate the public money is not restricted to the expenditures under the other specific grants according to a strict construction of their powers, respectively, is there no limitation to it? Have Congress a right to raise and appropriate the money to any and to every purpose according to their will and pleasure? They certainly have not. The Government of the United States is a limited Government, instituted for great national purposes, and for those only. Other interests are committed to the States, whose duty it is to provide for them. Each government should look to the great and essential purposes for which it was instituted and confine itself to those purposes. A State government will rarely, if ever, apply money to national purposes without making it a charge to the Nation. The people of the State would not permit it. Nor will Congress be apt to apply money in aid of the State administrations for purposes strictly local in which the Nation at large has no interest, although the State should desire it. The people of the other States would condemn it. They would declare that Congress had no right to tax them for such a purpose and dismiss at the next election such of their representatives as had voted for the measure, especially if it should be severely felt. I do not think that in offices of this kind there is much danger of the two Governments mistaking their interests or their duties. I rather expect that they would soon have a clear and distinct understanding of them and move on in great harmony.

"Good roads and canals will promote many very important national purposes. They will facilitate the operations of war, the movements of troops, the transportation of cannon, of provisions, and every warlike store, much to our advantage and to the disadvantage of the enemy in time of war. Good roads will facilitate the transportation of the mail, and thereby promote the purposes of commerce and political intelligence among the people. They will, by being properly directed to these objects, enhance the value of our vacant lands, a treasure of vast resource to the Nation. To the appropriation of the public money to improvements having these objects in view and carried to a certain extent I do not see any well-founded constitutional objection.

"In regard to our foreign concerns, provided they are managed with integrity and ability, great liberality is allowable in the application of the public money. In the management of these concerns no State interests can be affected, no State rights violated. The complete and exclusive control over them is vested in Congress. The power to form treaties of alliance and commerce with foreign powers, to regulate by law our commerce with them, to determine on peace or war, to raise armies and a navy, to call forth the militia and direct their operations belongs to the General Government. These great powers, embracing the whole scope of our foreign relations, being granted, on what prin-

ciple can it be said that the minor are withheld? Are not the latter clearly and evidently comprised in the former? Nations are sometimes called upon to perform to each other acts of humanity and kindness, of which we see so many illustrious examples between individuals in private life. Great calamities make appeals to the benevolence of mankind which ought not to be resisted. Good offices in such emergencies exalt the character of the party rendering them. By exciting grateful feelings they soften the intercourse between nations and tend to prevent war. Surely if the United States have a right to make war they have a right to prevent it. How was it possible to grant to Congress a power for such minor purposes other than in general terms, comprising it within the scope and policy of that which conveyed it for the greater?

"The right of appropriation is nothing more than a right to apply the public money to this or that purpose. It has no incidental power nor does it draw after it any consequences of that kind. All that Congress could do under it in the case of internal improvements would be to appropriate the money necessary to make them. For every act requiring legislative sanction or support the State authority must be relied on. The condemnation of the land, if the proprietors should refuse to sell it, the establishment of turnpikes and tolls, and the protection of the work when finished must be done by the State. To these purposes the powers of the General Government are believed to be utterly incompetent.

"To the objection that the United States have no power in any instance which is not complete to all the purposes to which it may be made instrumental, and in consequence that they have no right to appropriate any portion of the puolic money to internal improvements because they have not the right of sovereignty and jurisdiction over them when made, a full answer has, it is presumed, been already given. It may, however, be proper to add that if this objection was well founded it would not be confined to the simple case of internal improvements, but would apply to others of high importance. Congress have a right to regulate commerce. To give effect to this power it becomes necessary to establish customhouses in every State along the coast and in many parts of the interior. The vast amount of goods imported and the duties to be performed to accommodate the merchants and secure the revenue make it necessary that spacious buildings should be erected, especially in the great towns, for their reception. This, it is manifest, could best be performed under the direction of the General Government. Have Congress the right to seize the property of individuals if they should refuse to sell it in quarters best adapted to the purpose to have it valued, and to take it at the valuation? Have they a right to exercise jurisdiction within those buildings? Neither of these claims has ever been set up, nor could it as is presumed, be sustained. They have invariably either rented houses where such as were suitable could be obtained or, where they could not, purchased the ground of individuals, erected the buildings, and held them under the laws of the State. Under the power to establish post offices and post roads houses are also requisite for the reception of the mails and the transaction of the business of the several offices. These have always been rented or purchased and held under the laws of the State in the same manner as if they had been taken by a citizen. The United States have a right to establish tribunals inferior to the Supreme Court, and such have been established in every State of the Union. It is believed that the houses for these inferior courts have invariably been rented. No right of jurisdiction in them has ever been claimed, nor other right than that of privilege, and that only while the court is in session. A still stronger case may be urged. Should Congress be compelled by invasion or other cause to remove the Government to some town within one of the States, would they have a right of jurisdiction over such town or hold even the house in which they held their session under other authority than the laws of such State? It is believed that they would not. If they have a right to appropriate money for any of these purposes, to be laid out under the protection of the laws of the State, surely they have an equal right to do it for the purposes of internal improvements.

"It is believed that there is not a corporation in the Union which does not exercise great discretion in the application of the money raised by it to the purposes of its institution. It would be strange if the Government of the United States, which was instituted for such important purposes and endowed with such extensive powers, should not be allowed at least equal discretion and authority. The evil to be particularly avoided is the violation of State rights. Shunning that, it seems to be reasonable and proper that the powers of Congress should be so construed as that the General Government in its intercourse with other nations and in our internal concerns should be able to adopt all such measures lying within the fair scope and intended to facilitate the direct objects of its powers as the public welfare may require and a sound and provident policy dictate.

"The measures of Congress have been in strict accord with the view taken of the right of appropriation both as to its extent and limitation, as will be shown by a reference to the laws, commencing at a very early period. Many roads have been opened, of which the following are the principal: The first from Cumberland, at the headwaters of the Potomac, in the State of Maryland, through Pennsylvania and Virginia, to the State of Ohio (Mar. 29, 1806; see vol. 4, p. 13, of the late edition of the laws). The second from the frontiers of Georgia, on the route from Athens to New Orleans, to its intersection with the thirty-first degree of north latitude (Apr. 31, 1806, p. 58). The third from the Mississippi at a point and by a route described to the Ohio (same act). The fourth from Nashville, in Tennessee, to Natchez (same act). The fifth from the thirty-first degree of north latitude, on the route from Athens to New Orleans, under such regulations as might be agreed on between the Executive and the Spanish Government (Mar. 3, 1807, p. 117). The sixth from the foot of the rapids of the river Miami, of Lake Erie, to the western line of the Connecticut Reserve (Dec. 12, 1811, p. 364). The seventh from the lower Sandusky to the boundary line established by the treaty of Greenville (same act). The eighth from a point where the United States road leading from Vincennes to the Indian boundary line, established by the treaty of Greenville, strikes the said line, to the North Bend, in the State of Ohio (Jan. 8, 1812, p. 367). The ninth for repairing and keeping in repair the road between Columbia, on Duck River, in Tennessee, and Madisonville, in Louisiana, and also the road between Fort Hawkins, in Georgia, and Fort Stoddard (Apr. 27, 1816, p. 104, of the acts of that year). The tenth from the Shawneetown, on the Ohio River, to the Sabine, and to Kaskaskias, in Illinois (Apr. 27, 1816, p. 112). The eleventh from Reynoldsburg, on Tennessee River, in the State of Tennessee, through the Chickasaw Nation, to intersect the Natchez road near the Chickasaw old town (Mar. 3, 1817, p. 252). The twelfth: By this act authority was given to the President to appoint three commissioners for the purpose of examining the country and laying out a road from the termination of the Cumberland road, at Wheeling, on the Ohio, through the States of Ohio, Indiana, and Illinois, to a point to be chosen by them, on the left bank of the Mississippi, between St. Louis and the mouth of the Illinois River, and to report an accurate plan of the said road, with an estimate of the expense of making it. It is, however, declared by the act that nothing was thereby intended to imply an obligation on the part of the United States to make or defray the expense of making the said road or any part thereof.

"In the late war two other roads were made by the troops for military purposes—one from the upper Sandusky, in the State of Ohio, through the Black Swamp, toward Detroit, and another from Plattsburg, on Lake Champlain, through the Chatauga woods toward Sacketts Harbor, which have since been repaired and improved by the troops. Of these latter there is no notice in the laws. The extra pay to the soldiers for repairing and improving those roads was advanced in the first instance from the appropriation to the Quartermaster's Department and afterwards provided for by a specific appropriation by Congress. The necessity of keeping those roads open and in good repair, being on the frontier, to facilitate a communication between our posts, is apparent.

"All of these roads except the first were formed merely by cutting down the trees and throwing logs across, so as to make causeways over such parts as were otherwise impassable. The execution was of the coarsest kind. The Cumberland road is the only regular work which has been undertaken by the General Government or which could give rise to any question between the two Governments respecting its powers. It is a great work, over the highest mountains in our Union, connecting from the seat of the General Government the eastern with the western waters, and more intimately the Atlantic with the Western States, in the formation of which $1,800,000 have been expended. The measures pursued in this case require to be particularly noticed as fixing the opinion of the parties, and particularly of Congress, on the important question of the right. Passing through Maryland, Pennsylvania, and Virginia, it was thought necessary and proper to bring the subject before their respective legislatures to obtain their sanction, which was granted by each State by a legislative act, approving the route and providing for the purchase and condemnation of the land. This road was founded on an article of compact between the United States and the State of Ohio, under which that State came into the Union, and by which the expense attending it was to be defrayed by the application of a certain portion of the money arising from the sale of the public lands within that State. In this instance, which is by far the strongest in respect to the expense, extent, and nature of the work done, the United States have exercised no act of jurisdiction or sovereignty within either of the States by taking the land from the proprietors by force, by passing acts for the protection of the road, or to raise a revenue from it by the establishment of turnpikes and tolls, or any other act founded on the principle of jurisdiction or right. Whatever they have done has, on the contrary, been founded on the opposite principle, on the voluntary and unqualified admission that the sovereignty belonged to the State and not to the United States, and that they could perform no act which should tend to weaken the power of the State or to assume any to themselves. All that they have done has been to appropriate the public money to the construction of this road and to cause it to be constructed, for I presume that no distinction can be taken between the appropriation of money raised by the sale of the public lands and of that which arises from taxes, duties, imposts, and excises; nor can I believe that the power to appropriate derives any sanction from a provision to that effect having been made by an article of compact between the United States and the people of the then Territory of Ohio. This point may, however, be placed in a clearer light by a more particular notice of the article itself.

"By an act of April 30, 1802, entitled 'An act to enable the people of the eastern division of the territory northwest of the river Ohio to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and for other purposes,' after describing the limits of the proposed new State and authorizing the people thereof to elect a convention to form a constitution, the three following propositions were made to the convention, to be obligatory on the United States if accepted by it: First, that section No. 16 of every township, or, where such section had been sold, other lands equivalent thereto, should be granted to the inhabitants of such township for the use of free schools. Second, that the 6 miles' reservation, including the salt springs commonly called the Scioto Salt Springs, the salt springs near the Muskingum River and in the military tract, with the sections which include the same, should be granted to the said State for the use of the people thereof, under such regulations as the legislature of the State should prescribe: *Provided*, That it should never sell or lease the same for more than 10 years. Third, that one-twentieth part of the proceeds of the public lands lying within the said State which might be sold by Congress from and after the 30th June ensuing should be applied to the laying out and making public roads from the navigable waters emptying into the Atlantic, to the Ohio, and through the State of Ohio, such roads to be laid out under the authority of Congress, with the consent of the several States through which they should pass.

"These three propositions were made on the condition that the convention of the State should provide by an ordinance, irrevocable without the consent of the United States, that every tract of land sold by Congress after the 30th of June ensuing should remain for the term of five years after sale exempt from every species of tax whatsoever.

"It is impossible to read the ordinance of the 23d of April, 1784, or the provisions of the act of April 30, 1802, which are founded on it, without being profoundly impressed with the enlightened and magnanimous policy which dictated them. Anticipating that the new States would be settled by the inhabitants of the original States and their offspring, no narrow or contracted jealousy was entertained of their admission into the Union in equal participation in the national sovereignty with the original States. It was foreseen at the early period at which that ordinance passed that the expansion of our Union to the Lakes and to the Mississippi and all its waters would not only make us a greater power but cement the Union itself. These three propositions were well calculated to promote these great results. A grant of land to each township for free schools, and of the salt springs to the State, which were within its limits, for the use of its citizens, with 5 per cent of the money to be raised from the sale of lands within the State for the construction of roads between the original States and the new State, and of other roads within the State, indicated a spirit not to be mistaken, nor could it fail to produce a corresponding effect in the bosoms of those to whom it was addressed. For these considerations the sole return required of the convention was that the new State should not tax the public lands which might be sold by the United States within it for the term of five years after they should be

sold. As the value of these lands would be enhanced by this exemption from taxes for that term, and from which the new State would derive its proportionable benefit, and as it would also promote the rapid sale of those lands, and with it the augmentation of its own population, it can not be doubted, had this exemption been suggested unaccompanied by any propositions of particular advantage, that the convention would, in consideration of the relation which had before existed between the parties, and was about to be so much improved, most willingly have acceded to it and without regarding it as an onerous condition.

"Since, then, it appears that the whole of the money to be employed in making this road was to be raised from the sale of the public lands, and which would still belong to the United States, although no mention had been made of them in the compact, it follows that the application of the money to that purpose stands upon the same ground as if such compact had not been made, and in consequence that the example in favor of the right of appropriation is in no manner affected by it.

"The same rule of construction of the right of appropriation has been observed and the same liberal policy pursued toward the other new States, with certain modifications adapted to the situation of each, which were adopted with the State of Ohio. As, however, the reasoning which is applicable to the compact with Ohio in relation to the right of appropriation, in which light only I have adverted to it, is equally applicable to the several compacts with the other new States, I deem it unnecessary to take a particular notice of them.

"It is proper to observe that the money which was employed in the construction of all the other roads was taken directly from the Treasury. This fact affords an additional proof that in the contemplation of Congress no difference existed in the application of money to those roads between that which was raised by the sale of lands and that which was derived from taxes, duties, imposts, and excises.

"So far I have confined my remarks to the acts of Congress respecting the right of appropriation to such measures only as operate internally and affect the territory of the individual States. In adverting to those which operate externally and relate to foreign powers I find only two which appear to merit particular attention. These were gratuitous grants of money for the relief of foreigners in distress—the first in 1794 to the inhabitants of St. Domingo, who sought an asylum on our coast from the convulsions and calamities of the island; the second in 1812 to the people of Caracas, reduced to misery by an earthquake. The considerations which were applicable to these grants have already been noticed and need not be repeated.

"In this examination of the right of appropriation I thought it proper to present to view also the practice of the Government under it, and to explore the ground on which each example rested, that the precise nature and extent of the construction thereby given of the right might be clearly understood. The right to raise money would have given, as is presumed, the right to use it, although nothing had been said to that effect in the Constitution; and where the right to raise it is granted without special limitation, we must look for such limitation to other causes. Our attention is first drawn to the right to appropriate, and not finding it there we must then look to the general powers of the Government as designated by the specific grants and to the purposes contemplated by them, allowing to this (the right to raise money), the first and most important of the enumerated powers, a scope which will be competent to those purposes. The practice of the Government, as illustrated by numerous and strong examples directly applicable, ought surely to have great weight in fixing the construction of each grant. It ought, I presume, to settle it, especially where it is acquiesced in by the nation and produces a manifest and positive good. A practical construction, thus supported, shows that it has reason on its side and is called for by the interests of the Union. Hence, too, the presumption that it will be persevered in. It will surely be better to admit that the construction given by these examples has been just and proper than to deny that construction and still to practice on it—to say one thing and to do another.

"Wherein consists the danger of giving a liberal construction to the right of Congress to raise and appropriate the public money? It has been shown that its obvious effect is to secure the rights of the States from encroachment and greater harmony in the political movement between the two governments, while it enlarges to a certain extent in the most harmless way the useful agency of the General Government for all the purposes of its institution. Is not the responsibility of the representative to his constituent in every branch of the General Government equally strong and as sensibly felt as in the State governments, and is not the security against abuse as effectual in the one as in the other government? The history of the General Government in all its measures fully demonstrates that Congress will never venture to impose unnecessary burdens on the people or any that can be avoided. Duties and imposts have always been light, not greater, perhaps, than would have been imposed for the encouragement of our manufactures had there been no occasion for the revenue arising from them; and taxes and excises have never been laid except in cases of necessity, and repealed as soon as the necessity ceased. Under this mild process and the sale of some hundreds of millions of acres of good land the Government will be possessed of money, which may be applied with great advantage to national purposes. Within the States only will it be applied, and, of course, for their benefit, it not being presumable that such appeals as were made to the benevolence of the country in the instances of the inhabitants of St. Domingo and Caracas will often occur. How, then, shall this revenue be applied? Should it be idle in the Treasury? That our resources will be equal to such useful purposes I have no doubt, especially if by completing our fortifications and raising and maintaining our Navy at the point provided for immediately after the war we sustain our present altitude and preserve by means thereof for any length of time the peace of the Union.

"When we hear charges raised against other Governments of breaches of their constitutions, or, rather, of their charters, we always anticipate the most serious consequences—communities deprived of privileges which they have long enjoyed, or individuals oppressed and punished in violation of the ordinary forms and guards of trial to which they were accustomed and entitled. How different is the situation of the United States! Nor can anything mark more strongly the great characteristics of that difference than the grounds on which like charges are raised against this Government. It is not alleged that any portion of the community or any individual has been oppressed or that money has been raised under a doubtful title. The principal charges are that a work of great utility to the Union and affecting immediately and with like advantage many of the States has been constructed; that pensions to the surviving patriots of our Revolution, to patriots who fought the battles and promoted the independence of their country, have been granted, by money, too, raised not only without oppression but almost without being felt, and under an acknowledged constitutional power.

"From this view of the right to appropriate and of the practice under it I think that I am authorized to conclude that the right to make internal improvements has not been granted by the power 'to pay the debts and provide for the common defense and general welfare,' included in the first of the enumerated powers; that that grant conveys nothing more than a right to appropriate the public money, and stands on the same ground with the right to lay and collect taxes, duties, imposts, and excises, conveyed by the first branch of that power; that the Government itself being limited, both branches of the power to raise and appropriate the public money are also limited, the extent of the Government as designated by the specific grants marking the extent of the power in both branches, extending, however, to every object embraced by the fair scope of those grants and not confined to a strict construction of their respective powers, it being safer to aid the purposes of those grants by the appropriation of money than to extend by a forced construction the grant itself; that although the right to appropriate the public money to such improvements affords a resource indispensably necessary to such a scheme, it is nevertheless deficient as a power in the great characteristics on which its execution depends.

"The substance of what has been urged on this subject may be expressed in a few words. My idea is that Congress have an unlimited power to raise money, and that in its appropriation they have a discretionary power, restricted only by the duty to appropriate it to purposes of common defense and of general, not local, national, not State, benefit.

"I will now proceed to the fifth source from which the power is said to be derived, viz, the power to make all laws which shall be necessary and proper for carrying into execution all the powers vested by the Constitution in the Government of the United States or in any department or officer thereof. This is the seventeenth and last of the enumerated powers granted to Congress.

"I have always considered this power as having been granted on a principle of greater caution to secure the complete execution of all the powers which had been vested in the General Government. It contains no distinct and specific power, as every other grant does, such as to lay and collect taxes, to declare war, to regulate commerce, and the like. Looking to the whole scheme of the General Government, it gives to Congress authority to make all laws which should be deemed necessary and proper for carrying all its powers into effect. My impression has been invariably that this power would have existed substantially if this grant had not been made; for why is any power granted unless it be to be executed when required, and how can it be executed under our Government unless it be by laws necessary and proper for the purpose—that is, well adapted to the end. It is a principle universally admitted that a grant of a power conveys as a necessary consequence or incident to it the means of carrying it into effect by a fair construction of its import. In the formation, however, of the Constitution, which was to act directly upon the people and be paramount to the extent of its powers to the constitutions of the States, it was wise in its framers to leave nothing to implication which might be reduced to certainty. It is known that all power which rests solely on that ground has been systematically and zealously opposed under all Governments with which we have any acquaintance; and it was reasonable to presume that under our system, where there was a division of the sovereignty between the two independent Governments, the measures of the General Government would excite equal jealousy and produce an opposition not less systematic, though, perhaps, less violent. Hence the policy by the framers of our Government of securing by a fundamental declaration in the Constitution a principle which in all other Governments had been left to implication only. The terms 'necessary' and 'proper' secure to the powers of all the grants to which the authority given in this is applicable a fair and sound construction, which is equally binding as a rule on both Governments and on all their departments.

"In examining the right of the General Government to adopt and execute under this grant a system of internal improvement the sole question to be decided is whether the power has been granted under any of the other grants. If it has, this power is applicable to it to the extent stated. If it has not, it does not exist at all, for it has not been hereby granted. I have already examined all the other grants—one only excepted, which will next claim attention—and shown, as I presume, on the most liberal construction of their powers that the right has not been granted by any of them; hence it follows that in regard to them it has not been granted by this.

"I come now to the last source from which this power is said to be derived, viz, the power to dispose of and make all needful rules and regulations respecting the territory or other property of the United States, which is contained in the second clause of the third section of the fourth article of the Constitution.

"To form a just opinion of the nature and extent of this power it will be necessary to bring into view the provisions contained in the first clause of the section of the article referred to, which makes an essential part of the policy in question. By this it is declared that new States shall be admitted into the Union, but that no new States shall be formed or erected within the jurisdiction of any other State, nor any States be formed by the junction of two or more States or parts of States, without the consent of the legislatures of the States concerned as well as of the United States.

"If we recur to the condition of our country at the commencement of the Revolution, we shall see the origin and cause of these provisions. By the charters of the several colonies limits by latitude and other descriptions were assigned to each. In commencing the Revolution the colonies, as has already been observed, claimed by those limits, although their population extended in many instances to a small portion of the territory lying within them. It was contended by some of the States after the declaration of independence that the vacant lands lying within any of the States should become the property of the Union, as by a common exertion they would be acquired. This claim was resisted by the others on the principle that all the States entered into the contest in the full extent of their chartered rights, and that they ought to have the full benefit of those rights in the event of success. Happily this controversy was settled, as all interfering claims and pretensions between the members of our Union and between the General Government and any of these members have been, in the most amicable manner and to the satisfaction of all parties. On the recommendation of Congress the individual States having such territory within their chartered limits ceded large portions thereof to the United States on condition that it should be laid off into districts of proper dimensions, the lands to be sold for the benefit of the United States, and that the districts be admitted into the Union when they should obtain such a population as it might be thought proper and reasonable to prescribe. This is the territory and this the property referred to in the second clause of the fourth article of the Constitution.

"All the States which had made cessions of vacant territory except Georgia had made them before the adoption of the Constitution, and that State had made a proposition to Congress to that effect which was

under consideration at the time the Constitution was adopted. The cession was completed after the adoption of the Constitution. It was made on the same principle and on similar conditions with those which had been already made by the other States. As differences might arise respecting the right or the policy in Congress to admit new States into the Union under the new Government, or to make regulations for the government of the territory ceded in the intermediate state, or for the improvement and sale of the public lands, or to accept other cessions, it was thought proper to make special provisions for these objects, which was accordingly done by the above-recited clause in the Constitution.

"Thus the power of Congress over the ceded territory was not only limited to these special objects, but was also temporary. As soon as the Territory became a State the jurisdiction over it as it had before existed ceased. It extended afterwards only to the unsold lands, and as soon as the whole were sold it ceased in that sense also altogether. From that moment the United States have no jurisdiction or power in the new States other than in the old, nor can it be obtained except by an amendment of the Constitution.

"Since, then, it is manifest that the power granted to Congress to dispose of and make all needful regulations respecting the territory and other property of the United States relates solely to the territory and property which had been ceded by individual States, and which after such cession lay without their respective limits, and for which special provision was deemed necessary, the main power of the Constitution operating internally, not being applicable or adequate thereto, it follows that this power gives no authority, and has even no bearing on the question of internal improvement. The authority to admit new States and to dispose of the property and regulate the territory is not among the enumerated powers granted to Congress, because the duties to be performed under it are not among the ordinary duties of that body, like the imposition of taxes, the regulation of commerce, and the like. They are objects in their nature special, and for which special provision was more suitable and proper.

"Having now examined all the powers of Congress under which the right to adopt and execute a system of internal improvement is claimed and the reasons in support of it in each instance, I think that it may fairly be concluded that such a right has not been granted. It appears and is admitted that much may be done in aid of such a system by the right which is derived from several of the existing grants, and more especially from that to appropriate the public money. But still it is manifest that as a system for the United States it can never be carried into effect under that grant nor under all of them united, the great and essential power being deficient, consisting of a right to take up the subject on principle; to cause our Union to be examined by men of science, with a view to such improvements; to authorize commissioners to lay off the roads and canals in all proper directions; to take the land at a valuation if necessary, and to construct the works; to pass laws with suitable penalties for their protection; and to raise a revenue from them, to keep them in repair, and make further improvement by the establishment of turnpikes and tolls, with gates to be placed at the proper distances.

"It need scarcely be remarked that this power will operate, like many others now existing, without affecting the sovereignty of the States except in the particular offices to be performed. The jurisdiction of the several States may still exist over the roads and canals within their respective limits, extending alike to persons and property, as if the right to make and protect such improvements had not been vested in Congress. The right, being made commensurate simply with the purposes indispensable to the system, may be strictly confined to them. The right of Congress to protect the works by laws imposing penalties would operate on the same principles as the right to protect the mail. The act being punishable only, a jurisdiction over the place would be altogether unnecessary and even absurd.

"In the preceding inquiry little has been said of the advantages which would attend the exercise of such a power by the General Government. I have made the inquiry under a deep conviction that they are almost incalculable, and that there was a general concurrence of opinion among our fellow citizens to that effect. Still, it may not be improper for me to state the grounds upon which my own impression is founded. If it sheds no additional light on this interesting part of the subject, it will at least show that I have had more than one powerful motive for making the inquiry. A general idea is all that I shall attempt.

"The advantages of such a system must depend upon the interests to be affected by it and the extent to which they may be affected, and those must depend on the capacity of our country for improvement and the means at its command applicable to that object.

"I think that I may venture to affirm that there is no part of our globe comprehending so many degrees of latitude on the main ocean and so many degrees of longitude into the interior that admits of such great improvement and at so little expense. The Atlantic on the one side, and the Lakes, forming almost inland seas, on the other, separated by high mountains, which rise in the valley of the St. Lawrence and determine in that of the Mississippi, traversing from north to south almost the whole interior, with innumerable rivers on every side of those mountains, some of vast extent, many of which take their sources near to each other, give the great outline. The details are to be seen on the valuable maps of our country.

"It appears by the light already before the public that it is practicable and easy to connect by canals the whole coast from its southern to its northern extremity in one continued inland navigation, and to connect in like manner in many parts the western lakes and rivers with each other. It is equally practicable and easy to facilitate the intercourse between the Atlantic and the western country by improving the navigation of many of the rivers which have their sources near to each other in the mountains on each side, and by good roads across the mountains between the highest navigable points of those rivers. In addition to the example of the Cumberland Road, already noticed, another of this kind is now in train from the headwaters of the River James to those of the Kanawha; and in like manner may the Savannah be connected with the Tennessee. In some instances it is understood that the eastern and western waters may be connected together directly by canals. One great work of this kind is now in its progress and far advanced in the State of New York, and there is good reason to believe that two others may be formed, one at each extremity of the high mountains above mentioned, connecting in the one instance the waters of the St. Lawrence with Lake Champlain, and in the other some of the most important of the western rivers with those emptying into the Gulf of Mexico, the advantage of which will be seen at the first glance by an enlightened observer.

"Great improvements may also be made by good roads in proper directions through the interior of the country. As these roads would be laid out on principle on a full view of the country, its mountains, rivers, etc., it would be useless, if I had the knowledge, to go into detail respecting them. Much has been done by some of the States, but yet much remains to be done with a view to the Union.

"Under the colonial governments improvements of this kind were not thought of. There was, it is believed, not one canal and little communication from colony to colony. It was their policy to encourage the intercourse between each colony and the parent country only. The roads which were attended to were those which led from the interior of each colony to its principal towns on the navigable waters. By those routes the produce of the country was carried to the coast, and shipped thence to the mercantile houses in London, Liverpool, Glasgow, or other towns to which the trade was carried on. It is believed that there was but one connected route from North to South at the commencement of the Revolution, and that a very imperfect one. The existence and principle of our Union point out the necessity of a very different policy.

"The advantages which would be derived from such improvements are incalculable. The facility which would thereby be afforded to the transportation of the whole of the rich productions of our country to market would alone more than amply compensate for all the labor and expense attending them. Great, however, as is that advantage, it is one only of many and by no means the most important. Every power of the General Government and of the State governments connected with the strength and resources of the country would be made more efficient for the purposes intended by them. In war they would facilitate the transportation of men, ordnance, and provisions, and munitions of war of every kind to every part of our extensive coast and interior on which an attack might be made or threatened. Those who have any knowledge of the occurrences of the late war must know the good effect which would result in the event of another war from the command of an interior navigation alone along the coast for all the purposes of war as well as of commerce between the different parts of our Union. The impediments to all military operations which proceeded from the want of such a navigation and the reliance which was placed, notwithstanding those impediments, on such a commerce can not be forgotten. In every other line their good effect would be most sensibly felt. Intelligence by means of the Post Office Department would be more easily, extensively, and rapidly diffused. Parts the most remote from each other would be brought more closely together. Distant lands would be made more valuable, and the industry of our fellow citizens on every portion of our soil be better rewarded.

"It is natural in so great a variety of climate that there should be a corresponding difference in the produce of the soil; that one part should raise what the other might want. It is equally natural that the pursuits of industry should vary in like manner; that labor should be cheaper and manufactures succeed better in one part than in another; that were the climate the most severe and the soil less productive, navigation, the fisheries, and commerce should be most relied on. Hence the motive for an exchange for mutual accommodation and active intercourse between them. Each part would thus find for the surplus of its labor, in whatever article it consisted, an extensive market at home, which would be the most profitable because free from duty.

"There is another view in which these improvements are of still more vital importance. The effect which they would have on the bond of union itself affords an inducement for them more powerful than any which have been urged or than all of them united. The only danger to which our system is exposed arises from its expansion over a vast territory. Our Union is not held together by standing armies or by any ties other than the positive interests and powerful attractions of its parts toward each other. Ambitious men may hereafter grow up among us who may promise to themselves advancement from a change, and by practicing upon the sectional interests, feelings, and prejudices endeavor under various pretexts to promote it. The history of the world is replete with examples of this kind—of military commanders and demagogues becoming usurpers and tyrants, and of their fellow citizens becoming their instruments and slaves. I have little fear of this danger, knowing well how strong the bond which holds us together is and who the people are who are thus held together; but still, it is proper to look at and to provide against it, and it is not within the compass of human wisdom to make a more effectual provision than would be made by the proposed improvements. With their aid and the intercourse which would grow out of them the parts would soon become so compacted and bound together that nothing could break it.

"The expansion of our Union over a vast territory can not operate unfavorably to the States individually. On the contrary, it is believed that the greater the expansion within practicable limits—and it is not easy to say what are not so—the greater the advantage which the States individually will derive from it. With governments separate, vigorous, and efficient for all local purposes, their distance from each other can have no injurious effect upon their respective interests. It has already been shown that in some important circumstances, especially with the aid of these improvements, they must derive great advantage from that cause alone—that is, from their distance from each other. In every other way the expansion of our system must operate favorably for every State in proportion as it operates favorably for the Union. It is in that sense only that it can become a question with the States, or rather, with the people who compose them. As States they can be affected by it only by their relation to each other through the General Government and by its effect on the operations of that Government. Manifest it is that to any extent to which the General Government can sustain and execute its functions with complete effect will the States—that is, the people who compose them—be benefited. It is only when the expansion shall be carried beyond the faculties of the General Government so as to enfeeble its operations to the injury of the whole that any of the parts can be injured. The tendency in that stage will be to dismemberment and not to consolidation. This danger should, therefore, be looked at with profound attention as one of a very serious character. I will remark here that as the operations of the National Government are of a general nature, the States having complete power for internal and local purposes, the expansion may be carried to very great extent and with perfect safety. It must be obvious to all that the further the expansion is carried, provided it be not beyond the just limit, the greater will be the freedom of action to both Governments and the more perfect their security, and in all other respects the better the effect will be to the whole American people. Extent of territory, whether it be great or small, gives to a nation many of its characteristics. It marks the extent of its resources, of its population, of its physical force. It marks, in short, the difference between a great and a small power.

"To what extent it may be proper to expand our system of government is a question which does not press for a decision at this time. At the end of the Revolutionary War, in 1783, we had, as we contended and believed, a right to the free navigation of the Mississippi, but it was not until after the expiration of 12 years, in 1795, that that right was acknowledged and enjoyed. Further difficulties occurred in the bustling of a contentious world when, at the expiration of eight years more, the United States, sustaining the strength and energy of their character, acquired the Province of Louisiana, with the free navigation of the river from its source to the ocean and a liberal boundary on the western side. To this Florida has since been added, so that we now possess all the territory in which the original States had any interest, or in which the existing States can be said, either in a national or local point of view, to be in any way interested. A range of States on the western side of the Mississippi, which already is provided for, puts us essentially at ease. Whether it will be wise to go further will turn on other considerations than those which have dictated the course heretofore pursued. At whatever point we may stop, whether it be at a single range of States beyond the Mississippi or by taking a greater scope, the advantage of such improvements is deemed of the highest importance. It is so on the present scale. The further we go the greater will be the necessity for them.

"It can not be doubted that improvements for great national purposes would be better made by the National Government than by the governments of the several States. Our experience prior to the adoption of the Constitution demonstrated that in the exercise by the individual States of most of the powers granted to the United States a contracted rivalry of interest and misapplied jealousy of each other had an important influence on all their measures to the great injury of the whole. This was particularly exemplified by the regulations which they severally made of their commerce with foreign nations and with each other. It was this utter incapacity in the State governments, proceeding from these and other causes, to act as a Nation and to perform all the duties which the Nation owed to itself under any system which left the General Government dependent on the States, which produced the transfer of these powers to the United States by the establishment of the present Constitution. The reasoning which was applicable to the grant of any of the powers now vested in Congress is likewise so, at least to a certain extent, to that in question. It is natural that the States individually in making improvements should look to their particular and local interests. The members composing their respective legislatures represent the people of each State only, and might not feel themselves at liberty to look to objects in these respects beyond that limit. If the resources of the Union were to be brought into operation under the direction of the State assemblies, or in concert with them, it may be apprehended that every measure would become the object of negotiation, of bargain and barter, much to the disadvantage of the system, as well as discredit to both governments. But Congress would look to the whole and make improvements to promote the welfare of the whole. It is the peculiar felicity of the proposed amendment that while it will enable the United States to accomplish every national object, the improvements made with that view will eminently promote the welfare of the individual States, who may also add such others as their own particular interests may require.

"The situation of the Cumberland Road requires the particular and early attention of Congress. Being formed over very lofty mountains, and in many instances over deep and wide streams, across which valuable bridges have been erected, which are sustained by stone walls, as are many other parts of the road, all these works are subject to decay, have decayed, and will decay rapidly unless timely and effectual measures are adopted to prevent it.

"The declivities from the mountains and all the heights must suffer from the frequent and heavy falls of water and its descent to the valleys, as also from the deep congelations during our severe winters. Other injuries have also been experienced on this road, such as the displacing the capping of the walls and other works, committed by worthless people either from a desire to render the road impassable or to have the transportation in another direction, or from a spirit of wantonness to create employment for idlers. These considerations show that an active and strict police ought to be established over the whole road, with power to make repairs when necessary, to establish turnpikes and tolls as the means of raising money to make them, and to prosecute and punish those who commit waste and other injuries.

"Should the United States be willing to abandon this road to the States through which it passes, would they take charge of it, each of that portion within its limits, and keep it in repair? It is not to be presumed that they would, since the advantages attending it are exclusively national, by connecting, as it does, the Atlantic with the Western States, and in a line with the seat of the National Government. The most expensive parts of this road lie within Pennsylvania and Virginia, very near the confines of each State, and in a route not essentially connected with the commerce of either.

"If it is thought proper to vest this power in the United States, the only mode in which it can be done is by an amendment of the Constitution. The States individually can not transfer the power to the United States, nor can the United States receive it. The Constitution forms an equal and the sole relation between the General Government and the several States, and it recognizes no change in it which shall not in like manner apply to all. If it is once admitted that the General Government may form compacts with individual States not common to the others, and which the others might even disapprove, into what pernicious consequences might it not lead? Such compacts are utterly repugnant to the principles of the Constitution and of the most dangerous tendency. The States through which this road passes have given their sanction only to the route and to the acquisition of the soil by the United States, a right very different from that of jurisdiction, which can not be granted without an amendment to the Constitution, and which need not be granted for the purposes of this system except in the limited manner heretofore stated. On full consideration, therefore, of the whole subject, I am of opinion that such an amendment ought to be recommended to the several States for their adoption.

"I have now essentially executed that part of the task which I imposed on myself of examining the right of Congress to adopt and execute a system of internal improvement, and, I presume, have shown that it does not exist. It is, I think, equally manifest that such a power vested in Congress and wisely executed would have the happiest effect on all the great interests of our Union. It is, however, my opinion that the power should be confined to great national works only, since if it were unlimited it would be liable to abuse and might be productive of evil. For all minor improvements the resources of the States individually would be fully adequate, and by the States such improvements might be made with greater advantage than by the Union, as they would understand better such as their more immediate and local interests required.

"In the view above presented I have through it proper to trace the origin of our institutions, and particularly of the State and National Governments, for although they have a common origin in the people, yet, as the point at issue turned on what were the powers granted to the one Government and what were those which remained to the other, I was persuaded that an analysis which should mark distinctly the source of power in both Governments, with its progress in each, would afford the best means for obtaining a sound result. In our political career they are, obviously, three great epochs. The colonial state forms the first; the Revolutionary movement from its commencement to the adoption of the Articles of Confederation the second, and the intervening space from that event to the present day the third. The first may be considered the infant state. It was the school of morality, of political science and just principles. The equality of rights enjoyed by the people of every Colony under their original charters forms the basis of every existing institution, and it was owing to the creation by those charters of distinct communities that the power, when wrested from the Crown, passed directly and exclusively to the people of each Colony. The Revolutionary struggle gave activity to those principles, and its success secured to them a permanent existence in the governments of our Union, State and National. The third epoch comprises the administration under the Articles of Confederation, with the adoption of the Constitution and administration under it. On the first and last of these epochs it is not necessary to enlarge for any purpose connected with the object of this inquiry. To the second, in which we were transferred by a heroic exertion from the first to the third stage, and whose events give the true character to every institution, some further attention is due. In tracing in greater detail the prominent acts of a movement to which we owe so much I shall perform an office which, if not useful, will be gratifying to my own feelings, and I hope not unacceptable to my readers.

"Of the Revolutionary movement itself sentiments too respectful, too exalted, can not be entertained. It is impossible for any citizen having a just idea of the dangers which we had to encounter to read the record of our early proceedings and to see the firmness with which they were met and the wisdom and patriotism which were displayed in every stage without being deeply affected by it. An attack on Massachusetts was considered an attack on every Colony, and the people of each moved in her defense as in their own cause. The meeting of the General Congress in Philadelphia on the 6th of September, 1774, appears to have been the result of a spontaneous impulse in every quarter at the same time. The first public act proposing it, according to the Journals of the First Congress, was passed by the House of Representatives of Connecticut on the 3d of June of that year; but it is presumed that the first suggestion came from Massachusetts, the Colony most oppressed, and in whose favor the general sympathy was much excited. The exposition which that Congress made of grievances, in the petition to the King, in the address to the people of Great Britain, and in that to the people of the several Colonies, evinced a knowledge so profound of the English constitution and of the general principles of free government and of liberty, of our rights founded on that constitution and on the charters of the several Colonies, and of the numerous and egregious violations which had been committed of them, as must have convinced all impartial minds that the talent on this side of the Atlantic was at least equal to that on the other. The spirit in which those papers were drawn, which was known to be in strict accord with the public sentiment, proved that, although the whole people cherished a connection with the parent country and were desirous of preserving it on just principles, they nevertheless stood embodied at the parting line, ready to separate forever if a redress of grievances, the alternative offered, was not promptly rendered. That alternative was rejected, and in consequence war and dismemberment followed.

"The powers granted to the delegates of each colony who composed the First Congress looked primarily to the support of rights and to a redress of grievances, and in consequence, to the restoration of harmony, which was ardently desired. They justified, however, any extremity in case of necessity. They were ample for such purposes and were executed in every circumstance with the utmost fidelity. It was not until after the meeting of the Second Congress, which took place on the 10th May, 1775, when full proof was laid before it of the commencement of hostilities in the preceding month by a deliberate attack of the British troops on the militia and inhabitants of Lexington and Concord, in Massachusetts, that war might be said to be decided on, and measures were taken to support it. The progress even then was slow and reluctant, as will be seen by their second petition to the King and their second address to the people of Great Britain, which were prepared and forwarded after that event. The arrival, however, of large bodies of troops and the pressure of war in every direction soon dispelled all hope of accommodation.

"On the 15th of June, 1775, a commander in chief of the forces raised and to be raised for the defense of American liberty was appointed by the unanimous vote of Congress, and his conduct in the discharge of the duties of that high trust, which he held through the whole of the war, has given an example to the world for talents as a military commander; for integrity, fortitude, and firmness under the severest trials; for respect to the civil authority and devotion to the rights and liberties of his country of which neither Rome nor Greece have exhibited the equal. I saw him in my earliest youth, in the retreat through Jersey, at the head of a small band, or rather in its rear, for he was always next the enemy, and his countenance and manner made an impression on me which time can never efface. A lieutenant then in the Third Virginia Regiment, I happened to be on the rear guard at Newark, and I counted the force under his immediate command by platoons as it passed me, which amounted to less than 3,000 men. A deportment so firm, so dignified, so exalted, but yet so modest and composed, I have never seen in any other person.

"On the 6th July, 1775, Congress published a declaration of the causes which compelled them to take up arms, and immediately afterwards took measures for augmenting the Army and raising a Navy; for organizing the militia and providing cannon and small arms and military stores of every kind; for raising a revenue and pushing the war offensively with all the means in their power. Nothing escaped the attention of that enlightened body. The people of Canada were invited to joint the Union, and a force sent into the province to favor the Revolutionary party, which, however, was not capable of affording any essential aid. The people of Ireland were addressed in terms manifesting due respect for the sufferings, the talents, and patriotism of that portion of the British Empire, and a suitable acknowledgment was made to the assembly of Jamaica for the approbation it has expressed

of our cause and the part it had taken in support of it with the British Government.

"On the 2d of June, 1775, the convention of Massachusetts, by a letter signed by their president, of May the 10th, stated to Congress that they labored under difficulties for the want of a regular form of government, and requested to be favored with explicit advice respecting the taking up and exercising the powers of civil government, and declaring their readiness to submit to such a general plan as the Congress might direct for the Colonies, or that they would make it their great study to establish such a form of government there as should not only promote their own advantage but the union and interest of all America. To this application an answer was given on the 9th, by which it was recommended to the convention 'to write letters to the inhabitants of the several places entitled to representation in assembly, requesting them to choose such representatives, and that the assembly, when chosen, should elect councilors, and that said assembly or council should exercise the powers of government until a governor of His Majesty's appointment will consent to govern the Colony according to its charter.'

"On the 18th October of the same year the delegates from New Hampshire laid before Congress an instruction from their convention 'to use their utmost endeavors to obtain the advice and direction of Congress with respect to a method for administering justice and regulating their civil police.' To this a reply was given on the 3d November, by which it was recommended to the convention 'to call a full and free representation of the people, and that the representatives, if they thought it necessary, should establish such a form of government as in their judgment would best promote the happiness of the people and most effectually secure peace and good order in the Province during the continuance of the present dispute between Great Britain and the Colonies.'

"On the 4th November it was resolved by Congress 'that if the Convention of South Carolina shall find it necessary to establish a form of government in that Colony it be recommended to that convention to call a full and free representation of the people; and the said representatives, if they think it necessary, shall establish such a form of government as in their judgment will best promote the happiness of the people and most effectually secure peace and good order in the Colony during the continuance of the present dispute between Great Britain and the Colonies.'

"On the 4th December, following a resolution passed recommending the same measure, and precisely in the same words, to the Convention of Virginia.

"On the 10th May, 1776, it was recommended to the respective assemblies and conventions of the United Colonies, where no government sufficient to the exigencies of their affairs had been established, 'to adopt such government as should, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular and America in general.'

"On the 7th June resolutions respecting independence were moved and seconded, which were referred to a committee of the whole on the 8th and 10th, on which latter day it was resolved to postpone a decision on the first resolution or main question until the 1st July, but that no time might be lost in case the Congress agree thereto that a committee be appointed to prepare a declaration to the effect of that resolution.

"On the 11th June, 1776, Congress appointed a committee to prepare and digest a plan of confederation for the Colonies. On the 12th July the committee reported a draft of articles, which were severally afterwards debated and amended until the 15th November, 1777, when they were adopted. These articles were then proposed to the legislatures of the several States, with a request that if approved by them they would authorize their delegates to ratify the same in Congress, and, which being done, to become conclusive. It was not until the 21st of March, 1781, as already observed, that they were ratified by the last State and carried into effect.

"On the 4th July, 1776, independence was declared by an act which arrested the attention of the civilized world and will bear the test of time. For force and condensation of matter, strength of reason, sublimity of sentiment and expression, it is believed that no document of equal merit exists. It looked to everything, and with a reach, perspicuity, and energy of mind which seemed to be master of everything.

"Thus it appears, in addition to the very important charge of managing the war, that Congress had under consideration at the same time the Declaration of Independence, the adoption of a confederation for the States, and the propriety of instituting State governments, with the nature of those governments, respecting which it had been consulted by the conventions of several of the Colonies. So great a trust was never reposed before in a body thus constituted, and I am authorized to add, looking to the great result, that never were duties more ably or faithfully performed.

"The distinguished characteristic of this movement is that although the connection which had existed between the people of the several Colonies before their dismemberment from the parent county was not only not dissolved but increased by that event, even before the adoption of the Articles of Confederation, yet the preservation and augmentation of that tie were the result of a new creation, and proceeded altogether from the people of each Colony, into whose hands the whole power passed exclusively when wrested from the Crown. To the same cause the greater change which has since occurred by the adoption of the Constitution is to be traced.

"The establishment of our institutions forms the most important epoch that history hath recorded. They extend unexampled felicity to the whole body of our fellow citizens, and are the admiration of other nations. To preserve and hand them down in their utmost purity to the remotest ages will require the existence and practice of virtues and talents equal to those which were displayed in acquiring them. It is ardently hoped and confidently believed that these will not be wanting."

Mr. SHEPPARD obtained the floor.

Mr. RANSDELL. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Chamberlain	Gallinger	Jones
Bankhead	Chilton	Gronna	Kenyon
Beckham	Clapp	Hollis	Kern
Borah	Clarke, Ark.	Husting	La Follette
Brandegee	Colt	James	Lane
Broussard	Curtis	Johnson, Me.	Lippitt
Burleigh	Dillingham	Johnson, S. Dak.	Lodge
McCumber	Page	Smith, Ariz.	Tillman
McLean	Poindexter	Smith, Md	Townsend
Martin, Va.	Pomerene	Smith, S. C.	Underwood
Martine, N. J.	Ransdell	Smoot	Vardaman
Myers	Reed	Sterling	Wadsworth
Nelson	Robinson	Swanson	Weeks
Norris	Shafroth	Taggart	Works
O'Gorman	Sheppard	Thomas	
Oliver	Simmons	Thompson	

Mr. CHILTON. I wish to announce the absence of the following Senators, who are in attendance upon an important hearing before the Judiciary Committee: The Senator from Texas [Mr. CULBERSON], the Senator from North Carolina [Mr. OVERMAN], the Senator from Montana [Mr. WALSH], the Senator from Georgia [Mr. SMITH], the Senator from Utah [Mr. SUTHERLAND], and the Senator from Iowa [Mr. CUMMINS].

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. There is a quorum present. The Senator from Texas will proceed.

TEXAS BICENTENNIAL AND PAN AMERICAN EXPOSITION.

Mr. SHEPPARD. Mr. President, on this the eightieth anniversary of the battle of San Jacinto, where the independence of Texas was achieved, I think it appropriate to address the Senate on the subject of the Texas Bicentennial and Pan American Exposition which is to be held at San Antonio in 1918. It will be an exposition dedicated to the history of Texas and the Southwest, to the relation of that notable history to the history of the Nation and of the world, and to the establishment of closer trade relations between the United States and the other countries of Pan America.

Mr. President, this exposition merits especial consideration from the Federal Government. It will be of national and international significance. It will reflect phases of American history and of world history that have never been fittingly commemorated. It will encourage a trade movement of untold value to this Republic. It will unite the peoples of the Western Hemisphere in a closer and more genuine fraternity. It will celebrate the two hundredth anniversary of the birth of San Antonio and epitomize the progress of that imperial area now known as Texas. It will have an educational, a patriotic, and a material meaning of such importance as to justify the active cooperation and indorsement of the Nation.

What other part of the American Union, sir, possesses a more historic, a more absorbing, a rarer interest than Texas? The land it embraces was known to Europeans nearly a century before Jamestown and Plymouth Rock came into being. It was part of a Province of the first European government on the Western Hemisphere. Only three decades after the first voyage of Columbus the Spanish conquerors of Mexico heard such tales of wealth and splendor in the country to the north of the Rio Grande, the country now called Texas, that the palaces of the Montezumas seemed rude and poor in comparison. Nay, sir, a few years later Cabeza de Vaca, who with three comrades had survived one of the most daring journeys ever made by mortals, gave the world a written account of that perilous trip from Florida along the Gulf coast to Mexico, thus introducing to authentic annals the region now designated as Texas more than a half a hundred years before Virginia and Massachusetts began.

To understand the political origin of Texas we must turn to what was perhaps the most remarkable treaty ever executed—a treaty which justly may be termed the most gigantic real-estate transaction ever known—the treaty of Tordesillas, made between Portugal and Spain on June 7, 1494. By that treaty Portugal was to have all the lands that might be discovered thereafter east of a certain meridian connecting the Arctic Circle with the Antarctic, the meridian running 370° west of the Azores. Thus Portugal acquired a claim to Greenland, St. Helena, Brazil, Africa, Malabar, Ceylon, Arabia, Persia, India, the Malay Archipelago, while to Spain was awarded all lands discovered at that time or thereafter west of such line, including North and most of South America. It was in order to reduce to permanent possession the hemisphere thus assigned her that Spain divided the two American Continents into four great vice royalties—New Spain, New Granada, Buenos Aires, and Peru. New Spain extended from Guatemala to what is now Vancouver Island, containing four divisions—Mexico, New Galicia, Nuevo Reyno de Leon, and Provincias Internas, the latter including the territory that later became Texas and the Californias. In the New Spain, of which the present Texas was a part, the University of Mexico was established in 1553, nearly a century before Harvard, the oldest college in the United States, had its humble beginning.

The exposition of 1918 will not fail to typify the Texas and the New Spain of the sixteenth century, and will thus awaken a sense of ancient and historic unity in the two Americas. It will

picture the daring expeditions of De Soto, Oñate, Coronado, Mendoza, Cabeza, and others into various portions of the trans-Rio Grande. It will portray the planting of the picturesque settlements, composed of mission, presidio, and village, from the Rio Grande Valley, through what are now New Mexico, Arizona, and California, to the Pacific coast. It will present these and other phases of American history that have been but little emphasized in the ordinary narratives of the schools.

It will recall the workings of a mysterious power that blinded Charles V and Philip II to the possibilities of Spanish expansion above the Rio Grande. Had these monarchs devoted half the energy they expended in attempting to build a European empire to the development of their New World holdings, holdings which other countries could at that time have disputed but with the greatest difficulty, it is beyond any human mind to measure the changes that would have occurred in subsequent history.

This exposition will then recall to its visitors the seventeenth century, a century that marked the advent of the English and the French in North America, to contest with each other and with Spain the title to the new continent, initiating a struggle leading in one of its fundamental phases to the founding of San Antonio and the shaping of Texas. It will recall Joliet, Marquette, and La Salle on the St. Lawrence, the Great Lakes, the Fox, the Wisconsin, the Chicago, the Illinois, the Mississippi. It will recall La Salle christening the country Louisiana and claiming it for France. It will recall his hasty return to Paris to obtain from the ambitious Louis XIV a donation of ships and men with which to confirm this claim and drive the Spaniard from New Spain forever. It will recall that tragic voyage, beset by pirate and by storm, the end of which saw but a remnant of a once proud expedition pass the original destination, the mouth of the Mississippi, and reach at last a part of the Texas coast early in 1685 near Matagorda Bay. Then will be reviewed the planting of the lonely and ill-fated colony of Fort St. Louis near the head of that bay on a river they called La Vache, now known as the Lavaca. Then will be observed that little company of the doomed fighting all forms of danger, from privation and disease to massacre by savages, until the arrival of the Spaniards in 1689 to resist this intrusion found only empty, plundered houses and three dead bodies, one a woman's, on the adjoining plain. Could these lifeless lips have spoken, what tales of agony and hardship and distress they might have told? Two years before, the spirit of La Salle, who had set out to find again the Mississippi, released by the bullet of an assassin in the tangled forests of the Trinity, had flown from its earthly temple to join the brave of all the ages.

The documents and relics which the exposition of 1918 will assemble, on a scale never before attempted, supplemented by a pageantry, with a setting that only San Antonio can provide, will enable us to follow the march of events from the arrival of the Spaniard at Fort St. Louis with increasing interest. That arrival marked a distinct epoch in the history of Texas and the Southwest. The Spaniards found the colony of Fort St. Louis extinct, but they heard of Frenchmen among the Tejas Indians, a confederacy of native tribes inhabiting the section between the upper Neches and the Trinity, in what is now known as east Texas. They also saw all hope of restoring their ancient title to the country beyond the Sabine and the Red rapidly vanishing on account of the rapid spread of the English on the Atlantic coast and the advent of the French in the Mississippi Valley. They saw that even the territory between the Sabine and the Rio Grande was threatened unless prompt steps should be taken. This led to an active effort to combat further French settlement by the erection of the mission of San Francisco de los Tejas, about 45 miles southwest of the present city of Nacogdoches, Tex., among the Tejas Indians, and the change of the name of the country above the Rio Grande from New Philippines, which had been given it after the acquisition of the Philippines proper, to Tejas, or, to use the English pronunciation, Texas. Thus the name Texas came into existence, as a designation for the territory it still denotes, having developed out of the struggle between European nations for the control of American soil.

The mission of San Francisco de los Tejas, with its unsubstantial wooden buildings, lasted but three years, when it faded into the solitudes among which it had been erected. The danger of French invasion seemed to have disappeared, and the Spaniard lapsed into the old inactivity and neglect, so far as the colonization of Texas was concerned. In 1699 the French, under Iberville, began a permanent settlement at Old Biloxi, and in 1718 anchored Louisiana to France through the founding of New Orleans. For more than 20 years after the departure from east Texas the only effort of the Spanish to occupy territory in the direction of Texas was the building of the mission of San Juan Bautista and the presidio of the Rio Grande, on the Mexican side of that stream, about 55 miles below the present city of Eagle Pass. A sudden awakening was now in store.

One day in 1714 there appeared on the opposite side of the river from San Juan Bautista a band of soldier-traders led by the fearless Huchereau St. Denis. His coming sent a thrill of surprise and apprehension through all Mexico. The viceroy and his councilors shuddered as they thought how easily the expedition of this adventurous young Frenchman, who had marched in six weeks from the Sabine to the Rio Grande, could be repeated, not for trade, the guise in which he now pretended to come, but for French possession. While the Mexican authorities were making plans for the permanent occupation of Texas, an occupation which would bar the extension of the French boundary to the Rio Grande, while they were debating as to what to do with St. Denis, having placed him under virtual arrest, this chevalier of the prairies turned from his dream of territorial conquest to kneel at the feet of the lovely granddaughter of Capt. Diego Ramon, the commandant of San Juan Bautista, and deliver up his heart. This singular romance of that rugged time found a happy termination at the marriage altar.

The fear of French invasion inspired by the startling feat of St. Denis led to two expeditions, one of which reestablished in 1716 the settlements in east Texas that had been abandoned in 1693, and the other of which resulted in the founding of San Antonio in 1718. The first expedition revived the old mission of San Francisco de los Tejas, the name being changed to San Francisco de los Neches, and located five other missions in that vicinity, named as follows: Nuestra Señora de la Guadalupe, La Purísima Concepción de los Asinais, San Joseph de los Nazones, San Miguel de Linares, and Nuestra Señora de los Dolores. The second expedition was headed by Martin de Alarcón, governor of the adjoining Province of Coahuila. On an enchanting spot where two rivers, the San Antonio and the San Pedro, joined their crystal waters but a short distance from the sources of each in fountains that sprang full born from the foot of the escarpment of a vast table-land, he founded the presidio, or fort, of San Antonio de Béjar in the year 1718. Near the presidio he established the mission of San Antonio de Valero, headed by Padre Olivares. It was the chapel of this mission which more than 100 years later, under the name of the Alamo, became the scene of a martyrdom that will illuminate the annals and glorify the cause of human liberty forevermore. With the erection of this fort and mission San Antonio began an existence that has continued to the present hour, an existence which in 1918 will have spanned its second century. Let it not be forgotten that in the same year New Orleans was born, confirming the spacious reaches of Louisiana to France, just as the founding of San Antonio made certain the dominance of Spain and Mexico in Texas. In view of this noteworthy coincidence it would seem fitting that a day be set aside during the exposition in especial honor of New Orleans.

For more than 125 years San Antonio remained the military, religious, and commercial capital of Texas. Against the Indians on the west and the French to the east it presented a permanent barrier. To the original mission were soon added five others in the vicinity of San Antonio and under the protection of its presidio. Of these the mission of San José de Aguayo was established in 1720, that of San Xavier de Náxera in 1722. The other three were transplanted from east Texas in 1731. The mission of San Francisco de los Tejas of 1690, the first mission established in Texas, had its name again changed, on removal, to San Francisco de la Espada. La Purísima Concepción de los Asinais became known in its new home as La Purísima Concepción de Acuña, while San Joseph de los Nazones became San Juan Capistrano. The main buildings of some of these missions are standing to-day, the sole material remnants, with the exception of the Stone Fort at Nacogdoches, of Spanish rule in Texas, and monuments to the energy, the patience, and the genius of their erectors. They are stone structures of massive type. The church of mission Concepción de Acuña, with its Moorish dome and classic towers rising in graceful proportion above its serrated walls, presents a picture of symmetry and solidity amazing to the beholder. For 20 years the Franciscans of Querétaro, with primitive tools and untutored labor, at one of the remote outposts of civilization, in constant danger of extermination by savage foes, with the mallet in one hand and the sword in the other, slowly developed that artistic pile, which has defied the corrosions and the storms of 200 years. Of the mission San José de Aguayo, begun in 1720, named in honor of the Spanish governor of Texas, Marquis San Miguel de Aguayo, perhaps the ablest of all the Spanish governors

assigned north of the Rio Grande, let Sidney Lanier, the gifted Georgian who carefully studied the mission, speak. He says:

San José Mission is the most beautiful of all, and its carving is surely "a joy forever." The hand that chiseled the wonderful façade at the main entrance of the church, the doorway, window, and pillar capitals of the smaller chapel, that now goes by the name of the Baptistry, was one of marvelous cunning. The façade is rich to repletion with the most exquisite carving. Figures of virgins and saints with drapery that looks like drapery, cherubs' heads, sacred hearts, ornate pedestals and recesses with their conchlike canopies, and cornices wonderful. The doorway, pillar and arch, is daring in its unique ornamentation—showing in its combination of form the impression of Moorish outlines. Otherwise the whole façade is rich Renaissance—figures and hearts alone with anything realistic about them. All other ornamentation is conventional, but with nothing stiff, every curve showing a free hand. The window above the archway is a simple wreath of such acanthuslike curves and concholds of surpassing workmanship. The south window of the Baptistry is considered by good judges the finest gem of architectural ornamentation existing in America to-day. Its curves and proportions are a perpetual delight to the eye, and often as the writer has seen and examined it, it is of that kind of art which does not satiate, but ever reveals some fresh beauty in line or curve.

The chapels of San Juan Capistrano and San Francisco de la Espada, Mr. President, are not so well preserved, but are of compelling interest, and like the others by some mystic charm translate the visitor from the New World to the old. The erection of the mission buildings, and the maintenance not only of these but of presidio and village for more than a century in the face of the perpetual hostility of Apaches and Comanches, the fiercest of the Indian tribes of America—a hostility so inveterate that only a few settlements outside the immediate neighborhood of San Antonio were able to preserve an existence at best perilous and uncertain—compose one of the most impressive chapters in the records of human courage, endurance, sacrifice. It is appropriate, therefore, that in 1918 San Antonio should invite the Spanish-speaking peoples to visit the scene where representatives of their own race gave such superb illustration to these attributes and to join in an exposition commemorating such achievements.

The cession of Louisiana to Spain in 1762 removed France as a contestant for territory and pushed the Spanish boundary from the Sabine to the Mississippi, where Spain found a new neighbor in England—a neighbor to be replaced only two decades later by the new Nation which the English colonists had set up as the fruit of revolution—the United States of North America. Spain saw the first evidence of a new peril when, in 1800, 11 citizens of the United States were marched through the streets of San Antonio in chains, the survivors of an armed expedition into Texas led by Philip Nolan, who had been killed and his followers destroyed or captured. In the same year Louisiana was redelivered to France to be sold by Napoleon to the United States in 1803. So Spain again faced the United States, and this time at the Sabine instead of the Mississippi. From the first, friction arose as to the boundary, the United States later reviving the French claim that the rightful western border of Louisiana was the Rio Grande. From that time forward San Antonio, responding to the trend of events, took on a new and busier and more important life. The missions had been secularized and practically discontinued. New settlers were thronging in—Spaniards, Creoles, Mexicans, Frenchmen, Americans, Indians of both pure and mixed extraction. The city was beginning to develop that cosmopolitan character which to-day so emphatically distinguishes it—practically every race being now represented within its limits. Hundreds of troops were permanently quartered there—a recognition of the military and strategic value of the place, a value recognized to-day by the United States in maintaining at San Antonio one of the largest army posts in the Republic. Already its wonderful climate, health laden beyond description, its mild and sunny winters, its uniform and delightful temperature, had begun to attract people from all parts of the world. It is little wonder, therefore, that it has become to-day, nearly 120 years later, one of the notable tourist centers of the Nation, its hotels having an equipment and a hospitality that make them one of its most attractive features.

Shortly after the Louisiana Purchase uneasiness over the boundary quarrel caused the number of Spanish troops in Texas to be rapidly increased. The rumor of an invasion by Aaron Burr added to the excitement. A Spanish force crossed the Sabine and invaded American soil, but returned after a brief period to its own side of the river. There on the Sabine the Spanish and American armies confronted one another, the former under Gov. Cordero, of Texas, the latter under Gov. Wilkinson, commander in chief of the armed forces of the United States. An agreement was reached regarding the boundary, a neutral ground defined, and both armies retired. Then began the Mexican revolution against Spain, originated by Hidalgo in 1811. The example of the United States was spreading over the American hemisphere. San Antonio experienced a bloody introduction to the revolution when there appeared on a pole near the river between the Alamo and the main plaza the severed head of Col. Delgado, who had been one of her most prominent citizens and an adherent of Hidalgo. Bloody was to be the retribution and bloodier still the counter retribution. Bernardo Gutierrez, another follower of Hidalgo, escaping from Mexico after the execution of his chief, organized at Natchitoches, La., near the frontier, in confederation with Magee, an officer in the United States Army, who had resigned to take up this work, a band of Americans, rebel Mexicans, and Indians for the invasion of Texas. Driving the Spaniards from Nacogdoches and other Texas points, the invaders, numbering probably 1,200 men, defeated the Spanish army of probably 2,500 at the Battle of Rosillo, near San Antonio, with terrific slaughter, and two days later took the city itself. The city was given over to plunder and the spoils apportioned among the invaders. Then Capt. Delgado demanded vengeance on Gov. Salcedo and others for the murder of his father. He was put in charge of Gov. Salcedo and his staff, together with Gov. Herrara, of Nuevo Leon, and ex-Gov. Cordero, ostensibly to take them as prisoners to New Orleans. A mile and a half below the city Delgado and his company halted and deliberately cut the throats of his prisoners with ordinary camp knives. At this the best elements among the American officers and men, who had been moved by a sincere desire to aid in the revolution, withdrew to the United States, disclaiming further connection with the enterprise. For four months this crowd of adventurers held the city in a state of lawlessness and disorder. With wonderful coolness and skill they rallied from the surprise occasioned by the unexpected approach of Don Elisondo's army of 3,000 royalists from Mexico, which they defeated, administering a loss of over a thousand, while their own casualties were but 94. A few weeks later they were themselves defeated by another royalist force under Gen. Arredondo and practically cut to pieces, only 93 Americans finally getting back to the United States. A severe retaliation for the murder of Salcedo and his companions was then exacted. Seventy or eighty prisoners were set in turns by tens on a log laid across a huge grave, into which the victims fell as they were shot. In San Antonio 300 citizens were confined for a night in a single house, 18 dying from suffocation. Another Black Hole horror was thus registered. Four hundred women of republican families were imprisoned and compelled to cook for the royalist army. The work of plunder and destruction was carried from San Antonio to Nacogdoches and was so complete that these two communities, with the rest of Texas, were temporarily depopulated.

Then came the invasion of east Texas in 1819 by an expedition under James Long, of Natchez, a former officer in the United States Army. He set up a provisional government at Nacogdoches; but, while absent at Galveston Island to seek the aid of the celebrated pirate, Jean Lafitte, his settlement was broken up and his men scattered by the Spanish troops.

The success of the Mexican revolution in 1821 put an end to these filibustering expeditions. The new and independent Republic of Mexico looked with favor at first on immigration from the United States, and an influx of American settlers into Texas began. The pioneers in the work of American colonization were Moses Austin and his son Stephen. It was due principally to them that a plan was conceived and executed which accomplished in a comparatively few years what Spain had failed to bring about for 300 years, namely, the planting of a permanent and extensive agricultural population in Texas. As a result of their labors and the permanent American occupation came the revolution of 1836, the annexation of Texas, and the acquisition of California, Utah—where on Ensign Peak the pioneers of that great State lifted for the first time in that section the American flag—Arizona, Nevada, New Mexico, and part of Wyoming, Kansas, Oklahoma, and Colorado. It has been given to few men, working, as did the Austins, in the quietude of private life, far from halls of state and fields of battle, to set in motion events of such momentous consequence.

It was at San Antonio that the project of American colonization was initiated. Moses Austin arrived there in 1820 to interview Gov. Martinez, having ridden horseback 800 miles from Missouri through an almost trackless wilderness. Angrily ordered away at first, he finally succeeded, with the invaluable aid of Baron de Bastrop, in obtaining the sanction of the governor and his council, or ayuntamiento. It was from San Antonio that Stephen Austin, in 1822, undertook that perilous ride on horseback of 1,200 miles to the City of Mexico, with only one companion, to obtain, after difficulties and delays which only his own invincible patience could have survived, the approval of the central authorities.

It was in San Antonio that the Bowie brothers, Rezin P. and James, organized in 1831 an expedition to search for the silver

mines reputed to be near the site of the San Saba mission, during which expedition occurred the Indian fight that made the prowess of the Bowies forever memorable.

It was in San Antonio that Sam Houston appeared in 1833, accompanied by James Bowie, to arrange with the Comanche chiefs for a consultation looking to a treaty of peace with the American colonists.

It was in San Antonio, in October, 1834, that the first revolutionary meeting was held in Texas to protest against the dictatorship of Santa Anna and the overthrow of the Mexican Federal constitution of 1824.

It was in San Antonio in December, 1835, that the Texan army of 300, after five days' fighting of the most desperate character, hand to hand and from house to house, using crowbars and picks to dig loopholes in the thick stone walls, compelled the capitulation of Gen. Cos with his force of 1,300. The Texans, under Burleson and Bowie and Fannin, had been fired with resistless enthusiasm for the assault by the ringing appeal of Col. Benjamin R. Milam, who set their spirits ablaze with the cry, "Who will go with old Ben Milam into San Antonio?"

It was in San Antonio that about three months later occurred the world-famous tragedy of the Alamo. The victory of December had apparently driven the usurper from the province, and only a small garrison was left to guard San Antonio. Late in February Santa Anna himself with an army of about 2,000 fell suddenly upon the city. The little body of 183 Texans, led by Travis and Bowie and David Crockett, retired within the walls of the Alamo, a stone rectangle 190 feet long and 122 feet wide, with the old church of the original mission of Valero in the southeast corner for quarters and magazine. The next day Travis sent out a call for help that has been pronounced "the most heroic document among American historical records." It was as follows:

COMMANDANCY OF THE ALAMO,
Bejar, February 24, 1836.

To the people of Texas and all Americans in the world:

Fellow citizens and compatriots, I am besieged by a thousand or more of the Mexicans under Santa Anna. I have sustained a continual bombardment and cannonade for 24 hours, and have not lost a man. The enemy has demanded a surrender at discretion, otherwise the garrison are to be put to the sword if the fort is taken. I have answered the demand with a cannon shot, and our flag still waves proudly from the walls. I shall never surrender or retreat. Then I call on you in the name of liberty, of patriotism, and everything dear to the American character to come to our aid with all dispatch. The enemy is receiving reinforcements daily, and will no doubt increase to three or four thousand in four or five days. If this call is neglected, I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due to his own honor and that of his country. Victory or death.

WILLIAM BARRET TRAVIS,
Lieutenant Colonel Commandant.

Another pathetic document relating to this siege is the diary kept by David Crockett until the day before the Alamo was taken. I make the following partial quotations:

March 1: The enemy's forces have been increasing in number daily, notwithstanding they have already lost about 300 men in the several assaults they have made upon us. * * *

March 2: This day the delegates meet in general convention at the town of Washington to frame our Declaration of Independence. That the sacred instrument may never be trampled on by the children of those who have freely shed their blood to establish it is the sincere wish of David Crockett. * * * Some imagine independence to be a natural charter, to exercise without restraint, and to their fullest extent, all the energies, both physical and mental, with which they have been endowed, and for their individual aggrandisement alone without regard to the rights of others, provided they extend to all the same privilege and freedom of action. Such independence is the worst of tyranny.

March 3: We have given over all hopes of receiving assistance from Goliad or Refugio. Col. Travis harangued the garrison and concluded by exhorting them in case the enemy should carry the fort to fight to the last gasp, and render their victory even more serious to them than to us. This was followed by three cheers.

March 4: Shells have been falling into the fort like hail during the day, but without effect. About dusk, in the evening we observed a man running toward the fort pursued by * * * Mexican cavalry. The bee-hunter immediately knew him to be the old pirate who had gone to Goliad and calling to the two hunters he sallied out of the fort to the relief of the old man who was hard pressed. I followed close after. * * * We dashed among them and a bloody conflict ensued. They were about 20 in number and they stood their ground. After the fight had continued about five minutes a detachment was seen issuing from the fort to our relief, and the Mexicans scampered off leaving eight of their comrades dead upon the field. But we did not escape unscathed, for both the pirate and the bee hunter were mortally wounded and I received a saber cut across the forehead. The old man died, without speaking, as soon as we entered the fort. We bore my young friend to his bed, dressed his wounds, and I watched beside him. He lay without complaint or manifestation of pain until about midnight when he spoke and I asked him if he wanted anything. "Nothing," he replied, but drew a sigh that seemed to rend his heart, as he added: "Poor Kate of Nacogdoches!" His eyes were filled with tears as he continued: "Her words were prophetic, Colonel." And then he sang in a low voice that resembled the sweet notes of his own devoted Kate:

But toom cam' the saddle, all bluidy to see,
And hame cam' the steed, but hame never cam' he.

He spoke no more and a few minutes after died. Poor Kate, who will tell this to thee?

March 5: * * * No time for memorandums now. Go ahead! Liberty and independence forever.

Mr. President, it is doubtful whether in the range of human literature a parallel may be found for this rarest and most tragic of memoirs. The fact that Crockett could pause amid such turbulence and despair, surrounded by the last agonies of expiring valor, the breath of the tomb on his brow, and with such calmness, such self-mastery, such precision and charm, such tenderness and sympathy, such insight into the philosophy of liberty, reduce such observations to manuscript, is a tribute of itself that can never be equaled or approached.

The siege of the Alamo lasted from February 23 to March 6, 1836. About three days before the end Col. Travis drew a line on the ground with the point of his sword. He invited every man who had resolved to stay and die to step across the line, giving all who might so desire the privilege of endeavoring to escape. Immediately Tapley Holland stepped across, followed by every man in the fort but one, who fled. Col. Bowie was ill, but asked his comrades to lift his cot across the line, and others who were ill did the same. On the morning of March 6, 1836, came the crowning catastrophe. Overwhelming the little band at last, the besiegers, thousands strong, swarmed over the parapets and into the fort. One by one the remaining Texans died, fighting to the last.

Thus was consecrated in the blood of patriots the new Texas, whose independence had been proclaimed a few days before at Washington, on the Brazos. The news of this slaughter and of a similar massacre at Goliad some three weeks later filled the Texans with such determination and fury that on April 21, at San Jacinto, 80 years ago to-day, their revolutionary army of 800, untrained, half-equipped, and poorly supplied, defeated the flower of Santa Anna's troops, a force of 1,400, in a single charge. The nature of the victory will be better understood when it is known that of the enemy 630 were killed, 208 wounded, 730 captured. Less than 60 escaped, Santa Anna himself being among the prisoners. The Texans had 2 killed and 23 wounded. It was one of the most signal triumphs in the records of battle. The power of the dictator was broken and Texas assumed its place among the nations of the world.

Twice during the decade in which Texas maintained an existence as a separate Republic San Antonio was occupied by Mexican armies, which, however, soon found their positions untenable and retired.

With annexation to the United States in 1845 began a development for San Antonio and for all Texas that has each year assumed a more rapid and comprehensive sweep.

To-day San Antonio has a population nearly six times as large as that of the entire Texas Province in 1836, a population rated by the census of last year at 115,000, now much beyond that number. It combines all the features of a modern and progressive city with an Old World flavor, rendering it doubly impressive and unique. It is a distributing center for a large part of Spanish America. One-fifth of its people is still Mexican and Spanish. Many of these trace their forbears to the San Antonio of departed centuries, and are united by ties of blood and business to nearly every part of Central and South America, or mother Spain herself. Texas, with an area more than a fourth larger than the German Empire, is fifth in population among American Commonwealths, coming next after New York, Pennsylvania, Illinois, and Ohio. It is the first State in cotton, cotton seed, cattle, mules, pecans, mohair, butter on farms, cotton-gin machinery, and winter vegetables. It is first in railway mileage, in the number of farms, cottonseed-oil mills, cotton compresses, and cotton gins. It is first in the size of ranches and farms. It is second in number of newspapers, in the growth and manufacture of rice, in quicksilver and asphalt, in length of coast line. It is capable of the widest and most diverse agricultural and industrial expansion.

With characteristic energy and happy foresight, San Antonio has determined to celebrate in 1918 the two hundredth anniversary of her birth by holding in conjunction with the State of Texas an exposition dedicated to her own history, to the history of Texas and the Southwest, and to closer economic and social relations between the United States and the other nations of Pan America. It is the first time that the people of San Antonio and of Texas have attempted a movement of this kind.

Expositions are the mirrors of progress. They possess an educational, patriotic, and material value, defying measure. Practically every other section of the Union has epitomized its own development and its relation to the Republic in expositions that have proved of lasting benefit.

Certainly no other section and no other city have a history more fundamentally related to that of the Nation and of the world, more replete with dramatic interest, more illustrative of the possibilities of human genius and achievement, of the versatility of human fortune, than the Southwest and San Antonio. American settlement in Texas and San Antonio meant the extension of the boundaries of liberty, of the jurisdiction of American institutions, of the field of American ideals to the Rio Grande and the Pacific. And the great States that were carved from the territory acquired by the treaty of Guadalupe Hidalgo, following the Mexican War, the direct result of the annexation of Texas to the Union, will be particularly requested to take part in this exposition. Finally, the part played by Spain and Spanish institutions in the history of San Antonio and of Texas and the fact that San Antonio is already one of the great commercial gateways to Spanish America will make this enterprise a peculiarly advantageous occasion for the extension of the Nation's commerce with the Spanish-American countries. These countries will feel more at home at San Antonio than anywhere else north of the Rio Grande.

The European war offers the United States an unrivaled opportunity for the cultivation of a more intimate association with the nations to the south. It is expected that at this exposition will be displayed not only the products of Texas and the rest of the United States but those of every country in Spanish America. Thus will be shown what we have to sell to them and what they have to sell to us. Thus a constructive Pan Americanism will be inaugurated, the result of which will be enormously beneficial to all concerned. The United States has, therefore, both a patriotic and material interest in this exposition, and should accord it active cooperation and indorsement.

We shall not ask the General Government for an appropriation with which to carry on this exposition. We do ask, however, that the Congress authorize the President to invite the other nations of Pan America to participate, and that the United States itself take part and make exhibits showing its own resources and products. We shall also ask that the Government aid in entertaining the delegates which the Latin American countries send to San Antonio as their special representatives at this exposition.

San Antonio and Texas have adopted this method of portraying their history, their progress, and possibilities not only to Latin America but to this Nation and to the world. We can not but believe that this project will meet the heartiest sympathy of the American Congress—that Congress will emulate the example of the President in according the warmest approval to this aspiration of the people of Texas, the State that Spain failed to settle during a possession of 300 years, the State which a power more than mortal must have preserved for the American citizen, the American Union, and the American flag.

Mr. ROBINSON. Mr. President, it may be of interest to the Senator from Texas and to other Senators to know that a lineal descendant of that remarkable man to whose memory and achievements the Senator from Texas has paid such a beautiful tribute, David Crockett, is an employee of the Senate. Mr. John W. Crockett, an honored citizen of Arkansas, is the great grandson of Davy Crockett, and is the clerk of the Senate Committee on Commerce. He has had the pleasure of hearing the very able address of the Senator from Texas.

Mr. SHEPPARD. I am glad to have this information from my able friend, the junior Senator from Arkansas [Mr. ROBINSON]. It may also be of interest to refer here to the fact that Stephen Austin was a circuit judge in the Territory of Arkansas during the greater part of 1819 and 1820, and that he located the land on which his brother-in-law, James Bryan, marked out the city of Little Rock, now the capital of the State of Arkansas and the home of its distinguished senior Senator [Mr. CLARKE]. It was at Little Rock that Stephen Austin and his father, Moses, met in 1820 to make plans for the colonization of Texas. The histories of Texas and Arkansas are intimately interlinked.

RESTORATION OF PEACE IN EUROPE.

Mr. NEWLANDS. Mr. President, I introduced yesterday Senate resolution 172, regarding the restoration of peace in Europe and gave notice that I would address the Senate upon the resolution to-day. I ask leave to postpone the intended remarks and give notice that I shall address the Senate upon this subject next Monday.

WOMAN SUFFRAGE.

Mr. SHAFROTH. Mr. President, I desire to give notice that following the address of the Senator from Nevada [Mr. NEWLANDS] on Monday, April 24, 1916, I shall submit some remarks on Senate joint resolution No. 1, proposing an amendment to the Constitution of the United States conferring upon women the right of suffrage.

GOOD ROADS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

Mr. THOMAS. Mr. President, I shall cast my vote against this bill, whose passage may not be at all jeopardized thereby. I shall also recognize the public character of the object it is designed to subserve, and will not pause to challenge its constitutionality. The power of Congress to establish post roads may be sufficient to sustain the bill, and precedents can doubtless be found to support it if support be needed. Nevertheless, I am impressed with the criticisms of the bill by the senior Senator from California regarding its validity, some of which I think are not easily refuted.

The resulting benefit to the country at large which the advocates of the bill predict may also be conceded, even though the necessity for Federal appropriations for road construction be questioned. My opposition to the bill is grounded upon the sole proposition that we can not afford at this time to inaugurate, equip, and finance a national bureau for the construction of public highways, nor to devote the public revenue to any other than absolutely necessary demands.

Mr. President, the Democratic denunciation at Baltimore of Republican profligacy in expenditures has been recalled and repeated so often since the inauguration of Mr. Wilson that it has become stale and wearisome. I have so frequently referred to it upon this floor that I shrink from doing so again. Yet I am compelled to reassert that if it was justified when declared it is doubly justified now.

Mr. President, I have learned many things since my State honored me with a seat in the Senate. I have learned that partisanship disappears here when we look beyond our shore lines and confront problems of international concern. I have learned, too, that it disappears when we look toward the National Treasury. The compelling reason I have also learned. It is that the people are in each situation behind us, and are also without the domain of partisanship. All for each and each for all is the motto and unity the watchword.

Mr. President, there is no doubt of the reckless extravagance of previous Republican administrations. There is no doubt whatever that this one has followed the example and bettered the instruction. And there is no doubt that the next administration will be more extravagant than this one, through the constantly accelerating force of the pressure behind it. This has been so, and it will so continue until the people shall discontinue their demands for Federal appropriations and measure the merits of their representatives by their success or failure in securing them. And I confess with some reluctance that I perceive no present symptoms of any such reform.

Republican administrations were recklessly extravagant, and Democrats helped to make them so. This Democratic administration is recklessly extravagant and Republicans have helped to make it so. Behind both parties stands the hungry American public—men, women, and children—with arms outstretched and hands extended toward Washington, vociferating demands for appropriations, and Republicans and Democrats are fain to do its bidding. Let the parties refrain from mutual and farcical recriminations regarding public expenditures if they can not join in a well-directed effort to save the people from themselves. Let us discourage instead of encourage the ever-expanding range of demands upon the national revenues and endeavor to convince our constituents that we are in very truth trustees of a great public trust of which they are the beneficiaries, and should administer the trust as all others should be administered.

Mr. President, the tendency to look to the National Government for financial relief for all financial ills had its origin partly in the vicious policy of protection, whereby one class of the people were directed by law to enrich themselves by taking the property of their neighbors and partly to the desire to escape direct taxation for local purposes by shifting the burden to the national revenues. If the manufacturer by national authority may put his hand in the pocket of the consumer of his product and transfer its contents to himself, why should not the Government also pay the consumer according to his needs and afterwards according to his desires? And if the

suggestions fall on willing ears, timed to catch the views and impulses of those who can mar as they have made, what wonder that suggestion is transformed into action? And action, once begun, bequeathed from bleeding sire to son, ripening into precedent, is making Uncle Sam the paymaster for everything which by any processes of refined reasoning can be tortured into a public purpose.

Every appropriation that has been made has encouraged applications for a dozen others, until the introduction of bills for relief has become a steady occupation, and each district and nearly every city have engaged in a scramble for aid from the National Treasury. I think it is safe to assert that 90 per cent of the bills introduced in the Senate and House are money bills, and fully 10 per cent of these refer to subjects which, once receiving favorable action, become permanent charges, requiring annual appropriations. I think, too, that the number of these bills enacted into law is constantly increasing, due to the tendency to which I have referred and to the inevitable system of logrolling, the inclusion of a number of bills for local relief into omnibus bills covering them all and commanding support as a whole, and always receiving it, so that each gets his own. Pork bills, as the public has determined to call them, are thus multiplying as well, and the term is quite as applicable to some of the general supply bills, as to those which it is designed to describe. He who tries to stem the tide of this pernicious system of money administration incurs the dislike of his associates, the animosity of the army of money grabbers, and the reprobation of his constituency, which is apt to feel that its own demands are obviously reasonable, just, and lawful, however outrageous all others may be. It is not surprising therefore that Senators and Members are reluctant to oppose that which overcomes all resistance, and sooner or later sweeps them aside forever. If they can not get what their constituents demand—above all, if they oppose or only give them a lukewarm support—they must step aside for successors with fewer scruples and greater driving power. And so, Republicans content themselves with advertising Democratic profligacy, while Democrats, with like complacency, denounce Republican extravagance. Both profligacy and extravagance continue, nevertheless, and the high priests of the parties, like the old Roman Augurs, wink at each other as they thunder their platform denunciations to the listening multitudes.

Our general pension bills, the most liberal in the world, providing compensation to every man and woman who could possibly deserve it, are easily overtopped by special legislation as demanded. If one may judge from the number of private bills for pensions and for increases, nearly everyone on the rolls and everyone wanting to get on them are before the appropriate committees. Pensions are no longer stipends; they must yield adequate support. The rolls long ceased to be rolls of honor. We are placing everybody upon them. Deserters petition for the removal of their disabilities, and we remove them. They then ask for pensions, and we give them. What man in either house dares vote against these committee bills or question the expediency much less the merits of the committee reports? Which party opposes a motion to take up these bills and consider them out of their order? I am painfully conscious of the result to myself of so much as propounding these queries, since it will be assumed that none but an enemy of the old soldier would have the temerity to ask them. They add hundreds of thousands to our annual disbursements, but the legislation is good politics. None of us would stoop to buying votes with our own money, but to use the public moneys to that end is not unusual, and therefore permissible.

Let me here say that the pension bills are, in my opinion, quite as commendable, if not more so, as those of which communities in the mass are the beneficiaries. Our river and harbor bills, our public building bills, which devote millions annually to the so-called improvement of petty streams and to the construction of stately public buildnigs in the little villages and crossroads hamlets of the land, are perhaps the most conspicuous although not the sole examples of the way in which the public revenues are squandered at the behest of communities and to obtain or perpetuate their political allegiance. And so of Army posts, which once established very naturally and properly clamor for maintenance and expansion.

I was much impressed with one of the dialogues which served to enliven one of the soliloquies of this discussion, wherein the junior Senator from Virginia directed attention to the lack of needed public buildings in Washington and the consequent housing of so many departments and bureaus in leased structures and apartments, for which the Government pays an annual rental of nearly $700,000, the Government rentals being also higher than those to private persons for similar accommodations. The Senator deplored this condition and recounted his unsuccessful efforts to rectify it. But he did not refer to the real cause of this situation. It lies in the fact that we are so busy in providing public structures for Sundance and Milldew, for Persepolis and Rising Sun, that we have no time to consider and no money to squander upon needed public buildings here. Moreover, some of Uncle Sam's Washington landlords have influence in the political world and would lose a good thing if we provided the Government with appropriate housings. But we can easily build bridges—aqueduct, memorial, and suspension—over the Potomac and into Virginia, and national highways in the other direction, and just as easily comfort ourselves with the delusion that the public needs imperatively demand them.

How much money do we intend to appropriate for the approaching fiscal year, exclusive of the usual supply bills? Does any Senator know? Has he sought to ascertain? Does he know anything about it?

We have recently passed two bills for what, I think, are very essential purposes and which must carry ultimate appropriations of $41,000,000. On April 18 the Senate Calendar contained measures favorably reported on and which will probably pass. These carry ultimate appropriations of $121,500,000, all outside of the ordinary expenditures. The House Calendar will probably disclose a much larger aggregate sum. Does any Representative know how much that body proposes to add to the annual budget of expenditure? Has he cared to investigate the subject?

Mr. President, the cry of preparedness is wrapped in a golden atmosphere of monetary possibilities. It has just enough of patriotism about it to make it pleasing to the eye and delightful to the ear. Its seductive syllables have arrested the attention and quickened the hopes of everyone who would save his country by drawing something from its Treasury. From the ponderous Steel Trust down to the most obscure promoter in the land, and embracing everything within the two extremes, the call for preparedness has found a ready response. Everything that has heretofore been used in war or in peace, everything else that the imagination can conjure into material form, from cannon to cradles, from battleships to nursing bottles, has volunteered for the occasion. They are in the training camps, and will soon be in the trenches, preparing to besiege Congress and march through its portals into the National Treasury. Men who view with terror the awful spectacle of The Battle Cry of Peace rush frantically to their typewriter and prepare bills for construction, destruction, erection, and demolition, all in the interest of defense and through the medium of appropriations. We are beset with schemes and devices which will keep us out of war, which will make our success certain in the event of war, which will preserve peace with honor and prevent peace with dishonor. Let us prepare while money is in the Treasury and prepare also to make the supply perennial.

Mr. President, if one-half of these assaults actual and contemplated upon the Treasury were successful, our people could make money by buying its security from other nations. We would save vastly by the process. I am not apprehensive of extreme results from this new avenue of approach to the public crib, yet I have no doubt that, pursuing our present methods of financial legislation, much additional money will be devoted to the demands of localities which can not very effectually subserve a military end. This, too, will become for the most part a permanent burden, tending to enlarge as the years accumulate.

And, Mr. President, the most conservative among us know that our inevitable Army and Navy increases will add from $200,000,000 to $250,000,000 per annum to our fixed expenditures, a sum to provide which added taxation is inevitable. How that money shall be raised is the problem of the majority. Taxation is always unpopular. None of our military and naval advisers have suggested any plan of revenue, but are not at all anxious that any plan should include them. Is this the time to commit the Nation to a system of public road building of which the sum of $75,000,000 provided by this bill is but the faint beginning?

We can not delude ourselves with the notion that this bill is or will be the last word upon the subject. It is the entering wedge. We propose to act conjointly with the States, which must contract for and assume their proportion of expenditure. But the States, or some of them, will surely assert before very long that the enterprise is national in scope and character; that the States are unjustly burdened with a financial responsibility for the development and maintenance of a continental project, and that all their resources are demanded for the payment of purely State obligations. The challenge will be heard all over the land. All the Commonwealths will join in the movement, and the road system of the country will become a part of the Federal administration upkeep and extension. This will mean,

not a paltry $75,000,000 but many times that amount, an obligation which can not be avoided, but ever increasing in its exactions. This may be the better method for the States and the people. If so let us frankly recognize it and then inquire whether on the threshold of the most lavish appropriations ever made by any nation in times of peace, we should now take up this work. What man of affairs, what nation but ours would even seriously consider such a fatuous proposition?

Moreover, Mr. President, we must remember that the administration of this bill will call into being a small and always growing army of Government engineers, inspectors, overseers, gang bosses, workmen, accountants, and office holders scattered like locusts over the face of the land drawing salaries and doing little else. Once called into existence they become immortal. We may create but we can not recall a public official. There he is a thing of beauty and a joy forever. And this bill is so framed as to require the creation of two sets of officers to perform the same duties, the one State the other National. They may clash but they will not resign. The law will not execute itself. The Federal Government can not execute that of the State, the State can not perform that of the Nation. They must cooperate. This is wasteful, extravagant, and inefficient, but it is the way we propose to do business if this bill shall become a law.

The House has passed two other measures, one for rivers and harbors, the other for flood prevention, carrying approximately a hundred millions in appropriations. Others will be launched in due season. Senators, do we not realize that revenue must be provided for these appropriations; that there is a limit to the burdens of taxation, and that the very interests clamoring for these expenditures will be the first to rend us when the day of reckoning comes?

Vast as our general supply bills are, we are compelled with every new session to supplement them with deficiency bills—some urgent, others when convenient. We have committees on expenditures in the various departments, which never meet. We neither know nor care how the public moneys are expended. I make no charges, even by indirection, although it is somewhat remarkable that we deem our duties at an end when we have voted the public moneys, and take it for granted that they are properly disbursed.

Economy in public affairs is the trite expression of a very salutary maxim. Both parties repeat it like parrots, or rather like children who are taken with catchy phrases, without comprehending their import. Economy in public affairs is dead everywhere. Nation, State, and city have turned it down. Our aggregate public debt may not be as large as that of England or Germany, but it is appalling. Our children must arrange for its liquidation. We have mortgaged them beyond redemption. They are helpless unless their sense of injustice shall become stronger than their sense of obligation and they shall refuse to perfom what others have imposed upon them. We declare that we will economize some time somewhere. Why not now? Why not here? There must be a commencement, and I am very sure that the people, informed of our purpose and the occasion for it, will commend and support us. They never fail to approve good public service when they perceive it to be courageous and genuine. They will follow when leaders exhibit the qualities of leadership and when they lead in the right direction. And leadership—genuine, disinterested, capable leadership—was never needed at the Nation's Capital more than it is now.

Mr. President, the most deplorable aspect of our political condition is the tendency, aye, the willingness, of the States to sell their birthright for a mess of pottage. Their sovereignty they barter away for appropriations to be expended within their boundaries upon objects of purely State concern. Their duties, so necessary to the independence and welfare of their citizens, they delegate to the Nation for money rather than assume the burden of their exercise. Their rights they willingly surrender in exchange for the Nation's gold. Time was when every reserved right was zealously cherished and respected; when every local duty was performed with ardent alacrity; when the Federal Government was confined to the sphere of its delegated authority. But our material development and the accumulation of enormous wealth has weakened the moral fiber of our sisterhood of sovereignties as it has changed the hearts and the spiritual natures of man. The Government has become a thing from which we may derive support and material advantage. We were created for it and it must care for us. We belong to it and it must therefore support us. It is paternal, protective, nourishing; no longer a means to an end, but an end in itself. This may be due to a law of political evolution from whose operation we can not escape, but if so the conceptions of the fathers were profoundly wrong.

Our late colleague, the distinguished Senator from Georgia, often spoke of himself as an ambassador from his State. I am prone to believe that this conception of a Senator's position is more accurate than it should be. We are, generally speaking, United States Senators when, and only when, we act upon or consider external problems. We are, generally speaking, Senators from our respective States when we act upon or consider affairs of domestic concern. We are more interested in what we can secure for our immediate constituencies from the Federal Government than we are in protecting and safeguarding the latter from the exactions of those who send us here. This means that we are becoming less and less the guardians and representatives of national authority and more and more the agents and attorneys of our respective constituencies. No man can serve two masters. Many have tried to do this and all have failed. What the country needs is Senators and Representatives whose first duty is to the Nation; whose vision reaches beyond their own localities and is bounded by the horizon of the Republic; whose fealty to the Federal Government is their strongest impulse; who place the general welfare, the national interests, the national affairs above and beyond all others; who serve their States by serving the whole people; who are neither ambassadors nor delegates, but everywhere and at all times the trustees and depositaries of a legislative function created and designed to subserve the East, the West, the North, and the South alike, each and all the equal and inseparable constituents of the same Republic. When this conception of duty shall have become the standard by which our actions and our policies are measured the Treasury will cease to be a grab bag for greedy schemes of greedy communities for public extravagance and private relief, and the money of the people, cheerfully paid through taxation for public purposes, will be wisely appropriated and honestly expended.

Mr. BANKHEAD. Are there any amendments pending to the amendment of the committee?

The PRESIDING OFFICER (Mr. POMERENE in the chair). The question is on the amendment of the committee reported as a substitute.

Mr. LODGE. Mr. President, I call for a quorum. I know the Senator from North Dakota [Mr. MCCUMBER] desires to speak, and also the Senator from Pennsylvania [Mr. OLIVER], and I am going to speak myself.

Mr. BANKHEAD. Mr. President, I desire to give notice that when a quorum appears I shall renew my request, perhaps in another form, for consent to vote upon the bill at a stated time.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Owen	Sutherland
Bankhead	Hollis	Page	Swanson
Borah	Husting	Phelan	Taggart
Broussard	Johnson, Me.	Pittman	Thomas
Burleigh	Johnson, S. Dak.	Pomerene	Thompson
Chamberlain	Jones	Reed	Tillman
Chilton	Kenyon	Robinson	Townsend
Clapp	Lane	Saulsbury	Underwood
Culberson	Lee, Md.	Shafroth	Vardaman
Cummins	Lippitt	Sheppard	Wadsworth
Curtis	Lodge	Simmons	Warren
Dillingham	Martine, N. J.	Smith, Ariz.	Works
Gallinger	Myers	Smith, Ga.	
Harding	O'Gorman	Smith, Md.	
Hardwick	Overman	Smoot	

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. There is a quorum present.

Mr. BANKHEAD. Mr. President, I desire to renew my request to fix a time that the Senate shall vote on the bill and amendments. Inasmuch as my suggestion of 5 o'clock this evening was objected to, I am going to ask the unanimous consent of the Senate to agree to vote on the bill and amendments not later than 8 o'clock this evening.

Mr. LODGE. Mr. President, this bill is of very great importance; it carries an enormous appropriation; is has been discussed one day. There are a number of Senators on this side who desire to discuss it. I know the Senator from Nebraska [Mr. NORRIS] has amendments which he wishes to offer and the Senator from Iowa [Mr. CUMMINS] has an amendment. The Senator from Pennsylvania [Mr. OLIVER] desires to speak and the Senator from North Dakota [Mr. MCCUMBER] desires to speak. The Senator from New York [Mr. WADSWORTH] told me that he wishes to speak, and I should like to say a little myself. I do not think it is possible to agree to-day.

Mr. BANKHEAD. Then I suggest that not later than 12 o'clock this evening——

Mr. LODGE. Mr. President, I object. I can not agree to any agreement for a vote to-day.

Mr. SIMMONS. Before the Senator from Massachusetts objects I wish to suggest to the Senator from Alabama if he will make a request to vote on Monday, say, at 5 o'clock on Monday, I think very likely it will be agreed to.

Mr. BANKHEAD. I will make that request. I will ask that not later than 5 o'clock on Monday next the Senate shall vote on the bill.

The PRESIDING OFFICER. The Chair did not hear the hour indicated by the Senator from Alabama.

Mr. BANKHEAD. At 5 o'clock on Monday.

Mr. LODGE. Mr. President, I think this is too soon to undertake to fix a time for taking a vote on the bill. It is a bill of enormous importance. It is committing this country to a policy which is going to cost hundreds of millions, in my opinion, and I think we ought to have at least two or three days to consider it. I do not feel ready to agree to a time now.

Mr. GALLINGER. Mr. President, it is my present purpose to vote for this bill if it assumes a form that will commend itself to me, and I apprehend it will, but I think the Senator from Alabama is not wise in undertaking to get an agreement at the present time. I have a few inconsequential amendments myself that I want to offer to the bill and I may have a few words to say in support of them.

In fact, Mr. President, as I suggested the other day, I think we ought to know something about what the program is to be for this session before we continue to legislate by unanimous consent. If we are to be kept here, as I said, until July, we might as well remain here until December. I have noticed that in another place where our program of legislation seems to be made out for the Senate there are enough bills to keep us here certainly until harvest time. I think we had better look that over pretty carefully before we conclude to rush bills through at an inordinate speed.

Mr. BANKHEAD. Mr. President, I should like to have the attention of the Senator from Massachusetts. Can the Senator suggest a time when he would be willing to have the vote taken?

Mr. LODGE. No; Mr. President. I said that I think this is too soon. The bill has been up only one day. I am not willing to make any agreement at this time.

Mr. BANKHEAD. The Senator is mistaken. The bill has been before the Senate for three days.

Mr. LODGE. I was not aware that it had been under discussion for three days.

Mr. BANKHEAD. With to-day it is.

Mr. LODGE. There have been several other things done in the last three days.

Mr. BANKHEAD. Mr. President, of course we are in a situation where we can not help ourselves. I am going to ask the friends of the bill to stay in session to-night until we, perhaps, may be able to reach some sort of an agreement as to when a vote shall be taken.

Mr. GALLINGER. As one friend of the bill I will not stay in session to-night if I can prevent it; and I suggest to my good friend from Alabama that he is forcing this measure at too great a speed. I do not think he would gain anything by undertaking to hold us in session to-night.

Mr. BANKHEAD. I appreciate what the Senator says. He has suggested on one or two occasions that he would like to know what the program is. I will state and state very frankly to the Senate the difficulty that we are in. When the bill was taken up for consideration it was agreed by the steering committee and the Senator who has charge of the rural-credits bill that I should have three days in the Senate for the purpose of considering the bill, and if during the three days we were unable to get a vote on it then I agreed to lay it aside and give the right of way to the rural-credits bill.

Now, that is the situation we are in. If the bill is displaced owing to the continuous objection that is made, while I have no disposition to hurry it as far as I am concerned, I do not know when we will be able to get the consideration of the bill again in the Senate. That is the reason why I insist, as far as I can, that we shall have some disposition made of the bill during the three days.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Mississippi?

Mr. BANKHEAD. I do.

Mr. VARDAMAN. I wish to ask the Senator at what time did he consent to lay the bill aside?

Mr. BANKHEAD. At the end of this calendar day.

Mr. VARDAMAN. Of course, the Senator knows it is impossible to pass it to-night in that short length of time; but I wish to say that this bill is one of very great importance to the American people.

Mr. BANKHEAD. Mr. President, it is also known by the Senate that to-morrow is to be devoted to the consideration of the conference report on the sugar bill, and of course we would have no time to-morrow, even if I should get the consent of the Senator from New Hampshire [Mr. HOLLIS].

Mr. VARDAMAN. I was about to remark, Mr. President, that so far as my very limited influence goes I am going to insist that some legislation on this subject shall be enacted by this Congress, whether it be to-day or to-morrow or next week. It is a matter in which the people of the United States are very greatly interested. I do not know of any measure that would contribute more to the material well-being of that class of the American people, whose labor feeds and clothes the world, than legislation which tends to encourage and promote public-road building.

I shall have something to say on the bill a little bit later, but I do not care this afternoon to discuss at length the bill. I hope it may not lose its place to-day, but I do not think any special advantage will be gained by remaining in session to-night. The bill can not be passed until the Senate has an opportunity to discuss it, and loaf around it, and think on it, and consume time about it, as is the rule of procedure in the Senate. I see no necessity for trying to press it to final passage at this time, unless we had two or three days ahead of us. I want it understood that I am very much interested in the measure, and I think Congress ought to enact this measure, or a measure similar to this, before this session adjourns. Failure to do so will be falling far short of meeting what I regard an important duty.

Mr. LODGE. Mr. President, of course I have the greatest respect for the arrangements made by the steering committee of the Democratic Party, and I realize their power; but it is not to be pretended, of course, that their arrangements bind the Senate of the United States. Though I dislike extremely to interfere in any way with any agreements that have been made, I think the rest of us in the Senate have some rights still left—not many, but some.

I will say to the Senator from Mississippi [Mr. VARDAMAN] that there is not the slightest danger of this bill failing to pass. Any bill that takes as much money out of the Treasury as this bill proposes to do and distributes it to local interests and to different States, and for local purposes, never fails. It is certain to pass; there is no trouble about that.

Mr. VARDAMAN. I am in hopes that the Senator from Massachusetts is a prophet now.

Mr. LODGE. I did not catch the Senator's remark.

Mr. VARDAMAN. I say I am in hopes the Senator is speaking the words of prophecy. I hope the bill will pass.

Mr. LODGE. If I may quote something that happened to me when I was a new Member in the other House—more years ago than I care to define—I asked Mr. Hitt, of Illinois, when the river and harbor bill was brought in, if the bill would pass. He said, "Pass! Why, this is the one bill that is certain to pass; it is made to pass." The bills that are "made to pass," with great local appropriations in them to be taken out of the United States Treasury, always pass. There is no danger whatever to this bill; but there are some of us who would like to offer our feeble objections to it, and to point out what seem to us defects in the measure. There are several Senators also who desire to offer amendments to the bill, and I do not think we ought to be cut off from that privilege because some agreement has been made about another bill under a program of which we know nothing. All we know is that there are certain measures that must be passed to carry on the Government—the great appropriation bills and bills for additional taxation. Those bills must pass; but those bills seem to be pushed to one side, in order to get through a number of bills that are "made to pass."

Mr. UNDERWOOD. Mr. President, I did not intend to say anything in reference to this bill, for I wished to conserve time and give the bill an opportunity to get through to-day; but as it appears that it will not have the opportunity to pass the Senate to-day I wish to make a statement, in order that the RECORD may show that I favor the passage of the bill.

I think this is a good bill. It is well drawn, and it properly distributes the appropriations and the burdens between the local communities, the States, and the Federal Government. I do not think, however, that is the main problem that confronts the country. I believe in the State governments exercising those rights and powers which belong to them and that have not been delegated to the Federal Government, and I do not believe in the Central Government interfering with those powers.

On the other hand, the States, when this Government was organized, delegated certain powers to the Central Government at Washington. I believe that, so far as the exercise of those powers is concerned, this Government should be a virile, forceful Government; that it is just as much in violation of the rights of the individual States for the Federal Government to refuse to exercise in the interest of the American people a power that has been delegated to it by the States as it is an infringement of the rights of the States for the Federal Government to go within the jurisdiction of the several States and attempt to exercise powers that belong to the States.

There was a clear delegation of power when the Federal Constitution was adopted in the clause which authorized the Federal Government to establish post offices and post roads. If anyone should assume to say that the States of this Union should exercise the authority to carry on a postal system, or that the States of this Union should bear the burden of carrying on a postal system, the proposition would be repudiated at once; and yet the same clause that authorizes the Federal Government to establish post offices also gives it the authority to establish post roads.

That authority was recognized in the very beginning of the Government. In the early days of the Government one of the great questions that confronted the Congress of the United States was the establishment of Federal post roads. In fact, large appropriations for that time were made to build roads extending across the country, one running from the State of Maryland out to the Mississippi River through the Central Western States. So there can be no question that the Federal Government has the right to establish post roads, and that it has exercised that right in the past.

It is true that the invention of the steam engine and the building of railroads diverted the attention of the American people and of the Government from the necessity of having good post roads; the power was not exercised for many years by the Federal Government, and the interest in Congress languished in reference to this question.

I believe, Mr. President, that transportation is the key that unlocks the door of commerce, and that outside of the liberty of the American people there is no matter that is of such vital interest to them as a successful commerce. We have spent a great deal of money in this country in the regulation of railroads, a great deal of money in endeavoring to secure equitable and just rates of transportation on railroads. Why? Because it was in the interest of commerce and the development of commerce for the American people between the several States. If you destroy the facilities of commerce you destroy local development and local industry. If you facilitate the distribution of commerce you build up local industry and local development.

It has been shown that there is more commerce moved on local roads than there is nation-wide commerce. A great deal of the commerce that is moved on the local roads is moved over dirt roads. It has been stated in publications by the Agricultural Department some years ago that the average cost of hauling a ton of freight a mile on the average dirt road in the United States was 25 cents a ton. On good, hard macadam roads the cost can be reduced below 8 cents a ton. Therefore to encourage the building of hard roads for the transportation of the freight of the country is of vital importance to the people of the United States.

It has been said here in debate that the States themselves are building good roads; that there is no necessity for the Federal Government to intervene; that there is no requirement for Federal aid. Well, that may be true in some of the great, rich States in America; but even in those States it has been found that the State must grant aid, because there are poor communities in those States that can not bear the burden of carrying the roads through those communities, and they must have the aid of the State in order that the roads may reach the marts to which commerce is going.

The same is true as to the Nation. There are many States and many communities in which, without aid from the National Government or the State governments, it would be impossible for them to construct roads. If your roads are not going to be continuous and go through poor communities as well as rich ones, they will be of little value.

Mr. SHAFROTH. Mr. President——

Mr. UNDERWOOD. I ask the Senator not to interrupt me until I finish this thought.

Mr. SHAFROTH. Very well.

Mr. UNDERWOOD. If what I have stated is true, there is a very good reason for the passage of this bill or some other bill that will grant national aid for road building.

The whole history of the building of roads in the civilized world has demonstrated the fact that there has never been a great system of roads built in any country until the government of that country stood behind it in some way. In England for more than a century they attempted to develop their roads through local effort, but it was not until Parliament itself made supplemental appropriations—which, I am informed, now in most cases reach half of the cost of the road—that a great system of turnpikes was built. The same is true in France. The greatest system of good roads in the world is now in the Republic of France. It is true that in France the National Government does not appropriate for local roads, but the National Government carries the greater part of the burden for the national highways extending through that Republic.

The need for Government aid is equally apparent here today. If the Government of the United States makes an appropriation and holds it out to the States and the local communities that by giving State aid and local aid they can secure a part of the money to build these great highways, local communities will bid for the opportunity to get them. It will arouse a public sentiment. It is not the mere number of dollars expended that will be valuable, but you will awaken a public sentiment in each community that it may be served and aided with this Government appropriation instead of some other community. You will build up a sentiment, and it is the only way in which you can build up a sentiment that ultimately will build throughout all of the States in the Union a system of highways that can serve the interests of the people.

I do not intend to make any extended remarks to-day, Mr. President. I wish merely to register my approval of this bill and to state in a few sentences why I believe it should be passed now.

So far as the statement that was made a few moments ago by the Senator from Massachusetts [Mr. LODGE] is concerned, in reference to the great public bills that must be passed, the revenue bills and appropriation bills to carry on the Government, he is eminently correct; but to-day we have none of those bills on the calendar; there are none now waiting here for consideration. They will come from the other end of the Capitol; and when they do come they will have to be given consideration and bills of this kind will have to be pushed aside; but now, when they are not here, when they are not knocking at our door for consideration, I think the Government of the United States, acting through this Congress, will be neglecting its duty to the American people if it does not insist on the exercise of its constitutional power, which it has neglected in the past, by pushing this bill—one of the few bills now before the Congress of the United States which is intended not for the help of the great and the wealthy or strong corporations of great power, but for the upbuilding of local communities and for the aid of the men who, in the end, bear the great burdens of our Government and make our country, both in times of war and in times of peace, a possibility as a Republic.

This bill, if it becomes a law, will afford the men who live on the farm in many of the States of this Union an opportunity to live happy lives instead of hard lives; it will enable them readily to find profitable markets for the products of their labor and their soil; whereas to-day, by reason of their isolated condition on impassable roads, they are required to struggle in poverty and distress. I hope, if this bill can not be considered to-day, if the Senate of the United States is unprepared to continue the consideration of this bill, that an opportunity at some time when it will not be sidetracked for the great Government supply bills, will be given for its full and careful consideration, and its enactment into law before this session of Congress adjourns.

Mr. WILLIAMS. Mr. President, a good many years ago, when I was a Member of the House of Representatives, I introduced a bill appropriating $25,000,000 per annum out of the Federal Treasury to aid the States in the construction of good roads. The time was not then ripe for the legislation. Even at that time a great many things were said about the constitutionality of legislation such as this.

There are two bases upon which Federal jurisdiction for building good roads may constitutionally rest. One is the interstate-commerce clause of the Constitution. Very early in our history the Congress of the United States, at that time containing very many members of the then recent Constitutional Convention, passed an appropriation to construct the Cumberland Road, as it was called, which was intended to go from tidewater on the Atlantic to the Ohio River; and as strict a constructionist as John C. Calhoun took the position that the Federal Government had a right to build that road. James Madison, Jefferson, and a great many of the early fathers of Democracy also took the position that there was a Federal jurisdiction. Subsequently the Democratic Party, becoming somewhat more strict in its construction of the Constitution, took the position—under

Andrew Jackson's presidency, I believe—that the constitutional right did not exist, although Mr. Monroe prior to that vetoed one good-roads bill, but upon grounds which were not at variance with the position taken by the earlier fathers. That is one of the two bases to rest Federal constitutional authority upon. The other is upon the post office and post roads clause of the Constitution.

It is a curiosity of political literature that under the clause of the Constitution which gives to Congress the right to "establish post offices and post roads" it was very early contended that the right to construct a post office flowed necessarily from the right to establish it; that it not merely meant that the Government could rent a house for the purpose of keeping a post office in it and putting a postmaster there, but that the Federal Government could build the post office; and yet, although the language of the Constitution was "to establish post offices and post roads," both being in the same clause and running pari passu, a great many people who thus contended for the right to build or construct a post office denied the right to construct a post road.

This bill, Mr. President, so far as I have been able to examine it, contains nothing except provisions to improve the post roads and post routes; so that the constitutional power is undoubted, undeniable, obvious, plain, and palpable.

Now, having gotten the authority, I want to say just a few words about the connection between good roads and civilization. From the dawn of time every nation that ever reached anything like world power or ever approximated it or ever developed a civilization of its own was a country that was signalized in its time, in comparison with others, by the existence of good roads within its area. In the very early days the Assyrian Empire and the Persian Empire were celebrated amongst other peoples for their comparatively good roads. Babylonians and Assyrians went so far as to raise their roads in the Mesopotamian Valley, and to build them upon what we now call "levees." Everybody knows the history of good roads in the Roman Empire, and everybody knows that a great part of the weakness of Greece and of the Grecian or Macedonian Empire in Asia arose from the fact that they did not have good roads. Rome built good roads everywhere; and it was an old saying that "every road led to Rome."

There was a road that went all the way from Rome to Colonia, the Roman colony, the modern Cologne. I have myself walked afoot, not having money enough to ride at the time while traveling in Europe, over what is called the Koblenzer Strasse, which practically begins at Cologne, I think, but runs, at any rate, from Bonn along up to Coblenz, on the Rhine. That road has been kept in repair from time to time, but it is substantially the old Roman road.

I might refer to the old Appian Way, in Italy, and to a great many other roads in what was called the Provincia, in France, or ancient Gaul, now modern Provence, in southern France. The Romans built splendid roads everywhere very early in the history of their possession of southern Gaul, even before they had taken possession of middle and northern Gaul. So that wherever there has ever been any people who ever proximated a civilization, a self-developed civilization, a characteristic civilization of any sort, good roads have accompanied that civilization.

Good roads are all the more connected with civilization in modern times, because over them the children go to good schools; whereas in the old time that was one use for a modern good road that did then not exist. In the main, in the old times the roads were constructed for the purpose of enabling the armed forces in the empire to have ready access to the provinces and to be able to meet enemies upon the border. All the roads of Rome were strategic roads, and commerce grew up upon the road, so that the road was the cause of the commerce rather than the existence of the commerce the cause of the construction of the road. But with us we have not only the strategic military reason, which is national, the interstate-commerce reason, which is national, the post-road reason, which is Federal, but the other reason which I have mentioned, which is educational. In addition to that, we have the economic reason, which was so fully dwelt upon by the Senator from Alabama that I shall not dwell upon it any more. It is true that there can be no interstate commerce of any great power unless there be good roads for a local commerce forming connecting links upon which the interstate commerce is founded, nor can there be any great international commerce except for the intrastate commerce of the various countries which form the family of nations.

I wanted to say these few words in general commendation of the purposes of the bill.

Mr. JONES. Mr. President, I just want to ask the Senator from Alabama a question or two upon a point raised in a letter which I have received.

I have a letter calling attention to the language on page 11 of the bill from lines 19 to 22, and also the language on page 12 commencing in line 13 and ending after the word "span," in line 15. The letter says this, and I will just ask the Senator about it:

> The proposed bill, as amended by the Committee on Post Offices and Post Roads, in section 6, page 11, commencing at line 19, contains the following:
>
> "The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this act on account of such project, which shall not exceed 50 per cent of the total estimated cost thereof."
>
> In the same section, on page 12, commencing at line 13, it is stated:
>
> "Nor shall any such payment be in excess of $10,000 per mile, exclusive of the cost of bridges of more than 20 feet clear span."
>
> While it is true that there might not be possible a misinterpretation applied to the language, still, in order that there may be no possible meaning read into the bill other than what is intended, we are constrained to suggest that in order to make secure the meaning beyond the possibility of doubt, that the last above quoted lines be eliminated entirely, and that in lieu of the first above quoted language there be inserted in its place, commencing at line 19, page 11, section 6, the following, namely:
>
> "The Secretary of the Treasury shall thereupon set aside as the share of the United States payable under this act on account of such project a sum not exceeding $10,000 per mile, and which shall not exceed 50 per centum of the total estimated cost thereof, exclusive of the cost of bridges of more than 20 feet clear span."

That is the amendment they suggest; and then they say this:

> We wish to avoid a possible limitation of $10,000 per mile for the construction of roads under this bill, by the terms of which the Government will share in its cost.

I wanted to ask the Senator from Alabama whether he fears that there could be any construction of that sort of the language of the bill? As I understand the bill, it simply provides that no matter what the cost of the road may be, whether $25,000, $30,000, or $40,000 a mile, the National Government can contribute up to $10,000 a mile, but not beyond that; that anything beyond that the State would have to provide for.

Mr. BANKHEAD. That is the way I construe it.

Mr. JONES. I do not believe, myself, that there is any doubt in regard to the construction of the bill.

Mr. BANKHEAD. I do not think so.

Mr. JONES. But this letter came from some very responsible people, and I wanted to get the Senator's view about it.

Mr. BANKHEAD. I do not think there is a particle of doubt but that the Senator's construction is correct.

Mr. JONES. And that there is nothing in the bill that would prevent the State authorities, acting with the Secretary of Agriculture, from adopting the plan or project where the cost per mile would be more than even $20,000?

Mr. BANKHEAD. Oh, I think not.

Mr. JONES. There is just simply a limitation upon the amount which the Federal Government contributes toward it?

Mr. BANKHEAD. That is it.

Mr. JONES. All right.

Mr. POMERENE. Mr. President, the question as to the constitutionality of this bill has been raised, but I have never had any doubt about the power of the Federal Government to aid in the construction of public highways. I think it is fair to say that this authority will be conceded by most of those who have investigated the subject.

As a matter of policy I am also in favor of Federal aid. There is much force in the statement that if we are to rely wholly upon the local authorities the day when we can have improved highways to the centers of population is going to be long deferred. At the same time I believe that this country is so large, the road mileage so enormous, the interests of the various localities so great, that the larger part of this work must be done by the State and other local authorities.

My belief is that while we can not or ought not to set any particular limit as to the amount in dollars and cents which the Federal Government will spend, whatever of aid we do give should be upon such terms and conditions that it will encourage to the maximum the local authorities to make these improvements. As the Congress, we are interested not only in having good roads but in increasing the mileage of good roads, and I fear that if we should seek to make the entire improvement, or even to pay one-half the cost of an improvement, we would not be encouraging the local authorities to the same extent that we would if we should reduce the proportion of the cost which the Federal Government would invest in these several improvements.

I very much regretted that the amendment offered by the Senator from Nebraska [Mr. NORRIS] did not carry, because I believe that if this Government should pay only 25 per cent of the cost of permanently improved roads at the end of 10

years we would have more mileage of permanently improved highways than we will have if the Federal funds are so distributed as to pay 50 per cent of that cost; and at the proper time I propose to offer an amendment, in view of the fact that the amendment offered by the Senator from Nebraska failed, to change the 50 per cent limit to a 33⅓ per cent limit.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Ohio yield to the Senator from Alabama?

Mr. POMERENE. I do.

Mr. BANKHEAD. I should like to ask the Senator a question, so that he may consider it, if it is entitled to consideration. Is the argument of the Senator from Ohio from the standpoint that the counties and the States will not expend 3 or 5 or 10 times as much money, perhaps, upon their own account without any contribution on the part of the United States; or does he think that they are going to rely entirely upon the contribution made by the United States, and only put up their proportionate part of that?

Mr. POMERENE. Mr. President, I am very glad to say that many of the States, including my own, during the last four or five years have gone ahead regardless of any Federal aid.

Mr. BANKHEAD. That is true.

Mr. POMERENE. But there are localities that will not go on with these improvements unless they get a certain amount of encouragement; and my belief is that if we are going to go to the extent of furnishing one-half of the cost of an improvement, to that extent we are going to discourage permanent improvements.

Mr. BANKHEAD. If the Senator will pardon another suggestion——

Mr. POMERENE. Certainly.

Mr. BANKHEAD. The Senator, then, is proceeding on the theory that there are States that will content themselves with making an appropriation equal to that made by the Federal Government for the improvement of the roads, and there will stop, and they will not go any further than that, and that they will not make any appropriation outside of that. Is that the theory?

Mr. POMERENE. Mr. President, my thought, in brief is this: That, if I may use the word, we will tempt States to build more miles of road if we limit the proportion of the funds furnished by the Federal Government to 25 per cent of the cost than we will if we increase the limit to 50 per cent. That is my judgment. It is purely a problematical question. No one can say definitely that this is going to be the result or that is going to be the result. I am simply giving my individual judgment in this matter.

Mr. VARDAMAN. Mr. President, if the Senator will yield to me just one moment——

Mr. POMERENE. Certainly.

Mr. VARDAMAN. I should like to make a suggestion. I have the honor of representing in this Chamber, in part, a State that is not classed among the rich States of America. Our population is largely rural.

Mr. POMERENE. It is rich in its Senator.

Mr. VARDAMAN. That is very kind of the Senator from Ohio. I am glad he said that, whether he meant it or not.

Mr. POMERENE. I certainly meant it, otherwise I should not have said it.

Mr. VARDAMAN. It makes my soul blossom out like a cauliflower. But I want to say to the Senator that whereas under the terms of this bill the State of Mississippi will receive $91,000 the first year, one small county in that State, with a little city of 5,000 people, has recently issued bonds, I am advised, to the amount of a half million dollars to build roads. I relate that fact in order that the Senator may know that the States are not going to limit their appropriations or their disbursements proportionate to the amount of money that the Federal Government gives; but there are remote counties where the people are not able to pay the expense and far away from the railroads, most sparsely settled, where the States will use the money contributed by the General Government for the construction of a road. Whatever this Congress may do, it is not going to put a damper upon their enthusiasm in road building at all.

Mr. POMERENE. Mr. President, my thought is that if this Government were to give $100,000 to the State of Mississippi or to the State of Ohio, with a condition attached that they should build 25 miles of permanently improved highways, there would be 25 miles built. If it was to be expended upon 10 miles, the chances are that there would be 10 miles, and 10 miles only, built. Now, that is all I care to say upon that subject; but there is another thought I had in mind which I wish to call to the attention of the committee, and I think the Senator from Washington has referred somewhat to it, though I was not able to hear him distinctly.

A limitation of $10,000 per mile in cost is placed in the bill. In my own State we are building many highways and paving them with a vitrified shale street paving brick. The cost, as I was informed a few years ago, of these roads for a width of about 14 feet amounts to about $15,000 per mile. I am not quite sure that I understand the phraseology; but if this bill is to go through with the 50 per cent limitation it may be that these appropriations would not be available for the State of Ohio on these roads which cost in excess of $10,000 a mile. If that is true, I feel that there ought to be some modification of the bill in that behalf, so that every State may get the benefit of the funds intended for it.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Washington?

Mr. POMERENE. I do.

Mr. JONES. The point that was made in the letter I read from a moment ago and submitted to the Senator from Alabama was that there was some ambiguity in the language of the bill. The correspondent was afraid that under the language of the bill the United States would contribute $10,000 per mile, and that if the road cost more than, say, $20,000 a mile, it could not be built.

Mr. POMERENE. With Federal aid.

Mr. JONES. With Federal aid. My understanding of the language of the bill is that the United States contributes up to $10,000 a mile toward the construction of the road—that is the maximum contribution per mile—and that if the road should cost $25,000 per mile, then the State would have to put up the additional amount; but that the mere fact that it costs $25,000 a mile would not prevent its being taken up by the Government and the State under the terms of the bill, and in that the chairman of the committee concurs. Of course, if there is any doubt with reference to that, I think it ought to be made perfectly clear; and that is what my correspondent desired.

Mr. POMERENE. I hope the construction which the Senator from Washington has placed upon this language is correct.

Mr. BANKHEAD. Mr. President, I think that construction was not right. I have received many letters, as no doubt many other Senators have, from brick manufacturers who are very much interested in this question; and when I first began to receive these letters I replied and stated my view of it—that the provision in this bill, of course, limited the national appropriation to $10,000 a mile, but if the community, the State or the county, wanted to build a road that cost $30,000 a mile, there is nothing at all in this bill to prevent them from putting up $20,000 as against the $10,000 that the Government puts up. Recently I have received a number of letters from these gentlemen saying that they quite concur in my view of it. They thought that was the proper construction of the law.

Mr. POMERENE. The question has been raised and discussed very seriously by some of my correspondents.

Mr. BANKHEAD. Yes; no doubt.

Mr. POMERENE. And I am quite sure that the sentiment in my own State is such now that road building is going to go on whether they get Federal aid or not.

Mr. BANKHEAD. It is going on everywhere.

Mr. POMERENE. But I am heartily in sympathy with the purpose of this bill, and I am very glad to say that I think this is one of the best framed bills on this subject that I have seen.

Mr. BANKHEAD. I thank the Senator.

Mr. POMERENE. There is another feature, however, in which, it seems to me, the bill ought to be modified, and when I say this I recognize the fact that the language of the bill pretty well conserves the public funds. But we are interested in permanent road building. I am personally opposed to taking Federal funds to fill mudholes, as has been the object of some bills that have been before the Senate for consideration in the past. My thought is that this language should be further limited—it may be in general terms—so as to define the character and extent of the permanent improvement which is to be made before Federal funds will be available therefor. For instance, it may be a macadamized road. In the State of Massachusetts they have some peculiar rock, which they oil, and that forms practically a macadam. In different sections of the country there are different classes of material, and many of them high-class materials, but it seems to me that under the phraseology of this bill we are conferring absolutely upon the Secretary of Agriculture the authority to say the kind and character of improvement to which these funds may be applied. It might be, as I construe this language, that even if it were a mere scraping of the earth to the center of the highway and making a gutter on either side, that would be a roadway to which the

Secretary of Agriculture could apply Federal aid. If that is true, I think it is going further than we ought to go.

Mr. BANKHEAD. Mr. President, if the Senator will permit me——

The PRESIDING OFFICER. Does the Senator from Ohio further yield to the Senator from Alabama?

Mr. POMERENE. Certainly.

Mr. BANKHEAD. We discussed that very question very thoroughly, and we conferred more than once with the Secretary of Agriculture and the representatives of the Good Roads Division of the Agricultural Department, and we were unable to devise any plan or to use any language that we thought would be more easily understood than the language embodied in the bill.

In the first place, the State highway commission, or the road authorities of the State, must select the route for the road to be constructed under the provisions of this bill. They must make the plans for the road. They must declare what the material is to be, and how it shall be constructed. That is the first requirement. Then, after that is done, it is submitted to the Secretary of Agriculture for his approval. I do not think the Federal Government ought to appropriate money and turn it over to a State simply to be used as the State might care to use it for the construction of inferior roads or the repair of roads or anything of that sort. But when these plans and specifications and estimated costs are submitted to the Secretary of Agriculture by the road authorities of the State highway commission, where they have one, and where they have no State highway commission by the recognized road authorities of the State, and the Secretary of Agriculture passes upon them, I hardly think he would approve a plan that was not proper and that would not result in the construction of a reasonably good road, at least. And certainly, Mr. President, under the provisions of the bill none of this money can be appropriated or used for repairs of any sort. That is absolutely excluded from the provisions of the bill.

Mr. POMERENE. I appreciate that fact, and I think it is one of the very favorable points in the bill; but let me ask the Senator whether he does not agree with me that these appropriations should be limited to what might be classed as permanent improvements?

Mr. BANKHEAD. That would depend upon what the Senator thought were permanent improvements.

Mr. POMERENE. Very true.

Mr. BANKHEAD. If he thinks a macadam road is the only permanent improvement that can be made, I can not agree with him.

Mr. POMERENE. No; I simply gave that by way of illustration. There are many other kinds of road improvements which may be of a permanent and lasting character. But let me ask the Senator whether he does not feel that under the language of this bill, if the improvement intended to be made was simply scraping the earth up toward the middle of the highway and perhaps rolling it afterwards and leaving a gutter on either side, the Secretary of Agriculture would be justified in applying these Federal funds to an improvement of that kind?

Mr. BANKHEAD. I do not think so, Mr. President. In the first place, I do not think any State highway commission or the road authorities in any State will agree to appropriate their money for one-half of the cost of the improvement of such a road as the Senator suggests. In my State, and in nearly every other State, there are gravel roads, what we call sand and clay roads, and in a number of places, of course, there are surfaced roads or macadam roads; but that all depends upon the conditions and the requirements of commerce and the necessity for it. Of course the Senator understands that we can not build surfaced roads all over the country; and he does not expect that, and he says so.

Mr. POMERENE. I think the Senator and I perhaps are not very far apart in this matter, if I understand him correctly; but the difference between us is this: The Senator from Alabama is willing to leave to the Secretary of Agriculture the entire authority upon this subject.

Mr. BANKHEAD. Oh, no, Mr. President.

Mr. POMERENE. Let us see what the language of the bill is.

Mr. BANKHEAD. This thing must originate with the State authorities.

Mr. POMERENE. Oh, I understand that.

Mr. BANKHEAD. I am willing to leave it to them to initiate—that is my point—believing that they would not come to the Secretary of Agriculture with the suggestion that he appropriate half the money to build a road unless it is a properly built road, because they are going to spend their money upon the same project.

Mr. POMERENE. In view of the fact that the Senator entertains that high degree of faith in the State authorities, what objection is there to placing in the bill a limitation which will more carefully define their authority?

Mr. BANKHEAD. Mr. President, will the Senator be good enough to suggest the language that he could employ in this bill to meet his views? Will he suggest it?

Mr. POMERENE. Mr. President, it is apparent that this bill is not going to pass to-day.

Mr. BANKHEAD. I understand that.

Mr. POMERENE. And I wanted to get the views of the Senator, because I think I shall prepare an amendment along this line. It is true that under the plan of this bill the specifications and surveys and plans and estimates are to be furnished by the State authorities; but there is nothing placing any limitation upon the kind of plans, the kind of specifications, the kind of materials, or the character of the improvement which may be the subject of Federal aid; and the Secretary of Agriculture has these plans and specifications submitted to him under this language:

> That any State desiring to avail itself of the benefits of this act shall, by its State highway department, submit to the Secretary of Agriculture project statements setting forth proposed construction of any rural post road or roads therein.

And he can approve them, and under the language of this bill every project for even a clay road might be approved by him, and this money could be expended for that purpose and for no other, if he wanted to be arbitrary about it. I do not believe he would be, but it seems to me there should be some further limitation defining the general character of the highways which might receive these appropriations from the Federal Government. Under the language of the bill he would be well within his authority if he decided to apply all the money to improvements of an inferior grade.

Mr. VARDAMAN. Mr. President, does the Senator from Ohio think it possible that the State highway commission and the Secretary of Agriculture would possibly agree upon the expenditure of money in the way that he has expressed fear that they might, for some temporary makeshift or unsubstantial kind of a road? If the Senator will permit me a moment further, you will have to trust somebody. There must be some latitude. Some discretion must be vested in somebody in order to make the law workable at all. I think that, in discussing this question all the way through, Senators make a mistake in indulging the presumption that the State authorities are not going to do their duty just as every other officer ordinarily does his duty. The Congress has not a corner on all the honesty, patriotism, and good judgment in America. Some of those good qualities are possessed outside of the sacred precincts of the National Halls of State.

Mr. POMERENE. Mr. President, I have enough faith in human nature to believe that if we would turn a portion of this money over to the State authorities without any limitation, without any security, they would be true to their trust. I would trust 90 per cent of the State, county, city, and township treasurers without any bond or security whatever, but I would regard it as most unwise legislation to say that because those men are honest we should not have any security from anyone.

Mr. BANKHEAD. I quite agree with the Senator, and if it would not disturb him I should like to make this suggestion: There is no provision in the bill, to my mind, which compels the State authorities to do what is proper for a good surface road, but after it has been built by the State and the Government, then the maintenance of the road devolves exclusively upon the State. Therefore when they make their plans and specifications and contract to build their road it is to their interest, of course, to see that the road is properly constructed, so that the maintenance will be as light as possible in the future.

Mr. POMERENE. That is an exceptionally good provision in the bill, but I still think it should go further and define in general terms the kind of road on which Federal funds may be expended so as to encourage to the utmost permanent road building.

Mr. VARDAMAN. Will the Senator permit me to interrupt him just there?

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. To whom does the Senator from Ohio yield?

Mr. POMERENE. I will yield to the Senator from Alabama if he has not finished his statement.

Mr. BANKHEAD. I wish to state that the committee having charge of the bill are perfectly willing to accept any amendment that will improve it and make it a better bill than it is. We are not particular as to the language of the bill; we want the best bill we can get, and if the Senator is not satisfied with

the provision of the bill as it is, let him prepare his amendment and we will consider it, and if it is an improvement we will be glad to accept it.

Mr. POMERENE. I thought it opportune to bring this subject up, so that all of us could consider it. I have no particular plan in mind, but I do think there should be some limitation upon this language.

Mr. VARDAMAN. If the Senator will pardon me——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. POMERENE. I do.

Mr. VARDAMAN. Mr. President, I suggest to the Senator that it would not be wise to make the rule as to the material to be used in the construction of the roads inflexible, because there are certain materials that can be had with very much less cost, making practically as good a road as other materials that are remote. You have to take all those questions into consideration, and that is one reason why I said that great latitude ought to be given the road commission in cooperation with the Secretary of Agriculture, so that the question of topography, the formation of the soil, and all those things of vital concern may be taken into consideration. If you tie the hands of the commission and make the rule inflexible, you will find the law will be very difficult of operation.

Mr. POMERENE. Mr. President, I am not insisting on an inflexible rule. It would be wholly wrong to attempt to say that the roadways shall have a certain kind of material upon them. But I do want to make it perfectly clear to the State authorities and to the Secretary of Agriculture, who is clothed with this vast power, that it is the purpose of Congress only to encourage permanent road building; and if among us we can agree upon some language which will embrace that thought I shall be perfectly happy, and feel we have done a real public service.

Mr. MARTINE of New Jersey. Mr. President, I feel that the objection of the Senator from Ohio is hardly justified. I think it would be almost impossible to define just what character of roads you shall have in various sections. New Jersey has done a very great deal of road building, and there are various varities. We have in some sections that which is known as the Telford paving. Telford paving is a sort of macadam. They first lay over the roadbed, after grading it, a great big angular stone, and then smaller stones are joined in and driven down with hammers, and it is rolled and finally surfaced down. Macadam is simply rolling the road over into good form and then sprinkling it with various grades of metal, as they call it, various grades of stone, the pieces becoming smaller and smaller until a fine dressing is had.

In some other sections we have built what is known as the Amesite, which is a marvelous road. Then we have what is known as the Tarvia Road, which is very good. In the southern part of the State those roads are very necessary, and they, too, withstand the rigid wear in the populous northern end of our State. When you go down to the southern end of our State, they resort to seashore pebbles and shells, which make a splendid road. The climate is not as rigid in the southern part as in the northern part, and the traffic is infinitely less. They make a splendid road of that. Then in some other parts they make roads of clay and gravel, and when it is oiled it makes a perfect road.

So it would seem impossible, to my mind, to define just how this money shall be expended, but we should trust it to a good engineer—a State or county engineer—and as I think of our own engineer, Col. Stevens, in the State of New Jersey, and of our State department, and think of the various county engineers, it seems to me it would be impossible to get men better fitted and more adapted to their splendid calling than the men we have. We have no monopoly of that, for that same condition exists in Georgia, or in South Carolina, or in North Carolina, and in every other State.

I feel that we have got to be reasonably liberal and that we must trust to the judgment of these men. It seems to me that we can trust the State engineer and the Secretary of Agriculture, whoever he may be, to bring about the best results.

That we have to give State aid, it seems to me, no one will question. I know the argument that you can not appropriate money constitutionally is all very well, but we do appropriate for the Panama Canal, we appropriate for railroads, and for a million other things, and I believe we are justified in doing it. I believe the great fathers of our Republic—Thomas Jefferson and the rest, all the way along—would have stood by Congress in making appropriations for the betterment of the highways and the betterment of the privileges of the people in commingling with each other and coming in contact by means of good roadways.

I believe we shall enhance the happiness of our fellow men, that we will bring sections far apart closer together and make homes in the country more popular than they are to-day. We will break up the crowding and congregating in the great cities of our country and encourage the love of country life more perhaps by good roads and better means of communication than in any other way.

Mr. President, I have felt a good deal about this bill. Men from my own State have said to me, "I pray you will not stand for a measure that will take public money and send it to South Carolina, or Alabama, or North Carolina, for New Jersey has been very lavish in her expenditures for roads." I have said to them, "My friends, we have spent lavishly in New Jersey on roads and we have splendid roads; I think we have something like 4,000 or more miles of road; but we have 10,000 miles more of road yet to complete. We have done liberally and we paid for it, but that is no reason why the people of New Jersey should not be willing to pay their share of the great public funds that may go to aid road building throughout the country." I do not feel that I was elected as a Senator only to stand for New Jersey, but that I was elected for a broader, a greater, and a grander purpose, and that was to advance the welfare of my fellow men, whether men in South Carolina, Arkansas, or Texas, I care not, and I have answered all my critics and friends in that way.

I am on the committee from which this road bill emanated, and, as I said, I have given it a great deal of attention. I am very practical in my habits; very practical in my tastes. My life has been one of a practical nature. I have built and paid for many miles of road through my own place. I have built a Telford road, the most expensive, of the class I have just described. I have spent many thousands of dollars in fixing macadam roads. I have built some short sections of brick roads. I know what good roads mean. I know the splendid result they will bring to the country. It will come back a hundredfold to the Treasury of the United States by making happier and better the people of the United States. It will facilitate social intercourse, trade, and commerce. Every dollar that the United States will spend will be a blessing to our country and a monument to our splendid progress. I feel that this bill is about as near perfect as the measure can be made.

Mr. WADSWORTH. Mr. President, I desire to discuss briefly the bill and to discuss some things in connection with it which I think have not been dwelt upon as yet, which may not appeal to all Members of the body as being important, yet which appeal, I know, to a good many people of the country as being about the most important consideration in connection with the project. I refer in particular to the cost of the project as it is laid out by the bill and the sources from which the funds must come.

I should dislike very much to assume a narrow or provincial attitude in a discussion of this subject and to confine my consideration of it merely to its effect upon the taxpayers of the State of New York. Yet that State occupies such a peculiar position in the Union, particularly with respect to Federal appropriations and the method by which the money is to be spent and the purposes for which it is to be spent, that I think I am justified in calling the attention of the Senate to this particular feature of the case.

I need not remind my colleagues of the position of the State of New York with respect to its wealth and its population. It is well known that the State is the most populous and the most wealthy, and it is the best able to carry heavy burdens of taxation probably of any of the States.

I think I am correct in saying that the people of New York are not lacking in public spirit; that they are not lacking in enterprise; that they have as intense a desire as the people of any State to see the country developed from ocean to ocean; and that they are more than willing to bear their full share of the burdens of Federal taxation. In fact, I have heard little complaint from any of them when they have been called upon, as they are being called upon to-day, to bear more than their full share of Federal taxation.

In order that their situation may be understood a little more clearly, I want to call the attention of the Senate to the burdens which of necessity must be borne by the State of New York, due principally to its geographical position and also to the burdens which the people of the State have voluntarily undertaken and are pushing through with vigor and with success, as it turns out, not so much for their own benefit as for the benefit of the entire United States.

It so happens that nearly the entire immigration that comes into this country comes into the port of New York, and all the enormous influx of immigrants who are bound for America and

not for the State of New York in particular have a most profound effect upon the activities of the State government. Many of them have led unfortunate and terribly hard lives in the places from which they have come, and when they land on our shores find it exceedingly difficult to survive in the competition of business and to carry the burdens which this modern industrial system of ours imposes upon those who are heavily laden. They are peculiarly susceptible to an inability to maintain themselves. It has devolved upon the government of the State of New York to advance much further in its efforts and in its expenditure of money in order to obviate the conditions which arise from this peculiar condition than it has upon any other State in the Union.

It is partly due to this situation, with the enormous foreign-born population which is constantly crowding into the State of New York, that the institutions of the State now house 40,000 inmates, a considerable percentage of whom are foreign born. Those institutions are costing the people of New York millions and millions of dollars, a burden which they are bearing with the utmost cheerfulness, and which, I want to remind my colleagues, is being borne only by the taxpayers of New York for the people of the United States as a part of the national burden.

The people of the State have a great ambition to see the commerce of the country expanded and internal improvements extended far and wide, and of their own volition by a popular vote on a series of referendums since the year 1904 the people of New York have pledged themselves to spend something over $150,000,000 for the building of the so-called system of barge canals. They do not contend, nor will any other American citizen contend, that that expenditure is solely for the benefit of the people of New York. As a matter of fact much the greater proportion of that benefit will be for people outside of the State of New York, but the taxpayers of New York have undertaken this obligation freely and willingly by their own vote expressed in a referendum. The capital expenditures in this respect will exceed $150,000,000, and when the interest is paid up to the time of the maturity of the bonds the sum will approach $200,000,000, a burden assumed by the people of that State.

The State has assumed other burdens. I call the attention of the Senate to these things because I do think that there are some differences in the degrees of enterprise among the different States of the country, just as there is a difference in degrees of enterprise among the different communities inside of a given State.

In addition to the canal situation, in addition to the enormous sums that are carried by the people of the State in support of its institutions, we have gone ahead and invested outside of the sums invested by the cities of the State $25,000,000 in purely military facilities, and no Senator and no one outside of this body will ever contend that that sum has been invested and spent for the purpose solely of protecting the State of New York. In fact, I happen to know the spirit which has been back of that expenditure. The appropriations which have gone through the legislature were actuated by the idea that it is done as a part of the defense of the country, and to-day the State is spending $2,000,000 a year of its own volition, with the approval of the taxpayers, for the maintenance of these military efforts.

One could go on for some time describing the extraordinary expenditures of that great State, expenditures made in the interest of the United States; and when we come to this question of roads I think the matter may be emphasized even more sharply. Back in 1903 or 1904, I think it was, the people of the State of New York decided that they would systematically embark upon the building of a great system of State highways, and by a popular referendum the people agreed to bond themselves for $50,000,000. Since that time another referendum has been held and $50,000,000 more have been pledged by the people and the taxpayers of that State.

Now, we have adopted a dual system of building highways, one known as the State trunk-line system, under which a given mileage of road especially selected as being of trunk-line importance is segregated on a plan or map arranged by the State engineer and the State authorities; and those roads are built solely and entirely from moneys appropriated from the treasury of the State.

We have another system of State highways known as the county highways. Those roads are built according to suggestions made by the supervisors of the county in conference with the State highway commission. The roads are agreed upon by the State authority and the county authority. The State, as I remember it now, puts in 50 cents on the dollar, the county 35 cents on the dollar, and the township 15 cents on the dollar.

The result is that in addition to the $100,000,000 that the State itself is pledged to spend from its own treasury, about $50,000,000 more is coming out of the counties and the towns. All this is done by bond issues, and when the interest is paid upon the bonds it is safe to say the total assessment on the taxpayers of the State of New York, if the plan is not extended another mile beyond the present indications, will be $200,000,000.

The total mileage of permanently improved highways of the State of New York at present approximates 7,000 miles. It is more expensive for us to build a permanent highway than it is for the people living farther south on account of the severity of the winters which drive the frost far deep into the ground and make it necessary that the permanent highways shall have deep foundations in order to withstand the reaction and the upheaval which takes place every spring when the frost is coming out of the ground. The result is that our macadam roads have to be built 12 inches of crushed stone rolled down to 8 inches. When we do not build macadam, we build them out of solid concrete 8 inches thick, and we are even building brick paved roads, as described by the Senator from Ohio [Mr. POMERENE.]

The money that we are spending runs all the way from $8,000 a mile to $20,000 a mile. The history of the last 12 years shows that to maintain those roads it is necessary to expend an average of $1,000 per mile per year. The people of New York have undertaken that burden. The taxation as a result of the issue of those bonds, followed as it must be by the collection of a sinking fund and the payment of interest every year, is spread all over the State of New York and within a comparatively short period. As the result of this burden the people of that State will have a complete system of roads built, owing to their own enterprise, with money out of their own pockets, without ever asking a penny of assistance from any other community in the country.

Now, this bill confronts the taxpayers of that State as constituting a burden additional to the ones I have described with respect to the canal system, with respect to the State institutions, with respect to the military resources; and it would seem at first glance, and I think I can not be successfully contradicted, that as a result of their own enterprise in pledging millions of millions of dollars out of the pockets of the people of the State of New York they are to be penalized. Their own enterprise has gotten them apparently into a situation where now having provided for their own necessities without the slightest insinuation that they needed or ought to have help from anywhere else, they are called upon under this bill to contribute an amount which according to the closest calculation I can make will approximate 25 per cent of the total cost of the roads that are to be built by the Federal Government under the bill.

Mr. President, the people of New York are public spirited. They do not mind carrying their share of this burden. They are not, as I take it, instinctively or theoretically or on principle opposed to Federal aid being extended to highways in other parts of the country, and in extending assistance to other communities that find it difficult to establish permanent improvements within their borders on account of their comparative poverty or their lack of resources as yet undeveloped; but when they think of the money that they are to contribute under this bill they can not help thinking of the system of taxation imposed upon them by the Federal Government and under which they are led to suspect that they pay more than their share.

I have found it very difficult and in fact almost impossible in the very short time at my disposal to gather figures which would show what proportion of the Federal taxes are paid by the citizens of New York. I think no one will deny that the taxes paid by the citizens of that State to the Federal Government are above and beyond the proportionate wealth of the State. New York, I may say, is not alone in this situation. There are six or eight other States in the same position, comparatively speaking. But I have one figure in mind, and I think this point should be taken into consideration by the Senate and by the country, for it has to do with the peculiar methods of taxation which have been adopted in recent years, and in particular by the present administration. It is the assessment of taxes upon special and selected lines of business, apparently in such a way that the people of one portion of the country shall carry the overwhelmingly greater portion of the burden. Neither am I, nor so far as I know are any of my constituents, opposed to the imposition of an income tax. For myself I believe very thoroughly in the principle contained in the proposal and the imposition of an income tax. But surely, my colleagues, there is something strange in a law such as that

which requires the taxpayers of the State of New York to contribute approximately 40 per cent of all the money paid into the Federal Treasury under the individual income-tax law and which relieves 8 or 10 States south of the Potomac and east of the Mississippi to the extent of requiring them to pay, so far as my information goes, something less than 7 per cent of the entire amount.

We have been hearing proposals at various times during this session looking toward the imposition of new and special taxes, and it is a matter of genuine concern to the people of this great State to know how far this policy is going—the imposition of taxes upon especially selected lines of business, such as was proposed in the annual message of the President at the convening of Congress—how far this policy of apparently siphoning money from one portion of the country a thousand or two thousand miles away and spending it in some other portion.

In my humble judgment, in view of what might be termed the provincial outlook upon this matter—and I may be accused of being narrowminded in this respect, but I think these things should be called to the attention of the Senate—in addition to this consideration, there is growing up in the United States, if I am not very much mistaken, a spirit which leads men to think that the Government owes them a living and that they owe the Government next to nothing. There is growing up a spirit in the smaller communities of the country which leads those communities to think that if they can only reach Washington they can get all the money they want for purposes which they desire, to be spent within their own boundaries without taxing themselves. That is true in the Nation at large, and it is true, in my judgment, within the separate States. It is becoming a habit of mind. It is an indication of an old but well-known human weakness—a desire to get something for nothing.

We see bill after bill introduced into Congress for the spending of vast sums of money out of the Federal Treasury for purposes which could, at least in part and I think in great measure, be met by the communities themselves. As one bill passes there is an excuse for another. The procession gets longer and longer. The political influence, the demands of the people to get something from the Federal Government, a thousand miles away from their own scene of activities, grows day by day. The momentum is getting now so that I think Senators will agree with me that it has become exceedingly difficult to resist it. This bill, as I look upon it, is a part and parcel of this new public thought. In my judgment, it is an unhealthy tendency. It atrophies community enterprise; it leads people in communities to shift the burden of responsibility, which should rest upon them as citizens of the community, to some other and far-distant piece of machinery, impersonal in its nature, invisible to them, but apparently endowed with untold wealth, and, therefore, a source of supply which should always be taken into consideration and used to the limit.

Mr. President, I have stated something of the burdens of a great State, and I have endeavored in a very halting and inadequate way to express my thoughts of this tendency toward undue centralization of responsibility and the tendency of to-day, apparently the effort of to-day, evidenced in so many quarters, for people to regard the Government as something that owes them everything and to regard themselves as persons who do not owe the Government anything.

Mr. McCUMBER. Mr. President, I have received quite a number of communications from my State requesting me to support the Bankhead roads bill, and I wish that I could see my way clear to vote for it in its present form. I hope to be able to vote for it in some form.

I am wondering, however, if those who have written me and those who would like to have this bill enacted into law have fully considered its effects. If the people of my State were able to ascertain from a careful reading of the bill and a computation of the expenses involved that for every dollar received from the Federal Government in the State of North Dakota as a gift, the people of North Dakota would pay back to the Government for the building of roads in other States from $3 to $5, I wonder if they would then insist that I should vote to support the bill.

Mr. President, a wise Trojan once said: "Beware of the Greeks when they come bearing gifts." I wish that the people of my State and of the other Northern States, at least, would stop and consider this wise advice given many years ago.

One of the most dangerous, because the most enticing, baits that is ever thrown out to the people is the bait of Government appropriations, an assumed gift to the people. If we could always get the people to understand fully that the Government can give them nothing unless it first takes it from them, we would have less difficulty in securing their approval of our course in opposing "pork-barrel" legislation. I shall attempt very briefly to apply these suggestion to the present road bill, and I shall try to ascertain whether the State of North Dakota, which I in part represent, will in fact be benefited by this gift from the Federal Government.

By the terms of the bill the Federal Government is to furnish one half and the State the other half of the money required to construct any road in the State. Now, I make this declaration, which can easily be demonstrated, that for every thousand dollars which the State of North Dakota would receive under this bill to assist it in building roads, the people of the State of North Dakota would pay more than $2,000 to build roads in other States.

Let us look at the conditions as they are. We will take the Great Red River Valley as a basis for the discussion, because the conditions there are to a great extent applicable throughout the State.

Suppose we wish to build a good highway from Pembina or Cavalier at the northern end of the valley down through Grafton, Grand Forks, Hillsboro, Fargo to Wahpeton, at the southern end of the valley. Here is a deep alluvial soil without any rock foundation, without even a hard clay foundation, and no road material outside of the black earth itself for hundreds of miles. On account of the enormous expense of building a macadamized road, such a road would be entirely out of the question. Not even the State itself could put up a half or a quarter of the fund necessary to build such a road, and such a road must be built on a solid foundation. At my end of the valley you would have to go down a little over 1,100 feet in order to get that foundation. The road therefore would have to be purely a dirt road. The original cost of building such a road is not great. As a matter of fact those roads are nearly all now practically constructed. The only thing to do is to keep the dirt thrown up to the center and keep it smoothed down and ditched on both sides so that the rainfall will immediately run off and not soak in. The only way we can maintain this road is by going over it with a harrow and king drag after every important rain, because the soil is of such nature that no matter what the care, any considerable rainfall will saturate the road, and the first auto that goes over it will cut deep furrows. We have not been able yet to build a road in the valley that would stand up under these heavy machines after a hard rain. The ruts plowed by the autos will fill with water during the next rain unless they are immediately attended to. What is true of the valley is true to a great extent of the other sections of the State.

Now, just let us recall that there is a public road on every section line throughout the State. That means that we have about 100,000 miles of public roads in the State of North Dakota, a line sufficient to go around the earth four times; and every one of these roads is used to a more or less extent, although all are not open and kept in shape. So far, in the history of the State, the townships and the counties have taken care of the public roads. Except for a short time after these rains the roads of our State are in tolerably good shape, and nothing short of an enormous expense, so great that the State could not afford to indulge in the luxury, would make a road in the State that would withstand the rain. The principal expense of these roads is in keeping them in shape and not in the original construction. The money appropriated under the provisions of this bill by the Federal Government, in the first instance, is for the construction of the road.

Now, let us compare this with the process of road construction, we will say, in Virginia or any of the Southern States. The cost per mile of building roads through these States is great, but the rock foundation is there, the stone is there, the sand and the material for making a macadamized road is there. When the road is completed you will have a highway which will not be materially affected by any character of rain. So while the construction of a road in my State might cost from $200 to $250 per mile, the construction of a road in Virginia will cost $10,000 per mile, or about forty times as much. Now, remembering we still pay our proportionate share, not only in Virginia but over a vast section of the United States where roads have never been constructed, we can easily see that for a very little benefit in assisting to build a road in my State, which will not be a substantial one and which will not meet every condition of weather, our people will be called upon to pay ten times as much as they receive to build the more expensive roads and the better roads in other States; in other words, for a little assistance in building a dirt road in my State the people of my State will be called upon to build macadamized roads all over the South.

Nor is that all, Mr. President. Every State in the Union has its own peculiar wealth, its own peculiar assets which can be taxed for the purpose of the support of the State and the Nation. In North Dakota we have nothing but agriculture. In Minne-

sota you have agriculture, iron ore, and timber wealth. Colorado has its wealth of mines. California has mines, fruits, and tourist crops. Virginia has its oil and its vast coal mines. Other sections have their great cities, with their fabulous wealth. A road built through my State might be built through a section where the land would average $40 per acre or from $40 down to $10 per acre. A road put through Virginia might pass through the coal land and oil district, which might be worth $10,000 per acre. It might be built into cities whose wealth could well afford to be taxed to support that road. So that the section of country worth $10,000 per acre would call upon another section of the country worth $10 per acre to pay half the expense of building its roads.

Nor is this all. In the Northern States the principal roads, the great highways, have all been constructed without any Government aid whatever. The people have gone down into their pockets for hundreds upon hundreds of millions of dollars to construct their highways without Government aid. They are now by the terms of this bill invited to build the original highways in the other States that have never taxed themselves for such purpose.

An illustration of this will be found in the fact that until within the past few months there has never been a passable road from Washington to Mount Vernon, where lie the remains of the Father of our Country, a distance of only about 21 miles, I believe.

Again, every road built in the North has been free to anybody upon the face of the earth who has occasion to use it. If I should drive from here to Winchester over one of your roads I would find that it would cost me in tolls at the several tollgates I must pass through about 5 cents per mile, so that the roads running through this section of the country have not been built by a tax laid upon the State itself. They have been built by private corporations, and the whole country is paying in tolls for the investment.

In the State of North Dakota the license fee for running an auto over the roads of the State is, I think, $2 per year. In Maryland it is from $20 to $40 per year, and as there are hundreds of thousands of these machines running over the Maryland roads, even though they may not pass into the State three times a year, they are building, or assisting in the building, of the roads of that State.

Can not anyone see at a glance how unequal, how unjust will be the operation of this bill? Can any one of the States which have already built their roads, or those States which may build theirs in the future, such as our prairie States, fail to see that for every dollar they obtain from the Federal Government for their locality they will be paying out hundreds of dollars to build the roads of other sections of the country? I can not see how it is possible to formulate a public-roads bill that will be fair to all of the States, and yet I wish that it might be done, for I believe that it would be well to have national aid for public highways; but I want any plan that is devised to be fair and just to all the people.

Mr. STERLING. Mr. President, will the Senator permit a question right there?

The PRESIDING OFFICER (Mr. NORRIS in the chair). Does the Senator from North Dakota yield to the Senator from South Dakota?

Mr. McCUMBER. Yes.

Mr. STERLING. Referring to the amount that the State of North Dakota would get in the first year under the operations of this bill if it becomes a law—namely, $78,400—I should like to ask the Senator if he has figured out how much of the $5,000,000 to be contributed by the Federal Government during the first year will be paid by the State of North Dakota during that first year?

Mr. McCUMBER. Mr. President, it would be a waste of time to figure out the exact amount that would be paid in the first year——

Mr. STERLING. Well——

Mr. McCUMBER. Let me finish the sentence—because before we get through with this matter we will be voting $500,000,000 for the construction of national highways; and remember that, while under this bill my State might receive $78,400, while it would receive, we will say, for a mile of road construction $200 or $250, the Government would be paying $10,000 a mile for a road in another State, and North Dakota would be paying her proportion of the amount for those roads.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield further?

Mr. McCUMBER. I do.

Mr. STERLING. It hardly seems quite fair for the Senator to conclude, because we have here provided for a five-year period in which Federal appropriations shall be made aggregating $75,000,000, that we are going on indefinitely increasing the amount that is to be appropriated by the Federal Government for this purpose.

Mr. McCUMBER. Then, Mr. President, we ought to stop now, because the amount the Senator has named will not be a drop in the bucket to measure the necessities for public roads.

Mr. STERLING. I thought it a very practical suggestion, Mr. President to consider the amount each State will receive during the five-year period of the bill, and then ascertain how much each State will have to contribute to the amount which is to be appropriated by the Federal Government. Hence my question. I did not know—I asked the question for information—but that the Senator had made an estimate as to what his State would contribute to the fund.

Mr. McCUMBER. No one can know that, Mr. President, without first making an estimate of the entire cost, and then it would be necessary to make an estimate of all Federal taxes paid by the people of the State. As we could only ascertain those paid through internal-revenue exactions, it being impossible to make an estimate as to what we might be paying in the way of customs duties, and so forth, it would be impossible to tell just what the exact proportion of the State would be.

Mr. STERLING. Will the Senator allow me to make a further inquiry and suggestion?

The PRESIDING OFFICER. Does the Senator from North Dakota yield further?

Mr. McCUMBER. Yes.

Mr. STERLING. The Senator perhaps knows, at least in a general way, something of the Federal taxes collected in his own State.

Mr. McCUMBER. Yes.

Mr. STERLING. And the Senator would hardly suppose, from his knowledge of the resources of the State and the Federal taxes collected therein, that the State would contribute anything like $78,000 the first year. Receiving $78,000 the first year, the State would contribute nothing like $78,000 to make up the $5,000,000 appropriated the first year by the General Government, would it?

Mr. McCUMBER. Does the State have to take that $78,000?

Mr. STERLING. No; I do not think it does under this bill; but I am assuming that it does take it.

Mr. McCUMBER. Assume now for a moment that it does not take it, let us see where we will be. Suppose that the State takes $5,000, instead of $78,000, or suppose it takes nothing: it will still have to pay its proportion of the expense of building a $10,000 per mile road in Virginia.

Mr. STERLING. I am not contending otherwise than that. Whether the State avails itself of the benefits of this bill or not, it would still have to contribute to the Federal appropriation.

Mr. McCUMBER. Certainly; and, therefore, it is unjust; and the only way that the State could possibly get even would be by taxing its people to the limit in order to make up the other half. It is like an insurance proposition where one has to wait until he dies before collection can be made.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. I yield.

Mr. NELSON. Mr. President, it seems to me that the Senator from North Dakota is overlooking the fact that the basis of this distribution of Federal money is not upon the quality or the cost of the roads. The distribution is based, first, on the area of the State; second, on population; and, third, on road mileage. Now, I take it that as to two of those matters, in area and in number of roads, the State of North Dakota has an advantage over the State of Virginia, and that Virginia would only excel North Dakota in one matter, and that is in the matter of population. According to the Senator's statement—and I have no doubt it is correct—as to the number of roads in North Dakota, that State undoubtedly has many more miles of road than has Virginia, and North Dakota certainly has a much larger territory, so that it would get its proportion, not upon the basis of the cost of the road, but on those three other foundations; and, if the State of North Dakota sees fit to build a cheaper character of road than Virginia builds, the result would be that North Dakota would get much more mileage and Virginia would get much less.

Mr. McCUMBER. That is assuming, Mr. President, of course, that the matter stops right here, and that we will not go any further than we are going now, and it is assuming several other important matters, one of the most important of which is that we will not stop there, and we can not stop there, but we will, when we have started a project to build a road across the Allegheny Mountains, for instance, complete it, and we will

complete it whatever the cost may be, the same as we completed the Panama Canal, without reference to its cost. If it is a Government road and has the object of reaching from one section of the country to another, it is going to be completed, and completed with Government funds. This bill is simply an entering wedge into an enormous project, and, as I have said before, the only way that we can possibly keep even and make the people of other States pay for a portion of our roads is to see that we vote enough taxation upon our own people to insure our getting a certain proportion of the money.

Again, suppose that our State, after looking the matter over carefully, and after ascertaining that the only roads the Government could build in our State would be dirt roads, while in other States it would build macadamized roads, should come to the same conclusion that I have arrived at, and should not desire to take advantage of the Government offer, or should desire to take advantage of only a small portion of the money it might be entitled to. It can not disengage itself from the responsibility of helping to build the other roads of the country by failing to take advantage of the offer of the Federal Government. As I have stated, the condition is something analogous to life insurance. You have got to die before you can get your capital invested, or even a portion of it. The State that expends the greatest amount of money will secure from the Government the greatest amount, and the other States can not even pay unless they are able and willing to call for the same amount.

A bill which appealed to me was introduced some years ago, I think it was the Bourne bill, for the construction of public highways. It provided for a loan to the State at 2 or 3 per cent interest. Then the State could accept just such portion of the loan as it should see fit, and if it did not take any it would not be compelled to pay interest on bonds issued for other States. Under this system provided for in this bill it is paying its equivalent of interest in taxes. The present conditions of the several States in reference to wealth, population, size, and character of soil, number of miles of roads, and so forth, are so different that it is an impossibility to enact a bill of this kind without most gross injustice to some of the States. And further than this, Mr. President, this bill in its operation and final result will be but another pork-barrel proposition, more disgraceful and less beneficial than the rivers and harbors proposition has ever been.

There has been some discussion as to the proper title of this bill. We all know the purpose of the bill; and as the title should always clearly indicate the purpose of the bill, we are all a little delicate about giving it its proper title. The committee has attempted to mislead itself in the matter of its title, which is, of course, perfectly innocent so long as it does not mislead the Senate or the country. But the title should be amended, and it should be amended so as to express definitely and clearly the real purpose and intentment of the bill. To meet that I suggest the following:

A bill to compel the people, who have taxed themselves to excess to build roads in their own States, to proceed to tax themselves to the limit to build roads for the people of other States who have failed to build their own roads.

Mr. President, we know that is the purpose of the bill. Why not be straight and honest in the matter and give it a title that corresponds to its only purpose? If every one of the States of the Union had paid as much attention to the question of public roads within its borders and had put in as much money as New York and Pennsylvania and Ohio and Indiana and all of these Northern States have done, there would then be no call for this legislation. We would have a sufficient number of miles of good roads, the best roads we could construct throughout the United States, for all practical purposes. So the real purpose is to reach those sections of the country that never have taxed themselves to build their roads and compel the other sections of the country, which have built their own roads, to build the other ones.

Senators may think this is fair. It does not seem to me to be just, however, and I believe the great majority of the people of my State, notwithstanding the bait that is thrown out to them that something is going to be given to them by the Federal Government, will realize that there is such an injustice in the bill that I ought not to vote for it in its present form.

I intend to offer some amendments to the bill that will make it more just, at least, before I can vote for it. I do wish to see good highways all over the country. I travel by automobile considerably in my own State, and in the spring of the year and after the rains I have appreciated the difficulty of traveling over those roads; but I say frankly that up to the present time we have not discovered any method except the macadam method—which is too expensive in my State—of constructing a road that will be lasting and will be safe to travel over with machines during the entire year.

We are perfectly willing to be taxed to pay for our proportion of the roads according to the benefits that we receive from the bill, but we do not wish to tax our people to build good roads for other States, at enormous expense, while we will have dirt roads which we can not use except during a small portion of the year.

Mr. STERLING. Mr. President, will the Senator from North Dakota permit me to ask him another question before he takes his seat?

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Dakota?

Mr. McCUMBER. Certainly.

Mr. STERLING. One thing that prompts the question is that my State is similarly situated to that of the Senator.

Mr. McCUMBER. In some respects it is quite similarly situated; in others, the road situation is not the same.

Mr. STERLING. As to the conditions under which roads shall be built, I think they are very much the same.

Mr. McCUMBER. Let me correct the Senator. I do not think they have anything in South Dakota—at least, very little—that corresponds to the soil and the difficulty of building roads in the Red River Valley.

Mr. STERLING. Well, it may be; but outside of the Red River Valley, and perhaps outside of what is known as the Black Hills country in our own State, the conditions are very much the same.

Mr. McCUMBER. Very similar.

Mr. STERLING. Now, I note that for the five years for which these appropriations are to be made, the State of North Dakota will have $1,176,000. Suppose it is thought desirable by the highway commission of North Dakota that roads be constructed costing $2,000,000, or something a little in excess of $2,000,000, just double the sum that you would get under all these five-year appropriations, would it not be most acceptable to the State if the General Government contributed the one-half of the $2,000,000 worth of roads that were constructed there, the State of North Dakota not having to pay nearly so much for each of the five years as it would receive from the Federal Government?

Mr. McCUMBER. Oh, yes; Mr. President, it might help out a State if it can get something for nothing, but this brings us right back to the first proposition. The Government has first got to get its money from the people before it can give it back to the people, and that is a little simple philosophy that no character of argument can escape.

Mr. STERLING. Yes; but the Government will not get back from the State of North Dakota nor from the State of South Dakota nearly as much as it gives to these two States.

Mr. McCUMBER. If it did not, then it is an unjust expense to the people of some other State.

Mr. STERLING. Oh, no, Mr. President.

Mr. McCUMBER. Why, Mr. President, there can be no such thing as getting money without somebody paying it. I can not understand the philosophy that will say that every one of the States will get more than it pays. Where are they going to get it from? They must get it from the States. Therefore the people of some State will have to pay more than their share if the people of my State get more money than they put up.

Mr. BANKHEAD. Mr. President, I should like to ask the Senator from North Dakota a question before he takes his seat. How many miles of macadam road have been built in North Dakota?

Mr. McCUMBER. Not one mile; and there will not be one mile of macadam road built in the State, so far as I know.

Mr. GALLINGER obtained the floor.

Mr. OLIVER. I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Norris	Smith, S. C.
Bankhead	Harding	Oliver	Smoot
Borah	Hollis	Overman	Sterling
Brandegee	Johnson, S. Dak.	Page	Swanson
Broussard	Jones	Poindexter	Thomas
Burleigh	Kenyon	Pomerene	Thompson
Chamberlain	Kern	Ransdell	Tillman
Chilton	Lane	Robinson	Vardaman
Clark, Wyo.	Lodge	Shafroth	Wadsworth
Colt	McCumber	Sheppard	Warren
Dillingham	Martin, Va.	Simmons	Williams
Gallinger	Martine, N. J.	Smith, Ariz.	Works
Gore	Nelson	Smith, Mich.	

Mr. MARTINE of New Jersey. I have been requested to announce the absence of the senior Senator from Montana [Mr. MYERS] on official business. He is paired with the junior Senator from Connecticut [Mr. MCLEAN].

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present.

Mr. GALLINGER. Mr. President, I have several amendments to offer not of great consequence. I hope the Senator from Alabama [Mr. BANKHEAD] will listen to the amendments that I am going to offer; and if he thinks they ought not to be considered to-day, I will have them go over and be printed.

I send to the desk an amendment which I ask to have read.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 7, line 9, it is proposed to strike out the words "or might be" and to substitute therefor the words "now or may hereafter be," so that, if amended, it will read:

That for the purpose of this act the term "rural post road" shall be construed to mean any public road over which the United States mails are now or may hereafter be transported.

Mr. BANKHEAD. I have no objection to that.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. GALLINGER. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After the word "construction," in line 6, page 7, it is proposed to strike out the period and insert a colon and add the following proviso:

Provided, That all roads constructed under the provisions of this act shall be free from tolls of all kinds.

Mr. BANKHEAD. I have no objection to that.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. GALLINGER. I send to the desk another amendment, Mr. President.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In line 20, page 7, after the word "improvement," it is proposed to add the words "of roads constructed under the provisions of this act."

Mr. GALLINGER. The bill says:

The term "construction" shall be construed to include reconstruction and improvement.

I propose to add the words "of roads constructed under the provisions of this act."

Mr. BANKHEAD. I have no objection to that.

Mr. POINDEXTER. Mr. President, may I make an inquiry of the Senator?

Mr. GALLINGER. Certainly.

Mr. POINDEXTER. I understand that the effect of the amendment just offered by the Senator would be to confine the operation of this act to new roads. Is that the intention of the Senator from Alabama? I think that will be the effect of the amendment.

Mr. GALLINGER. No; the improvement of the roads is to be "of roads constructed under the provisions of this act," so that they shall not take old, worn-out roads and receive this stipend from the Government and throw some dirt on those roads and say they have improved them.

Mr. POINDEXTER. I ask to have the Secretary state the amendment, so as to see how the bill will read as amended.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 7, line 19, it is proposed to amend the amendment of the committee so as to read as follows:

The term "construction" shall be construed to include reconstruction and improvement of roads constructed under the provisions of this act.

Mr. POINDEXTER. I understand that the effect of that would be to limit the work of improvement of roads or reconstruction of roads to roads which are constructed in the first place under this act?

Mr. BANKHEAD. I do not think so.

Mr. GALLINGER. No; I had more particular reference to the improvement of roads rather than the reconstruction of roads. However, let that amendment go over and be printed, Mr. President.

Mr. WORKS. Mr. President, I desire to suggest to the Senator from New Hampshire that there is not very much danger, I think, of the kind of improvement he has mentioned, in the case of old roads, because, I think, the bill provides in all cases for projects to be submitted to and approved by the Secretary of Agriculture.

Mr. GALLINGER. Yes; that is true.

Mr. WORKS. And it provides that plans and specifications must be supplied, and they must be approved by the Secretary of Agriculture.

Mr. GALLINGER. That is true.

Mr. WORKS. I think there is very little danger of the situation arising that the Senator is trying to meet.

Mr. GALLINGER. Just let the amendment be printed, Mr. President.

Then I suggest that the article "a" be stricken out, in line 22, after the word "good," so that it will read "as good condition" instead of "as good a condition."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 7, line 22, it is proposed to strike out the article "a," so that, if amended, it will read:

In practically as good condition as when it was first built.

Mr. BANKHEAD. I have no objection to that.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. GALLINGER. On page 10, line 11, the bill reads:

That within 60 days after the final passage of this act.

I move to strike out the words "final passage" and substitute the word "approval," so that it will read "after the approval of this act."

Mr. BANKHEAD. I have no objection to that.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. GALLINGER. I should like to have the Secretary read the first few lines of section 8 as that section has been amended. I think an amendment has been made to that section.

The VICE PRESIDENT. It has not been amended.

Mr. GALLINGER. It has not been amended? I thought the provision about renting buildings in the city of Washington had been stricken out.

Mr. BANKHEAD. That was agreed to, Mr. President, but the Senate did not vote on it. I accepted it.

The VICE PRESIDENT. The RECORD discloses that the Senator from Mississippi [Mr. WILLIAMS] said that at the proper time he would offer an amendment to strike out, on page 13, line 21, the word "in" and insert the words "outside of," and in line 22, page 13, to strike out the words "and elsewhere," so that the clause as amended shall read:

To rent such buildings outside of the city of Washington.

But it has not been offered.

Mr. GALLINGER. I made that inquiry for the reason that the other day there was rather a heated discussion as to the rentals that were being paid in the city of Washington. I have taken the trouble to make a compilation, which will be found in the Journal of the American Institute of Architects for February, 1916, a recent publication, from which it appears that we are paying rentals in the city of Washington in one instance only one-half of 1 per cent on a small building, while in other instances the rentals run up to 15 per cent, 14 per cent, 11 per cent, and 10 per cent——

Mr. CLARK of Wyoming. On the valuation?

Mr. GALLINGER. On the valuation—and 12 per cent, the average being 8.73 per cent, which is not so very high. I thought that if we are going to provide here for renting more buildings we might limit it, but I will forego that for the present.

In line 21, page 13, where it reads "to rent such buildings in the city of Washington," I think the word "such" should be stricken out, because there is no provision for renting.

Mr. BANKHEAD. There is no objection to that.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. GALLINGER. Mr. President, I am not a great stickler for the civil service. I always believed in the original civil-service act of 1883, but the manner in which it was enlarged, by Executive order and otherwise, and the manner in which it has been administered—perhaps not more by one administration than by another—has led me to have rather a contempt for the act. Young men and women are being called from their homes to the capitals of the different States for examinations. They pass. Their names are sent to Washington. They are placed on an eligible list, so called, but they never are reached for appointment. In my own State I will not venture to say how many such young men and women have been flattered with

the idea that they were going to get a Government position, but it never has materialized.

Now, it seems to me that whenever we can properly do so we ought to provide that the clerical help particularly shall be taken from these eligible lists. It is not fair to ask our young people to spend five or ten dollars apiece, more or less, in going from their homes to the place of examination, passing the examination and being certified, but never appointed, while we allow those who are in charge of certain work for the Government to go outside and appoint young men and women who have never taken an examination.

It occurred to me that here is an instance—it will not amount to very much—where we might at least give our approval to the principles of the civil-service law. While I am not going to make a speech about it, and I am not going to wrangle over it, I suggest to the chairman of the committee that after the word "elsewhere," in line 22, page 13, there should be inserted the words "to be taken from the eligible lists of the Civil Service Commission."

The provision is that they shall "employ such assistants, clerks, and other persons." It is mere clerical work, and here are these long lists in the hands of the Civil Service Commission. Boys and girls are waiting to be appointed. Some of them become worthless because they are waiting to be appointed. They think they will not take any other employment because they imagine they are going to get a Government position, but they never get it; and we have passed at this session half a dozen bills which I might enumerate, whereby probably more than 100 employees of that kind have been taken from outside, and the civil-service lists have been entirely neglected.

I think the Senator from Alabama ought to be willing to have that amendment go in the bill. It will go to conference, anyway.

Mr. BANKHEAD. Mr. President, I quite agree with the Senator as a general proposition if he intends to have this provision apply only to the clerks. The Senator will understand that some of these appointees have got to be experts along certain lines. We might not be able to get them from the general list.

Mr. GALLINGER. The language is, "to employ such assistants, clerks, and other persons in the city of Washington." I feel sure that on those civil-service registers there must be men and women competent to perform all the duties that are required here. In the Agricultural Department they have an Office of Public Roads and Rural Engineering, and they have experts there to pass upon all these matters.

Mr. BANKHEAD. The Senator does not think his amendment would apply to engineers?

Mr. GALLINGER. I do not.

Mr. BANKHEAD. With that understanding, I have no objection to it.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment. Where does the Senator propose to insert it?

Mr. GALLINGER. After the word "elsewhere," in line 21, page 13, I move to insert "to be taken from the eligible lists of the Civil Service Commission."

Mr. WORKS. Mr. President, I attempted yesterday, I think, to comment upon that particular provision of the bill, and I was told by the chairman that it had been stricken out.

Mr. GALLINGER. No; it has not.

Mr. WORKS. Am I mistaken about that?

Mr. BANKHEAD. I think the Senator must have misunderstood me. I did not know that he was talking about this particular provision of the bill. I thought it was some other provision.

Mr. WORKS. It was that provision of the bill which authorized the Secretary of Agriculture to employ such assistants as he might need.

Mr. BANKHEAD. If the Senator will recall, it was the provision of the bill which authorized him to rent buildings in the city of Washington which I said had been stricken out.

Mr. WORKS. It was all included in that portion of it. I was not commenting alone upon the renting of buildings, but upon the employment of persons also.

Mr. BANKHEAD. I certainly did not intend to say that the whole provision had been stricken out. It was only that in reference to renting buildings.

Mr. WORKS. Then I misunderstood the Senator.

Mr. BANKHEAD. I misunderstood the Senator from California.

Mr. GALLINGER. Will the Secretary state the amendment?

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 13, line 21, after the word "elsewhere," it is proposed to insert "to be taken from the eligible lists of the Civil Service Commission."

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. GALLINGER. In line 1, page 13, the word "that" should be inserted after the word "department," to make better language of it.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 13, line 1, after the word "department," insert "that," so as to read:

State highway department, that such roads be not properly maintained by the State or any subdivision thereof.

Mr. BANKHEAD. I have no objection to that amendment.

Mr. LODGE. It ought to be "are" instead of "be."

Mr. GALLINGER. That is better. I think the suggestion of the Senator from Massachusetts, who always helps us out when we get in difficulties about proper language, is a wise one. He said that the word "be," in the second line, should be "are," so as to read "that such roads are not properly maintained."

Mr. BANKHEAD. I have no objection to that.

The amendment to the amendment was agreed to.

Mr. GALLINGER. Now, Mr. President, this bill has one very grave defect. I do not know who prepared it, but the punctuation is very bad. However, I am not going through with it for the purpose of correcting the numerous instances of bad punctuation. Manifestly the comma after the word "that," in line 18, should be taken out, so as to read "that out of the appropriations."

Mr. BANKHEAD. There is no objection to that.

The VICE PRESIDENT. Without objection, the amendments suggested will be made to the amendment.

Mr. GALLINGER. That is all that I propose to suggest today. These are inconsequential amendments, but I think they improve the bill somewhat. I do not know that I shall say another word on the bill. The people of my State spend a great deal of money on public roads. Only two or three years ago the legislature appropriated a sufficient amount of money to build three highways from the Massachusetts line to the White Mountains. I think the appropriation was $1,000,000 at one time. We have tried to keep our roads in good repair, and next to Massachusetts, and perhaps New York and possibly one or two other States, I think our roads will favorably compare with those of any other State. But while the bill will not do much, and perhaps not anything, for New Hampshire, our people are so anxious to have good roads that whatever has come to me from the State has been to suggest that I ought to vote for the bill. My present intention is to vote for it, and I have no idea that I shall change my mind in that respect.

I shall not defer the consideration of it beyond insisting, as I did this morning, that we ought not to be too precipitate in considering it, because there are some pretty valid objections against it which have been urged by Senators, and doubtless other Senators will present their adverse views on the measure. But that will not do any harm. If the bill is a good one, it will not be halted or harmed by adverse criticism. So I will cooperate with the Senator from Alabama in all proper ways in getting the measure to a vote after it has had fair and full consideration.

Mr. LODGE. Before the Senator sits down I want to call his attention to section 7, where he put in the word "that." I had not read the rest of section 7. I thought that certainly it ought to read "roads are," but I see it relates to the future.

Mr. GALLINGER. Yes; it does.

Mr. LODGE (reading)—

SEC. 7. That the Secretary of Agriculture is authorized to withhold apportionment of funds to any State in which roads constructed under the provisions of this act have not, in his judgment, been properly maintained by the State, or any subdivision thereof, if within six months after he has given notice in writing to the State highway department that such roads be not properly maintained by the State or any subdivision thereof.

Mr. GALLINGER. "Be" is a better word.

Mr. LODGE. I suggest to leave out the word "that" and make it read "shall not be."

Mr. GALLINGER. Very well; let that amendment be adopted.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. HARDING. Mr. President, I desire to have an amendment read at the desk on which I wish to make some remarks.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 12, line 13, strike out the semicolon after the word "thereof" and insert a comma and add

the words "for a period of not less than 10 years from approved completion of construction."

Mr. GALLINGER. So that it will read——

The SECRETARY. So that it will read—

nor until an agreement shall have been made with the Secretary of Agriculture, to his satisfaction, that the rural post road or roads so to be constructed under such project will be properly maintained by the State, or any subdivision thereof, for a period of not less than 10 years from approved completion of construction.

Mr. BANKHEAD. I do not think there is any objection to that amendment. I am willing to accept it.

Mr. HARDING. Mr. President, I thank the chairman of the committee. I am not anxious to address the Senate on this subject in particular, but I desired to make this offer of an amendment and to call the attention of the Senate to what I believe to be the most important phase of the Federal aid to the good-roads movement in this country. I have been not a little impressed by the opposition suggested by the Senator from California [Mr. WORKS], and I recognize the force of some of the arguments offered by the junior Senator from New York [Mr. WADSWORTH]. I am sure I can understand the feelings expressed by the Senator from North Dakota [Mr. MCCUMBER].

In a small way we have been through all this in Ohio. The good-roads movement struck the Buckeye State a great many years ago. The county in which I live has expended on its own account approximately $5,000,000 for the construction of roads at our own direct expense. We joined in voting a State levy giving State aid to the construction of improved roads in the counties in Ohio, notably those which had no improved roads. So we have had this principle applied in a smaller way in our State.

I do not object to the bill on that account, Mr. President; but I think Senators, so far as I have been permitted to hear the debate, have overlooked the big question. It is not that of securing funds with which to construct these improved roads. It is not the relative contribution of the State and the relative acquisition of Federal aid by the State.

The biggest problem in improved roads to-day, Senators, is the maintenance thereof. I do not hesitate to say that the greatest crime in public expenditures to-day is the wanton waste of money in the construction of roads without ample provision for their maintenance.

So I have suggested this trifling amendment to call the attention of the committee and of other Senators to the importance of Federal encouragement for the proper maintenance of roads once they are built. This $75,000,000 in Federal aid does not mean very much in the actual construction of roads. I suspect the State of Ohio will spend that much money itself in less time than the bill provides for this appropriation. I am sure that it will.

If the Federal Government really wants to make a contribution to the good-roads fund, it can do nothing better than fix a policy of Federal aid that is based on a guarantee of maintenance. Much of this good-roads talk is of rather a far-fetched character, so far as the name is concerned. I do not hesitate to say to the distinguished chairman of the committee that we are not appropriating this money to encourage the building of post roads. Out in Ohio we call them market roads, and we do not mean anything seriously by that. The truth about it is the good-roads movement is the reflection of the automobile age. We are building them because humanity is on wheels nowadays, and roads must be built to meet the new requirements.

I have seen roads constructed costing from ten to sixteen thousand dollars per mile which were unfit to drive over the third year after their construction. I tell you, Senators, that was a wanton waste of money. I do not suppose it would be appropriate here to offer some personal experience, but we have been building macadam roads so long out in our State, where we were obliged to have them to get out of the black mud, that we have learned that you can construct a very excellent road for $3,500 to $5,000 per mile and maintain it as an ideal highway if it is given only a little attention every year. It has been demonstrated in Ohio that you can take a crushed limestone road—and I am not boosting any particular sort of highway construction—and with modern road machinery dig it up and reroll it every season and maintain that road in excellent order at a cost not to exceed $100 per mile. Yet we have no fixed policy in the State providing for such a thing. So I should like, if I could, to say something in this connection in support of this measure that shall lead the Federal highway department to make use of this Federal aid in inaugurating in this country a provision for the maintenance of our improved highways, so that the people shall get something for the enormous expenditure of money which we are proposing to make.

I shall be very glad to support the bill.

Mr. NORRIS. Mr. President, I desire to offer an amendment. On page 12, lines 21 and 22, I move to strike out the words "is authorized to" and to insert in lieu thereof the word "shall."

Mr. BANKHEAD. I see no objection to that amendment, and I accept it.

The amendment to the amendment was agreed to.

Mr. NORRIS. I wish to offer another amendment. On page 12, line 25, after the word "thereof," I move to strike out down to and including the word "thereof" on line 3, page 13. That is only carrying out the same idea as the other amendments I have offered.

Mr. BANKHEAD. Does the Senator propose to strike out without inserting anything?

Mr. NORRIS. I do.

Mr. BANKHEAD. I do not know about that.

Mr. SWANSON. How would it read?

Mr. NORRIS. Taking the amendment that the chairman has accepted, which strikes out "authorized to" and insert "shall," providing this amendment is agreed to, it would read:

That the Secretary of Agriculture shall withhold apportionment of funds to any State in which roads constructed under the provisions of this act have not, in his judgment, been properly maintained by the State, or any subdivision thereof.

Under the bill as it is drawn, with the language in that I propose to strike out, the Secretary of Agriculture is compelled before he can withhold that money to give them six months' notice, and then, if at the end of six months they are still not maintaining the road, he is authorized to withhold any appropriation that may come later. It might occur, and probably would very often occur, with that language left in that at the time of the distribution of the funds by the Secretary of Agriculture, although the roads were not maintained in the State, six months' notice must be given before he could withhold the contribution, and another contribution would become due and would be made, when as a matter of fact the State was doing nothing to maintain the roads that had already been built. At the same time, if this language is stricken out, I can not for the life of me see that any hardship could come to the State. If the State does not maintain the road, then there ought to be in any proper bill that is passed some method by which it can be penalized, and the only method provided in the bill is to withhold any future apportionment of funds.

Mr. MCCUMBER. May I ask the Senator a question right here?

Mr. NORRIS. Yes.

Mr. MCCUMBER. Suppose the funds have already been apportioned. Suppose the road has been built and completed, and there is no more money to come from the Government, and the State fails to make good the improvement that is required?

Mr. NORRIS. That would be at the end of the last appropriation made in the bill, which I believe is five years. There would not be any way to compel the State; it would be all over. If the State wanted to neglect it, then there would not be any way in which the Federal Government, under the bill, could penalize the State.

Mr. MCCUMBER. And if the State did neglect it, what would the Government do?

Mr. NORRIS. It would not do anything.

Mr. MCCUMBER. There is no way of compelling the Government to go ahead and keep up the road. There is no way of compelling the State to keep up the road.

Mr. NORRIS. After the time has expired, that is true. The proposition here is that if the State does not maintain the road, that has been constructed partly out of Federal funds, then no further funds will be given to that State, but as the bill is drawn they have still six months after they have neglected it, and they must have that notice before you can withhold the money. The Secretary of Agriculture must give that notice. If he fails to give the notice, although the State never did a thing toward the maintenance of the road, they would be entitled to the next apportionment of funds.

Mr. SWANSON. If the Senator will permit me, this amendment was discussed by the subcommittee and the committee which prepared the bill. We think a State ought to have notice as to whether it has carried out its contract for maintenance, and if the Federal authorities are satisfied that that has not been properly done they ought to be given an opportunity to improve and maintain those roads to measure up to the conditions, so that they could get the money for the next distribution.

The six months' notice might be too long, but there ought to be some notice. We should not leave it absolutely to the discretion of the Federal Government to deprive the State of the fund entirely. We thought the best way was to deal fairly

with the States and give them an opportunity to improve their roads, so that they could get the next apportionment. I hope a notice of some time will be given. You can make it three months or shorter, but whenever they have not complied with their contract, and the only way you have to force them to do it is to withhold the money in order to get the road improved, notice ought to be given. Then they will improve the road. The subcommittee thought that this was the best way to handle that phase of the question.

Mr. NORRIS. I think I can see the reason that impelled the committee to take that view of it, but yet we will always come to a time somewhere when the principal authority must pass on the question as to whether the State has maintained the road.

Mr. SWANSON. If the Senator will permit me, it passes on it when gives the notice.

Mr. NORRIS. Of course it does, but suppose the notice is given, and then the State says, "Now, we have improved the road; we will maintain it"; and at the end of six months the Secretary says, "No; you have not," still the Secretary decides the proposition. We can not get away from that. The Secretary of Agriculture will decide it some time. So if that is a hardship, it is not removed by putting in a notice that must be given to the State. In the first place, there would be cooperation between the engineers on the part of the Government and the State authorities. The State authorities would know all the time whether they were keeping this road in repair, the Federal authorities would also know it, and the Secretary of Agriculture would pass on the matter.

It may be said that that is a hardship; he might be wrong; but to leave the bill as it is does not remove this hardship; it is still there; still he decides the matter. I think it is conceded that somebody must decide it, and so far as I am concerned I think the committee has it right, that the Secretary of Agriculture ought to do that; but it takes away almost everything that is left in the bill in regard to maintenance.

As I said the other day—and several other Senators reiterated it, notably the Senator from Ohio [Mr. POMERENE] has done so to-day—a bill which does not provide for the proper maintenance of roads when built is a criminal expenditure of public funds. The maintenance of a road once built, is just as important as is the original building of the road. Everybody concedes that; I believe that is agreed to. When we say to a State, "if you are going to get a portion of the public funds to construct a road within your boundaries, you must maintain the road," and that is defined in the bill as meaning to keep it practically in as good condition as it was when it was first made; but there is no way to penalize that State if it does not comply with its agreement, except to withhold funds from it from future apportionments. We say that even after a State has violated the law and has absolutely ignored the matter, has paid no attention to maintenance, has done nothing toward keeping the road in repair, yet before we can prevent more funds from being put into that rat hole we must say to the State, "We will give you six months' notice now," then they would start in and do something to get another apportionment, and then stop again, and so on continually. That would be possible; I do not say that that would happen; that is the extreme limit perhaps; but it would enable a State to violate the most important provision that is in this bill, and that is the provision for proper maintenance of the roads.

Mr. SWANSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Virginia?

Mr. NORRIS. I yield.

Mr. SWANSON. The Senator from Nebraska seems to be mistaken, to my mind, as to what would be the effect of leaving out this notice. There has not been any bill which has been drawn and presented to Congress that required maintenance more vigorously, rigorously, and insistently than does this bill.

Mr. NORRIS. But, if the Senator will just permit me there, it is like defining a crime. If you define a crime in a statute and provide no penalty, no matter how clear the definition may be, you have not accomplished any good by it.

Mr. SWANSON. But before the project is approved the Federal Government must be satisfied that the road will be maintained, and sureties must be given.

Mr. NORRIS. What sureties?

Mr. SWANSON. An agreement must be made.

Mr. NORRIS. That is all it is—an agreement.

Mr. SWANSON. Well, it is a serious agreement of the State, which is something; but if it is not a bona fide agreement and one which the department is satisfied will be complied with, the project will not be approved. Now, to make it sure, an amendment has been inserted requiring the department to be satisfied that the maintenance will be continued for 10 years. To enforce that the money is withheld from the State if the condition is not complied with and if, according to the judgment of the Agricultural Department, the roads have not been properly maintained.

There might be a difference between the judgment of the State highway authorities and the Federal department as to whether or not a road had been maintained; and if this notice were not required, the department might, without giving notice to anybody, withhold all the money. The State may have made arrangements to improve its roads next year and may come to Washington to ascertain what can be done, whereupon the department would say, "You have forfeited your half of the funds, for you have not maintained your roads according to your agreement." To obviate that difficulty, which, it seems to me, might occur, and in order to promote improvements, we require notice to be given, so that a State can first be satisfied as to whether it is entitled to this money and make arrangements accordingly; and, second, to see that the roads are maintained or improved.

Mr. NORRIS. Now, let me ask the Senator a question. Suppose the Secretary of Agriculture neglects to give the notice?

Mr. SWANSON. Then, this whole bill would be violated, if you presume the Federal Government is not going to discharge the duties appertaining to it.

Mr. NORRIS. Why should a Government official be required to give notice to a State official that the State official is not performing his duty?

Mr. SWANSON. He is required to give notice, because the State has agreed to maintain the roads when the Federal Government furnishes it the money.

Mr. NORRIS. Exactly; and when the State fails to maintain a road that has been built partially through Federal aid, it has lost all right to future contributions from the Federal Government under this bill.

Mr. SWANSON. But I think the State should be given notice and have an opportunity to correct its failure.

Mr. NORRIS. The opportunity has existed ever since the road was built. Of course, I agree with the Senator from Virginia that changing the time would vastly improve the bill. At the same time it seems to me that the language ought to be stricken out entirely.

Mr. SWANSON. I think we should change the notice to three months.

Mr. NORRIS. I agree that that would be better.

Mr. LIPPITT. Will the Senator from Nebraska yield to me?

Mr. SWANSON. I agree to the amendment fixing the time at three months.

Mr. LIPPITT. Mr. President, I do not know who has the floor.

Mr. NORRIS. Did the Senator from Rhode Island propound a question to me?

Mr. LIPPITT. I do not want to interrupt any of the private conversation between Senators.

Mr. NORRIS. I beg pardon. My attention was diverted, and I did not hear the question, if the Senator asked me one.

Mr. LIPPITT. I did not get the attention of the Senator. The Senator was discussing just now the question of substituting three months for six months in line 25, at the bottom of page 12, as the time in which a State is to be able to put its roads in a condition of being properly maintained. I should like to say to the Senate that it seems to me that if the roads of any State are in such shape that they have to be reconstructed or put into a condition of proper maintenance, three months would be an utterly insufficient time, probably, to accomplish such a result. When a macadam road, for instance, has gone to pieces, it is not easy nor is it a rapid matter to reconstruct that road.

Mr. SMITH of Michigan. That is true, especially if it be a very inclement season.

Mr. LIPPITT. I was about to add the suggestion which the Senator from Michigan has made, that in my section of the country and in many other parts of the United States there is a very limited time in the year when roads can be reconstructed, and there is only a limited amount of road machinery, stone crushers, and the other paraphernalia, and they might be employed in various other ways.

Mr. NORRIS. Mr. President, will the Senator from Rhode Island yield to me?

Mr. LIPPITT. I thought the Senator from Nebraska was yielding to me. If I have the floor, I yield to the Senator.

Mr. NORRIS. I think the Senator from Rhode Island has the floor. I am making no claim to it; I was through. I want to ask the Senator if he thinks six months' notice would be long enough?

Mr. LIPPITT. I do not think it would be any too long.

Mr. NORRIS. Does the Senator think we ought to require the State to maintain the roads after they have been built?

Mr. LIPPITT. I absolutely do.

Mr. NORRIS. Then the Senator ought to favor striking all this out, ought he not? If we give them notice, how much notice should we give them?

Mr. LIPPITT. I think if we are to give them notice, they ought to have six months; but I am not at all sure that I do not agree with the Senator's idea that the provision should be entirely stricken out. Of course if it is going to be stricken out and if the Senator is going to substitute the word "shall" for the words "is authorized" in line 21——

Mr. NORRIS. That has been done.

Mr. LIPPITT. He should also make the same amendment in lines 3 and 4, on page 13. It is not consistent to say to the Secretary of Agriculture in one place that "he shall" and in another that "he is authorized."

Mr. NORRIS. In the second place, to which the Senator refers, merely temporary authority is granted, and although I would have no objection to the same amendment being made there, I will not offer the amendment, for I can see a difference between that provision and the provision which I have moved to amend.

Mr. LIPPITT. Mr. President, I did not take the floor to discuss the general features of the bill, but simply to call attention particularly to the suggestion of the Senator from Nebraska in regard to three months' notice instead of six months' notice. However, so far as the bill itself goes, it is of very great importance to the State which I in part represent here. It is of such great importance that I do not feel that I have yet had sufficient opportunity to give the bill proper consideration. It has only been brought to my attention within the last two or three days. I have not been able to devote all my time during that period to its consideration, and I find so many things in it that are of very great importance to Rhode Island that I certainly hope it will not be rushed to final passage to-day or within a day or two.

Mr. BANKHEAD. We do not count upon that.

Mr. LIPPITT. Very well. Then, in a very brief way I should like to say that the matter which has been brought up by the junior Senator from New York [Mr. WADSWORTH] in regard to the method of payment for this work as affecting his State is also of very great importance to the State of Rhode Island. We are not as large a State as is New York, but the effect of the present method of raising funds for the National Government becomes proportionately, as compared with other States, a very great burden upon the State of Rhode Island.

We have also spent very large sums of money in proportion to our size upon our highway system. We have already constructed in Rhode Island a large mileage of very expensive highways, and we are finding great difficulty with the problem of maintenance. We find that is becoming a very expensive thing to keep the roads in the condition in which they should be maintained.

I also find in the bill provisions in regard to population. I refer particularly to section 2, in which exceptions are made, excluding streets and roads in a place having a population of 2,500 or more. I should like to ask the Senator in charge of this bill what is meant by "a place."

Mr. BANKHEAD. Mr. President, I do not know what the situation is in Rhode Island, although I presume it is the same there as it is elsewhere in the country; but there are a great many little villages and small towns which have been incorporated for school and other purposes. Under the provisions of this bill none of the money appropriated can be expended in an incorporated city where they have a system of streets, but in a place, such as indicated by the bill, where the houses are more than 200 feet apart, it was thought that that rule really ought not to apply. A small village, containing only a few hundred people, incorporated for school or other purposes, may have no funds with which to build roads, and may never have, and if you stop the construction of the road at the line of that incorporated village, the result will be that you will have a hiatus through the town of a half mile or a mile which will absolutely destroy the value of the road for almost every purpose. That provision was inserted to enable the funds to be applied to a situation like that in order that a road might be constructed through or along the streets of an incorporated village where the houses were 200 feet apart. The supposition was, of course, that where there was a dense population and the houses were close together they would be able, perhaps, to construct their own roads.

Mr. LIPPITT. Perhaps I have failed to grasp the real significance of the language. I have read it over two or three times without being satisfied in my own mind exactly what it does mean. In the first place, it says "in a place having a population"——

Mr. SWANSON. To what portion of the bill does the Senator refer?

Mr. LIPPITT. Section 2, on page 7.

Mr. BANKHEAD. Perhaps we might say "town" or "village," instead of "place," but the purpose of the provision is as I have indicated.

Mr. LIPPITT. I will ask Senators to remember that Rhode Island is the most thickly settled State in the Union, and I was just wondering whether the provision would not exclude the whole of Rhode Island from the provisions of this bill.

Mr. BANKHEAD. I think it would admit the whole of Rhode Island under the construction which I give to it.

Mr. LODGE. Mr. President, if the Senator from Rhode Island will allow me, I have a letter from the chairman of the Highway Commission of Massachusetts, in which he says that the provisions of the House bill would practically cut out all of New England from the benefits of the bill.

Mr. LIPPITT. The Senator does not refer to the pending bill?

Mr. LODGE. No; the writer of the letter refers to the House bill. He says:

> This cutting out would be done if the bill were worded to say that the money was to be spent outside of any incorporated town or city. I think the same result would be accomplished if they use the word "borough, village," etc., because, as you know, and they do not, the geographical limits of our cities and towns are all within the incorporated town or city, and all the roads are under their jurisdiction unless they are State highways.
>
> In the bill that the highway officials recommended I got them to put in the clause that the money might be spent inside of an incorporated village or town of more than 2,000 inhabitants, provided the houses averaged more than 200 feet apart, that being our definition of "thickly settled" in the automobile law. I think that will enable us to spend some of the money in the New England States.

Mr. BANKHEAD. That was the purpose of it when we put in the provision.

Mr. LODGE. The bill uses the word "place" instead of "incorporated village or town," and reads "having a population of 2,500 or more."

Mr. LIPPITT. It seems to me that the idea sought to be conveyed might be made more definite.

Mr. SWANSON. Mr. President, I will say to the Senator that this provision was inserted to meet the conditions in New England; and I understand it meets the approval of the highway commissions of the different States of New England. If it does not meet the conditions which it is sought to cover, the Senator can offer an amendment to take care of any situation which he has in mind.

Mr. OLIVER. Mr. President, if the Senator from Rhode Island will allow me, I will state that that is purely an academic question, because the amount of money that the New England States will get under this bill would be so small that there is not much use talking about it.

Mr. LIPPITT. I beg to differ from the Senator from Pennsylvania; it is not an academic question at all. The amount of money that New England and Pennsylvania will be taxed for this bill will be the same in either case.

Mr. OLIVER. I am speaking of the amount they will receive, and not the amount they will contribute.

Mr. LIPPITT. They might as well get a little something out of it, and not have the bill so drawn that they will have to do all the paying and absolutely be unable to receive a dollar in return, under the language of the bill. I did not really understand from the language what was meant.

Mr. BANKHEAD. The purpose was the one I have indicated.

Mr. LIPPITT. After the explanation I will examine the language a little more carefully, because I think it can be improved somewhat by being made clearer.

Mr. GALLINGER. Mr. President, I think the Senator had better be careful about using the word "town." The word "town" in New England is synonymous with township in the Western States; indeed in New Hampshire in the town, which is an area covering six or seven miles square, there are half a dozen villages in many cases, each village having perhaps as large a population as is named in the bill. So that if you use the word "town" it might exclude the entire area from any benefit.

Mr. BANKHEAD. The Senators who are interested in it, if they prefer some other language, may offer an amendment, and we will have no objection to it.

Mr. GALLINGER. Mr. President, the Senator from Rhode Island can look into it, but if a change is made I fear the result I have stated.

Mr. LIPPITT. Mr. President, as I understand the intent of this language is that in figuring the proportion of this fund any

particular State may have, all roads may be included where the houses are not closer than 200 feet to each other.

Mr. BANKHEAD. I think that is correct.

Mr. LIPPITT. If that is so, I do not see why it is necessary to put in anything about this place having a certain population. It seems to me that all you have to do is to say that the money can be expended anywhere where the houses are not closer than 200 feet to each other.

Mr. BANKHEAD. Mr. President, to fully express my opinion about this matter, I will say that this provision in the bill was insisted upon by the State highway commissions of the New England States for their protection, as the Senator from Massachusetts has indicated in the letters he has just read.

Mr. LIPPITT. I am in sympathy with that desire. I only wanted to be sure that the language accomplishes the intention.

Mr. BANKHEAD. The Senator can examine it, and if he does not think that fully covers the ground the way it is——

Mr. LODGE. Mr. President, the change that has been made in the bill from what is recommended by the highway officials raised it from two thousand to twenty-five hundred or more. That enlarges the scope.

Mr. SWANSON. It enlarges it by five hundred.

Mr. BANKHEAD. We thought that was better.

Mr. LODGE. Yes; that raises the limitation.

Mr. BANKHEAD. Yes.

Mr. LODGE. We have used the word "place," which is, of course, very general, but, I dare say, it will cover what is needed. Of course, it means an incorporated town, village, city, or anything of that sort, and I suppose it would be interpreted——

Mr. BANKHEAD. Down in Alabama we would say "town or village."

Mr. LODGE. In Massachusetts a village is part of a town.

Mr. SWANSON. We thought the word "place" could be so construed as to meet the conditions except in New England, so as to mean boroughs, cities, or incorporations.

Mr. LODGE. That is it; any place that is occupied by 2,500 people, whether under a borough government or otherwise.

Mr. BANKHEAD. It does not make any difference about the government.

Mr. LODGE. No.

Mr. BANKHEAD. Just so it is a place.

Mr. LODGE. I think that covers it.

Mr. McCUMBER. Mr. President, I call the attention of the Senator from Alabama to this fact: The Senator has just signified that he would be satisfied with the amendment suggested by the Senator from Ohio that would provide for the care of the roads by the State, after they had been completed, for a period of 10 years. Does the Senator recognize that that is imposing a limitation and not granting an extension of the duty to care for these roads, and would the Senator wish so to limit the operation of the bill?

If the amendment suggested should be agreed to, then all the duty of the State is to maintain the road and keep it in shape for a period of 10 years. Under the bill as it is drawn, it is the duty of the State to maintain it at all times and under all conditions.

What I was going especially to call the Senator's attention to was this: On page 12, which relates to the duty of the State to maintain the road, it reads:

> Nor until an agreement shall have been made with the Secretary of Agriculture, to his satisfaction, that the rural post road or roads so to be constructed under such project will be properly maintained by the State.

The Senator will see that that is without any limitation whatever.

Mr. BANKHEAD. I understand that. I do not think the amendment——

Mr. McCUMBER. And that is what it ought to be, in my opinion, if we are going to put the money into it; but I am going to ask the Senator if he would have any objection to changing the word "agreement" to "guarantee"?

Mr. BANKHEAD. None in the world.

Mr. McCUMBER. "Agreement" is rather broad, and possibly an agreement might be made which would depend entirely upon the good faith of the State to maintain its agreement. If we should say "nor until a guarantee shall have been made with the Secretary to maintain these roads," I think we would at least have gotten it in better shape than we had it before.

Mr. SWANSON. What does the Senator mean to imply by "guarantee"? Some Secretary might construe it to mean that you would have to put up bonds and security and sureties.

Mr. LODGE. That would be a very good thing.

Mr. McCUMBER. I would leave that with the Secretary of Agriculture. I think he would have a written guarantee passed by the legislature of the State, or an agreement whereby they guarantee to maintain the road for an indefinite time.

Mr. BANKHEAD. I do not think there is very much difference in the two terms.

Mr. LIPPITT. "Agreement" is the best.

Mr. LODGE. This agreement may be purely verbal.

Mr. McCUMBER. If there is a verbal agreement made with the governor——

Mr. SWANSON. Say "satisfactory agreement."

Mr. LIPPITT. That is implied.

Mr. LODGE. You have got that.

Mr. McCUMBER. The main reason why I would change the word "agreement" to "guarantee" is that we ought not to put in the limitation suggested by the Senator from Ohio, a 10-year limitation.

Mr. LIPPITT. I should like to suggest to the Senator from North Dakota that if the amendment of the Senator from Ohio, which, I understand, now reads "for a period of 10 years," were made "for a period of not less than 10 years," it would accomplish the object of the Senator from Ohio and remove the objection of the Senator from North Dakota.

Mr. McCUMBER. No; because then you would have it so much weaker. If it is not less than 10 years, that places it within the authority of the State to make an agreement that will last not less than 10 years, while we wish the agreement to be for all time.

Mr. HARDING. Mr. President, while the Senator from North Dakota is on his feet, may I ask him a question?

Mr. McCUMBER. Certainly.

Mr. HARDING. I should like to ask the Senator if he does not believe that after maintenance is established for a period of 10 years it is essentially made permanent?

Mr. McCUMBER. No; Mr. President, I do not think that would necessarily follow; and certainly if it would follow, there is no objection to making it specific.

Mr. NORRIS. Mr. President, it seems that the amendment I have offered, to strike out the language indicated in the amendment, does not meet with the views of the Senator in charge of the bill. I desire, therefore, to withdraw that amendment and to offer an amendment to strike out "six" and insert "three," in line 25, page 12, so that it will read "three months" instead of "six months."

Mr. SMITH of Michigan. Three months for what—repairs?

Mr. NORRIS. To give notice for repairs. I understand that is satisfactory to the committee.

Mr. WILLIAMS. Mr. President, may I ask the Senator where that amendment would come in?

Mr. NORRIS. On line 25, page 12, I move to strike out "six" and insert "three."

Mr. BANKHEAD. Mr. President, I would not like to accept that amendment. I do not think it is a proper one. I do not think the States ought to be just hopped down upon without sufficient notice to improve their roads. I feel that six months is as little time as should be given.

Mr. NORRIS. I understood from that the Senator from Virginia said that it would be satisfactory to the committee. If that is not satisfactory, I want my original amendment to stand and to have a vote on it.

Mr. McCUMBER. Mr. President, I just want to suggest to the Senator, if the chairman please, that possibly it might necessitate the action of the State legislature in many instances to raise the money or otherwise to complete the work, and therefore I do not believe six months is any too long.

Mr. NORRIS. The facts are that there ought to be no notice, in my judgment, because this comes long after the first road has been constructed. Let us see how it would operate.

When the first apportionment of funds was to be brought about there would be no road constructed, of course, that had been partially paid for by Federal funds, and then we would build a road in some State partially paid for out of the Federal Treasury. Now, the State has agreed to maintain that road in practically as good condition as it is in when it is completed, but the State violates its agreement. It does not do it.

Mr. BANKHEAD. Mr. President, perhaps the State has not recognized that it has not kept its agreement. It may feel that it has kept it, that it has properly maintained the road. It is a question of difference of opinion between the Secretary of Agriculture and his supervising engineer, on the one hand, and the engineer of the State highway department on the other hand.

Mr. NORRIS. I wish the Senate would get that idea right in its mind. It seems to me the Senator is opposing this motion now on the ground that there might be a disagreement between the Federal authorities and the State authorities as to whether the State had maintained the highway. That is true; there

might be that kind of a disagreement; there might be an honest one. But if we permit it to remain in the bill just as it is that disagreement is just as likely to occur then as though it went out of it, because at the end of six months, when notice has been given, the State authorities may say, "Why, we have complied with our agreement and we have kept this road properly in repair."

Mr. BANKHEAD. Then the Secretary of War is authorized to withhold all future appropriations if they do.

Mr. NORRIS. And the Secretary of Agriculture could say then: "You have not, and I withhold the appropriation." So, as far as that part is concerned, this amendment does not change it one way or the other. That condition may still be brought about just as well with the language that I want to strike out in the bill as though it were out.

Mr. BANKHEAD. Mr. President, I just want to ask the Senator one further question. Does he believe that three months' notice is sufficient time to permit the State authorities to put their roads in such condition as would meet the approval of the Secretary of Agriculture after notice has been given?

Mr. NORRIS. It depends upon the condition of the road at the time he went there. It may be that six months' notice would not be enough. Perhaps it would take two years' time; but if you do that you may just as well strike out of the bill everything that is in it about maintenance and say: "We will build these roads and require no agreement about maintenance." If you require an agreement for maintenance and then say that when that agreement is violated you have got to give so much time and they can get the money anyway, you might just as well leave it out at the beginning.

It strikes me that we ought to get away from this idea that there may be a disagreement between the State authorities and the Federal authorities. Let me emphasize that point. The language of this amendment has nothing to do with that. It will be just the same whether this amendment is voted up or voted down. If we want to assume that the Secretary of Agriculture will say to the States before any notice is given, "You have not maintained the road properly"—if you are going to assume that he is going to be unfair or that there is an honest disagreement, then it is just as reasonable to assume that after he has given the notice and the six months have expired that same disagreement is just as likely to exist then as though no notice were given; and if it exists then, the Secretary will withhold future contributions.

The danger is that during the six months that must elapse after the notice is given another contribution of Federal funds will be made to a State that does not maintain the roads that have already been built; and thus the money is gone, and there is no help for it. There is not any way then in which to get the money back. You have permitted the State to violate the agreement; you have permitted the State to get the money without maintaining the highway. If the law is emphatic, as it seems to me it ought to be, it is no hardship on anybody to say: "If you do not maintain this road, you can not have the next contribution." That is what the law means, and, in fact, that is what it says; but you evade the law by compelling the Secretary of Agriculture to give six months' notice before he can withhold the money.

If that were left just in that way, without any notice, and it came time to parcel out the funds for another year, it would be the duty of the Secretary of Agriculture to withhold the funds from any State that had not maintained the road during the preceding year. If you leave it in, he will give them the money and the six months' notice besides, and they could go on that year and not maintain it and get the money, and when the next apportionment came around he would give another six months' notice, and before that expired another apportionment would be made, and thus on to the end of the five years with absolutely no maintenance on the part of the State, and all the money gone out of the Federal Treasury.

Mr. OLIVER obtained the floor.

Mr. LIPPITT. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Rhode Island?

Mr. OLIVER. I do not yield.

I think the Senator from Nebraska [Mr. NORRIS] is entirely right in his contention. If the States are to receive money under this legislation, they ought to receive it under the agreement and with the distinct understanding that they are from the very beginning to maintain the roads that are constructed under the provisions of this proposed legislation. Therefore I think that the Secretary of Agriculture, immediately he discovers that a State is not maintaining any of the roads that are constructed by virtue of this legislation, should notify the State authorities that they will not get any further apportionment for additional road building until they arrange properly to maintain the roads already built, and let the burden be upon the State to arrange from the very beginning for properly maintaining its roads.

As I understand the amendment of the Senator from Nebraska, it is to omit, on line 25, page 12, everything after the word "thereof." Am I correct?

Mr. NORRIS. Yes.

Mr. OLIVER. Then I would suggest, as an amendment to that amendment, that in place of the words so omitted something like the following be added:

But upon satisfactory evidence that such failure of maintenance no longer exists, he may resume the contributions to which the State would be entitled under the provisions of this act.

Mr. NORRIS. Mr. President, I am very glad to accept that and modify my amendment accordingly. I think myself that improves it.

The VICE PRESIDENT. Now, let us see how it reads.

Mr. OLIVER. I suggest that that part of the bill be read with the addition that has been suggested, Mr. President.

The SECRETARY. On page 12, line 25, after the word "thereof," it is proposed to insert:

But upon satisfactory evidence that such failure of maintenance no longer exists, he may resume the contributions to which the State would be entitled under the provisions of this act.

So that, as amended, it will read:

The Secretary of Agriculture shall withhold apportionment of funds to any State in which roads constructed under the provisions of this act have not, in his judgment, been properly maintained by the State, or any subdivision thereof, but upon satisfactory evidence that such failure of maintenance no longer exists he may resume the contributions to which the State would be entitled under the provisions of this act.

Mr. NORRIS. And then strike out the language that is——

Mr. BANKHEAD. Mr. President, I want to understand this proposition. Do I understand that the motion of the Senator from Nebraska to strike out notice has gone out of the bill?

Mr. NORRIS. Oh, no. I have made a motion to strike out, commencing after the word "thereof," in line 25, page 12, down to and including the word "thereof," in line 3, page 13.

Mr. BANKHEAD. Yes.

Mr. NORRIS. I have accepted and modified my amendment by including, upon the suggestion of the Senator from Pennsylvania [Mr. OLIVER], the insertion of the words that have been read instead of that language.

Mr. BANKHEAD. Then the Senator's proposition is to accept the amendment of the Senator from Pennsylvania in lieu of his own?

Mr. NORRIS. No; I add it to mine.

Mr. LIPPITT. It is a motion to strike out and insert.

Mr. NORRIS. I move to strike out and insert.

Mr. BANKHEAD. Then, in doing that the Senator strikes out the six months' notice.

Mr. NORRIS. Yes; I strike out the same language. I have only modified my motion by including the language suggested by the Senator from Pennsylvania [Mr. OLIVER] in lieu of that which I seek to strike out.

Mr. BANKHEAD. Mr. President, we could not accept an amendment like that, because in that case you would strike out the notice entirely. We do not give them any notice.

Mr. OLIVER. They ought not to get any notice. They ought to maintain the road.

Mr. STERLING. Mr. President, just one word. I hope this amendment will not prevail. I think there is a reason, and a very sound reason, for the six months' notice. The highway authorities in the States, I think we may presume, will follow out the requirements and the spirit of this law. But it may be that now and then we will have a highway commission or highway authorities within a State who are delinquent in the performance of their duty toward the maintenance of a road. The real parties interested in the road are not the officials or a commission, but they are the people, and in order that the people themselves may be protected this notice should be given, so that in case of a delinquency on the part of the highway commission in a State the people on receipt of the notice could stir the commission to action, and thus the people themselves will be protected by reason of this notice.

Mr. President, I think this is safely guarded. On page 13, beginning in line 3, there is this provision:

The Secretary of Agriculture is also authorized temporarily to decline to issue warrants under this act upon failure on the part of any State, or its State highway department, to comply with the provisions of this act or upon breach of agreement made with him pursuant to this act.

That will protect the Federal Government. It will prevent the payment of any money by the Secretary of Agriculture to

the State until the road is properly maintained. The effect of the notice will be to inform the public that the State authorities have not been doing their duty, and they in turn will urge the necessary action on the part of the authorities.

Mr. GALLINGER. Mr. President——

Mr. NORRIS. Before the Senator from South Dakota takes his seat——

The VICE PRESIDENT. The Senator from New Hampshire.

Mr. GALLINGER. Mr. President, we have been in session six hours. The heat is very severe. I do not think the few of us who have attended diligently and tried to forward the legislation ought to be kept here any longer to-day. I will ask the Senator from Alabama if he is ready to adjourn?

Mr. SMOOT. Will the Senator from Alabama yield to me just a moment?

Mr. BANKHEAD. I yield to the Senator.

Mr. SMOOT. I offer the following as a substitute for the amendment offered by the committee, and I ask that it be printed, and printed in the RECORD.

The amendment was ordered to lie on the table and be printed and to be printed in the RECORD, as follows:

That in order to establish, construct, improve, and maintain public roads that are now or may hereafter be needed for use as post roads, military roads, or for interstate commerce, there be, and hereby is, created a fund to be known as the United States highway fund. Said fund shall be raised in the manner herein provided; but the Treasurer of the United States is hereby authorized to receive and place to the credit of said fund any money that may be contributed from other sources, and to expend the same upon the order of the United States highway commission or in accordance with the conditions of the contribution.

SEC. 2. That for the purpose of providing money for the United States highway fund the Secretary of the Treasury is hereby authorized and directed to issue and sell, on and after July 1, 1918, at par with accrued interest, coupon or registered bonds of the United States, in such form as he may prescribe and in denominations of $20 or multiples of that sum, said bonds to be payable in coin 50 years from date of issue, and to bear interest, payable in coin semiannually, at the rate of 3 per cent per annum, the total amount of said bonds not to exceed $500,000,000, and the issue and sale of same not to exceed such amounts as may be necessary from time to time to enable the Treasurer of the United States to make payments from the United States highway fund to the several States in accordance with the provisions of this act. Bonds issued under authority of this act, or the income therefrom, shall not be subject to taxation of any kind for any purpose. Bonds authorized by this section shall be first offered at par as a popular loan, under such regulations, prescribed by the Secretary of the Treasury, as will give opportunity to the citizens of the United States to participate in the subscriptions to such loan; and in allotting said bonds the several subscriptions of individuals shall be first accepted, and the subscriptions for the lowest amounts shall be first allotted. Any portion of any issue of said bonds not subscribed for as above provided may be disposed of by the Secretary of the Treasury, at not less than par, under such regulations as he may prescribe, but no commissions shall be allowed or paid thereon; and a sum not exceeding one twenty-fifth of 1 per cent of the amount of the bonds herein authorized is hereby appropriated out of any money in the Treasury not otherwise appropriated to pay the expense of preparing, advertising, and issuing the same.

SEC. 3. That before any State shall be entitled to take advantage of the provisions of this act it shall establish by law a State highway commission, which said commission shall have general supervision of road construction and improvement in that State and of the expenditure of money received from the United States highway fund, subject only to the provisions of this act and of State laws not inconsistent herewith. It shall be the duty of each State highway commission annually, on or before the 1st day of January, to make to the governor of the State in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, copies of which said report shall be sent to the Treasurer of the United States and to the United States Highway Commission.

SEC. 4. That the United States highway fund shall be apportioned and credited to the several States in the following manner: The United States Highway Commission, hereinafter created, shall ascertain in the most practicable manner from the best information available the total land area, the population according to the last Federal census, the total assessed valuation of all taxable property, and the total mileage of public roads in each of the several States, and shall compute the percentage of the total of each of these four items possessed by each State. They shall then compute the average of the four percentages for each State, and this average shall be the per cent of the $500,000,000 United States highway fund that shall be apportioned and credited to each State. Said commission shall notify the Treasurer of the United States of the result of their ascertainment and computation, which shall be made as of a date to be fixed by the commission. Such fund so apportioned shall be paid to the States only in accordance with the provisions of this act.

SEC. 5. That whenever any State, through its duly authorized agents, shall apply for any part of its share of the United States highway fund, but not exceeding 20 per cent thereof in any year, and shall deposit with the Treasurer of the United States its bonds for such amount payable in 50 years and bearing interest, payable semianually, at the rate of 4 per cent per annum, the Secretary of the Treasury shall issue and sell, at par and accrued interest, in the manner prescribed in section 2, United States highway bonds to the amount that may be necessary to pay to said State the amount of money applied for, and upon the sale of said bonds shall pay over the proceeds to the custodian of the public funds of the State: *Provided*, That the bonds of any State shall not be accepted if the total amount of bonds of such State, including the bonds issued to take advantage of the provisions of this act, shall exceed 10 per cent of the amount of the assessed valuation of all taxable property in such State: *Provided further*, That any State desiring to do so may deposit with the Treasury of the United States its 4 per cent bonds maturing in not less than 20 years, or may redeem its 50-year bonds at any time after 20 years from date of issue, but upon redemption of such bonds, whatever the period for which issued such State shall pay to the Treasurer of the United States, in addition to the balance due on the principal after deducting the accumulated sinking fund, a premium of 2 per cent on such balance due on bonds redeemed, together with accrued interest. When the Treasurer of the United States shall receive any payment of interest on State bonds deposited in the manner above provided he shall devote three-fourths thereof to the payment of the interest due on the corresponding United States highway bonds, and one-fourth, herein designated as a sinking fund, he shall deposit in the Treasury of the United States to be used from time to time for the redemption of United States highway bonds as provided herein. The Treasurer of the United States shall keep an account with each State that shall deposit bonds and receive funds under the provisions of this act, and shall credit said State with interest compounded annually at the rate of 3 per cent per annum on the sinking funds paid in. Money received upon the principal of State bonds shall also be credited to the sinking fund, but no interest credit shall be allowed the State thereon. At the time of the maturity of the bonds deposited by any State, if all payments have been made when due, the Treasurer of the United States shall cancel said bonds and return them to the State issuing the same. Whenever and each time the sinking-fund accumulation shall amount to $1,000,000, then the Secretary of the Treasury shall, and he is hereby, directed to go into the open market and purchase, at par if possible, $1,000,000 par value of the United States highway bonds. If unable to purchase all or any at par then he is authorized and directed to pay such premium as necessary determined by competition after public notice of not less than 30 days, but not exceeding a premium of 2 per cent and accrued interest. If he be unable thus to secure the full amount of bonds necessary to comply with this provision, then he is authorized and directed to call at par, plus premium of 2 per cent and accrued interest, such bonds, determined by drawing of bond numbers from among the largest denominations outstanding, as will make up the $1,000,000 purchase. These bonds thus purchased out of the sinking-fund accumulation shall be retained in the United States Treasury, being stamped by the United States Treasurer "Nonnegotiable," but "kept alive," in order that the United States Government may receive for the sinking fund the benefit of the interest payments on the bonds thus purchased.

SEC. 6. That on the 1st day of February of each year, after the year 1918, the Treasurer of the United States shall pay to the custodian of the public funds of each State, from any funds in the Treasury not otherwise appropriated, an amount of money equal to one-half the amount such State has expended out of its own funds for the maintenance of public roads during the preceding calendar year, but in no case to exceed 2½ per cent of the amount of State bonds said State has deposited with the Treasurer of the United States under the provisions of this act. The money so paid shall be expended by said State only in the maintenance of public roads. The Treasurer of the United States shall withhold the payment of moneys to any State under the provisions of this section in the event that such State shall default in payment of any interest or principal due.

Whenever the United States Highway Commission shall certify to the Treasurer of the United States that any portion of the amount expended by any State for the maintenance of public roads, during the preceding calendar year, has not been expended with reasonable effectiveness, one-half of such amount shall be deducted from the next succeeding annual appropriation to such State: *Provided*, That if any State shall fail to issue bonds as provided in section 5 hereof, it shall nevertheless be entitled, during the period such failure to issue bonds shall continue, subject to all the conditions and limitations set forth in this section, to receive the maintenance fund provided for in this section; but in no case shall such maintenance fund exceed the amount which such State would have been entitled to receive if it had issued the bonds authorized by section 5 hereof.

SEC. 7. That there is hereby created a United States Highway Commission, to be composed of the chairman and ranking minority member of the Senate Committee on Post Offices and Post Roads, the chairman and ranking minority member of the House Committee on Roads, the Director of the Office of Public Roads, and a United States Army engineer to be detailed from time to time by the Secretary of War. Such commission shall have only an advisory voice in the expenditure of the United States highway fund in the several States. It shall have its head office in the District of Columbia, but may create highway divisions, never exceeding in number one for each State, and may maintain a division office in charge of a United States highway engineer in each division. Said commission shall have power to employ such clerical and expert assistance as may be provided for by appropriations made by Congress from time to time, and may require the assistance and cooperation of the officers and employees of any department in its work.

Amend the title so as to read: "An act to provide for Federal aid to good roads, to permit the several States to utilize the superior credit of the United States in raising road-construction funds, to aid the States in maintenance of roads, and to create a national highway commission."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House insists upon its amendments to the bill (S. 4876) to provide for the increase in the number of cadets at the United States Military Academy, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAY, Mr. DENT, and Mr. KAHN managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 683. An act prohibiting the use of the name of any Member of either House of Congress or of any officer of the Government by any person, firm, or corporation practicing before any department of the Government;

S. 1294. An act to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

S. 3560. An act to validate a certain title whereon the purchase money has been paid on a private sale by order of the United States District Court for the Middle District of Pennsylvania, at No. 83, June term, 1910, sitting in bankruptcy; and

S. 4480. An act providing for the establishment of two additional terms of the District Court for the Eastern District of North Carolina, at Raleigh, N. C.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of 17 citizens of Unity, N. H., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented petitions of Mrs. Samuel Augustus Stevens and of Muriel A. Weed, of Portland, Me., praying for an investigation into the practice of vivisection, which were referred to the Committee on Agriculture and Forestry.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Penobscot Valley Dental Club, of Bangor, Me., praying for an increase of the Dental Corps of the Army, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Richmond, Me., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. TAGGART presented a petition of the congregation of the Presbyterian Church of La Porte, Ind., praying for the enactment of legislation to prohibit the exportation of intoxicating liquor to Africa, which was referred to the Committee on the Judiciary.

He also presented a petition of the Protestant Women's Association of Indianapolis, Ind., praying for the enactment of legislation to prohibit appropriations for sectarian purposes, which was ordered to lie on the table.

Mr. PHELAN presented a petition of the Chamber of Commerce of Niles, Cal., praying for an appropriation of $300,000 for the Yosemite National Park and for the creation of a national-park service, which was referred to the Committee on Appropriations.

He also presented a petition of the city council of Los Angeles, Cal., praying for the establishment of a naval base and a free port of entry at Los Angeles Harbor, in that place, which was referred to the Committee on Naval Affairs.

Mr. HUGHES presented petitions of sundry citizens of New Jersey, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of New Jersey, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Westwood, N. J., praying for prohibition in the island of Porto Rico, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of sundry citizens of New Jersey, praying for an increase in armaments, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Atlantic City, N. J., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Columbus, N. J., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

Mr. STONE presented a petition of sundry citizens of Kansas City, Mo., praying for national prohibition, which was referred to the Committee on the Judiciary.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 5687) to establish the National Chamber of Agriculture of the United States; to the Committee on Agriculture and Forestry.

By Mr. GALLINGER:

A bill (S. 5688) authorizing the purchase or acquisition of the aviation field at College Park, Md., and property adjacent thereto for aviation, maneuvers, and other military purposes (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 5689) granting an increase of pension to Nellie A. Sanborn (with accompanying papers); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 5690) granting a pension to Anna L. Warren;

A bill (S. 5691) granting an increase of pension to Henry Schlobohm;

A bill (S. 5692) granting an increase of pension to Irvin Dickison;

A bill (S. 5693) granting an increase of pension to William Hauger (with accompanying papers);

A bill (S. 5694) granting an increase of pension to George W. Hupp (with accompanying papers);

A bill (S. 5695) granting a pension to Mabel McCauley (with accompanying papers);

A bill (S. 5696) granting a pension to Henry C. Smither (with accompanying papers); and

A bill (S. 5697) granting an increase of pension to Dyer B. McConnell (with accompanying papers); to the Committee on Pensions.

By Mr. TAGGART:

A bill (S. 5698) granting an increase of pension to Pleasant Williams (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 5699) granting a pension to Edward Keegin (with accompanying papers); to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 5700) granting an increase of pension to Thomas E. Cruess;

A bill (S. 5701) granting a pension to Raymon M. Smith; and

A bill (S. 5702) granting a pension to John Heikkila; to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 5703) granting an increase of pension to James Withers; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. O'GORMAN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193); which was referred to the Committee on Commerce and ordered to be printed.

Mr. PHELAN submitted an amendment proposing to appropriate $10,000 to enable the Secretary of Agriculture to make a survey and location of a public highway within the Sequoia National Forest, State of California, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

CIVIL GOVERNMENT FOR PORTO RICO.

Mr. GRONNA submitted an amendment intended to be proposed by him to the bill (S. 1217) to provide a civil government for Porto Rico, and for other purposes, which was referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed.

HARBOR IMPROVEMENTS.

Mr. O'GORMAN submitted the following resolution (S. Res. 173) which was referred to the Committee on Commerce:

Resolved, That the Secretary of War be, and he hereby is, authorized and directed to report to Congress at the earliest practicable date, not later than December 4, 1916:

First. Specific plans for improvement of the harbors and connecting channels which, in his judgment, after consultation had with the Secretary of the Navy, will best provide adequate facilities for operations of the fleet for defense of the harbors of Portland, Me.; Boston, Mass.; Providence, R. I.; New London, New Haven, and Bridgeport, Conn.; New York, N. Y.; Norfolk, Va.; Savannah and Brunswick, Ga.; Charleston, S. C.; New Orleans, La.; Galveston, Tex.; San Diego and San Francisco, Cal.; and Seattle, Wash.

Second. The feasible extensions requisite to make existing approved projects for improvement of the aforementioned harbors available for the purposes stated in the foregoing paragraph.

Third. The cost of each such several improvement, calculated upon the basis of completion thereof, under contract, within five years.

Fourth. The percentage, not exceeding 30 per cent, of the cost of each such improvement which, in the judgment of the Secretary of War, should be contributed by the several cities or State governments, in consideration of the completion within five years of the improvement recommended by the Secretary of War.

Fifth. The replies of the local authorities and State governments to the propositions to them submitted by the Secretary of War to contribute to the carrying out and the cost of such several improvements.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on April 20, 1916, approved and signed the following acts:

S. 4889. An act to renew patent No. 21053;

S. 3984. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 4399. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. BANKHEAD. In view of the fact that this is Good Friday and we have been at work since 11 o'clock, I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 3 minutes p. m. Friday, April 21, 1916) the Senate adjourned until to-morrow, Saturday, April 22, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 21, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer.

Infinite and Eternal Spirit, all love excelling, pour out upon us of Thine inexhaustible treasures the things which shall quicken us to larger, nobler life, that we may go forward to greater victories intellectually, morally, spiritually, as individuals and as a Nation, under the spiritual leadership of Thy Son Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. MCARTHUR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a copy of a letter which I have this day written to the Antisaloon League of Oregon in answer to certain charges preferred against me by that organization.

The SPEAKER. The gentleman from Oregon [Mr. MCARTHUR] asks unanimous consent to extend his remarks in the RECORD by printing a letter which he has written to the Antisaloon League of Oregon in answer to certain strictures which they have made upon him. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1162. An act authorizing the President to appoint Col. James Jackson, United States Army, retired, to the rank of brigadier general on the retired list;

S. 3536. An act to provide for the storing and cleansing of imported Mexican peas, commonly called "garbanzos";

S. J. Res. 63. Joint resolution authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial fountain to Alfred Noble;

S. 509. An act for the relief of the heirs of Joshua Nicholls;

S. 4371. An act authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims;

S. 3769. An act to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907;

S. 3539. An act for the relief of John L. Moon;

S. 4401. An act to conduct investigations and experiments for ameliorating the damage wrought to the fisheries by predacious fishes and aquatic animals;

S. 606. An act for the relief of James C. Hilton;

S. 3405. An act for the relief of the Maine Central Railroad Co.;

S. 1550. An act to authorize the establishment of fish-cultural stations on the Columbia River or its tributaries in the State of Oregon or the State of Washington;

S. 4655. An act authorizing and directing the Secretary of the Interior to determine the most suitable method of preventing further erosion and overflow on Gila River, Ariz.;

S. 1059. An act to provide for the payment for certain lands within the former Flathead Indian Reservation, in the State of Montana;

S. 1741. An act for the relief of certain homestead entrymen for land within the limits of the Glacier National Park;

S. 1746. An act for the relief of Delilah Siebenaler;

S. 1860. An act in reference to the issuance of patents and copies of surveys of private land claims;

S. 3257. An act for the relief of Johnston-McCubbins Investment Co.;

S. 5221. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors; and

S. 4526. An act authorizing the Arikara, Gros Ventre, and Mandan Tribes of Indians of the Fort Berthold Reservation, N. Dak., to submit claims to the Court of Claims.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 3575. An act to amend section 5234 of the Revised Statutes of the United States so as to permit the Comptroller of the Currency to deposit upon interest the assets of insolvent national banks in other national banks of the same or of an adjacent city or town; and

H. R. 12027. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

CHANGE OF REFERENCE.

Mr. LITTLEPAGE. Mr. Speaker, I ask unanimous consent for a change of reference of the bill H. R. 12455, from the Committee on Military Affairs to the Committee on Rivers and Harbors.

The SPEAKER. What is the bill about?

Mr. LITTLEPAGE. The bill provides for the lease by the Secretary of War to the Charleston-Dunbar Traction Co. of its right of way across the Government property on the Great Kanawha River improvement at Lock and Dam No. 6. The company constructed its line over the Government property and have been using it for five years, but they were notified by the Secretary of War that they would have from September next on to get the right by a bill through Congress.

The SPEAKER. Now, does it go on Government land?

Mr. LITTLEPAGE. Yes, sir. On the United States Government property along the banks of the Kanawha River.

The SPEAKER. How did the Government come to have any land along the banks of the Kanawha River?

Mr. LITTLEPAGE. At Lock and Dam No. 6 they own about four or five acres along the banks of that river. This proposed arrangement does not interfere with the operation of the lock. In fact, it is of benefit to the Government property.

Mr. GARRETT. Mr. Speaker, it seems to me, as I caught the reading of the title, that the bill was properly referred in the first instance.

Mr. LITTLEPAGE. Let me make this statement. I thought it was, and the Committee on Military Affairs took it up and acted on it.

The SPEAKER. The easiest way to dispose of it is to withdraw temporarily the request and let the gentleman from Tennessee [Mr. GARRETT] read it. It will save the time of the House.

Mr. SPARKMAN. Mr. Speaker, may I say just a word? My attention was called to that bill by the War Department, and the Chief of Engineers is decidedly of the opinion that it should have gone to the Committee on Rivers and Harbors.

The SPEAKER. But the trouble about it is he does not know anything about the rules of the House.

Mr. SPARKMAN. I was going to say that his opinion does not control here. But this deals with some land that was purchased by money furnished by the Committee on Rivers and Harbors.

The SPEAKER. What has the Committee on Rivers and Harbors to do with this thing now?

Mr. SPARKMAN. It had everything to do with it in the first place. It furnished the funds with which the land was purchased for the use of the Government in building locks and dams. They are not using this land now for that purpose, it is true, but it was bought with funds furnished through the Rivers and Harbors Committee of the House of Representatives, and part of this land—although I do not know—may be used in the future for that purpose.

Mr. LITTLEPAGE. Mr. Speaker, let me say that the bill is entirely satisfactory to the Secretary of War, and he suggests in his report that the Committee on Rivers and Harbors act on it. It is satisfactory to both committees. It is satisfactory to the Secretary of War.

The SPEAKER. I know, but the Secretary of War has absolutely nothing whatever to do with where a bill shall be referred. Now, he is a very great and good man, no doubt——

Mr. GARRETT. It is perfectly evident to me that this bill was properly referred in the first instance. I object, Mr. Speaker.

Mr. LITTLEPAGE. I regret very much that the gentleman objects.

REPORT OF THE COMMISSION ON INDUSTRIAL RELATIONS.

Mr. BARNHART. Mr. Speaker, I desire to submit a privileged resolution and ask for its present consideration, and pending the reading of it, Mr. Speaker, I would like to ask that the title of the resolution be read, and a brief report accompanying it also be read.

The SPEAKER. Is it a privileged resolution?

Mr. BARNHART. Yes.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the title of the resolution be read and that the report be read in lieu of reading the rest of the resolution.

Mr. BARNHART. I have not any objection to reading the resolution.

Mr. MANN. We can not have a vote upon the resolution without having it read.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate joint resolution (No. 98) to print as a public document the final report and testimony submitted to Congress by the United States Commission on Industrial Relations.

Resolved, etc., That the final report of the United States Commission on Industrial Relations, including the report of Basil M. Manly, director of research and investigation, and the individual reports and statements of the several commissioners, together with all the testimony taken at its hearings, except exhibits submitted in printed form, which shall be appropriately referred to in said testimony, be printed as a Senate document under the direction of the Joint Committee on Printing; and that 10,000 additional copies be printed and bound in cloth, of which 2,500 copies shall be for the use of the Senate and 7,500 copies for the use of the House of Representatives; and that of the final report of said commission 100,000 additional copies be printed, of which 30,000 copies shall be for the use of the Senate and 70,000 copies for the use of the House of Representatives: *Provided*, That the superintendent of documents is hereby authorized to reprint copies of the same for sale or distribution as provided by law.

The SPEAKER. Without objection, the report will be read.

There was no objection.

The report (H. Rept. 583) was read, as follows:

Mr. BARNHART, from the Committee on Printing, makes the following report (to accompany S. J. Res. 98):

The Committee on Printing, having had under consideration the Senate joint resolution (S. J. Res. 98) providing for the printing of the final report, complete testimony, and exhibits of the Commission on Industrial Relations, reports the same back to the House with a recommendation that the resolution do pass. The resolution provides for the printing of 100,000 copies of the final report of the Commission on Industrial Relations in one volume, as originally passed by the House of Representatives, except that the binding shall be in paper instead of cloth. In addition thereto the resolution provides for the printing of 10,000 copies of the complete testimony taken by the commission at its various hearings, together with all the exhibits submitted with such testimony, except its exhibits which are in printed form. It is intended that the printed exhibits shall be referred to in the testimony by title, author, and publisher, so that they may be properly identified, and thus made available to any person who desires to obtain such printed exhibits from libraries or publishers that have copies of the same on hand.

The estimated cost of the printing proposed by this resolution is as follows:

100,000 copies final report	$9,729.88
10,000 copies complete testimony (7 volumes of 1,008 pages each)	54,978.84
10,000 copies of exhibits, except those heretofore printed (3 volumes of 1,008 pages each)	27,979.53
Total cost	92,688.25

While this committee unanimously agrees that it is a mistake to bind the report in paper, as the publication is intended as a referenee book, and will doubtless be used as such for many years to come, and ought, therefore, to be bound in cloth, representatives of the Industrial Commission and representatives of organized labor, especially interested in the prompt publication of these reports, signified their willingness before the Senate committee to have the publication bound in paper, and in order to expedite the matter it is the decision of this committee that the provisions of the resolution as it comes to the House shall stand unchanged.

The unencumbered balance of the allotment for printing and binding for Congress for the fiscal year ending June 30, 1916, is $177,268.26. The said Senate joint resolution is as follows:

Resolved, etc., That the final report of the United States Commission on Industrial Relations, including the report of Basil M. Manly, director of research and investigation, and the individual reports and statements of the several commissioners, together with all the testimony taken at its hearings, except exhibits submitted in printed form, which shall be appropriately referred to in said testimony, be printed as a Senate document under the direction of the Joint Committee on Printing; and that 10,000 additional copies be printed and bound in cloth, of which 2,500 copies shall be for the use of the Senate and 7,500 copies for the use of the House of Representatives; and that of the final report of said commission 100,000 additional copies be printed, of which 30,000 copies shall be for the use of the Senate and 70,000 copies for the use of the House of Representatives: *Provided*, That the superintendent of documents is hereby authorized to reprint copies of the same for sale or distribution as provided by law.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The resolution was read a third time.

The SPEAKER. The question is, Shall the joint resolution pass?

Mr. MOORE of Pennsylvania. Mr. Speaker, I desire to ask the gentleman from Indiana how much was appropriated for the purposes of the Commission on Industrial Relations altogether?

Mr. BARNHART. Four hundred and fifty thousand dollars.

Mr. MOORE of Pennsylvania. For the work done in conducting investigations throughout the country?

Mr. BARNHART. Yes. There was originally appropriated, as I understand, $350,000, and afterwards an additional $100,000, this latter with the proviso that it should be used for finishing the investigation and the publication of the report, and the commission did publish 10,000 copies of its report.

Mr. MOORE of Pennsylvania. But they did not receive a sufficient amount of money to complete the publication?

Mr. BARNHART. No. They did not have enough money to publish the evidence or the exhibits.

Mr. MOORE of Pennsylvania. Four hundred and fifty thousand dollars has already been expended in conducting the investigations and in such printing as has been done?

Mr. BARNHART. Yes, sir.

Mr. MOORE of Pennsylvania. Now this resolution provides for the expenditure of $90,000 additional?

Mr. BARNHART. Yes, sir.

Mr. MOORE of Pennsylvania. That is correct, is it?

Mr. BARNHART. Yes, sir.

Mr. MOORE of Pennsylvania. That would make a total of $540,000 for the purposes of the commission and to complete publication of its reports?

Mr. BARNHART. Yes; $540,000.

Mr. MOORE of Pennsylvania. Is there any reason to believe that this will be the end of the appropriations for this purpose?

Mr. BARNHART. Well, the Committee on Printing can give no assurance of what some other committee might do. The fact of the matter is, the Committee on Printing has had nothing whatever to do with the Commission on Industrial Relations, that had authority for making the expenditures, except to report this resolution for the publication of their findings.

Mr. MOORE of Pennsylvania. This $90,000 comes out of the common printing fund?

Mr. BARNHART. Out of the congressional printing fund.

Mr. MOORE of Pennsylvania. And reduces its availability to that extent?

Mr. BARNHART. Yes, sir.

Mr. MOORE of Pennsylvania. May I ask the gentleman whether these 100,000 copies of the report are to be separate volumes?

Mr. BARNHART. The report itself is in one volume.

Mr. MOORE of Pennsylvania. We have had a number of requests; most of the Members of Congress, I assume, have had requests, coming largely in a stereotyped form, for this publication. As originally presented to Congress, if I recollect aright, the report was so extensive that it would have required numerous volumes to comprehend everything in print?

Mr. BARNHART. Not the report. The gentleman is mistaken as to that. The report has been all the time in one volume, but the evidence as it came in here, together with the exhibits, was not classified, had not been edited, and it contained a great many references, such as whole volumes of printed books, and sometimes two or three volumes in a reference, that were made a part of the exhibits. But these have all been edited out and the publication as it appears will merely carry citations to the references that are omitted—those that have already been published and which are available in libraries and book stores.

Mr. MOORE of Pennsylvania. How many volumes are there of the evidence?

Mr. BARNHART. Seven; and three of the exhibits.

Mr. MOORE of Pennsylvania. Is it the idea that they will go to the Members of Congress or to libraries, and that the single volume report shall contain index references?

Mr. BARNHART. Well, first of all, the usual number of all of these publications—1,316—will be printed, enough to supply public libraries, and so forth, as provided by law.

Mr. MOORE of Pennsylvania. I want to know what Members of Congress will now have to distribute. Will they have the seven volumes in sets, or will they have to distribute them in single volumes?

Mr. BARNHART. They will have to distribute but one volume, if they want to send out only the report of the commission; but if they want to send out the evidence, they will have to send seven volumes of 1,008 pages each; and if the exhibits, three volumes of 1,008 pages each.

Mr. MOORE of Pennsylvania. How many volumes will there be available for distribution by Members of Congress?

Mr. BARNHART. There will be 10,000 copies of the testimony printed—7,500 for the House and 2,500 for the Senate—and if the gentleman will divide 7,500 by 443 he will get the

number that will go to each Member of the House, the fraction over going to the superintendent of documents for sale.

Mr. MOORE of Pennsylvania. We shall have so many copies of the industrial hearings. Does that mean that I shall send seven volumes of testimony and one volume of the report?

Mr. BARNHART. If they ask for the report of the commission, you would send only one volume; but if they asked for the evidence and the exhibits with the report, you would have to send the report in one volume, the evidence in seven volumes, and the exhibits in three volumes.

Mr. MOORE of Pennsylvania. The gentleman from Wisconsin [Mr. STAFFORD] suggests to me that each Member will have about 170 copies of the hearings.

Mr. BARNHART. No; about 160 copies of the report and about 16 sets each of the testimony and the exhibits in addition. There will be distributed for the House 70,000 copies of the report. It will be about 160 copies to each Member, as I compute it mentally.

Mr. MOORE of Pennsylvania. It will be a matter of convenience for Members to know what they will have to send out. Now, if there are only 17 complete copies of the hearings it will be well to send those to the libraries, for instance.

Mr. BARNHART. The gentleman from Wisconsin [Mr. STAFFORD], you say, figures that there would be 170 copies of the hearings?

Mr. MOORE of Pennsylvania. But there will be a greater number of those single volume reports?

Mr. BARNHART. Well, we will have about 160 each of those, and about 16 sets each of the exhibits and evidence, as nearly as I can estimate it here.

Mr. STAFFORD. There will be about 165 copies of the individual reports.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken, and the joint resolution was passed.

On motion of Mr. BARNHART, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill, with Mr. HAMLIN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12717, the Agricultural appropriation bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917.

The CHAIRMAN. The Clerk will proceed with the reading of the bill for amendment.

The Clerk read as follows:

For silvicultural, dendrological, and other experiments and investigations independently or in cooperation with other branches of the Federal Government, with States and with individuals, to determine the best methods for the conservative management of forests and forest lands, $78,728.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee what is the total amount of the expense and also the receipts for the past year of the Forest Service? The gentleman read it once, but I did not succeed in getting it.

Mr. LEVER. I have read that into the RECORD several times.

Mr. HUMPHREY of Washington. I know the gentleman did, but there was so much confusion at the time that I did not get it.

Mr. LEVER. In round numbers, the receipts were $2,900,000 and the total expenditure in this bill, in round numbers, is $5,500,000.

Mr. HUMPHREY of Washington. I remember it that way. The other day, Mr. Chairman, when we were considering this bill the distinguished Speaker of the House propounded a very interesting query when he wanted to know why it was that these forests cost so much more to administer than they produced in the way of revenue. I recall that in 1907 Mr. Gifford Pinchot, then at the head of the Forest Service, appeared before a committee of the Senate and made the statement that in five years the forests would be self-sustaining. I find that during the five years following that statement, including 1907, the total cost was $23,382,000 and the total revenue $11,495,000, or, to state it in round numbers, ever since we have had these forest reserves it has cost the Nation $2 for every dollar's worth of timber that it has taken off them. I would like to know how it is going to profit this country to continue to expend twice as much in reference to these forest reserves as we receive from them, and in making that statement I include what is received in the way of rents for pasturage. The difference would be still greater if it was confined only to the forests. The distinguished Speaker said at the time that he was in favor of having a special committee to investigate this subject go to Europe and study conditions over there in relation to their forests. I think perhaps it might be well to have a special committee, but I hope if such a committee is appointed that it will go out West and study our own forests. If they will do that, they will find that practically one-half of the so-called forests have no timber on them; that they are sheep and cattle pastures. I notice in reading through the hearings that a portion of the appropriation is to be used by the Forest Service in experimenting how to economically raise cattle. We also expend quite a sum in regard to raising and pasturing sheep. I would like to know what the raising of cattle and the pasturing of sheep have to do with the national forests. Ever since I have been a Member of this House I have tried unsuccessfully to get a statement from the Forest Service as to how much of the land included in the Forest Service actually was timbered land, but I have never yet been able to receive such information, and I wonder whether the gentleman in charge of the bill has that information now so that he could give it to the House?

Mr. LEVER. Mr. Chairman, my understanding is that about one-third of the total area is really grazing land, not forestry land at all.

Mr. HUMPHREY of Washington. That is in round figures. One reason why it costs so much to run the Forest Service in proportion to the revenue received——

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Chairman, I would not have asked for this additional five minutes if there had not been so much confusion. One reason why it costs so much to administer the Forst Service is because of the tremendous tracts they have that ought not to be in the forest reserves. They have some 20,000,000 acres in Alaska. There is no excuse whatever for having that vast tract in the forest reserve. It is expensive to administer, and it has no trees upon it that are of any marketable value, or at least very few. Three-fourths of that forest reserve in Alaska have no merchantable timber on it whatever. It consists of glaciers and icebergs, and yet we are put to the expense annually of care for it. Take it out all through the West, and they have vast regions in these forest reserves that they administer where there is no necessity of having them at all. They are not cutting the timber.

Just let me give the House an illustration as to how these forest reserves are administered. Take it in the State of Washington, where they have 12,000,000 acres, and at the rate they have been cutting over that forest reserve it would take 35,000 years to cut over it once, and yet Washington is one of the States of which they boast of the great progress they have made in forestry. One-fifth of all of the money that is appropriated for the Agricultural Department goes to forestry. It constantly increases in expense and does not increase proportionately in revenue. To show the difference in the way we conduct the forest reserves in this country and how they do it in other countries, not going to Europe, just cross the line into British Columbia, and it will be found that they can so conduct their forest reserves that they are a source of revenue. Neither can it be argued that it can not be done in this country. Take it in my own State. The State, as I recall, has some 2,000,000 acres of timbered land, 660,000 acres of which are within the limits of the national forests and can not be used or handled, while the Government has 12,000,000 acres. Yet the State has so administered its portion of our forests that they have now, as I recall, realized on it some $60,000,000. They are a source of great wealth to the State, yet the Government can not conduct its portion of the same forest in that State so as to get more than one-half of the expense of administering it. The other day one of the departments, I think the Department of

the Interior, submitted a letter in reporting on a bill that had been introduced in the Senate, similar to the one that I introduced into the House, and the Secretary gave as one of the reasons why certain portions of the public lands should not be turned back to the State that the State of Washington had so administered its forests and its other public lands that it had accumulated a great fund and made much money out of it, and for that reason the Government ought not to permit them to handle any more of the public lands, but that the Government should keep them because the State was becoming wealthy on what it had received!

So it is not necessary for us to go to Europe to find out that there is something wrong in regard to the administration of the Forest Service; and if we could have a committee appointed that would make a report, we could probably eliminate a great portion of these forest reserves that are a constant expense and of no value to the Government, we might put this Forest Service upon a paying basis, and it would be to the advantage of the Forest Service and to the whole country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I do not join in the criticism of the Forest Service or of the method of management of the national forests. It seems to me be an unjust criticism to say that the national forests are not a source of profit at present but are a source of expenditure over the receipts. The men who own virgin timber in the United States can not cut it all off at once. If we should cut all the mature timber in one year, the product would be valueless and we would be left exhausted, so far as timber is concerned, in the following years. Everybody who owns virgin timber that is mature does not cut it off now. While he holds it, it is a source of expense and not a source of revenue, because he has the taxes to pay, and the interest runs against the investment. One of the very reasons for the national forests is that the Government can afford to carry these forests without cutting the timber all off now, while private owners can not so well afford to carry the private forests.

We shall want timber in the future years. Our children will want timber, and it is idle to say that it is the duty of the General Government to throw upon the market all of the material timber in the national forests at the present time and leave nothing for the future. I think the national forest management are to be commended rather than to be criticized. They do cut some of the mature timber, prodded as they are by gentlemen in whose States these national forests are located. If anything, I think there has been undue haste in cutting the timber rather than in keeping it back, and if the Government should cut all the timber in the national forests it could sell, the gentlemen who now criticize their management would then be insisting that the Government was destroying the value of all the private timber lands in the United States and putting upon the market such a flood of lumber as could not be absorbed and ruining not only the prospects of the future but the ownership of the present time.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For estimating and appraising timber and other resources on the national forests preliminary to disposal by sale or to the issue of occupancy permits, and for emergency expenses incident to their sale or use, $60,000.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word.

Mr. LEVER. I ask unanimous consent that debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate on this paragraph and all amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Chairman, I have listened to the argument of the gentleman from Illinois [Mr. MANN] in defense of the Forest Service and of the rate of cutting. I would not undertake to say that my distinguished friend from Illinois is not correct, but I will put against his statement some of the statements that have been made by the Forest Service itself. Now, no one, so far as I know, argues that we ought to cut all of the mature timber; but I do not know anyone who objects to cutting all the timber that is ripe and that will soon decay. The Forest Service themselves estimate that they could cut $65,000,000 worth of timber from the forest reserves in the Pacific Coast States without in any degree reducing the supply. Or, in other words, they estimate to-day that they are cutting only 7 per cent of the ripe timber, and that 93 per cent of it is rotting in the forests. Let me read some specific statements that show how rapidly they are cutting the timber in that country. I will take for my text a statement made by Mr. Gifford Pinchot in Pearson's Magazine on May 19, 1913. He says:

For the last three years the cut has averaged a little over 30,000,000 feet, and for last year it reached 37,000,000 feet—

Referring to my State of Washington——

Mr. KAHN. Will the gentleman yield for a suggestion?

Mr. HUMPHREY of Washington. Yes.

Mr. KAHN. I am informed that the men who get the contracts for cutting the timber in the national forests are generally the men who have large timber holdings themselves, because they are the only ones who can carry on these large operations. Is that the gentleman's information?

Mr. HUMPHREY of Washington. That is largely true, according to my information.

Mr. KAHN. And that naturally enhances the value of the privately owned timberland, does it not?

Mr. HUMPHREY of Washington. The distinguished gentleman from Illinois [Mr. MANN] sought to convey the impression that they were cutting all the timber, and sought to convey the impression that he did not want them to cut the timber in such a way as to deplete the forests. We all agree upon that theory. What we are criticizing is the fact that they let this vast quantity of timber rot in the forests. Now, what do these figures mean which I have quoted? They mean that in the most densely forested region of the world, where 150,000 feet are frequently cut from a single acre, the Forest Service annually is cutting from each acre less than 1½ feet. They mean that in the year 1912, when the Forest Service was forced to sell some fire-killed timber, they actually sold from the forests of Washington at the rate of one plank 12 inches wide, 3 feet long, and 1 inch thick from each acre. That means that in a great empire containing 23,000 square miles, a region greater than Rhode Island, greater than Delaware, greater than Connecticut, greater than New Jersey, and greater than Massachusetts, greater than all of those States combined, the Forest Service in the name of conservation is annually cutting 350 acres of timber. Or to make the calculation in another way, as I said a while ago, at the rate they are cutting the timber in my State it would take them 35,000 years to cut over it once. I wonder if my distinguished friend from Illinois [Mr. MANN] thinks that the forests would reproduce themselves in 35,000 years. We are not contending that they should cut all of the timber that is ready for the market. We are contending that they should cut a portion of what otherwise will rot in the forests. Upon the one hand we have complaint made of the high price of lumber. We hear from the Middle West the complaint that lumber is so high that it becomes a burden upon the people to use it. And yet out on the Pacific coast there is annually rotting in the forests $65,000,000 worth of timber, according to the estimate made by the Forest Service itself.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON. Mr. Chairman, I have listened with all the patience I could summon to the attacks of the gentleman from Washington [Mr. HUMPHREY] upon a former officer of the United States Government, Mr. Gifford Pinchot. I do not know anything about the quarrel of the gentleman from Washington with Mr. Pinchot. I have no interest in it. I do not know how true the charges which he makes may be, but I suspect that they are probably as true as one would expect them to be when delivered against a man who has no place on this floor and no opportunity to answer them and present the facts upon which they are based. I have no doubt that there has been and are errors of administration in the Forest Service. It is in a large measure a new service; it is very largely in the experimental stage, and we are just attempting to work out a policy which shall be pursued. The gentleman from Washington is exceedingly impatient with respect to the working out of this policy. He would like to have us go into these forests and cut down all the ripe timber and flood the market, I presume, in order that he may take the other horn of the dilemma and charge that the Forest Service was attempting to break down the lumber business of the country. I say I do not know how true the charges which he is making may be, but I do know this—that Mr. Pinchot has done as much to establish upon a sound basis the principles upon which these forests should be handled and the water power of the country administered as any man in this country. I know he has done as much as any man can do to place this policy upon sound principles, and I think he is at least entitled to the thanks of the American people. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

For other miscellaneous forest investigations, and for collating, digesting, recording, illustrating, and distributing the results of the experiments and investigations herein provided for, $33,140.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Mr. Chairman, the gentleman from Washington [Mr. HUMPHREY] is undoubtedly very familiar with forests, and I have no doubt at all very familiar with the forests in Washington, with which I am not personally familiar at all, and yet everyone knows that when people are lumbering they do not go into a mature forest for the purpose of cutting down the rotting trees to make lumber out of, as suggested by my friend from Washington. You go into the forest to cut down the mature trees, and if you go into the forest with the idea of cutting down the mature trees generally throughout the country you would cut down all the forests in the land. It is not sufficient to say that all he wants is to have cut down the rotting timber and trees which may blow down or rot down. If you are going to cut the forests for lumber, you cut the mature timber in the forests and many a private owner of forests has trees which have reached the point of maturity, gone past it, which are now on the decay, and you would think that he were foolish if he started in to lumber simply the decaying trees, the ones which have gone past maturity, and leaves the mature trees. You can not lumber in that way, either in Washington or anywhere else. The policy of the Government must be either to cut off its mature trees throughout the country in its national forests or else to conserve for future generations some of the forests which it has which have already reached maturity. Many of these forests probably reached their maturity a thousand or more years ago. They have had trees decaying ever since the first tree reached the point and passed maturity. You can not cut them all off at once. We have gotten past the point generally in the country where we cut off trees for the purpose of getting rid of them so that we may cultivate the soil beneath them. That was the case in the early days in Ohio and Indiana and many of the other States, but we can not afford now to destroy all the mature timber on the land for the purpose of realizing upon that in order to destroy the forests which the Government owns and will hold for the benefit of those who come after us.

Mr. RAKER rose.

Mr. LEVER. Mr. Chairman, I would submit a request for unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Chairman, much has been said here about going into the forests and cutting out or selecting to cut out all the matured timber. It seems to me that anyone who understands anything about timber would not state to the committee that you can go and select what they talk about as mature timber and leave the forest in any condition at all. Trees that range from a thousand to 6,000 years old and over, according to the best estimates of their age, are the best-looking, the most healthy, and the best-growing trees in the forests to-day. The pines range from 2 to 20 feet in diameter and 250 feet in height. The redwoods range from 2 to 34 feet in diameter and 380 feet in height and they are growing right along, and when you go into one of these forests you destroy everything in sight. In regard to the spruce trees, which are from 2 to 15 feet in diameter, scattered over these large territories, when they go in everything has to be swept off when the lumbering operations begin. Anyone who has been over that country realizes and knows that there are only a few places that you can select the larger trees, cut them off, and leave the smaller one growing. In the redwood country you make arrangements and then commence to cut, and you cut down everything in sight, and then after it has been cut down you set fire through it and burn up the brush before you even commence your logging.

That is what some gentlemen would have done with the forests, which simply means an absolute destruction. That privately owned timberland is being used in that way, and it will continue, although there should be some means devised to check it if possible. The Forest Service in their policy of cutting or doing all they can to have the cutting done where they have control so as to leave as many of the younger trees stand, disposing of the brush by piling it up and burning it, so that the younger trees may have a chance to grow. Those of us who can look back in California for 40 years and see what was once destroyed, can see now that by a little care and attention, by keeping out the underbrush, new trees are started. Proper logging and proper handling will help advance this good work and assist in reforesting the land.

It has been stated that the holding of the forests and holding of the timber by the Government raises the price. Now, the contrary is the result. Otherwise those who are directly interested in cutting the timber would not propose any reservations and control over this timber by the Government. The result is, from actual experience and demonstration, that the Forest Service advertises and fixes its price to-day according to the market value of timber or stumpage at that time fixed upon what is being sold by the lumbermen in that community. So it is an advantage to the Government. It does not ruthlessly slaughter the timber, and there can be no question on earth but that this Government should not destroy this remaining timber, that it should not flood the market, that it should not permit its timber to be ruthlessly destroyed simply because some individuals are holding large tracts and want large profits out of it. They are entitled to proper return for their investments. The Government should receive a like consideration and not permit a great natural resource to be destroyed or needlessly cut. There is no disposition to prevent its use by the citizens of this country to the fullest extent. Use, proper use, is what we want.

The CHAIRMAN. The time of the gentleman from California has expired. The gentleman from Washington [Mr. HUMPHREY] is recognized.

Mr. HUMPHREY of Washington. Mr. Chairman, my friend from Minnesota [Mr. ANDERSON] says that he does not know whether the statements I made in regard to Mr. Gifford Pinchot were true or not. That is the trouble with gentlemen like him. They never take the pains to inform themselves and find out whether the statements are true or not. If he would investigate a little, he would not have been in doubt as to whether or not the statements were true. He belongs to that class that follows along blindly because somebody makes an assertion and never investigates to find out. What I said about Mr. Gifford Pinchot has been in the RECORD since the 2d day of June, 1913, and has been repeated several times on the floor of this House. If it is of any interest to the gentleman, I will put it in writing and give it to him, so that he can see whether or not it is true; and if he does not believe it he can ask Mr. Pinchot himself and see if it is not true. If it is not true, I hope some gentleman will find it out and have the courage to stand here on the floor and say so. And then I will bring the RECORD, and if all I have said is not true I will apologize to Mr. Pinchot and to the House and country.

My friend from Illinois [Mr. MANN] wants to place me in the position of cutting all the ripe timber. I go back again to the report of the Forest Service. I know my friend from Illinois knows about the forestry. I wish I could say that for the Forest Service. In the report for 1914 I believe it is estimated that 5,700,000,000 feet of timber can annually be cut from the national forest reserves without decreasing their value. In other words, that is what is estimated to be the crop that ripens each year for the harvesting, and if not cut, like any other crop, is forever lost. The amount of this crop harvested for the benefit of the people, for those who are to-day protesting against the high price of timber products, is only 7 per cent of the whole.

Now, that is what I have been trying to call attention to, and I am taking the report of the Forester for my statement. He said that 5,700,000,000 feet of timber could be annually cut from the national forests without in any way depleting them; that the natural increase was that much, and if the timber was cut off there would be nothing lost; and yet they cut only 7 per cent of the annual crop. And it might be interesting for the House to know that for many years the gross value of the timber cut from our national forests, and add to it what they get for sheep pasture and cow pasture, has never amounted to a cent and a half an acre.

Now, they may think that is rapid cutting, but we have in our State two or three sawmills, any one of which will cut the entire product of the national forests on 23,000 square miles running three months of the year. And I called attention a while ago to the fact that we have a great empire out there, great as several of the New England States, and they have been cutting off that great domain at the rate of 350 acres a year.

As I said a while ago, I wonder how long my good friend from Illinois thinks it would take to reproduce the forests of my State? At the present rate of cutting it would be 35,000 years. Certainly a couple of centuries ought to be sufficient, or a thousand years, and if they cut it that fast they would be cutting thirty-five times as fast as they are now.

Mr. BORLAND. Will the gentleman yield?

Mr. HUMPHREY of Washington. I will.

Mr. BORLAND. Is not the method of cutting exercised by your private owners there destructive of the forests? Is it not exactly contrary to the methods attempted to be pursued by the national forest regulations?

Mr. HUMPHREY of Washington. When a tree is cut it is cut, but the men out there in the lumber business know infinitely more about it than this Forestry Service ever did.

Mr. MADDEN. Early in the history of the Forestry Service it was understood by the House that that service would begin to yield an annual profit. The first year it showed an enormous loss, and then it was said that next year it would show a profit; and the next year it showed a greater loss. The next year it was said it would show a profit, and then it showed a still greater loss.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the gentleman from Washington be given five minutes to answer my question.

The CHAIRMAN. The committee, by unanimous consent, limited the debate on this paragraph and all amendments thereto, and the time has expired. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other improvements necessary for the proper and economical administration, protection, and development of the national forest, $400,000: *Provided*, That no part of the money herein appropriated shall be used to pay the transportation or traveling expenses of any forest officer or agent except he be traveling on business directly connected with the Forest Service and in furtherance of the works, aims, and objects specified and authorized in and by this appropriation: *And provided also*, That no part of this appropriation shall be paid or used for the purpose of paying for, in whole or in part, the preparation or publication of any newspaper or magazine article, but this shall not prevent the giving out to all persons without discrimination, including newspaper and magazine writers and publishers, of any facts or official information of value to the public. In all, for general expenses, $3,188,616.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in five minutes.

Mr. MANN. This is the road paragraph.

Mr. MADDEN. I want to know something about this Forest Service.

Mr. RAKER. I would like to have some time.

Mr. LEVER. Then, Mr. Chairman, I will make it 20 minutes.

Mr. MANN. I want to get some information on the road proposition.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] asks unanimous consent that all debate on this paragraph and amendments thereto close in 20 minutes. Is there objection?

There was no objection.

The CHAIRMAN. Does the gentleman from South Carolina desire to have any special ones designated to occupy that time?

Mr. LEVER. The gentleman from Illinois, Mr. MADDEN, desires time, and the gentleman from Illinois, Mr. MANN, and the gentleman from California, Mr. RAKER.

Mr. MADDEN. Mr. Chairman, I will say that for a number of years promises were made that the Forest Service would show a better condition, and yet every year we have had a larger deficit to pay. We were looking toward the time when the Forest Service would show a profit, considering the promises that were made. What does the gentleman from Washington [Mr. HUMPHREY] know about the situation now?

Mr. HUMPHREY of Washington. From 1907 to 1912 the total cost was $22,280,000, and the revenue during that time was $11,495,000. Then, the chairman of the committee gave the figures for last year, showing probably a little better condition. I took those years because they were the years immediately following the statement made by Gifford Pinchot in 1907, that in five years they would be at least paying expenses.

Now, the gentleman from Missouri [Mr. BORLAND] asked me about the cutting of timber in my section of the country. I want to call attention to the letter that I referred to the other day, where the Secretary of Agriculture now calls attention to the fact that it has become unprofitable for private owners to own timber in my country, and is urging that as a reason why some of these forests should be taken into the forest reserves, because private owners can not afford to carry them.

When I first came to Congress the statement made by the Forest Bureau in regard to the amount of standing timber in the United States was probably less than the amount of standing timber in the district that I then represented—the amount that they estimated in the entire United States. It has been a source of great pleasure to me to know that within the last two or three years, according to the report of the Forestry Service, the standing timber in the United States has increased something over one-third, probably doubled. Of course, that is only the doubling of the figures in the department, not an increase in the amount of timber.

If the gentleman from Illinois [Mr. MANN] wants to use the rest of my time, he can have it.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. Mr. Chairman, I wish later to make some inquiry about these roads.

Mr. MADDEN. Mr. Chairman, I have always been anxious to see the Forest Service made a success from a business standpoint, and I have been looking forward to a realization of the promises made by those in charge. But it seems that every year we run behind more than we did the year before, giving evidence either of bad management or lack of knowledge of the situation when the promises were originally made.

It seems to me that the time has come when a thorough investigation of this Forest Service, of its management, of the methods pursued in cutting and selling timber, in the leasing of lands for grazing purposes, and in advertising what it does in the magazines, ought to be made; and if I recall, during the consideration of this bill in the last Congress the chairman of the Committee on Agriculture promised that such an investigation would be made. I suggested that a special committee be appointed. My recollection is that the chairman of the committee thought that would be unnecessary.

I now want to inquire of the chairman of the committee, if he is on the floor, what has been done in connection with the proposed investigation? Is there any person here on the Committee on Agriculture who can inform the House or give information with respect to the condition of the Forest Service? I am waiting to hear some man on that committee tell the House whether the promises made last year have been fulfilled and whether there is any outlook for anything like an evening up of the expenses with the receipts of the department with respect to this bureau.

Mr. LEE. Mr. Chairman, in answer to the gentleman's inquiry, I will say that no special investigation has been made, except the extensive hearings that were had on the bill.

Mr. MADDEN. Does the gentleman from Georgia recall the fact that during the consideration of the bill last year the chairman of the committee, of which he is a distinguished member, promised that such an investigation would be made and that a report would be made to the House?

Mr. LEE. I do not recall it, but I have no doubt it is true if the gentleman says so.

Mr. MADDEN. I am sorry the chairman of the committee is not on the floor.

Mr. RUBEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Missouri?

Mr. MADDEN. Yes.

Mr. RUBEY. I will say that the very question which the gentleman has asked has been repeatedly asked from the Forest Service, and we have been endeavoring in every possible way to find out when this service would get to be on a paying basis. We are unable absolutely to know, but we hope that within the next few years by economical administration it will be placed on a paying basis and will become self-supporting.

Mr. MADDEN. I had hoped that the Committee on Agriculture would have taken enough interest in this matter to have gone in the past summer over this Forest Service personally.

Mr. LEE. I think it will take about 10 years to put it on a paying basis. We think we can decrease the expenditures by about $200,000 a year.

Mr. MADDEN. I would like to have the chairman of the Committee on Agriculture state to the House what he did during the last summer to get information so that the House might become informed with respect to the Bureau of Forestry. He promised to look into it last year.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RAKER. Mr. Chairman, this is one of the items that ought to convince the House, and even the Members from the West, that we are getting some service, some return, from these great resources that belong to this country.

There is an appropriation here of $400,000 for roads and trails through the forest lands. The only objection I can make to the item is that it is not large enough.

I want to include as a part of my statement at this time the splendid bill presented by the gentleman from Colorado [Mr. TAYLOR], House bill 10400, which will give the Government and the States the present use of some of the value in these reserves for the purpose of building roads so that the land within the reserves may be more accessible, and at the same time connect up other parts of the States and counties with proper roads through the forest reserve.

The CHAIRMAN. The gentleman asks to incorporate in his remarks House bill 10400. Is there objection?

There was no objection.

The bill is as follows:

A bill (H. R. 10400) to provide for the advancement of funds to survey, construct, and maintain roads and trails within any State or the Territory of Alaska within which national forests are located.

Be it enacted, etc., That there is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, the sum of $1,000,000, for the fiscal year ending June 30, 1917, and each fiscal year thereafter up to and including the fiscal year ending June 30, 1926, in all $10,000,000, to be available until expended under the supervision of the Secretary of Agriculture, upon request from the proper officers of the State, Territory, or county, for the survey, construction, and maintenance of roads and trails within, or only partly within, the national forests, when necessary for the use and development of resources upon which communities within and adjacent to the national forests are dependent: *Provided*, That the State, Territory, or county shall enter into a cooperative agreement with the Secretary of Agriculture for the survey, construction, and maintenance of such roads or trails upon a basis equitable to both the State, Territory, or county, and the United States: *And provided further*, That the aggregate expenditures in any State, Territory, or county shall not exceed 10 per cent of the value, as determined by the Secretary of Agriculture, of the timber and forage resources which are or will be available for income upon the national forest lands within the respective county or counties wherein the roads or trails will be constructed, and the Secretary of Agriculture shall make annual report to Congress of the amounts expended hereunder.

SEC. 2. That immediately upon the execution of any cooperative agreement hereunder the Secretary of Agriculture shall notify the Secretary of the Treasury of the amount to be expended within any State, Territory, or county thereunder, and beginning with the next fiscal year and each fiscal year thereafter the Secretary of the Treasury shall pay to the State or Territory within which the road or trail is to be constructed only 10 per cent of the gross receipts from the national forests in the respective county or counties in which the said roads or trails are constructed until advised by the Secretary of Agriculture that the remaining 15 per cent of the receipts to which such State or Territory would otherwise be entitled under the act of May 23, 1908 (35 Stat. L., 251, 260), is sufficient to reimburse the United States for expenditures made under all contracts in pursuance hereof for the construction and maintenance of roads and trails within such State, Territory, county or counties, and thereafter the reduction in the per cent paid to the State or Territory for the benefit of such county or counties shall no longer apply.

Mr. RAKER. This bill will permit the use of an appropriation, and then as the money is provided for use roads are to be built. Then as the timber is sold the money will be repaid from the localities from which it comes.

There is no more important enterprise that could be entered into by this Government with its property, because this is its property, and a wonderful property. It is a great resource of this country that but few of us, I believe, properly appreciate at the present time. It ought to be made accessible. While the Government retains these reserves and handles them, it ought to make them accessible to the rest of the country in which they are situated. The privately owned land is assessed and pays its taxes, and those taxes in proper proportion go to make up a fund to build proper roads, in which we are all so much interested, to the end that we may get to our cities to trade, and so that the products of the country may be brought to market and that the citizens of the United States may have the opportunity of getting the benefit of these reserves in every way. In addition to building up the roads, in addition to the fact that we are improving these forests, they are valuable in holding back the water for the purpose of making the watershed better. They prevent floods. They give us a supply of water, and if this water is properly stored it will enable us to irrigate our arid lands.

Mr. MANN. Mr. Chairman, I should like to ask the gentleman from South Carolina [Mr. LEVER], with reference to this item which appropriates $400,000 for roads, trails, and so forth, in the national forests, does the gentleman happen to know how many miles of trails and also how many miles of roads were constructed in the last fiscal year?

Mr. LEVER. Mr. Chairman, the purpose of this item is fully set out in the item itself.

Mr. MANN. I know what its purpose is.

Mr. LEVER. That is to improve the national forests and make them more accessible.

Mr. MANN. How many miles of roads and trails did we build last year?

Mr. LEVER. I want to make this statement by way of preliminary: So far the Forest Service have constructed 2,000 miles of roads at a cost of about $2,000 a mile. They have constructed 22,000 miles of trails at an average cost of $53 per mile of trail. They have constructed in addition to that about 1,000 miles of fire breaks, also 330 lookout structures, little places from which forest rangers may scan the forests in search of fires.

Mr. MANN. What is the character of these roads?

Mr. LEVER. Of course, the roads that cost $2,000 a mile are fairly good country roads.

Mr. MANN. That is the average?

Mr. LEVER. Yes.

Mr. MANN. Are they all about alike or are there some good roads and some ordinary dirt roads or roads where they just cut out the timber?

Mr. LEVER. The character of the roads depends on the character of the country through which they run.

Mr. MANN. I understand that, and I am trying to get information as to what is the character of these roads.

Mr. LEVER. That is what I am trying to tell. A road costing $2,000 a mile, in the average situation in my country, would be a very good road, but in a mountainous country it would not be what you would call an automobile road.

Mr. MANN. I have only five minutes and I want to get information.

Mr. LEVER. What does the gentleman want to know?

Mr. MANN. How many miles of good road—macadam road—have been constructed?

Mr. LEVER. Oh, these are just dirt roads.

Mr. MANN. They have not constructed any automobile roads?

Mr. LEVER. Absolutely none.

Mr. MANN. I think they have made a mistake, and I think the gentleman is mistaken, too.

Mr. LEVER. There might be an automobile road in some show place, in some national park, or something like that, but certainly for $2,000 a mile you could not build——

Mr. MANN. No; but the $2,000 is the average per mile for all the 20,000 miles. I imagine they construct a good many roads where they just cut down the timber and leave a place through which a wagon can go. That kind of a road does not cost $2,000 a mile.

Mr. LEVER. Oh, no; the large majority of the roads are roads that simply open up the forest to its uses.

Mr. MANN. How many miles of roads were built?

Mr. LEVER. Twenty thousand.

Mr. MANN. In the last fiscal year?

Mr. LEVER. No; in all.

Mr. MANN. That was the gentleman's statement. I do not know whether it is correct or not.

Mr. LEVER. There have been built in the national forests about 20,500 miles of roads. Twenty-two thousand miles of trail, 20,000 miles of telephone lines, more than 1,000 miles of fire breaks——

Mr. MANN. How many miles did they build in the last fiscal year out of the $400,000 appropriation?

Mr. LEVER. I do not know how many they built the last fiscal year.

Mr. MANN. Has the gentleman no idea?

Mr. LEVER. I have no idea.

Mr. MANN. I would like to know how this $400,000 has been spent.

Mr. LEVER. I think the general statement that I have made would show the manner in which it has been spent.

Mr. MANN. Yes; but it does not give any indication of how much for roads or how much for trails or how many miles of road were built in a year, or how many miles of trail were built in a year.

Mr. LEVER. The last report shows that 22,000 miles of trail have been constructed at a cost of $1,173,000.

Mr. MANN. That is not during the last fiscal year.

Mr. LEVER. No; that is the total.

Mr. MANN. I understood the gentleman to say that he could give us how much had been spent in the last fiscal year.

Mr. LEVER. I did not mean to state that, for I do not have those figures.

The pro forma amendment was withdrawn.

The Clerk read as follows:

To enable the Secretary of Agriculture more effectively to carry out the provisions of the act of March 1, 1911 (36 Stats., 961), entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," $15,000 of the moneys appropriated therein shall be available for the employment of agents, clerks, assistants, and other labor and for the purchase of supplies and equipment required for the purpose of said act in the city of Washington.

Mr. MOORE of Pennsylvania. Mr. Chairman, it is proposed to appropriate $15,000 in this paragraph, and I would like to know whether the amount is in excess of appropriations made heretofore.

Mr. HAWLEY. Will the gentleman yield to me?

Mr. MOORE of Pennsylvania. Certainly.

Mr. HAWLEY. When the appropriation was made for the purchase of land in the Appalachian and White Mountains no

provision was made in the bill for clerical services in Washington in connection with purchases made. The last bill and this bill have made available out of the money formerly appropriated enough money to pay for the necessary clerical services in Washington. The $15,000 is not additional, but it takes $15,000 out of the $8,000,000 appropriated for the purchase of the land, and they use it for this clerical work in the city of Washington. The reason for this is that all expenses connected with the purchase of these lands may be paid out of the appropriation and charged thereto.

Mr. MOORE of Pennsylvania. Does the gentleman know how much was used last year?

Mr. HAWLEY. I think about this amount.

Mr. MOORE of Pennsylvania. I have here a statement of expenditures in the Department of Agriculture for the year ending June 30, 1915, in which it appears that the amount spent in Washington was $150, which is quite a different amount from $15,000.

Mr. HAWLEY. I do not know what the gentleman is reading from, but apparently it refers to a different matter. There are in the Forestry Service here in the Atlantic Building a number of employees who do work in connection with the purchase of the land—preparing maps and reports.

Mr. MOORE of Pennsylvania. On page 60 in the document, under appropriations for the Weeks forestry law, I find, under the head of "Salaries," $150 only was expended on account of the Appalachian National Forest Reserve Commission.

Mr. HAWLEY. That is another item. There was a sum of $25,000 set apart for the expenses of the commission, who were authorized to visit the land and make their investigation on their own account to determine the value of the land and the propriety of their purchase. Last year there was expended for such purposes a small amount.

Mr. MOORE of Pennsylvania. Going further into the appropriations, as stated in this report of the department, I find that the travel, station, and field expenses were $54.23, and $118.80 was expended for furniture. There is nothing here about an expenditure of $15,000, or anything like that sum.

Mr. HAWLEY. I do not know where the gentleman is reading from in that document, but I think these sums are not part of the item under discussion.

Mr. MOORE of Pennsylvania. Was $15,000 actually expended?

Mr. HAWLEY. In the Atlantic Building there is a gentleman who has charge and general supervision of this work, and a number of men are employed with him, and, in my judgment, the $15,000 was expended. I had some talk with him a little while ago about the expenditures, and, while he did not give me any definite figures, I am satisfied that that amount, or nearly that much, was expended.

Mr. MANN. The items that the gentleman from Pennsylvania has read relate to the expenses of the commission, and they have practically ceased, while the item in the bill relates to the expenses of administration here in Washington.

Mr. MOORE of Pennsylvania. For that work.

Mr. MANN. Connected with the administration, but not with the commission.

Mr. MOORE of Pennsylvania. It seemed that attention should be called to the matter.

Mr. MANN. When the land is acquired it goes under the control of the Agricultural Department.

Mr. HAWLEY. When the surveys are made in the field the field notes are written up by the men who make the estimates of the timber and the valuation of the land, these papers are sent to Washington and maps, charts, and reports are prepared from them by employees here.

Mr. MANN. These expenses are in connection with the acquirement of the land.

Mr. HAWLEY. Yes; and the $15,000 is used for that purpose.

Mr. MANN. Mr. Chairman, I move to strike out the last two words. Last year at this place we carried a legislative provision authorizing the Navy Department to obtain timber and stone from the national forests and requiring a report each year of the amount in the annual estimates. Does the gentleman from South Carolina have the figures in reference to any report?

Mr. LEVER. When the Forester was before the committee he had a telegram from the forester in Alaska saying that 170,000 ties had been sold to the Navy Department, worth about $5,000. That is the only report we have had, and there was but one sale.

Mr. MANN. I do not understand that under the item of last year there was any sale about it.

Mr. LEVER. It was to make a report of how much the Navy Department took.

Mr. MANN. They were to report the quantity taken, but there was no sale about it.

Mr. LEVER. They made a report of the quantity and the value of it.

Mr. MANN. But the Navy Department was not charged with it.

Mr. LEVER. Oh, no.

Mr. MANN. Did they make a report in the estimates?

Mr. LEVER. They did not, because they had no sales up to that time.

Mr. MANN. That made no difference. It was their duty to make a report.

Mr. LEVER. And the fiscal year, I may say to the gentleman, had not closed at that time. They made a report of the only sale they had made—175,000 ties.

Mr. MANN. Why does the Navy Department buy ties?

Mr. LEVER. I do not remember. I think it was ties.

Mr. MANN. They are not engaged in the construction of railroads.

Mr. LEVER. I am speaking from recollection. I think it was ties or timber of some description—probably timber. It is in the hearings.

Mr. MANN. Where we require a report of this sort to be made they ought to make it.

Mr. LEVER. I take it that they will make it during the fiscal year.

Mr. MANN. I think they will after this conversation.

Mr. LEVER. I think they will do it, anyway.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

That hereafter deposits may be received from timber purchasers in such sums as the Secretary of Agriculture may require to cover the cost to the United States of disposing of brush and other débris resulting from cutting operations in sales of national forest timber. Such deposits shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, as the Secretary of Agriculture may direct, to pay the cost of such work and to make refunds to the depositors of amounts deposited by them in excess of such cost.

Mr. MOORE of Pennsylvania. I reserve the point of order on the paragraph.

Mr. MANN. Mr. Chairman, may I ask the gentleman from South Carolina whether in the hearings before the committee there was any statement made as to how far people had availed themselves of the privilege of building summer hotels and summer homes in the national forests under the law of last year?

Mr. LEVER. I think not. I do not recall any such statement as that before the committee. It is a new act, as the gentleman knows, and probably has not been availed of very much so far.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have reserved the point of order on the paragraph.

Mr. LEVER. Mr. Chairman, the paragraph is subject to the point of order, but I hope the gentleman will not make it.

Mr. MOORE of Pennsylvania. It involves rather an important question. This paragraph proposes to turn over to the disposition of the Secretary of Agriculture such funds as may be received from timber purchasers and to do it without a time limit, so far as the disposition of it is concerned. It reads:

Such deposits shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended.

Mr. LEVER. I think the gentleman is misunderstanding the object of this paragraph. Let me read the language:

That hereafter deposits may be received from timber purchasers—

And here is the important part of it—

in such sums as the Secretary of Agriculture may require to cover the cost to the United States of disposing of brush and other débris resulting from cutting operations in sales of national forest timber.

The object of that provision is to permit the Federal Government to accept from lumber operators in the national forests a sum sufficient to cover the cleaning up of the brush and débris after the cutting has taken place, and it is done for two reasons. First, the lumber companies themselves prefer it done in this way, and, second, and more important, the department itself would rather do the work of cleaning up the débris and the brush, because they can do it under their own methods and make more certain the assurance that the brush and the like will not be a fire trap for the forests. That is the reason for it.

Mr. MOORE of Pennsylvania. Why not have a time limit as to when the refund shall be made? Why should the money be left in the Treasury at the discretion of the Secretary indefinitely?

Mr. LEVER. The committee did not take that matter into consideration, believing, of course, the Forest Service would make use of these funds at such times as were best suited to the cleaning up.

Mr. MOORE of Pennsylvania. I will say to the gentleman that it is so difficult to get any money back out of the Treasury after it is once taken from the people and put there that it may be well to put limitations upon the discretion of the officers of the Government who have control over these funds.

Mr. LEVER. There might be this difficulty about the gentleman's suggestion: That if you put a time limit it might be about to expire just at the time when it would not be best suited to make the cleaning up, and thereby handicap the very purpose of the paragraph.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. HAWLEY. I know of a number of instances where lumber operations have been carried on under contracts with the Forest Service and the timber operators made this kind of an agreement with the Forest Service, to pay over to them the estimated cost of cleaning up the land, as is required by the service in every contract they make. They do not want to take their employees skilled in logging operations and other men away from such logging operations. It is too expensive to them. The Forest Service employs men who are homesteaders or who may be found near by, available for short-term employment. I never have heard any complaint on the part of the operators who have advanced the money that they had any trouble in having any balance returned to them when the cleaning up was done.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, this discussion is on a point of order. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Without objection, the gentleman will proceed for five minutes more.

There was no objection.

Mr. MOORE of Pennsylvania. I do not want to make the point of order if it is satisfactorily explained. What objection would there be to an amendment, on line 5, page 43, which would provide that the money is hereby appropriated and made available for two or three years, rather than "until expended"?

Mr. HAWLEY. That would do no service to the people who put up the money, because the cleaning up of the land will, I think, undoubtedly be made during the season, and the balance of the money, whatever there may be, is never out of the hands of the men advancing it for any such period as that.

Mr. MOORE of Pennsylvania. When this deposit is covered into the Treasury in accordance with this paragraph is it wholly within the discretion of the Secretary of Agriculture as to when it shall be paid out, or is the order of the Secretary of Agriculture always sufficient to pay it out?

Mr. LEVER. It will be under this paragraph, undoubtedly, and it would be discretionary, and the committee took the position that the Secretary would use these funds when it was most convenient or opportune in the interest of the service to use them, and to put a limitation on it either way I think would probably defeat the very purpose of the paragraph.

Mr. HAWLEY. Undoubtedly the men who take the cutting contracts would not advance the money if it is to be held indefinitely.

Mr. MOORE of Pennsylvania. Suppose there is a difference between the Forestry Bureau and the contractor as to the amount?

Mr. HAWLEY. It is still in the hands of the contractor. He can do one of two things. He can either clean up the land himself, as the Forest Service requires in its contract, or he can say to them, "How much will you do it for?" and if he thinks the price asked is reasonable he can say, "Here is the amount of money."

Mr. MOORE of Pennsylvania. Is there such a condition here as might require the contractor to come to Congress for relief?

Mr. HAWLEY. Not at all.

Mr. MANN. If the gentleman from Pennsylvania will yield, I can explain the reason.

Mr. MOORE of Pennsylvania. I yield to the gentleman from Illinois.

Mr. MANN. Under the existing law, of course, when you put money into the Treasury it can only be paid out by appropriation. The result of that is the Department of Agriculture, if it makes a sale of timber, makes some kind of an agreement, under which either the operator is to burn the brush or pays the money over to men who do it under the direction of the Department of Agriculture in the Forest Service,

Mr. LEVER. That is absolutely correct.

Mr. MANN. Of course it is. If it were not true, I would not say so. Under that there is no accounting in the Treasury Department; there is no accounting at all. They can not pay it into the Treasury because there is no way of getting it out of the Treasury and the purpose of putting this into the law is to permit the department to have this money paid and receipt given, turning it into the Treasury and paying it out on the expenses as they accrue, and then if there is any money left over, as in many cases there will be, pay it back to the man who paid it in—the excess—without coming to Congress for an appropriation; and it is to add to the efficiency of the accounting to the Government in the main.

Mr. MOORE of Pennsylvania. If I understand the gentleman, the term "shall constitute a special fund" is sufficient to enable a settlement in the department?

Mr. MANN. "Which is hereby appropriated and made available until expended, as the Secretary of Agriculture may direct, to pay the costs of such work and to make refunds to the depositors of amounts deposited by them in excess of such costs." They are doing the thing now, but in an irregular way.

Mr. MOORE of Pennsylvania. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

BUREAU OF CHEMISTRY.

Salaries, Bureau of Chemistry: One Chemist, who shall be chief of bureau, $5,000; 1 chief clerk, $2,500; 3 executive clerks, at $2,000 each; 8 clerks, class 4; 11 clerks, class 3; 1 clerk, $1,440; 12 clerks, class 2; 1 clerk, $1,300; 23 clerks, class 1; 12 clerks, at $1,020 each; 13 clerks, at $1,000 each; 1 clerk, $960; 34 clerks, at $900 each; 1 clerk, $840; 1 clerk, $720; 1 food and drug inspector, $2,500; 2 food and drug inspectors, at $2,250 each; 12 food and drug inspectors, at $2,000 each; 13 food and drug inspectors, at $1,800 each; 1 food and drug inspector, $1,620; 11 food and drug inspectors, at $1,600 each; 6 food and drug inspectors, at $1,400 each; 1 assistant, $1,600; 4 laboratory helpers, at $1,200 each; 1 laboratory helper, $1,020; 4 laboratory helpers, at $1,000 each; 4 laboratory helpers, at $960 each; 3 laboratory helpers, at $900 each; 6 laboratory helpers, at $840 each; 2 laboratory helpers, at $780 each; 21 laboratory helpers, messenger boys, or laborers, at $720 each; 2 laboratory helpers, messenger boys, or laborers, at $660 each; 28 laboratory helpers, messenger boys, or laborers, at $600 each; 1 laboratory assistant, $1,200; 1 toolmaker, $1,200; 1 sampler, $1,200; 1 janitor, $1,020; 1 mechanic, $1,400; 1 mechanic, $1,200; 1 mechanic, $1,020; 1 mechanic, $960; 1 mechanic, $900; 2 student assistants, at $300 each; 2 messengers, at $840 each; 1 skilled laborer, $1,050; 1 skilled laborer, $840; 2 messenger boys or laborers, at $540 each; 11 messenger boys or laborers, at $480 each; 3 messenger boys or laborers, at $420 each; 2 messenger boys or laborers, at $360 each; 9 charwomen, at $240 each; in all, $315,590.

Mr. MOORE of Pennsylvania. Mr. Chairman, I reserve a point of order on the paragraph. My information is there are some new stenographers and clerks provided for in this paragraph.

Mr. LEVER. Mr. Chairman, I would say to the gentleman from Pennsylvania that there are no new clerks or stenographers provided here. I see the point the gentleman is making, and that is explained by the fact that there are transfers from the lump-sum roll to the statutory roll.

Mr. MOORE of Pennsylvania. There are some new food and drug inspectors.

Mr. LEVER. There is an increase in the salary of one drug inspector of $250.

Mr. MOORE of Pennsylvania. That is in line 19, page 43?

Mr. LEVER. Line 19, page 43; yes.

Mr. MOORE of Pennsylvania. Mr. Chairman, I reserve the point of order against that item.

Mr. LEVER. Mr. Chairman, I would ask that all debate on this close in seven minutes, and all amendments thereto.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto close in seven minutes. Is there objection. [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have reserved the point of order for the purpose of making a statement for the information of my colleagues of the House. I have never, so far as I recall, opposed an appropriation for an increase in the clerical force of any one of the departments or bureaus in Washington if the service warranted it, and ordinarily I have not opposed increases in salary where they were worthily bestowed. I have had an experience with one of the bureaus, however, which has led me to believe that sometimes we may make appropriations unnecessarily, or that we could dispense with some clerks or assistants; possibly with some of the heads of bureaus, for whom special duties of an inquisitorial nature have to be found.

Recently, in order to oblige a constituent, I had occasion to visit the Bureau of Chemistry. I called at the office of the chief and was referred, because of his absence, to the next in command. I was asked if I had an appointment to see the gentleman. When the preliminaries were over and I was finally intro-

duced into the presence of the assistant chief I started to state the object of my visit as a Representative, my constituent being with me. I noticed that certain clerks were being assembled around about me as I spoke. Then I also observed that one of these clerks was taking stenographic notes of my statement. I asked the assistant chief the reason for all this activity. "Is this man taking notes of what I say?" I asked. The reply was, "Yes." "Is it the custom of this bureau to have stenographers take down statements of Members of Congress introducing their constituents?" I inquired. He said it was; that they took down the statements of Senators also. I then informed the gentleman that this was a new experience for me and that so far as I was concerned the interview was over.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The committee limited this debate on this paragraph to seven minutes.

Mr. MOORE of Pennsylvania. I am in the midst of a statement——

Mr. LEVER. I have no objection to the gentleman continuing for five minutes. I would like two minutes myself, however.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] asks unanimous consent that the debate on this paragraph may be prolonged for seven minutes. Is there objection? [After a pause.] The Chair hears none. The gentleman from Pennsylvania is recognized for five minutes more.

Mr. MOORE of Pennsylvania. The reply of the gentleman for whom we are now providing money, was that they took the statements of Senators as well as of Members of the House.

Now, I bring this statement to the House. I have no special fault to find with the Secretary of Agriculture nor, in general, with the bureaus in the Department of Agriculture, because usually, so far as my business with them is concerned, they are extremely courteous and prompt. I do not recall that I have ever been treated more courteously nor with greater dispatch than in certain bureaus of this department. But this experience in the Bureau of Chemistry, I confess, was a brand new experience to me as a Member of the House.

Mr. MANN. Would the gentleman complain of this assistant, who knew he lacked the intelligence himself to pass upon the question, but desired a stenographic report so that his principal, who is intelligent, might pass upon it?

Mr. MOORE of Pennsylvania. If you put it solely on the ground of intelligence, I will say that the gentleman was quite "cocky" in his attitude. He acted like a prize college student throughout the transaction. He held to his ground after the discourtesy was explained to him. He said it was the practice with respect to Members of both Houses.

Mr. LONGWORTH. Did he state what was the object?

Mr. MOORE of Pennsylvania. He said the stenographer was there because it was customary.

Mr. LONGWORTH. For what purpose was the statement used?

Mr. MOORE of Pennsylvania. I will put the correspondence in the RECORD. Since the time is running, I will read only an extract from a letter of the Secretary in response to one from me. Mr. Secretary Houston says:

> It is by no means the universal practice to take down stenographically the statements of Members of Congress, or of other interested parties, concerning matters pending before the department. It is an invariable rule in the Bureau of Chemistry, however, to make a record of all statements made in connection with cases under the food-and-drugs act. The statements made by Members of Congress, of course, constitute an important part of the record and should receive careful consideration before final action is taken. You will appreciate that it is impossible for the officials to keep in mind all the representations that are made.

Now, what I called for was to say that my constituent, who was about to be penalized to the extent of $200 or $300 for alleged delay in completing a small contract in fitting up a chemical laboratory in New York, ought to have a fair hearing. That was the statement I had to make merely by way of introduction. I do not know whether the statement of my constituent was taken down or not, for I did not wait to hear what he said. What I objected to was that I should be treated as a witness.

Mr. HAMILTON of Michigan. Is it not probable that the department wanted to preserve some record of the statements of the gentleman from Pennsylvania to enlighten them as to their future action?

Mr. MOORE of Pennsylvania. That may be. The bureau may have wanted light. I was there to accompany and introduce a constituent, and then to go about my business.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. I ask leave, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MOORE of Pennsylvania. The following is a letter to Secretary Houston and reply thereto:

LETTER TO SECRETARY HOUSTON.

MARCH 17, 1916.

Hon. DAVID F. HOUSTON,
Secretary of Agriculture, Washington, D. C.

DEAR MR. SECRETARY: This is an unusual letter, called forth by an occurrence rather unusual. I accompanied one of my constituents, Mr. W. S. P. Shields, a well-known Philadelphian, to the Chemistry Bureau this morning to introduce him to Dr. Alsberg so that he might be heard with respect to the assessment against him of so-called liquidated damages on a furniture contract for a chemical laboratory, which, I believe, you are constructing in New York. Dr. Alsberg was not in, so I undertook to put the matter up to Dr. Emerson, next in charge. Several of the office force were called in while I was explaining to Dr. Emerson what I had called for. I told him and them I had looked over Mr. Shields's papers and was of the opinion that the Government was as much at fault for any delay that had occurred as was Mr. Shields, and that it seemed to me the matter should be carefully considered before he was fined. I asked for him a fair hearing.

This introduction of the matter occupied but a moment or two, but I observed that what I was saying was being taken down by a stenographer, who had been called to Dr. Emerson's desk. I asked if he had been stationed there to take my statement and Dr. Emerson said that he had, adding that it was customary in matters of this kind to take stenographically what Senators and Representatives said. The proceeding was so unusual as to a Representative, it being the only experience of the kind I recall during my service of 10 years in Washington, that I told Dr. Emerson I would withdraw at once and leave Mr. Shields to do the best he could, advising him to ask for equity and justice.

Having spoken to several of my colleagues about the incident and finding them surprised to learn of this practice in the Bureau of Chemistry, I write to inquire whether it has the sanction of the department, which, I am frank to say to you, is generally most courteous in its correspondence with me.

Dr. Emerson told me I might have a copy of the stenographer's notes so far as my introduction of Mr. Shields was concerned. I will be glad if you will look them over and direct that they be forwarded to me.

Very truly, yours, J. HAMPTON MOORE.

THE SECRETARY'S REPLY.

DEPARTMENT OF AGRICULTURE,
Washington, March 22, 1916.

Hon. J. HAMPTON MOORE,
House of Pepresentatives.

DEAR MR. MOORE: I have your letter of March 17 with reference to your call at the Bureau of Chemistry in company with Mr. W. S. P. Shields regarding the assessment of liquidated damages on a contract for furniture for the New York laboratory.

It is by no mean the universal practice to take down steongraphically the statements of Members of Congress, or of other interested parties, concerning matters pending before the department. It is an invariable rule in the Bureau of Chemistry, however, to make a record of all statements made in connection with cases under the food-and-drugs act. The statements made by Members of Congress, of course, constitute an important part of the record and should receive careful consideration before final action is taken. You will appreciate that it is impossible for the officials to keep in mind all the representations that are made. A complete record serves to refresh their memory and insures consideration of all the facts presented. So far as I can ascertain, there has been no objection to this procedure in the past when it was fully explained. The same course is followed to a certain extent in other important matters in the Bureau of Chemistry and other branches of the department so that a record of all the facts may be available to the officials in arriving at a decision. The only object in reporting your statements and those of Mr. Shields was to make the record complete and to insure consideration of them in the final disposition of the matter.

In accordance with your request, I take pleasure in sending you herewith a copy of the stenographer's notes containing your statement so far as it was reported.

Very truly, yours, D. F. HOUSTON, *Secretary.*

Mr. Chairman, I can understand the desire of the Secretary to protect his subordinates and therefore shall not criticize the stand he has taken in this regard. Neither do I desire to reduce or take away the salary of anyone employed in the Bureau of Chemistry. For that reason I withdrew the point of order, which doubtless would have been sustained. Secretary Houston, in answer to my request, sent me the stenographic notes, consisting of 23 lines, part of which appear to have been spoken by me and part of which appear to have been uttered by the assistant chief after my departure. As they throw no new light upon the correspondence, I shall not embarrass the stenographer by inserting them, for I am quite sure, and the notes show it, that the stenographer did not enjoy his task. I am satisfied to leave the matter as it is for the benefit of whom it may concern.

Mr. LEVER. Mr. Chairman, the gentleman from Pennsylvania some weeks ago called my attention to this matter about which he has been speaking.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. MOORE of Pennsylvania. I ought to have said that it seemed to me that if any one of these bureaus have so many clerks or stenographers as to enable them to play detective on the Members of Congress, the practice ought to cease.

Mr. LEVER. Mr. Chairman, I took occasion to make some little investigation of the case, because I agree with the gentleman from Pennsylvania that if the stenographers and clerks of these various departments are being used in such a way as secretly to take statements of Members of Congress, it is a bad practice. In this case the explanation of the department to me is just about what the gentleman from Pennsylvania has stated, and I presume he will publish the letter of the Secretary of Agriculture which he has on the subject.

Mr. MOORE of Pennsylvania. Yes; I will publish both his letter and my letter.

Mr. LEVER. The situation is this: It seems that the gentleman from Pennsylvania and one of his constituents called at the department, as he states. The Chief of the Bureau of Chemistry was absent at the time, and the acting chief, Mr. Emerson, received these gentlemen. The gentlemen called in reference to a contract for the purchase of some supplies by the department. That whole matter was to be passed upon finally by the Solicitor of the department. Mr. Emerson's statement is that on account of the fact that the statements of these gentlemen were in reference to a matter which had to go to the Solicitor, he called in the stenographer for the purpose of making a record of the statements of the gentlemen, and making these statements a part of the testimony, with no attempt and no thought on his part at all of being rude or discourteous to the gentlemen. He did it in the natural course of his business—that is, it was a matter of evidence, as he thought—and he wanted it for the purpose of transmitting it finally along with the other papers in the case to the Solicitor of the department, and he made absolutely no effort to conceal the fact that a stenographer was taking the testimony or the statement of the gentleman from Pennsylvania and his constituent. That is the case, as I understand it.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. MOORE of Pennsylvania. The gentleman does not think that an altogether dignified practice for a bureau chief or a department chief, to set a stenographer at the elbow of a Member of Congress?

Mr. LEVER. I agree with the gentleman on that point as to such a general practice.

The CHAIRMAN. The time of the gentleman has expired. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For investigating the character of the chemical and physical tests which are applied to American food products in foreign countries, and for inspecting the same before shipment when desired by the shippers or owners of these products intended for countries where chemical and physical tests are required before the said products are allowed to be sold therein; and for all necessary expenses in connection with such inspection and studies of methods of analysis in foreign countries, $4,280

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. Is this new work?

Mr. LEVER. No. This has been carried in the bill for quite a while.

Mr. MOORE of Pennsylvania. It is for inspecting the methods employed in foreign countries for testing the purity of food products, as I understand?

Mr. LEVER. No; the gentleman is mistaken. This is for the purpose of furnishing to the exporters of food products certain certificates as to the purity of the food before exportation is had; that is, when the exporter requests a certificate as to the purity of the food or product he is exporting. Under this item the certificate is given.

Mr. MOORE of Pennsylvania. Is there any provision in this bill covering the inspection of imported meat products?

Mr. LEVER. The gentleman is referring to beef and the like of that?

Mr. MOORE of Pennsylvania. I am referring to such meat supplies as come from the Argentine Republic and other foreign countries.

Mr. LEVER. There is no inspection at the port of entry of imported meat or food products, but the method of the department is to accept the inspection of foreign countries of those products if the department regards the methods of the foreign country from which they come as being sufficient to guarantee the purity of the food. Otherwise it is not allowed to be imported at all.

Mr. MOORE of Pennsylvania. This $4,280 is in the interest of the American exporter of meat?

Mr. LEVER. Entirely so.

Mr. MOORE of Pennsylvania. It is to give a sort of certificate, so far as his foreign trade is concerned?

Mr. LEVER. Yes; the same kind of a certificate that we require of importers of the same kind of products.

Mr. MOORE of Pennsylvania. Provision is made for that?

Mr. LEVER. It may not be a certificate, but it is in the line of the remark I made a little while ago, that inspection of food products in foreign countries shall be of such a character as to justify the department here in trusting to the purity of the food imported.

Mr. MOORE of Pennsylvania. The other day the gentleman made a statement in regard to the importation of foreign meats, such as the carcasses of animals afflicted with the foot-and-mouth disease, and he promised to tell us about the inspection of it.

Mr. LEVER. There is no provision for the inspection of such imported meats. We take the inspection of the foreign country from which the product comes, if we accept it at all.

Mr. MOORE of Pennsylvania. If we take care of the foreign consumer of beef that we export, why not take care of the American consumer of beef that we import?

Mr. LEVER. We take care of the foreign exporter only at his own request, and then make the examination at his expense.

Mr. MOORE of Pennsylvania. Would the gentleman object to having consideration given to an amendment here that would provide for some such inspection as I have indicated, that would protect the American meat consumer from the possible ravages of disease in foreign countries?

Mr. LEVER. I am inclined to think, without having given it very much thought, that there is probably no necessity for it, because the department now requires that the inspection service in foreign countries from which we are getting these products shall be of such a character as to guarantee reasonable safety against infectious importations.

Mr. MOORE of Pennsylvania. It was stated here the other day that Dr. Melvin, Chief of the Bureau of Animal Industry, had said that beef would be infected if the animal had died of the foot-and-mouth disease. That was the question I was trying to get an answer to. Some one on the floor said that Dr. Melvin was authority for that statement, and the gentleman from South Carolina indicated that he would have something to say on it later on.

Mr. LEVER. I have looked into it as thoroughly as I could in the limited time I have had.

Mr. MOORE of Pennsylvania. I wish the gentleman would look into it so far as he can before we reach the paragraph relating to the foot-and-mouth disease.

Mr. LEVER. I will say to the gentleman that, as far as the spread of the foot-and-mouth disease or any other infectious disease is concerned, through the disease being in the body of the imported product, I think there is comparatively little danger; and as far as affecting the health of human beings is concerned, the foot-and-mouth-disease germ is killed by cooking, as I understand.

Mr. MOORE of Pennsylvania. Do they make this appropriation to protect the foreign consumer at the instance of foreign Governments?

Mr. LEVER. I am informed that foreign Governments desire this kind of a certificate.

Mr. MOORE of Pennsylvania. That is what I thought; and it seems to me that, if such regulations are imposed upon our exporters, there ought to be similar regulations applying to importations of meat.

Mr. LEVER. We do have regulations, but probably not such strict ones.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

For investigating the handling, grading, packing, canning, freezing, storing, and transportation of fish, and for experimental shipments of fish, for the utilization of waste products, and the development of new sources of food, $14,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the committee just how this appropriation is expended. During the hearings before the subcommittee of the Committee on Appropriations on the sundry civil bill we heard the Secretary of Commerce with regard to the expenditures and operations of the Bureau of Fisheries, intended to develop new food supplies in fish. They gave us a very interesting account of the development——

Mr. LEVER. Of the dogfish.

Mr. MONDELL. The gentleman says of the dogfish. The fish that they had reference to is known as the tilefish, said to be a very valuable and useful article of food. Quite common years ago, it disappeared from the waters of the sea for some years, reappeared, and has been reintroduced by the activities of the Department of Commerce, through the Fisheries Bureau, as a staple article of food, and is, I am told, now being quite widely used. A sample of the fish was very kindly sent me by the Secretary of Commerce, and we found it very good. Now, it occurs to me that the work that the Department of Commerce is doing, through the Bureau of Fisheries, is along the line of the work that is being done under this item; and my query is, Is there not a duplication of effort along these lines, and is there not likely to be a conflict?

Mr. LEVER. The gentleman's inquiry is a very natural one. The members of the committee made inquiry of Dr. Alsberg, who had this matter in charge, and we questioned him along the very line of the gentleman's inquiry. His answer to the committee was that there was no duplication whatever, although the character of the work was very similar. His statement was that the Bureau of Chemistry takes up the work where the Bureau of Commerce puts it down. In other words, the Bureau of Chemistry investigations have to do with the proper method of handling, packing, freezing, and transporting of the fish. As I understand it, the Bureau of Fisheries of the Department of Commerce has more to do with the production side of the fishing business in this country, while the work that the Bureau of Chemistry does under this item is to try to devise some method by which fish may be preserved without hurting the flavor of the fish. They have made some very interesting experiments along that line, which, if they prove successful, will be a very great advance in the way of preserving the fish supply of this country, and preserving its food value and its fish flavor.

Mr. MONDELL. I realize that there are two distinct fields. The statement made to the Committee on Agriculture, to which the chairman of that committee has just referred, was the same statement made before our committee, that the two services did not conflict, that one took up the work where the other concluded it. As long as they adhere to that policy there need be no conflict, no duplication; but I think it is very important that both bureaus understand that Congress is not appropriating with a view of having both of them occupy the same field or overlap in their efforts.

Mr. LEVER. The gentleman can not make that statement too strong or emphatic for use. I agree with it very fully.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For investigating the packing, handling, storing, and shipping of oysters and other shellfish in the United States and the waters bordering on the United States, $5,000.

Mr. TILSON. Mr. Chairman, I move to strike out the last word. I should like to ask the chairman of the committee what, if anything, is being done toward investigating the oyster industry, especially in its relation to polluted waters? I have heard much from men engaged in the oyster industry in my State in regard to the pollution of waters, and the objection on the part of the Government to shipping the oysters grown in these alleged polluted waters.

Mr. LEVER. I will say to the gentleman from Connecticut that the matter to which he refers is under the jurisdiction of the Public Health Service. Under this item we are doing with shellfish exactly the same character of work that I have described as being done with reference to other fish under the item just preceding. In other words, it is a study of the best methods of handling, transporting, and so forth, of shellfish, so as to preserve them, and so that they may be put on the market in the best condition.

Mr. TILSON. It was in connection with the shipping of oysters that this matter was brought to my attention, and this reference to the shipping of oysters attracted my attention.

Mr. LEVER. I myself asked Dr. Alsberg in the hearings:

I want you to make that very clear, because the question is likely to arise. How does this line of work differ from the work done by the Public Health Service? You say you do the chemical work and the shipping end of it?

Dr. ALSBERG. You see the Public Health Service is concerned merely with the question of what areas are likely to transmit typhoid, and while we are concerned with that question we also take action under the food and drugs act against shipments of oysters we find to be polluted. In addition to that, there are certain other chemical problems. In the first place, there is the problem of how oysters should be iced and shipped and handled; how long they should be washed in order to get the best effect, and the like.

Now, it seems that the line of demarcation is about this: If the Bureau of Chemistry find waters polluted with typhoid germs, then under the pure-food act they take jurisdiction; but as to the locating of the polluted waters and their area, that is a matter for the Public Health Service.

Mr. TILSON. What I am most interested in is the increase in the production of oysters; because, as the gentleman knows, oysters are a very important article of food very largely used. As the population of cities increases and there is more pollution of the waters, the area in which these oysters may be grown will be reduced.

It seems to me there ought to be study and investigation of this subject going on to prevent, if possible, the diminution of the supply of oysters.

Mr. LEVER. Let me make two statements. When this item was first suggested to the Committee on Agriculture the question of the jurisdiction of the Public Health Service arose, and we had the department define very clearly just what line of work they expected to do, and we have been trying in the examination of witnesses before the committee to confine that work to the area mapped out, namely, the handling, packing, and transportation of shellfish and the like of that.

A further statement is made that probably there is no food product in the world in which there is so much waste in the matter of transportation and handling and packing, and necessarily so, as there is in reference to fish and oysters. We believe that under the investigations and better method of handling we can save to the consuming public an immense waste now going on, and to that extent the production along these lines will be increased.

Mr. TILSON. So far so good; but I would like to ask if any department of the Government is interesting itself in this great question which enters so materially into the cost of living—the increased production of oysters.

Mr. LEVER. While I have not looked into the matter—the gentleman from Wyoming may give perhaps more information—the Bureau of Fisheries is engaged all the while in investigating the methods of increasing the production of fish and shellfish.

Mr. HARRISON. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman from Mississippi.

Mr. HARRISON. I notice that the paragraph above the one now being discussed refers to fish, and the one now being discussed refers to oysters and other shellfish. May I ask if shrimp are included in the term "fish"? The reason I ask is that on the coast of my district the shrimp as well as the oyster industry is great, and I was wondering if they are studying shrimp as well as oysters and fish.

Mr. LEVER. The department classes shrimp as fish.

Mr. MONDELL. Mr. Chairman——

Mr. LEVER. Mr. Chairman, I ask unanimous consent to close debate on this paragraph and all amendments thereto in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. MONDELL. Mr. Chairman, along the line of inquiry made by the gentleman from Connecticut [Mr. TILSON], I will say that the Public Health Service has for a number of years been conducting investigations relative to the pollution of waters producing shellfish with a view of determining conditions and studying methods of avoiding such pollution and its spread. Last year a very thorough investigation was made of the Potomac waters and the adjacent waters of Chesapeake Bay.

An interesting bulletin—interesting from the standpoint of those who are interested in that sort of thing—was recently issued by the Public Health Service touching these matters.

Mr. TILSON. Necessarily their work is largely restrictive—that is, to prevent the shipping of oysters grown in polluted waters. I am particularly interested in something to remedy the situation and give more relief from the standpoint of diminishing the field of pollution in which oysters are grown.

Mr. MONDELL. That is one of the objects of the work of the Public Health Service. Its primary object might be said to be to inform people as to conditions existing, but an important object is to have the facts ascertained and stated in order that there may be the necessary legislation, either Federal or State, or both, which may be required to remedy the conditions which these investigations develop. The gentleman realizes that we can not cure these conditions under appropriations on the agricultural bill, but the conditions have been and are being developed by the Public Health Service. It may be that legislation will be necessary to cure the unsatisfactory conditions.

Mr. DALLINGER. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. DALLINGER. I would like to ask the gentleman from Wyoming if this bill is not the proper bill for an appropriation to be made to investigate the diseases of the oyster? We have

provisions in this bill for investigating the diseases of other animal life.

Mr. MONDELL. In answer to the gentleman from Massachusetts I will say that that line of work is done by the Bureau of Fisheries. The Appropriations Committee has had some very interesting hearings on the subject of the diseases of the oyster and other shellfish quite recently. The committee has not reached the point of passing upon the requests for additional appropriations, but they have been very urgently made, and my hope is that we will so increase the appropriation of the Bureau of Fisheries that they may extend their work along that line and thoroughly extend the study of the diseases which have so disastrously and unfortunately affected the oysters, particularly in the transplanted regions. They have discovered that in waters where oysters did very well for a few years after being planted they have not of late years reproduced, and where they formerly had a crop annually there is now reproduction only once in three or four years. I believe that with such increased appropriation as Congress may give this year the work would be carried on thoroughly and systematically.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 46, line 8, after the word "the," insert the word "planting," and in line 10, same page, after the word "States," strike out the figures "$5,000" and insert "$10,000."

The CHAIRMAN. The Chair will state that under the order of the committee there still remain five minutes of debate.

Mr. LEVER. If the gentleman from Pennsylvania will yield me one minute of the time, I will be satisfied.

Mr. MOORE of Pennsylvania. I can get through in four minutes, I think. Following up the suggestions already made by the gentleman from Connecticut [Mr. TILSON], the gentleman from Wyoming [Mr. MONDELL] and the gentleman from Massachusetts [Mr. DALLINGER], I have offered this amendment. It is undoubtedly true that something has been the matter with oysters during the last year. Some people who are experts say they have been sick all along the coast. It is a matter of great importance commercially, and an investigation of the planting of oysters to this limited extent would do no harm. I think planting would come within the jurisdiction of this department and probably answer the questions raised by the gentleman from Wyoming [Mr. MONDELL]. You propose here to investigate the packing, handling, storing, and shipping of oysters. Why not go one step further and provide for the planting of oysters? If that be inquired into by those who are competent to make the inquiry, it would be very helpful all along the coast. I care not whether a separate inquiry is being made by the Bureau of Fisheries.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes; but I suggest to the gentleman that only one minute remains.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the order heretofore made be revoked and the time extended for five minutes. Is there objection?

There was no objection.

Mr. MONDELL I desire to suggest that the Committee on Appropriations has had quite extensive hearings upon this subject of oyster diseases and oyster sicknesses, as my friend styled it, and my belief is that such sum as may be necessary to enable the Bureau of Fisheries to investigate and examine and go into the question of planting and the conditions of planting will be made in the sundry civil appropriation bill. It occurs to me, therefore, that we should not cross the line in this bill and go into the domain of the Bureau of Fisheries.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. MOORE of Pennsylvania. If the gentleman's suggestion is to be carried in the sundry civil appropriation bill I will not insist upon this here, but it is time something was done. This is an important industry and it ought to be cared for.

Mr. MONDELL. Mr. Chairman, of course I am only one member of the committee, and a humble minority member at that, and, of course, I can not bind the committee.

Mr. MOORE of Pennsylvania. But so long as we have specialists engaged in the work of investigating the packing, handling, storing, and shipping of oysters, why not go a step further and expend $5,000 to try out planting?

Mr. MONDELL. The matter of planting is one that comes under the jurisdiction of the Bureau of Fisheries. It is a work they have done to a certain extent, and it is a work they can do, and it seems to me we ought to confine that class of work to the Bureau of Fisheries.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. TILSON. There is a very important work in planting, transplanting, and also an experiment is being carried on of washing oysters; that is, taking them up from the ground where they have grown, where the water may be more or less polluted, and carrying them out to cleaner water beyond the harbor line and there subjecting them to a washing. Whether that is sufficient we do not know, but it seems to me that the Bureau of Chemistry, better than anyone else, should determine whether that is the proper thing.

Mr. MOORE of Pennsylvania. Would not these experiments necessarily enter into the packing and handling and storing of oysters?

Mr. TILSON. It seems to me that this is the proper paragraph of the bill and the proper bill.

Mr. MONDELL. It is never wise to duplicate the work of bureaus. If the Agricultural Department undertook this work it is possible that the Bureau of Fisheries would feel that they had no obligation in the matter, and instead of helping the matter it might retard it.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. LEVER. Mr. Chairman, I recognize that this is an important matter, but from the statements made by the gentleman from Wyoming [Mr. MONDELL] a member of the Committee on Appropriations, and from my own personal knowledge of what the Bureau of Fisheries is doing with reference to fish, I take it that the amendment offered by the gentleman from Pennsylvania only sets up duplicate machinery to do this work. In other words, if I understand the gentleman from Wyoming correctly, the Bureau of Fisheries is now doing the very kind of work that the gentleman from Pennsylvania would propose to do with his amendment.

Mr. MONDELL. Mr. Chairman, if the gentleman will yield, I admit that they have not been doing as much in that line, perhaps, as they should have done, but I have no doubt that under their appropriations for the coming fiscal year they will be able to largely extend that work. Our attention has been called to the importance of it.

Mr. LEVER. The gentleman's statement is even stronger than I had understood it myself. In other words, the Committee on Appropriations has recognized the importance of this work and is going to increase the appropriation for the Bureau of Fisheries to do more extensive work along these lines. Therefore it seems to me that, out of good business and practice, we ought not to set up here in the Agricultural appropriation bill a separate piece of machinery to do duplicate work.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. LEVER. In just one second. More than that, I take it that the Department of Agriculture, Bureau of Chemistry, is not nearly so well equipped to do this kind of work. It has not the experts that the Bureau of Fisheries has, and if we are going to do it at all, we ought to select the most efficient machinery that we have existent to do the work, and I trust that the gentleman from Pennsylvania, who is always alert, will be on the job when the sundry civil bill comes up to see that this work is cared for.

Mr. MOORE of Pennsylvania. I expect to be, but I would like to ask the gentleman if we can not include "planting" in this item—why he has the item in at all? Something ought to be done in regard to this matter; a bird in hand is worth two in the bush. That is the situation.

Mr. LEVER. The province of the Department of Agriculture, as these gentlemen have segregated its province, is to deal with the proposition after and not before production. We are engaged with the transportation and such problems.

Mr. WALSH. Will the gentleman yield?

Mr. LEVER. I do.

Mr. WALSH. Is it not true this item has more to do with the marketing of oysters as a product, whereas the other item has more to do with the propagation and culture of the oysters?

Mr. LEVER. The work of the Department of Agriculture is purely a marketing or distributing proposition. The work of the Bureau of Fisheries is absolutely, as I take it, a proposition of propagation and production.

Mr. HARRISON. Will the gentleman yield?

Mr. LEVER. I will.

Mr. HARRISON. I want to say to the gentleman from Pennsylvania that one place in my district is a great oyster center, Biloxi, and I know that one of the departments of the Government, I can not say which one, has made an investigation relative to the pollution of the oyster, as it was claimed that the

oysters were not healthy and suitable to be shipped in interstate commerce. The city health officer of that city came up here and remained for a month studying the proposition so that he could go back and tell those packers and the people who owned the oyster reefs how to preserve them in such condition that the oysters would be healthy. There can be no question that one of the departments of the Government has carefully investigated this matter. I do not know which one it was.

Mr. LEVER. The Department of Commerce.

Mr. HARRISON. So the situation is not as bad as some people pretend it to be.

Mr. LEVER. Mr. Chairman, I ask for a vote, and I hope the amendment may be voted down.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For investigation and experiment in the utilization, for coloring purposes, of raw materials grown or produced in the United States, $50,000.

Mr. MONDELL and Mr. FOSTER. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. LEVER. Mr. Chairman, this is a very important item, the discussion of which might possibly last for 15, 20, 30, or 40 minutes. If gentlemen are going to make the point of order, I would like them to do it notwithstanding what I may be able to say, so as to save time, but if the gentlemen are not going to insist on it, I think we had better discuss it.

Mr. FOSTER. Mr. Chairman, I did not know whether I would or not, but it seems this is intended for an investigation in reference to dyestuffs.

Mr. LEVER. Yes.

Mr. FOSTER. On the theory it might have to do with the coloring of food products. Is that the idea?

Mr. LEVER. I will say to the gentleman the information is that the Bureau of Chemistry in enforcing the pure food and drug act has developed a great many very expert chemists in the matter of dyes. In other words, the chemists of the department must be really expert in the dye business in order to detect coloring matter in certain foods put upon the market, and therefore we have to some extent the machinery for doing this work in the department, and it is in this bureau.

Mr. FOSTER. I see the committee provides in the next paragraph for the purchase and equipment of a traveling laboratory, $7,500.

Mr. LEVER. That has to do with something entirely different.

Mr. FOSTER. It has nothing to do with this?

Mr. LEVER. No.

Mr. BOOHER. Mr. Chairman, before the next paragraph is discussed I want to reserve a point of order on it.

Mr. LEVER. It is already reserved.

Mr. BOOHER. No; not on that.

Mr. FOSTER. Can the gentleman give any idea—I suppose the Agricultural Department officials had something in view where they could experiment in reference to these coloring materials or dyestuffs. Now, we know this, that the dyestuffs are made largely from coal-tar products. Is it the intention of the Agricultural Department, through its chemists there, to take up the study of the coal products of the country?

Mr. LEVER. If the gentleman will permit me to make just a connected statement on this for the benefit of the whole committee, the Secretary in his written estimate asked for $20,000 for this item and later he submitted a supplemental estimate for $30,000, making a total of $50,000. The Committee on Agriculture had the experts of the department before the committee and examined them rather carefully. Since that time I have had the department furnish me with a more comprehensive statement of what is proposed to be undertaken through this item. First of all, they wish to investigate the dyes which we have in agricultural products in this country, and we know we have some out of which we may get some dyes. I take it that is going to be rather unimportant as compared with the other line of work. Their next line of work is to study methods of producing dyes from coal-tar products. Now, there are some concerns in this country that produce dyes, but they are not producing nearly so large a number from coal-tar products as are the German people.

It is the belief of the Department of Agriculture, through its Bureau of Chemistry, that by a proper study, by a concentrated effort along these lines, there is enough brain in this country, enough experts, enough initiative, enough power to do things to bring about a situation which will put this country on a self-sustaining basis in time with reference to dyestuffs.

Now, understand, the Department of Agriculture has a building at Arlington Farm which is suitable for a laboratory in which to make these studies. It is proposed by the department to utilize this building, establish a laboratory there, and go into a complete and comprehensive study of the entire proposition of producing dyes in this country, either from natural products or from coal-tar products through the synthetic method of producing dyes. I have a statement here which gives in detail just how this money is to be expended. I shall read it to the committee, if they desire. If not, I will insert it in the RECORD at the proper place.

Mr. FOSTER. The sole purpose, as I understand from the gentleman's remark, of this provision is to investigate coal-tar products, largely for the investigation of coal-tar products for the production of dyes?

Mr. LEVER. I think that would be their first line of work; yes.

Mr. FOSTER. Can the gentleman inform us what connection there may be between the food products of the country and the products of coal tar to be made into dyes?

Mr. ANDERSON. The Department of Agriculture is constantly making investigations relative to coal-tar products, and it is the only department of the Government that is making any investigation in regard to dyes.

Mr. FOSTER. As I understand, this is to determine the use of coal-tar dies in manufacture and not for food products. I want to know if that is the intention?

Mr. LEVER. Let me say this to the gentleman, that the Department of Agriculture in enforcing the pure-food law must necessarily be acquainted with the various coloring matters that go into the food, and it is necessary for them frequently to make in their laboratory the colors themselves, and they have been doing that, so that they themselves may have a standard by which they can work. Now, that is the laboratory matter. They tell us that they know the laboratory methods of producing dyes now. It is a question, however, of getting a little bit beyond the test-tube work they have been doing.

Mr. FOSTER. I do not know whether I have made myself plain or not, but what I am getting at is this: Is the investigation to develop the dyestuffs to be confined to food products or is it for the purpose of developing dyes for the industry to be used in the manufacture of cotton and woolen and other goods?

Mr. LEVER. Now, I will answer the gentleman's question. I am glad he brought that out, because I thought it was understood. The purpose of this item is to enable the department to investigate the dyestuff industry, if possible, and find some method of developing it to such an extent that will take care of the entire dye situation in this country and take care of the great industrial concerns which must necessarily use a great deal of it, like the cotton and woolen manufacturing.

Mr. FOSTER. Does the gentleman really think that is the duty of the Department of Agriculture? The other day in a bill we gave $10,000 for the purpose of developing these dyes in another branch of the Government. Now, here comes along the Agricultural bill with an appropriation of $50,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER. Does the gentleman really think that the Department of Agriculture ought to have this appropriation to start into the development of dyes for use commercially?

Mr. LEVER. Now, let me answer that question, because it is important. We do not want to build up duplicating machinery here. I do not think myself that the item in the other appropriation bill to which the gentleman refers is going to give the authority, or duplicate the authority, that we are conferring here. Now, this is a fact, that the work of the Bureau of Standards with reference to color is a physical work entirely. Their work looks to the measurement of color, not to the production of color; not to the production of dyes, but to the work of fixing and finding out the amount of color, the standard of color, and the like of that, in various dyes. For instance, they are working out a method by which they can ascertain the amount of color in oleomargarine and cottonseed oil and a number of other products. Now, that is their line of work—to study measurements and standards and do the physical end of the work. The Bureau of Chemistry, on the other hand, is equipped to do it, and it is the only bureau in the Government which is confessedly, on all sides, equipped to do the chemical side of this work.

Mr. FOSTER. The gentleman is mistaken about that. We have in one department of the Government a bureau equipped for making these tests, and where they have to do with coal from the time it comes out of the ground until it is finally disposed of. I refer to the Bureau of Mines. Now, that labora-

tory is equipped for doing all this work. All they need is money with which to do it. They have a chemist there who is the equal of any in the United States.

Mr. LONGWORTH. One of the very best.

Mr. FOSTER. One of the very best, as the gentleman from Ohio says.

Mr. LEVER. I agree to that.

Mr. FOSTER. And now we start out here with $50,000, to enable the Department of Agriculture to commence with this work. It seems to me this matter probably belongs in that bureau of the Government which is doing that kind of work, and not in the Department of Agriculture.

Mr. BOOHER. Will the gentleman yield?

Mr. LEVER. I will.

Mr. BOOHER. I would like to ask the gentleman if this matter of dyes is not being considered now by the Ways and Means Committee, with a view to bringing in some kind of legislation to encourage the manufacture of dyes?

Mr. LEVER. I understand that is true, but their proposition is a tariff proposition, and this is a production proposition.

Mr. BOOHER. In other words, this is an attempt to put in the Agricultural Department a purely manufacturing proposition connected in no way with agriculture, is it not?

Mr. LEVER. We do not think so, and I will tell you why.

Mr. HAUGEN and Mr. LONGWORTH rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. LEVER. I will yield to my friend from Iowa [Mr. HAUGEN].

Mr. BOOHER. I would like to have an answer to my question.

Mr. LEVER. The committee does not think so. The committee thinks this item would be justified if for no other reason than that there are a number of products, both of the field and of the forest, that could be manufacured in this country, if the necessary information regarding the methods and processes were worked out and made known, but we do not believe, as business men, that we shall be successful enough with that line of operations to plant this country on a self-sustaining basis with respect to its dyestuffs. Therefore we believe, after all, that our biggest field will be in the study of the methods by which dyes are made from coal-tar products, just as they are made in Germany.

Mr. BOOHER. Why not wait until we see what legislation the Ways and Means Committee suggests before appropriating $50,000 along the same line? It may save duplication. I am not opposed to this legislation, but do not approve putting it on this bill. It should be taken up on its merits and thoroughly discussed.

Mr. LEVER. I will say to my friend from Missouri frankly that I feel this way about it, and probably I am a little old-fashioned in that respect: If we can build up an industry here through productive methods, I would prefer to do it rather than to build it up through protective methods. It may be that we shall have to consider some legislation which may come from the Committee on Ways and Means, and probably there will be some legislation passed from that Committee on the subject; but I would very much prefer if we could put this country on a self-sustaining basis through its own efforts in the production of anything, rather than to do it through protective duties and on protective lines, and the like of that, which will keep competition out.

Mr. MOORE of Pennsylvania. What will protective duties have to do with this, anyhow?

Mr. LEVER. The gentleman knows that I do not discuss the tariff.

Mr. MOORE of Pennsylvania. The gentleman is arguing against the creation of new enterprises here.

Mr. LEVER. I do not think that is a valid reason.

Mr. HAUGEN. When this item was up in the committee for consideration my recollection is that some member of the committee suggested that some other committee might make appropriations, or report favorably upon appropriations, for this purpose, and that it is possible that this work might be assigned to the Bureau of Standards or the Bureau of Mines. Has the gentleman conferred with members of other committees to ascertain if this work will be provided for and taken care of?

Mr. LEVER. The only committee that would have jurisdiction of an item of this kind would be the committee that carries the appropriations for the Bureau of Standards.

Mr. HAUGEN. And the committee that carries the appropriations for the Bureau of Mines, and also the Ways and Means Committee.

Mr. LEVER. I understand the bill is about ready for report from the Committee on Ways and Means.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. LONGWORTH. I think there is a good deal in what the gentleman from Missouri [Mr. BOOHER] says. It is a matter that is now before a committee of the House. It is receiving consideration—the question of the establishment of the coal-tar dye industry in this country. Personally I am very much in hopes that some legislation will be originated in that committee which will provide for the establishment and maintenance of the coal-tar dye industry. In the meantime it occurs to me that it might not be wise to appropriate as much as $50,000 for mere experimentation purposes, for, after all, we can not learn anything more by experimentation in this country than has already been learned by Germany, which has been manufacturing these dyes for many years, and which now produces 1,800 different colors, whereas the largest number we have ever produced in this country practically is about 15 dyes.

Mr. LEVER. I thought it was more than that.

Mr. LONGWORTH. Less than 20 colors are being made in this country.

Mr. LEVER. No matter how high the protective duties may be on dyestuffs, the situation, to my mind, is so critical that the Congress of the United States is justified in taking advantage of every line of inquiry possible to see if we can not better the condition.

More than that, I will say to my friend, you may make the tariff duties as high as you may, and still that does not eliminate the sound reason for putting on foot an investigation for the study of the best methods of doing these things. I am inclined to think myself, if my friend will permit me, that there is not in this country at this time that thoroughness of understanding of the methods of producing dyestuffs that the German people have.

Mr. LONGWORTH. The gentleman is perfectly right about that, but——

Mr. LEVER. And therefore we feel that we ought to have a sufficient sum to put our experts at work and train them to bring about relief from this situation.

Mr. LONGWORTH. The gentleman realizes that the American Chemical Society has gone into this matter very thoroughly. It is upon their report that the Committee on Ways and Means is now considering the question, and in their report it is unanimously decided that there is no possible way to create that industry in this country, to make a substantial industry, except by means of legislation which, particularly after the war, will prevent the sort of competition that we have had from the German dye manufacturers.

Mr. LEVER. I will not admit it, although I have not studied it; yet I have read the hearings of the committee on that subject. But in any event it may be necessary, whatever else may be done here, to raise the duties on dyestuffs. But I do know this, that we can not afford to let pass the opportunity here to put on foot an investigation of this entire situation, and if it costs $50,000, good and well; if it costs more than that, good and well. It is not money badly spent; it is not money wasted, in my judgment.

There is no duplication of work between the gentleman's line of thought and mine at all. The work of each is supplemental to the other, and we can not do too much, in my judgment, along this line of promoting the dyestuff industry, and likewise promoting the fertilizer industry of this country. I do not believe, gentlemen of the committee, that any great people, much less a Nation of 100,000,000 people, ought to feel itself dependent at any time upon foreign nations for things that enter into its commercial life. [Applause.] I am willing to spend money along this line.

Mr. LONGWORTH. I agree absolutely with the gentleman. It is for that reason that I support the proposition to create a dye industry. It is for that reason that I shall support the amendment which the gentleman will introduce, to have a Government experimental plant, to investigate the extracting of potash from seaweed, or something else. But I am afraid that this might be considered in some way or other as a substitute for legislation which the Ways and Means Committee are now considering.

Mr. LEVER. Of course, I do not know what kind of a bill the Ways and Means Committee will report.

Mr. LONGWORTH. The gentleman would not say that this is in any sense a substitute?

Mr. LEVER. I would not be willing to say by any means that this appropriation here is the last word or the best thought of Congress on the subject of developing the dyestuff industry in this country.

Mr. LONGWORTH. Nor would the gentleman say that it would obviate the necessity for legislation such as the Ways and Means Committee are now considering?

Mr. LEVER. Until I see the gentleman's bill, I would not like to commit myself to that proposition, although if a good proposition is brought in here, I shall support it.

Mr. LONGWORTH. If I felt that the gentleman believed that this would obviate the necessity for the legislation which the Ways and Means Committee will bring in, I would at once raise a point of order against this.

Mr. LEVER. I think the gentleman will admit that I do not pay much attention to politics, and that I do not know much about that end of it.

Mr. LONGWORTH. I shall not make the point of order, but I want it understood that this provision does not in any way take the place of the legislation which the Ways and Means Committee are considering.

Mr. BORLAND. Has the point of order been reserved on the paragraph?

The CHAIRMAN (Mr. HAMLIN). The Chair understands that it was reserved. The present occupant of the chair was temporarily absent.

Mr. LEVER. The point of order has been reserved, and I think the debate has gone far enough to develop whether the point of order will be made.

Mr. STAFFORD. Mr. Chairman, I should like five minutes.

Mr. ANDERSON. If the point of order is withdrawn, I should like to make a suggestion with reference to the form of the paragraph.

Mr. LEVER. I will say to the gentleman from Missouri [Mr. BORLAND] that there will probably be 30 minutes of debate on this; and if the point of order is going to be made in the end, I think it ought to be made now. The paragraph is subject to a point of order; and if it is going to be made, it will save the time of the committee to make it now. I have made about the best statement that I can on this section.

Mr. BORLAND. If the gentleman will yield to me for about two minutes, I will tell him what my point of order is.

Mr. LEVER. I ask unanimous consent to proceed for two minutes so that this question of the point of order may be settled one way or the other.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. BORLAND. My point of order is not to the investigation of vegetable dyestuffs by the Agricultural Department, but to an investigation that would overlap the investigation now provided for by the Bureau of Standards of mineral dyes. I do not think there ought to be any duplication of this work, and I am quite sure that the words "of raw materials grown or produced in the United States" are broader than contemplated by the organic law of the Department of Agriculture. If it was "grown in the United States" it would be a different proposition, but "grown or produced" gives them a roving commission to investigate all kinds of dyestuffs. That is the point in a nutshell.

Mr. LEVER. I will say to the gentleman from Missouri that I thought I had here a letter from the Secretary of Agriculture in which it was stated that the Secretary of Commerce and the Secretary of Agriculture through their bureaus had had a conference on this matter, and that they had agreed upon the line of work that each should do, but I do not find that letter here.

Mr. STAFFORD. Will the gentleman yield?

Mr. LEVER. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. Mr. Chairman, when the item providing for investigation of dyestuffs was under consideration in the legislative, executive, and judicial appropriation bill I offered an amendment to extend the work of that bureau so as to investigate the manufacture of dyestuffs.

Mr. LEVER. I recall that.

Mr. STAFFORD. Shortly after I offered that amendment, with the idea that the Bureau of Standards should alone have jurisdiction of the scope of this work, but not wishing to interfere in any way with the work of the Agricultural Department if it was separate and distinct, I addressed a letter to the Chief of the Bureau of Standards, Dr. Stratton, inquiring as to what was the real scope of the work under his bureau. I received a reply from the Secretary of Commerce, as well as a letter from the Secretary of Agriculture, stating that the two works were entirely distinct.

Mr. LEVER. That is my recollection of the letter which I received.

Mr. STAFFORD. That the Bureau of Standards was merely to investigate as to color standards. The letter from Secretary Redfield, as well as the letter from Secretary Houston, convinced me that there was a distinct need of this investigation by the Agricultural Department.

Mr. LEVER. And a distinct line of work.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. I ask unanimous consent to proceed for three minutes to complete this statement, so that the committee may have full acquaintance with the facts as I know them.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. LEVER. As I understood the gentleman, he concedes that there is not only a distinct need for it, but also that there is a distinct line of demarcation in their work.

Mr. STAFFORD. That there was a distinct need for the investigation; that the Bureau of Standards was to investigate standards of color, whereas it was proposed by the Agricultural Department to investigate the character of materials, and largely agricultural materials, from which dyestuffs could be produced. It is well known that we are suffering from a shortage of dyestuffs in this country. It is well known that Germany possesses a knowledge of processes of manufacture of dyestuffs with which our American manufacturers have no acquaintance whatsoever. The purpose of this provision is to establish some Government agency which will be an aid to our manufacturers, so that they will know how to extract colors from raw materials and products developed in the United States and give that knowledge to the manufacturers when the industry is established here, as it should be, and I hope will be, under the protecting influence of the bill that will shortly, I hope, be reported by the Committee on Ways and Means. Now I yield to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Has the gentleman the letter he referred to in which it is claimed the director said that he was not going to investigate the methods of production?

Mr. STAFFORD. I received a reply from Secretary Redfield, in which he said that the work was entirely distinct and that he had had a conversation with the Secretary of Agriculture, Mr. Houston, in which they agreed that they were entirely distinct, and no overlapping whatever—that the Bureau of Standards was doing one line of work as to standards and the Agricultural Department was investigating as to what materials could be utilized.

Mr. BORLAND. That might be all true, and still the Bureau of Standards might be investigating methods of manufacture; it might be that the two departments can work in harmony.

Mr. STAFFORD. There was no question between Secretary Redfield and Secretary Houston, as was stated in the letter, that the work was entirely distinct and that they were going to work in harmony.

Mr. LEVER. I have the letter here, or a part of it, which I will read.

This is a letter from Dr. Stratton, of the Bureau of Standards, to Dr. C. L. Alsberg, Chief of the Bureau of Chemistry:

> As to the development of the processes involved in the manufacture of coal tar and mineral dyes I would state that there may be a difference of opinion as to where that work belongs. However, I can assure you that, as far as I am personally concerned, I am entirely agreeable as to its being done in your bureau in case the Government decides to undertake it, and should you do so, I will be pleased to render every possible assistance.

That carries a strong inference that the Government is not now undertaking it.

Mr. BORLAND. The difficulty is that you are carrying the Bureau of Chemistry outside of its organic work when he gets into the investigations of coal-tar products.

Mr. LEVER. We are doing it every day.

Mr. MONDELL. Mr. Chairman, I reserve a point of order.

Mr. BORLAND. I make the point of order.

Mr. MONDELL. Will the gentleman reserve it? I want five minutes.

Mr. BORLAND. If I reserve it, I want to talk five minutes myself.

Mr. MONDELL. In view of what has been said I would like to make a few observations.

Mr. LEVER. If the gentleman from Wyoming has any hope of convincing the gentleman from Missouri on this important matter, I should be willing that he took the time; but if the gentleman from Missouri is adamant, it will be wasted.

Mr. BORLAND. I will reserve the point of order.

Mr. GARRETT. Will the gentleman from Missouri permit me to offer a suggestion?

Mr. BORLAND. Yes.

Mr. GARRETT. Whatever may result in the way of revenue legislation growing out of the dyestuff question, I want to sug-

gest to the gentleman from Missouri that, in my opinion, there is a necessity for investigation into the processes of the manufacture of dyestuffs by some Government agency. If there be revenue legislation initiated by the Committee on Ways and Means under which there will be a development of dyestuff products in this country, that development will come under processes, unless there is some such investigation, that will be developed by private individuals upon which there will be patent or trade-mark rights. My opinion is that, in view of this fact, the instrumentalities of this Government should be utilized to obtain the action which will give to the public and every man and every individual alike, and I very much hope the gentleman will not press his point of order.

Mr. MONDELL. Mr. Chairman, I believe I was recognized by the Chair.

Mr. GARRETT. But the gentleman from Missouri made the point of order.

Mr. MONDELL. Yes; after I had been recognized.

The CHAIRMAN. The gentleman from Wyoming is mistaken. The Chair did not recognize the gentleman.

Mr. MONDELL. He mentioned my name.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent that the gentleman from Wyoming have five minutes and that I have five minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that he have five minutes and that the gentleman from Wyoming have five minutes. Is there objection?

Mr. EDWARDS. Mr. Chairman, reserving the right to object, I shall not object provided the debate shall end at the expiration of 10 minutes.

Mr. ANDERSON. Mr. Chairman, if the gentleman from Missouri intends to make the point of order, I think an opportunity should be given to make an argument on the point of order itself.

Mr. MOORE of Pennsylvania. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Is it not a fact that the point of order was made?

The CHAIRMAN. The point of order was made, but the Chair understood the gentleman from Missouri to afterwards reserve it.

Mr. MOORE of Pennsylvania. What is the present parliamentary status?

The CHAIRMAN. The point of order is reserved against the paragraph. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Chairman, there is no question as to the advisability under present conditions of an investigation such as is contemplated by the item under discussion. Some investigation and some experiments along these lines should, in my opinion, be carried on by some Government agency, and the question is, What Government agency should carry on that work? It is true, as the gentleman from Wisconsin [Mr. STAFFORD] stated a moment ago, that there has been no duplication between the Bureau of Standards and the Bureau of Chemistry in the Agricultural Department touching their work on coloring matter. Up to this time the Bureau of Standards has examined the question from the standpoint of standardization, and the Bureau of Agriculture up to this time has been examining the subject from the standpoint of the effect of coloring matter on food.

It is proposed in this item to undertake an entirely new work, and it is suggested that the Agricultural Department has a corps of chemists and a building over at Arlington that can be fitted up for the purpose, and I presume that a large part of the $50,000 will be spent in fitting up the building necessary for the work. Query, Is there not somewhere in the Government a bureau or department that is already prepared to do the work? Can not the Bureau of Standards without additional buildings or new equipment widen the scope of its work, and is not that the bureau to undertake it? If not, is not this work a work that could properly be taken up by the chemists of the Bureau of Mines? Our dyes are no longer largely made from agricultural products. My understanding is that the bulk of the dyes are made from coal tar and coal.

Mr. LONGWORTH. Mr. Chairman, if the gentleman could have half an hour's conversation with Dr. Parsons, the chemist of the Bureau of Mines, he would learn more about dyes and the coal-tar industry than he can in reading volumes.

Mr. MONDELL. Mr. Chairman, I think that is true. That is in the line of their work. They have been engaged for a considerable length of time in working out processes for the production of dyes, and an official of the Bureau of Mines recently patented some inventions which are now held by the Secretary of the Interior, as trustee, for the production of dyes and various by-products from oil or coal. It seems to me that this is a work that could be more properly undertaken by the Bureau of Mines or by the Bureau of Standards. However, if there was danger that it would not be undertaken unless it was undertaken by the Agricultural Department, I should not want to see this item go out. I think the work should be undertaken.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FESS. How much activity have we had in the past in discovering different varieties of colors which we can produce?

Mr. MONDELL. The Federal Government, I think, has been doing practically nothing along the line of experimenting in the development of coloring matter or with a view of developing processes; but my suggestion is that it is not a proper agricultural activity, because coloring matter of this day and generation is obtained almost wholly from mineral products. We are no longer using butternut and juniper berries and things of that kind for coloring to any considerable extent, except in some of the country districts.

Mr. FESS. It has been stated on the floor that we produce probably 20 varieties, and that there are about 1,800 known.

Mr. MONDELL. I think there would be no objection to the Agricultural Department developing coloring matter from agricultural products.

Mr. FESS. There certainly is a great work for some one.

Mr. MONDELL. I want to say to the chairman of the committee that if the point of order should not be made the word "raw" should by all means be taken out of this item, because coal-tar dyes are not raw material.

It is highly important that every encouragement and aid should be given the dye industry of the country, or for the development of the dye industry of the country, as is proposed under the item we are discussing. But after all this is done, our final success will depend upon the protection of the new and growing industry by tariffs. Dr. H. D. Gibbs, chemist in charge of the color laboratory of the Bureau of Chemistry of the Agricultural Department, made the following statement in answer to an inquiry made by the chairman of the Agricultural Committee, as recorded on page 852 of the committee hearings:

> The CHAIRMAN. Has there ever been any attempt in this country to put the dye industry on its feet?
>
> Dr. GIBBS. There was a serious attempt by a number of manufacturers who were almost driven out of the business by foreign competition; that is, the same dyes which they made were shipped in here and sold at such a rate that they had to stop the manufacture of the particular dyes in question. There is one firm in this country that at various times in its existence in the last 25 years or so has manufactured about 130 different dyes, and they were driven from one dye to the other by this kind of competition.

This statement of Dr. Gibbs clearly illustrates the handicap under which our people would operate even after they got started; and whatever else we may do, we must also protect the dye industry after it is started or it will be throttled by foreign competition.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. BORLAND. Mr. Chairman, there is no one who more heartily agrees than I do with all that has been said about the necessity of finding additional supplies of dyestuffs for this country in developing our home production. We have seen in almost all of the appropriations we have had to make recently, even for the departments of the Government, the excessive cost that is now being paid for these dyestuffs, as, for instance, printer's ink and things of that sort in the Bureau of Engraving and Printing. We formerly imported all of that, and we are purchasing it now at greatly increased prices. And, of course, we know the condition of the textile industry in this country. We know the urgent need at this time of a domestic supply of dyestuffs. There is no use of basing an argument on that proposition. There is no use, either, of basing an argument on the proposition that we ought to have some scientific bureau of this Government equipped to develop processes of manufacturing. We ought to have one; and if we ever become a great manufacturing nation in competition with Germany and other scientifically developed nations, we shall have to have some department of this Government equipped to continually develop scientific methods. My understanding is that the Bureau of Standards comes nearer filling that field as a universal bureau than any other department of the Government.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes; for a question.

Mr. LEVER. I think I am entitled to make this statement. The gentleman was not here when I made my statement. He happened to be attending to business on another committee. But the statement is made that the Bureau of Standards is not doing any of this kind of work, and it does not want even to

undertake the work of producing dyestuffs. The Bureau of Standards is engaged in the work of measuring color, standardizing color.

Mr. BORLAND. I was about to refer to that matter. It is not so that the Bureau of Standards simply makes standards or decides on standards of color as well as standards of other things. That may have been its original object, but anybody who has seen the growth of that bureau knows that they have progressed beyond that and that they now test material as to its adaptability to certain lines of manufacture.

Mr. LEVER. The gentleman knows that the item under which the Bureau of Standards is making these color studies has not been in the legislative bill except this year?

Mr. BORLAND. Of course; because this whole agitation is new.

Mr. LEVER. So that they have not been doing any of that kind of work.

Mr. BORLAND. And here we want the Department of Agriculture, which happens to have a chemical laboratory, to engage in work entirely foreign to the Department of Agriculture simply because they have that laboratory; no other reason advanced. It is not contended—in fact, it is admitted that the material they are going to work on is not agricultural.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. I am sorry that I can not yield.

Mr. STAFFORD. Just to correct a misapprehension under which the gentleman is laboring.

Mr. BORLAND. Oh, I desire to make my own statement. It is urged here that they have a chemical laboratory and, therefore, it is convenient at this time to turn this work over to them. If you continue to put into the Department of Agriculture all kinds of work, manufacturing, nonagricultural, mining, and everything else, you will soon have it overtopped. This Bureau of Chemistry is confined to the investigation of food products, and it ought to be confined to that, and we ought not to put any manufacturing processes in there, mineral or otherwise. If they have any way of examining vegetable dye for coloring food or otherwise that is going to be useful, they may need to have an increased appropriation for that purpose, but as to going into the analysis of mineral dyes and equipping practically a new section of their laboratory for that purpose, it ought not to be done in this bill.

It is not in the organic act creating the Agricultural Department and ought not to be attempted under a passing notion or excitement that we want more dyestuffs.

Mr. HELVERING. Will the genleman yield?

Mr. BORLAND. I do.

Mr. HELVERING. The gentleman understands that there is a bill, and looked upon favorably, for the protection of the manufacturers of dyestuffs in this country?

Mr. BORLAND. Yes.

Mr. HELVERING. Does not the gentleman think that should be engaged in by the Government rather than left to private individuals?

Mr. BORLAND. I do not think it is needed. I have talked with men in the paint business in this country, the largest paint manufacturers in the country, and they tell me when the shortage of coloring matter occurred they sent to Switzerland and Austria and imported scientists into this country, and to-day they are making reds and other colors, aniline dyes, equal to if not superior to the Austrian and German dyes. They are supplying their own needs and are beginning to supply printing manufacturers and they are on the point of soliciting orders from textile manufacturers. I asked them whether they needed any protection, and they said they did not. Mr. Chairman, I make the point of order on this paragraph.

Mr. LEVER. Mr. Chairman, I would like to be heard briefly on the point of order. A casual examination of this item, I think, would lead anyone to conclude that it was subject to the point of order as it led me to conclude that it was subject to the point of order. But a more careful investigation has convinced me that the paragraph is not subject to the point of order. Now, I want to call the attention of the Chair, as I have done at other times, to the language of the organic act creating the Department of Agriculture:

> There shall be at the seat of government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture.

Now, on that proposition I want to call the attention of the Chair to this fact, that the testimony which has already been read in the hearing of the Chair during this discussion from the scientists of the Department of Agriculture is to the effect that there are a great many agricultural products, that there are a great many forest products, out of which dyes of all description have been made and are being made at this time, and out of which a great many other dyes may be made with proper investigation and the development of proper processes. That is the first proposition, and it is that the full utilization of the agricultural products of the country may make it necessary that we inquire into the processes of dyeing and coloring these articles of the farm. If so, then the language of the organic act is broad enough in my judgment to meet this situation. The second proposition I call the attention of the Chair to is this: The Department of Agriculture under the law is intrusted with the enforcement of the pure food and drugs act. The experts from the chemistry division of the Department of Agriculture tell us that it is absolutely necessary in the proper enforcement of the pure food and drugs act that they be in position to know the amount of coloring in given food products. Not only that, but they must be in position to know the composition of the coloring matter in those food products, so that it has been found necessary in the chemical department to manufacture a number of aniline dyes, to which the gentleman from Missouri refers, which are there made by certain processes from coal-tar products in order that the Bureau of Chemistry may fully, completely, and wisely enforce the act which Congress has put upon them to enforce, the pure food and drugs act.

Now, then, it seems to me, under the organic act, we should have the right to appropriate in this bill for the purpose of investigating the processes and methods by which we may make farm products more valuable and useful to the public and by which we may gather information touching those agricultural products that may be diffused to the people of the country under the wording of the organic act. It seems to me that we not only have that right, but we go one step further and say we must have the right in the enforcement of the pure food and drugs act, if we are going to enforce it properly, to ascertain the methods of developing and producing aniline dyestuffs in this country which go into coloring matter. I want to call the attention of the Chair to a rule of construction laid down by the great Chief Justice of the United States, Chief Justice Marshall, in the interpretation of a statute, and I take it that the Chair, in interpreting the meaning of statutes and their application to points of order on appropriation bills and in the interpretation of the rules of the House, would be guided largely by the principles that are laid down by the courts in interpreting the statutes that come before them. In the case of McCulloch versus Maryland, Chief Justice Marshall said:

> Let the end be legitimate, let it be within the scope of the Constitution and all means which are appropriate, which are plainly adapted to that end, which are not prohibited but consist with the letter and spirit of the Constitution, are constitutional.

Now, of course, this is not a constitutional question; it is a question of order, but if the Chair can make up his mind that the work we are undertaking to do here is incidental to the carrying out of the powers that have been conferred by law, then these incidental rights certainly accrue and the point of order will not lie.

Mr. BORLAND. Mr. Chairman, the rule is that if any portion of a paragraph is out of order the entire paragraph is out of order. If we admit the argument of the gentleman from South Carolina, there would be absolutely no limitation upon the powers of the Department of Agriculture, and we could appropriate and consign to them any work within the sphere of human endeavor. The fact that they may have occasion to test aniline dyes entering into the coloring of food matter, if we give them power to go to the question of the process of the manufacture of aniline dyes, why, it could be argued with equal strength that the fact that they have occasion to use buildings in connection with the Department of Agriculture would give them unlimited power to test building materials, fireproofing, structural material, and structural strength of all kinds.

If they need coal to heat their buildings or to engage in laboratory work, it would enable them to go into all the processes of mining and distributing coal. The fact that they might occasionally need gas in their processes or in the work of their department would give them the entire field of gas investigation. The fact that they need electricity occasionally in their work would give them the entire electrical field. And so there would be no limit whatever to that process of argument. You have got to confine it to what is germanely and reasonably connected with the development of the agricultural industry.

Now, it has been pretty generally understood in this debate that the moving cause of this particular appropriation is to find dyestuffs for manufacturing purposes, not for the coloring of food, and the chief of those dyestuffs are mineral productions and not agricultural at all; but it is assumed that the two can be lumped conveniently. Whether they can be conveniently

lumped together is not the question before the Chair. The question before the Chair is whether the part they propose to engage in is beyond the power of the organic law. If it is, then the paragraph is subject to a point of order. They may be able to introduce a paragraph that is not subject to a point of order——

Mr. FOSTER. The gentleman from South Carolina [Mr. LEVER] quoted the Agricultural act. This comes under a different act, the pure-food act, and the Bureau of Chemistry comes under that.

Mr. LEVER. There is no statutory provision establishing the Bureau of Chemistry.

Mr. BORLAND. There is no statutory provision establishing the Bureau of Chemistry. If the gentleman says they have got any such warrant of law it is up to him to point it out, but he would in so doing prove there was no necessity for this paragraph.

Now, here is what I want to call the Chair's attention to. They say:

For investigation and experiment in the utilization, for coloring purposes, of raw materials grown or produced in the United States.

Now, the word "grown" is clearly identified with agricultural pursuits. "Grown in the United States" would include almost any vegetable product. But they have very carefully enlarged that language, and I think with a good deal of care and skill, so that it is absolutely unlimited in its scope. They say, "Grown or produced in the United States." Now, "produced in the United States" means any possible line of human activity, and there is no question but that it is beyond the powers of the organic act.

If Congress were to legislate in that way, to create by an organic act one department, and then by its construction enlarge its activities into every department over which Congress has power to legislate, the limitations of law would be ropes of sand. Congress puts limitations upon the Agricultural Department and it confines it to agriculture—to matters grown within the United States—but they say, "grown or produced within the United States," and the minute they say "produced in the United States" they have usurped the entire field of human activity—manufacturing, mining, and all other forms. Now, there is no question about that; and if that is true, and it is practically admitted in the argument that preceded this argument on the point of order, then it is certainly beyond the organic power of the act.

Mr. ANDERSON. Does the gentleman contend that the investigations of the Department of Agriculture are necessarily limited, or are limited by the act creating the department, to the investigation of raw products—products of the soil in their natural state—and those investigations can not go beyond the investigations or the dissemination of information in regard to agricultural products in their raw state?

Mr. BORLAND. No; that argument is not necessary.

Mr. ANDERSON. That seems to be a necessary sequel to the gentleman's argument.

Mr. BORLAND. The gentleman will readily concede, I think, as he is a pretty clear thinker, the words "produced in the United States" comprise about as wide a term as could be used.

Mr. ANDERSON. That is true; but it does not seem to me that the mere fact that that may include articles which are not strictly raw products of agriculture necessarily would lead to the conclusion that this amendment goes beyond the authority of the enabling act, and is consequently not in order.

Mr. BORLAND. As a matter of fact, it has been pointed out here to the Chair that the Bureau of Chemistry is a "by-product" of the pure food and drug act. There is not any organic law creating it. It is a part of the necessary and incidental machinery for enforcing the pure food and drug act. That further limits the activities of the Bureau of Chemistry, because clearly by that line of argument the Bureau of Chemistry has not the full sweep and power of even the organic act of the Department of Agriculture. It may be used conveniently and tacitly by the department for all sorts of purposes, but if it is a "by-product" of a special law for the enforcement of the pure food and drug act, its powers are much more narrowly defined than the powers of the department itself. In other words, it may be possible to provide for an additional chemical laboratory for the purpose of dyestuffs under the organic act, provided we are limited to agricultural products, but not necessarily to confer that power upon the Bureau of Chemistry.

Now, the fact that the Bureau of Chemistry exists in the Department of Agriculture seems to be the only argument that has been advanced why any of these powers should be conferred upon it, and I submit that is not, on a question of the point of order, on a question of law, a controlling feature. It is not a question of convenience; it is a question of whether the organic act extends to that line of activity.

The CHAIRMAN. The Chair might regret that a point of order is made to this paragraph, but that is not a question for the Chair to take into consideration in passing on the point of order. As has been stated here, and it appears undisputed that this Bureau of Chemistry is an incident made necessary now by the passage of the pure food and drugs act. The Chair can not agree entirely with the gentleman from South Carolina [Mr. LEVER] that because the investigation of the dye industry might involve and take in some of the products of agriculture and in that way help that industry, therefore the paragraph would be in order on a bill of this kind. It is a fact of which we are all conscious, that there is scarcely any industry in this country that does not touch agriculture somewhere along the line, and if we were to apply the rule invoked by the gentleman from South Carolina, the Chair could conceive of scarcely anything that could not be made in order on an Agricultural appropriation bill.

But I repeat that it appears undisputed—and the Chair thinks that is true—that this Bureau of Chemistry is an incident to the pure food and drugs act. It has been treated as such in all the Agricultural appropriation bills, so far as the Chair knows, and is so treated in this bill. You will observe that provisions are made for conducting an investigation relative to the application of chemistry to agriculture; for an investigation of the character of the chemical and physical tests applied to American food products; for the investigation of the preparation for market, handling, grading, packing, freezing, drying, storing, transportation, and preservation of poultry and eggs; the handling and grading and packing and transportation of fish; the packing, handling, storing, and shipping of oysters, and other shell fish; and for the biological investigation of food and drug products and substances used in the manufacture thereof—recognizing all along that the activities of this bureau are confined to things embraced in the pure food and drugs act.

Now, the Chair was very much interested in the debate upon this particular paragraph, and it seemed to be conceded upon all sides that the real purpose of this provision is to go into a general investigation as to the production of dyes which would not only include agricultural products but, as the gentleman from Missouri [Mr. BORLAND] says, using the broad term, "materials grown or produced in the United States," that might and likely would go entirely outside the realm of agriculture. It seems to the Chair that to hold this paragraph in order would be to go far afield of the original purpose in establishing this bureau. Therefore the Chair feels constrained to sustain the point of order.

Mr. ANDERSON. Mr. Chairman, I desire to offer an amendment as a new paragraph.

The CHAIRMAN. The gentleman from Minnesota [Mr. ANDERSON] offers an amendment as a new paragraph, which the Clerk will report.

The Clerk read as follows:

Insert, as a new paragraph, on page 46, after line 16, the following: "For the employment of chemists and other scientific assistants for investigation and experiment in the utilization of coloring materials, $50,000."

Mr. BORLAND. Mr. Chairman, I reserve a point of order on that.

Mr. ANDERSON. If the gentleman thinks it subject to a point of order, he might as well make it. I do not care to debate it.

Mr. BORLAND. I make it.

The CHAIRMAN. Does the gentleman from Minnesota want to be heard?

Mr. ANDERSON. Just one moment, Mr. Chairman. The enabling act, or the act creating the Department of Agriculture, authorizes the employment of "chemists, botanists, entomologists, and other persons skilled in the natural sciences pertaining to agriculture." This amendment merely authorizes the employment of chemists and other scientific assistants for the purpose of making investigations of coloring material.

It seems to me that that is clearly in order. It is a mere appropriation for the employment of persons for the purposes designated, and in that case it seems to me it is in order and not subject to a point of order.

The CHAIRMAN. The Chair will ask the gentleman to read that paragraph again. The Chair could not catch it.

Mr. ANDERSON. This is in the original act. I read:

And he shall, as Congress may from time to time provide, employ other persons for such times as their services may be needed, including chemists, botanists, entomologists, and other persons skilled in the natural sciences pertaining to agriculture.

Now, the question of coloring matter is a natural science which pertains to agriculture.

The CHAIRMAN. Would the gentleman permit the Chair to ask him this question? There is no doubt about the authority of the Secretary of Agriculture to employ chemists under that act, but would the Secretary of Agriculture have or has the Secretary of Agriculture got authority to use these chemists for the purpose of making an investigation into the production of dyes for general manufacturing purposes?

Mr. ANDERSON. That is a matter of the general interpretation of the language. I say he may employ chemists for the purpose of investigating coloring materials. It is a fact that the Bureau of Chemistry now does investigate the question of coloring matter in foodstuffs, both in respect to coal-tar dyes and other kinds of dyes. I can see no reason why an investigation of this kind is outside of the purview of the Department of Agriculture. It seems to me to be clearly within the authority of the department.

Mr. BORLAND. Mr. Chairman, it need only be said about that amendment that it is a little bit broader, if possible, than the amendment that was ruled out. It is a little less confined in its operations.

This Bureau of Chemistry under which this amendment is offered is a creature of the pure food and drugs act. The gentleman can not get away from that, and he can not get away from the proposition that, even if the powers of the department were broad enough to create a laboratory for the investigation of the general production of coloring matter, it certainly would not be under this particular bureau. He has not confined his language by any means, by direction or indirection, to the primary purpose of this section of the bill, which is the enforcement of the pure food and drugs act, in relation to food and materials. He is just simply given a roving commission to investigate coloring matter; and it is not only subject to all the objections referred to in the decision of the Chair a moment ago, but to the further objection that it is much broader than the Bureau of Chemistry, where it is placed.

Mr. ANDERSON. Mr. Chairman, may I point out the fact that there is nothing in this amendment which confines the persons employed in the Bureau of Chemistry to any particular line?

Mr. BORLAND. That is exactly the trouble.

Mr. ANDERSON. And consequently the proposition is not limited to any authority which may be conferred upon the Bureau of Chemistry. If it has any jurisdiction at all, it gets it from the organic act.

Mr. BORLAND. But the gentleman has offered it in this place.

Mr. ANDERSON. That does not affect that situation.

Mr. BORLAND. The gentleman has offered it as a part of the Bureau of Chemistry appropriation.

Mr. HELVERING. As a matter of fact, you are arguing that the Bureau of Chemistry is incidental. His amendment is introduced under the organic act providing for the employment of chemists in the Agricultural Department. The provision under which he has introduced the amendment as a new paragraph is under the provisions of the organic act making it possible to hire chemists, and you are trying to confine it to the Bureau of Chemistry, which is incidental to the pure-food act.

Mr. BORLAND. The gentleman will see that he has offered his amendment to the Bureau of Chemistry appropriations. He offered it at the place where the Bureau of Chemistry appropriations are taken care of, and I say that is one point against it; but, in addition to that, the decision of the Chair on the previous point of order also applies. There are two points against this particular amendment.

Mr. STAFFORD. Mr. Chairman, the amendment that is proposed is considerably different from the original paragraph carried in the bill. I quite agree with the ruling of the Chair that the original paragraph was subject to a point of order, but I have serious doubts whether this amendment is subject to a point of order. From the face of the amendment you can not conclude that it is not for use in connection with agriculture. We have in the department a Bureau of Chemistry, authorized to investigate and to employ chemists to ascertain whether foods are adulterated or not. These chemists might be employed for the ascertainment of coloring material that could be utilized in the adulteration or misbranding of foods or drugs. In considering whether this amendment is in order, the Chair can not ask himself what is the purpose behind this amendment. The Chair can only consider the bald fact as to whether under the law creating the Department of Agriculture, coupled with the organic act creating the Bureau of Chemistry, there is authority that will warrant the employment of these men. I contend that there is authority.

The pure-food act authorizes an investigation by the Bureau of Chemistry as to whether food has been misbranded or adulterated. It is known to the Chair, and he must take cognizance of the fact, that foods are adulterated by means of coloring matter. There is nothing in this amendment to show that the investigation along these lines will not be utilized for that very purpose. The pure-food act passed in 1912 authorized the establishment of a Bureau of Chemistry, and I direct the attention of the Chair to section 4, which reads that examinations of specimens of foods and drugs shall be made in the Bureau of Chemistry and under the direction and supervision of such bureau for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this act. Here we are providing an agency whereby the department may be empowered to ascertain as to coloring matter, as to whether it may not be so utilized. If there is this warrant, as I am trying to show the Chair that there is; if the Bureau of Chemistry, inquiring as to the adulteration or misbranding of foods or drugs, is authorized to do this, then this is in order. I want to emphasize the wording of the original pure-food act authorizing the Bureau of Chemistry to inquire as to the misbranding of foods and drugs. The Chair must know that foods and drugs are adulterated by the utilization of coloring matter. But how can the department ascertain whether there is coloring matter in those drugs and foods unless they have chemists to analyze the component parts of the material?

Mr. BORLAND. How does that include the investigation of the production of these coloring matters? You are investigating now as to whether there is coloring matter in the food.

Mr. STAFFORD. There is nothing in the amendment before the committee as to production; but even if there were, it would be connected with the original scope of the investigation. If the gentleman has read the original authorization creating the Bureau of Chemistry, he will see that there is——

Mr. BORLAND. I have it right before me.

Mr. STAFFORD. I hope the gentleman has considered it.

Mr. BORLAND. It does not cover the question of the investigation of how coloring matters are made or produced. It covers the question whether they exist in the food.

Mr. STAFFORD. It covers examination of specimens to ascertain whether they are adulterated or misbranded, and I consider this amendment as carrying out the law creating the Bureau of Chemistry.

The CHAIRMAN. This amendment proposed by the gentleman from Minnesota [Mr. ANDERSON] provides for the employment of chemists and other scientific assistants for investigation and experiment in the utilization of coloring materials. It occurs to the Chair that the Bureau of Chemistry has that authority now. The Chair does not think that the amendment changes existing law, and therefore overrules the point of order.

Mr. BORLAND. How much is the appropriation carried in the amendment?

The CHAIRMAN. Fifty thousand dollars. The question is on the amendment offered by the gentleman from Minnesota [Mr. ANDERSON].

The amendment was agreed to.

The Clerk read as follows:

For enabling the Secretary of Agriculture to carry in effect the provisions of the act of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," in the city of Washington and elsewhere, including chemical apparatus, chemicals and supplies, repairs to apparatus, gas, electric current, official traveling expenses, telegraph and telephone service, express and freight charges, and all other expenses, employing such assistants, clerks, and other persons as may be considered necessary for the purposes named, and rent outside of the District of Columbia; and to cooperate with associations and scientific societies in the revision of the United States Pharmacopœia and development of methods of analysis, $632,951.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Does this appropriation cover investigations made under the Harrison Antinarcotic Act?

Mr. MANN. It does not cover the Harrison law.

Mr. LEVER. I will say to the gentleman from Pennsylvania that this is the appropriation for the enforcement of the pure food and drugs act. I do not think it has anything to do with the Harrison Act, as I understand it.

Mr. BORLAND. The antinarcotic act is enforced by the Department of Justice.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to extend my remarks on dyestuffs.

Mr. HICKS. I ask unanimous consent to extend my remarks on oyster culture.

The CHAIRMAN. If there be no objection, the two requests will be granted.

There was no objection.

The Clerk read as follows:

For investigating the grading, weighing, and handling of naval stores, the preparation of definite type samples thereof, and for the demonstration of improved methods or processes of preparing naval stores, in cooperation with individuals and companies, including the employment of necessary persons and means in the city of Washington and elsewhere, $10,000.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee why this provision for demonstration of improved methods or processes of preparing naval stores is put in this particular place?

Mr. LEVER. It was carried in last year's bill under miscellaneous items. The Bureau of Chemistry has been doing the work, and we thought we had better bring it back into the bureau itself.

Mr. BORLAND. Is this done for the public vessels of the United States or for all the naval stores? I understand naval stores is the general term that applies to the merchant marine——

Mr. LEVER. Yes; it applies to turpentine and rosin for the entire country.

Mr. BORLAND. For private parties as well.

Mr. LEVER. The bureau establishes a standard and these standards are available to the country just as much as to the Navy Department.

Mr. BORLAND. I do not see any objection to it.

Mr. HARRISON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. EDWARDS. Mr. Chairman, I hope the paragraph just read will remain in the bill. It is as follows:

For investigating the grading, weighing, and handling of naval stores, the preparation of definite type samples thereof, and for the demonstration of improved methods or processes of preparing naval stores, in cooperation with individuals and companies, including the employment of necessary persons and means in the city of Washington and elsewhere, $10,000.

This is good legislation and will benefit an industry representing investments of over $100,000,000 and which produces over $40,000,000 worth of products annually. The purpose of the appropriation is set out in the reports on this bill, on pages 864 and 865.

It is conservatively estimated that through improved methods of manufacturing rosin and spirits of turpentine a waste of over $4,000,000 annually can be saved. It is indeed worth saving, and will mean much to the operators and to the industry as well as to the consumers of these products.

The Secretary of Agriculture has very ably set out the need and purpose of this appropriation in a letter addressed to me, which I insert in the RECORD at this point and which is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, April 13, 1916.

Hon. CHARLES G. EDWARDS,
House of Representatives.

DEAR MR. EDWARDS: In compliance with your telephone request of April 11, the following statement is made concerning the work of the Department of Agriculture on the weighing, grading, and handling of naval stores:

Definite provision was made in the appropriation act of 1915, through amendment in the Senate, for the continuance of the work on naval stores which had been conducted for several years under the general appropriation to the Bureau of Chemistry for agricultural investigations. In the estimates for the fiscal year 1917 the department recommended that $5,000 be appropriated for continuing the work during 1917. It is estimated that about $3,000 of this sum will be returned to the Treasury through the sale of the glass-type samples.

An additional $5,000 is provided in the appropriation bill, as reported to the House, for the demonstration of improved methods or processes of preparing naval stores. If this sum is made available, it will be used to demonstrate methods of making higher grades of rosin; for saving material having a value of approximately $4,000,000 yearly, which is now being wasted at the stills; for demonstrating better methods of handling at the still and more efficient and economical conduct of the business.

This work will not only benefit the naval-stores industry, with its capitalization of $100,000,000 and an annual production valued at $40,000,000, but will also benefit directly the enormous industries of paint, varnish, soap, paper, textile, and ink making.

The work on naval stores has already yielded results of direct benefit both to the producers in the South and to the users of turpentine and rosin, the paint and varnish makers, soap makers, size and rosin-oil makers, and to all who use these products, by providing definite glass types which serve as the standards for the grading of rosin. The result is that there is closer agreement between sets of these rosin types, which are used in grading every barrel of rosin, than there has ever been before.

The opinion of the naval-stores industry, producers, and users on the glass types is indicated by a statement recently made by the supervising inspector of Georgia and concurred in by the supervising inspector of Florida—

"That there is no question about it, but that the adoption of the standard types, which went into effect the 14th of June, was the best step toward progression in this business that we have ever taken"—

and by the statement of the naval-stores committee of the Oil, Paint, and Varnish Association that—

"It is our opinion that the efforts of the Government along these lines (the preparation of definite glass types, standardization of grades of rosin and turpentine, etc.) will inure to the benefit of both the buyer and seller."

It is desired during the coming fiscal year to prepare a sufficient number of sets of the glass types, that they may be used exclusively in grading rosin, replacing the types of rosin now used which do not hold their color, thus leading to inaccurate grading, and are easily broken and become useless. Many requests, which the department can not yet meet, are being received from producers and users alike for the permanent glass types. These will be supplied next year at the cost of production if the funds are available for the purpose.

Not a single objection to the glass types as permanent standards for rosin nor to the department's preparation of and responsibility for them has come to the department's attention from either producers or users of rosin. These types, which are made to duplicate as closely as possible the average of the rosin types employed for years in grading rosin, were heartily indorsed by a representative gathering of producers, factors, dealers, exporters, and users at a meeting held in Washington in March, 1914, and have since been formally adopted by the boards of trade, chambers of commerce of the producing sections, as well as by the New York Produce Exchange. Their use promotes fair and confident dealing in rosin.

Producers and users of naval stores have long held that rosin is often seriously misgraded, and that turpentine is adulterated with mineral oils. The work of this department confirms these statements, and is continuing to develop the underlying causes. Help from the department through permanent glass types, instructions in improved methods of grading, and the use of better apparatus in grading will greatly reduce unintentional errors, but will, of course, not decrease fraudulent practices.

By the beginning of the next fiscal year the department will have its information on this subject in available form and will be ready to demonstrate to inspectors and the trade generally more accurate and reliable methods of grading rosin.

In addition to the cordial support of the naval-stores industry as developed at the naval-stores conference in March, 1914, the National Oil, Paint, and Varnish Association, annual meeting, October, 1914, passed the following resolution:

"That the secretary of the association be instructed to write to the Department of Agriculture approving the investigation now being made by the department and expressing the hope that the time will come when rosin can be bought on a net-weight basis."

Very truly, yours,

D. F. HOUSTON, *Secretary.*

The Clerk read as follows:

Total for Bureau of Chemistry, $1,153,801.

Mr. GILLETT. Mr. Chairman, I offer the following amendment as a separate paragraph.

The Clerk read as follows:

Page 47, after line 21, insert as a new paragraph the following:

"To enable the Secretary of Agriculture to cooperate with and make an exhibit at the next annual meeting of the National Dairy Show Association to be held at Springfield, Mass., during the fiscal year ending June 30, 1917, illustrative of the boys and girls' club work and other features of the cooperative agricultural extension work carried on in the North Atlantic States, including labor and all expenses in the city of Washington and elsewhere, $15,000."

Mr. LEVER. Mr. Chairman, to that I reserve a point of order.

Mr. GILLETT. Mr. Chairman, I appreciate that this is subject to the point of order which the gentleman has made because last year a similar point of order was made on an amendment in relation to the dry-farming congress, and the point of order was sustained. I can see that this is subject to the same point of order, but I hope possibly the conditions here are so meritorious that the gentleman from South Carolina may be persuaded to relent and withdraw his point of order.

I appreciate the evil of the Nation appropriating to local projects. But this is not a project where the people themselves have not dug deep down into their pockets before they appealed to the Nation for assistance. There has been organized in Springfield an agricultural and industrial exposition, and the national dairy show, which for years has exhibited in the West, is to come to Springfield this year. Springfield is a city of only 100,000 people, and yet it has only been a month or two since they raised $535,000 right in the city for this exposition, and the remaining $200,000 is to be raised in the Eastern States. This exhibition is for the six New England States and the four Middle States—New York, New Jersey, Pennsylvania, and Delaware.

Mr. MANN. Will the gentleman from Massachusetts yield?

Mr. GILLETT. Certainly.

Mr. MANN. If we should make this appropriation of $15,000, has the gentleman from Massachusetts, now the ranking minority member of the Committee on Appropriations, and likely to be chairman of the committee in the next Congress [applause on the Republican side], made any estimate of how much this would incidentally cost the Government—how many millions of dollars?

Mr. GILLETT. No; Mr. Chairman, I have not entered into that very large and speculative field. [Laughter.]

Mr. MANN. Has the gentleman made any estimate of how many times it would be thrown up at him?

Mr. GILLETT. Yes; I have thought of that.

Mr. LONGWORTH. Does the gentleman think this would have a tendency to enforce the civil-service laws?

Mr. GILLETT. I do not think it would have any effect on those. I think they would still keep their pristine vigor.

But there is this argument in answer to what the gentleman from Illinois has said: My section is discriminated against in present appropriations of this kind. If we were in the same condition as is the South under present appropriations we would not need the $15,000, for I believe there is $600,000 appropriated for the 13 Southern States where there is only $500,000 appropriated for the other 35 States. In the Southern States the work is going on with the present appropriation, but we have not an appropriation in our locality, and therefore it seems that to a certain extent that answers the objection of the gentleman, and shows that we are only trying to equalize in a very small measure the disparity of the appropriations at present.

Mr. SLOAN. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. SLOAN. Are these the same 10 States from whence comes the 50 immortals of the American Academy of Letters and Arts?

Mr. GILLETT. No; they are not. Mr. Chairman, when I was diverted by the irrelevant question of my friend from Nebraska I was stating that the boys' and girls' clubs for home and agricultural work are engaged in a development of very great usefulness in all sections of the country. This appropriation is exclusively to further their exhibit at this great exposition of the national dairy show.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

[By unanimous consent Mr. GILLETT's time was extended five minutes.]

Mr. GILLETT. Mr. Chairman, this money is to be appropriated exclusively to the exhibits of the boys and girls' clubs. This exposition is going to put up a building to cost from $35,000 to $50,000 for the exclusive purpose of these exhibits. The $15,000 the Secretary of Agriculture says will be used exclusively by the department in going through these 10 States, sending out leaders and stimulating the interest of boys and girls' clubs to have special exhibit there, in order to weed out and select the best exhibits for the national exhibition. So the value is not simply the exhibition, but the chief value is the stimulant that it is going to have upon these clubs, that already are doing so much good.

The county of Hampden, in which the city of Springfield is located, you in the West would not consider an agricultural region at all, but purely industrial; and yet in the last few years there has been formed there the Hampden County League, whose purpose is just in line with this appropriation, to stimulate the interest in agriculture. The business men have contributed to it, not out of philanthropy but because they appreciate that building up the surrounding region will help their industrial life. There was raised the first year about $10,000 by private subscription, which was used to instruct and help the farmers and lead them into the new methods of production. Through its organized efforts it has induced farmers to introduce modern and improved methods in their orchards, their soil, and their stock. The next year they nearly doubled that amount, and then we had an act passed in the legislature allowing the county to tax itself $10,000 a year, and that has been done regularly and cheerfully, so that now we are raising about $25,000 a year by taxation and subscription, about half and half from each, to develop the agriculture which I suppose you from the West would think was very petty and impossible in our barren fields. We are raising stock and produce dairy products, and the boys and girls are developing a very great interest in this new life. The national dairy show which is to be held there this fall is going to appropriate $3,000 in prizes for these boys' and girls' exhibits. It is for that purpose that I have offered this amendment. I had some suspicion that the gentleman from South Carolina [Mr. LEVER] might raise the point of order, and perhaps that mitigates the danger which the gentleman from Illinois [Mr. MANN] thinks I am encountering in offering the amendment; but it is possible that the gentleman will appreciate——

Mr. MANN. Oh, I want the gentleman to understand that I hope the point of order will not be made and that the appropriation will be made.

Mr. GILLETT. I thank the gentleman. I hope the gentleman from South Carolina will be of the same mind and withdraw his point of order. I am sure everyone admits the importance of the purpose aimed at; and considering the relatively insignificant appropriation of national funds which our section receives for these purposes compared with what you get in the South and the large amounts which our local enterprise is raising and spending, I submit whether this is not a case where this small appropriation might wisely be granted.

Mr. LEVER. Mr. Chairman, I regret exceedingly much that I am constrained under the circumstances to make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For chemical investigations of soil types, soil composition and soil minerals, the soil solution, solubility of soil and all chemical properties of soils in their relation to soil formation, soil texture, and soil productivity, including all routine chemical work in connection with the soil survey, $20,610.

Mr. SISSON. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent that I may be permitted to proceed for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in 15 minutes.

The CHAIRMAN. Is there objection.

There was no objection.

Mr. SISSON. Mr. Chairman, the item now under consideration is the most important item in the bill; that is, the preservation of the soil of this Republic. This matter was discussed fully in 1849, and so far as I have been able to discover it was at that time that the first report was made to Congress in reference to the condition of agriculture in the United States, and that may be considered the beginning of the Department of Agriculture. That report is a most illuminating one. It will be most interesting to any Member of Congress who will take the time to investigate it. The vast amount of learning and talent displayed by those gentlemen in that early day is most remarkable, especially their scientific knowledge of the soil and soil improvement, what and how much it means to this Republic, what it means to the business of the country, and what it means to the city and to the future of the human race. The report is not only a scientific one, but is most beautifully prepared, and prepared in the most beautiful language. This report to which I refer was made by one Mr. Daniel Lee to Mr. Thomas Ewbanks, who was the Commissioner of Patents at that time, and the Department of Agriculture had its birth in the Patent Office and from this report. I shall not weary the committee by endeavoring to read or to put into the RECORD all of this report. It is entirely too long. But the reasons why our Government should foster and encourage agriculture are most convincing. Some of these I want to call to your attention. Before doing this, however, I want to congratulate the chairman of the Committee on Agriculture for his zeal, his earnestness, and his ability in the management of this great bill. The country is extremely fortunate in having the service of such a man to guard the interest of agriculture. If the Department of Agriculture can be successful in carrying into effect the provisions of this bill and can secure the results that should flow from the expenditure of the money carried in the bill, it will do the country more good than the money expended through any other bill passed by Congress.

Mr. Chairman, Mr. Lee in the report pleads for agricultural education, and states that the greatest tax the farmer pays is a lack of proper knowledge of the great science of agriculture, and it is a great science. He refers also to the fact that the great Government of the United States was in the habit back in those days of expending vast sums of money in the development of transportation in the country and great sums of money in the development of all other lines of industry, and that the Halls of Congress were filled with great debates on the industries of the country and the development of manufacture, but that little was said and nothing done by Congress for agriculture, the basis and foundation of all these things, and the basis of all civilization. In speaking of the development of the rural life he calls attention to the fact that where rural life was developed, where they had proper schools, where the soil was properly cultivated there was thereby developed a strength and a virility which will be stronger and better in its effect upon the preservation of the Republic than any other activity, and that if the Federal Government was to be enduring it should devote some of its activities to the development of the farms as well as the development of factories. He calls attention to the fact that if a pirate on the high seas shall destroy a few hundred dollars' worth of property the United States Government instantly expends millions of dollars in order to put down the insects of the sea, but that millions—yea, untold millions—might be destroyed by the insects in the field and forest—and he enumerates the very insects many of which we are battling with to-day—and Congress did nothing about it; and he urged upon Congress the necessity of performing that duty, as it was one of those duties which a single State could not perform. One State might eliminate one insect, and the very next year the invasion would come from the other side.

Therefore it was a proper activity for the Federal Government. In discussing the results that would follow from it he uses this sentence:

The continued fruitfulness of the earth is an interest far greater and more enduring than any form of government.

And that is true, because it is by the fruitfulness of the soil that all human beings must exist. He called attention to the fact that in many instances the people most interested in the development of agriculture were the people who would laugh at and make fun of any man who advocated the Federal Government having anything to do with agriculture, and he also refers to the fact that we should be thankful that the time is at last reached in the development of the Government where they no longer laugh when this subject is discussed, and he hopes the time will soon come when Congress will be so impressed by it that it will act. He says that these men from the cities, who are prone to laugh at Congress taking steps to aid agriculture, will be the first people to suffer in a dearth of food, because the farmer only sells his surplus to the cities. He says:

A great principle is involved in the science of agriculture, which reaches through indefinite generations, and forms the basis of all possible improvements and of the highest hopes of our race. All advancement is impracticable in a country that closely approximates the condition of a desert.

Mr. FESS. Will the gentleman yield for a question?

Mr. SISSON. I do.

Mr. FESS. Did I understand the gentleman to say the report was made in 1849?

Mr. SISSON. It was prepared in 1849 and actually submitted in 1850.

Mr. FESS. And in 1849 also the Department of the Interior was created, and I was wondering whether it included the Department of Agriculture later, and I was wondering whether this report led to the creation.

Mr. SISSON. I have not had an opportunity to investigate that matter. That is a matter of history that I would like to inform myself about, and will as soon as I have the leisure. Now, in reference to the development of rural life, Mr. Lee says, in this report to Mr. Ewbank:

A lack of mental culture and discipline is the most serious impediment to the diffusion of agricultural science among the mass of farmers. Its language is to them an unknown tongue. Hence the most sublime truths in the economy of nature are shut out from the popular understanding. It is feared that this will ever be the case until schools designed to teach those branches of learning which the practical farmer greatly needs, but does not possess, are established and maintained throughout the United States. So long as we refuse to plant the seed, it is folly to expect a rich harvest of knowledge.

I am glad that this eloquent appeal of Mr. Lee has been heard and that the States have made a beginning by establishing agricultural colleges and that the Federal Government has granted some aid. But when we see the many billions that have been spent for pensions and for Army and Navy and other purposes we can but be astonished at the backwardness of Congress in its effort to develop agriculture, which is the very first essential to our national life. O, gentlemen of the House, your Army and Navy will be developed in vain if you do not properly cultivate your fields to feed your Army and Navy.

Since I have been a Member of this House I have at all times and whenever I had an opportunity plead for the farmers of the country. In being their friend and one of their humble champions, I have been the champion of all the people of the cities and towns. If agriculture fails, the mighty brick and mortar of our cities that tower in their beauty, as the lives of busy industry will become charnel houses of idleness and want and misery and death. It is the shoulders of the honest, industrious, and patient farmer that uphold all this vast structure. Without him the music of busy factories would be hushed; the great ships that fleck the ocean by the thousands would be rotting at the wharves, and the scream of the locomotive would be heard no more in the land.

So I take occasion now, as I have done repeatedly before on this floor, to appeal to you to do all in your power to encourage and advance the productiveness of our farms. Let this Congress not adjourn until we have passed a good rural-credits bill that will give the farmer money at a low rate of interest and for long time, so as to lighten his burden and care and encourage him in soil improvement and better cultivation of his crops, thus increasing his return from every acre of land. This will enable him to educate and train his boys and girls, improve his home and farm, to build better roads, and to make happy and joyous country life. The desire of our boys and girls to leave the farm will cease, and soon the Republic will be upon a foundation that can not be shaken.

Now, Mr. Chairman, to return to this report. I want to call your attention to his discussion of soil improvement. In discussing soil improvement he analyzes what is lost to the people at large of the amount of matter essential to plant life which is and will be taken out of every acre of land by every crop unless you can by diversifying the crops improve the soil; and he says that in 100 years, unless there is a change in the methods of agriculture in the United States, you would make all the tillable land in America absolutely a desert and plant life would disappear. He also refers to the history of the deserts in Asia, which were once fertile fields and covered with forests and abounding in fertility, but now worthless to man, caused by neglect and ignorance in taking from the soil year by year its substance and returning nothing to it. If the Federal Government fails in its duty to the farmer, we may see the same condition here. He urges that Congress perform this duty to the people of the Republic. Let me insist that we take this advice to-day and urge upon our great Agricultural Department the prime importance of the preservation of our soil, which is not ours but is ours in trust for future generations. [Applause.]

Mr. FESS. Will the gentleman yield?

Mr. SISSON. I do.

Mr. FESS. I am interested to know whether Mr. Lee at that early time suggested the possibility of increasing the fertility of the soil instead of wearing it out?

Mr. SISSON. He does, and the report is a voluminous one. In other words, every acre of land which has been under cultivation one year ought to be the cheapest acre, and land that has been cultivated two years ought to be better than it was the preceding year; and when land has been under cultivation, as it is in some portions of Indiana and Illinois, where they have applied some scientific agriculture and some diversified farming, the land not only has increased in value, not only on account of the increased demand for the land, but it has increased in value by virtue of its productiveness.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEFLIN. Mr. Chairman, the gentleman from Mississippi is making a very interesting and instructive speech, and I ask that he be given five minutes more.

The CHAIRMAN. The committee fixed the time for closing debate on this paragraph.

Mr. LEVER. How much more time does the gentleman need?

Mr. SISSON. I would like the gentleman to give me 10 minutes if it be possible.

Mr. MANN. Mr. Chairman, I think the gentleman ought to be allowed to proceed until he concludes.

Mr. SISSON. I would not wish to ask that, but I do wish to call attention to some other matters.

Mr. LEVER. I will yield the gentleman the balance of my time, which is five minutes.

Mr. SISSON. I would like to have 10 minutes, and I will conclude within that 10 minutes whether I have said all I desire or not.

Mr. MANN. Will the gentleman from Alabama ask for 10 minutes?

Mr. HEFLIN. Mr. Chairman, I asked that the gentleman have five minutes, but I would ask that he have 10 if he desires.

Mr. SISSON. I would like to have 10 minutes, and then I shall conclude my remarks whether I get all that I wish in the RECORD or not.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the gentleman from Mississippi may proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HICKS. Mr. Chairman, will the gentleman yield for a question?

Mr. SISSON. I will.

Mr. HICKS. And that is, does the gentleman realize that in Japan and China land has been for a thousand years under cultivation and to-day it is worth more than it was at any other period in its history, and that this is because they continually improve their soil?

Mr. SISSON. That is true; that is true in France and in Germany. You know as a historical fact the present territory occupied by the German Empire was the poorest portion of Europe, the most unproductive, and yet by the scientific improvement of the soil they have made it the most productive. I pause long enough to say that there has not been a people on earth that has been as ruthless with their treatment of the soil and the natural productiveness that God has placed upon it as have the people of the United States.

Mr. FESS. Referring to Germany, when Germany had but 38,000,000 population, with the same amount of territory, she

did not produce what she consumed. To-day, with 65,000,000 on the same territory, she was exporting up to the time of the war.

Mr. SISSON. And the great German Government gave to the German farmer assistance, gave to him information, and gave to him demonstrations, gave to him the knowledge of the chemist, and informed him of great scientific principles which the farmer, busy in his field, does not have the time nor the ability nor the opportunity to study out. [Applause.] And I warn the great cities, not in this immediate generation but the one to come, that unless they turn their attention to and give their mind somewhat to the improvement of the soil in America, they will be the first that will suffer. And as has been stated here by Mr. LEE, it may become too late after your lands have approached almost a desert condition to be able to produce upon the land that which is necessary to give back to the soil what it needs.

Mr. Chairman, our people should give their immediate attention to the great question of soil improvement and postpone to a future day—Congress should insist that the Agricultural Department give its very best and most scientific efforts to this question and render to the American farmer this much-needed information so that he may at once begin this soil building.

I was diverted somewhat from what I intended to say. I referred to it incidentally a moment ago. Now, if we want to always be prepared for war, there is something more important than battleships, something more important than the Army, and that is something to feed and to produce the Army and Navy. And if this country should be girdled by a circle of mighty battleships, as long as we are capable of living within ourselves, as long as we are as well prepared—and we ought to be infinitely better prepared than Germany in reference to foodstuffs—it is necessary that this Government shall look to it that there is everything needed to make the wheels of our factories run, to make the locomotive engines run, to feed, and clothe, and house our people; and when we have that we have taken the first, the greatest, and the most permanent steps toward preparedness. Guns, cannon, ships, all amount to nothing unless you have food. [Applause.] Why, everybody who has studied the history of the Civil War knows that it was the lack of food that first caused the Confederate Government to weaken and was the final cause of its downfall. I say without hesitation that if we had bent our energies as much and had said as much about the great agricultural interests of the country—and by that I do not mean the farmers' interests alone, but I mean it in no mere occupational sense, but in the broadest sense of the word—if we had given the time and attention and spent one-tenth of the money in giving the people information as we have on Army, Navy, and pensions, our hills and valleys would be teeming with a fertility little dreamed of. [Applause.] And it is the duty of every patriotic citizen, as long as the expenditure of a dollar is for the purpose of dispensing information in reference to the great secrets of agriculture, locked up, as all secrets of science are, and require patience and toil to find, to spend the dollar to find the truth.

I know of no better way of closing these remarks than to read a quotation from this marvelous report. Speaking of what we have wasted, speaking of what is wasted in the cities, of the products that go in trainloads to them, and that which has been called refuse there, but which Cleveland, Ohio, is beginning to take care of, that which this Government ought to take care of here in the city of Washington as a demonstration to all the other cities of what might be accomplished by it, Mr. Lee says:

> There has been enough of the elements of bread and meat, wool and cotton, drawn from the surface of the earth, sent to London, and buried in the ground or washed into the Thames, to feed and clothe the entire population of the world for a century, under a wise system of agriculture and horticulture. Down to this day great cities have ever been the worst desolators of the earth. It is for this that they have been so frequently buried many feet beneath the rubbish of their idols of brick, stone, and mortar, to be exhumed in after ages by some antiquarian Layard. Their inhabitants violated the laws of nature which govern the health of man and secure the enduring productiveness of the soil.

Skipping the balance of what he says about it, that if the cities would scientifically take care of that refuse—we call it garbage—and would take out of the garbage of the great cities those elements of cotton destroyed and food destroyed, and would gather it up in the cities so that it could be returned to the land from which it had been taken. It would mean in course of time billions of dollars. Do not you think there is enough wasted? In concluding the introduction to his report, he says this:

> Both pestilence and famine are the offsprings of ignorance. Rural science is not a mere plaything for the amusement of grown-up children. It is a new revelation of the wisdom and goodness of Providence—a humanizing power, which is destined to elevate man an immeasurable distance above his present condition.

That is why it was, in the appropriation bill which provided a small sum for the purpose of endeavoring to discover the causes of the prevalent diseases of the country, that I advocated, worked for in the House—but a point of order was made upon it—and finally secured in the Senate a small appropriation for the purpose of investigating rural sanitation. I think it is worth at least a billion dollars annually to the people of the United States to stamp out typhoid fever, the hookworm, pellagra, and consumption. [Applause.] The physicians now have determined what these germs are and now know how to prevent these diseases. When you come in contact with them you are liable to become infected with disease, and when you eradicate the germ and make it impossible for the human system to come into contact with it those four diseases can be absolutely destroyed. Dr. Blue told me that they could be literally stamped out of existence.

I say to you there is absolutely nothing more worthy of the attention of the American Congress than the subject of rural sanitation. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. I want to read three sentences by unanimous consent.

The CHAIRMAN. Without objection, the gentleman will proceed for one minute.

There was no objection.

Mr. SISSON. I read:

> To achieve this result, the light of science must not be confined to colleges; it must enter and illuminate the dwelling of every farmer and mechanic. The knowledge of the few, no matter how profound or how brilliant, can never compensate for the loss incurred by neglecting to develop the intellects of the many. No government should be wanting in sympathy with the people, whether the object be the prevention of disease, the improvement of land, or the education of the masses. One per cent of the money now annually lost by reason of popular ignorance will suffice to remove that ignorance.

[Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has again expired. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

> For exploration and investigation within the United States to determine possible sources of supply of potash, nitrates, and other natural fertilizers, $35,000.

Mr. SINNOTT. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oregon moves to strike out the last word.

Mr. LEVER. Mr. Chairman, may I inquire how much time the gentleman desires?

Mr. SINNOTT. Five or 8 or 10 minutes.

Mr. LEVER. I ask unanimous consent that the debate on this paragraph and all amendments thereto shall conclude in 10 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the debate on this paragraph and amendments thereto shall conclude in 10 minutes. Is there objection?

There was no objection.

Mr. SINNOTT. Mr. Chairman, I desire to approve the remarks made by the chairman of the committee a few moments ago, that a great Nation like ours should not buy from foreign countries what we can produce and manufacture in this country, and I particularly desire to refer in that connection to the subject of mixed fertilizers for the soil, to potash, phosphate, and to nitrates used also in the manufacture of munitions.

I desire to call the attention of the House and of this committee to an elaborate presentation of tentative plans and estimates of water-power projects in the Columbia River Basin made by John H. Lewis, State engineer of Oregon, in conjunction with L. F. Harza, Garfield Stubblefield, and E. J. McCaustland. This report I hold in my hand. It is Bulletin No. 5, office of State engineer. It shows the enormous water-power possibilities of the State of Oregon with tentative plans for developing 2,000,000 horsepower in Oregon and in the Columbia River Basin.

Mr. Lewis in his report states that in 1913, when conditions were normal, about $125,280,000 worth of commercial fertilizers were used in the United States. Of this amount the farmers paid $48,330,000 for nitrogenous substances, $56,000,000 for phosphates, and $20,000,000 for potash salts. Potash is now eight or twelve times its normal price. He further states in his report that practically all the potash salts were imported from Germany, and the entire quantity of nitrates came from Chile, while some electrically made nitrates of lime came from Norway. He states that the phosphates were obtained largely from Florida and other Southern States.

Then he goes on to speak of the enormous water powers in the Northwest going to waste, which should be used for the purpose of manufacturing these fertilizers and nitrates for munitions, and which especially should be used in the fixation of nitrogen. He shows that the essential condition for the establishment of such industries are cheap water power, necessary raw resources, and convenient rail and water transportation to the markets of the world.

Now, we in Oregon and in the Northwest think that we have all these essentials for the purpose of manufacturing fertilizers and nitrates for munitions of war. I want briefly to call to the attention of the committee some of the enormous water-power possibilities that we have upon the Columbia River. The drainage basin of the Columbia River at The Dalles, where I live, is 236,800 square miles. The drainage of the Mississippi River at Quincy, Ill., is 135,000 square miles. The water power of the Columbia River Basin equals that of the 26 States east of the Mississippi River. We in the Columbia River Basin, if the reports of the Geological Survey may be relied upon, have one-third of the total available water power in the United States. We have at this point, the Columbia River at The Dalles, a mean annual flow of 235,000 second-feet of water. The Mississippi River at Keokuk has a mean annual flow of 73,000 second-feet. At Niagara there is a mean annual flow of 222,000 second-feet. At the mouth of the Mississipi River there is a mean annual flow of 664,000 second-feet. So we have at The Dalles of the Columbia one-third of the mean annual flow they have at the mouth of the Mississippi. This record has been computed over a period of 33 years, and in that period of 33 years our lowest water during the winter months was 50,000 second-feet, in comparison with 20,000 second-feet at Keokuk, where the great Keokuk Dam is located.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. SINNOTT. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. SINNOTT. Now, the maximum flow at Keokuk is 200,000 second-feet. At The Dalles on the Columbia it is 1,390,000 second-feet. In 500 miles on the Columbia River you reach an elevation of 680 feet. It takes 2,000 miles on the Mississippi to reach that same elevation.

Now, this enormous flowage of the Columbia River, draining an area of 237,000 square miles, almost double that of the Mississippi at Quincy—this enormous volume of water, coming down that watershed, contracts at The Dalles of the Columbia River, where the river is 1,600 feet wide, contracts at the narrows to a width of 150 feet, between solid basalt walls. Here we can get a low-water head of 105 feet for the entire flow of the Columbia River.

We can develop at this point for eight months out of the year 800,000 horsepower, and for the entire year a continuous production of 480,000 horsepower. This can be done at a cost of $50,000,000. The Dalles is 190 miles from the Pacific Ocean and the river is navigable the entire distance.

At the cascades of the Columbia River, 40 miles below this point at The Dalles, we can produce a continuous 200,000 horsepower during the entire year, and for eight months of the year 420,000 horsepower, at a cost of $20,000,000. We have near at hand the phosphates in Idaho and Montana. We have the lime in Oregon and Washington. We have the kelp on the Oregon and Washington coast.

For the benefit of the committee I would like to show you these pictures which I hold in my hand of narrows of the Columbia River near The Dalles. Right above this narrow gap in the river which I am pointing to it is 1,600 feet wide. It narrows down to 150 feet between these solid walls. The State engineer of Oregon and other competent engineers who have investigated this project say that this is one of the greatest water-power projects in the world. We can produce at this point twice the horsepower now developed at Niagara for a cost of $50,000,000.

Mr. BORLAND. Will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. BORLAND. Will the gentleman tell us whether this power site is in private ownership or whether it is on public land?

Mr. SINNOTT. The water at this power site has been withdrawn from appropriation by the State, and the State of Oregon owns the shore line between high and low water mark.

Mr. BORLAND. It is not in the ownership of the United States, however?

Mr. SINNOTT. No; it is not in the ownership of the United States, but the river is a navigable one, and the State will gladly surrender its rights for the purpose of developing this power.

Mr. LONGWORTH. Will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. LONGWORTH. I do not want to depreciate the water power that the gentleman has been talking about, but I want the gentleman to realize that water power is not essential to the production of nitrogen out of the air. The gentleman advocated it on that ground.

Mr. SINNOTT. I understand that; but this is the plan approved by all engineers. The nitrates which we get from Norway are produced by water power.

Some of the other projects discussed in this Bulletin No. 5 are—

	Minimum horsepower.
Deschutes River	504,000
Metolius River	98,000
Umatilla Rapids	120,000
Snake River projects:	
Palouse Rapids	50,000
Asotin	54,000
Coon Hollow	200,000
Cherry Creek	200,000
Mountain Sheep	120,000
Salmon River	200,000
Addition to Mountain Sheep	80,000
Rogue River projects	25,000
Klamath River	70,000

This bulletin, which I will furnish to anyone interested in these projects or which anyone may secure by writing to John H. Lewis, State engineer, Salem, Oreg., gives tentative plans and estimates of costs for the various projects aggregating 2,401,000 continuous horsepower.

In addition to the employment of this enormous water power for manufacturing purposes of all kinds, it could also be used for irrigation purposes in the States of Oregon, Washington, and Idaho. In my district alone, the second Oregon district, the Reclamation Service has gathered data showing potential irrigation projects covering 1,028,000 acres.

Mr. LEVER. Mr. Chairman, I offer an amendment as a new paragraph.

The CHAIRMAN. The gentleman from South Carolina offers an amendment as a new paragraph, which the Clerk will report.

The Clerk read as follows:

Page 49, after line 11, insert the following as a new paragraph:

"For investigation and demonstration within the United States to determine the best method of obtaining potash on a commercial scale, including the purchase or rent of lands and buildings and the erection of buildings and other structures necessary therefor, $150,000.

Mr. MANN. I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the amendment.

Mr. LEVER. Mr. Chairman, this is the amendment which, a few days ago, I gave notice that I would offer as a committee amendment at this time. This provides the appropriation and the necessary authority for investigating the best method of producing potash in this country on a commercial scale. It has already been determined by the Bureau of Soils of the Department of Agriculture that there are several sources of potash in this country, and that there is enough potash in this county, if made available, to supply the demand indefinitely.

In the first place we have an almost unlimited quantity of potash along the Atlantic seaboard, from Maine to the upper boundary line of Florida, in deposits of feldspar. It has been found, however, by the experts that thus far it has not been practicable to extract potash from feldspar cheaply enough to make it a commercial proposition for fertilizer purposes.

Then, we have discovered recently in Utah large deposits of potash in the alunite of that country, and one or two private concerns there are now manufacturing potash profitably under the abnormal price conditions existing at the present time. It is entirely possible that some process may be developed in the course of time, under thorough investigation, for extracting potash from feldspar cheaply enough to make it a commercial proposition for fertilizer. I do not know. That line of work is being pursued under the item which has just been read. Thus far no process has been found to extract potash from feldspar upon a basis cheap enough to make it available for agricultural purposes. I understand that some large cement companies are making, or probably have installed, machinery for the purpose of extracting potash from feldspar as a by-product to their cement plants; but my information is that the machinery is exceedingly expensive, costing something like $50,000 or $75,000, and that thus far, under normal conditions, it can not be produced cheaply enough to make it a commercial proposition.

Mr. MANN. Will the gentleman yield, if he is through with his preliminary statement?

Mr. LEVER. Let me finish my preliminary statement. Just what may come of the alunite situation in Utah, and other Western States probably, I am not able to say. I feel this way about it, however, at this time, that on account of the long haul from that country across to the Atlantic seaboard, where 60 per cent of all the fertilizer of the country is used, the expense of the haul will probably preclude that as a commercial proposition from a fertilizer point of view. There are now, as I understand it, one or two companies manufacturing potash on a profitable basis under the existing abnormal price conditions.

That brings up for consideration, in my judgment, the only other immediate source of potash supply namely, the giant kelp or seaweed of the Pacific coast. Our information is that we have an unlimited quantity of potash in that seaweed. They grow 60 or 90 feet tall, hook themselves onto rocks at the bottom of the sea. They may be cut 6 or 10 feet beneath the water, and in three or six months time they have reproduced themselves so that it seems to be an inexhaustible supply of potash.

Now the statement is made to the committee that each wet ton of seaweed contains 85 per cent of water, the balance of it would consist of the dry kelp, and this dried kelp consist of 16 to 25 per cent of potash. There seems to be an unlimited quantity of this very necessary ingredient to a complete fertilizer.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

[By unanimous consent the time of Mr. LEVER was extended five minutes.]

Mr. LEVER. Dr. Cameron, formerly with the Bureau of Soils, but now not with it, whom I regard as one of the greatest chemists along these particular lines, in his statement before the committee two years ago estimated that it was entirely possible to manufacture potash from kelp on the Pacific coast, take it around to the Atlantic seaboard by way of the Panama Canal, land it at Charleston, S. C., in competition with the potash from the Strassburg mines in Germany. In fact, he said—I think his estimate was a little too rosy—we could do that on a basis of $6 a ton cheaper than we could get our potash in Germany.

The gentlemen who have lately been before the committee—Dr. Whitney and Dr. Turrentine—have not been so optimistic as to the saving, but they both agree that there is no question but that there is a strong possibility of our being able to develop a considerable potash industry; and to do it on a scale that would compete with the German potash, and upon a scale sufficient to make this country absolutely independent of that ingredient of the commercial fertilizer.

The purpose of this amendment is to enable the Government to install a plant on the Pacific coast with sufficient capacity to handle 500 tons of wet kelp a day, and with such a plant the department believes that it can develop and decide whether or not there is a possibility of manufacturing this potash out of kelp upon a commercial scale. I say frankly that we may find that we can not do it, and that we shall apparently throw away $175,000; but, to my way of thinking, the proposition is so enormously big that I think that we can well afford to make the investigation even though we get nothing but negative results.

I would call the committee's attention to this fact: German kainit, which is used largely in the South as a fertilizer, contains nitrogen and phosphoric acid which ordinarily sells for $4.50 a ton, and sells to the farmers for $12 a ton, in December was selling at $40 a ton—and that is a product containing only 12 per cent of potash. It is a low-grade potash which we are using in cotton farming.

Now, then, the better grade of potash, the sulphate of potash, which ordinarily sells for $60 a ton, is now selling anywhere from $450 to $600 a ton. The fact is that you can not get it at any price. I notice in some fertilizer advertisements in my paper that they advertise fertilizer 8:4:0, which means 8 per cent of phosphoric acid, 4 per cent of nitrogen, and no potash.

In all the sand-hill belt of the South it is almost impossible to grow cotton profitably without potash, and it is almost impossible to grow truck and potatoes along the entire belt northward to Maine and including Maine without the use of potash. This proposed amendment is to undertake to see if we can develop the potash industry.

Mr. MANN. Will the gentleman yield?

Mr. LEVER. Certainly.

Mr. MANN. Do I understand the gentleman to say that potash is an essential to raising green vegetables?

Mr. LEVER. I understand that it is necessary in truck and potato growing.

Mr. MANN. Potash is essential in seed making; that is the necessity for potash.

[The time of Mr. LEVER having expired, by unanimous consent it was extended five minutes.]

Mr. LEVER. The gentleman from Illinois is entirely right as to potash. As we understand it, it is the fruiting ingredient in the fertilizer.

Mr. MANN. The green plant does not have much potash in it. What is it proposed to do with this appropriation if it goes through?

Mr. LEVER. I can give the gentleman the complete statement. For instance, it is proposed to use $15,000 for the land and building. It is proposed to use $5,000 for the building of a wharf. It is proposed to use $500 for a harvester—a mowing machine. Ten thousand dollars is to be used for the purchase of two barges, $3,000 for the erection of conveyances for the wet kelp, $6,000 for a motor transmission, $4,000 for evaporating tanks, $5,000 for three boilers, and $6,500 for freight. These various items of machinery are based on the prices at the place of manufacture, and the freight will have to be included to San Diego where there is already a plant.

Mr. MANN. What has become of the plant at San Diego?

Mr. LEVER. It is manufacturing potash.

Mr. MANN. Successfully?

Mr. LEVER. The statement before the committee was by Dr. Turrentine that it was almost impossible to say from the figures they were able to get from private sources what that cost of manufacture was.

Mr. MANN. I suppose the private concerns know.

Mr. LEVER. Yes.

Mr. MANN. If they have a plant out there operating now, would not the people who own it know whether they are making a profit? What is the necessity of our putting up an experimental plant?

Mr. LEVER. Exactly; and I am glad the gentleman asked me that question. The statement before the committee was, and I have no doubt that it is true, that these men who are running these private plants, and there are two or three or four of them—I can recall two—are doing it upon a basis of the prevailing price of potash. In other words, they are selling a product that ordinary sells at from $40 to $50 a ton for from $450 to $500 a ton, and they are paying very little attention to the cheapness of their process, and therefore the department by study of their process could not very well get anything like accurate data upon which to base a conclusion for the manufacture of potash under normal conditions.

Mr. MANN. The department may not get the information, but the men who manufacture the potash have the information, and if they have a soft thing and can make a lot of money out of this all they need to do is to show it to somebody, for there is plenty of money in the country—the banks do not know what to do with the money they have—and why should the Government have to put up an experimental plant to teach the men who are running plants whether they are running them profitably or not.

Mr. LEVER. Mr. Chairman, my response to the gentleman on that proposition is this: One official of the department, Dr. Whitney, as I recollect, says that they were absolutely unable to get cost figures from private manufacturers at this time.

Mr. MANN. What do they need the cost figures for? It is the men who are in the business who need the cost figures.

Mr. LEVER. That is very true.

Mr. MANN. And they have their cost figures. They know whether it will be profitable to invest additional money in the business better than they will ever find out from an agricultural experiment station.

Mr. LEVER. As we understand it—and I am not sure that this is in the hearings—I have an impression, and I am satisfied I get it correctly, that it is the belief of the department that as soon as normal conditions are restored in this country these concerns that are now manufacturing at a profit under these abnormal conditions are going to close up their establishments.

Mr. MANN. In other words, the department after it has advertised all over the world and throughout the United States that it would be commercially profitable to produce potash from kelp now say that they have not discovered any method yet by which it will be profitable under normal conditions?

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that his time be extended for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEVER. The department make the statement that their figures are necessarily rough estimates, because they have absolutely nothing upon which they can base anything like an ac-

curate estimate as to whether or not you can manufacture potash from this kelp on a commercial scale. It is true, as the gentleman has said, that a few years ago when they discovered this potash business a great many statements were published—I do not know whether they were inspired by the department or not—to the effect that we had a gold mine in potash in that country, and I believe we have.

Mr. MANN. Well, the gentleman can put his money into it.

Mr. LEVER. I have none; I wish I had.

Mr. MANN. Oh, yes; put your money on it.

Mr. LEVER. I believe we have a good proposition, and if not, I would like to know it. I would like to know whether we have a good proposition or no proposition so that the country will not be dreaming about something that is never going to happen.

Mr. MANN. Can the gentleman tell us anything about this work with alunite? There is a plant out there using alunite, is there not?

Mr. LEVER. They have a plant out there, and as to just what progress they are making, the committee does not have information, except that they are manufacturing something.

Mr. MANN. Has the committee made any effort to get any information about it?

Mr. LEVER. No; the gentlemen who appeared before the committee did not seem to have much information about that plant.

Mr. MANN. I read in the newspapers last summer that the people connected with Armour & Co.—and they have some capital—are engaged in the production of fertilizers and were going to establish or had established a potash-manufacturing establishment to make potash out of alunite. The gentleman said awhile ago that they could not afford to bring that East on account of the freight; but evidently Armour & Co. did not look at it in that way, because they produce fertilizer to sell in the East and South in the main, and that is what they want the potash for.

Mr. LEVER. This is the only statement we have on that proposition:

Mr. HAWLEY. As a matter of fact, two companies are engaged in the manufacture of potassium from this now, I understand?

Mr. WHITNEY. There are two companies. The difficulties have been rather great. The deposits are in rather inaccessible mountainous places. Railway tramways have to be constructed. Six or 8 miles of rough country have to be overcome before this can be done.

It goes on to say there is a great deposit there.

Mr. MANN. The gentleman does not know whether that is profitable or not?

Mr. LEVER. It is profitable under these abnormal conditions.

Mr. MANN. But nobody has put up a plant to run under abnormal conditions.

Mr. LEVER. But some of these plants have been put up under these abnormal conditions.

Mr. MANN. That may apply to small plants out on the Pacific coast.

Mr. LEVER. I think in these alunite regions and on the Pacific coast they have done it recently.

Mr. MANN. Has the gentleman any information about it?

Mr. LEVER. I am not sure.

Mr. MANN. My information is directly to the contrary.

Mr. LEVER. My information is that a St. Louis company in the last six months has gone into the business with a capitalization of $100,000 to manufacture potash out of kelp. Just what the capitalization of these companies in the alunites is I do not know.

Mr. MANN. Now, does the gentleman believe with the very high price of potash and with unlimited capital in the country—capital that is seeking investment—that it is better for the Government to go into the manufacture of potash, practically shut out or scare out private capital, or to let private capital go in and compete with it?

Mr. LEVER. I will answer the gentleman's question very frankly. If I thought that private capital would continue in this business—the present private capital—I would be perfectly willing to say, "Let them go into it," and I would be very glad for them to do so; but the information the committee has casts a doubt upon the proposition whether or not these people will continue to do it. I think the members of the committee will bear me out in that statement, and therefore we have felt that we ought to try this out and see if there is anything in it.

Mr. MANN. Mr. Chairman, I reserve the point of order——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Chairman——

The CHAIRMAN. The Chair will recognize the gentleman from Iowa.

Mr. HAUGEN. Mr. Chairman, the chairman of the committee has referred to an estimate of the cost, I believe, of a harvester, Will he state whether that was for one harvester or several?

Mr. LEVER. One harvester.

Mr. HAUGEN. At $7,500?

Mr. LEVER. One harvester at $7,500. It says:

This amount will be sufficient to construct a simple type of harvester, such as are now in use on the coast.

Mr. HAUGEN. Mr. Chairman, I do not care to take up the time of the committee except to reply to the question of the gentleman from Illinois [Mr. MANN]. I might state the committee made an honest effort to get the information sought. The first witness we had was unable to give the information. Later another young man appeared before us. I do not now recall his name. He estimated the cost of harvesting the wet kelp at 55 cents a ton; drying and grinding it at 38 cents a ton. It requires 6½ tons of wet kelp to make 1 ton of dry kelp; this makes the dry kelp cost $6.05 a ton. Add the freight from coast to coast, which is $6, makes it $12.05 on the other coast. It is estimated that it requires 4 tons of dry kelp to produce 1 ton of potash, which makes the potash cost $24.20, plus freight of $6, a total of $30.20 a ton on the other coast.

Mr. STAFFORD. Will the gentleman yield?

Mr. HAUGEN. I will.

Mr. STAFFORD. What information has the committee that these private plants which are now in operation will not be able to continue when normal prices obtain?

Mr. HAUGEN. I do not believe they can do so at normal prices. I believe that potash can be produced and sold at a profit at the present abnormal prices, but the department holds out no encouragement for the production of potash from kelp at normal prices.

Mr. STAFFORD. What investigation has the department made on which to predicate that opinion?

Mr. HAUGEN. Merely visiting the plants. They do not claim to have much information.

Mr. STAFFORD. Then it is a mere surmise, as far as that is concerned?

Mr. HAUGEN. The appropriation is based on the ground that it is necessary to investigate further in order to ascertain the facts.

Mr. STAFFORD. And yet private capital has been invested and is going ahead and the plants are not closing down, yet the department wishes for some reason or other to inquire, because private capital has felt warranted in going ahead and investing their money——

Mr. HAUGEN. The private enterprises are operating under present abnormal prices.

Mr. STAFFORD. Will the gentleman yield further?

Mr. HAUGEN. I will.

Mr. STAFFORD. How many plants have been established, and when was the first put in operation?

Mr. HAUGEN. They have been established within the last year or two. I believe that the evidence before the committee shows that we had two plants. The chairman of the committee states five. The information that we had, as I remember it, was that two plants were in operation. I take it that the chairman has further information.

Mr. STAFFORD. Does not the gentleman think that five plants established in one year is very fair evidence that private capital can get a fair return even under normal prices?

Mr. HAUGEN. My understanding was that they were under construction; that two have been built recently and are now operating.

Mr. STAFFORD. Whether under construction or in operation, private capital has seen fit to invest its funds, based upon the prospect of getting a return when normal prices will prevail. You can not conclude that private capital is foolhardy in its investments and is just taking a header without any prospect of return.

Mr. HAUGEN. I concede private concerns can ascertain much better than a department can as to the actual cost, but that information is not likely to be available. After all it is a matter of importance, and if there is anything in it, the information is well worth the $175,000 to be expended.

Mr. HICKS. Will the gentleman yield?

Mr. HAUGEN. I will.

Mr. HICKS. Perhaps I will ask the question of the chairman, and that is if anything has been done to indicate an endeavor to make potash or make fertilizer out of the ordinary seaweed, not kelp, but seaweed on the Atlantic and Gulf coasts?

Mr. LEVER. The information before the committee was that the seaweed from the Atlantic coast did not contain as high a degree of potash as the Japanese seaweed.

Mr. HICKS. That is what I was going to say, that the Japanese seaweed is entirely different from the Atlantic seaweed.

Mr. LEVER. They are entirely different.

I may say, as a matter of information, they are going to make an effort to see if they can transplant the Pacific seaweeds over here.

Mr. LONGWORTH. Mr. Chairman, I am greatly in favor of this amendment, and trust that no point of order will be made against it. Of course, I realize the trouble about it as brought out in the questions of the gentleman from Illinois [Mr. MANN]. If there is a great "gold mine" in this proposition, it will be idle for the Government to spend a good deal of money in experimenting when private capital will do just as well. But I tried to find out something about the extraction of potash from kelp when I was in California this year, and talked it over with a number of men who were interested in a small way, or in the possibilities of it, but none of them could tell what the various costs were. They have not proceeded far enough to know how much it is going to cost to extract potash from kelp. They have not yet gone far enough to know whether they can profitably use the by-products that come from that extraction. But I think that almost any amount of money would be well spent if only in taking the risk of finding out whether this country could not be self-sustaining, so far as its fertilizers are concerned.

The situation is to-day that we, and practically every other country in the world, are dependent entirely on Germany for all of our potash. The only commercial potash that exists, practically, is that which is produced in Germany from a certain ore they have there. And, as in most of these great operations, in Germany the various mines are controlled under one syndicate, of which the Government is the practical head, and they not only dictate the price that we and other nations have to pay, but they limit the output. We are absolutely in their hands.

Now, as a matter of fact, the United States takes about 50 per cent of the entire amount exported by Germany—about 20 per cent, I believe, of the entire amount produced in Germany. And we are in the same situation in this country with regard to potash, substantially, as we are in regard to dyes. We have not gone far enough in either to provide ourselves in time of peace or in time of war with these two absolute necessities of everyday American life. I say, therefore, that it is worth while to take a risk, even if nothing practical will develop out of this investigation, because it will do, if successful, more good to more people in this country than any other proposition almost that this Congress could adopt. [Applause.]

The Government has not yet gone far enough to ascertain the amount of kelp and the commercial availability of extracting potash therefrom. But at least we do know this, America imports from Germany—I have only the figures for 1912 and 1913—in round numbers, about 1,000,000 tons of various potash substances annually, valued at something like fourteen or fifteen million dollars.

Mr. LEVER. That is the import value?

Mr. LONGWORTH. That is the import value under conditions before the war. And, by the way, the gentleman from Iowa [Mr. HAUGEN] stated in tons what I have heard in pounds; that is, that potash—80 per cent chlorate of potash, which is commercial potash—normally costs 2 cents a pound and to-day it is hard to procure at 20 cents a pound. It has gone up 1,000 per cent. Now, of this approximately 1,000,000 tons, the average import, about 400,000 tons is 80 per cent chlorate of potash, which is the commercial potash.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LONGWORTH. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. HAUGEN. I might state that I stated the price of potash such as is produced from kelp.

Mr. LONGWORTH. It is about an 80 per cent solution, as I understand; that is, the commercial potash. So 400,000 tons represents the normal demand in this country for this necessity for fertilizers.

It is estimated by the Government that there is in sight on the coast, beginning at Alaska and running down to Lower California, more than 60,000,000 tons of wet kelp. The potash content of that would amount to about two million and a quarter tons. In other words, there is enough potash in sight on the Pacific coast alone to about six times supply the American demand.

Mr. MANN. In sight or under water?

Mr. LONGWORTH. Under water. It is in sight, because we know how many tons of dry kelp can be produced from it.

Mr. STAFFORD. A supply for how long a period?

Mr. LONGWORTH. Per year and renewable at least annually. I have said that the American demand amounts to about 400,000 tons of potash a year. There is in sight two and a quarter million tons. In other words, nearly six times as much as we normally consume.

Mr. HAWLEY. And reproduced twice a year?

Mr. LONGWORTH. And reproduced from twice to three times a year. The Government estimates that this amount reduced to dry kelp, and reduced from dry kelp to potash and nitrogen, would be worth over $150,000,000 at the old price—the before-the-war price. Now, that is going to waste. We are getting no benefit from it whatever.

Mr. MONDELL. Will the gentleman yield?

Mr. LONGWORTH. I will.

Mr. MONDELL. How rapidly does the kelp grow? How soon does it reproduce?

Mr. LONGWORTH. The Government report shows that there are three kinds of the giant kelp, some of it a little better than the rest; but, generally speaking, the whole crop will reproduce itself twice a year if it is properly gathered, if the parent stem is not cut; and sometimes will reproduce itself three or four times a year. Commercially 1 ton of dried kelp contains about 600 pounds of 80 per cent potash salt, formerly worth 2 cents a pound, but to-day worth 20 cents a pound. It contains 2 per cent of nitrogen and one-half of 1 per cent of phosphoric acid, and another element, which I believe is a recent discovery—between 3 and 4 pounds of iodine, worth $2 a pound.

Mr. LEVER. And some nitrogen worth $5 or $6.

Mr. LONGWORTH. I mentioned the percentage of nitrogen. It is possible that this production of iodine, which is a recent discovery, I believe, will be sufficient practically to pay for the main part of the production of potash salts from dried kelp. A factory which could turn out 750 tons a day of wet kelp would produce 122 tons of dried kelp. Therefore it would produce 366 pounds of iodine per day. That is an element that is well worth experimenting on.

Mr. LEVER. That is true. It is only limited by the fact that the market for iodine in this country is very limited.

Mr. LONGWORTH. Yes.

Mr. LEVER. I think a more profitable by-product will be nitrogen.

Mr. LONGWORTH. Probably that will be the most profitable individual by-product. As the gentleman stated there are four plants now in process of building or in operation, but none of them has gone far enough to be able to make an intelligent estimate as to whether they can succeed under normal conditions.

Now, Japan at the time the European war began had about four plants in operation, they having the same sort of kelp there that we have on the Pacific coast. To-day they have 60 plants in operation. I know nothing in detail about it; but the Japanese Government has probably developed by experimenting, as I hope we will do, a method of profitably making potash out of kelp, because in a year and six months they have increased their plants in number from 4 to 60.

It seems to me that underlying this proposition is what is to me an all-important question, namely, that this country should be prepared at all hazards and at all times and under all circumstances to produce here everything necessary to supply the demand for the necessities used in the daily life of the American people. [Applause.]

Mr. MOSS of Indiana. Mr. Chairman——

Mr. LEVER. Mr. Chairman, I wonder if we can reach an agreement as to time. We have been discussing this item at some length. I wonder if the gentleman from Illinois is going to make his point of order?

Mr. STAFFORD. I believe the point of order will be made at the conclusion of the debate. Of course, it is a very interesting debate, and the gentleman from Ohio [Mr. LONGWORTH] has advanced some information that was not advanced before, which might sway the gentleman to withdraw the point of order.

Mr. LONGWORTH. I feel certain that the gentleman will not make the point of order after the argument is all developed.

Mr. LEVER. Acting upon that theory——

Mr. MANN. I do not ask the gentleman to act upon that theory. I will make no promises.

Mr. LEVER. I can not get unanimous consent while the point of order is pending.

Mr. MANN. Oh, yes.

Mr. LEVER. Then, I ask unanimous consent, Mr. Chairman, that all debate on this paragraph and all amendments thereto close in 30 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate on this paragraph and all amendments thereto close in 30 minutes.

Mr. MANN. Do I understand I can have 10 minutes if I want it?

Mr. LEVER. The gentleman can have all that is left. Yes; I think the gentleman can have 10 minutes.

The CHAIRMAN. Is there objection?

Mr. MANN. I understand that out of that time I shall have 10 minutes and the gentleman from New Jersey [Mr. HUTCHINSON] shall have 10 minutes.

Mr. LEVER. The gentleman from Alabama [Mr. HEFLIN] says he wants five minutes. I will make it 35 minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from Alabama wants how much?

Mr. LEVER. Five minutes.

The CHAIRMAN. Is there objection to the gentleman's modified request?

There was no objection.

[Mr. SAUNDERS addressed the committee. See Appendix.]

Mr. MOSS of Indiana. Mr. Chairman and gentlemen, I shall offer no objection whatever to the placing of this item in the bill, but I have no faith that any good result will come from it.

I had the pleasure of going through the great potash mines of Germany in connection with Prof. Houston, of my own State, who represents the German kali works in this country. After this personal experience and observation, I can not escape the conviction that the price at which potash is sold here will always be the price that the German Government wants to charge for it. They have fixed the price in the past—a price which varies in accordance with the competition and with the demand. There is enough potash in Germany, possibly, to supply the world for a thousand years at the present rate of consumption of potash.

And with them it is simply a question of mining and loading. If we were to produce potash for commercial purposes, and were to fix a standard price which would represent a living rate to our producers, Germany could lower the price below our cost price and yet sell at a handsome profit. Unless we can find a vast supply of stored-up potash—some rich deposit of potash—we will remain at a hopeless commercial disadvantage to the German potash mine owner.

The standard price for potash salts, 50 per cent pure, delivered at the wharf at New York was about $26 per ton until the outbreak of the present world war. It will be recalled that a few years ago a German mine owner contracted the output of his mine to the American Chemical Co. at approximately $20 per ton. This was the lowest price ever given an American purchaser of German potash. The price was a remunerative one to the mine owner, and the parties were quite willing to sell their potash for the contract price, but the German Government vetoed the contract and compelled a modification of its terms. So will it be if an American producer of potash were to come into active competition with the German output. If it were known that American potash could be sold at $30 per ton, unless you put an import duty on potash, undoubtedly the German Government would reduce the price and sell it below the price at which we could produce it here.

I would fain believe it were possible that we have plenty of potash and that, as a Nation, we were independent, but when God Almighty has placed at one point on another hemisphere enough potash to supply the whole world for an indefinite period, the prospect of successful competition is not promising. You may go through the German mines and see potash in solid deposits 50 feet in depth, extending over areas as large as whole townships. There is nothing required of the German potash merchant except to blast it loose and bring it to the surface, as cheaply as coal can be mined in this country. It may not be a pleasant prospect to the rest of the world, but the fact is that the German Government has control of the goods and fixes the price of potash for the world. They can fix this price so low as absolutely to destroy competition to any nation which would undertake to manufacture what they have only to mine.

There is no question in my mind as to that. The German Government is very sensitive over the charge that it maintains a monopoly of potash and fixes an arbitrary price. To meet this charge and to explain fully their method of price control Germany went to the expense of sending Prof. Houston, of New York, to Germany with our party in order to make it plain to the American delegates that there was no monopoly on potash; that they had no purpose whatsoever of preventing the free use of potash; and that the supply was ample for the whole world. I fully agree as to the vastness of the supply, but it seemed to me, as a matter of fact, that they do set the price of it, and will, in my judgment, control the potash unless that control is broken by domestic source, protected by an import duty, to prevent German competition. It is my opinion that with the great advantage they have of possessing practically an inexhaustible supply they will be able to name a price cheaper than you can get it at any other point, unless we should be so fortunate as to discover a natural supply such as Germany has. That is my own judgment about this potash question. Unless this country is willing to fix the price of potash by levying a heavy import tax on potash we will have to permit the German Government to name the price and hence to continue to control the trade. Under such conditions we will not be able to develop the manufacture of potash from seaweed or feldspar rocks upon such a basis as to overcome the advantage which nature has given Germany through their practically inexhaustible supply, ready to be mined and put out for use as cheaply as coal, if necessary, to meet competition and hold the trade of the world.

Mr. HUTCHINSON. Will the gentleman from Indiana yield for a question?

Mr. MOSS of Indiana. I yield to the gentleman from New Jersey.

Mr. HUTCHINSON. With the knowledge that Germany now has of the demand for potash, I would like to ask the gentleman whether he thinks Germany will ever sell potash as cheaply as she has in the past?

Mr. MOSS of Indiana. I can not tell you what will be the future policy of Germany. Germany herself uses half of the potash consumed in the world. In the United States we use one-fourth of the world's supply, and the rest of the world uses the remaining one-fourth In view of the fact that Germany has a monopoly because of the practically inexhaustible supply at the present rate of consumption, I take it that Germany will sell her goods at the best price she can get and will continue the same policy of controlling the potash prices to the world. Germany at present uses twice as many tons as the United States. The United States uses as much as all the rest of the world put together except Germany.

I have no objection to our Government going into the experimental business; but does any reasonable man have any ground for believing that the Agricultural Department can go over on the Pacific coast and gather the seaweed, float it, dry it, manufacture potash, and distribute it in this country as cheaply as the German, who has simply to mine it out and send it by water transportation from the mines to the shores of the United States? Do you believe you can beat such competition as that? That is the proposition you are up against; and then if you will remember that they have practically an inexhaustible supply, you will realize that their situation is a very advantageous one and which will, in my opinion, enable them to control the market. For the last two years conditions have been abnormal. Transportation has been broken off between the potash mines in Germany and this country, but that is a temporary condition and not a permanent one. You will finally have to face the actual fact that Germany has more potash than any other country in the world.

Mr. LONGWORTH. If the gentleman is correct in his statement that probably we would not be able to produce it in competition with Germany, at least if we could provide some competition, that would result in the production of lower prices to the farmers of the United States, would it not?

Mr. MOSS of Indiana. I think the only competition possible would be this, that if the United States could produce potash at a certain given price, and Germany was not permitted by law to reduce her price below that and so drive our people entirely out of business, then we might manufacture our own potash, or a part of it; but I would not wish to predict lower prices.

Mr. LONGWORTH. But the farmers of the country would be getting the potash more cheaply.

Mr. MOSS of Indiana. I doubt that. Let me call your attention to the fact that when the German potash syndicate expired one time at midnight, just the moment after the contract expired, the American Chemical Co. at once made a contract at $20 a ton with one of the mines in Germany. The German Government interfered, and it became a diplomatic question between this country and Germany whether that contract should be enforced or not. Although that price was lower than that at which potash had been sold to anyone in this country before, it was still immensely profitable for the mine owners in Germany, and if permitted they would have gladly complied with their contract and at a price at which the German Government forbade them to sell it.

Mr. LONGWORTH. But if a situation should again arise where potash would go up 1,000 per cent, would it not be wise for this Government to develop by a system of experimentation such a production of potash as would keep the price down?

Mr. MOSS of Indiana. I am not objecting to experimentation, but I do not want to go into it with any false hopes. If the price of potash has gone up 1,000 per cent since the war began, it will go down again when the war is over. The war is temporary; but the German potash mines are permanent.

Mr. CLINE. Mr. Chairman, I want to refer to the export of Chilean nitrate. There is no question but what the necessity exists for commercial fertilizers. Any man who travels out over the exhausted lands of western Maryland and Virginia can easily ascertain that the farmers in those sections are wide awake to the proposition. In the reduction of nitrate products the chemical elements that are precipitated are largely necessary in the manufacture of munitions, and when the European war broke out, of course, a great deal of attention was given to the export of Chilean nitrate. I want to call attention to the present conditions. The Chilean nitrate beds are located along the west coast of Chile for 450 miles. Ten years ago these beds were so valueless than anybody could get a nitrate bed by asking for it. To-day the Government has taken possession of all the nitrate beds, limited the amount that can be leased to an individual or corporation, and has laid an export tax on nitrate, because, so far as now known, it is the only natural deposit of any magnitude existing anywhere in the world.

Mr. MANN. Will the gentleman yield?

Mr. CLINE. Yes.

Mr. MANN. What is the character of the nitrate deposit in Chile?

Mr. CLINE. It is something similar to the phosphate rock that is broken up and crushed and submitted to hot-water treatment. The salts are precipitated in that way. In 1912 we bought 4,200,000 quintals, in round numbers, the quintal, you know, weighing about 101 pounds. We paid $16,000,000 for that. In 1913, the next year, we bought 5,721,000 pounds, and paid $23,000,000 and over, so that our contribution to the Chilean Government for the export of Chilean nitrate in 1913 by the United States Government was equal to more than $23,000,000.

Mr. Chairman, I believe that this experiment should be undertaken for the reason that we do not want to depend on foreign governments or foreign institutions for all of the commercial fertilizer that we use. These Chilean nitrate beds are under the control largely of England and Germany. England takes 40 per cent of the production, we take 20 per cent, Germany 20 per cent, and France 10 per cent, and the other countries take the balance. The serious question, or one of the serious questions, is that the ownership of chemical fertilizers has drifted into the hands of a few persons who control the production. Take the phosphate rock in this country, and one parent organization is manufacturing the phosphate with about 42 or 43 subsidiary corporations. They undertook to purchase all the rock of the entire region in Tennessee, northern Florida, and the western Carolinas, and they are manufacturing that fertilizer now and shipping it abroad themselves at very expensive prices. Mr. Chairman, I ask leave to incorporate a table in my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana.

There was no objection.

The table is as follows:

Chile.

EXPORTATION OF NITRATES (SALITRE).

Exported to—	1912		1913	
	Amount (quintals).	Value. (pesos).	Amount (quintals).	Value (pesos).
Great Britain	9,746,288	114,031,570	9,806,747	112,704,320
Germany	5,397,697	63,153,055	6,323,456	72,564,770
United States	4,264,841	49,863,540	5,721,955	65,334,708
France	1,296,080	15,164,136	1,626,640	18,438,153
Belgium	959,732	11,228,864	1,235,080	14,139,947
Netherlands	930,914	10,891,694	995,626	11,382,986
Other countries	2,389,734	28,030,987	950,502	10,789,629
Total	24,985,286	292,327,846	26,660,006	305,354,513

Quintal=101.4 pounds.
Peso=$0.365.

Revenue from export duties.

Year.	Pesos.	Dollars.
1911	82,971,162	30,284,475
1912	84,450,268	30,824,347
1913	90,110,822	32,890,450

Source: Estadística Comercial de la República de Chile.
(Año 1912, p. 282, Table 2, appendix; año 1913, pp. 212, 312.)

The CHAIRMAN. The gentleman from New Jersey [Mr. HUTCHINSON] is recognized for 10 minutes.

Mr. HUTCHINSON. Mr. Chairman, potash is one of the most important elements of plant food; it improves the soil and provides that element that all plants require to be able to bring forth large and properly matured crops. Germany is the sole producer of potash to-day in any large quantities. In normal times we use about 3,000 tons a day in this country, but at present we are entirely cut off from any supply of this, and the price has risen from $40 per ton to $500 per ton, and some has even been sold for as much as $600; this price has prohibited the farmers from using it as a fertilizer. Last year our supply of potash was reduced and the most of our crops were reduced accordingly. The cotton-growing States produced about 5,000,000 less bales of cotton than usual and our potato crop was short nearly 50,000,000 bushels. This year we are practically without potash and we can look for reduced crops of all kinds as a result, where potash is an essential element. Potatoes are so scarce that seed to-day is selling for $4.50 and $5 per sack, and other crops are affected in about the same ratio.

We have potash in this country in large quantities, but it is locked up in its natural elements and we have not yet discovered any process to make it in a soluble form and at reasonable prices. We have on the Pacific coast and Alaska in the kelps or seaweeds, in the alunites in Utah, and the large amount of feldspar in the Eastern States large quantities of potash, but small effort has been made to develop these sources of supply of this article.

This amendment provides money for research, investigation, and manufacture of potash in a soluble form and at reasonable prices, which will aid the farmer in growing larger crops and keep the cost of living within reasonable bounds.

We see by the papers that England is facing a famine because we are unable to ship our crops to that country. No country is safe to-day that has to depend upon some other to feed her people. We hear every day of the very high prices that the countries at war are paying for food, and this country can not do more toward preparedness and reducing the cost of living than to expend a reasonable amount for the research and investigation of potash and nitrogen.

Preparedness does not stop at furnishing men, but we must be prepared to feed our men and not be dependent upon any other country for our supply.

Potash is also an important factor in the manufacture of munitions of war, and the entire supply is practically being used for that purpose at present. While we are not anticipating war, if war should come at this time we would be entirely cut off from any supply of both potash and nitrogen, two of the most important essentials of ammunition manufacture.

For the purpose of showing the value of potash to our crops, I will give you some statistics covering the past 25 years: The German Kali Works have spent thousands of dollars educating our farmers to the use of potash, and you can see the general increase in our crops as a result, but it is not yet up to the increase in population.

POTATOES.

Year.	Acres.	Yield (bushels).	Yield per bushel per acre.
1890	2,652,000	148,290,000	55.9
1900	2,611,000	210,927,000	80.0
1910	3,720,000	349,320,000	93.8
1914	3,708,000	405,921,000	109.5
1915	3,761,000	359,103,000	95.5

CORN.

1890	74,810,021	1,742,450,800	23.3
1900	83,320,872	2,105,102,516	25.3
1910	104,035,000	2,886,260,000	27.7
1914	103,435,000	2,672,804,000	25.8
1915	108,321,000	3,054,535,000	28.2

WHEAT.

1890	37,199,024	443,847,400	11.9
1900	42,495,385	522,229,505	12.3
1910	45,681,000	635,121,000	13.9
1914	53,441,000	891,017,000	16.6
1915	59,898,000	1,011,505,000	16.9

Mr. Chairman, I have here gathered statistics for 25 years on four important crops. Twenty-five years ago very little potash was brought to this country. In 1890 there were planted 2,652,000 acres of potatoes, and the yield was 148,290,000 bushels, or an average of 55.9. Ten years after that, in 1900,

there were planted 2,611,000 acres, and the yield was 210,927,000 bushels, or an average of 88 bushels per acre. In 1914 we planted 3,708,000 acres, and the yield was 405,921,000 bushels, or an average of 109.5. Last year, when potash was so scarce, we planted 3,761,000 acres, and the yield was 359,103,000 bushels, or a yield of 95.5 bushels per acre.

Our yield all the way down on the four main crops of this country shows that much increase by the use of potash.

Corn, in 1890 we planted 74,810,000 acres, and the yield was 1,742,450,800 bushels, or an average of 23.3. In 1915 we planted 108,321,000 acres, and raised 3,054,535,000 bushels, or an average of 28.2. Wheat is on the same line. In 1890 we planted 37,199,024 acres of wheat, and the yield was 443,847,400 bushels, or an average of 11.9 bushels. In 1915 we planted 59,898,000 acres, and the yield was 1,011,505,000 bushels, or an average of 16.9 bushels per acre.

Potash is not so essential for wheat as to other crops.

Next take oats. In 1890 we grew 632,124,600 bushels, or an average of 25 bushels to the acre. In 1915 we had 40,780,000 acres planted, with a yield of 1,540,362,000 bushels, or an average of 37.8 per acre. Our population has grown since 1890 from 62,947,714 to about 100,000,000 in 1915, so it will readily be seen that with the use of potash and the education that our farmers have had we have not produced in the same proportion as our population has increased.

In the district which I represent in New Jersey if we grew those average crops, we would not think they were worth gathering—that it would not pay us to gather them. Where we use a large percentage of potash we get very good results. I am going to give you now a statement from my own farm, under my own supervision. Last year we had no potash, or a very reduced quantity. I used four kinds of fertilizer in this experiment. I measured off four different acre plots. On the first plot I used 4 per cent of ammonia, 8 per cent of phosphoric acid, and no potash in the fertilizer, and produced 164½ bushels per acre; so you see that with no potash I had a yield away above the general average. In the second plot I used the fertilizer with 4 per cent of ammonia, 8 per cent of phosphoric acid, and 1 ton of feldspar, ground as fine as flour, and I produced 209 bushels on that acre. On the third plot I used 4 per cent of ammonia, 8 per cent of phosphoric acid, and 400 pounds of feldspar in the ton and produced 236½ bushels.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. MANN. Mr. Chairman, I yield the gentleman two minutes more.

Mr. HUTCHINSON. On the fourth plot I used the regular potato goods—ammonia, 4 per cent; phosphoric acid, 8 per cent; potash, 10 per cent—and produced 264 bushels, or 100 bushels more with potash than where there was no potash. [Applause.] I yield back the remainder of my time.

Mr. HEFLIN. Mr. Chairman, I should regret very much to see this amendment fail. It is one of the most important steps taken by the Government in a long, long time. As the gentleman from Indiana [Mr. CLINE] has said, if we should become embroiled in war with some foreign power we are absolutely cut off from our nitrate supply. There is no better time for this Government to take steps to provide itself with all of the necessary ingredients that go to make up fertilizer and gunpowder in this country. [Applause.] This is the step to take. The amendment provides for this experiment. It has been found that by using these seaweeds in this way potash can be obtained. The gentleman from New Jersey [Mr. HUTCHINSON] has shown the value of potash in farming. He has shown how the yield per acre in corn and potatoes fell off when the potash supply was reduced. I make the prediction now that that same result will obtain this year with regard to cotton in the United States. The acreage may be increased in some places, although I do not think it will be; but if it is increased, there are six States in the cotton belt that will require 4 acres without potash and nitrogen to make as much as 2 acres make ordinarily with potash and nitrogen. The yield is going to be small this year, because we have not got the potash and other necessary fertilizer. A great deal of stuff is being sold down there, or offered for sale, that has not any potash in it, and the farmers are not going to use it. They are not going to try to produce cotton on a large scale without potash.

We are absolutely up against a serious condition in the cotton belt, as well as the farmers in other sections, as the gentleman from New Jersey has said, and it does seem to me that this is a wise provision and a wise step for us to take. Let us try out this experiment. If that does not work, let us try another one and keep on until we get on a footing like Germany is on to-day. We ought to be as independent of the nations of the earth with regard to our fertilizer and powder supply as Germany is. [Applause.] There she stands, walled in by the British Navy, and yet she is supporting herself, producing upon her farms food supplies, meat, 95 per cent and 85 per cent of her bread supply. Germany produces that, and she is making her nitrogen from the air now, as no nation on earth is making it. Germany is dependent on no power for her fertilizers, she is dependent on no outside source for her gunpowder, she is fighting her own battles, and she commenced to prepare for it years and years ago, and we have gone on neglecting the soil and failing to obtain knowledge of the chemical composition of the soil and plant food until we find ourselves confronted by a very serious condition. Our nitrate supplies are in Chile, our potash supplies are in Germany, and here we are, thousands of miles away, and in case of war between our Government and some foreign power we would be cut off from those supplies. It seems to me, Mr. Chairman, that this is a wise step, that this is a patriotic step for this House to take, and I should like very much to see this amendment adopted. It means good for our country. Let us keep on experimenting and working until we do provide these supplies for ourselves. [Applause.]

Mr. MANN. Mr. Chairman, the gentleman from South Carolina [Mr. LEVER] has offered an amendment to the bill to have the Government engage in the process of manufacturing potash from kelp. I remember when the potash question first came up before the House in an acute form. A few years ago a syndicate in Germany which controlled the potash mines over there was to end at 12 o'clock at night on a certain day. The fertilizer makers in Chicago—Armour & Co. and some of the others—either directly or through the name of some other company were "Johnny on the spot." They had made preliminary arrangements with some of the owners of some of these mines, and at 12 o'clock and 1 minute they signed contracts for the entire output of some of the mines by the individual members of the syndicate which had been dissolved at 12 o'clock and obtained these contracts for the supply of potash at a very much reduced rate from what they had been charged before and what they are paying now. The German Government interfered and threatened to forbid the export of potash or to levy a very high export tax on potash, which would make the potash cost the American producer more than it had before when they purchased it from the syndicate, and they forced a revocation or a cancellation of those contracts and forced all the mine owners over there to join in a new syndicate, practically under the domination of the German Government. These facts were brought to the attention of Congress at the time. It was not very much that could be done by the State Department, because they were wholly within their rights. We put in the Agricultural bill a provision to have the Agricultural Department endeavor to find a supply of potash in the United States and at the same time put into the sundry civil bill, or the deficiency—I think the sundry civil bill—an appropriation to have the Geological Survey see if they could find a supply of potash in the United States. A supply of potash here that is of any value must be cheap.

As described by the distinguished gentleman from Indiana [Mr. CLINE], the mining of potash in Germany is a good deal like the mining of coal or the mining of iron ore up in Minnesota. The process of production is exceedingly cheap. Of course, with a monopoly they can charge what they please. They can charge just as much for half the amount that the United States consumes as for the entire amount we consume, and if we furnish a small amount of potash through our own supply at home the German Government can require us to pay just as much for what they furnish as if they furnished the whole supply. Unless we can find a supply of potash which will furnish the United States in the end we will have to pay for potash from those people over there what they say we will have to pay. Now, I do not know whether potash can ever be profitably produced from kelp or not. I doubt it. I doubt whether it will not cost more to gather together the kelp, without regard to any process on it, than it will cost to have the German potash laid down on the Atlantic seaboard. But I do know this—at least I think I do—that with the knowledge already obtained in reference to the manufacture of potash from kelp, if it is ever to amount to anything it must be through the development of private capital, and as long as the Government is monkeying with it private capital will not invest in it to any extent. The only way you can get private capital interested in this is to say to them, "Here is a field wide open to you. We have given you information enough under which you can make this potash. Go to it."

As long as you say to them that we are going to learn something more in the dim and distant future and going to have the Government keep on experimenting with it, or perhaps manufacture it for sale, you can not expect to get men to invest money in it, and they will not. They know how to make potash out of kelp now. Nobody knows whether they can make

it commercially profitable on a large scale or not, and nobody will find out through a plant that costs $170,000.

The Agricultural Department told me years ago that they could make print paper out of cornstalks that were going to waste. I said, "Certainly, but it will cost more to collect cornstalks before you commence to manufacture them than it will to lay the print paper made out of spruce wood down at the door of the printing office. Hence, you will never make print paper out of cornstalks."

Some are trying to make potash out of alunite. Armour & Co. are said to be interested in it. If they are, they will find out more about it from a commercial point of view than the Government will ever learn, and you may be sure if it is ever possible to produce potash from alunite the Armour people and others will go into it. I do not think the Government ought to stand in their way. But I think this is what this would do. If you want the money to really make experiments, so far as I am concerned, I would be willing to vote a million dollars in a minute, even if I only got negative results, because if we can find potash or nitrates on our own soil it would be worth more than we can contemplate by the imagination. So far as discovery is concerned, I am willing to go to the limit. But we are furnished the information as to these things, and all that is necessary to learn is whether it can be made a commercial success. The Government can never find that out. The Government can not ascertain that. We must be for the private manufacturer unless we entirely abolish the theory of private manufacture and expect the Government to do the whole thing. Nobody has proposed that yet. For that reason I think it is an error to engage upon this, and I doubt whether it meets the approval even of the Secretary of Agriculture, although I am not authorized to speak for him. Therefore I make the point of order.

Mr. LEVER. If the gentleman will permit, the Secretary of Agriculture made that recommendation in his report on the fertilizer situation to the Senate on about January 26.

Mr. MANN. Well, I am sorry he did.

The CHAIRMAN. The gentleman from Illinois makes the point of order. Does the gentleman from South Carolina desire to be heard?

Mr. LEVER. The paragraph is undoubtedly subject to a point of order.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 49, after line 11, insert the following paragraph:
"For investigation and demonstration within the United States to determine the best method of obtaining potash on a commercial scale, $175,000."

Mr. MANN. I reserve a point of order on that.

Mr. LEVER. I do not care to have it reserved, Mr. Chairman. I only care to call the attention of the Chair to the difference in the two amendments. This amendment provides only for investigation and demonstration, while the other amendment went further.

Mr. MANN. I am willing, so far as I am concerned, to give them money, provided they are not to construct a building. I think under this provision they would be authorized to construct buildings.

Mr. LEVER. The gentleman and I are fully agreed on that, but the department does not take the same view. Therefore the amendment was offered in the form on which it has gone out on the point of order, but I believe under the general authority they have the right to erect this building.

Mr. MANN. Well, Mr. Chairman, there is no authority in the Agricultural Department at all, so far as that is concerned, to investigate the subject of potash or the production of potash. That is not an agricultural product. It may be an agricultural necessity, but it is not within the provision of the enabling act.

Mr. LEVER. I am inclined to think the gentleman is right.

Mr. MANN. There is no question about it.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

BUREAU OF ENTOMOLOGY.

Salaries Bureau of Entomology: One entomologist, who shall be chief of bureau, $4,500; 1 chief clerk and executive assistant, $2,250; 1 administrative assistant, $2,250; 1 financial clerk, $1,800; 3 clerks, class 4; 3 clerks, class 3; 9 clerks, class 2; 9 clerks, class 1; 10 clerks, at $1,000 each; 4 clerks, at $900 each; 5 clerks, at $840 each; 2 entomological draftsmen, at $1,400 each; 1 entomological draftsman, $1,080; 4 foremen, at $1,080 each; 1 entomological preparator, $1,000; 4 entomological preparators, at $840 each; 8 entomological preparators, at $720 each; 7 entomological preparators, at $600 each; 2 messengers or laborers, at $900 each; 2 messengers or laborers, at $840 each; 3 messengers or laborers, at $720 each; 1 messenger boy, $480; 5 messenger boys, at $360 each; 1 mechanic, $1,080; 1 mechanic, $900; 1 mechanic, $840; 1 laborer, $600; 1 laborer, $540; 1 laborer, $480; 1 laborer, $420; 3 charwomen, at $480 each; 1 charwoman, $240; in all, $99,180

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. STAFFORD. I assume that these additional places involving an increase of the appropriation over that of last year of nearly $30,000 are transfers from the lump-fund list?

Mr. LEVER. They are each and every one of them transfers from the lump fund to the statutory roll, and the lump fund has been reduced accordingly. The transfers are made at the same salary, except in one place.

Mr. STAFFORD. That was the point I wanted to ascertain, whether they were transferred at the same salary or not.

Mr. LEVER. Yes; the transfers were made at the same salary.

Mr. STAFFORD. Except in one instance, as the gentleman says?

Mr. LEVER. Yes; except in the case of a messenger at $480.

Mr. STAFFORD. Mr. Chairman, I withdraw the pro forma amendment.

Mr. MANN. I renew it.

This is an increase of nearly $30,000 on the statutory roll in the Bureau of Entomology. While the gentleman from South Carolina says—and he knows—that these are transfers from the lump-sum appropriations, the lump-sum appropriations, in fact, are not reduced. They are increased, although they may have been reduced from what the department would have asked for.

Mr. LEVER. That is what I meant, of course.

Mr. MANN. I understand what the gentleman means, and I am not seeking to criticize that. But what is the reason for these increases in the actual cost? Here is an increase of nearly half in the statutory roll over what we supposed it was last year. We make an appropriation in a lump sum for the investigation of insects affecting deciduous fruits, and so forth, and we supposed—and we had the right to suppose—that the statutory roll did the clerical work for these lump-sum appropriations in Washington. There is nothing else for them to do. All the appropriations for this bureau are lump-sum appropriations, except the statutory roll in Washington. All the statutory roll has to do is to use that lump-sum appropriation.

They pay absolutely no attention to Congress. We appropriated $69,000 for the employees in Washington. Then we appropriated certain amounts for work outside of Washington; and then they use it to increase salaries and pay salaries in Washington to the extent of $30,000. I think we have got to stop the Agricultural Department sometime from fooling Congress about these things, because that is what it is doing. The gentleman knows that I always defend the Department of Agriculture when anybody attacks it except myself.

Mr. LEVER. That is true, too.

Mr. MANN. I think it is a great department; but as long as they have the power to do these things they will do them. When we appropriate $114,660 for the investigation of insects affecting cereal and forage crops, an item which we put in a few years ago at the instance, I think, of the gentleman from Indiana [Mr. CULLOP], we supposed that that money was being used for that purpose. We had the right to suppose it, because we make an appropriation for the Washington employees in addition. Well, they just take what money of it they want. It is not excessive; I do not think they are grossly extravagant; but they take as much of that as they want of it for clerks, charwomen, messengers, or anything else they please in Washington.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. LEVER. The committee was assured by those people appearing before it from the department that they were endeavoring to transfer from the statutory roll two classes of people, in accordance with the expressed wish of Congress, expressed here on the floor of the House in the discussion of this bill. One class is that of purely clerical service. The other class is that class of employees that has become permanent, as they designate it, and they are endeavoring, as they tell us, to retain under the lump-sum appropriation the purely scientific force. There is not any law that compels that at all. I agree with the gentleman that if we can work out a plan by which we can get greater control of these lump-sum appropriations and these transfers, it would be very well for us to do so. As I stated on another item, the gentleman from Minnesota [Mr.

ANDERSON] and myself are trying to work out an amendment which I hope will be effective, although I am not sure.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words, for the purpose of obtaining some information. I notice that during the fiscal year 1915 there was expended on the statutory roll the sum of $68,400, and out of the lump fund $98,000 in Washington and $256,000 outside of Washington. This year you have increased the amount of the statutory roll $30,000. I wish to inquire specifically whether the committee asked the heads of the bureaus, when they appeared before the committee, as to whether all those persons who are performing clerical service, and not technical service of the character referred to by the gentleman, will be provided for on the statutory roll in this bill?

Mr. LEVER. I will say to the gentleman from Wisconsin that our information was that in every case where a transfer was made from the lump fund it was either of a clerical position or a position that had become permanent in its nature.

Mr. STAFFORD. The gentleman does not answer my question. I am inquiring whether all the clerks who are now being paid out of the lump-sum appropriation for performing purely clerical services have been provided for on the statutory roll in this bill.

Mr. LEVER. Our information is to that effect; yes.

Mr. STAFFORD. Not only in this bureau but in all the other bureaus.

Mr. LEVER. Yes. We understand that they have transferred all of their clerical force to the statutory roll, and the only other problem we have to deal with—I will say to the gentleman that it is a hard one—is to provide some way of limiting the number of temporary employees who can be paid out of the lump-sum appropriation, where those positions may become or may be permanent in the future.

Mr. STAFFORD. Why in that particular should this department be considered any different from any other one of the departments that are provided in the legislative, executive, and judicial appropriation bill? Why can not the committee bring in here a provision restricting in the future the utilization of any of these lump-sum appropriations for clerical services, so that Congress may know that when it votes money for use in the field it will be used exclusively for that purpose.

Mr. LEVER. As I said to the gentleman——

Mr. STAFFORD. There is nothing here that restricts them.

Mr. LEVER. I know that.

Mr. STAFFORD. And they go on year after year employing persons for clerical work and paying them out of the lump-sum appropriation, when the intention of Congress is to limit them to the amount carried in the statutory roll.

Mr. LEVER. As I said to the gentleman from Illinois [Mr. MANN]—the gentleman from Wisconsin probably did not hear my statement—the gentleman from Minnesota [Mr. ANDERSON] and myself are working on an amendment which we hope to offer to this bill before we finish it, to accomplish that result.

Mr. STAFFORD. I hope the gentleman will do that, so as to restrict these abuses, which have been continually called to our attention.

Mr. LONGWORTH. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by publishing a statement as to the present German method of extracting nitrogen from the air. This statement was made up for me by Dr. William Beckers, president of the W. Beckers Analine Chemical Works, and former director of the German Syndicate, probably the most competent man on the subject in this country. I introduce this for the purpose of showing that to-day the Germans are extracting nitrogen from the air, not only without the use of water power but much more cheaply than when they were using water power in Norway, and more cheaply than it is produced out of Chilian saltpeter.

Mr. LEVER. I am very glad the gentleman is going to print that.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by publishing a certain statement. Is there objection?

There was no objection.

The statement is as follows:

Nitric acid is being produced in Germany at the present time without depending on electric energy, the developing of which would necessitate large water-power establishments such as at Niagara Falls and in Norway. The Badische Co., after having completed the experiments in regard to the process to be mentioned further below, sold their shares in the Norwegian Co. This process makes Germany not only independent from other countries regarding its nitrogen compounds, especially nitric acid, but also yields a cheaper product.

According to the Badische process the first step for the manufacture of nitric acid is the production of ammonia, which chemical is obtained by the so-called Haber process. The elements of ammonia, hydrogen, and nitrogen are combined under high pressure and temperature by the aid of certain catalysers, yielding chemically pure ammonia. Hydrogen is obtained from so-called water or Dowson gas, which is a mixture of CO, CO_2, and H. Co and CO_2 are absorbed by different chemicals, leaving pure hydrogen. Dowson gas is manufactured by driving steam through burning coal in a generator. Nitrogen is obtained from so-called generator gas, which is produced by burning coal in a generator, and which is a mixture of CO, CO_2, and N. CO and CO_2 are disposed of in the above-mentioned way, thus leaving pure nitrogen.

Furthermore, nitrogen can be produced very cheaply by the Linde process; that is, by liquifying air—which is a mixture of nitrogen and oxygen—and distilling the oxygen off first.

The pure ammonia produced by the Haber process is mixed with air and conducted over platinum gauze heated by electricity to about 700°, at which temperature a complete oxidation of ammonia takes place, leaving nitric oxide and water. Nitric oxide is used further for the manufacture of nitric acid according to well-known methods.

The amount of electrical energy necessitated for heating the platinum gauze is comparatively small and can be produced from coal, thus showing that the entire process does not require electricity developed by water power.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

The Clerk read as follows:

General expenses, Bureau of Entomology: For the promotion of economic entomology; for investigating the history and the habits of insects injurious and beneficial to agriculture, horticulture, arboriculture, and the study of insects affecting the health of man and domestic animals, and ascertaining the best means of destroying those found to be injurious; for collating, digesting, reporting, and illustrating the results of such investigations for salaries and the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, freight, express charges, official traveling expenses, office fixtures, supplies, apparatus, telegraph and telephone service, gas, and electric current, in connection with the following investigations:

Mr. SISSON. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee a question.

Quite a number of items have been carried in the bill in the past for the purpose of investigating the boll weevil that has been so destructive of cotton in the South. Up to date neither the Government nor the State, so far as I know, nor any of the agricultural colleges, have been able to discover any method of destroying the weevil. The only thing they have been able to do is to devise some cultural methods which may or may not succeed, in accordance with the season. Sometimes if the season is right the cultural methods succeed and sometimes they fail. What I wanted to ask the gentleman is, Is this the item that investigates on the part of the Government the method of destroying this insect?

Mr. LEVER. The gentleman from Mississippi will find the item which carries the boll weevil in lines 14, 15, and 16 on the page that we have not reached.

Mr. SISSON. I will say now what I intended to say on that item. I do not believe that anything can be done in a general way by the expenditures of large sums of money with the present information that you have about the destruction of the weevil. We know the effect of it, we feel the effects of it; but up to date nothing has been devised that has been practical for the destruction of the weevil. But I do insist that the Government of the United States, as a scientific proposition, should continue the scientific investigation which, of course, would not be expensive to ascertain some method of destroying the weevil.

Another thing we must continually keep in mind is that if the weevil is destroyed in one State and another State is not willing to adopt the methods of destruction it would be useless, because the weevil travels with such rapidity from one State to another. So when the method has been ascertained which can be used practically for the destruction of the weevil, then I hope that Congress will aid the States in such a scheme as will destroy the weevil throughout the cotton belt.

Mr. MOSS of Indiana. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. MOSS of Indiana. Is there any reasonable probability of the destruction of the boll weevil?

Mr. SISSON. Personally I do not know. I know the agricultural college of my own State and that of Texas and other States have spent a great deal of money, counties have spent a great deal of money, States have spent a great deal of money, the Federal Government has spent a great deal of money, and they have had experts from all over the country to study the habits of the weevil, caught them and kept them in cages, watched them day and night, and they never have been able to find anything that will destroy them. They have devised some poisons which destroyed the hands that endeavored to distribute the poison, but not the weevil.

Mr. MOSS of Indiana. That is my own opinion; we have been working for 100 years on the Hessian fly, and that destroys more grain than the boll weevil destroys cotton.

Mr. SISSON. I doubt that, because the weevil gets all the cotton when he gets any.

Mr. MOSS of Indiana. Has not the boll weevil been of some benefit to the South?

Mr. SISSON. I should say he had not.

Mr. MOSS of Indiana. In the way of reducing the crop which they say ought to be reduced.

Mr. SISSON. Perhaps that is true, but I do not want it reduced on my plantation when it is not reduced on some other plantations. I do not want the cotton crop reduced in that way.

Mr. MOSS of Indiana. The boll weevil is impartial.

Mr. SISSON. No; he has not got all over the cotton belt. He has not got over to South Carolina yet. The Hessian fly is referred to in this report, and this gentleman insists that the Federal Government ought to devise a scheme of destroying it—this was in 1849—and on account of the number of failures, he says, is no reason to quit, because you do not make an oak out of an acorn in a day. So I do not want the Agricultural Department to quit until it has found how to kill the boll weevil, for he will get over into Georgia, into the land of my friend, Mr. CRISP, or to South Carolina, to the plantation of my good friend, Mr. LEVER.

Mr. CRISP. I want to say that he entered my district last fall.

Mr. SISSON. Well, he has not got in his work yet.

Mr. BORLAND. The boll weevil does not believe in State rights.

Mr. SISSON. He ignores the Federal Constitution and State rights.

The Clerk read as follows:

For investigations of insects affecting cereal and forage crops, $114,660.

Mr. RUSSELL of Missouri. Mr. Chairman, I desire to ask the chairman of the committee whether the amount carried in this item is the same as heretofore carried?

Mr. LEVER. Exactly the same amount; there is a difference by way of transfer.

Mr. RUSSELL of Missouri. Two years ago, as the chairman no doubt remembers, there was established in my district a new field station under this bureau.

Mr. LEVER. I beg the gentleman's pardon; there is an increase in this item of $5,000.

Mr. RUSSELL of Missouri. As I said, two years ago there was a new field station established in my district. I should like to know whether the appropriation carried in this bill takes into consideration the proper maintenance of that field station, so that it will be continued as heretofore.

Mr. LEVER. Undoubtedly, although it was not specifically provided for in the item. The item covers all of the field stations.

Mr. RUSSELL of Missouri. There is, I see, no field station especially mentioned.

Mr. LEVER. We never mention any of the field stations.

Mr. RUSSELL of Missouri. The farmers of my district believe that this station has been a great benefit to that section of the country.

Mr. LEVER. I have no doubt of it.

Mr. RUSSELL of Missouri. They want to be certain that the station there is going to be continued, and I desired to know whether this item in the bill would furnish the necessary funds to maintain that station as heretofore.

Mr. LEVER. It certainly will do so.

Mr. RUSSELL of Missouri. I want to thank the chairman of the committee for this assurance. My constituents are deeply interested in its continuance and are perfectly convinced of the great benefit that it has been and will be to the farmers of the district and the surrounding country.

Mr. CULLOP. Mr. Chairman, I offer the following amendment as a new paragraph.

The Clerk read as follows:

Page 51, after line 13, insert as a new paragraph the following:
"For investigating a method for the eradication of the Hessian fly in wheat by the process of spraying, $50,000."

Mr. CULLOP. Mr. Chairman, the wheat crop is one of the largest of all crops that are grown on the farm. It is the third, if not the second, most remunerative in production, the corn crop being first, recently the cotton crop being second, and now the wheat crop third.

Mr. MANN. Mr. Chairman, is the gentleman going to press his amendment?

Mr. CULLOP. I hope to; yes.

Mr. MANN. I think that there ought to be a fuller attendance to hear the gentleman and vote upon his amendment, and I therefore make the point of order that there is no quorum present.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12717, the Agricultural appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FARLEY, indefinitely, on account of illness in his family.

To Mr. WILSON of Florida, at the request of Mr. CLARK of Florida, for 10 days, on account of important business.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 5835. An act for the relief of James Staton;

H. R. 7502. An act for the relief of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased;

H. R. 7862. An act for the relief of New England Coal & Coke Co., owner of the American barges *Emilie* and *Cassie*, and Bruusgaard Kiosterud Dampskibsaktieselskab, owner of the Norwegian steamship *Hesperos;*

H. R. 9803. An act to emancipate from certain disabilities children who have judgments of conviction for crime of record against them in the Juvenile Court of the District of Columbia;

H. R. 4701. An act to establish in the War Department and in the Navy Department, respectively, a roll designated as "the Army and Navy medal of honor roll," and for other purposes;

H. R. 7248. An act for the relief of the United States Drainage & Irrigation Co.; and

H. J. Res. 87. Joint resolution authorizing and directing the Secretary of the Treasury to credit the stamp account of Edward B. Craig, as collector of internal revenue for the collection district of Tennessee, in the sum of $2,034.89, being the representative value of certain internal-revenue documentary stamps which were taken from the office of said collector by an act of burglary.

PENSIONS.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 12027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, with Senate amendments thereto, disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table the bill H. R. 12027, an omnibus pension bill, with Senate amendments thereto, disagree to the Senate amendments and ask for a conference. Is there objection?

There was no objection.

The Clerk announced the following conferees:

Mr. RUSSELL of Missouri, Mr. ASHBROOK, and Mr. FULLER.

HOUR OF MEETING TO-MORROW.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that to-morrow morning, immediately after the reading of the Journal, the gentleman from Kentucky [Mr. JOHNSON] be allowed to address the House for 15 minutes.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that to-morrow morning, after the reading of the Journal and the disposition of business on the Speaker's table, the gentleman from Kentucky [Mr. JOHNSON] be permitted to address the House for not to exceed 15 minutes. Is there objection?

There was no objection.

ADJOURNMENT.

Then, on motion of Mr. LEVER (at 5 o'clock and 33 minutes p. m.), the House adjourned until to-morrow, Saturday, April 22, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows.

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on reexamination of

Tuckerton Creek, N. J. (H. Doc. No. 1040); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Missouri B. Ordway, widow of Albert Ordway, *v.* The United States (H. Doc. No. 1041); to the Committee on War Claims and ordered to be printed.

3. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Jane O'Dwyer, widow of John O'Dwyer, deceased, *v.* The United States (H. Doc. No. 1042); to the Committee on War Claims and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Henry S. Branaman *v.* The United States (H. Doc. No. 1043); to the Committee on War Claims and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Ellen B. Alexander, widow of Robert M. Alexander, *v.* The United States (H. Doc. No. 1044); to the Committee on War Claims and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Barnet W. Prescott *v.* The United States (H. Doc. No. 1045); to the Committee on War Claims and ordered to be printed.

7. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Joseph V. Kendall *v.* The United States (H. Doc. No. 1046); to the Committee on War Claims and ordered to be printed.

8. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Harrison H. Boyes *v.* The United States (H. Doc. No. 1047); to the Committee on War Claims and ordered to be printed.

9. A letter from the Acting Secretary of the Treasury, transmitting a copy of communication from the acting president of the Board of Commissioners of the District of Columbia, submitting a supplemental estimate of appropriation required for the service of the District of Columbia for the fiscal year ending June 30, 1917, under the title of "Contingent and miscellaneous expenses" (H. Doc. No. 1048); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WISE, from the Committee on Military Affairs, to which wes referred the bill (S. 3344) to authorize George H. Hervey, of Pensacola, Fla., to construct and operate an electric railway line on the Fort Barrancas and Fort McRee Military Reservations, Fla., and for other purposes, reported the same without amendment, accompanied by a report (No. 584), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STOUT, from the Committee on the Public Lands, to which was referred the bill (S. 1068) relating to desert-land entries, reported the same without amendment, accompanied by a report (No. 585), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 12099) granting a pension to Esther Opher, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. SMITH of Idaho: A bill (H. R. 14900) to amend section 6 of the act of June 1[illegible], 1910, providing for enlarged homestead entries in the State of Idaho; to the Committee on the Public Lands.

Also, a bill (H. R. 14901) providing for the disposition of lands restored to the public domain which have been segregated under the provisions of the act approved August 18, 1894 (28 Stat. L., pp. 372–422), and acts amendatory thereof and supplemental thereto; to the Committee on the Public Lands.

Also, a bill (H. R. 14902) to provide for the erection of a Federal building at Bonners Ferry, Idaho; to the Committee on Public Buildings and Grounds.

By Mr. GOODWIN of Arkansas: A bill (H. R. 14903) to establish the National Chamber of Agriculture of the United States; to the Committee on Agriculture.

By Mr. SELLS: A bill (H. R. 14904) for improvements and repairs necessary for the preservation and protection of the tailor shop of ex-President Andrew Johnson, at Greenville, Tenn.; to the Committee on Appropriations.

By Mr. HULBERT: A bill (H. R. 14905) for the improvement of East Potomac Park as a public recreation ground; to the Committee on Appropriations.

By Mr. RUSSELL of Missouri: A bill (H. R. 14906) authorizing the Secretary of War to donate to the city of Kennett, Mo., two cannon or fieldpieces; to the Committee on Military Affairs.

Also, a bill (H. R. 14907) authorizing the Secretary of War to donate to the city of New Madrid, Mo., two cannon or fieldpieces; to the Committee on Military Affairs.

Also, a bill (H. R. 14908) authorizing the Secretary of War to donate to the city of Benton, Mo., two cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. CLARK of Florida: A bill (H. R. 14909) to provide for the purchase of a site upon which to erect a post-office building in the city of Perry in the State of Florida; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14910) to provide for the purchase of a site upon which to erect a post-office building in the city of Monticello, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. EMERSON: Joint resolution (H. J. Res. 207) authorizing the issuing of a medal to Joseph David; to the Committee on the Library.

By Mr. NEELY: Joint resolution (H. J. Res. 208) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MORRISON: Joint resolution (H. J. Res. 209) to authorize the Secretary of the Interior to accept assignment of patent for improvements in the manufacture of gasoline, and for other purposes; to the Committee on Patents.

By Mr. DYER: Joint resolution (H. J. Res. 210) directing that veterans of the Grand Army of the Republic be given the regulation salute from the enlisted men of the Army, Navy, and Marine Corps; to the Committee on Military Affairs.

By Mr. DILL: Concurrent resolution (H. Con. Res. 31) providing for the printing of 1,000 copies of Moore's Digest of International Law; to the Committee on Printing.

Also, concurrent resolution (H. Con. Res. 32) providing for the printing of 1,000 copies of Hinds' Precedents of the House of Representatives; to the Committee on Printing.

By Mr. BENNET: Resolution (H. Res. 210) requesting the President to furnish certain information in relation to the case of Samuel Schwartz; to the Committee on Foreign Affairs.

By Mr. PARK: Resolution (H. Res. 211) to print 1,250 copies of the Soil Survey of Decatur County, Ga.; to the Committee on Printing.

Also, resolution (H. Res. 212) to print 2,000 copies of the Soil Survey of Tift County, Ga.; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 14911) granting an increase of pension to John Critchfield; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 14912) granting an increase of pension to Lucy A. Manrose; to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 14913) to refer to the Court of Claims the record in the case of William M. Farrington *v.* Rolfe S. Saunders, heretofore pending in the Circuit Court of the United States for the District of West Tennessee, with instructions to hear, try, and determine the same and enter judgment on the law and facts; to provide for appeal or writ of error to the Supreme Court of the United States by the Government or any part interested; to confer jurisdiction upon both of said courts, and to prescribe the method of procedure; to the Committee on War Claims.

Also, a bill (H. R. 14914) granting an increase of pension to Addie P. Shoffner; to the Committee on Invalid Pensions.

By Mr. COLEMAN: A bill (H. R. 14915) granting an increase of pension to F. Isabelle Lawrance; to the Committee on Pensions.

By Mr. CONRY: A bill (H. R. 14916) granting an increase of pension to Benjamin R. Hubbell; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 14917) granting an increase of pension to Robert Gilmore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14918) granting an increase of pension to Pleasant D. Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14919) granting a pension to James M. Wilson; to the Committee on Pensions.

By Mr. EAGAN: A bill (H. R. 14920) granting an increase of pension to Mary Ann Conroy; to the Committee on Invalid Pensions.

By Mr. HASKELL: A bill (H. R. 14921) granting a pension to Margaret Gray; to the Committee on Pensions.

By Mr. HELGESEN: A bill (H. R. 14922) granting a pension to Bruce Friend; to the Committee on Pensions.

By Mr. HILLIARD: A bill (H. R. 14923) granting a pension to George F. Taylor; to the Committee on Pensions.

By Mr. HULBERT: A bill (H. R. 14924) granting a pension to Loretta A. Bradley; to the Committee on Pensions.

By Mr. MILLER of Delaware: A bill (H. R. 14925) granting an increase of pension to Margaret Baylis; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 14926) granting a pension to Mary A. Winsor; to the Committee on Invalid Pensions.

By Mr. REAVIS: A bill (H. R. 14927) to correct the military record of William H. Boyer; to the Committee on Military Affairs.

Also, a bill (H. R. 14928) to correct the military record of Robert M. Mann; to the Committee on Military Affairs.

Also, a bill (H. R. 14929) to correct the military record of James C. Sedam; to the Committee on Military Affairs.

By Mr. ROUSE: A bill (H. R. 14930) granting an increase of pension to Emily Jane Hilton; to the Committee on Pensions.

Also, a bill (H. R. 14931) granting a pension to Albert Jeffries; to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 14932) granting an increase of pension to Elizabeth W. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14933) granting an increase of pension to Sarah Rogers; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 14934) granting an increase of pension to Mary Dodge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14935) granting an increase of pension to William M. Spann; to the Committee on Invalid Pensions.

By Mr. SANFORD: A bill (H. R. 14936) for the relief of Lawrence Collins and Edward J. Flanigan; to the Committee on Claims.

By Mr. STEENERSON: A bill (H. R. 14937) granting an increase of pension to William H. Wharton; to the Committee on Pensions.

By Mr. TAVENNER: A bill (H. R. 14938) granting an increase of pension to William G. Jackson; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 14939) granting an increase of pension to John W. Wahl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14940) granting a pension to Mrs. Sarah A. Staley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14941) granting a pension to Frederick Noyes; to the Committee on Pensions.

By Mr. VENABLE: A bill (H. R. 14942) granting an increase of pension to Julia A. Ueltschey; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANTHONY: Memorial of Republican County Convention of Reno County, Kans., favoring national woman suffrage; to the Committee on the Judiciary.

By Mr. DALE of New York: Petitions of sundry men and women voters of the State of Kansas, protesting against the action of the Judiciary Committee relative to the suffrage amendment; to the Committee on the Judiciary.

By Mr. DARROW: Petitions of 156 citizens of Philadelphia, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. DILL: Petition of C. S. Barnhart and other residents of Loomis and Hassan, Wash., protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of Charles G. Miller and other residents of Ione, Wash., protesting against the passage of Senate bill 645; to the Committee on the District of Columbia.

Also, petition of Charles G. Miller and other residents of Ione, Wash., protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of Charles G. Miller and other residents of Ione, Wash., protesting against the passage of House bill 652; to the Committee on the District of Columbia.

Also, petition of L. J. Artman and other residents of Colville, Wash., protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. DOOLITTLE: Petition of 11 members of the Ministerial Association of Emporia, Kans., favoring a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. DYER: Petition of the First National Bank of Kansas City, Mo., favoring the citizens' army; to the Committee on Military Affairs.

Also, petition of farmers of St. Francois County, Mo., favoring law providing for standardization of agricultural products; to the Committee on Agriculture.

By Mr. EAGAN: Memorial of National Grange legislative committee, Patrons of Husbandry, in re legislation; to the Committee on Military Affairs.

By Mr. EDMONDS: Petition of Manufacturers' Club of Philadelphia, Pa., against the passage of the armor-plate bill; to the Committee on Naval Affairs.

Also, petition of Manufacturers' Club of Philadelphia, Pa., against passage of the Philippine bill; to the Committee on Insular Affairs.

By Mr. ELSTON: Petition of Women's Missionary Society of First Presbyterian Church, of Berkeley, Cal., favoring passage of a bill to prohibit sale of alcoholic liquors in Hawaii, Porto Rico, and Philippine Islands; to the Committee on Insular Affairs.

Also, petition of Women's Missionary Society of First Presbyterian Church, of Berkeley, Cal., favoring bill to prohibit sale, etc., of Alcoholic liquors in Africa; to the Committee on Alcoholic Liquor Traffic.

By Mr. FLYNN: Memorial of National Grange Legislative Committee, in re legislation; to the Committee on Military Affairs.

By Mr. FOCHT: Evidence in support of House bill 8973, for the relief of Thomas D. Hummel; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 7070, for the relief of John W. Ferguson; to the Committee on Pensions.

Also, evidence in support of House bill 9733, for the relief of John A. Boggs; to the Committee on Invalid Pensions.

Also, statement in support of House bill 8871, for the relief of George D. Jones; to the Committee on Military Affairs.

Also, petition of citizens of Greencastle, Pa., favoring Emerson condensed-milk resolution; to the Committee on the Judiciary.

By Mr. FULLER: Petitions of Pettibone, Mulliken Co. and the Union League Club of Chicago, Ill., relative to preparedness; to the Committee on Military Affairs.

Also, petition of the Western Military Academy, of Alton, Ill., favoring House bill 11086, concerning appointments to the West Point Military Academy; to the Committee on Military Affairs.

Also, petition of the Toledo (Ohio) Scale Co., against passage of House bill 9323, relative to weights and measures; to the Committee on Weights and Measures.

By Mr. GARNER: Petition of sundry citizens of the State of Texas, favoring reenactment of the Smith-Lever bill, omitting section 11, etc.; to the Committee on Agriculture.

By Mr. HAMILTON of New York: Petition of sundry citizens of Lakewood and Jamestown, N. Y., in opposition to House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. HILLIARD: Papers to accompany House bill 13186, for relief of John D. Shick; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 13185, for relief of John Hickey; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 11739, for relief of Caroline M. Anthony; to the Committee on Pensions.

Also, petition of Minnie Robbins and 19 others, of Denver, Colo., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of William E. Sweet, of Denver, Colo., against increased military or naval appropriation by this Congress; to the Committee on Appropriations.

By Mr. HULBERT: Memorial of Board of Aldermen of New York City, favoring passage of House bill 6915, relative to pensions for aged postal-service employees; to the Committee on the Post Office and Post Roads.

By Mr. LESHER: Petition of 76 citizens of Northumberland County, Pa., favoring a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. LONDON: Petition protesting against the sending of the military forces of the United States into Mexico and asking the withdrawal of such forces, from F. W. Kirk and 20 other citizens of Louisville, Ky.; to the Committee on Foreign Affairs.

Also, petition indorsing a bill proposed by Mr. Fred Warren "providing that those who make war shall do all the fighting," from C. W. Busby and 17 other citizens of Eustace, Tex.; to the Committee on Military Affairs.

Also, telegram opposing any action by Congress that would cause a state of war and urging Congress to prevent that calamity, from Waiters' Union No. 30, San Francisco, Cal.; to the Committee on Foreign Affairs.

By Mr. LOUD: Petitions of Archie Sanger and 14 other citizens of Edenville, Mich., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of C. C. McDonald and 3 other citizens of Blanchard, Mich., favoring the Ashbrook bill, relative to increase in pensions to Civil War widows; to the Committee on Invalid Pensions.

By Mr. NORTH: Petition of 40 citizens of Indiana County, Pa., favoring a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. RAINEY: Petition of Lula C. Smith and others, of Rockport, Ill., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of Richard Burch and others, of Eldred, and Ida E. Staley and others, of Tallula, Ill., against a juvenile-court act; to the Committee on the District of Columbia.

By Mr. RANDALL: Memorial of the commission on temperance of the Congregational Churches of the United States, urging the passage of the Sheppard District of Columbia prohibition bill; to the Committee on the District of Columbia.

Also, petition of 545 people of Pomona, Cal., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Nevada Hulbart and 32 other citizens of Los Angeles, Cal., protesting against House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. SANFORD: Papers to accompany House bill 13371, for the relief of Matthew J. McDermott; to the Committee on Claims.

By Mr. SIMS: Petition of sundry citizens, favoring rural credit legislation; to the Committee on Banking and Currency.

By Mr. SLOAN: Petition of Alexander A. M. Bulgrin and 72 others, against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. STEENERSON: Petition of citizens of Pipestone County, Minn., protesting against House bills 6468 and 491, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of California: Resolution of Franklin Printing Trades Association, San Francisco, Cal., favoring an embargo on export of materials for manufacturing paper; to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. A. Hunter and 41 others, all of Los Angeles, Cal., protesting against the juvenile court bill—House bill 13048; to the Committee on the Judiciary.

Also, letter from Simon Levy Co., Los Angeles, Cal., favoring the Keating bill; to the Committee on Interstate and Foreign Commerce.

Also, resolution from Chamber of Commerce, Venice, Cal., favoring a naval base in Santa Monica Bay, Cal.; to the Committee on Naval Affairs.

Also, letter from Central Labor Union, Santa Barbara, Cal., protesting against preparedness; to the Committee on Military Affairs.

Also, letters from Henry S. Cahn, Los Angeles, Cal., and A. C. Rudolfson, San Francisco, Cal., favoring 1-cent postage on drop letters; to the Committee on the Post Office and Post Roads.

Also, communications from Mrs. H. Salkey and the Jewish Sisterhood of Los Angeles, Cal., protesting against the Burnett immigration bill; to the Committee on Immigration.

Also, communication from St. Antonius Society, protesting against the sale and export of munitions of war; to the Committee on Interstate and Foreign Commerce.

Also, communications from C. E. Chamberlain and 10 others, favoring the Warren bill; to the Committee on Military Affairs.

Also, letters favoring the construction of highway up Mount Whitney, Cal., from Howard Huntington and M. J. Connell, of Los Angeles, Cal., and Kern County Board of Trade, Bakersfield, Cal.; to the Committee on the Public Lands.

Also, petition signed by Mrs. C. C. Clay, president California Division, United Daughters of the Confederacy; Mrs. T. J. Douglas, president Los Angeles Chapter, United Daughters of the Confederacy; Mrs. Samuel Cary Dunlap, past president of California Division, United Daughters of the Confederacy; Mrs. Grantland S. Long, State vice president, and Mrs. Allen W. Ellington, second vice president, Los Angeles Chapter, United Daughters of the Confederacy; Mrs. W. B. Scarborough, recording secretary Los Angeles Chapter; Miss Lulie McGoodwin, corresponding secretary Los Angeles Chapter; Miss Cora A. Mathews, historian Los Angeles Chapter; Mrs. John C. McCay, custodian of the flag, and 68 others, all of Los Angeles, Cal., favoring the passage of House bill 478; to the Committee on Invalid Pensions.

SENATE.

SATURDAY, *April 22, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Creator of all things, Thy will is law. We bless Thee that we have come to know that the law of Thy will is love and grace and truth. We come to Thee to-day under the inspiration of this season of the year. We see once more the challenge of life to the force of death. That which was dead is alive again. Thou dost give to us the pledge of our own immortality. We have about us the intimations of the life which is yet to be. We bless Thee for the assurance that wholeness of life is the conqueror over death. Thou wilt not suffer Thy holy one to see corruption. Grant us this day the especial inspiration of Thy spirit that we may enter profoundly into the meaning and message and intimation of this season and come to measure life by its infinite length and depth and height and breadth. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Thursday, April 20, 1916, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

THE NAVY (S. DOC. NO. 413).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of April 12, 1916, certain information relative to a communication dated August 3, 1914, from the General Board of the Navy warning the Navy Department of the necessity of bringing the Navy to a state of preparedness, and also of a communication dated November 9, 1914, from Rear Admiral Bradley A. Fiske, senior adviser to the Secretary, warning the Navy Department of the unprepared state of the Navy, which was referred to the Committee on Naval Affairs and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 98) to print as a public document the final report and testimony submitted to Congress by the United States Commission on Industrial Relations.

The message also announced that the House agrees to the amendment of the Senate to the amendments of the House to the concurrent resolution (S. Con. Res. 20) authorizing the appointment of a representative of the United States Government to appear at the celebration of the landing of Sir Francis Drake on the coast of California.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 12027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL of Missouri, Mr. ASHBROOK, and Mr. FULLER managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

H. R. 4701. An act to establish in the War Department and in the Navy Department, respectively, a roll, designated as "the Army and Navy medal-of-honor roll," and for other purposes;

H. R. 5835. An act for the relief of James Stanton;

H. R. 7248. An act for the relief of the United States Drainage & Irrigation Co.;

H. R. 7502. An act for the relief of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased;

H. R. 7862. An act for the relief of New England Coal & Coke Co., owner of the American barges *Emilie* and *Cassie*, and Bruusgaard, Kiosterud Dampskibsaktieselskab, owner of the Norwegian steamship *Hesperos;*

H. R. 9803. An act to emancipate from certain disabilities children who have judgments of convictions for crime of record against them in the juvenile court of the District of Columbia; and

H. J. Res. 87. Joint resolution authorizing and directing the Secretary of the Treasury to credit the stamp account of Edward B. Craig, as collector of internal revenue for the collection district of Tennessee, in the sum of $2,034.89, being the representative value of certain internal-revenue documentary stamps which were taken from the office of said collector by an act of burglary.

PETITIONS AND MEMORIALS.

Mr. SMITH of Michigan. Mr. President, I have a number of petitions from citizens of Sebewaing, Mich., and also from Detroit and other points in my State, bearing upon the question of an embargo upon the shipment of arms. If the Chair will indulge me, I will call attention to one of them, in which the petitioner says:

> As I am very anxious to see our country maintaining a position of neutrality so definite and absolute that it can not be questioned by anyone whose sympathies are for either of the belligerents of Europe, I am appealing to you, my representative in the upper House of Congress, to support the resolution ordering an embargo upon further shipments of war material, when it comes up for consideration.

These petitions are generally in the same form and come from patriotic citizens, and I desire that their zeal may be properly considered by the committee.

The VICE PRESIDENT. The petitions will be referred to the Committee on Foreign Relations.

Mr. HARDING presented petitions of sundry citizens of Ohio, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Ohio, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of the City Council of Cleveland, Ohio, remonstrating against any change in the parcel-post law, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Ohio, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. GALLINGER presented petitions of F. E. Everett, State highway commissioner, of Concord, and of the Auto Club, of Nashua, in the State of New Hampshire, praying for Federal aid in the construction of good roads, which were ordered to lie on the table.

He also presented the petition of Dr. Benjamin W. Baker, superintendent of the New Hampshire School for Feeble-Minded, of Laconia, N. H., praying for the establishment of a home for feeble-minded in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. TAGGART. Mr. President, I ask unanimous consent that I be permitted to present and have printed in the RECORD a letter in the nature of a petition addressed to my colleague, Senator KERN, which would have been presented by him but for the fact that he is unavoidably absent from the city.

This letter is signed by a score or more of the leading business men of Indianapolis, all of whom have been for many years identified with every movement for the growth and development of that city.

All are of German birth or ancestry, but every one a loyal American citizen.

While many may not agree with the views expressed, these men are of such high character and standing as to entitle their utterances to respectful consideration.

I ask that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INDIANAPOLIS, IND., *April 12, 1916.*

Hon. JOHN W. KERN,
United States Senate, Washington, D. C.

DEAR SENATOR: As your neighbors, friends, and constituents, we feel that we can appeal to you in this critical hour of our country's negotiations with Germany and ask your calm and unbiased consideration of a few statements which we beg herewith respectfully to submit.

We feel confident it is not necessary to protest our loyalty to our common country to you who have known us for years, and submit that it is no test of our patriotism to entertain opinions and form judgments in good faith which may differ from those of our fellow citizens.

If, because of our blood relationships, we have sympathized with Germany in the awful contest which has been raging since August, 1914, it seems to us that this is quite natural, indeed it would be unnatural and perhaps worse, rank hypocrisy, if it were otherwise. We would resent the imputation that because we hold sympathies for Germany we have violated any of the requirements of a good faith loyalty to our country.

It is our sincere judgment that there has been no provocation by Germany, or any violation of international law by it, that would justify the severance of diplomatic relations or the declaration of war. It is our sincere judgment that the Government of Germany, as well as the German people, do not court the enemity of our Government or of our people, and would not intentionally commit any avoidable act that would bring on the ill will of our country. It is our sincere judgment that Germany would not knowingly commit the slightest act which, by any possible stretch of imagination, could be construed as an attack upon our national honor.

We submit if it should be proven that we are right in our contentions, as set out in the preceding paragraph, it would be worse than a calamity to break off relations with a country with whom we have always been at peace and with whom our relations have always been upon a basis of mutual respect and confidence.

Perhaps we have no legal foundation for advancing our ties of blood relationship as an argument against the break of diplomatic intercourse with Germany—others, no doubt, in the past, in similar emergencies, have asked for consideration because of mere financial interests—but the best instincts of a common brotherhood, it seems to us, furnishes a valid excuse for an appeal to our fellow citizens to consider our sufferings in the event of a situation such as is now threatening.

We appeal to you, as our trusted representative, to use the power of your great influence against the proposition to break diplomatic relations with Germany. With great respect,

Yours, truly,

Louis Nodroez; Fred Fahnley; Albrecht Kipp; G. A. Schmell; Wm. F. Piel; Albert Sieber; Very Rev. Ant. Scheideler, V. G., pastor of St. Mary's Church; Charles Mayer; H. O. Pantzer; F. J. Meyer; John P. Frenzel; Otto N. Vonnyer; S. E. Rauh; Jos. Keller; Lorenz Schmidt; Albert C. Zahn; Herman P. Lieber; J. C. Peters; Herman Frenzel; Theo. Stempfel; Hugo Wuelfing.

Mr. TAGGART. I also ask unanimous consent that I be permitted to present two telegrams which I have received and that they may be printed in the RECORD. One is from the German-American Democratic Club of Indianapolis, consisting of about 800 members, and the other telegram is from the Indiana Branch of the American Rights Committee, consisting of about 180 names. I ask that these two telegrams be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

INDIANAPOLIS, IND., *April 20, 1916.*

Hon. THOMAS TAGGART,
Washington, D. C.:

Senator, this is Good Friday. It brings home to us good thoughts, kindly feelings, a reverence strengthened anew for our Savior, who died that we might live, and through this reverence is born anew the grand, the ennobling sentiment, peace on earth, good will to men. Let us, then, hope and pray that this may become a living reality and that to this end nothing will be left undone to prevent a severance of the peaceful, kind, and neighborly relations existing between ours, the grandest Nation on earth, and the German Empire. May we courteously prevail on you, our friend, to urge upon our great and good President and the Nation's Congress, commemorative of this good day, to sound the slogan to a grateful constituency, Peace on earth, good will to men.

By order of the German Democratic Club.

ALBERT SAHM, *President.*
CARL VIEBAHN, *Secretary.*

INDIANAPOLIS, IND., *April 21, 1916.*

Hon. THOMAS TAGGART,
United States Senate Chamber, Washington, D C.:

Indianapolis Branch American Rights Committee consists following members:

George Ade, E. W. Arnold, M. L. Addington, Charles E. Andrews, W. C Bobbs, George Briggs, John T. Brandon, Charlon G. Eden, Harry R. Ellis, Bert Essex, Frank S. Fishback, M. K. Foxworthy, John S. Fishback, Frank C. Fishback, Frank H. Blackledge, Austin H. Brown, Henry W. Bennett, Stanley C. Brooks, Paul H. Birdsall, Willitts A. Bastian, Hays H Buskirk H. J. Barnard, Fred E. Barrett, Hervey Bates, jr., P. Bandy, Demarchus C. Brown, T. I. Foster, Arthur Grover, Harry C. Gilbert, Ralph Gregory, A. Bennett Gates, Albert H. Gisler, Lee R. Garber, Paul Gregory, Thomas J. Cameron, Alexander R. Holliday, William W. Hampton, Blythe Q. Hendricks, Col. John T. Barnett, Edward T Branham, Harry Behrmann, Alex Barry, Dr. John H. Bull, Garvin M. Brown, Edward J. Bennett, R. T. Byers, Henry O. Chamberlin, B. F. Cotharin, Charles Clark, C. J. Cooper, jr., H. Foster Clippinger, Smiley A. Chambers, Dr. E. D. Clark, John N. Carey, Christopher B. Coleman, Jefferson Caylor, William Coull, John B. Coull, James I. Dissette, Ward H. Dean, Richard A. Henry, John H. Holliday, jr., Jacquelin S. Holliday, B. S. Hawkins, A. M. Higgins, R. A. Heitbrink, C L Harrell, Ray E. Harris, Ward H. Hackleman, L. A. Hardin, P. A. Havelick, James O. Humbert, George B. S. Hah, J. I. Holcomb, J. Guy Haugh, R. D Harper, John W. Hett, John T. Jameson, Fred B. Johnson, Sylvester Johnson, F. E. Jordan, William E. Day, Frank T. Demmerly, F. T. Davenport, Samuel Dowden, F. S. Douglass, Sol H. Esarey, Ernest Kneller, Otto H. Kalff, Charles S. Lewis, Edward R. Lewis, Elmer E Locke, Eli Lilly, Ernest W. Levering, Arthur V. Lamme, Montgomery P. Lewis, Daniel B. Lufen, George J. Marott, Samuel D. Miller, Clarence Martindale, H. C. Mitchell, Joseph A. Miner, John M Judah, William P. Kappes, J. Edward Kamps, William W. Knight, Henry Knaff, John E Kinsley, Charles E. Richards, William T. Rausmussen, F. S. Rundell, R. G. Sumner, David Shreyer, Joseph K. Sharpe, James T Stewart, Wallace C. Stoneman, Jesse S. Shields, W. R. Sinclair, Lucius B. Swift, Charles C. Sloan, Samuel B. Sutphin, Thomas Stevenson, W T. Steele, Henry J. Martin, William H. H. Miller, A. H. Morris, Alfred H. Moore, Horace A. Morgan, Harry L. Mott, Donald McGibney, Felix McWhirter, Judge Robert W. McBride, Dr. Charlton McCullough, R. A. McGregor, Russell A. McNair, Clare McTurnan, Edward L. McKee, jr., Meredith Nicholson, Nicholas H.

Noyes, Clarence W. Nichols, Frank W. Olin, L. J. Osborn, J. B. Parsons, M. J. Price, Thomas D. Sheerin, Edward C. Simpson, Harry G. Sargent, Newton Booth Tarkington, Maurice E. Tennant, Harry S. Taylor, Newton Todd, Henry M Talbott, A. W. Thomson, John S. Tarkington, Preston C. Trusler, Charles J. Taylor, Fred I. Tone, M. E. Vinton, Fred Wallick, Dr. Arthur L. Walters, Will H. Wade, James A. Walsh, William R. Wimmer, Charles N. Williams, Phil C. Pfenninger, Lafayette Perkins, Maxwell O. Parry, Walter P. Pfaff, A. L. Rigsbey, H. C. Riggs, R. L. Resener, Ralph M Reard, Alex Taggart, W. Morton Herriott, Romney L. Willson, D. P. Williams, John V. Wilson, Lewis Watson, Ryland H. Wolcott, Edmund Zerner, Frank Hendrickson, Dr. David Layman, Dr Henry Jameson, Charles W. Warren, and D. Lawrence Chambers.

I am directed to send you following: We earnestly approve position taken by President in his message to Germany and oppose any measure which may tend to weaken the force of that message.

BOOTH TARKINGTON, *Chairman.*

Mr. MARTINE of New Jersey. I present a telegram from one of my constituents. I have received many of similar purport, and I respectfully ask that this one may be read.

There being no objection, the Secretary read the telegram, as follows:

HOBOKEN, N. J., *April 19, 1916.*

Hon. JAMES E. MARTINE,
Senate Chamber, Washington, D. C.:

The propaganda which has been carried on with the avowed purpose of inflaming the American people with a desire to enter this European war has never been equaled by any propaganda carried on in this or any other country. The undoubted will of the American people is that we maintain peace.

DANIEL P. TOOMEY,
East Orange, N. J.

Mr. MARTINE of New Jersey. I have received from citizens of my State, I am safe in saying, 100, possibly more, of similar import.

Mr. SHEPPARD presented petitions of sundry citizens of Texas, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a telegram in the nature of a petition from sundry citizens of San Antonio, Tex., and petitions of sundry citizens of the District of Columbia, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Hill County, Tex., remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Grand Prairie, Tex., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Corpus Christi, Tex., remonstrating against the proposed creation of a juvenile court in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Oglesby, Tex., remonstrating against the adoption of section 11 of the so-called cotton-futures bill, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of New Mexico, praying for an investigation into the methods of handling public lands, etc., which was referred to the Committee on Public Lands.

Mr. BRADY presented petitions of sundry citizens of Idaho, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Nez Perce, Idaho, praying for prohibition in the District of Columbia, which was ordered to lie on the table.

Mr. LIPPITT. I have a resolution in the form of a memorial of the General Assembly of the State of Rhode Island, protesting against the imposition of a Federal inheritance tax, which I ask to have printed in the RECORD.

There being no objection, the memorial was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

[H. 266, January session, A. D. 1916. Mr. Sumner, of Providence.]

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

Resolution requesting the Senators and Representatives in Congress from Rhode Island concerning House resolution 8929, providing for a Federal inheritance tax.

Whereas there has been introduced in the House of Representatives of the Congress of the United States House resolution 8929, authorizing the imposition of a Federal tax on gifts, legacies, and inheritances; and

Whereas it is held by ample and eminent authority that this form of taxation belongs properly to the several States and should be reserved strictly as a source of State revenue and not made a source of revenue by the Federal Government; and

Whereas the taxation of inheritances is already an established part of the revenue systems of 43 of the United States, a fact which would render the position of a Federal inheritance tax an unjust burden and result in double taxation in an aggravated and unwarranted degree: Therefore be it

Resolved, That the General Assembly of the State of Rhode Island hereby declares its firm conviction that the interests of the State and of the public generally would not be conserved by the passage of said resolution, and that the imposition of a Federal tax on gifts, legacies, and inheritances would be inimical thereto.

Resolved, That the Senators and Representatives in Congress from Rhode Island be, and they hereby are, requested to use their efforts to prevent the passage of said House resolution 8929, and the secretary of state is hereby instructed to forward a copy of these resolutions to each of them forthwith.

A true copy.

Attest:

[SEAL.] J. FRED PARKER, *Secretary of State.*

Mr. SMOOT. I present a telegram in the nature of a petition and ask that it be printed in the RECORD. I will not take the time to have it read. Let it be printed without the names.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

SALT LAKE, UTAH, *April 21.*

Senator REED SMOOT, *Washington, D. C.:*

We believe that the American people are absolutely against war with Germany. Under the present circumstances and conditions they consider such a war the greatest calamity which could befall our country and a crime against our own people and against humanity. Millions of hearts will be broken and inexpressible suffering will be the lot of ourselves and our brethren. We firmly believe that this is the sentiment of the majority of the American Nation, and we trust and hope from the bottom of our hearts that you will do all you can to keep us out of an unjust war.

Mr. McLEAN presented a petition of the Literary Club of Cheshire, Conn., praying for the creation of a national-park service, which was referred to the Committee on Public Lands.

He also presented petitions of Virginia Dare Council, No. 25, Sons and Daughters of Liberty, of Norwich; of Banner Council, No. 54, Sons and Daughters of Liberty, of Norwalk; of Lady Fowler Council, No. 58, Sons and Daughters of Liberty, of Milford; of Goddess of Liberty Council, No. 3, Sons and Daughters of Liberty, and of Quininpiack Council, No. 61, Sons and Daughters of Liberty, of New Haven; of Betsy Ross Council, No. 19, Sons and Daughters of Liberty, of Bridgeport; and of Lady Sherman Council, No. 15, Sons and Daughters of Liberty, of Shelton, all in the State of Connecticut, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Willimantic, Conn., praying for the prohibition of the exportation of intoxicating liquor to Africa, which was referred to the Committee on the Judiciary.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Portland, Me., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. CHAMBERLAIN presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Oregon, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Portland, Oreg., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. LANE presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Portland, Oreg., praying for the enactment of legislation to provide a firemen's relief fund for the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Oregon, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

Mr. POINDEXTER presented petitions of sundry citizens of the State of Washington, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Colville and Granger, in the State of Washington, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Granger and Hassan, in the State of Washington, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Rice and Centralia, in the State of Washington, praying for Government ownership of telephone and telegraph systems, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Rice and Centralia, Wash., remonstrating against an increase in armaments, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Lewis County, Wash., remonstrating against the proposed creation of a juvenile court in the District of Columbia, which was ordered to lie on the table.

Mr. WEEKS presented petitions of sundry citizens of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Boston, Mass., praying for the creation of a tariff commission, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Worcester, Mass., praying for an increase in the Dental Corps of the Army, which was ordered to lie on the table.

He also presented a petition of the Board of Trade of North Attleboro, Mass., praying for the enactment of legislation to provide Federal aid for vocational education, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Haverhill, Mass., praying for the enactment of legislation to grant pensions to certain widows of veterans of the Civil War, which were referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Massachusetts, praying for an increase of armaments, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Worcester, Mass., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Melrose, Mass., praying for the prohibition of the exportation of intoxicating liquor to Africa, which was referred to the Committee on the Judiciary.

Mr. COLT presented petitions of sundry citizens of Rhode Island, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Grange, Patrons of Husbandry, of Moosup Valley, R. I., praying for Government ownership of telephone and telegraph systems, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution, in the nature of a memorial, from the General Assembly of the State of Rhode Island, remonstrating against the imposition of a tax on gifts, legacies, and inheritances, which was referred to the Committee on Finance.

Mr. PHELAN presented petitions of sundry citizens of San Jose, Sacramento, and Los Angeles, all in the State of California, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Eureka, Sacramento, and Bakersfield, all in the State of California, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

RED CROSS SUPPLIES.

Mr. BRANDEGEE. Mr. President, I send to the desk a telegram which I have received from my State, and I ask that the Secretary may read it.

The Secretary read the telegram, as follows:

[Telegram.]

NEW HAVEN, CONN., *April 20, 1916.*

Hon. FRANK B. BRANDEGEE,
United States Senate, Washington, D. C.:

Red Cross has just issued circular announcing British Government refuses to pass Red Cross supplies for central powers. Would beg that you will protest in the Senate against virtual overthrow of Geneva principles and will not tacitly allow Red Cross to be used as aid for one side only.

YANDELL HENDERSON.

Mr. BRANDEGEE. Mr. President, I am not particularly familiar with any order that Great Britain may have made prohibiting the supplies of the Red Cross from reaching the central powers. I think I remember to have seen in one of the newspapers the other day that such action had been taken and it was claimed by the British authorities that it was done, if I recall the reading correctly, because of fear on their part that some of these hospital supplies might be used for war purposes. It seemed to me at the time that that was a somewhat forced excuse. I had supposed hitherto that supplies to relieve the suffering of wounded soldiers could be sent into any country by the Red Cross, and I assumed that it was recognized by all belligerents that the Red Cross was sent upon an errand of mercy. I do not know what supplies the Red Cross is sending in that could be used for war purposes to any extent. I conceive that what cotton or chemicals they use for hospital purposes would not go very far in maintaining attacks about Verdun at least. Not knowing any more about it than I do I am not prepared to say anything more about it.

I have presented the telegram, and it will appear in the RECORD, hoping that the attention of the State Department may be drawn to the subject.

Mr. WORKS. Mr. President, I have received a number of telegrams from various people and different organizations relating to our present relations with Germany. That is a matter which is in the hands of the executive department of the Government, and the situation is somewhat critical. I have not felt it to be wise or prudent to bring those matters before the Senate. I think the responsibility rests now with the President, and that he should be allowed to conduct negotiations as seems right to him.

I have therefore advised my correspondents who have been sending these telegrams that I do not think it is a time when we should indulge in criticisms; that we had better await developments and see what comes of the negotiatons that are being carried on by the proper department of the Government.

I say this because similar telegrams have been submitted here, and some of the people who have been appealing to me in various ways may feel that it is my duty to present the telegrams I have received. I want my position to be understood in that respect. I think it is a time when we should be careful about what we say, and careful about what we bring before the Senate calculated to inflame the public mind. There is agitation enough about it now, Mr. President, and I think we ought not to contribute to it. When the matter comes before the Senate, if it ever does, it should be ready to act upon it freely and independently.

REPORTS OF COMMITTEES.

Mr. BROUSSARD, from the Committee on Claims, to which was referred the bill (S. 5672) for the relief of sundry building and loan associations, reported it without amendment and submitted a report (No. 384) thereon.

Mr. HARDING, from the Committee on Claims, to which was referred the bill (S. 4212) for the relief of W. E. Thomas submitted an adverse report (No. 380) thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 1293) to reimburse the Farmers' Savings Bank of Brandon, Iowa, for currency destroyed by fire, submitted an adverse report (No. 379) thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 1429) for the relief of Artemus W. Pentz, reported it with an amendment and submitted a report (No. 383) thereon.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 147) for the relief of John W. Cupp (Rept. No. 381); and

A bill (S. 2543) for the relief of the State of Kentucky (Rept. No. 382).

Mr. MARTINE of New Jersey, from the Committee on Education and Labor, to which was referred the bill (S. 4060) to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured, mined, or produced by convict labor or in any prison or reformatory, reported it with amendments and submitted a report (No. 385) thereon.

MISSOURI RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 9909) to authorize the Chicago, Milwaukee & St. Paul Railway Co. to construct a bridge across the Missouri River, and I submit a report (No. 378) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SNAKE RIVER BRIDGE, IDAHO.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 11320) granting the consent of Congress to the Counties of Twin Falls and Minidoka, State of Idaho, to construct a bridge across

Snake River, and I submit a report (No. 377) thereon. I ask unanimous consent for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIEUT. ROY C. SMITH.

Mr. SMITH of Michigan. From the Committee on Naval Affairs I report back favorably with an amendment in the nature of a substitute Senate resolution 106, authorizing an investigation into the case of Lieut. Roy C. Smith, and I submit a report (No. 386) thereon. I ask unanimous consent for the present consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was to strike out all after the word "*Resolved*" and to insert:

That the Secretary of the Navy be, and he is hereby, requested to reopen and review the findings of the court of inquiry made in re Lieut. Roy C. Smith, formerly of the Asiatic Fleet, United States Navy, dated July 25, 1911, with the object of ascertaining whether these findings were based upon facts of established record, and to take and consider any additional evidence or facts which may be presented bearing on this case, and to render his findings on the whole record so made.

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN (by request):

A bill (S. 5704) to accept the cession by the State of Oregon of exclusive jurisdiction over the lands embraced within the Crater Lake National Park, and for other purposes; to the Committee on Public Lands.

By Mr. HARDWICK:

A bill (S. 5705) granting a pension to Polly Giddens; to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 5706) for the purchase of a post-office site at Bucyrus, Ohio; to the Committee on Public Buildings and Grounds.

A bill (S. 5707) providing for leaves of absence for clerks and employees in first and second class post offices; to the Committee on Post Offices and Post Roads.

By Mr. SIMMONS:

A bill (S. 5708) for the establishment of Winston-Salem, in the State of North Carolina, as a port of delivery under the act of June 10, 1880, governing the immediate transportation without appraisement of dutiable merchandise; to the Committee on Finance.

By Mr. WADSWORTH:

A bill (S. 5709) for the relief of the owners of the British steamship *Clearpool;* to the Committee on Claims.

By Mr. HARDING:

A bill (S. 5710) granting an increase of pension to William A. Greene; and

A bill (S. 5711) granting a pension to Margaret Burwell; to the Committee on Pensions.

By Mr. HUGHES:

A bill (S. 5712) for the relief of Ralph Deremer; to the Committee on Military Affairs.

By Mr. SMITH of Michigan:

A bill (S. 5713) granting an increase of pension to Louis Hines (with accompanying papers); to the Committee on Pensions.

By Mr. TAGGART:

A bill (S. 5714) granting an increase of pension to James S. Sisson (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 5715) granting an increase of pension to Lorenzo D. McClain (with accompanying papers); to the Committee on Pensions.

By Mr. PITTMAN:

A bill (S. 5716) to establish the Mount McKinley National Park, in the Territory of Alaska; to the Committee on Territories.

By Mr. PHELAN:

A bill (S. 5717) granting a pension to William Lynch (with accompanying paper); to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 5718) to provide for an auxiliary reclamation project in connection with the Yuma project, Arizona; to the Committee on Irrigation and Reclamation of Arid Lands.

STOCK-RAISING HOMESTEADS.

Mr. ASHURST submitted an amendment intended to be proposed by him to the bill (H. R. 407) to provide for stock-raising homesteads, and for other purposes, which was referred to the Committee on Public Lands and ordered to be printed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. POMERENE submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

GOOD ROADS.

Mr. LEE of Maryland submitted an amendment intended to be proposed by him to the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter, which was ordered to lie on the table and be printed.

RENTAL OF BUILDINGS.

Mr. GALLINGER. Mr. President, I submit a table carefully prepared showing the rentals by the Government for public buildings in the District of Columbia, which I ask to have printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Rentals for public buildings in the District of Columbia.

[From Journal of the American Institute of Architects, February, 1916.]

	Real value.	Annual rental.	Net return to owner.
			Per cent.
Agricultural Department, Willard Building	$270,000	$9,500	1.50
Agricultural Department, 215–217 Twelfth SW	19,250	900	3.50
Agricultural Department, 216 Thirteenth SW	148,000	16,000	9.00
Agricultural Department 220 Fourteenth SW	180,000	20,000	9.25
Agricultural Department, 200–202 Fourteenth SW	28,000	3,000	8.75
Agricultural Department, 212–214 Thirteenth SW	13,000	960	5.50
Agricultural Department, 929 Seventh SW	24,400	600	.50
Agricultural Department, 221 Linwood Place NW	46,274	5,400	9.75
Agricultural Department, 339 Pennsylvania Avenue NW	45,700	4,800	8.50
Agricultural Department, 1316 B SW	19,000	3,000	15.00
Agricultural Department, rear 915 E NW	2,700	300	8.67
Agricultural Department, rear 215 Twelfth SW	5,225	600	10.75
Agricultural Department, rear 215 Linworth Place SW	750	120	14.00
Agricultural Department, 929 F NW	209,000	18,000	(1)
Agricultural Department, 818 Four-and-a-Half SW	5,650	360	8.00
Agricultural Department, 224 Twelfth SW	26,000	2,500	7.75
Agricultural Department, 220 Thirteenth SW	26,000	3,000	9.50
Agricultural Department, 215 Thirteenth SW	32,589	4,000	10.50
Agricultural Department, 1358 B SW	274,000	35,360	11.00
Agricultural Department, 1304–1306 B SW	24,250	2,500	7.50
Civil Service Commission, 1724 F NW	181,000	12,000	4.67
Commerce Department, Pennsylvania Avenue and Nineteenth NW	666,000	65,500	7.75
Department of Justice, 1000 Vermont Avenue NW	77,500	6,800	6.75
Department of Justice, 1435–1439 K NW	140,000	12,400	7.00
Department of Justice, 1013 Fifteenth NW	11,800	1,800	13.25
Department of Justice, 6, 8, 10 Jackson Place NW	91,000	6,000	4.67
Interstate Commerce Commission, 1319 F NW	460,000	39,024	6.50
Interior Department, Eighth and E NW	108,750	7,800	5.00
Interior Department, 710 E NW	128,000	12,000	7.50
Labor Department, Pennsylvania Avenue and Seventeenth NW	510,000	20,000	3.88
Navy Department, New York Avenue and Eighteenth NW	285,000	40,000	12.00
Navy Department, 730 Seventeenth NW	$21,000	$1,200	4.00
Post Office Department, First and K NE	300,000	32,000	8.75
State Department, 1653 Pennsylvania Avenue NW	86,400	4,500	3.25
Treasury Department, 450 Nineteenth NW	16,000	1,200	5.50
Treasury Department, New York Avenue near Eighteenth	24,000	2,150	7.00
War Department, 1710 Pennsylvania Avenue NW	28,800	2,100	5.25
War Department, Eckington Place NE	40,500	4,938	11.00
War Department, 1729 New York Avenue NW	113,000	7,200	4.50
War Department, Seventeenth and F NW	33,000	2,500	5.50
Total	4,721,538	412,012	8.73

[1] Entire building not taken.

AFFAIRS IN MEXICO.

Mr. GALLINGER. Mr. President, I have a letter from ex-Senator Blair, of New Hampshire, dealing with certain public questions in a very moderate and candid way. It is brief, and I ask permission to have it read.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Secretary will read.

The Secretary read as follows:

COLORADO BUILDING,
Washington, D. C., April 21, 1916.

MY DEAR SENATOR: The military forces of the United States should not be withdrawn from Mexico until peace and order are fully restored and firmly reestablished throughout the whole territory of that Republic.

Political, industrial and social conditions were never so bad as now in that distracted country. They have been constantly growing worse for the last five years, and during all that time we have been morally responsible for these conditions—to Mexico, to our own people, and to the world. This is true whether the obligation grows out of the Monroe doctrine, the duty which a prosperous and powerful neighbor owes to its less fortunate neighbor under the general obligations of international law, or the dictates of the paramount sentiments of humanity which are the strongest of all laws.

These 12,000,000 peons and 3,000,000 chivalrous, cultured governing classes are our brethren. God only has made us to differ. We can help them, and must help them, even though they may not desire it and perhaps for a time will resent it.

Our southern boundary is Panama. With the Central American States we have and shall forever preserve relations of amity.

But with Mexico as she now is we can never reach the Isthmus by land until the full right of peaceable intercourse with the Isthmus by our military forces is perpetually secured to us.

With no adequate Navy (as yet), we are confronted by hostile nations or probable combinations of nations of greater sea power than our own on both the Atlantic and Pacific coasts, and unless we have a navy on each ocean sufficiently powerful to stand off the navies of the world on both oceans how are we to defend and hold the canal if we can not march or transport our forces through Mexico, safe from the big guns of enemies on either or both oceans? And how if the canal is blockaded or closed by slides?

What Mexico might do we know from the way she deals with us in our effort to capture the bandit invader Villa.

We have watched and waited through the Taft mediation policy, and so far under the present administration, enduring murder and pillage of foreigners, and especially of our own citizens, until finally our own country was invaded and our trusty slumbering soldiers and civilians were shot down in midnight murder and their property and habitations looted and destroyed.

By every law, human and divine, it was our plain duty to pursue and capture the bandit and his men. It was nothing but an excess of politeness, approaching the serio comic, to ask the consent of Carranza at all; and now it is suggested that we get out and go away back home and sit down, leaving everything that has occurred and accumulated in the past unsettled and the future of Mexico and our relations with her ten times worse than ever.

No; it may prove to be a serious crisis, but we can not leave Mexico now without Villa, nor, in fact, without a complete and honorable settlement of everything involved in the past, with just indemnities and safeguards for the future. I have no fear of war with Germany. Let us prove to Mexico that we are her greatest and best friend. Put a common-school department into the Army bill and let Pershing establish one everywhere that he encamps until the war, if we have one, is over. That will do it, and will hasten the day when the intelligence of the people of all nations will abolish war—and there is no other way to do it. People will fight until the majority of them know better. God hasten the day when the children of all nations are in the common school.

Truly, yours, HENRY W. BLAIR.

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the action of the House disagreeing to the amendments of the Senate to the bill (H. R. 12027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JOHNSON of Maine. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT conferees on the part of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had on the 21st instant approved and signed the following act:

S. 5229. An act granting the consent of Congress to the county commissioners of Warren County, Pa., to construct a bridge across the Allegheny River in the borough of Warren, county of Warren, in the State of Pennsylvania.

PENSIONS FOR SURVIVORS OF INDIAN WARS.

The VICE PRESIDENT. If there be no further morning business, the calendar under Rule VIII is in order.

Mr. SMOOT. Mr. President, I move that the Senate proceed to the consideration of Order of Business 264, being House bill 655, to pension the survivors of certain Indian wars—we will thereby begin with the Order of Business where we stopped when the calendar was last under consideration—and that the Senate proceed to the consideration of unobjected cases, under Rule VIII.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment was, in section 1, page 2, line 10, before the word "days," to strike out "ninety" and insert "thirty," so as to read:

That the provisions, limitations, and benefits of an act entitled "An act granting pensions to survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk War, Creek War, Cherokee disturbances, and the Seminole War," approved July 27, 1892, as amended on February 19, 1913, be, and the same are hereby, extended from the date of the passage of this act to the surviving officers and enlisted men of the Texas volunteers who served in defense of the frontier of that State against Indian depredations from January 1, 1859, to January 1, 1861, inclusive, and from the year 1866 to the year 1876, inclusive, and to the surviving officers and enlisted men, including militia and volunteers of the military service of the United States, who have reached the age of 62 years, and who served 30 days in the campaign in southern Oregon and Idaho and northern parts of California and Nevada from 1865 to 1868, inclusive, etc.

The amendment was agreed to.

The next amendment was, on page 3, line 9, before the words "Black Hawk Indian," to insert "campaigns in the," so as to read:

The campaigns in the Black Hawk Indian war in Utah from 1865 to 1867, inclusive.

The amendment was agreed to.

The next amendment was, on page 3, line 23, after the word "remarried," to insert the following proviso:

Provided further, That this act shall extend also to the surviving officers and enlisted men of the organization known as Tyler's Rangers, recruited at Black Hawk, Colo., in 1864, for services against the Indians.

The amendment was agreed to.

The next amendment was, on page 4, line 4, before the word "days," to strike out "ninety" and insert "thirty," so as to read:

Provided further, That if any certain one of the said campaigns did not cover a period of 30 days, the provisions of this act shall apply to those who served during the entire period of said campaign.

The amendment was agreed to.

The next amendment was, in section 2, page 4, line 20, after the words "military service," to insert:

Provided, That when there is no record of service or payment for same in the War Department or Treasury Department, the applicant may establish the service by satisfactory evidence from the muster rolls on file in the several State or Territorial archives: *And provided further*, That the want of a certificate of discharge shall not deprive any applicant of the benefits of this act.

The amendment was agreed to.

The next amendment was to strike out section 3, as follows:

That section 4716 of the Revised Statutes, relating to loyalty during the Civil War, is hereby repealed so far as the same relates to this act or to pensioners under this act.

And insert:

That the provisions of section 4716 of the Revised Statutes shall not apply to applicants for pension under this act.

Mr. OVERMAN. Mr. President, I should like to know what are the provisions of section 4716 of the Revised Statutes which this amendment proposes shall not apply to applicants for pension under this act.

Mr. SMOOT. It simply means that the statute in reference to the loyalty of citizens shall not apply.

The VICE PRESIDENT. In the absence of objection, the amendment is agreed to.

Mr. JOHNSON of Maine. In section 1, page 2, line 6, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In section 1, page 2, line 6, after the word "year," it is proposed to strike out the date "1876" and to insert "1877."

The amendment was agreed to.

Mr. SMITH of Georgia. Mr. President, before we finally act on this bill, I think that those of us who do not know what it covers should be informed as to how many persons are likely to be affected by it.

Mr. JOHNSON of Maine. Mr. President, in 1892, I think, the first pension bill was enacted relative to the survivors of Indian wars. That bill applied to all the survivors of the Modoc War. Later similar provisions were extended to the survivors of the Seminole War, and still later similar provisions were applied to survivors of other Indian campaigns. In this bill provisions similar to those which were enacted in 1892 in regard to the survivors of the Modoc War are made to apply to the survivors of other Indian campaigns.

It is impossible to ascertain the number of pensioners who would be covered by this bill, but the number of such survivors

who are now pensioned under acts which have been passed in favor of the survivors of Indian campaigns is very small. My recollection is that it embraces only some 700 or 800 pensioners. Inquiry at the Bureau of Pensions elicited no information as to the number who would be likely to be covered by this proposed legislation. It extends to all who took part in any of the campaigns on the western frontier.

Mr. OVERMAN. Mr. President, I should like to ask the Senator if there is an enrollment any place to show who these men were?

Mr. JOHNSON of Maine. I will say to the Senator that they are all enrolled either in the archives of the department at Washington or in the archives of the respective States. We have made the provisions of the bill apply not only to those who are shown to have been enrolled by the Government records but also to those shown to have been enrolled in the different States.

Mr. OVERMAN. They must either, then, have been enrolled according to the records of the Government or of the States?

Mr. JOHNSON of Maine. Yes.

Mr. OVERMAN. And none of the survivors can draw pensions under this bill if they are not enrolled in one place or the other. Is that the fact?

Mr. JOHNSON of Maine. The matter of enrollment must be shown either by the Federal archives or by the State archives.

Mr. SMITH of Georgia. Is the right to secure pensions under this bill limited to those who are enrolled?

Mr. JOHNSON of Maine. I so understand; yes.

Mr. SMITH of Georgia. Is there any limitation as to the length of time they must have served? Suppose a man only served a week?

Mr. JOHNSON of Maine. The man must have served for 30 days or during the campaign for which he enlisted.

Mr. THOMAS. Mr. President, may I make an inquiry of the Senator having charge of the bill?

Mr. JOHNSON of Maine. Certainly.

Mr. THOMAS. What amount of money from the Treasury will this bill require?

Mr. JOHNSON of Maine. Mr. President, I have already stated, in answer to that question——

Mr. THOMAS. I just came into the Chamber a moment ago and did not hear the Senator's explanation.

Mr. JOHNSON of Maine. That we are unable to state the amount, but the number of pensioners under similar acts to-day is only about 800. The Pension Bureau, however, is unable to make any estimate as to the number who would be covered by this bill.

Mr. SMOOT. Mr. President, I will say to the Senator from Colorado that as to some of the wars or campaigns mentioned in the bill, it is known that there are only two or three survivors living to-day.

Mr. THOMAS. I merely want to ascertain how we are legislating, whether we are legislating intelligently or whether we are appropriating money without any information, definite or otherwise, as to the amount to be required from the Treasury to meet this added obligation. In other words, are we proceeding with regard to this bill as we seem to be proceeding with regard to other bills appropriating money from the Treasury for private purposes?

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Mississippi?

Mr. JOHNSON of Maine. I yield.

Mr. VARDAMAN. I was detained from the Chamber until just this moment. I should like to ask the Senator in charge of the bill if the men who served during these wars who were not enlisted by the General Government but were in the service of the States are to partake of this bounty?

Mr. JOHNSON of Maine. I will say, in answer to the question of the Senator from Mississippi, that not only those who were enrolled as shown by the Federal archives but also those who were enrolled as shown by the State archives will receive the benefit of this bill.

Mr. VARDAMAN. What will be the amount paid under the bill? I regret I have not had an opportunity to examine it.

Mr. JOHNSON of Maine. I find that the committee in the House estimated—I do not know that they had any information from the department, because we asked for information but could not obtain any—that the number of names to be added to the pension roll under this bill would be 5,000, and that the expenditure would not exceed a million dollars.

Mr. VARDAMAN. What will be the per capita payment?

Mr. JOHNSON of Maine. It is impossible to state.

Mr. VARDAMAN. I mean at what rate will they be paid? Will they be paid as other pensioners are paid?

Mr. JOHNSON of Maine. Twenty dollars a month is the amount of pension allowed.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole, and open to amendment. If there are no further amendments the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The VICE PRESIDENT. If there are no further amendments, the amendments concurred in will be ordered engrossed——

Mr. SMITH of Georgia. Mr. President, I should like to have a little more information about the extension of the benefits of this bill to men other than those who enlisted in the Federal service. The limitation provided seems to be a very indefinite one.

Mr. SMOOT. Mr. President, I will say to the Senator that the bill is safeguarded in every way, so far as it is possible to safeguard it. It applies to Indian war veterans who served in the early days, when Indian uprisings occurred and the Indians went on the war path. I know of one case where there are only two or three survivors left of the whole number who were engaged in the war. These men, Mr. President, in order to protect the citizens of the State during Indian uprisings entered the service. The State has a record of their service and of the organizations in which they served, and no man can get a pension under the bill unless it is shown from the archives either of the War Department or of the State that he rendered service. The bill simply grants pensions to a few veterans of Indian wars who are not pensioned at the present time. The veterans of all the other Indian campaigns have been pensioned.

Under this bill a service of 30 days is required. We have exactly followed in this bill former pension laws, and I ask the Senator, because I know that the bill is just, not to object to its consideration.

Mr. SMITH of Georgia. Mr. President, the bill involves a million-dollar charge upon the Federal Treasury, not merely for one year, but to continue for quite a length of time, as long as these men live. They are to be granted pensions for 30 days' service, not a service to the National Government in all cases, but they can be pensioned if their names appear on the lists in the archives of the State. I do not understand that the bill really limits the service required to 30 days.

Mr. SMOOT. Yes; the bill says that 30 days' service must have been rendered.

Mr. JOHNSON of Maine. Mr. President, the bill requires a service of 30 days, or a service during the campaign. If the campaign lasted less than 30 days, that is covered by the bill.

Mr. SMITH of Georgia. Then, it applies to a man who has served 10 days, if that was the length of time of the campaign.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator a moment to say that many of these campaigns only lasted 30 days? In some of them—in Oregon, for instance, where the Indians went through the State with lightning rapidity—the men who rendered service against them were enlisted in the State's service and supplemented the efforts of the Federal troops, and sometimes acted without the assistance of the Federal troops. No set of men ever rendered their country a more patriotic service than these pioneer Indian fighters, and I think I can safely say, without disparagement to the Regular Army, that in many cases it could not have prevailed but for the assistance it received from the Volunteers. Many of them were young men at the time. Most of them were men in middle life.

It was suggested awhile ago that they were simply defending their own homes. That is not true. They were called from every portion of Oregon to the eastern part of the State, where they not only had no personal interests, but where they did not even know the people. They simply answered the call of the State authorities for volunteers to go and take care of the interests of the people there.

Mr. SMOOT. I will say to the Senator, also, that so far as the Black Hawk War was concerned, Gen. Sherman telegraphed and told the State authorities to call out the troops. The force was organized under his orders. They had no United States soldiers there to defend them.

Mr. CURTIS. Mr. President, I should like to state for the benefit of the Senate that this bill only covers two regiments who served from the State of Kansas. The Eighteenth Kansas, which served from June 13, 1867, to November 15, 1867, and had full four months' service. The Nineteenth Kansas were mustered into the United States service October 20, 1868, and served

until April 18, 1869, and had full six months' service; both regiments served on the frontier and in the suppression of Indian hostilities. The reports of the War Department showed that they served in all kinds of weather, and that their supply trains were stampeded, and that they were in a number of engagements with the Indians. Several Indian chiefs were taken prisoners, and the Indians were forced to return to their reservations. These statements are based upon the reports in the War Department, and not from the State alone, and are based upon the reports of the Government officers who were in charge of these two regiments. I know that the shortest service was four months, and the other regiment served six months.

Mr. SMITH of Georgia. Mr. President, as I understand, this is not a pension for injury in the line of duty. This is a service pension. It is in no way limited to men who received injuries in the line of duty.

Mr. SMOOT. I will say to the Senator that there is not an Indian war pension that is any different than this. It was a reward for a service that was rendered for those parts of the country that were infested with Indians. I want to say to the Senator that, as far as the lives were concerned, there were more lives lost in those Indian wars in proportion to the number that were engaged than there were even in the Civil War.

Mr. SMITH of Georgia. If lives were lost, I believe in liberally providing for their widows. If they were really injured in the service, I believe in compensating them; but because a man enlisted and went out for 10 days, I do not believe in putting him permanently on a service roll to be a charge at $12 a month on the rest of the people of the country for the remainder of his life.

Mr. SMOOT. I will say to the Senator that the department reports that there is only one case where the service was under 30 days, and, as I remember, that was 29 days. I will ask the Senator from Maine if that was not the case?

Mr. JOHNSON of Maine. That is true. The only campaign that lasted less than 30 days lasted 29 days.

Mr. SMITH of Georgia. But they did not have to be out in it all the time. They may have enlisted in the latter part. They may not have gotten really close enough to the Indians to be shot at.

Mr. SMOOT. I will say to the Senator that I think they did.

Mr. SMITH of Georgia. If it were just a million dollars, and then were over, I would not object to it; but they come on our roll permanently, at an expense of a million dollars a year, as long as they live. I understood from the Senator from Maine that it had been calculated that it would cost a million dollars a year.

Mr. JOHNSON of Maine. If the Senator will pardon me, I said that we got no information from the department, which is true, but the House estimated that it would cost a million dollars.

Mr. THOMAS. The Senator from Georgia is away behind the times if he objects to paying a pension to a man unless he was wounded or became diseased. We are now removing the disabilities of deserters and putting them upon the pension rolls.

Mr. GALLINGER. Mr. President, I should like to ask the chairman of the committee, or any other Senator who has information on the subject, if they have reason to believe that this will be the last bill for Indian-war survivors who rendered some service to the Government a great many years ago?

Mr. JOHNSON of Maine. Mr. President, in answer to the inquiry I will say that it would seem that we have covered all the Indian campaigns by name in this bill. Of course I can not give assurance as to what may be asked in the future.

Mr. GALLINGER. I asked the question for the reason that I feel quite confident that while I served as chairman of the Committee on Pensions we passed at least three bills, in each case having the assurance that that took care of all the remaining survivors of these Indian campaigns.

Mr. SMITH of Georgia. Then I think this bill had better go over, and let us find out whether or not this is the last.

Mr. CHAMBERLAIN. Mr. President, I hope the Senator will not object.

Mr. SMITH of Georgia. I am very much opposed to paying it.

Mr. SMOOT. I will guarantee to the Senator from Georgia that it will be the last, because the department has named all of the campaigns.

Mr. GALLINGER. I do not say this in hostility to the bill. I have voted very liberally for pensions, as everybody knows, and I have wanted to be generous toward these men, who undoubtedly did imperil their lives for 30 days without authority of law; but we ought to stop somewhere. I will make the further observation that I have always had a suspicion that there were some industrious men gathering up these names and creating these rolls for the purpose of getting what we sometimes call a "rake-off." As we have guarded other bills against that class of men, I am going to offer an amendment to this bill to the effect that no part of the appropriation shall be used for the payment of commissions to pension attorneys or others.

Mr. SMOOT. There is such a provision already.

Mr. JOHNSON of Maine. If the Senator will pardon me, there is already such a provision in the bill. It appears on page 4:

That all contracts heretofore made between the beneficiaries under this act and pension attorneys and claim agents are hereby declared null and void.

Mr. GALLINGER. Very well; that covers the matter.

The VICE PRESIDENT. Is there objection?

Mr. SMITH of Georgia. Mr. President, I think we ought to know what names are on these rolls from the State, and know what we are voting, before we vote for it. I do want to know these things before the bill is acted upon; and as I have the power now to stop it for the present, I stop it by objecting.

The VICE PRESIDENT. The bill will be passed over.

DIRECTORS OF NATIONAL BANKS.

The bill (S. 4256) to amend section 5146 of the Revised Statutes of the United States, so as to permit national banks located near the boundary line of adjoining States, subject to the discretion of the Comptroller of the Currency, to select only a majority, instead of three-fourths, of their directors from residents of the State in which they are respectively located, was considered as in Committee of the Whole.

The bill has been reported from the Committee on Banking and Currency with amendments, on page 2, line 12, after the word "within," to strike out "ten" and insert "fifty"; in line 16, after the word "director," to strike out "unless the capital of the bank shall not exceed $25,000, in which case he must own in his own right at least five shares of such capital stock"; and in line 19, after the words "owner of," to strike out "the required number of" and insert "ten," so as to make the bill read:

Be it enacted, etc., That section 5146 of the Revised Statutes of the United States be amended and reenacted so as to read as follows:

"SEC. 5146. Every director must, during his whole term of service, be a citizen of the United States and at least three-fourths of the directors must have resided in the State, Territory, or District in which the association is located for at least one year immediately preceding their election and must be residents therein during their continuance in office: *Provided*, That whenever an association is located in a place within 5 miles of the boundary line of an adjoining State, the Comptroller of the Currency may, in his discretion, authorize such association to select, if it desires so to do, instead of three-fourths, only a majority of its directors from the State in which it is located: *Provided further*, That at least one-fourth of the other directors are residents of the said adjoining State and reside within 50 miles of the corporate limits of the city, town, or village in which the said bank is located. Every director must own in his own right at least 10 shares of the capital stock of the association of which he is a director. Any director who ceases to be the owner of 10 shares of the stock, or who becomes in any other manner disqualified, shall thereby vacate his place."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. SUTHERLAND. Mr. President, I do not know whether or not the Senator who reported the bill is present; but I suggest that, in line 20, page 2, the words "at least" should be inserted, so that it will read "any director who ceases to be the owner of at least 10 shares of the stock." I make that motion.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Utah.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SINKING FUND FOR REDUCTION OF NATIONAL DEBT.

The bill (S. 55) to authorize the Secretary of the Treasury to use at his discretion surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States was considered as in Committee of the Whole. It proposes to repeal all provisions of existing law requiring the establishment and maintenance of a sinking fund for the reduction of the debt of the United States, and in lieu thereof authorizes the Secretary of the Treasury to use at his discretion the surplus moneys in the Treasury, from time to time, or such portion thereof as he may deem proper, in the purchase or redemption of the outstanding interest-bearing obligations of the United States, and provides that the obligations so purchased or redeemed shall be canceled and retired and their respective amounts shall be deducted from the outstanding principal of the public debt.

Mr. THOMAS. Mr. President, may I inquire of the Senator from Utah whether there are any surplus funds in the Treasury that are not yet appropriated?

Mr. SMOOT. No, Mr. President; the object of the bill is to repeal a law that has been violated from the day it was enacted. I suppose the Senator knows what the law is that we are undertaking to repeal. It requires that 1 per cent of all the revenues collected in our customhouses should be set aside as a fund to redeem the indebtedness of the United States. I will say to the Senator, however, that there has been a great deal more than 1 per cent of the national debt paid since that time, but it never has been done in conformity with the law; and the department wants this law repealed so that it will not hereafter be violated for 365 days in the year.

Mr. THOMAS. From what the Senator says I think we ought to pass the bill. His explanation is plausible.

Mr. SHEPPARD. Mr. President, I will ask the Senator from Utah if this applies to the sinking fund?

Mr. SMOOT. The law that we are undertaking to repeal provided a sinking fund, requiring 1 per cent of the customs receipts to be set aside as a sinking fund to pay the debt of the United States; but from the day it was passed it has never been lived up to. In other words, they paid no attention to the 1 per cent or the 2 per cent, and whenever they have had the money to do so they have paid the obligations of the Government. The department therefore believes the law ought to be repealed.

Mr. WEEKS. Mr. President, I want to ask the Senator from Utah if there is any reason for repealing the existing law except that it has been violated?

Mr. SMOOT. There is no necessity for it to-day. The law was passed at a time when the Government of the United States had very little credit, and the people who loaned money to the United States insisted that there be a sinking fund established, and the law was passed with that in view. As I say to the Senator, there is no real necessity for it now. The Government pay no attention to it. If they have the money, they pay the obligations of the United States; and there is no necessity, as far as the credit of the Government is concerned, for having it remain on the statute books. Not only has the present Secretary of the Treasury asked that it be repealed, but former Secretaries of the Treasury have asked to have it repealed.

Mr. WEEKS. Mr. President, I have no doubt that that recommendation has been made; in fact, I know it has been made; but I think the law is a good one, and one that should be carried out by the Secretaries of the Treasury. No indebtedness should be issued by the Government, or by a municipality, payment of which is not provided for when the indebtedness is issued.

I not only think this law ought to remain on the statute books, but I think it ought to be enforced. Otherwise, we may from time to time go on incurring indebtedness and making no provision for its payment, and pile up in the end an indebtedness which might be embarrassing to the Government.

Indebtedness is always incurred for a specific purpose. As time goes on, instead of continuing it it should be paid off in some way, and there is no better way known than by establishing a sinking fund or issuing serial bonds.

Mr. WARREN. That old indebtedness has all been paid. The indebtedness of to-day is paid in the regular way, and the purpose for which this fund was created no longer exists. In following out this now we would have to appropriate, say, $60,000,000 a year, and it would, if the law were strictly construed, lie in the Treasury unusued, because it does not specifically pay any particular bonds, while the repeal of this law would leave funds so that they could be used in any proper manner.

Mr. SMOOT. And they always have been used by the department.

Mr. WEEKS. Let me ask the Senator from Wyoming a question. Would he be in favor of the passage of a bill which would apply to the present national indebtedness and would pay off a certain percentage of it every year?

Mr. WARREN. Not unless it became due or unless the action of Congress required it.

Mr. WEEKS. Oh, well, there are something like three hundred millions of our indebtedness that can be called at any time, bearing 3 per cent interest.

Mr. WARREN. If we have a surplus that is unused, it can be paid from that. Does the Senator mean that we should immediately levy a tax to pay a debt that is not yet due and at a time following the low-tariff legislation of the Democratic Party and now in the face of greatly increased military expenditures?

Mr. WEEKS. I think that should be done. I think every year some part of our income should be set aside to pay our debts. I do not think there is any other course that conforms to good finance.

Mr. SMOOT. If that were necessary to give the United States credit in order to borrow money at a low rate of interest, I would be in favor of it, but the position of the United States to-day and for the last 40 years has been such that no such necessity exists in order that she may borrow money at the lowest possible rate of interest. Therefore, Mr. President, I think myself that the existing law is useless. It does no good. It does not strengthen the credit of the United States, and if it were lived up to it would work a detriment to the United States.

Mr. WARREN. It would result in having a lot of idle money.

Mr. SMOOT. Because there would be piled up in the Treasury of the United States every day a lot of money as the customs dues are collected.

Mr. WEEKS. Mr. President, there could be piled up in the Treasury money that could be used to retire the 3 per cent bonds which are outstanding. I object to the consideration of the bill at this time.

The VICE PRESIDENT. The bill will be passed over.

H. P. BALDWIN AND OTHERS.

Mr. GRONNA. Mr. President, the other day when we were considering the calendar I made some objection to House bill 6241, Order of Business No. 145, and entered a motion to reconsider the vote by which the bill was passed. I wish to state that I have no objection to the enactment of this legislation. I wanted to insert a provision giving Congress at any time the power to repeal the act; but upon examination of the law, I find that the following provision is in the original act, which, with the permission of the Chair, I will read:

SEC. 11. That Congress, or the Legislature of the Territory of Hawaii, with the approval of Congress, may at any time alter, amend, or repeal this act.

I therefore ask to withdraw my motion.

The VICE PRESIDENT. The Senator from North Dakota withdraws his motion to reconsider, and the bill stands passed.

DUTY ON SUGAR.

The VICE PRESIDENT. It is so near the hour of 1 o'clock that under the unanimous-consent agreement the Senate will proceed to the consideration of the motion entered by the Senator from North Carolina [Mr. SIMMONS] that the Senate recede from its amendment to the bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913.

Mr. SIMMONS. Mr. President, I simply rose to ask that under the unanimous-consent agreement the order of the Senate may be proceeded with.

Mr. HARDWICK. Mr. President, I am opposed to the motion of the Senator from North Carolina that the Senate shall recede from its amendment to the House bill, and because I am so opposed and expect to vote against it I feel it incumbent upon me to undertake to give to the Senate and to the country some of the reasons which impel me to adopt that course.

Mr. President, when the Underwood-Simmons tariff bill was passed three years ago it contained among its provisions a provision reducing the duty on sugar 25 per cent, and providing that at the expiration of three years from May 1 following its passage, or from May 1, 1916, sugar should be admitted to the United States free of duty.

Previous to that time in the so-called schedule bills of the preceding Congress the House of Representatives by an overwhelming majority, by a vote in which many Republicans had joined with practically every Democrat, had placed sugar on the free list. That bill came to this body, then in the control of the Republican Party, and here, of course, it died an untimely death.

So when the Underwood-Simmons bill undertook to provide for the admission of sugar free of duty, with the single exception of the proviso for delay, it followed not only the lead of the Democratic House of the previous Congress but also, as I propose to show, it followed express and explicit Democratic pledges.

To the delay of three years carried in that bill I was opposed. It did not rest, according to my opinion then and according to my judgment now, on sound grounds. If we had promised such relief to the consuming masses of this Republic, if we had promised to leave untaxed this great necessity of life, then there was absolutely no good and valid reason suggested or urged at the time for a three years' postponement of the redemption of the pledge.

It was not insisted then that necessity for governmental revenue afforded such reason. The delay did not rest then on any such basis. It rested, according to the statements and argu-

ments of its proponents, upon a different proposition, namely, that certain interests in this country, some in the South and some in the West, that had long enjoyed the benefits of this protective duty, should have a reasonable time to prepare themselves to do without it, a reasonable time to adjust their private affairs to the policy that the Government of the United States was unwilling to continue a tax upon this food necessity.

The three years have come and gone. Late in the summer or early in the fall the present Secretary of the Treasury announced, disposing of the subject in a phrase almost, that the governmental necessity in the way of revenue required that the tax on sugar should be retained, undertaking to set up his will, his opinion, and his judgment against the express and explicit pledges of a great party. That he should be permitted to carry out such a policy not only surprises me but shocks me. That he should be allowed to so lightly set aside the pledge and plighted word of the Democratic Party is beyond my comprehension.

When the House bill, framed in accordance with his recommendations, reached this body it seemed that the very best thing that could be done by Senators who were opposed to such a surrender was to put another time limitation on it. So the Senate amended this bill so as to provide that there should be another postponement of four years of time before sugar should be admitted free of duty. It was not a pleasant thing for some of us who had labored long and hard in this country for free sugar to consent to this further delay. There were reasons why we did not regard it as necessary. There were other sources from which the needed revenue could be obtained for the Government, and there was another way in which a double amount of revenue could be obtained from this very article with no additional burden on consumption. We thought that one or the other of those two plans ought to be followed, but Democratic Senators generally, feeling that nothing better than the Senate amendment could be secured out of this Congress, proposed the amendment from which the Senator from North Carolina now proposes to recede.

What has happened? The Senator from North Carolina and his conferees and the Senate met exactly the expected opposition, faced exactly the situation we all understood when we agreed to the Senate amendment, and were exactly in the position that they knew they were to start on. Yet, without firing a shot, without a battle for the Senate position, deliberately—of course, I am not personally criticizing; I presume it was their right—but deliberately surrendered the position that the Senate had taken only a few days before. Why did we take that position if we were so ready to quit it? Why did we assert such a proposition if we were so eager to abandon it?

Mr. President, I read from the San Francisco Chronicle of March 17, 1916, an editorial headed "A unanimous Congress":

> The repeal of the free-sugar clause in the Underwood-Simmons Tariff Act is now on its smooth and joyful course through Congress, with the approval of practically the entire membership.
>
> Two or three middle of the roaders raised feeble voices of protest in the House, which, however, were drowned in the general acclaim. Congressman BAILEY, of Pennsylvania, said to especially represent the views of William Jennings Bryan, lamented that while it was true that the money from the sugar duty was sadly needed it would not have been needed at all if the Democrats had reduced the national expenses to the size of the national income.
>
> And that is, of course, true, and, in view of the lurid denunciation of Government extravagance which appeared in the Bryan-written platform on which President Wilson was elected, perhaps Congressman BAILEY had reason to jab his brother Democrats.
>
> A Colorado Congressman—probably not from a beet-growing district—

By the way, the paper was wrong about this, for, be it said to the enternal credit of this Congressman, his was one of the largest beet-growing districts in the West and the second largest in his own great State—

> declared that it was an outrage to levy a tax which would be divided evenly "between the Government and the Sugar Trust."
>
> The poor Sugar Trust does not seem to have any friends. If there is one thing which the Sugar Trust has fought and is still fighting, tooth and nail, it is a duty of any kind on sugar.

By the way, Mr. President, I pause here just a moment to say that at the proper time I shall demonstrate the utter ignorance or willful falsity of the man who made that statement.

Mr. GALLINGER. Mr. President——

Mr. HARDWICK. If the Senator will pardon me, I have certain ground that I want to cover and then I will yield to him.

Mr. GALLINGER. All right.

Mr. HARDWICK (reading)—

> In the bad old days it contributed oodles of money to the Democratic campaign funds in the forlorn hope of getting sugar on the free list.

Another willful misrepresentation. As a matter of fact, the Sugar Trust did contribute money to the Republican Party in at least one campaign, and also attempted to contribute to the Democratic Party, but had its contribution to the Democratic Party returned unaccepted, as the sworn evidence before a special committee of the House of Representatives demonstrated.

Mr. SMOOT. They contributed to the last campaign.

Mr. HARDWICK. The American Sugar Refining Co.?

Mr. SMOOT. Not the American Sugar Refining Co., but Mr. Spreckels and his associates.

Mr. HARDWICK. I have let the Senator interrupt me. That is one of the fallacies that his speech proposes to disclose. The Sugar Trust is the American Sugar Refining Co. Mr. Spreckels is one of the independent refiners, and he has always fought the Sugar Trust and has always contended for free sugar. Somehow or other I am never suspicious of an alleged so-called or miscalled trust that does not want the Government to let it put its hands in the pockets of the people by levying a tax. I am not suspicious of a man who asks no governmental favors and needs no tax to support his industry or run his business. He certainly is not asking any special favor at the hands of Congress.

Mr. SMOOT. His representatives, however, have asked for half a cent a pound duty on sugar, I will say to the Senator.

Mr. HARDWICK. I beg the Senator's pardon. This is one subject I am absolutely familiar with, and I must correct the Senator when he is in error. On the contrary, Mr. Spreckels himself always contended for free sugar.

Mr. SMOOT. So that the record may——

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Georgia yield to the Senator from Utah?

Mr. HARDWICK. I yield.

Mr. SMOOT. So that the record may appear as it has been presented to the Senate, I want to say that Mr. Lowry, the representative of Mr. Spreckels, has time and again appeared before the Finance Committee in hearings and asked that a duty of half a cent a pound be put upon sugar. I do not want to take the time now, but——

Mr. HARDWICK. I would rather yield after I get through, but if the Senator insists I will yield as I go along.

Mr. SMOOT. I will not take the time because it would take too long, but I will state that it is well understood why they want one-half cent per pound duty.

Mr. HARDWICK. Mr. President, the Senator from Utah is usually accurate in any statement he makes to the Senate. The Senator is partially incorrect in the statement he now makes. It is true that on at least one occasion the gentleman to whom he refers did say that his personal opinion was that half a cent a pound duty on sugar would be better, but he has never advocated it, he has never urged it, and every time I have heard the subject discussed before any committee of Congress before whom he testified he has insisted on letting Congress or the committee know that that was his individual opinion and did not reflect the sentiment of the concern by whom he was employed. Mr. Spreckels, as the Senator from Utah knows, has long stood out as the most conspicuous advocate of free sugar on the American continent. In other words, he asks no bounty at the hands of the American Government, he asks no tax with which to run his business or to make his profit. Yet these gentlemen speak of him as the Sugar Trust. The Sugar Trust, as I shall demonstrate to the Senator from Utah later, has always demanded a duty on sugar and stands to-day, if my advice is correct for a duty on sugar. So the Senator need not console himself with the pleasing reflection that if he favors the House bill without amendment he is parting company with the Sugar Trust. He is with them still.

This article from the San Francisco paper continues:

> Now that at last its fondest hopes seemed to have been realized it is cruel that a brother Democrat should accuse it of being a beneficiary of their blasting. The Congressman from Colorado, however, was in error. The Government will get the entire duty on sugar, and will not divide with anybody.
>
> The Sugar Trust fights all duties on sugar solely from an unholy desire to put an end to the beet-sugar industry once for all. If beet sugar continues—

Just here let me pause to say that that statement is made out of the profound depths of an ignorance that is amusing. I should not have read the editorial at all if it had not had something later in it to which I wish to refer. The Sugar Trust owns a large per cent of the stocks of the western beet-sugar companies, not as large as they once did, I admit, yet a very material percentage of the stocks of most of those companies when the totals are footed up. So the paper makes the absurd mistake of saying the Sugar Trust, the American Sugar Refining Co., wants to destroy the beet-sugar industry, of which it is the principal stock owner.

> If beet sugar—

The article continues—

> is to be encouraged as it has been under Republican administration the Sugar Trust magnates well know that internal competition will within a few years make their own business extremely precarious.

I invite the attention of the Senator from Utah to that statement. As a matter of fact, in 1830 we produced twice as much of the consumption of sugar in this country in continental United States as we produce to-day. With all your forcing of the beet industry you neither lowered the price, compared to other countries and conditions in other parts of the world, nor have you increased the volume of the product relative to the consumption of the country. The very reverse is true. The article continues:

Upon the whole, however, our Democratic friends in Congress are to be commended for the cheerfulness and even gusto with which nearly all of them tackle their dish of crow. We all know they do not hanker for it. Indeed, they hate the very sight of it. They eat it simply because they must eat it or starve.

And when we see them almost as one man step briskly and smilingly to the counter and jab their forks into the detested bird, one hardly knows whether he should express tearful sympathy for suffering martyrs or uproarious admiration for dead game sports.

Anyhow, the beet-sugar industry is to go on.

Mr. President, without burdening this body with a purely theoretical discussion of tariff principles, there are one or two fundamental and ancient Democratic tariff principles which I think ought to be called to the attention of this body and to the attention of the country, not that I have any hope that it can now change the situation here or can alter the immediate result, but in the hope that it may bring Democrats everywhere back once more to the solid ground of the fundamentals upon which their faith on this question rests, because for one I do not believe, for one I do not concede, that the Democratic Party is afraid of its position on the tariff question and finds it necessary to avoid issue with the Republicans on that question in order to win this or any other election. If there is one distinctive issue on which the parties are at variance, it is the tariff, and if there are fundamental principles that are utterly and irreconcilably at variance between the parties on any one question it is on this tariff question. The issue can neither be dodged nor soft-pedaled, and why any Democrat should wish to do either is more than I can understand. The Democratic tariff position is right, and if we abandon it we will court a certain defeat, and, what is more, will deserve it.

And yet to-day, Mr. President, sometimes in this body and sometimes elsewhere, we hear echoed such sentiments as this: "Oh, while we are levying a tariff for revenue, of course we have got to take care of the industries and business of the country"—not accidental protection, hardly incidental protection, but protection on purpose, protection meted out not for governmental purposes and not for revenue purposes, but for selfish purposes.

Ah, gentlemen, I beseech my colleagues on this side, yield to no such heresy. Do you think the consumer at home will care what reason you give when you vote for these protective duties? What does the man at home who has to build a house care if I stand on this side of the Chamber and vote, for instance, for a $2 duty on lumber, and say, "I do it for revenue purposes," and a Republican stands on the other side of the Chamber and votes for the same identical amount of duty and says he does it for protection purposes? The man who has to pay the bill will care precious little for the reasons that animate you or me or for the motives that control your vote or mine. It is results he is looking for.

So I say, for one, although I should stand absolutely alone, I repudiate any such doctrine as this incidental and accidental protection that we hear nowadays once in a while proclaimed from high sources. It is not the ancient faith of my party; it is not its fundamental doctrine.

Mr. President, the first time after the Civil War that the fires of sectional hate and of sectional prejudice were low enough to permit a real political battle in this country, on the first occasion when we got far enough away from reconstruction and its horrors and its prejudices to have a real political battle in this country, we nominated a great Democrat, whom every Democrat in this country believes we elected President in 1876—Samuel J. Tilden. Let me read you, my party associates on this floor, just one short sentence from the ringing declaration of principles upon which we made that great fight for that great Democrat. I read from the Democratic national platform of that year as follows:

We denounce the present tariff, levied upon nearly 4,000 articles, as a masterpiece of injustice, inequality, and false pretense. It yields a swindling, not a yearly rising revenue. It has impoverished many industries to subsidize a few. It prohibits imports that might purchase the products of American labor. It has degraded American commerce from the first to an inferior rank on the high seas. It has cut down the sales of American manufactures at home and abroad, and depleted the returns of American agriculture—an industry followed by half our people. It costs the people five times more than it produces to the Treasury, obstructs the processes of production, and wastes the fruits of labor. It promotes fraud, fosters smuggling, enriches dishonest officials, and bankrupts honest merchants. We demand that all customhouse taxation shall be only for revenue.

There is no incidental protection or accidental protection there.

Again in 1892, when the first Democrat that we had elected since the Civil War had been defeated after serving one term, we renominated that great Democrat for President—Grover Cleveland. We made a distinctive tariff fight. I want to read you from the declaration of principles upon which we then went to the American people.

SEC. 3. We denounce Republican protection as a fraud—a robbery of the great majority of the American people for the benefit of the few. We declare it to be a fundamental principle of the Democratic Party that the Federal Government has no constitutional power to impose and collect tariff duties except for the purposes of revenue only, and we demand that the collection of such taxes shall be limited to the necessities of the Government when honestly and economically administered.

There is no incidental or accidental protection there. Ah, gentlemen, I can go to an even later period. I can refer you to the platform of 1912, upon which we won the last election. You will find substantially repeated—I will not stop to read it now—the same declaration of principles that we made when we elected Tilden in 1876; that we made when we first elected Cleveland in 1884, and again made when we reelected him in 1892.

Not only that, but there is another latter-day heresy that I wish to combat as far as my feeble powers will permit. Gentlemen are saying in both Houses of Congress and outside of Congress—and especially outside of Congress—and especially those who think they will profit thereby, that they believe in some protection on everything; that they could write the free list for which they are willing to vote on their thumb nails. And that is said to be sound Democratic doctrine. If it is, I shall have to unlearn on this question all the Democracy I was ever taught, for I was taught that one of the fundamental Democratic principles was that a tariff should be levied in this way: First, either no tax at all, or the very lightest possible tax upon the food necessities and upon all the necessities of life generally; second, a moderate tax, and a moderate tax only, upon the comforts of life; and, third, the highest tax consistent with revenue purposes upon the luxuries of life. I think I can demonstrate, Mr. President, to the Senate and to the country that that is not only my individual view, but that it is ancient and fundamental and accurate Democratic faith. I am not going back any further than recent platforms to show authority for that proposition. Here is what we advocated in 1884, when we elected Grover Cleveland:

Sufficient revenue to pay all the expenses of the Federal Government, economically administered, including pensions, interest and principal of the public debt, can be got under our present system of taxation from the customhouse taxes on fewer imported articles, bearing heaviest on articles of luxury and bearing lightest on articles of necessity.

In the Democratic Campaign Book, prepared for the campaign of 1912, which was sent out through this country, especially to Democratic speakers and Democratic newspapers, in referring to the record of the preceding House of Representatives, a majority of which was Democratic, we said:

It—

Referring to the House of Representatives—

has made an excellent record in revising the tariff downward to a revenue basis, having passed measures thus affecting the schedules of most vital moment to the people, namely, wool, cotton, metal, chemical, and has placed sugar and other necessary food products on free list.

It was on that declaration of principles that we asked the American people to support us in the last election.

Mr. President, in 1914 there was another general declaration on this subject in the campaign book we then sent out to the American voters. We said by way of encomium upon ourselves:

It—

The Democratic tariff law—

reduces the duties formerly paid on sugar and abolishes the duty entirely in 1916.

That was when we were asking to have this very Congress elected. We said again:

It abolishes all duties on meats, fish, dairy products, flour, potatoes, coal, iron ore, lumber, and upon many classes of farm machinery and office equipment.

In other words, we were boasting that we had carried out the ancient Democratic doctrine of placing articles of prime necessity upon the free list.

Mr. President, no man acquainted with the industry can dispute for one moment the proposition that sugar is an article of prime food necessity. Without undertaking to go at length into a dissertation upon that subject, I think I can show that all medical and health experts agree to that proposition. It has been insisted in some quarters, in this Chamber and elsewhere, that a great percentage of the sugar consumed in this country went into the manufacture of confectionery, ice-cream

soda, and such articles as that, and gentlemen therefore sometimes assert that sugar is not one of the articles of prime necessity of life.

It is not a fact that the larger per cent of our sugar goes into these manufactures. As a matter of fact, two-thirds of the sugar consumed in this country—or practically that percentage—is consumed directly upon the table, and in its direct refined form, the people eating it, whereas about one-third of the total consumption of sugar enters into the manufactures I have mentioned and other kindred manufactures. For instance, the per capita consumption of sugar in the United States in 1910 was 81 pounds; and the greatest experts in this country say that careful investigation shows that of the 81 pounds consumed per capita in that year 53 pounds were directly consumed and the remainder only went into manufactures. Senators can figure the percentage for themselves.

Now, Mr. President, I want to call the attention of the Senate to recent Democratic utterances on this subject of sugar.

First, I read from the platform of 1912. In commending the schedule bills that had been passed by Congress, which was in session at the time the Baltimore convention convened, our party in its national platform used this language:

> We call the attention of the patriotic citizens of our country to its record—
>
> Referring to the House of Representatives—
>
> of efficiency, economy, and constructive legislation.
>
> It has, among other achievements, revised the Rules of the House of Representatives. * * *
>
> It has passed bills for the relief of the people and the development of our country; it has endeavored to revise the tariff taxes downward in the interest of the consuming masses, and thus to reduce the high cost of living.

Mr. President, there can be no doubt that the Democratic national platform in 1912 indorsed the free-sugar bill passed that year by the House of Representatives. Gentlemen may contend that certain transactions that occurred in the privacy of a committee room might tend to show otherwise; but I dispute the soundness of that view or the accuracy of that conclusion. In the first place, all the convention knew and all the great masses of the American voters knew was the Democratic platform as it was written and as it read; and, in rebuttal of the statement made by my good friend, the distinguished senior senator from Louisiana [Mr. BROUSSARD], the other day on the subject, I called attention to the fact that during the last session of Congress the distinguished senior Senator from Kentucky [Mr. JAMES], himself a distinguished and prominent member of our party and chairman of the Baltimore convention, gave testimony in direct contravention to the understanding of the Senator from Louisiana, and stated to this body and to the American people that there could be no doubt that that convention had pledged the Democratic Party to the cause of free sugar. Not only that, but I will refer to the contemporaneous construction of Congress and call to mind that the Congress which passed the Underwood-Simmons bill as soon as the election was over, while the platform pledges were fresh in our minds, put sugar on the free list, although this vexatious delay of three years was agreed to. When the delay of three years was proposed I warned my colleagues then that if they acceded to that delay the chances for free sugar would be very much less; that either something would happen or some pretext would be given to renew this fight in the interest of the people who get a bounty out of this system of taxation on this great article of food necessity; and you see what has happened.

Mr. BROUSSARD. Mr. President, will the Senator permit an interruption?

Mr. HARDWICK. I will yield to the Senator briefly or I will yield to him later at any length as soon as I can cover some ground which I desire to cover.

Mr. BROUSSARD. Mr. President, I merely want to say——

The PRESIDING OFFICER (Mr. SMITH of Georgia in the chair). Does the Senator from Georgia yield to the Senator from Louisiana?

Mr. HARDWICK. I yield; yes, sir.

Mr. BROUSSARD. What I desire to say will take only a minute. I merely wish to call the attention of the Senator to the fact—I know he does not want to make any statement that is not borne out absolutely by the facts—that the Senator from Kentucky, while a very prominent member of the convention at Baltimore, being permanent chairman of that convention, in his address declared for free sugar specifically by name, following that declaration of the chairman of the convention the committee on resolutions reported the platform, the chairman of the convention, the Senator from Kentucky, at no time taking part in either the drafting of the platform or in the preliminaries or the argument in behalf of the platform to be submitted and adopted by the convention.

Mr. HARDWICK. That is true enough, Mr. President; but the distinguished Senator from Kentucky, the permanent chairman of that great convention, ought at least to have had as much ordinary comprehension of what was happening and what the platform meant as the average Democratic masses or as the average American voter had; and if the Senator from Kentucky, the chairman of that great convention, could not know about these cloak-room conferences, how on earth could the Democratic masses or the American voters know about them, and of what real importance are they?

Now, let us see. Not only that, but one of our greatest achievements—the one that we boasted most about—was the routing of the sugar lobby here in the last Congress. Why, when we went to the people of the United States in 1914, in the congressional election, we devoted page upon page to the exploitation of that great achievement. We told about how they had misused the franks of distinguished and illustrious Senators who are still Members of this body. We told about how a gentleman named Mr. Oxnard had gotten rich out of capitalizing the tariff and turning his watered stock into good, hard cash at the expense of the consuming public. We told all the details about the feverish and unnatural and reprehensible activities of this lobby that was here to fight free sugar.

Ah, Senators, I have been informed that many years ago a great Senator from Missouri stood on this floor, when Jackson had beaten one of the bank bills, and there was exultation on the Democratic side of the Chamber over the accomplishment of that much-desired result, and the boast was made: "We have driven this beast to the jungle." Benton replied: "Yes; you may have driven her to the jungle, but she will return from the jungle with all her whelps."

His words were prophetic in that case; and without change they could well be applied to all we have said and boasted about the sugar lobby, and our exposé of it, and our relief of the people of the United States from the enormous burdens and exactions that are imposed upon the consuming public by means of the tax on sugar.

Mr. President, it is insisted that we must have this duty because the Government needs it, because the Government can not get along without it; that we must prepare for war in order that we may maintain peace; that we must have a larger Army and a greater Navy, and can get the needed revenue in no other way. Sir, if that were true, and absolutely true, however much I regretted to do it, I would vote for the motion now presented by the distinguished Senator from North Carolina. But I insist that it is not true, either in form or in substance, that we are obliged to levy this tax for the purpose of governmental revenue, and I will tell you why.

Do we need revenue, and revenue only, with no incidental or accidental protection, from schedule E, the sugar tariff? If we do, why is it that we have not followed the example already given us by Germany, by France, by Belgium, by Russia, by Austria-Hungary, by Spain, yea, by every important country on this earth that raises any considerable amount of revenue out of sugar—Great Britain raises only a small amount—except the United States? In those countries, and every one of those countries, they levy a tax on consumption, direct and professed; not indirect and insincere.

Is a tariff a tax on consumption? Every Democrat so contends; so, after all, when we lay a tariff tax we are levying a tax on consumption. But there is this difference between the two kinds of taxes, consumption taxes both. Under one plan, the European plan, every dollar of the tax levied goes into the Government till. Under our plan, the so-called American plan—and I am not proud of it—one half of it only goes into the Government Treasury, while the other half goes to enrich the domestic producers of sugar, both in continental United States and in its insular possessions.

Why do I say that? Because sugar in many respects is one of the most highly illustrative items to which tariff principles and tariff theories can be applied. What is the situation to-day with reference to the production and consumption of sugar in this country? We consume almost 4,000,000 long tons a year. It is estimated for this year, I think, that our consumption will be three million eight or nine hundred thousand tons. Of that amount, we produce one-fourth, 25 per cent, in continental United States—cane sugar in Louisiana and beet sugar in the West—25 per cent more in our insular possessions, Hawaii, Porto Rico, and some small amount from the Philippines. The other 50 per cent we import from abroad, through the custom-house, nearly all of it, over 99 per cent, coming from the island of Cuba, justly called the sugar bowl of the world.

We levy at present a tax of 1 cent a pound at the custom-house door. Every pound of Cuban sugar pays that tax. No pound of Louisiana sugar, of western beet sugar, of Hawaiian

sugar, of Porto Rican sugar, or of Philippine sugar up to 100,000 tons per year pays a cent; and yet every pound of Louisiana sugar, of Hawaiian sugar, of Porto Rican sugar, of Philippine sugar—every pound of domestic sugar, in other words—costs the American consumer just as much as every pound of Cuban sugar, on which the duty is paid. What is the result? We levy on American consumption, upon the stomachs of our people—yours and mine, Senators—a burden of $86,000,000 a year, and of that amount we put $43,000,000 in the Treasury of the United States and at the same time we put $43,000,000 more in the pockets of the sugar producers.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. HARDWICK. I yield.

Mr. THOMAS. The statement was made the other day, I think by the Senator from Michigan, that $100,000,000 was invested in the beet-sugar business in the United States. That was an extravagant statement of the amount, as I shall try to show before this debate is over; but assuming, for the sake of the statement, the correctness of the amount, and then doubling it so as to represent the amount invested in the cane-sugar production—say, $200,000,000 or $250,000,000—the percentage of $43,000,000 which is thus given to this industry is enormous, and of itself represents a profit that is far and away beyond the average profit derived by capital invested in ordinary business.

Mr. HARDWICK. I quite agree with the Senator; and I say another thing to the Senator, and I measure my words: Since we have had this tariff duty on sugar, beginning with the Dingley bill—I am willing to go only back that far—beginning with the Dingley bill, the consuming masses of the United States have paid ten for one for every dollar invested in any branch of the sugar industry in the United States and in all of its insular possessions. We had far better buy them out and stop the profit if we would put it on plain business principles.

Now, my fellow Democrats, if we want revenue and nothing but revenue, why do we not get the most revenue that we can get with the least burden? Do you say to me now that it is a new and an untried thing, and that our people do not like excise or consumption taxes? My reply is twofold. In the first place, this tax, a consumption tax on sugar, will be paid by the great refiners of the country and possibly a few of the great beet factories; actually, in my judgment, less than 100 people would pay it—fully as few people as pay the tariff tax to-day—so there would be no groaning, no burdening, no protestations from the American people, if you are afraid of that.

Ah, but they say it is a new and untried thing. I say not. It has been tried in the most highly civilized countries of this earth, and in nearly all of them. We do not have to tread a new and untrodden path. We have the laws already written by the great nations of Germany and Austria-Hungary and France and all these other great European countries. We have their experience in the administration of the laws. We can give no such paltry excuse as that. A 1-cent tax on all the sugar, domestic as well as foreign, would double the amount of revenue that the Government gets, and would not increase the burden on the consumer one single penny, for the reason I have already explained.

If so—and no Senator who investigates the question can deny it—why do we not levy the tax in that way? If we must have it, and we must have it out of sugar—a food necessity of life—for Heaven's sake let us levy it so that when we tax the stomachs of our people, so that when we charge them a tax on this prime article of food necessity, no private, selfish interests will be subsidized in the process, but every penny of this hard-wrung money will go into the Public Treasury.

Mr. President, in that connection I ask unanimous consent to include in my remarks a carefully prepared table or plan showing exactly how this consumption tax can be adjusted to each degree of raw and refined sugar and what the result would be.

The PRESIDING OFFICER. Without objection, that may be done.

The matter referred to is as follows:

The rate on sugar testing by the polariscope 75° would be 0.568 cent per pound.
The rate on sugar testing by the polariscope 76° would be 0.588 cent per pound.
The rate on sugar testing by the polariscope 77° would be 0.6096 cent per pound.
The rate on sugar testing by the polariscope 78° would be 0.6304 cent per pound.
The rate on sugar testing by the polariscope 79° would be 0.6512 cent per pound.
The rate on sugar testing by the polariscope 80° would be 0.672 cent per pound.
The rate on sugar testing by the polariscope 81° would be 0.6928 cent per pound.
The rate on sugar testing by the polariscope 82° would be 0.7136 cent per pound.
The rate on sugar testing by the polariscope 83° would be 0.7344 cent per pound.
The rate on sugar testing by the polariscope 84° would be 0.7552 cent per pound.
The rate on sugar testing by the polariscope 85° would be 0.776 cent per pound.
The rate on sugar testing by the polariscope 86° would be 0.7968 cent per pound.
The rate on sugar testing by the polariscope 87° would be 0.8176 cent per pound.
The rate on sugar testing by the polariscope 88° would be 0.8384 cent per pound.
The rate on sugar testing by the polariscope 89° would be 0.8592 cent per pound.
The rate on sugar testing by the polariscope 90° would be 0.88 cent per pound.
The rate on sugar testing by the polariscope 91° would be 0.9008 cent per pound.
The rate on sugar testing by the polariscope 92° would be 0.9216 cent per pound.
The rate on sugar testing by the polariscope 93° would be 0.9424 cent per pound.
The rate on sugar testing by the polariscope 94° would be 0.9632 cent per pound.
The rate on sugar testing by the polariscope 95° would be 0.984 cent per pound.
The rate on sugar testing by the polariscope 96° would be 1.0048 cents per pound.
The rate on sugar testing by the polariscope 97° would be 1.0256 cents per pound.
The rate on sugar testing by the polariscope 98° would be 1.0464 cents per pound.
The rate on sugar testing by the polariscope 99° would be 1.067 cents per pound.
The rate on sugar testing by the polariscope 100° would be 1.088 cents per pound.

The application of such a tax for 1916 would work out about as follows:

	Test.	Production (long tons).	Rate per pound.	Revenue realized.
	°		*Cents.*	
Philippine raw sugars	88	175,000	.8384	$3,286,528
Hawaiian raw sugars	96	575,000	1.0048	12,941,824
Porto Rican raw sugars	96	350,000	1.0048	7,877,632
Louisiana and Texas raw sugars	96	175,000	1.0048	3,938,816
United States refined from Cubans, etc	100	1,875,000	1.088	45,696,000
Domestic beet refined	100	750,000	1.088	18,278,400
Estimated consumption		3,900,000		92,019,200

Mr. HARDWICK. Now, if we do not do that—and we did refuse to do it; I presented such an amendment and urged it upon the Senate committee, and they would not accept it—will not the people of this country be driven into the irresistible and irrefutable conclusion that we did not do it simply because we wanted to give a certain amount of protection to the beet and cane producers of this country? Undoubtedly. They can arrive at no other just conclusion. There is no escape from it. You can twist it as you will, you can get off all the sophistry you please about it, you can argue until we are all blue in the face, but, after all, the common, sober sense of the American people will be strong enough to understand that we retain this tax in its present form because we found it necessary not to raise a certain amount of revenue for the Government but to afford a certain amount of protection to certain interests in this country. We had just as well understand what we are doing. I have studied this question a great many years. I am not going blindly into any vote on it. I know what my actions about it mean, and I know what my vote on it spells. Therefore I find myself utterly unable to support the motion made by the distinguished Senator from North Carolina.

Mr. BROUSSARD. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Louisiana?

Mr. HARDWICK. I yield.

Mr. BROUSSARD. I understood the Senator from Georgia to say, first, that no duty should be imposed upon sugar because it is a prime necessity of life, entering into the daily consumption of the people.

Mr. HARDWICK. The Senator understood me correctly.

Mr. BROUSSARD. And that if there must be some revenue derived from sugar, that revenue should not be collected at the customhouse, but should be collected just before it enters into consumption, or at the factory. Now, would the Senator carry that doctrine to other necessities of life? For instance, second in importance in Louisiana to the sugar industry is the rice industry of that State. Upon that article there is a duty imposed under the Underwood bill. Would the Senator carry out his theory of abstention from the imposition of taxes upon the necessities of life so as to extend it to rice as well as to sugar?

Mr. HARDWICK. I think I understand the Senator's suggestion, and I am going to reply to it with candor.

Mr. BROUSSARD. I should like, while the Senator is replying——

Mr. HARDWICK. Will the Senator pardon me just a moment? After I cover the ground I have set out, I will yield with pleasure to the Senator, but——

Mr. BROUSSARD. Just in the same connection I want to continue the question.

Mr. HARDWICK. Very well; I yield to the Senator.

Mr. BROUSSARD. Would the Senator then, if he would apply that to rice as well as to sugar, apply it to cotton cloth and other manufactured articles upon which a duty is now imposed? Would he also put a production tax upon these things, so as to obviate the necessity of collecting any duties at all at the customhouses of this country?

Mr. HARDWICK. Replying to the Senator's question, I wish to say that wherever it was necessary to levy a tax on a food necessity of life, and that article was a competitive article—namely, an article produced in considerable degree in this country, and to a considerable degree imported from a foreign country—the course I have suggested here ought to be followed. My answer to it is, in a broader and a more general way, that I can not see to save my life why we should not levy, from my standpoint and from my view of the tariff, a tax solely on noncompetitive products graded, as I have said, heaviest on luxuries, more moderate on comforts, and lightest on necessities. That would be my answer to every suggestion involved in the Senator's question.

The Senator has anticipated just a little the very argument I was to about to make. I say that we do not have to get this revenue from sugar at all. If we did, we ought to get it so that all of it would go into the Government Treasury and none of it into private pockets, but we do not have to get it from sugar at all.

It appears from the last monthly summary of the foreign commerce of the United States, that during eight months ending January, 1916, we imported nearly $65,000,000 worth of coffee into this country; that during the same period of time we imported fifteen and a half million dollars worth of tea into this country; and during that same period of time our sugar importations amounted to a little less than $80,000,000—$65,000,000 of coffee, fifteen and a half million dollars of tea, and $79,000,000 of sugar. What Democratic reason can you give for letting sugar be taxed while coffee and tea come in free? If I were a Republican I could answer you. I would say, "I let the sugar be taxed because I want to build up an American industry with a protective tariff, and I did not tax coffee and tea because there is no industry to stimulate in this country of that sort, and besides they are necessities of life, and I dislike to tax them." But what Democrat can answer that question? They are all breakfast foods—coffee, sugar, and tea. There is no coffee and there is no tea produced in this country. Half the sugar we consume is produced in this country. Yet it is proposed under Democratic principles, forsooth, to tax one necessity of life produced in this country and not to tax the other two that are not produced in this country and in the other two instances, to wit, coffee and tea, if you did tax them every dollar of the tax would go into the Public Treasury. Now why do you not do it? If you want to be consistent, if you want to be logical, if you want to be Democratic about this thing, coffee and tea are not any more necessities of life than sugar and why not tax them all? Are you afraid of the cry that you are taxing the breakfast table? If that is it, why do you tax sugar and leave coffee and tea untaxed?

Then again let us take another article. During this same period of time ending January, 1916, we imported into this country $73,802,459 worth of crude india rubber. Crude india rubber is a noncompetitive product, largely used in this country, although not entirely, in making articles of luxury and not of necessity. Yet crude india rubber comes absolutely untaxed into this country although most of it is used in the luxuries of life, and sugar that every poor man as well as every rich man must have is taxed, and crude india rubber is untaxed. Why this difference? A Republican will answer that crude india rubber is not produced in this country and therefore the imposition of a tax would not aid American industry. What answer, however, can a Democrat who does not believe in protection make?

Now, let me make one more illustration. I concede it is the most extreme one, in all probability, that can be made in the schedules. During this same period of time, eight months, ending January, 1916, we imported into this country a little over $65,000,000 worth of raw silk, absolutely untaxed, free of duty. Raw silk is a noncompetitive product. If you levy a tax on it you foster no industry, you benefit no local industry. Therefore I can understand why Republicans do not tax raw silk, but why Democrats should not I do not know. If it is true that our silk factories could not stand foreign competition without free raw material, then why could we not afford to increase the duties on manufactured silk, the same being a luxury? I ask the Senate and I ask the country, Under what Democratic theory do we leave raw silk untaxed and raw sugar taxed? Are the backs of the rich to go unburdened, while the stomachs of the poor pay the bill?

I wish next to invite the attention of the Senate and of the country as briefly as may be to certain facts and conditions relating to our domestic sugar, both cane and beet, both continental and insular, prior to the breaking out of the European war, and then I want to undertake to tell you as briefly as I can what has happened since then and the result of that war. I am going to take up, first, the case of Louisiana and the production of cane sugar there, because it is nearest my home; and, of course, I love my Louisiana friends a little better than people not quite so close to me and not so nearly related by ties of blood and affection. So I take the Louisiana case first. The facts I am going to give are undisputed facts, not only proven by the testimony of witnesses through long and laborious investigation but agreed to by the unanimous report in most instances, in fact, of a committee, almost half Republican, of the other House of Congress.

The cost of producing a pound of cane sugar—that is, raw sugar—in Louisiana is 3¾ cents. The cost of producing a pound of raw cane sugar in Java is 1½ cents; in the Philippines, 1¾ cents; in Porto Rico, Cuba, and Hawaii, about 2 cents. I hope the Senate will have those figures fixed in its attention. There is no dispute whatever about these facts, as will be seen on examination of the evidence submitted to the special committee on sugar and from the report of that committee and from recent hearings before the Ways and Means Committee of the House of Representatives. From the above figures it is perfectly apparent that, so far as the production of cane sugar in Louisiana is concerned, it is nothing more nor less than a hothouse proposition. The cost of production is being gradually but surely lowered in Cuba, the Philippines, Porto Rico, Java, and, I think, in Hawaii. In Louisiana I do not believe that it is being lowered at all, but, if anything, is increasing. It is my judgment that the Louisiana sugar-cane industry can not and will not long survive free sugar. Indeed, I do not believe, as I have stated more than once, that the industry can continue and prosper in Louisiana even under our present rate of duty, and that it is practically certain that its doom is already decreed by the fixed and unalterable laws of nature. Let me state some of the reasons for this opinion. In Louisiana the sucrose in the cane is from 6 per cent to 7 per cent. In Hawaii it is from 14 per cent to 15 per cent; in Cuba, from 10 per cent to 11 per cent, occasionally 14 per cent. In Cuba the cane is only planted once in every 10 years, and in Louisiana it must be replanted, or practically replanted, every year. In Cuba frost never interferes with the maturing of the crop, whereas in Louisiana the cane has to be cut early in October; hence its sucrose contents are low, as I have already shown. It seems to me that for these reasons it is perfectly apparent why Louisiana can not profitably continue to produce cane sugar in competition with tropical countries; and if she is driven out of the sugar business it will not be the unkindness of the Democratic Party that accomplishes this result, but the stern decree of the God of nature, for sugar cane is the natural product of a strictly tropical country, and Louisiana is located too far to the north for its successful cultivation in competition with tropical countries. Great and insuperable as are these natural disadvantages, Louisiana labors under certain other disadvantages growing out of inefficiency, which contributes to the high cost of production in that State. Antiquated machinery and open-kettle mills might be mentioned in this category, for as a whole the industry in Louisiana is inefficiently organized, nor is it well equipped. This will be readily seen when it is remembered that in Louisiana 210 mills produce an annual average of 330,000 tons, whereas in Cuba 174 mills produce annually 2,328,000 tons.

Mr. THOMAS. What are the figures?

Mr. HARDWICK. Three hundred and thirty thousand tons in Louisiana, against 2,328,000 tons in Cuba. The labor cost in factories in Cuba and Louisiana is practically the same, and for field labor Louisiana pays hardly as much as is paid in Cuba. It appeared in the sworn testimony before the special committee that in Louisiana the sugar planters pay the following rates for field labor: Seventy-five to 80 cents per day to men; 75 cents per day to women and $1 per day in harvesting time; whereas

in Cuba for the same class of labor the planters are paying from $1 to $1.25 per day, and in Cuba the women do not work in the fields.

Mr. President, I am not going to elaborate that; Louisiana is too far north; there is not enough sucrose content in her sugar. The frost comes there too early and the cane has to be cut too soon. She can not and never will compete successfully with the tropical countries. Her cost of production, 3¾ cents a pound, according to the sworn evidence of best citizens and most successful planters, is almost double that of Cuba, almost double that of Hawaii, and more than double that of Java.

What are we to do? That a few planters in Louisiana may maintain a hothoused industry, are we to forever tax 100,000,000 American people?

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. GALLINGER. I know the Senator from Georgia does not want to be interrupted, but——

Mr. HARDWICK. I will yield to the Senator.

Mr. GALLINGER. I wish to ask him a question for information merely. If the labor cost is substantially the same in Cuba and Louisiana, how does the Senator account for the greatly increased maximum cost of production in Louisiana?

Mr. HARDWICK. The Senator has just come in?

Mr. GALLINGER. Yes.

Mr. HARDWICK. It is on account of the difference in the sucrose content of the sugar cane and the differences in season. There is not as much sugar in the cane they raise. That is the trouble.

Mr. GALLINGER. That accounts for it?

Mr. HARDWICK. That is it. It is just the law of nature, that is all; a decree of nature entered in due and regular form. You will have to repeal a law of nature if you are going to enable Louisiana to compete successfully with these tropical countries. To use a familiar illustration, you can raise bananas or oranges in the State of my friend from New Hampshire if you put a hothouse there and make the American people pay the cost of it; but I do not believe that is right, I do not believe it is democratic, I do not believe it is American to take a few people and for their sake make 100,000,000 people pay more for every pound of this food necessity that they must eat.

The situation is not vastly different with reference to the sugar-beet industry, and I shall endeavor to demonstrate it.

Mr. THOMAS. I think the Senator can also demonstrate that the natural advantages which the sugar beet has in the arid and semiarid regions of the United States will make it a still more dangerous competitor of the Louisiana industry as time passes.

Mr. HARDWICK. I quite agree with the Senator about that. He has stated it so well that I shall not undertake to elaborate it here, especially as I have much ground to cover.

Mr. President, I am going to ask the permission of the Senate to insert in my remarks certain newspaper articles and certain observations relating to the stock watering of the beet-sugar companies.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

According to the last statement issued by Mr. Truman G. Palmer, representing the beet-sugar factories, it appears that there are now located in the United States 76 factories engaged in the production of beet sugar. These factories are located in the following States: Colorado, 17; Michigan, 16; California, 13; Utah, 6; Idaho, 5; Wisconsin, 4; Nebraska, 2; Montana, 1; Minnesota, 1; Kansas, 1; Iowa, 1; Illinois, 1; Indiana, 1; and Arizona, 1. From the reports of Bradstreet's Commercial Agency it appears that the total capitalization of these 76 factories is $141,410,000, and that their combined capacity for slicing beets in tons per day is 63,550 tons.

These figures demonstrate beyond all question the extent of overcapitalization of the companies that operate these factories.

Why? Let us see what the beet-sugar men have themselves sworn before several of the House committees. In the hearings on the Payne tariff bill before the House committee Mr. F. R. Hathaway, secretary and treasurer of the Michigan Sugar Co., estimated the cost of a beet-sugar factory to be $1,000 per ton of daily beet-slicing capacity. At the hearings before the special committee on sugar during the last Congress, Mr. Henry T. Oxnard, of the American Beet Sugar Co., made exactly the same estimate, as did Mr. Charles W. Nibley, of the Amalgamated Sugar Co. of Utah. While Mr. Oxnard at a subsequent time did seek to raise his figures, and while some others testified to a slightly higher figure than $1,000 per ton, yet other witnesses swore to even lower figures, notably Mr. E. N. Combs, of Colorado, fixing the figure at $600.

On the whole, therefore, I believe we may safely take $1,000 per ton of daily slicing capacity as the true basis of cost and the real value of a beet-sugar factory. On that basis the true value of all the beet-sugar factories in the United States does not exceed $63,550,000. Indeed, according to the unanimous report of the special committee of the House on sugar during the last Congress, we estimated the amount of this investment at a somewhat smaller figure, $60,712,500, and the gentleman from Michigan [Mr. FORDNEY] agreed to that figure, along with his other Republican colleagues on the committee. So that it appears the beet-sugar factories of this country as a whole are capitalized at from two to two and one-half times their actual value. While we are considering this question of the overcapitalization of the beet-sugar factories, it might be as well to call the attention of the committee to the facts about the three largest of the beet-sugar companies and to see exactly to what extent this mania for overcapitalization has affected them.

First, let us take the Great Western Sugar Co., a Colorado concern, but chartered "under the laws of New Jersey"; but that charter, Mr. Chairman, was granted before the days of New Jersey's regeneration. [Laughter and applause.]

It was capitalized at $30,000,000, one-half preferred and the other half common stock, but of this stock only about $24,000,000 was issued. Its nine factories, all located in Colorado, have, according to its last statement a total daily beet-slicing capacity of 10,600 tons, which ought to represent a real value of approximately $10,600,000—on the basis of $1,000 per ton. So that its stock is more than one-half water, except so far as it may, perhaps, now represent accumulated and undistributed earnings. Under oath the company returned its property for taxation in the State of Colorado at $2,500,000 as late as 1910 or 1911. Although its stock, under its New Jersey charter, was originally more than half water, yet it manages to pay 7 per cent interest per annum on its preferred stock, or $1,050,000, and 5 per cent interest per annum on its common stock, or $750,000. This means a total annual dividend of $1,800,000 on a real investment of $10,600,000, as already explained, or about 17 per cent dividend on the actual investment. Nor do these dividends represent anything like the total net earnings of this largest and greatest of the beet-sugar factories, as I will now proceed to show the committee. It must be recalled that the American Sugar Refining Co., commonly known as the Sugar Trust, owns 26 per cent of the common stock and 38 per cent of the preferred stock of the Great Western (report of special committee, p. 13) according to the admissions of both the Great Western and the trust.

During the recent investigation of the Sugar Trust in the United States District Court for the Southern District of New York, among the letters of the Sugar Trust was discovered a most interesting letter from Mr. Chester S. Morey, of Denver, Colo., president of the Great Western Sugar Co., to Mr. Washington B. Thomas, then president of the American Sugar Refining Co. This letter was dated March 19, 1910, and read as follows:

"MY DEAR MR. THOMAS: Inclosed herewith I hand you copy of the financial exhibit and income statement. This is the form in which we expect to publish these statements, and they will also be used when we make application to list our stock on the New York Exchange.

"You will notice that this year, in addition to the regular 2½ per cent depreciation which we have been deducting for the last three years, we have set up $1,000,000 in depreciation reserve. I do not want this year's earnings to appear as large as they would if we had not made this entry. Of course this can be changed if the board of directors does not approve of it.

"You will note that our total surplus is shown by these statements as a little over $5,000,000. This does not include any surplus from the Billings Co., the Great Western Railway Co., and other corporations, which really add nearly $2,000,000.

"Our sugar is invoiced at 4 cents, and judging from present market indications there is at least $1,000,000 profit that will show up in next year's business. The value of our real estate and railroads over and above the amount at which they are carried is at least $5,000,000, so that the actual surplus is nearer $9,000,000 than $5,000,000.

"Am pleased to say that at some of our factories the farmers are signing up acreage and feel more encouraged than I did a week ago.

"The details of these statements I will bring with me when I come to the stockholders' meeting."

When it is recalled this company was chartered in 1905 and it is seen by the above letter that in five years, by 1910, it had accumulated a surplus of $9,000,000, besides paying dividends for fully that amount, as I have already shown, and also allowing the regular 2½ per cent for depreciation, it will be seen that this company's annual net profit on its real investment during these five years was 36½ per cent—17 per cent for dividends, 17 per cent for surplus, and 2½ per cent for regular depreciation. It thus appears that in the short space of five years it made a total of 182½ per cent on the actual capital invested. No wonder that its president, Mr. Morey, juggled the entries, according to his own letter; no wonder that he said, never expecting his letter to become public, "I do not want this year's earnings to appear as large as they would be if we had not made this entry."

Let us next look into the American Beet Sugar Co., a concern operating six factories, two in California, three in Colorado, and one in Nebraska, with a total beet-slicing capacity of 5,300 tons per day. According to the standard of $1,000 per ton of daily beet-slicing capacity, the factories of this corporation represent a real value of $5,300,000, and yet we find this company, with the water injected into it somewhat more freely than usual, capitalized at $20,000,000—$5,000,000 preferred stock and $15,000,000 common stock. And it appears that in seven years from the time of its organization it had paid annually 6 per cent interest on the actual investment and had cleared seven and one-half millions besides, for at the end of that time its common stock, which had no value whatever in the beginning, was selling at $50 per share, while its preferred stock, with a guaranteed dividend of 6 per cent, was selling above par. In seven years it paid $2,100,000 in interest on its preferred stock, and its earnings created a value of 50 cents on the dollar for its common stock—pure water—or $7,500,000. This is a total of $9,600,000 on the investment of $5,000,000 in seven years, or a little over 190 per cent, or 24.3 per cent per annum on the actual investment. It must be remembered also that we have not been able to learn the whole truth about the profits of this company in any such way as we discovered it in Mr. Morey's case. Personally I do not doubt that their profits have been fully as great as those of the Great Western, if we could find out just how they have kept their books, as we did in the other case, but it seems to me that the showing is strong enough as it is.

In reference to the earnings of this company, I next invite your attention to an article in the Beet Sugar Journal of April, 1911, as follows:

"American Beet Sugar Co. sets new high record. The report of the American Sugar Co. for the year ended March 31, 1911, shows total income of $8,357,012, an increase of $1,347,368 over the previous year, and a surplus, after preferred-stock dividends, of $1,643,659, equal to 10.95 per cent earned on the $15,000,000 of common stock, compared with $1,097,252, or 7.31 per cent, earned in the previous year. The common stock has not yet paid any dividends. The preferred pays 6 per cent. Comparative results for the past three years follow."

"Then are given the figures for 1911, 1910, and 1909. For 1909 the gross receipts were $7,135,326; total income, $7,156,855; expenses, interest, tax, etc., $5,863,713; balance, $1,293,143. Well, now, we will take 1910: Gross receipts, $6,983,772; total income, $7,009,644; expenses, tax, interest, etc., $5,612,391; balance, $1,397,252. For 1911: Gross receipts, $8,344,792; total income, $8,357,012; expenses interest, tax, etc., $6,413,353; balance, $1,943,659. Preferred dividends, $300,000 in each of the years 1911 and 1910 and $245,400 in the year 1909, leaving a surplus of $1,643,659 in the year 1911, $1,097,525 in the year 1910, and $1,047,743 in the year 1909. 'The general balance sheet as of March 31 shows total assets of $22,577,371.'

"The reserve for working capital is $1,825,637, against $832,151 a year ago, and there is a reserve for betterments and improvements of $377,246, a new item. Bills payable to the amount of $1,266,000, which appeared in the previous balance sheet, have been paid off. H. R. Duval, president, says: 'The surplus has been applied to working capital, which is now adequate for ordinary operations. The company is now free of all debt. There was an increased production of 196,741 bags, exceeding that of any former year. The increase was principally due to California, though Grand Island increased 31,704 bags. In Colorado the decrease was 88,624 bags. Due largely to increased efficiency of the plants, the cost of making sugar, as compared with previous campaigns, was somewhat diminished. Taxes increased $30,989, of which $25,560 was the Federal corporation income tax. Depreciation and maintenance cost $344,842—was $13,119 less than last year.' The design of this expenditure (included in the above statement in expenses) is to keep the plants up to their original condition."

It appears from the above that during the year 1911 the American Beet Sugar Co., after paying its preferential dividend of 6 per cent on its preferred stock (real value) earned 10.91 per cent on $15,000,000 of common stock—water. This represents in all an earning of $300,000 (interest on preferred stock) plus $1,643,659 (surplus), or $1,943,659, which, in turn, is almost 39 per cent profit during the year ending March 31, 1911, on the real investment.

I next invite your attention to a statement in the American Sugar Industry of March, 1912, in reference to the profits of this same company—the American Beet Sugar Co.—for the year ending March 30, 1912:

"The net earnings of the American Beet Sugar Co. for the fiscal year ending March 31, 1912, will probably not exceed 12 per cent, instead of the 15 per cent estimated last December. The reason assigned for this is that the company began to sell its 1911 crop too early. Sales were made in advance of production in order to take advantage of what seemed a very flattering profit. Sugar prices advanced and it is estimated the difference to the company amounted to between $300,000 and $500,000. The company then went to the other extreme and held back the remainder of the 1911 crop on a declining market."

As the dividends on the preferred stock are fixed at 6 per cent and are paid before any other dividend and before any surplus is laid aside it is quite evident that the 12 per cent "net earnings" refers to the amount of surplus set aside, which is figured from the basis of the amount of the common stock, so that it appears that for the year ending March 31, 1912, the American Beet Sugar Co. earned $300,000, interest at 6 per cent on its preferred stock, plus $1,800,000, surplus, the equivalent of 12 per cent on $15,000,000 worth of common stock, or $2,100,000, which is a little more than 40 per cent on its real investment.

One more illustration of this mania for overcapitalization among the beet-sugar factories and of the excessive profits they hope to conceal by this operation, and I shall pass on. We will next take the Michigan Sugar Co., from the State of my friend Mr. FORDNEY.

The present capitalization of the Michigan Sugar Co. consists of $3,703,500 preferred stock and $7,471,107 common stock, a total of some more than eleven millions. Here, again, we find "the trail of the serpent," for it appears from its own statement that "the trust"—the American Sugar Refining Co.—owns 35 per cent of all the common stock and 55 per cent of all the preferred stock of the Michigan Sugar Co. This company operates six factories, all located in the State of Michigan, with a total beet-slicing capacity of 5,450 tons per day. This represents, according to the rule laid down by Mr. Hathaway, its own secretary, an investment of approximately $5,450,000, and yet, as we have already seen, its present capitalization is more than double that amount. It was chartered in 1906, with an authorized capital of $9,000,000, one-half preferred and one-half common stock, not all of which was issued. It simply represented at the time of its charter an attempt to form a small, local beet-sugar trust among a number of Michigan factories that had been previously independents and competitors of each other. It was simply a Michigan manifestation of the prevailing "trust-organizing" mania with which the country was then mad, and was attended by the one invariable sympton of the disease, to wit, overcapitalization.

Let me now call your attention to certain reliable trade reports in friendly journals touching the profits this company has made.

I quote, first, from the Beet Sugar Journal of May, 1910:

"The Michigan Sugar Co. reports a profitable year. The regular annual meeting of stockholders of the Michigan Sugar Co. was held at the Eddy Building, Detroit, Mich., Wednesday afternoon, May 25, 1910. There was a representative attendance to hear the statement of the officers as to the year's business. The year was a profitable one, the company being able to show a surplus of $3,025,000 after expending $3,500,000 for labor and beets, and also paying regular dividends, not only on the preferred, but on the common stock as well. As the Wednesday meeting was the regular annual meeting, no dividend was declared."

I next invite your attention to an extract from the Beet Sugar Journal of July 6, 1910:

"Offers of 121 for stock in the Michigan Sugar Co. have been made within the last month, and the stock is now considered one of the best on the Detroit or, for that matter, any market. The enormous profits, coupled with the favorable prospects, are the causes for the increase in interest and price in stock. The net profits of the Michigan Sugar Co. in 1909 exceeded $1,500,000, and the financial statement submitted at the annual meeting last month showed a surplus of $3,000,000. By a person in close touch with the workings of the company it is stated that the earnings from the sale of the by-products is almost enough to meet the dividend payments. The stock has trebled in value in little more than a year.

"'Michigan sugar stock is now one of the best investments possible,' says a local broker who has been prominent in handling the stock; 'there are more buyers for it than there is stock for sale, and probabilities are an even higher mark than already touched will be reached before the break comes. All Michigan sugar companies are prospering. When the "trust" came into the State some years ago it smashed many independent companies, but in recent years, due to the improved methods of growing and manufacturing, which permits large profits to the farmer and extraordinary profits to the factory, several independent companies have been rehabilitated and are now sharing in the general prosperity.'"

It appears from the above that from 1906 to 1910 the Michigan Sugar Co., besides paying 6 per cent on its preferred stock, made three millions in profits, "trebled the value of its stock in little more than a year," and made almost enough money from its by-products to pay its dividends. In four short years it paid back every dollar of real money invested in it, or fully 25 per cent per annum.

Mr. HARDWICK. I am going to discuss now the practical situation that the beet-sugar people faced prior to the breaking out of the European war.

But the beet-sugar companies insist that, even if they have prospered marvelously under the Dingley and Payne rates, this does not prove that they can stand alone without any aid whatsoever, and they further insist that after three years, when this great necessity of life shall be untaxed, that they will perish beneath an avalanche of German and Cuban sugar. Let us look into that a little. In the first place, let me call your attention to the fact that our American beet-sugar factories have one great advantage over their foreign beet competitors in that while our factories produce refined sugar, ready for table and trade uses without further process of manufacture, that is not true of the German or any other foreign beet factories. In foreign factories the manufacture is not carried so far, and the sugar produced by them has to go through a process of refining, as our cane sugar does, before it is ready for table and trade uses. This process of refining costs the foreign beet-sugar man fully 0.4 cent per pound.

Nor is the difference in the cost of factory labor, if any, a serious handicap to the American factory, as the total labor cost of manufacturing does not exceed 14 cents per 100 pounds.

Fuel, relatively a far more important item of expense, is more abundant here than abroad and is much cheaper, especially in the West, where this industry is located, and oil is largely used as fuel.

Besides these considerations it must be remembered that the difference in geographical extent between this country and Germany gives to our domestic sugar factories a natural protection growing out of freight rates, which is most important and to which I will advert later. All of those considerations are important, however, and must not be overlooked.

Now, let us consider the freight-rate question just a moment, and then I will pass to a discussion of the question from the standpoint of the producer of sugar beets, the farmer, if you please. When the Brussels convention, after agreeing on everything that affected the production, importation, and exportation of sugar as in and between the various European countries that were the powers signatory—by the way, let me say that there was a very ludicrous statement made on the floor the other day about the Brussels conventions. It has been years since the Brussels convention has been in effect, yet some gentleman the other day in discussing this question insisted with an air of solemnity that the Brussels convention had something to do with the present situation. Now, let us see.

When the Brussels convention came to consider the protection that their beet sugar needed against tropical cane sugar, the sugar scientists of the world agreed that a tariff duty of one-half cent a pound, or, to be exact, 0.47 cent per pound on raw sugar and 0.53 cent per pound on refined sugar was sufficient.

Let me say to my friend from Utah that is the reason why Mr. Lowry has always insisted that that was the amount of duty that they should have.

Mr. SMOOT. I did not hear the Senator's remark.

Mr. HARDWICK. I say when the Brussels Convention was in session all the European scientists agreed that the natural advantage of cane over beets amounted to 0.47 cent on raw and 0.53 cent on refined, and therefore Mr. Lowry, the gentleman to whom the Senator referred, always contended as his personal view that there ought to be a duty of half a cent a pound.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. HARDWICK. I do.

Mr. SMOOT. Since the Senator has referred to this question, if he will allow me a moment I will state my opinion as to the reason why Mr. Lowry wanted half a cent a pound duty on sugar.

Mr. HARDWICK. Would the Senator rather do that later? I will yield before I get through.

Mr. SMOOT. If the Senator does not want to be interrupted——

Mr. HARDWICK. I will yield now. I have wandered from that point and I do not think it is important. That is just my own opinion of Mr. Lowry's view.

The PRESIDING OFFICER. The Senator from Georgia declines to yield.

Mr. SMOOT. I will wait and state it in my time.

Mr. HARDWICK. I will yield to the Senator in my time, but a little later if he will permit me.

To continue: This decision was made after the most careful estimates as to the cost of production of beet sugar in Europe and of cane sugar in the various tropical countries, and after carefully considering the cost of transporting the cane sugar across the seas and finally to the consuming centers of the various European countries.

Now, so far as the latter element, namely, the cost of transportation, is concerned we must remember that it is practically negligible when compared to similar cost of transportation in our great country. So highly developed are these European countries in the matter of transportation that canals and water routes of all kinds intersect and traverse every part of the more important of them. On these canals the rates on heavy freight, like sugar, are so low that they are almost a negligible factor. As a result, German beet sugar has very little, if any, more protection over tropical cane than the amount of the duty—one-half cent per pound. On the other hand, even after foreign sugar, cane or beet, reaches our coast there are large parts of our great territory that it can not reach at all without paying a far greater freight rate than the differential that the Brussels convention has fixed between European beet and tropical cane sugar. The territory which this freight-rate protection would preserve to the beet factories is far greater than they can possibly supply with sugar if they will supply all of the territory in which a reasonable profit on actual investments will enable them to sell.

There are great regions of the country in the very vicinity of many of these factories where the freight rate on sugar is from 70 to 80 cents per hundred pounds, and this is the natural territory in which these factories can best operate and sell their product at a reasonable profit on the actual investment and yet as cheaply as the consumer could buy it from anyone else.

Now, let us see how German beet or Cuban cane could drive the American beet factory out of business, provided the American beet factory is willing to content itself with a fair and reasonable profit on the actual investment. Let us first take German beet sugar. Its cost of production, refined, is 2.415 cents per pound. The cost of ocean freight, Hamburg to New York, and insurance is 0.12 cent per pound. This would make a cost of laying it down at New York, duty free, 2.535 cents per pound.

To this figure, according to the sugar experts, should be added 0.18 cent per pound to make up the difference in grade between the Hamburg sugar and our beet sugar. This makes a total cost of 2.715 cents per pound delivered in New York. Now, take our beet sugar. The Spreckles Sugar Co. (beet), of California, admits that it is producing it at a cost of 2.70 cents per pound. The Oxnard (Cal.) factory of the American Beet Sugar Co. is admittedly producing it at a cost of 2.81 cents per pound, and according to the testimony of Mr. E. U. Combs, of Colorado, the Great Western Sugar Co. has produced it at a cost of 2.56 cents per pound.

Most of these figures can be verified by consulting page 23 of the report of the sugar committee. Mr. Combs's figures can be verified from the testimony taken by the committee. Now, let us go one step farther. The report of the sugar committee, taking the figures submitted by the beet factories themselves, found the average American cost of production to be 3.54 cents per pound. The difference between that figure and the German cost, laid down at New York, is only 0.735 cent per pound, and I submit that even this difference is more than equalized by advantages in freight rates that our domestic producers will have in a territory far greater than they can supply. Besides, in considering these questions, we must remember that the cost figures I have given to-day are simply the ex parte statements of the beet-factory people, made while they were battling to uphold the tariff, made while they were urging that there was a large difference in the cost of production here and abroad, and hence, from their standpoint, an absolute necessity to maintain the protective duties. Under these circumstances, I insist that, without reflection on any of these gentlemen, we are bound to take their statements with at least one grain of salt, to construe their evidence most strongly against themselves, to accept the lowest rather than the highest or even the average figures they gave us.

Again, our domestic beet factories insist even if they could survive competition with German beet sugar they could not survive the competition with cane from Cuba. The cost of producing a pound of raw cane sugar in Cuba is about two cents a pound. I have stated that already.

Mr. NORRIS. Mr. President——

Mr. HARDWICK. I yield to the Senator from Nebraska.

Mr. NORRIS. I should like to inquire of the Senator if these are not the cost figures given by the select House committee on sugar, of which the Senator was chairman?

Mr. HARDWICK. They were given by witnesses before the committee and they were agreed to by the committee.

Mr. NORRIS. It was the conclusion of the committee?

Mr. HARDWICK. It was the conclusion of the committee.

Mr. NORRIS. I should like to ask the Senator where the committee got the information or upon what testimony did it base its conclusion as to the cost of foreign sugar?

Mr. HARDWICK. I will tell the Senator with pleasure. We had there the greatest experts in the world, for instance, Mr. Wallace P. Willett, of New York, said to be the greatest sugar expert in the world, and who had expert knowledge on that question. We had other gentlemen before the committee testifying under oath who had large plantations and operated them in Cuba, Porto Rico, and Hawaii.

Mr. NORRIS. I should like to say to the Senator that my object was simply to bring out the source of information as to the cost of foreign sugar, inasmuch as the Senator had already given that information as to domestic sugar.

Mr. HARDWICK. We had absolute and direct proof. We had the greatest experts we could secure. We had people who claim to have engaged in the business either in Porto Rico, Cuba, or Hawaii. I think in all cases there was sworn evidence. I will state to the Senator that the figures I am giving have been the result of the most exhaustive and elaborate congressional investigation of this question that was ever undertaken.

Mr. NORRIS. I hope the Senator does not get the idea that I am questioning his figures. I only asked for the purpose of bringing out all the information. I am somewhat familiar with that investigation.

Mr. HARDWICK. I am glad the Senator gave me an opportunity to do it. I understand the Senator knows that. I just want to make an observation now. Let us take the situation in Cuba. The cost of producing a pound of raw cane sugar in Cuba is around 2 cents (report sugar committee, p. 230). This is raw sugar, and to it should be added 0.5 cent per pound, cost of refining (report, p. 23), also approximately 0.12 cent per pound, cost of freight and insurance to New York, or a total of 2.62 cents per pound, not materially or substantially different from the figure at which German sugar can be laid down at New York, and there is therefore no more danger that Cuban competition will overwhelm any properly located, honestly managed, fairly capitalized American factory than that German competition will do so. Indeed, if the American cost of production is what I firmly believe it is, somewhere around 2.75 cents per pound, the difference in cost of production between American beet sugar, on the one hand, and German beet and Cuban cane, on the other, is so small as to be almost if not wholly negligible.

Mr. SMOOT. Mr. President——

Mr. HARDWICK. I yield to the Senator.

Mr. SMOOT. The Senator knows, however, that in the hearings before the Committee on Finance of the Senate it was testified that they could produce sugar at $30 a ton, which would be a cent and a half a pound, and as far as San Domingo is concerned, wherever they received an offer of $30 a ton they sold as little as they could; when they received an offer of $35 a ton, of $1.75 a hundred, they sold very freely, and when over $35 a ton was offered them they always sold ahead as far as they could.

Mr. HARDWICK. I suppose the Senator is quite right about that. That is human nature. People, I take it, in all lines of industry do that. They try to sell at the highest prices they can get and they hold back as long as they think they can get any more. That is true of cotton, corn, sugar beets, wheat, and everything else.

Mr. SMOOT. I made the statement because of the fact that the Senator was basing his estimate on the sugar cost of 2 cents a pound, which is $40 a ton in Cuba. I doubt very much whether sugar costs 2 cents a pound in Cuba.

Mr. HARDWICK. If the Senator will pardon me, I am afraid he has misapprehended my statement. I was giving the cost of production. Of course they all, foreign and domestic producers, make as much profit as they can out of the sale of their product all the time. I am merely showing whether or not they could compete.

Mr. SMOOT. The Senator, in showing the cost to the beet-sugar companies, had the books of the company before the com-

mittee; they were thrown open; all the information was given that could possibly be given; no information was kept back; the cost to the company was given to the committee; but such is not the case in Cuba nor in any other part of the world. I may take occasion, if I have time to-day, to quote from Mr. Willett, because I think he is one of the greatest experts in the world on the sugar question.

Mr. HARDWICK. He is one of the greatest experts in the world on that question.

Mr. SMOOT. I know the gentleman very well, and I repeat, I consider him one of the best experts in the world on the sugar question.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. HARDWICK. I yield to the Senator from Colorado.

Mr. THOMAS. I think there is one element entering into the question of the cost of the production of beet sugar, information as to which was held back from the committee. My recollection now is that I was not able to find anything upon the subject in the testimony. That element has reference to the by-products from the manufacture of beet sugar, which amount to about 47½ cents per ton of beets for sirup, and so forth.

Mr. HARDWICK. The Senator from Colorado is right in a way and he is wrong in a way. Testimony of that nature was before the committee, but I did not include it in my estimate. It probably ought to be included.

Mr. THOMAS. The Senator's recollection regarding the testimony is much better than mine; but in estimating the cost of the production of anything allowance should be made for everything that is of value either by way of a by-product or otherwise.

Mr. HARDWICK. I quite agree with the Senator. Probably the cost of producing beet sugar could be slightly lowered when that is taken into consideration.

Mr. SMOOT. Mr. President, in the statement made by the sugar companies, in arriving at the cost of sugar, I see that all of their expenses and all of their receipts of every name and nature are taken into account. The books are balanced, showing actual cost, and if beet pulp is sold for 25 cents a ton and the sirup is worked over, and a profit is derived from it, the amount goes into the treasury of the company just the same as receipts derived from original sugar production. Then the production of the plant is considered in connection with the receipts of the company and a showing is made of exactly what the cost of production of a hundred pounds of sugar beets is to the factory.

Mr. HARDWICK. Of course, the committee was not infallible; we may have made mistakes, and we may have left out some of the items of receipts from by-products suggested by the Senator from Colorado [Mr. THOMAS]; but I think, in the main, the Senator will find that the figures we gave in regard to the cost of production are substantially accurate both for this country and foreign countries. I think if the Senator will look into that matter carefully he will find that to be the fact.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. HARDWICK. I yield to the Senator.

Mr. THOMAS. The Senator will pardon me for calling his attention at this point to the statement of Mr. Oxnard. In 1889, when speaking of the cost of the production of sugar, he said:

> Greater than all of the above assurances of the permanency of the sugar industry in the country is the fact that sugar can be produced cheaper here than it can be in Europe

Mr. HARDWICK. I thank the Senator from Colorado for the reminder.

Mr President, there is one other phase of this beet-sugar question to which I want to refer before I pass on to something else.

But our beet-sugar factories insist that even if it be granted that fuel is cheaper here than abroad, and that their machinery is better than that of their foreign competitors, and that the factory labor cost is so small a proportion of the total cost of producing a pound of sugar as to be almost negligible, and therefore that any difference in factory wages is not an important factor, that still there is one overwhelming and unanswerable reason why they should have a protective tariff on sugar, and that reason is to enable them to pay the American farmer a higher price for his beets than he could otherwise get or than the farmer of any other country gets for his beets. It is therefore insisted that, after all, the man the duty protects is the American farmer, and in his name the beneficiaries of the duty attempt to call a halt on this movement to untax one of the great necessities of life. Let us look into this question and weigh it carefully. Mr. President, I sometimes think that there are more appeals to ignorance, to passion, to prejudice, in the name of the American farmer than of any other name that I can think, unless it be possibly that of the American laborer. Why the intelligence and honesty of both of them should be so often affronted is more than I can comprehend, and yet it does seem to me that this particular appeal "in the name of the American farmer" is the most unjust and unjustifiable one that I have ever heard, and I protest against it as emphatically as I can in behalf of the great masses of the American farmers throughout the country, who constitute the very backbone of its prosperity and well-being, and who demand no more than a square deal and an even chance to earn their living in the sunshine of the Almighty, unhampered by unnecessary burdens and unfair discriminations against them, and demanding neither discriminations in their favor against other people, nor special privileges of any kind whatsoever.

In the first place, take the whole body of American farmers everywhere. Have you no regard for their rights and their interests? Do you propose to make fish out of one kind of farmer and fowl out of another kind? I do not believe, as I will undertake to show you later, that the removal of this duty will make it necessary for the factories to pay the farmer any smaller price for sugar beets, nor do I believe the beet factories will be able to get the beets at a lower price, nor that the farmers will stand for such unnecessary reduction in price, but even if it did mean that the farmer must take a lower price for his sugar beets, which I utterly dispute, what then? It appeared from the testimony of many witnesses who were sworn by the sugar committee and were engaged as farmers in the production of sugar beets in the various Western States that the net profits per acre of the sugar-beet farmers varied from $19.20 to $76. Taking the average of the figures given by the first 14 witnesses on this subject, it would appear that the average net profit per acre of the sugar-beet farmer throughout the West was about $43.37 in the year 1911. According to the figures of the Department of Agriculture, the average net profit of the American farmer in the production of wheat was $3.07 per acre, and the average net profit of the American farmer engaged in the production of corn was $8.15 per acre. The above averages do not include any allowances whatever for rent of land. These are given by the department for the year 1909, but I do not believe that the figures of 1911 or 1912 will materially vary from them. The estimate of the average net profit of the American farmer engaged in the production of cotton is not above $6 per acre. It is often much less, but certainly never much larger. Now, is the American farmer who makes $3.07 on his acre of wheat, or $6 on his acre of cotton, or $8.15 on his acre of corn, to be taxed in order that other American farmers, infinitely smaller in number, shall be allowed to make $43.37 on an acre of beets? It is not right; it does not appeal to our sense of fairness and of justice between man and man.

Now, I will put into the RECORD, Mr. President, certain foreign and domestic prices paid to the farmers for their product during the year 1911, if I may have the permission of the Senate to do so.

The PRESIDING OFFICER. Without objection, permission to do so will be granted.

The matter referred to is as follows:

In California the price of beets in 1911 was $5.30 per ton of beets grading 16 per cent, and a contract has been made for an increase of 75 cents per ton for the year 1912. (Hearings, p. 3873.)

In Utah and Idaho the ruling price is $5 per ton and freight, which makes the beets cost, delivered at the factory, over $5.60 to $5.65 per ton. (Hearings, p. 797.)

In Colorado and Nebraska the price averages from $5.50 per ton to $6.50 per ton. (Hearings, pp. 400, 888.)

In Michigan and Ohio the customary contract calls for a payment by the factory of $4.50 per ton for beets testing 12 per cent sugar with 33⅓ cents per ton for each additional per cent of sugar in the beets, with a minimum guaranty of $5 per ton. (Hearings, p. 719.)

Compare these prices with the prices paid in Europe. Mr. Czarnikaw, of London, one of the most eminent authorities on sugar conditions in the whole world, states that the usual price paid for beets in countries that are parties to the Brussels convention—and that includes most of the beet-sugar producing countries in Europe—was $5.11 to $5.48 per ton. Messrs. L. Behrens & Son, of Hamburg, fix the price at from $5.32 to $6.70 per ton. Messrs. H. J. Merck & Co., of Hamburg, reporting for the district of Stettin, fix the average price at $5.78 per ton. In Posen the price varied from $5.59 to $6.49, the average being $6.27 per ton. In Belgium and Holland the average in 1911 was $5.79 per ton.

It will be noted that the American figures I first gave were those of the beet-sugar factory people and that it is difficult if not impossible to find the average price paid throughout the country from those figures. I therefore call your attention to the last annual report of the Department of Agriculture of the United States, in which it is stated that the average price paid to the farmers of the United States for sugar beets for the year 1911–12 was $5.50 per short ton, and for the three previous years $5.35 per short ton.

Mr. HARDWICK. In that connection, and for the present edification of Senators from beet-sugar States, I wish to refer to the following letter addressed to the Senator from Colorado [Mr. THOMAS], and used by me, with his permission.

In this connection, I may state that the French Government has fixed the price by statute as a war measure:

NEW YORK, *April 10, 1916.*

Senator CHARLES S. THOMAS,
Washington, D. C.

MY DEAR SENATOR: The Weekly Statistical Sugar Trade Journal of April 6, quoting from the "Centralblatt," states that a price for sugar beets in Holland has been decided upon as 24 florins ($9.65 per ton) for 14 per cent beets, with an allowance of 1½ florins (60 cents) for each degree of sugar contents above 14 per cent.

The Statistical Sugar Trade Journal has now given us the following sugar-beet prices for the campaign of 1916:

	Per ton.
Holland—	
For 14 per cent	$9.65
For 16 per cent	10.85
Austria-Hungary	8.12
French Government	9.65
German Government in Belgium	8.49
United States	5.54

Respectfully, yours,

FRANK C. LOWRY.

Mr. President, I think I shall soon be able to conclude what I wish to say on this subject. The situation that I have just been outlining to the Senate and to the country with reference to sugar conditions, sugar prices, was the situation prior to the outbreak of the European war. At the outbreak of the European war conditions changed in the twinkling of an eye, because the great bulk of European beet sugar was withdrawn from the export markets of the world.

England, for instance, the greatest sugar-consuming country in the world, next to the United States, and sometimes ahead of the United States in that respect, bought her supply of sugar from Germany and Austria-Hungary; but with the withdrawal of several million tons of German and of Austria-Hungarian, Belgian, and French beet sugar, a different condition came. We have been face to face with a condition like this: A consumption as great as ever, and possibly greater—because soldiers require an unusual amount of sugar—and a decreased production. German and other European beet fields have been planted in wheat and other food supplies. The great reservoirs of export beet sugar from Austria-Hungary, Germany, and other central European countries are no longer available. So prices have soared; and yet, because of that condition, thoughtless gentlemen are fond of flippantly saying: "Well, you reduced the tariff on sugar 25 per cent, but in spite of that reduction the price of sugar rose." Ah, gentlemen, what an insult to the intelligence of the people to whom such observations as that are addressed. No matter how much the price rose, it would have risen that much more if the duty had not been reduced. If the duty had been 25 per cent higher, the price would have been just 25 per cent higher also.

Not only that, Mr. President, but I propose to put into the RECORD the prices taken from Willett & Gray's Sugar Journal, the recognized American authority and one of the recognized world authorities, showing that from the time the Underwood-Simmons bill went into effect until the war broke out the price of sugar did fall, and that it fell correspondingly with the reduction of the duty. Of course, after the war broke out normal conditions no longer prevailed; the conditions became abnormal, and the duty was so small a relative factor in price fluctuations that it was hardly appreciable. I ask permission to put that in the RECORD, Mr. President.

The PRESIDING OFFICER. Without objection permission is granted.

The matter referred to is as follows:

	Period of weeks.	Average in-bond price, 96° raws.	Cuban duty, 96°.	Duty-paid price, raws.	Average net price, refined.
		Cents.	*Cents.*	*Cents.*	*Cents.*
1904	5	2.091	1.348	3.439	4.35
1905	2	2.092	1.348	3.44	4.45
1906	14	2.072	1.348	3.42	4.375
1907	6	2.085	1.348	3.433	4.566
1911	3	2.102	1.348	3.45	4.566
1913	16	2.089	1.348	3.437	4.229
1914	(1)	2.04	1.01	3.05	3.819

(1) Mar. 1 to June 1.

Mr. HARDWICK. Now, Mr. President, I wish to call the attention of the Senate to some things connected with the people for whose benefit, to the extent of 50 per cent at least, we are going to retain the duty on sugar, their present situation, the lack of present necessity for it, and the lack of present justification for the imposition of such duty. I read first from the San Francisco News Bureau of Monday, March 6, 1916:

HAWAIIAN SUGAR STOCKS.

Honolulu.—While stocks continue to climb, investors, speculators, and all persons interested in Hawaiian sugar stock or its profits, which means practically all the business men in the Territory, are wondering how large a part of the millions now held in reserve will be paid out in special dividends. That extra dividends will be declared by most of the companies is generally conceded on all hands, though no intimation of any official nature has been given out that any such plan is in the wind. Dividends of from 20 to 30 per cent and even higher in some instances were paid by the sugar companies during 1915—

This refers to the Hawaiian companies—

but without exception those on a paying basis piled up huge reserves—

That is in addition to the dividends paid—

because of the then uncertain prospect of the sugar tariff. Free sugar is not even a remote danger, and there is no prospect of an early termination of the European war to reduce prices.

They are gloating over the soaring prices which our consuming masses must pay—

With land and mills in the best condition ever known in the history of the industry on these islands, and with bulging treasuries, it is held certain that big dividends will be paid—

Paid when?

as soon as the bill repealing the free-sugar clause has safely passed Congress and been signed by the President.

As soon as the bill repealing the free-sugar clause has safely passed Congress and been signed by the President they will cut the melon, and not until then, for fear that we might have a glimmer of intelligence, an interval of sanity, and not do this thing.

Sixteen companies had on hand cash balances totaling $8,751,000 at the end of 1915, according to the best obtainable information.

Here is another melon that is almost ripe; and as soon as this bill "speeds on its joyous way through this Capitol to the other end of the Avenue" and receives there the Executive approval, doubtless this melon also will be cut. I quote from the New York News Bureau of March 30, 1916:

It is understood that the Great Western Sugar Co. has been ripening a melon that is almost ready for plucking. This company, one of the largest beet-sugar producers in the world, has prospered enormously since the war lifted raw-sugar prices to the highest level of years. The common stock, of which there is $10,544,000 outstanding—

And, by the way, according to the testimony every dollar of this $10,544,000 common stock is water—

has advanced from 50 last September to the present market of 200.

Mr. THOMAS. It is 206 now.

Mr. HARDWICK. The Senator from Colorado informs me that it is 206 now.

There is likewise $13,630,000 7 per cent preferred outstanding, the authorized amount of each issue being $15,000,000. The American Sugar Refining Co. is a substantial minority stockholder.

Great Western Sugar has paid common dividends of 5 per cent since January, 1910.

Not one dollar of that common stock is real value; it is all water.

The company issues no financial statements, but it is said on authority that the 1915 earnings were safely over 50 per cent on the common stock. For the current year, if sugar prices hold, the company may easily earn $70 a share. Therefore, so far as earnings alone count, the company could easily multiply its present dividend, but because of the uncertainty regarding possible tariff reduction directors have so far stifled the temptation.

Here it is again—

But, because of the uncertainty regarding possible tariff reduction, directors have so far stifled the temptation.

They also were afraid that we might have an interval of reason, that we might return to sanity and hesitate about this thing.

Great Western had approximately $10,000,000 cash on hand at the beginning of the present year and about the same amount in sugar. It is likely that current liabilities were small, so that the excess current assets were probably equal to $200 per share on the common stock, setting off plants against the preferred stock issue.

Great Western Sugar is in a position to pay a handsome extra dividend in cash or to capitalize part of its bulky surplus by the declaration of a stock dividend. The belief is prevalent that some such action is a near-by probability.

When? When this bill passes; after the motion of the Senator from North Carolina [Mr. SIMMONS] shall prevail and this bill completes its joyous way through this Capitol to the other end of the Avenue to receive the Executive approval.

I desire now to refer to the Hawaiian sugar companies. I quote from the San Francisco News Bureau, March 10, 1916:

HONOKAA SUGAR EARNINGS.

Honolulu-Honokaa Sugar Co. and the Pacific Sugar Mill, by the purchase of 175,000 shares of stock in the Hawaiian Irrigation Co. (Ltd.), the price totaling more than $95,000, now own practically all the shares in the latter corporation, according to reports presented to Honolua and Pacific Sugar shareholders at their annual meeting.

I am not going to read all of this article, but I ask permission to print the remainder of it in the RECORD. It shows very large earnings.

The PRESIDING OFFICER. Without objection, that course will be pursued.

The matter referred to is as follows:

The annual report of F. A. Schaefer, president of Honokaa, follows in part:

"The cost of producing a ton of sugar was considerably reduced, viz, from $65.136 to $54.242, these figures not including bond interest, etc., while the net profit on the crop over and above all charges was $161,849, which includes a charge of $17,720 sinking fund on the bonds, which is payable to the trustees during this year. During the year the directors, on the authorization of the stockholders, purchased a four-sevenths interest in 122,500 shares of the Hawaiian Irrigation Co. (Ltd.) for the sum of $81,475, paying for the same in cash. This purchase gives to this company and its neighbor, Pacific Sugar Mill, practically all of the shares of the Hawaiian Irrigation Co. (Ltd.) and is expected to prove very advantageous."

Referring to the annual report of F. A. Schaefer, president of Honokaa Sugar Plantation, refers to the fact that the cost of production was reduced approximately $11 per ton.

Mr. HARDWICK. Furthermore, Mr. President, I ask permission to present and have printed a table showing that the 16 Hawaiian companies during 1916 made dividends of $8,751,000, as per the list attached.

The PRESIDING OFFICER. Without objection, the matter will be printed as requested.

The matter referred to is as follows:

[San Francisco Chronicle, Mar. 15, 1916.]

SIXTEEN HAWAIIAN COMPANIES HAD $8,751,000 CASH ON HAND.

(By Charles Remington.)

Sixteen Hawaiian sugar plantations, according to actual figures in some instances and estimates in others, closed the year with $8,751,000 cash on hand. This fund has been built up during the past two or three years in anticipation of free sugar. Now, that the likelihood of free sugar in the next few years is practically past, the fund will be kept nearly intact for the purpose of meeting this or other unforeseen viscissitudes. The fund, however, is deemed large enough by most of the plantations, so that stockholders in most instances can reasonably expect a full distribution of 1916 earnings, which promise to break all records. The amount of the cash balances on hand December 31, 1915, were:

Ewa	$593,000
Hawaiian Agricultural	600,000
Hawaiian C. & S. Co	1,316,000
Hawaiian Sugar	550,000
Honomu	240,000
Kokaba	390,000
Koloa	90,000
Maui Agricultural	1,122,000
McBryde	71,000
Olaa	453,000
Oahu Sugar	1,000,000
Onomea	715,000
Pepeekeo	400,000
Pioneer	415,000
Waialua	398,000
Wailuku	400,000
Total	8,751,000

Mr. HARDWICK. I will next call attention to some of the stock quotations and show how they have jumped since it has been found that we are going to stick to this policy of protecting the sugar industry and since the war began.

The preferred stock of the American Beet Sugar Co.—and the preferred stock, of course, has a guaranteed income attached; it is pretty nearly a fixed value—was selling at $65 on March 1, 1914, while on February 1, 1916, I think that is the date meant to be given, it was selling for $95. The common stock of the American Beet Sugar Co. sold for $20 a share on March 1, 1914, and for $68 on February 1, 1916.

Mr. THOMAS. And it is selling for $74 now.

Mr. HARDWICK. And it is selling for $74 now, my friend from Colorado suggests.

The preferred stock of the Great Western Sugar Co., which has a guaranteed income to it, rose from $91 on March 1, 1914, to $112 on February 1, 1916, and the common stock of the same company, during the same period, rose from $45 to $140, and is selling now for $200, indeed, for $206, as the Senator from Colorado [Mr. THOMAS] advises me.

The Michigan Sugar Co. common stock rose from $35 a share March 1, 1914, to $102 a share on February 1, 1916, and now it is $112, as my friend from Colorado states.

So they all have a share in this thing. There are "melons" enough for all of them, but lemons only for the consumers of the country.

Now, I will refer to some of the Porto Rican sugar companies. The South Porto Rico Sugar Co. common stock sold for $30 March 1, 1914, and for $170 on February 1, 1916.

Central Aguirre Sugar Co. preferred stock sold at $35 on March 1, 1914, and at $165 on February 1, 1916. The common sold for $15 on the first date and $167 on the second.

Mr. THOMAS. And it is now selling for $181.

Mr. HARDWICK. And it is now selling for $181, my friend from Colorado suggests.

I am not going to detain the Senate any longer on this phase of the question. The "melon" is ripe; it is to be cut, and, although the war has increased immensely the price of sugar, we are going to add to it just a little bit more by retaining the duty of 1 cent a pound. If we take it off, no matter to how high a level the war may send the price, we would reduce it from that high level at least 1 cent a pound——

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Nebraska?

Mr. HARDWICK. I yield.

Mr. NORRIS. Does the Senator think so long as the war conditions exist the tariff has any effect on the price of sugar?

Mr. HARDWICK. Yes, sir; absolutely. That has been demonstrated mathematically. Let me give the Senator a further answer to that question, and I am glad he has asked it, for, perhaps, I have not made that plain. There are many other considerations besides the tariff that determine the price of a product, such as supply and demand, and a number of other considerations of that character. I think I have named the most important. With the great reduction in the supply and no corresponding increase in the demand, but, on the contrary, if anything, an increase in the demand for sugar, of course the price must soar, even if the tariff remains stationary; but no matter how high it goes, the price will go just that much higher if you raise your tariff duty. The tariff duty is just that much more added to the price.

On the other hand, no matter how high the price is, if you take the duty off sugar will go down in price that much, even from the high level where other conditions send it. That has been repeatedly and mathematically demonstrated with special reference to the sugar tariff; it has been proven by undisputed figures by all the greatest sugar experts in the world that that is true and that that has been the effect on the price of sugar of every tariff change that this country has made respecting that commodity. Of course, sugar will be high as long as the war goes on, because the world has not the supply of beet sugar from central Europe from which to draw; but if the tariff is raised, the price will be that much higher, and if the tariff is lowered the price will be that much lower.

Well, there may be two or three views of that. The practical politician might say, "Well, the war has carried the price of sugar so high anyhow that, even if you take the duty off, the price of sugar will still be higher than it was before the war broke out, and therefore the people will not know that you have done anything for them by reducing or removing the duty." But is that the logical way of looking at it? Is that the statesmanlike way of looking at it? Is that the way the American Senate, the American Congress, and the American President ought to look at it? If war conditions have made the price of this great article of food necessity higher than it was before the Underwood-Simmons bill passed, then there is all the more reason why we should reduce it as much as we can and lay no tax whatever upon it.

Mr. President, there are only one or two things more I desire to say about this matter before I am ready to vote on the motion of the Senator from North Carolina.

It has been one of the favorite statements of gentlemen who opposed free sugar that the trust will be benefited by it. Some of them may not know any better. I think, however, that some of them ought to be informed once and for all time on that subject.

Of course before you start out on an undertaking like that you must have it clearly and definitely understood what is means by "the trust." I do not think the Senator from Utah, for instance, would disagree with me that in the common acceptation of that term as applied to the sugar industry "the trust," commonly called and generally known as such in this country, is the American Sugar Refining Co.

Mr. SMOOT. I agree with that.

Mr. HARDWICK. It is by far the largest of the refiners, larger than all of its competitors combined, unless my memory of the figures is in error; and while it has some active competition and some tolerably strong competition and some honest competition, yet after all it towers head and shoulders above them all, and as Mr. Atkins, its president, said—he coined that famous phrase—"it holds the umbrella for all the rest."

I have heard the statement made in this debate by Senators who ought to know better and who ought not to make it that "the trust favors free sugar." I want to refer gentlemen of that kind to the testimony, and I am going to read it right here in the Senate now. I read from the hearings before the

Ways and Means Committee of the House of Representatives on the Underwood-Simmons bill when that bill was pending before the committee of that body.

Mr. Atkins, vice president of the American Sugar Refining Co.—the trust, and the only trust, I want to say to the Senator, after two years' investigation, that I have been able to discover in this industry—in testifying before the Ways and Means Committee on January 15, 1913, stated as follows:

Mr. HARRISON—

Mr. Francis Burton Harrison, of New York, then a Member of the House of Representatives and now Governor General of the Philippine Islands, was conducting the hearing, or this part of it—

Mr. HARRISON. I would like to ask the witness a question. Mr. Atkins, you are vice president of the American Sugar Refining Co., which is popularly known as the Sugar Trust?
Mr. ATKINS. It is sometimes referred to as that.
Mr. HARRISON. Do you appear here representing the sentiment of the directors of that company?
Mr. ATKINS. Yes, sir; with their authority.
Mr. HARRISON. Are you in favor of free sugar?
Mr. ATKINS. I am not and my company is not.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. HARDWICK. I yield to the Senator from Utah.

Mr. SMOOT. At that same hearing I think the Senator must admit that Mr. Charles R. Heike, secretary of the American Sugar Refining Co., testified——

Mr. HARDWICK. This was the testimony of Mr. Atkins before the Ways and Means Committee of the House.

Mr. SMOOT. Mr. Heike was secretary of the American Sugar Refining Co.

Mr. HARDWICK. I do not want to yield to the Senator for that, because I can state it. I am perfectly acquainted with the facts.

Mr. SMOOT. So am I.

Mr. HARDWICK. Mr. Heike was the secretary.

Mr. SMOOT. That is what I say.

Mr. HARDWICK. He said his personal opinion was in favor of free sugar, but that he did not undertake to speak for his company; he knew his company opposed it. They always opposed it, and he stated he wanted it distinctly and clearly understood that this was only his personal opinion. By the way, he was at outs with them then. He was not in their employ at that time. He had been their secretary. His connection with the company had been severed then.

Mr. SMOOT. He testified that he was the secretary.

Mr. HARDWICK. I think he had severed his connection with it at that time. If I am in error I shall be glad to be corrected. He died soon afterwards. He had a whole lot of trouble, and was indicted about some of the frauds in connection with the weighing of sugar.

Mr. SMOOT. He without doubt died after he testified.

Mr. HARDWICK. Of course he did not die before he testified, but I think that at the time he testified he was no longer the secretary of the American Sugar Refining Co. He died soon after that, and my recollection is—the Senator can go back to the hearings and verify that——

Mr. SMOOT. I have them here.

Mr. HARDWICK. I know; I have them, too. The Senator says he has the hearings. Do they say that he was at that time the secretary?

Mr. SMOOT. I will turn to the testimony.

Mr. HARDWICK. All right. The Senator can correct me if I am in error. My recollection of it is that he said he had been secretary, and that he was no longer the secretary; that he no longer had any connection with the company. I think I am right about that, but if I am wrong it does not matter. The Senator can correct me either now or later on. But I know I am right about this; if my recollection was not correct about the other matter, it is about this—that when Heike expressed his individual opinion, he said, "Why, I am a free trader about everything, but I want you gentlemen to understand that this sentiment does not represent the position of my company at all, and nobody on this earth but me is bound by it." Now, there is no need of talking about whether the trust wants free sugar or not. Here it is. The trust swore, through its vice president and its acting executive—it had no president, or no active one, at that time—that he was speaking by authority of the directors and for his company, and that he was opposed to free sugar; so I do not think that the statement ought ever to be made again, in this body at least, that the "trust" favors free sugar. The exact reverse is true. The trust opposes free sugar now, and has always done so.

Now, Mr. President, just one other thing. We are about to pass on this motion of the Senator from North Carolina, and I find myself utterly unable to vote for the motion, although I know it is to prevail. I am willing to vote against it even if there is no vote but mine against it. I find myself unable to agree to the course that a majority of my Democratic colleagues on this side, from the very depths of their ignorance of this question, I think, in all charity to them, feel impelled to adopt. I believe if they understood it, as I think I know it after years of study, they would suffer almost any penalty, I have such a high opinion of each and every one of them, before they would do any such thing as this. In my judgment they surrender the very citadel of the Democratic tariff position by any such action as this; and, feeling that way about it, it is impossible for me to join in any such surrender.

I have spoken all over my State in favor of free sugar. At the request of the Democratic National Committee I was sent during the last campaign to many places where it was thought that a sugar argument would prove potent, to plead for the election of a Democratic President and a Democratic Congress, and to give free sugar as one of the reasons why we ought to elect both. I find it impossible, therefore, to yield my convictions on this subject. They are as strong as it is possible for human convictions to be. They are matured after years of study and years of investigation. I have no criticism and no feeling of unkindness toward my colleagues, Democratic or Republican, who feel that they must join in this movement and help "speed this bill in its joyous passage" through this body. For one, I simply can not do it; and I would that we still had in this body, on both sides of this aisle, more Senators who would join me in this effort to stand by the real interests of the consuming masses of the American people.

When this same Mr. Atkins was testifying before the special committee of the House, of which I had the honor to be chairman, and we asked him why not have free sugar, he ventured this observation:

They have never been able to get a reduction of the duties on sugar for this reason. There are 17 States in the Union producing beet sugar. Every one of these States has two Senators. There are 34 Senators, and every one of these Senators is a Republican. * * * They have never had an opportunity to get that reduction down. The probability is that they can not get any reduction now (1911) in the face of such strong opposition as that is.

So that the head of the Sugar Trust said at that time, in 1911, that there were 34 reasons why we could neither get free sugar nor get a material reduction in the duty on sugar from this Congress—34 reasons, 2 Senators each from 17 beet-producing States. That was his observation. Is he right?

Ah, Mr. President, the great men of this country, the men who have written its great tariff laws in the past, even when they did not agree with my party, even when they did not hold the views that I hold and occupy the position that I occupy on this great question, were not insensible of the country's real interests in respect to it.

When William McKinley reported the McKinley bill to the House of Representatives he said on the floor of that body on May 20, 1890:

I would have preferred, Mr. Chairman, if the article of sugar could have been left in the tariff schedule upon the dutiable list. This, however, was not practicable in the presence of an almost universal sentiment in favor of the removal of the entire duties upon this article of universal family use.

McKinley said he would like to keep it on the dutiable list, but it was not practicable, because the American people would not permit it—even then, in 1890.

In the same debate the gentleman from Maine, Mr. Dingley, used this expression:

The duty collected on sugar and molasses the last fiscal year was $55,975,610, or nearly 2 cents per pound. Adding to this the increased cost of 275,000,000 pounds of sugar produced in this country, equivalent to the duty of 2 cents per pound, and the duty imposed on these articles was practically a tax of $63,500,000, or $1 per head, on the people of this country.

Inasmuch as there is scarcely another article of common use not now on the free list which can not be promptly produced or made here nearly or substantially to the extent of our wants, the transfer of sugar and molasses to the free list will afford conspicuous relief to the people of this country.

Mr. President, Mr. Dingley was frank. He admitted that you added the amount of duty to the price of every pound of sugar, domestic as well as foreign, that was consumed in this country.

Again I read from another distinguished Republican of long and honorable service at the other end of this Capitol, Hon. JOSEPH G. CANNON, of Illinois, who on May 20, 1890, said, when the McKinley bill was up:

Mr. Chairman, the placing of sugar on the free list will relieve each inhabitant, rich and poor, of $1 per annum of tax, and at least 50 cents of extortion levied by the sugar refiners.

The gentleman from California asks, Why give a bounty to the producers of sugar in the United States? Well, I answered my friend, I am not anxious to give a bounty if you do not want it. My principal anxiety is to place sugar on the free list and relieve the people from this great burden of taxation.

In 1894, when the Senate amended the Wilson bill, the late Senator Allison, of Iowa, said on this floor on June 8, 1894:

If I had my way, I would strike from this bill every vestige which provides a duty on sugar.

Mr. President, if I stand alone in this matter I am opposed to the motion made by the Senator from North Carolina. If we need revenue, we can go to many other places with far more fidelity to Democratic principles to raise it than to this common necessity of life. If we need a revenue and can get it nowhere else except from sugar, then we ought to provide that every dollar that we wring from the necessities of our people shall go into the Public Treasury, and not a penny of it into private pockets.

Mr. OWEN. Mr. President, I believe the Government of the United States will be obliged to raise a very large amount of additional revenue in carrying out the policy of preparedness; but in doing so I believe it is the duty of the Representatives of the people in Congress assembled to raise this revenue where it will be felt the least, to raise it from the gigantic fortunes which under our system of government have grown up in this country. I think we should have a progressive inheritance tax, as they have in every one of the European countries, and from that source we ought to raise not less than two hundred millions per annum, and in that way meet the cost of preparing to defend this country and the wealth of this country.

It is a character of tax which will fall without oppression upon any person in the Republic. It certainly will not wound the feelings of the individual who has accumulated a gigantic fortune from whatever source, be it from the unearned increment or from the development of monopolies or the manipulation of the stock exchange, because he is dead; certainly it will not wound the feelings of the man who leaves the estate, because he has passed beyond the point where he has any care one way or the other for the possession of property. He has gone to a country to which he can not transfer his control over material things. It will not wound the feelings of his heirs, for the reason that when a man receives an inheritance of a million dollars he will not very closely measure whether or not the Government has taken over a small percentage of that vast inheritance.

We have in this country estates which go into the hundreds of millions of dollars; and I believe we ought to impose a tax, not upon the food of the people of this country but upon these gigantic estates. I do not wish to see this tax levied upon the breakfast table—to use that figure of speech—when just to that degree it relieves great estates from a tax which a wise public policy would impose upon them in any contingency. These estates have been growing so large that we have already reached a point in this Nation where a just public policy ought to abate them as containing within themselves and their prospective growth a menace to the peace and to the liberty of other men.

When a man has in his estate a thousand million dollars and can transfer it to a single individual, it is difficult for the human imagination to look forward and ascertain how great these fortunes will grow under a law permitting the perpetual life of corporations; and when they grow in this way they involve the material domination by their owners over the lives and over the happiness of hundreds of thousands and of millions of other people without any adequate control by law. I think the liberty of the world and the happiness of the world require that there shall be some decent limitation put upon the dangerous accumulation of property.

I regret very much that this issue has arisen; and I believe that the country ought to understand that we can raise these funds from these gigantic estates and remove this tax from the food of the people of this country; and I want to express my earnest opposition to any tax on sugar, though I realize that the demands on the Treasury are so great that many of my colleagues are persuaded they can not escape the demand for the tax on sugar.

Mr. KENYON. Mr. President, I want to say only a word. I understand other Senators desire to speak on this subject, but I can not let this opportunity go by without paying tribute to a very distinguished Member of this body, in view of this vote about to be taken.

Men of various attainments secure seats in the Senate. Some are particularly noted for wisdom, others for oratory, a few for looks [laughter]; but there is one Senator here, able, affable, brilliant, and likable, who, when this vote is taken to-day, must be crowned as the only really successful prophet of the Senate.

I remember a very warm September evening when the distinguished Senator from Kentucky [Mr. JAMES] was referring to the record of the Democratic Party and taking to task rather severely the distinguished senior Senator from Louisiana [Mr. RANSDELL], who is the Senator I have in mind, because of the position the distinguished Senator from Louisiana was taking at that time as to the sugar tariff. The Senator from Louisiana said:

In conclusion, Mr. President, without claiming the gift of prophecy, I say unhesitatingly that in my judgment, before the three years have rolled around which will place sugar upon the free list, dismantle the factories of Louisiana, condemn thousands of people there who are now in easy circumstances to poverty and distress, and bring ruin upon a great many engaged in sugar production in our Western States, Hawaii, and Porto Rico, the Democratic Party will hear from the people of this Nation in no uncertain tones.

Mr. President, the three years have not as yet expired, but the prophecy made at that time by the distinguished Senator from Louisiana is now to be fulfilled. The brilliant and oratorical Senator from Kentucky [Mr. JAMES] at that time referred to the fact that the Senator from Louisiana was headed toward the Republican Party, and now it appears that the Democratic Party almost en masse on this protective-tariff question is headed toward the Republican Party. While the Republican Party has not as much room now as it had in 1912 and is becoming more crowded every day, it still has plenty of room to welcome all these distinguished converts to the protective-tariff policy.

I wish I had time in this connection to refer more in extenso, in a perfectly good-natured way—because I am rather enjoying this matter—to the speech made by the distinguished Senator from Kentucky [Mr. JAMES]. He is one of the great orators of this body and of the country. He referred that evening, with the galleries crowded, to the speech of the temporary chairman at Baltimore for free sugar, and to his own speech at Baltimore in which he referred to free sugar, which seemed to have been received with applause from the convention. He said, in substance, as I remember, that the Democratic Party was going to lift one hundred and forty millions of taxation from the backs of the people by giving them free sugar; that this meant 140,000 homes for the poor laboring men of this country, homes valued at a thousand dollars each—and now what is going to become of all these 140,000 homes that our good Democratic friends were going to save to the laboring people of this country?

He said, among other things:

For 125 years—

Referring, I suppose, to the sugar people—

they have had their hands in the pockets of the American consumer, taking just a little; that is all. Just a little from each of 20,000,000 breakfast tables; just 2 cents upon each pound of sugar that the poor man carried home: that is all. "But it is just a little, and therefore you ought not to stop us from petty pilfering."

That is the language, he assumed, of those who were pilfering.

There are many interesting parts to this speech, which is worthy of the careful perusal of every one. I am surprised that the Senator from Kentucky has not appeared, before this terrible outrage is consummated and sugar restored to a protective tariff basis, in time to "save the child."

The Senator from Montana [Mr. MYERS] also elucidated, in a speech previous to that time, some views on this subject. It seemed he had received a telegram from the Commercial Club of Moore, Mont., advising him to stand pat for a proper protection of the sugar and wool industries. The telegram says:

Standing pat for a proper protection of the wool and sugar industry will be appreciated by your constituents in this vicinity.

The Senator from Montana put in the RECORD of that date, May 16, his reply to this commercial club.

I assure you—

He said, among other things—

that I am standing pat, but I am standing pat for the people. I must respectfully decline to stand pat for the protection of the wool or sugar industry or any other special interest enjoying special privileges for the benefit of the few at the expense of the many. * * * I can not surrender my convictions.

In one of the speeches of the distinguished Senator from Kentucky [Mr. JAMES] on this subject he referred to the position of the President on this matter. He said also that this infant was 124 years old; that it was ready to be weaned. Now, they have added three years more to its age; it is 127 years old, and why should it not be weaned now? And he referred to the President writing upon the color lance of the Democratic Party:

No compromise; I am seeking none; I ask none; I want none. I am for free sugar and I am for free wool.

Oh, consistency, thou art a jewel! but thou art not found in the Democratic Party.

He also said:

The President, Woodrow Wilson, has been denounced as a dictator. Why? Because he has dared to stand for the faith as written in our platform. * * * Because he believed in and advised in favor of free meat and free bread and free sugar and free wool he is denounced as a dictator. But the American people will answer at the ballot box and say, "If that be dictation, then long live the dictator who stands for that doctrine in our American life."

Where is that doctrine now? Ask of the winds that far and near strew the broken planks of the Baltimore platform.

And so, Mr. President, I might go on and refer to the other parts of these speeches. They are worth reading. And we find our Democratic friends now embracing protection to sugar. I say this in no spirit of criticism. I am glad they have discovered that changing conditions in life call for changed economic policies; that free trade, while beautiful in theory, is not best for our country—and we have had a great many doctrines along the lines of the "new freedom" set aside. We find free tolls in the Democratic platform set aside; free sugar now set aside; free silver sometime ago set aside; free trade, which will probably be hereafter entirely set aside.

All these children of Democracy seem lost in the wilderness of the "New Freedom." No more should their platforms denounce all protection as fraud and robbery. Let the St. Louis platform at least except sugar. They can not be blamed for what they are doing. They are acting wisely; and when Democracy acts wisely let us give them due credit. We ought to congratulate them and not find fault with them, and I am sure we do not. We join with them because we believe in the doctrine of a protective tariff; and as they are becoming converted in great numbers and marching down the aisle to the mourners' bench—"hitting the trail," so to speak—we can almost in imagination hear the choir as it sings:

While the lamp holds out to burn
Protection Democrats may return.

Mr. THOMAS. Mr. President, I have enjoyed the remarks of my distinguished friend from Iowa [Mr. KENYON] quite as much as any Republican possibly could. Indeed, I have been cheered by the fact that the Senator has found a prophet in Israel upon this side of the Chamber.

I remember the debate very well to which the Senator referred. I was much interested in it, and deprecated it somewhat as a controversial matter between two good Democrats. I confess I did not at the time pay much attention to the prophecy of my friend from Louisiana, and it had not dawned upon me that he was inspired until my attention is called to it by the Senator from Iowa.

That prophecy, however, Mr. President, has had its fulfillment in a great world-wide calamity, the causes of which have been a subject of some speculation to me until now. In view, however, of what the Senator has said, I perceive in the European war a manifestation of divine displeasure against the Democratic tariff, for it is that which prompts the action which the Senate is about to take. It is somewhat remarkable, too, that the U-boat controversy between the United States and Germany culminated at a psychological moment, thereby forcing the hand of the Democratic majority and requiring it to continue the duty upon sugar indefinitely, because the Government needs the revenue.

Verily my friend should rejoice, not only because he thinks Democrats are coming to the attenuated Republican fold but also because of this providential interference in behalf of protection, forcing the hand of its Democratic opponents and impelling them to assume the inconsistent but, in the opinion of the Senator from Iowa, the very happy position of protection apostasy.

But, Mr. President, there is another unexpected outcome in this situation, not a fulfillment but the overthrow of prophecies monotonously uttered upon the other side of the Chamber. I recall that during the discussions over the tariff in 1913 the Democratic caucus received constant and universal denunciation at the hands of Republicans who abhor caucuses but delight in conferences. Then and many times since they predicted that the people would rise up against the caucus and consume it in the fierce fires of their indignant wrath. But no such catastrophe has occurred or is likely to occur. Quite the contrary.

We have had two caucuses recently upon this subject. The first committed the Democratic Party to the extension of the duty for four years, and we acted accordingly. Almost immediately after the conference committee had its meeting with the House Members, who did exactly what we knew they would do. They insisted upon their own provision and refused to recede. Thereupon another caucus was called and informed of the situation. Thereupon we abandoned our stand and gracefully or otherwise accepted that of the House conferees.

Mr. SIMMONS. If the Senator will permit me, he certainly does not want to misrepresent the matter in saying that we had one conference.

Mr. THOMAS. Certainly not.

Mr. SIMMONS. We had repeated meetings for a week.

Mr. THOMAS. I accept the Senator's correction. Several meetings were held, but they all began and ended the same way. We did not stand by our guns.

However, what I wish to emphasize is that Republican prophecy regarding the outcome of Democratic caucuses has not only miscarried, but we have reached a period when the Republican minority proposes to accept the dictates of a Democratic caucus and vote in accordance with its requirements. Whether the fulfillment of the prophecy of the Senator from Louisiana is worse than the miscarriage of the oft-repeated prophecy of the other side I will not attempt to determine.

Mr. OLIVER. Mr. President——

Mr. THOMAS. I yield to the Senator from Pennsylvania.

Mr. OLIVER. I simply wish to ask the Senator whether the measure as now proposed emanated from a Democratic caucus. I was not aware of it.

Mr. THOMAS. I supposed everyone knew that.

Mr. OLIVER. We do not know anything that happens in the caucus on the other side.

Mr. THOMAS. Not always, but frequently; and when we act agreeably to the Republican purpose the news is apt to travel pretty fast.

Mr. President, I simply have a word to add. I did not intend to speak at all again upon this subject, but inasmuch as I am upon my feet I will refer to the capitalization of the beet-sugar companies, and I do that in view of certain statements made by my very genial friend, the senior Senator from Michigan [Mr. SMITH], a few days ago. I may concede, so far as the principle of the thing is concerned, that it makes no difference whether $1 or $100,000,000 is invested in the enterprise, although the larger the amount the more serious would be the evil consequences of a given line of legislation if injury were to flow from it. It must have been upon that theory that the sum total grew so largely in the vision of the Senator from Michigan. If my memory serves me aright, he told the Senate that something like $100,000,000 had been invested in the sugar-beet industry in the United States. The Senator from Utah [Mr. SMOOT] made the suggestion that it was very much more than that. I made some inquiry of the Senator from Michigan as to the foundation for this statement, because my own investigations in regard to the subject did not justify the conclusion.

I think that unless all the water that has been poured into beet-sugar capitalization is to be considered as money actually invested, the assertion of the Senator from Michigan can not be sustained by the facts. I investigated this subject thoroughly some three years ago, and in a speech in September, 1913, upon the general subject of protection to sugar I considered that as of prime importance to the general proposition. I then stated my conclusion, as follows:

The cost of beet-sugar mills was formerly placed by manufacturers of sugar-mill machinery and by the sugar men at $1,000 per ton of slicing capacity. There was no question about it 10 or 15 years ago. That figure then seemed to be sufficiently large, notwithstanding the fact that most of the machinery then employed in the industry was imported from Germany. Our manufacturers at that time had not reached the point in production where they were able to supply the demand for such machinery. A thousand dollars per ton slicing capacity, therefore, seemed then to be ample. But since then other sugar men have estimated the cost of sugar factories at $1,250 to $1,500 per ton of slicing capacity.

I then referred to Mr. Blakey, who was and is a standard author on the subject, and quoted from him as follows:

The capitalization per ton of daily slicing capacity in 1889 was $1,097; in 1904, $1,502; and in 1909, $2,458.

This progressive increase of cost occurred in the estimates notwithstanding the fact, Mr. President, that the cost of machinery to the beet-sugar manufacturers was decreasing instead of increasing, the demand being supplied more and more, and finally altogether, by American manufacturers.

There were 76 companies at this time, as reported by the Hardwick committee. This was January, 1913. Their total daily slicing capacity was 63,550 tons. This represents an investment of capital, at $1,000 per ton, of $63,500,000; at $1,250 per ton, $79,437,500; at $1,500 per ton, $95,325,000. The total capitalization was $141,410,000.

Mr. President, I think there can be no question but that 50 per cent of the capitalization of one hundred and forty million and odd dollars then invested in beet-sugar factories was water, pure and simple, and I have no doubt in my own mind that the proportion is really greater. For example, the Great Western

Sugar Co., capitalized for $15,000,000 preferred stock and $15,000,000 of common stock, which last is admittedly water, represents as preferred stock the capitalization of the constituent companies at the time of their consolidation in the present organization.

To show how this preferred stock was watered through the subsidiary concerns I need only to refer to one of them, the Sterling Sugar Co., of Colorado. Its equipment was second hand and secured from a Saginaw factory in Michigan. It cost the Sterling Co. $300,000. Its slicing capacity was 600 tons per day, and probably cost $600,000 originally. That concern was thrown into the combination at one and a half million dollars; that is, one and a half million dollars of the $15,000,000 of the preferred stock of the Great Western Co. The $600,000 was increased 150 per cent before it was merged into the preferred stock of the existing company, which regards that stock as representing money actually invested.

The notorious disproportion between the preferred and the watered stock of the American company is, of course, familiar to every Senator.

Now, let me refer for a moment to the United States Sugar & Land Co., located at Garden City. That represents an actual investment of $900,000, but it is capitalized for $8,000,000, an amount so far in excess of the actual investment as to be startling even in these days. I have the word of a very prominent official of the Great Western Co. regarding the subject to which I am now referring. Speaking of the attempt of the same people to establish a factory at Sheridan, Wyo., and of his desire to do away with the possible competition resulting from such an establishment Mr. Boettcher, in writing to Mr. Morey, says:

> But I fear I will not be able to do anything with them, as they tell me they have sold their common stock of the Garden City plant, which they are now building, at $50 per share and upward. They frankly admit that this common stock is all water and does not represent anything; that is the way they are making their money. They feel they can do the same thing in Sheridan and claim they have a ready sale for their common stock. Most of their stock is sold.

Now, let me refer for a moment to the Michigan Sugar Co., which is one of the organizations in the Senator's own State and in which the American Sugar Refining Co. is a large stockholder. It has a daily slicing capacity of 5,450 tons. Its actual cost was about $5,500,000. It is capitalized at $12,500,000, and the company's balance sheet for 1913 gives good will as a consideration for $5,000,000 of its water. Its good-will item was valued in previous years at $500,000 only.

I think, Mr. President, I have called attention to enough specific instances to justify the contention that instead of $100,000,000 or $141,000,000 of actual cash invested in this business 50 per cent of that amount is a very liberal estimate. This capital has been paid back twice over since these companies were formed and their water is selling above par. We are now about to donate to these companies, so richly watered and well endowed, the power to levy a tax indefinitely hereafter upon the consuming millions of the United States of 1 cent per pound on sugar manufactured by them, or $43,000,000 per year, an amount of money equivalent to 43 per cent of $100,000,000 and 30 per cent of $141,000,000, the only compensation for which is the collection of a similar amount upon the sugar that is imported from other countries to make up the deficiency and which is paid into the Treasury of the United States. This is unnecessary. It is wrong. It is without justification.

For my part I can not afford to cast my vote now differently from the manner in which I cast it in September, 1913, upon this question. For my part, Mr. President, I can not resist the conclusion that the governing motive for this legislation is not a necessity for revenue, because if it were so we would substitute for this act an excise tax of 1 cent a pound upon all sugars, domestic and foreign, and thereby realize a revenue of $86,000,000 pear year to meet our constantly increasing needs, every dollar of which would go to the Government.

Mr. President, I can not by any system of reasoning of which I am capable of understanding justify the necessity of changing our position simply because conditions are changed which require a continuation of this revenue. If that position is correct, we ought to restore the duties on wool because we need the money. If our position is correct, we ought to restore the duty on iron and steel and upon all the other additions we have made to the free list. It is not correct, Mr. President, and the masses of this country will not accept it as correct, albeit my friend the Senator from Iowa is so ready and so willing to welcome to the depleted ranks of his own party the former conquering hosts of democracy. But he will not get them.

Now, Mr. President, I have said all I care to say. I have already trespassed too long upon the patience and the time of the Senate. I had occasion to express my views upon this subject when the bill was before the Senate for consideration. There are other Senators who wish to be heard and who have a greater claim than myself upon the remaining time for this discussion.

Mr. SMOOT. Mr. President, I do not intend to-day to enter into a general discussion of the necessity of the tariff upon sugar, nor will I take the time of the Senate to state the reasons why the sugar industry of this country is more than prosperous at this time. I am not going to deny that the sugar companies of the United States are making exorbitant profits at this time, more than they ever dreamed of making, and that the dividends they will pay in the near future will be such that the American people would not submit to if the American people did not know the actual reason for it.

There is not a Senator who does not know that the condition of the world brought about by war is the cause of the extreme high prices asked for sugar. It is for that reason, Mr. President, and that only, that the sugar companies of this country are as prosperous as they are to-day.

I believe that all the sugar companies of the country ought to divide a part of the profits that they are making to-day with the farmers who raise the beets, and I am very proud to say that the sugar companies of my own State and of Idaho have given to the beet growers a part of the extra profits that have been made by them brought about by the conditions existing in the world to-day, for they declare——

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. I yield.

Mr. THOMAS. I think that the States the Senator has mentioned constitute honorable exceptions to the general rule. There are no increases that I know anything about in my State.

Mr. SMITH of Michigan. While the Senator from Colorado is giving his testimony I desire to give mine. They are paying the highest prices for beets in my State ever paid.

Mr. SMOOT. The way the officers of the Utah and Idaho sugar companies proceeded to give the beet grower a part of the profits was to give each grower a given number of pounds of refined sugar for every ton of beets produced by him during the year. That was done without solicitation, and I hope to see it continued as long as the price for sugar continues as high as it is at the present time.

Mr. HARDING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Ohio?

Mr. SMOOT. I yield.

Mr. HARDING. I only want to ask the Senator from Utah if he is aware that all contracts with the cane growers of the Hawaiian Islands are fixed on a basic price of sugar in New York according to the advance in the market?

Mr. SMOOT. I will state to the Senator from Ohio that I am aware of it. I was only speaking of the beet-sugar industry in this country at present, and I have not the time to go into the question of production of cane sugar in Hawaii.

Mr. President, the Senator from Georgia [Mr. HARDWICK] has tried to make it appear that Mr. Claus A. Spreckels is working for the interest of the people and wanted the duty on sugar removed because of his love for the people. On July 21 and 22, 1913, in addressing the Senate on the subject of sugar, I quoted from the testimony of Mr. Spreckels in substance as follows:

> The beet-sugar growers make the competition severer all the time. I have been carrying on a campaign to reduce the tariff, which is not beneficial to the cane-sugar refiners. I want free trade.

On August 12, 1913, Mr. Spreckels addressed a letter to me, as follows:

FEDERAL SUGAR REFINING CO.,
SMITH & SCHIPPER, AGENTS,
138 Front Street, New York, August 12, 1913.

Hon. REED SMOOT,
Senator from Utah, Washington, D. C.

SIR: I note in a speech that you made in the United States Senate on July 21 and 22 you quote me as saying: "The beet-sugar growers make the competition severer all the time. I have been carrying on a campaign to reduce the tariff, which is not beneficial to the cane-sugar refiners. I want free trade."

Kindly state your authority for making this assertion.

Respectfully,

C. A. SPRECKELS.

I answered that letter August 14, 1913, as follows:

WASHINGTON, D. C., *August 14, 1913.*

Mr. C. A. SPRECKELS,
Federal Sugar Refining Co.,
138 Front Street, New York, N. Y.

SIR: I am in receipt of your letter of August 12, 1913, stating that you note in a speech that I delivered in the United States Senate on July 21 and 22 I quote you as saying: "The beet-sugar growers make the competition severer all the time. I have been carrying on a campaign to reduce the tariff, which is not beneficial to the cane-sugar

refiners. I want free trade." You ask me to kindly state my authority for making this assertion. I gladly do as you request, and refer you to your testimony given before the Hardwick committee, with reference to the sugar tariff.

On page 2269 the following questions were asked you by Mr. HINDS, and your answer likewise appears:

"Mr. HINDS. And they [the beet-sugar people] make the competition severer, if it is competition?

"Mr. SPRECKELS. Yes.

"Mr. HINDS. Continually?

"Mr. SPRECKELS. Yes, sir. They have frequently come as far as Pittsburgh." (C. A. Spreckels, 2269.)

On page 2275 appears the following:

"Mr. HINDS. Mr. Spreckels, you have been carrying on a campaign to reduce the tariff as beneficial to the cane-sugar refiners?

"Mr. SPRECKELS. I have.

"Mr. HINDS. Of course, that will be damaging to the beet-sugar refiners?

"Mr. SPRECKELS. To some extent it will." (C. A. Spreckels, 2275.)

The following appears on pages 2277 and 2278:

"Mr. HINDS. In other words, perhaps, you would take it [the tariff] off, would you not, and have free trade?

"Mr. SPRECKELS. I would have free trade.

"Mr. HINDS. You would have free trade in sugar?

"Mr. SPRECKELS. Absolutely." (C. A. Spreckels, 2277 and 2278.)

This is my authority for making the statement I did in my speech.

Respectfully,

REED SMOOT.

Mr. SMITH of Michigan. Who signed the letter?

Mr. SMOOT. I signed the letter in answer to the demand of Mr. Spreckels to know by what authority I made the statement attributed to him in the Senate on July 21 and 22, 1913. The Senate will notice that I quoted his exact words. I never received a letter from Mr. Spreckels in answer to my letter of August 14, 1913.

Mr. SMITH of Michigan. If the Senator will permit me, I think it is notoriously true that every shipment of sugar made by the Spreckels concern for a long period preceding the free-trade bill contained a circular in favor of free sugar.

Mr. SMOOT. There is not any question about that, Mr. President.

Mr. SMITH of Michigan. I saw a number of them myself, and I think they were sent out pretty generally.

Mr. SMOOT. I will say to the Senator from Colorado that I suggested that the amount of capital invested in the sugar companies of the United States was over $100,000,000 because I had seen that statement so many times, and I thought it was well understood; and I find in the hearings before the Ways and Means Committee of the House a statement of Mr. Lowry giving the exact figures quoted by the Senator from Colorado. Mr. Lowry says:

I call attention to the fact that the cost of erecting a beet-sugar factory is based on $1,000 per ton slicing capacity.

He gives the names of the companies, the location of the plants, the capitalization, including bonded indebtedness, and the daily slicing capacity, showing that their capitalization, including bonded indebtedness, was $141,410,000.

Mr. THOMAS. Will the Senator from Utah permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. Yes.

Mr. THOMAS. I will say that I obtained my figures from the Hardwick committee, from Mr. Blakey, and from two other sources also. Those were the principal ones. They are practically identical.

Mr. SMOOT. These are identical with the figures which the Senator quoted; for I followed him very closely in his statement as to the capitalization of the different sugar companies to which he referred in his remarks this afternoon.

Mr. President, Mr. Lowry may know more about the construction of a sugar mill than do the men who put up the money for constructing it; he may know more about the cost of operating a sugar factory than does anybody else in the United States; but I doubt it. Mr. Lowry acted as an agent for Mr. Spreckels. There was an organization formed called the Wholesale Grocers' Association of America.

Mr. HARDWICK. The committee of the Wholesale Grocers' Association of America was the title.

Mr. SMOOT. Yes; the committee of the Wholesale Grocers' Association of America. It consisted of Mr. Lowry and Mr. Spreckels.

Mr. SMITH of Michigan. They constituted the total membership.

Mr. SMOOT. The amount of money collected to make that propaganda was $12,000. Not a single soul paid a dollar of the $12,000 but C. A. Spreckels. Nobody spent a cent but Mr. Spreckels's henchman, Mr. Lowry.

I made the statement, in an interruption of the Senator from Georgia, that Mr. Lowry had testified before committees of Congress that he was in favor of a duty of 50 cents a hundred on sugar. Let us see if I was correct. I can refer not only to one place, but I can refer to half a dozen places, where he testified that——

Mr. HARDWICK. Will the Senator pardon me just there?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SMOOT. Yes.

Mr. HARDWICK. I do not think that that fact was disputed. The difference between the Senator from Utah and myself came about in this way: He said Mr. Lowry expressed it, that that was his individual view, and that the concern for which he worked had also favored free sugar.

Mr. SMOOT. Well, Mr. President, he is speaking here as the secretary of the Association of Wholesale Grocers. Mr. FORDNEY asked him this question:

Mr. FORDNEY. You said the duty you recommend on sugar is higher than the duty collected by foreign countries generally?

Mr. LOWRY. Yes.

Mr. FORDNEY. The duty you recommend?

Mr. LOWRY. The duty that gives a certain bounty——

Mr. FORDNEY (interposing). Let me get this right. I understood you to say that the duty you would recommend be placed on sugar, which is a reduction, is a higher rate than that collected by lots of foreign countries on imported sugar?

Now, I turn to Mr. Lowry's direct testimony, and he says:

In amplification of this I desire to file the attached statements, one under the caption of "Our high tariff on sugar from the consumers' standpoint" and the other a "Protest," which directly refers to the majority report of the Senate Finance Committee.

The statements filed are as follows:

"Our high tariff on sugar from the consumers' standpoint."

This gives the rate of duty that was then enforced. Then this follows:

Rates we propose—

Not what Mr. Lowry proposes, but the "rates we propose."

While he was testifying he was in the employment of Mr. Claus A. Spreckels. Nobody paid him a cent while he acted as secretary of that association but Mr. Claus A. Spreckels.

These are the "rates that we propose"——

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. Certainly.

Mr. THOMAS. I have no doubt the Senator's statement is true; but does the Senator not recall that in the testimony before the lobby committee it appeared that the beet-sugar association also had a means of raising money, consisting of a levy of 2 cents a bag upon sugar, and producing many more than $12,000 every year for use in Washington?

Mr. SMOOT. Mr. President, there is no question at all about it. The beet-sugar people have donated to a fund for the purpose of offsetting, if possible, the efforts on the part of Mr. Spreckles and other sugar-refining concerns to destroy the sugar industry of this country.

Mr. HARDWICK. Will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SMOOT. I will do so in a moment.

I am going before I close to tell the Senate just why Mr. Spreckels and most of the sugar-refining companies—perhaps to be technically correct I should say Mr. Lowry instead of Mr. Spreckels, although Mr. Lowry was representing Mr. Spreckels, and meant Mr. Spreckels when he referred to "rates we propose," and this includes the so-called independent refineries. Free sugar was not wanted, but they wanted about one-half a cent per pound duty imposed on sugar. If Senators will have patience with me, I will tell them why they desired this ideal rate, and it was for no love they had for the people. It was for a selfish purpose.

Mr. HARDWICK. Will the Senator from Utah yield to me right there?

Mr. SMOOT. Yes.

Mr. HARDWICK. Mr. President, if the Senator will yield right there, he uses the expression "so-called independents." The Senator will not dispute the unanimous conclusions of the committee which under specific authority investigated this very question, and on which his party had distinguished representation, to the effect that Mr. Spreckels was a real competitor of the trust, will he?

Mr. SMOOT. Mr. President, I can show by the quotations of sugar in the New York market that there was scarcely a day that Mr. Spreckels did not follow the American Sugar Co.'s prices up or down. The quotations were identical nearly every morning in the year. If you will take Willett & Gray's reports to-morrow morning, you will find that the quotations for to-day will be exactly the same, whether there be an advance over the

prices of the day before or whether a reduction. I do not believe that if they are truly independent and want to compete with the Sugar Trust, so called, that they would always be following it in its prices as they have done in the past.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Georgia?

Mr. HARDWICK. Will it bother the Senator for me to have a little colloquy with him on that point?

Mr. SMOOT. Not at all.

Mr. HARDWICK. I shall not take up much time. As a matter of fact, if the Senator will take the Weekly Sugar Journal of Willett & Gray, will he not find, or has he not found, that many times first one and then the other cut their prices? Finally, of course, there is an equilibrium of prices, but I challenge the Senator to prove the statement that he has just made. He can not do it to save his immortal soul. In my opinion, if the Senator will look a little further, he will find that on various occasions, first one and then the other of all the refineries put the price down; but gradually, of course, there is an equilibrium restored.

Mr. SMOOT. If I were a betting man, Mr. President, and the Senator from Georgia were the same, I would challenge him now for a bet that I could take to-morrow morning's quotations from Willett & Gray, of New York, and the quotations of every one of the refineries of the United States would be found to be exactly the same.

Mr. HARDWICK. Mr. President, I am surprised that the Senator should make any such statement as that. The proposition of the Senator is very attractive, and if I were not so religiously minded I think I would accept it and stake a large sum on that proposition; but I will say to the Senator——

Mr. SMOOT. I am not a betting man, but I will assure the Senator that if I were a betting man I would accept his proposition, and I would place no limit on the amount.

Mr. President, I have referred to the rates on sugar and was about to call the attention of the Senate to that matter, when I was interrupted. Now, practically, these are the rates that "we propose," quoting from Mr. Lowry: Refined sugar, per pound, sixty-two hundredths of a cent; raw sugar, 96 per cent test, 60 cents per hundred, or six-tenths of a cent a pound. He then goes on and says that—

Under reciprocity treaty, importations from Cuba pay 20 per cent less in both cases.

Or, in other words, the 96-test sugar that comes from Cuba would be 60 cents less 20 per cent, which would make it 48 cents per hundred. All sugars that come from Cuba are 96 per cent sugars. See how clever the sugar refiners of this country are! They know if they can get a 50-cent rate on sugar, with a 20 per cent reduction from Cuba—and all of our importations, with the exception of a few thousand tons of sugar comes from Cuba—that that would be a protection of 40 cents a hundred pounds. With that 40 cents a hundred the refiners know that they can destroy the sugar industry of this country, and when it should be destroyed they would impose an exorbitant price for sugar upon the people of this country, as they did in 1911, when they had the power to do so, and raised sugar until it reached, in New York City, 7½ cents a pound and remained so until the beet sugar produced that year came into the market.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. I yield.

Mr. THOMAS. The Senator certainly knows that at the time of which he speaks the beet-sugar men had disposed of their sugar in October at prices much less than that figure and delivered at the price for which they had contracted. So, instead of being an act of philanthropy, it was simply poor business.

Mr. SMOOT. The Senator from Utah does not know any such thing. The Senator from Utah knows that the price in New York began to advance in July, 1911, when there was no beet sugar on the market, and he knows that the price increased to 7½ cents a pound, and the Senator further knows that just as soon in October as the beet sugar entered the market the price of sugar began to drop. The Senator knows another thing——

Mr. THOMAS. The Senator says I "know better." I want to tell the Senator that I know what I state to be a fact, that beet sugar was sold prior to the rise and delivered after the rise, because the beet-sugar people could not help themselves. "Philanthropy" and "beet sugar" are inconvertible terms.

Mr. SMOOT. I do not know anything about what the Colorado sugar companies did——

Mr. THOMAS. I am talking about the entire situation.

Mr. SMOOT. But I do know that other companies did not sell their sugar earlier, and I know that the entry of beet sugar on the market brought down the price of sugar in New York, and it began to drop just as soon as the beet sugar was offered for sale. Furthermore, that is not the only time, Mr. President, that conditions similar to those of 1911 have happened. It happens nearly every year, but not to so marked an extent.

The sugar-refining companies do not want free sugar. If they had free sugar, they would have to compete with the sugars of Austria, the sugars of Germany, the sugars of France, and the sugars of the other countries of the world. They want the duty just high enough so that they can control the American market and secure the advantage they have always enjoyed of the preferential rate granted to Cuba of 20 per cent reduction; they want it low enough so that they can destroy the American sugar industry and at the same time handle only Cuban sugars. The committee hearings are full of testimony showing that the sugar refiners of this country were apprehensive of the growth of the sugar industry in this country, for every pound of domestic sugar produced took from them the opportunity to bring in from Cuba and refine an equal amount of sugar.

The beet-sugar factories were interfering with their trade. Even Mr. Atkins, of the American Sugar Refining Co., the trust, so called, testified to that effect. He wanted a reduction of the duty on sugar, but he did not want free sugar. Mr. Atkins and his predecessor conceived the idea that if they bought a controlling interest in all of the beet-sugar factories of the country they could see to it that there would be no further extension of the beet-sugar industry in the United States, and they undertook to acquire a controlling interest, and in many States did acquire such an interest. They are not, however, holding as much stock in beet-sugar companies as in the past. They are selling it just as fast, I understand, as they can. I will say that while at one time they owned a majority of the stock of the sugar companies of Utah and Idaho they do not own a cent in those companies to-day.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. Yes; I yield.

Mr. THOMAS. According to the last annual statement of the American Sugar Refining Co., their investments in beet-sugar stocks are nearly as large as ever, and 50 per cent of their income is derived from the profit upon that stock. I think, with the exception of the sales of their holdings in the Utah companies, their interest in the beet-sugar companies of the country is practically what it was in 1913.

Mr. SMOOT. Mr. President, I know that every dollar of stock they owned in the sugar factories of Utah and every dollar of stock they owned in the sugar factories of Idaho has been sold. I know that Mr. Warren, testifying as to the Michigan factories, stated that most of the holdings of the American Sugar Co. in Michigan factories had been sold.

Mr. THOMAS. May I ask the Senator when the testimony of Mr. Warren, to which he has referred, was given?

Mr. SMOOT. I should not have used the word "testimony."

Mr. THOMAS. Was it in 1913?

Mr. SMOOT. No; it was not at that time; it was in a statement made to a newspaper, as I remember it. I think it was less than a year ago.

Mr. SMITH of Michigan. Mr. President, I think I may say upon Mr. Warren's authority—for he ought to know, and he told me—that the sugar refining company does not own a dollar's worth of stock in the Michigan company.

Mr. SMOOT. Mr. President, I must proceed. I am not finding fault at all with the position taken by the Senator from Georgia [Mr. HARDWICK] or the position taken by the Senator from Colorado [Mr. THOMAS]. They are consistent in their position. They believe in free sugar, and always have believed in free sugar, no matter whether or not the removal of the duty would wipe out the sugar industry in the United States.

How often have we heard upon the floor of the Senate the expression "hothouse industries"! Why, Mr. President, we have heard it not only in regard to sugar, but in regard to many other articles; we have heard it in regard to dyestuffs; and now it is almost the unanimous opinion of the American people that there was a mistake made in not protecting dyestuffs sufficiently to enable the establishing of the industry in this country.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. I yield.

Mr. THOMAS. I think the Senator knows better than I do that the chief opponents of the establishment of a dye industry in this country were the great textile manufacturers of America.

Mr. SMOOT. Mr. President, I am perfectly willing to admit that the textile manufacturers of this country opposed an increase of the duty upon dyestuffs; and, when I say "dyestuffs," I refer to the coal-tar products.

Mr. LIPPITT. Mr. President, I think the Senator from Colorado is in error when he says that the manufacturers are opposed to a duty upon dyestuffs at the present time.

Mr. THOMAS. I did not say anything about the present time; I was talking about the past, and the reason why the industry had not been established. The statement was made by the Senator from Alabama [Mr. UNDERWOOD] and admitted by the Senator from Massachusetts [Mr. LODGE] several days ago.

Mr. SMOOT. Mr. President, I admit now that in the past the textile manufacturers did not want to increase the rate of 30 per cent on coal-tar products.

Mr. THOMAS. Not only did they not want an increase, but they prevented the regulation of the duties upon the intermediate products so as to make an industry of that kind impossible here.

Mr. SMOOT. I will not go that far. I think the Senator has gone too far when he says that. I will admit this——

Mr. THOMAS. I can only appeal to the result. We have not any such industry.

Mr. SMOOT. I am perfectly aware of that. How many times have I stood upon this floor when we have had the question up and told the Senate of the United States of the only way that a dyestuff industry could be established in this country? I said the other day, and I say now, that under the present duties on dyestuffs it is impossible to establish such an industry in this country and maintain it.

Mr. LIPPITT. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Rhode Island?

Mr. SMOOT. I yield.

Mr. LIPPITT. I should like to ask the Senator from Utah if the real facts in the case are not that, under the condition of German trust control in dyestuffs the year before the war, it was the universal sentiment, not only of the manufacturers, but of almost everyone else who had studied the subject, that it would be impossible to impose a duty that would establish a dyestuff industry in this country? And is it not true that under present war conditions a proper duty would almost inevitably establish and maintain this industry and that the manufacturers of this country are almost a unit in demanding such a duty?

Mr. SMOOT. I do not think there is any question about that.

Mr. SIMMONS. Mr. President, I understood the Senator from Utah to say—I think he must have made the statement inadvertently—that a mistake was made in not providing a sufficient protection for the dye industry. I do not know whether the Senator meant to say that the mistake was made by the Republicans or made by the Democrats, because the Senator knows, as a matter of fact, that no material change in the duty on coal-tar products was made in the present law as compared to the rates under the Payne-Aldrich bill.

Mr. SMOOT. The Senator is mistaken there.

Mr. SIMMONS. I say there has been no material change.

Mr. SMOOT. The present law imposes a duty of 30 per cent upon coal-tar products.

Mr. SMITH of Michigan. Some coal-tar products.

Mr. SMOOT. Some coal-tar products—that is well said—but the intermediate products have been placed upon the dutiable list at 10 per cent, and we know that it is impossible to get many of them anywhere except from Germany.

Mr. SIMMONS. I was only speaking about the finished product, Mr. President.

Mr. SMOOT. We were talking about establishing the industry, and if you impose a duty upon the things that enter into the finished product you impose that much of a burden upon the manufacturer; and that burden was not upon him when the Republican tariff act of 1909 was in force.

Mr. SIMMONS. That is the only material difference, namely, the duty on the intermediate products.

Mr. THOMAS. Mr. President, the duty on coal-tar dyes is the same as under the preceding tariff law, and the duty upon the intermediate products was placed as it was at the insistence of the representatives of the textile manufacturers of the United States.

Mr. LIPPITT. Mr. President, will the Senator from Utah allow me a moment?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Rhode Island?

Mr. SMOOT. Yes.

Mr. LIPPITT. In order that there may be no misconception in regard to those duties, allow me to say that the duty on synthetic indigo and the duty on alizarin, one being the foundation of the very important color blue——

Mr. THOMAS. Mr. President, if the Senator will pardon me, I was speaking of coal-tar dyes only.

Mr. LIPPITT. Those are coal-tar dyes.

Mr. THOMAS. Oh, no.

Mr. LIPPITT. Of course they are. Alizarin is an extract, and so is synthetic indigo. They are both coal-tar colors.

Mr. THOMAS. I am obliged to the Senator for the information. My impression was that they were not coal-tar dyes.

Mr. LIPPITT. I was going to say that synthetic indigo, which is the color used in dyeing blue, and alizarin, which is the color used in dyeing red, are both on the free list while aniline oil, which is the foundation for black, is dutiable at 10 per cent. Those three colors, and other coal-tar derivatives, such as anthracine and indanthrine, constitute a very large proportion of the total colors that are used in the United States. There is a catch-all clause in the schedule on dyestuffs, stating that on all coal-tar products not otherwise provided for there shall be collected a duty of 30 per cent, but there are very few things of any importance that come in under that part of the schedule.

Mr. THOMAS. But the Senator knows that under the duties provided by the Payne-Aldrich law and previous laws there was no established dye industry in the United States of any consequence.

Mr. SMOOT. The Senator from Utah knows that, following the passage of the tariff act of 1913, a number of chemical industries which had lived in this country before, particularly in the city of St. Louis, had to go out of business, because of the reduction in the tariff upon their products. I know of an industry—and I think the senior Senator from Missouri [Mr. STONE] would corroborate me if he were here—which had to close its doors, and all its machinery was thrown into the junk heap. That is not all. The Senator from Utah knows that the manufacture of oxalic acid in this country has a remarkable history worthy of repeating; but I have not the time now to go into that, except to say that under the duty imposed by the Underwood law it has been found impossible to maintain that industry in this country.

Mr. SIMMONS. Mr. President——

Mr. SMOOT. I could go on and enumerate a great many items, Mr. President, in the chemical schedule, but we are discussing the sugar duty, and it is now 35 minutes after 4.

Mr. SIMMONS. That is what I was going to suggest to the Senator. I understand that other Senators desire to speak upon the sugar question.

Mr. SMOOT. If other Senators desire to be heard, I do not want to prevent them. I simply want to state, in conclusion, that I am in full accord with the statement made by the Senator from Georgia [Mr. HARDWICK], that the man who knows more than any other living man about the sugar conditions in the world is Mr. Willett; and I want to briefly call the attention of the Senate to the testimony of Mr. Willett in regard to the sugar industry of this country. I wish the Senate to know that he, like every other American citizen who has studied this question from every point of view, knows that domestic sugar reduces the cost of all sugar consumed to the people of the country. Mr. Sulzer asked a question of Mr. Willett during the hearings before the Ways and Means Committee of the House, as follows:

> What, in your judgment as an expert, would bring about a permanent reduction of the cost of manufactured sugar to the consumers of the United States?
>
> Mr WILLETT By increasing the amount of domestic production and in Porto Rico and Hawaii; that is, by increasing the quantity of sugar within the United States to the extent that we would be required to purchase no sugar whatever at world prices. Last year we bought only 77,000 tons at the world price. We were as near as that to that condition in 1910. We did come within 77,000 tons of being entirely free and independent of the world's prices, whereas a few years before we had been importing 6,700,000 tons.

Now, Mr. President, I want to state once more that if the present rate of duty upon sugar could be maintained without a question and the people of the United States knew that it would remain for 20 years, long before the 20-year period expired we would be producing every pound of sugar consumed by the American people. I can point to four States in this Union that can produce sufficient sugar not only to supply all the demand of the American people to-day, but produce sugar enough to supply the demand if the consumption in the United States were three times what it is to-day. I may be asked why do they not do it. Simply because they do not know what is going to happen to their industry; and I tell you that it is impossible to produce sugar in this country as cheaply as it can be produced in the

tropical countries of the world or as cheaply as it can be produced in Austria or in Germany or in Russia.

Mr. SMITH of Michigan. Mr. President, will the Senator permit me?

Mr. SMOOT. I will.

Mr. SMITH of Michigan. What would be the situation in this country to-day with reference to that article of necessit,, sugar, if it were not for the domestic production that our friends upon the other side say was artificially stimulated and unconstitutionally protected? What would be our situation, in view of the present European war, with reference to that product, especially with the usual and ordinary sources of their supply cut off?

Mr. SMOOT. Why, the situation would be about like this: Instead of paying the exorbitant price we are paying to-day—$7.10 a bag, I believe, for the last sack that I bought here in Washington—instead of being $7.10 in Washington, more than likely it would be $12 or $15 a bag. Not only would that apply in the United States but it would apply to all the peoples of the world.

Not long ago I called the attention of the Senate of the United States, right after the beginning of the war, to the fact that the first advance that was made upon sugar, the advance of 2 cents a pound on the sugar that was consumed by the American people, and was being paid, was sufficient for the Government of the United States to erect factories enough to produce all the sugar that the people consumed. I say so now, Mr. President; and as the price has increased from that time, the statement can apply to it with more force than when I made it here immediately following the beginning of this war.

Mr. SMITH of Michigan. Mr. President, is it not a fact that that country is being penalized most in the present price of sugar which produces none, and those countries are benefiting by the lowest price of sugar which produce most?

Mr. SMOOT. Mr. President, that is an economic question, and it is just as sure to be the case as that the night follows the day; so there is no necessity for me to discuss it further now. I will yield the floor, therefore, because I know there are other Senators who desire to speak.

Mr. SMITH of Michigan. Then, Mr. President, I will address myself to the Senate in my own time.

I just want to say this—and I am not going to occupy more than a moment, because I know the Senator from North Caroline [Mr. SIMMONS] expects to get a vote in a few moments, and perhaps the Senator desires to say something himself before the vote is taken.

I think it is perfectly safe to say that the price of sugar in England, which was about 9 or 10 cents, the last quotation I saw, is higher than here because they produce none themselves. They are buying their sugar in large quantities from Cuba, paying a huge penalty for their neglect. The heavier the burden that is put upon Cuba the higher the price of sugar will be. If we were dependent upon Cuba and had no domestic production of our own we would be at the mercy of the sugar producer. That would be a most undesirable situation for our country to be in, and a policy of national dependence does not commend itself to thinking people; and I rejoice that even at this late day there is some evidence upon the other side of the Chamber that they are forsaking their false idols and coming to our view upon the question of protection to this industry.

I have no word of criticism to offer. Indeed I rather rejoice that the industry is to be partially saved through this belated act of repentance. All Senators know that if this free-trade law had been permitted to go into full effect May 1 it would have marked the beginning of the end of the domestic sugar industry.

I am glad that my honored friend from North Carolina [Mr. SIMMONS], whose motives are always good and whose patriotism can not be questioned, has shown the courage and good judgment not only to take this action but to take it gracefully, admitting by his course the untenable position which his committee and himself occupied in connection with the present tariff law, for which Senators upon the other side were responsible. That the Underwood-Simmons law is a failure all should admit; that the sugar schedule has proven a failure all now admit.

Mr. SIMMONS. Mr. President, I do not know of any other Senator who desires to speak. If so, I will yield. What I have to say will not take over 10 or 15 minutes. I do not desire to enter into any discussion of the sugar question further than to make a few general observations with reference to the present status of the matter and the attitude of the party to which I belong with respect to it.

The Senator from Michigan [Mr. SMITH] was good enough to speak kindly of me in connection with the action of the conference committee in receding from the Senate amendment. The Senator need not have complimented that action on my part, because I assure the Senator it was taken very unwillingly, and the bill as passed by the House was accepted not because the conferees desired to accept it, but because they were led to believe that with the conditions in the House it was improbable that body would accept the Senate substitute.

Mr. President, upon this question of sugar, as I took occasion to say when this bill was before the Senate on the 10th day of this month, both the Democratic Party and the Republican Party, so far as their legislation goes and so far as the public utterances of the leaders of these two parties in the House and Senate illustrate the positions of the parties they represented, have been on both sides of this question. The Senator from Iowa [Mr. KENYON] has read some speeches from Democrats, some of them favoring a duty upon sugar and some of them advocating free sugar.

Mr. President, following the example of the Senator from Iowa, I could entertain the Senate for hours in reading declarations on the part of leading Republicans of this body and of the House in 1890, 1894, and 1897 in favor of free sugar, a principle of the Republican Party, and declaring that a tax upon sugar was an outrage against the people. I could read from speeches of that great leader of the Republican Party, probably the greatest authority in his day in that party, upon the subject of tariff taxation, Senator Aldrich—expressions with reference to this question made in 1890 and 1894 on the McKinley and Wilson bills of the most extreme character against any tax on sugar, denouncing it as an unjustifiable and indefensible outrage upon the American people and declaring if he could find a stronger term of condemnation he would employ it. I could read also similar utterances at that time from such great Republican leaders as Hale, Allison, and Morrill. I could also read from the speeches of Senator Aldrich in 1897, while he was Republican leader of this body, when the Dingley bill was passed, declarations to the effect that it was with great reluctancy he was willing to give up the old position of the Republican Party, yielded its position in favor of free sugar, but that the revenue necessities of the Government seemed to make it possible to put it on the free list at that time.

I think, to be frank about it—and I do not want to play any politics upon this subject—both of the great political parties of to-day in their legislation with reference to sugar have been governed very largely by the revenue necessities of the Government. I do not say altogether, but largely.

Mr. GALLINGER. Mr. President, the Senator knows that no politics are being played on either side of the Chamber on this matter.

Mr. SIMMONS. I said I did not think that was the case.

Mr. GALLINGER. The Senator did say that; but I want to ask the Senator, in all seriousness, if the extreme utterances to which he alludes on the part of Republican leaders can be found since the beet-sugar industry became an accomplished fact?

Mr. SIMMONS. I find them uttered in 1894 and 1897. The beet-sugar industry antedated both of those dates.

Mr. GALLINGER. There was some beet sugar produced in this country before that time.

Mr. SIMMONS. In 1890 and in 1897 the beet-sugar industry in this country had assumed quite considerable proportions, though not so large as now.

Mr. GALLINGER. But does the Senator find anything as late as 1897?

Mr. SIMMONS. Since 1897 the Republican Party has stood, so far as I know, for a duty upon sugar; but a few days ago, when I called up the sugar bill, I read to the Senate an extract from the speech delivered in 1897 on the Dingley bill by Senator Aldrich, then the leader of the Republican Party, upon this question, expressing great regret that, on account of the revenue necessities of the Government, the old-time principle of the Republican Party of free sugar could not be adopted.

Mr. GALLINGER. And at that time a bounty was placed on sugar.

Mr. SIMMONS. No; there the Senator makes a great mistake. The bounty was placed on sugar in 1890, when the McKinley bill was passed; but when Senator Aldrich made the speech to which I have referred, in which he declared that a tax upon sugar was an outrage, and when he made the speech a few years later in which he declared that on account of the revenue necessities of the Government he regretted that the party was unable to apply the Republican doctrine of free sugar, there was no proposition on either of those occasions to put a bounty upon sugar. The Senator from New Hampshire knows perfectly well that in 1894, when we were considering the Wilson bill, which placed a duty on sugar—the Senator was a Member of this body at that time——

Mr. GALLINGER. Yes.

Mr. SIMMONS. He knows that Senator Peffer, a Populist Republican Senator, offered an amendment to put sugar upon the free list, and every Democrat voted against that amendment, and every Republican voted for it. He knows there was not at that time any suggestion or expectation that the Democratic Party, which then was in possession of both branches of Congress, would put a bounty upon sugar.

Mr. GALLINGER. But there was very little sugar being manufactured in this country, except in Louisiana, at that time.

Mr. SIMMONS. Oh, I think the Senator is entirely mistaken about that.

Mr. GALLINGER. Very little.

Mr. THOMAS. What are the dates to which the Senator refers?

Mr. SIMMONS. Eighteen hundred and ninety-four and eighteen hundred and ninety-seven, when the Wilson and Dingley bills were before Congress. The question when the Wilson bill was up was not free with a bounty but free sugar, or dutiable sugar. And the Republicans under these circumstances voted for free sugar on the motion offered by Senator Peffer, under the leadership of Aldrich, Hale, and Allison.

Mr. THOMAS. Oh, the beet-sugar industry was introduced here in 1889.

Mr. SIMMONS. I can not submit to further interruptions, because, as the Senator knows, this is to be voted on in a few minutes and my time is very short.

Mr. GALLINGER. Just one word. I want to say simply that the Republican Party placed a bounty on sugar to protect the domestic industry, and the Republican Party is not responsible for having repealed that law.

Mr. SIMMONS. Yes; and in answer to that I say that for seven years after the beet-sugar industry was started in this country the Republican Party apparently, at least, stood for free sugar.

Mr. GALLINGER. With a bounty.

Mr. SIMMONS. No; not with a bounty in 1894, because you knew when you voted for the Peffer amendment to the Wilson bill that you would not get any bounty upon sugar, and you did not at that time suggest any bounty upon sugar.

Now, Mr. President, one other thing. Senators on the other side are twitting us with the suggestion that the present duty on sugar which the pending bill proposes to make permanent is a Republican protective duty. They are taking the sweet unction to their souls that we, in the vote we are going to cast to-day, are following them and voting with them. We will vote not for a duty placed on sugar by the Republicans but for a duty placed on it by the Democrats. It is neither a protective duty nor a Republican imposed duty. We found a high protective duty upon sugar when in 1913 we went to write the present tariff. As we found a high protective duty upon many other things; but we revised these duties, and to reduce them to a revenue basis according to the standard of a revenue tariff established in the act of 1913.

Mr. LIPPITT. Mr. President, will the Senator yield?

Mr. SIMMONS. I can not yield until I finish what I wish to say; if the time for debate has not expired, I will yield to the Senator. We made the same ratio of reduction in the present tariff act in the duty on sugar that we made in the duties that the Payne-Aldrich Act imposed upon other things of like character and importance. We made substantially the same ratio of reduction from the Republican protective rates upon sugar that we made upon woolen goods, substantially the same ratio of reduction that we made upon cotton goods, and substantially the same ratio of reduction that we made upon iron and steel and other staple commodities.

SEVERAL SENATORS. How about wool?

Mr. SIMMONS. I want to ask my friends upon the other side this question: Do you claim that our duties upon woolens, our duties upon cotton goods, and our duties upon steel and iron are protective duties?

Mr. SMOOT. You have no duty upon wool.

Mr. SIMMONS. I said upon woolens, not upon wool. You have habitually denounced the duties we placed on woolens, cotton goods, iron, steel, and so forth, as free-trade duties; and though we made the same ratio of reduction upon sugar that we did upon them, you now pretend to think and claim the duty retained on sugar is a protective duty. You know if under these circumstances the duties we retained on these things are free-trade or revenue duties, then by the same token the duty retained on sugar is a free-trade or revenue duty.

Mr. GALLINGER. You put wool on the free list.

Mr. SIMMONS. I did not say wool; I said woolens. We put wool and some other things on the free list, just as you put over 50 per cent of all imports in your law on the free list.

Mr. President, I repeat, we claim that the duties which we imposed in the present tariff act upon woolens, and upon iron and steel, and upon cotton goods, and other things of like character, were revenue duties; and as we reduced the duty upon sugar in the same ratio, applying the same principle, the duty we wrote on sugar is likewise a revenue duty, and not a protective duty. I say to the Senator from New Hampshire that was the contention of his party when the present tariff act was under discussion in Congress. Your party opposed that bill upon the ground that the duties it imposed were not protective; and you denounced them all, including sugar, as free-trade duties.

Mr. LIPPITT. Mr. President, does the Senator prefer not to yield this afternoon?

Mr. SIMMONS. I would prefer not to yield just at this time. I will yield to the Senator in a minute, if I have time.

Now, Mr. President, the Senators say we are following them. They are wrong. We are voting to continue the very identical duty that we fixed upon sugar; and we fixed it upon the idea that as we were going to continue sugar on the dutiable list for three years we ought to reduce the rate to a revenue basis, just as we sought to reduce the rates of the articles I have referred to.

Mr. GALLINGER. Mr. President——

Mr. SIMMONS. Just one minute. If the present duty upon sugar was not a protective duty then, it is not a protective duty now.

Mr. GALLINGER. Mr. President, just one word. I want to ask the Senator if, when the party to which he belongs fixed the present rate—and he was a very prominent actor in that economic tragedy——

Mr. SIMMONS. I tell the Senator that the "economic tragedy," as he calls the Democratic tariff act, aided by our Democratic financial legislation, lifted the business of the country out of the depressed condition in which we found it when we came into power and restored prosperity before the war. I could read from clippings I have before me hundreds of extracts from great trade agencies and great metropolitan newspapers and declarations of great captains of industry, proclaiming that prosperity was not coming but had already arrived, and to stay.

Mr. GALLINGER. May I finish my sentence? When that duty was placed on sugar, and the reduction was agreed to, did the Senator expect that two or three years afterwards he would be in favor of repealing that part of the law?

Mr. SIMMONS. No; I will say to the Senator that I expected that in two or three years sugar would go upon the free list.

Mr. GALLINGER. Yes.

Mr. SIMMONS. But as we temporarily continue the duty, we fixed the duty in the meantime according to the Democratic idea and the Democratic standard of a tariff for revenue, just as we did with respect to these other things; and it is this revenue duty we now propose to further continue and not the protective duty of the Payne-Aldrich Act.

Mr. GALLINGER. You provided to take it all off. That was your idea.

Mr. SIMMONS. We provided that at the end of three years sugar should be untaxed. And in the meantime we repealed the high protective rates of the Payne-Aldrich Act and put sugar upon the same basis as other dutiable articles.

Mr. GALLINGER. Does the Senator really contend that when we join with him in passing the bill he is contending for there will be no protection in the law?

Mr. SIMMONS. I contend this: That we believe in free sugar.

Mr. GALLINGER. Yes.

Mr. SIMMONS. That if conditions would permit, we would have free sugar.

Mr. GALLINGER. Yes.

Mr. SIMMONS. That we did not put it on the free list immediately because of the conditions; that in continuing it we applied to it the same Democratic standard of what is a revenue duty that we applied to other articles placed on the dutiable list in the bill, and that now, when we vote to make this duty permanent, we are not voting with you or for protection on sugar.

Mr. GALLINGER. The old fellow in Maine said he was "for prohibition, but agin' its enforcement." That is about the attitude of the Democratic Party.

Mr. SIMMONS. That is an old gag that has no application here, and I think, with deference to the Senator, requires no answer. It does not apply to me. I am in favor of free sugar, so far as that is concerned, and if the circumstances would permit I would be in favor of letting it go upon the free list on the 1st day of May. But they do not permit, and I am happy that in continuing this duty we are continuing it upon the basis of

a tariff for revenue, according to the standards which we fixed in our present tariff law.

Mr. SMOOT. The standard of free trade.

Mr. SIMMONS. The Senator says "the standard of free trade." Are the duties upon the other schedules of that bill upon a free-trade or revenue basis? If they are, this duty on sugar must be upon a free-trade or revenue basis also, because we made like reductions, as I repeatedly said, on sugar as on the other articles taxed in it.

Does the Senator from Rhode Island wish to interrupt me now?

Mr. LIPPITT. The Senator from North Carolina has only five minutes. As some of the subject matter about which I wanted to ask him has been gone over by the Senator from New Hampshire [Mr. GALLINGER], I will not take his time unless he has finished.

Mr. SIMMONS. I have only four minutes left and I will not longer occupy the floor, but yield it to the Senator from Rhode Island.

Mr. LIPPITT. Mr. President, I listened with a great deal of interest to the Senator's descriptions of free-trade and protective duties. The duty on sugar under a Republican tariff was 1.33 cents a pound. The duty on sugar under a Democratic tariff was 1 cent a pound, and it was to go on the free list on the 1st day of May, 1916. The Senator from North Carolina seems to consider that a duty is a revenue duty if it is 1 cent a pound, that it is a revenue duty if it is nothing a pound, but that if it goes above 1 cent a pound it immediately becomes a protective duty. He describes the reduction in the duty on sugar as being exactly in the same ratio that woolens were reduced, that cottons were reduced, and I suppose perhaps if he had thought of it he would have said silks, because he referred to other textiles. There was a duty of 50 per cent left on silks, there was a duty of 35 per cent left on woolen goods, and there was only a duty of less than 20 per cent or about 18 per cent left on cottons, and sugar was to have gone on the free list entirely.

I fail, myself, to understand how duties of percentages of that kind can all be revenue duties. As a plain matter of fact, everybody in the Senate knows that the reason why this duty is put upon sugar is because the Democratic tariff, which was described as having for its sole object the raising of revenue, only succeeded in producing $127,000,000 less revenue than the same amount of imports would have produced if the Republican tariff that it supplanted had been left in force.

Mr. GALLINGER. Mr. President, before the Senator from North Carolina leaves the Chamber, I should like to ask him just one question. Suppose the revenues of the Government should become sufficient to meet the requirements of the Government, would the Senator then be in favor of putting sugar on the free list again?

Mr. SIMMONS. I undoubtedly would, Mr. President.

The VICE PRESIDENT (at 5 o'clock p. m.). The question is on the motion of the Senator from North Carolina [Mr. SIMMONS] that the Senate recede from its amendment to House bill 11471.

Mr. SMOOT and Mr. THOMAS called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. UNDERWOOD (when Mr. BANKHEAD's name was called). My colleague [Mr. BANKHEAD] has been called away from the city on official business. If he were here, he would vote "yea."

Mr. SHEPPARD (when Mr. BECKHAM's name was called). The Senator from Kentucky [Mr. BECKHAM] is absent on official business. He has a general pair with the Senator from Delaware [Mr. DU PONT].

Mr. BRADY (when his name was called). I have a general pair with the senior Senator from Florida [Mr. FLETCHER], and I therefore withhold my vote. If privileged to vote, I would vote "yea."

Mr. CHILTON (when his name was called). I am paired with the Senator from New Mexico [Mr. FALL]. I transfer my pair to the Senator from New York [Mr. O'GORMAN] and vote "yea."

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH], who is absent, but I am informed that if present he would vote "yea" on this question. I therefore feel at liberty to vote. I vote "yea."

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN], but on this bill I am privileged to vote, and I vote "yea."

Mr. TAGGART (when Mr. KERN's name was called). The senior Senator from Indiana [Mr. KERN] is unavoidably absent to-day. If present, he would vote "yea."

Mr. SMITH of Michigan (when his name was called). I have a pair with the junior Senator from Missouri [Mr. REED]. I understand, however, that he would vote the same way I intend to vote. I vote "yea."

Mr. SHEPPARD (when the name of Mr. SMITH of South Carolina was called). I wish to state that the Senator from South Carolina [Mr. SMITH] is absent on official business.

Mr. SUTHERLAND (when his name was called). I have a pair with the Senator from Arkansas [Mr. CLARKE], who is absent. I transfer that pair to the Senator from Illinois [Mr. SHERMAN] and vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH of South Carolina] and vote "yea."

Mr. TOWNSEND (when his name was called). I am informed that the Senator from Florida [Mr. BRYAN], with whom I have a general pair, would vote as I intend to vote on this question. I vote "yea."

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. I am not sure how he would vote on this question. Therefore I will withhold my vote. If I were at liberty to vote, I would vote "yea," and I think the Senator from Kentucky would vote the same way.

Mr. WILLIAMS (when his name was called). I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE], but I understand from his colleague that if he were present he would vote as I am about to vote. I therefore vote "yea."

The roll call was concluded.

Mr. OWEN (after having voted in the negative). I should like to ask whether the Senator from New Mexico [Mr. CATRON] has voted?

The VICE PRESIDENT. He has not.

Mr. OWEN. I am paired with that Senator and therefore withdraw my vote.

Mr. CHILTON. My colleague [Mr. GOFF] is absent on account of illness.

Mr. BRADY. I am advised that the senior Senator from Florida [Mr. FLETCHER], with whom I am paired, would vote "yea" if present. I am therefore at liberty to vote, and I vote "yea."

Mr. SIMMONS (after having voted in the affirmative). I wish to inquire whether the Senator from Minnesota [Mr. CLAPP] has voted?

The VICE PRESIDENT. He has not.

Mr. SIMMONS. I have a general pair with that Senator, which I transfer to the Senator from Maryland [Mr. SMITH] and let my vote stand.

The result was announced—years 59, nays 10, as follows:

YEAS—59.

Ashurst	Harding	Oliver	Smoot
Borah	Hollis	Overman	Stone
Brady	Johnson, Me.	Page	Sutherland
Brandegee	Jones	Phelan	Swanson
Broussard	Kenyon	Pittman	Taggart
Burleigh	La Follette	Poindexter	Thompson
Chamberlain	Lippitt	Pomerene	Tillman
Chilton	Lodge	Ransdell	Townsend
Clark, Wyo.	McCumber	Robinson	Underwood
Colt	McLean	Saulsbury	Wadsworth
Culberson	Martin, Va.	Shafroth	Walsh
Cummins	Myers	Sheppard	Warren
Dillingham	Nelson	Simmons	Williams
Gallinger	Newlands	Smith, Ariz.	Works
Gronna	Norris	Smith, Mich.	

NAYS—10.

Gore	Husting	Martine, N. J.	Vardaman
Hardwick	Johnson, S. Dak.	Smith, Ga.	
Hughes	Lane	Thomas	

NOT VOTING—27.

Bankhead	du Pont	Lea, Tenn.	Sherman
Beckham	Fall	Lee, Md.	Shields
Bryan	Fletcher	Lewis	Smith, Md.
Catron	Goff	O'Gorman	Smith, S. C.
Clapp	Hitchcock	Owen	Sterling
Clarke, Ark.	James	Penrose	Weeks
Curtis	Kern	Reed	

So the Senate receded from its amendment.

Mr. CHILTON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 8 minutes p. m.) the Senate adjourned until Monday, April 24, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 22, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art infinitely wise, all powerful, whose love encircles all, we thank Thee that under the dispensation of Thy providence we are brought once more to the anniversary of the greatest event in all history, the resurrection of the "Son of Man," confirming the longings, hopes, and aspirations which have filled the hearts of men in all generations in the unbroken continuity of life, which will adjust all wrongs, clear away misunderstandings, fill all hearts with love, and unite mankind into one family.

There's a wideness in God's mercy,
Like the wideness of the sea;
There's a kindness in His justice,
Which is more than liberty.
There's no place where earthly sorrows
Are more felt than up in heaven;
There's no place where earthly failings
Have such kindly judgment given.
For the love of God is broader
Than the measure of man's mind,
And the heart of the Eternal
Is most wonderfully kind.

Help us, we beseech Thee, to add life unto life, strength unto strength, love unto love, that we may be prepared for the transition which waits on all. It is written "Eye hath not seen, nor ear heard, neither have entered into the heart of man the things which God hath prepared for them that love Him. For I am persuaded that neither death nor life, nor angels, nor principalities, nor powers, nor things present, nor things to come, nor height, nor depth, nor any other creature shall be able to separate us from the love of God, which is in Christ Jesus our Lord." Amen.

The Journal of the proceedings of yesterday was read and approved.

CELEBRATION OF LANDING OF SIR FRANCIS DRAKE ON THE COAST OF CALIFORNIA.

Mr. KENT. Mr. Speaker, I would like to have taken from the Speaker's table Senate concurrent resolution No. 20, now as amended by the Senate Senate joint resolution 121, and have the Senate amendment concurred in.

The SPEAKER. The Chair thought this was a House resolution.

Mr. KENT. It was originally passed in the House and amended in the Senate. It was entirely my fault——

The SPEAKER. But how did it get another number in the Senate?

Mr. KENT. Because it was a concurrent resolution and was amended to be a Senate joint resolution, and the Senate has given it a new number.

Mr. MANN. It being amended to be a joint resolution, they did not feel authorized to change the number, but they have amended our amendment by changing the number.

The SPEAKER. The Clerk will report the amendments.

The Clerk began the reading of the amendments.

Mr. MANN. Mr. Speaker, those are the House amendments. The Clerk should read the Senate amendment to the House amendments.

The SPEAKER. Those are the House amendments.

Mr. MANN. There is a Senate amendment to the first House amendment, and undoubtedly it is there, if the Clerk will find it.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

Resolved, That the Senate agrees to the amendment of the House to the concurrent resolution (S. Con. Res. 20) authorizing the appointment of a representative of the United States Government to appear at the celebration of the landing of Sir Francis Drake on the coast of California, with a further amendment, as follows: Strike out the numerals "20" after "S. J. Res." and insert "121."

The SPEAKER. The gentleman from California asks unanimous consent for the present consideration. Is there objection?

Mr. MANN. It is a privileged matter.

The question was taken, and the Senate amendment was agreed to.

EXTENSION OF REMARKS.

Mr. SCHALL. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Minnesota rise?

Mr. SCHALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Philippine question.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks on the Philippine question. Is there objection? [After a pause.] The Chair hears none.

CALL OF THE HOUSE.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is not——

Mr. KITCHIN. Mr. Speaker, I move the call of the House.

The SPEAKER. The gentleman from North Carolina moves the call of the House.

The motion was agreed to.

The roll was called, and the following Members failed to answer to their names:

Adair	Dyer	Johnson, S. Dak.	Phelan
Bacharach	Eagan	Jones	Platt
Barchfeld	Eagle	Kearns	Porter
Beales	Edmonds	Keating	Pou
Bennet	Edwards	Keister	Price
Browne	Fairchild	Kelley	Roberts, Mass.
Browning	Farley	Kennedy, R. I.	Rogers
Bruckner	Finley	Kettner	Rowland
Brumbaugh	Fitzgerald	Kiess, Pa.	Russell, Ohio
Burnett	Flynn	Kreider	Sabath
Butler	Focht	Lafean	Sanford
Byrnes, S. C.	Foss	Lazaro	Scott, Pa.
Caldwell	Frear	Lehlbach	Sears
Caraway	Freeman	Lewis	Sherley
Carew	Gallagher	Liebel	Siegel
Carlin	Gallivan	Linthicum	Small
Carter, Mass.	Gardner	Lobeck	Snell
Casey	Gillett	Loft	Snyder
Chandler, N. Y.	Glass	McClintic	Stedman
Chiperfield	Godwin, N. C.	McCulloch	Steele, Pa.
Clark, Fla.	Goodwin, Ark.	McKinley	Swift
Coleman	Graham	Maher	Switzer
Conry	Gray, N. J.	Miller, Minn.	Taggart
Cooper, Ohio	Griest	Moon	Tague
Costello	Griffin	Mooney	Talbott
Dale, N. Y.	Guernsey	Moores, Ind.	Thomas
Darrow	Hamill	Morgan, La.	Treadway
Davis, Minn.	Harrison	Morin	Vare
Decker	Hart	Moss, W. Va.	Venable
Denison	Haskell	Mott	Ward
Dewalt	Heaton	Mudd	Watkins
Dies	Heflin	Murray	Whaley
Dill	Henry	Nelson	Williams, W. E.
Doughton	Holland	Nichols, Mich.	Wilson, Fla.
Driscoll	Hood	O'Shaunessy	Wilson, Ill.
Drukker	Humphreys, Miss.	Padgett	Winslow
Dupré	Husted	Patten	

The SPEAKER. On this roll call 286 gentlemen have answered to their names—a quorum.

Mr. KITCHIN. I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

INCREASE OF MILITARY ESTABLISHMENT.

Mr. HAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 12766, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

H. R. 12766. An act to increase the efficiency of the Military Establishment of the United States.

Mr. JOHNSON of Kentucky. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Kentucky. Would that interfere with my privilege?

The SPEAKER. Not a particle.

Mr. MANN. Would the gentleman be willing to let his request go over until Monday?

Mr. HAY. Will the gentleman say if it does go over until Monday there will be no objection to it?

Mr. MANN. Oh, no.

Mr. HAY. I do not see that there is any use of letting it go over if there is going to be objection.

Mr. MANN. I stated to the gentleman yesterday morning that I had not had a chance to examine the Senate amendments, and I have not had a chance yet, but I will have a chance to do so before Monday.

Mr. HAY. I take it, Mr. Speaker, that the ranking member of the Committee on Military Affairs on that side of the House has had ample opportunity to look into it. I do not want to press the gentleman. If the gentleman will say there will be no objection to this request on Monday, I will withdraw it now.

Mr. MANN. If I say there will be no objection on Monday, I might as well say there will be no objection now, for the very reason I want to examine the Senate amendments and see whether there will be any effort made for some vote in the House on the subject.

Mr. HAY. I am perfectly willing, if the gentleman desires it, to let the bill be called up, and if the gentleman wants to do so he can make a motion to concur in the Senate amendments.

Mr. MANN. I will be very frank with the gentleman and say that I will have to object this morning to unanimous consent on it. Whether I would object Monday or not I do not know. I have not examined the Senate amendments, and I expect to do so before Monday.

The SPEAKER. What does the gentleman say?

Mr. HAY. I insist on my request.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. Then it is referred to the Committee on Military Affairs.

BRIDGE ACROSS FOX RIVER AT GENEVA, ILL.

Mr. COPLEY. Mr. Speaker, may I ask the Speaker to take from the desk the bill S. 5415 and lay it before the House?

The SPEAKER. The Chair lays before the House the Senate bill, a similar bill being on the House Calendar.

Mr. COPLEY. This is exactly similar to the bill H. R. 14387.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

An act (S. 5415) to authorize the construction of a bridge across the Fox River at Geneva, Ill.

Be it enacted, etc., That the Chicago & North Western Railway Co., a corporation organized and existing under the laws of the States of Wisconsin, Illinois, and Michigan, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge across the Fox River at a point suitable to the interests of navigation in the city of Geneva and State of Illinois in accordance with the act of Congress entitled "An act to regulate the construction of bridges across navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. COPLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. Without objection, the House bill of similar tenor, H. R. 14387, will be laid on the table.

There was no objection.

CHANGE OF REFERENCE.

Mr. OGLESBY. Mr. Speaker, I ask for a change of reference of the bill H. R. 14822 from the Committee on the Judiciary to the Committee on the District of Columbia.

The SPEAKER. The Chair could not understand what the gentleman was saying, there being so much noise.

Mr. MANN. This may be very interesting, but we can not hear it.

Mr. OGLESBY. Mr. Speaker, I ask that the bill H. R. 14822, which was referred to the Committee on the Judiciary, be referred to the Committee on the District of Columbia. This same bill was referred to the Committee on the District of Columbia.

Mr. MANN. What is the bill?

Mr. OGLESBY. It is a bill to prevent the desecration, mutilation, or improper use of the flag within the District of Columbia. The Committee on the District of Columbia had the bill under consideration, and suggested a number of changes, and in order that it might not be in position where we had too many amendments I reintroduced the bill, and I think it was an error when it was referred to the other committee.

The SPEAKER. Without objection, the change of reference will be made.

There was no objection.

EXTENSION OF REMARKS.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of suffrage.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD on the subject of suffrage.

Mr. BARNHART. Mr. Speaker, reserving the right to object, this is not a communication by some other individual than the Member?

Mr. CRAMTON. In part, and part a communication by me—both very brief.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

CHANGE OF REFERENCE.

Mr. ALMON. Mr. Speaker, the bill H. R. 14345, for the relief of J. P. Patterson, has been referred to the Committee on the Post Office and Post Roads. I ask that it be referred to the Committee on Claims.

The SPEAKER. If it is a private bill the chairman of the committee to which it is referred can change it himself. The Speaker has nothing to do with it.

Mr. ALMON. The chairman of the Committee on the Post Office and Post Roads suggested that I make the request.

The SPEAKER. It does not make any difference what the committee requested. It is a private bill, and all the gentleman has to do is to write on the back of the bill where he wishes it to go.

JUVENILE COURT, DISTRICT OF COLUMBIA.

The SPEAKER. The gentleman from Kentucky [Mr. JOHNSON], under a special order, is entitled to speak not to exceed 15 minutes.

Mr. JOHNSON of Kentucky. Mr. Speaker: Since the Menace, a paper published at Aurora, Mo., a paper which would rather be a religious bigot than be right, has preferred to be an alarmist rather than truthful concerning the House bill known as "the juvenile court bill," I have concluded to make a short statement relative to the bill.

After having laid down the general principle that the bill is of Catholic origin and has for its principal purpose the placing of Protestant children in "Roman Catholic prisons," that hysterical paper then complains of other alleged wrongs in the bill. One of these is that persons under 17 years of age who violate the law may be placed in institutions "other than public institutions." Another complaint is that the hearing or trial of youthful offenders may be "private" instead of public. And another is that the records of the court proceedings may be withheld from the public.

I wish to say that the proposition to place youthful offenders in institutions "other than public institutions" is conceded by the world over to be better than placing them in public institutions with hardened criminals. Forty-four States out of the forty-eight which compose the United States have a similar law. Such a law has been enacted in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

In each and every one of those States that law was enacted by a non-Catholic legislative body.

The second complaint is that no hearing against a youthful offender should be "private." Such hearings are permitted to be private or in chambers in the States of Alabama, Arizona, Delaware, Georgia, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Montana, New Jersey, New York, North Carolina, North Dakota, Rhode Island, and Washington—17 in all. Non-Catholic legislatures enacted that law in those States.

The third objection made by this hysterical alarmist is that the "records" of hearings concerning youthful offenders may be withheld from the public. All modern trend of humane and charitable thought is now in that direction. A similar law is upon the statute books of Georgia, New Jersey, New York, Oregon, Rhode Island, and Virginia. The Virginia law was adopted only year before last, while that of New York was adopted as late as last year.

The bill about which this religious bigot complains so bitterly, and with so little reason, extends clemency and mercy and at the same time holds out hope to the childish offender, yet redeemable from a life of crime, instead of dealing with him or her as a hardened, professional criminal of mature years, for whom there is no hope and for whom there should be little or no clemency.

The Menace, the bigoted critic of the bill, boldly makes the assertion that under its provisions Protestant children will be committed to "Roman Catholic prisons," notwithstanding the fact that section 25 of the bill provides in plain language that the judge of the court, in committing children to institutions "other than public institutions," shall commit them to a "custodial agency" holding the same religious belief as the parents of the child or to some institution or association governed by persons of like religious faith. Therefore, the judge of the court could not send a Protestant child to either a well-conducted Catholic institution, to a Catholic home, or to the alleged "Roman Catholic prison," of which the Menace speaks just as though such a thing really existed. Under the provisions of the bill the judge of the juvenile court would be required to select a Presbyterian "custodial agency" for a Presbyterian child, a Methodist "custodial agency" for a Methodist child, a Baptist "custodial agency" for a Baptist child, a Jewish "custodial agency" for a Jewish child, an Episcopalian "custodial agency" for an Episcopalian child, a Congregationalist "custodial

agency" for a Congregationalist child, and a Catholic "custodial agency" for a Catholic child only.

As I have already said, similar laws, enacted by non-Catholic legislative bodies, are now upon the statute books of 44 out of the 48 States of the Union.

If a girl of 12 or 14 years should be arrested for an unchaste offense against the law, can any person charitably inclined tell me or anybody else why her trial should be opened to the morbidly curious and the scandal monger? If a girl of like age should be rescued from a bawdy house and placed in a Masonic orphan asylum, or in a Methodist orphan asylum, or in a Baptist orphan asylum, or in a Presbyterian orphan asylum, or in a Catholic orphan asylum, and there be reformed and afterwards become a good woman, can anyone tell me why the legal record which committed her to the custody of any of these institutions should be held for all time as a public record against her past life, a life which she has left behind? Why should any wicked man, either for the purpose of lustful or pecuniary blackmail or for any other purpose, be permitted to go and get the record of her past, which could not possibly be used for any good purpose but of necessity could be used only for an evil purpose?

As I have said, the most modern thought is upon the charitable and merciful side of this question; and the States of Georgia, New Jersey, New York, Oregon, Rhode Island, and Virginia have already enacted laws to shield reformed girls and boys, rather than to have them forever confronted with a record against which they could not stand in any new community to which they might go.

As already said, neither of the three complained-of provisions of the bill is a pioneer one. The people of every civilized land have come to treat youthful offenders with more charity and less severity than is meted out to the confirmed criminal who, by his many and repeated unlawful acts, has put himself beyond the sympathies of tolerant men and women.

The proposed law for the District of Columbia is not an ice-breaking, pioneer one for the District of Columbia as the incendiary impostor would have his uninformed readers to believe.

Complaint is made against the bill because a child can be "summoned" to appear before the court instead of being dragged there by force. Further complaint is made that a child may be "summoned" to appear in court "without the consent of the father or mother or guardian." Without a considerate juvenile court law the lawbreaking child would be forcibly arrested and taken into court without the consent of the father, mother, or guardian. I ask which is the more humane, and which is better for the future of the child, and even more considerate of the father and mother?

Unless the law make a difference in the manner of arrest, trial, and commitment of the youthful offender and those of mature years, then the youthful offender instead of being quietly "summoned" to appear before the court would be dragged through the streets by uniformed officers, just as is done with the hardened, shameless criminal.

I am constrained to believe that all this furor has been raised by this religious bigot simply because it has happened that the bill was introduced by a Catholic, and because it makes it possible for offending children of Catholic parents to be put into Catholic institutions, just as the offending children of parents of any other religious denomination may be placed in institutions of their faith.

The same bigot prefers to mislead rather than to enlighten when undertaking to convey the apprehension and grave fear that the trial of youthful lawbreakers behind doors closed to the uncharitable traducer is for some mean and debasing purpose rather than a shield between the unfortunate boy or girl and the scandal monger, whose principal pastime is to tell from man to man the frailties and misfortunes of others, even those of the youth of our land.

The same self-constituted guardian of liberty which peddles its false alarms at 25 cents a year to every gullible who can be found to buy them would have it believed that the bill now before Congress is the first to make provision for "private" instead of public hearings of charges against youthful breakers of the law, while in fact, as I have said, substantially the same law is upon the statute books of 17 of our States, put there by non-Catholic legislatures.

If it is true, as this religious bigot would have you believe, that the purpose of the bill is to commit youthful offenders to "Roman Catholic prisons," let us see who these Menace-made, villainous plotters against our boys and girls are.

I introduced the bill at the request of those who prepared it. The bigoted alarmist may say that because I, a Catholic, introduced the bill is sufficient proof of itself of its unholy purpose. I was asked to introduce the bill because I happened to be chairman of the Committee on the District of Columbia, to which committee all District bills are referred for consideration. Among those who asked me to introduce the bill is Judge J. W. Latimer. Is he a Catholic, taking orders from the Pope to fill "Roman Catholic prisons"? No; Judge Latimer, whose post-office address is at the Municipal Building, Washington, D. C., is not only a non-Catholic, but a Mason in good standing.

Next, let us see whether or not Catholics drafted this bill so that "Roman Catholic prisons" might be filled.

A Presbyterian Attorney General of the United States selected a committee of five persons who were deemed competent to draft the bill, and fair-minded enough and broad enough to write a bill free from both religious prejudices and religious preferences, in keeping with the Constitution of the United States. The five persons selected were Miss Julia C. Lathrop, Washington, D. C.; Bernard Flexner, Chicago, Ill.; Dr. William J. Kerby, Washington, D. C.; Mr. Walter C. Clephane, Washington, D. C.; and Mr. William H. Baldwin, Washington, D. C.

Are they Catholics doing the bidding of the Pope? Let us see what and who they are.

Miss Julia C. Lathrop in religious belief is a Congregationalist, not a Catholic; Mr. Flexner is a Jew, not a Catholic; Mr. Clephane is a Presbyterian, not a Catholic; Mr. Baldwin is also a Presbyterian, not a Catholic. Dr. Kerby is the only Catholic among them all.

Miss Lathrop was appointed by President Taft as Chief of the Children's Bureau of the United States and was reappointed to that responsible and honorable position by President Wilson.

The Board of Trade of Washington appointed a committee to look into the merits of the bill. That committee carefully considered it, item by item, and with a few minor changes approved it.

Was that committee made up of Catholics in order to run people into "Roman Catholic prisons"? Again, let us see. The chairman of that Committee was Mr. Louis A. Dent, an Episcopalian and Mason, not a Catholic. Another member of that committee was Mr. Merritt O. Chance, also an Episcopalian and Mason, not a Catholic. Another member was Mr. George A. Shinn, a Presbyterian and a Mason, not a Catholic. Another member was Mr. Thomas W. Smith, a Methodist and a Mason, not a Catholic. Another member was Mr. J. Lawrence Solly, a Baptist, not a Catholic. Another member was Mr. S. W. Curriden, a Presbyterian, not a Catholic. Another was Mr. Mathew E. O'Brien, a member of no church, but an Odd Fellow, a Knight of Pythias, and a Mason, not a Catholic. Another member was Mr. Edward S. Schmid, a Lutheran and a Mason, not a Catholic. Another member was Mr. D. W. Thayer, a Presbyterian and a Mason, not a Catholic. Another member was Mr. William H. Baldwin, a Presbyterian, not a Catholic. Another member was Mr. Walter C. Clephane, a Presbyterian and the son of a Mason, not a Catholic. Another member was Mr. John H. Zabel, the only Catholic out of the whole lot.

Can any sane man be made to believe that that committee connived at a proposition to fill "Roman Catholic prisons" with American citizens?

Congressman TINKHAM, who is in charge of the bill upon the floor of this House and who is its principal advocate, is a thirty-second degree Mason. Is he, too, trying to fill "Roman Catholic prisons" with the children of his fellow Masons?

When this bill becomes law the execution of its provisions will be with Judge Latimer, a Mason, not a Catholic. Is it true of him that he will violate his oath to support and defend the Constitution of the United States and use his high office to fill "Roman Catholic prisons" with Protestant children?

I ask the Masons of this House and the Masons of this country if they believe, in view of all of the facts, that this bill, written by non-Catholics, will place American citizens in "Roman Catholic prisons"? [Applause.]

LOCK AND DAM, NO. 6, GREAT KANAWHA RIVER, W. VA.

Mr. LITTLEPAGE. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from West Virginia [Mr. LITTLEPAGE] asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. LITTLEPAGE. Mr. Speaker and gentlemen of the House, I want to crave your indulgence for a few moments. Yesterday morning I asked unanimous consent that the bill H. R. 12455, which I had prepared and introduced in the House, and at my instance was referred to the Committee on Military Affairs, be transferred to the Committee on Rivers and Harbors. One of the ablest parliamentarians in this Chamber, I believe, misconceiving the purport of the bill, objected, and it was therefore passed over.

I want to read the bill to the House. I feel that I am entitled to this relief; that my constituents are. It is a private bill that does not hurt the Government, does not cost the Government one cent, but pays the Government an annual rental. It will afford a great accommodation to a vast number of people, in fact many thousands of by best people. It is a local measure affecting my district only, and no other Member of the House is directly or indirectly interested in the matter except as a matter of public policy. The bill reads:

A bill (H. R. 12455) authorizing and directing the Secretary of War to lease to Charleston-Dunbar Traction Co. a certain strip or piece of land owned by the United States Government on the Great Kanawha River in West Virginia.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to lease, at a nominal rental value of not exceeding $25 per year, to the Charleston-Dunbar Traction Co., a corporation, its successors or assigns, the strip of land 15 feet wide and 601.8 feet long, or approximately twenty-one one-hundredths of an acre, which said strip of land is situated at or near United States Government Lock and Dam No. 6 of the Great Kanawha River improvement, near the city of Charleston, in the State of West Virginia, which said strip of land said Charleston-Dunbar Traction Co. is now occupying with its track: *Provided*, That said annual rental shall be promptly paid as required by the Secretary of War, and that the United States Government shall sustain no loss or expense by reason of said lease to said traction company: *And provided further*, That said traction company shall not fence up said strip of land unless required to do so by the Secretary of War, and shall, at its own expense, keep up and maintain the existing crossings over said traction company's line on the Government's property: *And provided further*, That said traction company shall not remove its station or stop upon or near the Government's said property as said stop and station is at present located.

This bill, as stated, was referred to the Committee on Military Affairs. I thought at that time that that was the proper committee, and some of our oldest Members say so yet. I do not want my bill destroyed by their differences of opinions. The Committee on Military Affairs considered the bill, was in favor of the bill, and directed me to so report it, but it was suggested by one of the most distinguished and best Members of this House, Mr. KAHN, of California, that the War Department be consulted. I acted on his suggestion and consulted the War Department. The Secretary of War, through Col. Taylor, approved the bill, but suggested in a letter, with his report, that the Committee on Rivers and Harbors should as well act on the matter, doubtless his opinion being based on the fact that the original bill authorizing the appropriation for the improvement of the Great Kanawha River, in which this lock is situated, came from that committee. That committee, through its chairman, Mr. SPARKMAN, still feels that it should be consulted and should consider the bill. The Secretary of War feels so. I am helpless unless this House comes to my relief, and have sought this opportunity to confer with you. I am entitled to have you help me to help and protect my people. Now, the chairman of the Committee on Military Affairs, Mr. HAY, of Virginia, one of our very ablest Members, a man of splendid qualities, whom every member of his committee loves, Democrats and Republicans alike, said it was all right with him to make the reference. Mr. SPARKMAN's committee, the Committee on Rivers and Harbors, meets Monday. If I do not get this permission to-day to refer it to that committee, I can not get the bill acted upon in time.

Judge Grosscup and his associates of Chicago, Ill., and Hon. Fred Paul Grosscup and his associates of Charleston, W. Va., have expended nearly $600,000 in the Great Kanawha River Valley. They are all fine, in fact noble, people, and are materially assisting in the development of my section. This interurban line connects Charleston with the town of Dunbar. Lock No. 6, about midway between the two cities, where the Government owns about 6 or 7 acres of land, having purchased it at the time the locks were put in there. The land occupied by the traction company is on a hillside. It will not bring 20 bushels of corn to the acre. It is very poor land and steep. It is within 3 miles of my home. The strip occupied is approximately 1,200 feet from the lock chamber and 300 or 400 feet away from the dam. Does not in the slightest interfere with or injure the Government property.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield there?

The SPEAKER. Does the gentleman from West Virginia yield to the gentleman from Wisconsin?

Mr. LITTLEPAGE. Yes.

Mr. COOPER of Wisconsin. By what authority did the railroad company get the use of that land in the first place?

Mr. LITTLEPAGE. By permission of the Secretary of War, he having leased it to the traction company. I thank the gentleman for that question. The Secretary of War now claims that having leased it for five years, and having no authority to lease it longer than five years, expiring August 1, 1916, he must now have the permission of Congress that he may continue or renew the lease.

The SPEAKER. The time of the gentleman from West Virginia has expired.

Mr. LITTLEPAGE. I ask unanimous consent, Mr. Speaker, that this bill be referred to the Committee on Rivers and Harbors. This is a personal matter to me, relating to a matter in my own district—local in its very nature and of vital interest to me and mine——

The SPEAKER. The gentleman from West Virginia asks unanimous consent to take the bill named from the Committee on Military Affairs and refer it to the Committee on Rivers and Harbors. Is there objection?

There was no objection.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill, H. R. 12717.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill, with Mr. HAMLIN in the chair.

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917.

The CHAIRMAN. When the committee rose on yesterday afternoon the gentleman from Indiana had pending an amendment which, without objection, the Clerk will again report.

The Clerk read as follows:

Amend, page 51, after line 13, by inserting as a new paragraph the following:

"For investigating a method for the eradication of the Hessian fly in wheat by the process of spraying, $50,000."

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP] is recognized.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the debate on this paragraph and all amendments thereto may conclude in 20 minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. LEVER. I will make it 25 minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from South Carolina modifies his request and asks unanimous consent that debate on this paragraph and amendments thereto conclude in 25 minutes. Is there objection?

There was no objection.

Mr. CULLOP. Mr. Chairman, this amendment is addressed to one of the most important industries connected with agriculture. The wheat crop of last year was worth more than a billion dollars. The farmers produced a billion dollars of new wealth. In the previous year the wheat crop was also worth approximately a billion dollars. And yet in spite of that fact there was a greater loss of wealth through the destructive ravages of the Hessian fly in the wheat crop of those two years than occurred in any other business in this great country.

The growth of wheat is adapted to every State in the Union. Yet there is less effort on the part of the Agricultural Department, it seems to me, to eradicate the Hessian fly and stop its ravages than is devoted to any other subject connected with the Department of Agriculture. The reasonable and practicable way to exterminate this pest is by some insecticide sprayed upon the growing plant. The eggs are deposited upon the blade of the growing plant, the life is germinated there, and then the insect works its way into the stalk of the plant, destroys the joint, and the wheat becomes worthless. The advice of the department, as given in bulletins, is for the farmer to wait until after the frost season has set in, so that the frost will kill the germs of life in the eggs laid on the plant. If that plan had been followed last year in the great Mississippi Valley south of Lake Michigan, there would have been no wheat sown there until too late in the season for it to germinate. There is no better wheat-producing soil in the world than in the Delta of the Mississippi, in Louisiana, and Mississippi. Yet if the farmers there should wait each year under the instructions of the Agricultural Department they would not be able to sow their wheat until long after the sowing season had passed, and frequently after Christmas or New Years. An insecticide can be prepared, either in a powder or a liquid form, and sprayed upon the growing wheat, destroying the life of this insect, or the life germ in the egg, and so protecting wheat from the ravages of this pest. In comparison to the great loss sustained annually by the farmers of this country from the ravages of this pest, the appropriation of $50,000 for experi-

ments by scientists to discover some method along this line is a very moderate sum indeed, when we take into consideration the amount that would be saved to this industry in this country each year. It is a matter of vital interest to the farmers of the country. I may add it is not alone of interest to them but to the entire population of the country, who are concerned in the food supply. We should here do all we can to encourage the industry of farming and particularly the branch of wheat culture. It is not enough to say we are trying some plan to rid the plant of this enemy, but should make it possible for the department to avail itself of every opportunity to discover some more effective means than it has so far discovered.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. CULLOP. I yield to the gentleman from Michigan.

Mr. HAMILTON of Michigan. I think we are all of us very much interested in what the gentleman is saying. What I want to inquire is whether the Government has made any experiments along this line, and if not, then whether experiments have been made by private parties?

Mr. CULLOP. I thank the gentleman very much for asking that question. The Government has made no experiments along this line, as I have been informed by it. I called the attention of Prof. Webster to it last December when Congress convened. He was very much interested, and I told him about an experiment made by a farmer in my district. He assured me that the matter would be taken up by the department with Purdue University.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CULLOP. Mr. Chairman, I would like three or four minutes more. I want to give this illustration, which I think is important.

The CHAIRMAN. The committee has fixed the limit of debate.

Mr. CULLOP. I ask unanimous consent to proceed for two or three minutes to answer the question of the gentleman from Michigan. I think I have some valuable information on this subject.

Mr. LEVER. I presume the Chairman has reserved five minutes for me, and I ask the gentleman to take two minutes of my time.

The CHAIRMAN. The gentleman from Indiana is recognized for two minutes out of the time of the gentleman from South Carolina [Mr. LEVER].

Mr. CULLOP. Prof. Webster promised me that he would take up the matter without delay, and have it investigated through Purdue University; but shortly after that Prof. Webster, unfortunately, died, on January 3, 1916, before anything had or could be done in the matter.

A farmer living in Monroe County, Ind., a tenant on what was known as the Dunn farm, adjoining the campus of the State university, some years ago had a field of wheat in an orchard on the farm. In the spring he sprayed the orchard in order to kill the insects on the fruit trees and some of the spray fell upon the growing wheat. The rest of the wheat in that field was destroyed by the Hessian fly, but on the part around the fruit trees which had been sprayed there was an abundant yield. It was the purpose of the department, under the direction of Prof. Webster, to look up this man, through the aid of Purdue University, and find out what insecticide he had used.

Now, science is able to conquer the evils with which agriculture is compelled to contend; but unless some appropriation is made to direct the attention of the department it will not take the necessary interest and make the investigation which is required. There is no more important matter than this in the Agricultural appropriation bill; and I ask the adoption of this amendment. [Applause.]

I am informed by the department that of the appropriation proposed in this bill only $5,000 is proposed to be devoted to this important subject. This, I contend, is wholly inadequate when we consider the magnitude of this industry, its importance to 8,000,000 farmers who yearly suffer from the ravages of this pest, and the welfare of the people of this country. I urge for these reasons its adoption, believing, as I do, that conditions existing require it and that if adopted it will serve a most useful purpose to the entire country.

We should do what we can here to promote the great farming industry, because upon it the country's welfare depends, and this matter is of such vital importance that it deserves serious consideration in order that this great industry may be encouraged.

Mr. BORLAND. Mr. Chairman, I am ready to support any appropriation which looks to the eradication of the pest that destroys the wheat crop, the great basic crop of our country. I have no more knowledge than most Members of the House of the method by which the destruction of this pest can be accomplished. If it is possible to destroy it by means of spraying, and that information can be given out to the farmers, there is no doubt that the money will be well spent.

The wheat crop of this country last year was 900,000,000 bushels. It is one of our biggest crops, our basic crop, probably the most widespread crop that we have. I think it is now claimed that the production of corn exceeds that of wheat in value and that wheat has dropped to second place, but that can only be a temporary condition, and eventually and permanently wheat must be the great basic staple crop of the Mississippi Valley and of the farming regions of this country. As I have said, last year we produced 900,000,000 bushels of wheat. That wheat was not only the stock in trade of the farmer, but it was the raw material of the country mill. Every small town has its flour mill, which manufactures flour from the wheat grown in the vicinity. Wheat used to be, and still ought to be, one of the great export crops of this country; and if it were not for the cheap wheat lands of Canada I doubt not that wheat would be one of the great export crops of this Nation. To-day the American wheat farmer is confronted with competition which is world-wide. Every bushel of wheat raised in Kansas or Missouri comes in competition not only with every other bushel of wheat raised in those States but with the wheat of Canada, with the wheat of Argentina, with the wheat of Australia, with the wheat of Siberia, and of all the other great wheat-producing regions of the world. The price of wheat is fixed in the strongest competitive market under the strongest competitive conditions of world-wide competition. No man who produces wheat can figure on fixing the price of his own product. It is normally fixed at Liverpool under world-wide competition, and the only things that we can improve are the conditions of production at home and the cost of transportation to the great markets of the world.

I have voted repeatedly for items in this bill for the eradication of pests which afflicted only a very small section of our agricultural industry, pests relating to the citrus-fruit crop, which is a very trifling thing compared with the great agricultural interests of the West; pests relating to the chestnut-tree blight; and things of that kind, which are insignificant compared with the great basic crops of the Nation. But here is a great wheat crop of 900,000,000 bushels, worth over a billion dollars, affected by this widespread pest; and, as I say, I do not know whether the spraying proposition is a good one or not, but, so far as I know, no way has been found of controlling the Hessian fly. I believe, however, that science can find a way to control it. I know in the country at large last year, even with the 900,000,000 bushels, we produced an average of less than 13 bushels per acre. I do not believe that a country in Europe produced less than 20 or 25 bushels an acre, and we must bring our standard of farming up by scientific methods in the Department of Agriculture until we have fuller returns for the agricultural products to the tiller of the soil. [Applause.]

Mr. BARKLEY. Mr. Chairman, I am very much in favor of this amendment, because it makes it possible for the Government to institute investigations by which it may be determined whether there is a remedy for this great evil to the wheat growers of the United States. Under present conditions and circumstances, there practically is no way for the farmer to provide against the evil of the Hessian fly. He does not know that the Hessian fly is on his wheat crop until the crop is practically ruined. Therefore it is necessary for him to be advised and informed in advance of some remedy that he may apply to the wheat that will be there, ready on the approach of the Hessian fly when he does come on the scene.

Now, as has been suggested by the gentleman from Missouri and others, last year the wheat crop amounted to more than 900,000,000 bushels, valued at more than a billion dollars. I notice, within the last two or three weeks, that according to the forecasts of the Department of Agriculture and of the bureaus of the State departments of agriculture over the country the prospects are that this year there will not be more than 75 per cent of a crop of wheat raised, and a large proportion of this decrease is due to the Hessian fly, of which we are complaining to-day.

I do not know that it is possible, any more than I knew on yesterday it was possible, to manufacture potash out of kelp; but if it is possible for the Government of the United States by investigation to provide some remedy so that the farmer can protect his wheat crop against the ravages of the Hessian fly, so that this great crop of 900,000,000 bushels may be saved to the people, this is a very paltry sum to be provided for the investigation and demonstration of that remedy.

The wheat crop is a peculiar crop. In some States they raise winter wheat, in some spring wheat; but whether it be winter

wheat or spring wheat, it is always subject to the ravages of the Hessian fly, because the fly can come in the fall of the year or the spring of the year, and whenever it does come it secretly bores its way into the stalk of wheat, and before the farmer knows there is anything wrong his wheat is ruined, and there is no help for it.

Mr. RAKER. Will the gentleman yield?

Mr. BARKLEY. Certainly.

Mr. RAKER. This item is not in the bill?

Mr. BARKLEY. No, sir.

Mr. RAKER. Can the gentleman or the gentleman from Indiana or the gentleman from Missouri give any explanation of why it was not included in the general bill?

Mr. BARKLEY. I can not.

Mr. LEVER. The item is in the bill, as a matter of fact. It is in the item for the investigation of insects affecting cereals and forage crops.

Mr. RAKER. I asked the question because the committee has been so willing, and the gentleman from Kentucky and others have presented the matter so well, that it seems strange that it was not in the general bill.

Mr. BARKLEY. I appreciate the gentleman's compliment.

Mr. CULLOP. There is no provision in the bill for the process of spraying or the discovery of a process by spraying.

Mr. BARKLEY. While it is in the item in gross for all cereals, of course there are many cereals besides wheat, and the appropriation that would be devoted to wheat out of the $114,000 would be very small. This amendment applies especially to wheat.

Mr. RAKER. I am in hearty sympathy with the amendment, and I think there should be this additional sum for this particular purpose.

Mr. McLAUGHLIN. Mr. Chairman, there has never been any disposition on the part of the Committee on Agriculture to refuse to recommend appropriations for any good purpose to enable the department to make investigations in important matters of this kind. The committee did consider very carefully the question and the amount of money needed by the department for work in connection with the diseases of cereals and forage crops, and money has been provided in the item that carries $114,000.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. GREEN of Iowa. I understand that some of this other money, the $114,000, could be used for this purpose if the bureau thought proper?

Mr. McLAUGHLIN. Yes.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. HAMILTON of Michigan. If the attention of the bureau is not specifically called to the Hessian fly, will they be apt to conduct investigations for that purpose?

Mr. McLAUGHLIN. I will say to the gentleman from Michigan that the attention of the department was called to the Hessian fly years ago, and it has been carrying on systematic work, bending every energy, using every known means for its eradication or control since 1905. There is a misapprehension in regard to this matter. Members seem to labor under the impression that the department has been doing nothing in the matter of the Hessian fly. Sprays have been used, and with some measure of success, but the department has reached the conclusion, and says it without hesitation, that their investigations have enabled them to apprise the farmers of the coming of the Hessian fly so they can prepare against it. They say, further, that if the instructions given by the department, the suggestions made, are followed, the farmers will avoid any serious damage.

Mr. HAMILTON of Michigan. What do they do to avoid serious damage? Everyone who is familiar with farming knows that the Hessian fly is a serious pest.

Mr. McLAUGHLIN. The methods and times of sowing the wheat are set forth, and directions are given for each particular locality, and the department tells us that if their directions are followed the injury will not be serious. Of course it is barely possible that some gentleman in Indiana has discovered a material for spraying which is something new and cheap enough to justify its use, something the officials of the department have not in their 11 years been able to discover, but I doubt it very much. Spraying will kill the Hessian fly, of course, but it is expensive to spray a wheat field. There are some wheat fields in this country which contain several acres, and spraying would be an expensive operation.

Mr. CULLOP. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. CULLOP. Has the department at any time ever made any effort to discover a remedy for the Hessian fly by spraying?

Mr. McLAUGHLIN. Sure, and while they have reached some measure of success, they recommend the other method, and they have issued a bulletin giving directions and offering suggestions to farmers, apprising them each year whether or not the fly is coming or is liable to come, and the methods to be employed and particularly the times of sowing to prevent serious damage.

Mr. CULLOP. Mr. Chairman, will the gentleman yield further?

Mr. McLAUGHLIN. Yes.

Mr. CULLOP. Is not the only method that the department proposes for the treatment of this subject to advise the farmers by means of its natural enemies in connection with the campaign, and induce farmers to plant the wheat at a fly-free date; that is, after the frost season occurs?

Mr. McLAUGHLIN. That is just what I have said, that after all investigations made by the officials of the Bureau of Entomology and by other bureaus, they have found this matter of the time and manner of planting to be the most helpful, and they make a recommendation to that effect, and have practically given up, after a full investigation, the matter of using a spray or of finding a spray which can be recommended.

Mr. CULLOP. The gentleman is aware that the fly occurs in the spring of the year after the frost season is over?

Mr. McLAUGHLIN. The principal damage was at first, and I believe is yet, to the winter wheat, and there was no trouble to the spring-wheat area; but lately the fly has infested the spring-wheat area as well.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. LEVER. Mr. Chairman, the Department of Agriculture since 1905 has been making investigations to find a remedy against the ravages of the Hessian fly. They propose, out of this appropriation of $114,000, to expend $5,000 during the coming fiscal year for a continuance of these studies.

Mr. CULLOP. Mr. Chairman, will the gentleman yield?

Mr. LEVER. I have only three minutes, and I decline to yield. It is now argued by the gentleman from Indiana [Mr. CULLOP] and others supporting his amendment that this is a mere bagatelle as compared to the total value of the wheat crop. That is true. No one controverts that, but I want to call the attention of members of the committee to this fact, that the Department of Agriculture through its 10 years of study has not as yet reached a definite conclusion as to what is the best method of controlling the ravages of the Hessian fly. In other words, this whole proposition is still in a scientific and experimental stage. Five thousand dollars is all that the department asks to continue its scientific investigation. It is not a question of going out into the field to employ means and men and material to eradicate the Hessian fly; if it were, a larger appropriation might be justified, but this is an appropriation to enable the department to continue its scientific investigation.

Mr. HAMILTON of Michigan. Does this mean laboratory investigation?

Mr. LEVER. Laboratory and field—chiefly field investigation.

Mr. HAMILTON of Michigan. What is the extent of the field investigation?

Mr. LEVER. They have some six or eight field stations scattered throughout the country.

Mr. HAMILTON of Michigan. Will the gentleman state where they are?

Mr. LEVER. That takes my time, but I will put it in the RECORD. The stations are located in North Carolina, Virginia, Maryland, Indiana, Kansas, Tennessee, South Dakota, Missouri, and Oregon.

Mr. BARKLEY. And also what they can do at these stations with $5,000.

Mr. LEVER. Oh, the gentleman is wrong in that. This is not a question of eradicating the fly, it is a question of gathering scientific information, and you can do as much at six or eight stations in getting fundamental, basic facts as you could at 100 stations.

Mr. BOOHER. Mr. Chairman, will the gentleman yield?

Mr. LEVER. I must ask the gentleman not to interrupt as I have only a few minutes. If we can find a remedy the Committee on Agriculture is willing to appropriate money to apply the remedy, but until we have the remedy, let us not appropriate $50,000 here, of which the only use we could make would be to employ a number of additional scientific experts—boys who have graduated in chemistry at some college—students just out of college. The department through this amendment would be directed to spend this money, and the department would spend the money. They would put these youngsters on the road and eat up the $50,000, when the same results can be had, according

to their own estimates, for $5,000 by concentrating it in the hands of one or two genuine trained scientists and experts. I hope that the amendment will be defeated.

The CHAIRMAN. The time of the gentleman from South Carolina has expired. All time has expired. The question is on the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. LEVER) there were—ayes 24, nays 58.

So the amendment was rejected.

Mr. MOORE of Pennsylvania rose.

The CHAIRMAN. The Chair will state to the gentleman that by unanimous consent all debate on the paragraph and all amendments thereto was closed. The Clerk will read.

The Clerk read as follows:

For investigations of insects affecting southern field crops, including insects affecting cotton, tobacco, rice, sugar cane, etc., and the cigarette beetle and Argentine ant, $64,400.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. The Bureau of Entomology gets $868,880, which is a large sum, for the investigation of bugs or insects. It is a great deal more in the aggregate than we get for some very worthy projects in the river and harbor bill; twice as much, at least, as went this year to all the States of New England for the improvement of their ports and rivers; but notwithstanding that, I think it is proper we should have a careful investigation of all these bugs and that there should be scientists employed by the Government to see that we get rid of them as rapidly as possible.

Mr. HAWLEY. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I really have not the time. I am with the gentleman and shall support the item; I am not antagonizing it. I am in favor of the removal of bugs that affect the health of man or that tend to destroy the health and happiness of animals. To prove the necessity for the appropriation for the proper control of our bugs and insects and germs, I send to the Clerk's desk a bit of verse attributed to Mr. Roy Atwell, a comedian, who seems to have given deep thought to this subject.

The CHAIRMAN. The Clerk will read in the time of the gentleman from Pennsylvania.

The Clerk read as follows:

In these days of indigestion
It is oftentimes a question
  As to what to eat and what to leave alone,
For each microbe and bacillus
Has a different way to kill us,
  And in time they always claim us for their own.
There are germs of every kind
In any food that you can find
  In the market or upon the bill of fare.
Drinking water's just as risky
As the so-called deadly whisky,
  And it's often a mistake to breathe the air.

Some little bug is going to find you some day,
Some little bug will creep behind you some day;
  Then he'll send for his bug friends
  And all your earthly trouble ends;
Some little bug is going to find you some day.

The inviting green cucumber
Gets 'most everybody's number,
  While the green corn has a system of its own;
Though a radish seems nutritious,
Its behavior is quite vicious,
  And a doctor will be coming to your home.
Eating lobster cooked or plain
Is only flirting with ptomaine,
  While an oyster sometimes has a lot to say,
But the clams we eat in chowder
Make the angels chant the louder,
  For they know that we'll be with them right away.

Take a slice of nice fried onion
And you're fit for Dr. Munyon;
  Apple dumplings kill you quicker than a train.
Chew a cheesy midnight "rabbit"
And a grave you'll soon inhabit—
  Ah, to eat at all is such a foolish game.
Eating huckleberry pie
Is a pleasing way to die,
  While sauerkraut brings on softening of the brain.
When you eat banana fritters
Every undertaker titters,
  And the casket makers nearly go insane.

Some little bug is going to find you some day,
Some little bug will creep behind you some day;
  With a nervous little quiver
  He'll give cirrhosis of the liver;
Some little bug is going to find you some day.

When cold-storage vaults I visit
I can only say what is it
  Makes poor mortals fill their systems with such stuff?
Now, for breakfast, prunes are dandy
If a stomach pump is handy
  And your doctor can be found quite soon enough.
Eat a plate of fine pigs' knuckles
And the headstone cutter chuckles,
  While the gravedigger makes a note upon his cuff.
Eat that lovely red bologna
And you'll wear a wooden kimono,
  As your relatives start scrapping 'bout your stuff.

Some little bug is going to find you some day,
Some little bug will creep behind you some day;
  Eating juicy sliced pineapple
  Makes the sexton dust the chapel;
Some little bug is going to find you some day.

All these crazy foods they mix
Will float us 'cross the River Styx,
  Or they'll start us climbing up the milky way;
And the meals we eat in courses
Mean a hearse and two black horses,
  So before a meal some people always pray.
Lucious grapes breed 'pendicitis,
And the juice leads to gastritis,
  So there's only death to greet us either way;
And fried liver's nice, but, mind you,
Friends will soon ride slow behind you.
  And the papers then will have nice things to say.

Some little bug is going to find you some day,
Some little bug will creep behind you some day;
  Eat some sauce, they call it chili,
  On you breast they'll place a lily;
Some little bug is going to find you some day.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that the chorus be read.

Mr. MILLER of Pennsylvania. Mr. Chairman, I think we have had enough of that now. I shall have to object to that.

Mr. HAWLEY. Mr. Chairman, I desire to oppose the motion of the gentleman.

Mr. LEVER. Mr. Chairman, may I ask unanimous consent that debate close on this paragraph and all amendments thereto in 10 minutes?

Mr. SAUNDERS. Mr. Chairman, reserving the right to object, suppose the gentleman let the debate develop on this a little, and then see whether it is desirable to close it.

Mr. LEVER. I do not think there is going to be any difficulty in reference to this.

Mr. SAUNDERS. I do not know, but I want to get a little information.

Mr. LEVER. I will make it 15 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto close in 15 minutes. Is there objection?

Mr. KINCHELOE. Mr. Chairman, reserving the right to object, there seems to be some ridicule on the other side, and this is a very important matter to some of us gentlemen here——

Mr. LEVER. Let me say to the gentleman from Kentucky that when he has been here as long as I have he will find the best way to handle an item of this kind is to say as little as possible.

Mr. KINCHELOE. I do not want to say anything unless it is necessary, but I did not want to be precluded from saying something if it be necessary.

Mr. LEVER. This is an exceedingly important item, and I am satisfied there is no opposition to it.

Mr. SAUNDERS. Will the chairman answer a question before the request is put, because I want to see whether I shall desire to offer an amendment or not? I notice in line 14 it is merely for the "investigation of insects."

Mr. MANN. Mr. Chairman, whose time is this?

The CHAIRMAN. The gentleman from Virginia has not been recognized. The Chair was waiting to see whether there would be any agreement.

Mr. SAUNDERS. Mr. Chairman, I would ask that the gentleman from South Carolina withhold his motion in that connection.

The CHAIRMAN. There is no motion pending.

Mr. SAUNDERS. I reserved the right to object just to get a little information from the gentleman from South Carolina.

The CHAIRMAN. There has been no proposition really put before the Chair.

Mr. LEVER. Mr. Chairman, let me modify my request. I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 20 minutes.

Mr. SAUNDERS. Mr. Chairman, reserving the right to object, I would like to ask the gentleman——

Mr. LEVER. Mr. Chairman, I am trying to save time.

The CHAIRMAN. Wait until the Chair puts the proposition. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto close in 20 minutes. Is there objection?

Mr. SAUNDERS. Mr. Chairman, reserving the right to object, I do not know that I will want any time, but I notice in line 14 the language is "for investigation of insects," and in line 23 "for investigations and demonstrations."

Now, what I am interested in, and what the representative of every tobacco State is interested in, is this: We are interested in the demonstration of the method of destroying, for instance, the tobacco hornworm by insecticides, and I want to

know whether under the language used that can be done or whether it will be necessary, following the analogy of line 23, to put in the word "demonstrations"?

Mr. LEVER. No; I will say to the gentleman from Virginia under the language in the item at line 14 the department would do the demonstration work the gentleman has in mind. The department would not do it as demonstration work, but it would have the same practical effect. The department says that its investigations of the hornworm in tobacco have not been completed, and the demonstration work in connection with it is only incidental, but in that investigation the practical result is just the same.

Mr. SAUNDERS. The demonstrations we are interested in will be performed under the present language?

Mr. LEVER. Without a doubt in the world.

Mr. BYRNS of Tennessee. This carries some more money for that purpose.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, how is this time to be divided?

Mr. LEVER. The gentleman from Illinois desires five minutes, the gentleman from Oregon [Mr. HAWLEY]——

Mr. MANN. There are six or eight gentlemen asking for time.

Mr. LEVER. The gentleman from Missouri [Mr. BOOHER] wants five minutes——

Mr. SAUNDERS. I want five minutes.

Mr. KINCHELOE. And I want five minutes.

The CHAIRMAN. Is there objection?

Mr. LEVER. Gentlemen who have asked for time would consume nearly an hour, and I am satisfied there will be no motion to strike out this proposition at all, and I feel satisfied if such a motion were made it would not carry. I would like to get along with this bill to-day. If the gentlemen desire to discuss it rather than have it expedited, of course the chairman is helpless to close debate on these small items. He realizes that.

Mr. SAUNDERS. I want five minutes. I have not consumed any time in this debate, and I have never consumed any time on the Agricultural bill. I would like to have five minutes.

Mr. LEVER. That is very true.

The CHAIRMAN. As the Chair understands the proposition of the gentleman from South Carolina, it is to allow 20 minutes' debate, 5 minutes to the gentleman from Oregon [Mr. HAWLEY], 5 minutes to the gentleman from Illinois [Mr. MANN], 5 minutes to the gentleman from Missouri [Mr. BOOHER], and 5 minutes——

Mr. LEVER. Mr. Chairman, I temporarily withdraw the request.

The CHAIRMAN. The gentleman from Oregon [Mr. HAWLEY] is recognized for five minutes.

Mr. HAWLEY. The gentleman from Pennsylvania called attention to the size of this appropriation. I rise to remark that the Department of Agriculture finds there are some 20,000 different kinds of bugs and other pests that infest the crops of this country. Not all of these are active at any given period. There are about 600 that are active at a time, but not always the same 600. The solution of the problem in any one section of the country does not settle it for every other section, for the reason that climatic conditions will change the life history of a pest in a new section of the country—that is, a section new to it—and create a new problem. Although the appropriation runs very close to $900,000, the amount of work that is to be done under it, and the enormous loss every year to crops by reason of the destruction occasioned by these pests is so large, that the amount is small in comparison with what will be saved to the agricultural interests of the country.

Mr. TILSON. Will the gentleman yield?

Mr. HAWLEY. I will.

Mr. TILSON. These are all for investigations, as I understand it. What steps are taken to bring the results of these investigations home to the people who suffer from the ravages of these insects?

Mr. HAWLEY. Information given to the public as a result of these investigations.

Mr. TILSON. How is it given to the public?

Mr. HAWLEY. There are two separate appropriations in the bill for demonstration work—one for the crops of the South and one for the crops in the North—under which agents are sent out to inform the people. And under the Lever-Smith agricultural extension bill this extension work will be very largely increased. The purpose of the whole investigation is to get information, sound and accurate, to be given to the farmers for their benefit, and put it in such a form and present it in such terms that they can readily understand it and make use of it.

Mr. BOOHER. Mr. Chairman, I am not opposed to this paragraph, and I would not be opposed to it if the appropriation were greater than it is. But I desire to call the attention of the House to the fact that this is only for one section of the country. It includes only certain things as specifically set out in the paragraph, and no one of these things is more important than the amendment offered by the gentleman from Indiana [Mr. CULLOP] that was defeated just a few moments ago.

Now, we were told by the chairman of the Committee on Agriculture that it was not necessary to set out in the appropriation a specific item to investigate the ravages of the Hessian fly and to determine some means for eradicating it. Then I would like to know why it is necessary in this provision of the bill to use language, "For investigation of insects affecting southern field crops, including insects affecting cotton, tobacco, rice, sugar cane," and so forth.

There are at least four paragraphs in this bill that provide for the investigation of insects that are injurious to cotton. There is one provision in this bill that gives $500,000 for the further investigation of the boll weevil and its effect upon the cotton crop. We have carried that appropriation for 10 years. Five million dollars has been expended, and year after year, notwithstanding the fact that the department has told Congress that there is no remedy for this boll weevil except crop rotation, notwithstanding they have published bulletin after bulletin upon that subject, they tell us that this appropriation must be made to keep up the boll-weevil investigation. You can not get $50,000 to investigate a subject that causes more loss to this country every year than the boll weevil does to the cotton crop.

Now, I want to reply to a statement that was made by the chairman of the committee in reference to the ravages of the Hessian fly. Why, they seem to think that the Hessian fly does all the damage in the fall of the year, and the department has recommended that the farmer sow wheat after the frost has come and killed the larvæ of the Hessian fly. If you wait in some sections of this country to sow your wheat after the frost comes, the wheat will not come up, and you will have none. More crops are destroyed by this insect in the months of March and April than in any other month of the year, and the ravages of the fly are so great in those months sometimes that the farmers plow up their wheat fields and plant them to corn.

This appropriation is no more necessary for these insects—the tobacco insects and the cotton insects—than for the investigation of the Hessian fly, and not nearly so important, yet we appropriate only $5,000 to prevent the destruction of that great wheat crop by the Hessian fly! And now you give $500,000 for the boll weevil in one section, and in three other sections of this bill they provide the money to investigate the insects affecting the cotton crop. It is not a fair division of this money. It is not a fair division of the investigation of the Department of Agriculture. It seems to me that no one who voted against the appropriation of $50,000 for the investigation of the Hessian fly can vote for this proposition and claim to be consistent.

That is all I care to say about it.

Mr. SLOAN. Mr. Chairman, I rise to answer the metric argument, the poetic logic, of the gentleman from Pennsylvania [Mr. MOORE], who, in his original poetic effusion, has a purpose which has perhaps escaped a great many of the producers on the floor, his evident purpose being to discourage generous consumption of farm products. I want to say that the gentleman is entirely consistent in this matter, because if he were personally filed as an exhibit in the case he would demonstrate the fact that he has taken his own advice and consumed as little as possible.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SLOAN. Very briefly.

Mr. MOORE of Pennsylvania. The gentleman does not want his words taken down, does he? [Laughter.]

Mr. SLOAN. I am willing that you should do anything with the words so long as you will spare me personally. [Laughter.]

Mr. MOORE of Pennsylvania. I will not move that the gentleman's words be taken down this time.

Mr. SLOAN. I will say that the gentleman from Pennsylvania is endeavoring to discourage consumption, so that production will not be so remunerative——

Mr. MOORE of Pennsylvania. I am very much opposed to tuberculosis, if the gentleman pleases. [Laughter.]

Mr. SLOAN. I will say that the gentleman, in order to make an impression on the scales—and this is for the public, not for the particular membership here—I want the public to know that in order to make any impression on the scales at all you must take him to the jewelry store and weigh him on the troy scales, where 12 ounces instead of 16 make a pound. [Laughter.]

Mr. MANN. That is because he is of great value. [Laughter.]

Mr. SLOAN. Oh, yes; he is very valuable. Tied up in a small package. He has splendid qualities. If his general physique were developed as his brain has been, he would be walking alongside the giant from New Hampshire, Mr. SULLOWAY, casting a shadow on the splendid form of the man who, we understand, walks in the valleys of the White Mountains and drops a shadow on the peak of Mount Washington. [Laughter.]

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. MANN. Mr. Chairman, how much time remains?

The CHAIRMAN. The debate on this paragraph has been exhausted.

Mr. MANN. I ask unanimous consent that the gentleman from Pennsylvania may proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have been anticipating this personal attack for some days. [Laughter.] Ever since the river and harbor bill was under discussion I have looked forward to that sad moment when I should become the victim of the wit and cruel sarcasm of the gentleman from Nebraska [Mr. SLOAN]. It is a misfortune that my avoirdupois does not come up to the standard of the gentleman from Nebraska. As it is I must fall back for defense upon those lines so familiar to bugologists and so appropriate to the incident and the paragraph:

> Big bugs have little bugs upon their backs to bite 'em,
> And little bugs have lesser bugs, and so ad infinitum.

[Laughter.]

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the debate on this paragraph close in 10 minutes.

Mr. MANN. I have an inquiry to make.

Mr. LEVER. Then I withdraw my request, Mr. Chairman.

Mr. MANN. Will the gentleman give me some information about this paragraph? What is the cigarette beetle?

Mr. LEVER. It is an insect that attacks tobacco, cigars, and cigarettes.

Mr. MANN. It does not confine its attention solely to cigarettes?

Mr. LEVER. No. It bores a little hole in the cigar and cigarette.

Mr. MANN. Well, while I do not smoke cigars, I have no objection to gentlemen going after bugs who bore holes in them or bugs who smoke them, for that matter.

Mr. LEVER. The little bug bores out of the tobacco.

Mr. MANN. If it is simply to protect the cigarette, I do not know but what it would be a good thing to strike it out and make an appropriation to increase the number of cigarette beetles.

Mr. LEVER. Oh, that is but a name given to it.

Mr. MANN. What is the Argentine ant?

Mr. LEVER. That is an insect that attacks sugar cane. We brought it in from Mexico some years ago, I understand, in the hope that it would be an enemy to the boll weevil.

Mr. MANN. Are they still investigating with that?

Mr. LEVER. It is a small appropriation, I believe—$3,000 in the bill.

Mr. MANN. Mr. Chairman, I had thought, when the Agricultural bill was up, I would make a reference to the work that is being carried on in Hawaii in discovering one kind of insect that attacks another.

Mr. LEVER. That comes on the next page.

Mr. MANN. It is not under the Agricultural Department, by the way. I am not going to take the time of the House to do that. I did not know what the Argentine ant was. But, in a word, I may say that in Hawaii the organization of sugar planters there, through the aid of the entomologists, by a world-wide search that took a number of years, discovered an insect that fed upon another that was absolutely destroying the sugar industry of Hawaii. In another case they did the same thing, and where they were giving up sugar plantations in Hawaii and devoting them to other purposes which were not successful they now find that they can control these insects. They keep a supply of the enemy insects on hand, so that they can send them to any place, where they rapidly breed and attack the plant-destroying insect. The history of that discovery is one of the most entertaining stories that ever was told. It is more interesting than a brilliant detective novel.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SAUNDERS. Mr. Chairman, the gentleman from Missouri [Mr. BOOHER] is mistaken in saying that this paragraph for the investigation and demonstration of insects affecting tobacco, relates to only one section of the country. For instance, if he will look to the paragraph he will see that it relates to an investigation of insects affecting tobacco without any limitation as to locality. This investigation concerns and is of interest to many sections of the United States, including the State of Missouri.

Mr. BOOHER. That comes under the item for the investigation of insects affecting southern field crops.

Mr. SAUNDERS. Read a little further and you will find these words: "including insects affecting cotton, tobacco, sugar, rice," and so forth. Tobacco is raised in quite a number of States, and as far north as the State of Connecticut.

Like these other crops, tobacco has its own peculiar and distinctive pest. What the boll weevil is to cotton, the army worm to corn, the Hessian fly to wheat, the San Jose scale to the apple and other fruits the insect known as the tobacco horn worm, is to tobacco.

Every one who is at all acquainted with the growth and production of tobacco, knows that the tobacco worm is a very serious pest. While the Agricultural Department, and scientific investigation generally, has failed to develop an effective treatment for the Hessian fly, they have been more successful with respect to the horn worm. These worms come from the eggs of a large moth which are deposited on the leaf of the tobacco plant. The young worms grow rapidly, and may be styled the original tobacco chewers, since they live entirely upon the tobacco leaves, attaining full size in a comparatively short time. Until a few years ago the method of keeping the growing tobacco plants, free of worms, was by hand picking. When labor was abundant, and cheap, this method was inexpensive and comparatively effective. But these conditions no longer prevail in the tobacco sections. Labor is scarce and high, so that hand picking which has always been a tedious, laborious, and dirty work, owing to a gummy exudation on the tobacco leaves, has become a very serious problem for the tobacco raisers. Coincident with the shortage and high price of labor, the tobacco raisers turned to the insecticides which had been so effective in the warfare upon other insects. Having before them, as an object lesson, the distinctive effect of Paris green upon the potato bug, the tobacco planters in some sections, notably in Tennessee and Kentucky, experimented with considerable success, with that poison. But the trouble with Paris green, is that while it is an effective insecticide, its use has certain attendant features that render it undesirable.

Mr. BYRNS of Tennessee. I want to say to the gentleman that in Tennessee they are now using arsenate of lead to a great extent.

Mr. SAUNDERS. I had not completed my statement.

Mr. BYRNS of Tennessee. I make this remark in reply to the statement that they use Paris green.

Mr. SAUNDERS. I had not completed what I set out to say. As I said, the planters have been using and for that matter still are using to some extent Paris green as an insecticide for the tobacco worm in the States of Tennessee and Kentucky, but there are very grave objections to its use, and the agents of the department have discovered another insecticide, powdered arsenate of lead, which is equally as effective, in fact, more effective than Paris green, and is free from its objectionable features.

The use of Paris green is objectionable for the following reasons. First, it has an irritating and slightly injurious effect upon the operator, sometimes causing bleeding at the nose. Second, it causes dead or burned areas on the leaves, known as burn or Paris green burn. At times this burning is so serious that the damage done to a crop on which Paris green has been used for insecticidal purposes amounts to as much as 25 per cent of the gross value of the crop. Under very bad conditions. the loss from burn sometimes exceeds this figure. Third: Light rains wash the Paris green, after it has been applied, to the base of the leaves, weakening the strength of the stems to such an extent that many leaves either drop off before cutting time, or else during the process of cutting. Fourth: Paris green can not be applied to tobacco when it is nearly ripe, in sufficient quantities to do satisfactory insecticidal work, without grave danger of burning at this critical stage of the crop. The satisfactory use of this insecticide is very dependent upon weather conditions. Hot summers, and low humidity for an extended period, may produce a condition of the tobacco plant, very susceptible to Paris green burning. However, at other times, Paris green has been applied when weather conditions have been favorable, with eminently satisfactory results. But upon the whole, for the reasons that have been given, the planters using Paris green have taken large chances, and at times have suffered considerable losses, when the weather conditions have been unfavorable. Arsenate of lead causes none of these troubles. It neither

weakens the leaf stems, nor burns the leaf surface. It may be applied to the tobacco plant in any kind of weather, and at any stage of growth, without injury. Moreover its use and application is not objectionable to the operator, and requires no special dress, or outfit. These are very distinct advantages, and while arsenate of lead is more expensive than Paris green, yet comparing the advantages and disadvantages of the one, with the advantages and disadvantages of the other, the balance, on the whole inclines very decisively in favor of arsenate of lead.

Mr. TILSON. Will the gentleman yield for a question?

Mr. SAUNDERS. Certainly.

Mr. TILSON. How is this arsenate of lead applied to the tobacco plant?

Mr. SAUNDERS. It is applied with a dust gun. The powdered arsenate of lead must be mixed with a carrier. This carrier may be powdered lime, or dust, but preferably finely sifted, freshly burned wood ashes, and it is applied by means of the dust gun to the leaves of the plant. This application may be made at any stage of the tobacco growth. It may be made, as I have indicated either in wet, or dry weather. It has no injurious effect whatever upon the tobacco. This paragraph is intended to enable the Agricultural Department to extend the knowledge and the use of arsenate of lead, and to inform the tobacco raisers of the most approved and effective methods of application through agents who will be sent into the tobacco areas, to conduct tests and afford instruction to the planters.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAUNDERS. I will ask five minutes more, Mr. Chairman.

Mr. LEVER. I hope we may conclude this debate in five minutes, and I ask unanimous consent that debate on this paragraph and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate on this paragraph and amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS. With pleasure.

Mr. CAMPBELL. What is the expense per acre of the application of this lead arsenate?

Mr. SAUNDERS. According to careful experiments the cost of keeping an acre of tobacco hand-wormed in a year when worms are plentiful, is from $6 to $10. A like number of worms can be killed by the use of arsenate of lead at a cost of from $3 to $5 an acre. The same relation of cost exists, when the worms are not so abundant.

Mr. CAMPBELL. Is it necessary that people have further instructions in order that they may properly treat tobacco with this insecticide?

Mr. SAUNDERS. Yes; this insecticide has not come into universal use, and the appropriation provided will enable the Department of Agriculture to bring the benefits and advantages of this particular agent to the attention of the planters, and instruct them in detail as to the most improved methods of application. Experience has shown that the use of new devices is much expedited, if instruction is directly afforded by competent agents. The new dust guns are provided with an 8-inch fan, and two refillings of these guns will be sufficient to dust an acre. The best results will be secured, if the arsenate is applied on a still morning, or evening, when the dew is upon the tobacco plants.

Mr. TILSON. May I ask the gentleman one other question?

Mr. SAUNDERS. Certainly.

Mr. TILSON. This includes tobacco which is grown in my own State?

Mr. SAUNDERS. Yes.

Mr. TILSON. Nevertheless at the beginning of the paragraph it says:

Southern field crops.

Just where does Connecticut tobacco come in on that?

Mr. SAUNDERS. This appropriation is for investigations, including demonstrations, of insects affecting crops, commonly known as southern field crops, but the investigations and demonstrations are not limited to the South. They may be conducted wherever these crops are raised. For instance tobacco is a southern field crop, and might almost be called a Virginia field crop, but tobacco is raised in Connecticut, New York, Pennsylvania, Wisconsin, Ohio, Indiana, Missouri, and possibly in some other States outside of the South. The purpose of this appropriation is universal, and is intended for the benefit of the tobacco farmers, wherever they may be found.

Mr. BOOHER. Mr. Chairman, part of the State of Kentucky raises a great deal of tobacco. There is a great deal raised in my district.

Mr. SAUNDERS. Yes.

Mr. BOOHER. Under the peculiar language of this paragraph would the department be allowed to expend a portion of this money for the benefit of the tobacco raisers in Connecticut and Missouri?

Mr. SAUNDERS. Oh, absolutely.

Mr. BOOHER. Then, ought not the words "southern field crops" to be stricken out?

Mr. SAUNDERS. I do not think that is at all necessary.

Mr. BOOHER. The department usually construes these laws very strictly.

Mr. SAUNDERS. I have never heard that the Department of Agriculture has limited its investigation, and instruction relating to tobacco raising, and the insects preying on tobacco, to the South, or excluded Missouri, Ohio, West Virginia, or Indiana, or any other State from the benefit of its work.

Mr. BYRNS of Tennessee. I think a great deal of the credit for discovering the use of arsenate of lead is due to Mr. A. C. Morgan, who is connected with the Agricultural Department, and I understand the purpose of this increased appropriation in this bill is to extend the demonstration of it.

Mr. SAUNDERS. Yes, for the purpose of extending the knowledge, and developing the use of this great discovery—because it is a great discovery. For instance, in my own district, the universal use of this insecticide would remove a burden of at least $500,000 a year from the tobacco raisers.

Mr. BOOHER. I am in favor of the appropriation, but I want to be sure that under this paragraph it can be used in other tobacco fields besides those of the South.

Mr. SAUNDERS. The gentleman may add the words—

That the language used shall not exclude demonstrations in the State of Missouri.

Mr. BOOHER. Oh, no; why not strike out the words "southern field crops"?

Mr. SAUNDERS. Personally, I have no objection to that. The omission of these words would leave the meaning of the paragraph precisely the same with respect to cotton, tobacco, rice, and sugar cane.

Mr. BARKLEY. Does not the word "southern" there describe the crop, and not the location?

Mr. SAUNDERS. Undoubtedly. These crops are properly described as southern field crops, but there is nothing in the language used to confine the investigations to any particular locality.

Mr. CLARK of Missouri. You understand that, and the gentleman from Kentucky understands that, and I understand that, but it is not at all certain that these people over here in the Agricultural Department understand it, so it ought to be made perfectly plain.

Mr. SAUNDERS. Yes, I think it ought to be made plain, if it is not plain already. But to my mind, the meaning of this paragraph is entirely clear.

There is one great advantage in connection with the use of arsenate of lead, to which I should like to call attention.

Mr. CULLOP. Tobacco was originally a southern crop, was it not?

Mr. SAUNDERS. Yes, we claim it for Virginia.

Mr. CULLOP. That is where it was first raised or discovered in this country?

Mr. SAUNDERS. Yes, so history tells us.

Mr. CULLOP. Now, is it not called a southern field crop simply by way of description, but not limiting it to crops in the South?

Mr. SAUNDERS. I do not think the language limits it to the South at all. The words "southern field crops" are descriptive, and the application of the appropriation would be made to every crop mentioned in the paragraph, wherever found, or raised. The tobacco horn worm is an insect of very rapid growth; he lives about 20 days. To show you how highly advantageous it is to use this poison, when the worms are small, the following facts are given. Approximately speaking, in the first 10 days of the insect's life the worm consumes about 8 square inches of leaf surface, while in the latter half of his existence he consumes about 200 square inches of leaf surface, or in other words, eight times as much in the last half, as in the first half of his destructive activities.

When the worms are small it is difficult for the hand picker to find them all. They are easily overlooked. He finds the same difficulty with the larger worms during the hot hours of the day. They crawl down into the "ruffles" at the base of the leaves, and thus escape observation. Of course in the exercise of the most painstaking diligence by making a careful search of each leaf, all the worms large and small, may be discovered, but the time required for this process would add materially to the already high cost of hand picking.

Mr. TILSON. How long does the effect of the arsenate of lead last on the leaf?

Mr. SAUNDERS. About 6 days, possibly a little longer; it is more enduring than Paris green, and that is one great advantage in the use of this poison.

Some interesting experiments have been conducted by the Department of Agriculture in relation to the arsenate of lead. Two fields were taken for these experiments. On the first field Paris green was used, on the second diplumbic arsenate of lead, in powdered form. This form contains about 33 per cent of arsenic acid, and is the one recommended. On the day of application about one-third of an inch of rain fell in dashing showers. Two days after the application of the poisons, the tobacco plants in the respective fields were examined. It was found that 91 per cent of the worms had been killed by the arsenate and 83 per cent by the Paris green. On the fourth day after application the number of worms on the arsenate of lead plat was further reduced. The arsenate of lead continued to be effective after the Paris green ceased to be operative. An experimental acre of tobacco near Clarksville, Tenn., was kept free of worms in the summer of 1913, by the use of arsenate of lead, from the time that the worms appeared, until they ceased to appear. Four applications were made. The first dosage was applied when the worms were small, and later dosages were made from time to time. There was no hand worming, and no tobacco was injured either by the worms, or the arsenate. When conditions are favorable tobacco may be kept free of worms by two, or three applications of the poison in a season. The department recommends a thorough application of the arsenate. The number of pounds required per acre depends upon the size of the tobacco plants. When the tobacco is small 3½ pounds to the acre is recommended, while 5 pounds should be used when the plants have attained full size. The advantage in using this poison when the worms are small, is clearly afforded by the figures given showing the prodigious increase in the voracity, and destructive capacity of the worms after they attain full size. Moreover the toxic effect of the poison upon the worms is greater in the early days of their life period, than in their later stages. On the whole it may be said that the experience and investigations of the Agricultural Department are altogether favorable to the use of arsenate of lead in the tobacco fields. It has been proved to be as efficient for the destruction of the horn worm as Paris green for the potato bug, and as the various toxic sprays, for the destruction of the insect life that preys upon the apple, and other varieties of fruit trees.

The one thing that remains is to bring this agent into universal use, so that in time the tobacco grower will as little think of hand worming his tobacco, as a gardener of attacking the bugs on his Irish potatoes, by the same tedious and unsatisfactory process. The work that the Agricultural Department is doing in aid of better and less laborious farming, should be introduced directly to the farmers. It is not sufficient to distribute literature relating to the discoveries that scientific investigators are annually making in this department. This distribution of bulletins is well enough in its way, and has performed a great service, but we must not stop at this point. Properly trained, and equipped men should be sent out to make demonstrations, and afford full instructions. Men may disregard a good thing that is only brought to their attention through the medium of print, but they are always impressed by a successful demonstration. Nor should we be niggardly in this matter. These are the things that really concern and interest the farmer. Annually he produces billions of dollars of wealth, yet the appropriations for the benefit of agriculture do not exceed $25,000,000 a year. The same budget that carries this pitiful sum for agriculture, carries hundreds of millions for our military establishments, with a constant and clamorous demand for even greater sums. How much longer shall this gross disparity continue?

Mr. BOOHER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 51, lines 14 and 15, strike out the words "affecting southern field crops."

The question was taken, and the amendment was lost.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 51, line 17, after the word "ant," strike out the figures "$64,400" and insert the words "and for the the elimination of the mosquito, $64,400."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

Mr. CULLOP. Mr. Chairman, I offer the following amendment as a new paragraph.

The Clerk read as follows:

Page 51, after line 17, insert a new paragraph, as follows:
"For the investigation and devising means for the reduction of insects affecting watermelon and cantaloupe plants, $25,000."

Mr. CULLOP. Mr. Chairman, I desire to be heard.

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. CULLOP. Mr. Chairman, this amendment might have been more appropriate perhaps under the provision beginning at line 19, but that seems to affect only truck farming. Formerly the growing of watermelons and the cantaloupes was practically truck business, but in the last few years it has grown enormously beyond that condition, and now it is one of the growing and most important industries of the country. A vast amount of money is invested now in the business, and as the industry has grown the pest came to destroy it. It works upon the plant and vines after they have been cultivated for some time, and as a rule invariably kills them or so affects them that they become unproductive.

Now, the importance of this industry which seems to be practically a new one, the department has not kept step with the growth of the industry, either in the treatment of the enemies of the plant or the crating, refrigerating, and shipping of the fruit after it has been matured and ready for market. This matter is of so much importance that I hope if this amendment is adopted young boys will not be sent out to spend this money, but that it will be placed into the hands of experienced and competent men, where every dollar appropriated for the department should be placed, to be expended because of the great interest it affects throughout the entire country, and the treatment of this pest be made by the most experienced talent the department can secure.

This industry affects nearly every section of the country—the Atlantic coast, the Mississippi Valley, the Pacific coast, the entire country from the Lakes to the Gulf and from ocean to ocean. A large amount of capital and a vast amount of labor every year is expended in this industry, but frequently when the crop is about to be harvested this pest comes along and destroys the entire crop.

In the section from which I come this is a most important industry, and a large amount of capital in my district is invested in it. We produce a cantaloupe equal to the Rocky Ford, which is one of the most celebrated varieties in the country.

Mr. MANN. Will the gentleman yield?

Mr. CULLOP. Yes.

Mr. MANN. Does the gentleman want to make a real proof to the Members of the House?

Mr. CULLOP. When the season comes I will be glad to, for I have done it before on former occasions.

Mr. MANN. Now the gentleman is talking real business.

Mr. CULLOP. If the gentleman will help us get this appropriation through, so as to preserve the crop and prevent the pest from destroying it, no doubt the producers would be glad to furnish all the gentleman from Illinois desires and make proof of their superior quality.

Mr. MANN. Oh, we do not know yet whether it is worth preserving.

Mr. CULLOP. If the gentleman from Illinois will examine the statistics of the country he will find that it is and well worthy of all its friends ask here. He will find it is worth many millions every year. People engaged in this industry yearly suffer great loss from the ravages of the enemies of these plants, and as a consequence the consumer suffers because of the shortage of the crop and the increased price charged for the limited supply. It is the province of this department to promote the business of those engaged in tilling the soil, encourage those employed in this useful line of business, and in so doing it assists the consumers as well as the producers. It improves thereby opportunities of all the people. I hope the amendment will be adopted.

Mr. MANN. Statistics are a poor substitute for cantaloupes. [Laughter.]

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this paragraph and amendments thereto close in three minutes.

The CHAIRMAN. The Chair was about to put the question. The gentleman from South Carolina asks unanimous consent that all debate on this proposed paragraph and amendments thereto be closed in three minutes. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, I would like to state for the benefit of the committee that the Department of Agriculture is now doing work along the line suggested by the gentleman from Indiana [Mr. CULLOP]. There are two items in this very bureau under which this character of work is being done—the

item on page 51, beginning at line 19, and then the item beginning at line 4 on page 52. It is purely a scientific research work, and the department has been given all estimated for on this proposition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For investigations of insects affecting forests, $50,770.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 51, line 18, after the word "forests," strike out the figures "$57,770" and insert the words "and for the elimination of the mosquito, $50,770."

Mr. LEVER. Mr. Chairman, I make the point of order that the amendment is not germane to the paragraph.

Mr. MOORE of Pennsylvania. Mr. Chairman, I would like to be heard upon the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MOORE of Pennsylvania. Mr. Chairman, it is true that the paragraph reads "For investigation of insects affecting forests" and that the amendment proposes the elimination of the mosquito; and it is also true that in the paragraph just passed provision was made for a variety of projects, including an investigation of the southern field crops, including insects affecting cotton, tobacco, rice, sugar cane, and so forth, and to that was added the cigarette beetle and also the Argentine ant—all of these in the same paragraph. If they were germane in that instance, it seems to me that this is germane in this instance.

Mr. MANN. Mr. Chairman, may I have the amendment again reported?

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the Clerk again reported the amendment.

Mr. MANN. Mr. Chairman, the Chair will notice that this is a specific item which comes in, however, under a general heading. It is all under the heading "general expenses, Bureau of Entomology," and among other things provided for in the general heading—the general heading being applicable to each of these items—is the following:

And the study of insects affecting the health of man and domestic animals * * * in connection with the following investigations.

This is one of the items of "the following investigations," so that the paragraph itself in the bill now provides for the study of insects affecting the health of man and domestic animals in connection with the investigation of insects affecting the forests, and undoubtedly we can specifically add the study of mosquitoes, and while it might seem on the surface, and would be the case if it were an item by itself, that the study and investigation of insects affecting forests could not be held to include mosquitoes, because they do not affect forests, yet, at the same time, they do affect the health of man, and under the bill they must study, in connection with the investigation of insects affecting forests, insects affecting the health of man.

Mr. MOORE of Pennsylvania. That is existing law.

Mr. McLAUGHLIN. Mr. Chairman, if it is the wish of the gentleman from Pennsylvania to provide money for the extermination of mosquitoes beyond anything that the river and harbor appropriation bill did not take care of, it would be better to take up the item on page 52, beginning with line 7. It seems to me that this is not germane to the item under consideration.

Mr. LEVER. Mr. Chairman, the Chair has always held on this bill that these forest items segregated in the bill constituted separate and distinct paragraphs. That is true, I know, with reference to the forest unit items, and while it is true that these items themselves if in order at all are in order under the general language which precedes them, at the same time I think the universal ruling of the Chair has been that these are separate paragraphs, and my colleague on the committee [Mr. McLAUGHLIN] is entirely correct. The gentleman's amendment would undoubtedly be germane to the paragraph to which the gentleman from Michigan referred a moment ago, but I do not feel that it is germane to this item.

Mr. MANN. The gentleman wants the Chair to determine what the functions of mosquitoes are. That is not for the Chair to determine; that is for the committee to determine. The language of the bill authorizes the study of insects affecting the health of man. It is not for the Chair to say that a particular insect affects forests and does not affect the health of man unless he knows more than all of the Agricultural Department combined.

Mr. LEVER. We have an item on the next page to which this is germane.

Mr. MANN. I understand, but all of these items, by the language, are under the general heading for the study of insects affecting the health of man and domestic animals in connection with certain investigations.

Mr. LEVER. Let me ask the gentleman this question in good faith, because I would like to get the information myself. I suspect that the gentleman's amendment, as a separate paragraph, would be in order, but as an amendment to the segregation which the committee has made and which Congress is making, it seems to me that it is not germane.

Mr. MANN. I think it is germane under the general language. I doubt the propriety of inserting that kind of general language and then endeavoring to hold it down.

Mr. MOORE of Pennsylvania. Mr. Chairman, under the circumstances, in view of the explanation made, I ask unanimous consent to withdraw the amendment at this time.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. TRIBBLE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 11320. An act granting the consent of Congress to the counties of Twin Falls and Minidoka, State of Idaho, to construct a bridge across Snake River;

H. R. 6241. An act to ratify, approve, and confirm an act amending the franchise granted to H. P. Baldwin, R. A. Wadsworth, J. N. S. Williams, D. C. Lindsay, C. D. Lufkin, James L. Coke, and W. T. Robinson, and now held under assignment to Island Electric Co. (Ltd.), by extending it to include the Makawao district on the island of Maui, Territory of Hawaii, and extending the control of the Public Utilities Commission of the Territory of Hawaii to said franchise and its holder; and

H. R. 9909. An act to authorize the Chicago, Milwaukee & St. Paul Railway Co. to construct a bridge across the Missouri River.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For investigations and demonstrations in bee culture, $20,000.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word. I am pleased to note that the Agricultural Committee is recognizing the importance of the bee industry. We are certainly a wasteful people, but there is no instance that I know of where there is so great a waste as that going on with respect to the valuable food product produced by bees.

Mr. Chairman, it is estimated by competent authorities that the value of the honey now produced in this country is from $20,000,000 to $25,000,000, and that that amount might easily be doubled with very little work and almost no expense in addition if the manner of handling the bees and the subject of bee culture were better understood. I observe that the intention of the increase in this appropriation is evidenced by the use of the word "demonstrations," and evidently it is intended that some of this appropriation should be used for demonstration work. I wish the appropriation were larger, and yet I would have to confess, perhaps, it might be difficult to use a very large sum of money in this connection, owing to the fact that the subject is so little understood and competent demonstrators can not be easily obtained at this time, but as the agricultural colleges have taken up this subject and in the course of time they will be able to get competent demonstrators and probably a larger sum will be expended in that direction.

I have here a pamphlet in my hand issued by the bee-keepers' association of my own State, in which there is a picture of a very comfortable farmhouse which was built with the proceeds of one year's production of honey by the owner thereof. My State produces very large quantities of honey, though not so large as some of the other States. Many of the Southern States produce but very little honey, and yet I will say for the information of the gentlemen from the South that the experts of the department say that it is that portion of the country where the greatest amount of honey ought to be produced, where it will be easiest to produce a large amount of honey if proper attention were given to it.

Some little demonstration work has been done in this connection with very beneficial results, but so careless are methods at the present time and so little is this subject understood that they have found many persons engaged in this industry who

only get 10 pounds of honey to a hive, whereas some get 50 pounds, 60 pounds, and some even get 100 to 110 pounds. This business not being now well understood a great deal of honey goes to waste. People should get, as I have said, with very little expense, a larger result from their work. One of the prominent bee keepers in my State is a man 85 years of age. He pursues this work possibly as a mere matter or recreation because it does not require any great amount of strength but principally headwork to carry it on. He has been very successful with it and each year gets a large amount of honey, which in itself is a demonstration of how easily this work may be carried on. I hope that this appropriation will continue to increase, because there is no way, I think, that the money could be used more profitably. The Bureau of Entomology has accomplished much by its investigations, and has already saved to the bee keepers of this country more than the cost of carrying on the whole bureau. It has shown that there is a great loss in the care of bees in the winter. Sometimes bee keepers lose 25 per cent of their hives, and as a rule about 10 per cent. A greater portion of this might be avoided. There is a great loss also from what is called "foul brood," which attacks the bees, but which with proper care could be avoided. I think right here is a place where the money is well expended; perhaps more profitably than any other part of the bill. [Applause.]

Mr. LEVER. Mr. Chairman, may I ask unanimous consent that all debate on this paragraph and amendments thereto close in 15 minutes?

Mr. ANDERSON. I might want a minute or two.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and amendments thereto close in 15 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Chairman, I have no doubt the committee did a wise thing in increasing this appropriation, but I very greatly regret that the committee inserted the words "and demonstrations." As a matter of fact, I will confess that if my attention had not been for the moment diverted I should have made the point of order against the new language. I think it is a very great mistake for the Government to enter into the work of demonstrations along lines of agricultural investigation unless such demonstrations are absolutely essential. My opinion is—I am not an expert on bee culture—but my opinion is that there are a great many people in the country who know very much more about the raising of bees than anyone in the Department of Agriculture. I have no doubt but what there are a great many people in this country who are abundantly qualified to demonstrate the proper methods of bee culture. It is wise and proper for the department to make investigations and to publish the results of those investigations to inform the people as to the methods that seem to bring success, to inform them as to the nature of the diseases and the difficulties met with in bee culture, but to spend Government money for the purpose of making actual practical demonstrations—which I assume is what is intended—when there are thousands of intelligent people doing that is in my opinion a waste of public money.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. GREEN of Iowa. Is the gentleman aware of the fact that the bee-culture associations of the various States universally indorse this appropriation and recommend that it be made?

Mr. MONDELL. I have no doubt but what that is true. If the gentleman had listened to what I said he would have understood that I am in favor of the appropriation and of the investigation as it has been carried on in the past and as it would, I assume, be carried on in the future. I think it is probably wise to increase the appropriation, but I think it is well-nigh a waste of public money for the Government to start a demonstration bee farm somewhere and embark on that line of endeavor. The same amount of money spent in investigating the methods of those engaged in bee culture and in the dissemination of information regarding the facts will do very much more good than it will in carrying on actual demonstrations.

Mr. GREEN of Iowa. Will the gentleman yield further?

Mr. MONDELL. Yes.

Mr. GREEN of Iowa. I understand it is not the purpose of the department nor the wish of the association who ask for this additional appropriation to have any experimental bee farm or colony or anything of that kind established, but rather that there should be a field worker go out and impart knowledge to the people, which, as the gentleman says, would be quite appropriate and entirely proper.

Mr. MONDELL. I think that is entirely proper, but it is not necessary to enlarge the language of the appropriation in order to do that. I take it for granted that is what the department is doing now.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from South Carolina [Mr. LEVER] what is intended to be done under this annual demonstration?

Mr. LEVER. I will be glad to give the gentleman information. The department for 10 or 15 years has been investigating bee culture in this country, and they have gathered a great many facts that the bee keepers of this country—800,000 of them—think are very valuable to them. They have discovered that during the winter anywhere from 10 to 25 per cent of the bees of the country are lost on account of improper care of the bee during the wintertime. Now, the department has also through its investigation found that a great many bees are dying on account of certain diseases known as American and European foul-brood diseases, which are causing a great deal of destruction. This matter was brought to the attention of the committee by the president of this National Bee Keepers' Association, and there was urged upon the Members individually necessity for this appropriation.

Mr. MANN. What I want to get at is as to the process they propose to adopt.

Mr. LEVER. Now, this is what they are going to do. They are going to take the information that they have been gathering and which has accumulated in the department and go out to the beekeepers and educate them just exactly as they do demonstration work along other lines. They are coming in personal contact with the bee people, and with the $5,000, of course, they are going to make an experimental demonstration in one or two States.

Mr. MANN. That is what I wanted to know. They used to keep bees over here in the Agricultural Department——

Mr. LEVER. I think there is no purpose to establish a bee farm, or anything like that.

Mr. MANN. I do not know of any other way in which they will demonstrate.

Mr. LEVER. They will do it in cooperation with individuals.

Mr. MANN. Well, $5,000 will employ two or three men. They can not do much demonstration in connection with other people. They may at some one place.

Mr. LEVER. That is very true. They can not do a great deal of it, but the committee felt that they would let them see if they could get some good results from the demonstration work, and if so, then it would be in the province of Congress to enlarge the work.

Mr. MANN. I judge from what the gentleman says that they do not know what they are going to do.

Mr. LEVER. That is largely true. They want to see what they can do.

Mr. GREEN of Iowa. My understanding is that they know what they propose to do——

Mr. MANN. Is not the process they propose to adopt what the gentleman from Iowa knows?

Mr. GREEN of Iowa. Yes. I know what they propose and what they expected. They said that the ordinary field demonstrators that went out to demonstrate with reference to crops and animals did not understand this subject; that they expected to send a man out to go along with them and give them instructions on it, and talk at these meetings that they had with the farmers, and to spread this knowledge as far as they could with this small appropriation. Of course it would depend on the amount of the appropriation.

Mr. MANN. If that is what they are going to do, it is a waste of money.

Mr. GREEN of Iowa. There is not any conflict in the gentleman's statement and mine. The process is to go out in the field and in cooperation with the individual beekeeper try to get him to adopt certain methods as to better control of the diseases of the bees and as to their wintering that the department has worked out. Whether or not that method of teaching is to be successful I do not know.

Mr. MANN. They can do that all by the bulletins which they send out. A man who keeps bees can read the bulletins, and will know just as much by what they teach as by a man talking to him.

Mr. GREEN of Iowa. The gentleman ought to be aware——

Mr. MANN. I used to keep bees and know something about them. Did the gentleman ever keep bees?

Mr. GREEN of Iowa. No, I did not; but I am speaking on the authority of the highest expert in this country.

Mr. MANN. On the theory, then, that the man who goes out knows more about it than the man who keeps the bees.

Mr. GREEN of Iowa. I suppose the gentleman would not accept the information of the head of the bee association on this subject?

Mr. MANN. That is what I will. But the gentleman does not say it will do any good unless you send a man to go to another and talk to him.

Mr. ANDERSON. Mr. Chairman——

The CHAIRMAN. Debate has expired on this paragraph.

Mr. ANDERSON. I understood I was to have two minutes.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the debate be extended for five minutes in order that the gentleman, a member of the committee, may have that time.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ANDERSON. Mr. Chairman, one important feature of the value of bee culture has apparently been overlooked in this debate. That is the relation of bee culture to fruit growing. There are, as I understand, some varieties of fruit that are sterile to their own pollen.

In other words, unless some of the pollen from trees near by can be carried to them there will be no fruit. The bee serves that purpose. It carries the pollen from one tree to another, and there are many well-authenticated instances where the production of fruit orchards has been very materially increased by the use of bees in the orchard.

Now, with reference to the purpose for which this appropriation is to be used, I have a communication here from Mr. Root, representing the National Bee Keepers' Association, which gives his idea of the purpose for which the additional appropriation is to be used. He says:

County agents are already at work in all of the States carrying on extension work, but these men are not posted in regard to beekeeping, for the agricultural colleges where they were trained only began teaching beekeeping within the past five years. With an increased appropriation the Bureau of Entomology could send trained men to instruct these agents, who could in turn inform the bee keepers how to increase the production of honey materially and at the same time prevent the spread of bee diseases and the work of the moths.

The purpose, as I understand it, is not to send men out to demonstrate directly to beekeepers, but to coordinate the work through the regular county agents. In other words, the idea is to instruct the county agents in order that they may carry on the bee cultural instruction in connection with their other work. The difficulty is not that the men who make a business of keeping bees do not understand the industry; the difficulty is that thousands of men keep bees as an incident to their regular farming, and those men do not know, many of them, how to take care of the bees and how to get the largest production from them. The purpose is to carry this information to that class of men.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For investigations of insects affecting tropical and subtropical fruits, including insects affecting the orange, lemon, grapefruit, mango, etc., $17,100.

Mr. RAKER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California moves to strike out the last word.

Mr. RAKER. Mr. Chairman, this item is one that will be of interest and has been of much value. There are other matters also in connection with the fruit industry in this country, not only in California, but elsewhere, that are of much interest and in which the fruit growers are vitally interested, and one of those is the matter of frost prevention.

On the 16th of December I presented the following bill:

A bill (H. R. 366) making an appropriation for a series of thorough and elaborate investigations and experiments for the purpose of devising and perfecting a system of frost prevention in the citrus and deciduous fruit regions, and for other purposes.

Be it enacted, etc., That the sum of $100,000 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for a series of thorough and elaborate examinations and experiments for the purpose of devising and perfecting a system of frost prevention in the citrus and deciduous fruit regions in the United States, to be considered by and under the direction and control of the Agricultural Department of the Government.

The committee did not see its way clear to place this item on the bill this year; but I feel satisfied, with the data and evidence that will be presented at the hearing on the next bill, that we shall be able to have at least $100,000 placed upon that bill for this work.

I have a letter here from Mr. W. D. Tidwell, secretary of the Western Jobbers' Association of America, on this subject, He says:

THE WESTERN FRUIT JOBBERS' ASSOCIATION OF AMERICA,
Denver, Colo., March 4, 1916.

Hon. JOHN E. RAKER,
House of Representatives, Washington, D. C.

MY DEAR MR. RAKER: Acknowledgment is made of yours of February 29, inclosing several copies of House bill 366. I sincerely trust that this bill will be approved by the Committee on Agriculture.

When we think of the enormous amount of money invested in the deciduous and citrus fruit industry in the United States, and the great losses that have been caused by frost, the amount of money appropriated is indeed very, very small; but nevertheless, I believe, would be one of the best investments that the United States Government could make, for it would mean the saving of millions of dollars to the fruit industry of the country.

Wishing you every success, I am,
Yours, very truly, W. D. TIDWELL, *Secretary.*

I have received other telegrams and letters from California and Colorado on the same subject, as follows:

LOS ANGELES, CAL., *January 7, 1913.*

Hon. JOHN E. RAKER,
Representative Second Congressional District California,
House of Representatives, Washington, D. C.:

The Los Angeles Examiner believes as a first step toward securing the application of human ingenuity to solving the frost problem that has just been so acutely presented that the Agricultural Department should take a hand. The Examiner believes that Congress should make a generous appropriation for the purpose of having the United States Agricultural Department make a series of elaborate experiments for the purpose of devising and perfecting a system of frost prevention in the citrus-fruit region. The most thoughtful men of this region are firmly convinced that if the United States Government, through the Agricultural Department, will, through experiments, provide a system of frost prevention that a repetition of our recent experience will be impossible. May we ask you to use your influence to secure an adequate appropriation to conduct this work?

LOS ANGELES EXAMINER.

—

SAN BERNARDINO CHAMBER OF COMMERCE,
San Bernardino, Cal., January 17, 1913.

Hon. JAMES P. ROBINSON,
Chairman of House Committee on Agriculture,
House of Representatives, Washington, D. C.

DEAR SIR: As you are probably aware, the orange industry of southern California has been greatly damaged by frost within the last two weeks, the present orange crop in most sections being an entire failure, the trees also being greatly damaged, and the loss to the grower running into millions of dollars.

Mr. JOHN E. RAKER, our Representative from California, has introduced a bill in Congress asking for an appropriation of $100,000 to be used for experimental purposes for the prevention of the destruction of citrus fruit by frost. We ask that you kindly give this bill your favorable consideration and support, and we assure you that no appropriation made by Congress during this session will be of greater advantage to any industry than this one.

Thanking you in advance for what you may do for us, I am,
Yours, very truly,

W M. PARKER,
President Chamber of Commerce.

—

DENVER, COLO., *January 18, 1913.*

Hon. JOHN E. RAKER,
House of Representatives, Washington, D. C.

DEAR SIR: Replying to your favor of January 14, I herewith inclose a copy of an article I have prepared for The Fruit Grower, of St. Joseph, Mo.

In this article I have suggested the general lines along which I believe the investigations should be carried out. I would very much appreciate if you would inform me about the passage of your bill, and, if passed, how the work will be organized. I am much interested in such work and hope to take part in it at least as a corresponding coworker.

Wishing for a speedy passage of your bill, I am,
Respectfully, yours, W. V. CEDERBORG.

—

WHAT WE DO NOT KNOW ABOUT FROST.

[By G. V. Cederborg, Ch. E., Denver.]

After the disastrous freeze in the citrus districts of California January 8 this year, the problem of frost prevention is brought before us stronger than before. The freeze came as a link in a cold wave that enveloped the whole country and broke low-temperature records in many places. The orange and lemon groves of California are generally fairly well supplied with modern frost-fighting appliances, but this cold wave was too much for the orchard heaters. The papers have told us that the crop was completely annihilated. Probably the first report will be modified and we after some time find that a not inconsiderable part of the crop was saved by those using heaters. Be that as it may, the loss runs in many millions and something must be done to prevent its recurrence if it is possible for human efforts to do so.

To persons interested in frost prevention it was therefore good tidings to hear that Mr. JOHN E. RAKER, Congressman from California, has introduced a bill asking for appropriation of $100,000 for the perfection of a system of frost prevention in the fruit-growing districts of the country. Mr. RAKER will undoubtedly get his appropriation; he ought to, by all means. One hundred thousand dollars is a small amount compared with the enormous sum lost in California, not only in the loss of this year's crop but in the loss of vitality of young trees.

Supposing that the bill carries, what can the Government do to aid in the perfection of the desired system of frost prevention?

Naturally the Weather Bureau will come in for the lion's share of the work; in fact this institution is always doing work along this line. We will look to the Weather Bureau for information about the causes of frost, the general causes producing such extensive temperature disturbances as the last one, of which the California freeze was a part, and also the local causes affecting only limited areas. We want to hear from our agricultural experiment stations and colleges in regard to various problems that confront the fruit growers in the different localities. We want to draw on the ingenuity of our inventors and engineers as to the perfection of frost-fighting apparatus. Last, but not least, we want to enlist every fruit grower in the country in the work.

There will be no lack of willing workers; what we need is a leader. We want a general staff to prepare the plans for the campaign and we want an organization so that the work of the various investigators can be made to cooperate and the results be given to the whole people. I would suggest that an eminent meteorologist be appointed leader of the work, and that this leader will gather around himself a staff of active or corresponding associates from the agricultural colleges, from the fruit growers, and from the manufacturers of frost-fighting appliances. This "frost board" should apportion the work; it should

call upon the Weather Bureau for statistical information; it should send out field parties of trained investigators to make careful frost surveys of typical fruit sections; it should also endeavor to create cooperation with the growers by inducing these to organize locally for fighting and studying the frost.

In the report from this frost board we would want a complete statement from the Weather Bureau on all that is known about the general and local causes of frost. We want to know what phenomena it is that occasionally send cold waves over the whole continent, and we want to know if there is a possibility that we ever will be able to prevent or moderate the same. The climate depends to a great extent on absorption and radiation of the solar heat, and over this absorption and radiation we have a certain influence through the cutting or planting of forests and crops, through the draining of swamps, etc. Isn't it possible that succeeding generations will be able to regulate the climate through such means and eliminate the danger of cold waves?

One thing is certain, if we can not make the general changes that would alter the climate of a continent we can make changes that would affect local weather conditions. Isn't it possible that by changing the covering of the mountains and waste lands surrounding many of our orchard districts we could create conditions that would materially lessen the danger of frost?

We all know what the topography has to do with the liability of frost in a locality. We know that an orchard with good air drainage will seldom or never get frost, while certain orchards, poorly located, will be damaged every time there is the least bit of chance. Many of our fruit districts are located in valleys surrounded by mountains; the orchards on the slope will escape while those on the valley floor will be damaged by the frost. If a land is troubled by poor water drainage we would dig ditches for the water and possibly dam it up in other places. Can not we do the same in regard to the air drainage—remove obstructions in some places and create artificial obstructions in others?

The frost problem is in many ways the same as the flood problem. A bare mountain offers no obstructions to the rapid downflow of water; a heavy rainstorm will drain off immediately and possibly flood the valley below. In the same way the cold air produced by radiation on the mountain meets no obstructions, but trickles down the mountain side very rapidly. On a forested mountain the rain water is delayed on the down route by the vegetation, and so is the cold frost-producing air. Couldn't we by planting trees and shrubs delay the bulk of the frost drainage above the orchard until morning, when the sun would destroy it? And when a stream of cold air comes down in the valley isn't it possible that we could find out means to make it change its direction to a certain degree? The fruit growers often tell us that the frost moves in streaks. Couldn't we make the cold streak fall outside the orchard and the warm streak through the orchard?

Isn't it possible that by lighting fires in places where the currents of cold air are known to descend these could be broken up then and there, so that we wouldn't need to fight that particular body of cold air all over the valley? Isn't it possible that by the judicious distribution of orchard heaters over an entire district a much greater protective effect could be produced than when every grower works only for himself?

When everything is boiled down together the question is: Couldn't the work of frost fighting be made much more efficient through organization? Couldn't State or local authorities compel each grower to do his share of the work? As it is now, one man who smudges his orchard must heat not only the cold air that by rights belongs to his land, but also that of his non-smudging neighbors.

In each district there should be a "frost chief," a man chosen not only for his knowledge of meteorology but for his qualities as a leader. He should be in cooperation with or possibly in the employ of the Weather Bureau. His business should be not only to lead the actual fight, but also to make such preliminary work as could be done between seasons to lessen the danger of frost.

In regard to the carrying out of field experiments, it is of course desirable that these should be made during the regular smudging season. It is, however, possible that a considerable part of the work could be done between seasons. The study of radiation phenomena and of local air currents could possibly be done during the whole year. Instead of spreading the work over a great number of places it would possibly be of advantage to select one typical district and study that thoroughly before extending the work to all the many different fruit districts.

Another phase of the frost problem that should be the object of investigation is frost insurance. It will be many years before we will be able to eliminate all danger of frost; meanwhile something should be done to distribute the loss of such calamities as the last freeze in California.

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SAN BERNARDINO, CAL., *February 6, 1913.*

Hon. JOHN E. RAKER,
United States Congress, Washington, D. C.

MY DEAR JUDGE: Mr. W. M. Parker, of this city, asked me to write to Congressman Lamb in re your bill for prevention of injury from frost, etc., and also to send you a copy of the letter. This I am doing herewith.

At any time that I can be of any service, it goes without saying that you have but to command me.

Sincerely, yours, BENJ. F. BLEDSOE.

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SAN BERNARDINO, CAL., *February 6, 1913.*

Hon. JOHN M. LAMB,
Chairman Committee on Agriculture,
United States Congress.

DEAR SIR: I am advised of the pending consideration of a bill introduced by Hon. JOHN E. RAKER, of California, for the appropriation of the sum of $100,000 for experimental investigation in the matter of frost prevention, or prevention of injury to citrus fruits by frosts.

I regard this bill as of vital importance to an industry representing over $500,000,000 by way of investment in California alone. The loss to the industry in California this year because of our recent freeze is incalculable; its repetition, at least within a decade, would prove calamitous in the extreme. Many communities will feel its baneful effects for twice that length of time.

If come preventive means can be discovered, no stone should be left unturned in order that such discovery may be made. The importance of the citrus industry justifies this appropriation; the future of the industry would seem to require it. As a loyal Democrat I urge its favorable consideration by your committee.

Very respectfully, yours, BENJ. F. BLEDSOE,
Judge of the Superior Court.

While much good is being accomplished in many localities and some crops are entirely saved, yet in nearby places the crops sometimes are entirely ruined. It is manifest that there should be a systematic investigation and determination of some proper method or means by which millions of dollars' worth of fruit in this country could be saved. While we are providing for destroying insects, in some years after you have expended your money and engaged your corps of assistants and got ready to do your work, Jack Frost has come along in the spring and destroys your entire crop. That is not only applicable to the State of California—and I suppose there is less there to affect the crops ordinarily than in any other State in the Union—nevertheless we find that in other fruit-growing States the condition is certainly serious and many times the entire crop is lost. Sometimes those frosts have occurred after an interval of three years, and sometimes after an interval of two years, and then, again, a longer period may elapse before they return. I am hoping and believing, and not without good reason, that in the next bill such an item will be placed.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. I ask unanimous consent that I may insert in connection with my remarks these letters and telegrams that I have on this subject.

The CHAIRMAN (Mr. FOSTER). The gentleman from California asks unanimous consent to extend his remarks in the RECORD by inserting certain letters and telegrams. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For investigations and control, in cooperation with the Federal Horticultural Board, of the Mediterranean and other fruit flies, $33,200.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. I remember we created or provided for a Federal Horticultural Board a year or so ago. I wish the gentleman from South Carolina would tell us what constitutes the Federal Horticultural Board?

Mr. LEVER. The Federal Horticultural Board is composed of a number of gentlemen in the department selected from the various bureaus serving for that purpose. The Chief is Dr. Marlatt. There are five members, I believe.

Mr. MANN. Have they any legislative authority over the importations into the United States?

Mr. LEVER. Well, I do not know just what the gentleman means by legislative authority.

Mr. MANN. They are authorized by an act of Congress?

Mr. LEVER. Yes; they are authorized by an act of Congress.

Mr. MANN. Do they have any controlling authority over the quarantine of fruits, and so forth, brought into the country?

Mr. LEVER. Yes; they have full control over that. This work is being done in cooperation with them.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For investigations, identification, and systematic classification of miscellaneous insects, including the study of insects affecting the health of man and domestic animals, household insects, and the importation and exchange of useful insects, $57,980.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 52, line 8, after the words "miscellaneous insects," strike out the word "including," and at the end of the same line, same page, after the word "insects" insert the words "including mosquitoes."

Mr. MOORE of Pennsylvania. Mr. Chairman, I think almost every Member of the House in his sober moments will agree with me that the mosquito is a pest that ought to be eliminated if it is possible to do it. For a number of years we have been making efforts to get a provision of this kind in the Agricultural bill, but the chairman of the committee and his fellow members have usually insisted that the mosquito is an insect that pertains more to the human kind than to brute animals. But I think that question is now pretty well disposed of when we consider the opening paragraph with reference to the general expenses of the Bureau of Entomology, which provides that there shall be a study of insects affecting the health of man and domestic animals, and so forth.

I am not asking by this amendment to have any change in the appropriation, but simply to have a direction made to the bureau to study the mosquito with a view to its ultimate elimination. There should be some action by the Federal Govern-

ment in this regard, because in view of the universality of the pest it is impossible for the States alone to rid themselves of this nuisance. Mosquitoes are not restricted to State lines.

Mr. RAKER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. RAKER. Does not the gentleman think the language included here—

affecting the health of man and domestic animals—

would include mosquitoes as well? Mosquitoes affect the health of man in our country. If a mosquito gets hold of you he affects you very materially.

Mr. MOORE of Pennsylvania. The gentleman is right about that. The mosquito also affects the health of animals. I think there is no question about that. Animals do not enjoy the mosquito any more than humans do. Therefore it is pertinent to the general purposes of the bill and pertinent to the purpose of this particular appropriation.

Mr. RAKER. What I was asking the gentleman was whether or not under this language the department would not have the power and does not now have the power, and, as a fact, has it not been investigating the mosquito as well as the house fly?

Mr. MOORE of Pennsylvania. It may be that the chairman of the committee will have something to say on that subject. If the Department of Agriculture now takes any interest at all in this subject, it is to a very limited extent.

Mr. RAKER. There has been a bulletin issued on the house fly, and I suppose it was done under this item. That bulletin is certainly of much value to every housewife, and to every person in the country.

Mr. LEVER. If the gentleman from Pennsylvania will permit——

Mr. MOORE of Pennsylvania. I yield to the gentleman from South Carolina.

Mr. LEVER. The investigation of the mosquito has been going on in the Department of Agriculture since 1913, and the program for next year contemplates the expenditure of $7,010 in the study of the mosquito, in its relationships to the health of both man and of animals.

Mr. MOORE of Pennsylvania. Does not the gentleman think it is time we make a start on the work of eradicating this mosquito pest?

Mr. LEVER. We have been started since 1913.

Mr. MOORE of Pennsylvania. The gentleman will help a little more if he will permit this amendment to go through.

Mr. LEVER. I do not think the amendment affects the situation at all. It only leads to trouble, because if you set out the mosquito somebody else will set out red bugs or something else.

Mr. MOORE of Pennsylvania. I think that is not altogether fair. We have gone very far in the investigation of these many kinds of bugs that the gentleman from Oregon [Mr. HAWLEY] refers to. The gentleman from Oregon said that scientists had discovered as many as 20,000 varieties of bugs. He did not undertake to name them all.

Mr. LEVER. If there is anyone who can do it, he can.

Mr. MOORE of Pennsylvania. Yet I venture to say that there is not one of the 20,000 that is such an infernal nuisance as the mosquito. There is no exception of locality; no State of this Union is immune. The mosquito is found in Michigan, California, and New Jersey. Let me say that many States are doing the best they can to meet this situation. I know that New Jersey makes an appropriation for this purpose. Pennsylvania, or at least Philadelphia, does the same thing, and it is done in other States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent to proceed for five minutes.

Mr. LEVER. I ask unanimous consent that the debate close in 10 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate on this paragraph and all amendments thereto close in 10 minutes. Is there objection?

There was no objection.

The CHAIRMAN. If there be no objection, the gentleman from Pennsylvania [Mr. MOORE] is recognized for five minutes.

Mr. RAKER. Will not the gentleman state that what has been done has consisted of the draining of swamps or, where that was impracticable, in the pouring of oil on the surface of the water, and have not those means been effective?

Mr. MOORE of Pennsylvania. Those two means have been used. Oil was used to clean up Panama, under Dr. Gorgas.

Mr. RAKER In our State they have been doing that for six years.

Mr. MOORE of Pennsylvania. And I think it was California oil that was used in Panama. I understand it was a very deadly brand of oil.

Mr. RAKER. And where the mosquito has been exterminated we have been able to lessen and to a great extent to eradicate malaria in those districts.

Mr. MOORE of Pennsylvania. It helps in that regard. Let me say this, that where a State in good faith is undertaking to meet this situation, which is undoubtedly a nuisance and which is unquestionably prejudicial to the health of the people, why should not the Federal Government, so far as it is necessary, assist to the extent of cooperating with the States? That is about all this suggestion is. If New Jersey, for instance, is making appropriations—and it had an excellent entomological board some years ago, and that board cleaned up swamps, in an effort to make the seaside resorts more attractive—if New Jersey makes an appropriation, how is it possible for that State to control the mosquitoes which pass across the river and over the borders of the State? There must be some cooperation on the part of the Federal Government. A number of States are doing the best they can, and they need this Federal assistance. In my judgment there is no reason why they should not have it. If we can afford to spend money for the eradication of the cattle tick—and we have done that lavishly—if we can afford to spend money for the eradication of the potato bug—and that ought to be done—if we can spend money for the extermination of the house fly, why not spend money for the elimination of this worst of all insect pests?

Mr. TILSON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. TILSON. As a matter of fact, does not the United States Government now cooperate with the States experimentally—I know it does in Connecticut—in the investigation of other things?

Mr. MOORE of Pennsylvania. Yes; but here is something everyone acknowledges—the conditions that prevail everywhere in regard to the mosquito are known to all of us—everyone is afflicted alike—and yet we hesitate to make provision that there shall be Government cooperation with the States.

Mr. MANN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. MANN. I come from a place where they do not have mosquitoes.

Mr. MOORE of Pennsylvania. Oh; I have been bitten by mosquitoes in Chicago.

Mr. MANN. Nearly all such get bitten [laughter], but what I wanted to inquire is whether the object of the appropriation is to discover if mosquitoes will bite; and, secondly, if the way to get rid of them is to abolish the water courses of the country because that is where they all breed.

Mr. MOORE of Pennsylvania. If you keep your water courses clear—if the channels are deep—you will help to eliminame the mosquito, because a mosquito thrives where water is stagnant, where the water is not moving, and where there is miasma.

Mr. MANN. Dry up the water courses and you get rid of the stagnant water.

Mr. MOORE of Pennsylvania. Oh, but brush will remain, and old tomato cans will fill up with rain water, and mosquitoes breed in them.

Mr. McLAUGHLIN. Mr. Chairman, the department has been doing some work with the money appropriated for the purpose. I do not know really how we can meet the situation submitted by the gentleman from Pennsylvania. He says the States seem to be able to take care of the mosquitoes while they are in the States, but they have no control over mosquitoes coming from other States. I do not know how he can meet that situation unless he will propose and secure passage of an amendment of the migratory bird law and make it include mosquitoes. I suppose the gentleman from Pennsylvania is equal to that task, because he has been able to engraft a mosquito provision on the river and harbor bill. [Laughter.] I believe, by his persuasive eloquence, he could get a mosquito amendment on the migratory bird law to take care of the migratory mosquito.

Mr. TILSON. The interstate commerce law has been made to do duty in everything else; might he not use that?

Mr. McLAUGHLIN. Evidently a good way to take care of the mosquitoes has been found. The gentleman from Pennsylvania speaks of it—putting oil on the water and taking care of the stagnant places. With the aid of the Federal Government, the difficulty has been located and a remedy has been found, and nothing remains to be done except to spend a little money and use a little effort, and it is up to the States and the people of the localities to furnish the money and do the work themselves. It is not incumbent on the Federal Government to follow either one of these troubles in the States, to find not only the cause and discover the remedy, but actually furnish the

money to do the work of overcoming the trouble and eradicating this difficulty. There is surely a limit to the kind and amount of work the Federal Government should be asked to do, and a limit to the amount of money it should be asked to contribute for the relief of troubles existing in the States. After a remedy for evil conditions has been found the people of the States ought to spend their own money in applying it.

Mr. TILSON. Will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. TILSON. One trouble is that the mosquitoes refuse to respect State lines; they do not hesitate at all to go from one State which may eradicate a part of them into another State which takes no means to eradicate them at all.

Mr. MANN. Forbid them by law.

Mr. McLAUGHLIN. Well, the gentleman will have to have something like the migratory-bird law. I can not think of anything better. The remedy suggested is as reasonable as the question which the gentleman asked.

I wish to state what is being done with the $7,000 of this appropriation.

The department says the object is to determine the requirements for the protection of individuals on plantations and elsewhere against malarial mosquitoes.

The procedure is as follows: An estate of 20,000 acres situated at Mound, La., has been selected for an intensive study of mosquitoes of that region and their relationship to agricultural problems. Comparative studies will be made at other points.

As to the result, a careful preliminary survey has already been made of the plantation and the past malarial history correlated with the productiveness of the plantation. A careful estimate has also been made based upon observations of the actual cost of malaria to one of the plantation units in the reduction of productiveness.

That is a statement in general terms of what the department has done and is doing. Perhaps the gentleman from Pennsylvania can understand it better than I can, but that is what the department says about it.

Mr. MOORE of Pennsylvania. Is there any specific appropriation in this bill for mosquito investigation?

Mr. McLAUGHLIN. Out of this appropriation the department proposes to expend $7,010 on the mosquito proposition.

Mr. MOORE of Pennsylvania. There is nothing here to show it.

Mr. McLAUGHLIN. That is what the department says it will do with the money.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken; and on a division (demanded by Mr. MOORE) there were—ayes 14, noes 21.

The Clerk read as follows:

For general administrative expenses connected with above lines of investigation, and for miscellaneous expenses incident thereto, $3,000.

Mr. RAKER. Mr. Chairman, in 1912 I introduced a bill in regard to the investigation of rubber, again in December, 1915, and I will read it. It is as follows:

A bill (H. R. 369) making an appropriation for the investigation, study, and testing of sagebrush and greasewood which may be used for producing rubber, and for other purposes.

Be it enacted, etc., That the sum of $5,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the investigation and study of methods and testing sagebrush and greasewood which may be used for producing rubber, alcohol, and acetic acid, including their utilization.

Mr. Chairman, this subject has been taken up with the Department of Agriculture in the Bureau of Chemistry. I have furnished to the department on several occasions the raw sagebrush and raw greasewood from the West, also samples of rubber extracted from sagebrush and greasewood. This country at the present time is paying exorbitant prices for rubber of all kinds to make rubber goods, tires for automobiles, which are exceptionally high and expensive. The field from which this material can be produced, if a proper process is found, is enormous. Practically all of the Rocky Mountain and the Pacific coast States have millions of acres of sagebrush lands, which brush is not only of no present known value, but a detriment to the country, so far as we have been able to discover at the present time. It can be cleared, and it reproduces itself in a year and a half or two years. In other words, the supply is enormous. There is practically no limit to it. The samples presented to the Bureau of Chemistry produce a fair quality of rubber. We have no rubber plants in this country, and it is well worth a small expense in making investigations to find out a process by which this product can be extracted from the sagebrush and the greasewood, the quantity of which is so enormous in the Western States.

I am getting further data also of material, and believe that by the time the committee again takes up this subject under the proper head I will be able to get a favorable report from the Department of Agriculture and a report of the committee to the end that this enormous product, so extensive, might be utilized instead of going to waste, as is the fact to-day.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. MONDELL. Is it not true that private parties have been making investigations along these lines for quite a number of years and is it not also true that some rubber or product resembling rubber has been produced from these plants?

Mr. RAKER. Yes. There are men at the University of Nevada and in Carson and down in the southern part of my State who have sent me samples, and who believe that if the Government, through its many agencies, with its ability, would investigate the subject, they would be able to devise some method by which this valuable and now extensive product might be taken from what to-day is a useless thing, scattered over so many million acres in the West.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes; I yield to the gentleman from Illinois.

Mr. MANN. In view of the probability of the investigation resulting favorably and supplying this very much needed article, does not the gentleman think that we ought to quit giving away these public lands that are covered with sagebrush?

Mr. RAKER. Oh, no; because——

Mr. MANN. Then the gentleman does not have much faith in the experiment, I am sure.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, in answer to the distinguished gentleman from Illinois [Mr. MANN] in regard to giving away the public domain, in the first place, it would be an incentive to place hundreds of millions in the West, because the product is becoming valuable, from which we could extract rubber, would result in clearing the land and in helping the settler. In other words, he would get some return from the clearing of the sagebrush and the greasewood, and thereby make it answer two purposes. After the land has been once cleared of sagebrush and plowed, in two years you will find a growth again of sagebrush 2 or 3½ feet high covering the entire tract, and in three years, except for the old stock, you would not even know that the land had ever been cleared. So, as a matter of fact, it will answer to the advantage of the Government, first, in assisting in clearing the land, and, second, in getting a by-product that now is destroyed, and hence it would be an incentive to fill these arid and semiarid tracts of land in the West and bring about crops of wheat and rye and hay, whereby we might increase our food supply and reduce the price; and I have such unlimited confidence in the chairman and the members of this committee that upon the presentation of the facts at their next consideration of this bill, knowing the importance of it and what it means to the development of the West, I believe we will eventually have an item in the bill that will authorize the department to go into this great enterprise.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words. I believe the paragraph is new in the bill?

Mr. LEVER. Yes.

Mr. STAFFORD. What is the purpose of providing specifically for general administrative expenses connected with these various lines of investigation, when the department now has authority to expend any or all sums out of the preceding items for a like character of work?

Mr. LEVER. The committee and the department felt that the administrative expenses ought to be set out in this bureau as it is in practically all other bureaus. Heretofore this amount and this authority have been carried in the item immediately preceding, and we felt that we ought to know what they are spending from time to time in general administrative work.

Mr. STAFFORD. Will this item in the bill prohibit the bureau from expending any sums whatsoever from prior sums for administrative work?

Mr. LEVER. It will not change existing law.

Mr. STAFFORD. As I understand the ruling of the Comptroller of the Treasury, when an item is carried in an appropriation bill specifically designating the character of work for which the appropriation may be used, no other item may be utilized for that same character of work. I am in sympathy

with that construction and with the purpose of this amendment, if that is the intention.

Mr. LEVER. The intention of this item is to provide a specific appropriation for general administrative expenses of the bureau itself. As I understand it, in the item above, for instance, where you have a $57,000 appropriation, there may be expended from that item certain administrative expenses, but they are not general administrative expenses, and all general administrative expenses for the bureau; that is, for work immediately connected with the chief of the bureau and which is not carried elsewhere must be carried in this item.

Mr. STAFFORD. I take it this is a limitation on the bureau's activities for expending any of the foregoing appropriations for administrative expenses?

Mr. LEVER. Yes.

Mr. STAFFORD. And that the comptroller will not visé any appropriation out of the other respective items?

Mr. LEVER. It would not be authorized by the appropriation.

Mr. WINGO. May I ask the gentleman a question?

Mr. STAFFORD. I yield to the gentleman.

Mr. WINGO. Does the chairman think that $3,000 will be sufficient to cover the general administrative expenses of this department?

Mr. LEVER. That is all they estimated for; that is, for this bureau.

Mr. WINGO. I think there is something in the suggestion of the gentleman that where you specifically put out an appropriation for general administrative expenses, then they could not use, for instance, any preceding amount authorized for the general expenses of the work, such as, for instance, paying the salaries of employees.

Mr. LEVER. No; they would not have authority under this item, and I do not think they should have it.

Mr. WINGO. I agree with the chairman——

Mr. LEVER. I think it ought to be segregated.

Mr. WINGO. I agree with the chairman that you ought to segregate and specifically limit the amount of expenditure for administrative purposes, but it occurred to me possibly in connection with the idea that they could use, for instance, some of the preceding item of $57,000, they might be led into a position where it would be such as they would not have sufficient funds.

Mr. LEVER. I think we can risk the department's judgment on that, and they only ask for $3,000.

The Clerk read as follows:

Preventing spread of moths, Bureau of Entomology: To enable the Secretary of Agriculture to meet the emergency caused by the continued spread of the gypsy and brown-tail moths by conducting such experiments as may be necessary to determine the best methods of controlling these insects; by introducing and establishing the parasites and natural enemies of these insects and colonizing them within the infested territory; by establishing and maintaining a quarantine against further spread in such manner as he shall deem best, in cooperation with the authorities of the different States concerned and with the several State experiment stations, including rent outside of the District of Columbia, the employment of labor in the city of Washington and elsewhere, and for medical supplies and services and other assistance necessary for the immediate relief of foremen, scouts, and laborers, and other employees injured while engaged in hazardous work under this item of appropriation, and all other necessary expenses, $305,050.

Mr. MONDELL. Mr. Chairman, I reserve the point of order against the language in lines 4 to 7, page 53. Mr. Chairman, I was very much interested, as I have no doubt other Members were, in the statement made a few moments ago by the gentleman from Michigan [Mr. MCLAUGHLIN], a member of the committee, giving his views as to the proper limit of governmental activities under the appropriations carried in this bill. He expressed the opinion that the Government should investigate thoroughly, should disseminate information, should inquire into causes and develop remedies, and should leave the States and individuals to apply the remedies. Now, I am wondering why the committee in considering this matter of the brown-tail and gypsy moths, are not following up the policy thus outlined or suggested by the gentleman from Michigan? As I understand it, in the case of this appropriation the Federal Government has not only sought the cause, determined the remedy, but proceeded to apply it. As I understand it, under this appropriation the Federal Government for a number of years has hired large forces of men to destroy the moths, and actually entered upon the work of applying the remedy.

Mr. LEVER. If the gentleman will permit, let me say that the department has cooperated with the States in which the gypsy and brown-tail moth occur. The States involved are appropriating, according to my recollection, almost the amount appropriated by the Federal Government. The statement was made before the committee by Dr. Howard, who has charge of this work, that they had about determined in their own minds that there was no hope in the immediate future of exterminating or eradicating the brown-tail or gypsy moth and that the present plan was to continue their quarantine and control of this as much as possible, with a view of holding it in check, in status quo, as it were. Now they have discovered, however—and they think it is promising—a parasite for the gypsy moth, I think it is, and last year they turned loose upon the gypsy moth 17,000,000 of these little parasites, and the result so far, in my judgment, from the testimony before the committee, is promising; and it is possible, if we can keep up the control over and a strict quarantine with this appropriation, that the time may come when the parasite will take care of the gypsy and brown-tail moths. It is a curious thing in insect life that nearly every insect has an enemy which will in time prevent or destroy it. That is the thought of the committee in this matter.

Mr. MONDELL. But at the present time and under the appropriation carried in the bill the department does actually engage in the work of destroying these moths?

Mr. LEVER. That is true.

Mr. HAWLEY. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. HAWLEY. This particular problem is one of the most serious that we have to deal with in this bill. These moths eat the leaves on the trees, multiply in great numbers, and can reproduce themselves in every section of the United States. We are endeavoring strictly to limit the territory which they may infest. If we should relax our diligence and these moths should be spread by vehicles, such as wagons or automobiles, or on lumber or through materials in transportation, or by other means, and should get into the southern forests and then out into the western forests, they would not only destroy the great timber product of the United States, but they would destroy the fruit-growing industry.

Mr. MONDELL. That is a pretty broad statement——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming? [After a pause.] The Chair hears none.

Mr. MONDELL. How many varieties of trees do these moths attack?

Mr. HAWLEY. They attack all deciduous trees, and they attack the evergreens when there are no deciduous trees for them to live upon.

Mr. MONDELL. Has that latter fact been determined?

Mr. HAWLEY. I asked that question of the representative of the department when he was before the committee at this last hearing, and he made that statement. Some of the evergreen trees are attacked more readily by them than others.

Mr. MONDELL. Well, does the gentleman believe that we should continue to appropriate something like $300,000 indefinitely on this work, in view of the fact stated by the chairman of the committee, that it has now been demonstrated that it was impossible to eradicate the moths?

Mr. HAWLEY. I believe we should appropriate the money necessary to confine these moths to the localities where they now are until such time as the parasites may be multiplied in sufficient quantities to reduce them below the harmful point, as they have been reduced in the European countries from which they came, or until the moths have been reduced by other means.

Mr. MONDELL. And as they probably would be here if the moth got out of this particularly favored locality into a region less favorable, where nature would develop the parasite.

Now, as an illustration, I think we sometimes get overexcited about these things. I remember when Western States proposed appropriations of $1,000,000 a year for the eradication of the Russian thistle. Well, we did try to eradicate the Russian thistle, but we did not make very much headway, and it spread all over the country. It has not proven such a terrible pest as we had supposed it would be, although it is bad enough, in all conscience. The migratory grasshopper develops in the Rocky Mountain region, along the foothills of the eastern slopes of the Rockies, and when we have a few favorable seasons, warm, dry springs, those insects increase in such numbers that they migrate in great numbers to the eastern regions. But as soon as they reach humid territory nature develops in these migratory creatures certain parasites that kill them. While they may do great harm for a year or two, and formerly, when our fields were few and far between, the grasshopper frequently cleaned up great communities, in later times, when our grain fields are more widely extended, the damage is not so great. In no case do these hoppers flourish more than two or three seasons when they reach the humid regions.

Now, we might have started in to expend millions of dollars annually to exterminate the migratory Rocky Mountain grasshopper. We would not have gotten anywhere. By leaving him alone, nature provides a remedy. Would not nature provide a remedy for this moth before its ravages become extensive.

Mr. HAWLEY. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. HAWLEY. The two illustrations the gentleman has chosen, I think, are not apt in their application to the difficulty raised by these two moths.

Mr. MANN. Well, are they not very apt to show that if you find the proper parasite and develop it, it will destroy much trouble from these insects, and is not that what we are trying to do here?

Mr. MONDELL. Nature develops these parasites whenever the creature gets out of the favorable environment.

Mr. MANN. Not unless the parasite is inherent in the locality.

The CHAIRMAN. The time has expired.

Mr. LEVER. Mr. Chairman, may I ask to close debate on this in 12 minutes?

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to close debate on this paragraph and all amendments thereto in 12 minutes? Is there objection?

There was no objection.

Mr. HAWLEY. The gentleman from Wyoming [Mr. MONDELL] referred to the Russian thistle as possibly to be comparable in destructive agency to the moths which this paragraph relates to. The Russian thistle does not go out throughout the country and live on trees by eating the leaves off.

Mr. MONDELL. I think "the gentleman from Wyoming" made no such suggestion as that.

Mr. HAWLEY. But I was going to prove to the gentleman that his illustration was not valid.

Mr. MONDELL. But the grasshopper illustration is.

Mr. HAWLEY. I will come to the grasshopper.

Mr. RAKER. Will the gentleman yield?

Mr. HAWLEY. In a moment. These moths migrate for a considerable distance, and they spread, if not hindered, with considerable rapidity, and they live on the leaves of the trees and kill the trees. A gentleman who was formerly a Member of this House, now a United States Senator from Massachusetts, said to the committee during the hearing on this subject that despite his best efforts a number of trees on his own estate had been killed by these pests.

Mr. MONDELL. Will the gentleman yield right there?

Mr. HAWLEY. Yes.

Mr. MONDELL. A large number of beautiful pines on my place at home have been killed recently by a beetle, but I do not believe the Federal Government should be called upon to come out there and exterminate those pests.

Mr. HAWLEY. Now, if the gentleman will allow me to proceed, if these moths are not confined to the territory where they now are, but spread throughout the Appalachian region, which will be a native habitat for them in a short time, they will destroy all the deciduous trees and the fruit trees, including the great peach orchards in Georgia and other Southern States. They have been found in a few instances far West, according to the statements that have been received. They are sent there on nursery stock.

Mr. RAKER. Will the gentleman inform the committee whether or not the spread of the gypsy and brown-tail moths has been practically stopped by virtue of the bill that passed your committee and finally became a law? I refer to the quarantine bill.

Mr. HAWLEY. The danger from it has been reduced, but you can not say they have been absolutely stopped. It depends on the efficiency of the enforcement of the law.

Mr. RAKER. Could the gentleman inform the committee whether or not there is considerable nursery stock going from State to State that does contain the gypsy and brown-tail moths, which is not prevented by the present quarantine bill?

Mr. HAWLEY. We have only had one or two instances that I now recall where there was a little outbreak in any place, but it was readily detected and the trees all destroyed and the place cleaned up.

Mr. RAKER. Does the same condition apply to some importation of foreign stock?

Mr. HAWLEY. They originally came with the importation of foreign stock, but there is now no more of that being delivered in the United States from infected districts abroad.

Mr. RAKER. It is practically eliminated?

Mr. HAWLEY. They are not allowed to ship infected stock from infested districts in the Old World unless there is no danger of the stock being infested, and when it reaches here it is examined again, and if there has been any moths overlooked in the preparation of the shipment those shipments are seized and destroyed.

Mr. RAKER. Then the importation of these various insects, by virtue of the various quarantines, so far as the imported stock is concerned, is practically eliminated?

Mr. HAWLEY. I think it is practically eliminated.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. HAWLEY. I had some more remarks to make in answer to the gentleman from Wyoming [Mr. MONDELL].

Mr. MANN. Mr. Chairman, I may want a little more than five minutes.

This is an appropriation for the control of the gypsy and brown-tail moths. I am not familiar with those moths, and I hope I will never have the privilege of seeing either one of them in my own section of the country. They are exceedingly destructive. Nothing in the way of trees can live against them unless you can destroy the moths and in some way prevent their propagation.

Now, that is true of a good many insects that are destructive of certain plants. Those insects which are native in the country never bother us very much, because it is the law of nature that wherever a pest occurs, it must either become supreme and kill everything within its range, or else it must be controlled by some pest, which attacks the first pest; and throughout the world, wherever there is any animal life which is a pest or dangerous, it has an enemy which attacks it in its native habitat. But you can move the pest animal or insect from one country to another without carrying with it its enemy, and whenever you do that you are liable to get to the point where the pest becomes of such destructive power that there is hardly any way to control it unless you can find the parasite which attacks it.

I spoke a moment ago of the experience in the Hawaiian Islands, and I am going to say a word more about it. The brown-tail moth and the gypsy moth are imported. They have in this country no natural parasite which attacks them. The Agricultural Department has been engaged in a search in the original habitat of these moths endeavoring to find and bring here and acclimate a natural parasite enemy. Whether they have yet succeeded they do not know. They have the parasites. They have introduced a number of parasites here. Whether they will prove successful in exterminating the gypsy moth and the brown-tail moth I do not know.

I am going to narrate very briefly a fairy story. The gentleman from Wyoming [Mr. MONDELL] referred to the grasshopper. The sugar planters out in Hawaii were met with what is called a leaf hopper, a very small insect, which propagated rapidly and threatened the absolute destruction of the sugar cane in the Hawaiian Islands. They tried every method they could, and they could not control it. They commenced to give up their sugar plantations. They finally found an entomologist who said that he thought the only course to pursue was to ascertain the original habitat of the leaf hopper and there find the leaf hopper's parasite. They did not know where the leaf hopper had come from.

This entomologist went to China, and went all through China in the regions where sugar cane is produced, and found parasite after parasite which lived upon a leaf hopper somewhat similar, and he sent the parasites to Hawaii. It was not the parasite of this leaf hopper, and it did no good. He went to the East India Islands and met with the same experience. He worked at this year after year, incurring all the dangers that a white man could incur in tropical jungles, looking for a leaf hopper, not merely upon the sugar cane, but upon various other things that leaf hoppers live upon, as, for instance, various kinds of palms. He went to Australia, and went beyond Australia, and in a little island some distance from Australia he found the original habitat of this leaf hopper that was absolutely destroying the sugar cane in Hawaii.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. I ask for five minutes, notwithstanding the limit of time fixed.

The CHAIRMAN. The gentleman from Illinois asks to proceed for five minutes more. Is there objection?

There was no objection.

Mr. MANN. He started home with the parasites; he was taken down with typhoid fever in Australia and nearly died, and lost his parasites. He went back the next year and obtained more of the parasites, but found that he could not probably take them as far as Hawaii without their dying on the way. He obtained the consent of the Australian Government to propagate those parasites in Australia and set up a plant there and

propagated them and obtained a new brood, and landed finally in Hawaii with a small number of the parasites of this leaf hopper.

By that time the planters in Hawaii had given up hope. They had tried parasite after parasite with no effect, but they had finally found the real parasite. This little incident discloses the value of entomological work, because this man's discovery of this parasite has saved hundreds of millions of dollars' worth of land and sugar-cane land and sugar cane in Hawaii which they had given up as practically lost. They could not have continued the production of sugar cane in the Hawaiian Islands with success if they had not found the parasite of this leaf-hopper, so small that it can hardly be detected by the naked eye; the leaf hopper itself is so small that it is hardly noticeable. They have done that by scientific research and study along scientific lines, and have demonstrated the possibility of controlling all of these natural enemies imported from another country if we can only find in the original habitat the enemy which followed each enemy and killed it off—the parasite. [Applause.]

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

BUREAU OF BIOLOGICAL SURVEY.

Salaries, Bureau of Biological Survey: One biologist, who shall be chief of bureau, $3,500; 1 chief clerk and executive assistant, $1,800; 1 administrative assistant, $2,250; 1 financial clerk, $1,600; 3 clerks, class 3; 5 clerks, class 2; 1 clerk, $1,260; 5 clerks, class 1; 1 clerk, $1,080; 3 clerks, at $1,000 each; 2 clerks, at $900 each; 1 clerk, $840; 1 clerk, $720; 1 preparator, $1,200; 1 preparator, $900; 1 messenger, $720; 1 photographer, $1,300; 1 game warden, $1,200; 1 draftsman, $900; 2 messengers, messenger boys, or laborers, at $480 each; 1 messenger boy, $360; 1 laborer, $600; 1 charwoman, $240; in all, $44,030.

Mr. DILL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Washington moves to strike out the last word. The Chair desires to state that the gentleman from Wyoming [Mr. MONDELL] reserved a point of order on the new words on page 53.

Mr. MONDELL. I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. DILL. Mr. Chairman, I rise for the purpose of asking the chairman of the committee a question in regard to the salaries mentioned in this particular paragraph. I find it also running all through the bill—for a laborer at $600 and at another place a laborer at $480. What is the explanation of such low salaries for laborers?

Mr. LEVER. As the gentleman will notice, there are "two messengers, messenger boys, or laborers at $480 each" and one laborer at $600. One is a laborer, and the others have a dual capacity. They may be laborers or messengers.

Mr. DILL. I understand that; but as to the other one there is no limitation. It says "laborer."

Mr. LEVER. Yes.

Mr. DILL. Do I understand by that that the man draws only $50 a month?

Mr. LEVER. That is true.

Mr. DILL. And he works a full day?

Mr. LEVER. He works eight hours a day.

Mr. DILL. Mr. Chairman, I notice running all through this bill that there are provisions for the payment of just such low wages to laborers.

Mr. LEVER. I wish the gentleman would say "and through every other bill."

Mr. DILL. I think that is true; through every other bill also. Now, I understand from reports that an investigation is going on before one of the committees of the House as to the wages received by Government employees, and the testimony adduced before that committee shows that this Government is paying wages on which it is practically impossible to support a family. It seems to me that such a condition ought to be remedied, and I think that a Government with the wealth, power, and standing of the United States when it pays employees at the rate of $40 or $50 a month is doing a thing that it ought not to do. It seems to me this condition should be remedied, and we should begin in this bill.

Mr. BAILEY. Will the gentleman yield?

Mr. DILL. Yes.

Mr. BAILEY. Does the gentleman believe that an increase of wages on the part of the Government would tend in any way to increase the wages that are paid generally over the country.

Mr. DILL. I am not certain that it would increase wages over the country, but it seems to me it would have a good effect. At any rate it does not seem to me that this Government ought to set the example of paying wages as low as the wages mentioned here when we criticize corporations for paying the same wages.

Mr. BAILEY. If the Government should increase wages, would not that have the effect of decreasing the wages of the people who furnish the money to pay the wages of Government employees?

Mr. DILL. Gentlemen who criticize great corporations for paying such low wages would certainly stand in a much better light than they do now when they vote for appropriation bills which authorize the payment of wages so low that no one can support a family on those wages.

Mr. BAILEY. Would not the gentleman prefer to do something that would tend to advance wages in general?

Mr. DILL. Certainly.

Mr. BAILEY. How would the gentleman do that?

Mr. DILL. That opens up a great question, and I think the gentleman from Pennsylvania will agree with me that this is hardly the place to discuss that great economic problem; but I do want to register my protest against the payment of salaries so low as some of those contained in this bill to men who work six days a week and regular hours every day. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

General expenses, Bureau of Biological Survey: For salaries and employment of labor in the city of Washington and elsewhere, furniture, supplies, traveling, and all other expenses necessary in conducting investigations and carrying out the work of the bureau, as follows:

Mr. HAWLEY. Mr. Chairman, I should like the attention of the chairman of the committee [Mr. LEVER].

I have assisted in the preparation of nine appropriation bills in support of the Department of Agriculture for the promotion of the agricultural development of the United States. During that time the distinguished gentleman from South Carolina [Mr. LEVER] has been a member of the Committee on Agriculture, and in the preparation of the last three bills, including the one now pending, he has been its chairman. By reason of his vigor and ability he has been an important member and worthy of study. In addition to the appropriation bills several measures of general legislation of great importance have been considered by the committee, and a number of them reported to the House and passed. Others are pending and active. Mr. LEVER has been a decided factor in all this legislation. While he has always shown a commendable and effective interest in the solution of problems affecting southern agriculture, and deserves the everlasting gratitude of that portion of our people for his services to them, he has been friendly to the study of and taken an intelligent interest in the problems confronting all other sections of the country.

He has the love, confidence, and admiration of every member of the committee, as he has of the House, because of his ability, diligence, efficiency, and broad sympathies.

Several laws of great value bear his name or owe their existence to his indefatigable energy.

If statesmanship consists in a painstaking analysis of questions relating to the public welfare and in submitting solutions that will result to the public good and securing their adoption, Mr. LEVER is a statesman. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For the maintenance of the Montana National Bison Range and other reservations and for the maintenance of game introduced into suitable localities on public lands, under supervision of the Biological Survey, including construction of fencing, wardens' quarters, shelters for animals, landings, roads, trails, bridges, ditches, telephone lines, rockwork, bulkheads, and other improvements necessary for the economical administration and protection of the reservations, and for the enforcement of section 84 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," $21,000, of which sum $2,500 may be used for the purchase, capture, and transportation of game for national reservations.

Mr. RAKER. Mr. Chairman, I would like to ask the chairman of the committee if this provision includes the bird reserves as well?

Mr. LEVER. Yes; this provision takes care of them.

Mr. RAKER. There are 69 of these bird reserves, created for the purpose of protecting native birds. The first Executive order creating a reserve for the protection of native birds was dated March 14, 1903, when the Pelican Island Reservation in Florida was established. Native birds in the Canal Zone were protected by Executive order of date March 19, 1913. These 69 bird reserves are scattered all the way from Midway Island in the Pacific to Alaska and Porto Rico.

I ask unanimous consent that I may insert at this point an article prepared by Mr. Frank Bond, chief clerk, General Land Office, on the subject of bird reservations.

The CHAIRMAN. The gentleman from California asks unanimous consent to insert in the RECORD the article to which he refers. Is there objection?

Mr. MANN. Reserving the right to object, is this article already published?

Mr. RAKER. It has not been published in the daily papers.

Mr. MANN. I mean by the department.

Mr. RAKER. No; this is not a department matter. This article was inserted in the Reclamation Record for April, 1916. It is only a column and a half long.

The CHAIRMAN. Is there objection?

There was no objection.

The article is as follows:

BIRD RESERVATIONS: THEIR PURPOSE AND FUTURE.

[By Frank Bond, Chief Clerk, General Land Office.]

Beginning with the first Executive order creating a reservation for the protection of native birds, dated March 14, 1903, when the Pelican Island Reservation, Fla., was established, there have been created by action of the President 69 reserves for this purpose, and in addition the birds upon the Canal Zone were protected by an Executive order of March 19, 1913. These 69 reservations are scattered all the way from the Midway Islands in the Pacific and Alaska to Porto Rico, and are divided among States and possessions as follows: Alaska, 10; Arizona, 1; Alabama and Mississippi, 1; Arkansas, 2; California, 3; California and Oregon, 1; Florida, 10; Hawaii, 1; Idaho, 2; Louisiana, 4; Michigan, 2; Minnesota, 1; Montana, 2; New Mexico, 2; Nebraska, 1; Nevada, 1; North Dakota, 2; Oregon, 3; Porto Rico, 2; South Dakota, 1; Utah, 1; Washington, 11; Wisconsin, 2; Wyoming, 3.

The purpose of some of these reserves is to furnish safe winter refuges or refuges for migrants, both spring and fall; of others to provide breeding grounds and their protection. Roughly speaking, the kind of birds protected are the plume birds and the edible waterfowl and shore birds. There are also protected upon some of the reserves waterfowl that may not be classed either as edible, for they are not edible, or as plume birds, strictly speaking, although millions have been slaughtered for their quills and wings. These birds embrace the sea birds, whose usefulness as scavengers makes them economically worthy of protection. From an economic standpoint the most important reservations are those which protect the edible waterfowl during the winter, breeding and migrating periods. These birds of course are the prey of the cold-storage and market hunters, and their winter feeding resorts became in the past veritable slaughter grounds.

Among the breeding reserves, which also are resting places for migrants in large numbers, are Klamath Lake and Malheur Lake, in California and Oregon, and among the reservations, used largely by birds which have gone South to spend the winter season, are some of those along the Gulf coast, such as Breton Island Reservation, northward from the mouth of the Mississippi River. Prior to the creation of the Breton Island Reservation in 1904 reports of special agents of the Audobon societies and others indicated that upward of 200,000 wild ducks were slaughtered during the winter seasons for cold-storage purposes. This, of course, has all been stopped within the limits of the several reservations where edible waterfowl winter. The two greatest slaughter grounds in the West—Malheur and Lower Klamath Lakes—were covered by reservation orders in 1908, and one of the purposes of this article is to call especial attention to these two, because they are fields of great local activity to secure the abandonment of the reservations or such modifications of their boundaries as will render them practically useless for the purposes for which they were created. It should be borne in mind that territory of value for bird-reservation purposes is becoming more and more rare, and it is probable that comparatively few new reservations of any great value will be created hereafter, especially reservations for the protection of the edible waterfowl. There can be no doubt that reserves of this character, while valuable now, can be made very much more valuable in the future by proper care and administration, and it is the belief of all who have made a study of the bird-protection movement that the reservations now created should be maintained without the surrender of any territory or further modifications of their boundaries unless there are very grave reasons therefor. It is not believed that throwing open any part of such reservations for the use of a few settlers, who probably without exception will be required to supplement what they can raise in the way of farm products by what they can collect with their guns and traps, is in any degree a fair exchange for what the people of the United States, as a whole, have a right to expect and will receive if these reservations are maintained intact and properly administered.

Special effort is now being made to throw open to settlement large tracts of the tule lands within the Klamath Lake Reservation, and the propagada therefor indicates that as a preliminary step toward such action, which will destroy the usefulness of the reserve as such, a considerable number of persons have gone within the reserve, and it is now proposed to give them the marsh lands which they have unlawfully entered. Of course these people are not interested in the birds except to the extent that they may be able to hunt and kill them when they get a footing within the reservation, but a wise public policy will not permit a very few persons thus to destroy a reservation which is not only a valuable source of food supply for thousands at the present time but is bound to become much more valuable in the future.

Mr. RAKER. This article shows the purposes of these bird reserves. We appropriate $21,100 for these 69 reserves, 2 of which are in my immediate locality. This appropriation is wholly inadequate to carry out the purposes of the Executive orders. I have been in communication with the departments having charge of these bird reserves, in the hope that we may get an adjustment in some 35 to 45 homestead claims located in what is known as the Klamath Lake Reservation. These claimants insist that this land is valuable for agricultural purposes. Most of them are living upon the land. My purpose is not to destroy game preserves at any time or under any circumstances, if they are necessary for that purpose, but when the land is more valuable for agricultural purposes, for homesteading, it should be so used. I have great hope that the Department of Agriculture, and in this particular instance the Biological Survey, who have control of the bird reserves, in connection with the General Land Office, may be able to have a commission appointed from that department to make an investigation to determine this question.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I ask for five minutes more.

Mr. LEVER. Mr. Chairman, I can not afford to object, but I will ask unanimous consent that debate on this paragraph and amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from California asks for five minutes more. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, a part of this article relates to the territory in my district. Some 35 settlers have gone on the land where the reserve has been created, and some onto reclamation projects. I want to take this opportunity, without any criticism of the department, to the end that my people may be properly sustained in their rights to say that behind them stands the entire body of citizens of Siskiyou County—the judge, the board of supervisors, the grand jury, and the people—believing and insisting that this land is valuable for agricultural purposes and that no part of it will be used or taken from the bird reserve that might be necessary for that bird reserve.

Personally whatever land is necessary for the bird reserve and for the protection and propagation of edible fowl, ought to be maintained, and that which is not necessary but is more valuable for agricultural purposes, ought to be used for that purpose.

But I do not feel justified in submitting to this article, to the indictment of my people and those who are desiring to obtain a homestead upon Government land, that their one object and purpose is that they may destroy the edible wild fowl and thereby destroy a bird reserve or a proper location for a bird reserve.

Some might desire the land, thinking it is located in a good position, but the department I am satisfied is trying to arrange this matter without any antagonism either for or against the settlers, and that they will be able to come to some adjustment. I felt as though I could not let this pass without calling it to the attention of the committee.

In discussing the matter with the department they say that one of the reasons, and I am satisfied that it is true, that a proper result has not been had at the present time is a lack of funds. There are 69 reserves from Alaska to Florida, some of them covering a territory of a hundred thousand acres, and sometimes one man has to look after a reserve of a hundred thousand acres, and you can readily see that this wild life that ought to be protected, which is of value to the country, should have, if we are going to maintain this reserve, sufficient men to maintain them properly, give them proper protection, proper regulations, and a sufficient number of men, so that the regulations may be enforced and the bird preserves, because of their great value, properly looked after by the general public. Many thousands and even millions of edible fowl are reared on these preserves.

Mr. PLATT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 55, in line 1, after the word "States" strike out the figures "$21,000" and insert "$25,000."

Mr. PLATT. Mr. Chairman, the appropriation carried in this item for which it is expected to accomplish is ridiculously small. It is something like $300 for each reservation, and the reservations are not all bird reservations. The item includes the big-game preserves at Dixon, Mont.; Wind Cave National Park, S. Dak., and Jackson Hole, Wyo. On one of these preserves the United States Government has spent $50,000, and one of the bird preserves is a large group of islands in the Hawaiian group called the Laysan Island Reserve, which covers 5 degrees of longitude.

A year ago poachers got on the islands and killed over 300,000 albatrosses for their breasts, leaving the bones and dead birds strewn around over acres of ground. This great reservation has no warden and the devastation was not discovered until an expedition went there some time after. There were some birds left, and in the course of time I suppose they will repopulate the islands if not again destroyed.

Mr. MANN. Will the gentleman yield?

Mr. PLATT. I yield to the gentleman from Illinois.

Mr. MANN. Of what economic value are these birds when they are off on this island where nobody can see them?

Mr. PLATT. I do not know what the economic value may be of the birds on this particular preserve. The geese and ducks on the great Laysan reserves are of immense value.

Mr. MANN. Oh, I understand that; but I am speaking of these birds that you say were killed on this island.

Mr. PLATT. They had an economic value to the people who killed them, or they would not have gone there after them.

Mr. MANN. Were they of any economic value living? Do they add anything to beauty or anything else? What value is it to have a lot of birds on an island that no one visits, and these birds do not go anywhere else but stay there?

Mr. PLATT. I do not think it is true that they go nowhere else.

Mr. MANN. Where do they go?

Mr. PLATT. Some of them may not be migratory, but others fly back and forth between the islands of the Hawaiian group, and perhaps farther.

Mr. MANN. Oh, the island to which the gentleman refers is a little island five or six or seven hundred miles away from the large island of Kawaihae. I do not understand that those birds go anywhere else.

Mr. PLATT. The reserve includes a number of small islands extending over 5 degrees of longitude. The birds go back and forth among that group of islands, and some of them farther.

Mr. MANN. They may go back and forth among some of the smaller islands in the group where no one lives. They do not go to any island where anybody lives. That is my information, though I may be wrong about it.

Mr. PLATT. The gentleman from Illinois knows much more about the Hawaiian Islands than I do, for I have never visited them. I am not sure about the habits of the albatross, but I know some of the birds of those islands fly considerable distances.

Mr. MANN. Oh, I quite agree with the gentleman generally.

Mr. HICKS. Mr. Chairman, does the gentleman refer to Laysan Island?

Mr. PLATT. Yes.

Mr. HICKS. Those birds, I understand, travel all over the South Sea Islands.

Mr. MANN. Oh, they do not go anywhere. They go out in the ocean and fish and then go back home.

Mr. PLATT. The economic value of the bird reservations lies largely in the reservations along our coasts or off the Delta of the Mississippi, where thousands and thousands of ducks and geese which nest in Canada and North Dakota and other Northern States, but mostly in Canada, congregate in the wintertime. There are a few of these bird reservations on the Atlantic seacoast. There is one in Wisconsin, which is a rock in Lake Michigan, I believe. Some of the reservations are small and some of them large.

Mr. McLAUGHLIN. The gentleman suggests an increase of $4,000 for what particular purpose?

Mr. PLATT. To provide wardens for a few of these reservations which have no protection at all now. Anybody who wants to go and kill the birds can do it without let or hindrance.

Mr. McLAUGHLIN. Has the gentleman any communication from the bureau to know whether they can use the money for that purpose?

Mr. PLATT. Yes; I will say to the gentleman from Michigan that I have talked with the bureau officials. I am very well acquainted with several of the officials of the Biological Survey, and they have told me that they have been severely criticized for not protecting the birds on these reservations, though it was impossible to do more than they have done with the appropriation set aside for this purpose.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more. He is the only authority in this House on birds.

The CHAIRMAN. The Chair will suggest that the time is limited.

Mr. MANN. Then I ask unanimous consent that that time be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McLAUGHLIN. Does the gentleman know at what places these wardens would be put?

Mr. PLATT. Some on the Atlantic coast reservations, which are generally barren marsh islands where no one lives, and they need patrolling. There is no money now to provide anybody to go from one to the other except at long intervals. They need a motor boat, among other things, so that they can get from one island to another.

It is not necessary that each island in the coast reservations should have a separate warden, but they should be visited frequently to see whether any damage has been done and to punish those who kill the birds. I may say that the bird reservations are all mapped in one of the Biological Survey bulletins, though it does not include the last few established. There were two or three new reservations put in within the past year or two, and one which was adopted last year had to be abandoned for lack of funds. Another has been turned over to another bureau. It will be noticed that there is a little variation between the report of the committee, which says there are 69 bird reservations, and the hearings, which put the number at 68. There were 70. One had to be abandoned and another was turned over to another department because of lack of funds. They have done a great deal of good. There is no doubt that some birds are actually being saved from extermination by these bird reservations. Take, for instance, the heath hen, which used to be abundant all over the East. It is now to be found only on the island of Marthas Vineyard, where it is under stringent protection by the State of Massachusetts and is slowly increasing. A good many other birds are being saved in the same way where they can collect in the winter or at certain times. Most of them are winter reservations, though a few reservations in the North are nesting reservations. The birds concentrate closer together in the wintertime, and they need places where they can not be slaughtered.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Certainly.

Mr. MANN. The gentleman knows a great deal about birds, and his information has a good deal of weight with me. Does the gentleman think that this additional money can be used profitably so as to save and protect birds?

Mr. PLATT. I am very sure that it can. I am sure that this little increase of only $4,000 more will do a good deal of good. It will just about provide salaries for the three or four wardens who are most needed.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes.

Mr. GOOD. Will the gentleman state whether or not the committee reported the number of wardens or made an appropriation for the full number of wardens that the department estimated for?

Mr. PLATT. I know that the Biological Survey asked for more money than the committee gave it, as will be seen from the hearings.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes.

Mr. GREEN of Iowa. I would like to inquire if there is anything being done looking to the destruction of squirrels, that are the greatest enemy of song birds that we have?

Mr. PLATT. The greatest enemy of the song bird is the domestic cat, which ought to be destroyed.

Mr. GREEN of Iowa. Oh, I beg the gentleman's pardon, because the domestic cat has to be somewhere near a house, while the squirrels are scattered all around. For example, take the Capitol grounds. We have lots of squirrels here, with the result that you can not find a bird's nest in all these trees.

Mr. PLATT. Oh, yes, you can. I think there are too many red squirrels that are destructive of birds. The gray squirrel does occasionally destroy birds, but not generally, if my information is correct.

Mr. McCRACKEN. Mr. Chairman, I would like to ask the gentleman what is the aggregate area included in the various bird reservations throughout the United States?

Mr. PLATT. I shall have to refer the gentleman to the bulletin of the Biological Survey for that. I do not remember the figures. I think perhaps the gentleman from North Dakota can tell him.

Mr. YOUNG of North Dakota. Mr. Chairman——

The CHAIRMAN. The gentleman from North Dakota is recognized for five minutes.

Mr. MONDELL. Mr. Chairman, I ask that the time of the gentleman from New York be extended five minutes.

The CHAIRMAN. The Chair has announced that he recognizes the gentleman from North Dakota for five minutes.

Mr. YOUNG of North Dakota. I desire to ask a question of the gentleman from New York. Is it not a fact that the item of $21,000 provided in this paragraph also includes work in respect to wild animals?

Mr. PLATT. Yes.

Mr. YOUNG of North Dakota. In addition to all this work about which the gentleman has been talking in connection with the preservation of bird life?

Mr. PLATT. It does. The item includes the work of hedging, ditching, telephone lines, and all sorts of things in connection with the preservation and maintenance of the Montana National Buffalo Range. It is not only a matter of bird preservation, but is spread over these thousands of acres in reference to animals.

Mr. MANN. The gentleman expects the $4,000, if he gets it, to be used specially for bird preservation.

Mr. PLATT. That is what the Biological Survey wants it for.

Mr. MANN. I will not vote for it unless that is the expectation.

Mr. YOUNG of North Dakota. The buffalo, which once thickly populated the western plains, has became almost extinct. The Biological Survey is entitled to much credit for the excellent work done in picking up and caring for the few remaining specimens. The buffalo in the various herds in the United States and Canada number a little more than 4,000. About half of them are in Canada, and of the Canadian supply most of it was obtained from herds purchased in Montana. It was a mistake to let them get out of our country. Those we have left are receiving the most careful attention and every effort is being put forth to guard against losing them through disease or otherwise. For that reason the buffalo have been cared for in more than one park, so that an epidemic could not carry off all of them. That was the chief reason for the establishment of Sullys Hill National Park, located on the shores of Devils Lake, N. Dak. It was also recognized that North Dakota was a portion of the region where the buffalo thrived before the advent of the white man. It is the habitat of the buffalo, and the herd to be transferred there from Montana will doubtless increase rapidly, and later help fill the growing demand for buffalo in the municipal parks of our country.

Mr. Chairman, I hope the committee will act favorably upon the amendment offered by the gentleman from New York. With proper care and encouragement the time will come when the buffalo will be found outside of the parks. They will be found on the farms, helping to take care of the meat supply and furnishing those delightful robes which contributed so much snugness and pleasure to the sleigh rides of long ago.

The CHAIRMAN. The Chair recognizes the gentleman from New Mexico [Mr. HERNANDEZ].

Mr. HERNANDEZ. Mr. Chairman, what I desire to inquire is in connection with the next paragraph.

Mr. TAYLOR of Colorado. Mr. Chairman, I desire to offer an amendment.

Mr. MANN. There is an amendment pending.

The CHAIRMAN. The question before the committee is on the amendment offered by the gentleman from New York.

The question was taken, and the Chairman announced the ayes seemed to have it.

Upon a division (demanded by Mr. LEVER) there were—ayes 39, noes 16.

So the amendment was agreed to.

Mr. TAYLOR of Colorado. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 55, in line 3, after the word "reservation," insert:
"For the purchase of what is known as the 'Scotty Phillips' herd of buffalo of South Dakota for distribution among the national parks and national monuments, $100,000, or so much thereof as may be necessary, such purchase to be made by and in the discretion of the Secretary of the Interior."

Mr. LEVER. Mr. Chairman, I reserve the point of order on the amendment.

The CHAIRMAN. All debate on this amendment and paragraph is closed.

Mr. TAYLOR of Colorado. Mr. Chairman, I ask unanimous consent that I may be allowed to address the committee for five minutes on this amendment.

Mr. HAWLEY. Mr. Chairman, I rise to a question of information. Some time was reserved for gentlemen on this subject who did not use that time, and there must be five or six minutes left under the original arrangement.

The CHAIRMAN. If gentlemen did not use that time it is not the fault of the Chair. The gentleman from Colorado asks unanimous consent to proceed for five minutes. Is there objection?

Mr. LEVER. Mr. Chairman, I wonder if the gentleman from Colorado would not offer on this proposition a separate paragraph to the bill?

Mr. TAYLOR of Colorado. I have sent it up as a separate paragraph to come in at this place.

Mr. LEVER. Debate has been concluded on this paragraph.

Mr. TAYLOR of Colorado. Let me say to the chairman of the committee that I have not taken any time on this bill.

Mr. LEVER. That statement has been made by dozens of men on the floor——

Mr. MANN. I understand this is offered as a separate paragraph.

Mr. TAYLOR of Colorado. It is offered as a separate paragraph to go in at this point.

Mr. MANN. Then debate is not closed.

Mr. LEVER. Then I ask unanimous consent that debate on the amendment of the gentleman from Colorado and all amendments thereto shall close in 12 minutes, and I am reserving the point of order.

The CHAIRMAN. The Chair understands the gentleman from Colorado offers this amendment as a separate paragraph?

Mr. TAYLOR of Colorado. Yes, sir.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto close in 12 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TAYLOR of Colorado. Mr. Chairman, I offer this amendment for the purpose of making sure of the preservation and perpetuation of the American bison. I have all my life been a very great admirer of the buffalo. When I was a small boy I lived for several years at my father's cattle ranch on the plains of western Kansas. There were hundreds of thousands of buffalo in that country at that time, from 1870 to 1874, and I used to lasso buffalo calves. My father sent several pair of them to the various parks of Chicago, Cincinnati, and other places. We raised quite a little herd of them with our cattle. They are a noble animal of which I have always been fond. At the present time the only fine herd of pure buffalo in the world, or at least the best one, is at Fort Pierre, S. Dak., what is known as the "Scotty Phillips" herd of buffalo, of about 500 head. They are pure-bred, fine specimens of buffalo, and there will be about 100 calves this spring. Mr. Phillips died several years ago and, I understand, his heirs desire to dispose of this herd and close the estate. I have understood that unless they are purchased by the Government or somebody within some reasonable time that the animals, or many of them, may be butchered.

They can butcher and sell them for more than the price they offer to sell them to parks; but the owners naturally want to see them preserved. They hold them at $250 a head.

Mr. STAFFORD. I understand there is a demand for pure buffalo from zoological societies. Do you understand in spite of that demand that these buffalo would be butchered by this family who own the herd?

Mr. TAYLOR of Colorado. I have no personal knowledge or direct information, but I have several times heard that the family has been trying for several years to wind up the estate, and the demand from the various zoological gardens and parks is only for a small number for each place, which amounts to comparatively little, and that they want to close out the entire herd. The State of South Dakota purchased 24 head of them in the spring of 1915 and placed them in a State game park in the Black Hills. The State paid $250 a head for them. And I may say that a number of public-spirited citizens throughout the country have contemplated making a purchase of the entire herd and presenting it to the Government of the United States. That certainly would be a very patriotic and noble thing to do. And if the United States Government does not buy that buffalo herd I certainly hope some admirer of the buffalo will do so, because it would be the most colossal loss and grievous mistake of this entire generation if the American people would allow that herd of pure buffalo to be slaughtered. It might result in the extermination of the buffalo species. I do not suppose $100,000 would be enough to buy the entire herd, but that would buy enough to preserve them for all time if they are properly cared for.

Now, it seems to me that the Government of the United States ought to purchase them, if it can, at a reasonable figure. The amendment I offer would give the Secretary of the Interior discretion to go and buy that herd, or buy the major portion of it, and preserve them in the various national parks throughout the United States and breed them up and supply them to all the buffalo parks of the world. As a matter of fact, it would be an immensely profitable transaction for the Government of the United States to engage in, and we would at the same time preserve the buffalo. If I was a wealthy man I would buy the herd and present them to Uncle Sam.

I might say that I have a bill providing for the purchase of a few of them for our Colorado national parks, but, of course,

I do not know that we can pass a bill of that kind. My bill reads as follows:

A bill to authorize the establishment of game preserves and sanctuaries in the State of Colorado, and for other purposes.

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to reserve and set apart for a game preserve and sanctuary public and reserved lands of the United States in and adjacent to the Rocky Mountain National Park and the Arapahoe National Forest, in Grand County, Colo., and in and adjacent to the Colorado National Monument, in Mesa County, Colo., said reserves to be of suitable area and character to carry out the purpose and intent of this act.

SEC. 2. That the Secretary of the Interior is hereby authorized to purchase, either at private or public sale, not exceeding 200 buffaloes from the "Scotty Phillips" buffalo herd in South Dakota, or from such other herd or herds as may be for sale within the United States, and to transfer and remove one-half of the buffaloes so purchased to each of the game preserves and sanctuaries herein authorized.

SEC. 3. That the sum of $75,000, or so much thereof as may be necessary to carry out and administer the provisions of this act, is hereby appropriated.

It is something that I think the Agricultural Committee, instead of spending so much money on some bird island in some place, ought to take up. There are dozens of items in this bill calling for more than I ask for, and scarcely any of those items are as important as this. If we can preserve the American bison we would be doing a hundred times more for the American people and future generations than we are by preserving some bird sanctuary out in some ocean.

Mr. PLATT. Does the gentleman know that the United States Government owns 12 per cent of the American buffalo and that the Canadian Government owns 50 per cent of them?

Mr. TAYLOR of Colorado. Our Government ought to own more than Canada does. The western part of the United States was the native home of the American bison, and the last wild buffalo in this country was killed about 20 years ago in one of the remote and wild mountainous parts of Colorado. Colorado was, I believe, their last native stamping ground.

Mr. YOUNG of North Dakota. It is a fact that the Canadian Government gets most of their buffaloes from Montana, is it not?

Mr. TAYLOR of Colorado. I think that is true. And at the same time the Canadian Government is breeding up buffalo in the same manner that the American Government ought to breed them up and preserve them. I want sometime to address the House more at length on this subject. The robes of these animals are worth over $100 apiece, and the heads are worth from $100 to $400 apiece. The females bear a calf every other year.

Mr. McLAUGHLIN. Why provide in the Agricultural bill for $100,000 to be expended by the Secretary of the Interior? Why not by the Secretary of Agriculture?

Mr. TAYLOR of Colorado. Oh, that is a mere matter of detail. I would just as soon the Secretary of Agriculture would buy them. I do not care anything about that. I am thinking about preserving the American bison. I do not care who buys them. My thought is that they ought to be preserved, and this bill is the place where Congress ought to consider it.

Mr. LEVER. The gentleman in his amendment is taking it away from the Agricultural Department and putting it in the Interior Department.

Mr. TAYLOR of Colorado. The Interior Department has charge of the national parks, generally speaking, and I thought these animals, if they were put in those parks, would naturally come under his jurisdiction. But I want to preserve the buffalo, and I do not care who does it. I would be perfectly willing to have the chairman of the Agricultural Committee do the purchasing and have full discretion in regard to it. The only question is, I think, the committee ought to give attention to this matter, which is more important than the matter of some insects, where we are spending $400,000 on a blue-tailed coddling moth, where we could preserve the best buffalo on earth for $100,000. I earnestly feel that my amendment ought to be adopted, Mr. Chairman. [Applause.]

Mr. LEVER. Mr. Chairman, I make the point of order that this amendment is not in order on this bill and is not authorized by any existing law.

The CHAIRMAN. Does the gentleman from Colorado [Mr. TAYLOR] want to be heard on the point of order?

Mr. TAYLOR of Colorado. No, sir. I do not care to argue the point, if the chairman insists upon it, because I presume that possibly it is subject to a point of order.

The CHAIRMAN. The point of order is sustained. The clerk will read.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

Mr. LEVER. Let the next paragraph be read.

The CHAIRMAN. The last word went out on a point of order. The Clerk will read.

The Clerk read as follows:

For the improvement of the game preserve in Sullys Hill National Park, in the State of North Dakota, including the construction of all fences, sheds, buildings, corrals, roads, and other structures which may be necessary, in addition to the amount heretofore appropriated, $5,000, the same to be available until expended.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order for the purpose of obtaining information. I notice in the wording of the paragraph there is some money now available for that purpose. Will the gentleman inform the committee how much is available and what is the purpose of this additional amount that will remain available until expended?

Mr. LEVER. I will give the gentleman the information by reading from the report.

In the appropriation act for the fiscal year 1915 an appropriation of $5,000 was made for the improvement of the game preserve in Sullys Hill National Park, N. Dak.

That amendment was put on in the Senate.

A similar sum was included in the appropriation act for the present fiscal year It was thought at the time that $10,000 would be sufficient to provide for the fencing of the preserve and the construction of the necessary buildings, corrals, roads, etc. It was found, however, that the fencing alone would cost nearly $10,000. The contract has been let for the construction of the fence, which will be completed by June 30, 1916, but no funds are available for making improvements on or for stocking the preserve. An item of $5,000 accordingly has been included in the bill for the fiscal year 1917 to provide quarters, barns, animals, warden service, and maintenance expenses for one year.

Mr. STAFFORD. That is sufficient information, Mr. Chairman, and I withdraw the point of order.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman a question. What was the original estimated cost of the fence?

Mr. LEVER. There was no estimate at all on this. The original item was put in the bill in the Senate and was held in conference. Then an appropriation of $50,000 was carried in the bill, again put in in the Senate. The department says that $10,000 has been found necessary for the fence alone. It is a tract of land of some 800 acres, as I recall.

Mr. MANN. My recollection is that it was stated at first that the whole thing would not cost over $10,000. I may be mistaken about that, but that is my impression.

Mr. LEVER. I think the gentleman is correct about that.

Mr. MANN. I do not know whether the Agricultural Department made an estimate or not.

Mr. LEVER. The Senate item was originally $10,000, and it was reduced to $5,000 in conference.

Mr. MANN. It would seem to be more than passing strange if the Department of Agriculture were not able now, with the enlightenment of the present day, to come within 50 per cent of the actual cost of constructing a simple fence.

Mr. LEVER. I do not think the Agricultural Department has ever made an estimate on the proposition.

Mr. MANN. Very likely.

Mr. LEVER. The committee took the matter into its own hands and put the sum in.

Mr. MANN. That estimate may have been made by a distinguished United States Senator; and if so, I think that, coming from that source, they did pretty well.

Mr. LEVER. I am inclined to think so.

The CHAIRMAN. The pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

For investigating the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry, including experiments and demonstrations in destroying wolves, coyotes, prairie dogs, and other animals injurious to agriculture and animal husbandry, and for investigations and experiments in connection with rearing of fur-bearing animals, including mink and marten, $400,540: *Provided*, That of this sum $15,000 shall be used for the destruction of ground squirrels on the national forests and other public lands: *Provided further*, That of this sum not more than $5,000 may be used in investigating the disease of wild ducks in the Salt Lake Valley region of Utah: *And provided also*, That of this sum not less than $125,000 shall be used on the national forests and the public domain in destroying wolves, coyotes, and other animals injurious to agriculture and animal husbandry: *And provided further also*, That of this sum not less than $125,000 shall be used on the public lands, national forests, and elsewhere in the Western and Northwestern States for the protection of stock and other domestic animals through the suppression of rabies by the destruction of wolves, coyotes, and other predatory wild animals.

Mr. COX. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. LEVER. Mr. Chairman, I have a couple of amendments to offer.

Mr. MANN. The gentleman can not offer amendments when a point of order is pending.

Mr. COX. Am I recognized, Mr. Chairman?

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. COX. Mr. Chairman, I want to call the attention of the chairman to this language:

Provided further That of this sum not more than $5,000 may be used in investigating the disease of wild ducks in the Salt Lake Valley region of Utah.

That is a new item, is it not?

Mr. LEVER. That item has been in the bill for two years.

Mr. COX. What on earth can anybody find out about the disease of wild ducks?

Mr. LEVER. I will ask the gentleman from Utah [Mr. HOWELL], who is more familiar with that subject than I am, to answer that question.

Mr. HOWELL. Mr. Chairman, I will say for the information of the House that for several years past there has been a very destructive disease appearing among the wild ducks in Salt Lake Valley. In one year alone it was estimated that over 4,000,000 wild ducks had died as the result of this disease. Our game warden and our gun clubs were baffled in their efforts to determine the cause of the disease. Finally, an appropriation of $5,000 was obtained, and the work of investigation was undertaken by the Biological Survey. Representatives of the department were sent out, and for two seasons they have been investigating the cause of this mysterious disease which has wrought so much havoc among the ducks in the Salt Lake Valley.

Mr. COX. What have they found out?

Mr. HOWELL. They have not yet determined positively as to the cause, but their investigations lead them to the conclusion that it is not a disease, but that it results from alkali poisoning, and the remedy for it is an abundant supply of fresh water for the ducks.

Mr. COX. Where do they get the alkali? Is the alkali in the water?

Mr. HOWELL. Oh, yes. The main cause of the trouble has been the alkaline pools of water along the shores of the lake.

Mr. COX. Have they brought to that section of the country any remedy at all for the destruction of the wild ducks?

Mr. HOWELL. As I said, the results of the investigation have shown that where the ducks can be placed on fresh water they rapidly recover from the effects of this alkaline poisoning. I will say to the gentleman, further, that it is a very interesting fact that the investigation of ducks in Salt Lake means, in effect, an investigation of the ducks of a vast region of country which assemble at Salt Lake.

Mr. COX. Suppose they do finally determine that the disease is due to the alkaline poisoning. That will not do any good unless you change the ducks to some other place, will it?

Mr. HOWELL. Let me finish the statement. The ducks that gather in Salt Lake Valley are found by actual experiment to have a region of flight extending to southern California, Oklahoma, and all of the surrounding States and Territories. The Great Salt Lake is the gathering place or rendezvous of the wild ducks of that great intermountain country and as far south as southern California and Oklahoma.

The Bureau of Biological Survey have also been investigating the effect of lead poisoning upon ducks. It has been ascertained that upon the hunting grounds that ducks frequently die from the effects of absorbing the leaden pellets left on the hunting grounds from the ammunition fired at them by sportsmen. Ten pellets of No. 6 shot will cause the death of a Mallard duck. They are trying to find a remedy to relieve the poisoning resulting from this cause.

Mr. COX. That is two diseases, then, that they have probably discovered. What are they going to do with the ducks after they have discovered them and have announced the fact of these two diseases?

Mr. HOWELL. The department has already done a great deal of good through these investigations, and a great improvement in the situation has been effected.

Mr. COX. Has it prolonged the life of any of the ducks or saved any additional ducks?

Mr. HOWELL. The department has had the hearty cooperation of sportsmen's clubs, whereby artificial ponds of fresh water have been made in proximity to the alkaline waters, and in that way the disease has been very materially checked and the great loss of wild fowl materially diminished in that region.

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. MANN. I ask that the gentleman have more time if he wishes it.

The CHAIRMAN. If there be no objection, the gentleman's time will be extended five minutes.

Mr. HOWELL. I do not think there is any appropriation of $5,000 in this bill that will be productive of greater benefit to the wild fowl than this appropriation. As I have said before, the Salt Lake Valley is a rendezvous of the wild fowl from all the intermountain country, and as far as California and Oklahoma. They assemble there in the fall by the million. Any steps that will protect wild fowl is of prime public importance. If it can be done to a very limited extent by the expenditure of a paltry $5,000, it would be foolish economy to withhold it.

Mr. COX. Will the gentleman yield for a question?

Mr. HOWELL. Yes.

Mr. COX. No doubt the gentleman has taken this matter up thoroughly with the department. Did the department give him any assurance whatever that it would ever be able to determine just the cause of this disease of the wild duck, and the remedy that will really help the people by keeping the wild ducks alive?

Mr. HOWELL. I think the department has already about reached the conclusion that so far as this malady that has appeared in the Salt Lake Valley is concerned, it is the result of alkali poisoning, and about the only remedy necessary is an abundance of fresh water. When the ducks are taken from these alkaline ponds and placed in fresh-water ponds they recover very rapidly.

Mr. COX. There will be no necessity for continuing this appropriation next year, will there?

Mr. HOWELL. I hardly think so. The department would like to continue the experiment another year. That is the statement made; but all their investigations lead them to the conclusion that the main remedy for this particular disease is an abundance of fresh water. When the ducks are taken from the alkaline waters and given access to fresh water, they rapidly improve and get well; but the department wishes to investigate this subject of lead poisoning, which they have found to exist quite widely in the ducks on sporting grounds.

Mr. MANN. What does the gentleman propose to do with his point of order?

Mr. COX. I withdraw the point of order.

Mr. BOOHER. I renew the point of order on the last paragraph, and proviso on page 56, which reads as follows:

Provided further also, That of this sum not less than $125,000 shall be used on the public lands, national forests, and elsewhere in the Western and Northwestern States for the protection of stock and other domestic animals through the suppression of rabies by the destruction of wolves, coyotes, and other predatory wild animals.

The CHAIRMAN. The point of order is reserved on the proviso.

Mr. BOOHER. I want to get some information from the chairman of the committee. I would like to ask how it is intended to use this $125,000 for the destruction of wolves, coyotes, and so forth?

Mr. LEVER. I will say to the gentleman from Missouri that the gentleman from Oregon [Mr. HAWLEY] has handled this particular matter in the bill, and I will ask him to explain it.

Mr. BOOHER. This proviso proposes to appropriate $125,000 for the suppression of rabies by the destruction of wolves, coyotes, and other predatory wild animals. Is it proposed to hire hunters to destroy these animals, or what?

Mr. HAWLEY. Will the gentleman allow me to make a preliminary statement?

Mr. BOOHER. Yes.

Mr. HAWLEY. Rabies appeared in the southern part of the State of Washington about three years ago and spread very rapidly from there through eastern Oregon into northern California, into Nevada and Idaho, and over onto the borders of Utah in the last year. The coyotes bite one another and spread the disease. They bite other wild animals, dogs, cows, sheep, and horses, and thus spread the disease among domestic animals. Thirty-five persons have had to take the Pasteur treatment at the University of Nevada, and I understand that some 12 persons, who came from eastern Oregon, and some others from other parts of that section had to take the same treatment. Now we propose to destroy the coyotes by systematic extermination—by hunting, trapping, poisoning, or in any other way in which they can kill them.

Mr. BOOHER. Do the department expect to use the people now engaged in the Forest Service as guards and supervisors to do this work?

Mr. HAWLEY. They have armed a number of these forest rangers and supervisors, and they have employed a few experienced trappers.

Mr. BOOHER. I see by the bill that we have 168 forest supervisors, 82 deputy supervisors, 240 rangers, and 80 guards. Now, are all those men armed when they are out upon their work?

Mr. HAWLEY. I think all of them in the regions where there are predatory animals carry guns. That may not be so in every case; but, speaking generally, I think it is.

Mr. BOOHER. Does the State of Nevada appropriate any money to pay a bounty for the destruction of the animals?

Mr. HAWLEY. I understand the State of Nevada has appropriated $100,000, the Wool Growers' Association has appropriated $10,000, the other States will also make appropriations, and other stock growers will also supply sums of money and arm their own men with the idea of aiding in the extermination of these animals.

Mr. BOOHER. Is there any bounty paid by your State for the scalps of these animals?

Mr. HAWLEY. Yes; we pay some bounty.

Mr. BOOHER. How much is the bounty for a coyote scalp?

Mr. HAWLEY. I can not tell the gentleman. The legislature appropriates a flat sum to be expended in bounties, but I do not recall how much the bounty is.

Mr. SMITH of Idaho. In the State of Idaho we pay $2.50 for each coyote head that is brought into the county seat, and I have a telegram here from the governor, that came yesterday, in which he states that Idaho paid out $60,000 last year in cooperation with the Federal Government toward the extermination of these rabid animals.

The telegram is as follows:

BOISE, IDAHO, *April 19, 1916.*

HON. ADDISON T. SMITH,
House of Representatives, Washington:

Idaho paid bounty on predatory animals from March 10 to January 1, $47,222.50. Claims accumulated since January 1 but not yet adjusted amount to about $15,000, making over $62,000 for 12 months. Levy on all stock animals produces approximately $30,000 revenue annually for payment of bounties, and direct appropriations from general fund of $25,000 annually produces annual bounty revenue exceeding $55,000.

M. ALEXANDER, *Governor.*

Mr. BOOHER. Then the State is doing all it possibly can?

Mr. SMITH of Idaho. Yes. I think every State is doing that, and the Stock Growers' Association are contributing money for the same purpose.

Mr. BOOHER. Is this appropriation intended to be expended in killing these animals in forest reserves or outside of them?

Mr. SMITH of Idaho. In the forest reserves and on the public lands.

Mr. HAWLEY. The intention is to exterminate the animals. The coyotes and wolves that have rabies are a menace to the people of that large area, and to the horses, sheep, and cattle, particularly to sheep and cattle, and large numbers have been destroyed through them. It is proposed to kill these coyotes and wolves on the forest reserves, on the public lands, and elsewhere, wherever they can be found.

Mr. BOOHER. The money carried in this appropriation would be expended on Government lands, would it?

Mr. HAWLEY. Not necessarily. It says "and elsewhere" in line 2.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOOHER. I withdraw the point of order.

Mr. SMITH of Idaho. Mr. Chairman, in view of the great sums of money appropriated in this bill for the eradication of insect pests, fruit diseases, the brown-tail moth, boll weevil, gypsy moth, wheat rust, and so forth, amounting to several millions of dollars, all of which pertains to land in private ownership, it comes with poor grace for Members of this House from eastern districts to oppose this appropriation for destroying these rabid animals on the public lands.

Not only is the presence of these animals destructive of domestic animals, but human beings are in constant danger of being attacked by them. Their bite is so venomous that animals attacked communicate the disease to other animals, and human beings attacked invariably succumb unless the Pasteur treatment can be applied immediately.

The prevalence of this disease among wild and domestic animals throughout the central portion of the intermountain country calls for the most active cooperation on the part of the Federal Government with the States, counties, and the various live-stock organizations if it is to be eliminated. I have numerous clippings from newspapers in southern Idaho containing accounts of the damage which is being done by rabid animals and the effort that is being made to eradicate them, which I will not take time to read, but which show a most deplorable situation. Dogs, cats, hogs, cattle, and horses, made insane by rabies, their whole nature changed, are intent on biting any object within their reach.

The coyote, naturally a timid creature, avoiding a human being, becomes ferocious and fearless when suffering from rabies, and the cow, naturally tame and gentle, is transformed into a most dangerous beast, with the characteristics of a tiger. The urgent necessity of making the appropriation must be evident to any unprejudiced person. The Federal Government owns the larger portion of the country infested, and Congress should help to protect the lives and property of the people who are endeavoring to settle up the West and make its resources available to those living in the more thickly populated sections of the country.

Mr. BOOHER. Mr. Chairman, I withdraw the point of order.

Mr. STAFFORD. I renew the point of order. I would like to inquire what is the necessity of providing separately $125,000 for the suppression of rabies when we are carrying in a prior item $125,000 for the destruction of these very same animals on the national forest and public domain? Why not increase the appropriation that has been carried, as it is one that we all are interested in.

Mr. HAWLEY. If the gentleman will yield, I think the division of the item arose in this way: The first proviso, on the bottom of page 55, was put in the bill in the Senate last year, and certain methods will be used by the department in the expenditure of that money. The last proviso is new in the bill this year, the situation having become acute, and the department may want to use a somewhat different method or process of eliminating the animals having rabies than they would use under the preceding proviso. That is the history of these items.

Mr. LEVER. I think there is another explanation. If the gentleman will turn to page 55, line 23, he will see $125,000 shall be used on the national forest and public domain. Then on page 56, lines 1 and 2, the provision is that it shall be used on the public lands of national forests and elsewhere in the Western and Northwestern States.

Mr. STAFFORD. My point is this, whether under the authorization carried in the first proviso authorizing the destruction of wolves, coyotes, and other animals injurious to animal husbandry the department has the authority to destroy these animals when they are infected with rabies on private land.

Mr. LEVER. Undoubtedly.

Mr. MANN. They could go to New York City and do it.

Mr. STAFFORD. Why do you make an appropriation of $125,000 in two places, simply changing the phraseology as far as other private lands are concerned? Is it the purpose to pursue these coyotes and wolves on private land?

Mr. LEVER. My understanding of the situation is this: Under the first proviso the operations of the Department of Agriculture will be confined to public lands and national forests, but the national forests are harboring places and breeding places for these animals of all descriptions. In the northwest country they have had recently an outbreak of hydrophobia among the animals, which has caused a great deal of damage, and, as my friend from Oregon has said, 40 or 50 people have been bitten by these mad animals. So the committee felt that inasmuch as the national forests, as a public domain, was the harboring place and the breeding place, that we ought to broaden the authority and say that if a hunter found one of these animals just beyond the confines of the forest land he would have the right to kill him.

Mr. HAWLEY. There is another explanation, if the gentleman will yield. The first $125,000, at the bottom of page 55, can be spent anywhere in the national forests from the Canadian boundary south—all over that area. The second $125,000 in the proviso, at the top of page 56, is limited to that portion of the public land and forest and other lands where the animals are affected with rabies. It is intended to clean them out and then drop this appropriation.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for five minutes longer.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. STAFFORD. Is there any other part of the country than the Western and Northwestern States where this appropriation could be utilized?

Mr. HAWLEY. It applies to all the national forests in which there are predatory wild animals that prey on domestic animals.

Mr. STAFFORD. What other part of the United States except in the northwestern country could the appropriation be used for the purposes stated?

Mr. LEVER. There are large areas in the Northwest that are not in the public domain or the national forests. In the gentleman's State, I take it, there is much land which is neither public land or forest land. This proviso confines the operations used to public land and elsewhere in the West and Northwest.

Mr. STAFFORD. My point is whether or not you are appropriating $125,000 for the purpose of eradicating animals on private lands and not on the national domain.

Mr. LEVER. We are doing both. As far as possible, we are providing for the destruction of animals in the national forests and on the public domain, and at the same time to destroy them on private lands; and I think rightfully so, because the information of the committee is that the national forests and the public domain are constant breeding places and harboring places for these predatory animals; and if so, it seems to me that there is the duty on the part of the Federal Government to help eradicate the animals although they are now on private land.

Mr. STAFFORD. Let me ask this question: If the National Government appropriates funds for the eradication of these animals in the national forests and on the public domain, is it not doing its full duty, and why should we take upon ourselves the work of the States by eradicating these animals upon private lands?

Mr. LEVER. The gentleman will note that in reference to the appropriation for the elimination of the ground squirrel, which carries the flea whose bite gives the bubonic plague, we provide for the eradication of the squirrel not only in the national forests and on the public domain, but on the territory surrounding, because we have felt that inasmuch as the national forests become the breeding place and the harboring place from which they go onto private property there was a duty incumbent on the Federal Government to help destroy them. The gentleman understands that the deficiency bill carries an item of $75,000 for that purpose.

Mr. STAFFORD. I am aware of that.

Mr. LEVER. And the increase of $125,000 comes to the committee as a supplementary estimate in the regular way from the Secretary of Agriculture.

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. TAYLOR of Colorado. I would like to say that in the first place there are no predatory wild animals bred on private land. It is the forest reserves that are the breeding places, and that is where they come from. They swoop down on the lower valley in great herds.

Mr. STAFFORD. Why should not the Government eradicate them in the national forests, and in doing that would it not be doing its whole work?

Mr. TAYLOR of Colorado. Yes; but they come down from the forest reserves onto the private lands. The farmer can exterminate all of the squirrels on his farm but not upon the surrounding public domain, and it is the squirrels that come from the public domain that go in and destroy the crop, and they feel the Government ought to join with them in helping exterminate them. In western Colorado they are paying as high as $100 apiece for scalps of gray wolves and $20 apiece for coyotes.

Mr. MANN. Would it not be better for us to kill the squirrels on the public domain first, if that is where they come from?

Mr. TAYLOR of Colorado. That is true.

Mr. MANN. But that is not what they intend to do.

Mr. STAFFORD. That is what I have in mind, whether it should not be our duty to exterminate them completely, provide ample funds for their extermination in the national forests and on the public domain.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. HAWLEY. Mr. Chairman, the gentleman from Wisconsin [Mr. STAFFORD] has analyzed the situation very well, as is usual with him. The first proviso, containing the appropriation for the destruction of predatory animals, found on the bottom of page 55, applies to all of the forest regions, containing 167,000,000 acres of national forests, and probably as much or more of public lands. It is proposed to make a systematic warfare on the wild animals that are breeding in those forests and on the public lands and to destroy them. In order to meet an emergency situation and to do intensive work on that portion of the lands infested with mad animals, in addition to the other work, it is necessary to have this second appropriation if we are going to do it while it can be done. If the animals are allowed to roam at large and bite large numbers of other animals, the area infested by the animals subject to rabies will very largely increase and thousands and tens of thousands of dollars' worth of stock will be destroyed. And so the second proviso, on the top of page 56, for an appropriation for this kind of work was inserted. The work will be confined to these particular localities—southern Washington, eastern Oregon, Nevada, Idaho, and the border of Utah—with the idea that surrounding this area and working in toward the center and cleaning up all of the animals infected with rabies we will not only kill the predatory animals that destroy the flocks, but destroy the animals that spread the disease, endangering human life.

In eastern Oregon, as reported in the press, a mad coyote chased a man in an automobile for a considerable distance, and he was fortunate when it approached the automobile to have a gun or a revolver with which to kill the animal. A rough and steep road favored the approach of the animal. They are in constant danger in that section from these animals that come into the towns and attack domestic animals tied in the stalls. The mad animals are absolutely without fear, without the natural instincts of self-preservation. There are a great many of them. This second appropriation applies only to a very small portion of the entire domain and in order to clear it up. Since the animals make no distinction between private and public lands it was necessary to add the words "and elsewhere," so that the hunters and trappers can follow an animal when on the trail of one through a forest or public land or onto private land until they could kill him. They will be authorized to put their traps anywhere, otherwise it might have been construed that they would have to keep off the private lands, and their activities would thereby be diminished and curtailed.

Mr. MADDEN. How long have we been carrying an appropriation for this character of work?

Mr. HAWLEY. The appropriation for the destruction of predatory animals was put on the bill in the Senate last year. The second proviso is new in this bill.

Mr. MADDEN. If all of this that the gentleman has been describing is happening and has been happening for a number of years, why is it that it was never discovered until now? What makes it important now as compared with the years that have gone by?

Mr. HAWLEY. The rabies situation.

Mr. MADDEN. The whole situation?

Mr. HAWLEY. We have been endeavoring to cope with the situation ourselves, and we have appropriated in the West a great deal of money. This has been done by the individual growers of stock and the associations of growers of stock and by the States and counties, but the forests and the public lands, as has been stated, are the breeding places of these animals.

Mr. MADDEN. There were more wild animals years ago than there are now.

Mr. HAWLEY. No; there were more many years ago than there are now. Then they were largely destroyed, and then with the creation of the forests——

Mr. MADDEN. Who destroyed them?

Mr. HAWLEY. The hunters.

Mr. MADDEN. The Government did not?

Mr. HAWLEY. No.

Mr. MADDEN. Why is it the Government is called upon to do the very thing that the people in the States ought to do? In every conceivable activity in which the States ought to indulge, for the promotion of their own interest, wherever a way can be found to take money out of the Public Treasury for that purpose it is done, and new discoveries are made every year and every day.

Mr. TAYLOR of Colorado. But when the people are paying as high as $100 for gray wolves and $20 for coyotes, does the gentleman not think that the State is doing very well, when these things are bred in the forest reserves?

Mr. MADDEN. The forest reserves have always been there, and they will continue to be there, and it is only another way of getting money out of the Public Treasury.

Mr. HAWLEY. The gentleman may be assured that if the national forests and the public lands can be rid of these wild animals we will be very glad to drop the appropriation from the bill.

Mr. MADDEN. But did the gentleman ever hear of a case where an appropriation was dropped after it was once started?

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

Mr. LEVER. Mr. Chairman, I ask that debate——

Mr. MADDEN. Mr. Chairman, I make the point of order against the amendment.

Mr. RAKER. Will not the gentleman at least——

Mr. LEVER. There is no use in reserving the point of order if it is going to be made.

Mr. MONDELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MONDELL. I understand the gentleman from Illinois made the point of order against the entire paragraph.

Mr. MADDEN. Yes.

Mr. MONDELL. Then, Mr. Chairman, I make the point of order that that comes too late.

Mr. LEVER. Mr. Chairman, I make the same point of order. The point of order was reserved against the last proviso.

The CHAIRMAN. The point of order was reserved against another proviso and then withdrawn, and the Chair's recollection is that the only point of order reserved is against the last proviso in the bill.

Mr. MADDEN. All this discussion that has been going on was with the understanding that the point of order was pending.

The CHAIRMAN. Against a certain proviso.

Mr. MADDEN. Then I make the point of order against the paragraph to which it was pending.

The CHAIRMAN. The gentleman makes the point of order against the last proviso.

Mr. RAKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. Would not the gentleman from Illinois permit us who are somewhat interested and have some personal knowledge of these conditions——

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. RAKER. Before the Chair rules, I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. When a point of order is made there is nothing else for the Chair to do except rule.

Mr. MADDEN. If those gentleman who are interested in this proviso wish to be heard upon it, I do not want to cut them off, so I will reserve the point of order.

Mr. LEVER. Just one minute. I know the gentleman from Illinois so well that when he makes up his mind he makes it up to stay and he is going to make this point of order, no matter what may be said, and he has heard the discussion——

Mr. MADDEN. I intend to make it.

Mr. LEVER. Then it is an utter waste of time for the committee to continue the discussion of it. Now, if the gentleman will permit us to proceed and let the Chair rule on this, I will offer an amendment here which may be in order, I am not sure.

Mr. RAKER. I understood the gentleman from Illinois to reserve the point of order.

Mr. COX. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The regular order is to pass on the point of order raised by the gentleman from Illinois. The point of order is sustained.

Mr. LEVER. Mr. Chairman, I offer this amendment, the same language in the bill at the same point in the bill, if the Clerk can follow me.

After the word "forests," in line 2, page 56, strike out the words "and elsewhere," so that the language will read:

That of this sum not less than $125,000 shall be used on the lands—

And the word "and" ought to be in there—

and national forests in the Western and Northwestern States—

And so forth.

Mr. MADDEN. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The Clerk will first report the amendment.

The Clerk read as follows:

Page 55, at the end of line 25, insert the following:
"*And provided further also*, That of this sum not less than $125,000 shall be used on the public lands and national forests in the Western and Northwestern States for the protection of stock and other domestic animals through the suppression of rabies by the destruction of wolves, coyotes, and other predatory wild animals."

Mr. MADDEN. Mr. Chairman, I make the point of order against the amendment.

Mr. LEVER. I would ask the Chair to rule. I do not care to be heard.

The CHAIRMAN. The Chair would like to know the reasons on which the gentleman from Illinois bases his point of order.

Mr. MADDEN. Why, Mr. Chairman, there is no authority of law for any such provision in the bill, and the expenditure of this money is just another addition to the taxation upon an already overburdened people.

Mr. LEVER. That last statement is not in response to the Chair's request in reference to the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Then, Mr. Chairman, I offer the following amendment.

Mr. MANN. Mr. Chairman, if the gentleman will permit, if he is going to offer another amendment I was going to ask him whether he would not be willing to increase the amount in one of the other items?

Mr. LEVER. I am going to do that. Mr. Chairman, I move to amend, on page 55, line 23, by striking out "$125,000" and inserting in lieu thereof "$250,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 55, line 23, strike out "$125,000" and insert "$250,000."

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto shall close——

Mr. MONDELL. I desire to offer an amendment——

Mr. LEVER. In 45 minutes. That is a long time.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto close in 45 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ROBERTS of Nevada. Mr. Chairman, I will be very brief. I want to state earnestly and emphatically to this House that the people of the district I represent are very much interested in this subject. We do not care in what form you give us the money, whether in two separate items or in one. We want the appropriation because we need it. Up to date in my State 57 people have been treated at the State university for rabies occasioned primarily by coyote bites. That is to say nothing of thousands of live stock that have been bitten and have died. The counties and the State and the different live-stock associations have spent a vast amount of money, and they are continuing to spend it for the eradication of that dread disease. It is becoming alarming. From the Idaho line to the Colorado River it is dangerous for a man, woman, or child to go out in these desert wastes unprotected. In that State there are some 70,000,000 acres of land. They talk about private ownership. Fifty-six million acres of that 70,000,000 acres are in public ownership to-day, and, of course, that does not include the land that is in the forest reserves. Those reserves are the breeding places of the coyote.

I will admit the coyote is not very popular in the West. Even Mark Twain in his time said of him that he was so long, lean, lank, and hungry that even a flea would desert him for a velocipede. He got along very well though until the tame dogs listened to the call of the wild and became associated with him and gave him the rabies. And now he is spreading the rabies everywhere. Even the badgers, skunks, and wildcats have it. I received a paper just now while on the floor of this House giving an account of the death of a man who was bitten by a rabid coyote.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. ROBERTS of Nevada. Certainly.

Mr. SHALLENBERGER. Is the rabies sure death to the coyote?

Mr. ROBERTS of Nevada. It is, undoubtedly.

Mr. SHALLENBERGER. Will not the disease itself result in the eradication of the coyote more rapidly than by the hunter himself?

Mr. ROBERTS of Nevada. No. It is resulting in the death of others than the coyote. It is a serious matter.

Mr. SHALLENBERGER. Do I understand you to inform us that these persons have died from rabies contracted from the coyote himself?

Mr. ROBERTS of Nevada. From the coyote himself. This paper was just brought to me in the House. It is the Elko Independent, which states that an Elko man had died from hydrophobia, caused by being bitten by a rabid coyote while sleeping in the sagebrush. Another paper tells of a child that died a short time ago from hydrophobia. Every paper records some new attack. In one of the school districts of my State they had to close the school. Congressman SINNOTT, of Oregon, whose district lies adjacent to mine, stated to me not long ago that some of the schools in his district were obliged to close. It has been going on for some time, perhaps a year. I have not exaggerated the condition at all.

Mr. SMITH of Texas. Will the gentleman yield?

Mr. ROBERTS of Nevada. Yes.

Mr. SMITH of Texas. In reference to the condition the gentleman is describing about the spread of rabies, does the gentleman think this appropriation should be confined to the public reserves and the public domain? Would it not be better to apply it to all areas where these coyotes live?

Mr. ROBERTS of Nevada. That was one reason I wanted the gentleman from Illinois [Mr. MADDEN] not to make the point of order that he raised. I believe that these coyote hunters should be employed to destroy coyotes anywhere they are found, whether on the public domain or on private ranges or ranches.

Much of the privately owned land in the State of Nevada is unfenced. I trust the additional $125,000 will not be stricken out.

The CHAIRMAN. The time of the gentleman from Nevada has expired.

Mr. MADDEN. I ask unanimous consent that the gentleman be given one minute more.

The CHAIRMAN. The committee has already fixed the time for debate.

Mr. RAKER. Mr. Chairman and gentlemen of the committee, this disease has existed but a short time in the West. It commenced about a year and a half ago in Oregon, at which time people died, schools were closed, and thousands and tens of thousands of sheep died from being bitten by coyotes; also cattle and horses have died. It extended to Nevada and California, until last fall, from my own personal observation these animals infected with this disease entered my own town. Men from there were sent to the Berkeley Pasteur Institute for treatment. Tens of thousands of dollars' worth of property, not only on the forest reserves, on the public land, but in private ownership, have been destroyed by virtue of this disease. The towns have been hampered in dealing one with the other. Schools in California and Nevada have been closed by virtue of it. Nevada and California, where the disease is prevalent, and in Oregon they raised a fund of money for the purpose of offering a reward for these coyotes, and they were killed off by the thousands; and the disease is being eradicated as fast as it possibly can be by virtue of the assistance of the States and counties. The State of California, with its public-health service, has spent every dollar, practically, that has been appropriated for other health purposes to protect the health of its citizens. The stockmen and farmers, not only in the State of California but in Nevada, and in Utah and in Oregon, are spending money for this purpose. We have large areas of public land upon which these animals breed, and when they are grown they may go a hundred miles in a day, and there is no telling where you can find them. And it is such a menace that no man who has not been in the midst of it can tell what it means.

You can defend yourself against a robber; you can defend yourself against a bear; you can defend yourself against a roaring lion or a tiger; but you can not defend yourself against a rabid coyote, for whenever the slime from the teeth strikes any part of your body, death, worse than any other that can come upon a human being—death from hydrophobia—follows on the bite of these animals. Three men of my town—one a banker and one a merchant and another a stockman—were afflicted with this disease. One of them had a cow that was bitten by a coyote, and in removing the head of the cow to send away for examination, they got some of the saliva from the cow's mouth, and they had to go to Berkeley to take the Pasteur treatment or they would have been in their graves to-day.

This is not a matter affecting only one community. It sweeps over that entire region of territory. We appeal to you, gentlemen of the House, as the committee, listening to the experts from the department, have approved this amount in the bill, to retain the amount that is herein recommended. We trust and hope that in the interest of human life, in the interest of the protection of property of those people in the Western States, you may see your way clear, after you have allowed upon this appropriation bill these items for protection against all kinds of insects, many of which do not affect human life—we appeal to you to help us fight a disease that can be carried by one coyote to the dog, to the cat, and other animals. The life of the wife and the child are in danger. Even the schools, where the children are gathered, are and have been in great danger. [Applause.]

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. WALSH. Mr. Chairman, I have listened with considerable horror to the harrowing description of the terrible and frightful conditions that exist throughout some of the Western States as just related by the gentleman from California [Mr. RAKER], the last speaker.

This appropriation of a quarter of a million of dollars is a considerable amount of money to be expended in the destruction of wild animals, and from reading the report of the hearing before the Committee on Agriculture, I have grave doubts whether it is being expended wisely or well. I notice they pay the hunters $75 a month, and if a hunter has an outfit he is allowed $10 a month for that, and if he has a couple of horses he is allowed $15 each per month for them, making in all $115 a month for one hunter with an outfit and two horses.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. MADDEN. And, of course, the more of these men there are to be appointed, the more patronage the gentlemen will have in their districts?

Mr. WALSH. I assume that may follow, possibly, and without civil-service examinations. One of these hunters, Mr. Chairman, killed one coyote while he was employed—quite an expensive animal. Another killed 37 coyotes and 13 bobcats in a month—50 animals for $115—and the carnage still continues.

Mr. HOWELL. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Utah?

Mr. WALSH. I do not yield at this time. Furthermore, I find that one of the Members of this House related his experience to the committee in eradicating the coyote from a range of 20,000 acres in a manner which seemed to be not only perfectly satisfactory but economical as well, perhaps too economically for the western Members. That was by the use of hounds.

The gentleman from Iowa [Mr. STEELE] had a number of hounds on his ranch which killed several coyotes, 15 or 20, and he thereafter found out where their breeding place was, and hunted them out and dug them up and exterminated them, and he said there were no coyotes within 10 miles of that ranch afterwards. I find upon reading the hearings that some other members of the committee also recommended that hounds are successful in eradicating the coyote. It is but fair to say, however, that the gentleman from Iowa [Mr. STEELE] was in favor of the appropriation of $125,000 to exterminate the animals afflicted with rabies.

Mr. RAKER. Mr. Chairman, will the gentleman yield there for one question?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from California?

Mr. WALSH. Yes.

Mr. RAKER. Does the gentleman know that no man who has a pack of hounds that has cost him from $50 to $100 a head would ever think of turning them loose on a coyote because of the danger of infection?

Mr. WALSH. I know that the gentleman from Iowa [Mr. STEELE] used hounds on the coyotes, and used them successfully on his range. I do not know whether they were worth $50 apiece or $100 or not, but they did the work. I would like to ask why it is that the western section of the country should be so alarmed about the coyote? When we in the eastern section of the country have animals that, while they do not chase an automobile for miles on the public highway, as related by the gentleman from Oregon [Mr. HAWLEY], do commit great depredations upon our live stock and poultry, and we are not asking the National Government for $250,000 to eradicate the woodchuck or the skunk or the polecat. [Laughter.]

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I will yield to the gentleman from Missouri.

Mr. MEEKER. Are you aware that where this coyote chased that automobile it was prohibition territory?

Mr. WALSH. I assumed when the statement was being made that it all occurred in a dry country. [Laughter.]

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. LEVER. Does the gentleman know that we are appropriating in this very bill $300,000 to kill insect pests up in Massachusetts? [Applause.]

Mr. WALSH. I know that you are appropriating money to kill bugs, but I apprehend that very little of that $300,000 will find its way into Massachusetts or even New England, but our section will contribute in full proportion of the appropriation. There is one thing that I noticed, after reading the reports of the hearings and the report of the proposed work of the department, as outlined in pamphlet form, and that is that in some of these sections the coyotes have decreased in number, and as they decrease in number the number of hunters inrceases in, I suppose, corresponding ratio. They are going to have 140 hunters and 14 inspectors this coming year, and the number of coyotes has decreased, as a result of the brave and death-defying work of these brave hunters at $115 per.

Mr. MILLER of Delaware. Mr. Chairman, I desire to follow the gentleman from Massachusetts [Mr. WALSH], because most of the gentlemen or in fact all of the gentlemen who have spoken in favor of this proposition are from the far Western States, where these coyotes abound. In explanation of my reason for taking the time of the House this afternoon on this proposition I want to state that for four years I rode the range out in the State of Nevada, and I am familiar with the depredations committed by these animals and their danger to live stock, to say nothing of humans.

With all due respect to my friend from Massachusetts, he should learn how to pronounce the name of that animal before he comes in here and attempts to tell us about it.

Mr. DOOLITTLE. Will the gentleman yield?

Mr. MILLER of Delaware. I have only five minutes.

Mr. WALSH. I should like to ask the gentleman to give the correct pronunciation.

Mr. MILLER of Delaware. These animals, according to the pronunciation in the country where they live and where they are best known, are called ki-otes.

Mr. STAFFORD. The gentleman will not yield his pronunciation to classical New England?

Mr. MILLER of Delaware. No; I can not yield to anyone. Mr. Chairman, the debate on this question seems to have developed into a joke on both sides—and it is no joke to the people of the West.

Mr. MADDEN. Is the gentleman serious about it?

Mr. MILLER of Delaware. In the remaining few minutes I should like to be serious about it. With all due respect to my friend from Illinois [Mr. MADDEN], who has been in this House far longer than I will probably ever be here, I wish to say that gentlemen who are not familiar with this subject do not know how dangerous these animals are, not only to live stock, but to human life. You have heard that in the State of Nevada 57 people have had to be treated because of being bitten by these animals. I think the proponents of the measure made a mistake when they brought before us the illustration of a coyote following an automobile, or of a coyote biting a man behind a sagebrush—no doubt true, but rather incredible to those who are ignorant of these beasts.

Mr. RAKER. Will the gentleman yield right there?

Mr. MILLER of Delaware. No; I can not yield.

Mr. WALSH. Mr. Chairman, I make the point of order that the gentleman is not pronouncing the name of the animal correctly.

The CHAIRMAN. The point of order is overruled. [Laughter.]

Mr. MILLER of Delaware. I am pronouncing the name of the animal according to the way it is pronounced in the country where it lives, and I do not care for any "dictionary" on the subject. [Applause and laughter.] My pronunciation was infected by the gentleman from Massachusetts.

I was saying to the House that I did not think the proponents of this provision helped it any by bringing in the illustration of the man who was bitten behind the sagebrush. If he had taken enough alcohol before he lay down there to sleep he probably would have gotten over the effects of that bite. [Laughter.]

Mr. HAMILTON of Michigan. Where did the gentleman say the man was bitten? [Laughter.]

Mr. ROBERTS of Nevada. In answer to the gentleman's question with reference to the condition of the man behind the sagebrush, I ask unanimous consent to insert in the RECORD the article from the newspaper describing the occurrence.

Mr. MILLER of Delaware. Mr. Chairman, is this being taken out of my time?

The CHAIRMAN. It is.

Mr. MILLER of Delaware. I am trying to show the House that people who do not live in this coyote-infested country and who do not happen to be directly interested in this proposition can still see some good in this measure, for, coming from Delaware, it does not concern me directly. I think it is as good a provision as there is in the bill and is just as much called for as dozens of other items in the bill that concern particular localities where it happens that your own ox is gored and the other fellow's is not. [Applause.]

Mr. MANN. If the gentleman will permit me, I will say that I have been looking at the dictionary, and both pronunciations are correct.

Mr. HERNANDEZ. Mr. Chairman, as to the pronunciation of the word coyote I am supposed to be an authority, because it is a Spanish word.

Mr. MANN. We do not speak Spanish, though.

Mr. HERNANDEZ. It is pronounced neither "ki-ote" nor "*ki-ó-te*," but it is pronounced "coy-ó-te." [Applause.]

Mr. BLACK. Will the gentleman yield?

Mr. HERNANDEZ. Yes.

Mr. BLACK. How long has this appropriation been carried in this bill?

Mr. LEVER. This is the second year.

Mr. MADDEN. This is the first year, is it not?

Mr. HERNANDEZ. Mr. Chairman, the main point I want to make is this, that we ought to support this appropriation on the part of the Federal Government toward the destruction of these wolves, because they are wolves and nothing else. There are two classes of wolves out in that western country. One is called the gray wolf, which is larger than the coyote. The coyote is supposed to be a cross between the gray wolf and the fox, and therefore is more foxy than the regular wolf. [Laughter.]

The wolf in my part of the country was little known until recently. He came there from Texas, and we will charge him up to Texas.

Mr. BORLAND. He did not come from Wall Street, did he?

Mr. HERNANDEZ. No; he came from Texas. He is down there, and the Federal Government, in my opinion, should cooperate with the Western States in the destruction of these, the most destructive of predatory animals, since they have embraced within the national forests large areas of land and are keeping from one to four men all the year round. It is my opinion that they should be employed in killing wolves, if nothing else.

The appropriation provided for in the paragraph is simply to cooperate with the States in the destruction of these animals, and nothing more. The methods that shall be used in the destruction of the animals I do not know, but I suppose they will hire hunters for the purpose. They could offer a head bounty, as we do in my State, where we pay $15 for a wolf and $2 to $2.50 for a coyote.

Mr. OVERMYER. Will the gentleman describe to the committee the conduct of the coyote who is afflicted with rabies?

Mr. HERNANDEZ. In my State we are not bothered with rabies; we are simply bothered with the coyote.

Mr. RAKER. If the gentleman from New Mexico will yield, in answer to the gentleman's question, the coyote with the rabies loses all sense of danger and fear. He starts down the road, biting the tin cans, biting the fence, biting the horse, biting the automobile, biting the cow and the sheep, and he keeps on biting until he is dead. He may bite 20 dogs and he may bite other coyotes and cattle.

Mr. HERNANDEZ. I never saw a coyote with the rabies, but I have seen a dog with the rabies.

Mr. McCRACKEN. Mr. Chairman, surely there can be no objection to the retention of this clause in the bill. When American citizens will brave the dangers and hardships which they must encounter in order to establish a home upon some mountain side they should have all the encouragement that the Government can give to them. In order that you may have some proof that rabies exist among some of the wild animals of the Mountain States, I want to read from a letter which I have received from a constituent of mine, Mrs. Lula M. Gaddy, of Mountain Home, Idaho, who writes under date of February 1, 1916, as follows:

> One thing I think you can do for our locality in Idaho is to agitate the mad-coyote conditions which prevail there. I was one of those whom it was hard to convince that there were mad coyotes, but we learned to our sorrow that there were. Many animals have been bitten in our community during the last year, and several people. My brother's two children were bitten and by only a miracle and the goodness of God did one of them escape. They were playing in the yard close to the house when a mad coyote jumped the fence, attacked the baby, 2 years old, who was playing with his little shovel in the sand, and bit him in the top of the head, the fangs sinking deep into the skull; hearing his screams, the older brother rushed to the rescue of the baby only to be attacked by the creature and bitten in the leg. Their father, who was working in the field not far away, hearing the commotion, left his team and, seizing a club, killed the brute as it left the children and rushed at him. Upon examination it was found the coyote was mad, and the family spent three weeks right in the planting time in town having the treatment administered to the children. Fifty-five dollars apiece for the treatment, to say nothing of the local doctor's charges, board in town, loss of valuable time on the farm, etc., saying nothing of the anxiety. This added to an already immense doctor's bill caused by both parents having spotted fever the year before, made the father wonder why he had tried to hold a claim in Idaho. So talk up this thing. The ticks and consequent spotted fever are bad enough, but the mad coyotes are worse. All last summer and fall I never dared step out of doors to go to a neighbor's, or to the mail box, without a gun or club.
>
> Get the Government to put a big bounty on coyote heads or do something to kill off the pests.

I am willing to rest my case upon the appeal of this woman, who is only one among thousands of worthy citizens of the West who have braved the dangers of wild animals for many years past and who have paid into the Treasury of the United States millions of dollars for their homes. The sum should be increased to twice the amount provided for in this bill.

It seems a strange thing that so little has ever been done by this Government to aid the pioneer of the West. In the early days he fought the Indians in order that he might build a habitation for himself and his family. Now he is obliged to fight wild animals infected with a fearful disease, and although he has blazed the way for the generations which have followed and has done more than any other class in the country to increase our food supply, has given his sons to the Army and the Navy and done much else to make this country great, yet some gentlemen on the floor of this House doubt the wisdom of making a small appropriation to enable him to defend himself against attack of ferocious and infected wild beasts.

I therefore urge in all seriousness that the sum provided for in this bill, to wit, $125,000, be appropriated for the protection not only of our stock, but that which is still more important, the lives and health of our people in the Northwest by an early and vigorous fight on the part of the Agricultural Department to suppress rabies, which can only be done by the destruction of wolves, coyotes, and other predatory animals. I know that the Members of this House are in sympathy with the homestead entrymen in the far West, and let us show our appreciation of

him in a substantial way by retaining the provision of the bill. [Applause.]

Mr. TILSON. Will the gentleman yield?

Mr. McCRACKEN. Yes.

Mr. TILSON. How is your State spending money to eradicate the animals?

Mr. McCRACKEN. The legislature has made an appropriation for the payment of a bounty on the animals killed.

Mr. TILSON. They consider it the best way to offer a bounty of so much a head for those killed rather than to employ hunters by the month.

Mr. McCRACKEN. I will say that the stock associations and the State board of health have cooperated, and they have employed people to go out and kill coyotes. They also use poison and other means of destruction.

Mr. MONDELL. Mr. Chairman, for many years the Western States have paid bounties for the extermination of predatory wild animals. Those bounties have run all the way from two to five dollars for wolves and from 75 cents to about $2 for coyotes. In addition to that, the stock associations, particularly in former times, when the range stock industry flourished, gave bounties also. In some parts of my State the bounty on the gray wolf has been at times as high as $15—State and local bounty combined. Our people have expended a very great deal of money attempting to exterminate these animals. We have had some success. We have kept the numbers down to a point where the destruction of stock has been far less than it would have been without the great expenditure that has been made. Of late years, since the creation of the forest reservations and since conditions have changed in the live-stock industry, so that we no longer have the big concerns to pay the supplementary bounties, we have found it more and more difficult to cope with these animals. Last year an amendment was placed in this bill to aid these Western States in that regard, and I think it is a wise provision. A small sum is here appropriated for this purpose, compared with the sums the people of the Western States are expending annually for the same purpose. It was said in the matter of the brown-tail moth that Massachusetts and other States were spending quite as much as the Federal Government. I think it may safely be said that the States and communities and individuals in the West have expended $10 at the very least for this work of extermination to $1 proposed in this appropriation.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. TILSON. Has any good been discovered in any of these animals, either alive or dead, from their carcasses, their skins, or their fur? Are they good for anything whatsoever, so as to induce any private individual to kill them?

Mr. MONDELL. The skins are worth a little something. The coyote skin is worth from 50 cents to a dollar, depending upon its quality, but a wolfskin anywhere from 75 cents to a dollar and a half, but the animals in the main are of the character with which some people formerly invested the Indian. They are good under certain conditions—after they are dead.

Mr. HOWELL. I would like to state that in the hearings before the Committee on Agriculture a gentleman representing the Bureau of Biology made a statement that during the last two months there had been returned to the Treasury the sum of $1,300 for the pelts of animals that had been killed by the Government hunters.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. BORLAND. I want to ask the gentleman a question on this matter of State cooperation. Are not the Western States somewhat hampered on the question of cooperation by the fact that they not only lose the taxable value of the national forests, but the national forests are themselves somewhat responsible for the conditions which they have to combat?

Mr. MONDELL. The gentleman is correct. The national forests are the great breeding grounds for these predatory animals.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FESS. I will ask the gentleman whether we made an appropriation last year for this purpose?

Mr. MONDELL. Yes.

Mr. FESS. Have we received any report of the work done under this appropriation?

Mr. MONDELL. I think there was something in the hearings about it. I have some information myself on the subject I will be glad to give the committee if I have the time.

Mr. LEVER. Mr. Chairman, my information is that they have killed something like 3,000 of these predatory animals, excluding those infected with rabies.

Mr. MONDELL. The gentleman from Connecticut [Mr. TILSON] has raised a question as to the propriety and advisability of following the method of employing hunters rather than paying bounties. The officials of the Biological Survey, after very careful consideration of the situation and examination of the conditions, came to the conclusion that it would not be wise for the Government to join with the States and with individuals in the payment of bounties; that the best results would be obtained in the long run by the careful selection of hunters, paying them a salary and not allowing them to secure anything from the pelts or from bounties. With a part of this appropriation the bureau is doing very effective work in the destruction of prairie dogs. I have taken the trouble to keep informed in regard to this work, and I can say from personal knowledge that not only has the work done by the bureau been very effective, but it greatly stimulated the killing of prairie dogs by individuals. I am of the opinion that the increased yield of grass on account of the killing of prairie dogs by employees of the bureau and by individuals as a result of the influences of the bureau had a value in the single season far in excess of this entire appropriation.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The time limit has already been fixed.

Mr. MADDEN. Mr. Chairman, it is an old saying that fat dogs will not hunt, and I fear that the man who is put on the pay roll to hunt these coyotes will get so fat that he will not do anything but lie around, the muzzle of his gun in the sagebrush, and draw his pay. If you need men to kill these coyotes, or whatever you want to call them, why not take the army that will soon be coming back from their hunt after Villa? They might as well be hunting these things as Villa.

Mr. HAMILTON of Michigan. Mr. Chairman, I raise the point on the gentleman's pronunciation of "Villa."

Mr. MADDEN. We have had so much Spanish education here this afternoon——

Mr. SIMS. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. SIMS. The gentleman asked the gentleman from California about wanting jobs for constituents. Knowing the gentleman to be liberal, would he not be willing for Democrats to be appointed as dog killers?

Mr. MADDEN. I would be willing if they worked at the dog-killing business, but the trouble is they will not.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. MADDEN. I can not in two minutes. This appropriation is going to pass, there is no doubt about that, and perhaps it ought to, but the thing that alarms me is that next year you will have a million dollars in this appropriation, and the number of coyotes will grow and the necessity for employing more men will grow.

Mr. HAMILTON of Michigan. I want to inquire if they are rapid breeders?

Mr. MADDEN. They are. An appropriation once made by the Federal Government never ceases; it always increases. If you make it $10 to-day it will be $100,000 to-morrow; make it $100,000 to-morrow and it will be $1,000,000 the next day. It does not make any difference whether there is need for it or not, and I think it is wrong to load the taxpayers with unnecessary burdens of this sort and impose upon them as you do. These men from the Western States know very well that there is no more need for this appropriation to kill these wild animals than the man in the moon. They will still be there, as they have been since the beginning of time. Why, gentlemen, they have just discovered another way of putting a few more men on the pay roll. Now, we have to give them a shotgun and a horse and a saddle and a tent and all the other paraphernalia in order to make them eligible for the pay roll. Coyotes, oh, coyotes, what crimes are committed in their name! [Laughter and applause.] The gentleman from California [Mr. RAKER] weeps. You can see the tears running down his face lest the item will not pass and a few more men get on the pay roll to kill coyotes. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I ask for a vote.

The question was taken, and the amendment was agreed to.

Mr. LEVER. Mr. Chairman, I offer the following amendment:

On page 55, line 22, after the word "sum," strike out the words "not less than."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 55, line 22, after the word "sum," strike out the words "not less than."

The question was taken, and the amendment was agreed to.

Mr. LEVER. Mr. Chairman, I offer the following amendment:

Line 23, page 55, after the amount "$250,000," strike out the word "shall" and insert "may."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 55, line 23, after the amount "$250,000," strike out the word "shall" and insert the word "may."

The question was taken, and the amendment was agreed to.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. SMITH of Idaho. Mr. Chairman, I make the same request.

Mr. MAYS. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CULLOP. Mr. Chairman, in one of the recent daily papers is the following article of news which clearly shows the upward trend of business and confidence displayed in the future by business men:

SEVEN MILLION DOLLAR RAIL ORDER IS PLACED—PENNSYLVANIA AND READING ROADS DISTRIBUTE HUGE STEEL CONTRACTS.

PHILADELPHIA, *April 15.*

Orders aggregating between $7,000,000 and $7,500,000 were placed with various steel concerns by the Pennsylvania Railroad and the Philadelphia & Reading Railway.

What is said to be the largest single order for steel rails in the history of the road was placed by the Pennsylvania Railroad. The order calls for 205,000 tons for 1917 delivery, and will cost approximately $6,000,000. The Reading's orders are for 26 locomotives for freight service. They will be built by the Baldwin Locomotive Works at a cost upward of $1,000,000.

The rail order will be distributed among the United States Corporation, Bethlehem, Lackawanna, Cambria, and the Pennsylvania companies.

It would, therefore, appear that the railroads giving this big order are not alarmed about the business distress over which some of the Republicans seem to exhibit so much worry. They do not see either in the present or future any occasion for alarm. If they did, they would not place such an enormous order for supplies for equipping their roads. The calamity, it appears, so frequently rehearsed on the floor of this House only exists in the worried and overtaxed imaginations of a few who refuse to realize the marvelous wave of prosperity sweeping over the land.

Our country is to-day enjoying the greatest era of prosperity it has ever known, and our business institutions are taxed to their limits to care for the business the requirements exact of them. Nearly every line of industry is taxed beyond its capacity to fill the unsolicited orders flowing in on it. This is a strong commendation of the present administration. It demonstrates beyond cavil or doubt that the business world has confidence in it and approves its policies.

Money is plentiful and can be had for legitimate purposes on reasonable terms; labor is employed at remunerative wages and industry was never more profitable. This strikes terror to the prophets of evil, who only a short time ago were crying calamity and distress, predicting idleness, shutdowns, lockouts, and every other business evil the ingenious mind could conceive. But lo and behold their disappointment! Instead of calamity and distress, we witness the most marvelous prosperity the country has ever known, our people are happy and contented, the country forging to the front by leaps and bounds, and reaping rich rewards as the result of the wise and economic business policies adopted by this administration.

Prosperity has come to stay, business is now on a safe foundation, panics are things of the past, and opportunities are equal for all. Special privilege no longer exists for a favored few, and the whole people are the beneficiaries of these beneficent policies. These conditions have been brought about under the administration of the Democratic Party, the only party in this country which could bring them about for the people.

The Republican Party could not do so because it was so obligated to the special interests, so absolutely dominated by them that it was powerless to enact remedial legislation for the best interests of the people. It had ample opportunity to do so, but failed. It has been weighed in the balance and found wanting. The Democratic Party was intrusted with power, fulfilled the expectations of the people, and will be continued in power for another four years.

Railroads are placing large orders for supplies, manufacturers are building additions to their plants, new lines of business are springing up, necessary to meet the demands made upon them by the ever-increasing public and private requirements. This is a great time, the greatest ever known in the history of our great Republic.

The Clerk read as follows:

For all necessary expenses for enforcing the provisions of the act approved March 4, 1913 (37 Stat. L., 847, 848), relating to the protection of migratory game and insectivorous birds, and for cooperation with local authorities in the protection of migratory birds, and for necessary investigations connected therewith, $50,000.

Mr. COX. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. DOOLITTLE. Mr. Chairman, I move to strike out the paragraph.

Mr. LEVER. Mr. Chairman, this is not subject to the point of order. There is a statute which covers this, and the gentleman from Kansas is going to move to strike it out.

Mr. COX. I want to get some information on this. I recall the statute very well. I know the Federal court has held it to be unconstitutional. I will make the point of order on it, because there is no law for it. The law has been held unconstitutional at least by one Federal court in the United States, if not two.

Mr. LEVER. It has been held constitutional.

The CHAIRMAN. Perhaps one court has held it unconstitutional, but other courts have not.

Mr. COX. I do not know that any court has held it as constitutional.

Mr. LEVER. The court in Arkansas held it constitutional.

The CHAIRMAN. The Chair overrules the point of order.

Mr. MANN. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. LEVER. Will the gentleman permit the gentleman from Kansas to offer an amendment and have it pending?

Mr. MANN. Yes.

Mr. DOOLITTLE. Mr. Chairman, I move to amend by striking out the paragraph.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 56, strike out the paragraph included in lines 11 to 18, inclusive.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 12717, the Agricultural appropriation bill, and had come to no resolution thereon.

HOUR OF MEETING MONDAY.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. on Monday next.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. on Monday next. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. LEVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 56 minutes p. m.) the House, under its previous order, adjourned until Monday, April 24, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy submitting estimates of deficiencies in appropriations required by the Navy Department to complete the service of the fiscal year ending June 30, 1916, and for prior years (H. Doc. No. 1049); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Hempstead Harbor, N. Y. (H. Doc. No. 1050); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a supplemental estimate of appropriation required for the service of the War Department for the fiscal year ending June 30, 1917, for camps of instruction for civilians (H. Doc. No. 1051); to the Committee on Military Affairs and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting estimate of urgent deficiency appropriation in the sum of $25,000 for operating force for public buildings, 1916 (H. Doc. No. 1052); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of War, submitting information relative to time studies and premium payments in Government employment (H. Doc. No. 1053); to the Committee on Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 11623) to permit the use of certain refined products of petroleum as stores on steam vessels carrying passengers, reported the same with amendment, accompanied by a report (No. 586), which said bill and report were referred to the House Calendar.

Mr. LA FOLLETTE, from the Committee on the Public Lands, to which was referred the bill (S. 3132) providing for the homestead entry of certain lands in the State of Washington, and for other purposes, reported the same with amendment accompanied by a report (No. 587), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 2043) granting a pension to Seymour McDonough; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9203) granting an increase of pension to Homer E. Mills; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. CLARK of Florida: A bill (H. R. 14943) to amend the civil-service laws of the United States; to the Committee on Reform in the Civil Service.

By Mr. DILLON: A bill (H. R. 14944) authorizing the Secretary of the Interior to transfer on certain conditions the south half of lot 14, of the southeast quarter of section 21, township 107, range 47, Moody County, S. Dak., to the city of Flandreau, to be used as a public playground; to the Committee on Indian Affairs.

By Mr. SHALLENBERGER: A bill (H. R. 14945) to fix the sizes of baskets or other open containers for small fruits or berries; to the Committee on Coinage, Weights, and Measures.

By Mr. KINKAID: A bill (H. R. 14946) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891; to the Committee on Indian Affairs.

By Mr. LLOYD: A bill (H. R. 14947) providing for carrying in the mails reply letters and postal cards without prepayment of postage; to the Committee on the Post Office and Post Roads.

By Mr. HILLIARD: A bill (H. R. 14948) to repeal section 3 of an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States," approved August 1, 1888 (25 Stat. L., p. 357), and as amended in Twenty-eighth Statutes at Large, page 814, approved March 2, 1895; to the Committee on the Judiciary.

By Mr. NORTON: A bill (H. R. 14949) authorizing the Secretary of the Interior to make investigation of lignite coals to determine the practicability of their utilization in producing benzol and other commercial products; to the Committee on Appropriations.

By Mr. HULBERT: Resolution (H. Res. 209) directing the Secretary of the Treasury to report to Congress as to the advisability of establishing free ports, etc.; to the Committee on Appropriations.

By Mr. LEVER: Resolution (H. Res. 213) providing for the consideration of H. R. 12717; to the Committee on Rules.

By Mr. FERRIS: Resolution (H. Res. 214) providing for investigation of and relating to the high price of print paper and other products; to the Committee on Rules.

By Mr. HAY: Resolution (H. Res. 215) to provide for the discharge of the Committee on Military Affairs from the consideration of H. R. 12766, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 14950) granting an increase of pension to Rebecca A. Munson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14951) granting a pension to John Groth; to the Committee on Pensions.

By Mr. CANTRILL: A bill (H. R. 14952) for the relief of Mrs. John A. Fox; to the Committee on Claims.

By Mr. HAYDEN: A bill (H. R. 14953) granting a pension to Mrs. Martha Ellen Sellers; to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 14954) granting a pension to R. L. Rhodes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14955) for the relief of R. L. Rhodes; to the Committee on Military Affairs.

By Mr. HOWARD: A bill (H. R. 14956) for the relief of the heirs of Thomas Byrne; to the Committee on War Claims.

By Mr. McCULLOCH: A bill (H. R. 14957) granting a pension to Frank O. Stevens; to the Committee on Pensions.

Also, a bill (H. R. 14958) granting an increase of pension to Cornelius McCafferty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14959) to remove the charge of desertion from the military record of Joseph P. Brady; to the Committee on Military Affairs.

By Mr. MOSS of Indiana: A bill (H. R. 14960) granting a pension to Abbie Shanks; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 14961) granting a pension to Sarah E. Crockett; to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 14962) granting a pension to William McCarthy; to the Committee on Pensions.

By Mr. REILLY: A bill (H. R. 14963) granting an increase of pension to John Everets; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 14964) granting an increase of pension to James W. Gamble; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 14965) granting an increase of pension to Lynn J. Heldreth; to the Committee on Pensions.

By Mr. WICKERSHAM: A bill (H. R. 14966) to appropriate $10,000 to compensate Thomas H. Jeter for property taken by the United States; to the Committee on Claims.

By Mr. WINGO: A bill (H. R. 14967) granting a pension to John Sawicki; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of women voters of Pueblo, Colo., favoring action by Congress on suffrage amendment at this session; to the Committee on the Judiciary.

By Mr. ALLEN: Petition of sundry citizens of Cincinnati, Ohio, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. ANTHONY: Petition of citizens of Atcheson, Horton, and Rossville, Kans., favoring tax on mail-order houses; to the Committee on Ways and Means.

By Mr. BROWNE: Petition signed by residents of Clintonville, Wis., protesting against House bill 13048; to the Committee on the District of Columbia.

Also, petition of residents of the eighth congressional district of Wisconsin and residents of Marion, Wis., in favor of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition signed by residents of the cities of Embarrass, Shawano, and Clintonville, of the eighth congressional district of Wisconsin, against House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition signed by residents of Manawa, in the eighth congressional district of Wisconsin, against House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition signed by residents of Mosinee, in the eighth congressional district of Wisconsin, against House bill 652; to the Committee on the District of Columbia.

Also, petition signed by residents of Marathon County, in the eighth congressional district of Wisconsin, against House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. CURRY: Resolution by the Richmond Chamber of Commerce, of Richmond, Cal., indorsing site offered by John H. Nicholl for the location of a naval academy on the Pacific coast; to the Committee on Naval Affairs.

By Mr. DALE of New York: Petition of the Defiance (Ohio) Machine Works, relative to Government munitions plant in Defiance; to the Committee on Military Affairs.

Also, memorial of envoys of nonsuffrage States and women voters of Colorado and citizens of Albuquerque, N. Mex., protesting against action of the Judiciary Committee relative to suffrage amendment; to the Committee on the Judiciary.

By Mr. DAVIS of Texas: Petition of the Christian Endeavor Union of Honolulu, favoring prohibition in Hawaii; to the Committee on Insular Affairs.

By Mr. ELSTON: Petition of L. C. Nelson and other citizens of Alameda County, Cal., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of L. C. Nelson and other citizens of Alameda County, Cal., against bills to close barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

By Mr. ESCH: Petition of M. E. Cassity and 27 others, of Tomah, Wis., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Thorp, Wis., relative to Government developing water power; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of General Jacob H. Smith Post, No. 83, Veterans of Foreign Wars, favoring the Madden bill, House bill 13671; to the Committee on Military Affairs.

Also, petition of Young Republican Club, of New York, protesting against the Clarke amendment to the Philippine bill; to the Committee on Insular Affairs.

Also, petition of McNeil & Higgins Co., of Chicago, Ill., favoring 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

By Mr. HAYDEN: Petition of sundry citizens and organizations of the State of Arizona, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of E. S. Beall and 11 other citizens of Phoenix and Buckeye, Ariz., opposing the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. HAYES: Petition of citizens of San Jose, Santa Clara County, Cal., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Woman's Christian Temperance Union of Campbell, Cal., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Woman's Christian Temperance Union of Campbell, Cal., favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HILLIARD: Petition of J. C. Wallace and 21 others of Denver, Colo., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Frank C. Goudy, G. W. Brown, Caldwell Martin, Frazer Arnold, Kenaz Huffman, C. F. Heath, F. B. Richmond, H. S. Peregrine, Thomas F. Azpell, and J. H. Hillyard, of Denver, Colo., urging appropriations for national defense; to the Committee on Appropriations.

By Mr. LINTHICUM: Petition of sundry citizens and organizations of the United States, favoring House resolution 137, for Government inspection of dairies; to the Committee on Rules.

By Mr. MILLER of Delaware: Evidence in support of House bill 14925, granting an increase of pension to Margaret Baylis; to the Committee on Invalid Pensions.

By Mr. MORIN: Petition of the Pittsburgh Builders' Exchange, of Pittsburgh, Pa., favoring reconsideration of bill granting permission to build proposed power plant in close proximity to Mall in the District of Columbia and selection of a site having the approval of the Fine Arts Commission; to the Committee on the District of Columbia.

Also, petition of the Building Construction Employers' Association of Pittsburgh, Pa., favoring reconsideration of bill granting permission to build power plant in close proximity to the Mall in the District of Columbia and selection of a site having the approval of the Fine Arts Commission; to the Committee on the District of Columbia.

Also, petition of Pittsburgh Builders' Exchange, of Pittsburgh, Pa., protesting against passage of House bill 11876; to the Committee on Labor.

Also, petition of the Building Construction Employers' Association, of Pittsburgh, Pa., protesting against passage of House bill 11876; to the Committee on Labor.

By Mr. NOLAN: Petition from Patriots' Day celebration mass meeting, San Francisco, Cal., requesting legislation to prohibit the President from severing diplomatic relations with any foreign power without the consent of Congress; also to prevent American citizens from traveling on ships of belligerent nations; also a request that the Committee on Foreign Affairs report a bill placing an embargo on arms and ammunition; to the Committee on Foreign Affairs.

By Mr. NORTH: Petition of A. E. Longwill, of Indiana, Pa., asking for the assistance in the placing of a tax on all exportations of gasoline; to the Committee on Ways and Means.

By Mr. ROWE: Petition of sundry citizens of New York City, favoring passage of the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of the State of New York, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, memorial of the board of trustees of the Cape May Yacht Club, against bills relative to numbers on motor boats; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of New York Young Republican Club, against the Clarke amendment to the Philippine bill; to the Committee on Insular Affairs.

By Mr. SANFORD: Papers to accompany House bill 14455, granting a pension to Joseph P. Weis; to the Committee on Pensions.

By Mr. SMITH of Idaho: Papers to accompany House bill 14896, granting an increase of pension to Gustavus Odor; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: Papers to accompany House bill 11523, for the relief of Harriet S. Upright; to the Committee on Invalid Pensions.

By Mr. STEENERSON: Petition of Alf. Anderson and 9 other citizens of Kennedy, Minn., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. SULLOWAY: Petition of Mrs. E. M. Chase and other citizens of Manchester, N. H., favoring passage of House bill 2238, relative to ransom of Miss Ellen M. Stone; to the Committee on Claims.

By Mr. TAYLOR of Arkansas (by request): Petition of C. D. Curry and sundry other citizens of Hot Springs, Ark., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Petition of Harry B. Bezanson and 100 others, of New Haven, Conn., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. WALSH: Petition of New England Conference of Evangelical Association, by Samuel P. Spreng and Charles W. Locke, its president and secretary, respectively, indorsing Sheppard-Gallinger resolutions, so-called; to the Committee on Alcoholic Liquor Traffic.

SENATE.

MONDAY, *April 24, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee that with the returning springtime we have the token of Thy will and Thy purpose to supply all our needs. We thank Thee that we know that back of the rains, the fields, the flowers, and the sunshine is the Father's will, and we look to Thee with praises in our hearts for all the gifts of life. We come to Thee that the higher needs of our spiritual life may also be supplied. We pray that Thou wilt out of the unmeasured resources of Thy grace give to us all the nobler aspirations and ambitions of life, leading us to look at life from God's point of view, measuring its possibilities and its responsibilities by Thy revealed will. Guide us this day in the discharge of the duties that come to us. For Christ's sake. Amen.

The Journal of the proceedings of Saturday last was read and approved.

LANDS IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, the Attorney General, the president of the Board of Commissioners of the District of Columbia, and the chairmen of the Committees on Public Buildings and Grounds of the United States Senate and of the House of Representatives, transmitting a map showing the title of the United States to lands in the District of Columbia, which was referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

Mr. SHEPPARD presented a memorial of sundry citizens of Avinger, Tex., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Christian Endeavor Society of the Presbyterian Church of St. Petersburg, Fla., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Concord, N. H., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a memorial of Wentworth Grange, Patrons of Husbandry, of West Rumney, N. H., remonstrating against any change being made in the parcel-post law, which was referred to the Committee on Post Offices and Post Roads.

Mr. OWEN. I present a telegram in the nature of a resolution adopted by the Southern Sociological Congress, which I ask may be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

NEW ORLEANS, LA., *April 16, 1916.*

Senator ROBERT L. OWEN,
Washington, D. C.:

Please present the following official recommendation of the Southern Sociological Congress offered in sesssion now at New Orleans: Six hundred thousand citizens of the United States die annually of preventable disease and 6,000,000 are needlessly sick. The economic loss per year from the last item alone is a half billion dollars. State and local health authorities have grappled but are overwhelmed with conditions which germinate such destructive and costly maladies as tuberculosis, typhoid, malaria, hookworm, pneumonia, cancer, syphilis, inebriacy. It is the deliberate sense of this congress that the greatest possible act of constructive economic legislation is the establishment of an adequate separate national department of health. The Southern Sociological Congress begs to present with our most constant and loyal respect the earnest petition to the President and to each Senator and Representative in the National House that such legislation be enacted at current Congress session.

C. H. BROUGH,
Governor Elect of Arkansas and President.
J. E. MCCULLOCH,
General Secretary.
Mrs. ANNA RUSSELL COLE,
Founder.

Mr. MARTINE of New Jersey. I present a resolution adopted by the National Democratic Club, of New York City, largely embodying a thought that I believe in. I ask that it may be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

NATIONAL DEMOCRATIC CLUB,
New York, April 4, 1916.

At a general meeting of the National Democratic Club, held April 4, 1916, presided over by President John M. Riehle, the following resolution was offered by the Hon. Robert L. Lucc, indorsing the Alexander shipping bill and unanimously adopted:

RESOLUTION.

"Four years ago the Democratic Party in its national platform pledged itself to enact three great measures vital to the Nation's progress and prosperity. These were reform of banking and currency, tariff reform, and the development of a merchant marine.

"Two of these pledges have been redeemed and a Democratic Congress is about to renew its efforts to give the country the benefit of the third of these great constructive reforms.

"Since the adoption of the platform pledge to rebuild and develop a merchant marine an added importance was attached to this policy by reason of its intimate relation to the subject of national preparedness.

"An adequate auxiliary merchant marine for the transport of men, munitions, and supplies is absolutely essential to an effective navy. Utilizing all available home resources, any real emergency would find our Navy with a shortage of at least 400,000 tons in auxiliary vessels. This deficiency must be made up.

"Owing to American standards of wages, safety at sea, and decent and humane conditions of labor for American seamen, private enterprise can not be relief upon to provide the ships, because experience has demonstrated that private capital can not successfully compete against the handicap of lower standards maintained by other maritime nations.

"Government aid is therefore necessary to overcome this handicap and provide the necessary tonnage. The old-fashioned subsidy system has failed, and it is not only discredited but undemocratic. The policy of loaning Government funds to private individuals and corporations, as the transcontinental railroads were financed, however laudable the object, tends to corruption and control of the Government by special interests, and will not be tolerated while the memory of the Credit Mobilier persists. Neither will public sentiment approve a change in our shipping laws that will tend to relegate us to lower standards of wages, of safety, and of conditions of labor.

"There remains only the policy embodied in the administration's shipping bill, which provides for the immediate purchase by the Government, at an expense of $50,000,000, of a tonnage sufficient to make up for the existing deficiency, and the utilization of these vessels in time of peace, either by private corporations under lease or, if necessary, by the Government, in developing new trade routes to South America and the Far East, and thus taking advantage of the unexampled opportunity pressing upon us for the expansion of our foreign commerce.

"This policy will not only provide for the present emergency but will, when gradually extended, give us the foundation of a real national merchant marine. Coupled, as it is in the pending bill, with the creation of a shipping board that will have the same power to enforce fair practices in ocean freights that the Interstate Commerce Commission has over railroad freights, this measure of constructive statesmanship will not only make for preparedness for war but also for preparedness for peace and commerce.

"Therefore, recognizing these conditions, be it

"*Resolved*, That the National Democratic Club, of the city of New York, heartily supports the President and the Democratic Congress in their efforts to solve constructively this great national problem."

Mr. THOMPSON presented a petition of sundry citizens of Independence, Kans., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

Mr. LANE presented petitions of sundry citizens of Oregon, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. BURLEIGH presented a memorial of sundry citizens of Lewiston, Me., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. JONES presented petitions of sundry citizens of the State of Washington, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Walla Walla and Tacoma, in the State of Washington, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. THOMAS presented petitions of sundry citizens of Colorado, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Colorado, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Denver, Colo., and of Bisbee, Ariz., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. WEEKS presented a petition of sundry citizens of Waban, Mass., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

He also presented a petition of Local Branch New England Conference of the Evangelical Association, at New Bedford, Mass., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Italian American Citizens' Club of Massachusetts, remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. WARREN. I present resolutions adopted at a meeting of envoys from nonsuffrage States held at Cheyenne, Wyo., on April 15, 1916, favoring the adoption of an amendment to the Constitution providing for woman suffrage. I ask that the resolutions may be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

CHEYENNE, WYO., *April 15, 1916.*

Resolved, That this meeting for the envoys from the nonsuffrage States, at Cheyenne, Wyo., April 15, 1916, calls upon the members of the Judiciary Committee to reconsider and report favorably to the House of Representatives the Sutherland-Mondell resolution: Be it further

Resolved, That a copy of this resolution be sent to each member of the Judiciary Committee of the House of Representatives, and also that it be sent to each Member of the congressional delegation of Wyoming, and that it be read into the CONGRESSIONAL RECORD by Representative FRANK W. MONDELL, of the House, and Senator FRANCIS E. WARREN, of the Senate.

Mrs. R. A. MORTON, *Chairman.*

This resolution was seconded by Judge N. S. Metz, of Sheridan, Wyo., Democratic floor leader in the Wyoming Legislature of 1915.

Mr. PHELAN presented a resolution adopted by the California State Congress of Mothers, held at Berkeley, Cal., favoring the establishment of a home education division in the Bureau of Education, which was referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Eureka and Oakland, in the State of California, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a petition of the congregation of the Grace Methodist Episcopal Church, of South Clovis, Cal., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 64, International Union of Steam and Operating Engineers, of San Francisco, Cal., praying for the printing of the report of the Commission on Idustrial Relations, which was ordered to lie on the table.

Mr. THOMAS. I present resolutions adopted at a mass meeting of citizens of Colorado Springs, Colo., favoring the adoption of the Susan B. Anthny woman suffrage amendment to the Constitution, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD as follows:

Resolved, That this mass meeting of citizens assembled in Colorado Springs, Colo., in the opera house, April 16, 1916, in response to the appeal of women from nonsuffrage States, calls upon Congress to pass forthwith on to the State legislatures for ratification the Susan B. Anthony amendment, and protests against the action of the Judiciary Committee in unjustly blocking the Susan B. Anthony amendment and demands an immediate and favorable report of this amendment to the House.

Resolved also, That copies of this resolution be sent to the President, Speaker CLARK, the Senate and House leaders of all parties, and to the two Senators and the Representatives from Colorado; and be it further

Resolved, That the chairman of this meeting be empowered in forwarding copies to request that the resolutions be read into the CONGRESSIONAL RECORD.

PORT OF DELIVERY, WINSTON-SALEM, N. C.

Mr. SIMMONS. From the Committee on Finance I report back favorably, without amendment, the bill (S. 5708) for the establishment of Winston-Salem, in the State of North Carolina, as a port of delivery under the act of June 10, 1880, governing the immediate transportation without appraisement of dutiable merchandise, and I ask unanimous consent for its present consideration.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be extended to the port of Winston-Salem, in the State of North Carolina.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HOLLIS:

A bill (S. 5719) to construe certain acts as constituting prima facie evidence of a combination and conspiracy in restraint of trade as defined and prohibited in the act of July 2, 1890 (26 Stat. L., p. 209), and acts amendatory thereof; to the Committee on Interstate Commerce.

By Mr. McCUMBER:

A bill (S. 5720) granting an increase of pension to Francis E. Pellett (with accompanying papers); and

A bill (S. 5721) granting an increase of pension to Ole Olson (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 5722) granting an increase of pension to Rose L. Gibbon (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of South Dakota:

A bill (S. 5723) granting an increase of pension to Garrett G. Seger (with accompanying papers); to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 5724) authorizing the construction of a public building in the city of Durango, Colo.; to the Committee on Public Buildings and Grounds.

By Mr. OLIVER (for Mr. PENROSE):

A bill (S. 5725) to grant an honorable discharge to Patrick Sullivan; to the Committee on Military Affairs.

A bill (S. 5726) granting a pension to Calista A. Carpenter; and

A bill (S. 5727) granting a pension to Ed M. Deemer; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5728) for the relief of the Alaska Steamship Co. (with accompanying papers); to the Committee on Claims.

By Mr. BURLEIGH:

A bill (S. 5729) granting an increase of pension to Hannah A. Holden; to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 5730) granting a pension to Arelia Gleason; to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 5731) to increase the pay of United States penitentiary guards; to the Committee on Appropriations.

By Mr. CURTIS:

A bill (S. 5732) granting an increase of pension to James E. Sipes (with accompanying papers); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 5733) granting an increase of pension to Iva O. Shepardson; to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 5734) to amend the Judicial Code; to fix the time when the annual term of the Supreme Court shall commence, and further to define the jurisdiction of that court; to the Committee on the Judiciary.

By Mr. HUGHES:

A bill (S. 5735) amending the building regulations of the District of Columbia by providing for the better protection of persons engaged in and about the construction, repairing, alterations, or removal of buildings, bridges, viaducts, and other structures; to the Committee on the District of Columbia.

Mr. NEWLANDS. I introduced a bill and ask that it lie on the table.

The bill (S. 5736) to promote interstate commerce, agriculture, and the general welfare by providing for the development and control of waterways and water resources, for water conservation, for flood control, prevention, and protection; for the application of flood waters to beneficial uses; and for cooperation in such work with States and other agencies, and for other purposes, was ordered to lie on the table.

By Mr. OWEN:

A joint resolution (S. J. Res. 123) for the erection of a monument to Thomas Jefferson within the Louisiana Purchase and in the State of Oklahoma, on the proposed international Jefferson Highway; to the Committee on the Library.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. STERLING submitted an amendment providing that the bulletins issued by State boards or departments charged with the enforcement of laws regulating the distribution and sale of food, dairy, and drug products, shall be admitted to the mails as second-class matter, intended to be proposed by him to the Post Office appropriation bill (H. R. 10484), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

He also submitted an amendment proposing that of the appropriation of $75,000 for all necessary expenses for the investigation, treatment, and eradication of dourine, $40,000 thereof shall be made immediately available upon the passage and approval of the Agricultural appropriation act for June 30, 1917, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. McCUMBER submitted an amendment proposing to appropriate $25,000 to enable the Bureau of Mines to make a special investigation of the lignite coal fields of North Dakota with reference to their utilization in producing liquid fuels for internal-combustion engines, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMITH of Michigan submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

M. SHEPPARD submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

NATIONAL DEFENSES IN OREGON AND WASHINGTON.

Mr. CHAMBERLAIN submitted the following resolution (S. Res. 174), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War is hereby directed to furnish the Senate the following information:

First. What military force we now have in the States of Oregon and Washington, and to what branch or arm of the service they belong, giving the strength of each and at what places in the States they are stationed.

Second. What coast defenses there are in the States and how they are manned, giving the number and kind of guns in each fort or other fortification and the force of men in each.

PRICE OF PRINT PAPER.

Mr. OWEN submitted the following resolution (S. Res. 177), which was considered by unanimous consent and agreed to:

Resolved, That the Trade Commission is hereby requested to inquire into the increase of the price of print paper during the last year and ascertain whether or not the newspapers of the United States are being subjected to unfair practices in the sale of print paper.

EMPLOYMENT OF CLERK.

Mr. REED submitted the following resolution (S. Res. 175), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Manufactures be authorized to employ an additional clerk at a salary of $100 per month for a period lasting until the beginning of the second session of the Sixty-fourth Congress, the same to be paid out of the contingent fund of the Senate.

EMPLOYMENT OF ADDITIONAL CLERK.

Mr. CHILTON submitted the following resolution (S. Res. 176), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the provisions of the resolution of the Senate of March 9, 1916, authorizing the Committee on the Census to employ an additional clerk for 60 days are hereby extended for a period of 90 days from and after May 10, 1916.

CHOCTAW AND CHICKASAW INDIAN LANDS (S. DOC. NO. 414).

Mr. OWEN. Mr. President, I ask to have printed as a public document a memorial of the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation in regard to the sale of the segregated coal and asphalt deposits belonging to the Choctaw and Chickasaw Tribes, and that it be referred to the Committee on Indian Affairs.

The VICE PRESIDENT. Without objection, it is so ordered.

SPEECH OF SENATOR CHILTON (S. DOC. NO. 416).

Mr. SMITH of Georgia. I desire to ask unanimous consent to have printed as a public document a very interesting speech delivered by the Senator from West Virginia [Mr. CHILTON] a few days ago at Charleston, W. Va.

The VICE PRESIDENT. Without objection, it is so ordered.

RURAL CREDITS.

The VICE PRESIDENT. The morning business is closed.

Mr. HOLLIS. I move that the Senate proceed to the consideration of Senate bill 2986, the rural credit bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes, which had been reported from the Committee on Banking and Currency with amendments.

Mr. HOLLIS. I observe that there are notices on the calendar for addresses to be made by Senators this morning, and if they care to proceed now I will give way.

Mr. SHAFROTH. Mr. President, I gave notice that I would address the Senate this morning, but the Senator from New Hampshire desires very much to proceed with the bill. He says he will yield to me to-morrow morning. So I wish to give the notice for to-morrow morning after the morning business, extending the notice which I have already given.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Myers	Smith, Mich.
Bankhead	Harding	Nelson	Smith, S. C.
Beckham	Hitchcock	Newlands	Smoot
Brady	Hollis	Norris	Sterling
Brandegee	Hughes	Overman	Stone
Burleigh	Husting	Owen	Thomas
Chamberlain	Johnson, Me.	Page	Thompson
Chilton	Johnson, S. Dak.	Phelan	Tillman
Clapp	Jones	Pittman	Vardaman
Clark, Wyo.	Kenyon	Poindexter	Wadsworth
Colt	La Follette	Ransdell	Walsh
Culberson	Lane	Saulsbury	Warren
Cummins	Lodge	Shafroth	Works
Curtis	McCumber	Sheppard	
Dillingham	Martin, Va.	Simmons	
Gallinger	Martine, N. J.	Smith, Ga.	

Mr. CHILTON. I wish to announce that my colleague [Mr. GOFF] is absent on account of illness. This announcement may stand for the day.

The VICE PRESIDENT. Sixty-one Senators have answered to the roll call. There is a quorum present.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Nevada?

Mr. HOLLIS. I do.

RESTORATION OF PEACE IN EUROPE.

Mr. NEWLANDS. I will ask the Secretary to read the resolution which I offered the other day relating to the restoration of peace in Europe.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read the resolution.

The Secretary read Senate resolution 172, submitted by Mr. NEWLANDS on the 20th instant, as follows:

Resolved, That the people of the United States, composed for the most part either of natives or the descendents of natives of the warring countries in Europe, have viewed with distress the existing war, involving, as it does, the universal destruction of the fit and courageous and the general impairment of condition. They have observed with satisfaction the recent announcements of the English and German Governments regarding a possible peace.

Whilst the announcement of each Government contains phrases intended to encourage its own people yet having the effect of irriating the opposing peoples, it is observed that each announcement practically involves the restoration of the status quo ante.

It is to be regretted that on each side phrases have been used which were likely to be misunderstood on the other side, such as the demand of England that German militarism should be destroyed, a phrase which means, to the German people, that German nationalism should be destroyed.

Without going into the contentions of the ancient Empires which have been inherited by the peoples descended from them, or elaborating upon the modern contentions of existing Empires, it is clear that the immediate cause of the existing war was that one of the two Teutonic States, surrounded by hostile Slavs on the one side and hostile Latins on the other, felt that its national life was threatened by the destruction of its Crown Prince through a conspiracy organized in a Slav State, and insisted upon its right to punish this Slav State without foreign intervention, that from this small commencement an almost universal war has arisen, more destructive than any which the world has hitherto witnessed, that, as a result of this war, the Teutonic allies have won on land, whilst the entente allies have won on the sea, and that the result is a deadlock of forces destructive and paralyzing to all.

The Teutonic allies have accomplished the declared purpose of the war—the punishment of Servia. This has been done. It can not be undone. The people of all the warring countries desire peace. Their Governments undoubtedly wish to gratify this aspiration, but in a way that will not involve the impairment of national sovereignty and prestige. Each regards this contest as one for national life. Each disclaims the idea of aggression or conquest. The enthusiasm of the war is over. A grim determination upon the part of each to maintain its national life unimpaired, alone animates the courage and steadies the purpose of all.

The rage of the conflict makes diplomatic parley impossible. The governmental announcements of England and Germany indicate a harmony of view as to many things, such as that no indemnity shall be demanded, that Belgium shall be restored as an independent State, that the portion of France recently occupied by Germany shall be restored, that the status of Alsace and Lorraine, settled over 40 years ago by treaty between Germany and France, shall not be disturbed.

Just as England and France demand that they should be secured by buffer States and proper boundaries against Teutonic aggression in the west, Germany demands that she should be secured against Slav aggression in the east. The disposition of Poland therefore becomes important. Might it not be possible by mutual concessions of existing rights by both Teutons and Slavs to reestablish the ancient Kingdom of Poland, or at least a part of it, as a sovereign buffer State?

Austria demands security on the south. The Teutonic States, in conjunction with Bulgaria, have destroyed the sovereignty of Servia. May it not be possible to restore that sovereignty, or, if that is impossible, may not Servia's prosperity be made more secure in the future through a modified autonomy established under Austrian sovereignty?

Germany's colonial possessions have been wrested from her. May they not be restored, or, at all events, compensated for through some favorable readjustment of her boundaries or sphere of influence in Turkey and Asia Minor?

Russia, locked in by icebound ports, demands access to the southern seas. She has won her way to the Persian Gulf. Why should not this, or free access to the Mediterranean through the Dardanelles, be secured to her?

There remains the question of German militarism and English navalism, the one dominant on land, the other dominant on sea. Why may it not be possible, without irritating phrases, for each of these Governments to state publicly its views, not regarding disarmament, but a gradual reduction of armament on land and sea, and a gradual approach toward the adjustment of international disputes, as domestic disputes are adjusted, through international tribunals organized and proceeding as do domestic tribunals, according to the orderly forms of law, with power to enforce their decrees? Surely the progress which has been made in the substitution of law and order for violence in the settlement of individual disputes through domestic tribunals created for the purpose justifies the hope that a similar international evolution will spring from the blood of the heroes whose valor and courage on land and sea, unequaled in the history of the world, have been fruitless of result, except deterioration of race and impoverishment of condition.

The Senate of the United States, profoundly impressed by the solemnity of the hour, urges upon the warring nations a calm consideration of these views.

Mr. NEWLANDS. Mr. President, from the small beginning of a movement made by a Teutonic State to punish a Slav State for an alleged offense against its national life, resulting in the assassination of its crown prince, the most gigantic and calamitous war in history has arisen.

The distinguishing characteristics of this war include the disclaimer by each of the warring nations of responsibility for its commencement and continuance, the assurance by each that it is not animated by a desire for conquest, the agreement by all participants that it is a senseless war, the declaration of each that it is fighting for its national life and not for aggression or increased dominion, and protests by all against dominant individual militarism either on land or sea.

The frightfulness of the past two years has already surpassed the predictions of the most sinister imagination. May it not be well to seize this moment of deliberation, when the

relations of Germany and America are in the balance, and consider whether, by following the spirit of The Hague tribunal encouraging friendly intervention between contending nations, the United States Senate may not, through some expression, lead European thought toward a statement of the terms that will restore peace?

The warring nations are dimly conscious of the frightful consequences that follow each hour through the sacrifices that have preceded, but can nations locked together in a death struggle stop to deliberate? Must not some nation outside of the belligerent forces come to their aid with friendly suggestion? And if this is not successfully done, can any mind measure the calamitous finality that will be written down in history affecting not only this but unborn generations?

If the war continues as it has progressed, the only hope of peace lies in the ruin of all the contending parties, and victory will be given to that power whose exhaustion is least complete.

I do not propose to invade the jurisdiction of the State Department nor to put any obstacles in the way of the President, whose cares it is our desire to lighten; but as the Senate shares the responsibility for our foreign relations, and as we have reached a crisis which is hourly drawing us closer to the European vortex, I entertain the hope that this body can yet gain the attention of the combatants and induce those now conducting the world's tragedy to state in some concrete form, without taunt, acrimony, or threats, what proposals can be made the basis of a desired peace. If the dead could plead, would they not say to those who perpetuate the race, "It is the time to live and let live"?

The settlement of the all-inclusive contention as to the war itself will adjust the minor contentions that now exist between the belligerent countries and our own, and will be the surest means of solidifying a permanent friendship.

Which Government will make the declaration, England, dominant on sea, or Germany, dominant on land, the allied forces of each interlocked in the deadly and indeterminate struggle of the trenches?

May not the Teutonic powers, having accomplished the declared purpose of the war—the punishment of Servia—see their way clear to end it by offering to restore the status quo with such reasonable modifications as changed conditions may necessitate and at the same time to declare their willingness to join the other powers in a reduction of armaments, both military and naval, and the substitution of international tribunals for force in the settlement of disputes between nations?

Such action at the very height of their military power would bring honor to them and peace to the world.

Mr. President, I ask that the resolution be referred to the Committee on Foreign Relations for its consideration.

The VICE PRESIDENT. Without objection, it is so ordered.

RURAL CREDITS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes.

Mr. HOLLIS. Mr. President, modern farming requires capital in large amounts. The American farmer has the best security in the world—productive land. This bill enables the farmer to obtain capital for productive purposes at low rates and for long terms on the security of his farm.

NECESSITY FOR FARM CAPITAL.

The successful farmer becomes more of a business man each year. He must use more machinery, buy more fertilizer, and sow better seed. He must erect better buildings, raise better stock, and grow better crops. He must store his produce in order to sell in a high market. He must pay cash in order to buy cheap. If he wishes to keep his children on the farm he must make his home attractive. All of this costs money. He must have ready cash.

Commercial banks are not suited to the requirements of the farmer. Their deposits are mainly on demand or on short time, so that they can not safely tie their funds up in long-time loans. Those who loan to the farmer on mortgage must have access to funds that are seeking long-term investment.

MONEY SEEKING LONG-TERM INVESTMENT.

Of money seeking long-term investment at low rates there is an abundant supply. It includes the ordinary savings of the school-teacher, clerk, minister, and wage earner; the proceeds of life insurance in the hands of widows and other beneficiaries; funds belonging to estates, minors and wards in chancery, in the hands of executors, guardians, and trustees; funds of insurance companies, benevolent orders, and societies of various kinds; endowments of colleges, hospitals, museums, and other institutions; and assets to be invested by receivers, courts, and governments. The aggregate of these is enormous. They require an investment that is absolutely safe and reasonably liquid in the sense that it may be converted into cash upon moderate notice; in other words, that it may find a ready market. A safe investment of this character need not carry a high rate of interest.

INVESTOR AND FARMER BROUGHT TOGETHER FOR MUTUAL PROFIT.

We may picture the owners of this vast wealth grouped on one side of a river, the farmers desiring loans grouped on the other side. It is evident that each has what the other wants. We are asked to furnish the bridge which shall bring them in touch, or, rather, to grant a franchise to those who will build the bridge if we will construct the approaches. Such we conceive to be a proper function of the Government.

It is evident that the school-teacher in Vermont with $500 to invest can not be sure that the Nebraska farm mortgage offered her is a sound investment. The title of the mortgagor may be defective; the farmer may be improvident; the land may not be productive. She has no way to ascertain these primary facts. But if she is able to buy a long-term bond, with semi-annual coupons sure to be promptly paid, secured in common with thousands of like bonds on millions of dollars' worth of farm lands, guaranteed by 12 banks with an aggregate capital of not less than six millions, with selected borrowers of known character, with titles examined and all details attended to by trained men, and with Government examination and supervision, she may invest with confidence on a moderate-income basis.

The pending rural credits bill (S. 2986) provides for a farm-loan board, which shall have general control over the system; twelve or more land banks which make loans on mortgage to the farmer; and many farm-loan associations which represent the farmers in their dealings with the land banks.

The farm-loan board is nonpartisan, consisting of four members, in addition to the Secretary of the Treasury.

Each land bank must have a capital of at least $500,000. If the public does not subscribe the entire amount, the Government will take the balance.

The farm-loan associations are purely cooperative, made up entirely of borrowing farmers. Ten or more farmers may apply to the land bank of the district for a charter. Every farmer who wishes to borrow must become a member of the loan association, taking stock to the amount of 5 per cent of the face of his loan. The loan association takes out an equal amount of stock in the land bank, forwarding the money at once to the land bank. The land bank sends an official appraiser to examine the land, and if the loan is made, forwards the funds to the farmer through the loan association.

When the land bank has mortgages on hand to the amount of $50,000, it may issue a like amount of farm loan bonds on the security of the mortgages as collateral. The land bank is limited in its issue of bonds to 20 times its capital and surplus. But as each borrower puts up 5 per cent of his loan in cash for capital stock, the issuing power of the land bank increases auotmatically.

The loan associations are purely cooperative and may be of limited (double) liability, or unlimited liability. All mortgages taken by the land bank from the members of a loan association are indorsed by it. The mortgages from the two classes of associations are kept separate, and bonds issued on the unlimited liability mortgages should sell on a better basis than the others.

Farm loan bonds issued by any land bank are guaranteed by all the other land banks, so that they have a broad insurance.

SECURITY OF BONDS.

Every farm-loan bond is secured as follows:

1. By the capital, reserves, and earnings of the land bank which issues it.

2. By the capital, reserves, and earnings of the 11 other land banks.

3. By the collective security of all the mortgages in its division (limited or unlimited) of the land bank, the mortgages pledged being at least equal in amount to the outstanding bonds.

Every mortgage pledged as collateral is secured as follows:

1. By the personal undertaking of the borrower.

2. By the security of the mortgaged land at least double in value to the amount of the loan.

3. By the capital, reserves, and earnings of the local association indorsing the loan.

4. By the individual liability of the members of the indorsing association.

It is believed that these bonds will be marketed at par on a 4 per cent basis. The maximum charge for expenses and profits of the system is 1 per cent on the face of outstanding mortgages, so that the farmer should get his money at 5 per cent. All the profits go to the loan associations in dividends, and thus to the borrowers who are the shareholders in the local associations.

Loans to farmers are on long term, and may be as long as 36 years. They are on the amortization plan, so that with each interest payment the borrower will pay in a small amount on his principal. If he pays in 1 per cent of the principal yearly, he will pay out in 36 years.

Loans must be on first mortgage and may not exceed 50 per cent of the appraised value of the land. The loan committee and the board of directors first pass on the value of the land and the character of the farmer. Before the land bank makes the loan, its board of directors passes upon it and has the land appraised by a land-bank appraiser, who is a Government official. In this way absolute safety is secured for each loan.

The interest of the members of the local association is secured by their ownership of stock, and by their double or unlimited liability, as the case may be. Most of the local work of investigation, collecting payments, and forwarding funds is done by them without expense. Their expenses will be very light.

The mortgages and farm loan bonds will be exempt from taxation and the bonds will be a legal investment for trust funds.

It is believed that the system of land banks outlined affords a safe and attractive farm-loan bond for the investing public; low interest rates, long-term mortgages, and easy payments for the farmers; low cost of administration; simplicity of organization and operation; adaptability to the needs of every section; and stimulation to the spirit of generous cooperation among farmers.

The bill is the outgrowth of much study at home and abroad. I wish to emphasize at the outset that it is not in the slightest sense a partisan bill; and on that subject I may say that a year ago I believe that, if I had been willing to subordinate my own views of what the bill should be to others who are supposed to be in control, the bill would have passed at that time; but those of us who have investigated the subject have stood out for our individual views, irrespective of party.

The Republican members of the various committees, which I will presently outline, have given as much thought and attention and as much help in framing the bill as any of the Democrats, and those of you who are acquainted with the personnel of the Republicans on the Banking and Currency Committee of the Senate will know that those men would give as much attention and as much intelligent consideration to the subject as any one could give.

Mr. OLIVER. Mr. President, will the Senator allow me to interrupt him?

Mr. HOLLIS. I yield to the Senator.

Mr. OLIVER. In connection with the Senator's statement that the bill is entirely nonpartisan in character—a statement with which I agree, in the main—I desire to call his attention to the provision found at the foot of page 5 that, "All such attorneys, experts, assistants, clerks, laborers, and other employees, and all registers and appraisers shall be appointed" without regard to the civil-service act. Will not the Senator acknowledge that there is something partisan in that?

Mr. HOLLIS. Mr. President, I am very glad to have the Senator bring that question up now. The same provision is found in the Federal reserve act; and with me it was a test of how it worked out in the case of the Federal reserve act. I find that in starting a new system, where special qualifications are required, there is tremendous delay involved in waiting for the Civil Service Commission to recommend, and there is also a great limitation on the field. The Federal Reserve Board started outside of the Civil Service Commission, but as soon as they were fairly started, they referred all applications to the Civil Service Commission, and they are to-day voluntarily appointing all their clerks and officials that correspond to those under the civil-service rules in other departments, under the rules and the direction of the Civil Service Commission. I should not object to having this system under civil-service rules, but I know that to start a great Nation-wide system, to start new such a comprehensive system as this, and undertake to get the appointments from an eligible list furnished by the Civil Service Commission, would delay us for months, and then the results would not be satisfactory. I think the Senator will see a very great difference between starting a new system and running an old department and drawing on the Civil Service Commission for recruits.

Mr. OLIVER. I can see some difference, but I am hardly convinced by the Senator's statement that there is an entire absence of partisanship in this provision.

Mr. SMITH of Georgia. Mr. President, I should like to ask the Senator if it is not true that the members of the Federal Reserve Board made their examinations and made their selections without regard to political recommendations? That is my experience.

Mr. OLIVER. I will acknowledge that the strong probability is that the gentlemen who may be appointed upon this Federal farm loan board will act with an entire absence of partisanship; but that does not remove the sting of partisanship from this provision in the bill, which provides that the clerks and laborers shall be appointed without regard to the civil-service act, but that nothing shall prevent the President from placing such employees in the classified service. Why, it is full of partisanship.

Mr. HOLLIS. I wish to say further that this provision was not put in by a party vote. It was recommended unanimously by the joint committee, composed of Democrats and Republicans. As I recall, there was only one vote against it in the Senate Banking and Currency Committee, and it was not considered as partisan in any of those committees. To waste three or four months until even a laborer can be certified by the Civil Service Commission would certainly delay the effective operation of this law; and, as suggested, the appointing power—the farm-loan board—is nonpartisan. However, the same objection was made to the Federal reserve act, and if it was valid then it is valid now, but not more so.

The first serious investigation of the subject of rural credits resulted in sending abroad in 1913 representatives of the United States and representatives of the various States and Canada. They went together—one called the United States Commission, the other called the American Commission. Those commissions investigated the subject very thoroughly in Egypt and in most of the European countries. They made a very comprehensive report in the shape of evidence and testimony taken, containing a thousand very large pages, as large as a family Bible; and it is very fortunate that that information was secured before the war broke out, as it would be impossible to secure it now. As a result of that investigation, three of the members recommended a bill—Senator FLETCHER, of Florida; Congressman Moss, of Indiana; and Dr. Coulter, then belonging to the Census Department. That bill was known as the Fletcher-Moss bill. It involved the most elemental and fundamental principles of rural credits, and all those principles have been preserved in the present bill; but the present bill has gone on much further than the original bill.

Two years ago, in December, the Banking and Currency Committee, by its chairman, Senator OWEN, appointed a subcommittee on the subject of rural credits. Mr. GLASS, chairman of the House Banking and Currency Committee, appointed a similar subcommittee. Those subcommittees had joint hearings and conferences for three months, sitting nearly every day and studying this question very, very carefully. The result was the introduction of a bill in both branches of Congress two years ago. The principal advance of that bill over the Fletcher-Moss bill was this: The Fletcher-Moss bill provided for a great number of small banks of small capital, each of which could make loans to the farmers and issue bonds based on those loans as collateral. Of course sporadic instances of this sort would not give much strength, and the bonds probably would not find much of a market. Therefore the joint subcommittees recommended a bill in substantially the form of the present bill, with a farm-loan board to supervise, 12 strong land banks to make loans and to issue bonds, and numerous local associations—as many as the circumstances called for, to represent the farmers in their dealings with the land banks.

A year ago, in March, Congress authorized a joint congressional committee to investigate the subject and report. That committee was made up of three members of the Banking and Currency Committee of the Senate, three members of the Banking and Currency Committee of the House, three members of the Agricultural Committee of the Senate, and three members of the Agricultural Committee of the House. Mr. GLASS was made chairman of the joint committee, and he divided it into two sections—one to consider personal credits, the other to consider land-mortgage credits. The personal-credits division has not yet reported. The land-mortgage division reported the bill which is now before the Senate. I need not emphasize further the nonpartisan character of the deliberations. No charge was made that anything else was attempted; and, as the chairman of that subdivision of the joint committee, I feel under great indebtedness to the Republican members for their very patriotic and useful work on the committee.

Most of us, and especially those of us who were born in New England, have been brought up to think that a mortgage on a farm is more or less of a disgrace. It is hard to realize that the farmer needs quick capital just as much as the average manu-

facturer or merchant. For instance, a good farmer, intelligent and able-bodied, ought not to be asked to work with cheap instruments, poor tools, no fertilizer, and poor stock, when by borrowing at a fair rate of interest he can double his earning capacity. The amount that he may have to pay in interest may be only a tenth or a twentieth of what that additional money will earn for him. It is just as necessary for a farmer to have capital to carry on operations upon an extended scale as it is for the manufacturer or for the storekeeper.

There are three kinds of capital that are available. In the first place, there are commercial deposits, demand deposits; in the second place, short-time deposits, such as the ordinary savings deposits, found in the ordinary savings bank; and, in the third place, long-term investment capital. I pointed out that the commercial deposits are subject to call, or on very short notice, and therefore ought not to be put into long-term investments. The savings-bank deposit lies midway between the commercial deposit and the long-term investment. The committee believes that short-time deposits properly should go to long-term personal loans or to short-term mortgage loans. The joint committee recommended a savings department for these land banks. Personally I favored it, but the Senate Banking and Currency Committee did not favor it, the idea being to build up a savings department in the land bank and permit the savings department to loan on short-term mortgages, not to exceed five years; but it was feared by some of the other members that that would needlessly complicate the system, and therefore it was stricken out. I need not enlarge on the difficulties of establishing new, without precedent in this country, a comprehensive system of land banks. It is a most difficult subject at best, and I sympathize largely with those who thought that it should be made as little complicated as possible.

As to rates of interest, there has been a good deal of criticism recently because rates of interest have been so high, particularly interest to farmers. But interest is governed mainly by two laws: One the risk and the other the supply of capital. The supply of capital includes also the earning capacity of the money. If the earning capacity is large, there will be a large supply coming in to fill the demand. Now, investigation has shown that where the farmer is charged his highest rates on personal loans, running up to one or two or three hundred per cent a year, the risk is not greater than with the average commercial loan. The farmer pays his debts. Now the reason he is charged so much is that frequently the amount he borrows is very small, and the banker does not want to bother with it, and so he charges a lump sum. A further reason is that the farmer usually borrows in a district where capital is not plentiful, where the earning powers of a bank are very much circumscribed, and in order to meet the overhead charges the bank has to charge a high rate of interest to do business at all. Of that the farmer can not well complain. Investigation has shown, moreover, that in the same State the rate of interest steadily increases the further you get from the commercial center of the State. To take an illustration, in Kansas, for instance, on the eastern side, near Kansas City, the rates are very much lower than on the western side, where you get further away from banking facilities.

Under the present bill it is intended to make every loan absolutely safe to begin with. That eliminates the risk. It is expected that through a Government system the money can be taken from the investor and transferred to the borrower anywhere in the country at a small cost, and therefore that item should be eliminated; but the committee are rational on this subject. It may be that they are mistaken, and it may be that if they had formed one great land bank to cover the whole country, the rate for all the farmers would have been kept high in accordance with the money that is loaned on the least advantageous terms. Therefore it was thought best to divide the country into 12 districts, so that the interest factors might operate independently.

We hope to find that money may be loaned in the South and West just as cheaply as in the North and East. My own opinion is that it will approximate uniformity very closely, just as it does in the Federal reserve banks under the Federal reserve act; but that is something that no man can control by passing a law. We have made the system just as flexible as possible, so as to take advantage of any principles that may work for our benefit.

The farmer has no grievance. He does not come and say, "You have discriminated against me." All he says is this, "Fifty years ago you established national banking associations. You have been catering to the commercial and manufacturing needs of the country. Now, all we ask is that you will furnish a system that will give us the same facilities—have Government banks, have them Government supervised, put them under a farm-loan board, as you have put the national banks under a Federal Reserve Board. Give us the same chance. We will pay what the money is worth if you do not charge us too much for the expenses of the middleman."

That is where the chief disadvantage has come to the farmer. It is through the middleman. There is a table published in the report that accompanies this bill showing the average rates in different parts of the country, showing the straight rate for interest and the commission or other expense. I am told that in many sections of the country the first mortgage is given to the insurance company, or whoever loans the money, and then the middleman takes the second mortgage for half or 1 or 2 or 3 per cent interest for his commission, and that is where the great expense comes. In this bill we have prohibited any commissions or bonuses of any sort. The entire expense and profit must come out of the 1 per cent difference between the amount that the farm-loan bonds carry and the amount at which the money is loaned to the farmer.

Underlying this whole subject of rural credits is the question of cooperation among farmers. That was one of the things that the United States commission found most common in Europe. In Europe, nearly all over the hemisphere, we found all sorts of cooperation. We found cooperative creameries, which we have in great numbers in this country; cooperative buying of farm machinery and fertilizer, and along with that a guarantee that the fertilizer is up to the composition prescribed. In that way the farmer avoids being cheated in what he buys. Then we found cooperative selling, under which the farmer is taught to standardize his product so that it will come to market in attractive shape and command the going market price. Cooperative credit has developed in Europe as we can hardly hope to develop it in this country. It is perfectly easy to have cooperative credit in this country, but we do not need any more laws to enable the farmer to take advantage of it. It is merely a lack of knowledge on his part.

There is a very interesting experiment being conducted with entire success, in the State of Idaho, at a town called Weiser. The merchants in Weiser formed a cooperative association. Every one of them was permitted to join the association if he wished to do so. They appointed a trustee to represent them. Every farmer who desired personal credit went to the trustee and made a statement of what he had. He had so much stock, so much machinery, so much land, all incumbrances stated; he intended to raise such crops, and the trustee decided how big a letter of credit he would give to that farmer. On the back of the letter of credit was a list of the merchants who were willing to give credit under the scheme. The farmer would go to the grocer and get credit for a certain amount, and the grocer would indorse on the back of it how much that was. Then he would go to the hardware man and get his fertilizer, his machinery, and so on. When the letter of credit was entirely exhausted the last man would take it up and turn it over to the trustee. When the first year closed the loans had been made to the farmers at 7 per cent and not a dollar had been lost.

That shows what can be done under methods as they are now if you understand them. It is well known at every bank that you can not get better security than a note signed, say, by 30 farmers. Some farmers have found it easy to get credit in that way to their cost, but it is hoped that under the present bill the farmers would form the local associations and get accustomed to each other and in that way learn to obtain individual personal credit by becoming liable for each other. It is in the hope that farmers will learn to adopt unlimited liability of this nature that the committee has recommended that they be given an opportunity to form their local associations with unlimited liability. They are given their choice. They may have limited liability, in which case the liability is double, as in the case of a national bank, or it may be unlimited. If a substantial number of them will form unlimited associations, they will give a safer mortgage and will be able to place their bonds at a lower rate, and therefore be able to loan to themselves—that is, to the farmers—at a lower rate. It was the opinion of some members of the committee that that would be availed of. Others thought that it would not, but we felt we ought to give each plan a chance and by actual experience determine the question.

Mr. WALSH. Let me make an inquiry of the Senator. The farm-loan bonds, of course, secured by these two different classes of securities, are differentiated in some way?

Mr. HOLLIS. Yes. The land banks have two departments. One is the limited department, the other the unlimited department. When a bank wants to make an issue of bonds it must put up the mortgages of one class, either limited or unlimited, and bonds are so issued, and will be known as farm-loan bonds limited or farm-loan bonds unlimited, the unlimited bonds selling at a lower rate of interest.

Mr. WALSH. Will the Senator express his own view as to which of these systems will ultimately prevail, or is it his opinion that they would run together?

Mr. HOLLIS. My opinion is that they will always run along side by side as they do in the different countries in Europe. Joint stock mortgage banks and associations of limited liability and associations of unlimited liablity go along together. They fulfill their own special functions. Some farmers would never go into unlimited liability associations. Others would be glad to if they knew the other members well. We provide in the bill that one-fifth of the members of the unlimited liability association can blackball, so to speak, any member who wants to come in. They control that.

Then we have another provision of the bill, and it is the joint stock bank run by private capital and in the private interest.

Mr. HUGHES. How does a man get out of the unlimited liability association?

Mr. HOLLIS. Unless he is willing to stand on the proposition that he must get one-fifth of the members to join him, he would be estopped in a case of that kind. Therefore he should be very careful that he does not go into an association unless all the members are satisfactory to him. It does not look as if an American would go into it, but they have been organized in Europe, and that accounts for the low rate of interest they get in Europe, particularly in Germany.

Mr. WALSH. Before the Senator passes to that, I do not quite understand him there. It seems to me that a man having once gone in ought to be at liberty to draw out so far as future liabilities are concerned whenever he wants to. Of course, he can not escape responsibility for past obligations.

Mr. HOLLIS. All mortgages must run for at least five years. That is for the reason that there are considerable overhead expenses. Every mortgage issued must therefore run at least five years. After five years a man may cease to be a member of an individual unlimited liability association by paying up his loan and withdrawing.

Mr. SMITH of Georgia. He can not get out until he pays his loan.

Mr. HOLLIS. He must pay his loan.

As to the reasons for having a joint-stock land bank the Government charters national banks which are purely of a joint-stock character. The typical national bank, all national banks, in fact, are capitalized by individuals, and they are run to make a profit. There seems to be no reason why the Government should not afford to those who wish to invest in a mortgage bank the same facilities now afforded to those who wish to invest in a commercial bank. We have therefore provided that private joint-stock land banks can be started with a capital of not less than $250,000, to loan to farmers and to issue bonds subject to the approval of the farm-loan board. In States having a population exceeding 3,000,000 the capital must be $500,000.

There is good reason for this. It may be that a farmer will not want to assume any individual liability for the sake of borrowing money. It may be that they will not be willing to contribute 5 per cent of his loan to the capital stock. It may be that farmers will not want to subject themselves to the scrutiny that is involved in cooperative association. Therefore we provide that a private joint-stock land bank may be organized and may make loans to farmers without requiring them to contribute to the capital or to assume individual liability. Banks of that character exist all over Europe side by side with cooperative banks. There seems to be a field for both.

Mr. THOMPSON. Will the Senator state the amount of the capital?

Mr. HOLLIS. It is to be not less than $250,000 for joint-stock banks. That is for the reason that mortgage banks to issue bonds ought to have a large capital in order to be entitled to the confidence of the investing public. They are limited in the amount of bonds they issue to fifteen times the amount of capital stock, so that there is always a guarantee fund there of one-fifteenth of the liability on the bonds. To many people it seems unnecessary and harsh that a man who wants to borrow must first take stock in an association.

Mr. SIMMONS. Before the Senator passes to that, let me ask him what security will there be for the bonds issued by the joint-stock bank he has just described?

Mr. HOLLIS. Exactly the same security. They must, in the first place, have a guarantee fund of one-fifteenth of the amount of the liability. That is the guarantee fund. They can only loan on farm lands in a State in which they are chartered or in an adjoining State, and the appraised value must be at least double the amount of the loan. Their profits and expenses are limited to the 1 per cent margin. Just like the Federal banks. They are supervised and examined in just the same way, and they will be constantly under the supervision of the farm-loan board.

Mr. SIMMONS. The regional banks, so to speak, do not indorse.

Mr. HOLLIS. No.

Mr. SIMMONS. As to the others?

Mr. HOLLIS. Not at all. Each joint-stock land bank must stand on its own feet and rise or fall according to the banking ability and good judgment of the directors.

Mr. HITCHCOCK. Will the Senator state how the loans are inspected for these private joint-stock banks?

Mr. HOLLIS. The joint-stock bank, in order to make a loan, must apply to the farm-loan board for the services of a land-bank appraiser, who is a Government official. This land-bank appraiser must appraise the land and make a regular report on it, and the loan can only be made for one-half the appraised value. The joint-stock bank has to pay for the services of the official appraiser, and the same appraiser is used by the cooperative banks, and they also have to pay for his services.

If we could permit a mortgage institution to loan to the farmers and take mortgages, and then put up those mortgages as security for an issue of farm-land bonds, without any guaranty fund, it would be very simple and easy; but it would not work, because, in spite of the greatest care, there are bound to be bad loans. Some man will have bad luck; his farm will be washed into the river; there are certain to be breakdowns; and it is the same with mortgages. For that reason it is absolutely essential to have a guaranty fund to furnish a margin. There seems to be a consensus of opinion in running savings banks or mortgage institutions that there should be a guaranty fund of 5 per cent of the obligations of the institution, and that ratio has been adopted in this bill.

Now, how to get it. There are four and a half billions of dollars of loans on farm lands in the United States. A very large part of that amount would be refunded under this system if it is a success. Not only that, but there will be a great many more loans issued where the farmers can not get accommodation now. Therefore we are likely to have four or five billion dollars in mortgage loans. If we were to raise all the capital by Government contribution or by subscription from individuals we would have to have a twentieth for the capital stock of our land bank—$250,000,000—and that is an enormous amount. I for one should not favor having the Government put up all that capital stock. There is only one way to get it, and that is to have the farmers who get the benefit of the system contribute themselves, and it is not so hard on them when the matter is considered. To begin with, we assume that a farmer wants to borrow $2,000. He is obliged to put up $100 in order to take $100 worth of stock of the farm-loan association. The farmer who can not get $100 in order to borrow $2,000 is not the sort of man whom it will be safe to have in our system. Any farmer who is fit to borrow $2,000 can get $100 somewhere, and that is an indication of the character of the man—some test of whether he is a good man to have in this cooperative system. But if he has not $100 himself and must borrow, as quickly as he gets his $2,000 he can repay it. The bill so provides. Then he has an investment of $100 in the system, and if there are earnings, as we expect there will be, he will get his regular dividends. When the loan is fully paid, his stock is paid back to him in full and he gets the cash.

None of the committees that have worked on this bill have been able to devise any other plan for raising a guarantee fund except this, that each man who wishes to borrow must contribute 5 per cent of the face of his loan toward the stock of the local association. The local association turns the money over to the land bank and takes an equal amount of stock in the land bank. The farmers contribute all the earnings and get all the profits. The local association owns the stock in the land bank, the land bank pays all its earnings to the loan association, and the loan association distributes the profits to the farmers.

Mr. STONE. And he must loan the bank $100.

Mr. HOLLIS. Not exactly. He contributes $100 to the stock of the bank, and receives $2,000.

Mr. LA FOLLETTE. Mr. President, I wish to inquire if that provision applies to private associations?

Mr. HOLLIS. No, not at all.

Mr. LA FOLLETTE. Cooperative?

Mr. HOLLIS. To the cooperative banks only. But many farmers will wish to avail themselves of the ordinary method, and they will go to a joint-stock land bank and get the loan. I am inclined to think the joint-stock land bank will charge a considerably higher rate of interest than the cooperative system. If so, the thing will correct itself because when the farmer sees his neighbor or his cousin is getting a lower rate by join-

ing a cooperative association he will join a cooperative association.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. HOLLIS. I do.

Mr. BORAH. I wish to ask the Senator a question which is somewhat fundamental yet I think it is perhaps relevant at this particular point. The thing which has been difficult for me to work out in my mind is how this bill will result in the farmer realizing on his security at a lower rate of interest than he must now pay. There is plenty of money now, there is no difficulty about the money, but the difficulty has been that the farmer has never been able to get the man who had the money to look upon farm securitiy with the same favor that the man who has the money looks upon other kind of security, railroad securities and such as that. Unless the farmers join and make an entire group of farmers the basis of security, unless there is practically an unlimited liability in which all the securities which they have joined is put up as a protection for the money loaned, how is this going to work a cheaper rate of interest? Does it not all result in the proposition as to whether or not they will go into this proposition and make one liable for all and all liable for one?

Mr. HOLLIS. In the first place, investigation has shown that the man who loans money originally, who actually puts the cash in that gets to the farmer, does receive in the main a low rate of interest now, and that the increased interest comes in the commission and the charges that are placed on the farm loan by the agent who places the loan under the second-mortgage system that I have already outlined. Then there will be the inertia of capital. I will explain it. A man in the East with money to loan has to employ an agent. It is a good deal of bother to find a reliable agent in the West. He has to place his loan through him, and it is right to do that, whereas if we have a Government system, with all the expense and profit limited by statute to 1 per cent, and it can not be more than that, the Government supervises it, so that a man can step into any bank and buy the farm-loan bonds carrying 4 per cent and guaranteed in the way I have indicated. He has a security that he knows his Government supervises. His bonds rest on the security of millions and millions of mortgages, and are insured in a country-wide system, and he knows they are strong.

As suggested by the Senator from Georgia [Mr. SMITH], he does not buy the individual loan, merely. He merely takes his share of an enormous amount of loans based on an enormous amount of mortgages.

Mr. BORAH. That is true, but those of us in the West have had some experience with what is in a sense a similar proposition. For instance, farmers have gone in together and voted bonds upon an entire territory—say, 250,000 or 300,000 acres—and issued bonds upon that for the purpose of purchasing a large irrigation enterprise, and so forth. Now, notwithstanding the fact I have in mind about that particular enterprise, notwithstanding those bonds were voted upon, the body of land irrigated, and fertile, of exceptional capacity for production, we have never been able to satisfy the eastern purchaser that that is as good a security to him as some railroad enterprise which has its bonds to sell, and while the railroad enterprise will get its money at 4 and 5 per cent the mortgage based upon the farm will not command that rate.

Mr. HOLLIS. That is undoubtedly for the reason that value of the land there depends upon the success of a single project If that one project does not turn out well, if the farmers are not able to market their crops, the value is gone. Under our system three, four, five, or six States are all in one great district, and all the mortgages in that district are up for collateral security for the bonds. If there is a drought in one place, there is not likely to be a drought everywhere. If one project fails, it is not likely that all will fail. They get a much broader insurance. That is the result in Germany under the landschaft system which has been discussed and which will be much more discussed.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from New Hampshire yield to the Senator from Nebraska?

Mr. HOLLIS. I do.

Mr. HITCHCOCK. Is there not another reason why the instance of the Senator from Idaho is not a parallel case? Irrigation is to some extent experimental. Some projects have failed, and there is no governmental system provided for inspecting the particular project the Senator has in mind, whereas this bill does provide a governmental system of inspection.

Mr. BORAH. There was nothing for the Government to inspect except the real estate which was supposed to be mortgaged for about one-tenth of its value. It was the land which had been under irrigation. The water right had been passed upon by the courts, the title had been settled by the courts. It was adjudicated and determined that the water right belonged to this land and to no other land, and it had been under irrigation for some 40 years. There was no possible reason why it should be impeached for want of title, and there was nothing to inspect in it, because the mortgage covered the entire group of lands and covered the water also. Any business man who would have gone there would have passed upon it and been better satisfied than if some agent had passed upon it.

Mr. HOLLIS. There is a lurking fear underneath any scheme that is going on a long way off that has resulted in keeping investors from going to remote places. That is a part of the inertia of capital. There is no doubt about that, and it is because of this realization that we have not put the Nation into one great land district, because we believe that the rate of interest would have a tendency to go to the highest point throughout the whole system.

It may not work out so; the committee hopes it will not; but no one has yet succeeded in putting the natural laws relating to interest entirely at defiance. I am more optimistic on that than are many other members of the committee.

I was about to illustrate by the success of the landschaft system in Germany. The landschaft is not an organization; it is a district which embraces a whole province. There is no guaranty fund until the landschaft has been in existence long enough to build up a reserve. Each farmer who wants to borrow produces his mortgage to the officers of the landschaft; he states the rate of interest he wants the mortgage to carry and he receives from the landschaft a bond based on that mortgage which he must sell. If it carries a low rate of interest, it will carry a low price; he will have to sell it at less than 100 cents on the dollar. That is all left to him.

There have been cases of losses in those loans, though they have been rather rare, because they are Government supervised, and, to take up the slack, there is power to levy an assessment on every other piece of land in the whole Province. That is why it is not possible for the United States Government to put the landschaft into operation, because the United States Government has no right to impose on any piece of land that it does not actually own a liability for assessment to pay for losses. But the landschaft has worked out in operation so successfully that its bonds carry a higher rate of interest than the Government bonds whenever there is a war or stress of any kind. That, in a way, answers what the Senator says. When you have a broad insurance base on productive lands, the experience of other countries shows that you can get plenty of money at a low rate of interest.

Mr. CUMMINS. Mr. President——

Mr. HOLLIS. I yield to the Senator from Iowa.

Mr. CUMMINS. My observation is that the two great sources for farm loans in our part of the country are, first, the savings banks, and, second, the insurance companies. The Senator from New Hampshire has already spoken about the feature of the savings bank. What is his opinion as to the possibility of reaching the accumulation of insurance companies through his system? In other words, will the insurance companies that are compelled to earn a certain rate of interest in order to preserve their solvency invest their money in the land-bank bonds?

Mr. HOLLIS. The committee believes that they will. Every insurance company that invests in farm mortgages has to have an expensive department; they have to look after them very carefully. We took the testimony of some of the insurance experts. One of them, I recall, stated that his company had loaned 30 per cent of their assets on farm mortgages and had never lost a dollar, the business had been conducted so carefully. If we can do it as carefully as that—and it seems to me that we ought to—then, by doing the mortgage business of the country, and having the information about every section, knowing what section is good and what section is not so good, we ought to be able to do the business cheaper than the insurance companies can do it for themselves, and thereby get their business.

We have another advantage which the committee believes will settle the matter. The bill provides that these farm-loan bonds shall be tax exempt. In many localities of this country that will determine the scale in favor of our farm-loan bonds over mortgages taken by the insurance companies on which they will have to pay taxes.

Mr. POMERENE. And, Mr. President, the farmers in this way will be relieved from the payment of the large commissions which are paid to the representatives of the insurance companies all the while.

Mr. HOLLIS. I believe it is a fact that the testimony showed that even insurance companies had to pay some commissions.

Mr. POMERENE. And very large ones, too.

Mr. CUMMINS. Mr. President, the Senator from New Hampshire stated that farm-loan bonds were to bear 4 per cent interest, I think?

Mr. HOLLIS. We hope they will, but they can not bear to exceed 5 per cent. Under the bill, if they can not borrow money at 5 per cent they can not borrow at all.

Mr. CUMMINS. My inquiry was intended to develop this question: Whether the insurance companies would loan their money at 4 per cent?

Mr. HOLLIS. Some of them thought they would and some thought they would not. That was our experience. I believe that, if tax exempt, they will loan their money at 4 per cent, and be very glad to do so.

Mr. CUMMINS. Most of them are tax exempt now, are they not?

Mr. HOLLIS. I think not.

Mr. CUMMINS. Are they not permitted to set off their liabilities against their assets, so that the real taxable portion of their property is rather small?

Mr. HOLLIS. I should be very much surprised if every State that has an insurance company within its borders does not succeed in getting a very large tax out of it.

Mr. CUMMINS. One more question. Who fixes the interest that the land-bank bonds shall bear?

Mr. HOLLIS. The farm loan board has supervisory control over that, just as the Federal Reserve Board has in cases under its jurisdiction. The land banks themselves, through their board of directors, would probably be allowed a pretty free hand in that regard.

Mr. CUMMINS. Who fixes the rate of interest that the mortgages shall bear? Is that fixed by agreement between the borrower and the land bank?

Mr. HOLLIS. The rate of interest fixed by the farm loan board is determined by the market; that fixes the maximum which can be charged to a farmer, for you can not charge a farmer more than 1 per cent in excess of the rate carried by the current issue of farm-loan bonds.

Mr. CUMMINS. But are all of the mortgages in a certain territory to bear the same rate of interest?

Mr. HOLLIS. Yes.

Mr. CUMMINS. Without regard to the extent or size of the mortgage?

Mr. HOLLIS. Yes; there must be uniformity.

Mr. CUMMINS. So that all the mortgages that will be deposited as a basis for a particular issue of bonds would bear the same rate of interest?

Mr. HOLLIS. Yes.

Mr. CUMMINS. And does the rate of interest which the mortgages bear determine in any degree the rate of interest which the bonds shall bear?

Mr. HOLLIS. No; that rate must be determined by the market that takes the bonds. If the market should take the bonds at 4 per cent, well and good; if they did not take them at less than 4½ per cent, then the farmer has got to pay 5½ per cent. If the bonds sell at 5 per cent, the farmer will pay 6 per cent. The farm-loan board conducts its business and makes its earnings out of a margin of 1 per cent. In Europe they do it on a margin of one-third of 1 per cent.

Mr. CUMMINS. Can the bonds be issued at 3½ per cent and the mortgages bear 5½ per cent?

Mr. HOLLIS. No; there can not be a difference of more than 1 per cent between the two. There may be a less difference, but not a greater difference; that is true as to all the mortgages and all the bonds.

Mr. SMITH of Georgia. And the bonds sold can not carry a rate of over 5 per cent?

Mr. HOLLIS. No.

Mr. SMITH of Georgia. So that the farmer can not be charged more than 6 per cent?

Mr. HOLLIS. They can not do business beyond that rate.

Mr. SMITH of Georgia. And the rate may be as much less than that as it can be made?

Mr. HOLLIS. As much less as the traffic will bear.

Mr. SMITH of Georgia. But unless the land banks can carry the farmer at 6 per cent they can not do business?

Mr. HOLLIS. That is it exactly.

Mr. THOMPSON. At what rate does the amortization proceed?

Mr. HOLLIS. Obviously, the amount of amortization depends upon the length of time that the loan will run, because if you pay in 1 per cent on a loan that bears a 5 per cent rate it will take 36 years for it to pay out. If you pay in 2 per cent a year it will pay out in something like 22 years. Therefore, the amount that a farmer pays in each year depends entirely on the length of time his loan runs.

Mr. THOMPSON. But the amortization may be completed in a shorter time, if the farmer so desires, by paying a higher rate?

Mr. HOLLIS. Oh, yes; if the farmer wants to pay out in five years he would have to pay approximately 12 per cent a year for the amortization payment, of course.

Mr. DILLINGHAM. Mr. President, I want to ask the Senator from New Hampshire a question regarding the rate of interest. I understood the Senator from New Hampshire to say a few minutes ago that the rates of interest were governed wholly by the supply of money; that is, by the opportunities for borrowing money.

Mr. HOLLIS. No; I did not mean to say that. I meant to say—and I think I did say—that there are three factors: First, risk; second, the earning power of money in that particular locality; and, third, the supply of capital, which depends largely on the earning power.

Mr. DILLINGHAM. Yes; but what about the security? The security offered in each individual case has a bearing upon that question.

Mr. HOLLIS. That is the same thing as risk.

Mr. DILLINGHAM. Well, I understood the Senator to say that the rate would be the same, for instance, in eastern Kansas and western Kansas, other conditions being the same.

Mr. HOLLIS. No. At present the rates are very different in eastern Kansas and western Kansas, but with absolutely safe loans——

Mr. DILLINGHAM. Mr. President——

Mr. HOLLIS. If the Senator will allow me to finish—with absolutely safe loans in both places, under a mortgage, and where the Goverment furnishes the machinery to bring them in contact, the rates ought to approximate—I do not believe they will ever quite come together; but they ought very nearly to approximate.

Mr. DILLINGHAM. I desire to ask the Senator if he does not understand that experience has shown that the insurance companies of the country confine their loans in Kansas very largely to the eastern half of the State, rather than to the western half of the State?

Mr. HOLLIS. That is because they find that they are safer there.

Mr. DILLINGHAM. They are safer there because there is a greater rainfall in that locality.

Mr. HOLLIS. But with the same degree of safety, you will eliminate that risk.

Mr. DILLINGHAM. But if there is not an equality of security the mortgage on land in the western part of the State must of necessity bear a much higher rate of interest because of the increased risk.

Mr. HOLLIS. That would be true to some degree, but the land would be worth something, and that would be governed by the amount that the land bank would loan on the land.

Mr. DILLINGHAM. Then, I understand the Senator to say that the land bank in fixing the rate would take into consideration the question of the quality of the land and the risk involved?

Mr. HOLLIS. It certainly must; that can not be avoided.

Now, the amortization payments are very important, because they persuade the farmer to pay up his loan at some time. I have no doubt some of us have had the experience that we did not save any money until we took out life insurance. Where a man has to meet a fixed payment at a certain time he will get the money in some way. In my part of the country the farmer can borrow money on his farm, if he can borrow at all, at 5 per cent, but he has to give a demand note, so that the mortgage is likely to be foreclosed at any time. That makes him uneasy. Then he is ashamed to go in and offer to pay $10 or $20 when he owes $2,000, and he will not do that; he will wait until he can pay $200 or $300, and that time never comes.

The experience in Europe is that if the loan is amortized, so that the farmer has to pay in a little every six months, he will complete the payment at the end of the term; and in Europe mortgages run for as long a term as 75 or 80 years. I think there are some amortization payments of only a quarter

of 1 per cent a year, which would enable the borrower to pay out in something under a hundred years. It is in order to encourage the farmer not only to get his money at a low rate and to use it for productive purposes, but at some time to pay off his loan that this system is devised.

As to the purposes for which loans can be made, it is not proposed under this bill to allow a farmer to borrow money to pay his living expenses; he can only borrow to purchase land or to buy stock or machinery or equipment for his farm, or to erect buildings, to improve his farm in some such way as building drains or roads or fences or clearing up the land, or to pay existing indebtedness.

Mr. JOHNSON of Maine. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Maine?

Mr. HOLLIS. I do.

Mr. JOHNSON of Maine. May I inquire of the Senator if it is not true that a man can only borrow from the proposed land bank by giving a mortgage upon his land?

Mr. HOLLIS. Yes.

Mr. JOHNSON of Maine. No matter what other security he may have?

Mr. HOLLIS. Yes.

Mr. JOHNSON of Maine. In order to obtain any money he must mortgage his farm?

Mr. HOLLIS. Yes; that is for the reason that, in order to get money at the lowest rate, he must give the best security there is, and that is a first mortgage on productive land. If it is not land that is capable of being cleared so as to produce crops and help pay up the loan it can not come in under this system.

Mr. BORAH. Mr. President, will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. HOLLIS. I do.

Mr. BORAH. I desire to ask the Senator this question: Suppose that one of these loan associations is formed, say in my State, which is very far on the western border, and the farmers put up their mortgages, and bonds are issued, and so forth, and the bonds are put in the eastern market; and suppose a farm-loan association in the State of Iowa, or a State farther East, a better settled State, an older community, does the same thing, and puts its bonds in the eastern market; does the Senator doubt that the bond purchaser would take the Iowa bonds at a lower rate of interest rather than bonds secured by mortgages on the less-developed portion of the country?

Mr. HOLLIS. Mr. President, I am inclined to think that the rate would be a little lower, but a very little lower, for this reason: All the farm-loan bonds issued by any bank are guaranteed by all the other banks. This system is helped into being by the Government; the Government contributes the capital to the land banks, and in return for that it was thought nothing more than fair that every land bank should become responsible for the bonds of all the other banks. Therefore, relying on the capital and resources of these land banks, the bonds ought to sell the same; but I agree with the Senator that in some remote parts of the country it is impossible to force interest rates to exactly the same level as they are elsewhere. I think they will approximate the same level; I hope so, at any rate.

Mr. BORAH. I entertain the opinion that without Government aid, distinct and substantial, we will never get that uniformity of treatment which the country should have, and neither will we get that low interest rate which is necessary for the man who is acquiring a farm or developing a farm to have.

Now, has the Senator considered the Government passing upon these securities and guaranteeing these bonds, something on the same principle as the Government stands behind the notes issued by the Federal reserve banks?

Mr. HOLLIS. The two cases are entirely different. The Senator now refers to the Federal reserve notes.

Mr. BORAH. Yes.

Mr. HOLLIS. They are Government obligations; there is no practical guaranty about them; they are promises of the Government to pay. The Government merely loans them on security to the Federal reserve banks, and the Federal reserve banks have to put up back of them short-term notes that are based on actual commercial transactions, and they have in addition to put 40 per cent of gold back of them before they can issue them. The Government believes that sufficient advantage is secured to the country by putting currency of that kind in circulation, so that it is willing to do it and run the risk. Therefore I have insisted that it is fair in this case that the Government should put itself back of this system to a reasonable extent, as it will do if this bill passes. I may say that this bill is much more radical in that regard than the bill which has been reported by the House Committee on Banking and Currency.

Mr. BORAH. I do not quite agree with the Senator as to the Federal reserve notes. But to what extent does the Government put itself back of the land banks other than in the way of supervision and the checking up of the bond transactions?

Mr. HOLLIS. In the first place the Government furnishes $6,000,000 of capital to start these 12 land banks. I think, of course, that is a very important thing, because in order to get farmers to join something you have got to have something for them to join. You can not wait for a system to spring up spontaneously, and so it is that the Government pays all salaries and expenses of the farm-loan system; it pays the salaries of the special examiners who investigate the mortgages before bonds are allowed to be issued, and the Government exempts from the income-tax law and from all Federal, State, and local taxes the capital stock of the Federal land banks—not of the joint-stock land banks—and the mortgages and the bonds. The Government under this bill will advance to a land bank money if it gets in temporary difficulty just as it advances the money to commercial banks that get into difficulty by placing Government deposits in certain localities, as it has done repeatedly. Now, to that extent the Government gets back of this system.

Mr. BORAH. Does not the bill contemplate the Government finally securing a return of its $6,000,000 and retiring from the business? Does not the bill contemplate that ultimately the Government is to have no investment?

Mr. HOLLIS. Yes, it does; and I think that is very desirable. In Europe in many instances where the Government has furnished the capital stock in the first place the associations have voluntarily paid the money back, because they would rather do so, and get along on their own feet than to be under Government supervision and control.

This bill provides that after the contributions from the local associations, 5 per cent of the amount borrowed, equals $500,000, thereafter 25 per cent of all such increase shall be paid back to the Government until the Government is entirely repaid. The Government gets no dividends and no interest at all on the money that it employs for this purpose.

Now, this question of how much Government aid should be given is a question of some judgment on the facts stated. The Senator and I might agree pretty well, and we might not. I rather think we would agree pretty well, more so than I might agree with some one more conservative; but we have to look at a great many different things, and my judgment is that this bill goes as far in that direction as it is safe to go, because the scope of this bill is so enormous, and the billions of money that might become a burden on the Government would be so serious a load. Now, that does not settle it, but it gives my view.

Mr. BORAH. I agree with the Senator as to the extent to which the bill goes. I presume it goes as far also as it could go and be reasonably certain of being passed.

Mr. HOLLIS. I am rather inclined to think so. Therefore I am very well satisfied with what I have to take.

Of course, the center of the system, so far as safety is concerned, rests on the carefulness with which the appraisal is made. The local association, of course, is interested in getting cheap money for its members—that is, for the borrowing farmers in the vicinity. There is a temptation to increase the values in that locality and one fellow will help the other fellow get a large loan. Therefore we provide that the recommendation of the loan committee of the local association must be unanimous and in writing. Then the report comes up to the land bank. The land bank also represents the local associations. It has five directors, three of whom are elected by the local associations and two appointed by the farm-loan board. Therefore we put in a Government official at that point to make sure that there is a safe appraisal. He is appointed by the farm-loan board. His services are paid for by the land banks, for he performs an official function, and he goes to every piece of land and examines it himself and passes upon it; and these land-bank appraisers ought to become very expert.

The land bank has made the mortgage, but the mortgage is not of its greatest value in the land bank unless it is permitted to put it up as part security for an issue of farm-loan bonds. Therefore, the land bank, having got a mortgage on its hands through its own efforts, has to run one more gauntlet before it can put that mortgage up for an issue of farm-loan bonds. When it wants to issue farm-loan bonds, it turns over to the registrar of the district, who is a Government officer, the mortgages that it proposes to put up as collateral. The registrar looks them over and checks them up and sees that they are

all there. Then he refers the application to the farm-loan board. The farm-loan board must then refer those mortgages to a special examiner, and the special examiner will look the mortgages over and make such investigation as the farm-loan board thinks is necessary to assure itself that it is safe to allow farm-loan bonds to be issued. The registrar acts as trustee for all parties concerned. He takes the securities and actually keeps them in his hands.

Mr. SMITH of Georgia. What is the subdivision which the registrar represents?

Mr. HOLLIS. There is a registrar in each land-bank district. There are to be 12 districts, or not less than 12. There may be more, if the farm-loan board thinks it is wise to have more. My judgment is that there never will be more than 12. Those districts are to be carved out of the continental United States with regard to the farm-loan needs of the districts—not population, nor commercial activity, but farm-loan needs. My own opinion would be that they would not conform very closely to the Federal reserve districts. For instance, instead of New England having one, I should expect that New England, New York, Pennsylvania, Delaware, New Jersey, and Maryland would probably be all in one district. That would make them more frequent in the West and South, where they are more needed. Each registrar has his own district to look after. He acts as trustee for all parties interested.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Wisconsin?

Mr. HOLLIS. I do.

Mr. LA FOLLETTE. Will the Senator state whether the bonds issued by the joint-stock banks are exempt from taxation as the bonds of the cooperative banks are?

Mr. HOLLIS. Yes. The mortgages and the bonds are exempt in each instance; and the Senator knows that there is very good reason for that, because experience shows that the farmer has to pay all the taxes that are levied on the system. Now, we do not exempt from taxation the capital stock of the private banks. They have to pay on them just as national banking associations do; but if we permitted these mortgages and bonds to be taxed, the farmer would be paying three taxes. He would have to pay on his farm; then the land bank would make him pay in his interest rate enough to pay the taxes on the mortgage, and then the investor who furnishes the money in the first place would have to charge enough in his interest rate to pay the taxes he would have to pay on the bonds. Therefore the farmer would have to be paying three interest rates. Moreover, there is a better reason than that, possibly, and that is that if the States have a right to tax, they have a right to destroy; and if there should arise a jealousy of these Federal land banks in any State, they could tax them, if we did not provide otherwise, so that they would have to go out of existence.

Mr. THOMPSON. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Kansas?

Mr. HOLLIS. I do.

Mr. THOMPSON. What provision is made for the payment of the salaries of these registrars and other officials? Are they paid by the Federal Government, or is the 1 per cent the Senator speaks of to take care of that?

Mr. HOLLIS. The Government pays the farm-loan boards' salaries and expenses. It pays the registrars' salaries and the special examiners' salaries; but the banks themselves have to pay the salary of the land-bank appraiser, and he will be a much more numerous citizen than anybody else. It seems that there is no other way to provide that very well, because we do not want to have the Government pay for the services of the land-bank appraiser when he is working for the private bank; and therefore we charge the private bank and also the cooperative bank for his services.

The assistance to be obtained from the borrowers is a very important part of the plan. Wherever you have to go into a locality and pay for everything that is done, it is expensive; but the farmers, in order to obtain low-interest rates, join the local association, and then they undertake to do for nothing this appraising and the ordinary work of running the local association. They are called associations because they are not banks. A bank, as we all know, is an institution to receive deposits, loan money, and transmit funds, and these are not banks. They will not have any money on hand. They will keep their deposits in the land bank. They are merely loaning associations, quite comparable to the building and loan associations that are common in our larger cities. They need not keep open for banking hours. After they once get started they probably will not have to meet oftener than once in two or three weeks, or possibly months. They can have their office in an insurance agent's office. The local insurance agent or some such man would probably be the secretary-treasurer, and do nearly all the work. He could do it quite inexpensively, because it would not take very much of his time.

It is feared that in some parts of the country the farmers will be slow to organize local associations and joint-stock banks may not start. We have therefore provided that in districts where local associations do not form within a year the farm-loan board may permit loans to be made through existing banks under Federal or State charters. The banks will then act as agents. If a farmer wants to borrow he will go to a bank and be required to take his 5 per cent of stock in the land bank itself. The bank making the loan, as agent for the land bank, will be required to indorse in place of the loan association, and they will get not to exceed half of 1 per cent to pay them for doing so. You see, they embark none of their capital in the enterprise, so that they can afford to do it for the expense of the transaction and a little profit.

Mr. BRADY. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. HOLLIS. I do.

Mr. BRADY. What becomes of the 5 per cent of stock which the farmer subscribes for at the time he makes this loan when he pays off the loan? I should like to have the Senator explain that to me a little more fully.

Mr. HOLLIS. Certainly. When the loan is paid off the farmer gets his money back in full, 100 per cent, when the stock is retired. As quickly as the farmer ceases to be a contributor he ceases to be a sharer in the earnings. That is entirely right; and the land bank is given authority to retire that stock even faster. If it has more capital than is actually earning, it can retire it faster, and it ought to.

Mr. SMITH of Georgia. And in the meantime, if it has made anything, he gets his part of the profits on it?

Mr. HOLLIS. Yes; he gets his share of the profit, in exact proportion to the amount he has contributed toward the earnings.

Mr. SMITH of Georgia. So that, instead of paying 5 per cent commission to somebody to get him a loan, he makes an investment of 5 per cent, on which he gets the interest until he pays off his loan, and then he gets his money back?

Mr. HOLLIS. That is it exactly. That is admirably stated.

Mr. SMITH of Arizona. Mr. President, what is to become of these mortgages in case of a transfer of the realty? I was thinking whether or not it would lay an embargo on the free transfer of the real estate covered by those mortgages.

Mr. HOLLIS. No; it is just as it is now. If a farmer sells his farm, the land bank may accept the new purchaser in his stead, if they care to do so.

Mr. SMITH of Arizona. But suppose he wants a clear title without going into the system at all, can he pay this mortgage as I could pay a private one when due?

Mr. HOLLIS. He can pay it after five years. As I have explained, the overhead charges of making the loan are rather large, and it seems fair to those who borrow on long term that they should be required to give us five years' earnings on it. At any rate, that is the European system, and there did not seem to be any reason to change it.

Mr. SHEPPARD. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Texas?

Mr. HOLLIS. I do.

Mr. SHEPPARD. Suppose the capital of one of those banks becomes impaired, and it is necessary to levy an assessment on the stockholders, have you provided for that?

Mr. HOLLIS. Of which banks? One of the land banks?

Mr. SHEPPARD. Any of them. Suppose any of them fails to pay expenses.

Mr. HOLLIS. Any of the land banks?

Mr. SHEPPARD. Yes.

Mr. HOLLIS. If one of the land banks impairs its capital so that it is insolvent it will have to be wound up and go out of business. That is the idea of the committee. If, with all the aid that is given, they can not go along without failing, we think they should be wound up and ended.

Mr. BRADY. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire further yield to the Senator from Idaho?

Mr. HOLLIS. I do.

Mr. BRADY. What liability would there be on the 5 per cent of stock that the farmer takes at the time he makes his loan?

Mr. HOLLIS. The farmer may take it with either double liability, like a national bank, or unlimited liability. If he goes in on the unlimited-liability basis he would naturally expect to get his loan at rather lower rates of interest, and we hope it will work out in that way. He may assume either that he cares to assume.

Mr. BRADY. And at the time he makes his loan he has the privilege of electing whether he will take the unlimited liability or the double liability?

Mr. HOLLIS. It is not quite that. The associations must be organized on one plan or the other, and according as he joins one association or the other he will assume double liability or unlimited liability, but that is determined when he goes in.

Mr. BRADY. The association could determine that when it organizes?

Mr. HOLLIS. When the association gets its charter it takes it on either the double-liability or the unlimited-liability plan.

Mr. BRADY. And as a matter of fact the farmer would not have to go into the association if he did not like the plan under which it was organized?

Mr. HOLLIS. Oh, not at all; he need not go in at all. He would probably look around for one of the joint-stock banks, then.

Mr. BRADY. So he has the privilege of saying whether he shall accept the double liability or the unlimited liability?

Mr. HOLLIS. Yes; that is true.

The individual liability that the farmer assumes serves two objects. It makes the loan safer; it makes the bonds safer to the investor, and it also insures the interest of the farmer in the system, so that he will see that bad loans are not made. He will be anxious to see that everything is run right and the association stays solvent, so that he will not have to pay up. That is one of the objects of the plan.

The plan has been criticized because it is cumbersome and complicated and because the bill is long. The bill is 72 pages long. The bill providing for a delegate from the District of Columbia, which has been recently reported by the District Commitee. is 50 pages long, and on that basis this bill ought to be 1,000 pages long. But the bill is not really long. It is as long as it is in order to make the operation simple and certain. It is not cumbersome. There could not be anything simpler than this bill. You want Federal supervision, and you would not have a board of less than five. You must have banking brains somewhere in order to run a banking system and to make safe loans intelligently, and that is run by five directors of each land bank. The land bank makes the loans. In order to get local touch it makes them through local associations that know the farmer and the circumstances. Now, if a farmer in my county wants to form an association and get nine other farmers to join with him, they send to the land bank, wherever it is, and get a charter, and then they are entitled to borrow from the land bank. It is very simple. The costs are made as low as it is possible to make them and have safety.

Mr. SMITH of Georgia. Under the bill as it is now reported you do not require a land bank in each State?

Mr. HOLLIS. Oh, no.

Mr. SMITH of Georgia. You do not require now a separate organization in each State?

Mr. HOLLIS. No.

Mr. SMITH of Georgia. There is one land bank now for the district?

Mr. HOLLIS. That is it.

Mr. SMITH of Georgia. And the farmer, or the local association, deals directly with that land bank?

Mr. HOLLIS. That is it.

Mr. SMITH of Georgia. And that land bank is supervised by this Government board, which has no interest in the bank except, as Government officers, to see that it does business wisely and intelligently and that the benefits of the scheme reach to the farmers and borrowers?

Mr. HOLLIS. That is it exactly.

There are, of course, two schools of thought on this subject. One believes that the Government ought not to "butt into" the land-mortgage field at all; that it ought to stay out, and leave it entirely to private enterprise. I should agree to that if the farmers all over the country were getting sufficient accommodation at a low rate of interest. I would not have the Government do it just for the sake of having the Government do it; but there is a need for it, and therefore I believe the Government should do it.

The other extreme is to have the Government loan public money directly to the farmer on the security of his farm, and then have the Government borrow money on its bonds. My objection to that is that in the first place, as I have stated, it would involve the Government in an enormous indebtedness that would run into the billions, and it does not seem right to do that for one class of citizens. If you do it for the farmers, the mechanics would ask for it next, and then all of us would ask for it, and the result would be that the Government would be furnishing money cheaply, and it would probably never be foreclosing, which would break down the system. In the early part of the last century, as I recall, the Government loaned a lot of money to the States. It has never collected any of it. The States have never paid it back. And a political party that would undertake to foreclose on a thousand farmers, through the farm-loan board or through any other board, preceding a campaign, would stand very little chance of staying in office. I do not think that is practicable, but I do not want to quarrel with those who believe it is. It merely means that they are on the other extreme, and they are doubtless honest and intelligent in their views. I do not believe that plan will commend itself to the Congress.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from North Carolina?

Mr. HOLLIS. I do.

Mr. SIMMONS. The Senator has devoted the most of his time to discussing the farmers' associations and their connection with the land banks which the bill creates. The Senator has not given quite as much time to the discussion of the connection of the joint-stock land banks for which this bill provides. I want to suggest to the Senator that it seems to me from his statement—I may be mistaken about it—that the connection between these joint-stock land banks and the land banks is very, very slight.

Mr. HOLLIS. There is no connection whatever.

Mr. DILLINGHAM. Mr. President, we can not hear on this side of the Chamber what is being said.

Mr. SIMMONS. I said that it seemed to me, from the Senator's statement, that the connection between these joint-stock associations and the land banks was very, very slight; that the Government, through the banks, had very little to do with them; and under the system he has outlined they are not very much more than purely private institutions.

Mr. HOLLIS. They are no more than that. I will go over it and make it plain. It is very easy to do.

Mr. SIMMONS. I would like to have the Senator give attention to that point and make a more elaborate explanation of it. first, as to the interest. I understood the Senator to state that the associations fix their own rate of interest. I also understand that the bonds they may issue based upon the land mortgages as collateral will have no security behind them except the mortgage and the liability of this private association.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

Mr. HOLLIS. I ask unanimous consent that the unfinished business be laid aside.

The PRESIDING OFFICER. Without objection, that course will be pursued.

Mr. HOLLIS. I ask that the Chair lay before the Senate the rural credits bill, and that its consideration may be proceeded with.

The PRESIDING OFFICER. The Chair lays before the Senate Senate bill 2986, the rural credits bill.

Mr. SIMMONS. The bonds that may be issued by these joint-stock associations will have no security except that of the land and the liability of the association itself.

Mr. HOLLIS. Yes; and the capital. That is right.

Mr. SIMMONS. And the capital. But there will be that much.

Mr. HOLLIS. Yes.

Mr. SIMMONS. And that is about as much as the loan-association bonds would have but for the indorsement of these 12 banks. Now, would it be feasible to admit these private associations to a closer connection of the bank by permitting them to take stock in the bank at the rate of 5 per cent upon each loan, just as is provided with reference to the loan associations, upon their becoming members of it and contributing to this

fund to the same extent as the loan association, to become responsible for their bonds, and as a result of that responsibility prescribe a maximum rate of interest that they may charge, just as you prescribe in the case of a loan through the farmers' association?

If the Senator will pardon me, I somewhat agree with him that it is possible that this private association may run along with the other; but, not only that, it may absorb it, and most of the business may be done through that. I think it is possible to provide in this bill so as to limit the rate of interest that those private institutions may charge, and by increasing the security for the bonds they may issue you would provide a very strong system.

Mr. HOLLIS. The fundamental difficulty in permitting the joint-stock land banks to become a part of the cooperative land bank system is this: The cooperative land bank system is built on the cooperative plan. The members are all borrowing farmers. The borrowing farmers furnish all the earnings to the system, and the borrowing farmers get all the earnings—if there are any—paid back to them like a participating life-insurance policy. The joint-stock land banks are formed for private enterprise entirely, just as I might organize a national bank. They furnish private capital, and they furnish none of the earnings themselves because they do not borrow. They merely set up a joint-stock enterprise that they hope will earn money. They do not require the borrower to take any stock; they do not require the borrower to assume any individual responsibility. They occupy exactly the same field in the mortgage system that the average national bank occupies in the commercial system. It is purely a private, speculative, money-earning institution, under Government supervision, to extend to farmers the facilities of a land-mortgage system. They do not touch the Federal land banks at all. They ought not to touch them, because as soon as they do we come to the question of apportioning the earnings between the contributors to the joint-stock capital and the borrowing farmer. They are merely organized to meet the demand that is made by men who are now in the mortgage-loan business. There are a great many of them who are performing very useful functions. They see that they will be driven out of business if our cooperative plan works, and they say, give us a chance to come in now and do our business on honor, under Government supervision. Give us just the same facilities that you have given to the national banks in the commercial field.

We have done it. We discriminate against them only in allowing them to issue bonds to 15 times their capital and surplus, while the cooperative system may issue bonds to 20 times the capital and surplus. We have tried, by an adjustment of the burdens and advantages, to give them each a chance. If it turns out that the joint-stock banks charge a higher rate of interest than the cooperative system, then the cooperative system will have a better chance to occupy the field. The result will be that the joint-stock banks will have to pull their interest rate down to compete with the cooperative system.

Originally, I was not in favor of allowing the joint-stock banks to come in, but I was finally persuaded that there are parts of the country where you can not get the farmers to go into the cooperative system and these districts would be without facilities. I was satisfied that there were many farmers who would not go into the cooperative system and put up 5 per cent and assume any individual liability, and I wanted to extend to those men the facilities that are extended through the Government system of commercial banks to merchants and manufacturers.

Mr. BORAH. As I understand from the reading of the bill, it does not assume to reach anyone except a landowner.

Mr. HOLLIS. A landowner or one who desires to become a landowner. For instance, a man who is a tenant farmer wants to purchase a farm. You would hardly expect the Government to furnish facilities so that the man could borrow without any security. Therefore, a farmer who wishes to buy a farm worth, say, $2,000 has, perhaps, $500 to pay in on it. He can borrow half of the $2,000 under our system at a very low rate of interest. Then he can put a second mortgage on it for the other $500 at a rate of interest enough higher to induce money to come in and make up for the risk. Under the amortization plan, with the first six months' interest, there will be a reduction of the principal. So the second mortgage ought to be a pretty good and attractive investment. In that way we think the tenant farmer will be helped, if that is what the Senator has in mind.

Mr. BORAH. I understand the Senator. I think that answers the question.

Mr. SHEPPARD. Suppose there is a default in interest payment, what becomes of the entire debt?

Mr. HOLLIS. If there is a default in the interest payment, it is carried to the suspension account for two years. That is where the guaranty fund comes in to take up the slack. But at the end of two years the local association must be called on to pay that mortgage in full or produce another one for an equal amount. If the association is small, it is entirely possible it might be wiped out by one payment, but after it has grown to a substantial size with a proper reserve it may very well meet the payment of one or more mortgages.

Mr. SHEPPARD. In other words the association must foreclose the entire mortgage within two years of its default.

Mr. HOLLIS. Yes; the association must do that within two years. Then would come into play the individual liability of the other members of the association, either double liability or unlimited as the case may be.

Mr. THOMPSON. I wish the Senator would explain in reference to the limited and unlimited liability of the farmers who are in the association. I do not quite understand how he distinguishes the liability of one man from that of another.

Mr. HOLLIS. The farmers in a certain locality know each other pretty well, and if they are satisfied that the mortgage loans are safe and want to get the benefit of the very lowest rates that are available, they will organize a farm-loan association of unlimited liability, and that loan association will not have members of any other character. Every one who joins that association will assume unlimited liability for the debt of the association.

When the mortgages go before the land bank, they are all kept in one division for unlimited liability. There will be loan associations of limited liability and associations of unlimited liability. The mortgages of limited liability will be kept by themselves and the mortgages of unlimited liability will be kept by themseves. When an issue of bonds is desired the bank has to put up mortgages of one kind. If they are for unlimited liability they will be the best sort of security in existence, and will get the very lowest rate of interest from those who invest in farm lands. If they carry merely double liability they will not be of such undoubted character and they will probably sell on the market at less favorable rates.

Mr. THOMPSON. There may be both associations in one locality?

Mr. HOLLIS. There may be in some town a limited and an unlimited association, and there may be in that same town a private joint-stock bank, and all three of them may have useful functions to perform and fulfill certain requirements.

Mr. WILLIAMS. Unlimited liability means merely unlimited for that association?

Mr. HOLLIS. It means unlimited liability for that particular association.

Mr. WILLIAMS. But could he go out and take one farm for the whole thing?

Mr. HOLLIS. Yes; but he would have a right to make all the others contribute as was equitable. That is so, of course, under any liability statute with which I am familiar.

Mr. SIMMONS. Will the Senator allow me to interrupt him?

Mr. HOLLIS. Certainly.

Mr. SIMMONS. I can see from the Senator's statement, and in reply to the question I asked a little while ago, a good reason why it might not be advisable to require the private joint-stock companies to come in under the plan that is provided in the bill, but I can not see any reason why if one of the joint-stock companies does desire to come in under the bill, and conform to all the requirements of the bill, it should not be permitted to do so. The mortgage that they would issue would have behind it just as much as security, probably a little better security, than the mortgage which a farmers' association would present. The mortgage of the farmers' association would have behind it nothing but the land and the limited or unlimited liability of the members. The mortgage that the private joint-stock association would offer would have behind it the land and the liability of the association and the individual liability of the stockholders in that association. It would be therefore just as good security as the other.

Now, if one of those institutions comes to the land bank and says, "Here are my mortgages indorsed by my association, I want to issue bonds on them; I am willing to comply with the provisions of your law if you will accept these mortgages and indorse our bonds that we desire to issue upon it"; why is not that feasible? Why the bank issuing these bonds would not be just as well protected as in the case of the bonds issued at the instance of the farmers' association I am unable to see. Therefore, I suggest to the Senator that there would seem to be no reason why, if these private associations desire to come into this system and comply with its terms as to interest, their bonds

should not be indorsed by the bank just as the bonds of the private farmers' association.

Mr. HOLLIS. I can only add to what I have said—that no mortgage man has suggested that he would want to raise capital for a joint-stock land bank and then split the earnings that would possibly come to him with the Federal land bank and come in on the cooperative plan. What the mortgage men want to do is to raise the capital and go into business and have all the margin for themselves without dividing it with the Federal land bank. I have not heard of anyone who suggested it, but what the Senator says is perfectly true; they would have greater responsibility, they would have much greater value to their indorsement than the little farm-loan association; but we would still have the mixture of private capital and the cooperative plan contributing all the earnings, and if there is a surplus, dividing it in proportion to the amount each contributes.

Mr. BRADY. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. HOLLIS. Certainly.

Mr. BRADY. The Senator is certainly giving us a very lucid and intelligent analysis of the bill, and I have given the measure considerable thought and study. Following the thought of the Senator from North Carolina [Mr. SIMMONS], speaking of the joint-stock bank, I have been wondering if there is not liable to be a great deal of confusion by including all three of these systems in the one bill. As the Senator has given the matter a great deal of study I should like to have an expression from him, if he feels so disposed, as to what he thinks about leaving the joint-stock bank feature out of the present bill and incorporating it into another bill if the Senate should see fit to write it into law.

Mr. HOLLIS. I can see great advantages in what the distinguished Senator from Idaho suggests. It would be very much easier to frame a bill of this kind if the conditions in this country were like those in the countries of Europe, with a homogeneous population, speaking the same language, rooted in the same soil, generation after generation, accustomed to going to the same church and having the same social organizations.

If we had that condition I should be very clear that we ought to insist on merely the unlimited-liability cooperative plan. I think we should impose that plan, and I know that it would be the cheapest and the most desirable to the farmer in the long run. But we have a great diverse country, with a shifting population, with neighbors living miles apart, not knowing or caring about each other, not willing to undertake liability for each other. Therefore I think we are forced into complications that would not be necessary if we had a smaller and a more homogeneous country. But in trying to select between the three different systems, the private joint-stock bank, the limited-liability plan cooperative, and the unlimited-liability plan cooperative, I could not risk my judgment as to which of the three was best or whether there was any best in the three. I felt that in this measure, without needless complications, we could give the people of all parts of the country a chance to select one of the three systems, or to absorb all three of the systems in the same locality if it seemed to them wise to do it. Nothing but experience can demonstrate in this country whether all three will exist side by side as they do successfully in Europe. Nothing but experience will show whether one of the three systems will outstrip the other. The committee felt that the only proper way was, without needless complication, to give them all a fair chance—a fair start—and see which comes out a winner at the end of the race. That is the only answer I can give.

Mr. JOHNSON of South Dakota. What amount of bonds can the private joint banks issue?

Mr. HOLLIS. The private joint-stock banks may issue bonds up to fifteen times their capital and surplus. The cooperative land banks can issue bonds up to twenty times their capital and surplus. There is a very good reason for that. The joint-stock bank can get its capital and its bond issue out without any trouble, but the only way for the cooperative bank to get its capital out in loans is to loan to the farmers. The very first loan it makes, the farmer contributes 5 per cent more capital, so that in getting the loans out you are getting more capital in all the time. The result is that it is not possible for cooperative banks to get out a ratio of more than 15 to 1 at any one time. Therefore it seemed fair to me that this difference in ratio should exist.

Mr. JOHNSON of South Dakota. I understand, in order to issue the bonds, each of the banks must hold an amount of first mortgages equal to the bonds they issue. Is that correct?

Mr. HOLLIS. Yes; that is right. There must at all times be existing in the hands of the registrar for the district mortgages equal in face value to the outstanding bonds issued by the land bank; and whenever they fail to do that, if they have used up the capital and surplus so that they can not furnish other securities to take their places, then it must go out of business.

Mr. SHEPPARD. May the bondholder under any circumstances bring suit to foreclose an individual mortgage?

Mr. HOLLIS. No; the bondholder has no interest in any one mortgage or any lot of mortgages. All he has is a right to have the trustee who is the registrar foreclose the mortgages for him and the other bondholders collectively.

Mr. SHEPPARD. Has he a right to have the trustee selected and the mortgage foreclosed in the event of default by the bank association?

Mr. HOLLIS. No; it would work in this way. We will assume that there is $100,000 in mortgages put up as collateral security for $100,000 in bonds. One of those mortgages is defaulted and the security is only, say, $90,000. The land bank is then obliged, under the terms of the bill, to put up another mortgage, a good mortgage, of that amount, or United States bonds, or cash, or farm-loan bonds carrying the same rate of interest as the bonds that are imposed upon that security. If the land bank can not do that, it is insolvent and must be closed.

Mr. SHEPPARD. What becomes of the right of the bondholder to make his bond good?

Mr. HOLLIS. When the assets are liquidated for the benefit of all the creditors, then each creditor gets his percentage with the others; they share alike.

Mr. SHEPPARD. Has he not a right, then, to hold the others responsible for his loss?

Mr. HOLLIS. Yes; that works in this way. If the bondholder presents a coupon at the land bank that issued a bond and that land bank does not pay on demand of the bondholder, he has a right to present the coupon at any other land bank, and they must pay on demand. They can then call on the other land banks to contribute. But so far as the principle of the bond is concerned it must wait until the land bank that issued the bond is liquidated and the further liability is determined. Then the other land banks are assessed their amount of the deficiency based on the aggregate of the farm-land bonds that each has outstanding at the time.

Mr. BRADY. Mr. President——

Mr. HOLLIS. I yield to the Senator.

Mr. BRADY. As I understand it, the failure of an individual borrower to pay his interest or even his loan would in no direct way affect the holder of a bond issued by the cooperative bank.

Mr. HOLLIS. Oh, not at all. That is what the capital—the 5 per cent guarantee fund—is for. That is in the form of capital to take up the slack.

Sometimes there will be a mortgage which will have to be foreclosed. Experience has shown in this country and abroad that a 5 per cent margin is safe. We further provide that there shall be 25 per cent of earnings of both the loan association and the land bank applied to the reserve every year until the reserve equals 20 per cent of the capital, and after that 5 per cent of the earnings go to the reserve, no matter how large it is. If we can escape drought and bad fortune and get by two or three years we will have a reserve built up that will be safe, comparable, perhaps, to the European system that has been running for many years.

Unless some one else cares to ask a question, Mr. President, I ask that the bill be read.

The PRESIDING OFFICER. The Chair would like to inquire of the Senator who has charge of the bill whether he wishes to have it read in full or for amendment?

Mr. HOLLIS. I will ask unanimous consent that the formal reading of the bill be dispensed with.

The PRESIDING OFFICER. And that it be read for amendment?

Mr. HOLLIS. No; I will make that request later. I simply ask unanimous consent that the formal reading of the bill be dispensed with.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. HOLLIS. I will inquire if there is anyone who desires to speak on the bill this afternoon?

Mr. SHEPPARD. I wish to submit merely a few remarks.

The PRESIDING OFFICER. The Senator from Texas.

Mr. SHEPPARD. Mr. President, it is a well-established principle that the land itself may be so mobilized as to be entirely sufficient security for the bonds it supports without the intervention of a bank. The officers of a land district may be given authority to collect the interest and sinking-fund payments and the creditor may have the right to have that authority exercised in his behalf in the event of a default. It is the same

principle that has made school and drainage district bonds so successful.

These are demonstrable facts. If you must have a bank to guarantee the bonds the creditor looks primarily to the bank and not to the land. The best results can be obtained by relying on the land alone, with as little scaffolding as possible.

The system proposed by the joint committee is an adaptation of the profit-banking system simply and not a genuine application of the cooperative principle.

The success of the joint-committee system will depend on the skill with which the banks are conducted. No more skill or special ability is required in a cooperative land district system than is required to conduct a drainage district. The duties of the officers are largely ministerial.

Then I wish to ask this question: Why encumber the land with the expense and risk of 12 great land banks, with the burden of their proper management, when the land itself may be combined under a simple district system issuing its own bonds and collecting the necessary money? Why put the farmer in the banking business when his land can be so handled as to form a satisfactory security without it?

These are the questions which have addressed themselves to my mind while considering this bill, which has been framed with such labor and such creditable zeal by the members of the joint committee. I would not say that the bill which they have suggested is unworkable. I want to call attention to the fact that I do not think it is necessary to build up an enormous bank superstructure which the farmer himself must conduct and manage when he possesses a security that is capable of being mobilized in simple district or landschaft system, providing adequate security for the bonds.

Mr. BRADY. Mr. President, before the Senator sits down, let me ask him is it his suggestion that, instead of organizing these cooperative banks, nine or more farmers may organize their land into a district and bond the district and sell the bonds of the district on the same principle as a drainage district is organized?

Mr. SHEPPARD. The same principle on which drainage districts or school districts are organized, but a landschaft district would never contain as few as 9 or 10 members. It would contain hundreds of thousands and might well embrace an entire State.

Mr. BRADY. And the Senator feels that that would be a more economical system than the organization of banks?

Mr. SHEPPARD. Undoubtedly. I think the farmer is entitled to the best system, one which will most successfully mobilize his lands as the basis of credit and also which shall be the least expensive to him.

Mr. HOLLIS. Mr. President, the observations made by the Senator from Texas are entitled to every consideration. They were, however, in the minds of the joint committee. It was not desired to plunge the farmer into any unnecessary trouble to get his loans, but the only other system that was suggested was the landschaft system, which would require the Government to impose on the lands in the States certain conditions as to liability for assessments, and that is something that the Federal Government has no right to do. If there were any other way of accomplishing this end that offered a prospect of giving the farmer the relief to which he is entitled, either with less expense to him or less risk to anyone, the committee would be delighted to adopt it, but this is the only system which has been proposed which seems to offer a reasonable prospect of attaining that end.

Mr. SHEPPARD. Mr. President, under my view of the matter, it is entirely within the power of Congress to organize a corporate body within the District of Columbia which shall have the power to organize land districts in the District of Columbia and in any territory immediately subject to the jurisdiction of the United States; and also with the power to organize such districts in such States as will give permission to the corporate body to do business within the limits of the respective States. In that way the stamp of State authority will be put upon the system and its assessment powers. Insurance companies organize in the District of Columbia under the District corporation laws, with directing headquarters at Washington, and with power to operate in any State which will admit the organization to do business. In that way I think the Federal Government could authorize a district system and give it a Federal head. After all, the assessment power of the landschaft would operate with far less hardship than the foreclosure power conferred by the joint committee bill. Under the latter a borrower may be made to pay his entire debt within two years after default of interest. This could not happen in the landschaft.

Mr. HOLLIS. Mr. President, it would be a very interesting experiment to see the landschaften tried in the District of Columbia or in any other place where the Government has a right to impose assessments on the land; but it is not a function of this bill to provide a system particularly for the District of Columbia, and it would certainly not be advisable to provide a system which must wait for the States to change their laws in order to have it become operative. The committee feels that the suggested plan will work practically all over the United States at once without waiting for laws to be changed. For that reason, and understanding fully the objections and suggestions of the Senator from Texas, they recommend the passage of this bill.

Mr. SHEPPARD. Mr. President, all that would be necessary would be for the States to admit this organization to do business within their limits.

Mr. SMITH of Arizona. How could you do that without an act of the legislature?

Mr. SHEPPARD. That would be very easy. The parent body could be admitted to the States either by a special act or under general incorporation laws.

Mr. HOLLIS. Mr. President, unless some other Senator is ready to speak this afternoon, I ask unanimous consent that the bill be——

Mr. SHEPPARD. Just a moment. I do not mean to say that it is my unchangeable intention to vote against the measure proposed by the committee. Perhaps it may be amended so as to be made more satisfactory. I am so anxious to see legislation of some kind enacted on the subject that I may be willing to concede that this measure, developed after so much labor and so much investigation, should have a trial. I deem it my duty to say, however, that I do not believe that it represents the fundamental and scientific solution of the land credit question. If the landschaft system can not have a directing Federal head, let a bureau be established by the Federal Government to furnish model landschaft laws to the States, and to aid the States both in the enactment of such laws and in the marketing of landschaft bonds. I think, however, that the system I have suggested, with a directing head in the District of Columbia, is entirely feasible.

Mr. HOLLIS. Mr. President, if no other Senator is ready to address himself to the bill this afternoon, I desire to ask Senators to prepare themselves so that they may speak on the bill beginning to-morrow, if there is opportunity, so that we may proceed and read the bill for amendment. I do not think, perhaps, that it would be fair to ask that the bill be read for amendment this afternoon. I therefore ask unanimous consent that the bill be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered, and the bill will go over until to-morrow.

THE CALENDAR.

Mr. CHILTON. I ask unanimous consent that the calendar under Rule VIII be taken up, beginning at Order of Business 262, where we left off several days ago.

The PRESIDING OFFICER. Is there objection?

Mr. SMITH of Georgia. And that we consider only unobjected bills.

Mr. CHILTON. That is all right. I accept the suggestion of the Senator from Georgia.

Mr. SMITH of Georgia. I am not willing to consider only unobjected bills down to the point where we last ended the consideration of the calendar and then go forward without making the same restriction as to the remaining bills on the calendar.

Mr. TOWNSEND. Mr. President, I am a little curious to know how long we are going to continue the practice of considering unobjected bills, and going back and beginning over again, and thereby preventing the consideration of other bills that might be brought up on motion.

Mr. CHILTON. We are not going back to the beginning; we are going back to Order of Business 262.

Mr. TOWNSEND. Is that where the consideration of the calendar was left off?

Mr. CHILTON. Yes; practically it is a little ahead of that point.

Mr. SMITH of Georgia. I was about to raise the same objection which the Senator from Michigan has raised. I simply yielded when it was stated that the intention was to resume the consideration of the calendar at the point we reached when we last discontinued its consideration.

The PRESIDING OFFICER. The question is on the request for unanimous consent preferred by the Senator from West Virginia. Is there objection? The Chair hears none, and it is so ordered.

BILLS PASSED OVER.

The bill (S. 5126) giving the consent of the United States for the bringing of certain suits in the Supreme Court of the United States, and for other purposes, was announced as first in order.

The PRESIDING OFFICER. The Chair is informed that that bill was read the last day the calendar was under consideration.

Mr. CULBERSON. Mr. President, let that bill go over.

The PRESIDING OFFICER. Being objected to, the bill goes over.

Mr. CHILTON. Mr. President, I hope the Senator from Texas will not make that objection. The bill could have been disposed of the other day had the consideration of the calendar been continued. Those Senators who had opposed it in committee, who were then here, stated that they had no objection to the bill being brought up and being considered. I sincerely hope that the Senator from Texas will not now take the position of objecting to the consideration of the bill.

Mr. CULBERSON. Mr. President, in view of the absence of so many Senators who are members of the Committee on the Judiciary, I insist on the bill going over.

Mr. CHILTON. Mr. President, if the Senator from Texas had been here the other day he would have seen that there was then present comparatively more than the average number of Senators who are ordinarily present when the calendar is being considered.

Mr. CULBERSON. The bill was reported by the Committee on the Judiciary by a vote of only 8 to 7.

Mr. CHILTON. That fact was stated the other day in the Senate, and those Senators who were here on the opposite side from me as to the bill made the statement that they were perfectly willing for the matter to be considered. Is the Senator from Texas opposing the bill?

Mr. CULBERSON. Certainly, I am, Mr. President. I opposed the bill in committee and I oppose it here. I insist that it go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. CULBERSON subsequently said: Mr. President, a moment ago I objected to the consideration of Calendar No. 262, being Senate bill 5126, because of the small attendance in the Senate at that time. There being rather a full attendance now, I withdraw my objection to its consideration, though I am opposed to its passage.

The PRESIDING OFFICER. The bill has been read twice.

Mr. HARDWICK. Mr. President, I think I will have to object to that bill.

The PRESIDING OFFICER. The Senator from Georgia objects. The bill will be passed over.

The bill (H. R. 54) to pension widows and minor children of officers and enlisted men who served in the War with Spain, Philippine insurrection, or in China was announced as next in order.

Mr. SMITH of Georgia. I object to the consideration of that bill, Mr. President.

The PRESIDING OFFICER. The bill goes over.

The bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes, was announced as next in order.

Mr. SMITH of Georgia. I object to the consideration of that bill, Mr. President.

The PRESIDING OFFICER. Being objected to, the bill goes over.

Mr. SMOOT. Mr. President, there are so few Senators in the Chamber that I suggest the absence of a quorum, because some Senators who are not now present may be interested in bills on the calendar.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Myers	Smith, S. C.
Bankhead	Hardwick	Norris	Smoot
Brandegee	Hitchcock	Overman	Sterling
Broussard	Hollis	Page	Thomas
Burleigh	Hughes	Phelan	Thompson
Chamberlain	Husting	Poindexter	Tillman
Chilton	Johnson, Me.	Pomerene	Townsend
Clapp	Johnson, S. Dak.	Ransdell	Underwood
Clark, Wyo.	Jones	Saulsbury	Vardaman
Culberson	Kenyon	Sheppard	Wadsworth
Cummins	Lane	Sherman	Walsh
Curtis	Lewis	Simmons	Warren
Fall	Lodge	Smith, Ariz.	Williams
Gallinger	McCumber	Smith, Ga.	
Gore	Martine, N. J.	Smith, Mich.	

Mr. LEWIS. Mr. President, I desire to announce the absence of the Senator from Tennessee [Mr. SHIELDS], who is detained by illness in his family.

The PRESIDING OFFICER (Mr. NORRIS in the chair). Fifty-seven Senators have answered to their names. There is a quorum present.

Mr. TOWNSEND. Mr. President, there was so much confusion in the Chamber a moment ago that I did not know what was done with Calendar No. 263, House bill 54.

The PRESIDING OFFICER. The present occupant of the Chair is informed that that bill went over under objection.

Mr. TOWNSEND. Who objected?

The PRESIDING OFFICER. The Senator from Georgia [Mr. SMITH].

Mr. JOHNSON of Maine. Let me inquire whether we are proceeding now with the consideration of bills to which there is no objection?

The PRESIDING OFFICER. Yes.

Mr. JOHNSON of Maine. By what agreement?

The PRESIDING OFFICER. The present occupant of the chair is informed that unanimous consent was given to proceed to the consideration of unobjected bills on the calendar, beginning with Calendar No. 262.

SINKING FUND FOR REDUCTION OF NATIONAL DEBT.

The bill (S. 55) to authorize the Secretary of the Treasury to use, at his discretion, surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States was considered as in Committee of the Whole.

The PRESIDING OFFICER. This bill was read on Saturday last.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN P. WAGNER.

The bill (S. 1296) for the relief of John P. Wagner was considered as in Committee of the Whole. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, John P. Wagner shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a captain of Company H, Two hundred and second Regiment Pennsylvania Volunteer Infantry, on the 12th day of November, 1864; but no pension shall accrue prior to the passage of this act.

Mr. SMITH of Georgia. Mr. President, I should like to hear some explanation why this gentleman is to have his present disabilities removed.

Mr. WARREN. Mr. President, the purpose of the bill, of course, is to give Mr. Wagner a pensionable status. I will say in regard to the case that he served three months with honor and was honorably discharged. He entered the Army a second time, served honorably, was promoted through the different grades to second lieutenant and then to first lieutenant, and again was honorably discharged. During a third service he unfortunately imbibed too much drink on one occasion, and on that account was dishonorably discharged. He is a very old man, and I think ought to be pardoned now in order that he may have a pension for the few months that he has yet to live.

Mr. SMITH of Georgia. I will not object to the consideration of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

METROPOLITAN POLICE OF THE DISTRICT.

The bill (S. 4479) to amend an act approved June 8, 1906, entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901," was considered as in Committee of the Whole, and the Secretary read the bill, as follows:

Be it enacted, etc., That the act of Congress approved June 8, 1906, entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901," be, and the same is hereby, amended as follows:

Strike out the last clause of paragraph 2 and insert in lieu thereof the following: "All original appointments of privates shall be made to class 1, and promotions shall be made from class 1 to class 2 in order of appointment to the force after three years' service as privates in class 1, and from class 2 to class 3 after two years' service as privates of class 2, in all cases where the conduct and intelligent attention to duty of any private shall justify such promotion."

Strike out paragraph 3 and insert in lieu thereof the following:

"PAR. 3. The said Metropolitan police force shall consist of 1 major and superintendent, who shall continue to be invested with such powers and charged with such duties as is provided by existing law; and also of 1 assistant superintendent with the rank of inspector; 4 surgeons for the police and fire departments; 3 inspectors; 11 captains; 18 lieutenants, 1 of whom shall be harbor master; and such number of sergeants, privates of class 3, privates of class 2, privates of class 1, mounted inspectors, captains, lieutenants, sergeants and privates, and such others as said commissioners may deem necessary within the appropriations made by Congress: *Provided*, That the inspectors shall perform such duties as may be prescribed by the Commissioners of the District of Columbia; that the captains shall command police precincts and perform such duty or duties in connection therewith as the laws and regulations of the said commissioners may prescribe: *Provided further*, That the said Metropolitan police force shall continue as at present constituted until the offices created hereby are filled and promotions are made by said commissioners as provided in this act."

Strike out paragraph 8 and insert in lieu thereof the following:

"PAR. 8. The salaries of the officers and members of the Metropolitan police of the District of Columbia, herein provided, shall commence with the fiscal year beginning July 1, 1916, and shall continue thereafter annually, unless changed by Congress, as follows: The major and superintendent shall receive an annual salary of $4,000; the assistant superintendent shall receive an annual salary of $2,500; inspectors shall each receive an annual salary of $2,000; police surgeons shall each receive an annual salary of $720; captains shall each receive an annual salary of $2,000; lieutenants shall each receive an annual salary of $1,600; sergeants shall each receive an annual salary of $1,400; privates of class 3 shall each receive an annual salary of $1,200; privates of class 2 shall each receive an annual salary of $1,080; privates of class 1 shall each receive an annual salary of $900; members of said police force who may be mounted shall each receive an extra compensation of $300 per annum; and members of said force who may be mounted on bicycles shall each receive an extra compensation of $50 per annum."

Mr. GALLINGER. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add, at the end of the bill, the following proviso:

Provided, That all contracts heretofore made between the beneficiaries under this act and pension attorneys and claim agents are hereby declared null and void.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Hampshire.

Mr. THOMAS. Mr. President, I should like to inquire of the Senator from New Hampshire what condition his amendment is designed to cover? I do not perceive anything about the bill which indicates the necessity for any such contracts, and I am really a little curious in regard to the matter.

Mr. GALLINGER. Mr. President, the bill increases the salaries of the members of the Metropolitan police force. I have knowledge that on former occasions when salaries have been increased in this district certain enterprising claim agents and attorneys have had an interest in the matter and have profited to some extent because of the legislation. I have no knowledge at all as to the present case.

Mr. THOMAS. I think the amendment is very desirable in this case.

Mr. GALLINGER. If the Senator knew what I know, he would think it desirable.

Mr. SMITH of Georgia. Mr. President, I wish to ask the Senator from New Hampshire a question. Does this bill place the police officers at crossings upon the same basis as other policemen?

Mr. GALLINGER. I will say to the Senator that, not being a member of the committee, I can not speak authoritatively, but I think it does not do so. I believe, however, that officers at crossings should have the same salary as paid to the ordinary policeman.

Mr. SMITH of Georgia. I have understood that there is a discrimination between the crossing policemen and other policemen, and it occurred to me that the policeman who stands at a crossing in the center of the city has harder work to perform than the ordinary policeman, and really ought to be a selected man. It is a most dangerous and important place.

Mr. GALLINGER. There is this to be said about the crossing policemen. They are paid by the railroad companies. They are under the jurisdiction of the chief of police, but they are not properly members of the Metropolitan police force. I think on a former occasion I endeavored to remedy that by making them members of the Metropolitan police force and giving them all the rights and privileges of members of that force, but I failed in my effort to accomplish that. I will say to the Senator, however, that there is the distinction, to which I have referred, that the crossing policemen are paid by the street railroad companies and not from the Federal Treasury.

Mr. SMITH of Georgia. The District collects from the railroads and pays them I presume. The District does not make the railroads themselves carry the crossing policemen on their pay rolls, does it?

Mr. GALLINGER. I confess I do not know what the modus operandi is.

Mr. HUGHES. Mr. President, I will say that I understand the railroad companies pay the crossing policemen direct.

Mr. GALLINGER. I will say to the Senator from Georgia that I think to bring about the result desired will require additional legislation of Congress; but beyond a question the crossing policemen should have all the rights, privileges, and emoluments that go to any other class of policemen in this city.

Mr. SMITH of Georgia. That is true; and they ought to be entitled to promotion. Certainly as good men are required for that position as any other position on the police force.

Mr. GALLINGER. It will require some additional legislation to bring that about.

Mr. SMITH of Georgia. They are selected, I understand, by the commissioners and appointed by the chief of police.

Mr. GALLINGER. They undoubtedly undergo an examination, and they are appointed by the chief of police.

Mr. BRANDEGEE and Mr. TOWNSEND addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BRANDEGEE. Mr. President, will the Senator from New Hampshire be kind enough to let me ask him a question? I do not know what the bill is to which he has offered the amendment, and I came in the Chamber just as the amendment was being read; but, as I understand the amendment, it seeks to declare invalid a contract, and I was wondering, inasmuch as the Constitution says that Congress shall pass no law impairing the obligations of a contract, whether or not the amendment violated that provision of the Constitution.

Mr. GALLINGER. The amendment is in the form which has been used in a great many similar bills, I will say to the Senator. Perhaps we could say that "all agreements."

Mr. BRANDEGEE. An agreement is a contract, I will say to the Senator.

Mr. GALLINGER. Yes.

Mr. BRANDEGEE. I do not wish to interfere in the matter at all, but as read the amendment, it seemed to me, would probably be unconstitutional.

Mr. GALLINGER. The Senator understands that the contracts referred to are contingent contracts.

Mr. BRANDEGEE. I can see readily that such a provision could apply to the future, to prevent such contracts being made; but if there is now an existing valid contract, I do not think that Congress can declare it void. However, I do not wish to interfere with the bill, because if the provision is unconstitutional it will not have any effect.

Mr. TOWNSEND. Mr. President, I had in mind what the Senator from Connecticut [Mr. BRANDEGEE] has said. It seems to me that if the Senator from New Hampshire desires to accomplish this purpose it can be done by stating that no part of the money shall be paid for such a purpose. That might possibly avoid the objection which has been raised. It seems, however, very clear to me that such an amendment will be unconstitutional if a valid contract exists. I do not believe that Congress can make a legal contract void.

Mr. GALLINGER. This matter is peculiar in this respect—of course, I can not argue it from the legal point of view, but such contracts are made upon a contingency. They are contingent agreements with certain men whose salaries are increased by legislation that the attorneys or claim agents shall get a percentage, pretending that they have been the means of securing the legislation. Whether or not that is a contract under the terms of the Constitution I do not know.

Mr. TOWNSEND. Mr. President, I am in sympathy with the object the Senator desires to accomplish; but I can not believe that that can be done if there is such a contract in existence, but it seems to me that we might say that "no part of the appropriation made shall be applied to such a purpose."

Mr. GALLINGER. I wrote it in that form first, but on turning to the CONGRESSIONAL RECORD I found two recent instances where the phraseology which I employ has been used in other bills. However, if the matter may be passed over for a moment, I will draft the amendment in the other form.

The PRESIDING OFFICER. Does the Senator from New Hampshire withdraw his amendment?

Mr. GALLINGER. I withdraw the amendment, and ask that the bill may go over for a few moments until I can draft the amendment.

Mr. BRANDEGEE subsequently said: Mr. President, the Senator from Texas [Mr. CULBERSON] has called my attention to the fact that section 10 of Article I of the Constitution provides that—

No State shall * * * pass any * * * ex post facto law, or law impairing the obligation of contracts.

I think that is what I had in mind, probably. I think I am mistaken in what I said about the amendment of the Senator from New Hampshire. It did seem to me, and does seem to me still, that Congress ought not to have the power to pass a law declaring a valid contract to be void; but I have had no time to look it up, or to see whether there is any constitutional amendment which would prohibit it. I think, however, I was clearly wrong in what I stated, and I had in mind what the Senator from Texas has called to my attention.

Mr. GALLINGER. Mr. President, I will again offer the amendment; and I will make the suggestion that even if this should be found to be an unconstitutional act it will have served, to a large extent, the purpose I have in view. There have been things done here in this direction that ought to be corrected, and possibly a notice served upon certain parties will accomplish the result quite as well as legislation. I think we would better add

this amendment to the bill—the amendment I submitted a moment ago.

The PRESIDING OFFICER. Does the Senator from New Hampshire offer the amendment that he previously offered?

Mr. GALLINGER. I do.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF MASSACHUSETTS.

The bill (S. 3346) conferring jurisdiction on the Court of Claims to adjudicate the claims of the State of Massachusetts was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 2, line 3, after the words "Treasury Department," to strike out:

And in making said adjudication the court is hereby directed to apply the provisions of the act of Congress approved July 27, 1861 (12 Stat., 276), and the joint resolution of Congress approved March 6, 1862 (12 Stat., 615), as interpreted and applied by the Supreme Court of the United States in the claim of the State of New York (160 U. S., 590), which legislation so interpreted is hereby extended to include the aforesaid claims. And the proofs in support of said claims now filed by the State with the accounting officers are hereby declared to be sufficient to authorize the court to make said adjudication under the provisions of said act and joint resolution.

And insert:

The evidence of the amount of said expenditures and of the computations of premium made by the accounting officers of the Treasury, on file in the Treasury Department, may be considered by the court, so as to relieve the State of the necessity of duplicating the same.

So as to make the bill read:

Be it enacted, etc., That the Court of Claims is hereby given jurisdiction to adjudicate the claims of the State of Massachusetts for money paid as premium for gold with which it paid the interest and principal on money borrowed and used to equip its troops for the service of the United States during the Civil War and for interest and premium paid for gold wherewith it paid such interest on money borrowed and expended during said war in protecting the harbors and fortifying the coast, which claims for interest and premium were disallowed by the accounting officers of the Treasury Department. The evidence of the amount of said expenditures and of the computations of premium made by the accounting officers of the Treasury, on file in the Treasury Department, may be considered by the court, so as to relieve the State of the necessity of duplicating the same.

Mr. SMITH of Georgia. Mr. President, I wish that some Senator would give a brief explanation of that bill.

Mr. LODGE. Mr. President, the bill is to allow the State of Massachusetts to go before the Court of Claims to recover for money paid as premium for gold with which it paid the interest and principal on money which it borrowed to equip troops during the Civil War. The State of Massachusetts paid all its debts during the Civil War and all the interest in gold. There have been some similar cases in connection with one or two other States.

Mr. SMITH of Georgia. I understand what it is now.

Mr. OVERMAN. Does this bill provide that the Court of Claims shall proceed to judgment or merely find the facts? This claim has been before the Committee on Claims a dozen times. It came before the committee while I was a member of that committee—and I served on that committee seven or eight years—but I do not think we have ever allowed a claim to go through within my recollection providing that the Court of Claims shall proceed to judgment. Ordinarily we merely allow the court to find the facts and certify the facts to Congress, and then the claim is paid by appropriation in one of the appropriation bills.

Mr. LODGE. Certainly this matter will have to come before Congress for an appropriation.

Mr. OVERMAN. That is what I wanted to understand. It does not authorize the Court of Claims to proceed to judgment.

Mr. LODGE. I understand that after the Court of Claims acts the matter will have to come here and be paid like every other judgment of the Court of Claims.

Mr. OVERMAN. That is what I want to understand.

Mr. LODGE. I do not think it is different in that respect from any other bill of this kind.

Mr. OVERMAN. Of course, Mr. President, judgments have to be paid; but I understand that these cases usually go to the Court of Claims to find the facts; then the facts come up here before Congress, and then the Court of Claims recommends the bill for passage.

Mr. LODGE. Certainly; it is exactly the same——

Mr. OVERMAN. And this takes the same course as others.

Mr. LODGE. It takes the same course as all other claims.

Mr. TOWNSEND. No; I do not understand that it does take the same course as others. If you permit this bill to pass, you submit this matter to the Court of Claims for a judgment there, which would be a judgment in favor of the State of Massachusetts.

Mr. OVERMAN. That is what I asked.

Mr. TOWNSEND. Of course we will have to appropriate the money to pay it, the same——

Mr. OVERMAN. I will not object to it if that is the form of the bill. If it proceeds to judgment, then I would object to it.

Mr. CLAPP. Let us have it read.

Mr. OVERMAN. I ask to have the bill read again.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). The Secretary will read the bill again.

The Secretary again read the bill.

Mr. OVERMAN. I want to ask the Senator from Massachusetts if he will not strike out the word "adjudicate," and say that it is referred to the Court of Claims "to find all questions of law and fact, and report to Congress." That is the way they usually read, instead of saying "adjudicate."

Mr. LODGE. I supposed this bill was in the usual form.

Mr. OVERMAN. No; they are referred to the Court of Claims to find the questions of law and fact and report to Congress.

Mr. LODGE. Mr. President, I am perfectly willing to make that change if the Senator is going to object unless it is made. Of course in that event I have no choice except to accept it; but similar claims have been paid to other States.

Mr. OVERMAN. I understand that. They passed through our committee.

Mr. LODGE. Yes.

Mr. OVERMAN. I understand all about this claim, because it has been before the committee time and again. Some of them have been referred to the Court of Claims to find the facts and the law and report to Congress. They make reports here every year, as the Senator knows, upon these cases, and we pass upon them.

Mr. LODGE. Very well, Mr. President.

Mr. OVERMAN. I move to strike out the word "adjudicate" and have it read "referred to the Court of Claims to find the law and facts and report to Congress."

Mr. OLIVER. Mr. President, I should like to ask the Senator from Massachusetts a question.

The PRESIDING OFFICER. Let the Secretary state the amendment.

Mr. OLIVER. First, I should like to ask the Senator from Massachusetts if this is not an exactly parallel case to the case that was decided by the Supreme Court with regard to the State of New York?

Mr. LODGE. Precisely the same.

Mr. OLIVER. I do not think it ought to go before the Court of Claims. This question was before the Committee on Claims when I was a member of it, and I think the Committee on Claims ought to report a bill making an appropriation to pay this debt.

Mr. OVERMAN. The committee has never done that, Mr. President. We have had it up there every year.

Mr. LODGE. Of course, Mr. President, it is a just debt. Of that I have no doubt whatever; but the United States Congress, particularly, will never pay any attention to whether or not a debt is a just debt. The only way to get it paid is to try to get a judgment from a court.

Mr. OVERMAN. As I recollect, the Government has paid Massachusetts the principal of every cent she paid out. This, as I understand, is a question of the premium she had to pay for gold in getting this money.

Mr. LODGE. That has been decided.

Mr. OVERMAN. I know it has in a Pennsylvania case; but I think the Court of Claims ought to find the facts and the law in this case and report back.

Mr. LODGE. There is not any question about the facts. It ought to be paid, as a matter of fact, as the Senator from Pennsylvania [Mr. OLIVER] says, by appropriation; but, of course, I have no choice, if the Senator from North Carolina is going to object, except to take the amendment. It simply delays it still further.

The PRESIDING OFFICER. Does the Senator propose the amendment?

Mr. OVERMAN. I do; but in order that the Senator may have the bill passed I will say that I do not propose to delay it. It will not delay it at all. If you got a judgment, it would

have to come here and be appropriated for. There really will be no delay in it.

Mr. CLAPP. Mr. President, I think possibly I can straighten this out. There are cases where it is difficult to ascertain the amount, and we send such cases to the Court of Claims to report a finding of fact. Where there is no question of the amount, and the claim is a just one, we very often send it there for a judgment, and I should think in a case of this kind it ought to be for a judgment.

Mr. LODGE. Let me say to the Senator from Minnesota that there is no question about the amount.

Mr. CLAPP. No.

Mr. LODGE. It is provided in the bill by the amendment that the State shall not have to duplicate the returns or figures of the Treasury Department. We accept the figures of the Treasury Department itself.

Mr. CLAPP. Yes. I say I do not see the necessity of sending it there for a mere finding of fact.

Mr. LODGE. There are no facts to find. Those are admitted.

Mr. CLAPP. We ought to send it there for a judgment.

Mr. OVERMAN. I do not know whether it is exactly the same case as the Pennsylvania case or not. I do know, however, that the Committee on Claims time and time again refused to pass it. I do not know why. Let us have the facts from the court.

Mr. LODGE. The Committee on Claims has refused to pass a good many just claims.

Mr. OVERMAN. Why, certainly; I agree to that.

Mr. OLIVER. I would say that some years ago, when I was a member of that committee, I investigated this case, which was referred to me as a subcommittee, and I reported to the committee in favor of it.

Mr. OVERMAN. Will the Senator yield?

Mr. OLIVER. Certainly.

Mr. OVERMAN. But the full committee did not report it.

Mr. OLIVER. At that time the full committee was dominated by the late Senator from New Jersey and a lot of others who would not report anything.

Mr. OVERMAN. It may be a meritorious case; I do not know.

Mr. LODGE. I think it is meritorious. Other States have received the same.

The PRESIDING OFFICER. Does the Senator from North Carolina propose an amendment?

Mr. OVERMAN. I do.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 1, line 4, it is proposed to strike out the word "adjudicate" and insert "to find the law and facts."

Mr. LODGE. Of course I hope that amendment will not be adopted. I do not think there are any facts to find. If the Senator is going to object, however, I have no choice except to accept it.

Mr. SMITH of Georgia. Mr. President, is there a provision in this bill carrying interest?

Mr. LODGE. No; it is the premium on the interest.

Mr. SMITH of Georgia. The premium on it?

Mr. LODGE. On the interest paid by the State.

Mr. SMITH of Georgia. There is no provision for interest on the amount due?

Mr. LODGE. Oh, no; there is no provision whatever for interest on the amount.

Mr. THOMAS. Mr. President, I think the word "adjudicate" covers everything that could be covered by the amendment offered by the Senator from North Carolina. The requirement that the court shall adjudicate the claim involves the necessity of inquiring into it, or else there can be no adjudication.

Mr. OVERMAN. It may be construed that they are to render judgment. I have proposed the language of all these bills where Congress has required the matter to go to the Court of Claims to find the law and the facts and then report to Congress; and Congress takes the law and facts as found by the court and determines whether it will appropriate to pay the judgment.

Mr. THOMAS. I can not conceive how a court can adjudicate any controversy before it without inquiring into it and then passing upon it. Its conclusion, either favorable or adverse, presupposes an inquiry as to the facts as well as the law.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from North Carolina.

The amendment was rejected.

Mr. HUGHES. I shall object to the bill, if that is done.

The PRESIDING OFFICER. The Senator from New Jersey objects to the further consideration of the bill. Under the rule, it will be passed over.

GRAVES OF CONFEDERATE SOLDIERS AND SAILORS.

The bill (S. 5044) to continue in effect the provisions of the act of March 9, 1906, was announced as next in order.

Mr. CHAMBERLAIN. Mr. President, I ask that that bill may be indefinitely postponed, because a House bill having the same object in view was passed by the Senate some days ago.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

BILL PASSED OVER.

The bill (S. 3012) for the relief of Elizabeth T. Wells was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). The bill will be passed over.

GEORGE T. HAMILTON.

The bill (S. 28) for the relief of George T. Hamilton was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on line 5, to strike out "$5,000" and insert "$1,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,000 to George T. Hamilton, as full compensation for wounds received at the hands of soldiers of the United States in the year 1863.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I have looked for the report on that bill, but I do not see it. It is a long time since that accident happened, and I should like to see some of the evidence.

Mr. SAULSBURY. Mr. President, I may say that the report is No. 297, but I can give the Senator and the Senate the facts in this case, and I desire to do so.

In 1863 a young lad 16 years old was standing at the door of his mother's house near Stanton, Del. A trainload of United States troops was being sent southward——

Mr. SMOOT. Mr. President, I remember the bill very well upon the statement the Senator has just made, and I have no objection to its consideration.

Mr. SAULSBURY. Mr. President, as I have started I should like to continue the statement, because I wish to offer an amendment to the bill increasing the amount, and I hope the Senate will agree to it. This is a case that I think resembles some of the horrors with which we have been familiar in the European war, and it is a case that I know about personally, as far as one can after this length of time, knowing one of the witnesses who testified, and having visited this man.

As I was saying, in 1863 a 16-year-old boy was standing at the door of his mother's house near Stanton, Del. A trainload of United States troops had stopped on a siding there as it was passing south. One of the soldiers, never identified, shot this boy through both legs, so affecting the nerves of one that for 53 years that man has suffered from running sores in that leg, unable to work except now and then temporarily; and it is one of the tragedies of which you find so many in the simple annals of the poor.

Mr. President, if I represented this man in a court of justice, with a defendant whom I could sue for this claim, I should expect to get almost the highest punitive damages ever awarded in a damage case. For 53 years this man has suffered from those injuries, inflicted by a soldier of the United States who very possibly is to-day drawing a pension, and has done so for many years.

I desire to offer an amendment increasing the amount which the committee allowed. They cut down the amount named in the bill which I offered, $5,000, to $1,000, saying that there was no real legal liability and $1,000 was simply an amount which they had agreed upon; but the acting chairman of the committee told me he would not object and would be very glad if I could obtain an increase in that amount from the Senate.

Mr. SMITH of Georgia. Mr. President, is this a $1,000 pension, to be paid to him annually?

Mr. SAULSBURY. No; it is a lump sum of $1,000 which the committee recommend.

Mr. LODGE. Mr. President, I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Massachusetts?

Mr. SAULSBURY. Surely.

Mr. LODGE. The Senator has stated that the boy was 16 years old in 1863.

Mr. SAULSBURY. In 1863; yes.

Mr. LODGE. It is stated here by the Committee on Claims that he is now 53 years of age.

Mr. SAULSBURY. The Senator will observe that that is an old report on this case, which was made to the Senate a great many years ago.

Mr. SMOOT. In the Fifty-sixth Congress, I believe.

Mr. LODGE. Oh, I see; it is an old report.

Mr. SAULSBURY. Yes. The man is now 69 years old, Mr. President, from the record.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Michigan?

Mr. SAULSBURY. Surely.

Mr. TOWNSEND. Do I understand that this man has been pensioned by the Government for this?

Mr. SAULSBURY. He never has had one cent from the Government during this whole time, and has suffered for 53 years.

I may say that I personally know one of the physicians whose affidavit is shown by this report, and he is one of the finest country doctors that anyone can well imagine. He is one of those men who simply go about doing good and charity, and he has attended this man. I have talked with him. I have seen this man myself. I think it is one of those pitiful cases where the Government could very well afford to pay the man a pension, and I should be glad to have them do it. If he should live longer than it takes to consume this money, I shall try to get the Congress to make an appropriation again; but I move, Mr. President, that in line 6, as amended, the $1,000 be changed to $2,000, and I give notice that I shall ask for more if he lives longer than this amount lasts.

The PRESIDING OFFICER. Is there objection to reconsidering the vote by which the former amendment was agreed to?

Mr. SAULSBURY. I will propose the amendment when the bill comes in the Senate from the Committee of the Whole.

The PRESIDING OFFICER. Are there further amendments to be proposed as in Committee of the Whole? If not, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. SAULSBURY. Now I offer my amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On line 6 it is proposed to strike out "$1,000" and in lieu thereof to insert "$2,000."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN Q. A. BRETT.

The bill (S. 2544) to authorize the President of the United States to appoint John Q. A. Brett captain in the Quartermaster Corps of the Army, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs, with an amendment, in line 6, after the words "grade of," to strike out the words "captain in the Quartermaster Corps" and insert "first lieutenant," so as to make the bill read:

Be it enacted, etc., That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint John Q. A. Brett, pay clerk, Quartermaster Corps, United States Army, to the grade of first lieutenant, United States Army.

The amendment was agreed to.

Mr. SMITH of Georgia. Mr. President, I should like to know why it is proposed to take this action?

Mr. LODGE. Mr. President, if the Senator will allow me, I will give the reason for it. It is stated in a letter of the former Secretary of War, Mr. Garrison:

> I regard the case of Pay Clerk Brett as an exceptional one, and believe that he is entitled to special consideration for the unusually arduous and intelligent work which he has performed. His unusually exact knowledge not only of the Quartermaster Corps but of the other bureaus of the War Department as well is personally known to me by reason of extremely important official work extending over several months which he has done under my immediate direction.
>
> Before this work was completed, and when his absence would probably have made it impossible of completion, his medical officers ordered him into the hospital. Realizing the serious situation that his absence would create, and entirely from a sense of devotion to duty, he continued at this harassing night-and-day work until it was finished, although to the serious prejudice of his health.
>
> Pay Clerk Brett is a highly educated, well-bred gentleman. I doubt if there are half a dozen officers in the Army as well versed in all the details of the Quartermaster Corps.

Then there are letters here of a similar purport from Gen. Bliss, Col. Huggins, and other officers under whom he served, and Gen. Aleshire. His health is very much impaired. He has been in the service a long time as pay clerk.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the President of the United States to appoint John Q. A. Brett a first lieutenant in the United States Army."

KATE CANNIFF.

The bill (S. 798) for the relief of Kate Canniff was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 5, after the words "sum of," to strike out "$5,000" and insert "$1,345," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Kate Canniff the sum of $1,345, out of any money in the Treasury not otherwise appropriated, in full compensation for the death of her husband, James Canniff, who received injuries April 15, 1901, while in the service of the United State on the lighthouse tender *Haze*, and as a result of which he died on October 20, 1909.

The amendment was agreed to.

Mr. SMITH of Georgia. Mr. President, I think we ought to have an oral explanation of the bill from whoever is responsible for it.

Mr. WALSH. Mr. President, I am the author of the bill, and I shall be very glad to explain it.

The husband of the beneficiary of the bill was employed in the Lighthouse Service of the Government, operating in the harbor of Detroit, Mich. While in that service he was caught by a chain and thrown overboard and his leg crushed so that it had to be amputated twice. He suffered for a long time from these injuries, but recovered sufficiently so that eventually he was appointed a watchman and discharged some duties of that character for a while. He eventually died, in 1909, as his family claims as the result of the injury; that is to say, not directly, but that his general health was so impaired and his vitality so undermined that he succumbed to the illness from which he eventually died, and the bill was framed upon the basis of recovery for his death.

The matter was referred to the Department of Commerce for a report, and the report from them is found in the record. They are not able to trace any direct causal connection between the injury which he thus sustained in the service and his death; but they set out in the report that a large amount of expense was incurred by him for medical attendance and loss of time and that sort of thing during the time he was injured, and they recommend that payment be made to him of that amount—$1,345. The claim is a very just one.

I might say that I am interested in the matter because of some family connections of the lady with people in my State.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 2530) for the relief of the Buffalo River Zinc Mining Co. was announced as next in order.

Mr. SMOOT. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

BRIDGE ACROSS SALT FORK OF ARKANSAS RIVER, OKLA.

The bill (S. 3423) to provide for the construction of a bridge across the Salt Fork of the Arkansas River near White Eagle Agency, in the Ponca Indian Reservation, Okla., was considered as in Committee of the Whole. It appropriates, out of any money in the Treasury not otherwise appropriated, the sum of $6,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, for the purpose of paying one-third of the cost of the construction of a bridge across the Salt Fork of the Arkansas River, between sections 3 and 10, township 24 north, range 2 east, Indian meridian, near White Eagle Agency, in the Ponca Indian Reservation, Okla., provided that no part of the money appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of Kay County and Noble County, in Oklahoma, satisfactory guaranties of the payment by said counties of at least two-thirds of the cost of such bridge, and that the proper authorities of the said counties assume full responsibility for and will at all times maintain and repair said bridge and the approaches thereto.

Mr. THOMAS. Mr. President, may I inquire from the Senator who introduced the bill and reported it why this $6,000 should be appropriated from the general funds instead of from the Indian funds?

Mr. OWEN. Mr. President, I will say to the Senator that adjacent to this point a number of different Indian tribes have been located, and the land is nontaxable. The white people who own lands in the vicinity appealed to the Interior Department with regard to it, showing that these Indian lands, which were scattered and not paying taxes, would be benefited in this proportion, and for that reason the Secretary thought it

was fair that the Government should make provision for the payment of one-third of the amount.

Mr. THOMAS. I notice that the bill refers to the White Eagle Agency in the Ponca Indian Reservation. The impression I had in my mind was that this was a bridge connecting the Indian reservation with the territory on the other side of the river.

Mr. OWEN. No; it runs across the Salt Fork and connects a lot of territory which has land belonging to white people, but also has Indian allotments which are nontaxable, and this is intended to meet the Indian proportion of it.

Mr. THOMAS. I should think that would be a proper State charge, or a proper charge against the Indian funds.

Mr. OWEN. The United States made this land nontaxable in the State of Oklahoma.

Mr. SMOOT. I will ask the Senator if the Indians who will be benefited by the building of this bridge have a credit in the Treasury of the United States?

Mr. OWEN. These allotments belong to members of the tribe. Whether these individuals have any available funds or not, I do not know; but the Secretary of the Interior in his letter of February 17 stated that he thought it was fair that this should be done.

Mr. SMOOT. I see that the Secretary of the Interior on February 12, 1916, says that considerable Indian land in these counties is not subject to taxation, and this appropriation is asked for by the county authorities because of this condition. He further says that he is submitting the facts in the case, leaving the question of the propriety of making the appropriation to the determination of Congress.

It seems to me that if this is wholly to benefit the Indians, and the lands are not taxable, the amount which should be paid by the Government ought to be charged to the Indian account, if they have one here.

Mr. OWEN. The apportionment is against the individual allottees who have the lands in contiguous territory. They are at different distances from the bridge. The Secretary in this paragraph of his letter says:

I have to state that all the information at my command indicates that it is only fair that the Government should assist the counties in the construction of the proposed bridge.

Mr. WALSH. The idea suggested by the question propounded by the Senator from Colorado has not been developed at all.

Mr. OWEN. The only question involved in the question of the Senator from Colorado was, Why should not the tribal funds provide this? The answer is that the benefits are going to individual allottees, according to their respective distances from the bridge.

Mr. WALSH. But that is always the case with a bridge on or adjacent to a reservation. Those nearest the bridge, in all probability, derive the greatest amount of benefit from it.

Mr. OWEN. That is true.

Mr. WALSH. Yet in all our operations of government we take a territory reasonably adjacent and subject it to the charge.

Mr. OWEN. I should have no objection if charged to the Ponca Tribe, to the individuals who have special benefit from it, of course, those in proximity to the bridge; but in the Ponca lands there have been various apportionments, these allotments have been made, and United States citizens are now paying taxes upon them.

Mr. WALSH. I speak of this because attention has been called to the fact that some of these Oklahoma Indians have enormous revenues. We have frequently endeavored to get the Government to aid in the construction of bridges very largely beneficial to reservations in our State out of Indian moneys and we have not been quite as successful as we hoped to be. It never addressed itself to me as a very proper expenditure of General Government funds to build those bridges, but, of course, if Congress gives approbation to a measure of this kind we shall be compelled to introduce a number of bills for the erection of such structures.

Mr. OWEN. I shall ask leave to amend the bill, in line 4, after the word "Treasury," by striking out "not otherwise appropriated" and inserting "to the credit of the Ponca Tribe of Indians."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER.

The joint resolution (S. J. Res. 114) withholding from allotment the unallotted lands or public domain of the Creek Nation or Tribe of Indians, and providing for the sale thereof, and for other purposes, was announced as next in order.

Mr. SMITH of Georgia. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 4253) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Iowa Tribe of Indians against the United States was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 4086) to provide for the care and treatment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States was announced as next in order.

Mr. THOMAS. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

BARKENTINE "MABEL I. MEYERS."

The bill (S. 3270) for the relief of the owners of the barkentine *Mabel I. Meyers* and her master and crew, and for the relief of the owners of cargo of molasses late on board said barkentine, was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, on page 2, line 14, to insert "*Provided*, That no award or judgment shall be made for prospective profits," so as to make the bill read:

Be it enacted, etc., That the claim of the owners of the barkentine *Mabel I. Meyers* and her master and crew, and the claim of the owners of the cargo of molasses late on board said barkentine, in alleged collision with the U. S. S. *Nebraska* about 30 miles southeast of Cape Cod, Mass., on the 30th day of July, 1915, for and on account of the losses alleged to have been suffered in said collision by the owners of said barkentine and by her master and crew, and by the owners of said cargo, may be submitted to the United States Court for the District of Massachusetts, the district nearest to which the collision occurred, under and in compliance with the rules of said court sitting as a court of admiralty. And that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the damages, including interest, sustained by reason of said collision, if any shall be found to be due, either for or against the United States, upon the same principles and measure of liability, with costs, as in like cases in admiralty between private parties, with the same rights of appeal: *Provided*, That no award or judgment shall be made for prospective profits.

SEC. 2. That should damages be found to be due from the United States to the owners or master or crew of said barkentine, or any or either of them, or to the owners of said cargo, or either of them, the amount of the final decree or decrees therefor, including interest and costs, shall be paid out of any money in the United States Treasury not otherwise appropriated: *Provided*, That such suit or suits shall be brought and commenced within four months after the passage of this act.

SEC. 3. That the mode of service of process shall conform to the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the United States."

The amendment was agreed to.

Mr. SMITH of Georgia. If there is any Senator here who has charge of the bill or knows about it——

Mr. OWEN. I should like to have an explanation of the bill.

Mr. SMOOT. Let the bill go over.

Mr. SMITH of Georgia. Yes; let it go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. SMITH of Georgia. I objected a few moments ago to Senate joint resolution 114, withholding from allotment the unallotted lands or public domain of the Creek Nation or Tribe of Indians, and providing for the sale thereof, and for other purposes. I did not know that the joint resolution had been called at that time. I did not mean to object.

Mr. SMOOT. I have not read the joint resolution. Another Senator wants it to go over, and I will have to object on his account.

The PRESIDING OFFICER. The joint resolution will be passed over.

MIKE G. WOMACK.

The bill (S. 3533) for the relief of Mike G. Womack was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 6, after the words "sum of," to strike out "$20,000" and insert "$1,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mike G. Womack, the sum of $1,000, in full compensation for injuries received by him on July 28, 1914, while in the performance of his duties as an employee of the United States Government in connection with the construction of roads within the Crater Lake National Park, in the State of Oregon.

Mr. SMITH of Georgia. I think we ought to have a word of explanation of the bill.

Mr. CHAMBERLAIN. The report on the bill is very short. The man was injured in a powder explosion upon a Government road through the carelessness of a coemployee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

VOLUNTEER OFFICERS' RETIRED LIST.

The bill (S. 392) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War Volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes, was announced as next in order.

Mr. SMITH of Georgia. Let that bill go over.

The PRESIDING OFFICER. The bill will go over.

ANATASIA HOGAN.

The bill (H. R. 4881) to reimburse the postmaster at Kegg, Pa., for money and stamps taken by burglars was considered as in Committee of the Whole. It proposes to appropriate $88.27, for the purpose of reimbursing Anatasia Hogan, postmaster at Kegg, Bedford County, Pa., for money and stamps stolen from that office by burglars March 7, 1910, the said Anatasia Hogan having made good the loss to the Post Office Department out of her own funds by payment of the aforementioned sum to an inspector of the said department February 28, 1912.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXPORTATION OF ALCOHOL.

The bill (S. 3304) concerning the exportation of alcohol and other distilled spirits was considered as in Committee of the Whole. It provides that under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, alcohol or other distilled spirits of a proof strength of not less than 180° intended for export free of tax may be drawn from receiving cisterns at any distillery, or from storage tanks in any distillery warehouse, for transfer to tanks or tank cars for exportation from the United States, and all provisions of existing law relating to the exportation of distilled spirits not inconsistent herewith shall apply to spirits removed for export under the provisions of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAPT. DANIEL H. POWERS.

The bill (S. 746) to remove the charge of desertion from the military record of Capt. Daniel H. Powers was considered as in Committee of the Whole. It provides that in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers Capt. Daniel H. Powers, late of the Sixth Regiment Michigan Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment, but other than as above set forth no pay, bounty, pension, or other emolument shall accrue by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIEUT. COL. EDWARD W. WHITAKER.

The bill (S. 2517) for the relief of Edward W. Whitaker was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, on page 2, line 14, after the word "extent," to insert:

Provided, That on receiving the said retired pay under this act he shall relinquish all his right and claim to pension from the United States after the date of the passage of this act, and any payment made to him covering a period subsequent to the passage of this act shall be deducted from the amount due him on the first payment under this act.

So as to make the bill read:

Be it enacted, etc., That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint Edward W. Whitaker (late lieutenant colonel First Regiment Connecticut Volunteer Cavalry, and brevet brigadier general, United States Volunteers, who enlisted as a private April 15, 1861, in Company A, First Regiment Volunteer Infantry, on President Lincoln's first call for volunteers, and served in the field during the war from Bull Run to Appomattox, receiving promotion through every grade to lieutenant colonel for gallantry in action on recommendations of his commanding officers and then specially brevetted brigadier general of United States Volunteers over many senior officers for skill and gallantry displayed in the three last and decisive battles that ended the war, he having participated in 82 engagements, and being so disabled in the last that he declined to accept an appointment issued to him as captain in the Seventh Regiment United States Cavalry, on which he could have been retired as lieutenant colonel, the rank held when disabled) a lieutenant colonel of Cavalry in the Army of the United States; and, when so appointed, he shall be placed upon the retired list of the Army, unlimited, with the pay and emoluments of a retired officer of that grade, the retired list being thereby increased in number to that extent: *Provided*, That on receiving the said retired pay under this act he shall relinquish all his right and claim to pension from the United States after the date of the passage of this act, and any payment made to him covering a period subsequent to the passage of this act shall be deducted from the amount due him on the first payment under this act.

The amendment was agreed to.

Mr. CLARK of Wyoming. What is the historical reference there that we are enacting into law?

Mr. BRANDEGEE rose.

The PRESIDING OFFICER. The Senator from Connecticut can undoubtedly explain it.

Mr. BRANDEGEE. It is a bill that I introduced and it comes from the Committee on Military Affairs. Why the committee included in the bill for passage the historical reference I do not know, and I have no objection to that part being stricken out.

Mr. CLARK of Wyoming. I move that that part be stricken out because it savors more of a vote of thanks by Congress than anything else. Of course it served to explain the legal status but I move to strike out, beginning with the words "who enlisted as a private" in line 7 on page 1, down to and including the word "disabled" in line 10, page 2.

Mr. BRANDEGEE. Before the motion is put, Mr. President, as the part of the bill to which the Senator from Wyoming has alluded is printed, I wish to make a very brief statement about the case. I have been here in the two Houses of Congress for 14 years now, and I have introduced a great many pension bills during that time, as, of course, other Senators have done. In all my experience this is the most deserving and the most remarkable case I have ever had.

I hold in my hand the record of this soldier, which I secured from the office of the Secretary of the Senate. It is certified to by The Adjutant General of the Army. This soldier enlisted as soon as the war broke out. He came from my own county in Connecticut. He was about 18 years old, I believe, at the time; I do not remember exactly; he was under 20 anyway. He participated in 82 engagements. He fought during the entire war from the first Battle of Bull Run, and was the first man within the lines of the enemy at the surrender at Appomatox. He has been awarded the medal of honor by the President of the United States.

I have here all the official papers from the War Department, the indorsement of his old commanders, Gens. Wilson, Grant, and Sheridan. He served under Custer. He repeatedly penetrated the enemy's lines bearing dispatches, at the head of a company of Cavalry, and carried the most important dispatches during the war. I am going to read just one testimonial by Gen. James M. Wilson, late major general of Volunteers, which will show the kind of service this man rendered.

STOCKFORD, WILMINGTON, DEL.,
February 27, 1895.

JAMES R. DURHAM, Esq.,
Washington, D. C.

DEAR SIR: Absence from home has prevented an earlier acknowledgment of your favor of February 24.

I note with regret that my letter in regard to Gen. E. W. Whitaker's distinguished services in cutting his way through from Reams Station to headquarters, near Petersburg, with dispatches for Gen. Meade has been mislaid or lost, and my regret is all the keener as I find I failed to keep a copy of the letter in question.

I now beg to replace it by what follows:

E. W. Whitaker, then a captain of the First Connecticut Cavalry, served on my staff as an aid-de-camp while I was commanding the Third Division, Cavalry Corps, Army of the Potomac, and at all times and upon many occasions showed himself to be a very able and conspicuously gallant officer, but he rendered peculiarly valuable and courageous service in carrying dispatches through the enemy's lines from me to Gen. Meade.

As the officials records will show, the command, after destroying the railroads between Petersburg and the Roanoke River and inflicting great injury upon the Confederate cause, had got back to the immediate vicinity of Reams Station, where it found itself confronted by a strong force of rebel cavalry and infantry. On arriving on the field in the early morning a reconnoissance of the enemy's lines convinced me that we should have to cut and run for it unless Gen. Meade should speedily send a relieving force to open the road for us, but inasmuch as Gen. Meade could have no means of knowing the perils which surrounded us it was necessary for me to open communication with him. Headquarters were not over 5 miles away, but a strong force of veteran Confederate infantry lay straight across the way, and was supported by Fitzhugh Lee's cavalry. Their position was a strong one, and the oldest cavalrymen regarded it as impregnable for our jaded force. Upon indicating my desire to get information through to Gen. Meade, Capt. Whitaker volunteered to take it and his offer of services was accepted. A single troop of Cavalry was selected to escort him, and as soon as the necessary dispatch could be written he set out upon his perilous mission, and within an hour he had cut his way through the Confederate lines and delivered his dispatch at Army headquarters. The details of his exploit will be found in the official records, but no one except himself and those who saw him ride so gallantly into and through the rebel lines can promptly appreciate the dangers he ran or the value of the services rendered by him. It is true that Gen. Meade did not succeed in getting any part of his force to Reams Station till after noon and after we had retired, but that was no fault of Capt. Whitaker's. He did his whole duty with rare skill, dash, and courage,

and I trust may be rewarded by the medal of honor and the proper acknowledgment of his distinguished services upon that occasion.

Yours, very respectfully,

JAMES H. WILSON,
Late Major General Volunteers.

Mr. President, this soldier was repeatedly mentioned in reports for conspicuous gallantry on the field of action; he was wounded; and if ever a soldier is entitled to this small congressional recognition this man is.

Mr. CLARK of Wyoming. Mr. President, certainly in making a motion to amend by striking out the words in parentheses I had no desire or thought of reflecting on the gallantry of this very gallant officer, but it seems to me the record contained in the bill ought not to be enacted into the body of the law. The record is contained in the department and it is a historical record. The Senator from Connecticut has been here a great many years and I have been here perhaps an equal number of years. I think probably this is the only instance where an historical record of this sort has been sought to be embodied in a law. Therefore I make my motion to strike out.

Mr. BRANDEGEE. As I stated to the Senator, I have no objection to his amendment. On the contrary, I rather feel grateful to him for having made it, as it gives me opportunity to insert in the RECORD some of the things that ought to be said about this gentleman.

Mr. MYERS. Mr. President, I served upon the subcommittee of the Committee on Military Affairs that considered this bill, and it was the opinion of the subcommittee, after thoroughly investigating the bill and the circumstances attendant upon it, that this is a very worthy, meritorious, and deserving case of a very brave and gallant soldier who had not been treated right and had not been properly recognized nor sufficiently rewarded by his country. The subcommittee was so deeply impressed with the soldier's service and the merits of the bill that the subcommittee thought it fit and proper to indorse the gracious little tribute to his worthy and gallant services to his country which is found in the bill in the recital of the soldier's deeds. The subcommittee felt that if everyone knew the circumstances as well as the subcommittee did, no one would object to this little tribute to this old soldier's worth and merit. I feel that it but feebly makes amends for the poor treatment which he has received at the hands of his Government and that no one understanding it would object to it, nor to the passage of the bill.

Therefore the subcommittee very heartily recommended for passage the bill as it appears before the Senate to-day, and I believe the full committee likewise was unanimous in favor of it. It is tardy justice in small measure to a gallant old soldier, and I trust the bill may pass just as recommended by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BRANDEGEE. I ask permission to insert as a part of my remarks the record of this soldier.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

CASE OF EDWARD W. WHITAKER, LATE CORPORAL, COMPANY A, FIRST REGIMENT CONNECTICUT INFANTRY VOLUNTEERS; FIRST LIEUTENANT, COMPANY C, AND CAPTAIN COMPANY D, SECOND NEW YORK CAVALRY VOLUNTEERS; CAPTAIN COMPANY E AND LIEUTENANT COLONEL FIRST CONNECTICUT CAVALRY VOLUNTEERS; AND BREVET BRIGADIER GENERAL, UNITED STATES VOLUNTEERS.

Reports in the case of this officer have been furnished to Congress by this department on dates and in connection with measures as follows: June 29, 1906, to the chairman Committee on Military Affairs, House of Representatives, in connection with House bill No. 20388, Fifty-ninth Congress, first session, proposing to appoint Gen. Whitaker as captain, United States Army, and place him on the retired list; January 27, 1908, to the chairman Committee on Military Affairs, United States Senate, in connection with Senate bill No. 4193, Sixtieth Congress, first session, of the same import as the measure referred to, and in connection with this measure supplementary data were furnished on February 12, 1908, to the same committee; January 16, 1911, to the chairman Committee on Military Affairs, House of Representatives, in connection with House bill No. 6608, Sixty-first Congress, first session, of the same import, with the recommendation by this department that the bill do not receive favorable consideration; February 26, 1912, to the chairman Committee on Military Affairs, House of Representatives, in connection with House bill No. 18540, Sixty-second Congress, second session, proposing to appoint him as lieutenant colonel of Cavalry, United States Army, and place him on the retired list; May 13, 1912, to the chairman Committee on Military Affairs, United States Senate, in connection with Senate bill No. 6274, Sixty-second Congress, second session, of the same import; and February 6, 1913, to Hon. J. L. Bristow, for use in connection with Senate resolution No. 348, Sixty-second Congress, second session, proposing to authorize and direct the Secretary of War to furnish the Senate with a full and detailed statement of his military history, with the recommendation by this department that the resolution be not adopted.

Although the reports referred to hereinbefore set forth the information ordinarily furnished in connection with proposed legislation of this character, yet Gen. Whitaker has been dissatisfied with those reports, because they do not furnish all the details of his military service, and he has repeatedly importuned this department to supply Congress with a full and detailed statement of his military career. The Secretary of War has finally directed that a full report be furnished in the case, setting forth every record found regarding the military services of the officer. Such a report, based upon the official records in the War Department, is set forth hereinafter, and this report includes every item that has been found in those records relative to the military services of this officer.

Edward W. Whitaker was enrolled April 19, 1861, at Hartford, Conn., and was mustered into the military service of the United States April 22, 1861, as a corporal of Company A, First Connecticut Infantry Volunteers, to serve three months, his age at the time being stated on the records as 20 years. It appears that he served faithfully as a member of the organization until July 31, 1861, when he was mustered out and honorably discharged from service with the company, at New Haven, Conn., as a corporal.

The said Whitaker was again enrolled August 21, 1861, at Hartford, Conn., and was mustered into service, August 29, 1861, at Camp Lyon, N. Y., as a sergeant of Capt. Thornett's company, Harris's Light Cavalry, which was also known as Company D, Second New York Cavalry Volunteers, to serve three years. It appears that he was present for duty with the company as a sergeant until January 10, 1862, when he was promoted to be quartermaster sergeant thereof in a regimental order bearing that date. He was accounted for on the rolls of the company as quartermaster sergeant thereafter until August 14, 1862, when, upon the recommendation of the captain in command of the company, he was promoted to be first (or orderly) sergeant thereof. He performed duty as such until September 24, 1862, when he was detailed as sergeant major of the regiment, and while so serving an order was issued from the headquarters of the organization, on November 16, 1862, in which it was announced that he was thereby appointed regimental sergeant major, to date from September 24, 1862. By reason of this appointment, he was transferred from Company D to the noncommissioned staff of the regiment, and it appears that he served therewith from September 24 to November 16, 1862, to take effect from which last-named date he was mustered out as regimental sergeant major, near Belle Plain, Va., to enable him to accept promotion.

On January 10, 1863, the commanding officer of the Second New York Cavalry Volunteers addressed a communication to the adjutant general of the State of New York, forwarding for the consideration of the governor of that State a recommendation that Whitaker be promoted to be second lieutenant, vice another officer who was promoted to a higher grade November 16, 1862. The recommendation made by the regimental commander was favorably considered, and on January 22, 1863, a commission was issued by the governor, in which it was recited that Whitaker was thereby appointed to be a second lieutenant in the Second New York Cavalry Volunteers, to rank as such from November 16, 1862.

On February 10, 1863, Whitaker received a leave of absence, and it appears that he remained absent from the regiment thereafter until on or about February 27, 1863, when he was mustered into service as second lieutenant of Company C, same regiment, entries appearing upon the muster-in roll purporting to show that the muster in was to date from November 16, 1862. He was accounted for as present for duty with Company C on February 28, 1863; as officer of the guard March 2, 1863, and as officer of the day March 13, 1863. Shortly thereafter he was detailed as acting adjutant of the regiment and signed orders as such from March 26 to April 12, 1863.

On April 9, 1863, the commanding officer of the regiment addressed a communication to the adjutant general of the State of New York, in which he recommended that Whitaker be promoted to be first lieutenant of Company C, Second New York Cavalry, vice another officer promoted to a higher grade on March 16, 1863. The recommendation was considered favorably and he was duly appointed by the governor of New York as of that grade, to rank as such from March 16, 1863. He was not formally mustered into service as first lieutenant until September 10, 1863, when he was so mustered in to date from June 11, 1863. It appears, however, that he actually performed the duties of a first lieutenant from March 16, 1863, and upon application for recognition as first lieutenant from that date, under the provisions of the act of Congress approved June 3, 1884, and the acts amendatory thereof, he was and is recognized by the War Department as having been in the military service of the United States as first lieutenant from March 17, 1863, the earliest date on which a vacancy existed for him as first lieutenant in the organization mentioned.

It appears from the records that the officer was performing the duties of first lieutenant with Company C, or was acting as adjutant of the regiment, thereafter until on or about June 13, 1863, when he was detailed as aid-de-camp on the staff of Brig. Gen. J. Kilpatrick, who was then in command of the Second Brigade, Second Division, Cavalry Corps. While so serving he made application, in a letter dated at Aldie, Va., June 18, 1863, for permission to take home to Connecticut the bodies of his brother and one other officer, killed in an engagement on the preceding day. The application was approved and forwarded through military channels, but nothing has been found of record to show specifically whether the leave asked for was granted.

The officer was accounted for on the company records dated June 30, 1863, and for the month of July, 1863, as absent, aid-de-camp to Gen. Kilpatrick. On July 30, 1863, he was admitted to the Seminary General Hospital at Georgetown, D. C., suffering with intermittent fever, and the records of the hospital indicate that he remained in that institution and was under treatment continuously thereafter, for the disease mentioned, until August 31, 1863, when he was pronounced fit for duty and ordered to rejoin the command to which he belonged.

In a report dated August 10, 1863, relative to the part taken by the Third Division in the Maryland and Pennsylvania campaign (the full text of which report is printed in the Official Records of the Union and Confederate Armies, Series I, Vol. XXVII, pp. 991–996), Gen. Kilpatrick, then in command of the division, mentioned Whitaker, in referring to an engagement of July 6, 1863, near Williamsport, Md., as follows:

"* * * I can not pass over this engagement without mentioning a few among the many individual cases of gallantry that came under my own observation: * * * The officers of my regular staff, * * * Lieut. Whitaker * * *, all did their duty in this engagement, as they have in all others, like brave and gallant gentlemen."

On August 16, 1863, an order was issued, a pertinent extract of which is as follows:

[General Order No. 7.]

HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
Hartwood Church, Va., August 16, 1863.

The following-named officers are hereby announced as the staff of the brigadier general commanding division. They will be obeyed and re-

spected accordingly: * * * Lieut. E. W. Whitaker, Second New York Cavalry, aid-de-camp * * *.

By command of Brig. Gen. J. Kilpatrick.

L. G. ESTES, *A. A. A. G.*

On records of the Third Division, Cavalry Corps, Army of the Potomac, for the months of August and September, 1863, Whitaker was accounted for as an aid-de-camp on the staff of the officer in command of the division, Gen. Kilpatrick.

In a report dated October 26, 1863, printed in the Official Records of the Union and Confederate Armies, Series I, Volume XXIX, Part I, Brig. Gen. Henry Prince mentioned Whitaker three different times as the representative of Gen. Kilpatrick, and again in a report printed on pages 328–329 of the same volume he was referred to as having furnished information to the commanding officer of the One hundred and twentieth Regiment, New York State Volunteers.

On October 29, 1863, Whitaker was detailed as judge advocate in an order, a pertinent extract of which is as follows:

[General Orders, No. 24.]

HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
October 29, 1863.

* * * Lieut. E. W. Whitaker, A. D. C. to Brig. Gen. Kilpatrick, is hereby detailed as judge advocate, general court-martial, convened by General Orders, No. 22, Headquarters, Third Cavalry Division, October 28, 1863.

By command of Brig. Gen. Kilpatrick.

L. G. ESTES, *A. A. Genl.*

In a report of Brig. Gen. H E. Davies, jr., dated November 18, 1863, the full text of which is printed on pages 656 and 657 of the volume last mentioned hereinbefore, Whitaker was referred to as follows:

"Last evening I received instructions from Gen. Custer to detail from this command an escort to accompany Lieut. Whitaker and another officer in a reconnoissance to be made this morning at daylight to Elys Ford. In pursuance of this an order was sent Capt. Kingsland to furnish Lieut. Whitaker with 60 men for that purpose. Capt. Kingsland had also been previously instructed at daylight this morning to move his main reserve camp nearer to Stevensburg, leaving 50 men at the position he was holding. Lieut. Whitaker reached the headquarters of the regiment before daylight, and reveille was sounded and the whole command aroused. Lieut. Whitaker and an orderly from my headquarters who accompanied him both concur in saying that the horses in the camp were all saddled and bridled. * * *

"The party in charge of Lieut. Whitaker, which I have mentioned, had proceeded nearly 2 miles on the road to Germanna Ford, when they heard the firing and countermarched. On nearing the camp of the regiment they encountered what all concur in stating was a regiment of cavalry drawn up in a field on the right of the road, which charged them. The men retreated into the woods on the left of the road and skirmished for some time, but were obliged to fall back. The majority of them succeeded in reaching their regiment."

The officer was accounted for on November 3 and 30, 1863, as aid-de-camp on the staff of the officer in command of the Third Division, Cavalry Corps, Army of the Potomac, Gen. Kilpatrick, and on December 1, 1863, reported to The Adjutant General of the Army, as follows:

HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
ARMY OF POTOMAC,
Stevensburg, Va., December 1, 1863.

ADJUTANT GENERAL, UNITED STATES ARMY.

GENERAL: I have the honor to report, pursuant to General Order No. 244, current series, A. G. O., 1863, that I am an aid-de-camp on personal staff of Brig. Gen. Kilpatrick by virtue of General Order No. 7 these headquarters August 16, 1863, and am at present performing the duties of the office in the field. I am, General,

Very respectfully, your obedient servant,

E. W. WHITAKER,
First Lieutenant, Second New York Volunteer Cavalry, Aid-de-Camp.

On December 27, 1863, Whitaker applied for leave of absence in a letter of which the following is a copy:

HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
ARMY OF POTOMAC,
Stevensburg, Va., December 27, 1863.

Capt. E. B. PARSONS,
Assistant Adjutant General.

CAPTAIN: I have the honor to apply for a leave of absence for 35 days to accompany my company of veteran Volunteers to Connecticut. I hereby declare my intention and willingness to serve for the new term of three years. Furloughs accompany this for three-fourths of my company, which reenlisted and were mustered previous to the 21st instant. I am, Captain,

Very respectfully, your obedient servant,

E. W. WHITAKER,
First Lieutenant Company C, Second New York Cavalry, Aid-de-Camp.

The application was forwarded by Gen. Kilpatrick, approved, and the leave asked for was granted in an order dated December 29, 1863. On December 31, 1863, he was reported as absent on leave under the terms of that order, and on a record of the command to which he belonged, dated January 31, 1864, his name is borne without entry as to his presence or absence.

On February 23, 1864, an order was issued as follows:

[Special Orders, No. 12.]

HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
February 23, 1864.

1. Lieut. E. W. Whitaker, aid-de-camp, is hereby announced as A. A. A. G. of this division during the absence of Capt. L. G. Estes, A. A. G.

By command of Brig. Gen. Kilpatrick.

L. G. ESTES,
Capt. and A. A. G.

From February 24 to April 1, 1864, Whitaker signed orders issued from the headquarters of the Third Division, Cavalry Corps, Army of the Potomac, "By command of Brig. Gen. Kilpatrick."

In a report of Brig. Gen. Henry E. Davies, jr., relative to the part taken by the First Brigade, Third Division Cavalry Corps, in a raid to Richmond, dated April 4, 1864, and printed on pages 190–194, Volume XXXIII, of the publication referred to, Whitaker was referred to in connection with military operations on March 1, 1864, as follows:

"* * * I then moved toward Richmond, passing Ashland station about a mile to my left and crossing the Richmond & Fredericksburg Railroad some 2 miles below Ashland. At this point the telegraph and railroad were destroyed and a party sent, in charge of Lieut. Whitaker, aid-de-camp on the staff of the general commanding division, to destroy a bridge on the line of the road, which object I believe was accomplished. * * *"

In a letter dated March 11, 1864, printed on page 242, same volume, Whitaker was mentioned as follows:

HEADQUARTERS CAVALRY EXPEDITION,
March 11, 1864.

BRIG. GEN. WISTAR,
Commanding Expedition.

GENERAL: Col. Onderdonk and Lieut. Whitaker, of my staff, have returned. Lieut. Whitaker reports having met some 15 of the enemy at King and Queen Courthouse yesterday. He drove them from the town and destroyed a large amount of government stores, consisting of grain and arms stored at the place. A company of rebel infantry was found stationed opposite Fraziers Ferry. At 2 p. m. Lieut. Whitaker joined Col. Onderdonk, who had been sent to attack the enemy at Carlton's store. The enemy, some 1,200 strong, was found encamped just beyond. The enemy was driven from his camp, his camp destroyed, several of the enemy killed and wounded, and 12 taken prisoners. Col. Onderdonk pursued the enemy until dark, when orders reached him to return.

* * * * * * *

Very respectfully,

J. KILPATRICK, *Brigadier General.*

Whitaker reported under date of April 10, 1864, as follows:

BEALETON, *April 10, 1864.*

Brig. Gen. KILPATRICK,
Commanding Third Division Cavalry:

Have reached here all right. Lost some men in crossing Mountain Run. Capt. Judson was at this point to-day for forage; had no news from Morrisville. The command from Second Division has just passed—6.15 p. m.

E. W. WHITAKER.
Lieutenant, Aid-de-Camp.

Whitaker was afterwards detailed as aid-de-camp on the staff of Brig. Gen. Wilson, in command of the Third Division, Cavalry Corps, and on April 24, 1864, signed an order by command of that officer.

On April 25, 1864, the adjutant general of Connecticut addressed The Adjutant General of the Army by letter, of which the following is a copy:

GENERAL HEADQUARTERS, STATE OF CONNECTICUT,
ADJUTANT GENERAL'S OFFICE,
Hartford, April 25, 1864.

Brig. Gen. L. THOMAS,
Adjutant General, Washington, D. C.

GENERAL: By direction of his excellency the governor I have the honor to request that First Lieut. Edward W. Whitaker, Second New York Cavalry, aid-de-camp to Gen. Kilpatrick, may be discharged, in order to enable him to accept a commisison as captain in the First Connecticut Cavalry.

Very respectfully, your obedient servant,

H. J. MORSE, *Adjutant General.*

Thereupon an order was issued as follows:

[Special Orders, No. 162.]

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, April 29, 1864.

[Extract.]

* * * * * * *

3. At the request of the governor of Connecticut First Lieut. E. C. Whitaker, Company C, Second New York Cavalry, is hereby honorably discharged the service of the United States, to enable him to accept a commission in the First Connecticut Cavalry.

* * * * * * *

By order of the Secretary of War.

W. A. NICHOLS,
Assistant Adjutant General.

Apparently before receiving notice of his discharge in the order of April 29, 1864, Whitaker tendered his resignation in a letter, of which the following is a copy:

HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
May 1, 1864.

Lieut. Col. C. KINGSBURY, Jr.,
Assistant Adjutant General.

COLONEL: I have the honor to herewith tender my resignation as first lieutenant Company C, Second New York Cavalry, to enable me to accept promotion as captain in First Connecticut Cavalry.

I am, Colonel, very respectfully, your obedient servant,

E. W. WHITAKER,
First Lieutenant Company C, Second New York Cavalry.

The resignation of the officer was accepted in Special Orders, No. 123, paragraph 7, issued from the headquarters of the Cavalry Corps on May 2, 1864, a copy of which is as follows:

[Special Orders, No. 123.]

HEADQUARTERS CAVALRY CORPS,
ARMY OF THE POTOMAC,
May 2, 1864.

[Extract.]

* * * * * * *

7. First Lieut. E. W. Whitaker, Second New York Cavalry, having tendered his resignation, is hereby discharged the service, to enable him to accept commission as captain in First Connecticut Cavalry, his discharge to date April 30, 1864.

* * * * * * *

By command of Maj. Gen. Sheridan.

C. KINGSBURY,, Jr.,
Assistant Adjutant General.

After the close of the war, with a view to fix the date of discharge of the officer as a member of this organization, an order was issued as follows:

[Special Orders, No. 198.]

HEADQUARTERS OF THE ARMY,
ADJUTANT GENERAL'S OFFICE,
Washington, August 19, 1868.

[Extract.]

* * * * * * *

9. By direction of the Secretary of War so much of Special Orders, No. 162, paragraph 3, April 29, 1864, from this office, as relates to First Lieut. E. C. Whitaker, Second New York Cavalry, is hereby amended to read "First Lieut. E. W. Whitaker."

10. By direction of the Secretary of War so much of Special Orders, No. 123, paragraph 7, May 2, 1864, from Headquarters Cavalry Corps, Army of the Potomac, as discharged First Lieut. E. W. Whitaker, Second New York Cavalry, to date April 30, 1864, to enable him to accept a commission in First Connecticut Cavalry, is hereby revoked, he having been previously discharged for the same reasons by Special Orders, No. 162, paragraph 3, April 29, 1864, from this office, amended by Special Orders, No. 198, paragraph 9, August 19, 1868, from this office.

* * * * * * *

By command of Gen. Grant.

E. D. TOWNSEND,
Assistant Adjutant General.

In the meantime, the colonel commanding the Second Regiment New York Cavalry Volunteers, in a letter dated March 29, 1864, addressed to the adjutant general of New York, recommended certain promotions in the regiment, among them being a recommendation that Whitaker be commissioned as a captain in the regiment, referring to him in terms as follows:

"* * * The above-named commissioned and noncommissioned officers are all well deserving their promotion, and none of them more than Lieut. Whitaker, who is one of the ablest and most trustworthy officers of this command; and I would most respectfully request that the above recommendations be confirmed."

Whitaker was duly appointed by the governor of New York as a captain in the Second New York Cavalry, in a commission issued April 29, 1864, to rank as such from January 30, 1864, which commission, it will be observed, was issued on the date of his first discharge order as a member of that organization. He was not mustered into service as of that grade and organization in the Civil War, but under the provisions of the act of Congress approved June 3, 1884, and the acts amendatory thereof, he was, and is, recognized by the War Department as having been in the military service of the United States in the grade of captain of Company D of the regiment from January 30, 1864, and as having been discharged from service as such instead of as first lieutenant, the grade set forth in his discharge order.

It is stated on the records of the Second New York Cavalry that the officer was 20 years of age at the date of his enlistment; that he was born in Killingly, Conn., and was by occupation a teacher; that he was 6 feet high; and that he had light complexion, blue eyes, and light-brown hair.

The said Whitaker was duly appointed by the Governer of Connecticut to be a captain in the First Regiment Connecticut Cavalry Volunteers, to rank as such from April 23 or 25, 1864, and the receipt of the commission, as such, as indicated by a certificate, of which the following is a copy:

HEADQUARTERS THIRD DIVISION CAVALRY CORPS,
ARMY OF THE POTOMAC,
OFFICE AID-DE-CAMP OF MUSTERS,
May 2, 1864.

I certify on honor that E. W. Whitaker, first lieutenant Company C, Second Regiment New York Cavalry, received May 1 from the governor of Connecticut a commission as captain in the First Regiment Connecticut Cavalry, bearing date April 25, and can be mustered in to date, May 1, 1864.

JACOB BRISTOL,
First Lieutenant, Fifth Michigan Cavalry,
Aid-de-Camp of Musters, Third Division Cavalry Corps,
Army of the Potomac.

Whitaker was mustered into service as captain in the First Connecticut Cavalry Volunteers May 3, 1864, at Stevensburg, Va., to serve three years, and entries appearing upon the individual muster-in roll, as such, show that he entered upon the performance of duty as captain on May 3, 1864, the date of the muster. He was assigned to Company E of the regiment, and on the records of the company he was accounted for as on detached service from May 3, 1864 (the date of his muster in as captain), as acting aid-de-camp on the staff of Gen. Wilson, then in command of the Third Division, Cavalry Corps, Army of the Potomac. On a record of the latter command for the month of May, 1864, Whitaker was accounted for as an acting aid-de-camp on the staff of the general commanding; in a communication dated June 2, 1864, he was referred to as such; and in a report dated July 4, 1864, relative to the part taken by the Cavalry Division in the expedition to destroy the Richmond & Danville Railroad, Brig. Gen. Kautz stated that during the night of June 23, 1864, "Capt. Whitaker, of Gen. Wilson's staff, reached me and reported the enemy in between our commands opposing his advance."

In a report relative to the part taken by troops under his command in an expedition against the South Side and Danville Railroads, dated July 3, 1864, and printed on pages 625–630, series 1, volume 40, part 1, of the publication mentioned hereinbefore, Gen. Wilson referred to Whitaker as follows:

"* * * The First Brigade was held on the road to Hungarytown in order that when Kautz's position became known exactly I might have choice of roads and the certainty of forming a junction with him. Capt. Whitaker, of my staff, was detached, with a squadron, to communicate with him. He carried orders for Kautz to join by the road from the railroad junction to Lewiston, in case he found it necessary to leave the railroad.

* * * * * * *

"The advance reached Wyllies burg by daylight on the morning of the 26th and halted. * * * Early the next morning the march was resumed, the column crossing the Meherrin at Saffold's Bridge and going thence east to Great Creek, on the Boydton Plank Road. From this place it moved to Poplar Mountain, in Greensville County, crossing the Nottoway at the Double Bridges, near the mouth of Hardwood Creek. I arrived there about noon on the 28th, where I learned that the enemy had a small force of infantry at Stony Creek Depot, on the Weldon road, and two small detachments of cavalry which had been cut off from Lee's division when we marched southward. The most diligent inquiry from the negroes and captured pickets gave no information of any other force. This, together with the fact that the road from Double Bridges to Prince George Courthouse passes two miles to the westward of Stony Creek Depot, induced me to take that route, and accordingly the advance was pushed forward with the utmost rapidity, with orders to drive in the reserve picket at the crossing of the road just mentioned and the one from Stony Creek Depot to Dinwiddie Court House and clear the road for the main column. This order was handsomely executed under the directions of Capt. Whitaker, of my staff, and state of affairs found to be nearly as represented. * * * In the meantime, anticipating difficulty of a serious nature, I endeavored to open communication with the infantry in front of Petersburg, and finally detached Capt. E. W. Whitaker, First Connecticut Cavalry, of my staff, with about 40 men of the veteran Third New York Cavalry. I have since learned he succeeded in reaching Army Headquarters about 10 a. m. On his way he gallantly rode through the enemy's cavalry and infantry columns in motion, escaping with 20 men. * * * The greatest credit is due to officers and men for their endurance, sleepless exertion, and gallantry. * * * My own staff, particularly Capt. Whitaker, First Connecticut Volunteers; * * * did their duty with great intelligence and unceasing industry."

With regard to military operations on June 24–29, 1864, Gen. Wilson in a report dated February 18, 1865 (published on pp. 620–625, same volume), referred to Whitaker as follows:

"* * * Just before daylight of the 24th, having heard of Kautz's success at Burkeville through Capt. Whitaker, of my staff, whom I sent to communicate with him, I withdrew from the position near Nottoway Court House and by a rapid march through Hungarytown struck the Danville Railroad near Meherrin Station. * * * I determined, therefore, to lose no time, but push on with rapidity to that place, drive the pickets back to the Stony Creek Depot, and under cover of darkness march the whole command as rapidly as possible toward Prince George Court House The advance guard, under the direction of Capt. Whitaker, of my staff, found the picket posted, as I expected, at the church, and by a spirited dash drove it toward the depot. This success had scarcely been reported before the enemy received reinforcements, and in turn drove back the advance guard to the head of the column. * * *

At 7 a. m., June 29, Gen. Kautz's advance arrived in the neighborhood of that place, but instead of finding it in the possession of the infantry of the Army of the Potomac found Hoke's division of rebel infantry strongly posted. He attacked them at one, but after capturing about 60 prisoners was compelled to withdraw his troops. By 9 a. m. the entire command was united. Having remained with McIntosh throughout the night, I did not arrive until about 8 a. m. I had previously sent Capt. Whitaker, of my staff, forward with instructions to make his way with the utmost rapidity to Gen. Meade's headquarters. * * * I confidently hoped that either the firing of our artillery or the message of Capt. Whitaker would bring troops to our assistance * * *."

Whitaker was also mentioned in other reports, pertinent extracts of which are as follows:

HEADQUARTERS ARMY OF THE POTOMAC,
June 29, 1864—10.40 a. m.

Maj. Gen. MEADE,
Commanding Army of the Potomac,
at Gen. Burnside's Headquarters:

Capt. Whitaker, of Gen. Wilson's staff, reached here some 15 or 20 minutes ago. * * * Capt. Whitaker thinks that Wilson succeeded in following the trains and that his whole force is in the vicinity of Reams's Station and that the whole force of the enemy's cavalry have probably concentrated there. Will you send an infantry force there?

A. A. HUMPHREYS,
Major General and Chief of Staff.

—

HEADQUARTERS ARMY OF THE POTOMAC,
June 29, 1864—(Sent 11.30 a. m.)

Maj. Gen. MEADE,
Commanding Army of the Potomac,
at Gen. Burnside's Headquarters:

I should have added in my dispatch that Capt. Whitaker informs me that seeing an opening in the dust of the enemy's columns moving along a road near Reams's Station he forced his way through it, losing half his escort, 40 in number.

A. A. HUMPHREYS,
Major General and Chief of Staff.

(Reports printed in Official Records of the Union and Confederate Armies, Series I, vol. XL, pt. II, p. 493.)

—

HEADQUARTERS ARMY OF THE POTOMAC,
June 29, 1864—1.40 p. m.

Maj. Gen. WRIGHT,
Commanding Sixth Corps:

Your dispatch received. The commanding general wishes you to follow your division with your whole corps as promptly as possible, leaving your pickets as they are posted. Capt. Whitaker, of Gen. Wilson's staff, who reported this morning, states that the cavalry that followed Wilson and opposed him on the Meherrin were commanded by W. H. F. Lee, and were composed of Chambliss's, formerly Lee's; Barringer's, formerly Gordon's; and Dearing's brigades; that besides this command another was concentrated at the crossing of Stony Creek (10 miles north of Reams's Station), which had been two days collecting from Petersburg, according to the statement of the people of the country. They took a prisoner from Rosser's brigade.

A. A. HUMPHREYS,
Major General and Chief of Staff.

(Report printed, p. 507, same volume.)

—

CITY POINT, *July 1, 1864—2 p. m.*
(Received 8.20 a. m.—2d.)

I have just seen Gen. Kautz and have obtained from him a clearer idea of the disaster to Wilson's Cavalry. It seems Wilson had been led to believe by a dispatch from Gen. Meade that our lines had extended around to the Appomattox, or at least across the Weldon Railroad. He was, accordingly, confident of finding our pickets at Reams's Station or near there. After he crossed the Sappony, on what is called

the stage road, he was attacked by Hampton's Cavalry; fought them Tuesday afternoon and night between that stream and Stony Creek, relying all the while on aid from the Army of the Potomac, which he supposed to be in hearing of his cannon. One of his aides, Capt. Whitaker, also cut his way through with a company and reported the case at Gen. Meade's, but succor could not be got up in season. * * *

C. A. DANA.

Hon. E. M. STANTON, *Washington.*

(Report printed, Part I, same volume, p. 29.)

—

HEADQUARTERS SIXTH ARMY CORPS,
June 30, 1864—11.30 a. m.

Maj. Gen. HUMPHREYS:

* * * * * * *

Capt. Whitaker, who is out with the Cavalry on the Dinwiddie Road, reports that at least four guns were carried off by the enemy, and prisoners claim to have seen seven on the way to Petersburg. Capt. W. can find no guns, but has discovered three or four limbers, which I have sent for. * * *

H. G. WRIGHT,
Major General, Commanding.

(Report printed, Part II, same volume, p. 526.)

—

HEADQUARTERS CAVALRY DIVISION,
Camp near Jones Neck, Va., July 4, 1864.

CAPTAIN: I have the honor herewith to submit my report of the operations of the division under my command in the expedition to destroy the Richmond & Danville Railroad. * * * During the night Capt. Whitaker, of Gen. Wilson's staff, reached me and reported the enemy in between our commands, opposing his advance. * * * Capt. Whitaker, of Gen Wilson's staff, volunteered to go through the enemy's lines with a company of Cavalry, and other scouts were started to go into our lines. * * *

Very respectfully, your obedient servant,

AUGUST V. KAUTZ,
Brigadier General of Volunteers, Chief of Cavalry.

Capt. L. SIEBERT,
Assistant Adjutant General, Third Division, Cavalry Corps.

(Report printed, Part I, same volume, pp. 730–733.)

Copies of reports made by Whitaker on June 29 and 30, 1864, are as follows:

REAMS' PUMP, PETERSBURG & WELDON RAILROAD,
June 29, 1864—8.25 p. m.

[Gen. A. A. HUMPHREYS,
Chief of Staff.]

GENERAL: Gen. Wright's advance is now here and not engaged anywhere. The enemy's infantry are out 1 mile on the Dinwiddie Courthouse Road, reported to be one brigade strong, the other brigade that was here having gone toward Petersburg from here. All the enemy's cavalry have gone after Gen. Wilson, who, I believe, has been obliged to retire a long way, as I have heard a gun very distant west. I can not devise any way to find Gen. W[ilson]. Gen. Wright has a few Cavalry, but by night I can not take them through. Would respectfully beg that professional scouts be sent to communicate with him and his pursuers engaged in rear early. Knowing the exhausted and encumbered condition of his command and the force about him, I have the greatest anxiety for his safety.

I beg pardon for this irregularity, and am,

Very respectfully, your obedient servant,

E. W. WHITAKER,
Captain and Aid-de-Camp.

(Printed, Part II, same volume, pp. 508–509.)

—

REAMS STATION, *June 30, 1864—12.30 p. m.*

Maj. Gen. HUMPHREYS,
Chief of Staff, Army of the Potomac.

GENERAL: In a reconnoissance toward Dinwiddie Courthouse, I have just learned that a train of 200 empty wagons passed the courthouse at 9 this a. m. going from Petersburg to Stony Creek after forage, "guarded by North Carolina Infantry, eight men to a wagon, with front and rear guard." The enemy's infantry have all moved toward Petersburg. Their cavalry have followed the road to left and south of Dinwiddie Courthouse, in which direction Gen. Wilson went. I have taken charge of the Cavalry with Gen. Wright, at his request, and am covering all roads on his front and flanks. Should you have no further orders for me, shall I not remain here, do and learn all I can, and report through or to Gen. Wright? My escort I left at your headquarters, being worn out; if now rested, they could be valuable with me. I am, General,

Very respectfully, your most humble and obedient servant,

E. W. WHITAKER,
Captain and Acting Aid-de-Camp.

(Printed, same volume, p. 526.)

On a record of the Third Division, Cavalry Corps, Army of the Potomac, for the month of June, 1864, Whitaker was reported as acting aid-de-camp on the staff of the commanding general, and on July 4, 1864, report was made to the Adjutant General of the Army, a pertinent extract of which is as follows:

HEADQUARTERS, THIRD DIVISION, CAVALRY CORPS,
July 4, 1864.

Brig. Gen. L. THOMAS,
Adjutant General, United States Army,
Washington, D. C.

GENERAL: In pursuance of General Order No. 244, War Department, series of 1863, I have the honor to report the following-named officers on duty with me as aids-de-camp:

* * * * * * *

Capt. E. W. Whitaker, First Connecticut Cavalry.

* * * * * * *

I have the honor to be, General,

Very respectfully, your obedient servant,

J. H. WILSON,
Brigadier General Commanding Division.

On July 9, 1864, an order was issued as follows:

[Special Orders, No. 53.]

HEADQUARTERS ARMIES OF THE UNITED STATES,
City Point, Va., July 9, 1864.

1. Capt. E. W. Whitaker, of the Third Division, Cavalry Corps, Army of the Potomac, will proceed to Washington, D. C., and report to Brig. Gen. Casey, president of the Examining Board for Officers of United States Colored Troops, for examination.

* * * * * * *

By command of Lieut. Gen. Grant.

E. S. PARKER,
Assistant Adjutant General.

On the same day Hon. C. A. Dana, then Assistant Secretary of War, telegraphed to the War Department as follows:

FROM GRANT'S HEADQUARTERS, *July 9, 1864.*

Col. J. A. HARDIE:

Capt. Whitaker, of Wilson's staff, goes up to Washington, under orders from Gen. Grant, that he may present himself for examination before Casey's board; he wants to be a colonel of a black regiment, and from my own observation of him and the testimony of his officers he would make a first-rate one. If colonels are wanted for Burbridge's regiments in Kentucky, I would recommend him; you will oblige me by giving the necessary order for his examination or by speaking to the Secretary about him.

C. A. DANA.

It appears that Whitaker proceeded to Washington, D. C., and on July 11, 1864, an order was issued in his case as follows:

HEADQUARTERS DEPARTMENT OF WASHINGTON,
Twenty-second Army Corps, July 11, 1864.

* * * * * * *

Whitaker, Capt. E. W., First Connecticut Cavalry.

* * * * * * *

To the above, sir:

The major general commanding directs that you report for duty without delay to Col. William Gamble, Camp Stoneman.

Very respectfully, your most obedient servant,

C. H. RAYMOND,
Assistant Adjutant General.

Copies of communications relating to duties performed by Whitaker on July 13–16, 1864, ar as follows:

HEADQUARTERS CAVALRY DIVISION,
DEPARTMENT OF WASHINGTON,
Camp Stoneman, July 13, 1864.

Respectfully referred to Maj. Gen. Doubleday, in reference to communication just received.

In compliance with within order, 100 mounted men are about to march from here to Col. Lowell.

This takes every available mounted man in my command, save the 100 under Capt. Whitaker on picket in front of Forts Mahon and Meigs, whom I would respectfully ask to have relieved to enable me to comply with Gen. Augur's orders.

W. GAMBLE,
Colonel, Commanding Cavalry Division.

—

HEADQUARTERS CAVALRY DIVISION,
DEPARTMENT OF WASHINGTON, D. C.,
Camp Stoneman, July 14, 1864.

Lieut. Col. B. B. G. STONE,
Acting Aid-de-Camp and Chief of Staff.

COLONEL: Since the receipt of Gen. Doubleday's communication of this morning, saying that Capt. Whitaker and command had disappeared from in front of Forts Mahon and Meigs, the bearer of this has brought a dispatch from the captain asking for forage and rations. The orderly says that Capt. Whitaker is where he has been all the time, and that his line has not been changed. If you will send him duplicate of the orders sent by the orderly, who could not find him, this man will deliver them direct to the captain. Let him report here and I will supply him forage and rations.

I remain, very respectfully, W. GAMBLE,
Colonel, Commanding Cavalry Division.

—

HEADQUARTERS CAVALRY DIVISION,
Camp Stoneman, 11 a. m.—July 14, 1864.

Respectfully forwarded.

I know nothing of the whereabouts of Capt. Whitaker and his men. When last heard from, was in front of Forts Mahon and Meigs.

W. GAMBLE,
Colonel, Commanding Cavalry Division.

—

HEADQUARTERS CAVALRY DIVISION,
DEPARTMENT OF WASHINGTON, D. C.,
Camp Stoneman, July 15, 1864.

Lieut. Col. J. H. TAYLOR,
Chief of Staff, Assistant Adjutant General.

COLONEL: Capt. Whitaker, First Connecticut Cavalry, having returned with 100 mounted men sent out on the line of the Baltimore & Ohio Railroad by orders of Gen. Halleck, will proceed with the above men to Washington City this morning and report for orders to department headquarters.

The above are all the mounted men in this camp able to do mounted duty, except orderlies.

Very respectfully, your obedient servant,

W. GAMBLE,
Colonel, Commanding Cavalry Division.

On July 16, 1864, Whitaker asked to be relieved from the duty on which he was then engaged, in a letter of which the following is a copy:

HEADQUARTERS CAVALRY DIVISION,
DEFENSES OF WASHINGTON, D. C.,
Camp Stoneman, July 16, 1864.

Hon. CHARLES H. DANA,
Assistant Secretary of War:

Having served four days commanding 100 mounted men in the defense of the Capital, and learning that the emergency which demanded

my services is passed, I would be pleased to be released from duty and allowed to act in obedience to orders from Lieut. Gen. Grant, dated July 11.

I am, with great respect,

Your most humble and obedient servant,

E. W. WHITAKER,
Captain and Acting Aid-de-Camp to Gen. J. H. Wilson,
Third Division, Cavalry Corps, Army of the Potomac.

The letter was referred to The Adjutant General of the Army, by indorsement, as follows:

WAR DEPARTMENT, *July 16, 1864.*

Respectfully referred to The Adjutant General.

The officer will be relieved from the temporary service alluded to, to the end that he may be at liberty to attend his examination before the board for examination of applicants for commissions in the colored troops.

By order.

JAS. A. HARDIE,
Colonel, Inspector General.

On July 18, 1864, an order was issued in the case of this officer as follows:

[Special Orders, No. 175.]

HEADQUARTERS CAVALRY DIVISION,
DEPARTMENT OF WASHINGTON,
Camp Stoneman, D. C., July 18, 1864.

* * * * * * *

3. The following-named officers are hereby relieved from duty in this camp and ordered to report to their respective regiments in the Army of Potomac for duty, viz:

* * * * * * *

Capt. E. W. Whitaker, First Connecticut Cavalry.

The Quartermaster Department will furnish the necessary transportation.

* * * * * * *

By order of Col. William Gamble.

L. L. RAMEY,
Captain and Acting Assistant Adjutant General.

But on July 19, 1864, an order was issued from the War Department, as follows:

[Special Orders, No. 242.]

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, July 19, 1864.

[Extract.]

* * * * * * *

13. Capt. E. W. Whitaker, acting aid-de-camp to Brig. Gen. Wilson, commanding Third Division, Cavalry Corps, Army of the Potomac, is hereby relieved from temporary duty within the defenses of Washington, to enable him to appear for examination before the board for the examination of applicants for commissions in the United States colored troops, in obedience to orders from Lieut. Gen. Grant.

* * * * * * *

By order of the Secretary of War.

E. D. TOWNSEND,
Assistant Adjutant General.

A memorandum on file, apparently in the handwriting of Hon. C. A. Dana, but not signed, reads as follows:

WAR DEPARTMENT,
Washington City, July 19, 1864.

Will Maj. Foster oblige Mr. Dana by giving Capt. Whitaker any information he may require respecting the examination for commissions in the colored regiments?

About the same time permission was granted as follows:

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, D. C., ——, 186—.

SIR: Under authority of the Secretary of War, you are hereby permitted to appear for examination before the board now sitting at No. 212 F Street, Washington, D. C., of which Maj. Gen. Silas Casey is president.

The Government makes no allowance on account of traveling or other expenses in consequence of this permission.

Very respectfully, your obedient servant,

C. W. FOSTER,
Assistant Adjutant General.

To Capt. EDWARD W. WHITAKER,
First Connecticut Cavalry.

Under date of July 20, 1864, recommendation for a leave of absence in the case of this officer was made in a communication of which the following is a copy:

BOARD OF EXAMINERS,
No. 212 F Street, Washington, July 20, 1864.

I recommend that Capt. E. W. Whitaker Third Division, Cavalry Corps, be granted leave of absence for 20 days to enable him to attend the Free Military School at Philadelphia for applicants for command of colored troops.

SILAS CASEY,
Major General, President Board.

The recommendation was approved, by order of the Secretary of War, and an order issued on July 20, 1864, as follows:

[Special Orders, No. 243.]

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, July 20, 1864.

[Extract.]

* * * * * * *

56. Leave of absence for 20 days is hereby granted Capt. E. W. Whitaker, First Connecticut Cavalry, to enable him to attend the Free Military School at Philadelphia.

* * * * * * *

By order of the Secretary of War.

E. D. TOWNSEND,
Assistant Adjutant General.

The next record found relating to the officer is an order of which the following is a copy:

[General Orders, No. 36.]

HEADQUARTERS THIRD DIVISION CAVALRY CORPS,
July 21, 1864.

1. The following-named officers are announced as composing the staff of the brigadier general commanding:

* * * * * * *

Capt. E. W. Whitaker, First Connecticut Cavalry, aid-de-camp.

* * * * * * *

They will be obeyed and respected accordingly.

By command of Brig. Gen. Wilson.

L. SIEBERT,
Assistant Adjutant General.

In a report dated February 18, 1865, and printed on pages 516–20, Volume VLIII, Part I, of the publication mentioned hereinbefore, relative to the part taken by the Third Division in the Shenandoah Valley campaign, Gen. Wilson referred to Whitaker as follows:

* * * * * * *

"In closing this report I have the honor to commend the zeal, gallantry, and soldierly conduct of both officers and men of the division throughout the entire period they remained under my command. * * * To * * * Capt. E. W. Whitaker, First Connecticut Cavalry, always prompt and gallant in the discharge of their duties, I am greatly indebted for the valuable assistance they have rendered me * * *."

From a report of Gen. Wilson, dated August 16, 1864, it appears that on the morning of that day Whitaker was directed to proceed to the headquarters of the Middle Military Division, then at or near Winchester, Va.

On August 20, 1864, an order was issued as follows:

[Special Orders, No. 78.]

HEADQUARTERS THIRD DIVISION CAVALRY CORPS,
August 20, 1864.

* * * * * * *

II. In accordance with instructions from the brigadier general commanding Cavalry forces of the Middle Military Department, Capt. E. W. Whitaker, First Connecticut Cavalry, A. A. D. C., is hereby detailed to collect and return to their regiments all the detached men of this division serving with this army. He will report without delay to Brig. Gen. Torbert for detailed instructions.

By command of Brig. Gen. Wilson.

L. SIEBERT,
Acting Adjutant General.

On August 21, 1864, another order was issued, as follows:

[Special Orders, No. 11.]

HEADQUARTERS MIDDLE MILITARY DIVISION,
Charlestown, Va., August 21, 1864.

* * * * * * *

2. Capt. E. W. Whitaker, First Connecticut Cavalry and A. A. D. C. to Brig. Gen. Wilson, will proceed to Washington, D. C., for the purpose of collecting and conducting to their regiments men of the Third Cavalry Division, on detached duty in this command, returning to his proper station with the least practicable delay. One enlisted man can accompany him as orderly. The Quartermaster's Department will furnish the necessary transportation, to include two horses.

* * * * * * *

By command of Maj. Gen. Sheridan.

E. B. PARSONS,
Assistant Adjutant General.

Several letters, dated August 12, 1864, from officers of various commands, in which requests were made that certain men then on detached duty be returned to their regiments, were received at the headquarters of the Middle Military Division on August 23, 1864, and were returned to the writers on August 24, 1864, with indorsements as follows:

"Capt. Whitaker, of Gen. Wilson's staff, has been ordered to collect all detachments and forward them to their regiments."

With reference to the duties of Whitaker at this time, a communication, of which the following is a copy, is pertinent:

HEADQUARTERS THIRD DIVISION CAVALRY CORPS,
August 27, 1864.

Brig. Gen. MCINTOSH,
Commanding First Brigade.

GENERAL: The following extract from a letter from Capt. Whitaker, acting aid-de-camp, is furnished you for your guidance:

"WASHINGTON, *August 24, 1864.*

"Gen. Augur offered me all facilities in his power, with which I now only need a complete list, giving full names and whereabouts of every man in the forts and hospitals about this city. I obtained papers containing this list, but the same was in the form of applications for their return formally through Army headquarters, which were thus retained awaiting indorsements when I left."

The general desires you to have these lists made out as soon as possible and forward them. He also desires you to detail a commissioned officer to take charge of the guard stationed at the pike near the bridge, to examine papers of commissioned officers, and to order back all those without authority.

I am, General, very respectfully, your obedient servant,

L. SIEBERT,
Assistant Adjutant General.

A record of the Third Cavalry Division, Middle Military Division, dated August 31, 1864, near Berryville, Va., accounts for Whitaker as acting aid-de-camp on the staff of the general commanding, and he was so accounted for on a record of the same command, dated September 30, 1864, then stationed at Bridgewater, Va., but on the latter record he was also accounted for as "absent on duty at Camp Stoneman."

On October 1, 1864, an order was issued as follows:

[Special Orders, No. 45.]

HEADQUARTERS MIDDLE MILITARY DIVISION,
Harrisonburg, Va., October 1, 1864.

1. The following-named officers of his staff will accompany Brig. Gen. Wilson to the Military Division of the Mississippi for duty:

* * * * * * *

Capt. E. W. Whitaker, First Connecticut Volunteer Cavalry.

* * * * * * *

By command of Maj. Gen. Sheridan.

C. KINGSBURY, Jr.,
Assistant Adjutant General.

In a communication dated October 28, 1864, Brig. Gen. Kilpatrick casually mentioned Whitaker as the bearer of reports showing the condition of the former's command.

In the meantime Whitaker was appointed by the governor of Connecticut to be a major in the First Connecticut Cavalry Volunteers, the commission reciting that he was to rank as such from September 14, 1864. He remained absent from the regiment in performance of duty as aid-de-camp on the staff of Gen. Wilson until relieved in an order of which the following is a copy:

[Special Orders, No. 7.]

HEADQUARTERS CAVALRY CORPS,
MILITARY DIVISION OF THE MISSISSIPPI,
Nashville, Tenn., November 6, 1864.

[Extract.]

* * * * * * *

X. Capt. E. W. Whitaker, First Connecticut Cavalry, having been promoted to the grade of major is, at his own request, detached from the staff of the major general commanding and will rejoin his regiment in the Shenandoah Valley.

The distinguished zeal, activity, and ability which Maj. Whitaker has displayed upon every occasion entitles him to the thanks and commendation of the major general commanding.

* * * * * * *

By command of Bvt. Maj. Gen. Wilson.

E. B. BEAUMONT,
Captain and Acting Assistant Adjutant General.

On November 7, 1864, Whitaker addressed a communication to superior authority, as follows:

HEADQUARTERS CAVALRY CORPS, M. D. M.,
November 7, 1864.

Capt. L. SEIBERT,
Assistant Adjutant General.

CAPTAIN: I have the honor to make application for muster out as captain, Company E, First Connecticut Cavalry, and a special muster in as major, to date October 1, 1864, by virtue of receipt of commission as major in First Connecticut Cavalry, and being taken away when in act of reporting for duty by provisions of Special Order No. 45, Headquarters Middle Military Division, dated October 1, 1864. I am, captain,

Very respectfully, your obedient servant,

E. W. WHITAKER,
Captain Company E, First Connecticut Volunteer Cavalry,
Acting Assistant Division Commander.

An indorsement appears upon the foregoing communication, as follows:

HEADQUARTERS CAVALRY CORPS, M. D. M.,
Nashville, November 7, 1864.

The statement of Maj. Whitaker herein is correct. He should be mustered to date from October 1.

J. H. WILSON,
Brevet Major General.

On November 17, 1864, Whitaker addressed the Assistant Secretary of War as follows:

WAR DEPARTMENT,
Washington, D. C., November 17, 1864—2.30 p. m.

Hon. CHARLES A. DANA,
Assistant Secretary of War.

DEAR SIR: I am en route to rejoin and assume command of my regiment in "Valley." Left Gen. Wilson at Nashville, Tenn. In consideration of the fact that my accompanying him West prevented my muster in in the grade of major under the usual muster regulations, he kindly advised me to apply to you for a special order, for which I make application in the inclosed communication bearing the general's indorsement. Permit me to note there is nothing complicated or any strife in this, as the vacancy has been long open, the regiment strong enough, etc. I am at present the only major in the regiment. I simply desire my muster to date when I should have reported if not for obeying an order of same date transferring me West. Perhaps the commissary of musters (it being more simple) could be ordered to muster me in for said date, providing other circumstances in the case admit.

Hoping you will pardon me for this intrusion on your valuable time,

I shall ever remain your most humble and obedient servant,

E. W. WHITAKER,
Major, First Connecticut Cavalry.

An indorsement appears upon the foregoing communication, as follows:

"Referred to Maj. Gen. Torbert, commanding Cavalry Corps, Middle Military Division, to direct the muster in of Maj. Whitaker, according to his request.

"By order of the Secretary of War.

"C. A. DANA,
"Assistant Secretary of War.

"WAR DEPARTMENT, *November 18, 1864.*"

Whitaker joined the First Connecticut Cavalry Volunteers; entered upon duty as major thereof on November 22, 1864, and in a report of the commanding officer of the regiment dated December 9, 1864, and printed on pages 535–6, Volume XLIII, Part I, Series I, of the publication already mentioned, he was referred to as follows:

HEADQUARTERS FIRST CONNECTICUT CAVALRY,
December 9, 1864.

CAPTAIN: In obedience to orders from the colonel commanding the brigade, I have the honor to submit the following report of the operations of the First Connecticut Cavalry since the 18th of October, 1864:

* * * * * * *

On the 13th the regiment went with the division on a reconnoissance toward Cedar Creek, returned the same day, and continued in camp till the 17th, when Capt. Morehouse was ordered to make a reconnoissance to Middletown. Finding no enemy, he returned to camp and remained till the 21st instant. He then started for Remount Camp, Pleasant Valley, Md., having in his charge the unserviceable horses of the brigade. He camped near Martinsburg that night and reached the camp on the 22d instant. Here Maj. Whitaker assumed command of the regiment, and worked diligently for the next three days in providing the men with such articles as they required.

* * * * * * *

Very truly, your obedient servant,

BRAYTON IVES,
Lieutenant Colonel Commanding Regiment.

On November 25, 1864, Whitaker telegraphed the Assistant Secretary of War, as follows:

HEADQUARTERS FIRST CONNECTICUT CAVALRY,
PLEASANT VALLEY, MD.,
November 25, 1864.

Hon. C. A. DANA,
Assistant Secretary:

Please inform by telegraph—Yes—if my muster was order to date October 1, 1864.

E. W. WHITAKER,
Major Comanding Regiment.

A letter was addressed to Whitaker on November 26, 1864, as follows:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, D. C., November 26, 1864.

Capt. E. W. WHITAKER,
First Connecticut Cavalry.

SIR: I am directed to inform you that upon application to the proper commissary of musters he will muster you into service as major, First Connecticut Cavalry, to date October 1, 1864, provided the following conditions be complied with:

First. You will satisfy the commissary of musters that you were in receipt of your commission at the date from which muster is requested.

Second. You will furnish him with a copy of Special Orders No. 45, Headquarters M. M. D., under which you were detached from your regiment, and show clearly that it was not from negligence or delay on your part that you failed to be mustered at that time.

Third. This muster must not in any way conflict with the provisions of General Orders No. 182, series of 1863, from this office.

If the muster be made in accordance herewith, the commissary of musters will file a copy of this communication and your replies hereto with the muster-in rolls.

I am, very respectfully, your obedient servant,

THOMAS M. VINCENT,
Assistant Adjutant General.

In connection with the foregoing, Whitaker wrote a letter on December 3, 1864, as follows:

HEADQUARTERS FIRST CONNECTICUT CAVALRY,
FIRST BRIGADE, THIRD CAVALRY, DIVISION M. M. D.,
December 3, 1864.

Capt. BARNHARD,
Assistant Commissary of Musters.

CAPTAIN: I have the honor, in compliance with requirements of communication from The Adjutant General's office, dated November 26, 1864, of which a copy is herewith appended, to state that I received my appointment before October 1, 1864, by mail via Washington, D. C., where I was serving on detached duty under the provisions of Special Orders, No. 11, Ex. 2, from Headquarters Mid. Mil. Div.

Having completed the duties assigned me in Washington, I was en route to rejoin my command in the "Valley," October 1, 1864, and was within a few miles of my regiment when met by Gen. Wilson bearing Special Orders, No. 45, from Headquarters M. M. D., dated October 1, 1864, of which a copy is appended.

I certify that I made every effort to get mustered, but could not be granted time to go to mustering officer, as I was not given even time to dismount at the front which I had reached by a four days' march and compelled to return at once en route west in obedience to inclosed orders.

I am, Captain, very respectfully, your obedient servant,

E. W. WHITAKER,
Captain First Connecticut Cavalry.

The records of the First Connecticut Cavalry Volunteers account for Whitaker as captain of Company E thereof until December 5, 1864, when he was mustered out of service as such, to date from September 30, 1864, to enable him to avail himself of promotion; and on the same day, December 5, 1864, he was mustered into service as a major of the regiment, at Kernstown, Va., to date from October 1, 1864. However, under the provisions of the act of Congress approved June 3, 1884, and the acts amendatory thereof, he was, and is, recognized by the War Department as having been in the military service of the United States as a major of the First Connecticut Cavalry Volunteers, to take effect from September 14, 1864.

On December 8, 1864, Whitaker was detailed for duty in an order, as follows:

[General Orders, No. 43—Extract.]

HEADQUARTERS THIRD CAVALRY DIVISION,
December 8, 1864.

1. A general court-martial is hereby appointed to meet * * * on the 10th day of December, 1864 * * *. Detailed for the court

* * * * * * *

Maj. E. W. Whitaker, First Connecticut Cavalry.

* * * * * * *

By command of Bvt. Maj. Gen. Custer.

L. SIEBERT,
Assistant Adjutant General.

It appears that Whitaker continued on court-martial duty until relieved in an order, as follows:

[General Orders, No. 6—Extract.]

HEADQUARTERS THIRD CAVALRY DIVISION,
January 17, 1865.

1. Maj. E. W. Whitaker, First Connecticut Cavalry, is relieved from duty as a member of a general court-martial, of which Lieut. Col. M. B. Birdseye, Second New York Cavalry, is president, held at Winchester,

Va., and convened by General Orders, No. 43, of December 8, 1864, from these headquarters.

* * * * * * *

By command of Col. A. C. M. Pennington, commanding division.

L. SIEBERT,
Assistant Adjutant General.

In the meantime Whitaker was appointed by the governor of Connecticut to be lieutenant colonel of the regiment to rank as such from January 11, 1865. He was mustered out of service as major to date from January 16, 1865, to enable him to accept promotion, and on January 17, 1865, he was mustered into service as lieutenant colonel of the same regiment, at Winchester, Va.

Copies of communications dated January 27, 1865, relating to this officer, are as follows:

HEADQUARTERS THIRD CAVALRY DIVISION,
January 27, 1865.

Col. A. M. RANDOL,
Commanding First Brigade.

COLONEL: In compliance with orders from the acting chief of Cavalry, you will detail from each of your regiments 50 good men with the proper complement of officers, armed with sabers and revolvers only, to be ready with three days' rations and the usual amount of forage to march at 7 o'clock a. m. to-morrow from brigade headquarters under command of Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, who has already been notified from these headquarters. The horses will be selected with a view to their being fit for travel, rough shod, etc., and the men will be warmly clad.

By command of Col. Pennington, commanding division.

L. SIEBERT,
Assistant Adjutant General.

—

HEADQUARTERS THIRD CAVALRY DIVISION,
January 27, 1865.

Col. A. M. RANDOL,
Commanding First Brigade.

COLONEL: Pursuant to instructions from the acting chief of Cavalry, you will detail a major from your brigade to take command of the 200 men, to start out to-morrow morning, in place of Lieut. Col. E. W. Whitaker, First Connecticut Cavalry. You will instruct the major to report immediately for orders at headquarters Cavalry M. M. Division and will please send his name up to these headquarters.

By command of Col. Pennington, commanding division.

L. SIEBERT,
Assistant Adjutant General.

He signed a record as lieutenant colonel commanding the First Connecticut Cavalry Volunteers, near Winchester, Va., January 31, 1865; served as field officer's court on February 2, 1865; and on February 3, 1865, was detailed on duty indicated by communications as follows:

HEADQUARTERS THIRD CAVALRY DIVISION,
February 3, 1865.

COLONEL: In accordance with orders from the chief of cavalry, you will detail from your command 100 men, with the proper complement of commissioned and noncommissioned officers, to be in readiness to march with a detachment of 200 men from the Second Brigade at an early hour to-morrow morning.

The horses selected will be well shod and in a good condition to travel.

The men will take three days' rations and the usual amount of forage, and will be armed with pistols and sabers only.

Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, will take command of the entire party. You will direct him to report in person at once to the chief of cavalry for instructions.

The place of rendezvous and the hour of march will be designated hereafter.

By command of Col. W. Wells, commanding division.

L. SIEBERT,
Assistant Adjutant General.

Col. A. M. RANDOL,
Commanding First Brigade.

—

HEADQUARTERS FIRST BRIGADE, THIRD CAVALRY DIVISION,
February 3, 1865.

COMMANDING OFFICER,
First Connecticut Cavalry:

The detail for special service from your regiment will report at these headquarters at 6 a. m., precisely, to-morrow the 4th instant.

You will please direct Lieut. Col. Whitaker to report at the above hour to take command of the detail.

Surg. G. A. Hurlbut will accompany the expedition.

By command of Col. A. M. Randol, commanding brigade.

JOHN J. PIKE,
Lieutenant and Acting Assistant Adjutant General.

—

HEADQUARTERS THIRD CAVALRY DIVISION,
February 3, 1865.

Col. JOHN J. COPPINGER,
Commanding Second Brigade.

COLONEL: The colonel commanding division directs that the 200 men ordered from your command to start out to-morrow morning with Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, report at 6 o'clock, precisely, in front of First Brigade headquarters, where Col. Whitaker will take command of them.

* * * * * * *

Very respectfully, etc.,

L. SIEBERT,
Assistant Adjutant General.

In his report of the Shenandoah Valley campaign, dated February 3, 1866, and printed on pages 40–57 of the volume last mentioned hereinbefore, Gen. Sheridan mentioned Whitaker in terms as follows:

* * * * * * *

"On the 5th of February Harry Gilmor, who appeared to be the last link between Maryland and the Confederacy, and whose person I desired in order that this link might be severed, was made prisoner near Moorefield, his capture being very skillfully made by Col. (error, major and my guide only) Young, my chief of scouts, and a party under Lieut. Col. Whitaker, First Connecticut Cavalry, sent to support him. Gilmor and Mosby carried on the same style of warfare, running trains off railways, robbing the passengers, etc."

* * * * * * *

Again, Whitaker was mentioned in connection with the same incident, as follows:

WINCHESTER, VA., *February 6, 1865.*
(Received 1.50 p. m.)

Maj. Gen. H. W. HALLECK,
Chief of Staff:

A small party, under command of Lieut. Col. Whitaker, sent out by Gen. Merritt to break up Harry Gilmor's band, at a point south of Moorefield, was quite successful. Maj. Young, of my staff and chief of scouts, captured Harry Gilmor and (did not bring him in) brought him in.

P. H. SHERIDAN,
Major General, Commanding.

Whitaker made a report of the affair as follows:

CAMP OF FIRST CONNECTICUT CAVALRY,
NEAR WINCHESTER, VA.,
February 8, 1865.

MAJOR: I have the honor to report that, pursuant to instructions from general commanding corps, I collected my command for special duty, armed with sabers and pistols, and numbering 300, all from the Third Division Cavalry, at headquarters First Brigade, at 6 a. m., the 4th instant, and moved out on the Moorefield Pike for our destination. After halting three-quarters of an hour for feed and coffee at Wardensville, organized the detachments into a regiment, and having a short drill resumed the march at a rapid gait, striking the enemy's scouts, which Maj. Young quickly drove off the pike toward Harper's; column moving fast as possible, intending to surprise the enemy's camp by moonlight, but at 12.30 at night when we had reached a covered point within 4 miles of Moorefield, the sky clouded up, which induced me to halt for rest and feed until 4 a. m. the 5th instant. In the meantime Maj. Young, who had been a short distance in my advance, was to send his scouts into town and ascertain the exact location of Gilmor's camp, which I had decided to strike at daylight. On moving out at 4 a. m., Capt. Hamilton, Eighth New York Cavalry, reported to me the loss of two men by desertion during the halt; the men being recent recruits from rebel States, I deemed it a more unfortunate event than the next fact which was reported by Maj. Young, i. e., his scouts had not been able to learn the exact whereabouts of Gilmor or his camp. Reaching the outskirts of Moorefield before light during a heavy snow squall, I halted to await news from Maj. Young, who entered town with all of his party in search of information. I here became anxious about the loss of time and moved on, sending word to the major that he should go on down the South Fork till I found the enemy. I left a detachment from the Second Ohio Cavalry to search the town for soldiers, and moved at once across the stream and turned to the left down the South Fork, Maj. Young taking the advance, when, as it had become light enough, I discovered several of the enemy mounted and rapidly moving across the fields and hills on our right flank, taking the same direction as my column.

On communicating the fact to the scouts a lively race set in, I following with my column in hopes of reaching their camp before the alarm, which it would appear had not before been given. The houses on the banks of the fork were being hastily searched by the scouts, when the large number of horses in the stable next the road to Mr. Randolph's house, 3 miles from Moorefield, excited much suspicion; and as Maj. Young asked the colored woman sternly, "What soldiers were in the houses?" she at once replied, "Maj. Gilmor is upstairs." Maj. Young immediately surrounded the house and seized the major and his cousin Gilmor, late from Baltimore, both in bed. On my learning that our prize had been found I halted column and prepared to resist the attack of the enemy collecting on the bluff over the house and river and on my right flank and rear. Finding the position untenable and deeming it impossible to get more of Gilmor's band from their skillfully selected position, we made haste in getting out, before which Maj. Gilmor had been brought to me and placed at the head of the column; and as his men were firing into us, he shouted encouragement to them, feeling, as he afterwards said, confident of release. On the return march I placed Lieut. Brown, First Connecticut Cavalry, with 38 men who had been doing good service on the Petersburg Road, in the rear, he having 15 Spencers for that use, with which he successfully checked each dash of the enemy. I took the Romney Pike by advice of Maj. Young, who took the advance, and turned over to me at different points on the route 12 men captured about houses. The enemy last troubled my column as we were feeding at a point 35 miles from Moorefield and 8 from Romney. Though night had come on I did not think it wise to halt with prisoners, but resumed the march in passing Hanging Rock Gap and reached Big Capon Bridge after midnight, when we halted for rest until daylight, the 6th instant, on the forenoon of which I reached Winchester with prisoners, having ridden near 140 miles in a little over 48 hours, over a mountainous country, across swollen streams filled with floating ice, and within the enemy's lines, fully accomplishing the object of the expedition without the loss of a man.

I can not commend too highly the zeal and hearty cooperation evinced by Maj. Young, commanding Gen. Sheridan's scouts, who accompanied me. To his personal gallantry is due the successful "boarding of the lion in his den."

To the officers commanding the detachments from the Second Ohio, Eighth New York, First New Hampshire, Twenty-second New York, and First Connecticut Cavalry Regiments, I desire to express my thanks for prompt obedience to orders and strict attention to the care of their commands, on which I confidently relied in anticipation of a better test than was offered. To Surg. G. A. Hurlbut, First Connecticut Cavalry, who accompanied me with ambulance, attendants, etc., I owe much for valuable assistance rendered outside of his duties. He safely brought in two sick men and one accidentally wounded, who were unable to ride.

Respectfully submitted.

E. W. WHITAKER,
Lieutenant Colonel First Connecticut Cavalry,
Commanding Expedition.

Maj. WILLIAM RUSSELL, Jr.
Assistant Adjutant General.

Whitaker was recommended for special duty in a letter, as follows:

HEADQUARTERS THIRD CAVALRY DIVISION,
February 11, 1865.

Maj. WILLIAM RUSSELL, Jr.,
Assistant Adjutant General, Cavalry M. M. Division.

MAJOR: In accordance from instructions from the Chief of Cavalry just received, I have the honor to recommend Lieut. Col. E. W. Whit-

aker, First Connecticut Cavalry, to the position of division inspector, in place of Maj. E. M. Pope, ordered on recruiting service.

Very respectfully, etc.,

G. A. CUSTER,
Brevet Major General Commanding.

On the same day an order was issued as follows:

[Orders.]

HEADQUARTERS THIRD CAVALRY DIVISION,
February 11, 1865.

Division field officer of the day, February 12, 1865: Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, to report at 10 o'clock a. m.

By command of Bvt. Maj. Gen. Custer.

L. SIEBERT,
Assistant Adjutant General.

The officer was detailed for special duty in an order as follows:

[Special Orders No. 145.]

HEADQUARTERS CAVALRY, MIDDLE MILITARY DIVISION,
February 12, 1865.

1. Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, is hereby detailed as assistant adjutant inspector general, Third Cavalry Division, vice Lieut. Col. E. M. Pope, detailed on recruiting service. Lieut. Col. Whitaker will report in person without delay to Bvt. Maj. Gen. Custer, commanding.

By command of Bvt. Maj. Gen. Merritt.

WM. RUSSELL, Jr.,
Assistant Adjutant General.

On February 13, 1865, a regimental order was issued in the name of this officer, as lieutenant colonel commanding First Connecticut Cavalry, and he signed orders issued on February 16, 18, 19, and 23, 1865, from the headquarters of the Third Cavalry Division, as lieutenant colonel of the First Connecticut Cavalry Volunteers and acting assistant inspector general.

In a communication dated February 21, 1865, Whitaker was mentioned as follows:

HEADQUARTERS THIRD DIVISION CAVALRY,
February 21, 1865.

Col. PENNINGTON,
Commanding First Brigade:

Gen. Crook, Gen. Kelley, and other officers were captured last night by about 60 men belonging to McNeill's command. The force were hurrying toward Romney. The chief of cavalry directs that a force be sent immediately from this division to intercept them, if possible. Have 300 of your best mounted men get ready at once, with two days' rations and one of forage. I would suggest that the men be selected from the different regiments. Do not detail an officer of higher rank than major to accompany the expedition, as Lieut. Col. Whitaker will go in command. Have the men rendezvous at your headquarters.

Very respectfully, etc.,

G. A. CUSTER,
Brevet Major General, Commanding.

The result of the attempt to recapture the general officers is set forth in a report as follows:

HEADQUARTERS THIRD DIVISION CAVALRY,
MIDDLE MILITARY DIVISION,
February 23, 1865.

CAPTAIN: I have the honor to report that pursuant to instructions from general commanding division to recapture general officers taken by enemy at Cumberland, Md., early the 21st instant, I moved at 9 a. m. that day, with 340 men, for Moorefield, Va., which point I reached at 1.30 p. m. the 22d instant, and there learned that the enemy, with important prisoners, had crossed the Moorefield and Winchester pike 2 miles from town at about 1 p. m. the 21st instant, and that a party of Federal cavalry from New Creek were in the town immediately after but had returned. I at once sent an officer to communicate with the latter force—the camp fires could be seen about 5 miles out of Moorefield—and then returned to the trail of the enemy, which I carefully examined and found to have been made by about 50 mounted men in crossing my route, apparently in haste, obliquely, and from northwest to southeast, from a wooded path on my right down a steep declivity into woods on my left. Here obtaining conclusive proof that the trail was made at or about 1 p. m. the previous day, giving the enemy over 12 hours in my advance, I decided to not pursue, my horses having been badly jaded in breaking a foot of snow over the mountains and in consideration of the prospects of not overtaking the enemy till he had reached assistance in the valley. The citizens stated he had discovered the near approach of the New Creek Cavalry. The prospect of rain induced me to return rapidly campward, via the Back Creek road.

The officer whom I sent to communicate with the New Creek Cavalry soon rejoined me, with verbal statement from Col. Greenfield, Twenty-second Pennsylvania Cavalry, to the effect that his advance, 400 men, under a major, had seen the enemy with prisoners between 1 and 2 p. m. the day previous moving off from the Romney and Moorefield pike, with such an accession to their numbers as to make an attack on them hazardous; therefore he had not attacked them, but desired to cooperate with me if I was about to pursue. I had moved out too far to return a reply, and still continued march, with occasional annoyances from bushwhackers in rear, to Cacapon bridge, where bivouacked last night, arriving in camp at noon to-day after much trouble in crossing the rapidly swelling streams.

My loss was none except in horses, a few. Four of enemy taken prisoners en route.

I desire to express my thanks to Maj. McClong, Third New Jersey Cavalry, and Lieut. Haswell, Gen. Custer's escort, First Vermont Cavalry, for zealous aid and hearty cooperation in efforts to accomplish the object of the expedition, which I much regret to report a failure.

I am, Captain, very respectfully, your obedient servant,

E. W. WHITAKER,
Lieutenant Colonel First Connecticut Cavalry,
Acting Assistant Inspector General Third Division Cavalry.

Capt. L. SIEBERT,
Assistant Adjutant General

A record of the Third Cavalry Division, Middle Military Division, for the month of February, 1865, accounts for this officer as acting assistant inspector general on the staff of the general commanding.

In a report of Gen. Merritt relative to operations of Cavalry forces, dated May 7, 1865, and printed on pages 484 to 488, part 1, Volume XLVI, same publication as the one referred to hereinbefore, Whitaker was referred to as follows:

* * * * * * *

"March 2, the command arriving at Staunton, a force was detached from the First Division to go to Swoopes Station, where it was reported the enemy had stored supplies of war. This expedition found immense quantities of commissary, quartermaster's, and ordnance stores, which it destroyed. The main column, the Third Division in advance, moved toward Waynesborough, where the enemy was found, strongly posted behind barricades and rifle pits. Gen. Custer, after engaging the enemy's artillery with his own for a short time, moved three regiments, under direction of Col. Whitaker, First Connecticut, to the left flank and rear of the enemy, and routed him, with the loss of but 3 or 4 men to our command, capturing over 1,000 prisoners, the enemy's artillery and wagon train, containing all the wardrobe, papers, etc., of the officers of Early's depleted army. This event opened the roads for unresisted advance on the James River and all the roads and means of supply north of Richmond. All the captures which could not be carried away were destroyed. The prisoners and some few pieces of artillery were ordered back to Winchester, under a mounted guard of about 1,500 mounted and dismounted men. under Col. Thompson, First New Hampshire Cavalry."

* * * * * * *

Gen. Custer, in a report dated March 20, 1865, and printed on pages 501 to 504, same volume, stated as follows:

HEADQUARTERS THIRD CAVALRY DIVISION,
MIDDLE MILITARY DIVISION,
White House, Va., March 20, 1865.

I have the honor to submit the following report of the operations of my command since February 27, 1865. * * * On the 2d we moved to Staunton, where the command was halted for a short interval. In accordance with verbal orders received from the major general commanding the expedition I then marched toward Waynesborough. * * * Our march was necessarily slow. Upon reaching Fishersville, 6 miles from Staunton, our advance struck the enemy's pickets and drove them in the direction of Waynesborough. Upon arriving at the latter point we found the enemy in force, posted behind a formidable line of earthworks. * * * A careful reconnaissance along his entire line convinced me that the enemy had a heavy force of infantry behind his work, while 10 pieces of artillery were in position and completely covered his front. But one point seemed favorable for attack. The enemy's left flank, instead of resting on South River, was thrown well forward, leaving a short gap between his left and the river. The approach to this point could be made under cover of the woods. I directed Lieut. Col. Whitaker, of my staff, to conduct three regiments of Pennington's brigade to our extreme right. Selecting three regiments armed with Spencer carbines, they were moved, dismountd under cover of the woods, to the point previously indicated, where they were held in readiness to charge the enemy's left. * * * With reference to the conduct of the officers and men of my command throughout the entire expedition, both when engaged with the enemy and while on the march, I have nothing but words of the highest praise and commendation to offer. As a special report will be made, making mention of those who are particularly deserving and meritorious, none of the many instances of personal gallantry and merit as displayed on the late expedition, are mentioned in this report.

I am, very respectfully, yours, etc.,

G. A. CUSTER,
Brevet Major General.

Capt. E. M. BAKER,
Acting Assistant Adjutant General,
Cavalry, Middle Military Division.

In a report dated March 19, 1865, and printed on pages 504–508, same volume, the officer is referred to as follows:

HEADQUARTERS FIRST BRIGADE,
THIRD DIVISION, CAVALRY CORPS,
Near White House Landing, Va., March 19, 1865.

CAPTAIN: I have the honor to submit the following report of the operations of my brigade during the recent cavalry expedition from February 27 to present date: * * * The First Connecticut Cavalry, commanded on this occasion by Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, acting assistant inspector general, Third Cavalry Division, sent out a reconnaissance of one squadron toward the enemy from the right of my line, while a battalion of the Second New York moved down the Telegraph Road. The squadron of the First Connecticut, accompanied by Lieut. Col. Whitaker, was ambushed by infantry and cavalry, losing one officer (Lieut. J. W. Clark) killed and two men missing. This reconnaissance ascertained that the enemy were in force, and that they had both infantry and cavalry. * * *

I am, sir, very respectfully, your obedient servant,

A. C. M. PENNINGTON,
Colonel Commanding Brigade.

Capt. L. W. BARNHART,
Acting Assistant Adjutant General,
Third Division, Cavalry Corps.

Whitaker applied for leave of absence in a letter as follows:

HEADQUARTERS THIRD CAVALRY DIVISION,
White House, Va., March 23, 1865.

Lieut. Col. F. H. NEWHALL,
Assistant Adjutant General.

COLONEL: I have the honor to make application for five days' leave of absence to visit Georgetown, D. C., and permission to apply for five days' extension, should it be necessary, and my command unengaged. Reason: The most important private business, which if longer postponed will compel me to leave the service. Have not received the benefit of leave of absence since January, 1864.

I am, Colonel,

Very respectfully, your obedient servant,

E. E. WHITAKER,
Lieutenant Colonel First Connecticut Infantry,
Acting Assistant Inspector General.

The application was returned with indorsement: "Not granted for the present."

A record of the Third Cavalry Division, Middle Military Division, for the month of March, 1865, accounts for Whitaker as acting assistant inspector general on the staff of the general commanding.

On April 16, 1865, Whitaker applied for leave of absence for 15 days. The leave was granted, and on April 19, 1865, an order was issued as follows:

[Special Orders, No. 20.]

HEADQUARTERS THIRD CAVALRY DIVISION,
April 19, 1865.

(Extract.)

* * * * * * *

2. During the temporary absence of Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, acting assistant inspector general, the duties of

that department will be performed by Col. E. M. Pope, Eighth New York Cavalry. He will be obeyed and respected accordingly.

* * * * * * *

By command of Bvt. Maj. Gen. Custer, acting adjutant general.

Gen. Sheridan, in a letter to the Secretary of War dated April 19, 1865, and published on pages 1111–1114 of the volume last mentioned hereinbefore, recommended that certain officers be promoted or brevetted, Whitaker being referred to as follows:

* * * * * * *

"Lieut. Col. E. W. Whitaker, First Connecticut Cavalry [acting], assistant inspector general, Third Cavalry Division, to be brevet brigadier general of Volunteers for gallantry and skill displayed in turning the enemy's left flank at Waynesborough March 2, 1865, and for gallantry and uniform good conduct at the Battles of Five Forks, April 1, and Appomattox Station, April 8, 1865, and throughout the entire campaign."

* * * * * * *

An order was issued on April 21, 1865, as follows:

[General Orders, No. 22.]

HEADQUARTERS THIRD CAVALRY DIVISION,
April 21, 1865.

The brevet major general commanding hereby announces the following staff officers of the division: Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, acting assistant inspector general. * * * They will be obeyed and respected accordingly.

By command of Bvt. Maj. Gen. Custer, Assistant Adjutant General.

On April 28, 1865, the governor of Connecticut addressed a letter to the Secretary of War as follows:

STATE OF CONNECTICUT, EXECUTIVE DEPARTMENT,
Norwich, April 28, 1865.

SIR: I am informed that Lieut. Col. E. W. Whitaker, of the First Connecticut Cavalry, has been strongly recommended by Gens. Sheridan and Custer for promotion to the rank of brevet brigadier general.

I take great pleasure in adding my testimony as to the valor and merits of Col. Whitaker.

I am, with high consideration,
Your obedient servant,

WM. A. BUCKINGHAM,
Governor of Connecticut.

Hon. E. M. STANTON,
Secretary of War.

(NOTE.—No record has been found of the recommendation referred to as having been made by Gen. Custer.)

Hon. L. F. S. Foster, then Senator from the State of Connecticut, addressed the Secretary of War on April 29, 1865, by letter as follows:

NORWICH, CONN., *April 29, 1865.*

SIR: I would respectfully recommend Col. E. W. Whitaker, of the First Connecticut Cavalry, for promotion to the rank of brevet brigadier general. He enlisted as a private in the first regiment raised in this State, served out his three months, reenlisted, and has worked his way to his present position by sheer merit. He is well educated, thoroughly correct in his habits, and of excellent character. As an officer he is bold and dashing without rashness; in a word, an accomplished soldier. Gens. Sheridan and Custer both recommend him strongly. May I not hope that he will be recommended? With great respect, I am,

Your obedient servant,

L. F. S. FOSTER.

Mr. Secretary STANTON.

On May 19, 1865, Whitaker was appointed brigadier general of Volunteers, by brevet, apparently upon the recommendation of Gen. Sheridan of April 19, 1865, as set forth hereinbefore, and he was notified of the appointment in a letter as follows:

WAR DEPARTMENT,
Washington, May 19, 1865.

SIR: You are hereby informed that the President of the United States has appointed you, for gallantry and uniform good conduct, a brigadier general of Volunteers, by brevet, in the service of the United States, to rank as such from the 13th day of March, 1865. Should the Senate at their next session advise and consent thereto you will be commissioned accordingly.

Immediately on receipt hereof please to communicate to this department, through The Adjutant General's Office, your acceptance or nonacceptance of said appointment, and with your letter of acceptance return to The Adjutant General of the Army the oath herewith inclosed, properly filled up, subscribed and attested, reporting at the same time your age, residence when appointed, and the State in which you were born.

EDWIN M. STANTON,
Secretary of War.

Bvt. Brig. Gen. E. W. WHITAKER,
United States Volunteers (through Maj. Gen. Sheridan).

Upon receipt thereof Whitaker forwarded the usual oath of office and a statement as to his age, birthplace, and residence, with a letter, of which the following is a copy:

HEADQUARTERS THIRD CAVALRY DIVISION,
ARMY OF THE POTOMAC,
May 22, 1865.

Brig. Gen. E. D. TOWNSEND, *Adjutant General.*

GENERAL: I have the honor to acknowledge receipt and acceptance of the appointment of brigadier general of Volunteers, by brevet, under date of May 19, 1865, and to forward herewith the oath of office subscribed and attested together with report giving age, birthplace, etc.

I have the honor, General, to be,
Very respectfully, your obedient servant,

E. W. WHITAKER,
Lieutenant Colonel First Connecticut Cavalry,
Brevet Brigadier General Volunteers.

It appears that in the meantime Whitaker was on duty as Acting Assistant Inspector General on the staff of the general commanding the Third Cavalry Division from April 21, 1865, until the issue of an order as follows:

[General Orders, No. 2.]

HEADQUARTERS CAVALRY CORPS,
DEPARTMENT OF WASHINGTON,
May 25, published May 30, 1865.

The major general comamnding announces the following-named officers as composing his staff:

Bvt. Brig. Gen. E. W. Whitaker, Assistant Inspector General and Chief of Staff.

* * * * * * *

By command of Bvt. Maj. Gen. Davies.

THOS. C. LEBO,
Acting Assistant Adjutant General.

On May 25, 1865, an order was issued as follows:

[Special Orders, No. 33.]

HEADQUARTERS THIRD CAVALRY DIVISION,
May 25, 1865.

Bvt. Maj. M. A. Stone, First Vermont Cavalry, is hereby detailed for duty at these headquarters as acting assistant inspector general of the Third Cavalry Division. He will report to Bvt. Brig. Gen. Whitaker, Acting Assistant Inspector General, Cavalry Corps, to-morrow morning at 8 o'clock a. m. for instructions.

By command of Brig. Gen. Capehart.

H. M. BURLEIGH,
Assistant Adjutant General.

In a letter dated May 30, 1865, Whitaker wrote to Brig. Gen. Wells, commanding the Third Division of Cavalry, making inquiry as to the name of an officer "whom you spoke of to me as one who would make a good staff officer."

A record of the Cavalry Corps, Department of Washington, for the month of May, 1865, dated near Alexandria, Va., June 19, 1865, accounts for this officer as acting assistant inspector general on the staff of the commanding general, with entries showing that he was appointed May 25, 1865, and joined the same day.

On June 11, 1865, the officer received leave of absence in an order as follows:

[Special Orders, No. 18.]

HEADQUARTERS CAVALRY CORPS,
DEPARTMENT OF WASHINGTON,
June 11, 1865.

* * * * * * *

3. Leave of absence is granted to the following-named officers:

Bvt. Brig. Gen. E. W. Whitaker, Assistant Inspector General and Chief of Staff, Cavalry Corps, for five days.

* * * * * * *

(NOTE.—Order not signed, but previous order, dated June 10, 1865, signed by command of Bvt. Maj. Gen. Davies, W. Harper, jr., Major and Acting Assistant Adjutant General.)

A record of the Cavalry Corps, Department of Washington, for the month of June, 1865, dated at Clouds Mill, July 1, 1865, accounts for Whitaker as Assistant Inspector General and Chief of Staff of the general commanding.

On July 11, 1865, Whitaker addressed a communication to superior authority, as follows:

HEADQUARTERS CAVALRY CORPS,
DEPARTMENT OF WASHINGTON,
July 11, 1865.

Col. T. S. BOWERS,
Assistant Adjutant General, United States Army.

COLONEL: I have the honor to apply for assignment to duty with brevet rank in any division, department, or district it may please the Lieutenant General Commanding the Armies of the United States to designate.

Would respectfully beg leave to state that I have served during the whole war in extreme front; that I am taking steps to enter the regular service with recommendations from Gens. Sheridan, Custer, Wilson, Kilpatrick, Davies, Crook, and Kautz; and that the duties of attending the muster out and breaking up of the Cavalry Corps, on which I have been retained by order of Gen. Auger, is nearly complete.

I am, Colonel, very respectfully, your obedient servant,

E. W. WHITAKER,
Brevet Brigadier General, United States Volunteers,
Acting Inspector General and Chief of Staff,
Lieutenant Colonel First Connecticut Cavalry.

The letter of July 11, 1865, was forwarded, recommended, by the commanding officer of the Cavalry Corps, Department of Washington, and was forwarded to the Headquarters of the Army by the department commander without recommendation. Nothing has been found of record to show the action finally taken on the application.

On July 18, 1865, an order was issued, a pertinent extract of which is as follows:

[Special Orders, No. 173.]

HEADQUARTERS, DEPARTMENT OF WASHINGTON,
Washington, D. C., July 18, 1865.

* * * * * * *

7. The Cavalry Corps having been discontinued by the muster out of regiments composing the same, all officers and enlisted men heretofore on detached duty with said corps, unless otherwise ordered, will at once joint their proper regiments.

Under the provisions of General Orders, No. 106, of June 2, 1865, War Department, Adjutant General's Office, all general and General Staff officers heretofore serving with the Cavalry Corps of this department, unless otherwise ordered by higher authority, will proceed to their respective homes, and thence report by letter to The Adjutant General of the Army.

The commanding officer of the Cavalry Corps will report to these headquarters the names and residences of the officers relieved by this order.

By command of Maj. Gen. C. C. Augur.

R. CHANDLER,
Assistant Adjutant General.

Following is a copy of an order relative to this officer issued on July 20, 1865:

[Special Orders, No. 175.]

HEADQUARTERS DEPARTMENT OF WASHINGTON,
TWENTY-SECOND ARMY CORPS,
Washington, D. C., July 20, 1865.

Leave of absence for 10 days is granted to Bvt. Brig. Gen. E. W. Whitaker, of the First Regiment of Connecticut Cavalry, to enable him to proceed to Connecticut on important private business.

At the expiration of this time he will report to the chief mustering officer of his State.

By command of Maj. Gen. Augur.

R. CHANDLER,
Assistant Adjutant General.

Whitaker reported, as directed in the second paragraph of the foregoing order, in a letter, as follows:

ALLYN HOUSE,
Hartford, Conn., July 28, 1865.

Lieut. Col. C. C. GILBERT,
Chief Mustering Officer, State of Connecticut.

COLONEL: I have the honor to report to you, in compliance with a paragraph from a special order No. 175, dated July 20, 1865, from headquarters, Quartermasters Department of Washington, which grants me a leave of absence for 10 days. At the expiration of the 10 days, which is day after to-morrow, the 30th instant, it was expected that the First Connecticut Cavalry would have arrived here for muster out. That regiment is still detained on duty, from which it may be relieved any day.

I would respectfully request orders or instructions at your earliest convenience.

I am, Colonel, very respectfully, your obedient servant,

E. W. WHITAKER,
Brevet Brigadier General,
Lieutenant Colonel First Connecticut Cavalry.

The letter of July 28, 1865, was duly received at the office of the chief mustering officer for Connecticut. Nothing has been found of record to show what action, if any, was taken thereon, but, as recited hereinafter, it appears that Whitaker remained in the State until the arrival there of the First Connecticut Cavalry.

In a letter dated at Ashford, Conn., August 3, 1865, Whitaker reported to the War Department for orders, and on August 19, 1865, he was advised that as his regiment had been mustered out of service he should apply to the chief mustering officer for the State for his discharge papers.

The regiment was mustered out of the military service of the United States August 2, 1865, at Washington, D. C. The muster-out roll of the field and staff accounts for Whitaker at the time as absent from the regiment with leave, but, nevertheless, under the terms of orders then in force, he was honorably discharged from the military service of the United States on that date by reason of the muster out of the regiment, and information furnished by the Treasury Department shows that he was finally paid on the muster-out roll mentioned at New Haven, Conn., August 17, 1865.

On August 22, 1865, an order was issued from the War Department, pertinent extracts from which are as follows:

[General Orders, No. 133.]

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, August 22, 1865.

Appointments by brevet in the Armies of the United States made by the President since the publication of General Orders, No. 97, of May 26, 1865:

* * * * * * *

Volunteer force.

* * * * * * *

To be brigadier generals by brevet.

* * * * * * *

Col. E. W. Whitaker, of the First Connecticut Cavalry, for gallantry and uniform good conduct, to date from March 13, 1865.

* * * * * * *

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant General.

The nomination of the officer as brevet brigadier general of Volunteers was presented to the United States Senate for consideration; was confirmed by that body on March 12, 1866, and thereupon the usual commission was issued on April 9, 1866, entries appearing therein showing that the appointment was to date from March 13, 1865, and was granted "for gallantry and uniform good conduct." The commission was sent to the governor of Connecticut May 12, 1866, for delivery to the officer.

Gen. Whitaker alleges that he participated in 82 different engagements of the Civil War, and has submitted to this department a list of such engagements, a few less in number, but it is impossible to ascertain from the records in the department whether or not he participated in all of those engagements, because the official records do not, as a rule, show all the engagements in which an officer or enlisted man participated, and no such complete data have been found of record in the case of this officer. When specifically mentioned in connection with any particular engagement, such mention is, of course, evidence of participation, but as the records pertaining to military services in that war were usually made out monthly or bimonthly and do not show engagements in which individuals took part, the department has no means of obtaining definite information regarding individual participation in engagements, even though the organization took part therein, unless the individual is specifically mentioned in connection therewith, or unless it should happen that the organization engaged in some action on the very date of the monthly or bimonthly record, in which event the presence of a man with the organization on that date would indicate participation. Then the fact that an organization engaged in certain battles, coupled with the additional fact that there is nothing in the records to show that the officer or enlisted man was absent at the time, is also an indication of individual participation, although not conclusive.

Following is a list of engagements submitted to this department by Gen. Whitaker in which he alleges that he took part. Opposite each engagement will be found the letter A, B, C, or D; the letter A indicating that the officer is mentioned specifically as having participated in that engagement; the letter B indicating that, by reason of his stations or duties, he probably participated in that engagement; the letter C indicating that nothing has been found of record in this department showing or tending to show that he was a participant in that engagement; and the letter D indicating that no record has been found in the War Department of any engagement at the time and place mentioned.

First Bull Run, July 21, 1861. (B.)
Action near Spotted Tavern, Virginia, April 17, 1862, and capture of Falmouth. (B.)
First raid Virginia Central Railroad, July 19 (capture of Mosby at Beaver Dam Station, Va.) to 22, 1862. (B.)
Action near Carmel Church, July 22, 1862. (B.)
Second raid on Virginia Central Railroad, July 24, 1862. (D.)
Third raid on Virginia Central Railroad, August 6–7, 1862. (B.)
Cedar Mountain, August 9, 1862. (B.)
Fords of Rapidan, August 18–19, 1862. (B.)
Brandy Station, August 20, 1862. (B.)
Rappahannock Station, August 20 to 23, 1862. (B.)
Thoroughfare Gap, August 27 and 28, 1862. (B.)
Groveton, August 29, 1862. (B.)
Bull Run, August 30, 1862. (B.)
Sudley Church, November 3, 1862. (C.)
White Plains, November 8, 1862. (D.)
Fredericksburg, December 13, 1862. (B.)
Chancellorsville campaign, April 26 to May 6, 1863. (B.)
Stoneman's raid, April 29 to May 7, 1863. (B.)
Louisa Court House, May 2, 1863. (B.)
Fortifications of Richmond, May 4, 1863. (B.)
Ayletts Ferry, May 5, 1863. (B.)
Brandy Station, June 9, 1863. (B.)
Aldie, June 17, 1863. (B.)
Hanover, Pa., June 30, 1863. (B.)
Gettysburg, Pa., July 1 to 3, 1863. (A.)
Monterey, Md., July 4, 1863. (A.)
Williamsport, July 6, 1863. (A.)
Funktown, July 9, 1863. (A.)
Jones Cross Roads, July 10, 1863. (B.)
Falling Waters, July 14, 1863. (B.)
Culpeper Court House and Brandy Station, Va., September 13, 1863. (B.)
Rappahannock River, September 15 and 16, 1863. (B.)
Robertsons River, September 17–24, 1863. (B.)
Whites Ford, at Liberty Mills, September 22, 1863. (B.)
Hazell River, October 7, 1863. (C.)
James City, October 9 and 10, 1863. (A.)
Rappahannock River, October 11 to 15, 1863. (B.)
Buckland Mills, October 19, 1863. (B.)
Mortons Ford, November 15, 1863. (D.)
Raccoon Ford, December 5, 1863. (B.)
Ellis Ford, January 18, 1864. (B.)
Stephenburg, January 19, 1864. (D.)
Raid on Richmond, February 28 to March 4, 1864. (B.)
South Anna River, February 29, 1864. (B.)
Fortifications of Richmond and Ashland, March 1, 1864. (B.)
Old Church at Walkerstown, March 2, 1864. (B.)
Craig's Meeting House, May 5, 1864. (B.)
Todd's Tavern, May 6, 1864. (B.)
Spotsylvania Court House and Wilderness, May 8, 1864. (B.)
Sheridan's Raid to Haxhall's Landing, May 9 to 29, including Beaver Dam Station, May 9 and 10, 1864. (B.)
Yellow Tavern, May 11, 1864. (B.)
Meadow Bridge and Fortifications of Richmond, May 12, 1864. (B.)
Mechums Creek, Hanover Court House, May 31, 1864. (B.)
Ashland, June 1, 1864. (B.)
Hawes Shop, June 2, 1864. (B.)
Old Church, June 10 and 11, 1864. (B.)
Long Bridge, June 12, 1864. (B.)
White Oak Swamp, June 13, 1864. (B.)
St. Mary's Church, June 15, 1864. (B.)
Raid on Danville and Welden Railroad Junction, June 22 to 29, including Nottaway Court House, June 23, 1864. (A.)
Roanoke Station, June 25, 1864. (B.)
Stony Creek, June 28, 1864. (A.)
Reams Station, June 29, 1864. (A.)
Defense at Washington, July 11 to 13, 1864. (A.)
Summit Point, August 21, 1864. (A.)
Charlestown, August 24 and 25, 1864. (A.)
Kearneyville, August 25 and 26, 1864. (A.)
Lacys Springs, December 21, 1864. (B.)
Capture of Harry Gilmor, February 6, 1865. (A.)
Sheridan's Raid from Winchester to Petersburg, February 27 to March 19, including Waynesboro, March 2, and Ashland, March 15, 1865. (A.)
Dinwiddie Court House, March 31, 1865. (B.)
Five Forks, April 1, 1865. (A.)
Deep Creek, April 3, 1865. (B.)
Sailors Creek, April 6, 1865. (B.)
Appomattox Station, April 8, 1865. (A.)
Appomattox Court House, April 9. At head of charge receiving surrender of Lee's Army, 1865. (A.)

On April 4, 1866, Maj. Gen. P. H. Sheridan addressed the Secretary of War as follows:

HEADQUARTERS, MILITARY DIVISION OF THE GULF,
New Orleans, La., April 4, 1866.

To the Hon. E. M. STANTON,
Secretary of War, Washington, D. C.

DEAR SIR: I have the honor to transmit herewith a list of officers of the Regular and Volunteer service whose promotion or appointment in the Regular Army upon its reorganization, I would suggest and recommend for gallant and meritorious services during the Rebellion.

I am, sir, very respectfully, your obedient servant,

P. H. SHERIDAN,
Major General, United States Army.

Accompanying the letter of April 4, 1866, was a list bearing the name of E. W. Whitaker, with the recommendation that he be appointed captain of Cavalry.

In a letter dated October 13, 1866, Gen. U. S. Grant addressed the Secretary of Was as follows:

HEADQUARTERS ARMIES OF THE UNITED STATES,
Washington, October 13, 1866.

Hon. E. M. STANTON,
Secretary of War.

SIR: I have the honor to forward herewith lists of recommendations for company officers of Infantry and Cavalry.

Very respectfully, your obedient servant,

U. S. GRANT, *General.*

Accompanying the letter of October 13, 1866, was a list bearing the name of E. W. Whitaker, with the recommendation that he be appointed captain of Cavalry.

Again, on October 17, 1866, Gen. Grant addressed the Secretary of War as follows:

HEADQUARTERS ARMIES OF THE UNITED STATES,
Washington, October 17, 1866.

Hon. E. M. STANTON,
Secretary of War.

SIR: In view of the facts that the Seventh Regiment of Cavalry is already nearly full and yet is almost without company officers, that

the men will desert rapidly unless company officers are appointed, and that the regiment is needed at once for service against the Indians, I would urgently recommend that the company officers be appointed without delay. I submit a special list of recommendations for company officers of this regiment herewith.

Very respectfully, your obedient servant,

U. S. GRANT, *General.*

In the list accompanying the letter Whitaker was once more recommended for appointment as captain of cavalry.

The letter of October 17, 1866, was referred to the President by the Secretary of War, on October 18, 1866, and the recommendations made therein were approved by the President on the same day.

Thereupon a notification of appointment was prepared, as follows:

WAR DEPARTMENT,
Washington, October 18, 1866.

SIR: You are hereby informed that the President of the United States has appointed you captain in the Seventh Regiment of Cavalry, in the service of the United States, to rank as such from the 28th day of July, 1866. Should the Senate at their next session advise and consent thereto, you will be commissioned accordingly.

Immediately on receipt hereof please to communicate to this department, through The Adjutant General's Office, your acceptance or nonacceptance of said appointment, and, with your letter of acceptance, return to The Adjutant General of the Army the oath herewith inclosed, properly filled up, subscribed, and attested, reporting at the same time your age, residence when appointed, and the State in which you were born.

You will report for examination to the board convened to meet in this city on the 24th instant, and of which Bvt. Maj. Gen. David Hunter, colonel, United States Army, is president; and so soon as notified by the president of the examining board that you have passed a satisfactory examination you will proceed without delay to join your regiment at Fort Riley, Kans.

EDWIN M. STANTON,
Secretary of War.

Capt. E. W. WHITAKER,
Seventh Regiment United States Cavalry,
Hartford, Conn.

The notice of his appointment was sent addressed to Gen. Whitaker, at Hartford, Conn., November 6, 1866. No response having been received from him, on April 27, 1867, a communication was on that date addressed to the postmaster at Hartford, Conn., by this department, in which a statement was requested showing whether the appointment had been delivered to Gen. Whitaker or remained in the post office uncalled for. In response the postmaster informed this department that Gen. Whitaker was then a resident of Hartford, and with the Connecticut General Life Insurance Co., and that without doubt his letters would be placed in the drawer of that company. It does not appear from the records that he accepted or acknowledged the receipt of the appointment, or that he appeared before the board for examination, or that he declined it in any manner other than the declination that was presumed by his failure to acknowledge the receipt of it.

The matter was presented to the Secretary of War by The Adjutant General of the Army in a communication of which the following is a pertinent extract:

* * * * * * *

"List of full appointments issued prior to December 1, 1866, which have not been accepted, although every endeavor has been made to ascertain the addresses of the appointees. Agreeably to the orders of the Secretary of War, these persons were also notified of their appointment through the press March 8, 1867, and that if not accepted on or before May 20 the appointments would be canceled.

"Name: 7. Whitaker, E. W.

"Appointment: Captain Seventh Cavalry.

"Recommended by: Gen. Grant on Army record; no residence stated.

* * * * * * *

"Respectfully submitted to the Secretary of War with the recommendation that the appointments of the above-named persons be canceled.

"J. C. KELTON,
"Assistant Adjutant General."

The recommendation was approved, as indicated by indorsements appearing on the communication, as follows:

"The recommendation of The Adjutant General is approved and submitted to the President, with the recommendation that the appointments be canceled for want of acceptance in due time, and that other applicants be appointed in their stead.

"EDWIN M. STANTON,
"Secretary of War.

"Approved:
"ANDREW JOHNSON."

On June 20, 1867, the appointment of Gen. Whitaker, as set forth in the letter of October 18, 1866, hereinbefore, was canceled.

With regard to the statement in the accompanying bill to the effect that Gen. Whitaker "declined to accept an appointment issued to him as captain in the Seventh Regiment United States Cavalry" because of disability incurred in the last engagement in which he participated, it should be remarked that nothing has been found in the official records of the War Department showing or tending to show that he incurred any disability whatever in the engagement referred to or that he was under treatment for any wound, injury, or disease, other than in the Seminary General Hospital in the months of July and August, 1863, as set forth hereinbefore.

In a letter addressed to President Grant on July 12, 1876, Gen. Whitaker solicited an appointment in the Regular Army. The letter, with accompanying papers, was referred to the Secretary of War for consideration, and it appears from the records that on July 26, 1876, Gen. Whitaker was advised that there was no law under which he could be appointed as requested.

On July 12, 1898, Gen. Whitaker submitted his name to the President for an appointment as additional paymaster of Volunteers, but his application for the appointment desired was not favorably considered, because all vacancies in the Paymaster's Department had been filled.

In the year 1895, application was made for the award of a medal of honor to Gen. Whitaker for gallantry at Reams Station, Va., in June, 1864. In connection with the application documents were submitted of which the following are copies:

STOCKFORD, WILMINGTON, DEL.,
February 27, 1895.

JAS. R. DURHAM, Esq.,
Washington, D. C.

DEAR SIR: Absence from home has prevented an earlier acknowledgment of your favor of February 24.

I note with regret that my letter in regard to Gen. E. W. Whitaker's distinguished services in cutting his way through from Reams Station to headquarters near Petersburg with dispatches for Gen. Meade has been mislaid or lost, and my regret is all the keener as I find I failed to keep a copy of the letter in question.

I now beg to replace it by what follows:

E. W. Whitaker, then a captain of the First Connecticut Cavalry, served on my staff as an aid-de-camp, while I was commanding the Third Division, Cavalry Corps, Army of the Potomac, and at all times and upon many occasions showed himself to be a very able and conspicuously gallant officer, but he rendered peculiarly valuable and courageous service in carry dispatches through the enemy's lines from me to Gen. Meade.

As the official records will show, the command, after destroying the railroads between Petersburg and the Roanoke River and inflicting great injury upon the Confederate cause, had got back to the immediate vicinity of Reams Station, where it found itself confronted by a strong force of rebel cavalry and infantry. On arriving on the field in the early morning, a reconnoissance of the enemy's lines convinced me that we should have to cut and run for it unless Gen. Meade should speedily send a relieving force to open the road for us, but inasmuch as Gen. Meade could have no means of knowing the perils which surrounded us, it was necessary for me to open communication with him. Headquarters were not over 5 miles away, but a strong force of veteran Confederate infantry lay straight across the way and was supported by Fitzhugh Lee's cavalry. Their position was a strong one, and the oldest cavalrymen regarded it as impregnable for our jaded force. Upon indicating my desire to get information through to Gen. Meade, Capt. Whitaker volunteered to take it, and his offer of services was accepted. A single troop of cavalry was selected to escort him, and as soon as the necessary dispatch could be written he set out upon his perilous mission, and within an hour he had cut his way through the Confederate lines and delivered his dispatch at Army headquarters. The details of his exploit will be found in the official records, but no one except himself and those who saw him ride so gallantly into and through the rebel lines can properly appreciate the dangers he ran, or the value of the services rendered by him. It is true that Gen. Meade did not succeed in getting any part of his force to Reams Station till after noon, and after we had retired, but that was no fault of Capt. Whitaker's. He did his whole duty with rare skill, dash, and courage and I trust may be rewarded by the medal of honor and the proper acknowledgment of his distinguished services upon that occasion.

Yours, very respectfully,

JAMES H. WILSON,
Late Major General, Volunteers.

[Special Orders, No. 135.]

GENERAL HEADQUARTERS STATE OF CONNECTICUT,
ADJUTANT GENERAL'S OFFICE,
Hartford, September 15, 1864.

1. Capt. Edward W. Whitaker, of the First Regiment Connecticut Cavalry, is hereby promoted to be major, for meritorious services in cutting through the enemy's lines on the 29th of June, and reporting the perilous condition of Gen. Wilson's cavalry at Reams Station, Va., to Maj. Gen. Meade, with rank from the 14th day of September, 1864, vice Blakeslee promoted.

By order of the Commander in Chief.

HORACE J. MORSE,
Adjutant General.

The application was considered favorably and on March 22, 1898, a medal of honor was awarded to Gen. Whitaker for most distinguished gallantry in action at Reams Station, Va., June 29, 1864, the action taken being based upon a decision of the Secretary of War, as follows:

WAR DEPARTMENT, OFFICE OF THE SECRETARY,
March 22, 1898.

By direction of the President a medal of honor is presented to Gen. Edward W. Whitaker.

At Reams Station, Va., June 29, 1864, this officer, then captain First Connecticut Volunteer Cavalry, in command of a troop, hearing of an expressed wish of the general in command to get information to Gen. Meade through the line of the enemy, volunteered to carry the dispatches. In the most distinguished manner he forced his way through an infantry division of the enemy and delivered the dispatches to Gen. Meade, but lost half his escort in the desperate ride.

R. A. ALGER,
Secretary of War.

Respectfully submitted.

GEO. ANDREWS,
The Adjutant General.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
March 10, 1914.

The honorable the SECRETARY OF WAR.

EDWARD STEWART.

The bill (S. 1274) for the relief of Edward Stewart was considered as in Committee of the Whole. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Edward Stewart shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company C, Second Regiment Michigan Volunteer Infantry, on the 31st day of March, 1863, but no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IMPORTATION OF OPIUM.

The bill (S. 4764) to amend an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved January 17, 1914, was considered as in Committee of the Whole.

The bill was reported from the Committee on Finance with an amendment, on page 1, line 3, to strike out the words "section two of" and to strike out from line 7, page 1, to line 13, on page 2, and insert:

That after the 1st day of April, 1909, it shall be unlawful to import into the United States opium in any form or any preparation or derivative thereof: *Provided*, That opium and preparations and derivatives thereof, other than smoking opium or opium prepared for smoking, may be imported for medicinal purposes only, under regulations which the Secretary of the Treasury is hereby authorized to prescribe, and when so imported shall be subject to the duties which are now or may hereafter be imposed by law.

SEC. 2. That if any person shall fraudulently or knowingly import or bring into the United States, or assist in so doing, any opium or any preparation or derivative thereof contrary to law, or shall receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of such opium or preparation or derivative thereof after importation, knowing the same to have been imported contrary to law, such opium or preparation or derivative thereof shall be forfeited and shall be destroyed, and the offender shall be fined in any sum not exceeding $5,000 nor less than $500 or by imprisonment for any time not exceeding five years nor less than two years, or both. Whenever, on trial for a violation of this section, the defendant is shown to have, or to have had, possession of such opium or preparation or derivative thereof, such possession shall be deemed sufficient evidence to authorize conviction unless the defendant shall explain the possession to the satisfaction of the jury.

SEC. 3. That on and after July 1, 1913, all smoking opium or opium prepared for smoking found within the United States shall be presumed to have been imported after the 1st day of April, 1909, and the burden of proof shall be on the claimant or the accused to rebut such presumption.

SEC. 4. That any person subject to the jurisdiction of the United States who shall, either as principal or as accessory, receive or have in his possession, or conceal on board of or transport on any foreign or domestic vessel or other water craft or railroad car or other vehicle destined to or bound from the United States or any possession thereof, any smoking opium or opium prepared for smoking, or who, having knowledge of the presence in or on any such vessel, water craft, or vehicle of such article, shall not report the same to the principal officer thereof, shall be subject to the penalty provided in section 2 of this act. Whenever on trial for violation of this section the defendant is shown to have, or to have had, possession of such opium, such possession shall be deemed sufficient evidence to authorize conviction, unless the defendant shall explain the possession to the satisfaction of the jury: *Provided, however*, That any master of a vessel or other water craft, or person in charge of a railroad car or other vehicle, shall not be liable under this section if he shall satisfy the jury that he had no knowledge and used due diligence to prevent the presence of such article in or on such vessel, water craft, car, or other vessel, and any such article shall be forfeited and shall be destroyed.

SEC. 5. That no smoking opium or opium prepared for smoking shall be admitted into the United States, or into any territory under the control or jurisdiction thereof, for transportation to another country, nor shall such opium be transferred or transshipped from one vessel to another vessel within any waters of the United States for immediate exportation or any other purpose.

SEC. 6. That hereafter it shall be unlawful for any person subject to the jurisdiction of the United States to export or cause to be exported from the United States, or from territory under its control or jurisdiction, or from countries in which the United States exercises extraterritorial jurisdiction, any opium or cocaine, or any salt, derivative, or preparation of opium or cocaine, to any other country: *Provided*, That opium or cocaine, and salts, derivatives, or preparations thereof, except smoking opium or opium prepared for smoking, the exportation of which is hereby absolutely prohibited, may be exported to countries regulating their entry under such regulations as are prescribed by such country for the importation thereof into such country, such regulations to be promulgated from time to time by the Secretary of State of the United States.

The Secretary of State shall request all foreign Governments to communicate through the diplomatic channels copies of laws and regulations promulgated in their respective countries which prohibit or regulate the importation of the aforesaid drugs, and when received advise the Secretary of the Treasury and the Secretary of Commerce thereof; whereupon the Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce shall make and publish all proper regulations for carrying the provisions of this section into effect.

SEC. 7. That any person who exports or causes to be exported any of the aforesaid drugs in violation of the preceding section shall be fined in any sum not exceeding $5,000 nor less than $50 or by imprisonment for any time not exceeding two years, or both. And one-half of any fine recovered from any person or persons convicted of an offense under any section of this act may be paid to the person or persons giving information leading to such recovery, and one-half of any bail forfeited and collected in any proceedings brought under this act may be paid to the person or persons giving the information which led to the institution of such proceedings, if so directed by the court exercising jurisdiction in the case: *Provided*, That no payment for giving information shall be made to any officer or employee of the United States.

SEC. 8. That whenever opium or cocaine or any preparations or derivatives thereof shall be found upon any vessel arriving at any port of the United States which is not shown upon the vessel's manifest, as is provided by sections 2806 and 2807 of the Revised Statutes, such vessel shall be liable for the penalty and forfeiture prescribed in section 2809 of the Revised Statutes.

Mr. THOMAS. Mr. President, I am going to ask the Senate to strike out the entire italicized part of the bill and to pass the bill as originally introduced.

My reason for doing that is that the only change in this law is found in the words "exceeding five years nor," on page 3, line 10. It seems to be superfluous to reenact a statute merely for the purpose of inserting therein four words regarding punishment. The bill was reported in this state because the Treasury Department desired it for administrative purposes, it being easier to refer to an entire measure than to a series of laws consisting of the main statute and the amendments. It seems to me that it is not a necessary method of legislation, and that the enactment of the bill as introduced will cover every purpose.

Mr. SMOOT. Mr. President, I thought I had a copy of the report from the Treasury Department in my calendar book on my desk, but I find I have not. I want to ask the Senator from Colorado if he is sure that the change which he has suggested is the only change made in the present law?

Mr. THOMAS. I am very sure of it; but I shall not insist upon the suggestion.

Mr. SMOOT. I know that the amendment suggested by the Senator is of vital importance; but, as I remember, there were some other changes made.

Mr. THOMAS. The Senator will find the other matter which he has in mind in order of business 295.

Mr. SMOOT. I remember Senate bill 3526, which is calendar No. 295, but I have not had time to read it to ascertain whether it covers the matter or not.

Mr. THOMAS. I will say to the Senator that as the subcommittee, of which he and I were members, reported these bills to the Senate, we reported them as one bill, the error being mine. I assumed the two proposed amendments to refer to the same statute; but my attention was afterwards called to the fact that they were different statutes, and so we have now reported two separate bills.

Mr. SMOOT. Mr. President, that may account for it, because I remember when we agreed upon the report we agreed——

Mr. THOMAS. I misled the Senator at the time by my assumption that the two proposed amendments related to the same statute.

Mr. SMOOT. I will say that if the Senator from Colorado has given this matter as careful consideration in this instance as he has done in the past, and as we have done together, I shall not object to the bill being now considered, and that the amendment be disagreed to, as has been suggested by the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The PRESIDING OFFICER. Without objection, the vote by which the amendment was agreed to on page 1, line 3, will be reconsidered, and the amendment will be disagreed to. The Chair hears none.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF DRUGS.

The bill (S. 3526) to amend an act entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or cocoa leaves, their salts, derivatives, or preparations, and for other purposes," was considered as in Committee of the Whole.

The bill had been reported from the Committee on Finance with an amendment to strike out all after the enacting clause and to insert:

That section 1 of an act entitled "An act to provide for the registration of, with collector of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or cocoa leaves, their salts, derivatives, or preparations, and for other purposes," approved December 17, 1914, be, and is hereby, amended so as to read as follows:

"That on and after the 1st day of March, 1915, every person who produces, imports, manufactures, compounds, deals in, dispenses, sells, distributes, or gives away opium, anhalonium (mescale or muscale buttons, pellote), or cocoa leaves, or any compound, manufacture, salt, derivative, or preparation thereof, shall register with the collector of internal revenue of the district his name or style, place of business, and place or places where such business is to be carried on: *Provided*, That the office, or if none, then the residence of any person shall be considered for the purposes of this act to be his place of business. At the time of such registry and on or before the 1st day of July annually thereafter every person who produces, imports, manufactures, compounds, deals in, dispenses, sells, distributes, or gives away any of the aforesaid drugs shall pay to the said collector a special tax at the rate of $1 per annum: *Provided*, That no employee of any person who produces, imports, manufactures, compounds, deals in, dispenses, sells, distributes, or gives away any of the aforesaid drugs, acting within the scope of his employment, shall be required to register or to pay the special tax provided by this section: *Provided further*, That the person who employs him shall have registered and paid the special tax as required by this section: *Provided further*, That officers of the United States Government who are lawfully engaged in making purchases of the above-named drugs for the various departments of the Army and Navy, the Public Health Service, and for Government hospitals and prisons, and officers of any State government, or of any

county or municipality therein, who are lawfully engaged in making purchases of the above-named drugs for State, county, or municipal hospitals or prisons, and officials of any Territory or insular possession or the District of Columbia or of the United States who are lawfully engaged in making purchases of the above-named drugs for hospitals or prisons therein shall not be required to register and pay the special tax as herein required.

"It shall be unlawful for any person required to register under the terms of this act to produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away any of the aforesaid drugs without having registered and paid the special tax provided for in this section.

"That the word 'person' as used in this act shall be construed to mean and include a partnership, association, company, or corporation, as well as a natural person; and all provisions of existing law relating to special taxes, so far as applicable, including the provisions of section 3240 of the Revised Statutes of the United States are hereby extended to the special tax herein imposed.

"That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all needful rules and regulations for carrying the provisions of this act into effect."

Mr. THOMPSON. Mr. President, by reference to the report on this bill the Senate will see that there is no change in the existing law, which is section 1 of the Statutes at Large of the United States, volume 38, page 785, passed at the last session, with the exception of the addition of the word "anhalonium," commonly referred to as mescal or muscale buttons, from which is made "peyote," a drug used by the Indians for intoxication and resulting in other injurious effects. That is the only change in the existing law.

I note, however, that in copying the language of the statute "coca," referring to coca leaves, in both the title and in the body of the bill is misspelled. I should like to have that amended, because there is a great difference between "coca" and "cocoa."

Mr. OWEN. Mr. President, I should like to understand the amendment of the statute proposed to be made by this bill. It deals, as I understand, with "peyote."

Mr. THOMPSON. If the Senator pleases, it simply adds the words "anhalonium (mescal or mescale buttons, pellote)," and requires persons selling that drug to register and to pay a tax the same as do those who sell opium and other harmful drugs of similar nature.

Mr. OWEN. It simply proposes that those who sell these drugs shall register?

Mr. THOMPSON. Yes, sir; and it imposes a tax upon them.

Mr. OWEN. But it does not prohibit the use of the drug?

Mr. THOMPSON. It restricts its use to that extent by having the parties who sell it register and pay a small tax to the revenue officer.

Mr. OWEN. And having the sales accounted for?

Mr. THOMPSON. I presume so.

Mr. SMOOT. Mr. President, it is impossible for us to hear what the Senator from Kansas has said.

Mr. THOMPSON. Mr. President, I merely stated that this bill simply amends the existing law on this subject by the addition of the words in italics, as shown by the report—"anhalonium (mescal or mescale buttons, pellote)"—and by requiring those who sell these drugs to register and pay a tax, the same as is required of those selling opium and coca leaves, or any compounds of that character, and to account for the sales.

Mr. SMOOT. Mr. President, when the original law on this subject was being considered in the Senate there were so many amendments offered on the floor of the Senate without due consideration that we virtually destroyed the effect of the law. If the Senator from Kansas does not mind, I should like to have the bill to go over, and then I will see what the effect of his amendment would be.

Mr. CLARK of Wyoming. What is the Senator's amendment?

Mr. SMOOT. I can not now understand what it is.

Mr. THOMPSON. It can not possibly have any effect except that it requires those selling this particular drug to register and to pay a tax for it.

Mr. SMOOT. That is provided for in the amendment.

Mr. OWEN. I feel impelled to ask that this bill go to the calendar under Rule IX.

Mr. THOMPSON. I object to that, Mr. President.

Mr. SMOOT. Under what rule does the Senator from Oklahoma desire the bill placed?

Mr. OWEN. Under Rule IX.

Mr. SMOOT. I do not want it to go under Rule IX. I want to assure the Senator from Oklahoma that this is a bill which should pass. We do not, however, want the bill passed unless we are absolutely sure of accomplishing what the Government desires.

Mr. OWEN. I differ from the Senator from Utah with regard to the advisability of the passage of the bill; I object to its consideration now for that reason; but I have a right to move that it go under Rule IX, because I do not wish the bill to come up in my absence.

Mr. SMOOT. We are under a unanimous consent agreement, considering bills on the calendar to which there is no objection. If there is objection, the bills goes over. After we get through with the consideration of the calendar the Senator can make his motion.

The PRESIDING OFFICER. Does the Senator from Oklahoma object to the consideration of the bill?

Mr. OWEN. I object to its consideration at this time.

The PRESIDING OFFICER. The bill will be passed over.

MANUFACTURE OF NITRATES.

The bill (S. 4971) to authorize the designation and withdrawal of water-power sites, and the construction of water-power and other plants by the United States for the manufacture of nitrates, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill goes over.

Mr. SMOOT. That bill has been attached to the Army reorganization bill, and I ask unanimous consent that it be placed under Rule IX. It has already been passed.

Mr. SHEPPARD. I desire to say, in the absence of the Senator from South Carolina [Mr. SMITH], who reported the bill, that I object to it going under Rule IX.

Mr. SMOOT. If there is any objection to my request, I will not urge it, but I made the request because, as I have stated, the bill has been put upon the Army reorganization bill.

Mr. WALSH. I wish to say that dispostion would be quite satisfactory, but I do not see the Senator from South Carolina in the Chamber, and in his absence I think that such action ought not to be taken.

Mr. SHAFROTH. This bill was reported from the Committee on Agriculture, and almost word for word it has been put on the Army reorganization bill.

The PRESIDING OFFICER. Being objected to, the bill goes over.

EXTENSION OF PAYMENTS ON LAND ENTRIES.

The bill (H. R. 6057) to amend section 14 of the reclamation extension act, approved August 13, 1914, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Irrigation and Reclamation of Arid Lands with an amendment, on page 2, line 10, after the words "upon the," to strike out "construction charge affecting said lands being increased 1 per centum" and in lieu thereof to insert "applicant's paying an amount equal to 1 per centum of the installment of the construction charge which he would have been required to pay had he accepted this act within the time limit hereinabove fixed," so as to make the bill read:

Be it enacted, etc., That section 14 of an act entitled "An act extending the period of payment under reclamation projects, and for other purposes," approved August 13, 1914, be amended so as to read as follows:

"SEC. 14. That any person whose land or entry has heretofore become subject to the reclamation law, who desires to secure the benefits of the extension of the period of payments provided by this act, shall, within six months after the issuance of the first public notice hereunder affecting his land or entry, notify the Secretary of the Interior, in the manner to be prescribed by said Secretary, of his acceptance of all the terms and conditions of this act, and thereafter his lands or entry shall be subject to all of the provisions of this act: *Provided*, That upon sufficient showing the Secretary of the Interior may, in his discretion, permit notice of acceptance of all the terms and conditions of this act to be filed at any time after the time limit hereinbefore fixed for filing such acceptance shall have expired, conditioned, however, upon the applicant's paying an amount equal to 1 per cent of the installment of the construction charge which he would have been required to pay had he accepted this act within the time limit hereinabove fixed for each 30 days or fraction thereof which may elapse between the expiration of the time limit hereinabove fixed, and the date of filing, or making application to file, acceptance under this proviso and thereafter the lands or entry of any such persons so filing such notice of acceptance shall be subject to all the provisions of this act."

Mr. JONES. Mr. President, I think a mistake was made in reporting that amendment. It does not carry out just what the committee really decided upon. The committee decided to require the applicant who came in under the act after the time had expired to pay 1 per cent of the installment that he would have had to pay if he had complied with the act, instead of paying 1 per cent for every 60 days. In order to carry out that idea we should strike out, after the word "fixed," on page 2, line 14, the words "for each 30 days or fraction thereof which may elapse between the expiration of the time limit hereinabove fixed, and the date of filing, or making application to file, acceptance under this proviso." I move that amendment.

Mr. SMOOT. Mr. President, I call the attention of the Senator from Washington to the fact that the Assistant Secretary

of the Interior suggested that that amendment be incorporated in the bill.

Mr. JONES. I know he did, but that is certainly an error; and I should like to get the matter in conference, at any rate, so as to accomplish just exactly what was intended. The Assistant Secretary of the Interior said that that provision in the bill as it passed the House was too onerous; and that is certainly true; but I think the amendment he has suggested, that the committee really put in, carries out what the House provided.

Mr. SMOOT. The proper way to do that, Mr. President, is to accept the amendment just as it is, and then it will be in conference.

Mr. JONES. No; the part that is not stricken out will not be in conference. I want to strike out in line 14, beginning with the word "for" down to and including the word "proviso" in line 18. Then the whole matter will be in conference. I think that will carry out the idea the Secretary had and the idea the committee had in adopting the amendment. At any rate, it will go to conference.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Washington.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were to be engrossed and the bill to be read the third time.

The bill was read the third time and passed.

NONMETALLIC MINERAL LANDS.

The bill (H. R. 406) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium was announced as next in order.

Mr. OVERMAN. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. WALSH. Mr. President, that is a very proper disposition of that bill, as it will take some little time, as a matter of course, for its consideration and passage; but I do not think that it would be possible to overestimate or overstate the importance and the urgency of the bill, which undertakes to deal with valuable lands containing deposits of coal, oil, gas, phosphates, and other similar nonmetallic deposits, most of which are now withdrawn from entry and practically tied up, while money in large quantities is ready to go into the development of these lands.

Mr. HARDWICK. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Georgia?

Mr. WALSH. I do.

Mr. HARDWICK. I merely want to ask the Senator if this measure deals with the different substances mentioned only where they exist on Government land?

Mr. WALSH. That is all.

Mr. OVERMAN. Mr. President, I only objected because I knew the bill would take some time.

Mr. WALSH. I understand that, and I merely desire to say that upon the conclusion of the bill which is now the unfinished business I shall ask the Senate to devote itself to the consideration of this measure.

Mr. SMOOT. Regular order!

The PRESIDING OFFICER. The Chair understands objection is made, and the bill will go over.

SALARIES OF LIGHTHOUSE KEEPERS.

The bill (S. 4426) to regulate the salaries of keepers of lighthouses was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 1, line 10, after the word "average," to insert "of $700 per annum," so as to make the bill read:

Be it enacted, etc., That section 4673 of the Revised Statutes of the United States be amended to read as follows:

"SEC. 4673. The Secretary of Commerce is authorized to regulate the salaries of the respective keepers of lighthouses in such manner as he deems just and proper, but the whole sum allowed for such salaries shall not exceed an average of $700 per annum to each keeper; and the authority herein granted to regulate the salaries of keepers of lighthouses shall not be abridged or limited by the provisions of section 7 of the general deficiency appropriation act approved August 26, 1912, as amended by section 4 of the legislative, executive, and judicial appropriation act Approved March 4, 1913.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I should like to ask the Senator reporting the bill if the present law gives the Secretary of Commerce authorization "to regulate the salaries of the respective keepers of lighthouses in such manner as he deems just and proper"?

Mr. CUMMINS. Mr. President, the only change in the law, I will say, as the report shows, is simply increasing the salary from $600 to $700 a year. I think if the Senator will look at the report he will find that the present law is left practically the same, with that exception.

Mr. SMOOT. If it is I have no objection to the consideration of the bill, but I thought it was a rather broad authority to give to the Secretary. I see, however, on reading the bill closer, that there is a limitation upon that authority by placing the salary not to exceed $700.

Mr. CUMMINS. The report shows that the only change is to increase the salary $100 per annum.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RETIREMENT OF OFFICERS AND EMPLOYEES OF THE LIGHTHOUSE SERVICE.

The bill (S. 4425) to provide for the retirement of officers and employees of the Bureau of Lighthouses and the Lighthouse Service was considered as in Committee of the Whole, and the Secretary read the bill as follows:

Be it enacted, etc., That all officers and employees of the Bureau of Lighthouses and the Lighthouse Service who shall have reached the age of 65 years, after having been 30 years in the active service of the Government, may, at their option, be retired from further performance of duty; and all officers and employees of the Bureau of Lighthouses and the Lighthouse Service who shall have reached the age of 70 years shall be compulsorily retired from further performance of duty: *Provided*, That the annual compensation of persons so retired shall be one-fortieth of the last annual pay received for each year of active service in the Government, not to exceed in any case thirty-fortieths of the last annual pay received: *Provided further*, That such retirement pay shall not include any amount on account of subsistence or other allowances.

Mr. WALSH. Mr. President, I must confess I do not understand the proviso, which reads:

Provided, That the annual compensation of persons so retired shall be one-fortieth of the last annual pay received for each year of active service in the Government, not to exceed in any case thirty-fortieths of the last annual pay received.

It seems to me that the first part of that sentence is quite inconsistent with the last part.

Mr. CLAPP. Mr. President, the measure is one introduced by my colleague [Mr. NELSON], and I note it has been reported by him. If the Senator from Montana feels that it is necessary to have the bill amended, I will ask that it be passed over for a moment until I can send for my colleague.

Mr. WARREN. Let the bill go over.

Mr. CLAPP. I do not ask that it go over, except temporarily.

Mr. CHILTON. Let it be passed over temporarily.

The PRESIDING OFFICER. The bill will be passed over temporarily.

Mr. NELSON subsequently said: Mr. President, during my temporary absence the Senate passed over Order of Business 301, Senate bill 4425. I ask that it may be returned to.

The PRESIDING OFFICER. Without objection, the Senate will return to Senate bill 4425.

Mr. NELSON. I want to say in relation to that bill that it provides for the retirement of superannuated employees of the Lighthouse Service. Some four or five years ago we made provision for the Revenue-Cutter Service, and two years ago we made provision for the Life-Saving Service. This is for the Lighthouse Service, the poorest paid service among all the Government employees. Their average salary has been only $600 a year, in addition to which they have been getting a ration estimated at 30 cents a day.

A good many of these employees have been getting old, and this bill proposes to retire them compulsorily when they are 70 years of age, and they may retire on their own motion at 65, and it gives them simply three-fourths of the pay they were getting at the time they retired. It is a very meritorious bill, and I trust there will be no objection to it.

Mr. WALSH. Mr. President, the passage of the bill was interrupted by a suggestion of myself, made out of no spirit of hostility to the measure at all, because as a boy I knew of the sacrificing services of these very worthy public servants. I will say to the Senator from Minnesota, however, that I directed the attention of the Senate to the language of the proviso, which I was quite unable to comprehend.

Mr. NELSON. It provides that their annual compensation shall be one-fortieth of the salary they are receiving at the time they are retired multiplied by the number of years they have been actually in the service, but in no case is it to exceed thirty-fortieths, or three-quarters, of their full pay. If the Senator will read the full proviso, he will see that it is very fair. It is based on service. That is, if the man is, say, 70 years old and retires, and he has served only one year, he would get only one-fortieth of the salary that he was getting from the

Government that year. If he had served 10 years, he would get ten times that amount. It is multiplied by the years of his service, but with the qualification that in no instance shall it exceed three-fourths of the full pay.

Mr. WALSH. If that is the purpose it certainly is not expressed in the bill.

Mr. NELSON. That is the object of the bill. I want to say to the Senator that it is a bill carefully considered and prepared by the department; and if the Senator will examine the report he will find the reasons for it and an explanation of it in full.

Mr. WALSH. I will say to the Senator that I have examined the report, and that there is apparently no reference in the report to this feature of the bill at all. The purpose suggested is a very worthy one, but it certainly is not expressed in the bill.

Mr. CLARK of Wyoming. I think, upon reflection, the Senator will see that it is properly expressed:

The annual compensation of persons so retired shall be one-fortieth of the last annual pay received for each year of active service in the Government.

One-fortieth of the pay for each year of active service in the Government.

Mr. SUTHERLAND. It should not include the word "last," then——

"That the annual compensation of persons so retired shall be one-fortieth of the *last* annual pay."

Mr. CLARK of Wyoming. That is exactly right. It is one-fortieth of the salary for the last year that he served for each year that he has been in the service.

Mr. NELSON. With the limitation that it must not exceed three-fourths.

Mr. WALSH. I do not want to be understood as opposing this bill at all; but I submit that the language does not at all express the idea, and I regret very much——

Mr. NELSON. It is the language prepared by the department.

Mr. WALSH. I think I could improve on the department's language.

The PRESIDING OFFICER. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment.

Mr. CHILTON. Mr. President, I suggest to the Senator from Minnesota that the difficulty can be obviated if, in line 12, after the word "be," he will insert the words "a sum equal to," so that the proviso will read:

That the annual compensation of persons so retired shall be a sum equal to one-fortieth of the last annual pay received for each year of active service.

Mr. NELSON. I have no objection to that amendment. The effect of it is the same.

Mr. CHILTON. What we mean to do is to provide for taking the pay for one year divided by 40 and then multiplying it by the number of years that he has been in the service.

Mr. SMOOT. That is right.

Mr. CLARK of Wyoming. That is what it says.

Mr. CHILTON. It was not clear to me when I read it.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from West Virginia.

The amendment was agreed to.

Mr. SHAFROTH. I should like to ask the Senator from Minnesota the construction which he places upon the 70-year provision. Is there any requirement that there shall be 30 years of service?

Mr. NELSON. Oh, no. The provision is for compulsory retirement at 70 years, and at 65 they may retire on their own application.

Mr. SHAFROTH. Could a person who was 69 years of age serve one year and retire and get this pension?

Mr. NELSON. No; he could not, unless he was 70 years of age.

Mr. SHAFROTH. Yes; I know.

Mr. NELSON. If he were 70 years of age, he could be compelled to retire, and then he would get only one-fortieth of his salary for that one year.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHICAGO, MILWAUKEE & PUGET SOUND RAILWAY CO.

The bill (S. 3101) authorizing the Secretary of War to extend the lease issued under the act of August 23, 1912, entitled "An act authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, State of Montana, and for a right of way thereto for the removal of gravel and ballast material" was considered as in Committee of the Whole. It authorizes the Secretary of War, in his discretion, to extend the area covered by the lease issued under the act approved August 23, 1912, entitled "An act authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, in the State of Montana, and for a right of way for the removal of gravel and ballast material," so as to include 241.67 acres, with necessary rights of way, for a term of 10 years from the approval of this act, in the name of the Chicago, Milwaukee & St. Paul Railway Co. a corporation of the State of Wisconsin (the grantee and successor in interest of the former lessee) for the purposes and under the conditions imposed by the provisions of the act of August 23, 1912.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

VALIDATION OF PUBLIC-LAND ENTRIES.

The bill (S. 3929) validating certain applications for and entries of public lands, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands, with amendments.

The first amendment was, on page 3, after line 20, to strike out:

Homestead entry, Great Falls, Mont., No. 027,141, made by William Liskey on May 10, 1912, for the north half of the south half, section 9, township 21 north, range 2 west, Montana meridian.

The amendment was agreed to.

The next amendment was, in section 2, page 4, line 23, at the beginning of the line, to strike out the word "scribed as lot 2, northeast quarter of the northeast quarter," and in line 25, after the word "quarter," to strike out "north half of the southwest quarter of the northeast quarter," so as to read:

Homestead application, Roseburg, Oreg., No. 010046, made by William E. Hosford on March 9, 1915, for 90.17 acres of land, described as lot 2, northwest quarter of the northeast quarter, north half of the southwest quarter of the northeast quarter.

The amendment was agreed to.

The next amendment was, on page 6, after line 21, to insert:

Homestead application, Fairbanks, Alaska, No. 0392, filed by George Kolde, on February 24, 1915, for lot 12, section 10; lots 1 and 6, section 15; and the south half of the northwest quarter, section 14, township 1 south, range 1 west, Fairbanks meridian.

The amendment was agreed to.

The next amendment was, on page 7, after line 3, to insert:

Homestead application, Boise, Idaho, No. 012019, filed by Gertrude Kelley Gilbert on January 4, 1912, for the south half of the northwest quarter of section 26, in township 3 north, range 4 west of the Boise meridian.

The amendment was agreed to.

The next amendment was, on page 7, after line 9, to insert:

Allotment application, Glasgow, Mont., No. 014028, filed by Anna Campbell Valentine, for the east half southeast quarter section 7, the northeast quarter northeast quarter section 18, and northwest quarter northwest quarter section 17, township 34 north, range 35 east, Montana principal meridian.

The amendment was agreed to.

The next amendment was, in section 3, page 8, after line 23, to insert:

Homestead entry, Havre, Mont., No. 12299, made by Hubert Schroeder on June 10, 1901, for the south half of the southeast quarter of section 13 and the east half of the northeast quarter of section 24, township 32 north, range 21 east, Montana meridian.

The amendment was agreed to.

The next amendment was, on page 9, after line 5, to insert:

Homestead entry, Pierre, S. Dak., No. 012604, made by Frank Olsen, on May 5, 1910, for the northwest quarter of the southeast quarter of section 32, township 128 north, range 53 west.

The amendment was agreed to.

The next amendment was, on page 9, after line 11, to insert as a new section the following:

SEC. 4. That the entries hereinafter named be, and the same are hereby, validated as though allowed after two and within five years from the opening of the lands to entry under the provisions of the act of Congress approved March 3, 1905, entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations for carrying the same into effect":

Homestead entry, Lander, Wyo., No. 06826, filed by William E. Duncan, on February 17, 1915, for the south half of the northwest quarter, southwest quarter of the northeast quarter, and northeast quarter of the southwest quarter, section 26, township 8 north, range 3 east, Wind River meridian.

Homestead entry, Lander, Wyo., No. 06907, filed by Ralph E. Kelly, on March 15, 1915, for the west half of the southeast quarter, and southeast quarter of the southwest quarter, section 36, township 8 north, range 3 east, and the northeast quarter of the northwest quarter, section 1, township 7 north, range 3 east, Wind River meridian.

Additional homestead entry, Lander, Wyo., No. 06928, filed by Charles Granger, on March 17, 1915, for the southeast quarter of the northeast quarter, section 5, township 6 north, range 1 east, Wind River meridian.

Homestead entry, Lander, Wyo., No. 07185, filed by Jay K. Smith, on June 18, 1915, for the northeast quarter of the northeast quarter, section 18, north half of the northwest quarter, and the northwest quarter of the northeast quarter, section 17, township 8 north, range 4 east, Wind River meridian.

Homestead entry, Lander, Wyo., No. 07102, filed by Charles A. Clifton, on May 12, 1915, for the southwest quarter of the northeast quarter, and the south half of the northwest quarter, section 20, and the *southeast* quarter of the northeast quarter, section 19, township 6 north, range 4 west, Wind River meridian.

Additional homestead entry, Lander, Wyo., No. 07103, filed by Ralph E. Allen, on May 13, 1915, for the northeast quarter of the southwest quarter, section 30, township 1 north, range 4 east, Wind River meridian.

Homestead entry, Lander, Wyo., No. 07104, filed by John E. Woodson, on May 13, 1915, for lot 4 and the southeast quarter of the southwest quarter, section 30, township 1 north, range 4 east, Wind River meridian.

Homestead entry, Lander, Wyo., No. 07120, filed by Mabelle G. Hays, on May 24, 1915, for the southwest quarter of the southeast quarter, and the south half of the southwest quarter, section 1, and the northeast quarter of the northwest quarter, section 12, township 3 north, range 2 west, Wind River meridian.

Additional homestead entry, Lander, Wyo., No. 07129, filed by Morris M. Alexander, on May 29, 1915, for the northeast quarter of the northeast quarter, section 29, township 5 north, range 4 west, Wind River meridian.

Homestead application, Lander, Wyo., No. 07113, made by Lawrence J. Kirch, on May 15, 1915, for the northwest quarter, section 16, township 2 north, range 4 east, Wind River meridian.

The amendment was agreed to.

The next amendment was, on page 12, after line 13, to insert as a new section the following:

SEC. 5. That the homestead claim of John Kehoe for unsurveyed lands near Tanana, Alaska, for which he recorded a location notice August 5, 1908, be, and the same is hereby, validated.

The amendment was agreed to.

The next amendment was, on page 12, after line 17, to strike out:

Homestead application, Fairbanks, Alaska, No. 0392, filed by George Kolde, on February 24, 1915, for lot 12, section 10, lots 1 and 6, section 15, and the south half of the northwest quarter, section 14, township 1 south, range 1 west, Fairbanks meridian.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHRISTIAN FREDRICKSON.

The bill (S. 4025) to grant patent to certain lands to Christian Fredrickson was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment on page 2, line 1, after the word "filed," to insert "provided he shall have paid the price of 15.17 acres at the rate of $1.25 per acre, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue a patent to Christian Fredrickson, of Ray, N. Dak., upon homestead entry No. 01209, made at Williston, N. Dak., on October 27, 1908, for the northwest quarter of the northeast quarter of section 32 in township 157 north, of range 96 west, of the fifth principal meridian, upon which satisfactory proof of compliance with law has been filed, provided he shall have paid the price of 15.17 acres at the rate of $1.25 per acre.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOMESTEAD ENTRIES IN RECLAMATION PROJECTS.

The bill (H. R. 384) to amend the act of June 23, 1910, entitled "An act providing that entrymen for homesteads within the reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act," was considered as in Committee of the Whole. It proposes to amend the act of June 23, 1910 (Pub. 243, 36th Stat., p. 592), entitled "An act providing that entrymen for homesteads within reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act," by adding the following proviso:

Provided, That in the absence of any intervening valid adverse interests any assignment made between June 23, 1910, and January 1, 1913, of land upon which the assignor has submitted satisfactory final proof and the assignee purchased with the belief that the assignment was valid and under the act of June 23, 1910, is hereby confirmed, and the assignee shall be entitled to the land assigned as under the act of June 23, 1910, notwithstanding that said original entry was conformed to farm units and that the part assigned was canceled and eliminated from said entry prior to the date of final proof: *Provided further*, That all entries so assigned shall be subject to the limitations, terms, and conditions of the reclamation act and acts amendatory thereof or supplemental thereto, and all of said assignees whose entries are hereby confirmed shall, as a condition to receiving patent, make the proof heretofore required of assignees.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAUGHTERS OF THE AMERICAN REVOLUTION.

The bill (S. 5172) to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C., was considered as in Committee of the Whole. It provides that the property situated in square 173 in the city of Washington, D. C., described as lots 23, 24, 25, 26, 27, and 28, inclusive, occupied by the Daughters of the American Revolution, shall be exempt from and after May 23, 1914, from all taxation so long as the same is so occupied and used, subject to the provisions of section 8 of the act approved March 3, 1877, providing for exemptions of church and school property, and acts amendatory thereof.

The bill was reported to the Senate without amendment.

Mr. SHEPPARD. Mr. President, I ask the author of the bill if it refers to the particular piece of property now in the possession of the Daughters of the American Revolution?

Mr. CLAPP. Yes; it is a piece that they bought adjoining the original purchase. The original purchase was exempted from taxation some time ago, and this will become a part of the site of their building.

Mr. SHEPPARD. It does not refer to any property that may hereafter be acquired?

Mr. CLAPP. Oh, no, no! It describes it specifically.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SITE FOR PUBLIC BUILDING, NOGALES, ARIZ.

The bill (S. 5086) amending section 4 of the public-building act approved March 4, 1913, providing for the purchase of a site for a building for post office and customhouse at Nogales, Ariz., was considered as in Committee of the Whole. It proposes to amend so much of section 4 of the public-building act approved March 4, 1913 (37 Stats., 873), as authorizes the acquisition of a site and the erection of a suitable building thereon for the United States customhouse at Nogales, Ariz., at a cost not exceeding $110,000, and so much of section 5 of said act (37 Stats., 877) as authorizes the acquisition of a site for the United States post office and other governmental offices at Nogales, Ariz., at a cost not exceeding $10,000, so as to authorize and direct the Secretary of the Treasury to acquire by purchase, condemnation, or otherwise, one site and to erect thereon one building for the accommodation of the United States post office, customhouse, and other governmental offices in Nogales, Ariz., at a cost not exceeding $120,000, of which limit of cost not exceeding $15,000 shall be expended for such site; and the appropriation of $16,000 made by the act of Congress approved July 29, 1914 (38 Stats., 563), in pursuance of said authorization of March 4, 1913, for a site and building for said customhouse, is made available for the acquisition of the site and the commencement of the erection of the building hereinbefore authorized for said post office and customhouse.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT CORVALLIS, OREG.

The bill (S. 4974) to provide for the purchase of a site and the erection of a building thereon at Corvallis, in the State of Oregon, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds, with an amendment, on page 2, line 2, to strike out "$100,000" and insert "$70,000," and to strike out all of sections 2, 3, and 4, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post office, land office, and other Government offices at Corvallis, in the State of Oregon, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of $70,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COWLITZ TRIBE OF INDIANS, STATE OF WASHINGTON.

The bill (S. 2458) authorizing the Cowlitz Tribe of Indians residing in the State of Washington to submit claims to the Court of Claims was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. JONES subsequently said: Mr. President, when Senate bill 2458 was reached the Senator from Utah asked that it might go over. It is a bill relating to the Cowlitz Tribe of Indians. I should like to have the RECORD show why the Senator wished to have it go over.

Mr. SMOOT. I will simply say that I have a request from a Member of the House to ask that that bill go over, and stating that he will write me a letter to-day about it. I am perfectly willing to let the Senator see the letter as soon as I receive it.

FEDERAL BUILDING SITE, NEWARK, DEL.

The bill (H. R. 6442) to provide for the exchange of the present Federal building site in Newark Del., was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury, in his discretion, to acquire by exchange for the present Federal building site in Newark, Del., a new site for said building, and to convey the present site to be given in exchange therefor by the usual quitclaim deed. Such new site shall be centrally and conveniently located and of such size that an open space of such width, including streets and alleys, as the Secretary of the Treasury may determine may be maintained about the Federal building when constructed for the protection thereof from fire in adjacent buildings, provided that the United States Government be placed to no additional expense should the aforesaid exchange be consummated.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN F. ROBINSON AND JOHN DOWS.

The bill (S. 4810) for the issuance of a patent for certain Government lands to Benjamin F. Robinson and John Dows was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, on page 1, line 9, after the word "application," to strike out "thereof" and insert "therefor," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to cause to be issued to Benjamin F. Robinson and John Dows a patent for lots 8, 9, 10, and 11, in section 22, township 99 north, range 32 west of the fifth principal meridian, Iowa: *Provided*, That within three months after the approval hereof they shall have presented their application therefor and made payment for said tract at the rate of $1.25 per acre: *Provided further*, That nothing herein contained shall have the effect of defeating the rights of any other person or persons which may have attached to the land or to any part thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN PORTLAND, OREG.

The bill (H. R. 4746) granting the city of Portland, Oreg., the right to purchase certain lands for public park purposes was considered as in Committee of the Whole. It grants to the city of Portland, Oreg., the right to purchase the northeast quarter and the north half of the northwest quarter of section 18, in township 1 north, of range 6 east, of the Willamette meridian, Oregon, for public park purposes, and a patent for same is authorized to be issued by the proper officers to the said city of Portland, Oreg., upon payment of $1.25 per acre by the said city to the United States, provided that the lands so authorized to be purchased shall be held and used by or for the said grantee for the purposes herein specified, and in the event the said lands shall cease to be so used they shall revert to the United States, and this condition shall be expressed in the patent to be issued under the terms of the act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACKSON LAKE RESERVOIR, WYO.

The bill (S. 5348) to authorize the exchange of lot 10, section 19, township 45 north, range 114 west, sixth principal meridian, for certain private lands needed in connection with the construction of Jackson Lake Reservoir, Wyo., and for other purposes, was considered as in Committee of the Whole. It provides that upon delivery of deeds conveying to the United States good title to certain lands near the outlet of Jackson Lake, Wyo., needed by the United States in connection with the construction of the Jackson Lake Dam, and sought to be condemned, and more particularly described in the complaint on file in the case of United States against B. D. Sheffield and others, now pending in the district court of the United States in and for the district of Wyoming, then in exchange for such lands so conveyed to the United States lot 10 of section 19, township 45 north, range 114 west, sixth principal meridian, in the State of Wyoming, containing approximately 21.38 acres, as shown on the amended plat of said section 19, approved by the Commissioner of the General Land Office on January 20, 1916, and filed in the United States Land Office, shall be granted and conveyed by the United States to said B. D. Sheffield, his heirs, executors, administrators, or assigns, and upon delivery of satisfactory evidence of title to the said lands to be conveyed to the United States and the delivery of deeds conveying the same to the United States patent to said lot 10 shall be issued to said B. D. Sheffield.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT BINGHAM CANYON, UTAH.

The bill (S. 4) to provide for the purchase of a site and the erection of a public building thereon at Bingham Canyon, in the State of Utah, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post office and other governmental offices in the city of Bingham Canyon and State of Utah, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, not to exceed the sum of $75,000.

Mr. SMITH of Georgia. Mr. President, is this a $75,000 building?

Mr. OVERMAN. It is a site and a building.

Mr. SUTHERLAND. What is the inquiry of the Senator?

Mr. SMOOT. We just passed a bill providing for one for Nogales, Ariz., at a cost of $120,000.

Mr. ASHURST. Mr. President, I should like to explain the Arizona bill.

SEVERAL SENATORS. Oh, no!

Mr. OVERMAN. I call for the regular order.

Mr. SUTHERLAND. Does the Senator from Georgia object to the consideration of the bill?

Mr. SMITH of Georgia. I desire to know the size of the business of the place before we pass it.

Mr. SUTHERLAND. Last year the business was something over $12,000; and it is for other governmental offices as well as the post office. It is one of the very important towns in the State of Utah. It is where, among other mines, the Utah Copper Mine is situated—probably one of the biggest copper mines in the world.

Mr. WALSH. Mr. President, I should like to ask the Senator from Utah what is the population of this place?

Mr. SUTHERLAND. The population of Bingham Canyon proper to-day is something over 3,000, but, as the Senator very well understands, coming from a mining State, there are people living all about, receiving mail at Bingham Canyon. There is a rural free delivery in active operation carrying the mails in different directions from the town of Bingham. Tributary to the post office there is a population of several thousand. I can not tell the Senator the exact number.

Mr. WALSH. I am moved to make these inquiries, because I was led to believe that these appropriations for public buildings were all going to be found in an omnibus bill.

Mr. SUTHERLAND. They will, ultimately.

Mr. WALSH. I will ask the Senator from Utah whether that is his understanding about the matter?

Mr. SUTHERLAND. Yes; they will ultimately go into a general omnibus bill. I will say to the Senator that that has always been the practice in the Senate.

The PRESIDING OFFICER. If the Chair may be pardoned, he will say here that the receipts of the post office at this point for the last year—1915—were $12,314.78. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COAL LANDS, KAYCEE, WYO.

The bill (S. 3986) granting certain coal lands to the town of Kaycee, Wyo., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, to strike out lines 3 to 12, inclusive, on page 1, and the word "conditions," on line 1, page 2, in the following words:

That the following-described coal land, or so much thereof as the town of Kaycee, Wyo., may apply for within six months after the approval of this act, is hereby granted to said town as a source of coal supply for the use of said town and for the use therein of the inhabitants and industries thereof, to wit:

In section 26, the southeast quarter of the northeast quarter, in township 44 north, range 81 east of the sixth principal meridian, containing 160 acres, more or less, upon the following conditions.

And to insert:

That the Secretary of the Interior be, and he is hereby, authorized, empowered, and directed to sell, or to lease, to the town of Kaycee, Wyo., the following-described coal land, to wit, southeast quarter of the northeast quarter, in section 26, township 44 north, range 81 west, sixth principal meridian, as a source of coal supply for the use of said town and for the use therein of the inhabitants and industries thereof, upon the following express conditions:

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, empowered, and directed to sell, or to lease, to the town of Kaycee, Wyo., the following-described coal land, to wit, southeast quarter of the northeast quarter, in section 26, township 44 north, range 81 west, sixth principal meridian, as a source of coal supply for the use of said town and for the use therein of the inhabitants and industries thereof, upon the following express conditions, that is to say: That said town shall, within two years from the approval of this act, open a workable vein of coal upon said land and shall continuously thereafter develop and operate a practical coal mine thereon for the purpose aforesaid; shall not assign or transfer said land or any interest therein; shall comply with such rules and regulations as may from time to time be prescribed by the United States Bureau of Mines and approved by the Secretary of the Interior for safeguarding the health and safety of the employees engaged in mining or handling coal therein; for the prevention of waste of the mineral resources thereof; for securing full reports from the town to the Secretary of the Interior as to the mining and disposal of coal mined in said lands, including construction, maintenance, and operation costs, amounts used for municipal purposes, amounts sold, purchasers, and amounts of receipts from sales: *Provided*, That if the said town shall at any time neglect or fail to perform any of the conditions aforesaid or any part thereof, and shall continue such neglect or failure after reasonable notice by the Secretary of the Interior, the said land hereby granted shall revert free and clear of all incumbrances to the Government of the United States.

The amendment was agreed to.

Mr. WALSH. Mr. President, I should like to ask the Senator from Wyoming whether the town has signified its desire to have the bill enacted, and whether it will avail itself of the opportunity granted it by the act?

Mr. CLARK of Wyoming. Whether or not it has officially signified it, I am unable to say; but it has unofficially done so, and the Senator will observe the amendment which was inserted at the suggestion of the Secretary of the Interior.

Mr. WALSH. Yes; I observe that. If the town is desirous of acquiring this property, Mr. President, I shall be very glad to aid it in securing it. I wanted to say to the Senator, however, that I observe that the discretion given to the Secretary is unlimited. He may sell or lease; he may sell at any price or lease at any price.

Mr. CLARK of Wyoming. Yes. I will say to the Senator that the town of Kaycee is probably 75 or 100 miles from any railroad. It is simply a small inland town. It is a small settlement. This is the only available source of supply that they have. It would not pay anybody to open a mine or to enter the coal lands for this purpose. It is simply to provide a supply for the town for fuel purposes.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN DURANGO, COLO.

The bill (H. R. 28) to amend an act entitled "An act granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs," approved March 1, 1907, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REGULATION OF IMMIGRATION.

The bill (H. R. 10384) to regulate the immigration of aliens to and the residence of aliens in the United States was announced as next in order.

Mr. OVERMAN. In the absence of the Senator from South Carolina [Mr. SMITH] I ask that the bill may go over. Its consideration will take some time.

The PRESIDING OFFICER. The bill will be passed over.

STEAMBOAT-INSPECTION SERVICE.

The bill (H. R. 449) to provide for the appointment of 11 supervising inspectors, Steamboat-Inspection Service, in lieu of 10 was announced as next in order.

Mr. SMOOT. If I remember correctly, this was taken care of in another bill.

Mr. OVERMAN. I think it was. Let it go over.

The PRESIDING OFFICER. The bill will go over.

LANDS IN WYOMING.

The bill (H. R. 177) authorizing the Secretary of the Interior to accept the relinquishment of the State of Wyoming to certain lands heretofore certified to said State, and the State of Wyoming to select other lands in lieu of the lands thus relinquished, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORT ASSINNIBOINE MILITARY RESERVATION.

The bill (S. 3646) to amend the act of February 11, 1915 (38 Stat. L., 807), providing for the opening of the Fort Assiniboine Military Reservation, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, on page 2, line 2, after the word "east," to insert "and fractional townships 29 north, ranges 14 and 15 east," and in line 5, after the word "approximately," to strike out "thirty thousand nine hundred" and insert "fifty-six thousand and thirty-five," so as to read:

SEC. 10. That fractional townships 28 north, ranges 15 and 16 east, and fractional townships 29 north, ranges 14 and 15 east, Montana principal meridian, within the boundaries of said reservation, embracing a total area of approximately 56,035 acres, are hereby set apart as a permanent reservation for Rocky Boy's Band of Chippewas and such other homeless Indians in the State of Montana as the Secretary of the Interior may see fit to locate thereon, and the said Secretary is authorized, in his discretion, to allot the lands within the reservation hereby created under the provisions of the general allotment act of February 8, 1887 (24 Stats. L., 388), as amended.

The amendment was agreed to.

The next amendment was, on page 2, line 22, after the words "section 26," to strike out "and the northeast quarter northwest quarter, northwest quarter northeast quarter, section 36"; on page 3, line 1, after the words "numbered one," to insert "and embracing an area of approximately 480 acres"; and on line 8, after the words "numbered two," to insert "and embracing an area of approximately 440 acres: *Provided*, That the city of Havre shall pay for said land the sum of $1.25 per acre: *Provided further*, That if the said city of Havre shall at any time hereafter abandon the lands above described and cease to use the same for said purposes, said above-described lands shall revert to the Government of the United States," so as to read:

SEC. 11. That the Secretary of the Interior be, and he is hereby, authorized and directed to patent to the city of Havre, Mont., for reservoir purposes the following-described lands lying within said reservation: The west half southeast quarter, west half section 25, and the southeast quarter northeast quarter, northeast quarter southeast quarter, section 26, township 31 north, range 15 east, Montana principal meridian, comprising reservoir site No. 1 and embracing an area of approximately 480 acres; and the northwest quarter, west half northeast quarter, north half southwest quarter, northwest quarter southeast quarter, section 33; and the southwest quarter southeast quarter, southeast quarter southwest quarter, section 28, township 30 north, range 16 east, Montana principal meridian, comprising reservoir site No. 2, and embracing an area of approximately 440 acres: *Provided*, That the city of Havre shall pay for said land the sum of $1.25 per acre: *Provided further*, That if the said city of Havre shall at any time hereafter abandon the lands above described and cease to use the same for said purposes, said above-described lands shall revert to the Government of the United States.

The amendment was agreed to.

The next amendment was, on page 4, line 21, after the word "the," to strike out "southeast quarter, southwest quarter northeast quarter, east half northeast quarter, southeast quarter northwest quarter, northwest quarter northwest quarter, section 36"; and on page 5, line 6, after the word "meridian," to insert "embracing an area of approximately 8,880 acres," so as to read:

All of section 5; the northeast quarter section 6, township 30 north, range 16 east; and the southwest quarter section 32; the south half northwest quarter, southwest quarter northeast quarter section 31, township 31 north, range 16 east; and the east half southeast quarter section 25; southeast quarter southeast quarter, northwest quarter southeast quarter, northeast quarter northeast quarter, west half northeast quarter, east half northwest quarter, northwest quarter northwest quarter, section 26; south half southwest quarter, south half southeast quarter, section 23, township 31 north, range 15 east, Montana principal meridian," embracing an area of approximately 8,880 acres.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STOCK-RAISING HOMESTEADS.

The bill (H. R. 407) to provide for stock-raising homesteads, and for other purposes, was announced as next in order.

Mr. ASHURST. I have an amendment which I want to offer to the bill.

Mr. SMOOT. I know of a number of amendments that are to be offered to the bill. It will take some time to discuss the measure. For that reason I ask that it may go over.

The PRESIDING OFFICER. The bill will go over.

CRUM RIVER, PA.

The bill (S. 5053) authorizing abutting owners upon Crum River, a navigable stream, where the same empties into the Delaware River, to straighten, widen, and deepen the same, and substituting such straightened course and channel for the present channel thereof, and abandoning and vacating a portion of the present channel, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and to insert:

That Alba B. Johnson and Samuel M. Vauclain and the Baldwin Locomotive Works, abutting property owners upon Crum River, where the same empties into the Delaware River, be, and they are hereby, authorized to change and divert the present course and channel of Crum River and to straighten same, under the direction and supervision of the Secretary of War, so that the channel hereafter shall exist according to the following courses and distances, to wit: Beginning at the point of intersection of the east line of the right of way of the Philadelphia & Reading Railway Co. with the center line of Crum River, south 16° 42′ 13″, east, 154.5 feet thence south 25° 34′, east, 1,500 feet, more or less, to the low-water line in the Delaware River, and that the said river shall be of the width of 50 feet at mean low water on each side of the said center line and that hereafter the said Crum River shall be taken to exist as a navigable stream as so straightened, and the present course and channel of the said river below the point or diversion according to the following courses and distances: Beginning at the point of intersection of the east line of the right of way of the Philadelphia & Reading Railway Co. with the center line of Crum River, south 12° 11′, east 479.2 feet; thence south 23° 21′, east 307.5 feet; thence south 2° 16′, east 331.8 feet; thence south 42° 52′, west 148.7 feet; thence south 79° 4′, west 429.3 feet; thence south 29° 44′, west 200 feet; thence south 28° 5′, east 594 feet, more or less, to the low-water line in the Delaware River, shall be abandoned and vacated when the above-mentioned channel shall have been completed to a depth of 4 feet at mean low water, with a bottom width of 62 feet, and with a width of 100 feet at mean low-water level, and all the right, title, and interest of the United States in and to the land which is in the old channel and bed of said Crum River shall revert to and become the property of Alba B. Johnson, Samuel M. Vauclain, and the Baldwin Locomotive Works, their heirs, assigns, and successors: *Provided*, That the said Alba B. Johnson and Samuel M. Vauclain and the Baldwin Locomotive Works shall construct and maintain at their expense a bridge, satisfactory to the Secretary of Commerce, over the new course of Crum Creek, available for the passage of persons and vehicles for purposes of the United States, said bridge to take the direction of the present right of way of the United States at the place where the same is to be cut by the proposed new course of Crum Creek, and to be maintained so long as title to the property now owned by the United States at the mouth of Crum Creek remains in said United States.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 5244) authorizing the Secretary of Commerce to exchange lands belonging to the United States at the mouth of Crum River, Pa., for other lands adjacent thereto, for the purpose of removing thereto the Schooner Ledge Range Front Light, so that it may be on the range of the channel of the Delaware River, and further authorizing the Secretary of Commerce to remove said range light from its present location to the property acquired by the exchange, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce, with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of Commerce be, and he is hereby, authorized and directed to grant and convey to Alba B. Johnson and Samuel M. Vauclain all that certain lot or piece or parcel of land granted and conveyed to the United States of America by the president and company of the Philadelphia & Reading Railroad Co. by deed dated December 29, 1879, situated in Tinicum Township, in the county of Delaware and State of Pennsylvania, described according to a recent survey as follows: Beginning at a point in the south side of the entrance gate to the basin (for the storage of canal boats in winter) on the upper side of the mouth of Crum Creek and running thence along the cross bank dividing said basin from the meadow at the mouth of Crum Creek south 4° west 157 feet; thence south 13° 55′ east 100 feet; thence south 26° east 319 feet, more or less, to low-water line in the Delaware River; thence by the low-water line of the Delaware River and Crum Creek to the place of beginning, containing 5 acres, more or less, being part of a certain larger tract or parcel of land which the "president, managers, and company of the Schuylkill Navigation Co.," by a certain indenture dated the 12th day of July, A. D. 1870, recorded, etc., granted, and conveyed unto the Philadelphia & Reading Railroad Co., their successors and assigns, together with the free and uninterrupted use, right, liberty, and privilege of passage in and along a certain roadway 16 feet wide next to the line of Crum Creek and upon the bank extending along and following the course of the said creek from the railroad of the Philadelphia & Wilmington Railroad Co. to the herein-described premises as now in use; for and in consideration of the said Alba B. Johnson and Samuel M. Vauclain granting and conveying to the United States in fee simple the following-described premises and rights of way situated on Crum Creek, after its course shall have been changed, in the county of Delaware, State of Pennsylvania, now belonging to them, to wit: A certain piece or parcel of land whose boundaries shall form a parallelogram containing 1 acre, more or less, with 200 feet frontage on the east side of the new course of Crum Creek, Pa., which frontage shall be intersected by the axis or center line of Chester Range, at a point to be approved by the Secretary of Commerce, together with the full and uninterrupted use, right, liberty, and privilege of passage for persons and vehicles over an accessible, direct, and improved right of way 16 feet wide, wholly above high-water mark, from the premises above described to the right of way of the Chester branch of the Philadelphia & Reading Railroad Co., the said right of way to be used in common and wholly maintained by the said Alba B. Johnson and Samuel M. Vauclain, their heirs, executors, administrators, and assigns, and kept in passable condition at all times; also a suitable and sufficient right of way for beams of light on the Chester Range Line over all the property on said range line between the proposed permanent front and rear lights of Chester Range, and to the southward and westward of said front light: *Provided*, That the Attorney General shall first examine the title of said Alba B Johnson and Samuel M. Vauclain to premises to be conveyed to the United States as aforesaid and shall furnish his written opinion in favor of the validity thereof: *Provided further*, That the said Alba B. Johnson and Samuel M. Vauclain, within such reasonable time after the passage of this act as may be determined by the Secretary of Commerce, shall deed to the United States the premises herein described to be conveyed by them: *And provided further*, That the conveyance of the herein-described lot or parcel of land now owned by the United States of America shall not be made and the title thereto shall not pass to the said Alba B. Johnson and Samuel M. Vauclain until the following shall have been done by said persons without expense to the United States and to the satisfaction of the Secretary of Commerce: First, erect a bulkhead of permanent construction on the easterly side of the new course of Crum Creek along the entire frontage of the premises to be conveyed to the United States of America, which shall consist of a timber pile foundation supporting a timber platform and a gravity section concrete retaining wall of the same construction as approved by the United States Engineer office and now being erected on the southwest side of the mouth of Crum Creek; second, fill the entire plot of land to be conveyed to the United States with sand, earth, or other suitable material to an elevation of 12 feet above mean low water; third, dredge a channel from the premises to be conveyed to the United States to the main channel of the Delaware River having a depth of not less than 6 feet at mean low water; fourth, construct and make available for the purposes of the United States the improved right of way for the passage of persons and vehicles provided for herein: *And provided further*, That the conveyance shall not be made by the United States and title shall not pass from the United States until the permanent tower and dwelling proposed to be built by it on the land to be conveyed to it shall be ready for occupancy, nor until all valuable lighthouse property is removed by the United States from the site to be conveyed by it: *And provided further*, That the existing lights now in use shall continue, without interference by said Alba B. Johnson and Samuel M. Vauclain, until the establishment by the United States of permanent lights on Chester Range.

SEC. 2. That the said Alba B. Johnson and Samuel M. Vauclain, upon the passage of this act, and after the rendition by the Attorney General of his opinion in favor of the validity of the title to be conveyed to the United States and the conveyance to the United States of such title, shall have the right to proceed with improvements upon the tract to be conveyed by the United States, except upon such portions as are actually required for lighthouse purposes, under conditions to be prescribed by the Secretary of Commerce.

SEC. 3. That all expenses incurred by the United States in making the exchange of property herein authorized, including the cost of such abstracts, official certifications, and evidences of title as the Attorney General may deem necessary, and all expenses incurred in removing such lighthouse property on the present site as may be advantageous to the interests of the Government shall be payable from the appropriation "General expenses, Lighthouse Service," for the fiscal years in which such expenses are incurred.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Secretary of Commerce to exchange the land now occupied by the Schooner Ledge Range Front Light Station at the mouth of Crum Creek, Pa., for other lands adjacent thereto which are intersected by the axis of the Chester Range Line of the Delaware River, and authorizing the Secretary of Commerce to remove said Schooner Ledge Range Front Light Station after certain conditions have been complied with."

JAMES F. COLE.

The bill (S. 739) to remove the charge of desertion from the military record of James F. Cole was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. SMITH of Michigan. Is there objection to the consideration of the bill?

Mr. OVERMAN. Yes; when 50 years after the war it is proposed to remove the charge of desertion against him. I do not know anything about the man, but——

Mr. SMITH of Michigan. It is never too late to do justice. Let me have the Senator's attention for a moment, if he will withhold his objection.

Mr. OVERMAN. I will withhold it.

Mr. SMITH of Michigan. This soldier, Mr. President, served honorably and was wounded, and the bullet is still in his body. This technical desertion has really no validity in fact. It ought not to appear on the record. It is a very worthy case. I happen to know something about it personally.

Mr. OVERMAN. I have not had time to read the report. Will the Senator let the bill go over?

Mr. SMITH of Michigan. I am very glad to have it go over. I should like also to have the Senator look at the next bill on

the calendar, the bill (S. 743) to remove the charge of desertion from the military record of Moses Chauncey.

Mr. OVERMAN. I will look at both. I see this bill is not recommended by the department, or rather the recommendation is against it, I think. I want to look at the merits of the case.

Mr. SMITH of Michigan. If the Senator will go through with the report, that is all I ask him to do.

The PRESIDING OFFICER. Senate bill 739 and the next bill, the bill (S. 743) to remove the charge of desertion from the military record of Moses Chauncey, will go over.

OLLALA SLOUGH, OREG.

The bill (S. 1697) to declare Ollala Slough, in Lincoln County, Oreg., nonnavigable, was considered as in Committee of the Whole. It declares that all of that portion of Ollala Slough in Lincoln County, Oreg., above a point where a line that is 120 rods south and running east and west and parallel with the section line between sections 8 and 17 in township 11 south, rage 10 west of the Willamette meridian, crosses said stream to be a nonnavigable stream.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT GEORGETOWN, DEL.

The bill (S. 5503) to provide for the purchase of a site for the erection of a Federal building at Georgetown, Del., was announced as next in order.

Mr. POMERENE. I ask that the bill may go over.

The PRESIDING OFFICER. It will be passed over.

MAIL CONTRACTORS.

The bill (S. 331) for the relief of mail contractors was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. It will go over.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 12194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, after line 4, to strike out:

The name of Adolf Hartmann, late of Troop A, Fifth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 2, after line 14, to strike out:

The name of Martin W. Ryan, late of Company D, Seventeenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

Mr. POMERENE. I ask that that committee amendment be disagreed to, and I wish to make a very brief statement with respect to it.

Martin W. Ryan enlisted during the Spanish-American War. He served from June 20 to October 26, 1898. He reenlisted December 12, 1898, and served in the Philippines until he was honorably discharged December 11, 1901. He served over three years. There were two enlistments, and evidently he underwent two examinations by physicians. His services were accepted, the country had the benefit of them for three years and more, and it seems that some examiner reported that a disease of the stomach which he had began prior to the time of his service. It was not so severe that he was not on two occasions accepted, the country had the benefit of his services, and now because the disease had an origin antedating his service, as this examiner now claims, he is to be deprived of the benefit of a pension.

There was a good deal of testimony in this case, and I want to read very briefly from the report of the House committee. I wish to call the attention of the Senate especially to the following:

With the bill the petitioner files an affidavit in which he states that he is in part unable to earn a living, because of disease of stomach (indigestion and dyspepsia), and that he owns no property.

His allegations as to physical and financial condition are sustained by the testimony of lay witnesses.

A physician testifies that the soldier suffers most severely from disease of digestive organs—can not eat any solid food and usually vomits almost any food that he does eat—and is thereby rendered unable to perform manual labor.

From the evidence submitted in this case it is believed by your committee that a pension of $12 per month to this soldier is fully justified, and it is so recommended.

His claim was allowed in the House, but when the bill came to the Senate the Senate committee felt called upon to reject the claim because his difficulty had an origin antedating the date of his two enlistments. It may be that that is within the letter of the law, but I submit there is no pension granted in this bill which is more deserving than this particular case. Evidently he is in a very much worse condition than he was at the time he enlisted.

I have two other affidavits which have been sent to me, which just arrived within the last hour. I do not like to take the time of the Senate to read them, but I hope the chairman of the committee may see fit to recede from the position of the committee and let this claim be restored.

Mr. JOHNSON of Maine. Mr. President, the Senator from Ohio, of course, understands that in the matter of the claims for pensions of the survivors of the Spanish-American War the rules established are entirely different from those in the case of survivors of the Civil War. The survivors of the Spanish-American War are required to prove that they suffered from disability contracted in the service and in line of duty. The committee of the Senate having this case under consideration found in the long hospital report of this soldier that there was no record of any treatment for dyspepsia or indigestion, although he had quite a long record, as set out on page 9 of the report, extending from June 26, 1899, to July 9, 1901. But this report also shows that the field examiner, who made the examination of this soldier, found that he had suffered from indigestion and dyspepsia prior to his first enlistment. That was not only found to be the case but the pensioner himself admitted it to be true. That appears in the report on page 9, where it reads:

However, the claim was sent to the field for special examination, by which means it was ascertained from good and credible witnesses that the soldier had suffered from the said indigestion and dyspepsia prior to his enlistment, the first time in 1898. He himself admitted this to be true. The claim was therefore rejected.

The Committee on Pensions felt that the claimant did not bring himself within the rule, and for that reason we reported adversely upon his application for pension.

Mr. POMERENE. Mr. President, may I ask the chairman of the committee whether the committee received any statement from this claimant in reply to what was stated by the field examiner?

Mr. JOHNSON of Maine. We did not, I will say to the Senator.

Mr. POMERENE. I have here a statement, as I have stated, which has come to me within the hour, the soldier's own letter; and I will take the time of the Senate to read it, because I feel that a very great injustice is being done in this case.

Mr. SMITH of Georgia. If the Senator will allow me, I am going to object to the consideration of this entire bill.

Mr. OVERMAN. Regular order!

Mr. SMITH of Georgia. This bill embraces Spanish-American War pensions. I have objected to all such bills, for I want to take part in their consideration and discussion.

The PRESIDING OFFICER. Objection being made, the bill will go over.

BILL PASSED OVER.

The bill (S. 1308) to amend an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1911, was announced as next in order.

Mr. OVERMAN. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

PHILIP H. HEBERER.

The bill (H. R. 7239) for the relief of Philip H. Heberer was considered as in Committee of the Whole. It proposes to pay to Philip H. Heberer $634 for injuries sustained while employed as a lineman in the United States telegraph corps near Valdez, Alaska, in June, 1914.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEIRS OF PATRICK J. FITZGERALD.

The bill (H. R. 2235) for the relief of the widow and heirs at law of Patrick J. Fitzgerald, deceased, was considered as in Committee of the Whole. It proposes to pay to the widow and heirs at law of Patrick J. Fitzgerald, deceased, $2,000, in full compensation for his death, on January 3, 1907, caused by injuries received on December 31, 1906, while employed as a chain maker, fourth class, in the navy yard of the United States at Boston, Mass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIMON M. PRESTON.

The bill (S. 1288) for the relief of Simon M. Preston was considered as in Committee of the Whole. It proposes to pay to Simon M. Preston, of Seattle, Wash., $5,838.36, that being the amount of the defalcation of D. C. Kearns, a deputy collector under Simon M. Preston, who was collector of internal revenue for the first election district of Mississippi from the 1st of June, 1869, to the 22d of May, 1873, which sum was repaid to the United States Government by Simon M. Preston, and its collection by him from D. C. Kearns having been hindered and prevented by the pardon of D. C. Kearns by the President of the United States and the remission of the fine equivalent to said sum.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES W. CROSS.

The bill (S. 4807) for the relief of James W. Cross was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the name "James W. Cross," to strike out "$660" and to insert "$892," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James W. Cross, $892, as full compensation to said James W. Cross for personal injuries received as a result of an accident October 26, 1914, without negligence on his part, while he was engaged in the performance of his duties as a laborer at the State, War, and Navy Department Building.

Mr. WADSWORTH. Mr. President, I desire to call attention to a comparatively unimportant mistake in the printing of that bill as proposed to be amended. The amount named in the amendment should be $92 instead of $892, and I move that amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. OLIVER. Mr. President, I must confess when I saw this bill I thought a streak of liberality must have struck the Committee on Claims. I have never known it to do anything of this kind before.

Mr. SMOOT. We have a different Claims Committee now, I remind the Senator.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED SJOSTROM.

The bill (S. 1056) for the relief of Alfred Sjostrom was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, in line 6, after the words "sum of," to strike out "$5,000" and to insert "$720," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alfred Sjostrom the sum of $720 for injuries sustained by him while in the performance of his duties as an employee of the Government at Battle Mountain Sanitarium, Hot Springs, S. Dak., on December 3, 1910, in an accident, in which he lost all the fingers of his right hand.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

VICTOR A. ERMERINS.

The bill (S. 4581) for the relief of Victor A. Ermerins, was considered as in Committee of the Whole. It proposes to pay to Victor A. Ermerins, of San Francisco, Cal., $1,465.05 for the loss of his furniture, clothing, and personal effects, which, while stationed at Puerto Mexico, State of Vera Cruz, Mexico, in the discharge of his official duties as inspector of the United States customs service and acting American consular agent, he was compelled to abandon.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COAST GUARD STATION ON COAST OF LOUISIANA.

The bill (S. 4085) to establish a Coast Guard station on the coast of Louisiana, in the vicinity of Barataria Bay, was considered as in Committee on the Whole. The bill had been reported from the Committee on Commerce with an amendment, in line 6, after the words "point as," to strike out "the Captain Commandant of the Coast Guard may recommend," and to insert "he may deem best," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to establish a Coast Guard station on the coast of Louisiana in the vicinity of Barataria Bay, at such point as he may deem best, and the station shall be manned during the entire year.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 12843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was on page 4, line 6, before the words "per month" to strike out "$30" and insert "$20" so as to make the clause read:

The name of Mary Ballinger, widow of John Ballinger, late of Company G, First Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The next amendment was, on page 7, after line 10, to strike out:

The name of Sarah E. Stroup, widow of Uriah Stroup, late of Company H, Sixty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, line 24, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of George L. Eyestone, late of Company E, Forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 2, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Ruth J. McCann, widow of Thomas K. McCann, late captain and assistant quartermaster, United States Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, line 18, before the words "per month," to strike out "$50" and insert "$30," so as to make the clause read:

The name of Nelson L. Gravlin, late of Company E, Sixty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, line 2, before the words "per month," to strike out "$24" and insert "$25," so as to make the clause read:

The name of Martha A. Thompson, widow of Justin G. Thompson, late surgeon, Seventy-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, after line 19, to strike out:

The name of Inez M. Craig, widow of Jacob A. Craig, late of Company F, Fifty-fifth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, after line 23, to strike out:

The name of William A. Pullen, late of Company G, Fourth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, after line 10, to strike out:

The name of Simon V. Fritcher, alias Simon Fritcher, late of Company C, Fiftieth Regiment New York Engineers, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 17, line 9, after the word "Cavalry," to insert "and lieutenant colonel Third Regiment United States Cavalry," so as to make the clause read:

The name of Ida C. Wilcox, widow of John A. Wilcox, late captain, Fourth Regiment, United States Cavalry, and lieutenant colonel Third Regiment United States Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, after line 12, to strike out:

The name of George W. Comer, alias George W. Pierce, late of Company B, First Regiment Tennessee Volunteer Cavalry, and Company A, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, at the top of page 21, to strike out:

The name of Mandana C. Thorp, widow of Thomas J. Thorp, late of Company E, Eighty-fifth Regiment, and lieutenant colonel One hundred and thirtieth Regiment, New York Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 17, before the words "per month," to strike out "$24" and insert "$25," so as to make the clause read:

The name of Eliza Smith, widow of Clinton D. Smith, late of Company C, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 1, before the words "per month," to strike out "$50" and insert "$40," so as to make the clause read:

The name of Meredith Fletcher, late of Company F, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, line 13, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Mary E. Jolly, widow of John H. Jolly, late major, Eighty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, after line 10, to strike out:

The name of Ella J. Brewster, former widow of John Brewster, late of Company B, Eighty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 25, line 21, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of Peter H. Baker, late of Company E, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, line 10, before the words "per month," to strike out "$24" and insert "$25," so as to make the clause read:

The name of Martha J. Todd, widow of Robert N. Todd, late surgeon, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, line 13, before the words "per month," to strike out "$50" and insert "$40," so as to make the clause read:

The name of Samuel Patterson, late of Company B, First Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER.

The bill (H. R. 8234) to prevent interstate commerce in the products of child labor, and for other purposes, was announced as next in order.

Mr. SMOOT. That bill will take too long to discuss before adjournment to-day, and therefore I ask that it go over.

Mr. SMITH of Georgia. Does the Senator not think we can finish that in a half an hour?

Mr. SMOOT. I do not.

Mr. OVERMAN. I hardly think we could finish it in 30 days.

The PRESIDING OFFICER. Objection being made, the bill will go over.

The bill (S. 4866) to carry out the findings of the Court of Claims in the case of the Commercial Pacific Cable Co. was announced as next in order.

Mr. SMITH of Georgia. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

D. A. BARBOUR AND ANDREW P. GLADDEN.

The bill (S. 4368) for the relief of D. A. Barbour and Andrew P. Gladden was considered as in Committee of the Whole. It proposes to pay to D. A. Barbour and Andrew P. Gladden, copartners, of Clarksburg, W. Va., $758, due Barbour & Gladden for material furnished by them in the performance of a certain contract between that firm and the Quartermaster of the United States Army for repairing barracks and constructing bathhouse and closets at Fort Monroe, Va., in compliance with the findings of the Court of Claims reported to Congress February 26, 1907.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS UNDER NAVY DEPARTMENT.

The bill (H. R. 6651) providing for the payment for certain services arising under the Navy Department was announced as next in order.

Mr. SMOOT. Mr. President, I see the Senator who reported the bill is not in the Chamber at the present moment, but I should like to inquire from some Senator who is familiar with the matter why this class of claims is reported at this time in a separate bill? In the past they have always come in on an appropriation bill upon recommendation from the Navy Department, and I can not see why these claims should be picked out from all the others and a special bill reported in their favor. For that reason I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

REFERENCE OF CLAIMS TO COURT OF CLAIMS.

The Senate proceeded to consider the resolution (S. Res. 41) reported from the Committee on Claims on the 20th instant, which was read, as follows:

Resolved, That Senate bill No. 1414, providing for the adjudication by the Court of Claims of the claims of Hardt, Von Vernuth & Co.; F. A. Straus & Co.; Albert Eckstein; Barthels Manufacturing Co.; Dieckerhoff, Raffloer & Co.; Dieckerhoff, Raffloer & Co. (a corporation); G. Hirsch's Sons; Ludwig Littauer; Moeller & Littauer; Naday & Fleischer; William Jonas & Co.; Charles E. Hertlein; G. Robison & Co.; G. Robison, jr.; Paul Puttmann; Imperial Braid Co.; F. B. Vandegrift & Co.; and G. Robison & Son, together with all papers accompanying said bill, be, and is hereby, referred to the Court of Claims to find the facts relating to their claims for refund of import duties paid by them upon artificial silk in excess of the legal duties imposed by law upon artificial silk during the years 1901 to 1909, inclusive, and also to find the conclusions of law and equity applicable to the facts.

Mr. OVERMAN. Mr. President, I desire to say that the resolution merely asks for a finding of facts in connection with the claims referred to. I say that to show that I am entirely consistent. I do not ask in the resolution for any adjudication of these claims, but, as will be observed from the resolution itself, it merely asks for a finding of facts in these cases; that is all.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

LESTER A. ROCKWELL.

The bill (S. 1362) for the relief of Lester A. Rockwell was announced as next in order.

Mr. SMOOT. I see there is no report from the department accompanying that bill, and therefore I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

HEIRS OF MYRA CLARKE GAINES.

The bill (S. 3294) to appropriate a sum of money to pay Rhoda Menz, W. W. Christmas, and James M. Christmas, heirs of Myra Clarke Gaines, for certain lands in Louisiana, was announced as next in order.

Mr. GRONNA. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

JOHN W. CUPP.

The bill (S. 147) for the relief of John W. Cupp was considered as in Committee of the Whole. It proposes to pay to John W. Cupp, late postmaster at Galion, Ohio, $229.48, to reimburse him for the payment of that sum, which, as postmaster, he had deposited as funds of the post office at Galion, Ohio, in the Galion National Bank, and which funds were lost by reason of the insolvency and failure of the bank.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIM OF KENTUCKY.

The bill (S. 2543) for the relief of the State of Kentucky was announced as next in order.

Mr. OVERMAN. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

ARTEMUS W. PENTZ.

The bill (S. 1429) for the relief of Artemus W. Pentz was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the name "Artemus W. Pentz," to strike out "$15,000" and to insert "$2,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Artemus W. Pentz, $2,000, as full compensation to said Artemus W. Pentz for the loss of left foot, dislocation of right arm at elbow, laceration of chin, and other bodily injuries, which resulted in partial paralysis, which occurred as the result of an accident January 5, 1914, without negligence on his part, while he was engaged in the performance of his duties as conductor of a dirt train on the Panama Canal excavation.

Mr. OLIVER. Mr. President, I move to amend the amendment proposed by the committee in this case by inserting "$4,000," instead of "$2,000." This is a case where a man in the performance of his duty in connection with work on the Panama Canal was injured by turning a hand brake, which was found to be defective, on a car belonging to the United States. As a result of that the car ran over him, he lost a foot, and is practically paralyzed, as the committee states. The committee states that there was an entire absence of anything in the way of negligence on his part, and it seems to me that for a man who has received such an injury, $2,000 is entirely inadequate. I think that we ought to be, if not liberal, at least just, to the men who meet with accidents of this kind in the service of their country.

Mr. SMOOT. Mr. President, does the Senator know what was the annual compensation or wage of this man?

Mr. OLIVER. I do not know. The committee report does not state that.

Mr. SMOOT. Mr. President, there is a general law granting employees of the Government engaged on the Panama Canal one year's salary in case of injury. Most of the claims of that nature are based upon the annual salary of the employee, and it seems to me that the amount proposed by the Senator from Pennsylvania would be even more than he was receiving as a wage.

Mr. OLIVER. I have no doubt it would be; but this is an extraordinary case. I will read the conclusion of the committee report. The committee says:

The committee believes that the extent of claimant's injuries, which have left him with one foot and partially paralyzed and wholly unfit to follow his accustomed occupation of railroading, entitle him to further compensation.

Then it recommends the payment of $2,000. I think, Mr. President, that $2,000 is not enough under the circumstances.

Mr. SMOOT. The Government does not pay at any time what the courts would allow.

Mr. OLIVER. I do not care as to that; I am talking in behalf not of what the Government does, but of what the Government ought to do, and I think it ought to do better in this case than the committee reports, and I therefore make the motion to amend.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Colorado?

Mr. OLIVER. I yield.

Mr. SHAFROTH. It seems to me that we ought not to amend this bill when the Senator who reported the bill is not present and the chairman of the committee is not present. If the Senator insists upon any modification of the report, I shall feel compelled to object.

The PRESIDING OFFICER. Does the Senator ask that the bill go over?

Mr. SHAFROTH. Yes; that it go over if the amendment is insisted upon.

Mr. OLIVER. Mr. President, I hope the Senator will not have it go over. I should like to have my amendment put to a vote, and if the Senate does not favor it, it can vote it down.

Mr. SHAFROTH. There is nobody here to take the other side. No one here knows the reasons which induced the committee to make the recommendation which they did.

Mr. OLIVER. The Senate can vote down my amendment, but I certainly have a right to offer it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Pennsylvania to the amendment reported by the committee.

Mr. SHAFROTH. I insist that the bill go over until some Senator is here who knows something about the bill.

Mr. OLIVER. I hope the Senator will not compel me to withdraw my amendment.

The PRESIDING OFFICER. Objection having been made, the bill will go over.

Mr. SHAFROTH subsequently said: Mr. President, a little while ago I made an objection to the request of the Senator from Pennsylvania [Mr. OLIVER]. He has since explained the matter to me, and I withdraw my objection to the consideration of the bill, although I am opposed to its passage.

The PRESIDING OFFICER. Without objection, the Senate, as in Committee of the Whole, will resume the consideration of Senate bill 1429.

The Secretary will state the amendment to the amendment of the committee proposed by the Senator from Pennsylvania.

The SECRETARY. In line 6, page 1, it is proposed to strike out the committee amendment inserting "$2,000" and to insert "$4,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment. [Putting the question.] The Chair is in doubt.

Mr. SMITH of Georgia. Mr. President, how much is the increase?

The PRESIDING OFFICER. Two thousand dollars.

Mr. SMITH of Georgia. What was the extent of the injury?

The PRESIDING OFFICER. A limb paralyzed, a foot cut off, and sundry other dilapidations.

Mr. SMITH of Georgia. Mr. President, we have not approved of an increase to that extent to-day.

Mr. GRONNA. Mr. President, I simply want to state that this is a deserving case. I am a member of the Committee on Claims. We did treat this case different from others. There are thousands of cases before the committee now. We can not, under the law, allow any more than $2,000, and I therefore trust that the Senate will vote down the amendment offered by the Senator from Pennsylvania.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment reported by the committee to strike out "$15,000" and insert "$2,000."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 5672) for the relief of sundry building and loan associations, was announced as next in order.

Mr. OLIVER. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4060) to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured, mined, or produced by convict labor, or in any prison or reformatory, was announced as next in order.

Mr. OLIVER. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

GOOD ROADS.

Mr. BANKHEAD. Mr. President, I inquire if the calendar has been completed?

The PRESIDING OFFICER. The Senate has completed the consideration of the calendar.

Mr. BANKHEAD. Mr. President, eight years ago to-day I addressed the Senate on the subject of national aid, in cooperation with the States and counties, in building post roads. During the time that has elapsed since the delivery of that speech I have grown more firm in the conviction that I was right at that time.

In order that I may economize time, and not take the time of the Senate during the future consideration of this bill to deliver a speech, I ask unanimous consent of the Senate to print in the RECORD the speech just as I delivered it eight years ago to-day; and I should like to have it printed in the ordinary type in which the RECORD is printed; that is, in brevier. I send to the desk two copies of the speech, for the convenience of the printer.

The PRESIDING OFFICER. Without objection, the request of the Senator from Alabama will be granted.

The matter referred to is as follows:

"Mr. BANKHEAD. Mr. President, the question that I am about to discuss is not a new one. The speedy delivery of the mails and the transportation and distribution of production has claimed the attention of our most enlightened and constructive statesmen since the organization of the Government. The transportation and distribution of products is of more importance than production itself. It is the surplus which we sell

that makes us richer, adds to the bank accounts, and cancels the mortgage. What the producer consumes at home adds nothing to our wealth. It is that which he sells and transports to the market that makes him rich. If the cost of transportation to the producer is equal to the difference between the cost of production and the selling price there is no profit. Indeed, he is poorer, because his land is being exhausted, his team and his wagon wearing out, the deposits of his mine are being removed, his timber is being consumed, and his manufacturing plant is undergoing wear and tear, all without net results. In all classes of agriculture and in all lines of manufacturing and trade economy of transportation is an important item in the amount of profit. There are three methods for the transportation of commerce—the railroads, waterways, and the common highways or dirt roads. I need not discuss the first method. It has been the subject of extensive discussion, legislation, and judicial construction, with which we are all familiar. Transportation by water has been liberally provided for by Congress. The dirt roads, over which 90 per cent of the internal commerce of the country must be moved first or last, have been sadly neglected.

"The time has arrived when Congress must meet the great question of national road improvement fairly and squarely and give it that thoughtful and serious consideration which it deserves. The farmers are being aroused, and already the National Grange, with a membership of more than a million farmers, is calling upon us for action in this matter. Another great organization, the Farmers' Educational and Cooperative Union of America, is urging legislation in the same direction. Mr. President, the hordes of southern Europe and the menace of alien races may cast their sinister shadows over our great cities, but, sir, that great, silent, patient element of our population, the American farmer, is American through and through. The very citadel of American liberty and its most cherished traditions are guarded by the farmers, who are 91 per cent native born and constitute more than one-third of our population.

"These men have contributed to the wealth of the United States to an extent which staggers the imagination. The corn crop of 1907 alone was worth $1,350,000,000; the hay crop was worth $660,000,000; the cotton crop was worth $675,000,000; and the wheat crop was worth over $500,000,000. Mr. President, it will be observed that either one of these great agricultural crops has produced more actual wealth in one year than the combined output of all the gold and silver mines in the world and $100,000,000 more. The grand total of all crops for 1907 was nearly seven and one-half billion dollars, and it is estimated that the farmers of this country have created during the last nine years $53,000,000,000 worth of wealth. The value of agricultural crops exported in 1906 was $969,457,306, or 56½ per cent of the total exports, and but for the export of agricultural products the balance of trade would have been against the United States by $523,127,533. When the machinations of Wall Street, the dangerous practices of high finance, and the injustice of our tariff system bring upon us the woes of financial stringency, industrial depression, and hard times, we must realize that the tillers of the soil form the real basis of our wealth, and that to the creation of real wealth we should lend our aid.

"But it is not only the rural population that demands aid from the Government in the upbuilding of our public roads. The numerous resolutions of the boards of trade, chambers of commerce, associations of manufacturers, and the open advocacy of many of our great railroad companies indicate clearly that it only needs an organization of all these forces to bring about the united and effective efforts of city and country. Modern inventive genius is responsible for a new factor in the problem of transportation, which must be reckoned with in legislating for public roads. The automobile industry has now reached $110,000,000 per annum, and the makers and users of automobiles will soon find a plane upon which they can mutually press forward with the farmer in his efforts to obtain better roads. The time will come, during the lifetime of Senators who do me the honor to listen, when the traction engine and the automobile will be utilized on the improved dirt road in hauling to the market farm and forest products at a minimum cost, supplying the place of millions of horses and mules now employed in transportation.

"Mr. President, it is sufficient to call attention to resolutions passed by the legislatures of Maine, Tennessee, Minnesota, Missouri, Nebraska, Alabama, New York, and other States, with reference to national aid, to show how widespread is the sentiment among our State legislatures upon this subject. When all these powers and factors unite their efforts there will be such an era of internal improvement, of home building, of home beautifying, of wealth creation, that the waste places will be filled, squalid huts will give place to beautiful homes, the desert will blossom as the rose, and all the shocks and crashes of frenzied finance will fall harmless from the bulwarks of our splendid prosperity.

"The objection is made that such legislation would be unconstitutional. Fortunately, for our guidance, the question of national aid is not a new one. We have the precedent of national-aid legislation by Congress while the founders of our Government lived to know and approve of it. The first appropriation made was in 1806, when $30,000 was set aside for the purpose of commencing work on the famous old Cumberland Road. These appropriations then continued, with but little interruption, until May 25, 1838, when the last appropriation of $150,000 was made, which made the total amount expended on road construction during this period about $7,000,000.

"On March 14, 1818, the House of Representatives passed the following resolution:

"*Resolved*, That Congress has power under the Constitution to appropriate money for the construction of post-roads, military and other roads, and of canals, and for the improvement of waterways.

"Mr. President, what was the attitude of the leading statesmen in the early days of the Republic? Thomas Jefferson said, in a letter to Mr. Lieper, in 1808:

"Give us peace till our revenues are liberated from debt, and then, if war be necessary, it can be carried on without a new tax or loan, and during peace we may checker our whole country with canals, roads, etc. This is the object to which all our endeavors should be directed.

"James Madison, in a message to Congress, said:

"I particularly invite the attention of Congress to the expediency of exercising their existing powers, and, where necessary, of resorting to the prescribed mode of enlarging them, in order to effectuate a comprehensive system of roads and canals, such as will have the effect of drawing more closely together every part of our country, by promoting intercourse and improvements and by increasing the share of every part in the common stock of national prosperity.

"Henry Clay advocated the building of national roads in a speech made in Congress in 1818, in which he said:

"Of all the modes in which a Government can employ its surplus revenue, none is more permanently beneficial than that of internal improvement. Fixed to the soil, it becomes a durable part of the land itself, diffusing comfort and activity and animation on all sides. The first direct effect is on the agricultural community, into whose pockets comes the difference in the expense of transportation between good and bad ways. Thus if the price of transporting a barrel of flour by the erection of the Cumberland turnpike should be lessened $2, the producer of the article would receive that $2 more now than formerly.

"Daniel Webster, speaking in the United States Senate in 1830, used the following language:

"Under this view of things I thought it necessary to settle, at least for myself, some definite notions with respect to the powers of the Government in regard to internal affairs, and I arrived at the conclusion that Government had power to accomplish sundry objects or aid in their accomplishment, which are now commonly spoken of as internal improvement.

"While it is true that Presidents Madison, Jackson, and Monroe vetoed acts of Congress relating to public roads, it is beyond dispute that the veto of President Monroe was due to a provision giving to the General Government the right of eminent domain and of general superintendence, and this is practically true of the other veto message. President Jackson held that the right of appropriation was not limited by the specified powers of the Constitution. In his veto message he said:

"I have not been able to consider these declarations in any other point of view than as a concession that the rights of the appropriation are not limited by the power to carry into effect the measure for which the money is asked, as was formerly contended.

"On May 4, 1822, President Monroe, in a veto message to Congress, used the following language:

"That in whatever sense the term established is applied to post offices it must be applied in the same sense to post roads.

"John C. Calhoun was a staunch advocate of the doctrine of State rights and believed in a strict construction of the Constitution, but he was equally as pronounced in his belief that the Federal Government should take a hand in building and improving our common highways, rivers, and canals. In 1817 he introduced a bill in Congress to provide a fund for the construction of roads and canals, and in support of this bill he spoke in part as follows:

"Let it not be said that internal improvements may be wholly left to the enterprise of the State and of individuals. I know that much may justly be expected to be done by them, but in a country so new and so extensive as ours there is room enough for all the General and State Governments and individuals to exert their resources. Many of the improvements contemplated are on too great a scale for the resources of States or of individuals and many of such a nature that the rival jealousy of the State, if left alone, might prevent. They require the resources and general superintendence of the Government to effect and complete them.

"But there are higher and more powerful considerations why Congress should take charge of this subject. If we were only to consider the pecuniary advantages of a good system of roads and canals, it might indeed admit of some doubt whether they ought not to be left alone

wholly to individual exertion, but when we come to consider how intimately the strength and political prosperity of the Republic are connected with this subject we find the most urgent reasons why we should apply our resources to them. Good roads and canals, judiciously laid out, are the proper remedy. Let us, then, bind the Republic together with a perfect system of roads and canals.

"While Secretary of War in 1819 Mr. Calhoun made a report to the House of Representatives on roads and canals, in which he said:

"No object of the kind is more important, and there is none to which State or individual capacity is more inadequate. It must be perfected by the General Government or not perfected at all.

"It is not necessary for the exercise of a power by the Federal Government that it should be expressly granted in the Federal Constitution, or that it should be 'clearly and directly traceable to some one of the specified powers' granted. Any number of powers granted, or all of them, may be combined and considered together, and any power necessary to carry out the general purposes of any or all of the power specified will be considered granted by implication, and as an incidental means of executing the powers specifically granted. (Pennsylvania *v.* Wheeling Bridge Co., 18 How. (U. S.), 421.)

"The Constitution, Article I, section 8, clause 1, provides in part that—

"The Congress shall have power to lay and collect taxes, duties, imports, and excises to pay the debts and provide for the common defense and general welfare of the United States.

"An appropriation of money for the improvement of the public roads of the country would certainly be for the general welfare of the United States, and it would seem that the Congress is clothed with ample authority under this clause of the Constitution to appropriate money for that purpose.

"In addition to this, Congress has a stronger and more specific warrant for making this appropriation under the authority conferred by the Constitution 'to establish post offices and post roads.' Cooley, in his book on constitutional law, says:

"Every road within a State, including railroads, canals, turnpikes, and navigable streams, existing or created within a State, becomes a post road whenever, by the action of the Post Office Department, provision is made for the transportation of the mails upon or over it.

"This provision of the Constitution is growing every year in practical importance and in its relation to the public roads, owing to the extension of the Rural Delivery Service.

"On August 1, 1882, President Arthur vetoed a bill making an appropriation for rivers and harbors; but the commercial interests of the country, through organizations of boards of trade, chambers of commerce, and other business associations, had brought such pressure to bear upon Congress that sentiment was developed in favor of reviving appropriations for rivers and harbors, and this bill was promptly passed over the President's veto.

"From that time on Executive favor and all constitutional argument seem to have yielded in favor of appropriations for river and harbor improvements; but by a sort of passive acquiescence it seems to have gone against public roads and highways, and yet the arguments accompanying each of the veto messages, from President Monroe to President Arthur, admitted that the principle of appropriating money for roads and rivers and harbors was the same, and the same arguments were urged against each. If, then, appropriations for improving our rivers and harbors, involving the same principle as appropriations for improving our roads, is constitutional, why will not an appropriation for roads be constitutional? What valid constitutional objection is there to the one which does not lie against the other?

"Post roads and public highways are highways of commerce, as much so as are railroads or rivers and harbors. They are the small arteries of our commercial body, which extend out into the country and gather up and bring to the market, railroad station, and wharf the great volume of the raw products of the country, which are the real constituent elements of our commerce. They are equally indispensable to our commercial growth and welfare, and are equally deserving of the fostering care of our Government.

"It is argued by many that the question of road improvement should be left entirely to the people of the States. It is argued that Federal aid savors too much of paternalism, and therefore the General Government should leave it alone; but this objection is irrational and without foundation. It is not proposed to appropriate money out of the National Treasury to aid the people in their private business. It proposes to appropriate public funds for a public purpose, which is not paternalism. Before any State can secure its share, or any portion of its share, of the money appropriated under the Federal-aid proposition, it must first show an equivalent amount of self-help and invite the cooperation of the Government. This will be a direct stimulus to the States to put forth their very best efforts. Federal aid, therefore, instead of stifling and causing a relaxation of the efforts of the people of the States, places a premium upon their efforts.

"If the Government should undertake to furnish us, without cost or individual effort, the necessaries of life, that would be paternalism. If we were asking the Federal Government to prescribe our daily bread, or to provide us raiment to clothe our bodies, that would be paternalism pure and simple. Such a function of the Government would be enervating; it would destroy individuality and repress all energy and ambition; but we ask no such fatherly care at the hands of our Government. We only ask that it contribute a portion of the cost of improving our public roads, and, in making this contribution, it will, so far from committing an unwholesome act of generosity, open up new and improved channels to the marts of trade and commerce, stimulate industrial enterprise, inspire every citizen of the rural districts with a brighter hope and a higher ambition, and add a new tie to bind him with increased loyalty and patriotism to his country.

"Congress has been exceedingly generous in its appropriations for Cuba, Porto Rico, and the Philippines. It has spent large sums in these island territories for internal improvements, and much of it has been expended on the construction and improvement of the public roads. These appropriations were made to an alien people who add but a meager contribution to our national revenues, have but little more than humanitarian claim upon our Government, and have shown no thrift, no spirit of progressiveness, and no industrial enterprise or aptitude.

"These appropriations, it would seem, have found a sanction under our Constitution and general public policy. If so, then what valid objection can be interposed to appropriating money for a similar purpose to our own people? Our own people deserve the first consideration at our hands. They have demonstrated to the world their superior thrift, energy, industry, and enterprise. It is from them that we derive our national greatness and our national revenues, and they have a right to expect to be first considered and to receive even-handed justice from our Government of its benevolence and the distribution of its revenues.

"Another reason for national aid is to be found in the fact that nearly all of the great appropriations made by Congress are for projects that do not benefit the rural districts. The shipping interests have had the rivers and harbors improved to expedite their business; the cities have been supplied, at a cost of $300,000,000, with post offices and customhouses; the railroads have received large appropriations, and have made use of the credit of the Government; millions collected from the people have been loaned to the banks without interest, and ironmasters have depended upon the Government to construct great locks and dams for facilitating the assembling of materials at cheap rates for making iron. The tariff laws have been shaped to benefit the manufacturers, but none of them are intended to benefit the great American farmer. Some of our ablest statesmen, and many of those most solicitous of the public welfare, often oppose measures which ultimately prove the greatest boon to the people. On the other hand, it has frequently happened that Congress, in its zeal to extend the blessings of our Government to the greatest number, has given its sanction to projects which savor more or less of futile experimentation. Congress, however, and I might say wisely so, has been slow to stamp its approval upon such legislative projects, but after they have once been inaugurated and have met with popular favor and proved a benefit to the people it has been equally slow to take any step which would cripple their action or retard their development.

"Mr. President, let us now consider the Rural Free Delivery System, which is so intimately connected with roads. What has been the history of this service? The friends of this measure were a long time gaining the ear of Congress, and the question was agitated many years before it received legislative approval. It was regarded by many as an impractical theory, an iridescent dream; so, to give it a trial, Congress in 1897 appropriated the sum of $40,000, only $10,000 of which was used the first year. This appropriation met with such popular favor, and there was such a demand for rural delivery, that it was not only renewed, but increased by 25 per cent in 1898. The appropriation of 1898 was increased by 200 per cent for 1899, and an equal rate of increase has continued for each of the 11 years the service has been in operation. During these 11 years they have increased in the aggregate from $40,000 in 1897 to $34,985,000 in 1907. It is stated in the last annual report of the Fourth Assistant Postmaster General that on June 30, 1907, there were 37,728 rural delivery routes in operation, the average, or standard, route being 24 miles.

"The carriers on the 37,728 routes traveled daily over 901,068 miles of the roads of the country, which is nearly half of the total

mileage of the public roads of the United States. Every road over which these mails go is a United States post road, and, under the Constitution, Congress has authority, and in equity and justice should contribute to their improvement and maintenance. While the extension of this service has been marvelous, it has yet encountered no serious obstacle. It has been confined to communities blessed with good roads. Such communities, however, have been very largely supplied, and the future extension of the service must needs be mostly to communities not having good roads. The Fourth Assistant Postmaster General, in his annual report for June 30, 1907, to which I have already referred, has this to say with reference to the bearing of good roads on rural delivery:

"The maintenance of good roads not only insures an early and more expeditious delivery to the patrons residing on that portion of the route last to be served, and from whom most complaints come, but lessens the liability of irregular or suspended service on any part thereof.

"It was estimated that the carrier who travels a 24-mile route daily, over bad roads, could, with much more ease, travel from 10 to 15 miles additional over good roads. But suppose we take a more restricted estimate and say that the average carrier could travel 6 miles more if we had good roads. This would increase the average or standard route to 30 miles, and would eliminate every fifth carrier now employed, and would also abolish all the crossroads post offices, both of which would be a direct saving to the Government. By increasing the average or standard route to 30 miles, and eliminating every fifth carrier, we would reduce the force of carriers by 7,516, which at their salary of $900 per year would be a direct annual saving of $6,764,400, to say nothing of the abolition of the numerous star routes and local post offices, thereby saving to the Government many more millions. It is necessary for the continued growth of this service that something be done toward improving our roads. We can not permit it to be checkmated in its growth. No service rendered by the Government is dearer to the hearts of the whole American people than the free-delivery mail service in our cities and in the rural districts. Our people want this service continued and extended. We want to see rural delivery reach its highest degree of efficiency, so as to add to the charms of our country life. We want it so improved and extended that it will reach out into the remotest corners of our country.

"The Government sends its mails over 925,248 miles of dirt roads every day in the week. The Rural Delivery Service would extend over 2,000,000 miles if the roads were improved. As pointed out in the recent report of the Fourth Assistant Postmaster General, its efficiency and perfection depends upon the system of roads over which the carrier is required to go. No class of men in the Government service performs more arduous duties and are more poorly paid. They are required to drive their team and wagon over miserably poor, muddy, and oftentimes almost impassable roads, through all kinds of inclement weather, they are required to furnish their own team and equipment and to make an average of 24 miles daily, for which they are paid only $900 a year. An investigation made by the Post Office Department, about 18 months ago, shows a moderate estimate of the original cost of horses and vehicles to be about $275, and that an average cost of maintaining an outfit was about $250, making the average annual cost of a carrier's outfit from $300 to $350. They carry with them a traveling fourth-class post office, so to speak; they sell stamps, register letters and packages, receive money orders, and, in a measure, perform all the duties of a postmaster. I believe when we come to increase the salaries of Government employees, these should be among the first to receive our consideration. Why should they not be as well paid as the city carrier, who goes over paved streets, and is not required to supply any team or vehicle? I have introduced an amendment to the pending Post Office bill, increasing their salary to $1,000 per year, with 30 days' leave of absence, which I think should pass.

"Mr. President, the Government has been generous in its donations to railroads in and through many States. There have been patented to the railroads 44,464,719 acres of public lands. Grants to railroads of a much larger number of acres have been forfeited. The Government has in this way aided in the construction of 14,930 miles of railroads, and the bonds of railroads, amounting to $64,623,512, have been guaranteed, both principal and interest.

"The Government has from time to time donated for wagon roads 2,014,084 acres of public lands; for canals, 4,500,724 acres, and for river improvement 1,980,593 acres; in all, 53,055,121 acres. The Government has, in cooperation with the States on the lower Mississippi River, appropriated $16,500,000 to aid in the construction of levees and to prevent overflows and the destruction of life and property. No well-informed person would say that the building of levees on the Mississippi River is to improve navigation.

"I do not want any Senator to suppose for one moment that I do not heartily approve all these appropriations. They have my full sanction. I believe they were wise and prompted by the most enlightened and constructive statesmanship.

"These benefits, to a degree, have been local in their application. What I am insisting upon is a continuation of this wise and beneficial legislation in such a way as to extend its benefits to all the people in every section of our country.

"Mr President, upon the rural population has fallen the entire cost and responsibility of constructing and maintaining our public roads. It is only to a limited extent, and locally, that there has been legislation which at the present day in any way shifts this burden, and it still rests upon the people of the rural districts. This is inequitable, undemocratic, and in direct violation of the express principles upon which we boast our Government was founded.

"No country has good roads, except where the general government has shared in the cost and responsibility of creating and maintaining them. All the countries of Europe which have improved roads have a national system whereby the national government shares in the cost and assists in the supervision of building and maintaining them.

"Our present system of road administration is largely modeled after that abandoned by other progressive nations more than a century ago. In England road administration began, like our present system, with the smallest unit of government, which originated by an act of Parliament in 1555 and provided for the election of a road surveyor for each parish and for the working of the roads by compulsory labor. The parish was found to be too small as an administrative unit. A history of highways, appearing in the Edinburgh Review, January–April, 1864, contains this statement:

"From the days of Elizabeth the inconveniences resulting from the maintenance of highways by single parishes have been constantly apparent, and accordingly successive governments, without distinction of politics, made the attempt to combine parishes into highway districts and to transfer the superintendence of their roads to boards employing the services of professional engineers.

"The decided trend of road administration in England has continued away from localization. Subject to the formation of road districts, it was provided that one-half of the expense of maintaining the roads should be borne by the county, and, finally, in 1882, Parliament provided that one-fifth of the expense of the county authorities should be refunded by a parliamentary grant. This is also true in its essentials of the development of road administration in the other nations of Europe, but with us we have continued in vogue a system of penurious localization.

"We can not escape responsibility for our miserable highways by contending that our Government is young and that we have not been a Nation long enough to make the comparison with the nations of the Old World possible, because road building did not begin in France until the great Napoleon inaugurated the system of national highways, which is to-day giving France the most superb roads in all the world. England struggled with roads almost impassable until the latter part of the eighteenth century, when the teaching of Macadam, Tresauguet, and Telford began to be effective, and we may say that the present road system of England is attributable to the direct aid granted by Parliament. The advocates of national aid can have no stronger testimony in support of this policy than the following statement made by Commercial Agent Loomis, of St. Etienne, in 1891:

"The roads of France are now practically all built, and they are substantial monuments to Napoleonic foresight and shrewdness. The work of the engineers in the department of public works in France to-day is not to build new roads, except in rare instances, but to keep those already constructed in a state of high efficiency. There have been no important new roads opened in France for a dozen years, and the country is so traversed with excellent roadways that no more lines of communication are likely to be exploited save in the case of military necessity. The wagon roads of France, always passable and reaching all centers of population, no matter how small, are the chief competitors of the railways, as means of communication by water are not numerous.

"The road system of France has been of far greater value to the country as a means of raising the value of lands and of putting the small peasant proprietors in easy communication with their markets than have the railways. It is the opinion of well-informed Frenchmen who have made a practical study of economic problems that the superb roads of France have been one of the most steady and potent contributions to the material development and marvelous financial elasticity of the country. The far-reaching and splendidly maintained road system has distinctly favored the success of the small landed proprietors, and in their prosperity and the ensuing distribution of wealth lies the key to the secret of the wonderful financial vitality and solid prosperity of the French nation.

"Our national wealth for 1907 was placed at $116,000,000,000, while that of France was placed at $42,000,000,000; yet we have improved only 150,000 miles of our public roads, while France has improved 340,554 miles.

"Is this condition of our public roads an enviable reputation for this great country? After laying claim to superiority over all other nations along almost all other lines of development should we be content to drop to the bottom of the list in road improvement? Can we, at the peril of our commercial interests, afford it? Can we, at the sacrifice of the general well-being and comfort of the great body of our rural population, tolerate it?

"Some of the opponents of this proposition would lead us to believe that the macadamizing of all the 2,151,000 miles of roads in the United States would bankrupt the Government. It would be just as absurd to macadamize all the roads in the United States as it would be to build a railroad or dig a canal through every man's farm. It is well known among highway engineers that a horse can, for a short time, exert about four times his average tractive force without injury. By reason of this fact a team of horses can draw for 2 or 3 miles as much on a common earth road as they can draw all day on good macadam, gravel, or sand-clay roads.

"It should be apparent to any rational being that this 2,000,000 miles of public road would be classified according to the traffic and the requirements in each section of country, and only the main arteries of travel would require so expensive a form of construction as broken-stone macadam. It would be entirely feasible and proper to improve many thousand miles with gravel, many more thousand miles by a mixture of sand and clay, and probably more than one-half of this great total would be adequate if maintained as first-class earth roads. So that it is absurd to figure on the cost of improving our public roads at $5,000 per mile for the entire mileage, or at $4,000, or even at $2,000.

"The burden of inadequate transportation facilities falls not alone upon the farmer, but upon the consumer. If it costs 25 cents per ton per mile to haul the products of the farm to the railroad station the consumer must pay this additional cost without increasing the farmer's profits one penny, and the farmer must pay the increased price for the finished product which he obtains from the cities, because the same facts hold good both going and coming. Some years ago corn was burned as fuel in the Mississippi Valley because it would not bear the cost of transportation, since the margin was insufficient. The railroads lost the freight and the markets the product.

"It may be argued that if the advantages to follow road improvement are so great, the States should take action and levy sufficient taxes to improve them. Some of our States have already passed road laws, providing for a road-tax levy on their taxable property. Such laws, however, are necessarily confined to the wealthier States, whose taxable property is sufficient to raise the large sum from a small levy. All of our States are not able to levy such a tax. For instance, a tax of 1 mill, levied by the State of Pennsylvania, would raise more money than a tax of 100 mills levied by the State of Nevada. So it is not from a lack of interest in good roads, nor from a want of progressiveness, that all of our States have not passed highway laws, but it is because the taxable property of most States is so small that to raise a sufficient amount of money for practical results would require an exorbitant rate of taxation.

"Furthermore, to undertake by State taxation to raise all the money necessary to build and improve our roads will continue the burden upon those upon whom it has so long rested. The State revenues are raised by direct taxation, and the levy is upon visible property. The farmer's property is all visible, and, therefore, never escapes taxation; while a large per cent of the property of the people of the cities is represented by stocks and bonds, is easily removable from place to place, or concealed, and is rarely ever subjected to taxation. The farmers have thus always been forced to bear a disproportionate share of the burden of taxation, which is an injustice which should be relieved against.

"Mr. President, of all the civilized countries on earth this country has the poorest roads. In all else that is progressive it stands first. In material wealth, in varied resources, in the products of agriculture, in the making of iron and steel, in the number of miles of railroad, in the wealth and opulence of its cities, we stand first, and yet the farmers, who largely contribute to this wealth and greatness, have had less done for them than any other class of our people. Good roads are avenues of progress, the best proof of intelligence; they aid the social and religious advancement of the people; they increase the value of products; they save time, labor, and money; they are the initial sources of commerce, which swell in great streams and flow everywhere, distributing the products of our fields, forests, and factories. The highways are the common property of the country; their benefits are shared by all, and they are needed by all; they benefit all, and all should contribute to them. What fair-minded man will say that the people who live on the public roads should be required to build and keep them in repair for the use of the general public? They could not if they were willing. The burden is more than they could bear. No Government on earth has ever enjoyed good roads where compulsory labor is relied on to build and maintain them.

"The effects of good roads reach everybody. Both city and country share in their benefits. In justice and equity, therefore, everybody should contribute to the cost of their construction and maintenance, but an equal distribution of this cost can not be secured under State laws and methods of taxation. Our national revenues are raised largely from duties, paid on consumption, and are thus more equally distributed among the people. Hence, an appropriation of money from the Federal Treasury to build and improve our roads would force every consumer to bear a proportion of the cost. It is not asked that the Government bear the whole cost, but only a part of it; and this is the only method whereby we may hope to secure a national system of improved roads, with an equitable distribution of their cost among those sharing in their benefits and blessings.

"What are the savings to be effected by good roads? Investigations conducted by the United States Office of Public Roads and by various State commissions have established that the average cost of hauling over wagon roads in this country is 25 cents per ton per mile, and that the average haul is over 8 miles. The cost of hauling in Europe has, in many cases, been reduced to as low as 7 cents per ton per mile, and it has been established that good roads will reduce the cost to the farmers to as low as 10 cents per mile in this country. This means a reduction by half of the annual cost of transportation to the farmers. It is only necessary to consider the fact that the immense tonnage of farm products is hauled over the common roads to the railroad stations to realize what a tremendous saving is possible when we reduce the cost of transportation even 12½ cents per ton per mile. The importance of this saving is all the more evident when we compare the cost of hauling on wagon roads with the cost of rail and water transportation.

"In 1906 the average freight rate by rail was a little over seven one-thousandths of a cent per ton per mile. For the same year the mean ocean freight rate on wheat, corn, and rye from New York to Liverpool, a distance of 3,100 miles, was a little more than $1 per ton, or three ten-thousandths of a cent per ton per mile. Thus we see that railroad and water transportation rates have been continually reduced, until they have reached a marvelously low figure, while the cost of transportation over our common roads has remained practically unchanged for more than a generation, and will continue so until we can inaugurate some national system of improving our roads.

"This duty devolves upon our National Government. It has abundant surplus in the Treasury to accomplish this purpose, and how better could this surplus be used? It has money, and can afford it; while the States and the people have not the money, and can not afford it. Why allow our national revenues to lie idle in the banks when they might be stimulating our internal improvement and giving employment to thousands of the unemployed?

"Mr. President, the amendment I have offered does not increase the amount of the appropriation made in the Post Office bill. It merely proposes to divert from the sum appropriated for the Rural Delivery Service the small amount of $500,000, to be used as provided in the amendment. I do not undertake to lay down any rule, or prescribe any of the details by which the money may be expended. It is proposed to leave that to the cooperation of the post-office and agricultural authorities. They were selected in order to have the benefit of the experiments that have been made by the good-roads divisions of the Agricultural Department and the experience and knowledge of the rural delivery division in the Post Office Department. The methods and means of putting into operation the Rural Delivery Service was left to the Postmaster General, and so were the means of putting into effect and operation the irrigation system left to the Interior Department.

"This appropriation seeks to ascertain a practical demonstration of the effect of road improvement in the Rural Delivery Service in cooperation with the States and counties, and the benefits and advantages to the service by reason of the improvement. I do not believe any effort as to details in the execution of this plan could be prescribed by law.

"A number of States, under their constitutions, are not permitted to make appropriations for road construction and maintenance. The State of Alabama is in this situation; but the last legislature, realizing the great importance of public roads and the inadequacy of present methods to improve and maintain them, submitted an amendment to the constitution authorizing

appropriations for road construction, which will doubtless be adopted by the people at the polls in November. In that event Alabama will at once be able to contribute its share, in co-operation with the National Government, along the lines of the amendment I have submitted to the pending Post Office bill, in the improvement of the roads in every county in that State. The State of Kentucky will vote this year on a similar amendment to their constitution, and perhaps there are other States where the constitution does not permit the use of public funds for internal improvement.

"No government owes more to its people than does ours. No people in the world are more loyal, more patriotic, or more devoted to their government than our people. In time of war they have successfully defended it against every foe, and in time of peace their efforts at industrial advancement and intellectual attainment have reared a commercial empire which excels all competitors, and a civilization which is unsurpassed.

"These virtues merit substantial recognition from the Government. Our people should receive governmental assistance in their struggles, as far as the legitimate functions of government will permit. No more urgent and acceptable aid can be extended than a liberal appropriation for improving our roads. This would prove a benefit to our cities and a blessing to our rural districts. Many modern improvements have contributed to the amelioration of the hardships of farm life, but much remains yet to be done. Good roads will add more than any other one thing. Give our farmers good roads, and with the telephone and rural delivery bringing him in easy contact with the outside world, and with his daily intercourse with nature, he will prove the most prosperous and contented and patriotic citizen on the American continent.

"Mr. President, I am making a plea for the farmers, not because they are better than any other class of our people, but because they are as good. They do not ask for special favors, but demand a square deal and fair treatment.

"The distinguished Senator from Maine [Mr. Hale], chairman of the Naval Committee and an active and influential member of the Appropriations Committee, declared a few days ago in this Chamber that 70 per cent of the appropriations made at this session of Congress were in preparation for war or reparation of past wars. A most startling statement when we consider that the United States is at peace with all the world and no strained relations exist between this and any nation on the globe.

"I ask the Senate to pause long enough to consider the importance of agriculture and its wealth-producing power, and compare the appropriations made by this Congress in aid of agriculture with those made in preparation for and reparation of war. The appropriations for war amount to the round sum of $400,000,000, while for agriculture we grudgingly appropriate about $10,000,000. One is designed to kill and maim, make widows and orphans, and fill the land with sorrow and mourning; the other is to feed the hungry and clothe the naked, bring joy and happiness to our people, the building of peaceful homes, and the encouragement of patriotism and love of country.

"The toiling millions engaged in agriculture last year produced more than $7,000,000,000 worth of products; they fed and clothed 90,000,000 people at home and shipped abroad $1,000,000,000 worth of the products of their labor, or 56½ per cent of the total exports of the country. These farmers, for whose benefit and encouragement Congress will this year appropriate only $10,000,000, as against $400,000,000 for purposes I have just mentioned, are not receiving the consideration they deserve.

"The internal commerce of the country last year was about $20,000,000,000, nearly all of which must first and last be hauled over the dirt roads at an average cost of 25 cents per ton per mile, or more than 30 times the cost of transportation by rail, the average rail haul being less than 7 mills per ton per mile.

"In order to show the immense burden imposed by the dirt roads, I have selected five of the leading staple farm products to prove my contention—wheat, corn, cotton, hay, and tobacco.

Corn crop, 1905–6.

Total tonnage marketed	19,083,000
Average weight of load—pounds	2,696
Total number of loads hauled	14,156,528
Average length of haul—miles	7.4
Average cost of hauling per ton per mile—cents	.19
Total cost of marketing crop by wagon	$26,830,698
Average cost over hard roads per ton per mile—cents	.10
Saving due to hard roads	$12,709,278

"The railroads charged for hauling 100 pounds of corn from St. Louis to New Orleans, a distance of 647 miles, 16 cents. To haul 100 pounds of corn over the Missouri dirt roads a distance of 8.8 miles costs the farmer 10 cents.

Wheat crop, 1905–6.

Total tonnage marketed	12,123,000
Average weight of load—pounds	3,323
Total number of loads hauled	7,296,418
Average length of haul—miles	9.4
Average cost of hauling per ton per mile—cents	.19
Total cost of marketing crop by wagon	$21,651,678
Average cost over hard roads per ton per mile—cents	.10
Saving due to hard roads	$10,256,058

"The railroad charge for 100 pounds of wheat from Chicago to Buffalo, a distance of 525 miles, is 12 cents. To haul 100 pounds of wheat a distance of 5 1/6 miles over the dirt roads of Illinois costs the farmer 7 cents.

Cotton crop, 1905–6.

Total tonnage marketed	2,530,000
Average weight of load—pounds	1,702
Total number of loads hauled	2,973,560
Average length of haul—miles	11.8
Average cost of hauling per ton per mile—cents	.27
Total cost of marketing crop by wagon	$8,062,173
Average cost over hard roads per ton per mile—cents	.10
Saving due to hard roads	$5,076,183

"To send a bale of cotton by rail from Birmingham, Ala., to Norfolk, Va., a distance of 763 miles, costs $2.55. To haul a bale of cotton a distance of 11 miles over the dirt roads of Mississippi costs 95 cents. If the railroad haul cost as much per mile as the dirt road, the cost of sending a bale of cotton from Birmingham to Norfolk would amount to $88.32, or about twice its value at the average price. It costs 18 cents per hundred pounds to haul cotton seed a distance of 13 miles on a dirt road in Alabama, or one-third of its market value.

"The rail haul for tobacco from Durham, N. C., to Richmond, Va., a distance of 161 miles, is 25 cents per hundred pounds. It costs 20 cents to haul a hundred pounds of tobacco over the dirt roads of Virginia for a distance of 11½ miles.

"The average farm price of hay December 1, 1905, was $8.52, and the value of an average load in the United States at that time was $11.87. The cost of hauling the load to market was $2.33, or one-fifth of its value.

"The gross earnings of the railroads in 1906 were $2,082,482,406 and the operating expenses were $1,532,163,153. The ratio of operating expenses to earnings was 62½ per cent. Against these earnings was charged for interest, rents, betterments, taxes, and miscellaneous items the sum of $590,386,554 and for dividends $229,406,598, leaving a surplus of $100,000,000. These large sums collected from the public were returned to the people for labor and material, and the money is now in the channels of trade and commerce. It is estimated that the annual cost of hauling over the dirt roads exceeds the total gross income of the railroads. What has become of this enormous sum? It has not gone for material or labor and has paid no dividends. It is merely a tax collected by the roads, none of which can ever be returned to those who paid it. It is a contribution to the miserable roads over which the commerce of the country is carried.

"The cotton crop in Alabama last year was 1,200,000 bales, and the cost of delivering it to market was 95 cents per bale, or a total cost of $1,140,000. This was $540,000 more than the cost would have been over hard roads. Bad roads in Alabama, therefore, wrung from the pockets of the farmers in that State in one year on one article alone $540,000, every cent of which was an absolute loss. It is worse than loss, for they paid it in time and wear and tear of their wagons and teams.

"Mr. President, I ask permission of the Senate to insert in the RECORD an illustration, showing the benefit of good roads in Montgomery County, Ala.

"The PRESIDING OFFICER (Mr. Bacon in the chair). Without objection, permission is granted.

"The illustration is as follows:

[Illustration omitted.]

"Mr. BANKHEAD. If I have established my contention that the Constitution does not prohibit but expressly authorizes Congress to appropriate money in aid of road construction; if I have shown that there is no invasion of the rights of the States and that the scarecrow of paternalism does not anywhere show its face, the only questions remaining to be settled are: Is it good governmental policy? Is it a good investment, and will it yield a return to the people sufficient to justify the outlay? Will it materially reduce the cost of transporting the vast internal commerce of the country? Will it increase the profit of the producer and also benefit the consumer? If the expenditure will result in a saving directly to this large number of our citizens, and, indirectly, to all our people, and they are willing for the Government to make the expenditure, why not now begin this long-delayed but beneficial legislation?

"It is not the rural population alone that would be benefited; if so, it would be in the interest of a class, and this I could not approve. Those in the city are equally interested, and will en-

joy equal benefits and results. The merchant exchanges his goods and wares for farm products, either by barter and purchase or sale. If the farmer can deliver his products at a reduced cost to himself, his profits are larger, he is enabled to buy more goods, and carries home with him more of the luxuries and necessities of life, and adds to the happiness and contentment of the family.

"Mr. President, the educational side of the question is sufficient to control my action, if no other interests were involved. A system of efficient public schools can never be maintained until the roads in the rural districts are improved, until the disgraceful cabin, now used as a schoolhouse, gives place to a more imposing structure, located in centers of population, over which waves the flag of our country, inspiring confidence and patriotism. A wide-awake, progressive school in every township, in a comfortable building, and provided with the necessary libraries, apparatus, and equipment, would do more than any other one thing to inspire confidence and respect in the hearts of our young American manhood and womanhood, and it then could be said of America, as was once said of Rome, 'All roads lead to the schoolhouse.' This Republic must depend for its future greatness upon an intelligent and home-loving people. The religious and social life of our people is largely influenced by the conditions where they reside.

"Good roads are the most potential and successful immigrating agents in this country. The most desirable farmers and the best wives and helpmeets are the young men and the young women raised on the farms. Under existing conditions they are continually drifting to the towns and cities. They are progressive and social in their nature, and will not remain on the farm unless they can have those benefits and pleasures that association and companionship afford. The loneliness of the country home, away from neighbors and friends, where the schools and the churches are poorly maintained, where the farmer and his wife and children are denied the advantages of educational and religious training, are the principal causes for the removal of large numbers of our people from the country to the towns and cities. The farmer is seeking better advantages for his family, and unless the country can be made to supply, in some measure, these benefits, there will continue to be a congestion of population in the cities.

"We send a commission to Europe to investigate the question of immigration, and many States maintain immigration bureaus in order to secure desirable farm and industrial labor. The question is often asked by the intelligent and thrifty immigrant, Have you good roads? The most desirable immigrant comes from a country where he is accustomed to good roads, and if he is located where the roads are almost impassable for a great part of the year, he will remain no longer than to make and harvest the first crop.

"One of the problems in connection with the transportation system of the country, and one which has in many ways been the subject of discussion, is the congestion of traffic and the inability of the railroads, during certain periods of the year, to move promptly the products of the farm, factory, and mine. Great inconvenience, and oftentimes enormous losses, are sustained both by the producer and the consumer because of the inability of the railroads to deliver freight to its destination at times when it was most needed and commands the best prices. The railroads have not been able to expand and enlarge their carrying facilities in proportion to the increase in production. At certain periods they do not have sufficient locomotives and cars to meet the demands of commerce, while at other periods thousands of cars and locomotives, representing an investment of millions of dollars, stand idle. During the harvest season, and before the rain, snow, and freezes come which render the roads in many sections of the country impassable and useless, the farmer is compelled to rush his products to market, which results in an overflow, depreciates prices, and severely taxes the capacity of the railroads.

"It has been urged as a probable means of relief the improvement of the waterways of the country, which would, in a large measure, assist the railroads in moving articles ready for transportation, in addition to many other benefits, but it would not avoid the congestion. It would only assist in relieving it. An improved road system, permeating the country districts, would remove the principal cause, would enable the farmer and small producer to place his products on the market at such times when the price is commensurate with their value, or when most convenient to him, and his time could not be better employed. The American farmer is more prosperous to-day than at any time in his history and in a better position to dictate the price at which he will sell the products of his labor by withholding it from the markets. If the internal commerce of the country could be delivered to the railroad stations at any time during the year, and as the market required, the railroads could properly handle the entire freight of the country. If farm products must be delivered within a limited time, owing to the condition of the roads, the market is congested, the railroads are overtaxed, prices fall, the producer's profit is greatly reduced, and the consumer is greatly inconvenienced.

"The result of road improvement, wherever tried, has been largely to increase the value of farm land, for the homeseeker prefers to locate where improved roads provide their many advantages. Indeed, I have been assured that lands have even doubled and quadrupled in value along and adjacent to improved dirt roads.

"We hear a great deal being said about the destruction of our timber supply. Mr. President, I do not hesitate to say that, in my opinion, there is sufficient timber, composed of small tracts, belonging to farmers and other landowners, in this country to-day, and which is now considered worthless, because of its distance from the railroad, that could be placed on the market were the roads sufficiently improved, that would supply the timber demand in the United States for 75 years, the value of which alone would improve the dirt roads of this country.

"Mr. President, in closing I wish to touch upon a question which I consider of vital importance. It is a question not so much of dollars and cents, not of constitutionality, but one which affects our morality, our character as individuals and as a Nation, and the stability of our free institutions. Year after year the human tide flows from the country to the city, and the day may come when the words of the poet may apply to this Republic:

"Ill fares the land, to hastening ills a prey,
Where wealth accumulates, and men decay.

"Do not let us have great mobs of the unemployed, combining the scum of Europe with the misled boys from our American farms, so long as there are millions of acres of land waiting to be tilled and homes waiting to be built. Good roads will make farm life attractive; they will bring the isolated dweller closer to his neighbor, and I feel confident they will check the movement of our rural population to the great cities."

EXECUTIVE SESSION.

Mr. BANKHEAD. Mr. President, there are quite a number of appointments on the Executive Calendar which ought to be referred, and it will take just a minute to do that. Therefore, in order to get these appointments before the proper committees, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were opened, and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 25, 1916, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 24, 1916.

PROMOTIONS IN THE NAVY.

Ensign Alfred T. Clay to be a lieutenant (junior grade) in the Navy from the 7th day of March, 1915.

Ensign Jay K. Esler to be a lieutenant (junior grade) in the Navy from the 7th day of March, 1915.

Ensign Eugene P. A. Simpson to be a lieutenant (junior grade) in the Navy from the 8th day of June, 1915.

Ensign Herbert G. Gates, jr., to be a lieutenant (junior grade) in the Navy from the 8th day of June, 1915.

Ensign Alexander W. Loder to be a lieutenant (junior grade) in the Navy from the 8th day of June, 1915.

Assistant Naval Constructor Robert B. Hilliard to be a naval constructor in the Navy from the 24th day of March, 1916.

Assistant Naval Constructor Lee S. Border to be a naval constructor in the Navy from the 24th day of March, 1916.

Gunner Alvin E. Skinner to be a chief gunner in the Navy from the 21st day of December, 1915.

POSTMASTERS.

ARIZONA.

L. L. Ferrall to be postmaster at Grand Canyon, Ariz., in place of Louisa Ferrall. Incumbent's commission expired April 20, 1916.

W. B. Kelly to be postmaster at Clifton, Ariz., in place of E. J. Lehmann. Incumbent's commission expired April 11, 1916.

CALIFORNIA.

Ardella F. Brown to be postmaster at Walnut Grove, Cal., in place of Ardella F. Brown. Incumbent's commission expired February 8, 1916.

Virginia Mason to be postmaster at Suisun City, Cal., in place of Warren A. Woods. Incumbent's commission expired March 8, 1916.

H. E. Meyers to be postmaster at Yuba City, Cal., in place of Harry E. Meyers. Incumbent's commission expires May 20, 1916.

ILLINOIS.

Thomas W. Daly to be postmaster at Witt, Ill., in place of William Folkerts, removed.

Charles J. Paar to be postmaster at Warsaw, Ill., in place of Milton T. Hunt. Incumbent's commission expired February 13, 1916.

Jessie J. Wesse, to be postmaster at Dolton, Ill. Office became presidential April 1, 1916.

Dixon C. Williams to be postmaster at Chicago, Ill., in place of D. A. Campbell. Incumbent's commission expired January 15, 1916.

INDIANA.

Alden H. Baker to be postmaster at Westfield, Ind., in place of Charles Smith. Incumbent's commission expires May 10, 1916.

George P. DeHoff to be postmaster at Winona Lake, Ind., in place of John O. Motto. Incumbent's commission expires May 23, 1916.

Simeon L. Frost to be postmaster at Orleans, Ind., in place of William R. Elrod. Incumbent's commission expires May 23, 1916.

William F. Wake to be postmaster at Roanoke, Ind., in place of Preston B. Settlemyre. Incumbent's commission expires May 10, 1916.

Daniel A. Riley to be postmaster at Greentown, Ind., in place of Francis H. Manring. Incumbent's commission expires May 10, 1916.

KANSAS.

George W. Long to be postmaster at Galena, Kans., in place of George W. Rains. Incumbent's commission expires May 23, 1916.

MAINE.

Theresa L. Higgins to be postmaster at Woodland, Me., in place of Vesta P. Carle. Incumbent's commission expires May 17, 1916.

Silas T. Lawry to be postmaster at Fairfield, Me., in place of H. K. Purinton. Incumbent's commission expired April 5, 1916.

MARYLAND.

G. W. Etchison to be postmaster at Gaithersburg, Md., in place of Richard H. Miles. Incumbent's commission expired April 3, 1916.

MICHIGAN.

H. A. Cole to be postmaster at Paw Paw, Mich., in place of Frank N. Wakeman. Incumbent's commission expires May 23, 1916.

Joseph M. Dodge to be postmaster at Cass City, Mich., in place of John C. Corkins. Incumbent's commission expires May 24, 1916.

William B. Howlett to be postmaster at Jonesville, Mich., in place of David L. Powers. Incumbent's commission expires May 15, 1916.

MINNESOTA.

A. M. Loberg to be postmaster at Cokato, Minn., in place of Seth J. Swanson. Incumbent's commission expired December 21, 1915.

MISSISSIPPI.

Jefferson D. Fogg to be postmaster at Hernando, Miss., in place of Alfred B. Clifton. Incumbent's commission expired April 17, 1916.

MISSOURI.

J. Kelly Joiner to be postmaster at Richmond, Mo., in place of Mary E. Black. Incumbent's commission expires May 8, 1916.

NEBRASKA.

J. R. Cooper to be postmaster at Holdrege, Nebr., in place of Gust Abrahamson. Incumbent's commission expires May 17, 1916.

NEW JERSEY.

Oliver R. Kugler to be postmaster at Frenchtown, N. J., in place of James E. Sherman. Incumbent's commission expired June 8, 1915.

NEW YORK.

Michael Daly to be postmaster at Rye, N. Y., in place of A. M. Harriett. Incumbent's commission expires May 8, 1916.

Frank M. Evans to be postmaster at Fredonia, N. Y., in place of W. E. Clark. Incumbent's commission expired April 17, 1916.

J. Frank Lackey to be postmaster at Tannersville, N. Y., in place of Charles Voss. Incumbent's commission expired April 17, 1916.

B. F. Lent to be postmaster at Ithaca, N. Y., in place of James Lynch, deceased.

Robert A. Lundy to be postmaster at Ray Brook, N. Y., in place of Robert A. Lundy. Office became presidential October 1, 1914.

Paul E. McManus to be postmaster at Hartsdale, N. Y., in place of W. H. Secord. Incumbent's commission expired March 13, 1916.

James McNamara to be postmaster at Ravena, N. Y., in place of Arthur Hartt, removed.

Garrett D. Roche to be postmaster at Perry, N. Y., in place of J. E. Cole. Incumbent's commission expires May 8, 1916.

George Sinnott to be postmaster at Tarrytown, N. Y., in place of J. M. Requa. Incumbent's commission expired February 21, 1916.

Robert F. Wagner to be postmaster at New York, N. Y., in place of E. M. Morgan. Incumbent's commission expired December 14, 1915.

Fred G. Worden to be postmaster at Lake George, N. Y., in place of F. F. Hawley. Incumbent's commission expired April 3, 1916.

Llewellyn W. Yawger to be postmaster at Union Springs, N. Y., in place of G. S. Fordyce. Incumbent's commission expires May 24, 1916.

PENNSYLVANIA.

Otis S. Quinby to be postmaster at Springboro, Pa., in place of Bert L. Venen. Incumbent's commission expires May 20, 1916.

TENNESSEE.

John M. Jones to be postmaster at Newport, Tenn., in place of O. L. Hicks. Incumbent's commission expired April 23, 1916.

WEST VIRGINIA.

J. H. Long to be postmaster at Huntington, W. Va., in place of Jerry W. Dingess, resigned.

Stanhope McClelland Scott to be postmaster at Terra Alta, W. Va., in place of Buckner F. Scott, deceased.

WISCONSIN.

Dennis F. Blewett to be postmaster at Fond du Lac, Wis., in place of George Watson. Incumbent's commission expires May 10, 1916.

Joseph Le Fevre to be postmaster at Pulaski, Wis. Office became presidential January 1, 1916.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 24, 1916.

POSTMASTERS.

COLORADO.

Anna C. Vaughan, Castle Rock.

IDAHO.

O. P. Jensen, Shelley.

INDIANA.

Grover C. Luther, Clay City.

IOWA.

T. V. Barnard, Schaller.

KANSAS.

Irma J. Collopy, Turon.

MAINE.

Wilbur F. Goodwin, Kennebunk Port.
Gertrude S. Henneberry, Fort Fairfield.

MICHIGAN.

E. S. Dyckman, South Haven.
Miles L. Hadsall, Birch Run.
George H. Roblyer, Fennville.

MONTANA.

Clara D. McDonel, Philipsburg.

NEBRASKA.

W. G. Lawrence, St. Edward.

NEVADA.

M. A. Macfarlane, Winnemucca.
Sam Tidball, Ruth.

NEW HAMPSHIRE.

Archie M. Swett, Antrim.

SOUTH CAROLINA.

Clinton G. Rowland, Central.
W. B. Wright, jr., Shelton.

SOUTH DAKOTA.

J. E. Burns, Timber Lake.

WYOMING.

Thomas B. Scott, Greybull.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 24, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, our Father in heaven, that though there are wide differences of opinion among men upon questions of theology there is great unanimity of opinion upon pure religion and questions of ethics, since long before the ten great commandments were written on the tables of stone they were written in the hearts of men, so that, above the value of all that is temporal, a premium is set upon honesty, integrity, sobriety, virtue, and nobility of soul. There is nothing stronger than faith, purer than virtue, warmer than love, nor more enduring than hope; and we pray that these may live and grow until pure and undefiled religion shall be shed abroad in every heart. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Saturday, April 22, 1916, was read and approved.

INCREASE OF MILITARY ESTABLISHMENT.

Mr. HAY. Mr. Speaker, I ask unanimous consent to discharge the Committee on Military Affairs from the further consideration of the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, disagree to the Senate amendment, and ask for a conference.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent to discharge the Committee on Military Affairs from the further consideration of House bill 12766, disagree to the Senate amendment, and ask for a conference. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I want to have a vote on two or three propositions in the Senate amendment, and if the gentleman is willing I will be very glad to confer with him during the day and see if I can arrange with him to that end, or have him, if he will, confer with the gentleman from California [Mr. KAHN].

Mr. HAY. I will ask the gentleman how, under the parliamentary situation, he can select out any particular part of the Senate amendment and get a separate vote on it? It comes here all as one amendment.

Mr. MANN. It does not seem to me that there is any difficulty at all about it, I will say to the gentleman. I will be very glad to go over it with him during the day if we can make an arrangement.

Mr. HAY. Let the gentleman object.

Mr. MANN. I am perfectly willing to object.

Mr. HAY. If the gentleman can point out to me, under the parliamentary situation, how we can get at a vote on any particular provision on this Senate amendment, I would be very glad to know it now.

Mr. MANN. I think I know six different ways of doing it.

The SPEAKER. Does the gentleman object?

Mr. MANN. Yes; I object.

The SPEAKER. The gentleman from Illinois objects.

JUVENILE COURT, DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8348—the juvenile court bill.

The motion was agreed to.

The SPEAKER. The gentleman from Missouri [Mr. DICKINSON] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8348, the juvenile court bill, with Mr. DICKINSON in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 8348) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia," and for other purposes.

The CHAIRMAN. The Clerk will proceed with the reading of the bill for amendment.

The Clerk read as follows:

SEC. 35. That the court shall have power to devise and use a seal, to devise and publish rules and regulate the procedure for cases coming within the provisions of this act, and for the conduct of all probation and other officers of the court, and such rules shall be enforced and construed beneficially for the remedial purposes embraced herein. The court may devise and cause to be printed for public use forms of process and other papers and reports connected with the cases coming within the provisions of this act.

Mr. GARD. Mr. Chairman, when the bill was last under consideration an amendment was proposed, I think, to section 33, which amendment was pending at the time of the recess in the consideration of this particular bill. At that time it was thought that the amendment should be perfected, and it has been perfected, and the amendment has now been taken up by the gentleman from Massachusetts [Mr. TINKHAM], who has charge of the bill, from the Committee on the District of Columbia, and will be offered with the consent of the House, I understand, at the close of section 31. I have seen the amendment, I will say, and it seems to be a better amendment than the one I proposed, and therefore I will ask that when the gentleman from Massachusetts comes he will have the privilege of returning to section 31.

Mr. MANN. He is here.

Mr. GARD. Then I will ask that we may return to section 31 for the purpose of offering an amendment relative to the jury system in connection with this pending bill.

The CHAIRMAN. The gentleman has an amendment pending to section 31.

Mr. GARD. It is suggested, Mr. Chairman, that we now go ahead with the reading of the bill, and we will procure the amendment and have it incorporated later.

The CHAIRMAN. Very well. Without objection, that will be done.

There was no objection.

Mr. WALSH. I would like to ask the gentleman, who says we will go ahead with the reading of the bill, if the amendment suggested by the gentleman from Massachusetts [Mr. TINKHAM], if adopted, would not debar further amendments to the section?

Mr. GARD. I think not.

Mr. WALSH. I am inclined to think it would.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. IGOE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 12027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT as the conferees on the part of the Senate.

The message also announced that the Senate had receded from its amendment to the bill (H. R. 11471) to amend paragraphs 177 and 178 of an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, relating to the duty on sugar, molasses, and other articles, disagreed to by the House of Representatives.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4256. An act to amend section 5146 of the Revised Statutes of the United States so as to permit national banks located near the boundary line of adjoining States, subject to the discretion of the Comptroller of the Currency, to select only a majority, instead of three-fourths, of their directors from residents of the State in which they are respectively located.

JUVENILE COURT, DISTRICT OF COLUMBIA.

The committee resumed its session.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 39. That the accounts of the clerk of the said court shall be rendered quarterly and shall be transmitted to the Attorney General, examined under his direction, and referred to and settled by the Auditor for the State and Other Departments as in the case of accounts of clerks of United States district courts.

The salaries of the judge, clerk, and other officers of the court specially provided for shall be paid by the disbursing clerk of the Department of Justice from funds advanced by the Secretary of the Treasury from an appropriation for that purpose.

The compensation of jurors, rental of quarters for the court and its officers, and the incidental and miscellaneous expenses thereof, as well as the board of children in institutions to which the court may commit them, shall be paid from the same appropriations and in the same manner as the same or similar expenses for the Supreme Court of the

District of Columbia are now paid, and the authorization of such expenses and the examination and settlement of the accounts therefor shall be controlled by the statutes and regulations in force at the time regarding the same or similar expenses of the Supreme Court of the District of Columbia: *Provided, however*, That all expenses of the juvenile court and its officers for the fiscal year 1917 shall be paid by the United States marshal for the District of Columbia from the appropriations for those purposes made in the act providing for the expenses of the District of Columbia for the fiscal year 1917, and the Secretary of the Treasury is hereby authorized to advance, upon requisition of the Attorney General, funds from such appropriations to the United States marshal for payments in accordance with this proviso.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Missouri moves to strike out the last word.

Mr. BORLAND. Mr. Chairman, I have been very much interested in the success of this bill. I have not heretofore had anything to say upon its terms and provisions, because it has been so thoroughly discussed and so splendidly presented by the gentlemen who have been instrumental on the committee in getting up the terms of the bill.

I want to compliment the committee upon the drafting of this bill and the splendid provisions it contains. It is a long step in advance for the city of Washington and the District of Columbia. It seemed to me when I was serving on the District Committee—during the brief time I served on that committee was under the Republican régime, and I was a minority member—that there was much that could be done toward modernizing the conditions in the District of Columbia. With other members of the minority I tried to get some progressive legislation adopted. Unfortunately, there was a time in the history of that committee when all of its time was taken up with property rights of property owners in the District of Columbia, street openings, and improvements of that kind, which benefited some particular section of the city and some group of property owners. I am glad to say that a complete change has come over the attitude of the committee legislation toward the District of Columbia. They are really legislating now, under the present conditions, as if the District were composed of human beings, citizens with rights, children, and other problems that a great municipality has. I am glad to see that the dollar element in legislation for the District is dropping below the human element, and that the human element is being put above the dollar element.

Thus for the first time we have begun to legislate for the District along lines of real progressive human improvement. Now, we have had for many years, why I do not know——

Mr. CAMPBELL. Will the gentleman yield?

Mr. BORLAND. I yield to the gentleman from Kansas.

Mr. CAMPBELL. Long before the gentleman from Missouri came to Congress we legislated for progressive human measures in the House of Representatives. We passed laws preventing children from working in shops and factories, and that became a model for legislation throughout the country. We passed a model law for fire escapes, requiring all buildings that had human beings in them in the nighttime to be provided with suitable fire escapes, and much other legislation of a similar kind, so that the gentleman's statement is not well measured.

Mr. BORLAND. I am going to give the gentleman credit—because he chanced to serve on the committee at the same time I did—with being an earnest advocate of the fire-escape law. I do not know of any other progressive legislation that occurred at that session, but I am going to give him credit for that.

Mr. CAMPBELL. That law was passed before the gentleman became a member of the Committee on the District of Columbia.

Mr. BORLAND. The gentleman recollects that the only fight we had on that subject in that committee was to keep the fire-escape law from being repealed at the demand of the big property owners of the District of Columbia.

Mr. CAMPBELL. But the enactment of the fire-escape law came before the committee of which I was chairman——

Mr. BORLAND. I am giving the gentleman credit for that; but the gentleman probably recalls that the gentleman from Kentucky [Mr. JOHNSON], the gentleman from Tennessee [Mr. SIMS], and myself fought all night here for two nights on the 3d and 4th of March, 1911, to keep the fire-escape law from being repealed.

Mr. CAMPBELL. I remember that very well.

Mr. BORLAND. But we are now legislating for the children, and are putting the District of Columbia on a modern plane in the treatment of its children. During all the time that the gentleman from Kansas [Mr. CAMPBELL] speaks of, a conviction in the Juvenile Court of the District of Columbia was a criminal conviction, and branded the child as a criminal, and destroyed the political, social, and civil rights of that child. Now, for the first time that brand is taken off the children, and they are being treated as delinquents, as wards of the State rather than as criminals. There was then no distinction between the neglected child and the vicious child. They were all herded together under the same law that branded them as criminals, and a conviction in that court made them criminals in the eye of the law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. Mr. Chairman, I ask for three minutes more. I have been interrupted.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. FESS. Will the gentleman yield for a question?

Mr. BORLAND. I yield to the gentleman from Ohio.

Mr. FESS. The juvenile court procedure is rather an innovation, anyway, is it not, all over the country?

Mr. BORLAND. Yes; the gentleman is right. The juvenile courts are a product of modern thought and modern conditions. They treat the child not as a criminal but as one who has not yet a fair chance in life, and that is the attitude in which the child ought to be treated. Heretofore our legislation with regard to juvenile offenders has been such as to confirm their criminality, such as to make them a constant menace and liability upon the State, and in later years we had them to deal with as criminals. We had to provide at the expense of the taxpayers jails, police officers, and courts to take care of criminals, who in many cases had been manufactured by society itself. Now, society is undertaking to remove the cause, and is giving the delinquent child an opportunity in life, one of the best things that democracy can do for its citizens—giving them an equal chance in life. When a man has reached years of discretion, hold him responsible for discharging his duties of citizenship. I hope this bill will pass. I hope it will put the Juvenile Court of the District of Columbia on the plane of the juvenile courts of all the other great, progressive cities of the United States. I think it is a long step in advance in legislation for the District of Columbia, and when we can get away from legislating purely for the opening of streets and alleys and the improvement of private real estate in the District of Columbia, and can legislate for the great citizenship of the District of Columbia, American citizens living in the Capital of the Nation, then we have made a long step in advance in legislating for our National Capital. [Applause.]

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words. I regret exceedingly that a Member on the other side of the aisle has cast reflections on this committee after five years of control by his party by saying that this is the first time in its history that any progressive legislation for human welfare has been reported by that committee to this House. I want to compliment the gentlemen who, not only while he was a member of the committee but since then, has been greatly concerned to give all consideration to questions relating to property so far as District matters are concerned. Why, even those of us who have short memories can remember his activity on the question of assessments for street improvements, and also to compel the citizens employed in the departments here to work not only eight hours but to work longer than eight hours by cutting down 10 per cent of the Government's employees. At this late day he has seen a new light, and he wishes to pass humane measures, and in that way he casts a reflection upon a committee that has been doing good service by reporting bills here limiting the hours of women's employment and other measures of like humane purpose. I am glad that at last he has taken a change of heart and has publicly confessed that his position in the past, which only concerned property rights——

Mr. BORLAND. I am glad to welcome the gentleman as a recruit. He does not have to welcome me.

Mr. STAFFORD. I do not yield to the gentleman. I am glad he has made his confession of bad faith in the past, and that he sees a new light. [Laughter.]

But I rose, Mr. Chairman, to ask the gentleman having this bill in charge whether any provision has been made for compelling delinquent parents, when these children are taken over by institutions, to reimburse the District for the money expended by it for the sustenance of these delinquent children? In this item you compel the District and National Government to pay for the board of these delinquent children. I can conceive of many instances where parents are in a position to support the child and have been delinquent, more or less, in making proper provision in their home. I have not been able to discover any provision where you compel the parents, in case they are able, to reimburse the Government for the expenses entailed in the care of these wards.

Mr. TINKHAM. There is such a provision in this bill.

Mr. STAFFORD. It may have escaped my attention. I was reading the latter half of it and did not see any provision covering that point, but if the gentleman from Massachusetts says there is I will accept that, and the gentleman can direct my attention to it later on. It just came to my mind whether the committee had taken that matter under consideration.

Mr. TINKHAM. Mr. Chairman, I believe section 22 provides for that feature which the gentleman from Wisconsin speaks of. Section 22, line 19, says:

The court may, upon petition of any person interested and after service of an order to show cause upon the parent or parents or other person having the duty under the law to support said child, and a hearing, adjudge that the expense of caring for said child by said Board of Children's Guardians, or other custodial agency or institution, or such part thereof as may be fixed by the court, shall be paid by the person or persons bound by law to support said child, in which event such person or persons shall be liable to pay to the Board of Children's Guardians, or other custodial agency or institution, and in such manner as the court may direct, the money so adjudged to be payable by him or them; and willful failure to pay said sum may be punished as a contempt of court.

Mr. STAFFORD. That section, I think, covers the point that I had in mind.

Mr. TINKHAM. It seems to me that it is complete.

Mr. TOWNER. Mr. Chairman, I desire to oppose the pro forma amendment for the purpose of saying a few words in regard to this juvenile court bill. It is not a subject of very great satisfaction to us who inherit Anglo-Saxon law to remember that it was only but yesterday that the child was considered on an equality with regard both to his responsibility and punishment with adults under the law. It is only but a little while ago, as history goes, that a child convicted of petty larceny was executed under the English law. Consequently it is a subject of congratulation that the belated moral sense of the great Anglo-Saxon people everywhere is demanding separate consideration for the child because of any delinquency or violation of the code laid down by man as his written law.

Now, it certainly ought to be within the desire of every Member of this House to further the consideration and the passage of such beneficent legislation as is here proposed. I am not altogether in favor of all the provisions of this juvenile court act. I will say, as a whole, it is a most beneficent and admirable piece of legislation. I congratulate the author of the bill on introducing it and the chairman of the committee on reporting it. I sincerely hope that if there are no material changes, or at least no vital changes, that will injuriously affect the efficacy of the bill, it will receive consideration and be passed by this House. [Applause.]

Mr. GARD. Mr. Chairman, I ask unanimous consent to return to section 31 of the bill for the purpose of perfecting the clause which was pending when the bill was last under consideration.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to return to section 31 of the bill. Is there objection?

There was no objection.

Mr. GARD. Mr. Chairman, when the bill was last under consideration an amendment offered by me was pending to section 33, which amendment I now desire to withdraw, and also to amend section 31 by adding the following language, which I will send to the Clerk's desk.

The Clerk read as follows:

Amend section 31 by adding at the end thereof the following: "Persons charged under this section shall be entitled to a jury trial on demand therefor, or the judge upon his own motion may call a jury."

Mr. TINKHAM. Mr. Chairman, the committee will accept that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 41. That all fines, penalties, costs, forfeitures, and other money judgments imposed or taxed by said court shall be paid to the clerk thereof, to be covered into the Treasury, one-half to the credit of the United States and one-half to the credit of the District of Columbia, and the juvenile court may issue execution in default of payment thereof: *Provided*, That this section shall not apply to cases arising under the act of March 23, 1906, referred to in the succeeding section of this act.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I would like to ask the members of the committee or the chairman how the fees or money judgments are divided at the present time and whether this makes any change.

Mr. TINKHAM. Mr. Chairman, in reply to the honorable Representative from Massachusetts, I will say that it is our understanding that there is no change made in the way the money received by the court is divided.

The Clerk read as follows:

SEC. 42. That said juvenile court shall have original and exclusive jurisdiction of all cases arising under the act entitled "An act to provide for the care of dependent children in the District of Columbia and to create a Board of Children's Guardians," approved July 26, 1892, and all acts amendatory thereof. So much of section 2 of said act aforesaid as provides for the appointment and removal of said board by the judges of the police court and the judge holding the criminal court of the District is hereby amended so that said section 2, as amended, shall read as follows: "That the members of the Board of Children's Guardians shall be appointed by the judge of the juvenile court: *Provided*, That there shall always be at least three representatives of each sex upon the board. All appointments to the said board, except such as shall be made for the remainder of unexpired terms, shall be for the term of three years. The judge of the juvenile court may remove for cause any member of the board: *Provided*, That such member shall be given an opportunity to be heard in his own defense. The members of said Board of Children's Guardians in office at the time this act becomes effective shall continue in office for the respective terms for which such persons shall have been appointed, unless sooner removed as herein provided. Said juvenile court shall have concurrent jurisdiction with the Supreme Court of the District of Columbia in all cases involving children arising under the act entitled 'An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute and necessitous circumstances,' approved March 23, 1906. The court may, in its discretion, order payments under this act to be made through the Metropolitan police of the District of Columbia, who shall make daily returns to the clerk of said court of all such receipts; and it shall be the duty of the clerk, within 48 hours after the receipt thereof, to disburse, by check, all moneys collected under said act to the parties entitled; and said juvenile court shall continue to have and exercise the jurisdiction conferred upon it by the act entitled 'An act to provide for the support and maintenance of bastards in the District of Columbia,' approved June 18, 1912. Nothing in this act shall be construed to modify, abridge, or appeal any portion of the acts establishing the National Training School for Boys and the National Training School for Girls, or any act supplementing said acts or amendatory thereof, except as provided in section 20 hereof."

Mr. HOWARD. Mr. Chairman, there is one proposition in this section that strikes me with some degree of doubt as to whether it ought to be in there, and that is the provision that refers to the wife. It seems that under the provisions of this bill, whether the wife of a neglectful husband has children or not, she can come into the juvenile court and get redress. I do not think the wife ought to bring into the juvenile court, that is created for the purpose of being the guardian and protector of children of the District, who has differences with her husband, if she has no children that were dependent on the father for support. I think it would give a good deal of leeway to the court to determine what in other jurisdictions would be alimony proceedings, and so forth. I think it is perfectly proper where the wife has children for the mother to be looked after by the juvenile court, but where she is childless it gives a good many women power to go into the juvenile court without a full and free hearing and exact unreasonable sums from the husband through the instrumentality of this juvenile court. I do not know what the committee's reason may be, but it occurred to me that the wife herself ought to go to the proper court and keep the juvenile court free from adults only.

Mr. TINKHAM. Mr. Chairman, in reply to the honorable gentleman from Georgia, I would state that his theory is absolutely correct and is followed and worked into this act in the language found at the bottom of page 26, as follows:

Said juvenile court shall have concurrent jurisdiction with the Supreme Court of the District of Columbia in all cases involving children arising under the act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute and necessitous circumstances," approved March 23, 1906.

An act passed March 23, 1906, devolved upon the juvenile court the jurisdiction over cases of nonsupport where no children were involved, and also cases of nonsupport where children were involved. The language of this bill does exactly what the honorable Representative from Georgia desires, namely, it devolves upon the juvenile court only the consideration of cases of nonsupport where there are children involved. Where a child is not involved the bill by its very words, which I have read, leaves the disposition of the case to the Supreme Court of the District of Columbia, as the words at the bottom of page 26 say that the juvenile court shall only have jurisdiction in cases involving children.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. Yes.

Mr. GARD. I desire to ask the gentleman if at the present time the Juvenile Court of the District of Columbia does take up cases involving the nonsupport of a wife, there being no children the issue of the marriage?

Mr. TINKHAM. Mr. Chairman, it does.

Mr. GARD. Is it intended now by this bill to take such jurisdiction away from the juvenile court?

Mr. TINKHAM. Where there is no child that is the intention.

The Clerk read as follows:

SEC. 43. That prosecutions in adult cases shall be on information by the corporation counsel of the District of Columbia.

Mr. TRIBBLE. Mr. Chairman, I move to strike out the last word. I desire to ask the gentleman in charge of the bill what is the purpose of making a different form of prosecution in section 43? In this section you place in the hands of the corporation counsel of the District of Columbia the authority upon his own motion to charge a person with a crime and bring such person into court. We have grand juries in this country for the purpose of making criminal investigations in felony cases. When misdemeanors are not presented to the grand jury, there is always required a sworn affidavit of the prosecution to bring a man into court. In this bill you propose to bring charges in court simply upon the operation of the corporation counsel without authority from any person except himself. He is authorized to charge crime upon information not sworn or in writing.

Mr. TINKHAM. Mr. Chairman, in reply to the question of the honorable Representative from Georgia [Mr. TRIBBLE] I desire to say that he will find in the beginning of the bill that no process can be started before this juvenile court without a petition which is sworn to.

Mr. TRIBBLE. That section applies to children; but the rule is changed in section 43, where you exclude all those previous provisions of the bill and you simply authorize the corporation counsel upon his own motion to arrest any person, without a warrant, affidavit, or anything.

Mr. TINKHAM. There is no authorization, it seems to me, in section 43 which allows of anything more than the prosecution in the court after the individual has been brought there—the adult—by due process of law, under some law which brings him properly before that court.

Mr. TRIBBLE. Let us read that provision—

That prosecutions in adult cases shall be on information of the corporation counsel of the District of Columbia.

That is just as plain as language can make it. It could not be any plainer. These prosecutions shall be upon the information of whom? Upon the action of the corporation counsel alone; and he is not even required to disclose the information that prompted his action.

Mr. TINKHAM. Mr. Chairman, as I understand it, anyone to-day can apply to a court of minor jurisdiction making a complaint and ask for a warrant. If the court issues the warrant, the warrant goes into the hands of the officer, and the person is arrested and brought before the court, and there is prosecuted by the private individual.

Mr. TRIBBLE. Yes; and that is exactly what I stated; that is what I contend for now, but section 43, I have just read, nullifies the existing law and provides for criminal prosecutions by action of corporation counsel.

Mr. TINKHAM. It seems to me that this is more modern and better in protecting the rights of the individual citizen, by not giving the right to anyone or everyone to go in and make a complaint, but providing that that person must and shall go, if he has a complaint, to the corporation counsel, a public officer, and unless the public officer approves the complaint shall not be filed or information made to the court. It seems to me that that is a protection rather than opening the doors wider.

Mr. TRIBBLE. The gentleman certainly never has been a prosecuting counsel. As a matter of fact, whenever you require a prosecutor to sign his name to an affidavit and swear that another man has committed a crime, in half of the cases they refuse to do it. The gentleman knows that all kinds of charges are made before grand juries by anonymous communications. Prosecutors bring information to the grand jury room by sticking a notice under the doors and various ways, except by going to the front themselves and signing their name to the proposed indictment. If the juries notice this information an investigation is held. But this bill proposes that the district corporation counsel upon his own motion shall proceed to prosecute a man and put him in jail if he sees fit to without anyone swearing or stating under oath that he has violated the law. I can not support this bill. There are several serious objections to this bill, and I am here to aid in exposing them and defeat the bill, if possible.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. TRIBBLE. Yes.

Mr. TOWNER. If the gentleman will look at section 31 he will see that these prosecutions against adults—and this section which he refers to only refers to prosecutions against adults——

Mr. TRIBBLE. Yes; all of these prosecutions except this class that is enumerated in section 43.

Mr. TOWNER. This provision in section 31 says that whenever in the course of any proceeding it shall appear to the court that the adult, the parent, or the guardian is guilty of some violation of the law he may order a prosecution. The section to which the gentleman refers, and with which he finds fault, only provides who shall have charge of that prosecution. I see no difficulty such as the gentleman suggests.

Mr. TRIBBLE. Why use the word "information" if the gentleman's contention is right? It is provided here that the prosecution in adult cases shall be on the information of the corporation counsel. Why use that word, if there is to be an affidavit? The language is plain.

Mr. TOWNER. I will state to the gentleman that that is for the reason that no person is ever placed on trial under our law except upon definite statement of a charge.

Mr. TRIBBLE. That is true, and that is what I am contending for now.

Mr. TOWNER. If in the course of the proceeding it shall be found that this person ought to be prosecuted, then it is made the duty of the corporation counsel to file the information specifying the child and put the adult on trial.

Mr. TRIBBLE. The gentleman states the law correctly.

Mr. TOWNER. The gentleman's idea and objection, it seems to me, are entirely imaginary.

Mr. TRIBBLE. And the gentleman from Massachusetts states the law correctly.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TRIBBLE. Mr. Chairman, I ask unanimous consent that I may proceed for three minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TRIBBLE. Why, gentlemen, that language is just as plain as can be. There is nothing to do under this statute, except the corporation counsel of the District simply calls on you or me to answer in a court for any crime he may see fit to charge us with.

Mr. TINKHAM. Mr. Chairman, I do not see why the honorable Representative from Georgia should object to a public official making a complaint rather than a private individual, when the disposition of the merits of the complaint must be made before a court, an open court, a court with a jury.

Mr. TRIBBLE. I object to it because I refuse to allow any man to charge another with a crime without disclosing his identity. When a citizen is charged with crime and called upon to give bond, go to jail, and stand trial in the court, there should be a record in writing showing the authority of prosecuting counsel. Mr. Chairman, this bill provides trial of all children under 17 years of age and the manner of placing them in institutions of corrections. No provision is made for separating the white children from the negro children. Provision is made for the appointment of officials, both men and women, and yet no regulation is provided to prevent white girls or boys from being turned over to a negro official. The judge of the court and his officials have too much authority in disposing of children who are so unfortunate as to not have parents capable of protecting them. The judge of the court appoints his board and removes the members at will. If the board refuses to do his bidding, they may be discharged. Furthermore, Mr. Chairman, this juvenile court is given exclusive jurisdiction of all class of criminals under the age of 17 years. Murder, arson, and rape may be charged, and yet the courts are forbidden to take charge of the criminal without direction of the juvenile judge. The murderer or rapist under 17 years may be sent to the institution for correction on the action of the juvenile judge. I am not willing to make a place of refuges for hardened criminals in the same institution with helpless little girls.

Mr. Chairman, this court will deal with numberless little girls and boys of tender years, helpless, motherless, fatherless, and orphans. I have carefully studied the authority granted to officials in this bill. I am afraid the helpless will not be protected and the guilty go unpunished. Therefore I oppose the bill.

Mr. GARD. Mr. Chairman, I am inclined to think there is some merit in the contention advanced by the gentleman from Georgia [Mr. TRIBBLE], and therefore I desire to offer the following amendment: In section 43 I move to strike out the language contained therein and substitute the following language:

That all prosecutions shall be conducted by the corporation counsel of the District of Columbia.

I will say that is for this reason, Mr. Chairman——

The CHAIRMAN. Will the gentleman send his amendment to the desk?

Mr. GARD. I will repeat it.

In line 21, page 27, as a substitute for section 43, I offer the following language:

That all prosecutions shall be conducted by the corporation counsel of the District of Columbia.

Mr. JOHNSON of Kentucky. Or one of his assistants.

Mr. GARD. It is suggested "or by one of his assistants," but I think the words "corporation counsel" will cover.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 27, after "43" lines 21 and 22, by striking out lines 21, 22, and 23 and inserting: "That all prosecutions shall be conducted by the corporation counsel of the District of Columbia."

Mr. GARD. Mr. Chairman, the reason for my offering this amendment——

Mr. TOWNER. Will the gentleman yield?

Mr. GARD. Will the gentleman kindly allow me to state my reason and then I will yield?

Mr. TOWNER. I thought the gentleman omitted to state in adult cases.

Mr. GARD. No; I did not. Section 10 of this act provides that no child shall be brought into the Juvenile Court of the District of Columbia unless there be filed a verified petition stating the facts that bring such child within its provisions. Now, section 31 of the same act provides that once a child having been in the court, having been properly brought into court, that the court itself has plenary jurisdiction and included within the jurisdiction and proper order is any person who has contributed in any way to the delinquency of the child. Now, it would seem to me that the entire language of section 43 might possibly be construed as being another and additional and uncalled-for means of bringing an adult person into the juvenile court.

I think the proper intention of the bill is to have the prosecution of any and all cases in the juvenile court conducted by the corporation counsel of the District. It is surely not the intent of the framers of the bill or any juvenile court bill to have conduct of the prosecutions. The corporation counsel is to stand in the relation of a friend to the child and to the court and to conduct entirely in an unprejudiced and unbiased and nonpartisan way the cases, always in the interest of the child and always in the interest of the administration of justice.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. GARD. I do.

Mr. GREEN of Iowa. I would like to ask the gentleman whether he thinks that the general provisions of the law and the provisions of section 31 would make it unnecessary to provide in this section anything in reference to the manner in which the prosecution should be begun? The gentleman left out of his amendment, I understand, the words "on information."

Mr. GARD. Yes; I left out the words concerning "adult cases" and "on information."

Mr. GREEN of Iowa. Does the gentleman think that is unnecessary?

Mr. GARD. It seems to me that when the adult is brought into court he should have the same procedure against him that the child has; that there should be filed a verified petition against him. I do not know the case should be thrown so widely open as to permit the corporation counsel upon mere information to file in the juvenile court some sort of paper and have a man brought in without any process, but I do think it is the intention of the bill to have the corporation counsel appear in all necessary prosecutions in the case.

I think the situation is covered by the language of sections 10 and 31.

Mr. TINKHAM. Mr. Chairman——

Mr. GREEN of Iowa. Will the gentleman from Ohio yield further?

Mr. GARD. Yes.

Mr. GREEN of Iowa. If I understand the gentleman correctly as to his intention, I do not think his amendment is at all sufficient. There is no other provision in the bill for commencing a prosecution against adults by petition, if I remember the provisions of the bill correctly, and his amendment would simply leave the whole matter in the air as to how the prosecution should be commenced.

Mr. GARD. I do not desire to do that.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. GARD] has expired.

Mr. TINKHAM. Mr. Chairman, the honorable Representative from Ohio [Mr. GARD], I think, has for a moment forgotten the language of this bill in previous sections, and its intention and purpose principle. He will realize as soon as I have spoken that there are no prosecutions of children under this act; that the very purpose of this enactment is that there shall be no prosecutions; that the criminal law shall not be worked against the child, nor even its language used. I will say that this section was put in simply that there might be a method, as has been well indicated by the honorable Representative from Iowa [Mr. GREEN], for beginning actions allowed by the bill, such as bastardy, nonsupport, and contribution to delinquency against adults. Unless there was a provision as to how these adult cases should begin and proceed, how they should be brought in to the machinery of the court by such language as is contained in section 43—and it is the prosecution of the adult, the child can not be prosecuted under this act—there would be no adequate method for their pursuit. I therefore hope that section 43 will not be amended, but will stand as recommended by the committee.

Mr. EMERSON. I think something should be added in there, as has been suggested by the gentleman from Georgia [Mr. TRIBBLE] and others, requiring the filing of an affidavit by somebody who makes the complaint.

Mr. TRIBBLE. What about the words "sworn information" in there?

Mr. TINKHAM. Mr. Chairman, if an amendment is offered by the honorable Representative from Georgia [Mr. TRIBBLE] to effect the purpose he has indicated, I shall not object for the committee.

Mr. TRIBBLE. I offer that amendment.

Mr. TOWNER. Will the gentleman allow me a moment? Let me call the attention of the gentleman having charge of the bill, and the gentleman offering this amendment, to this fact, that there can be no prosecution against an adult except upon order of court, and therefore an affidavit is unnecessary. It would be perfectly ridiculous to require an affidavit.

Section 31 provides:

That whenever in the course of any proceeding instituted under this act it shall appear to the court that a parent, guardian, or person having the custody, control, or supervision of any child coming within the provision of this act.

And then subsequently it says the court shall have plenary jurisdiction in such matters, and shall cause such parent, guardian, or other person, as the case may be, to be brought before it, upon either a summons or a warrant for such order in the premises as the court may see fit to make.

And then this subsequent provision, section 43, is put in justly, as I think, and properly, as I think; that the charge of the prosecution shall be made against this adult by the corporation counsel and shall be made on information.

Now, what else do gentlemen want? No prosecution can be made under any circumstances against any adult except upon order of the court as disclosed in the proceedings against the juvenile. Gentlemen, if amendments like this are adopted, you will destroy the efficacy of this bill.

Mr. EMERSON. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. EMERSON. Does not section 31 refer to cases wherein in the examination of a child for the commission of some crime it developed that some adult was brought into it? Is not that the case?

Mr. TOWNER. Yes; I will say to the gentleman from Ohio, and I call his attention to the fact that no adult can be prosecuted except in that manner and under the provisions of section 31. In other words, he can not be prosecuted except upon order of the court. No information can be filed under any circumstances, and no punishment can be inflicted under any circumstances except upon the order of the court.

Mr. JOHNSON of Kentucky. Mr. Chairman, I think the gentleman from Iowa [Mr. TOWNER] is exactly right about this proposition. This language occurs in every bill that comes in regarding offenses committed in the District of Columbia. Every bill that comes here contains a provision that these prosecutions shall be upon the information of the corporation counsel of the District of Columbia or upon the information of the United States attorney for the District of Columbia. In other words, this language determines jurisdiction between those two courts. If it were unusual language it might bear more scrutiny, but this language is used in every bill that comes before this House in reference to criminal prosecution.

Mr. EMERSON. Is it true, I would like to ask the gentleman from Kentucky, as the gentleman from Iowa states, that there can be no prosecution against adults under this law except on motion of the court? I understood he made that statement.

Mr. JOHNSON of Kentucky. I agree with the statement made by the gentleman.

Mr. TOWNER. Certainly.

Mr. EMERSON. Why is this section 43?

Mr. TOWNER. This is only necessary because it ought to specify some person to conduct the prosecution, and in justice to the defendant it ought to give him notice of what the specific charge is.

Mr. EMERSON. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. EMERSON. But it does not say that. Section 43 says that prosecutions in adult cases shall be made on information.

Mr. TOWNER. And section 31 says that the only prosecution against adult cases and the only place where there is any

penalty to be inflicted is in these cases as specified in the section as arising upon the hearings and order of the court.

Mr. GARD. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. GARD. Does not the gentleman think——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, may we have the amendment read again?

Mr. GARD. I will ask unanimous consent to be recognized for three minutes, Mr. Chairman.

The CHAIRMAN. Without objection, the amendment will again be reported.

The amendment was again read.

The CHAIRMAN. The gentleman from Ohio [Mr. GARD] asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. GARD. Mr. Chairman, the question I desired to ask was whether or not the gentleman from Iowa [Mr. TOWNER] thought the words "on information" applied to the manner of beginning a proceeding against an adult charged with the violation of any part of this law, or whether it was just the means of setting in motion the conduct of a case by the district attorney as the prosecuting officer.

Mr. TOWNER. No. I will say to the gentleman if he will read carefully the language of section 31 he must see that this prosecution must be ordered against the adult by the court. That is the only way an adult can be brought into court.

Mr. GARD. I am frank to say that if that is the purpose of it, I concede that the argument of the gentleman is good.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent to proceed for two minutes, in which to ask the gentleman from Iowa a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. HOWARD. Does not the gentleman from Iowa [Mr. TOWNER] think there is quite a conflict between section 43 and section 31 as they stand now?

Mr. TOWNER. I will say to the gentleman, no. If the two sections are taken in connection—and they must be, because they refer to each other—section 43 provides that in prosecutions against adults the information shall be filed by the corporation counsel. Now, the only place in the whole bill where any kind of penalty is stated as against adults is in section 31.

Mr. HOWARD. I see that.

Mr. TOWNER. And the only place where there is any penalty or punishment inflicted is under section 31, so that it is proper, as the gentleman will understand, when the court determines that prosecution shall be made against an adult for violation of this section 31 that the statute should provide who shall conduct the prosecution, and it is certainly right and proper that it should state that it be done by information which shall specify the particular charge.

Mr. GARD. I desire, Mr. Chairman, to withdraw the amendment proposed by me.

The CHAIRMAN (Mr. RAKER). The gentleman from Ohio [Mr. GARD] asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. TOWNER. So that there can be no opposition in the terms.

Mr. HOWARD. Does not the gentleman think that from the language of section 31 the sole language in section 43 would be that "prosecutions in adult cases shall be conducted by the corporation counsel of the District of Columbia"? Would not that accomplish the same purpose that the gentleman wants to accomplish by this provision, and there would be no confusion?

Mr. TOWNER. I do not see any objection, but I do not think it would strengthen it.

Mr. HOWARD. I think it would eliminate all doubt.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Yes.

Mr. GREEN of Iowa. I think the gentleman is overlooking the fact that no adult can be fined or punished or sent to jail unless there is a written charge against him of some kind, and this simply provides for the written charge.

Mr. HOWARD. Why do you want in here the language that "all prosecutions in adult cases shall be on information by the corporation counsel of the District of Columbia," when the gentleman knows——

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent to proceed for one minute longer.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HOWARD. The word "information" is used in about 35 States of this Union as the modus operandi of getting the case to the grand jury in the different courts of the country. Why do you use it if you do not mean it in the accepted sense?

Mr. GREEN of Iowa. The word "information" is used simply as applying to a minor charge or misdemeanor.

Mr. HOWARD. Not in court procedure. "Information" in court procedure means that upon which a prosecution is predicated in nine cases out of ten. It is so in the State of Texas and in a dozen of other States that I might mention. They use the word "information" instead of the word "indictment" or "warrant." It is the initial step to put into operation the prosecution.

Now, Mr. Chairman, I move to amend section 43 by striking out the word "information," so that said section when amended will read as follows:

That prosecutions in adult cases shall be conducted by the corporation counsel of the District of Columbia.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Georgia [Mr. HOWARD].

The Clerk read as follows:

Page 27, amend section 43, as follows: Strike out the words "on information" and insert the word "conducted," so that the section will read: "That prosecutions in adult cases shall be conducted by the corporation counsel of the District of Columbia.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. HOWARD. A division, Mr. Chairman.

The committee divided; and there were—ayes 8, noes 20.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 44. That the judge and other officers holding office at the date of the passage of this act shall continue in office until the terms for which they were appointed shall expire and until their successors are duly appointed and qualified.

Mr. HOWARD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Georgia moves to strike out the last word.

Mr. HOWARD. Mr. Chairman, before this bill is completed I would like to ask the chairman of the committee or the gentlemen having charge of this bill this question for my own satisfaction. I think the question I am going to propound to the gentleman will determine to a very large extent whether I shall support this bill or not. Under section 4, I believe it is, of the bill, I notice that the juvenile court has jurisdiction of all classes and conditions of crimes that are committed in the District of Columbia by a child not less than 17 years of age. I want to ask this gentleman whether this section applies or the juvenile court can retain jurisdiction in cases of murder, criminal assault, arson, and the like, if they are committed in the District of Columbia by a child under 17 years of age?

Mr. TINKHAM. Mr. Chairman, in reply I will say it is in the discretion of the court to refer any case of which it gets jurisdiction under section 4 to the grand jury to have proceedings taken in the usual way.

Mr. HOWARD. I want to ask the gentleman one other question. Is it obligatory on the court to transfer cases of that character to the Supreme Court of the District of Columbia?

Mr. TINKHAM. It is merely discretionary, Mr. Chairman.

Mr. HOWARD. If this bill gives the discretion to the juvenile court to retain jurisdiction in cases of this sort over 17-year-old boys or girls, as the case may be, when every other State in the Union holds males and females of this age to the strict accountability of the law in such cases, I shall not vote for this bill. It is with some degree of reluctance that I want to lay before this House a condition that exists in the District of Columbia that, in my judgment, does not exist in any other place of its size in the civilized world.

There is more money per capita spent in the District of Columbia upon the education of all classes of our citizens than there is in any other city in the United States of America. Every available instrumentality is employed in the District of Columbia for the education and the refinement of all classes, white and black alike. They have their training schools, their technological schools, their high schools, their practical colleges here, where young people can get an education way above that

given to those in the most liberal States in the Union, and in this city of 385,000 people, one-third of whom are black and two-thirds of whom are white, 75 per cent of the crime in the District of Columbia is committed by the one-third element of the population.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOWARD. I ask for three minutes more.

Mr. EDWARDS. I ask unanimous consent that my colleague be allowed five minutes.

Mr. MANN. Is this a filibuster?

Mr. HOWARD. I do not know that I will use the time.

The CHAIRMAN. The gentleman from Georgia [Mr. EDWARDS] asks unanimous consent that his colleague be allowed five minutes. Is there objection?

There was no objection.

Mr. HOWARD. A good many gentlemen from some sections of the country are always ready and glad to criticize the section from which I come on the subject of crime, when if you will go to your court records here you will find that 75 per cent of the crimes of all kinds committed in the District of Columbia are committed by one-third of the population, although they are in an environment and they are afforded all the facilities to train this class of our citizens, to advance them in civilization, to teach them to become law-abiding citizens, to teach them to be better and more helpful citizens. In this District, where the Government of the United States with generous hand has dealt with them, we find that the cold records of the courts show that 75 per cent of all crimes, including felonies, are committed by a little less than one-third of the population of this city. Seventy-five per cent of the time of this juvenile court will be consumed in the trial of cases concerning one class of citizens in this District.

Mr. MADDEN. How many classes of citizens have we in the United States?

Mr. HOWARD. Two.

Mr. MADDEN. I thought we had only one.

Mr. HOWARD. In what State?

Mr. MADDEN. In the United States.

Mr. HOWARD. Oh, I mean white and black, if the gentleman wants to know. That is what I am talking about. I am comparing the negro and the white man. Why, take the great Federal prison in Atlanta. The number has been reduced now, thank God, but formerly we got a great number of them sent to that prison from the District of Columbia. At one time all of that class from the District of Columbia were dumped into that one prison. Now they divide them up, and Fort Leavenworth is getting some of them. The negroes of the District reduced the "good-conduct" records in these institutions 25 per cent. And I want to call your attention to the national training school out here on which we expend thousands of dollars annually, and to the girls' training school on which we are spending thousands of dollars annually. You go out there and see who is there.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. HOWARD. In just a minute. I am not jealous of the expenditure of this money. If you can reform them, for God's sake double the sum, but you can not "make a silk purse out of a sow's ear."

Mr. MADDEN. I wanted to ask the gentleman whether he was opposed to the education of American citizens?

Mr. HOWARD. Not at all. I am very heartily in favor of it; but I am opposed to taxing my people in Georgia to give all sorts of hifaluting curleycues in the way of education to a crowd of Washington niggers that is of no benefit to them. That is what I am opposed to.

Mr. TRIBBLE. I should like to say to the gentleman from Georgia that since the war there has been no distinction made between white and black as to the public fund appropriated for the education of the citizens of the State of Georgia.

Mr. HOWARD. Of course not; but I am just bringing this matter home.

Mr. MADDEN. I was not raising any question about Georgia.

Mr. HOWARD. When it comes to exempting a 17-year-old young nigger buck from prosecution for criminal assault in the District of Columbia I will sit here till the ants drag me out before I will vote for such a bill.

Mr. TOWNER. Will the gentleman yield for a question?

Mr. HOWARD. Yes.

Mr. TOWNER. Is it not the policy of the gentleman's own State and of all the better elements of the South that the more you can educate and improve the condition of the black race the better it is for society in general?

Mr. HOWARD. And we are doing it, and 375,000 of them this very minute are in the public schools of Georgia, and 95 per cent of the taxes are borne by the white citizens of that State. [Applause.] I am getting tired——

Mr. TOWNER. I am glad that that is true, and I want the gentleman to help here in the District of Columbia just as much as his own people are helping down in Georgia.

Mr. HOWARD. I am helping here. I get ashamed that I do help to the extent that the money is being wasted in the District of Columbia upon certain lines of education inaugurated by a crowd of fanatics. What you want here, as elsewhere, is to teach negroes and white folks, too, to learn to work their hands as well as their heads.

Mr. MADDEN. What is the per capita expenditure for education in the District?

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNER. Mr. Chairman, there is, as it seems to me, no point, no strength of argument in the remarks of the gentleman from Georgia unless it shall be this, that inherently the black man is incapable of improvement and education, and therefore what we do for him is money thrown away. Now, he does not mean that, because his own action, his own conduct, the action of the people of his own State has been directly contrary to that proposition. They understand that if the black man is educated he will make a better citizen than uneducated. They understand that if the black man is sober he will make a better citizen than if he is drunken. They understand that everything that is done to improve the intelligence, elevate the character, Christianize the colored man is just as much an improvement to him as it is to the white man.

If money is wasted in the District of Columbia for any purpose, we ought to see to it that no waste occurs. It is not a legitimate argument to make that because we do expend money for the education and improvement of the colored man in the District of Columbia that that money is thrown away unless you take this absolutely indefensible position that to improve the colored man is not to improve his condition or make him a better member of society.

Mr. HOWARD. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. HOWARD. I do not want gentlemen to understand that I meant to convey the impression that I did not believe in education. I want gentlemen to understand that it was the inequality of the distribution of the fund that will be expended under this particular section of the juvenile court that I was speaking of.

Mr. TOWNER. Oh, I think the gentleman knows that this fund will not be drawn on color lines but upon the lines that this bill specifies, namely, the lines of delinquency. It is unfortunate, Mr. Chairman, unfortunately we all know that the colored man has not yet achieved such a high place in civilization as the white man has. We all know the reason for that, and we all ought to sympathize with it; we ought to redouble our efforts in his behalf; we ought to make any sacrifice necessary to secure the accomplishment; that certainly we ought to desire for the elevation of the black man as an American citizen to what we demand as the standard of the best American citizen.

Mr. FESS. Mr. Chairman, I ask unanimous consent for 10 minutes upon this theme.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to address the committee for 10 minutes upon this theme. Is there objection?

There was no objection.

Mr. FESS. Mr. Chairman, I want the time to say something about the possibility of the education of the race about which we have been listening from two eloquent Members.

There happens to be within 7 miles of my home the famous Wilberforce University, an institution that was opened some time before the war, and which attracted a good deal of attention because at that time there was much speculation as to the capacity of the people of this race to be educated.

I am not desirous of saying anything that would indicate that I was speaking for any particular locality, nor that I am speaking for any particular institution, but I do happen to know something about what has been done there and I believe that it is quite typical of what can be done elsewhere.

Aside from the Wilberforce University there are others I have visited, including Howard out here in the Capital, and Hampton, Va. I do not believe that any American citizen, unprejudiced, can find himself in the locality of such institutions mentioned, and especially Tuskegee, for example, without feeling like taking his hat off in honor of the men and women who have done such wonderful work. When I think of the inspiration that must come from the study of a life like that of the late Booker Washington, who earned and deservedly bore the title of "Doctor"—I do not believe anyone who studies that life can

refuse to show a proper appreciation that must be manifested when an opportunity is made possible by the Government to do a great work. I remember distinctly that when Tuskegee Institute was opened there were only two old tumbledown buildings. I happen to know that it is now pretty nearly a university of buildings in itself. When you go there and look into the faces of more than 1,000 young people whose faces are as black as your hat and recall the status of their parents but a generation removed, then, and only then, you will realize what they have accomplished in so short a time. The proper education is suggested by their commencements, which demonstrate as an object lesson the real work of the institution; it is not simply a professional, but rather an industrial education. Its motto is, "Get ready to produce a better article than is yet made, and your place is secure."

When I think of that, it seems to me that the country can not do any better thing than to espouse with encouragement and approbation the education of the right character of these people. We must not increase their embarrassments, but we should multiply their opportunities. I certainly share with what has been said not only by those who have fugitively spoken of what has been accomplished in certain localities and by those who have studied and made reports of the burdens of the people of the Southland in supporting a dual education—a burden growing out of the presence of two races to be educated—I appreciate the burden, and I am one of the Members that want to openly express my gratitude to all sections of the country for what has been done. It is difficult for me to understand the source of racial difference expressed here. I think, however, that we in certain sections are able to appreciate what seems to be—what I would hesitate to call prejudice, and yet that seems, in a sense, to be what it is. Too frequent are the attempts in this body to deride the efforts of the colored race. I have had the opportunity of seeing what can be done in our section for these people in the way of education so well carried on that is being done in institutions like Tuskegee. It will be difficult to comprehend fully the great work done by the Wilberforce University.

In its more than half century of existence it has extended hope and self-helpfulness to thousands of youth of the black race who are now filling every avenue of achievement to the great credit of their race and generation.

I want to again say that I do not think there is any function of this Government that is more warranted, that ought to receive warmer approval than the function of lifting out of the degradation of human chattelhood into the bracing atmosphere of American citizenship a race of people. This can not be done by constant racial heckling. It must be done through the system of education, which enlarges opportunity rather than increases discrimination.

I happen to be the head officer of an institution that was wondrously criticized because it opened its doors to the education of the black as well as the white. This was done as early as 1853, when it required a peculiar courage to do it. One of the traditions that appeals to me of the early beginnings of that epoch was when distinguished citizens came from the Southland, men interested in education, members of my race, and said to the famous Horace Mann, who was then the president of the institution, "You can not secure funds needed for this institution so long as you admit members of both races"; and added that if he wanted to build, it would be necessary to make it exclusive and not to admit the members of the black race.

The tradition says that Mr. Mann stood out in front of the building and listened intently to the utterances of the two distinguished men, from Cincinnati, as I remember it. To them he said, "There is nothing I need so much to-day as funds with which to build this institution, but rather than sacrifice this principle of opening the doors of opportunity to a race that is now excluded from educational privileges I would see those buildings crumble into dust." It will be recalled that this prospect for a race was one of the incentives for the great educator that led him to decline the governorship of Massachusetts to accept the presidency of that institution. That is the institution where our distinguished and much-beloved Gen. SHERWOOD was educated, and he understands the sentiment that prevailed at that time. Last year one of the members of the graduating class was a colored boy. He was universally respected for his manly traits and splendid scholarship. You may criticize me, if you please, but that black boy was admitted into the president's home upon all annual occasions equally and with the same respect that any member of my race was admitted. There was absolutely no discrimination. He was treated as all other members were. He sat at the senior dinner table, and when some one suggested that some may object to it, my own son, the president of the class, replied, "Put Herman by my side; I will see that he is respected." That colored boy graduated last June, and he fills a position to-day in Texas at a salary higher than my own son commands, a member of the same graduating class. I took more pleasure in securing for him through public-spirited people his position than anything else that was accomplished.

I do not believe that any man needs to apologize to any people at any place or at any time for standing for the open door of opportunity to the colored boy and the colored girl. [Applause on the Republican side.] Speaking as an independent Representative on this floor, not because there are colored voters in my district—and there are, of course—but because I believe it is my duty, I want to say that I join in the utterance of every Member, on whatever side he sits, in the recommendation that educational influences shall work continually upon the class that up to a certain time was denied the privileges of education. I shall oppose all discriminations that attempt to hinder any race in its efforts to better itself. [Applause on the Republican side.]

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I think it should be the duty of every strong man of every race to help every weak man of every race to help himself, and I know no better work that man can do than to furnish means for the education of those who are unfortunate in not having the means to find education for themselves. It will not do to say that one class of our citizenship commits more crime than any other, and therefore that we ought not to educate them. It will not do to say that one class of Americans who are fortunate ought to stand out against another class who are less fortunate. No race in all the history of civilization has given greater evidence of advancement since the day of their freedom than has the colored race. They were totally illiterate the day they were declared free, and to-day there is not to exceed 30 per cent of illiteracy in the race in America. They are engaged in every activity in the land. They are doctors, lawyers, preachers, scientists, physicians, artists, manufacturers, bankers, farmers, and educators. Our duty should be, if they are less virtuous or less law-abiding than others, as you say, to lift them up to that high standard that will make them realize that something is being done for them which is worthy of the plaudits of civilization.

No one knows whether the figures given by the gentleman from Georgia [Mr. HOWARD] are true or not. I do not think he knows. He said 75 per cent of the crimes in the District of Columbia are committed by the black people. A statement like that should not be made unless it is known to be true. All statements of that kind injure the community, injure the race, and our duty here is to upbuild the moral standard of every community in the land, to enact laws that will encourage the negroes to realize that they are human beings, and to surround them with every protection within our power, to make them realize that they have a place in the land of their birth, to give them an equal opportunity in the race for life. This is a struggle for existence for every man who lives, and there ought not to be any handicap placed on the less fortunate of those who live in our midst. Let them start out in the race for life on even terms, and if they can win let them win. If some one else wins, then all glory to the winner. Educate them, treat them decently, give them as much consideration as you would the Filipino, to whom you propose to grant self-government, while at the same time objecting to the exercise of the constitutional rights of the negroes who live within our midst and who were born here. Two hundred and fifty thousand dollars was appropriated by this House to kill coyotes Saturday because they are a menace to the community where the gentleman who presides lives, and yet it would be objected to by you gentlemen from the South if $250,000 were appropriated to educate the black man, who is a citizen of the United States. [Applause on the Republican side.]

Mr. DAVENPORT. Mr. Chairman, I do not think there is a man who lives who is more strongly in favor of educating the races than I am. I am not prejudiced against the negro race, and no man can truthfully say so. Yet I was born and reared in the South until I was almost grown. Since the Civil War closed we have had the negro there, and it was our duty to do the best we could for him, and the greater number of the States began to educate the negro as soon as they did the white, and in doing that I want to say to this committee that we conceded to each State the right to enact laws for separate or joint schools, and to each individual of that State the right to select his own company and to go to school with a negro if he so desired, but in doing so we did not delegate to the individual the right to select for us our company or to compel us to go to school and to be educated with the negro. My State educates the negro, but in doing so we believe, as did Dr. Washington, to whom reference has been made, who often said that it is better to educate him amongst his own race in separate schools.

and to teach him to be useful in his own race. Oklahoma not only has separate schools, but we have the separate coach and waiting room, which we find to be very satisfactory. And I say to-day that you can educate the negro all you please, and you can associate with him all you want to; you can sit at the same table and eat with him as often as you desire, but it is a physical and mental impossibility to raise him to the standard of the white man. The best negro that ever breathed can not be raised to as good a moral standard as the commonest of the common white man, and you can try it all you want. The more you educate him and the more you, a white man, associate with him the less respect he will have for you. [Applause on the Democratic side.] It is not possible to educate him up to the standard of the white race. Mr. Lincoln said, in 1858, that he was of an inferior race and could not be elevated to the standard of the white man, and I borrow that expression, and I say to you, educate the black to be a useful man and useful woman in their own race, and teach them that at the very moment they undertake to bring about social equality with the white race in these United States they are making the mistake of their lives, and when they do they will go on and be a race that will not receive the respect of any nation, but will be looked upon as an unreliable and inferior race. They are a separate race, and must remain so, and the white man or woman who starts out in these United States to teach social equality, to teach that the negro can be elevated and have a right to take his position in society in this country with the white race is not as good as the negro he is seeking to elevate and is misleading, and I say ought to be banished from the United States. [Applause on the Democratic side.]

Mr. HEFLIN. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Alabama.

Mr. HEFLIN. Mr. Chairman, my father owned more slaves than any man in our section of the country. I know that those negroes were treated well by my father and his family and there existed a very warm attachment between the slave and the master. There was a mistaken idea among many people in the North as to the treatment of the slaves by the masters. The slave was property, recognized as such by the Constitution. These slaves were sold to our people by our northern friends at magnificent figures [laughter], and we cared for them and provided for them in every way. The negro's best friend now is the southern white man. We teach him to be industrious and law-abiding, but we do not recognize him as the social equal of the white man. God Almighty made the great white race the superior race. Mr. Lincoln said so in his debate with Douglas in 1858. He said "the white man is superior" and "as long as the negro race and the white race remain together there must be the position of the superior and the inferior. I as much as any man favor the white man occupying the superior place." Mr. Lincoln said that he was opposed to intermarriages between the races. He said that he was opposed to political and social equality between whites and negroes. Did you know that Mr. Lincoln said that? The gentleman from Ohio [Mr. FESS] talks about his boy going to school with a negro boy. Well, every fellow to his taste; that could not and would not happen with us. [Applause.] We believe in educating the negro along practical lines and we believe in educating them in separate schools. You gentlemen mistake the temper of your own white constituents when you believe they favor educating negroes and whites in the same schools. You are going to wake up to this fact sometime when somebody makes a campaign in your district that you ought to have white schools for the whites and separate schools for the blacks. Republicans, Democrats, and Progressives all will favor that idea, and when you gentlemen talk about throwing them together in the same schools, opening wide the doors with negro boys and white boys sitting side by side at the same desk, you do not speak for the rank and file of the white race in your districts. [Applause.] It is not best to mix negro and white children in the same school.

A few of you Republicans over there who want to ride into office on the negro vote misrepresent the feelings of your own race upon this matter in order to get the negro vote. [Applause.] Treat the negro right! Why, they tell a story about a man in Mississippi—a shrewd Illinois Yankee—who went down there to live, and called the negro men "mister" and the negro women "mistress," and at the end of the year he beat them out of everything that they made [laughter]; but the southern white man called the negro man "Rastus" and he called the negro woman "Mandy," and he treated them well, and paid them what he owed them. And these negroes said to him, "We don't like dat white man what comes from way up yonder in Illinois and calling us niggers 'mister' and 'mistress,' and shaking hands around here and then beating us out of de last cent we made during de year. We had rather for you white folks to call us 'Rastus' and 'Mandy' and pay us what you owes us; dat's what we likes." [Applause.] Mr. Chairman, every time the race question is mentioned here the gentleman from Illinois [Mr. MADDEN] rises and rushes to the rescue. He represents a district so dark-hued with buck negroes, and of such "ransome" rank odor that you can see the kinks on it from the Capitol and smell it across the continent. [Laughter and applause.] I understand that marriage between white persons and negroes occurs in the gentleman's district.

Mr. MADDEN. I want to say, if the gentleman will allow me——

Mr. HEFLIN. Is that true?

Mr. MADDEN. There is no negro in my district or in the United States, as far as I know, who is in favor of intermarriage. I am opposed to it and they are opposed to it; and they are opposed to the licentious cohabitation of black women and white men and of black men and white women, as the case may be, and so am I.

Mr. HEFLIN. Mr. Chairman, Jack Johnson, a negro as black as melted midnight, married a white girl in Chicago. Is not that true?

Mr. MADDEN. I do not know.

Mr. HEFLIN. Did not the gentleman vote against the bill here to prevent marriages between whites and blacks in the District of Columbia?

Mr. MADDEN. Yes.

Mr. HEFLIN. I thought the gentleman did. The proof of the pudding is in the chewing of the bag. The RECORD shows how the gentleman stands on this matter.

Mr. MADDEN. Just wait a moment. I voted against a bill that made it a crime for black men and white women to marry. I would vote against it to-day if it were up for consideration.

Mr. HEFLIN. I can not yield further.

Mr. MADDEN. The gentleman asked me a question.

Mr. HEFLIN. And the gentleman has answered it. He can explain it some other time. I voted for that bill to prevent marriage between the races here, and I would vote to prevent it anywhere in the United States. [Applause.]

Mr. JOHNSON of Kentucky. Mr. Chairman, this discussion has nothing to do with the merits of this bill, and I ask unanimous consent that all debate be closed upon this section in five minutes, after the gentleman from Missouri [Mr. RUCKER] has spoken.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that debate on this paragraph close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. RUCKER. Mr. Chairman, I am afraid somebody misunderstands somebody here to-day. For fear that my attitude of silence, if I remain silent, might be misunderstood, I want to add just a few words to what has been said.

Let me say in the very beginning that nobody will question my attitude toward the negro man. I was born in a slave State, reared there until I was old enough to leave home, have associated with negro children, and, like my eloquent friend from Alabama [Mr. HEFLIN], have "sopped from the same skillet" with negro boys, as I expect he has; and let me say in this connection that I expect I hold in as respectful reverence the memory of an old colored woman as any man on this floor, from any section. I was nursed in the arms of a negro "mammy," and I am proud now to stand on the floor of the Congress of the United States and say that that old black woman, acting under the inspiration of a suggestion from my father, was the first subscriber to the fund out of which was erected that splendid monument to President Lincoln out here in Lincoln Park. Her name is inscribed upon it. She nursed my mother, my brothers, and my sister, and she nursed me.

But we who were raised among negroes know more about them than you people do who were not raised among them. Like them? Certainly we like them. Would I help them in every way I can in every noble effort to improve the condition of their race? Of course I will. Educate them? Of course. Vote taxes on the property owners of this country to educate them? Unquestionably. But there is where I stop. Surely, those of you who advocate their sitting in the same schools—boys and girls, white and black—and sitting around the same festal board—white boys and black girls and black boys and white girls—do not contemplate the ultimate goal to which you are drifting. Is there a man in this whole broad land whose face is white who would for one moment tolerate the idea of social equality between his daughter and a negro man, whoever the negro might be? I am in favor of educating the negroes of our country, but I would educate them in separate institutions; I believe it means a degrading and lowering of the standards of civilization and of education and of moral refinement when-

ever you invite the black boy and the white boy and the white girl and the black girl into the same school. It is absurdly harmful.

It is not necessary to fondle and hug the negro in order to be his friend. I *am his friend*, but I know his place. I have but one boy, and I would rather have him grow up in gross ignorance than to enter any school on earth that opens its doors to white and black alike. And when you do it you are doing the negro himself an incalculable harm.

The old-time darky is generally a good citizen; but I tell you, gentlemen, that the negro of the present age—the young negro—speaking broadly, is the most complete upstart and abominable nuisance that God Almighty ever allowed to walk the earth. It is not the old darky, reared among the southern people, but it is the new product that is a menace to civilization and to the happiness of his race. There is only one thing to do, and that is to keep them to themselves. So far as I am concerned, I am unalterably in favor of separate schools. Suggest something for the benefit of the negro, and I will go with my friend from Ohio [Mr. FESS] and my friend from Illinois [Mr. MADDEN], just as far as they will go; but I will not open the door and invite the black and the white into the same school. It would demoralize the white and make bad "niggers" of the black.

Mr. MADDEN. All we have asked is for them to have an equal opportunity before the law.

Mr. RUCKER. I am in favor of giving them an equal opportunity before the law, but not in the household or in the school or in the church or in any social relation.

The CHAIRMAN. The time of the gentleman has expired, and the Clerk will read.

Mr. TINKHAM. Mr. Chairman, I ask unanimous consent that the committee may return to section 18, in order that an amendment, agreed to by the committee, may be submitted by the honorable Representative from Kentucky [Mr. BARKLEY].

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the committee return to section 18. Is there objection?

Mr. MANN. Reserving the right to object, what is the amendment?

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk read as follows:

Amendment offered by Mr. BARKLEY: Page 11, line 12, at the end of the line, insert the following:

"Provided, however, That when such child shall be charged with an offense punishable by death or imprisonment for life it shall be the duty of the juvenile court to refer such case forthwith to the Supreme Court of the District of Columbia for proceedings under the common law governing such cases."

Mr. MANN. Reserving the right to object, how does this change the fact? This juvenile court has no jurisdiction over such cases.

Mr. TINKHAM. The bill as it now lays before the committee gives complete discretion to the judge as to what disposition he shall make of any case which comes before him. The act provides specifically in section 18 that the judge has discretion to refer any case which is of a criminal nature to the Supreme Court of the District of Columbia to be prosecuted in accordance with usual criminal procedure. The amendment just offered makes it obligatory upon the judge to report and certify to the Supreme Court of the District of Columbia, where higher criminal prosecutions are pursued, all cases of children under 17 years of age who have committed an offense punishable by life imprisonment or death. The amendment takes away the discretion of the judge in these cases.

Mr. MANN. Suppose a child 3 years old committed murder.

Mr. TINKHAM. A child 3 years old could not commit murder in contemplation of law.

Mr. MANN. Can not?

Mr. TINKHAM. No.

Mr. MANN. It could not commit murder, but it could commit the act.

Mr. TINKHAM. In contemplation of law, a child under 7 is presumed to have no criminal intent.

Mr. MANN. Supposing a child was 7 years old or 10 years old, and nobody thought the child should be punished for murder. The juvenile court would have no jurisdiction of it at all.

Mr. TINKHAM. Under the proposed amendment, the judge would have no discretion; the case would have to be certified to the Supreme Court of the District of Columbia to be prosecuted in the usual manner.

Mr. MANN. In other words, if a child 8 years old, who possibly was non compos mentis, should commit an act which might be murder, under this amendment the juvenile court could do nothing at all with the child except to turn it over to the supreme court for indictment or failure to indict. It could not do anything at all with the child. Is that the desire of the gentleman?

Mr. TINKHAM. I will say to the honorable Representative from Illinois that I believe the proposed amendment would accomplish just that result. The amendment, however, was not proposed by me, and there is doubt of its soundness as a matter of public policy.

Mr. BARKLEY. Mr. Chairman, if the gentleman will permit me, in the case of an 8-year-old child, under this amendment the juvenile court would have jurisdiction to determine whether or not the child had committed murder, and in case it had committed murder, it would turn the child over to the court having jurisdiction to try that case.

Mr. MANN. Very well; but suppose no one wanted to try the child accused of having committed murder. Then the juvenile court has no jurisdiction whatever.

Mr. BARKLEY. If the child was guilty of murder the juvenile court would have no jurisdiction.

Mr. MANN. The juvenile court could only determine whether a certain act is alleged to have been murder.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. GARD. Is it not true that section 10 of this existing act provides that no petition—and that is the petition that brings the child in—no petition shall charge the child with the commission of any crime or misdemeanor as such? In other words, there is no charge of crime in the juvenile court. Therefore there could be no consideration of crime in the juvenile court. If there is consideration of a crime as a crime, necessarily it must be begun in another jurisdiction.

Mr. MANN. So far as crime is concerned, the juvenile court has no jurisdiction. Under the Constitution, if I recollect rightly, the charge must be made by a grand jury under formal indictment. There is no such process in the juvenile court. Here the child is brought into the juvenile court because the child has killed somebody. Well, if this amendment means anything at all, it means in such a case that the juvenile court must send the case to the grand jury when perhaps no one desires that to be done. But the juvenile court might properly have this child committed to the care of some one where the child would be brought up properly. This amendment would cut that out.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. HOWARD. Does not the gentleman think it would be entirely cured by fixing the minimum age from 12 to 17 for offenses, and that all children charged with offenses punishable by death between the ages of 12 and 17 should be transferred to the Supreme Court? A common-law rule, as I understand it, limits the age to 9 years.

Mr. MANN. That is not involved in this bill. As I understood the gentleman from Kentucky [Mr. BARKLEY], his idea was that this bill was too stringent against the child. That was the notion that I got the other day. I do not know whether I was correct or not.

Mr. BARKLEY. I made no statement about the bill the other day at all.

Mr. MANN. I thought it was the gentleman from Kentucky. The matter was discussed that way the other day. We had quite a discussion of it.

Mr. BARKLEY. The object I had in view was this: Where the juvenile court brings in children informally, which it always does, more or less—having presided over a juvenile court myself, I know that is true—these children are brought in in an informal way, an investigation is held by the judge of the juvenile court, and if it is determined that the child has committed a crime for which death or life imprisonment would be the punishment, the practice is not to leave it to the judge's discretion; but it is that he should turn it over to the court to make it obligatory on the juvenile court that he should turn it over to the Supreme Court.

Mr. MANN. The gentleman understands that the juvenile court could not punish for such an offense.

Mr. BARKLEY. I understand the juvenile court has no jurisdiction of murder.

Mr. MANN. It can not punish for the offense. Now, does the gentleman believe that there is no conceivable case where a child of tender years may commit some act for which he might be charged with a crime, possibly punishable by death, where no one would contend that the child should be tried at all for the offense?

Mr. BARKLEY. I think that is true, but the investigation of the juvenile court would bring that out.

Mr. MANN. Oh, but under the gentleman's amendment the juvenile court would have no jurisdiction except to transfer the case to the Supreme Court of the District of Columbia for investigation by the grand jury, and the juvenile court itself could do nothing with the child, when very likely that would be the very case where the juvenile court would prove its value.

Mr. BARKLEY. The gentleman knows that, as a matter of law, a child of 8 can not commit murder.

Mr. MANN. I do not know that at all.

Mr. BARKLEY. It is presumed not to be able to commit murder.

Mr. MANN. In some places I think the limit is fixed at 7 years. I do not know what it is in the District of Columbia. A child might be weak-minded. That is a matter of proof. A child might be insane. That is a matter of proof.

Mr. BARKLEY. That would all be developed in the investigation.

Mr. MANN. Oh, no; the juvenile court could not try that question, under the gentleman's amendment.

Mr. BARKLEY. The juvenile court could not try it, of course, but the juvenile court could investigate the circumstances.

Mr. MANN. Not at all. As soon as the offense is presented, where the offense is punishable by death or imprisonment, the juvenile court must send the case to the Supreme Court of the District of Columbia for investigation by the grand jury, and the juvenile court can not do anything with the child.

Mr. BARKLEY. What would be the object in bringing such a child before the juvenile court at all then, if it could make no investigation of the matter?

Mr. MANN. The object would be to bring the child before the juvenile court in order that the juvenile court might take a child that was weak-minded perhaps, and put the child in a school, or in a home somewhere.

Mr. BARKLEY. Of course; but what would be the object in bringing before the court a child who had done something which in an adult would be a capital offense, punishable either by death or imprisonment, unless the juvenile court had the jurisdiction to investigate the circumstances connected with the offense, to determine whether the child was guilty of that offense, and if he found that it was guilty, turn it over to the Supreme Court of the District of Columbia?

Mr. MANN. Of course, the juvenile court can not determine the guilt, where it is a matter of crime.

Mr. TOWNER. Mr. Chairman, reserving the right to object to the request, let me make to gentlemen this suggestion for their consideration: Of course, the act of killing a human being by a child of immature years would be an act of delinquency. That act would make it proper for the juvenile court to consider the case. Now, if you made it compulsory that the juvenile court should turn that child over to the Supreme Court of the District, even if the child was only 8 or 9 years old, when, as the gentleman from Illinois [Mr. MANN] says, of course, he could not by anybody be considered as responsible—if you make it compulsory to turn that case over to the supreme court, then you oust the jurisdiction of the juvenile court entirely.

Mr. BARKLEY. Oh, no.

Mr. TOWNER. And you make it so that if the case is not indictable, if it shall be determined that there shall be no prosecution for murder, then you can not even have the child brought before the juvenile court to be dealt with as a delinquent. Now, is it not better to leave it as it is in the bill, in the discretion of the juvenile court, so that if it is an act of killing of a human being which can not be considered as murder but only an act of delinquency because of immaturity, then the juvenile court can deal with the case as is proper; but if the child is 15 or 16 years old, or very near the age where the question of responsibility would properly enter, then within its discretion the juvenile court may send the case to the Supreme Court of the District of Columbia for its consideration?

Mr. BARKLEY. Under the present language of the bill would we not meet a situation where conflict of jurisdiction would be likely to arise? Because if somebody 16 years old, for instance, has committed an offense for which he ought to be punished by imprisonment for life or for some other long term, the juvenile court would say, "We will not certify this case to the supreme court, but will take charge of it ourselves; we will put the child on probation or in some private or public institution which is not a penal institution." Then the grand jury institutes an original proceeding and indicts that person for the criminal offense. Now, what would be the situation there, where there was a conflict of jurisdiction between the juvenile court and the criminal court of the District of Columbia?

Mr. TOWNER. To suppose a case of that kind is to suppose that your juvenile judge would not act reasonably upon the case.

Mr. BARKLEY. Those cases do arise in the States.

Mr. TOWNER. I know that is very true.

Mr. GARD. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. The regular order is demanded. Is there objection?

Mr. MANN. I object.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. TRIBBLE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 46. That this act shall take effect from and after the 1st day of July, 1916, and all provisions of law inconsistent with or repugnant to this act shall be considered inapplicable to the cases arising under this act.

Mr. TINKHAM. Mr. Chairman, I move to strike out the last three words.

Mr. CLARK of Florida. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Chair will first recognize the gentleman from Massachusetts, a member of the committee.

Mr. TINKHAM. Mr. Chairman, I should not at this time dignify with notice by word or act a most unjustifiable and untruthful attack made upon this bill unless I had been requested so to do by many Members of this body.

This attack has been published in a paper which has a circulation in many States of the Union, and has been, evidently, read by many people who, misled by its untruthful assertions, have communicated with their Representatives requesting them to vote against the bill. This article is as follows:

A BILL WORTHY OF RUSSIA—A BILL THAT WILL ENABLE THE ROMANIZED OFFICIALS TO PUT PROTESTANT CHILDREN IN PAPAL PRISONS—AS UNAMERICAN, UNJUST IN CHARACTER AND PROVISIONS AS IT IS IN HARMONY WITH OLD WORLD DESPOTISMS AND HIERARCHIES—URGENT DEMAND FOR EVERY PATRIOT TO PROTEST TO HIS CONGRESSMAN WITHOUT A DAY'S DELAY.

WASHINGTON, D. C., *March 31, 1916.*

Juvenile court bill H. R. 13048 enables judge to bring any child before him and to proceed against it secretly in chambers without notice to parent or guardian. The record may be withheld from all but guardian ad litem, appointed by court, and who may be faithless to the child. Court can commit child to any private or sectarian institution and by severe punishment extort support from parent. Neither appeal of habeas corpus releases child, who is denied presumption of innocence and jury trial guaranteed adult criminals.

Immediate protests should be poured into Congressmen from patriotic Americans from every section of the land. Do not delay an hour; write your Congressman, and then quickly circulate petition signed by your friends and neighbors and let it follow your letter.—G. O. Nations.

Judge Gilbert O. Nations wires the above facts and calls for prompt action from all patriotic citizens.

This measure is so thoroughly un-American, unjust, and undemocratic in many features that the good it might do is far overbalanced by the despotic provisions.

It would give Romanized officials opportunities for greatly increasing the number of inmates in papal prisons, known as Houses of the Good Shepherd, without there being any redress from Protestant parents.

The bill has too many features of the star chamber to appeal to true Americans and is far more despotic than democratic in spirit and character.

It should be defeated.

(Cut out the following petition; paste it on a sheet of blank paper and get as many of your friends as possible—adult citizens—to sign the same and mail to your Congressman. If you find that you can secure more signatures than can be placed on the blank sheet, paste a second blank sheet under the first. This is important and should receive your attention.)

PETITION TO CONGRESS.

To the honorable the Senate and House of Representatives of the United States:

Believing (1) that H. R. 13048 is a thoroughly dangerous bill, depriving the accused child of just rights and even rights accorded to criminals;

(2) That it marks the return of star-chamber methods, which foster despotism and injustice;

(3) That it might easily be used to recruit sectarian institutions in defiance of the religious convictions of parents; and

(4) That the bill is another step in a general movement to substitute reactionary theories and practices of Old World despotisms for the time-honored democratic provisions of our Government; Therefore

We, the undersigned, adult residents of ——— ———, State of ———, earnestly petition your honorable body not to pass the bill (H. R. 13048) entitled "An act to create a juvenile court in the District of Columbia," or any other like measure.

I have stated to you that the accusations are completely false and totally misleading, and I submit to you the following reasons for my assertions:

The first charge that is made in the beginning of the article is that the bill enables a judge to bring a child before him and to proceed against it secretly in chambers without notice to parent or guardian. This charge is false. Section 10 of the bill provides

that no person, including the judge, can summon a child into court without filing a petition. Sections 11 and 12 provide in clear and explicit language that no child shall be summoned before the court without notification to its parent or guardian, except where the petition alleges that some penal law or regulation partaking of the nature of a crime has been violated, and then the child can only be summoned at the discretion of the judge upon the facts presented without notice, which is a power in such cases that all courts have had from time immemorial. Section 15 gives the judge the right to exclude the general public from the room where the case of the child is being heard, but, in accordance with the exact provision of this section, any persons having a direct interest in the case are entitled to be present. Such a provision to exclude the general public from a room where a child's case is being heard is found in the juvenile-court laws of Alabama, Arizona, Delaware, Georgia, Hawaii, Indiana, Iowa, Kansas, Kentucky, Massachusetts, city of Boston (Mass.), Michigan, Mississippi, Montana, New Jersey, New York City, Monroe County (N. Y.), North Carolina, North Dakota, Rhode Island, and Washington. All recent juvenile-court laws passed by enlightened Commonwealths give this protection to the child, its reputation, and its future welfare.

The next charge made is that the record may be withheld from all but the guardians ad litem appointed by the court. This is false. The words of the bill found in section 15, are as follows: * * * and the records of all cases may be withheld from indiscriminate public inspection in the discretion of the court; but such records shall be open to the inspection of such child, his parents, guardians, or his authorized representatives." This provision is not a novel one, as the withholding of a child's record from indiscriminate public inspection is provided for in laws of the States of Georgia, New Jersey, New York City, Monroe County (N. Y.); Oregon, Rhode Island, and Virginia, all recent laws passed by enlightened Commonwealths for what is the true benefit and protection of the child and its future.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. JOHNSON of Kentucky. I ask unanimous consent that the gentleman from Massachusetts be permitted to conclude his remarks. He desires to speak only a few minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the gentleman from Massachusetts be permitted to conclude his remarks. Is there objection?

There was no objection.

Mr. TINKHAM. The next charge is that the judge can commit a child to any private or sectarian institution. The intent of this statement is to excite in the mind of the reader the thought that the child could and would be placed in surroundings antagonistic to the religious beliefs in which they had been brought up by their parents. This statement is also false, because section 25 provides that any child placed under private guardianship or in a private institution, shall be placed, as far as practicable, with an individual or institution having the same religious belief or practices as that of its parents. It is the law in 44 States of this Union that children may be committed to private institutions in the discretion of the court. Section 22, part A, provides that the Board of Children's Guardians, consisting of nine persons, residents of the District of Columbia, and, consequently public officials, shall visit as often as twice a year all institutions receiving children under the act, and section 22 provides that every child under the jurisdiction of the court shall be subjected to a visitation of a probation officer, or other agent of the court, at the discretion of the judge.

The next charge is that neither appeal nor habeas corpus proceedings lay to release the child from custody. The complete falsity of this statement is found in the clear and explicit language of section 30, which gives full and adequate appeal from all orders and decisions of the court. There are no words in the bill which refer to any proceedings of habeas corpus; a habeas corpus would lay for the release of a child as a matter of constitutional right, which could not be abridged by any act of Congress.

The final charge is made that the child is denied the presumption of innocence and of a jury trial, which is guaranteed criminals. The whole theory of modern juvenile court law is that the child shall not be charged with a crime and thus have its self-respect destroyed, its future blasted, and a criminal record established against it. Any other theory in relation to the correction and restriction of children is barbaric and cruel. The constitutionality of this treatment of children and the abolition of a jury trial has been established by decisions of the supreme courts of Pennsylvania, Illinois, Florida, North Carolina, and Michigan.

Democracy will not brand its children with criminality where none exists, but leaves such methods to despotisms, autocracies, and other agencies of evil.

The publication of this article was made for one of the most evil and reprehensible purposes which can actuate the mind of man, to excite religious prejudice and sectarian antagonism, and I desire publicly to brand and indelibly stamp the publication or circulation of false statements with a purpose to kindle religious prejudice and inflame sectarian or racial antagonisms as being, next to treason, the highest crime which can be committed in the American Republic. [Applause.]

Mr. CLARK of Florida. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Florida offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CLARK of Florida: Add as a new section at the end of the bill the following:

"SEC. 47. That in the administration of this act the white and negro children shall be kept entirely separate, and under no condition shall they be sent to or kept in the same institution, and that no probation officer shall be appointed to deal with or in anywise look after any child of a different race to that of which such probation officer is a member.

Mr. MANN. Mr. Chairman, I make the point of order.

Mr. TINKHAM. Mr. Chairman, I make the point of order that the amendment is not germane.

Mr. CLARK of Florida. It is absolutely germane, Mr. Chairman.

Mr. MANN. I make the point of order that the amendment is not germane to this part of the bill.

Mr. CLARK of Florida. I am offering the amendment as a separate section, as an additional section. It is germane to the matter contained in the bill. It goes to the administration of the bill itself, and there can not be any question as to its being in order at this time.

Mr. MANN. The provision in relation to the probation officers and the services that they perform——

Mr. CLARK of Florida. Mr. Chairman, have I not the floor?

Mr. MANN. I made the point of order and I have the floor, but I am willing to yield to the gentleman.

Mr. CLARK of Florida. No; I will yield to my distinguished friend over there. The gentleman from Massachusetts [Mr. TINKHAM] made the point of order, and I think he is entitled first to the floor.

The CHAIRMAN. The Chair will hear the gentleman from Illinois.

Mr. MANN. Mr. Chairman, I made the point of order as well as the gentleman from Massachusetts. It is well settled that an amendment to a bill must be not only germane to the provisions of the bill but to that portion of the bill to which it is offered. The provisions in the bill in relation to the probation officers are partly in section 7, in relation to service and summons, and section 13 and various other sections in the fore part of the bill. An amendment of this sort would, I think, have been germane to that portion of the bill, and it would have been in order if then offered. But Members are not permitted to wait until certain portions of the bill relating to probation officers and the selection of homes for children have been passed over with no amendment offered, and then at the end of the bill offer an amendment which relates to these sections in the bill which have been passed over in the early part of the bill.

The CHAIRMAN. The gentleman from Illinois concedes that the amendment would be germane to certain portions of the bill?

Mr. MANN. I see no reason why the amendment would not be germane to that portion of the bill which provides as to what shall be done with the children and how they shall be taken in hand by the probation officer. Those provisions of the bill have been passed by, been agreed to by the committee. Now it is proposed at the end of the bill to insert something that has no relation to the provision in the fore part of the bill, but to put it in at the end of the bill, relating to provisions which have been passed over where it would, if it had been offered, have been germane.

The CHAIRMAN. The Chair wishes to ask the gentleman from Illinois a question. The gentleman concedes that it would be germane to a certain part of the bill where these subjects were provided for. What the Chair would like to know is, Is not this a general provision which goes back and takes care of all other provisions of the bill by disposing of the two classes of people because of race?

Mr. MANN. Certainly it is, but I do not think it is in order at this place. That is what it does on its face. It controls and changes the provisions of the bill which have already been

agreed to. That is what it is designed for. Of course, it affects the provisions of the bill that have already been agreed to, and my point is that it should have been offered when these matters were under consideration; that it is too late after the committee has perfected the bill relating to one particular matter in the bill to offer an amendment to that at a subsequent place in the bill, although it happens to be offered as an independent section it does not make any difference, in my opinion.

Mr. HOWARD. Mr. Chairman, the only point made against the amendment is as to its germaneness. The amendment of the gentleman from Florida simply seeks to provide a separate and distinct machinery of two separate and distinct classes of people being dealt with by the juvenile court. In other words, it tends to strengthen the administrative features of the bill. I submit in view of the wording of the amendment that it is germane.

Mr. CLARK of Florida. Mr. Chairman, I can not understand the reasoning which goes to the effect that the amendment offered in the form of a new section would have been in order in another part of the bill and when offered as a new section, undertaking to define the administration of the bill, is not in order.

Now, Mr. Chairman, so far as the probation officers are concerned, the act provides in another part of it for the appointment of probation officers. This amendment at the close of the bill, for one purpose, seeks to declare what kind of probation officers shall be appointed. It seeks to do one other thing, it seeks to declare the manner in which what has gone before shall be administered. I submit that bills have passed here time after time and this question has never been raised before on a proposition of this character.

When the bill is practically completed and a new section is offered describing the manner in which it shall be administered it certainly must be germane; there is no question but that it is absolutely in order.

The CHAIRMAN. Without further comment on the matter, the Chair will overrule the point of order.

Mr. CLARK of Florida. Mr. Chairman, I want to say now with reference to the amendment—and I say it in all good faith—this bill makes no provision at all for the separation of these children with reference to the institutions where they are to be kept and who are to manage them. The gentleman from Massachusetts, a moment ago in his speech vindicating this bill, alluded to the fact that arrangements were made in the bill for the visitorial power of the Board of Children's Guardians in the District of Columbia.

I want to inform this House—and it may be the gentleman does not know it, and perhaps he does—of the fact, as I am informed, that the Board of Children's Guardians in the District of Columbia has a physician, and their physician is a negro woman; that white children who are farmed out in the District under the practice—when they find a child unable to be cared for by its parents they go to some private citizen and say, "We want you to take this child, and we will pay you $12 or $15 a month," or whatever the amount, and he takes charge of the child.

When that little white girl is taken sick the custodian is forced, under the law, to telephone for this negro woman doctor to come and minister to her wants. That is the procedure of the Board of Children's Guardians of the District of Columbia. If this bill passes as it is we are going to behold the spectacle in the Capital City of this Nation of white girls and negro boys being housed in the same reform institution, just as sure as you live. I am not against the negro and I have no desire to raise any race issue, but a white man who has no pride of ancestry and who has no hope for his race and no pride in his race, I have very little respect for. If the races of this country are to get along and live together in peace and harmony under that flag they must be kept separate. There is no other way to do it, and it acts the same in one part of the United States as it does in the other. We are no different in the section from which I come than are the people in the other sections of the country. Gentlemen from the border States, where the negro votes hold the balance of power, may stand upon this floor and for political purposes make speeches such as we frequently hear, but their people at home entertain the same sentiments upon this question that we do, and they will never submit to an admixture of the races. I am appealing now for the adoption of this amendment in order to treat these negro children right and treat them fairly, to take care of them, and take care of them separately from the others, which will have to be done if you want peace in this country as between the two races.

Mr. TINKHAM. Mr. Chairman, I sincerely trust, as a true and sincere believer in the principles of our Constitution and in its assertion of the equality of all men of whatever race or whatever color, that this amendment will not be adopted.

Does the honorable Representative from Florida [Mr. CLARK] think he is upon the soil of Florida and legislating for it? Does he think he is in the South? Does he think he is upon territory the inhabitants of which believe in the proscription and persecution of any race or creed, or upon territory which denies the equality of man because of race or color? Does he not know that he is upon national territory which denies any such difference; upon which there is no such difference? Does he not know such legislation as this House should pass for this territory which belongs to the Nation should represent national ideas; should represent not sectional thought and sectional prejudice but national ideals?

He may legislate in Florida as Florida public opinion may allow, but he can not legislate upon national territory except as national public opinion will permit, at least without a most powerful protest and the strongest contest with all of the real Americans, the true Americans in this House who recognize and believe that an American citizen is entitled to every American right without any inequality or discrimination, whatever his color may be or his creed, whatever his wealth is or his poverty, or whatever his strength is or his weakness.

To a little further develop the principle involved, I assert that upon this national territory, the District of Columbia, which does not belong to Florida any more than it does to Massachusetts, which does not belong to Illinois any more than it does to Oregon, when this House passes legislation for it that legislation should and must be in conformity with national spirit, national principles, and national thought.

If you adopt this proposed amendment and segregate by law the negro and the white, you will upon this national soil recognize differences of race and of color which the Constitution in its spirit and in its words has said should never again be done by the National Government or by national legislation. You will be making law for national territory which is unnecessary, uncalled for, and offensive to a majority, perhaps to at least two-thirds of the States of this Union, to whom belongs this national territory, the District of Columbia. This amendment should be decisively and overwhelmingly defeated. This Congress, in 1916, so many years after the national question involved in this amendment has been decisively and forever settled, should by the defeat of this amendment place the seal forever against any retrocession into medievalism, against any race persecution, and announce to the States of this Union that never again shall a Member of this National House propose by any law to proscribe, needlessly offend, or publicly outrage a race which is as truly American and entitled to every American consideration in law and in treatment under the law as any man who sits upon the floor of this House, or who has ever sat upon the floor of this House, or who ever will sit upon the floor of this House representing a great, free, liberty-loving American constituency.

Mr. TILSON. Mr. Chairman, what the gentleman from Massachusetts [Mr. TINKHAM] has so well said seems to me a sufficient argument why the amendment as a whole should be defeated. An attempt at segregation, such as is here made, should not be permitted to succeed in this House. It is unwise, uncalled for, and as the amendment is written can not be enforced. I call the attention of the committee to the last half of the amendment, which is as follows:

> That no probation officer shall be appointed to deal with or in anywise look after any child of a different race to that of which such probation officer is a member.

If it were definitely settled how many different races make up the population of the District of Columbia, we should then of necessity have a different probation officer for every race, for if we did not no probation officer could handle any children of a particular race unless he were a member of it. What an absurd proposition that would be. Suppose it should be decided just what are the different races of mankind. Representatives of them all probably would be found in this city. If this amendment should prevail, we should be compelled to have one probation officer for the Caucasian race, one for the Mongolian, one for the Negro race, one for the Indian race, one for the Malay race, and one for every other race that could be distinguished. We should have some difficulty in distinguishing what are races and what are branches of races, tribes, and nationalities; and when we had decided those difficult questions, then we should have to appoint a probation officer for each race represented in the District of Columbia. This portion of the amendment is absurd and would be entirely incapable of enforcement.

Mr. MADDEN. Mr. Chairman, if this amendment is adopted, the Congress of the United States will be taking a backward

step, and I believe that the American people are not ready for that sort of action. The enactment of the amendment of the gentleman from Florida [Mr. CLARK], if it could be enforced at all, would require a probation officer for an Irishman, another for an Englishman, another for a Jew, another one for a German, another for a Swede, another for a Yankee, and then would come the question of how you would classify a Yankee, whether he would be classed as black and white or as black or white, for I apprehend that these men who live in the South are Yankees, if anyone can be so classed. They have been there long enough to be called Americans, and if anybody in America can be called Americans these men certainly can be.

It is a humiliating spectacle to witness the Congress of the United States seeking to enact a law to prevent the brand of crime being placed upon a child in the District of Columbia, and in that law at the same time attempting to segregate the races, and saying on the face of the law that no man can be appointed a probation officer except he be of the race with which he is called on to deal. I have always believed that we were Americans acting in the Congress of America for America and Americans, but it does not look like it. It would seem, according to the gentleman from Florida [Mr. CLARK] that we are divided according to races, and the division is sought to be made by those who claim to be Americans speaking for America. Oh, it is a humiliating spectacle to witness! It is an outrage upon the sentiments of the American people to have such an amendment proposed, to say nothing of its being adopted. If we were dealing with the question of what was to be done with the people of Florida, that might be one thing, for they have views that they may have a right to express, perhaps, within the borders of their own State, but I presume to say that we are speaking for all the States of the Union, and not for Florida, and not for the States south of the Mason and Dixon line any more than for those north of the Mason and Dixon line. When we seek, on the floor of this House, to restrict the rights of Americans we go beyond our constitutional privileges. I thought the war of 1861 to 1865 settled the question of what American rights were, but it seems not, for the spirit of secession seems to be just as strong here to-day as it was before the war. They talk about the feeling of amity existing between the people of the States, but every time a question comes before the House, where a question of race can be raised, it is raised on the Democratic side of the House by some Member occupying a place on the floor from the Southern States, where more than half the citizens living in that State are not allowed to exercise their constitutional privileges. The negroes are good enough to count as part of the population which gives you men from the South representation here, but they have no right to speak or vote, and no one here to speak for them——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I hope, however, the time will soon come when the people of America will rise in their might and protest vigorously against any such attitude on your part. [Applause.]

Mr. RAGSDALE. Mr. Chairman, I am especially sorry to hear such utterances from any man on the floor of this House——

Mr. MADDEN. Of course the gentleman is.

Mr. RAGSDALE. Yes; I am. I am ashamed to hear them.

Mr. MADDEN. It does not make any difference whether the gentleman is ashamed or not—nobody cares.

The CHAIRMAN. Gentlemen will not refer to each other personally.

Mr. RAGSDALE. The gentleman from Illinois continued to speak, Mr. Chairman, when the Chair admonished him he was going beyond his time; and now, with the same characteristic method, without asking permission to interrupt me, utterly disregarding me and other southern Members on this floor in their rights, he rises on the floor and, without addressing the Chair, he breaks in at this time. Mr. Chairman, what is it we ask? Is it any innovation here in the District of Columbia? Oh, no, Mr. Chairman. We have a Republican here—one, sir, who is known to be as good a Republican as the gentleman from Illinois or any in this House—who is chairman of this school board. Who was it made him chairman of this school board; was it the Democratic Party? No, Mr. Chairman, the Republican Party made him chairman of the school board, and this board, composed of negroes and whites, has instituted a system in this city that separates the negroes from the whites, and then gentlemen come here and rant about the discrimination against the poor blacks here in the District of Columbia. [Applause.] Oh, Mr. Chairman, that is politics; it is purely politics. It is, of course, for home consumption. [Applause.] It is political; it is an effort to bring the minority back into power, because they know only by such petty politics as these they have any chance for getting back the control of the destinies of this country.

Mr. Chairman, this bill provides merely that there shall be a separation of the whites and the blacks. We provide for the instruction of these children while they are detained. How long will they be detained? Your school board provides for their separation here, sir. Your school board provides they shall be taught in separate schools and provides that they shall be taught by people of their own race. Why should these little children be brought into the schools of detention of the juvenile court and not be segregated, as they are in the other schoolrooms of the District? They are taught in their respective segregated rooms and they are taught by teachers of their own race. Why, now, when they are detained shall those who need teaching the most, who need the greatest amount of instruction, why should they not be segregated? The gentleman from Massachusetts gets up and talks about the Constitution. It is not at all surprising to me that they should arrogate this to themselves as a party, especially when they are put in charge of the bill, the Democrats showing that much courtesy, and this is their return, sir, for putting men who are not of their own kind in charge of this bill. Mr. Chairman, I hope this amendment will pass. I believe, sir, without this amendment this law can not pass. I for one declare that without some restriction of this kind we are not doing right to the taxpayers of the people of South Carolina, who contribute to the support of this national territory, this national ground of which gentlemen speak so much. My people, who are taxed to maintain the schools of this District, have got a right to be heard here, and their opinion to some extent should obtain in its consideration. [Applause.]

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 15 minutes.

Mr. CLARK of Missouri. I would like to have five minutes.

Mr. RAGSDALE. I object, Mr. Chairman.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that all debate on this section close in 20 minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimouse consent that all debate on this amendment close in 20 minutes. Is there objection?

Mr. HULBERT. Mr. Chairman, reserving the right to object, I would like to ask the gentleman if he will give me 5 minutes out of that 20?

Mr. STAFFORD. Mr. Chairman, did not the Chair recognize me before the gentleman from Kentucky interposed?

Mr. CLARK of Missouri. I will give the gentleman from New York my five minutes.

The CHAIRMAN. The Chair will state that the Chair recognized the gentleman from Wisconsin first.

Mr. STAFFORD. Mr. Chairman, I regret exceedingly that the color question has been projected into this debate. During my service here I have always refrained in any way from trying to precipitate the color issue so far as the solution of that question concerned the Southern States, but when it comes to determining what should be the policy on the color question in the District of Columbia, then I will not surrender my rights in advocacy of what I believe should be the policy that should be adopted.

I need make no apology to this House or to any constituency that I have gone to school in my younger days with colored persons and have served in college with colored persons. It was a privilege indeed to be associated with such a man as former Assistant United States District Attorney Lewis when he was attending Harvard Law School. He had the ways of a perfect gentleman that made him popular with the student body generally.

But what are you trying to do by this proposed amendment? You are seeking to force by legislation something that is entirely uncalled for. It is not the color of the skin that will determine the criminality of these unfortunates who are assigned to these respective institutions. They will be segregated not according to color, but they will be segregated according to their habits and the delinquency with which they are charged. Can you not leave it to the heads of the institution to determine how this beneficent law shall be administered, rather than by arbitrary legislation prescribe that one with perhaps a little colored blood shall be segregated by himself or shall be refused admission to an institution, unless it is maintained separately and distinctly for that race?

Mr. DAVIS of Texas. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. DAVIS of Texas. I just wanted to ask the gentleman, if his doctrine is correct, why we have a Chinese and Japanese exclusion act in the United States?

Mr. STAFFORD. Because the Chinese and the Japanese are not native to our soil. The colored people are native and have a right to be here. They were brought here in many instances

against their will. They are our wards. We should not attempt to continue this racial prejudice 50 years after the war. By this legislation you are attempting to revive the old animosity which I had hoped had been long forgotten. Leave it to the administration of the officials of this beneficent law how it shall be carried out. They are not going to mix promiscuously large numbers of persons who are afflicted with loathsome diseases, or criminal taint, or anything of the like with those, either white or colored, charged with minor offenses. What is the purpose of this amendment here unless it is to unduly hamper the officials in the administration of the law, and prevent the delinquents from being assigned to the institutions where they can receive the proper attention that they deserve? Can you not trust the one who has charge of the administration of the law, in charge of the detention home, that he will properly administer the law and not offend the sensibilities of any class? Leave it to him to determine what is right and proper.

Mr. HOWARD. Is the gentleman in favor of the wisdom of the separation of the races in the schools in the city of Washington?

Mr. STAFFORD. In my own community there is no separation, and in northern communities generally with which I am acquainted there is no objection to the work of segregation, and I doubt the need of the separation of the races in the District of Columbia.

Mr. RAGSDALE. Will the gentleman permit a question?

Mr. STAFFORD. I will be glad to do so.

Mr. RAGSDALE. Do you not think that when the representation on the school board is 33⅓ per cent of the negro race, when their taxable property is only 28 per cent, and that representation agrees with the balance of the board, the majority of which is Republican, that they should be segregated, they know what they are trying to do?

Mr. STAFFORD. By this amendment you are taking discretion away from those in control, and enforcing separation which can not be justified. [Applause.]

Mr. CLARK of Florida. Mr. Chairman, I offer this as a substitute for the other amendment and ask unanimous consent to withdraw the other amendment.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to withdraw his former amendment and now offers another amendment in lieu thereof. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Amend on page 28 by adding a new section, as follows:
"SEC. 47. That in the administration of this act the white and negro children shall be kept entirely separate, and under no condition shall they be sent to or kept in the same institution, and that no negro probation officers shall be appointed to deal with or in anywise look after any white child, nor shall any white man be appointed as probation officer to deal with or look after any negro child."

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 35 minutes.

The CHAIRMAN. The gentleman from Kentucky [Mr. JOHNSON] asks unanimous consent that all debate on this amendment close in 35 minutes. Is there objection? [After a pause.] The Chair hears none. The gentleman from Florida [Mr. CLARK] is recognized.

Mr. CLARK of Florida. The gentleman from Kentucky [Mr. JOHNSON] has the time, and I have entered into an arrangement with him that I shall wait on him. [Cries of "Vote!" "Vote!"]

Mr. CLARK of Florida. Let us vote, then, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. CLARK].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. CLARK of Florida. Division!

The committee divided; and there were—ayes 49, noes 53.

Mr. CLARK of Florida. Tellers, Mr. Chairman.

Tellers were ordered, and Mr. CLARK of Florida and Mr. TINKHAM took their places as tellers.

The committee again divided; and the tellers reported—ayes 58, noes 63.

So the amendment was rejected.

Mr. HOWARD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add as a separate section on page 28:
"That all crimes involving capital punishment or life imprisonment, where the child so charged has attained the age of 12 years, shall be committed to the Supreme Court of the District of Columbia for such action as is prescribed by law: *Provided*, That should no action be taken in the said case the child shall be returned to the juvenile court for such action as may be necessary for the proper care of said child or disposition of said case."

Mr. HOWARD. Mr. Chairman, the object of this amendment was to meet an objection offered by the gentleman from Illinois [Mr. MANN] to the amendment of the gentleman from Kentucky [Mr. BARKLEY]. The old common-law rule, as I understand, as to infancy is 10 years. This bill makes amenable to the Supreme Court of the District of Columbia directly any child that has attained the age of 12 and is between the ages of 12 and 17 that has committed any crime which involves capital punishment or imprisonment in the penitentiary for life.

I can not consistently support this measure unless this provision is added. I think it is an important provision. It gives exclusive jurisdiction to the supreme court in this class of cases where the child has attained the age of 12.

Now, to meet the objection offered by the gentleman from Illinois [Mr. MANN], if this child is committed to the supreme court, being over 12 years of age, and the supreme court, after an investigation of the facts surrounding the commission of the crime, decides that the child is not guilty of a crime which carries with it a punishment equivalent to capital punishment or life imprisonment, the case is retransferred to the juvenile court, for the juvenile court to take such action in the premises as it may deem meet and proper.

Now, it does not take a single, solitary right away from the juvenile court that it should properly exercise. I think the distinguished gentleman from Iowa [Mr. TOWNER], who is a friend of this bill, will agree that this amendment does not work any hardship upon the children. I think the gentleman from Massachusetts [Mr. TINKHAM] in charge of the bill will admit that this amendment ought to go in for the purpose of meeting the objections that have been interposed by several gentlemen on the floor of the House.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Georgia [Mr. HOWARD].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HOWARD. A division, Mr. Chairman.

The committee divided; and there were—ayes 32, noes 41.

So the amendment was rejected.

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Missouri moves to strike out the paragraph.

Mr. CLARK of Missouri. Mr. Chairman and gentlemen, about the pending bill and amendments I know little and will say nothing. I regret exceedingly that this debate has strayed off into a futile discussion of the race question. You might just as well be discussing the great question as to who hit Billy Patterson, or who fired the Ephesian dome, or how old is Ann, or who was the man in the iron mask as to be discussing this color question. [Laughter.] It is gradually and slowly settling itself, and all the talk Congress can do will not expedite the settlement. At any rate, it has no proper place in the consideration of the pending bill.

The suggestion I want to make is this: You have wasted three mortal hours on a question that is absolutely immaterial; that is, most of the talk was about one that was immaterial. If you gentlemen keep on wasting time in this way, we are going to be in session when the frost comes next fall. As we all want to get away from here, my advice to all, on both sides of the Chamber, is, leave out these superfluous debates. [Applause.] Stick to the business before the House and get away from here. I wish Congress could adjourn to-night. [Applause.] Because as long as we stay here some gentleman with an inflammable temper is liable to precipitate a debate that will ring around the world and will do a wonderful amount of devilment. [Applause.] Of course, there is no danger of most of the Members doing that. But you can never tell what anybody is going to do when he is in a close personal contest in a debate.

You Republicans are just as much interested in getting away from here as the Democrats are, because you have to look after your fences as well as the Democrats have. [Laughter.] You have not the world by the tail with a downhill pull by any means. [Laughter.]

A MEMBER. Pretty nearly. [Laughter.]

Mr. CLARK of Missouri. Oh, no; you have not. Your tail hold will slip. [Laughter.]

Having said that much, I am going to say something about this educational question. I have a perfect right to talk about it. I was born and reared in Kentucky. When a child I played with the negro children as well as with white children. I worked with the negroes. I ate with them sometimes out in the fields by the big springs at harvest time. These

things did not alter our social relations one whit—a fact thoroughly understood by both the Caucasians and the Negroes. I live among them now. There are 5,000 of them in my district that vote, and most of them, unfortunately, vote the Republican ticket [laughter], although in increasing numbers they are accumulating sense enough to vote the Democratic ticket. [Renewed laughter.] There is another reason. Some of the hardest fights that ever I made in court have been, by appointment of a judge, generally to defend some poor, friendless negroes, and I have made just as hard a fight for them as I would have made for the President of the United States, or the Governor of Missouri, or anybody else, and I would do it over again. [Applause.] Many of my southern brethren here have done likewise. If they get into trouble in my town they come to see me when I am at home, and I aid them just as much as I would the white unfortunate. Personally they are friendly to me and mine and we are friendly to them. Another reason why I talk about it is that from the very beginning Missouri has given negro children precisely the same school facilities that she has given her own white children. [Applause.]

I will tell the gentleman from Massachusetts [Mr. TINKHAM] a thing that he does not know. If Missouri were to adopt the Massachusetts qualifications on suffrage, the Vermont qualifications on suffrage, or the Mississippi qualiffcations on suffrage, which Mississippi copied verbatim from Massachusetts and Vermont, it would not disfranchise 10 per cent of the negroes in Missouri. You have to get old ones, who were grown up past school age before they were made free, to find negroes in Missouri who can not read and write, and, as a matter of fact, a good many of them in Missouri and in Kentucky and other border States could read and write before the war.

Now, what is all this hullabaloo about that you have been carrying on here for three hours, when you ought to have passed this bill two hours and a half ago? [Laughter.] It is about a question that is as dead as the men who lived before the flood. This color question is working itself out, and it is got to be worked out, as Mr. Speaker CANNON knows—because he was born down there—it must be worked out by individual communities and States. [Applause.] That is the way it must be worked out; and the trouble is—and I say it with all kindness—that you Northern people do not know half as much about it as we do. [Applause.] That is the truth. Nobody who has any sense, Democrat or Republican, wants to mistreat the negroes. We give them work; we treat them in a kindly way; and what is more important, we pay them full wages. The idea that we maltreat them is absolutely preposterous. We want to give them a fair chance in the race of life, and I have always said that Dr. Booker T. Washington did a great work. His advice to them was to go to work and prepare themselves at what are called vocational-training schools in order to make a living. If I had my way about it, that would be the principal feature in all the schools of America, white as well as black. [Applause.] The Germans have what they call bread-and-butter sciences, and all of us, with a few exceptions, so few that it is not necessary to mention them—your children, my children, and the children of nearly everybody else in this country, black, white, yellow, or red, must spend the most of their lives in learning and in practicing the bread-and-butter sciences. [Applause.] To sum the whole discussion up: We have 11,000,000 negroes in this country. We are tied to them and they are tied to us. Certainly it is best for the country to make the best citizens that it is possible to make of them. Increase their virtue and intelligence and the Republic will be better off. Some of you Republicans made speeches for political effect, and I have a lurking suspicion that some of these Democrats did, too, for local effect. [Laughter.] I leave off where I began by urging you, one and all, without regard to political affiliations, to cease from wasting time in useless and unnecessary debate and go to work and get ready to get away from here at the earliest possible moment consistent with the proper transaction of the public business. [Applause.]

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. MANN. There is but one amendment.

Mr. JOHNSON of Kentucky. One amendment.

The CHAIRMAN. The gentleman from Kentucky moves that the committee do now rise and report the bill and amendment to the House with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RAKER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8348) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia, and for other purposes," and had directed him to report the same back to the House with an amendment in the nature of a substitute, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. The question is on agreeing to the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. CLARK of Florida. Mr. Speaker, I move to recommit the bill with instructions.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. CLARK of Florida moves to recommit the bill (H. R. 8348) to the Committee of the Whole House on the state of the Union with instructions to report the same back instanter with the following amendment: Add to the bill as an additional section the following:

"SEC. 47. That in the administration of this act the white and negro shall be kept entirely separate, and under no condition shall they be sent to or kept in the same institution, and that no negro probation officer shall be appointed to deal with or in anywise look after any white child, nor shall any white man be appointed as probation officer to deal with or look after any negro child.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move the previous question on the bill and amendments to the final passage.

The previous question was ordered.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. The bill which the House had under consideration was H. R. 8348, and the House simply took the provisions of H. R. 13048 and substituted that as one amendment. Now, the gentleman's motion is to recommit H. R. 13048 instead of H. R. 8348.

Mr. CLARK of Florida. That is true. I ask that that correction be made.

The SPEAKER. The gentleman asks that that correction be made. Without objection, it will be so ordered. The question is on the motion to recommit.

Mr. CLARK of Florida. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 112, nays 197, answered "present" 5, not voting 119, as follows:

YEAS—112.

Abercrombie	Dickinson	Igoe	Saunders
Adamson	Dies	Jacoway	Sears
Aiken	Eagle	Johnson, Ky.	Sells
Alexander	Estopinal	Kincheloe	Shallenberger
Almon	Ferris	Lazaro	Sims
Aswell	Finley	Lee	Slayden
Austin	Flood	Lever	Small
Barkley	Garner	Linthicum	Smith, Tex.
Bell	Garrett	McClintic	Steagall
Black	Goodwin, Ark.	McKellar	Stephens, Miss.
Blackmon	Gray, Ala.	McLemore	Stephens, Nebr.
Britt	Gregg	Martin	Stephens, Tex.
Buchanan, Tex.	Hamlin	Mays	Sumners
Burgess	Hardy	Montague	Taylor, Ark.
Byrnes, S. C.	Harrison	Nicholls, S. C.	Taylor, Colo.
Byrns, Tenn.	Hastings	Oldfield	Thompson
Callaway	Hay	Oliver	Tillman
Candler, Miss.	Heflin	Park	Tribble
Caraway	Helm	Pou	Venable
Carter, Okla.	Hensley	Powers	Vinson
Church	Hilliard	Quin	Walker
Clark, Fla.	Holland	Ragsdale	Watson, Va.
Coady	Hood	Rayburn	Webb
Collier	Howard	Rouse	Whaley
Crisp	Huddleston	Rubey	Wilson, La.
Davenport	Hughes	Rucker	Wingo
Davis, Tex.	Hull, Tenn.	Russell, Mo.	Wise
Dent	Humphreys, Miss.	Sanford	Young, Tex.

NAYS—197.

Allen	Conry	Edmonds	Hadley
Anderson	Cooper, W. Va.	Ellsworth	Hamilton, Mich.
Anthony	Cooper, Wis.	Elston	Hamilton, N. Y.
Ashbrook	Copley	Emerson	Haskell
Bailey	Cox	Esch	Haugen
Barnhart	Crago	Evans	Hawley
Beakes	Cramton	Farr	Hayden
Britten	Curry	Fess	Hayes
Browne	Dale, N. Y.	Foster	Helgesen
Bruckner	Dale, Vt.	Frear	Helvering
Brumbaugh	Danforth	Freeman	Hernandez
Buchanan, Ill.	Dempsey	Fuller	Hicks
Burke	Denison	Gandy	Hill
Butler	Dillon	Gard	Hinds
Campbell	Dixon	Glynn	Hopwood
Cannon	Dooling	Good	Howell
Capstick	Doolittle	Gould	Hulbert
Carew	Doremus	Gray, Ind.	Hull, Iowa
Cary	Dowell	Green, Iowa	Humphrey, Wash.
Charles	Dunn	Greene, Mass.	Husted
Cline	Dyer	Greene, Vt.	Johnson, Wash.
Connelly	Eagan	Griffin	Kahn

Keating	Mann	Ramseyer	Stout
Kelley	Mapes	Randall	Sulloway
Kennedy, Iowa	Matthews	Rauch	Sweet
Kent	Meeker	Reavis	Swift
Kettner	Miller, Minn.	Reilly	Taggart
Key, Ohio	Miller, Pa.	Ricketts	Tavenner
King	Mondell	Roberts, Nev.	Temple
Kinkaid	Moore, Pa.	Rodenberg	Tilson
Konop	Moores, Ind.	Rowland	Timberlake
La Follette	Morgan, Okla.	Schall	Tinkham
Langley	Morrison	Scott, Mich.	Towner
Lehlbach	Moss, Ind.	Scully	Van Dyke
Lenroot	Mott	Sherley	Volstead
Lieb	Neely	Sherwood	Walsh
Littlepage	Nelson	Siegel	Ward
Lloyd	Nichols, Mich.	Sinnott	Wason
London	North	Sloan	Watson, Pa.
Longworth	Oakey	Smith, Idaho	Wheeler
Loud	Olney	Smith, Mich.	Williams, T. S.
McAndrews	Overmyer	Smith, Minn.	Williams, W. E.
McArthur	Paige, Mass.	Smith, N. Y.	Williams, Ohio
McCracken	Parker, N. Y.	Snyder	Wilson, Ill.
McDermott	Peters	Stafford	Wood, Ind.
McFadden	Phelan	Steele, Iowa	Woods, Iowa
McGillicuddy	Platt	Stephens, Cal.	Young, N. Dak.
McKenzie	Pratt	Sterling	
Madden	Rainey	Stiness	
Magee	Raker	Stone	

ANSWERED "PRESENT"—5.

Dill	Fordney	Glass	Miller, Del.
Page, N. C.			

NOT VOTING—119.

Adair	Dupré	Kearns	Patten
Ayres	Edwards	Keister	Porter
Bacharach	Fairchild	Kennedy, R. I.	Price
Barchfeld	Farley	Kiess, Pa.	Riordan
Beales	Fields	Kitchin	Roberts, Mass.
Bennet	Fitzgerald	Kreider	Rogers
Booher	Flynn	Lafean	Rowe
Borland	Focht	Lesher	Russell, Ohio
Browning	Foss	Lewis	Sabath
Burnett	Gallagher	Liebel	Scott, Pa.
Caldwell	Gallivan	Lindbergh	Shackleford
Cantrill	Gardner	Lobeck	Shouse
Carlin	Garland	Loft	Sisson
Carter, Mass.	Gillett	McCulloch	Slemp
Casey	Godwin, N. C.	McKinley	Snell
Chandler, N. Y.	Gordon	McLaughlin	Sparkman
Chiperfield	Graham	Maher	Stedman
Coleman	Gray, N. J.	Moon	Steele, Pa.
Cooper, Ohio	Griest	Mooney	Steenerson
Costello	Guernsey	Morgan, La.	Sutherland
Crosser	Hamill	Morin	Switzer
Cullop	Hart	Moss, W. Va.	Tague
Dallinger	Heaton	Mudd	Talbott
Darrow	Henry	Murray	Thomas
Davis, Minn.	Hollingsworth	Nolan	Treadway
Decker	Houston	Norton	Vare
Dewalt	Hutchinson	Oglesby	Watkins
Doughton	James	O'Shaunessy	Wilson, Fla.
Driscoll	Johnson, S. Dak.	Padgett	Winslow
Drukker	Jones	Parker, N. J.	

So the motion to recommit was rejected.

The following pairs were announced:

Until further notice:

Mr. SABATH with Mr. SELLS.

Mr. PATTEN with Mr. FAIRCHILD.

Mr. JOHNSON of South Dakota with Mr. MILLER of Delaware.

Mr. MOON with Mr. CHIPERFIELD.

Mr. DOUGHTON with Mr. WINSLOW.

Mr. DEWALT with Mr. COLEMAN.

Mr. LANGLEY with Mr. CANTRILL.

Mr. GALLAGHER with Mr. HOLLINGSWORTH.

Mr. DUPRÉ with Mr. FOSS.

Mr. TAGUE with Mr. MCKINLEY.

Mr. THOMAS with Mr. NORTON.

Mr. STEDMAN with Mr. COSTELLO.

Mr. O'SHAUNESSY with Mr. GRAHAM.

Mr. GORDON with Mr. MOONEY.

Mr. MORGAN of Louisiana with Mr. DARROW.

Mr. GRAY of Indiana with Mr. LAFEAN.

Mr. TALBOTT with Mr. SCOTT of Pennsylvania.

Mr. BOOHER with Mr. BENNET.

Mr. SISSON with Mr. FORDNEY.

Mr. DILL with Mr. GARLAND.

Mr. LIEBEL with Mr. VARE.

Mr. LEWIS with Mr. BEALES.

Mr. FITZGERALD with Mr. GILLETT.

Mr. KITCHIN with Mr. BROWNING.

Mr. BORLAND with Mr. TREADWAY.

Mr. BURNETT with Mr. DRUKKER.

Mr. HENRY with Mr. DALLINGER.

Mr. LESHER with Mr. SWITZER.

Mr. FIELDS with Mr. STEENERSON.

Mr. CALDWELL with Mr. ROGERS.

Mr. SHACKLEFORD with Mr. KREIDER.

Mr. CARLIN with Mr. FOCHT.

Mr. JONES with Mr. CHANDLER of New York.

Mr. AYRES with Mr. SNELL.

Mr. WATKINS with Mr. MUDD.

Mr. FARLEY with Mr. RUSSELL of Ohio.

Mr. DRISCOLL with Mr. BACHARACH.

Mr. HART with Mr. CARTER of Massachusetts.

Mr. CULLOP with Mr. GRAY of New Jersey.

Mr. LOBECK with Mr. MCLAUGHLIN.

Mr. WILSON of Florida with Mr. ROBERTS of Massachusetts.

Mr. SHOUSE with Mr. MORIN.

Mr. FLYNN with Mr. JAMES.

Mr. DECKER with Mr. HEATON.

Mr. RIORDAN with Mr. MCCULLOCH.

Mr. LOFT with Mr. PARKER of New Jersey.

Mr. MAHER with Mr. SLEMP.

Mr. GODWIN of North Carolina with Mr. COOPER of Ohio.

Mr. CROSSER with Mr. KENNEDY of Rhode Island.

Mr. GALLIVAN with Mr. KIESS of Pennsylvania.

Mr. HOUSTON with Mr. GUERNSEY.

Mr. OGLESBY with Mr. DAVIS of Minnesota.

Mr. ADAIR with Mr. PORTER.

Mr. MURRAY with Mr. KEARNS.

Mr. PRICE with Mr. HUTCHINSON.

Mr. EDWARDS with Mr. KEISTER.

Mr. HAMILL with Mr. GRIEST.

Mr. CASEY with Mr. LAFEAN.

Ending May 18:

Mr. SPARKMAN with Mr. BARCHFELD.

Mr. FORDNEY. Mr. Speaker, I voted "no." I am paired with the gentleman from Mississippi, Mr. SISSON, and I wish to vote "present."

The name of Mr. FORDNEY was called, and he answered "Present," as above recorded.

Mr. GLASS. Mr. Speaker, I voted "aye," but I want to withdraw my vote and answer "present."

Mr. GLASS's name was called, and he answered "Present," as above recorded.

The SPEAKER announced the vote as above recorded.

The SPEAKER. The question now is on the passage of the bill.

The question was being taken when Mr. TRIBBLE demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 219, nays 87, answered "present" 3, not voting 124, as follows:

YEAS—219.

Alexander	Edmonds	Konop	Rodenberg
Allen	Ellsworth	La Follette	Rouse
Anderson	Elston	Lehlbach	Rowland
Anthony	Esch	Lenroot	Rubey
Ashbrook	Evans	Lieb	Rucker
Austin	Farr	Linthicum	Russell, Mo.
Ayres	Ferris	Lloyd	Sanford
Bailey	Fess	London	Saunders
Barkley	Foster	Longworth	Scott, Mich.
Barnhart	Frear	Loud	Scully
Beakes	Freeman	McAndrews	Shackleford
Britten	Fuller	McArthur	Shallenberger
Browne	Gard	McCracken	Sherwood
Bruckner	Garrett	McDermott	Siegel
Brumbaugh	Glynn	McFadden	Sims
Buchanan, Ill.	Good	McGillicuddy	Sinnott
Burke	Gould	Madden	Slemp
Butler	Gray, Ind.	Magee	Sloan
Campbell	Green, Iowa	Mann	Small
Cannon	Greene, Mass.	Mapes	Smith, Idaho
Capstick	Greene, Vt.	Matthews	Smith, Mich.
Carew	Gregg	Mays	Smith, Minn.
Carter, Okla.	Griffin	Meeker	Smith, N. Y.
Cary	Hadley	Miller, Minn.	Snyder
Casey	Hamilton, Mich.	Miller, Pa.	Stafford
Charles	Hamilton, N.Y.	Mondell	Steele, Iowa
Church	Hamlin	Montague	Stephens, Cal.
Cline	Haskell	Moore, Pa.	Sterling
Coady	Hastings	Moores, Ind.	Stiness
Connelly	Hawley	Morgan, Okla.	Stone
Conry	Hay	Morrison	Stout
Cooper, W. Va.	Hayden	Moss, Ind.	Sulloway
Cooper, Wis.	Heivering	Mott	Sutherland
Copley	Hensley	Neely	Sweet
Cox	Hernandez	Nichols, Mich.	Swift
Crago	Hicks	North	Taggart
Cramton	Hill	Oakey	Tavenner
Curry	Hinds	Oglesby	Taylor, Colo.
Dale, N. Y.	Hopwood	Olney	Temple
Dale, Vt.	Howell	Overmyer	Tilson
Danforth	Hulbert	Paige, Mass.	Timberlake
Davenport	Hull, Iowa	Parker, N. Y.	Tinkham
Dempsey	Humphrey, Wash.	Peters	Towner
Denison	Igoe	Phelan	Van Dyke
Dickinson	Johnson, Ky.	Platt	Volstead
Dill	Johnson, Wash.	Pratt	Walsh
Dillon	Kahn	Rainey	Ward
Dixon	Keating	Raker	Wason
Dooling	Kelley	Ramseyer	Watson, Pa.
Doolittle	Kennedy, Iowa	Randall	Watson, Va.
Doremus	Kent	Rauch	Williams, T. S.
Dowell	Kettner	Reavis	Williams, W. E.
Dunn	Key, Ohio	Reilly	Wilson, Ill.
Dyer	King	Ricketts	Woods, Iowa.
Eagan	Kinkaid	Roberts, Nev.	

NAYS—87.

Abercrombie	Eagle	Jacoway	Smith, Tex.
Adamson	Edwards	Kincheloe	Steagall
Aiken	Emerson	Lazaro	Steenerson
Almon	Estopinal	Lee	Stephens, Miss.
Aswell	Finley	Lever	Stephens, Tex.
Bell	Flood	McClintic	Sumners
Black	Gandy	McKellar	Taylor, Ark.
Blackmon	Garner	McLemore	Thompson
Britt	Goodwin, Ark.	Martin	Tillman
Buchanan, Tex.	Gray, Ala.	Nicholls, S. C.	Tribble
Burgess	Hardy	Oldfield	Venable
Byrnes, S. C.	Harrison	Oliver	Vinson
Byrns, Tenn.	Haugen	Page, N. C.	Walker
Callaway	Heflin	Park	Webb
Candler, Miss.	Helm	Pou	Whaley
Caraway	Hilliard	Powers	Wheeler
Clark, Fla.	Holland	Quin	Williams, Ohio
Collier	Hood	Ragsdale	Wilson, La.
Crisp	Howard	Rayburn	Wingo
Davis, Tex.	Huddleston	Schall	Wise
Dent	Hughes	Sears	Young, Tex.
Dies	Humphreys, Miss.	Slayden	

ANSWERED "PRESENT"—3.

Fordney	Houston	Miller, Del.

NOT VOTING—124.

Adair	Fields	Keister	Parker, N. J.
Bacharach	Fitzgerald	Kennedy, R. I.	Patten
Barchfeld	Flynn	Kiess, Pa.	Porter
Beales	Focht	Kitchin	Price
Bennet	Foss	Kreider	Riordan
Booher	Gallagher	Lafean	Roberts, Mass.
Borland	Gallivan	Langley	Rogers
Browning	Gardner	Lesher	Rowe
Burnett	Garland	Lewis	Russell, Ohio
Caldwell	Gillett	Liebel	Sabath
Cantrill	Glass	Lindbergh	Scott, Pa.
Carlin	Godwin, N. C.	Littlepage	Sells
Carter, Mass.	Gordon	Lobeck	Sherley
Chandler, N. Y.	Graham	Loft	Shouse
Chiperfield	Gray, N. J.	McCulloch	Sisson
Coleman	Griest	McKenzie	Snell
Cooper, Ohio	Guernsey	McKinley	Sparkman
Costello	Hamill	McLaughlin	Stedman
Crosser	Hart	Maher	Steele, Pa.
Cullop	Hayes	Moon	Stephens, Nebr.
Dallinger	Heaton	Mooney	Switzer
Darrow	Helgesen	Morgan, La.	Tague
Davis, Minn.	Henry	Morin	Talbott
Decker	Hollingsworth	Moss, W. Va.	Thomas
Dewalt	Hull, Tenn.	Mudd	Treadway
Doughton	Husted	Murray	Vare
Driscoll	Hutchinson	Nelson	Watkins
Drukker	James	Nolan	Wilson, Fla.
Dupré	Johnson, S. Dak.	Norton	Winslow
Fairchild	Jones	O'Shaunessy	Wood, Ind.
Farley	Kearns	Padgett	Young, N. Dak.

So the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. FIELDS with Mr. SNELL.

Mr. STEPHENS of Nebraska with Mr. GARLAND.

Mr. HULL of Tennessee with Mr. LAFEAN.

Mr. SHERLEY with Mr. ROWE.

Mr. GLASS with Mr. MCKENZIE.

Mr. STEELE of Pennsylvania with Mr. Moss of West Virginia.

Mr. MAHER with Mr. HAYES.

Mr. SEARS with Mr. HUSTED.

The result of the vote was announced as above recorded.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote by which the bill was passed was laid on the table.

COST OF LIVING IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House joint resolution 91, authorizing and directing the Department of Labor to make an inquiry into the cost of living in the District of Columbia and to report thereon to Congress as early as practicable.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The SPEAKER announced his signature to enrolled joint resolutions of the following titles:

S. J. Res. 121. Joint resolution authorizing the appointment of a representative of the United States Government to appear at the celebration of the landing of Sir Francis Drake on the coast of California; and

S. J. Res. 98. Joint resolution to print as a public document the final report and testimony submitted to Congress by the United States Commission on Industrial Relations.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 6241. An act to ratify, approve, and confirm an act amending the franchise granted to H. P. Baldwin, R. A. Wadsworth, J. N. S. Williams, D. C. Lindsay, C. D. Lufkin, James L. Coke, and W. T. Robinson, and now held under assignment to Island Electric Co. (Ltd.), by extending it to include the Makawao district on the island of Maui, Territory of Hawaii; and extending the control of the public utilities commission of the Territory of Hawaii to said franchise and its holder;

H. R. 9909. An act to authorize the Chicago, Milwaukee & St. Paul Railway Co. to construct a bridge across the Missouri River; and

H. R. 11320. An act granting the consent of Congress to the counties of Twin Falls and Minidoka, State of Idaho, to construct a bridge across Snake River.

ENROLLED JOINT RESOLUTION AND BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following enrolled joint resolution and bills:

H. J. Res. 87. Joint resolution authorizing and directing the Secretary of the Treasury to credit the stamp account of Edward B. Craig, as collector of internal revenue for the collection district of Tennessee, in the sum of $2,034.89, being the representative value of certain internal-revenue documentary stamps which were taken from the office of said collector by an act of burglary;

H. R. 4701. An act to establish in the War Department and in the Navy Department, respectively, a roll, designated as "the Army and Navy medal of honor roll," and for other purposes;

H. R. 5835. An act for the relief of James Stanton;

H. R. 7248. An act for the relief of the United States Drainage & Irrigation Co.;

H. R. 7502. An act for the relief of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased;

H. R. 7862. An act for the relief of New England Coal & Coke Co., owner of the American barges *Emilie* and *Cassie*, and Bruusgaard Kiosterud Dampskibsaktieselskab, owner of the Norwegian steamship *Hesperos*; and

H. R. 9803. An act to emancipate from certain disabilities children who have judgments of conviction for crime of record against them in the juvenile court of the District of Columbia.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4256. An act to amend section 5146 of the Revised Statutes of the United States, so as to permit national banks located near the boundary line of adjoining States, subject to the discretion of the Comptroller of the Currency, to select only a majority, instead of three-fourths, of their directors from residents of the State in which they are respectively located; to the Committee on Banking and Currency; and

S. 606. An act for the relief of James C. Hilton; to the Committee on Claims.

INCREASE OF MILITARY ESTABLISHMENT.

Mr. GARRETT. Mr. Speaker, I present a privileged report from the Committee on Rules, which I send to the desk and ask to have read.

The SPEAKER. That is preferential, and the Clerk will report it.

The Clerk read as follows:

House resolution 215.

The Committee on Rules, to which was referred H. Res. 215, respectfully report the same to the House with the recommendation that it do pass.

Resolved, That upon the adoption of this resolution the Committee on Military Affairs be, and hereby is, discharged from the consideration of H. R. 12766, a bill to increase the efficiency of the Military Establishment of the United States, with the Senate amendments thereto; that the said Senate amendments be, and hereby are, disagreed to by the House and a conference asked by the Senate on the disagreeing votes of the two Houses on the said bill; and the Speaker shall immediately appoint the managers on the part of the House, without intervening motion.

Mr. MANN. Mr. Speaker, I make the point of order that this is not a privileged rule.

The SPEAKER. The Chair will hear the gentleman.

Mr. MANN. Mr. Speaker, the rule provides that the Committee on Rules shall not report any rule or order which shall operate to prevent the motion to recommit being made as provided in paragraph 4 of Rule XVI.

Paragraph 4 of Rule XVI provides:

When a question is under debate, no motion shall be received but to adjourn, lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer, or to amend or postpone indefinitely.

Further:

After the previous question shall have been ordered on the passage of a bill or joint resolution, one motion to recommit shall be in order, and the Speaker shall give preference in recognition for such purpose to a Member who is opposed to the bill or joint resolution.

There is no distinction between a motion to recommit and a motion to refer, so that paragraph 4 of Rule XVI provides in two places for a motion to refer or a motion to recommit. This matter was before the House on October 9, 1913 (p. 5520 of the RECORD, vol. 50, pt. 6), at which time a rule was reported from the Committee on Rules in reference to the urgent deficiency bill providing:

Resolved, That immediately upon the adoption of this order the bill (H. R. 7898) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1913, and for other purposes, together with the amendments of the Senate thereto, be taken from the Speaker's table, that the amendments of the Senate thereto be disagreed to in gross, that the conference asked by the Senate be agreed to, and that the Speaker, without intervening motion, appoint managers on the part of the House.

The present rule is drafted, I think, upon that rule in all probability. I made the point of order at that time that that resolution was not privileged. The Speaker finally overruled the point of order and held that the motion was privileged and that there was no right to make the motion to recommit. As far as I can gather, the Speaker based his decision upon these grounds: That the right in the minority to move to recommit would still exist when the conference report was made to the House. That is what the Speaker stated.

The SPEAKER. If the gentleman will permit, the other day when these questions were floating around here in the air, and, being threatened, the Chair took particular pains to investigate that question. And the Chair has no doubt in his mind whatever that you can make a motion to recommit a conference report, and make it with instructions, at that.

That case was where the rule provided that the House should agree to a conference asked for by the Senate, and under the practice of the two bodies the House that has asked for a conference acts last upon the report and the House that agrees to a conference acts first upon the conference report. Therefore, when the Speaker stated at the time this matter was up before that the rights of the minority would still be preserved to make a motion to recommit the conference report, it was based upon that proposition, but the right to move to recommit a conference report does not exist after one of the bodies has acted upon the report and the conferees are discharged, and if this bill comes back to the House with a conference report it will be after the Senate has acted upon the conference report, and if the Senate agrees to the conference report it would be too late to make the motion in the House to recommit the bill to the conference committee, because the conferees on the part of the Senate will have been discharged, and the rules provide that you can not make the motion to recommit a conference report to the conferees after the managers on the part of either the House or the Senate have been discharged.

There is no chance for the minority to make a motion to recommit this bill except at this time, if the conferees agree upon a report, as we have the right to assume that they will, and if the Speaker holds that you can bring in a rule to send a bill to conference by disagreement, cutting out the motion to recommit, then you absolutely destroy the right of the minority to make the motion to recommit. In the argument on that question on October 9, 1913, Mr. SHERLEY, on page 5521, said:

If the Speaker will permit, I should like to suggest another matter. The Senate having asked a conference and the conference being ordered, the matter will have to come to this House before the Senate can act on it, and therefore the condition that the gentleman presents when a motion to recommit would not be in order on a conference report can not arise as to this particular matter.

Mr. Speaker, as I understood at that time, and as I understand from the reading of what took place at that time, the Speaker put his decision upon the proposition that the Senate having asked for a conference, the House agreeing to the conference, the conference report would have to come before the House when the conferees were not yet discharged, and when the motion to recommit the conference report would be in order. But under this rule before the conference report comes to the House the Senate must have acted upon the conference report and it is too late to make a motion to recommit the bill to the conference committee.

Mr. GARRETT. Mr. Speaker, I do not know that I understood fully the argument of the gentleman from Illinois [Mr. MANN]. The situation here is not a complex one nor is it an unusual one. On the 23d of March the House of Representatives passed a bill to increase the efficiency of the Military Establishment of the United States. That bill in the regular course went to the Senate, and it has been acted upon by the Senate, the Senate having adopted two amendments. One is an amendment which strikes out all of the House bill and inserts an entirely new bill. The other amendment amends the title. The Senate action in the regular course has been reported to the House in the usual way, and an effort was made by the chairman of the Committee on Military Affairs to secure, by unanimous consent, a disagreement to the Senate amendments and to ask for a conference. That was objected to by the gentleman from Illinois [Mr. MANN], and under the rules of the House the House bill as it was amended by the Senate went to the Committee on Military Affairs, where it now rests. The resolution which is presented here is in accordance with numerous precedents. It provides for the discharge of that committee, a disagreement to the Senate amendment, and a request for a conference. The motion to recommit, to which the gentleman from Illinois referred, does not apply, nor can it, in my opinion, by any possible construction of the rules be brought to apply to a situation such as that which we have before us now. If this matter can not go to conference in this way, how else can it go to conference? There is only one other way—that is, by unanimous consent—and that has been tried.

Is it possible, Mr. Speaker, that by any sort of construction of any rule of the House this House can be said to have so tied its hands as that it can not ask for a conference upon a bill? The motion to recommit, to which the gentleman refers, applies to an entirely different situation. It is true that the general rules of the House prevent the Committee on Rules from bringing in any special rule which would deprive the minority, whether a partisan minority or a numerical minority, or whatever it might be, of the power to make the motion to recommit, and thereby to make a record of what it desires. The minority had that opportunity and it exercised it when this bill was before the House. That general rule which the gentleman from Illinois read was never intended to apply to a situation such as this. It was intended to apply to a bill up before the House for consideration in the regular way under the general rules of the House. It had its application when this bill was before the House at a previous time. If the Speaker has before him volume 4 of Hinds' Precedents and will turn to paragraph 3246——

The SPEAKER. What is the paragraph?

Mr. GARRETT. The particular paragraph to which I would call his attention at this particular moment is 3246, page 230. There is a resolution which with a change of verbiage so as to make it applicable to this particular bill is in the exact language of the resolution which is now before the House——

Mr. MANN. Will the gentleman yield for a question?

Mr. GARRETT. Certainly.

Mr. MANN. The gentleman knows that was before this rule was adopted preventing the Committee on Rules from reporting a bill closing a motion to recommit.

Mr. GARRETT. It was before the adoption of this particular general rule.

Mr. MANN. At that time, of course, it was in order.

Mr. GARRETT. Yes; and the argument which I am making is that there is nothing in this general rule which was ever intended to change, or which does change in any way, the procedure there had and adopted. The general rule does prevent the Committee on Rules from bringing in a special resolution which would avoid a motion to recommit where a bill is under consideration under the general rules. The so-called preparedness bill is not under consideration now. That bill is in the Committee on Military Affairs. This is a resolution brought in under the general paragraph which gives power to the Committee on Rules to report at any time an order of business.

Mr. MANN. Will the gentleman yield?

Mr. GARRETT. Certainly.

Mr. MANN. Does the gentleman think the Committee on Rules could report a rule, Resolved, that upon the adoption of this rule House bill so-and-so shall be considered as passed, and thereby cut out the motion to recommit?

Mr. GARRETT. Well, that question is not before the House at this time.

Mr. MANN. Well, it looks to me as though it were quite on all fours.

Mr. GARRETT. I do not care to express an opinion on that at this time, but the point is, this bill has been before the House——

The SPEAKER. The Chair would like to call the attention of the gentleman from Tennessee to the last words in this rule:

And the Speaker shall immediately appoint managers on the part of the House, without intervening motion.

And now as near as the Chair can find out that is what the gentleman from Illinois is objecting to. The Chair simply desired to call the attention of the gentleman from Tennessee to the discrepancy or difference between this present rule and this one that is set forth in section 3246 of Hinds' Precedents.

Mr. GARRETT. Then, Mr. Speaker, suppose that expression "without intervening motion" were left out; the gentlemen from Illinois could not then make a motion to recommit. He could make a motion to instruct, but he places his whole argument upon the proposition that the rules provide that you can not prevent a motion to recommit. Even if that language "without intervening motion" were stricken from it neither the gentleman from Illinois nor any other gentleman could make a motion to recommit under the rules.

The SPEAKER. He could not make a motion to recommit now, but if that language were stricken from the rule he could make a motion to recommit the conference report.

Mr. HAY. No; there is no conference report.

Mr. GARRETT. There is no conference report, Mr. Speaker. This is an effort to bring about a conference report.

The SPEAKER. The Chair knows, and it is to be hoped there will be a conference report.

Mr. MANN. Nobody objects to a conference.

The Speaker will remember that this matter came up when the present distinguished occupant of the chair was in the chair, on the Post Office appropriation bill, which came before the House with Senate amendments. On a rule from the committee that did not cut out the motion to recommit, the Speaker held I was in order in offering a motion to recommit. That is the way the parcel post got into the law, one of the greatest reforms that has been accomplished during the days of the Speaker in the chair.

The SPEAKER. The Chair does not wish to interrupt the gentleman, except to call his attention to that one thing.

Mr. GARRETT. Mr. Speaker, I have said all that I really have to say. When the conference report returns here, of course, a motion to recommit that will be a different proposition. The Speaker is not called upon to speculate about what may happen on the adoption of a conference report or what may happen to a conference report when it is brought back. The immediate thing before the Speaker of the House is an effort to bring about a conference. The right to make a motion to recommit, to which the gentleman has referred, does not apply to a conference or to a request for a conference. It may apply to a conference report, but it does not apply to a request for a conference, nor does it apply to a rule providing for a conference. It applies to a bill, of course, and probably may apply to the conference report when it comes back.

The SPEAKER. If the gentleman from Tennessee will permit, the gentleman from Illinois [Mr. MANN] is anticipating and looking forward to what will happen, and that is that a conference report will be brought in here, and under the ordinary practice he would have the right to make a motion to recommit it, but that under the peculiar circumstances under which this one will come back here, if it ever comes, under this rule he would be cut out from that forthwith.

Mr. GARRETT. Mr. Speaker, under this proposed resolution I respectfully submit, if that is the Speaker's understanding—I do not think it is the understanding of the gentleman from Illinois—that he would be prevented from making a motion to recommit by reason of this resolution when the conference report comes back. It was speculating upon a contingency, if I understood the gentleman from Illinois correctly, that he then might be cut out. The gentleman from Illinois did not argue that under this rule, when the conference report was returned, he would be prevented from making a motion to recommit. May I ask the gentleman from Illinois if I am right in my understanding of his argument?

Mr. MANN. That is right. I am always frank with the House on a parliamentary proposition. The effect of the rule would be to prevent a motion to recommit ever being made.

Mr. GARRETT. The gentleman does not speak of the technical effect. He speaks of what might happen.

Mr. MANN. I speak of the technical effect.

Mr. GARRETT. If the gentleman insists that this rule would prevent a motion to recommit upon a conference report when it comes in, I do not agree with the gentleman.

Mr. MANN. I do not think there is any disagreement between us at all. This rule prevents a motion to recommit now, and if this rule be agreed to the House asks for a conference, and when the conference report comes in it must have been acted upon by the Senate first, and it is not in order then to move to recommit.

Mr. GARRETT. Will the gentleman submit to an inquiry?

Mr. MANN. Certainly.

Mr. GARRETT. If the gentleman were permitted now to make a motion to recommit, to where would he move to recommit it? Do I make myself clear?

Mr. MANN. I will answer that when I reach it. [Laughter.] I have the motion prepared.

Mr. GARRETT. The bill is now before the Committee on Military Affairs.

Mr. MANN. But if this rule be adopted, or any other rule, it will not then be before the Committee on Military Affairs, allow me to remind my distinguished friend from Tennessee.

Mr. GARRETT. That is very true. It will be in conference.

Mr. MANN. No; it will not. It will be in the House, and the Committee on Military Affairs discharged. That is the process. I know that the Speaker wants to uphold the rights of the minority in these matters. In the old days, on a motion to recommit, there was a conflict between the majority and the minority as to which should make the motion. After a long contest, lasting over years, on this subject the House in the revision of the rules put the provision in that the motion to recommit would be preserved and given to the minority. Now, of course, if you are going to cut that out by a rule, a technical construction, you can do it by a ruling of the Speaker. If you can send this bill to conference and cut out the motion to recommit, the Committee on Rules could have brought in a rule that the Committee on Military Affairs be discharged from the consideration of the bill H. R. 12766 and that it be considered as passed by the House, and thereby cut out the motion to recommit. The gentleman from Tennessee [Mr. GARRETT] was frank enough not to want to answer that question; and yet, if you can do the one you can do the other. No one desires to prevent this bill from going to conference. All we desire, as far as I know, is to have the House express its opinion upon some of the propositions involved in the Senate amendment.

Mr. GARRETT. Mr. Speaker, of course the gentleman recognizes the fact that, so far as this matter is concerned, there is practically but one amendment. There is an amendment amending the title, of course, but the real amendment is the Senate bill, which was substituted for the House bill.

Mr. MANN. I recognize that fact, and I recognize there are various ways by which you can test the sense of the House upon the subject.

Mr. GARRETT. It would probably require a special rule even to do that.

Mr. MANN. I do not think it would. I have five ways prepared, at least. [Laughter.]

Mr. GARRETT. I wish again to call the attention of the Speaker to the language to which the gentleman referred in his opening remarks. I read:

> After the previous question shall have been ordered on the discharge of a bill or joint resolution, one motion to recommit shall be in order, and the Speaker shall give preference in recognition for such purpose to a Member who is opposed to the bill or joint resolution.

Now, there is another rule which provides that the Committee on Rules may not bring in a special rule which will cut off the power to move to recommit being given to a Member under that general rule. That applies on the passage of a bill or joint resolution. It does not apply to an order of procedure proposed from the Committee on Rules to get a bill into conference.

Mr. LENROOT. Mr. Speaker, I submit that this is an attempt on the part of the Committee on Rules to do by indirection that which it could not do directly.

The gentleman from Tennessee [Mr. GARRETT] asked the Chair in his opening remarks if this bill could not be sent to conference in the way it is proposed in this rule; how could it be sent there, unanimous consent having been objected to? Why, Mr. Speaker, it would have been perfectly easy for the Committee on Rules to have brought into this House a rule providing that it should be in order to move that the Senate amendment to this bill be disagreed to, and that a conference be asked for. Does the gentleman say, if that had been done, it would not have brought the question directly before the House and the right of the minority to recommit would have been preserved? Of course it would, and the only purpose of the Committee on Rules in bringing in this form of rule—an unnecessary form of rule—is to cut out the right of the minority to make the motion to recommit.

Mr. MANN. Mr. Speaker, will the gentleman yield there?

Mr. LENROOT. Yes.

Mr. MANN. The gentleman spoke of bringing this bill before the House by a rule. Under the rules, is it not in order for the gentleman from Virginia [Mr. HAY], by direction of his committee, to report this bill back, and to move that the House go into Committee of the Whole House on the state of the Union, and after five minutes' debate, close all debate?

Mr. HAY. Mr. Speaker, the gentleman knows that this is not a privileged bill, and if the Committee on Military Affairs re-

ported it back, it would go on the calendar, and it could not be called up except on Calendar Wednesday, when the Committee on Military Affairs was called.

Mr. MANN. Yes; the gentleman could get it up on unanimous consent.

Mr. HAY. The gentleman could not get it up by unanimous consent.

Mr. MANN. The gentleman did not try.

Mr. HAY. The gentleman tried, but the gentleman from Illinois [Mr. MANN] objected to it.

Mr. MANN. I was willing for it to go before the House.

Mr. HAY. The gentleman says I can get it into conference. I can not get it into conference except by unanimous consent.

Mr. MANN. The gentleman says he knows he can not get it into conference.

Mr. HAY. As the gentleman has pointed out, he has demonstrated that I can not get it except by unanimous consent.

Mr. LENROOT. There is no question but that the Committee on Rules could have brought in a rule making the motion of the gentleman in order, and then the motion to recommit would not and could not have been cut off by the Committee on Rules.

Mr. HAY. Why did not the gentleman offer that amendment to the rule?

Mr. LENROOT. The gentleman would have if he had not been notified beforehand that any suggestion of the minority would not have any weight in the Committee on Rules. I make that answer, if the gentleman desires to know.

Now, Mr. Speaker, in reference to the discussion which took place upon the rule that has been referred to by the gentleman from Illinois [Mr. MANN], the Chair will observe that that was a running discussion, and the Chair, in finally making the ruling, did not give an opinion upon it, but it must be gathered from the various remarks of the Chair throughout the discussion.

Mr. POU. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from North Carolina?

Mr. LENROOT. I would like to close this statement, and then I will yield to the gentleman. I would like to offer for the Chair's consideration the note in the Manual upon that ruling, giving the understanding of the compiler of the Manual of the Chair's decision. I read from the note under section 725:

Ruled by Speaker CLARK (Oct. 9, 1913, 1st sess., 63d Cong., p. 5522) that a special rule providing that a House bill with Senate amendments shall be taken from Speaker's table, Senate amendments disagreed to, conference agreed to, and that Speaker shall without intervening motion appoint conferees, is not in violation of clause 56 of Rule XI, since the motion to recommit may be made on the conference report.

That was true in respect to the question that was then before the House, but it is not true with reference to this case, for the reason suggested by the gentleman from Illinois.

The SPEAKER. Why not?

Mr. LENROOT. Because in the case that was before the House then, the Senate had asked for a conference, and the Senate would act upon the conference report last. Therefore both sets of conferees would be in existence at the time the motion to recommit would be made. In this case the House asks for the conference, and the Senate will act first, agreeing to the conference report; the Senate conferees will be discharged, and therefore a motion to recommit would not be in order, because there would be no Senate conferees to recommit to.

Mr. HAY. Can not the House vote down the conference report?

Mr. LENROOT. It could vote it down. But it was, on the motion to recommit, which the Speaker and the compiler of the Manual so understood, ruled that the point of order was not well taken, because the right to make the motion to recommit was preserved upon the conference report.

Mr. POU. Awhile ago the gentleman spoke of a notice that he received. I will say to him that he certainly did not receive it from any of the majority members of the Committee on Rules.

Mr. LENROOT. Oh, I am not going into what occurred in that meeting, but I was forced to say what I did by what the gentleman from Virginia said. I could repeat it if necessary, but I shall not do so.

Mr. POU. I do not think the gentleman ought to intimate that something occurred that certainly did not occur.

Mr. LENROOT. I will say this in general language, that the minority members of this committee were given plainly to understand that this rule was to be passed exactly as it stood. I do not say the gentleman or any other member of the committee said so, but we understood that perfectly, and the gentleman understood it also.

Mr. POU. I wish to say that it was purely an inference on the part of the gentleman from Wisconsin, without anything at all being said upon the subject.

Mr. LENROOT. I do not mean to say that any gentleman said, "Now, Mr. CAMPBELL or Mr. LENROOT if you offer any amendments they will be voted down, so it is no use to offer them," but I do say that we gathered such an inference as any Member would gather from things that occurred there.

Mr. GARRETT. Mr. Speaker, let me ask my friend, who is always frank, if he is not confusing the matter of instruction with the matter of recommittal?

Mr. LENROOT. Not at all. This does cut off a motion to instruct as well as a motion to recommit, of course.

Mr. GARRETT. It cuts off a motion to instruct.

Mr. LENROOT. It cuts off both. The motion to instruct, however, is one that the Committee on Rules are not compelled to preserve. They might bring in a rule cutting off that motion, but the Committee on Rules are expressly prohibited from depriving us of the motion to recommit.

Mr. GARRETT. That is on the passage of a bill. This proposition is one to discharge the committee from consideration of a bill in order to get it to conference.

Mr. LENROOT. Yes.

Mr. GARRETT. Now let me ask the gentleman, where would he move to recommit this bill at this particular moment, if there were nothing else in the way?

Mr. LENROOT. I can not make the motion at this moment, because it is in the committee.

Mr. GARRETT. Precisely.

Mr. LENROOT. But I want to call the attention of the Chair to this fact, that while the gentleman from Tennessee [Mr. GARRETT] says this bill is now in committee, and that is correct, when we vote upon this rule as it now stands we not only take the bill out of committee, but consider it upon the floor of the House and send it to conference, by one vote and one motion to discharge the committee, so that the House has the bill before it when it votes on this rule, but is deprived of the motion to recommit.

Mr. SHERLEY. Mr. Speaker, suppose that instead of any rule, an ordinary motion was made to send the bill to conference, and the minority did what it is now really fighting for, that is make a motion to instruct the conferrees, and that motion was not agreed to and the bill went conference, would you be in any different position touching the motion to recommit after it got back from conference, through that method, than you will be under this method?

Mr. LENROOT. After it got to conference?

Mr. SHERLEY. Yes.

Mr. LENROOT. No; there would be no motion to recommit then, but——

Mr. SHERLEY. That is just it.

Mr. LENROOT. But the gentleman will see that the House has the right preserved to it at sometime in the stage of the consideration of this Senate amendment to express its views upon the features of that bill, which this special rule deprives us of, and which right the rules of the House compel you to preserve.

Mr. SHERLEY. Now, what the gentleman really wants is to have the privilege, under a motion to instruct, to bring about what is ordinarily accomplished by a motion to recommit; but while that may be desirable from the standpoint of the gentleman, that has nothing to do with the parliamentary situation. The only limitation on the Committee on Rules is that it shall not deny the motion to recommit. Now, if this bill went to conference by any process, and the Senate had agreed to the conference report, the motion to recommit would not be possible, because part of the conferees would not exist, and you could not recommit to them; so that it would not be the action of the rule sending it to conference that would prevent a motion to recommit, but it would be the action after it had gotten into conference. Now, it may be that by this method we do prevent you from having now the privilege of moving to instruct, but the rules do not say that the Committee on Rules have not the right to do that.

Mr. LENROOT. Mr. Speaker, in reply to the gentleman from Kentucky, he is correct in saying that this rule cuts off the right of the motion to instruct. That is true, but there were two methods by which the minority under the rules of the House had a right to express its views on this bill. One was by a motion to recommit. The other was by a motion to instruct the conferees. We admit that the Committee on Rules have the right to bring in a special rule and cut off the right to instruct the conferees. We deny that they have the right to bring in a special rule that will deprive the minority of the opportunity to express itself by a motion to recommit.

Mr. SHERLEY. But if the gentleman will permit, the rule does not do that. It is the circumstance attending the conference. The gentleman will acknowledge that if this bill should go to conference now and the Senate should act first on the conference report, his motion to recommit, while technically existing, would not actually exist, because there would be no committee of conference to which it could be recommitted. Now, that is the misfortune of the gentleman's position.

Mr. LENROOT. If the gentleman will permit me to ask him a question, I will ask him if it was not for the language of this rule and a motion was made to send this bill to conference, would the gentleman say that the minority would not have the right to make a motion to recommit with instructions?

Mr. SHERLEY. But that is not the proposition.

Mr. LENROOT. That is exactly the proposition.

Mr. SHERLEY. It is not the proposition at all. The proposition simply is this: By this rule we are denying you the right to instruct the conferees.

Mr. LENROOT. And also the right to move to recommit the bill.

Mr. SHERLEY. Oh, we are simply preventing you from instructing the House conferees. Now, the final motion to recommit, which is the only motion that the rules undertake to preserve from action by the Rules Committee, is not affected by what we do. It is affected by the circumstance that, the Senate acting first, the Senate conferees have ceased to exist at the time when the motion to recommit might be made.

Mr. LENROOT. I will ask the gentleman, suppose a motion was made to disagree to the amendments. Will the gentleman say that under the rules of the House paragraph 4 of Rule XVI would not give the minority the right to make a motion to recommit the Senate substitute with instructions?

Mr. SHERLEY. I am not at all prepared to admit that it would.

Mr. LENROOT. Nothing could be plainer.

Mr. SHERLEY. I think a good many things could be plainer than that.

Mr. POU. I should like to ask the gentleman a question. If this bill had gone to conference by unanimous consent this morning, could the gentleman have made a motion to recommit?

Mr. LENROOT. That would have depended entirely upon whether the conference had been asked for by the House or the Senate.

Mr. POU. Under the same circumstances.

Mr. LENROOT. I say no.

The SPEAKER. Suppose this rule was not in existence, and we had the bill before the House with a motion to recommit to the Committee on Military Affairs, what kind of instruction would the gentleman give it in acting on the Senate amendment?

Mr. LENROOT. It could instruct the committee to report the substitute back with any amendment we chose to incorporate in the instruction.

The SPEAKER. With the recommendation that the House agree to it?

Mr. LENROOT. Yes; and then the House could disagree to the substitute as amended or agree to it.

The SPEAKER. Does the gentleman from Virginia wish to be heard?

Mr. SAUNDERS. Yes, briefly. The rule under consideration is not intended to interfere, and does not interfere, with the right to make the motion to recommit provided for in paragraph 4 of Rule XVI. This will be clearly perceived by reference to the language of the paragraph, which provides in terms that the motion shall be in order after the previous question shall have been ordered on the passage of a bill, or joint resolution. Rule XI, subsection 56, provides that the Committee on Rules, shall report no rule which shall operate to prevent the motion to recommit being made, as provided in paragraph 4. The right secured by this paragraph, is the right to make the motion to recommit, not generally, but after the previous question has been ordered on the passage of a bill, or joint resolution. This situation is not presented under the operation of the rule. The bill to which it relates will not be before the House on its passage. The rule proposes to take the bill from the committee, bring it before the House, and send it to the conference. That is the full cycle of its intended operations, the full effect which it is designed to secure. If the rule brought the bill before the House for passage, it could not provide that the previous question should be considered as ordered—and the bill put on its passage—to the exclusion of the right to make the motion to recommit. Such an attempted exclusion of the right to make this motion, under the situation last presented, would be plainly contrary to the intent, and terms of the rule, which is designed to secure this right, whenever the conditions arise to which it is designed to relate. The concluding sentence of Rule XI, subsection 56, imposes a limitation upon the authority of the Committee on Rules. Whenever the state of facts predicated in paragraph 4, of Rule XVI, is created, or comes to pass, a barrier is thereby erected against the authority of the committee to exclude the exercise of the right to make the motion in question, but apart from this particular state of facts, there is no obstacle in the way of the committee. There are various motions including the motion to recommit, which a Member has the right to make under the rules, but all of these rights may be taken away by a rule from the Committee on Rules, provided of course it is adopted. There is no exception or saving in the case of the motion to recommit, save under one set of circumstances, that is, the case of a bill, or joint resolution on its passage, after the previous question has been ordered. The test is easy of application.

The rule proposed creates its own situation. Under its operation the bill is not brought before the House for passage. It is merely in the House, in transit, on its way to the conference committee. No Member has been deprived of the right to make the motion to recommit, for the simple reason that the state of facts has not arisen affording the indefeasible right to make this motion. When the bill comes back from the committee on conference for some final action the right to make this motion to recommit will be an integral part of the motions that will be in order. The rule proposes to do what might be done by a motion to suspend the rules, take the bill from the committee, and send it to conference. This motion, when made in order, would be efficient, if sustained, to accomplish precisely these results, and no point of order would lie against it. The rule proposes to do the same thing. It is in the interest of public business that the Committee on Rules should have the authority to report a rule, accomplishing the result intended, a rule designed to bring the two legislative bodies into agreement without the destruction of any essential right. The Member insisting upon the right to make the motion to recommit, and complaining that he has been deprived of this right, should be required to point out when the state of facts necessary to afford this right, will arise under the operation of this rule, at what stage of this operation will the bill in question be before the House for passage. As soon as the bill goes to conference, the rule will cease to operate, and the proceedings thereafter will be conformable to the general rules of the House. This question should be decided upon what is before this body, not upon the contingencies suggested by the gentleman from Illinois. There is no reason why the motion to recommit should be preserved to any greater extent than is provided for by the very terms of our rules, and in order to effect this saving, it is not necessary to hold that the Committee on Rules is inhibited from reporting a rule which will accomplish the same result that would be effected by the appropriate motion to suspend the rules, the only difference being that the one would require a two-thirds, and the other a majority vote of the House.

Mr. COOPER of Wisconsin. Mr. Speaker, in my judgment this whole controversy turns on whether the word "shall" in Rule XI of the general rules of the House ought in this instance to be interpreted to mean "may." Rule XI reads in this way:

> Nor shall it report any rule or order which shall operate to prevent a motion to recommit.

Strictly speaking, this language might be held to mean that the committee shall report no special rule which shall necessarily operate to prevent a motion to recommit. Now, it is not claimed that this special rule, if adopted, would necessarily prevent the minority from making a motion to recommit, but only that it may or might prevent it, this possibility depending entirely upon what action the Senate might take on the conference report. If the Senate should adopt the report and discharge its conferees, this House would then be deprived of the right to make a motion to recommit, because there would then be no conference committee. Therefore, in order to preserve the right of the minority to make that very important motion, the Speaker ought to interpret the word "shall" as used in the rule to mean "may," as if the rule read:

> Nor shall it report any rule or order which may operate to prevent a motion to recommit.

Such an interpretation is necessary in this instance, in order to do justice to the minority, because of the unusual circumstances under which the special rule is presented. These circumstances are that the House asks for the conference and the Senate will first take a vote on the conference report. If the Senate shall discharge its conferees, it will then be too late for the House minority to make the motion to recommit. The real intent and spirit of Rule XI will have been ignored and the plain right of the minority to make this motion done away with. Therefore, to preserve this right, the word "shall" ought to be construed as "may" as has often been done when similar lan-

guage in statutes has been brought before courts for interpretation.

Mr. GARRETT. Mr. Speaker, after all, the entire argument that is presented in the attempt to sustain the point of order goes into the realm of speculation as to what may happen. I respectfully submit once more to the Speaker that the provision of the rule which insures the right to the motion to recommit applies to a bill or a joint resolution when it is upon its passage in the House. That is the sacred right insured by the general rules of the House, and the Committee on Rules can not bring in a special rule which will prevent it—that is, such a special rule would not be privileged. But it does not apply to such a situation as we have before us now. This House has certain business to do. It can vote up this rule of the committee, or it can vote it down. If it votes it down, then other processes will have to be found in order to secure the conference which is desired. But it is technical—a technicality without a basis—undertaking to take a general rule which applies to the passage of a bill or joint resolution and make it apply to a proposition of taking a bill away from a committee in order to get it to conference. If that should be held to be good, I confess, Mr. Speaker, I do not see just where the end of the embarrassment that will arise to confront the House will come. The rules of this House are supposed to be made, supposed to be construed, with the idea of doing business. They are not supposed to be given technical construction. They are not written in such a technical way as to tie the hands of this House except in certain fixed circumstances that are specifically set forth in the rules themselves. The hands of the House are tied in certain instances because the Committee on Rules, which is the initiating force on procedure in the House, has its hands tied in the matter of bringing in a rule that will prevent a motion to recommit on a bill which is on its passage. But that rule is a limitation specifically and clearly defined and is to be strictly construed. That rule never was intended to tie the House, except as therein fixed. There is nothing in it which even by implication can justify a construction that would so paralyze this House as to prevent it sending a bill to conference in this way.

Mr. LENROOT. Will the gentleman yield?

Mr. GARRETT. I will yield to the gentleman from Wisconsin.

Mr. LENROOT. Mr. Speaker, I want to ask the gentleman whether there would be the slightest difficulty in the Committee on Rules bringing in a motion to disagree to this Senate amendment, sending it to conference, and that upon that the previous question should be considered as ordered?

Mr. GARRETT. Mr. Speaker, I do not know what difficulties might arise on that proposition, but I do know this, that the Committee on Rules in the drafting of this rule has followed the spirit of the rules that have been adopted here again and again for long, long years under all administrations—a plain, simple rule that works quickly and does business. [Laughter on the Republican side.] Oh, that is precisely what rules are for, and they have always been used for that purpose and always will be used for that purpose; and I do know, at least I think I know, that there is absolutely nothing in any of the amendments to the general rules since the time those special rules were brought in that in any way changes the principles that were upheld at that time.

Mr. MANN. Mr. Speaker, the gentleman from Tennessee [Mr. GARRETT] said they were following the practice which had been followed in the House for many years, and that is the trouble with it all. That is what we put this new provision in the rules for, so that the old practice could not be followed any longer. I remember when this question first came before the House on a Senate amendment. It was on the tariff-commission bill. The Senate sent the tariff-commission bill, which had passed the House, back to the House with a Senate amendment about 10 o'clock in the morning of March 4, when the House stood to adjourn at 12 o'clock by operation of law. It might have been a little earlier than 10 o'clock. A filibuster was started on the Democratic side of the House. The Committee on Rules was hastily convened, and brought a rule into the House which disposed of the Senate amendments to the tariff-commission bill, and the gentleman from New York [Mr. FITZGERALD] made the motion to recommit the Senate amendment to the Committee on Ways and Means. Every one knew that if that motion should prevail that ended it. In fact, if the motion was put to a vote that ended it, unless the clock should be turned back so as to extend the life of the House. Mr. Speaker CANNON was in the Chair at the time. He had been charged by the Democrats in the House and throughout the country with being arbitrary and partisan. They charged that he made partisan rulings. He was in favor of having the House agree to the Senate amendments, but when this rule was cited to him he held that under the rules of the House the motion to recommit the House bill with Senate amendments to a committee of the House was in order, although it was not a vote on the final passage of a bill at all. I never have seen in the House in my term of service a more excited membership than sat and stood here that morning. Half the Members nearly were on their feet. It is the only time in the House since I have been here when I thought there was danger of fights and bloodshed. There never was such intensity in the House as on that morning. Both sides of the House were bitter, partisan, determined; and yet the Speaker, preserving his coolness and his fairness, ruled in favor of the Democratic side of the House, because he thought right was on their side. [Applause on the Republican side.]

The SPEAKER. The matter in controversy is the following resolution:

Resolved, That upon the adoption of this resolution the Committee on Military Affairs be, and hereby is, discharged from the consideration of H. R. 12766, a bill to increase the efficiency of the Military Establishment of the United States, with the Senate amendments thereto; that the said Senate amendments be, and hereby are, disagreed to by the House and a conference asked of the Senate on the disagreeing votes of the two Houses on the said bill; and the Speaker shall immediately appoint the managers on the part of the House, without intervening motion.

As the Chair understands it, no one is objecting to any part of this rule except the last three words, "without intervening motion." By reason of those three words the gentleman from Illinois [Mr. MANN] makes the point of order against the rule. Subdivision 4 of Rule XVI provides:

When a question is under debate no motion shall be received but to adjourn, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a certain day, to refer, or to amend or postpone indefinitely; * * *.

After the previous question shall have been ordered on the passage of a bill or joint resolution one motion to recommit shall be in order, and the Speaker shall give preference in recognition for such purpose to a Member who is opposed to the bill or resolution.

The gentleman from Illinois [Mr. MANN] claims that the proposed rule deprives Members from the right to move to recommit. He bottoms his contention on Rule XI, section 725, of the Manual, which is as follows:

It shall always be in order to call up for consideration a report from the Committee on Rules, and, pending the consideration thereof, the Speaker may entertain one motion that the House adjourn; but after the result is announced he shall not entertain any other dilatory motion until the said report shall have been fully disposed of. The Committee on Rules shall not report any rule or order which shall provide that business under paragraph 7 of Rule XXIV shall be set aside by a vote of less than two-thirds of the Members present—

That refers to Calendar Wednesday—

nor shall it report any rule or order which shall operate to prevent the motion to recommit being made as provided in paragraph 4 of Rule XVI.

On the 4th of March, 1911, Mr. Speaker CANNON, in ruling on a point of order raised by Mr. Dalzell to a motion of Mr. FITZGERALD to commit the Senate amendments to the bill to create a tariff commission to the Committee on Ways and Means, said:

The Chair has ruled out, and in the opinion of the Chair properly so, all dilatory motions, as was his duty under the rules of the House. There are certain motions, there are certain demands, that can not be held as dilatory. One is a demand for the yeas and nays. The rules of the House govern the House, and the Chair finds a precedent in this case exactly in point, which the Chair believes to be sound in principle. The Chair reads from page 287, volume 5, of Hinds' Precedents:

"The previous question having been ordered on a motion to agree to a Senate amendment to a House bill, a motion to commit is in order. On November 1, 1893, the House was considering the Senate amendments to the bill (H. R. 1) to repeal a part of the act of July 14, 1890, relating to the purchase of silver bullion.

"Mr. Leonidas F. Livingston, of Georgia, submitted the question of order whether, after the previous question should have been ordered on the motion to concur in a Senate amendment, it would be in order to commit the bill and amendment to a committee with instructions.

"The Speaker expressed the opinion that the motion to commit would in such case be in order."

That is the ruling by Mr. Speaker Crisp, and the Chair, therefore, overrules the point of order made by the gentleman from Pennsylvania to the motion to commit the Senate amendments to the Committee on Ways and Means.

The gentleman from Illinois [Mr. MANN] and the gentleman from Wisconsin [Mr. LENROOT] and others contend that this rule, if adopted, cuts out the right of any gentleman to move to recommit the Senate amendment. That is one branch of this discussion. That seems to have been settled by these two decisions.

Jefferson's Manual provides:

And in all cases of conference asked after a vote of disagreement, etc., the conferees of the House asking it are to leave the papers with the conferees of the other; and in one case where they refused to receive them they were left on the table in the conference chamber.

The present occupant of the chair has passed substantially on both of those questions. When the first Underwood tariff bill was in process of passage the Senate conferees were entitled to the papers, which would enable them to pass on the conference report first, but Mr. UNDERWOOD came in here with the papers in his hand and the gentleman from Illinois [Mr. MANN] raised the point that we were not required, or had no right as

far as that is concerned, to pass on the conference report first, because the Senate conferees were entitled to the papers. The Chair interrogated the gentleman from Alabama [Mr. UNDERWOOD] as to how he got possession of the papers. Of course, the Chair did not suspect he had used violence or had purloined them, but he wanted to know how he got them for the purpose of deciding, and the gentleman from Alabama [Mr. UNDERWOOD] stated that the Senate conferees threw the papers down on the table and intimated they did not care what was done with them. So under that set of circumstances the Chair ruled that the House would pass on the conference report first. That has been done on other occasions.

This very question came up here once before, October 9, 1913, but on a different presentation. In that case the House was entitled to pass on this question first and the Senate afterwards, and after a long wrangle the Chair overruled the point of order against the special rule, because the situation was different from what it is now and such that a motion to recommit could be made. The situation now, stated briefly, is as follows: If this rule is adopted the minority can not make a motion to recommit this Senate amendment, with or without instructions, and if the conference report is finally made up, then the Senate, under the practice, not the universal practice but the general practice, passes on it first, and usually when one body agrees to a conference report, or whatever it does to it, the conferees of that body are discharged automatically. In this case under the practice the Senate passes on the conference report first; that leaves the House in a position where we can not make a motion to recommit the conference report because the Senate conferees have been discharged.

Usually these special rules provide that the Speaker shall do thus and so "without an intervening motion, except one motion to recommit."

The rule to recommit was one of the most troublesome that ever pestered the House. The gentleman from Illinois did not state it fully. It was used as a sort of legislative trick frequently. The chairman, or whoever had charge of the bill, simply moved to recommit, because only one motion to recommit is permissible—just like the motion to reconsider—and the Chair would recognize the gentleman in control of the bill, and he would make the pro forma motion to recommit and thereby cut the minority out of making a motion to recommit that had some substance in it. So, finally, after much tribulation the rule was changed so that it makes one motion to recommit in order, and makes it imperative on the Speaker to give first recognition to the minority, if the minority member qualifies. That does not necessarily mean a minority politically in the House. It means a minority as to that particular bill, and it may not be improper to refresh the mind of the House of the ruling this Speaker made in an earlier Congress about recommitment, and that was that he would recognize a Member of the minority who said he was opposed to the bill to make the motion to recommit, and he would recognize Members of the minority—minority Members of the committee having the bill in charge—seriatim, if they qualified; and if they did not qualify, any gentleman who would qualify would be recognized.

The provision of the rule requiring the Speaker to give preference to the minority in recognitions for motions to recommit was placed there after profound deliberation, and is of great importance for the purpose intended. The proposed rule deprives the minority of the privilege and right to move to recommit and is therefore, in the judgment of the Chair, obnoxious to subdivision 4, Rule XVI; also to that subdivision of Rule XI which says: "Nor shall it"—that is, the Committee on Rules—"report any rule which shall operate to prevent the motion to recommit being made as provided in paragraph 4 of Rule XVI."

Now, taking all these things into consideration, the Chair sustains the point of order that the proposed rule is not in order.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent to consider the resolution, adding the words at the end thereof "except one motion to recommit."

The SPEAKER. The gentleman asks unanimous consent to amend the rule by placing the words at the end "except one motion to recommit."

Mr. MANN. Reserving the right to object, why not make an agreement to consider the bill without the rule?

Mr. HAY. To do what?

Mr. MANN. To consider the bill without the rule.

Mr. HAY. To consider the whole Senate amendment?

Mr. MANN. Of course. There could not be any great delay. I am willing to waive the reading of it, so far as that is concerned.

Mr. HAY. I will say to the gentleman I am perfectly willing, as I said before, for the gentleman to move to concur in the Senate amendment or to concur with an amendment to the Senate amendment, which, I take it, are the only two parliamentary motions that can be put. Or, if the gentleman wants to move to instruct the conferees to concur in the Senate amendment he has a right to do that, but I do not think it would be in order to make a motion to instruct the conferees to concur in a part of an amendment, it not being proper to divide it into two parts or three parts or four parts.

Mr. MANN. I will say to the gentleman frankly that some one desires to make a motion either to instruct the conferees directly or indirectly through a motion to recommit and agree to the substance of certain sections in the Senate amendment, one relating to the enlargement of the Army, one relating to the Volunteer Army, and also one relating to the so-called nitrate amendment.

Mr. HAY. Does the gentleman desire to put that all in the same instruction?

Mr. MANN. I suppose it would be all in the same instruction and subject to division.

Mr. HAY. I should be compelled to make a point of order on that, because I do not believe it is competent for the House to instruct the conferees to agree to a part of the Senate amendment and disagree to some other part of it.

Mr. MANN. I am perfectly willing to leave that for the Chair to rule on. So far as I am concerned——

Mr. HAY. More than that, I do not believe the House desires its conferees to be so bound up that it will be impossible for them to confer upon any fair terms with the conferees of the Senate.

Mr. MANN. Such a motion can be made either directly or indirectly through a motion to recommit.

Mr. HAY. I am perfectly willing to consent that the gentleman from Illinois or any other gentleman shall make one motion to recommit, and put it in any shape he pleases provided it is one motion.

The SPEAKER. Is there objection?

Mr. MANN. I shall object to the rule unless——

Mr. HAY. Mr. Speaker, I do not want to take this matter away from the Committee on Rules, but I understood the gentleman from Tennessee [Mr. GARRETT] asked unanimous consent for the present consideration of this rule striking out the words "without intervening motion" and adding "except one motion to recommit."

Mr. GARRETT. Not striking out "without intervening motion."

Mr. HAY. Add the words, at the end of the rule, "except one motion to recommit." Do I understand the gentleman to object to that?

Mr. MANN. I shall object to that. I want, if I can, to have the right to move to instruct.

Mr. HAY. The gentleman now says he wants to move to instruct.

Mr. MANN. And I have never denied that I wanted to move to instruct.

Mr. HAY. You made the point of order on the motion to recommit.

Mr. MANN. I made the only point of order that I could.

Mr. HAY. I do not think it was good, so far as I am concerned. The Chair, however, having ruled that way, I bow very humbly to the decision of the Chair.

Mr. MANN. When the gentleman reaches the chair, which he sometimes will, as Speaker——

Mr. HAY. I have no such anticipation. However, I am much obliged to the gentleman. I anticipate that the present occupant of the chair will occupy it for a long time to come. [Applause on the Democratic side.]

Mr. MANN. We hope he will occupy it as long as any Democrat can. [Applause on the Republican side.]

The SPEAKER. Is there objection?

Mr. MANN. I object.

COST OF LIVING IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering House joint resolution No. 91.

Mr. LEVER. Mr. Speaker——

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER rose.

The SPEAKER. For what purpose does the gentleman from South Carolina rise?

Mr. LEVER. To offer a preferential motion. I move that the House resolve itself into Committee of the Whole House on the

state of the Union for the further consideration of the Agricultural appropriation bill (H. R. 12717).

The SPEAKER. The Chair thinks that the motion of the gentleman from South Carolina is a preferential motion.

EXTENSION OF REMARKS.

Mr. BARKLEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. BARKLEY. Pending that motion, I wanted to ask unanimous consent to extend my remarks in the RECORD by printing a resolution adopted by a mass meeting of the citizens of Paducah, Ky., indorsing the President's course in regard to Germany.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I question the propriety at this time, in the critical condition of our foreign affairs, of incorporating resolutions either pro or con on the President's conduct. We are receiving, all of us, resolutions on one side or the other, and I think it is better not to have this incorporated at the present time. It can be presented in the regular way through the basket.

Mr. CLINE. I object, Mr. Speaker.

The SPEAKER. The gentleman from Indiana objects.

Mr. STAFFORD. And I object, Mr. Speaker.

The SPEAKER. And also the gentleman from Wisconsin.

LEAVE OF ABSENCE.

Mr. HOUSTON. Mr. Speaker, I desire to ask that my colleague [Mr. PADGETT] be excused from attendance on the sessions of the House on account of illness.

The SPEAKER. The gentleman from Tennessee [Mr. HOUSTON] asks unanimous consent that his colleague [Mr. PADGETT] be excused from attendance on the sessions of the House on account of illness. Is there objection?

There was no objection.

AGRICULTURAL APPROPRIATION BILL.

Mr. BARNHART rose.

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. BARNHART. I rise to inquire if the gentleman from South Carolina [Mr. LEVER] would be willing to withhold his motion to go into the Committee of the Whole House on the state of the Union until the House might consider three printing bills which have been urged very strongly on the Committee on Printing?

Mr. LEVER. I ask for the regular order, Mr. Speaker. I demand the regular order.

The SPEAKER. The regular order is the motion of the gentleman from South Carolina to go into the Committee of the Whole House on the state of the Union to consider the Agricultural appropriation bill. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. JOHNSON of Kentucky. A division, Mr. Speaker.

The SPEAKER. The gentleman from Kentucky calls for a division.

The House divided; and there were—ayes 124, noes 27.

So the motion was agreed to.

The SPEAKER. The gentleman from Missouri [Mr. HAMLIN] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12717, the Agricultural appropriation bill, with Mr. HAMLIN in the chair.

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917.

The CHAIRMAN. When the committee rose last Saturday there was pending a motion to amend by striking out the paragraph, an amendment offered by the gentleman from Kansas [Mr. DOOLITTLE].

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] asks unanimous consent that debate on this paragraph and amendments thereto close in 15 minutes. Is there objection?

Mr. RAKER. Reserving the right to object, Mr. Chairman, I would like to have two minutes on the migratory-bird paragraph.

Mr. HAUGEN. My colleague from Iowa [Mr. GREEN] wants some time, Mr. Chairman.

Mr. LEVER. Mr. Chairman, I modify my request and ask unanimous consent that all debate on this paragraph and amendments thereto close in 40 minutes.

The CHAIRMAN. The gentleman from South Carolina modifies his requests and asks that all debate on this paragraph and amendments thereto shall close in 40 minutes. Is there objection?

Mr. HUMPHREY of Washington. Reserving the right to object, Mr. Chairman, I shall want five minutes. I suppose I will be taken care of.

Mr. LEVER. I think the gentleman is accounted for. The Chair will take care of the time. Mr. Chairman, I make that request that debate on this paragraph and amendments thereto shall close in 40 minutes, one-half of the time to be controlled by the gentleman from Iowa [Mr. HAUGEN] and one-half by myself.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. WM. ELZA WILLIAMS. Mr. Chairman, I shall have to object unless some provision can be made here for giving me five minutes.

Mr. LEVER. I will give the gentleman five minutes of my time. I will not reserve any time for myself.

Mr. WM. ELZA WILLIAMS. I am going to favor the motion of the gentleman from Kansas. I am opposed to the paragraph in the bill.

Mr. HAUGEN. The gentleman from South Carolina says he will give the gentleman five minutes.

Mr. DOOLITTLE. Mr. Chairman, reserving the right to object——

Mr. CULLOP. Reserving the right to object, Mr. Chairman——

Mr. DOOLITTLE. We have requests for a good deal of time on this side, Mr. Chairman, and I suggest that the gentleman from South Carolina put another request for unanimous consent.

The CHAIRMAN. Is there objection?

Mr. CULLOP. Reserving the right to object, Mr. Chairman, I would like to ask the Chair if I can have some time. I am in favor of the motion.

Mr. DOOLITTLE. I shall object to 40 minutes, Mr. Chairman.

Mr. LEVER. Then I ask unanimous consent, Mr. Chairman, that the debate shall close in 50 minutes, one-half to be controlled by the gentleman from Iowa [Mr. HAUGEN] and the other half to be controlled by myself.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. MANN. I wish gentlemen to take notice that the filibuster is not on this side of the House, but on that.

The CHAIRMAN. The gentleman from South Carolina is recognized.

Mr. LEVER. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. DOOLITTLE].

The CHAIRMAN. The gentleman from Kansas [Mr. DOOLITTLE] is recognized for five minutes.

Mr. DOOLITTLE. Mr. Chairman and gentlemen, I have made this motion to strike out this paragraph for the purpose of cutting off the appropriation of $50,000 for the enforcement of the Federal migratory game and bird law.

This law has been declared by the United States district court of Arkansas and by the United States district court of Kansas and the Supreme Court of the State of Kansas to be unconstitutional, and, so far as my information goes, I think it has been declared unconstitutional by every court of record where that point has been raised. The Arkansas case is now pending in the Supreme Court of the United States, and I believe there is not a lawyer on the floor of this House who thinks that the Supreme Court will do anything except sustain the United States district court for the eastern district of Arkansas. The case of United States against Shauver—the Arkansas case I have referred to—is a test case, and its final outcome will govern throughout the country.

Mr. TRIBBLE. Will the gentleman yield right there?

Mr. DOOLITTLE. Yes.

Mr. TRIBBLE. The gentleman is making a pretty broad statement. Now, is it not a fact that the Supreme Court are divided upon that question and that they have asked for a reargument?

Mr. DOOLITTLE. I do not know that they are divided.

Mr. TRIBBLE. Well, it is a fact.

Mr. DOOLITTLE. I do know that the Supreme Court have asked that the case be reargued.

Mr. Chairman, this law has practically wiped out duck hunting in the interior of the country. It has made it so that in Kansas and other Central States duck hunting is a matter of the past, because wild ducks are migratory birds in our section. We have no fall shooting there to speak of, and in the spring, when under the game laws of the State of Kansas we have the right to shoot up until the 16th of April, this law steps in and makes it a crime to shoot ducks or geese after the 1st day of February, before any ducks or geese have come in.

Mr. Chairman, it is an unjust infringement upon the right of the State to control its peculiarly inherent matters. Wild game within the borders of a State belongs to that State and not to the Nation. This is not disputed. In the short time I have I can not go into details, but the stock raisers and feeders of the State of Kansas, as well as the hunters and sportsmen, are opposed to the Federal law. I am going to read a very short communication from a large and intelligent cattleman. His views are extreme but show his feeling against this law. He fears, as other farmers and stockmen have claimed, that these ducks spread the foot-and-mouth disease, hog cholera, and the like. This letter is written by Mr. John A. Edwards, an extensive rancher and cattle raiser of Greenwood County, Kans., and other places in the State. He says:

DEAR MR. DOOLITTLE: I wish you would secure the right for me to kill all the ducks (that is, shoot at them) which light on my ranches. I do not like to have them feed on my kaffir nor wheat, nor in my feed lots, nor to take the chances of them bringing to my herds foot-and-mouth disease or black leg or hog cholera, and other communicable diseases.

It would be no trouble to get a volume of complaint versus the duck. It would be a great advantage to Kansas if they were exterminated.

Hurriedly,

JNO. A. EDWARDS.

ENGLEWOOD, KANS., *March 21, 1915.*

Mr. RAKER. Will the gentleman allow me——

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. DOOLITTLE. I ask that I may proceed for two minutes.

The CHAIRMAN. The time is in control of the gentleman from South Carolina [Mr. LEVER] and the gentleman from Iowa [Mr. HAUGEN.]

Mr. LEE. I yield to the gentleman two minutes.

Mr. RAKER. The main objection raised by the gentleman's friend is that the ducks and geese carry the foot and mouth disease, and he wants to shoot them because of that fact, and not for eating purposes?

Mr. DOOLITTLE. He wants to keep them from the possibility of spreading disease.

Mr. RAKER. Then your people are not objecting to this law because they want the game as it comes over.

Mr. DOOLITTLE. Yes; we want the right to shoot under the laws of the State of Kansas, and we want the other States to have the same right, which is their legal right. [Applause.]

Mr. Chairman, the game laws of the different States are very strict; in Kansas they are strict enough for any reasonable purpose. I never have been accused of being too much of a States-rights man. I am a pretty strong nationalist, but there are some things that I think the Government should permit the States to legislate on, and this is one of those things which they have the right to legislate upon; that is, the right to control the hunting and killing of wild game within their borders. [Applause.]

Mr. LEVER. I yield three minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman, I am opposed to the motion to strike out this provision. While at the present time some of the rules and regulations may be somewhat stringent and may not apply exactly to each locality or each State as they ought to apply, the same complaint has been made in the States in regard to the State game laws, that the opening and closing of the open season did not apply exactly as they ought to apply. This is only a matter of detail. It can be readily remedied. The law should not be struck down this way. It is not fair. In our State we adopted a constitutional amendment dividing the State into districts, to the end that the open and closed seasons for ducks, geese, quail, and other game birds might be properly subdivided. In this way we get proper protection, while at the same time proper use may be made and had of the game.

We have destroyed the greater part of the wild birds of this country. On Saturday we heard here the statement that there are only a few of the buffalo left. We know from personal experience that most of the deer have been destroyed. Twenty-five years ago we rode over the plains in Nevada and southern Oregon and northern California and saw tens of thousands of antelope that produced meat for the people of this country. They have been ruthlessly slaughtered and destroyed.

The same thing is being done with the ducks and other wild life which should be protected. A reasonable and proper administration of the law for the purpose of protecting this game is a great asset to this country. Each state ought to have a reasonable time in which to get some of the fruits of it. We have now 69 bird reserves covering a great territory of country. We are expending money for the purpose of saving these birds that are valuable and supplying many homes with the meat that otherwise they would not be able to get.

While we have the reserves and while we are protecting the birds we ought not to allow them to be killed indiscriminately if we can avoid it, and at the same time adjust the regulations with the State laws so as to give all the people a fair and proper opportunity. I am satisfied that there is practically no member of the committee or the House who desires to destroy completely the remaining ducks and wild life and other birds provided for in the act to which this appropriation relates, namely, the act of Congress approved March 4, 1913 (37 Stats., 847). We ought to provide for the enforcement of this law until it has been disposed of by the Supreme Court. We should provide the necessary funds to enforce this law. It would be a serious mistake to strike out this provision of the bill. I feel satisfied the motives will be defeated.

[Mr. RAKER had leave to extend his remarks.]

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. WM. ELZA WILLIAMS].

Mr. LEE. Mr. Chairman, I yield five minutes to the gentleman from Illinois also.

The CHAIRMAN. The gentleman from Illinois is recognized for 10 minutes.

Mr. WM. ELZA WILLIAMS. Mr. Chairman, I am in favor of this motion to strike out the paragraph which provides an appropriation of $50,000 for the enforcement of the migratory-bird law. A great deal of complaint comes to me from Illinois, and I understand the same complaint arises in Missouri relative to the operation of the rules adopted by the Agricultural Department fixing a closed season and regulating the killing of migratory birds on certain named waterways.

The law itself, believed by many to be unconstitutional—now near judgment in the Supreme Court—is practically harmless, for all the law does is to authorize the Department of Agriculture to adopt rules and regulations for the preservation of wild game. The whole mischief arises in the department which promulgates the rules. I call attention of gentlemen to that portion which applies to my State and to the upper Mississippi River:

On and after January 1, 1915, a closed season shall continue between January 1 and December 31, both dates inclusive, of each year, on all migratory birds passing over or at rest on any of the waters of the main streams of the following navigable rivers, to wit: The Mississippi River between Minneapolis, Minn., and Memphis, Tenn.; the Missouri River between Bismarck, N. Dak., and Nebraska City, Nebr.; and on the killing or capture of any of such birds on or over the shores of any of said rivers, or at any point within the limits aforesaid, from any boat, raft, or other device, floating or otherwise, in or on any of such waters [as amended Oct. 1, 1914].

That is the rule which affects the section of the country I represent. The State of Illinois is 500 miles in a north and south line and follows the course of the Mississippi River, and constitutes the greater portion of that area between Minneapolis and Memphis where the killing of migratory birds is prohibited. South of Memphis the rule does not operate and north of Minneapolis the rule does not operate. So that north of Minneapolis the killing may be indiscriminate and south of Memphis the same. But the rule does operate the entire course of the Mississippi, a distance of 500 miles on the west border of Illinois. Hunters in my State justly complain of the rule which prohibits them from killing game along the river where the birds are accustomed to fly. There was a time a good many years ago, before the operation of drainage laws, when there were lakes and swamps through Illinois, where birds would light to feed and hunters could find them. Since the operation of the drainage law the lakes and swamps have been drained, and there is no water in the State where these birds can come to feed and rest. These birds in their flight between Minneapolis and Memphis are accustomed to follow the course of the Mississippi River. They do not vary from the river any great distance. They follow the course of the river going north in the spring and south in the fall. As a consequence, we in the State of Illinois are prohibited from killing migratory birds at any season of the year, unless by chance we can get a stray bird out on the prairie which has lost its course. We are virtually prohibited from hunting in season or out, while our friends to the south of Memphis are at liberty at any season of the year to hunt and place birds on the market

under the regulation of State laws. That is equally true in the north above Minneapolis and in Canada, where birds migrate for the summer season.

In these sections birds may be hunted at will, but we in the State of Iowa, in the State of Illinois, and in the State of Missouri are prohibited at any season of the year from availing ourselves of these opportunities and privileges. The fault is not in the law. The law does not prohibit it. The law simply authorizes the Department of Agriculture to make rules regulating and fixing seasons, and it is the rule that inflicts a hardship on us of which we complain. We can not in these proceedings here undertake to amend the law itself which delegates this authority to the Department of Agriculture. We can not here by amendment to this bill amend the rule. Our hands are tied. We have no recourse except to repeal the law itself, which no one seems disposed to do.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

Mr. WM. ELZA WILLIAMS. Yes.

Mr. SISSON. The gentleman has his remedy right here. I agree very heartily with him that this law ought to be repealed. Under the Holman rule he can offer to amend and repeal the law.

Mr. WM. ELZA WILLIAMS. The law may be repealed here, but does the gentleman mean that it may be amended in this appropriation bill?

Mr. SISSON. Yes; in the appropriation bill. That is the only purpose of the Holman rule—to offer an amendment reducing the amount carried in the bill, and the gentleman can introduce an amendment to repeal this, which would reduce the amount carried in the bill.

Mr. WM. ELZA WILLIAMS. Yes; but no one cares to repeal the law. It is the rule of which we complain.

Mr. RUSSELL of Missouri. This is a motion to strike out.

Mr. WM. ELZA WILLIAMS. Yes; and I doubt the power to either repeal or amend the law on the consideration of a motion to strike out the appropriation.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. WM. ELZA WILLIAMS. Yes.

Mr. GOOD. What attempt is being made now, in view of these adverse decisions of the courts holding that the law is unconstitutional, to enforce the law in any part of the country?

Mr. WM. ELZA WILLIAMS. I only know it is being enforced.

Mr. HAUGEN. I can state that, if the gentleman will yield.

Mr. WM. ELZA WILLIAMS. Yes.

Mr. HAUGEN. Notwithsanding the fact that the law has been declared to be unconstitutional, it is still being enforced, and people are being held up to the extent of about a hundred dollars. They are hauled into court, and if they plead guilty, of course they are fined $100. That has been done in a number of instances.

Mr. GOOD. Notwithstanding that the law has been held unconstitutional in every court where the question has been tried?

Mr. LENROOT. Oh, no; I understand that one court has held it to be constitutional.

Mr. HAUGEN. I would like to have the gentleman cite me to that decision.

Mr. WM. ELZA WILLIAMS. Mr. Chairman, it is pending in the Supreme Court of the United States, and so long as it is pending there we have no right to assume that it is unconstitutional. There is no final judgment in the case, and, as I understand it, the court has asked for a reargument of the case for reasons with which I am not familiar.

Mr. GOOD. Does the gentleman mean to say that under the rules of the Agricultural Department hunters in Illinois are restricted from hunting ducks, we will say, any place where ducks may be found?

Mr. WM. ELZA WILLIAMS. Virtually, because hunting is prohibited along the Mississippi River, which is the only course ducks pursue in passing Iowa and Illinois. They follow the course of the Mississippi River; there is no water for feeding or lighting purposes elsewhere.

Mr. RAKER. Is it not a fact that under the rules and regulations of the department in Illinois they have the open season for plover, snipe, yellow legs, ducks, geese, and brant from September 2 to December 16?

Mr. WM. ELZA WILLIAMS. Yes; we have in Illinois; but the gentleman must understand my point—that we are prohibited by rule 5 from killing them along the course of the Mississippi River, and there are few ducks migrating from the North to the South except along that stream.

I have carefully examined the briefs in the Shauver case, filed with the clerk of the Supreme Court, and I find that many sportmen's clubs in all parts of the country concern themselves very much in that case and have filed briefs amicus curiæ in support of the law and its strict enforcement under the rules of the Department of Agriculture. Among these clubs are the American Game Protective Association, New York City; the Rocky Mountain Interstate Sportsman's Association, Denver; Marshepaug Forest Club, Connecticut; Shoshone Rod and Game Club, Idaho; the Grand Island Club, Chicago; the Delta Duck Club, New Orleans; Roland Park Bird Club, Maryland; Adirondack League Club, New York; Oswego Rod and Gun Club, New York; Newport Gun and Game Association, Rhode Island; Rod and Gun Club, Rhode Island; Campfire Club of America, New York; Boone and Crocket Club, New York; and many other concerns whose membership consists of men of means and leisure, who are able to spend a season in the South in the winter and in the North in the summer, where the birds may be found in abundance. It is organizations such as these, who wish to preserve the game for their own convenience and sport, that influence the adoption of rules prohibiting the people along the course of migration, who are engaged in their daily vocations and legitimate pursuits, from the killing of birds that they may be preserved for the pleasure and sport of men who are prepared to spend idle seasons North and South. These organizations have both the time and the means at their disposal, and hover about the bureau and secure the adoption of the rules pertaining to the killing of migratory birds, while those against whom the rules so unjustly operate are engaged in attending to their legitimate affairs. I am not hostile to a migratory-bird law, but I do condemn as unjust the rules which have been adopted at the instigation of sportsmen of means and leisure, whose only object and purpose is to conserve the game for their own convenience and use. If there is no other way to defeat the operation of these rules than by defeating the appropriation for their enforcement, then I favor and shall vote for the motion to strike out of the appropriation bill that provision appropriating $50,000 for the enforcement of the law.

I will avail myself of the privilege of inserting here and incorporating in the RECORD a memorial addressed to the Members of the Senate and the House of Representatives on the part of the Interstate Sportsmen's Protective Association, and the officers of the Illinois Sportsmen's League, and others interested in this subject:

To the Members of the honorable United States Senate and House of Representatives, assembled at Washington, D. C.

HONORABLE SIRS: Your petitioners respectfully ask that we be given consideration regarding an injustice being perpetrated against us by the Bureau of Biological Survey, Department of Agriculture, under certain regulations provided for in the migratory-bird law.

We have appealed in vain to that bureau, but are unable to obtain redress affording "equal and exact justice to all, with special privileges to none," which we therefore request your honorable body to accord to us, through the power of Congress.

When this law was enacted, provision was made therein for the very relief which we are now compelled to ask you to insist upon in the name of justice.

Seasons for hunting migratory birds have been so arranged by the Biological Survey officials that hunters residing in the Middle Western States are authorized to hunt magratory game only during such seasons of the year when the migrants are practically absent, and they prohibit us from hunting them during the seasons when they are present in our locality.

The migratory fowl begin passing over our States going southward from their breeding zone in the North according to variable climatic conditions.

The flight begins about September 1 to October 1 and is spread out until the period of our autumn storms, but the dry fall weather affords no attraction, and they do not tarry with us, but continue on to the South.

In the winter months they are farther south.

They begin their return migration to the North in February, and periodically arrive here, and again depart southward, upon alternate warm or cold weather changes of a few days' duration at a time.

This process continues during February and March.

Our ideal period for hunting waterfowl begins February 1 and ends March 31, but at this opportune time we are legally prohibited from hunting.

The season established by the Biological Survey for us to hunt these waterfowl is during our dry fall months, but when our wet season arrives, and likewise the waterfowl, we are denied the hunting privilege.

In the dry fall season the large watercourses afford the main resort for the fowl, but the biological officials prohibit hunting on the upper Mississippi River, above Memphis, Tenn., but at no period do they prohibit hunting upon the Mississippi River by citizens residing farther south.

We have offered positive physical evidence, contained in the dead bodies of the ducks, to prove that they are not even approximating the breeding or nesting period, in February and March, nor do they at any other season breed in this section of the Nation.

Our facts about climatic conditions, topography of the country, and natural habits of the birds are not disputed, and yet we receive no redress.

The biological officials even admit they have made no scientific collection of evidence such as we have done, nor have they accepted our offer to furnish them dead specimens of the fowls killed each week, for their own investigation and information.

The sole reason given us for not correcting these errors is, that should our just claims be recognized, it would probably cause a protest by other sections of the Nation, whose residents, they claim, would object to our proper seasons, though presumably satisfied with what the Biological Survey had decreed for the alleged objectors.

There has been created a so-called "advisory board" for consultation about this subject by the Agricultural Department, though we are aware of no congressional authority for the same.

However, the members of this board are not representative of the various sections of the Nation; in fact 5 of them out of 12 reside in a single eastern city.

This law has prevailed since 1913, during which time three United States district courts have held it to be unconstitutional, and no other court has sustained it. Its constitutionality is now before the United States Supreme Court for final decision.

Large sums of money have been appropriated by Congress for the enforcement of this law, but in numerous instances the Biological Survey has positively refused to prosecute violators.

The law has been flagrantly disregarded, and we offered proof of this statement to those intrusted with its enforcement.

In every instance the issue has been evaded. We have since been informed by one of the administrative officers in the Biological Survey that, pending the decision of the United States Supreme Court upon its constitutionality, no further cases would be received by the Department of Justice for prosecution.

Notwithstanding this statement, notices have been recently circulated in the daily press by the Department of Agriculture which announced that "the law would be vigorously enforced."

Our best citizens had hoped that the law would be enforced and that the unjust season would be corrected. This has not been done.

The unruly element has regaled itself in hunting liberties which are alone denied to the better element through its conscience about law observance.

Their conscience, and not the vigilance of the law officials, is the only restraint produced by this deplorable state of affairs.

We are being deprived of our rights without any compensation on behalf of wild-life conservation.

If the migratory fowl are the property of all of the people of the Nation, the residents of the Middle West are part owners therein and should be accorded their constitutional rights in its use and enjoyment without any excuse or subterfuge being offered.

Article IV, section 11 of the United States Constitution declares: "The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

All other means having been denied us, we earnestly petition that no further public funds be appropriated for the enforcement of this migratory-bird law, and that our Senators and Representatives oppose it in every form and manner, even to its repeal.

Investigations into the transactions of the Bureau of Biological Survey will disclose that in connection with the administration of this law there have been many irregularities.

One official who was in immediate charge of framing the aforesaid regulation has so conducted himself that it was deemed necessary to dismiss him from his high position.

Several officers have either been removed or are now under investigation, and one Federal inspector has been indicted for falsifying his expense accounts.

The latter individual while under annual salary and expenses as Federal game inspector also during the same period occupied a position as deputy State game warden in Missouri and received as salary and expenses large sums of money during two years from the Missouri State Game and Fish Commission.

The letters on file in the Biological Survey, and likewise the replies thereto, will disclose correspondence calling attention to this condition over a year ago, but only very recently has it been deemed of sufficient importance to verify the true state of affairs which caused the Federal indictments.

We respectfully submit our plea for such action as your good judgment and regard for justice deems adequate to meet the conditions named herein.

In support of our position, and to show that the residents of Missouri, Illinois, Iowa, Kansas, and Nebraska are not seeking special privileges, nor are they antagonistic to modern methods of wild-life conservation, we with pride call attention to the fact that our State game laws are the most perfect and restrictive legislation of any of the various States.

The Federal regulations also produce such conditions in conflict with our State laws as to sadly deplete our hunting-license revenue, necessary to protect not only our native wild game but also protection of our public fishing waters, as well as the nongame song and insectivorous birds of great value to our agricultural interests.

The Federal law affords no substitute for this material damage.

Most respectfully submitted.

THE INTERSTATE SPORTSMEN'S PROTECTIVE ASSOCIATION,
By Dr. S. H. RAGAN, *President.*
W. L. MOORE, *Secretary-Treasurer.*
(Headquarters, Kansas City, Mo.)

Other signatures and addresses: H. C. Norcross, Carlyle, Ill., president Illinois Sportsmen's League; James Haldous, Alton, Ill., president Madison County Sportsmen's League; F. L. Pfeiffer, Centralia, Marion County Sportsmen's League; Robt. Bethmann, East St. Louis, St. Clair County Sportsmen's League; W. A. Jacobs, president Johnstone City Sportsmen's League; John Loos, president St. Clair County Sportsmen's League, Belleville, Ill.; Jas. N. Browne, president Illinois Sportsmen and Game Protective League, Quincy, Ill.; T. V. Brannan, president Cass and Schuyler Counties Association; W. T. Gordley, secretary Cass and Schuyler Counties Association, Virginia, Ill.; F. I. Trunnell, White Hall, Ill., Greene County.

Mr. HAUGEN. Mr. Chairman, I yield two minutes to the gentleman from Oklahoma [Mr. FERRIS].

[Mr. FERRIS addressed the committee. See Appendix.]

Mr. HAUGEN. Mr. Chairman, I yield one minute to the gentleman from Missouri [Mr. RUSSELL].

Mr. RUSSELL of Missouri. Mr. Chairman, I simply want to state that I am opposed to this migratory-game law and will vote for this amendment. I have never missed an opportunity to vote against it when it has been before this House. I believe that the States ought to control the hunting and the killing of game. It is peculiarly the function of the State governments to control the matter of game protection and not the duty of the Federal Government. The citizens of the States are interested in this subject, and the legislatures of all the States, so far as I am acquainted, have by proper legislation undertaken to protect the game throughout the country, and I have no doubt they will continue to do so.

Mr. SMITH of Minnesota. Will the gentleman yield?

Mr. RUSSELL of Missouri. I regret that I can not; I have only one minute. I have never doubted for a moment that this law is unconstitutional, and that it will be so decided by the Supreme Court of the United States whenever it finally passes upon that question. So far as I am advised, all of the Federal courts of the country that have passed upon it have decided that it is unconstitutional, and I have no doubt that will be the final result in the Supreme Court, but whether it is or not I insist that the States should control this mattter and not the Federal Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEE. Mr. Chairman, I yield three minutes to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Mr. Chairman and gentleman of the committee, I rise to oppose this amendment and I hope the amendment to strike out the appropriation will not prevail. Several Federal courts have passed on the constitutionality of this law, and the Arkansas case, the Shauber case, held it unconstitutional. The case was appealed to the Supreme Court of the United States and was argued before the Supreme Court on February 28, and the Supreme Court ordered a reargument, and the case is now awaiting decision. The Congress of the United States passed this act, and in my judgment, while it is on the statute books, until the court of last resort has passed upon it and held it unconstitutional, the presumption is that it is constitutional.

Mr. FERRIS. Will the gentleman yield?

Mr. CRISP. I can not; I have only three minutes. And I think this House should make the appropriation to carry it into effect. Now, I am from a section of the country that believes in State rights, and I believe in State rights as well as any Member of this House, but this migratory-bird law deals with migratory birds, and it is a well-known fact that the game of this country is rapidly becoming extinct on account of pothunters.

Now, one State in an effort to preserve its game may pass the most stringent, the most perfect law for the preservation and protection of the birds and a State adjoining it, from whence the birds are migrating, can have an open law, and in that State they can kill and destroy them, but the citizens of another State that has a good, wholesome game law can get no benefit or privilege of these birds because they are killed out in another State.

Now, I would not for a moment deprive friends in Indiana, Iowa, and Illinois, and other States from the splendid sport of shooting and killing game birds in season. But, as I understand the law, it allows the Department of Agriculture to regulate and fix the rules and regulations for the enforcement of this law, and if the rules and regulations are such as to deprive citizens of those States from the privilege of shooting game, I think the place to go is to the Department of Agriculture and see if they can get that remedied.

Mr. Chairman, the bird law is a wholesome one and should be retained on the statute books and should be executed. It is well known by the farmers that birds are their good friends, for birds destroy millions of worms, bugs, and insects which destroy crops; so, gentlemen of the House, you who have the interest and welfare of the farmers at heart should vote against the amendment of the gentleman from Kansas. I hope the committee will vote down the amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, I hope this motion to strike out this paragraph will prevail.

I have listened to a discussion on this subject in this House now several times. I never have heard any lawyer contend that this provision was constitutional. I never have heard any reasons given why it ought not to be held constitutional. The only reasons we have ever heard for maintaining this provision in this bill are the same that have been stated by the gentleman from Georgia [Mr. CRISP], namely, that until there was some decision on the subject we ought not to legislate it out as being unconstitutional by the method of cutting off the appropriation. That argument prevailed the last time this question was before the House for consideration. Perhaps it ought to have prevailed then, but since that time we have had decisions by two different Federal district courts, holding that this law under which the authorities are now acting is unconstitutional, and there has not been any doubt about it in the minds of the court. I do not think there is any doubt about it in the mind of one lawyer out of a hundred. I do not care to argue the legal question, because it seems to me so plain and so clear that there is no tenable theory under which this Government could get constitutional jurisdiction over wild game. It has no property in them, and there is no principle under which this law could be sustained.

Mr. RAKER. Will the gentleman yield right there?

Mr. GREEN of Iowa. Yes.

Mr. RAKER. Now, on the statement that the gentleman has made, that the Government has no property in this wild game, how do you answer the question that we have bird preserves owned by the Government, where the birds are protected and reared? Has not the National Government just as much interest in wild game on its lands as the States have in wild game?

Mr. GREEN of Iowa. I am not talking about the jurisdiction of the United States over its game preserves. It has jurisdiction in the same way over the navigable waters and over the banks of the rivers up to the high-water mark, and to that extent, probably, this law is constitutional, but no more.

Mr. WM. ELZA WILLIAMS. Will the gentleman yield?

Mr. GREEN of Iowa. I will.

Mr. WM. ELZA WILLIAMS. I want to illustrate the point in answer to the gentleman. There are no public lands in the State of Illinois or in Iowa, and yet on the theory that the birds will fly across the Mississippi River from Illinois to Iowa, the Government has jurisdiction. That is the theory.

Mr. SMITH of Minnesota. Will the gentleman yield?

Mr. GREEN of Iowa. I am sorry, but I have not the time to yield.

Mr. SMITH of Minnesota. Had you spring shooting in Iowa before this law went into effect?

Mr. GREEN of Iowa. I could not say, but I think we did before this law went into effect. I want to say further as to why this House ought to cut off this appropriation. It is not merely a matter of killing wild game. The deprivation of that right is not so serious that I would care to stand up here and make any contention about it. But it is a fact that among Federal officials there is a disposition to exercise an authority after it has been held unconstitutional by the court.

Mr. REILLY. Is not the policy of the United States Government as to all laws to assume that they are constitutional until declared unconstitutional by the highest court?

Mr. GREEN of Iowa. I am talking about that very policy.

Mr. REILLY. It would look as if you were referring to the policy of this law entirely. That is the general policy of the United States Government.

Mr. GREEN of Iowa. I was going on further to say how this idea is carried on.

Mr. RAKER. Will the gentleman yield further for just one word?

Mr. GREEN of Iowa. I have only five minutes, and I have not got into the matter I wanted particularly to discuss. Now, in the case of the oleomargarine law with reference to the adulterated butter, there are certain parts of those laws that have been held unconstitutional by the courts. Notwithstanding that, the Government officials undertake to go on and impose penalties in the hope that people are unable to contend against them in the Federal courts, using this law as an engine of oppression, and this manner of acting on the part of Federal officials ought to be restrained by this House.

Mr. HAUGEN. I yield to the gentleman from Washington [Mr. HUMPHREY] four minutes.

The CHAIRMAN. The gentleman from Washington is recognized for four minutes.

Mr. HUMPHREY of Washington. Mr. Chairman, I regret that the time has been limited on so important a measure as this. I happen to be one of the Members of the House who belong to that great class known as "sportsmen." I think I know something about this law. The demand for its repeal is simply the old question of human greed and human selfishness that we saw exhibited in regard to the buffalo and which we saw exhibited in regard to the passenger pigeon. Everybody wants to keep on killing until the game is wiped out, without regard to rapid extinction.

My good friend from Illinois [Mr. WM. ELZA WILLIAMS] complains, and complains bitterly, that they do not permit shooting upon certain rivers. Then he tells us his idea of the reason why. He says that the migratory birds must stay on the rivers, because the rivers are their resting grounds. The State of Washington, long before this law was passed, enacted a State law forbidding the shooting of water fowl within 1 mile of either bank of the Columbia River. That is where the birds congregate. We do not want them destroyed. That is why the birds are not permitted to be killed upon the rivers the gentleman from Illinois [Mr. WM. ELZA WILLIAMS] mentions. It is their resting place. The record shows that during the brief time this Federal law has been in existence these migratory birds have been rapidly increasing. As has been said, if you are going to permit one community to shoot out of season during this time of migration, all these birds will be destroyed.

My good friend from Iowa [Mr. GREEN] says he never heard any lawyer say that this law is constitutional. I beg to remind the gentleman of the fact that an able lawyer, once a Member of this House, has written a strong brief on this matter. I refer to Mr. George H. Shiras, 3d. He takes the other side of the case and makes a very strong showing to the effect that the law is constitutional. But there is one thing certain, and that is that whether the law is constitutional or unconstitutional, it has been doing a great deal of good.

You take it in several of the States, they have not attempted to dispute its constitutionality, but have enacted State laws to correspond with it. My good friend from Oklahoma [Mr. FERRIS] says it is very annoying and a great outrage. It is not annoying and it is not an outrage to those who obey it. It is only annoying to those who do not wish to obey the law. They are the only ones who have trouble with it. The law is always annoying to those who wish to disregard it.

Mr. DOOLITTLE. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. DOOLITTLE. Does the State of Washington permit hunting on the Columbia River at any time?

Mr. HUMPHREY of Washington. No; we do not permit shooting within 1 mile of either bank of the Columbia River. Also in Puget Sound there are some islands where shooting is not allowed. That is to permit these birds to have a resting place. On Lake Washington, one of the largest lakes in the State, shooting is entirely prohibited and also within 1 mile of its shores. These birds must follow the watercourses; there they must rest; and if you are going to permit shooting on these rivers, and especially during the migratory season, these birds will soon be destroyed.

Mr. WM. ELZA WILLIAMS. Mr. Chairman, may I interrupt the gentleman there?

Mr. HUMPHREY of Washington. Yes.

Mr. WM. ELZA WILLIAMS. Tell me the reason of a rule that would prohibit the killing of birds between Minneapolis and Memphis and permit the killing indiscriminately above Minneapolis and below Memphis?

Mr. HUMPHREY of Washington. The reason given by the experts is that that is the great migratory path followed by these birds during their flights north and south. That is where they congregate. If you permit the shooting there, they will soon be exterminated.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. AYRES. Why does not this law prohibit the robbing of the nests in the feeding grounds?

Mr. HUMPHREY of Washington. The gentleman is very much mistaken if he thinks that the rules and regulations of the department do not in every way possible prohibit that.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. LEE. Mr. Chairman, I yield three minutes to the gentleman from Indiana [Mr. CULLOP].

Mr. HAUGEN. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The gentleman from Iowa has consumed 17 minutes.

Mr. CULLOP. Mr. Chairman, I hope the motion of the gentleman from Kansas [Mr. DOOLITTLE] will prevail.

The law has been held to be unconstitutional by the nisi prius courts, for which this appropriation of $50,000 is proposed for the enforcement. An appeal has been taken from the decision of the lower court and it is now pending in the Supreme Court of the United States for final adjudication. Why should we appropriate $50,000 here to enforce a law in which the presumption now under the precedents of this country is that it is unconstitutional? It has been so decided by the lower courts, and that decision is binding until it is reversed by the higher court. Its operation would have been suspended except for the appeal to the Supreme Court of the United States.

Now, what is the condition? The enactment of the law received much censure and it was charged the sole object of it was in the interest of the rich sportsman and against the poor one. It does afford amusement for the sportsmen who can hire a private car and take a vacation in the South in the winter season and in the North in the summer season, and go to the places where they may hunt and shoot game; but as to the man on the farm in the interior of the country, less fortunate, it has taken from him his pleasure and deprived him of a right, and he must be content with keeping his gun in his house while his richer neighbor may enjoy the sport which the Federal law of this country denies to him because of his unfortunate financial condition.

Here is an attempt by the department, under a law already held unconstitutional, to employ men and undertake to deprive the people of the country of a right to which they ought to be entitled under the decisions of the courts of this country. A department seeking to have an appropriation to enforce a law which the courts have held invalid is exhibiting more zeal than is becoming. Further than that, this is a question that the States themselves can better regulate than the Federal Government, and it is one of the rights which the Federal Government in its centralization of power ought not to be permitted by Congress to usurp from the States. The States can control this matter, and it is entirely within their province. They can control it more cheaply than the Federal Government, and they ought to be permitted to do it in the way their citizens prefer.

Mr. Chairman, here is a practical example of the Federal Government encroaching on the rights of the States, usurping a function of the States in the exercise of the police powers which properly belong to the States in better equipping them in the conduct of their local self-government. When the Federal Government takes from the several States functions of their police regulation, it is entering upon a dangerous procedure and one that, if carried to its last analysis, will strip the States of the need of local self-government and transfer to the Federal Government a very difficult and cumbersome duty to regulate the local affairs of the people of the several States. It will require much work and entail enormous expense. In the very nature of such an administration it would require a large force of officials, and would make the private possessions of the individual a game preserve of the Federal Government to be patrolled by a Federal police force, which would prove most distasteful to the citizen. Again, the wishes of the people of all the States are not uniform on this matter. The people of a crop-producing State may have one desire, while those of a stock-producing State may, and doubtless would, have altogether a different one. It is from this viewpoint that we find logical reasons for the argument that this matter should be left to the several States for regulation, where, in my opinion, it properly belongs.

In the stock-raising sections farmers want the right to shoot and kill certain birds which feed among the stock, because they disseminate contagious diseases; carry the same on their feet from one herd to another, and thereby do incalculable injury. In another section, where grain and other farm products are alone raised by the farmer, they do not want them killed, because they feed upon worms and insects which destroy crops. Hence the diversity of wishes about this matter. If left to the States to regulate, each can regulate to the best advantage of its citizens; but if the Federal Government regulates it, it will then be uniform all over the Union, because a law of Congress operates the same throughout the Republic.

But the law gives the opportunity for one class of citizens to exercise a privilege which another class of citizens less fortunate can not exercise, and is, therefore, for this reason discriminatory. Legislation should not, if possible, thus discriminate among our people if it could be avoided, and in this case it can be. Legislation should not take from the States the exercise of police powers if the States can exercise such powers as advantageously for the public, which they can do in this case, and hence here is the basis for denying the appropriation for the enforcement of the law provided for in this paragraph. The department, it seems, is unduly hasty in asking the appropriation for this purpose, when the law has been held invalid by the courts and the appeal is pending for final adjudication. I hope the amendment will be adopted and the paragraph stricken from the bill.

Mr. HAUGEN. Mr. Chairman, so far as the informant of the migratory game birds act is concerned, that is not the question at issue. If that were the question I should vote to support it. I voted for the passage of the bill, and I shall be glad to have it held constitutional; but, as has been admitted here, the law has been declared unconstitutional, and we are now asked to appropriate $50,000 to enforce an act which the courts have held to be unconstitutional; and, so far as I know, no lawyer of any standing will stake his reputation upon an opinion asserting that the law is constitutional. In view of that fact, I believe that the $50,000 can be appropriated to better advantage.

Mr. HUMPHREY of Washington. Mr. George Shiras, a former Member of this House, one of the best lawyers in this country, who has given this subject as much study as any man living, has written a brief upholding the constitutionality of this law.

Mr. HAUGEN. Mr. Chairman, I have so many requests for time that, in order to yield time to others, I shall not take any further time myself, but will insert in the RECORD extracts from the hearing.

The CHAIRMAN. Are there any further questions on that item?

We will now take up 28, pertaining to the migratory-bird law. There is an increase there, Doctor, of $50,940.

Mr. NELSON. I would like to explain, Mr. Chairman, that that increase is required from the fact that the present appropriation of $50,000 is totally inadequate to accomplish the purpose. We are supposed to enforce the migratory-bird law over the entire United States, and $50,000 gives us only 17 inspectors. Seventeen inspectors go a very small way in covering the United States and preventing violations of the law. We have been bombarded by the bitterest kind of criticism and complaint because we were not enforcing that law.

Mr. HOWELL. How many adverse decisions have there been against the constitutionality of the law?

Mr. NELSON. The Shauver decision was the first one, and since then there have been several more. Perhaps Dr. Palmer can tell you more definitely about that.

Dr. PALMER. There have been two adverse decisions by the Federal courts—one in the eastern district of Arkansas and one in the district of Kansas. There was an adverse decision by the Supreme Court of Maine last July, when the question of Sunday hunting was injected, with the idea of setting aside the State law; and very recently—within a few weeks—the Supreme Court of Kansas rendered an adverse decision which was an outgrowth of the same case that was taken into the United States district court of Kansas.

Mr. MCLAUGHLIN. Have any decisions been upheld?

Dr. PALMER. One of the decisions was appealed to the Supreme Court of the United States and argued on the 18th day of last October, but a decision has not been handed down.

Mr. MCLAUGHLIN. Where from?

Dr. PALMER. From the eastern district of Arkansas.

Mr. RUBEY. What are you doing where the decision was appealed from? Are you still enforcing the law in the districts where the appeals are pending?

Mr. NELSON. The law is being enforced the same as ever, until the status of the law is decided by the Supreme Court of the United States.

The CHAIRMAN. They had one decision upholding the law?

Dr. PALMER. There was one case in South Dakota in which the defendant entered a plea of guilty and the court imposed a fine of $100.

Mr. CANDLER. The court held it was unconstitutional in Arkansas?

Dr. PALMER. Two Federal district courts have held the law unconstitutional.

Mr. CANDLER. What courts?

Dr. PALMER. The Federal courts in the eastern district of Arkansas and the district of Kansas. Several other district courts, however, have imposed fines.

Mr. MCLAUGHLIN. The question of the constitutionality of the law was not raised in those cases?

Dr. PALMER. The constitutionality of the law was not raised.

Mr. HAUGEN. Is it the practice of the department to try and enforce laws declared unconstitutional by the district courts and the circuit courts?

Mr. NELSON. We are now warning the public, through the press and otherwise, that they are liable to prosecution if they break the regulations, and are gathering evidence of violations for future use in case the law is declared constitutional.

Mr. HAUGEN. I was trying to get at the general policy of the Government. I happened to know that a few other decisions of the courts held certain rulings of the department to be unconstitutional, notwithstanding the prosecutions continued and people were held up to the extent of a thousand dollars. I should like to know if that is the policy of the Government in general or only that particular department—if that policy is being generally pursued?

Mr. NELSON. The policy that we are carrying out is to gather the evidence and not to institute prosecutions.

Mr. HAUGEN. Enforcing the law, notwithstanding the declaration by the district courts holding departmental rulings unconstitutional?

Mr. NELSON. We are notifying the people that the declaration by the district court that the law is not constitutional does not kill the law. The law still stands to be settled by the Supreme Court of the United States.

Mr. HAUGEN. That is the very thing. But it has in a decree been declared unconstitutional by the lower court and is now up to the Supreme Court.

The CHAIRMAN. What are you going to do if one court holds it constitutional and another court of equal jurisdiction holds it unconstitutional?

Mr. HAUGEN. That does not happen to apply to these cases, as I understand it.

The CHAIRMAN. Yes; the district court of South Dakota held it unconstitutional. Did you not say that, Dr. Palmer?

Dr. PALMER. South Dakota has only one district court. Arkansas has two, the eastern district and the western district. Now, we had some cases in the western district of Arkansas and the judge dismissed some cases, and in other cases, where two or three pleas of guilty were entered, the court let them off with nominal fines, then suspended sentence. It practically resulted in the western district following the eastern district.

The CHAIRMAN. What happened in South Dakota?

Dr. PALMER. A fine of $100 was imposed in one case and one or two cases were dismissed.

The CHAIRMAN. In this case in South Dakota the party pleaded guilty?

Dr. PALMER. The party pleaded guilty and the court filed no formal opinion.

Mr. HAUGEN. Then, so far as that court goes, the law has not been held to be unconstitutional.

That question is now for the Supreme Court to determine, of course. Who is prosecuting the case in the Supreme Court?

Mr. NELSON. The Department of Justice. It appears to me that the fact that one of the Federal courts has declared the law unconstitutional does not set aside or nullify the act of Congress until the Supreme Court has passed on the question.

Mr. HAUGEN. That is one way of construing it. Who is prosecuting the case in the Supreme Court?

Mr. NELSON. The case is being prosecuted by the Department of Justice.

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Mr. NELSON. In that way—that we furnish the information.

Mr. HAUGEN. So it is in the power of the department to suppress or to expedite prosecutions?

Mr. NELSON. By suppressing them, which would not be discharging our duty.

Mr. HAUGEN. If it is found by the Supreme Court that the law is unconstitutional, the fines imposed, referred to as nominal fines, would amount to nothing less than a holdup. You would be fining people or compelling people to pay fines under a law that did not exist?

Mr. NELSON. That law exists so far as the constitutionality——

Mr. HAUGEN (interposing). If it is declared unconstitutional by the higher court?

Dr. PALMER. That happens all the time. A case is tried and determined, but a later decision that the law is unconstitutional does not affect that case. That case is out of the way altogether.

Mr. HAUGEN. In what way? You hold a man for $500 and he pays it?

Mr. MCLAUGHLIN. Yes; and that disposes of the case.

Mr. HAUGEN. And if the courts hold the law to be unconstitutional, do you claim, in justice, that he should have paid the $500?

Mr. MCLAUGHLIN. He has already paid it.

Mr. HAUGEN. Was it justly collected?

Mr. MCLAUGHLIN. It is disposed of, and you can not go back and rake over all those other cases to pay back that man his money.

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Mr. STEELE. I agree with Mr. RUBEY that you are imposing a hardship upon the hunters of the country; that you are collecting this evidence with the purpose, in case the Supreme Court holds it is legal, that you will go on and prosecute these people, when the court now, as far as we know, has decided it is unconstitutional. I think that is a fair construction of the effect of this action upon the hunters of this country.

Mr. NELSON. We are merely carrying out our duty as required by the law. We are not trying to impose extra hardships upon anyone.

Mr. HAUGEN. It was stated a few minutes ago that where nominal fines were imposed they were paid. I have no knowledge of your bureau, but I happen to have knowledge of some other departments of this Government having made certain rules and regulations, the question was brought to the court, and the court held that the department had not the power to make such rules and regulations; and, notwithstanding the decision of the court, it went on and imposed fines in accordance with rules and regulations made. Now, I want to know if that is the practice of this department. I know it to be the practice of another department.

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The CHAIRMAN. If there is any criticism of the bureau at all, Congress must bear its proportionate share of that criticism. These decisions, to which Dr. Palmer called attention, in Arkansas were declared two or three years ago, and since those decisions appropriations for the fiscal year 1915 were passed by Congress, so that we are particeps criminis to this crime, if it be a crime, and we can not escape our responsibility in it.

Mr. HAUGEN. I want to say that I concur with and agree with the chairman in what he has stated. I was not criticizing the department. I was asking the question as to what was the practice of the department.

Mr. HAUGEN. I yield three minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Chairman, it may be that this act will be held unconstitutional by the Supreme Court. That is not, however a settled question, and I have no hesitation in saying that if it shall be held unconstitutional it will be a public misfortune.

I was very much surprised at the speech of my good friend, the gentleman from Oklahoma [Mr. FERRIS], in which he said this was an idiotic law. I am sure he would not have said that had he had anything but a superficial knowledge of what the law is and what it accomplishes. So far the discussion has gone along the line of the preservation of game; but does the gentleman realize the economic value to every farmer in this country of the migratory birds other than game birds? I used to be very familiar with that subject when that question was before the House. I can not state the figures now, but a single meadow lark upon a farm is worth several dollars to a farmer. Does the gentleman know that at the time this law was passed there were States in this Union that had no laws prohibiting the killing of song birds or birds of any kind? Does the gentleman know that prior to the passage of this law the robin was considered a game bird in some of the States of this Union? Does the gentleman know that since this law was passed a majority of the States, because of the passage of this law, have so amended their laws as to standardize them with the rules and regulations of the Department of Agriculture, made under this Federal law? It is not alone the preservation of game. It is the preservation of the other birds of this country that are of so much value to the farmers from an economic standpoint.

If the gentlemen upon this floor who are now opposed to this law realized the economic value to this country of the birds, there would not be a vote in favor of the motion to strike out this provision. Gentlemen say it is a State matter. Will you tell me how a farmer in one State who is benefited by the birds, as all farmers are, can receive any protection from his State laws if another State permits the indiscriminate slaughter of those birds on their annual journey? Is there any other way by which this subject can be reached except through Federal regulation?

Mr. WM. ELZA WILLIAMS. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. WM. ELZA WILLIAMS. In the State of Wisconsin you have many lakes which serve as resting places for the ducks, where they stop in the fall on their way South, so that this law does not operate against hunters in your State. Will you not concede it is an unfair discrimination to a State like Illinois?

Mr. LENROOT. Oh, the gentleman's argument is not against the law but against the regulations. His argument should not be made upon this floor but before the Department of Agriculture. [Applause.]

Mr. LEE. Mr. Chairman, I yield two minutes to the gentleman from Ohio [Mr. OVERMYER].

Mr. OVERMYER. Mr. Chairman, I think the State of Ohio will yield to no other State in the Union in its desire to preserve the game birds of this country; but I wish to remind the committee that so far as my district, which borders on Lake Erie, is concerned, the only time in the year when we have any wild ducks is during the time we are prohibited from shooting them by operation of this law. The State Legislature of Ohio some years ago adopted the provisions of this Federal statute, but at the last session of the legislature the act was repealed. I have had a number of letters and personal interviews with citizens of my district who are protesting against the operation of this law, for the reason that it deprives citizens of northern Ohio of any opportunity to shoot wild ducks, because the only season of the year when they are present is when they are prohibited from shooting by this act. I hope that this motion will prevail, as I do not believe that money should be expended seeking to enforce a law that has been declared unconstitutional by a number of Federal courts. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield two minutes to the gentleman from Minnesota [Mr. SMITH].

[Mr. SMITH of Minnesota addressed the committee. See Appendix.]

Mr. HAUGEN. Mr. Chairman, I yield what time I have remaining to the gentleman from Indiana [Mr. COX].

Mr. COX. Mr. Chairman, I presume that all remember how this finally became a law. It was placed on the Agricultural bill in the Senate. It came back here on the 3d of March, 1911, in the closing hours of Congress when there was no time to explain it and no way to defeat the bill.

Mr. MANN. Will the gentleman yield?

Mr. COX. Yes.

Mr. MANN. Was not that after the House had passed the bill?

Mr. COX. No; it went on over in the Senate. Some one near me says it was after we had defeated the bill. I read the opinion that the bill was unconstitutional, and as a Member of this House and as a lawyer I shall watch with a great deal of interest the decision in that case. If the Supreme Court of the United States upholds this law then so far as I am concerned I will be imbued and endowed with the hope that we can finally get a tariff commission that will go as far as I would like to see it go, and that is to the point of enabling the commission to fix the rate of duties upon goods imported into this country. I do not believe that the law is constitutional, but, of course, we have a right to presume that it is until the court of last resort has spoken on the question. [Applause.] But, Mr. Chairman, to my mind, we are occupying a peculiar position, not only the Committee on Agriculture but the Members of this Congress in appropriating $50,000 a year for a law that every supreme court in the various States, as well as Federal, that have spoken on the subject have declared to be unconstitutional. [Applause.]

Mr. LEVER. Mr. Chairman, the situation is this: Some years ago we passed what was known as the migratory bird law, a law protecting migratory birds from pothunting and indiscriminate killing. The item in this bill carrying $50,000 is intended to enforce the provisions of that law. The department estimated for $99,000 for that purpose. The committee allowed $50,000, which is the amount carried by the current law.

Mr. ADAMSON. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. ADAMSON. If the Supreme Court should hold this unconstitutional the appropriation would be safe in the Treasury?

Mr. LEVER. Without doubt.

Mr. ADAMSON. And if unconstitutional, we will do a little good before that happens.

Mr. LEVER. Yes; several Federal courts have passed on this proposition, one holding it constitutional and two holding it unconstitutional. The case is now before the Supreme Court of the United States for reargument, and it does seem to me that until the case is passed upon by the highest legal authority in the

land we ought to provide the machinery and the appropriation with which to enforce the law as it exists. I am not arguing this from a legal standpoint, because I am not a lawyer, and I know nothing about the constitutionality of this proposition, but I stand here to say, as a student of agricultural economics, as a friend of the farmer in this country, that the farmer of the United States has no better friends in the United States than the birds of the country. [Applause.] Nature works in mysterious ways, and nature provides our bird life for us not only the æsthetic pleasure it gives us but for the value of the bird in the economic world. If you destroy the bird life of America to-day, I venture to assert that within six months' time this country will be overrun with worms, bugs, and insects ad infinitum and galore. [Laughter and applause.]

The CHAIRMAN. The question is on the motion to strike out the paragraph.

Mr. MANN. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12717, the Agricultural appropriation bill, and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. FESS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the juvenile court bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRISP. Mr. Chairman, I ask unanimous consent to extend my remarks on the migratory-bird provision.

The SPEAKER. Is there objection?

There was no objection.

Mr. DYER. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the juvenile-court bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. AYRES. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the juvenile-court bill by inserting an article that is written in the Presbyterian Standard.

The SPEAKER. Is there objection?

Mr. BARNHART. I object.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the migratory-bird provision.

The SPEAKER. Is there objection?

There was no objection.

Mr. SMITH of Minnesota. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the juvenile-court bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. HILLIARD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the question of the so-called Susan B. Anthony suffrage amendment.

The SPEAKER. Is there objection?

There was no objection.

Mr. FARR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the migratory-bird provision.

The SPEAKER. Is there objection?

There was no objection.

Mr. HULL of Iowa. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

Mr. SMITH of Minnesota. Mr. Speaker, I ask unanimous consent that my colleague Mr. LINDBERGH may be excused for a few days on account of the sickness of his daughter.

The SPEAKER. Is there objection?

There was no objection.

HOUR OF MEETING TO-MORROW.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none.

CHANGE OF REFERENCE.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that the bill (H. R. 14536) for the extension of the Army remount system by the purchase of pure-bred stallions of a type and breed adaptable to military uses, which has been referred to the Committee on Military Affairs, may be referred to the Committee on Agriculture.

The SPEAKER. Without objection——

Mr. STAFFORD. May I ask the gentleman has that the approval of the chairman of the Committee on Military Affairs?

Mr. LEVER. I did not see the chairman of the Committee on Military Affairs, but I would say to the gentleman from Wisconsin——

The SPEAKER. This bill has always been handled by the Committee on Agriculture, but in some way it got to the other committee. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. LEVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 58 minutes) the House adjourned to meet to-morrow, Tuesday, April 25, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Texas City Harbor, Tex., with a view to enlargement and protection (H. Doc. No. 1054); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

2. A letter from the Secretary of War, transmitting final report of the commission to investigate the title of the United States to lands in the District of Columbia, created by the act approved May 30, 1908 (H. Doc. No. 1055); to the Committee on the District of Columbia and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill (H. R. 14426) to amend section 6 of the act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905, reported the same without amendment, accompanied by a report (No. 589), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRAY of Indiana, from the Committee on Naval Affairs, to which was referred the bill (H. R. 9548) to regulate the wages of certain employees employed in or under the Navy and War Departments of the Government, reported the same with amendment, accompanied by a report (No. 590), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FOCHT, from the Committee on War Claims, to which was referred the bill (H. R. 7182) for the relief of William S. Rote, reported the same without amendment, accompanied by a report (No. 588), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 9737) for the

relief of John A. Bingham, reported the same without amendment, accompanied by a report (No. 593), which said bill and report were referred to the Private Calendar.

Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (H. R. 7883) for the relief of Charlotte M. Johnston, reported the same with amendment, accompanied by a report (No. 591), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 1443) for the relief of Joe T. White, reported the same with amendment, accompanied by a report (No. 592), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 4880) for the relief of James Bookhamer, reported the same without amendment, accompanied by a report (No. 594), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (H. R. 9202) for the relief of Joshua Banks Nicholson, reported the same adversely, accompanied by a report (No. 595), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII the Committee on Pensions was discharged from the consideration of the bill (H. R. 8384) granting a pension to Ella L. Blondell and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DAVIS of Texas: A bill (H. R. 14968) to make classifications for military and naval service; to promote preparedness; to provide for adequate and efficient national defense; to require that in all naval and military service of the United States, whether in time of peace or war, wealth shall bear and perform its proportional part of the service, and that money shall be made to fight for its country the same as men; to the Committee on Ways and Means.

By Mr. STEDMAN: A bill (H. R. 14969) for the establishment of Winston-Salem, N. C., as a port of delivery under the act of June 10, 1880, governing the immediate transportation without appraisement of dutiable merchandise; to the Committee on Ways and Means.

By Mr. WEBB: A bill (H. R. 14970) to enlarge the jurisdiction of the municipal court of the District of Columbia, and to regulate appeals from the judgments of said court, and for other purposes; to the Committee on the District of Columbia.

By Mr. CLARK of Florida: A bill (H. R. 14971) to repeal all laws and parts of laws embodied in the statutes of the United States relating to examinations of applicants for positions in the civil service of the United States, commonly called the "civil-service laws"; to the Committee on Reform in the Civil Service.

By Mr. TAYLOR of Colorado: A bill (H. R. 14972) to authorize the establishment of game preserves and sanctuaries in the State of Colorado, and for other purposes; to the Committee on the Public Lands.

By Mr. TAGGART: A bill (H. R. 14973) to amend an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April 22, 1908, and amended April 5, 1910; to the Committee on the Judiciary.

By Mr. WEBB: A bill (H. R. 14974) to amend the act entitled "An act to establish a code of law for the District of Columbia, approved March 3, 1901," and the acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. JOHNSON of South Dakota: A bill (H. R. 14975) for the remodeling of the United States Federal building at Aberdeen, S. Dak.; to the Committee on Public Buildings and Grounds.

By Mr. HILLIARD: A bill (H. R. 14976) to fix the sizes of baskets or other open containers for small fruits or berries; to the Committee on Coinage, Weights, and Measures.

By Mr. SHOUSE: A bill (H. R. 14977) authorizing the Secretary of War to donate to the Grand Army of the Republic post at Hutchinson and the city of Hutchinson jointly, in the county of Reno and State of Kansas, two bronze or brass cannon or fieldpieces, with their carriages; to the Committee on Military Affairs.

By Mr. HAY: Resolution (H. Res. 216) to provide for the discharge of the Committee on Military Affairs from the consideration of H. R. 12766, and for other purposes; to the Committee on Rules.

By Mr. TAYLOR of Colorado: Concurrent resolution (H. Con. Res. 33) authorizing the printing of the bulletin prepared by the Department of the Interior on "Glimpses of our national parks"; to the Committee on Printing.

By Mr. KENNEDY of Rhode Island: Memorial of the General Assembly of Rhode Island, protesting against the passage of H. R. 8929, providing for an inheritance tax; to the Committee on Ways and Means.

By Mr. STINESS: Memorial of the General Assembly of Rhode Island, protesting against the passage of H. R. 8929, providing for an inheritance tax; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII private bills were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 14978) for the relief of Ida Turner; to the Committee on Claims.

By Mr. BOOHER: A bill (H. R. 14979) granting an increase of pension to James P. Reynolds; to the Committee on Invalid Pensions.

By Mr. COADY: A bill (H. R. 14980) granting an increase of pension to Margaret Eckstine; to the Committee on Invalid Pensions.

By Mr. DEWALT: A bill (H. R. 14981) granting an increase of pension to Albert Flanagan; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 14982) granting an increase of pension to Della W. Smith; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 14983) granting an increase of pension to George Fawn; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 14984) granting an increase of pension to Malcolm W. Sweet; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14985) granting an increase of pension to Edward L. Swem; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 14986) granting a pension to Virgil A. Phillips; to the Committee on Invalid Pensions.

By Mr. McDERMOTT: A bill (H. R. 14987) granting an increase of pension to Edward J. Harshman; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 14988) granting an increase of pension to Charles Robinson; to the Committee on Invalid Pensions.

By Mr. McKELLAR: A bill (H. R. 14989) granting a pension to Nina H. Love; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 14990) granting an increase of pension to Henry E. Garber; to the Committee on Pensions.

By Mr. PETERS: A bill (H. R. 14991) granting a pension to Sarah T. Welsh; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 14992) authorizing the President to appoint Frank B. Lawson a first lieutenant in the Regular Army; to the Committee on Military Affairs.

By Mr. REILLY: A bill (H. R. 14993) granting a pension to Minnie Hansen; to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 14994) authorizing the Secretary of the Interior to cancel abandoned homestead entry of Franklin P. Forsyth (Serial No. 04885), made on February 7, 1911, for Island No. 23 in the Missouri River, it being further described as the fractional section 13, 53, 20, containing 96 $\frac{35}{100}$ acres, and sell said land to John P. Randolph at the Government price and issue a patent to him therefor; to the Committee on the Public Lands.

By Mr. RUSSELL of Missouri: A bill (H. R. 14995) granting an increase of pension to Acan Misplay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14996) granting an increase of pension to Samuel N. Gibbs; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 14997) granting an increase of pension to William W. Mowl; to the Committee on Pensions.

By Mr. SLOAN: A bill (H. R. 14998) reinstating Maj. Benjamin M. Koehler to his former rank and grade in the United States Army; to the Committee on Military Affairs.

By Mr. STINESS: A bill (H. R. 14999) granting an increase of pension to Abbie E. Austin; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Merchants' Association of New York, against the Clarke amendment to the Philippine bill; to the Committee on Insular Affairs.

Also (by request), memorial of citizens of Colorado Springs, Colo., protesting against action of Judiciary Committee in regard to suffrage amendment; to the Committee on the Judiciary.

Also (by request), petition of Belmont Street Christian Endeavor Society of Watertown, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ANTHONY: Petition of sundry citizens and societies of the State of Kansas, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of C. B. Fish and 36 others, of Knox County, Ohio, favoring pensioning civilians who were employed in the Canal Zone; to the Committee on Appropriations.

By Mr. BAILEY: Petition of sundry citizens of the State of Pennsylvania protesting against bill to create juvenile court in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CANDLER of Mississippi: Petition of Mrs. S. E. Stanley and others, of Booneville, Miss., favoring House bill 10924, prohibiting rum exports to Africa; to the Committee on Alcoholic Liquor Traffic.

By Mr. CURRY: Petitions by H. D. Frederick and Thomas A. Evans, of Crockett, Cal., favoring section 56 of the Chamberlain bill providing for a Volunteer Army; to the Committee on Military Affairs.

By Mr. DALE of New York: Memorial of the Merchants' Association of New York, against the Clarke amendment to the Philippine bill; to the Committee on Insular Affairs.

Also, memorial of men and women voters of Williams, Ariz., and Elko (Nev.) Civic League, relative to action of Judiciary Committee in regard to suffrage amendment; to the Committee on the Judiciary.

Also memorial of National Democratic Club of New York City, favoring a merchant marine; to the Committee on the Merchant Marine and Fisheries.

Also, petition of J. A. Christie, of New York, favoring preparedness; to the Committee on Military Affairs.

By Mr. DAVENPORT: Petition of various citizens of Bartlesville, Okla., favoring the passage of House bill 6915, being a bill to grant indefinite leave to superannuated employees of the Postal Service; to the Committee on the Post Office and Post Roads.

Also, petition of business men of Vinita, Welch, Lenapole, Pryor, Broken Arrow, and Hulbert, all in the State of Oklahoma, favoring the passage of House bill 270 or 712; to the Committee on Ways and Means.

By Mr. DILL: Petition of Mr. J. W. Robertson and other residents of Alstown, Wash., protesting against the passage of House bill 652; to the Committee on the District of Columbia.

Also, petition of Mr. Thomas Burnett and other residents of Wenatchee, Wash., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of Mr. Thomas Burnett and other residents of Wenatchee, Wash., protesting against the passage of House bill 652; to the Committee on the District of Columbia.

Also, petition of Mr. J. W. Robertson and other residents of Alstown, Wash., protesting against the passage of House bill 6468; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. T. C. Lammon and other residents of Wenatchee, Wash., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. T. C. Lammon and other residents of Wenatchee, Wash., protesting against the passage of House bill 652; to the Committee on the District of Columbia.

Also, petition of Mr. W. B. Randolph and other residents of Omak., Wash., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of Mr. W. B. Randolph and other residents of Omak, Wash., protesting against the passage of House bill 652; to the Committee on the District of Columbia.

Also, petition of Mr. D. M. Gammon and other residents of Dayton, Wash., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of Mr. G. A. Weeks and other residents of Conconully, Wash., protesting against the passage of House bill 652; to the Committee on the District of Columbia.

Also, petition of Mr. G. A. Weeks and other residents of Conconully, Wash., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. W. E. Schnebly and other residents of Chattaroy, Wash., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of Miss Mattie L. Sutherland and other residents of Newport, Wash., urging the passage of the joint resolution providing for the adoption of a prohibition amendment to the Constitution; to the Committee on the Judiciary.

Also, petition of Mr. W. W. Whalen and other residents of Spokane, Wash., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Petition of the Merchants' Association of New York, against the Clarke amendment to the Philippine bill; to the Committee on Insular Affairs.

By Mr. ELSTON: Petition of John Young and other citizens of Berkeley, Cal., against Sunday-observance bill for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of John Young and other citizens of Berkeley, Cal., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Woman's Benefit Association of the Maccabees, favoring House bill 9329, relative to beneficiary societies and insurance companies; to the Committee on the Post Office and Post Roads.

By Mr. FARR: Petition of United States penitentiary guards at Leavenworth, Kans., relative to increase in pay; to the Committee on Appropriations.

By Mr. GARDNER: Petition of 15 citizens, and Young People's Society of Christian Endeavor, of Amesbury, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. GRAY of Indiana: Petition of Karl B. Davis, of Middletown, Ind., against House bill 563, relative to common carriers, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of Fred Huckery and others, of Richmond, Ind., against bill for juvenile court in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Fred Huckery, of Richmond, Ind., and others, against bills to amend the postal laws; to the Committee on the Post Office and Rost Roads.

By Mr. HADLEY: Petition of sundry citizens of Port Angeles, Wash., against bill to create a juvenile court in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HOPWOOD: Petition of guards at Leavenworth (Kans.) Penitentiary, for increase of pay; to the Committee on Appropriations.

By Mr. HOUSTON: Petition of citizens of Hillsboro, Tenn., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Hillsboro, Coffee County, Tenn., against act to create juvenile court in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HILLIARD: Petitions of Mrs. Rose Goodman Chamberlain and 8 others, G. W. Hubbell and 22 others, W. A. McCammon and 14 others, all of Denver, Colo., against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. HINDS: Petition of 25 citizens of New Gloucester, Me., favoring national prohibition; to the Committee on the Judiciary.

By Mr. JOHNSON of South Dakota: Petition of sundry citizens of Watertown and Waubay, S. Dak., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of C. W. Jones, of Saylesville, R. I., favoring the passage of Senate bill 4874; to the Committee on Agriculture.

Also, petition of the Ashway Line & Twine Manufacturing Co., of Ashway, R. I., favoring the bill for 1-cent postage; to the Committee on the Post Office and Post Roads.

By Mr. KIESS of Pennsylvania: Petition of citizens of Williamsport, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petition of sundry business concerns, favoring bill for the standardization of the lime barrel; to the Committee on Coinage, Weights, and Measures.

By Mr. LOUD: Memorial of Woman's Christian Temperance Union of Coleman, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. McDERMOTT: Papers to accompany bill for relief of E. J. Harshman; to the Committee on Invalid Pensions.

By Mr. McFADDEN: Memorial of Methodist Episcopal Church, Woman's Christian Temperance Union, and 29 citizens of Hamlin, 50 of Springville, and 45 of Great Bend, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. McKENZIE: Petition of citizens of Dixon, Ill., protesting against passage of House bill 13048, to create a juvenile court in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MEEKER: Petition of 70 citizens of St. Louis, Mo., favoring Hay bill relative to National Guard; to the Committee on Military Affairs.

Also, petition of 23 citizens of St. Louis, Mo., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Petition of First National Bank of Alturas, Cal., favoring amendment of the Federal reserve bank act; to the Committee on Banking and Currency.

Also, protest against the closing of barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

Also, protest against a bill to amend the postal laws by citizens of Hammonton, Cal.; to the Committee on the Post Office and Post Roads.

By Mr. ROUSE: Petition of citizens of the State of Kentucky, protesting against House bill 13048, to create a juvenile court in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SLOAN: Petition of John H. Freeman and 16 others, of Omaha, Nebr., favoring resolution for increase in pay of custodian employees; to the Committee on Labor.

By Mr. SMITH of Michigan: Papers to accompany House bill 14897, for the relief of Eliza C. Spears; to the Committee on Invalid Pensions.

By Mr. SNELL: Memorial of Henry H. Paradis, George Hensby, S. W. Mayne, A. B. Jamieson, Smith Jamieson, Charles J. Locke, David H. Hesselgrave, F. G. Briggs, Truman R. Griffith, Herbert Washburn, Clark F. Nichols, Henry G. Waddell, F. S. Lawrence, E. R. Johnston, and Roy A. White, of Ogdensburg, N. Y., protesting against the passage of the Fitzgerald and Siegel postal bills; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of California: Resolution of the Chamber of Commerce of Wilmington, Cal., favoring House bill 4726, for the appointment of a tariff commission; to the Committee on Ways and Means.

Also, petitions protesting against House bills 491 and 6468, to amend the postal laws, from C. F. Morgan and 47 other citizens of Los Angeles, Cal., and William F. Miller and 9 other citizens of Watts, Cal.; to the Committee on the Post Office and Post Roads.

Also, letter from Herbert Edward Law, of San Francisco, Cal., protesting against a power plant being erected on the river boulevard in Washington; to the Committee on the District of Columbia.

Also, petition from George H. Fardo and 45 other citizens, of Los Angeles, Cal., protesting against House bill 13048, entitled "An act to create a juvenile court in the District of Columbia"; to the Committee on the District of Columbia.

By Mr. STINESS: Petition of Ashaway (R. I.) Line & Twine Manufacturing Co., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petitions of Hon. William M. P. Bowen, M. E. Littlefield, Dr. M. M. Blumer, George E. Crowle, George A. Halliwell, and Frank Chapman, all of Providence, R. I., favoring the Chamberlain military bill, especially section 56; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: Memorial of citizens of Colorado Springs, Colo., against the delay in House Judiciary Committee reporting suffrage amendment; to the Committee on the Judiciary.

By Mr. TILLMAN: Petition of sundry citizens of Arkansas, favoring amending rural-credit bill; to the Committee on Banking and Currency.

Also, petition of sundry citizens of Fayetteville, Ark., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Gentry, Ark., against bill to create a juvenile court in the District of Columbia; to the Committee on the District of Columbia.

SENATE.

TUESDAY, *April 25, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, the Ruler of the Universe, our highest and first allegiance is to Thee. We would have no part in life apart from Thee. Thou art the giver of every good and perfect gift. We come praying that Thou wilt, through all the manifold ministries of Thy grace, incline our hearts to keep Thy law. Put high and noble thoughts into our minds. Inspire our hearts with all that is purest, highest, and best. We would not have friendship except that which can be sweetened and refined by the divine companionship. We would not have patriotism that is not sanctified by divine grace. Enable us to be true first to our obligations to God and to ourselves. If we are true to Thee and to ourselves, we feel that we can never be untrue to our fellow men. Guide us in the discharge of the duties of this day. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

DISTRICT OF COLUMBIA APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Public Utilities Commission of the District of Columbia, stating that balance sheets for the year ended December 31, 1915, had been forwarded, pursuant to law, to the Speaker of the House of Representatives February 1, 1916, and that additional balance sheets submitted subsequent to February 1 had also been transmitted to the Speaker of the House of Representatives, which was referred to the Committee on Interstate Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. T. Taylor, jr., one of its clerks, announced that the House disagrees to the amendment of the Senate to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAY, Mr. DENT, and Mr. KAHN managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 12843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL of Missouri, Mr. ASHBROOK, and Mr. FULLER managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 8348) to amend an act entitled "An act to create a Juvenile Court in and for the District of Columbia, and for other purposes," in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

H. R. 6241. An act to ratify, approve, and confirm an act amending the franchise granted to H. P. Baldwin, R. A. Wadsworth, J. N. S. Williams, D. C. Lindsay, C. D. Lufkin, James L. Coke, and W. T. Robinson, and now held under assignment to Island Electric Co. (Ltd.), by extending it to include the Makawao district, on the island of Maui, Territory of Hawaii; and extending the control of the Public Utilities Commission of the Territory of Hawaii to said franchise and its holder;

H. R. 9909. An act to authorize the Chicago, Milwaukee & St. Paul Railway Co. to construct a bridge across the Missouri River;

H. R. 11320. An act granting the consent of Congress to the counties of Twin Falls and Minidoka, State of Idaho, to construct a bridge across Snake River;

H. R. 11471. An act to amend paragraphs 177 and 178 of an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, relating to the duty on sugar, molasses, and other articles;

S. J. Res. 98. Joint resolution to print as a public document the final report and testimony submitted to Congress by the United States Commission on Industrial Relations; and

S. J. Res. 121. Joint resolution authorizing the appointment of a representative of the United States Government to appear at the celebration of the landing of Sir Francis Drake on the coast of California.

PETITIONS AND MEMORIALS.

Mr. JONES presented memorials of sundry citizens of Pasco and Hoquiam, in the State of Washington, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. JOHNSON of South Dakota. I present a memorial of sundry citizens of Hayti, S. Dak., remonstrating against the United States becoming involved in the European war, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the memorial was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

HAYTI, S. DAK., *April 21, 1916.*

To the Hon. E. S. JOHNSON,
United States Senate, Washington, D. C.:

Whereas we, the undersigned citizens in and about Hayti, Hamlin County, S. Dak., believe that the acts of any of the European nations up to date do not justify the United States to enter the European war, therefore we respectfully petition and request you to exert your influence as a United States Senator to prevent war or anything that leads toward war with any of the European nations.

F. J. BENTHIN
(And many others).

Mr. HUSTING presented petitions of sundry citizens of Wisconsin, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. DU PONT presented petitions of sundry citizens of Ocean View and Harrington, in the State of Delaware, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Harrington, Del., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry patriotic societies of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Shillington, Pa., remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Allegheny County, Pa., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Chamber of Commerce of Pittsburgh, Pa., remonstrating against the proposed location of a power plant in the city of Washington, D. C., which was ordered to lie on the table.

He also presented petitions of Capt. Francis P. Siviter Post No. 87, Veterans of Foreign Wars, and of the Allegheny County Central Committee, Veterans of Foreign Wars, of Pittsburgh, Pa., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which were ordered to lie on the table.

Mr. POINDEXTER presented petitions of sundry citizens of King County, Wash., praying for the enactment of legislation to found the Government on Christianity, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of the State of Washington, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of W. D. Schmuck and sundry other citizens of Dolphin, Wash., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Dolphin and Sunset, in the State of Washington, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Marion Grange No. 276, Patrons of Husbandry, of Buckley, Wash., remonstrating against an increase in armaments, which was ordered to lie on the table.

Mr. PHELAN presented a petition of sundry citizens of San Rafael, Cal., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of the Rotary Club of Oakland, Cal., praying for an appropriation of $1,000,000 for the construction of a new Federal building at Oakland, Cal., which was referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the Chamber of Commerce of Coalinga and of the Woman's Club of Carpinteria, in the State of California, praying that an appropriation of $300,000 be made for the improvement of the Yosemite National Park, etc., which were referred to the Committee on Appropriations.

He also presented a petition of the Sacramento Valley Development Association, of Sacramento, Cal., praying for the establishment of the Lassen Volcanic Park district, which was referred to the Committee on Public Lands.

Mr. BURLEIGH presented a memorial of sundry citizens of Rumford, Me., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. ASHURST. I present resolutions adopted by the Central Labor Council, of Globe, Ariz., which I ask may be printed in the RECORD and referred to the Committee on Education and Labor.

There being no objection, the resolutions were referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

GLOBE CENTRAL LABOR COUNCIL,
Globe, Ariz., April 16, 1916.

Hon. HENRY F. ASHURST,
Washington, D. C.:

Whereas there is a bill (H. R. 456) before Congress for the creation of a Federal commission to preexamine and censor all motion pictures;
Whereas we believe no group of five men are great enough or divine enough to determine what pictures 100,000,000 people should see or should not see, and would naturally be influenced in their decisions by their own petty views on public morals and questions;
Whereas we believe that it is contrary to the fundamental principles of our Government, guaranteeing the freedom of expression; and
Whereas institutions of the same class as the motion pictures, such as the public press, the drama, literature, and art are immune from such censorship: Therefore be it

Resolved, That we, the Globe Central Labor Council, are unalterably opposed to motion-picture censorship and H. R. 456; and be it further
Resolved, That copies of these resolutions be sent to Congressman CARL HAYDEN and Senators ASHURST and SMITH, and that we urge these gentlemen to do all in their power to oppose and prevent the passage of any censorship bills.

Mr. THOMAS. I present resolutions adopted at a meeting of women voters of Colorado in mass meeting assembled in Denver, April 15, 1916, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Whereas President Wilson declared yesterday in his speech in New York that the Democratic Party controls the Government; that he personally is interested in lifting the load depressing humanity: Be it

Resolved, That we, the women voters of Colorado, in mass meeting assembled in Denver, April 15, 1916, in the Broadway Theater, agree with the President, and now demand that the Democratic Party fulfill this responsibility that has been laid upon it by its leader and give at once the necessary aid and facilities for the passage during this session of Congress of the Susan B. Anthony amendment, proposing to enfranchise the women of the Nation; be it further

Resolved, That we protest against the undemocratic methods now being used against this measure to free humanity and the continued blocking of the submission of it to the various States for ratification; be it finally

Resolved therefore, That we call upon the President and all his colleagues to pass the Federal suffrage amendment on to the States without further delay, and that a copy of this resolution be sent to all the administration leaders and to the members of the House Judiciary Committee and to the entire Colorado congressional delegation, to be read into the CONGRESSIONAL RECORD in the Senate and in the House.

Ida Kruse McFarlane, chairman of the mass meeting; Margaret Long, chairman Denver District Congressional Union; Mrs. James B. Belford, First Vice President; Louise Mellen, Second Vice President; M. Jean Gale, Third Vice President; Garnet Isabel Pelton, Fourth Vice President; Ida B. Blakemore, Secretary; Mrs. Helen T. Miller, Treasurer; Kate Russell, Third Vice President State Executive Committee; Frances Wayne, Fourth Vice President State Executive Committee; Mrs. L. M. Culbbert and Dora Phelps Buell, National Advisory Committee.

Mr. THOMAS. Mr. President, I ask to have printed in the RECORD copies of two short telegrams passing on the 21st of April between the Senator from Wisconsin [Mr. HUSTING] and certain citizens of the State of Wisconsin.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

[Telegram.]

OCONOMOWOC, WIS., *April 21, 1916.*

Hon. PAUL O. HUSTING,
Washington, D. C.:

We urge upon you to use every effort to keep this Nation at peace.

FRED PABST.
OTTO L. HUEBNER.
ADOLPH VONMOOTEN.
D. G. ENDGERTON.
H. J. FISKE.
FRANK WINTERBOTTOM.
FRANK K. BOYLE.
EDWIN J. WILCOX.
CRISTINE PAWLIK.

[Telegram.]

APRIL 21, 1916.

Mr. FRED PABST AND OTHERS,
Oconomowoc, Wis.:

Answering your telegram, will say that no one is more desirous of keeping this country out of war than I am; but war can best be avoided by wrong yielding to right and not by right yielding to wrong. Would therefore respectfully suggest that you also wire the German ambassador of the fervent desire of all Americans that their country remain at peace, and that peace can best be preserved by the strict observance on the part of the Imperial Government of the provisions of international law governing naval warfare. Would further suggest that you wire the ambassador that all Americans, regardless of their ancestry or sympathies, stand solidly back of their Government in this crisis.

PAUL O. HUSTING,
United States Senator.

SOUTH CAROLINA NAVAL MILITIA.

Mr. SMITH of South Carolina. From the Committee on Immigration I report back favorably without amendment the joint resolution (H. J. Res. 79) authorizing the Secretary of Labor to permit the South Carolina Naval Militia to use the Charleston immigration station and dock connected therewith, and I ask for its immediate consideration. The joint resolution has been recommended by the Bureau of Immigration and also was unanimously passed in the House. I ask that it be read with a view to its immediate consideration.

The VICE PRESIDENT. The joint resolution will be read.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the Secretary of Labor is authorized to permit the South Carolina Naval Militia to occupy the Charleston immigration station and the dock therewith connected and use them as an armory and place of landing under such conditions as may be prescribed by him: *Provided*, That the State of South Carolina shall make, at its own expense, such repairs as may be necessary on said building and dock, ordinary wear and tear excepted, so long as the same is used for the purposes set forth in this resolution: *Provided further*, That the Secretary of Labor may take possession of and reoccupy said immigration station and dock whenever in his judgment he may deem such possession and reoccupancy desirable

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. SMOOT. I should like to ask the Senator for what purpose the buildings are now used?

Mr. SMITH of South Carolina. They are Government buildings, lying there useless. The occupancy for this purpose will tend to preserve them.

Mr. SMOOT. Just one more question. Suppose the buildings were destroyed by fire, who would be responsible for the loss?

Mr. SMITH of South Carolina. I suppose that they are insured as Government buildings.

Mr. SMOOT. They are insured by the Government?

Mr. SMITH of South Carolina. I presume that the Government would not leave that property uninsured there in the fire zone.

Mr. SMOOT. I suppose there may be less risk now, the buildings being unoccupied, than there would be by the occupation of them. I was wondering whether the Senator from South Carolina really knew that the Government has insurance upon them.

Mr. SMITH of South Carolina. I do not think they would be uninsured in view of the fact that they are within the fire zone.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SUTHERLAND:

A bill (S. 5737) granting an increase of pension to Lewis B. Crout (with accompanying papers); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 5738) granting an increase of pension to Catherine E. Wilson; to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 5739) for the relief of Thomas E. Philips (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 5740) granting an increase of pension to Frances A. Kniffin (with accompanying paper); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 5741) granting an increase of pension to John Condon (with accompanying papers);

A bill (S. 5742) granting an increase of pension to Stanford H. Chase (with accompanying papers);

A bill (S. 5743) granting an increase of pension to Mary Lynch (with accompanying papers);

A bill (S. 5744) granting an increase of pension to Simeon H. Haskell (with accompanying papers);

A bill (S. 5745) granting an increase of pension to Henry M. Bennett (with accompanying papers); and

A bill (S. 5746) granting a pension to Charles W. Spencer (with accompanying papers); to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 5747) to provide for the purchase of a site and the erection of a building thereon at the town of Flagstaff, in the State of Arizona; to the Committee on Public Buildings and Grounds.

By Mr. GORE:

A bill (S. 5748) to authorize the issuance of patent to Oscar R. Howard, and for other purposes; to the Committee on Public Lands.

By Mr. O'GORMAN:

A bill (S. 5749) providing for the refund of certain duties incorrectly collected on joss sticks; to the Committee on Finance.

By Mr. MARTINE of New Jersey (by request):

A bill (S. 5750) to regulate the thickness of walls in buildings in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CLARK of Wyoming:

A bill (S. 5751) authorizing the addition of certain lands to the Wyoming National Forest, Wyo.; to the Committee on Agriculture and Forestry.

By Mr. TILLMAN:

A bill (S. 5752) granting to the widow of Col. David Du B. Gaillard authority to place, in his memory, a tablet in the memorial amphitheater at Arlington, Va.; to the Committee on the Library.

By Mr. STONE (for Mr. REED):

A bill (S. 5753) granting an increase of pension to Lucy M. Settle (with accompanying papers); and

A bill (S. 5754) granting an increase of pension to John W. Moore (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 5755) to reimburse Le Grand C. Cramer for amount of damages to his motor launch *Winninish* by the U. S. launch *Gunedmertrix* at Morris Heights, N. Y., on March 31, 1911; and

A bill (S. 5756) to reimburse A. S. Rosenthal Co., New York City, N. Y., for the nondelivery and loss of a case of silk, the property of the said company, while said case of silk was in the custody of the United States at the United States appraisers' stores at 641 Washington Street, New York City, in October or November, 1914 (with accompanying papers); to the Committee on Claims.

By Mr. OWEN:

A joint resolution (S. J. Res. 124) providing national publicity pamphlets, and for other purposes; to the Committee on Privileges and Elections.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. OVERMAN submitted an amendment authorizing the President of the United States to designate such lands which have been or which may hereafter be purchased by the United States in the western part of the State of North Carolina under the provisions of the act of March 1, 1911, as should, in his opinion, be set aside for the protection of game, animals, birds, or fish, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. OLIVER submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

OFFICERS ON THE RETIRED LIST.

Mr. DU PONT submitted the following resolution (S. Res. 178), which was read and referred to the Committee on Military Affairs:

Whereas the act approved March 4, 1915, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1916" (38 Stat. L., 1068), provides that retired officers of the Regular Army who shall stand a satisfactory medical and professional examination for promotion as now provided for by law, shall be restored to the active list of the Army as supernumerary officers: Therefore be it

Resolved, That the Secretary of War be, and he is hereby, directed to inform the Senate as to the number of retired officers of the Regular Army who have applied for restoration to the active list of the Army

under the above-mentioned act, as to the number who have passed the necessary examinations, and as to the cause of the delay in acting upon their cases.

REPORT ON INDUSTRIAL CONDITIONS IN EUROPE.

Mr. JONES. I have the report of the commissioners of the State of Washington on the work of the American commission that went to Europe to study industrial conditions, rural credits, and so forth. Quite a large edition of this report was printed by the State of Washington, but it is now exhausted, and there is quite a demand for it. It is a very valuable report, in my judgment, and I submit it with the request that it be referred to the Committee on Printing to consider the question of printing it as a public document.

The VICE PRESIDENT. That action will be taken.

NATIONAL DEFENSE.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CHAMBERLAIN. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. CHAMBERLAIN, Mr. BECKHAM, Mr. BROUSSARD, Mr. DU PONT, and Mr. WARREN conferees on the part of the Senate.

HOUSE BILL REFERRED.

H. R. 8348. An act to amend an act entitled "An act to create a Juvenile Court in and for the District of Columbia," and for other purposes, was read twice by its title and referred to the Committee on the Judiciary.

WOMAN SUFFRAGE.

The VICE PRESIDENT. The morning business is closed.

Mr. SHAFROTH. Mr. President, I send to the desk Senate joint resolution No. 1 and ask to have it read.

The VICE PRESIDENT. The Secretary will read the joint resolution.

The Secretary read Senate joint resolution 1 proposing an amendment to the Constitution of the United States conferring upon women the right of suffrage, which had been introduced by Mr. SUTHERLAND December 7, 1915, and reported by Mr. THOMAS, from the Committee on Woman Suffrage, January 8, 1916, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of the said legislatures, shall be valid as part of said Constitution, namely:

"ARTICLE —.

"SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

"SEC. 2. The Congress shall have power, by appropriate legislation, to enforce the provisions of this article."

Mr. SHAFROTH. Mr. President, in the determination of a great question involving the rights and liberties of human beings, the first and most important inquiry is, Is it right? If that question is determined in the affirmative, it should settle all doubts as to the policy of adopting the measure. But, inasmuch as there are those who will not let the righteousness of the cause determine the policy, I wish to discuss this question from the standpoint: First. Is it right? Second. Is it expedient? Third. Is it practicable?

I.

IS EQUAL SUFFRAGE RIGHT?

Mr. President, previous to modern times the prevailing form of government in the world was that of monarchy, which was founded upon the doctrine of the right of one person by force to govern others. The only way such a doctrine maintained its supremacy was through the ignorance of the masses and the appeal to their extreme religious fears in the declaration that the powers of government descended from God to the monarch and that they who did not accept it were heretics. This doctrine was called the "divine right of kings." At times when the rule of the monarch became very oppressive to the lords and barons, the king was required to surrender some of his power, which concessions incidentally gave rights to the people. The government was then called a limited monarchy and was administered chiefly in the interest of the aristocracy.

In the formation of our Republic we put forth to the world new principles of government which seemed so plain to us that we declared them to be self-evident truths. We declared "that all men are created equal," not in intellect, not in color, not in height, not in strength, and not in many other respects, but equal in rights. We declared that man is entitled as an inalienable right to life, liberty, and the pursuit of happiness—that is, that these rights are so sacred that they not only shall not be invaded by others, but that they can not be bartered away even by ourselves. We further declared as our fundamental principle that in order to secure these inalienable rights "governments are instituted among men, deriving their just powers," not from kings, not from presidents, not from parliaments, not from congresses, but "from the consent of the governed."

These principles, according to our ideas of right, constitute the ethics of organized society called government.

While men of our Republic acknowledge these principles of government as applicable to all men, many refuse to recognize them as applicable to women. They cling to their power like the monarchs and the aristocracy clung to theirs. They invoke the divine right of sex as the monarchs asserted the divine right of kings.

An eminent writer has said that all powers of government are either delegated or assumed; that all powers not delegated are assumed, and all assumed powers are usurpations.

Mr. President, the powers of government by which men exercise control over women are not delegated powers, because the women never granted such authority to them. Such powers by men, then, are assumed; and as all assumed powers are usurpations, the exercise of the powers of government by men over women is usurpation. Men condemn usurpation in other men. Why will they not condemn their own usurpation over women?

What right have I to make all the laws which shall govern not only myself but also my wife, sister, and mother, without giving to them any voice in determining the justice or wisdom of those laws, when they are just as intelligent as I? It can only be on the assertion of an assumed or usurped authority—that which we have condemned as being not the source of rightful power.

Lincoln's statement that "no man is good enough to govern another without that other man's consent" even the antisuffragist recognizes as a truth when applied to men. As women are human beings—part of the people—why is it not applicable to them?

All remember Lincoln's declaration that "when the white man governs himself, that is self-government; but when he governs himself and also governs another man, that is more than self-government—that is despotism."

The exercise of any power of government not emanating from the consent of the governed, therefore, is despotism. After men, by the usurpation of power, have attached the elective franchise to themselves, is it an answer to the demand of women for equal suffrage to say that we men have concluded now since we alone have the franchise and no extension of it can be made except with our consent, that suffrage is a privilege which attaches neither to man nor to woman by nature? Is it not as great a usurpation to assume the right to dictate who shall be permitted to vote as it is to seize any other power?

Even if superiority of intellect were a justification for usurpation of human rights, which I deny, man would utterly fail in establishing his superiority. The test of scholarship in all coeducational schools and colleges demonstrates that the girls on an average are equal, if not superior, to the boys. In Colorado more girls attend school than boys, and many more girls graduate from high schools than boys.

Politics is the science of government and men are honored for endeavoring to establish and maintain good government. As the sovereignty of government extends over women, why should not their efforts in the same cause be equally as commendable?

HALF THE PROPERTY OF THE UNITED STATES TAXED WITHOUT REPRESENTATION.

Mr. President, there was a time when all the property of women became their husband's on marriage, and in many countries the law of primogeniture prevailed. Since women now, in the United States, have the right to hold and convey property in their own names, and as women under the laws of inheritance acquire equal estates with men, fully one-half of the real and personal property of the country in each generation becomes vested in women. Their property is annually taxed for the maintenance of government in which they are not permitted to participate.

Have we forgotten the cry of our forefathers, which stirred the blood of every patriotic American, that "taxation without representation is tyranny"? Why is it tyranny to men but not to women? Should women be denied the right to protect, by their votes, their property from excessive tax encumbrances, when the right to encumber it by vote is given to men, some of whom can not read or write our language? Is it sufficient to

say that "they are not the only persons taxed as property holders from whom the ballot is withheld," when the only persons from whom it is permanently withheld are lunatics, idiots, illiterates, and criminals? How would men like to be denied the franchise for such reasons?

WOMAN'S SPHERE.

The arrogance with which men assert that women have a sphere to which they should be confined must be irritating to women of thought and action. Who gave man the right to determine woman's sphere without even consulting her? How chivalrous it is in him to determine for her such a momentous question. How easy it is to have it disposed of by the statement that "it is a mistake to suppose that any human reason or argument is needful or adequate to the assignment of the relative positions to be assumed by man and woman in working out the problems of civilization. This was done long ago by a higher intelligence than ours."

A question of importance has rarely ever been presented but some people have sought to foreclose any argument by claiming that it was settled by the Almighty. How can this claim be reconciled with the fact that it has also been settled in Colorado, Wyoming, Idaho, Kansas, Montana, Washington, Oregon, California, Utah, and Arizona, and in Australia, New Zealand, Norway, Iceland, Finland, Denmark, and in the Canadian Provinces of Alberta, Manitoba, and Saskatchewan? Had God nothing to do with settling it there?

In the days of slavery everyone heard the argument that the negro was not capable of taking care of himself; that it was better for him to have a master, who would care for and protect him; that the patriarchs of old, the chosen men of God, had slaves, and therefore slavery had received the sanction of God and was a divine institution.

Abraham Lincoln said:

Whenever I hear anyone arguing for slavery I feel a strong impulse to see it tried on him personally.

So whenever I hear men advocating the denial of rights to others, I feel an impulse to see how they personally would appreciate the denial of those rights to themselves.

WOMEN WANT EQUAL RIGHTS.

Mr. President, many assume that women do not want equal suffrage. That is no argument against a woman's right to vote, even if it were true. Even prisoners become satisfied with their conditions. Byron's Prisoner of Chillon says:

My very chains and I grew friends,
So much a long communion tends
To make us what we are:—even I
Regain'd my freedom with a sigh.

After the Civil War many of the slaves did not want their freedom. They dreaded a change and were satisfied with their condition. Will anyone contend that they should not have had their freedom, even if a majority of them had been satisfied with slavery? Can we justly wipe out the principle of the inalienable rights of a human being by any such false reasoning?

If a majority of the men of a State or of the United States should not care for the elective franchise, would the other men be willing to be deprived of it and of all the benefits that flow from it? There was a time when the suffrage movement was ridiculed so much that it made many women less insistent upon their rights, and no doubt a considerable number were indifferent as to voting; but now the cause of woman suffrage *has made a progress, stimulated by their desire for the franchise*, that is marvelous, contrasted with the sentiment of even 10 years ago. If a woman for any reason should prefer not to vote, she will always have that privilege. Equal suffrage does not force the exercise of it upon anyone. On the other hand, the denial of the franchise deprives not only the one who does not want it, but also the one who does want it and who believes it is her right.

Do women want equal suffrage? Ask the women of Colorado. Submit the question to those who have tried it and scarcely a small minority can be found to vote against it. Whenever a law is disapproved by the people, expression of that sentiment is found in appeals for its repeal. Colorado has had equal suffrage for 23 years, yet no petitions for repeal have ever been presented.

The fact that no member of the General Assembly of Colorado has ever even introduced in that body a bill to resubmit the question to the people shows that there is no demand for any change in the elective franchise of that State. The principle of equal rights for women is as irrevocably determined in Colorado as the freedom of the negro is determined in the Nation.

SUFFRAGE NOT DEPENDENT UPON ABILITY TO FIGHT.

Mr. President, it is contended that woman can not bear arms, therefore, she is not entitled to participate in the affairs of the government of her country. I do not believe the right to vote should be dependent upon the ability to kill. No such distinction is made among the men of the Nation. The strong and the weak, the youthful and the aged, the active and the decrepit are upon an equality in the exercise of their franchise.

It is said that Elizabeth Cady Stanton was once urging woman suffrage when Horace Greeley, invoking this same contention, asked her if there were a call by the Government upon the women for troops what she would do. Instantly she replied, "I would do exactly as you did in the Civil War, Mr. Greeley, hire a substitute."

Even if a woman could not bear arms, she does bear loyal sons, who are ever ready to enlist for the defense of her country. She has a high sense of honor and courage, which for a just cause makes her willing to sacrifice all for her country. The European war has demonstrated that the women of this day have a courage equal to that of the Spartan mothers, who bade their sons on departing for battle to return with their shields or upon them. In case of necessity I am confident that thousands would enter the field, as many have done in the present world's conflict. But it is an outrage that woman should have no voice in the determination as to whether her country should go to war, when the sacrifice of her sons may be required by the Nation, and when her property to the limit of its value may be taken by taxation to prosecute the war. She is not swayed by the same motives as are some men. She does not become a jingo from a selfish desire for promotion or for glory. The thought of wearing epaulets and gold lace does not affect her judgment. She suffers for her loved ones more than does the soldier on the field of battle. She realizes better than man how horrible and destructive is war, both in victory and defeat, and how much the progress of the human race is retarded thereby. It is for these reasons she would act as a balance wheel in the machinery of government.

Mr. THOMAS. Mr. President——

Mr. SHAFROTH. I yield to my colleague.

Mr. THOMAS. Mr. President, I assume that my colleague has not overlooked the fact that during the great conflict in Europe women have taken the places of men in all the industrial departments of life, and are conducting the industries and the ordinary pursuits which are inseparable from existence with a devotion, a courage, and an efficiency equal to that which prevailed prior to the outbreak of the war, and that also in the hospital work and in some lines of field duty, notably in organizations for reserve service in Great Britain, women have been doing and are doing men's work and doing it well. They have done it so well in Great Britain that Mr. Sidney Brooks, one of the leading English writers of this generation and heretofore a strong opponent of woman suffrage in England, has recently declared that woman has earned her right to the enjoyment of political equality and political privilege—a right which he asserts will be freely conceded to women in the British Empire as soon as peace shall have returned and normal conditions again prevail.

Mr. SHAFROTH. Mr. President, I thank the Senator for the statement; and I can go a little further by saying that I have noticed in the newspapers a number of instances in which women have gone into the trenches in the European war by the side of the men where they are fighting in defense of their country.

Mr. President, civilization demands that international disputes shall not continue to be determined by the amount of death and destruction which can be wrought, and woman's influence backed by a vote is greatly needed in the work of creating a tribunal to settle such disputes by arbitration. It is absurd to say that questions of honor can not, as in lawsuits, be settled by international arbitration tribunals. That was the argument that prevented for centuries the passage of laws prohibiting dueling, an institution which sacrificed, under the pretense of maintaining honor, thousands of the most brilliant men of the world; yet no one would now sanction for a minute a return to that destructive practice.

IS IT WRONG TO ADOPT THE CONSTITUTIONAL AMENDMENT?

Mr. President, vigorous objection is made to adopting an amendment to the Federal Constitution providing for equal suffrage on the ground that the elective franchise is a subject inherently within the province of a State, and the adoption of such a constitutional amendment would force upon some States a franchise which they might believe was detrimental to their people. The same objection can be made to the adoption of any constitutional amendment when opposed by even one State.

Some people believe that the United States Government has no right to place an embargo upon what the people of a State shall drink and they regard a prohibition amendment to the Constitution as an infringement of their personal liberty.

It is true the United States Government is one of enumerated, delegated powers, and those powers not delegated are reserved to the States. When applied to a law of which the power to enact

has not been delegated, the argument is invincible, but the adoption of a constitutional amendment is the very delegation of the power to the Federal Government. There is, therefore, as against the adoption of an amendment to the Federal Constitution, no such thing as a "subject inherently within the province of a State."

The Constitution prescribes that—

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution * * * which shall be valid to all intents and purposes as part of this Constitution, when ratified by the legislatures of three-fourths of the several States.

All concede that the adoption of such an amendment in the manner prescribed is legally right. Then, wherein is it morally wrong? The States adopted the Constitution knowing full well of this provision. The safeguard protecting the interest of a State is in the provision requiring such a large majority vote of the Members of each House of Congress to adopt an amendment and in the legislatures of the States to ratify the same. The fact that the people of three-fourths of the States want an amendment is the best evidence that it is morally right.

To us of Colorado who believe that woman's influence in government has always been and is sure to continue to be for the enactment of all good and moral legislation and the enforcement of the same, it is inconceivable that her right to vote could do any harm or wrong to any State.

For these reasons I contend that equal suffrage by State or National constitutional amendment is right.

II.

IS WOMAN SUFFRAGE EXPEDIENT?

Mr. President, the statement is made that even if every woman should exercise the suffrage, "the votes of the thoughtful and conscientious would almost certainly be largely outweighed by the votes of the disreputable, the ignorant, the thoughtless, the purchased, and the coerced."

In that declaration the assumption is made either that the disreputable and ignorant women are in the majority or that the good women will not vote, both of which I most emphatically deny.

The contention that the immoral women in large numbers are eager to vote is refuted by experience. Not more than one-half of 1 per cent of the women are immoral—that is 1 out of every 200—and hence their votes could never constitute a large factor in elections. Women of the red-light district are never eager to vote. They know that their business is unlawful and is liable to be closed if they should take an active part against the candidates who win. It is for that reason they shrink from casting any vote whatever and would not ordinarily participate in elections unless urged to do so by the police force of their city. They dislike to register or give any facts concerning themselves or their names and addresses; they are, therefore, usually unwilling voters, and many are disqualified by reason of the frequent change of habitation.

On the other hand, the good and intelligent women are equally interested with men in good government and respond in about the same proportion as men in performing their duty as citizens.

They are even more interested than men in all movements in behalf of moral uplift and of humanity.

There have been a few instances in which a woman has been guilty of fraud in an election in Colorado. The antisuffragists seemed to have gone into spasms over the occurrence and have urged it as a sure indication of the corrupting influence of women in politics. In reading of the exposure they have totally ignored the fact contained in the same news item that there were 10 or more men implicated with the woman in the fraud, and that the men procured her participation in order to divert suspicion from themselves.

Mr. OWEN. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Oklahoma.

Mr. OWEN. What is the proportion of criminals confined in Colorado of the feminine sex as compared with men?

Mr. SHAFROTH. About one-twentieth. It varies a fraction above or below that; but the average is about one-twentieth.

Mr. OWEN. Then, men would appear to be twenty times as bad as women?

Mr. SHAFROTH. Yes, sir; that seems to be the fact from the criminal court records.

The majority of the press of the country has always been unfair to women in the publication of such incidents. They have always put in headlines the part derogatory of women and have seldom referred to the fact, which usually existed, of more than ten times as many men being implicated in the same fraud. A clipping from a Washington paper contained headlines, in capitals, as follows:

WOMEN'S VOTES AT $1 EACH—THREE FAIR KENTUCKIANS INDICTED FOR FRAUDS AT A SCHOOL ELECTION.

The text of the dispatch, in small type, was as follows:

PIKEVILLE, KY., *February 6, 1915.*

Three women have been indicted on charges of selling votes in the last school election. They will be tried with the 1,100 men who are accused of having committed fraud at the primary election here last August. It was alleged in the indictment that the women sold their votes for $1 each. The trials of those indicted will be resumed on Monday.

What an injustice it was to refer in the headlines to only the fraud of 3 women when the startling fact existed of the commission of election frauds by 1,100 men!

If it is so potential an argument against woman suffrage that a few women have been implicated in election frauds, why is it not ten times as strong an argument against manhood suffrage when the facts will show that there were at least ten times as many men implicated in the same frauds? Since the conviction and disfranchisement on account of election frauds of nearly all of the men of Adams County, Ohio, it seems to me such an argument against woman suffrage would never be urged.

Mr. THOMAS. Mr. President, may I ask my colleague right there whether every argument that is advanced against equal suffrage, if sound and if carried to its logical consequences, would not disfranchise the male citizens of America?

Mr. SHAFROTH. Unquestionably it would. If the argument is valid that because one woman commits a fraud in an election, therefore all the women should not be permitted to vote, it would disfranchise, of course, the men, because ten times as many men as women are guilty of such frauds.

Mr. THOMAS. I suggest whether the arguments of incapacity, of indifference, of ignorance, and the like are not equally conclusive, if conclusive at all, when applied to men?

Mr. SHAFROTH. That is true in almost every instance. I have some statistics here, to which I will refer, as to the number of women who vote. Some say they do not vote, but the statistics show the contrary.

Mr. President, who are these women who, many seem to fear, will have a corrupting influence on elections if given the right to vote? They are our mothers, our wives, our sisters, and our daughters. Is there a man good or bad in high life or low who believes his mother, wife, sister, or daughter would be more corrupt than he in exercising the elective franchise?

Woman's influence has always been for good, and in no sphere has this been better demonstrated than in politics. The election polls, since the advent of woman suffrage in Colorado, with the exception of a few in the low parts of the cities, have been transformed into as respectable places of meeting as dry goods stores or public halls. Laws have been enacted for the very purpose of preventing disturbances. No electioneering is permitted within 100 feet of the voting place. The rowdy element, which was once wont to assemble at and remain around the polls all day, is wanting. There is absolutely no danger of an insult to a woman at the polls where neighbors and friends vote.

The precinct primaries and elections are conducted by local authorities and at public expense and are held at residences or other respectable places. The restraining influence of the presence of women has greatly improved the tone of political conventions and meetings.

PRODUCES BETTER NOMINATIONS.

Mr. President, the influence of women has been felt most, perhaps, in the character of nominations made by each political party. Many men, after denouncing a candidate as dishonest and immoral before his nomination, support him at the election because they believe they must have a consistent party record in order to get subsequent recognition from their party.

Women have no political records to keep consistent. Only in rare instances are they candidates for office. In no instance has a woman in Colorado sought the nomination for any State office, except that of superintendent of public instruction, and able and highly educated women have been elected to that position ever since equal suffrage was adopted. A small percentage of women is elected to the house of representatives and the senate of the general assembly, all of whom have made excellent records.

To such an extent is the moral influence of women felt that if a disreputable candidate is mentioned the argument is urged by men that the women will not support him, and he is generally defeated for nomination or his name by reason of failure of support is not placed upon the primary ballot. Thus,

woman's presence in politics has introduced an independent element which compels better nominations and better officials.

Some fear has been expressed by those who have not observed the operation of the law that women will spend most of their time in politics and thereby neglect their home duties. Ninety-nine per cent of the women in Colorado devote no more time to politics than to attend one or two political meetings every year and go to the polls near their homes on election day and cast their votes. Not one-hundredth part of the time is spent by women in political affairs as is spent by the average woman in social duties.

WILL WOMAN SUFFRAGE PRODUCE DISCORD IN THE FAMILY?

Mr. President, it was predicted by many that equal suffrage, by the discussion of political questions and the merits of candidates for office, would produce dissension in the home which would often culminate in separation and divorce. There is no instance known in Colorado where it was even claimed in a divorce case that the difficulties between the husband and wife arose over disputes as to politics.

A short time before the vote in the United States Senate was taken upon the adoption of the Susan B. Anthony amendment to the Constitution in March, 1914, I wrote a letter to each of the 19 judges of the district courts in the State of Colorado, those being the courts in which nearly all of the divorce actions are brought, which letter was in the following form:

WASHINGTON, D. C., *February 17, 1914.*

Judge GEORGE W. ALLEN,
Courthouse, Denver, Colo.

DEAR JUDGE: There is pending in the Senate a joint resolution for a constitutional amendment granting equal suffrage to women. There has been some contention among those who are opposed to woman suffrage that the passage of such a constitutional amendment would have a tendency to produce quarrels among husbands and wives.

I would thank you very much if you would let me know whether in any divorce case which you have tried it was claimed upon either side that the cause of any dissension or disagreement among the parties to the suit originated from or was caused by differences as to politics or candidates. If there have been any such, I would thank you very much if you would indicate the proportion where such disagreements and difficulties arose as contrasted with the number of divorce cases which you have tried. By giving me this information you will greatly oblige.

Yours, truly, JOHN F. SHAFROTH.

The answer of each of the judges was substantially that given by Judge Allen in the following reply to my communication:

CHAMBERS, DISTRICT COURT,
Denver, Colo., February 24, 1914.

Hon. JOHN F. SHAFROTH,
Washington, D. C.

DEAR SENATOR: I take pleasure in answering your inquiry of the 17th instant.

During my experience on the bench, which has covered a period of approximately 20 years, I have never known of a divorce case among the many as such wherein it was claimed or suggested that political differences in any manner had been the cause of troubles between husband and wife. I know of no divorce case brought in the court wherein it was claimed or alleged upon either side that political differences had caused any dissensions to disturb the marital relations between husband and wife.

Universal suffrage has existed by law in our State since 1893.

Sincerely, yours,

GEO. W. ALLEN,
Judge District Court.

The answers of the other district judges of Colorado to the same effect can be found in a speech I delivered in the Senate on March 2, 1914, printed on page 4141 of the CONGRESSIONAL RECORD of that date.

In view of this unanimous testimony of men who know, what a base slander it is to say that equal suffrage in Colorado causes political quarrels between husbands and wives, resulting in cruelty, which often produces grounds for divorce.

The States of Maine and Colorado are about equal in population. Between 1887 and 1906, according to the only census statistics available, there were granted in Maine 14,194 divorces, of which 4,844 were on the charge of cruelty; while in Colorado, during the same period, there were 15,844 divorces granted, of which 2,717 were on the charge of cruelty. Thus it can be seen that in Colorado woman suffrage has not produced political quarrels resulting in cruelty between husbands and wives.

It may be true that some more divorces have been granted in the far Western States than in some other parts of the country, but that is not due to woman suffrage, for the percentage of divorces was just as great during the years before such States adopted equal suffrage as now. That condition is due to the fact that so many people from the other parts of the Union desiring to avoid the publicity at their home cities and communities of the scandals which grow out of such proceedings go to these far Western States to commence and prosecute their divorce actions.

HIGHER WAGES FROM SUFFRAGE.

Mr. President, that equal suffrage opens to women more positions and occupations, which fact, according to the principle of supply and demand, must produce better wages, it seems to me no one can deny.

There was a time when it was considered unseemly for women to accept employment other than in the factory or in the household. To be a clerk in a store or an office was considered almost scandalous. With such a public sentiment closing the door of opportunity for positions, what chance had women of obtaining employment at remunerative wages? The very agitation for equal suffrage has forced public sentiment to recognize, at least, the right of women to work in any vocation that is honorable.

If it were not that many honorable women in past years persistently advocated equal rights the sphere of labor for women would likely still be principally in the household and factory. The right to exercise the franchise in determining the important questions of city, State, and National Governments, as well as in the selecting of the officers of the same, gives woman that important consideration and respect which everyone possessing power receives.

Deprive any class or nationality of men of the elective franchise, and its detrimental effect would be felt almost immediately. Their petitions for legislation would no longer receive prompt and careful consideration; and if the proposed legislation conflicted with laws favorable to a class of voters, it would be almost impossible to get a legislator or Congressman to introduce and urge such a measure.

Mr. President, while a Member of Congress I appeared with Miss Susan B. Anthony, Dr. Anna Howard Shaw, and others before a committee of the National House of Representatives every session for nine years, begging for a favorable report on the Susan B. Anthony amendment which I had introduced. The most favorable expression we were ever able to obtain from the committee was that the members would give the matter their careful consideration. No report was ever made.

If persons representing one-tenth as many voters had made an appeal for some important legislation affecting their rights, do not we know that those same Congressmen would almost have fought with each other for the privilege of writing a favorable report?

Nor would such effect be produced upon legislators only. A prejudice against a class or nationality deprived of the franchise exists among the masses, and when conflict of interest arises it manifests itself often in violence, which even the officers of the law are powerless to prevent.

Does anyone suppose the Chinese would have received the treatment accorded them had they been voters? Would not their allegiance to a political party have procured the friendship and protection of the members of that party? Would not more positions of employment have been opened to them under that protection, and would not that demand for their labor have produced better wages for them?

If this franchise is so important to men, why is it not equally important to women? If it is so instrumental in getting legislation for men, why would it not be equally effective for women? If it lessens the number of positions available to a class of men to be deprived of their franchise, and consequently affects their wages, why does it not produce the same effect on the positions open to women and their wages?

RESPECT FOR WOMEN.

Mr. President, the contention that women will lose the respect of men has been urged against every advance made by women. From the modifications of the old unjust laws against them to the admission of women to the best colleges and universities of our land the same contention has been made. But is not there as much respect for women now as when under the law the husband had the right to chastise his wife, and when they were debarred from entering colleges and universities?

The respect for woman is based upon her intelligence and morality. Is there anything calculated to degrade her in the act of going to the polls on election day, where she will find in line her neighbors and friends, and casting her vote to determine State and National questions and who shall administer the affairs of the Government? Does any man believe that he has been degraded by casting an honest vote? Why should we assume that it will degrade women and not men?

In Colorado I find no tendency in men to omit the acts of courtesy and respect which women have always commanded.

During the last 20 years I have lived about half the time at Washington City and the other half at Denver, Colo. I have observed the women of those two cities to ascertain, if possible, whether the elective franchise of Colorado has either lowered woman's ideals or changed her refined, womanly qualities. In education, in culture, and in her home influence the Colorado woman is surpassed by none, and her ideals are as lofty and as pure as our own glorious mountains, by which she is surrounded.

These facts, it seems to me, conclusively show that equal suffrage is expedient.

III.

IS EQUAL SUFFRAGE PRACTICABLE?

Mr. President, the contention that equal suffrage is impracticable because women will not vote is flatly contradicted by the election returns in the equal-suffrage States of the Union.

The women in those States, in proportion to their number, cast about as many votes as do the men. This is demonstrated by contrasting the vote in the equal-suffrage States with that of other States of equal population. The assumption that there are as many qualified voters in a State as the census report shows there are inhabitants over 21 years of age is erroneous. The census enumerators do not see each inhabitant, and are encouraged by the people of each city and community to make the enumeration as large as possible, and usually, by duplications and incorrect reports, the number is considerably increased. The enumeration contains all the unnaturalized population as well as those who by statute are permanently disqualified from voting. It contains those who have not resided in the State, county, or precinct long enough to be entitled to vote. Even the registered voters can never all vote. The changes in the addresses of those not having homes is always considerable. The absence from the polls on registration days or election days of voters on account of business, visits, sickness, and so forth, is always large in all States.

The population of Colorado in 1910 was 799,024, and of Maine was 742,371, yet the vote cast in 1912 for presidential electors was 266,871 in Colorado and only 129,636 in Maine.

The population of Kansas in 1910, where woman suffrage now prevails, was 1,690,949, and the population of Oklahoma in 1910, where woman suffrage does not prevail, was 1,657,155, yet the total vote cast in 1914 for governor in Kansas was 530,206, while in Oklahoma it was only 253,682.

The population of the State of Washington in 1910 was 1,141,990 and of Connecticut 1,114,756. The total vote cast in the State of Washington in 1914, where equal suffrage prevails, was 345,279, while in Connecticut, where equal suffrage does not prevail, the vote cast in 1914 was 181,108.

Mr. JONES. Mr. President, I desire to direct the Senator's attention to the fact that there was no election in the State of Washington for governor in 1914; there was in 1912. But in 1914, of course, we had a congressional election, and prohibition resolutions were voted upon. My recollection is that about 350,000 votes were cast on that issue.

Mr. SHAFROTH. Three hundred and forty-five thousand two hundred and seventy-nine is the exact figure given by the World Almanac. I supposed the governor was elected.

Mr. JONES. No.

Mr. SHAFROTH. If he was not elected, of course, it would not have been so important an election as it would if the governor had been elected, and, consequently, it is more favorable to the position I take.

Mr. JONES. Yes; that is true.

Mr. SHAFROTH. Perhaps the clearest demonstration that women do vote when given the franchise is shown in the election returns of such States immediately preceding and immediately after equal suffrage has been adopted. It must be borne in mind also that in all the equal-suffrage States there are many more men of voting age than women. In Colorado there are 85,940 more men.

The vote cast in Arizona in 1912 for President was 23,722. At that election the people of that State adopted an equal-suffrage constitutional amendment. At the next election, in 1914, the total vote cast was 51,007.

In the State of Kansas the total vote cast in 1912 for presidential electors was 365,444. At that same election a constitutional amendment was adopted granting suffrage to women. In the election of 1914 there were cast for governor in that State 530,206 votes.

In the State of Oregon the total vote cast in 1912 for presidential electors was 137,040. At that same election a constitutional amendment was adopted granting suffrage to women. In the election of 1914 there were cast for governor in that State 248,052 votes.

In the State of Washington the total vote cast in 1908 for presidential electors was 183,630. In 1910 woman suffrage was adopted in that State, and in the election of 1912 there were 322,799 votes cast.

Compare the total vote of 1912 with that of 1914 in any State having male suffrage only and you will find that the increase is very inconsiderable if any.

Presidential elections nearly always bring out a larger vote than State elections.

The officers of very few counties in Colorado tabulate the vote at elections by sex, there being no law requiring it, but those of the city of Denver make such tabulation in presidential years.

In the city of Denver there were registered, in 1908, 41,530 men, of whom 36,891 voted, and 35,620 women, of whom 29,085 voted.

In the city of Denver there were registered, in 1912, 46,010 men, of whom 34,632 voted, and 34,170 women, of whom 25,315 voted.

The registrations are very complete, and represent practically all the voters in the city.

It seems to me that these statistics should determine conclusively that women will and do vote at elections in about the same proportion as men.

DO WOMEN VOTE AS THEIR HUSBANDS?

Mr. President, it is said that if women vote they will support the same candidates for office as their husbands, and thereby the vote will be doubled at considerable expense without any gain in result. The sons of a household usually belong to the same political party as their father, but no one would think for that reason the sons should be disfranchised. Perhaps in a majority of instances women do vote the same as their husbands, but when they do not, it is generally because of some reprehensible or immoral conduct upon the part of the candidate which the husband, for party expediency or to keep his own political record straight, may overlook. In such instances her vote is the better for good government.

Women have had equal suffrage in school elections in 28 States of the Union for many years. Has anyone ever contended that the exercise of that right has contaminated school elections or the women who participated therein, or made less efficient the teaching or moral instruction in such States?

It is universally recognized in Colorado that the women who have filled official positions in that State have made excellent records. While only one State elective office has been filled by a woman, namely, superintendent of public instruction, yet women have been appointed on many State boards, and such boards have been better managed than they ever were by men alone.

LAWS IN COLORADO URGED BY WOMEN.

Mr. President, women have materially assisted in having enacted many excellent laws, among which are the following:

Establishing a juvenile court and a code for the treatment of juvenile delinquents and for the punishment of those who contribute to their delinquency, and for the redemption of offenders; a State industrial school for girls; a State home for dependent children; a State home for mental defectives; compulsory education for all children from 8 to 16 years of age; a law preventing child labor during terms of school; establishing parents as joint heirs of deceased children; making it a misdemeanor for adult children to fail to support aged or infirm parents; increasing the age of consent of girls and protecting them by criminal statutes (the age of consent of girls in some States is as low as 12 years); creating a State traveling library commission of women; establishing a pure-food bureau and providing for the enforcement of laws as to pure food; preventing husbands from mortgaging household goods without signature of the wife; providing for examination of teeth, eyes, and ears of school children; creating a bureau for prevention of cruelty to dumb animals; abolishing the sweat box in getting confessions from prisoners; authorizing commutation of sentence for prisoners so that by good conduct and work they can earn their liberty in much shorter time; establishing a board of charities for the supervision of all public prisons and eleemosynary institutions; prohibiting men from taking the earnings of immoral women; providing for protection of children by forbidding publicity in cases in which they are involved; providing for minimum wages for women and minors; providing minimum salary for teachers; providing eight-hour law for miners; creating a public-utilities commission; prohibiting employment of children in certain unhealthy and dangerous occupations; and adopting a State-wide prohibition constitutional amendment.

Every moral law or movement has had the support of a large majority of the women. It was the Interparliamentary Union at London which declared that Colorado has "the sanest, most humane, most progressive, most scientific laws relating to the child to be found on any statute books in the world."

The money raised by taxation for school purposes in Colorado is greater in amount, considering the population, than that raised in any other State of the Union.

EQUAL SUFFRAGE SURE TO WIN.

Mr. President, it is one of the truths verified by history that nearly all the movements in behalf of freedom and liberty have

originated in the mountains or high altitudes. It was in the Alps that freedom was first established in Continental Europe and it was in the Highlands of Scotland that Bruce and Wallace laid the foundation of English liberty—

When Freedom from her mountain height
Unfurled her standard to the air,
She tore the azure robe of night
And set the stars of glory there.

So it was in the Mountain States, the birthplace of freedom, that equal suffrage was first given to women in this Republic. It is as certain to extend to every State in the Union as is the certainty of the ultimate triumph of every principle of right.

Women have in their hearts as much love of liberty and freedom as men. They now have full suffrage in 10 of the States of the Union and have full school suffrage in 18 other States. Giving them limited suffrage will not and should not satisfy them. It is one of the peculiar traits of human nature that palliative measures tending toward liberty simply whet the appetite for absolute freedom.

Mr. President, the advance in the establishment of equal suffrage is simply the progress of evolution in our form of government. It can no more be arrested than can the world's progress in democratic government. Our Declaration of Independence has produced a republic in nearly every country in the Western Hemisphere and has had a modifying influence in behalf of human rights upon every monarchy of Europe and Asia. Education and love of liberty, the solid foundation of all republics, are preparing the world for governments "of the people, for the people, and by the people."

For these reasons, I maintain that equal suffrage is right, expedient, and practicable, and that the highest considerations of the public welfare demand its adoption.

Both of the great political parties are soon to assemble in national convention. May they by strong declarations approve this Senate joint resolution No. 1 and thereby take an advance step in the progress of human rights and good government.

Mr. OWEN. Mr. President, I wish to take only a moment. The argument made by the Senator from Colorado [Mr. SHAFROTH] on woman's suffrage looks to the sovereignty of the people, for when he speaks of the people he speaks of all the people, women as well as men. I regard this recognition of women as most important to the welfare of the American people. Woman's suffrage is a final culmination of the triumph of the people in self-government, and for that reason I take a deep interest in it.

I wish to put in the RECORD the secret treaty of Verona of November 22, 1822, showing what this ancient conflict is between the rule of the few and the rule of the many. I wish to call the attention of the Senate to this treaty because it is the threat of this treaty which was the basis of the Monroe doctrine. It throws a powerful white light upon the conflict between monarchical government and government by the people. The Holy Alliance under the influence of Metternich, the Premier of Austria, in 1822, issued this remarkable secret document:

[American Diplomatic Code, 1778–1884, vol. 2; Elliott, p. 179.]

SECRET TREATY OF VERONA.

The undersigned, specially authorized to make some additions to the treaty of the Holy Alliance, after having exchanged their respective credentials, have agreed as follows:

ARTICLE 1. The high contracting powers being convinced that the system of representative government is equally as incompatible with the monarchial principles as the maxim of the sovereignty of the people with the divine right, engage mutually, in the most solemn manner, to use all their efforts to put an end to the system of representative governments, in whatever country it may exist in Europe, and to prevent its being introduced in those countries where it is not yet known.

ART. 2. As it can not be doubted that the liberty of the press is the most powerful means used by the pretended supporters of the rights of nations to the detriment of those of princes, the high contracting parties promise reciprocally to adopt all proper measures to suppress it, not only in their own States but also in the rest of Europe.

ART. 3. Convinced that the principles of religion contribute most powerfully to keep nations in the state of passive obedience which they owe to their princes, the high contracting parties declare it to be their intention to sustain in their respective States those measures which the clergy may adopt, with the aim of ameliorating their own interests, so intimately connected with the preservation of the authority of the princes; and the contracting powers join in offering their thanks to the Pope for what he has already done for them, and solicit his constant cooperation in their views of submitting the nations.

ART. 4. The situation of Spain and Portugal unite unhappily all the circumstances to which this treaty has particular reference. The high contracting parties, in confiding to France the care of putting an end to them, engaged to assist her in the manner which may the least compromit them with their own people and the people of France by means of a subsidy on the part of the two empires of 20,000,000 of francs every year from the date of the signature of this treaty to the end of the war.

ART. 5. In order to establish in the Peninsula the order of things which existed before the revolution of Cadiz, and to insure the entire execution of the articles of the present treaty, the high contracting parties give to each other the reciprocal assurance that as long as their views are not fulfilled, rejecting all other ideas of utility or other measure to be taken, they will address themselves with the shortest possible delay to all the authorities existing in their States and to all their agents in foreign countries, with the view to establish connections tending toward the accomplishment of the objects proposed by this treaty.

ART. 6. This treaty shall be renewed with such changes as new circumstances may give occasion for, either at a new congress or at the court of one of the contracting parties, as soon as the war with Spain shall be terminated.

ART. 7. The present treaty shall be ratified and the ratifications exchanged at Paris within the space of six months.

Made at Verona the 22d November, 1822.

For Austria: METTERNICH.

For France: CHATEAUBRIAND.

For Prussia: BERNSTET.

For Russia: NESSELRODE.

I ask to have printed in the CONGRESSIONAL RECORD this secret treaty, because I think it ought to be called now to the attention of the people of the United States and of the world. This evidence of the conflict between the rule of the few versus popular government should be emphasized on the minds of the people of the United States, that the conflict now waging throughout the world may be more clearly understood, for after all said the great pending war springs from the weakness and frailty of government by the few, where human error is far more probable than the error of the many where aggressive war is only permitted upon the authorizing vote of those whose lives are jeopardized in the trenches of modern war.

Mr. SHAFROTH. Mr. President, I should like to have the Senator state whether in that treaty there was not a coalition formed between the powerful countries of Europe to reestablish the sovereignty of Spain in the Republics of South and Central America?

Mr. OWEN. I was just going to comment upon that, and I am going to take but a few moments to do so because I realize the pressure of other matters. This Holy Alliance, having put a Bourbon prince upon the throne of France by force, then used France to suppress the constitution of Spain immediately afterwards, and by this very treaty gave her a subsidy of 20,000,000 francs annually to enable her to wage war upon the people of Spain and prevent their exercise of any measure of the right of self-government. The Holy Alliance immediately did the same thing in Italy, by sending Austrian troops to Italy, where the people there attempted to exercise a like measure of liberal constitutional self-government; and it was not until the printing press, which the Holy Alliance so stoutly opposed, taught the people of Europe the value of liberty that finally one country after another seized a greater and greater right of self-government, until now it may be fairly said that nearly all the nations of Europe have a very large measure of self-government.

However, I wished to call the attention of the Senate and the country to this important history in the growth of constitutional popular self-government. The Holy Alliance made its powers felt by the wholesale drastic suppression of the press in Europe, by universal censorship, by killing free speech and all ideas of popular rights, and by the complete suppression of popular government. The Holy Alliance having destroyed popular government in Spain and in Italy, had well-laid plans also to destroy popular government in the American colonies which had revolted from Spain and Portugal in Central and South America under the influence of the successful example of the United States. It was because of this conspiracy against the American Republics by the European monarchies that the great English statesman, Canning, called the attention of our Government to it, and our statesmen then, including Thomas Jefferson, took an active part to bring about the declaration by President Monroe in his next annual message to the Congress of the United States that the United States would regard it as an act of hostility to the Government of the United States and an unfriendly act if this coalition or if any power of Europe ever undertook to establish upon the American Continent any control of any American Republic or to acquire any territorial rights.

This is the so-called Monroe doctrine. The threat under the secret treaty of Verona to suppress popular government in the American Republics is the basis of the Monroe doctrine. This secret treaty sets forth clearly the conflict between monarchial government and popular government and the government of the few as against the government of the many. It is a part, in reality, of developing popular sovereignty when we demand for women equal rights to life, to liberty, to the possession of property, to an equal voice in the making of the laws and the administration of the laws. This demand on the part of the women is made by men, and it ought to be made by men as well as by thinking, progressive women, as it will promote human liberty and human happiness. I sympathize with it, and I hope that all parties will in the national conventions give their approval to this larger measure of liberty to the better half of the human race.

PRICE OF PRINT PAPER.

Mr. BANKHEAD. I move that the Senate proceed to the consideration of House bill 7617.

Mr. GORE. Mr. President——

The PRESIDING OFFICER (Mr. WALSH in the chair). Does the Senator from Alabama yield to the Senator from Oklahoma?

Mr. BANKHEAD. I do.

Mr. GORE. I will say to the Senator from Alabama that I merely ask unanimous consent to offer a Senate resolution, and I ask that it may lie on the table.

Mr. BANKHEAD. I yield for that purpose.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. OWEN. I should like to know what the resolution is.

Mr. GORE. I ask that it be read.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read the resolution (S. Res. 179), as follows:

Resolved, That the Federal Trade Commission be, and is hereby, directed to investigate the recent rapid and unprecedented advance in the price of print paper, and to ascertain and report to the Senate the causes and forces which have brought about such advance of prices.

Mr. GORE. Let the resolution go to the table.

Mr. SMOOT. Let it go over one day.

The PRESIDING OFFICER. The resolution will lie over under the rule.

Mr. GORE. Mr. President, I addressed the Presiding Officer on yesterday for the purpose of offering this resolution, but at the instance of the Senator from West Virginia I deferred its introduction to facilitate the consideration of other business. The adoption of a similar resolution, however, dispenses with the necessity of the passage of the resolution which I have offered.

GOOD ROADS.

Mr. BANKHEAD. I believe when the Senate adjourned last Friday the amendment of the Senator from Nebraska [Mr. NORRIS] was before the Senate.

Mr. SMOOT. Has the bill been presented to the Senate?

The PRESIDING OFFICER. It has not. The Senator from Alabama moves that the Senate proceed to the consideration of House bill 7617.

Mr. OLIVER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Pennsylvania suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	McCumber	Saulsbury
Bankhead	Gore	Martin, Va.	Shafroth
Beckham	Hardwick	Martine, N. J.	Sheppard
Borah	Hollis	Myers	Sherman
Brady	Hughes	Nelson	Smith, Ariz.
Burleigh	Husting	Norris	Smith, Ga.
Chamberlain	Johnson, Me.	Oliver	Smoot
Chilton	Johnson, S. Dak.	Overman	Sutherland
Clark, Wyo.	Jones	Owen	Swanson
Culberson	Kenyon	Page	Vardaman
Cummins	Lane	Phelan	Wadsworth
Curtis	Lippitt	Poindexter	Walsh
Dillingham	Lodge	Ransdell	Williams

Mr. CHILTON. My colleague [Mr. GOFF] is absent on account of illness. I will let this announcement stand for the day. I wish also to announce the absence of the Senator from Arkansas [Mr. ROBINSON] for unavoidable reasons.

Mr. BECKHAM. I wish to announce that the Senator from Tennessee [Mr. SHIELDS] is absent on account of illness in his family.

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from Alabama that the Senate proceed to the consideration of House bill 7617.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Nebraska [Mr. NORRIS].

Mr. LODGE. I should like to have the amendment stated.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. The Senator from Nebraska [Mr. NORRIS] offers the following amendment, which is pending:

On page 12, line 25, after the word "thereof," strike out the comma and the words down to and including the word "thereof," on line 3, page 13, and insert: "but upon satisfactory evidence that such failure of maintenance no longer exists, he may resume the contributions to which the State would be entitled under the provisions of this act."

Mr. NORRIS. Mr. President, I wish the Secretary would read the text of the bill as it will stand if the amendment is agreed to.

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. Section 7, if amended as proposed, will read as follows:

SEC. 7. That the Secretary of Agriculture is authorized to withhold apportionment of funds to any State in which roads constructed under the provisions of this act have not, in his judgment, been properly maintained by the State, or any subdivision thereof; but upon satisfactory evidence that such failure of maintenance no longer exists he may resume the contributions to which the State would be entitled under the provisions of this act.

Mr. BANKHEAD. Mr. President, I understand from hearing the reading of the amendment proposed by the Senator from Nebraska [Mr. NORRIS] that it strikes out the provision of the bill which requires that the Secretary of Agriculture shall give notice that the roads have not been properly maintained. Is that correct?

Mr. NORRIS. Yes.

Mr. BANKHEAD. Mr. President, I hope the Senate will not adopt an amendment like that. I do not think the Secretary of Agriculture ought to be permitted to pounce on the government of a State without the permission of the State, and cut off the State's appropriation because, in his opinion, obtained perhaps from second-hand or some other source, the roads have not been properly maintained. I think it is but fair and just and right that the States should have notice that they have not maintained their roads properly under the provisions of the bill, and that unless they do so within a given time their appropriations will be discontinued.

I hope the amendment will not be adopted. Indeed, I hope my friend from Nebraska will not insist upon it, because it is so unjust and so unfair to the State that I can not conceive any reason why it should be adopted.

Mr. NORRIS. Mr. President, I do not care to again discuss this amendment at any length, because I went over it with some particularity the other day when we had the bill before us. I simply want to call the attention of the Senate to what I believe all students of the subject will give their adherence—that is, that any road bill, whether it be Federal or State, that does not provide for the maintenance of roads after they are built is simply throwing public funds into a rat hole.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. NORRIS. I yield for a question.

Mr. BANKHEAD. Does not the Senator from Nebraska realize that the provisions of the bill for maintenance are just as emphatic and mandatory as they could possibly be written?

Mr. NORRIS. Yes; and I am going to discuss that briefly, since the Senator from Alabama has asked that question. The bill does provide for the maintenance of roads, and that is one reason why I feel inclined to support it. I would not vote for any road bill which I did not believe provided for the maintenance of roads after they were constructed; but while this bill in another place does provide for road maintenance, if we leave in the bill the language which I propose to strike out, it, in my judgment, nullifies the provision of the bill for road maintenance. It would be a legislative crime to use public money to build roads unless we did provide for their maintenance. Everyone knows that, although you may build a perfect highway, if there is no provision for its maintenance it will only be a short time until that highway may become impassable. When you undertake to spend public funds you have no excuse for using them for the purpose if the public highway, or whatever other thing you construct with those funds, is not going to be maintained after it is built. If we, representing the Federal Government, in providing for the building of roads want to see that those roads are maintained it is necessary for us to put something into the bill in the way of a penalty which the Federal Government can inflict if those roads are not maintained. The penalty hurts nobody if the law is complied with; the State loses nothing if the State maintains the road; but if the State does not maintain the road the only thing the Federal Government can do is to suspend future payments. We can not go into court and ask for

the issuance of a mandamus against a State to compel it to comply with an agreement to maintain a highway. That would be an impossibility.

While I am not presuming that a State will violate its agreement, I know that there are public roads which have been built, into the construction of which thousands of dollars have been put, as to which no provision was made for their maintenance; and in a few years they had become worse than nothing. As to any bill for the construction of a road which does not contain any provision or any machinery for the maintenance of the road, that condition will naturally follow, because it will be nobody's business to look after the road after it shall have been constructed. We all know that if we have a road constructed in any locality, very often $1 expended in its maintenance will save $100 of expense a few weeks later. In other words, if the roads which are proposed to be constructed are not maintained, in a short time they will be worse than no roads, whereas by the expenditure of a comparatively small amount of money we can keep them in good condition all the time.

A State that shall not have the machinery for road maintenance and a State that does not keep such machinery actively in operation to maintain the roads ought not to have Federal assistance in building other roads. It is true that when the roads are all built, if the State does not maintain them they would go to ruin, and the Federal Government could not help itself. About the only thing we can do is to say to the State, "If you do not maintain this road, which we in part construct out of the Federal Treasury, then we will give you no more money to help construct other roads." No such notice is necessary. The State knows whether or not it is maintaining the road. If we leave the bill as it is and provide that we must give the State six months' notice, then let us look at it as a practical proposition and see what might happen. Suppose we constructed a road and made it a perfect highway, but nothing was done about its maintenance; that it began to wear out and became worse than no road at all; then, the next year, when the Secretary was going to make another distribution of public funds, he should give notice to the State authorities, that notice must run for six months, and suppose before the expiration of that six months the time comes to make another distribution of Federal money, the Secretary will have no right under this bill to withhold it from that State, although the State may be doing absolutely nothing to maintain the highway which had been constructed with public funds? Do we want that? Is that fair? Will that result in good roads? Will that upbuild the country? Is that the kind of a law that Congress wants to enact?

Why, Mr. President, if the State has not maintained the road, the Secretary of Agriculture ought to be allowed to say—and my amendment would make it his duty to say—"You have not maintained this road and we will give you no further money"; but, in order to save the State, even if that should occur, the amendment provides that afterwards if the State goes to work and maintains that road, then the Secretary of Agriculture, when he comes to distribute more funds, may give the State its proportionate part.

Mr. President, it is argued by the Senator from Alabama, as it was argued by other Senators the other day, that there might be an honest dispute between the Secretary of Agriculture and his engineers and the State engineers. That is true; I admit that. There might be an honest dispute; but if we leave the bill as it is there is just the same probability of that honest dispute existing at the end of the six months. Then, let us see what might happen if that honest dispute is going to take place. We have constructed a road out of Federal funds, the State has not maintained it, and the matter runs along, we will say, until within three months of the next occasion when there must be more money distributed; the State is about to get more money, and the Secretary of Agriculture then gives that State notice, and says, "Unless you maintain this road I will not pay you any more money." That notice must run six months before it is legally effective, and before that time passes the State gets another contribution, but it has not yet commenced to maintain the road, and the matter runs on for another year. As the period for the distribution approaches the State puts its engineers to work and commences to maintain the road, and when the time comes for the distribution it says to the Secretary, "We are now maintaining this road according to law"; but the Secretary says, "No; you are not; my engineers say not." I can conceive of a case where both sides may be honest; but I do not know any way to avoid that difficulty. That difficulty exists in the bill as it stands now, and I do not change it by my amendment; I make it no worse and no better by my amendment. There may be an honest dispute, and, unless you provide some other machinery or make some one supreme above the Secretary of Agriculture, it will remain in that way, whether or not my amendment is adopted.

Mr. President, I have offered this amendment in the best of faith. I am in favor of this bill; I am just as earnestly in favor of it as is any other Senator; but I want the bill to be put in such shape that it can not justly be charged against us that this is a "pork-barrel" proposition. If, however, we throw the money into roads and do not have any way to stop the continued payment of Federal money for roads, whether they are maintained or not, it could then be rightly said that this is a "pork-barrel" measure.

Suppose the amendment is adopted, what will happen? Assuming now, as it is fair to assume, that the Secretary of Agriculture and his engineers are honest; that they are trying to do the best they can; and that the State engineers and the State highways board are equally honest and are trying to do the best they can—if we assume that, and I believe we ought to so assume, for I imagine that would be the general rule, whether this amendment is adopted or not; each side perhaps in most cases will want to do what is right—here we have constructed a piece of road as to the condition of which the engineers of the State and the engineers of the Government know. They know whether it is being maintained or not. The words "properly maintained" are defined in the bill, so that it would not be necessary for an engineer to go out and see whether or not a road is properly maintained. If one went out and found holes as big as that desk, or smaller or bigger, it would not be necessary to send an engineer to decide whether that road was properly maintained. If it were found that an embankment was washed away in one place and not replaced, it would readily be known that that road was not properly maintained. So it seems to me that it is not going to be a very difficult matter to decide whether a State is properly maintaining a road, for everybody on both sides of the proposition would know whether or not the State was maintaining the road. If the State had the machinery to maintain its roads it would maintain them; there is not any doubt about that; and the real place where this amendment would be applicable, Senators, would be in case some State had no such machinery and made no attempt to maintain its roads, and when that is evident, then we ought to stop paying out the public money for the construction of roads in that State. It seems to me that it would be only fair that we should do that, and that as a practical defense of the Treasury of the United States we ought to do that.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from California?

Mr. NORRIS. I yield to the Senator.

Mr. WORKS. The bill provides that the word "maintenance" shall be construed as requiring the road to be kept in as good condition as when it was originally constructed. Does the Senator think that is a possible thing to do?

Mr. NORRIS. Yes; I think so. I have not examined into that question, and of course I do not claim to be a road expert, so that I may be mistaken about it; but however that may be, my amendment does not change that definition. If it is an impossibility to do that, then this bill, if it is strictly enforced, means that there will be only one payment, unless the distribution of the next payment comes before the six months' notice expires, as I have described a few moments ago.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield further to the Senator from California?

Mr. NORRIS. I yield.

Mr. WORKS. And it means that upon the slightest excuse the Secretary of Agriculture can prevent any State from getting an additional appropriation, because the slightest deviation from that requirement of keeping the road in absolutely perfect condition would furnish a reason for refusing the State a share in any more money paid for this purpose.

Mr. NORRIS. Of course, the Senator assumes by that question that the road is perfect when it is built. I do not suppose there will ever be one built that is perfect. I presume, however, that these men will be reasonable about it; and, so far as my amendment is concerned, the question of the Senator from California has nothing to do with it. It would be just the same one way as the other, except that, if it is impossible to comply with that definition, then, with the provision for the six months' notice left in the bill, we will only throw away so much more money than we would if we exclude a State that is not properly maintaining its roads, as I undertake to provide by the amendment I have offered.

I do not believe there is going to be any difficulty between the Federal authority and the State authorities. I know that

there is a possibility of such difficulty, and I do not see how we can frame a law that will entirely avoid that possibility. I do not believe we pass any laws that do not contain such possibilities. As to every law that we pass, and every one that we will pass in the future, if some one in carrying out its provisions fails to do his duty, if a dishonest official has charge of the construction, or a dishonest official has charge of the maintenance of a public building or a public work, of course things will go wrong, and we may expect imperfections. We can not reach perfection; but I take it that these men, imbued with an honest and patriotic desire to carry out the provisions of the bill according to their spirit and intent, will have no difficulty whatever in doing so. I can not conceive how the State engineers and the Government engineers are going to disagree as to whether or not a road is being maintained.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. NORRIS. I yield to the Senator from Alabama.

Mr. BANKHEAD. I should like to ask the Senator from Nebraska if he has even a suspicion that the Secretary of Agriculture, under the provisions of this bill, would at any time make a second or a third or any other allotment or appropriation to any road where there was a contention or dispute going on between the Secretary of Agriculture and the road authorities as to its proper maintenance?

Mr. NORRIS. Probably not.

Mr. BANKHEAD. Then that is the whole question.

Mr. NORRIS. Yes; and if that be true, then the bill as originally drawn will compel him to do that very thing if the six months' notice has not expired. It may be admitted by the State—you can put it that strongly—that it is not complying with the law, and still the Secretary is compelled to give that State its proportionate share of the distribution, unless the six months' notice has expired.

Mr. President, I do not care to take the time of the Senate further in the debate.

Mr. VARDAMAN. Mr. President, I am greatly interested in the proposed legislation. I think it is going to be far-reaching in its good effects. I think the enactment of a law of this character at this time is going to give an impetus and encouragement to road building, which we all concede to be a matter of very vital importance to that class of our population who live in the rural sections of this country. It not only means saving in the wear and tear of the vehicles and economizing of time, lessening cost of transporting the products of the farm to the market, but there is an ethical side to the question which has heretofore been overlooked. Good roads mean good schools; better schools mean widening the range of the mental vision, developing to higher and nobler manhood and womanhood the boys and girls of the country. It facilitates social intercourse; social intercourse always begets more generous and sympathetic interests in each other, and as a natural consequence promotes the spirit of cooperation and mutual help. That country is strong and great whose rural population is prosperous and contented.

Daniel Webster once said:

> When the tillage begins, other arts follow. The farmers, therefore, are the founders of human civilization.

And he voiced the distilled wisdom of all the generations of observant statesmen.

Lord Chatham observed that—

> Trade increases wealth and glory of a country, but its real strength and stamina are to be looked for among the cultivators of the land.

I know of no greater service this Government could render itself than to offer encouragement and help in building good post roads throughout the rural districts of America.

Of course the amount appropriated by the General Government is comparatively small, and it should be comparatively small. The States should bear the larger part of the expense. In Mississippi the good-roads movement has progressed very rapidly. Within the last few years the counties of the State have invested more than $10,000,000 in this direction, and the good work is hardly begun. I stated on the floor of the Senate a day or two ago that the county in which I live, to 1904, in the great Yazoo-Mississippi Delta, had recently issued bonds to the amount of half a million dollars. I was inaccurate in that statement. I should have said $600,000. This, together with what has already been expended, aggregates more than $1,000,000 invested in that county alone in the last half decade in road building.

I do not share the apprehension of Senators that the States are going to be careless and negligent in the maintenance of the public highways. It is an unreasonable, unnatural, unjustifiable apprehension to entertain, it seems to me. The amount the General Government will have invested will be only a tithe of the total investment, and I think the Congress can safely rely upon the people of the States to protect their own interests and not permit their property to go to wreck by neglect just simply because the General Government has contributed a few dollars toward building the roads. But really I have no objection to an amendment similar to the one proposed by the Senator from Nebraska. I do not object to any reasonable requirement on the part of the General Government of the State to maintain the roads. I want them maintained, and if this stipulation by the General Government in the law shall encourage the States in maintaining their roads, no harm at all will come of it. I do feel, however, and that which I most desire to impress upon my colleagues is that the Democratic Party has promised such legislation as is embodied in this bill; the American people are expecting such legislation, and this Congress will fall far short of its duty if it adjourns without enacting this bill or some similar measure.

Senators if they will may vote to spend millions of dollars for preparation for wars which, in my judgment, will never come, but that fact will not excuse them for a failure to pass this bill. The truth is the larger the appropriation for so-called "preparedness" the greater the necessity for legislation of this character, for the reason that the farmer must be helped. He needs assistance to enable him to bear the increased burden of taxation which preparation for war will impose upon him, for after all the entire burden at last rests upon the aching stoop of the man who cultivates the soil. A great deal has been said on the floor of the Senate since this bill was up for discussion about certain States of the Republic being compelled against their interests to contribute an undue proportion of the amount that is going to be invested in public roads should this bill become law.

The able and eloquent junior Senator from New York [Mr. WADSWORTH] a few afternoons ago had a good deal to say about the large amount—the disproportionate amount—that New York would be called upon to contribute to this fund. With all due respect to the able Senator, New York will not contribute any more proportionately to her wealth than any other State of this Republic. If New York is rich, if her people are fortunate, if they have amassed great wealth, which they have, somebody outside of New York has contributed to that wealth. As a matter of fact, Mr. President, there is not a rood of land in the United States that does not pay tribute to New York. The money barons of New York have forced the business of the Republic to pay heavy tribute to their princely fortunes. A veritable Pactolian stream has been running at full tide in that direction for three-quarters of a century and emptying into that great commercial reservoir the gold coined of the sweat and toil of the millions of American laborers, and the stream continues to run. It seems to me that it is hardly the graceful thing for the representative in this Chamber of that great State, so extraordinarily favored, to object to returning in the way which this bill provides a small part of its enormous profits. No; New York is not called upon by this bill to contribute any more, I repeat, than any other State in this Union in proportion to its wealth; and the total amount which New York will contribute, while large, is no reason why this bill should not be passed. If the building of good roads will benefit the American people, it will be good for New York. If it is good for the American people, it is good for Mississippi. If it contributes to the well-being of the agricultural sections of America, the entire country and the men and women of every other vocation will be benefited by the disbursements under this bill, because we all realize that as the agriculturists prosper all the other business interests of the country prosper. Agriculture is the source of all wealth in this Republic, and whatever adds to the happiness, to the comfort, to the productive capacity of the land of the farmer will benefit the entire population of America.

I hope the bill may not be amended so as to impair its usefulness; but, as I said a moment ago, I have no objection to any reasonable condition upon the appropriation or any requirement by the General Government that the States shall carry out the terms and purposes of the bill.

Mr. OLIVER. Mr. President, I can not clearly understand why the Senator from Alabama [Mr. BANKHEAD] objects so strenuously to the amendment offered by the Senator from Nebraska [Mr. NORRIS]. It seems to me that it is of the most extreme importance. If we are going to adopt this kind of legislation, the utmost safeguards should be set up in order to compel the maintenance of the roads that are constructed under this proposed legislation. It seems to me that the provision in this bill whereby a State is allowed to let its roads run down before further contributions of the Government can be stopped is lamentably weak; and the amendment proposed by the Senator from Nebraska is intended to make it certain that the State

will provide from the very outset for the maintenance in good order and repair of all the roads, under the fear that the moment it ceases to do so further contributions on the part of the Government will be withheld.

Suppose the provision is left in the bill allowing this six months' notice—six months' notice, remember, after the roads have run down, and after the Secretary of Agriculture ascertains that they have run down and are not being properly maintained—in all probability the community will suffer for a year or two years from bad roads before such notice is given.

Mr. President, I am opposed to this legislation altogether, and I propose before the discussion is finished to state my reasons at somewhat greater length than I can do now; but if the legislation is to be had, and if you are determined to pass this revolutionary measure, by all means let us set up the safeguards that are necessary to prevent the waste of the money which the Government is going to place in the hands of the several States.

I hope the Senator from Alabama, who is in charge of the bill, upon full consideration will see his way clear to accept this amendment; and if he does, it will at least make the bill more palatable to us representatives of States that will, as we think, be penalized by the legislation.

Mr. HUGHES. Mr. President, I should like to have the amendment of the Senator from Nebraska stated.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. Beginning on line 25, page 12, it is proposed to strike out "if within six months after he has given notice in writing to the State highway department such roads be not properly maintained by the State, or any subdivision thereof" and to insert:

But upon satisfactory evidence that such failure of maintenance no longer exists, he may resume the contributions to which the State would be entitled under the provisions of this act.

Mr. HUGHES. I take it, then, that the objection that is being made is to that part of the amendment of the Senator from Nebraska which seeks to strike out; not the language that he seeks to insert.

Mr. NORRIS. I think so; yes. That is my understanding of the objection.

Mr. HUGHES. Mr. President, I feel myself constrained to agree with the Senator from Nebraska in this matter. It is an attempt on his part to take the precautions that a reasonable man would take if this were a personal project of his own, and he were dealing with his own money. I doubt if the Senator from Alabama [Mr. BANKHEAD] would object to a clause of this kind in a construction contract which he was making.

It is quite possible that without this amendment the alleged purpose of the legislation will be defeated. It is assumed in this bill that we are attempting to encourage the States in road building. It seems to me that the prime object of the bill, however, is to allow politically corpulent gentlemen to waddle back to Washington; that it is for building good roads to the Capital rather than for building good roads into the interior of the country.

I have no political ideas that would prevent me from voting for a good-roads bill if the Treasury of the United States were in a position to permit us to indulge in a pastime of this kind; but it seems to me that when we are, or ought to be, at our wits' end looking for new sources of revenue, and when we have shown to the country that we will not tax anything that can vote, it is a poor time to be looking for new ways of spending money.

I sincerely hope that this attempt on the part of the Senator from Nebraska to safeguard this measure in some degree will prevail.

Mr. VARDAMAN. Mr. President, may I ask the Senator from New Jersey a question?

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Mississippi?

Mr. HUGHES. I do.

Mr. VARDAMAN. Is the Senator in favor of the bill?

Mr. HUGHES. No; I am not in favor of this bill. I tried to make it plain. I expect to vote against this bill because I do not think we have the money to spend; and I do not think the Senator from Mississippi, any more than the Senator from New Jersey, has a right to vote to spend money that we can not afford.

Mr. VARDAMAN. Mr. President, if the Senator will permit me, I want to say that I think the money to be expended under the provisions of this bill will be very much more beneficial to the American people than the money that is going to be spent to build battleships that are not needed, and organize and equip armies which will be a charge upon the taxpayers for all the years to come, as well as a malign influence upon republican institutions. I do not think this is the time to economize when you are going to benefit the class of people that this bill is intended to benefit. Taking them as a class, the American farmers enjoy fewer privileges, gets less help from the General Government than any other class of our population. And to their credit let it be said they have never demanded any special privileges and are not doing it to-day. Heretofore the men of America who till the soil have been willing to contribute to the material wealth of the country, to feed and clothe the world by their labor, maintain the Nation's commerce in time of peace, and in time of war defend the Nation's flag. The labor upon the farm is not only the source of the greater part of the material wealth, but the men who live close to the soil by reason of their peculiar environments furnish the patriotism which shall save this Republic, if indeed it shall be saved, from the corroding and debauching influence of sordid materialism which is eating out the hearts of some of our people in the congested centers. I protest with all the fervor of my soul against any proposition that will limit the building of public highways because of the enormous outlay which this Congress is to make to buy unnecessary implements of war.

RURAL CREDITS.

Mr. LODGE. Mr. President, I do not know whether it is the intention of the Senator from New Hampshire to go on with the rural-credits bill at 2 o'clock.

Mr. HOLLIS. At 2 o'clock I shall ask the Senate to proceed with that bill.

Mr. LODGE. I have something I want to say about this amendment, but I would have only a minute in which to say it. I think there is a great misconception as to the nature of it.

The PRESIDING OFFICER. If the Senator from Massachusetts will indulge the Chair, the Chair will state that it is so near the hour of 2 o'clock, unless objection is urged, the Chair will lay before the Senate the unfinished business.

Mr. LODGE. I am much obliged to the Chair. I would prefer to go on later.

Mr. HOLLIS. I do not think we need to do that. I ask that the rural-credits bill be now laid before the Senate.

Mr. LODGE. The Senator does not have to make the request. It comes up automatically.

Mr. HOLLIS. If anyone cares to renew the discussion on the good-roads bill, of course that is his right.

Mr. LODGE. I do not want to go on now.

Mr. HOLLIS. Then I ask that the rural-credits bill be laid before the Senate.

Mr. BANKHEAD. Mr. President, I desire to make a short statement in explanation to the Senator from New Hampshire. It is true the calendar shows that the good-roads bill is the unfinished business, but an agreement was reached that the bill was to be taken up in the beginning and we were to have three days, and if we failed to dispose of the bill at the end of that time I would yield to the rural-credits bill. As far as I am concerned I will keep that agreement.

The PRESIDING OFFICER. The Chair asks the Senator from Alabama whether there was a unanimous-consent agreement to that effect.

Mr. LODGE. No; there was no unanimous-consent agreement.

Mr. BANKHEAD. There was no unanimous-consent agreement that the good-roads bill should be taken up. I asked that it be taken up, with an agreement with the Senator from New Hampshire and others interested in the rural-credits bill, and I might add, with the steering committee, that if within three days we were unable to pass the bill we would let it be laid aside temporarily and take up the rural-credits bill, and I am standing by that agreement.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 2986.

Mr. SMITH of Georgia. I beg to call the attention of the Chair to the fact——

Mr. BANKHEAD. Will the Senator from Georgia yield to me? It being 2 o'clock I ask now that the good-roads bill be temporarily laid aside.

Mr. SMITH of Georgia. I rise to a question of order.

The PRESIDING OFFICER. The Chair has ruled that Senate bill 2986 automatically comes before the Senate at 2 o'clock. The Senator from Georgia is recognized.

Mr. SMITH of Georgia. The calendar shows that the good-roads bill is the unfinished business of the Senate. We have never displaced it as the unfinished business with anything else. We have temporarily laid aside the unfinished business

to take up the rural-credits bill. I beg that the Chair consult the RECORD of the Senate on that subject before the Chair commits himself to the proposition that the rural-credits bill is the unfinished business.

Mr. LODGE. Mr. President, I rise to a question of order.

The PRESIDING OFFICER. The Senator from Massachusetts will state it.

Mr. LODGE. I was under the same impression as the Chair. I supposed that the unfinished business was the rural-credits bill. It was my supposition that it came up automatically at 2 o'clock. I find by looking at the calendar that the unfinished business is the good-roads bill. Therefore we can only take up the rural-credits bill by unanimous consent or on motion.

Mr. SMITH of Georgia. That is what I was urging.

Mr. LODGE. I wish to say that I think we should not have these shifting, interlacing, kaleidoscopic bills that are running in and out one behind the other, first as unfinished business and then as something else. If we are going to take up the rural-credits bill it must be taken up on motion and be made the unfinished business.

Mr. HOLLIS. I think the Senator from Massachusetts is misinformed. It is true the calendar states that the good-roads bill is the unfinished business but the calendar does not settle it. It is the RECORD that settles it. Yesterday——

Mr. LODGE. If I am mistaken about it, it is because I supposed, of course, that the calendar is accurate.

Mr. HOLLIS. Yesterday when the unfinished business, the good-roads bill, was laid before the Senate I moved that it be laid aside, not temporarily but that it be laid aside.

Mr. LODGE. Then the rural-credits bill is the unfinished business.

Mr. HOLLIS. I then moved that the rural-credits bill be laid before the Senate for consideration.

Mr. VARDAMAN. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Mississippi will state his point of order.

Mr. VARDAMAN. The Senator from Alabama [Mr. BANKHEAD] asked unanimous consent to lay aside the good-roads bill. That is the question that ought to be before the Senate.

The PRESIDING OFFICER. The Chair understands that the question before the Senate is the point of order the Senator from Georgia raised, as to whether Senate bill 2986 is properly laid before the Senate. The Chair was listening to the remarks of the Senator from New Hampshire upon the point of order now suggested by the Senator from Mississippi. The Senator from New Hampshire will proceed.

Mr. HOLLIS. The good-roads bill having been displaced by the action of the Senate in favor of the rural-credits bill, yesterday afternoon at the end of the consideration of the rural-credits bill, I moved that the rural-credits bill be temporarily laid aside. Thereupon it became the unfinished business no matter what the calendar says. I do not think there is any need to discuss it. I think the majority of the Senate will vote to proceed with the rural-credits bill if necessary.

Mr. LODGE. Of course the Senator from New Hampshire can move to take it up, but if it is the unfinished business the calendar is wrong.

Mr. HOLLIS. I think the situation is as I stated it.

Mr. LODGE. The rural-credits bill comes up at 2 o'clock automatically, as I said. There can be no question of that.

Mr. HOLLIS. The Senator from Alabama and I have an understanding.

Mr. MYERS. Mr. President, I wish to ask a question of the Senator from New Hampshire. Was it before or after 2 o'clock yesterday when the Senator from New Hampshire moved to proceed to the consideration of the rural-credits bill?

Mr. HOLLIS. It was at 2 o'clock. The unfinished business was then laid aside and the rural-credits bill was taken up.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Nebraska?

Mr. HOLLIS. I do.

Mr. NORRIS. I rise at this time because I want to say something that I think will be of interest to the Senator from New Hampshire. The other day we took up the good-roads bill, and we had up this very amendment that is pending now, and we debated it. The Senator from Alabama said about what he said to-day, and I said then about what I said, and some others said about the same thing, and we were about ready to vote on it when we adjourned. We have again had the amendment up, and we have debated it; and if we lay it aside, perhaps to-morrow we shall take it up and have the same debate over again.

The PRESIDING OFFICER. The Chair feels that he is not being advised as to the point of order.

Mr. NORRIS. If that is not giving the Chair the information he wants on the point of order, I will subside.

Mr. SMOOT. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator from Utah will state it.

Mr. SMOOT. I wish to ask first if the Chair has laid the rural-credits bill before the Senate?

The PRESIDING OFFICER. The Chair has done so, but the point of order was raised that the Chair erroneously laid the rural-credits bill before the Senate. The Chair is now prepared to rule upon the point of order. The Chair finds that he was in error in the conclusion he arrived at that the rural-credits bill is the unfinished business.

Mr. BANKHEAD. Mr. President, anxious as I am to proceed with the good-roads bill, we have to keep our word and our agreement about it. I hope the Senate will proceed with the consideration of the rural-credits bill.

The PRESIDING OFFICER. The Chair finds, however, upon an examination of the RECORD that he was in error about the matter. It appears quite clearly from the RECORD that when the hour of 2 o'clock arrived on yesterday the Senate, having theretofore taken up for consideration the rural-credits bill, the Senate temporarily laid aside the then unfinished business, being the good-roads bill, and the further consideration of the rural-credits bill was proceeded with in that situation. Accordingly the good-roads bill has preserved its character as the unfinished business before the Senate, and the Chair has erroneously laid before the Senate Senate bill 2986, and the order laying it before the Senate is now revoked.

Mr. HOLLIS. I agree with the Senator from Nebraska that it is desirable to vote on his amendment. I therefore state that I now intend to move that the rural-credits bill be taken up by the Senate for consideration and I will then ask that it be temporarily laid aside until 3 o'clock, hoping that the amendment offered by the Senator from Nebraska may be voted upon before that time. If not voted upon by 3 o'clock I shall ask the Senate to proceed with the rural-credits bill. With that explanation, I move that the Senate proceed to the consideration of Senate bill 2986.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes.

Mr. HOLLIS. I ask unanimous consent that the rural-credits bill be temporarily laid aside until 3 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. LODGE. Yes, Mr. President. I desire to speak on the amendment of the Senator from Nebraska, and I much prefer not to go on now. I did not intend to proceed at this time. I supposed the rural-credits bill was coming up and I object.

The PRESIDING OFFICER. The Senator from Massachusetts objects.

Mr. HOLLIS. I ask that Senate bill 2986 be read for action on the committee amendments, unless some one is prepared to speak upon the bill.

Mr. NORRIS. Mr. President, I wish to finish what I desired to say awhile ago when I found I had enlightened the Chair sufficiently on the point of order that was bothering his mind and desisted at his suggestion. I rise now to call the attention of the Senator from Alabama and the Senator from New Hampshire to the fact that we are wasting time in jumping from one bill to the other. I am a friend of both bills; I should like to join with either one of the Senators for any reasonable expedition; but it must be apparent that we shall never make progress if we are going to consider one of the bills until 2 o'clock and then the other one the balance of the day. What has happened illustrates it. We will run on until 2 o'clock, and the next day when we get up the bill at the same hour we will consider the same ground and have practically the same debate until 2 o'clock, and we will make no progress.

I have nothing to say about the legislative program. It seems that the caucus or some other power has appointed a steering committee on the other side, and it decided to go on in this way. I only want to call attention to the fact that you would only be killing time by doing it. Why not take up one of these bills and finish it? We would have had this amendment voted on in less than 10 minutes the other day if we had not stopped its consideration, and now we will have this thing repeated every day and perhaps this evening. We will get to some amendment in the rural credits bill, and it will be thoroughly debated and we will be about ready to vote on it. Then we will stop and adjourn, and the next day, instead of going back to that, we

will take up the good-roads bill and debate over some amendment that we had the day before and forget all about the rural-credits amendment that was debated at one time, and when we get back to that bill again debate that amendment over again.

I do not see why it is not perfectly apparent that we are losing time in this kind of an arrangement. I understand it is the intention of the majority to have both these bills voted on finally. If that is going to be the program, it is very immaterial which one we vote on first, but we will always lose time if we consider one for an hour or two and then consider the other for an hour or two and then go back again to the first one. You will find that this amendment which we debated the second time to-day on the good-roads bill will be debated the third time.

The PRESIDING OFFICER. The Secretary will proceed with the reading of Senate bill 2986 for amendment.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Banking and Currency was, on page 2, line 8, under the heading "Federal farm-loan board," to strike out section 3, in the following words:

SEC. 3. That there shall be established at the seat of government a Federal farm-loan board, which shall be charged with the execution of this act and of all acts amendatory thereof.

The Federal farm-loan board shall consist of five members, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate. Not more than three of said members shall be appointed from one political party. They shall be citizens of the United States and shall devote their entire time to the business of the Federal farm-loan board and shall each receive an annual salary of $12,000, payable monthly, together with actual necessary traveling expenses.

And in lieu thereof to insert:

SEC. 3. That there shall be established at the seat of government in the Department of the Treasury a bureau charged with the execution of this act and of all acts amendatory thereof, to be known as the Federal farm-loan bureau, under the general supervision of a Federal farm-loan board.

Said Federal farm-loan board shall consist of five members, including the Secretary of the Treasury, who shall be a member ex officio, and four members to be appointed by the President of the United States, by and with the advice and consent of the Senate. Of the four members to be appointed by the President, not more than two shall be appointed from one political party, and all four of said members shall be citizens of the United States and shall devote their entire time to the business of the Federal farm-loan board; they shall receive an annual salary of $10,000, payable monthly, together with actual necessary traveling expenses.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. JONES. Are the amendments to be passed upon now?

The PRESIDING OFFICER. The Chair so understands. The bill is being read for amendment.

Mr. JONES. I ask that the amendment be passed over for the present.

The PRESIDING OFFICER. The Chair had already announced that the amendment was adopted in the absence of objection.

Mr. JONES. I was listening, and I did not hear the Chair state to the Senate that it would be agreed to without objection. I did not know just how the bill was being read.

The PRESIDING OFFICER. Since there is objection, the Chair will regard the vote as reconsidered.

Mr. JONES. I desire to ask that it be passed over.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. STERLING. Mr. President, this is a very important bill, and the reading of the bill for action on the committee amendments is an important proceeding. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Lippitt	Smith, Ariz.
Bankhead	Gore	Martin, Va.	Smith, Mich.
Beckham	Gronna	Martine, N. J.	Smoot
Borah	Harding	Myers	Sterling
Broussard	Hardwick	Norris	Swanson
Burleigh	Hitchcock	O'Gorman	Thomas
Chamberlain	Hollis	Oliver	Thompson
Chilton	Hughes	Owen	Tillman
Clapp	Husting	Page	Townsend
Clarke, Ark.	Johnson, Me.	Pittman	Underwood
Culberson	Johnson, S. Dak.	Poindexter	Vardaman
Cummins	Jones	Pomerene	Wadsworth
Curtis	Kenyon	Ransdell	Walsh
Dillingham	La Follette	Shafroth	Warren
du Pont	Lane	Sheppard	Williams

The PRESIDING OFFICER. Sixty Senators have answered to the roll call. A quorum is present. The Secretary will proceed with the reading of the bill.

Mr. JONES. I asked that the amendment known as section 3 might be passed over. I am now going to withdraw that request. I simply want, however, to call the attention of the Senate to the fact that the amendment provides for the establishment of a bureau and for the purpose of supervising that bureau a Federal farm-loan board consisting of five persons, who are to be paid a salary of $10,000 apiece. I have looked through the bill hurriedly and I do not find anything in it that requires the exercise of any particular judicial discretion on the part of this board. I can see no reason myself why one man as chief of this bureau can not do whatever is desired to be done under the bill. It seems to me that to have a board of five individuals at a salary of $10,000 a year is useless. It is a very great expense and it will have to be borne by somebody—by the Government or by the people who take advantage of this act. It appears to me that it is wholly unnecessary. I should like to see the amendment rejected and provide for a chief of bureau, and pay him whatever salary seems wise. Let us have a chief of a bureau and then whatever bureau force is necessary, and let that bureau carry out the provisions of the act without forming such an expensive board.

I will therefore move to amend the amendment of the committee in order to get the matter clearly before the Senate. It is rather hard to do it the way the section is framed, but I move to strike out the word "five" in line 3 and insert "one," and if that should be adopted we can change it so as to make that officer the chief of the bureau.

Mr. HOLLIS. Mr. President, the question raised by the Senator from Washington is an eminently fair one. If he will look on page 50 of the bill, section 20, where the powers of the Federal farm-loan board are defined, he will see that there is a great deal of supervisory work to be done, many judgments to be made that will affect all parts of the country, judgments that ought not to rest in the discretion of any one man.

This farm-loan system is for the benefit of the farmers, and it should be considered as somewhat commensurate with the dignity and standing and power of the Federal Reserve Board. There are seven members of that board, and there are none too many. This board will have to deal with interest rates, with the question of issuing charters to land banks, and permitting land banks to open branches. It has to establish a land-bank system and to review and alter interest rates, to give authority to issue farm-loan bonds that will undoubtedly be issued in billions, to make rules and regulations respecting loans and borrowing, and about land titles and recording, to supervise the examination of the various banks, to prescribe the forms for application and report on titles and the forms of the bonds, to look after the surety bonds by the various people who are employed in the system, to look after the payment of coupons and when one bank has to pay for another.

Although the board has been considered by four committees, in which I have taken part, this is the first suggestion that has been made that one man ought to be given the power to perform these judicial functions. On the motion of the Senator from Colorado [Mr. SHAFROTH] the board was cut down from five members at $12,000 each to four members at $10,000 each, with the Secretary of the Treasury added to make the fifth. The Senate committee thus saved the Government $20,000 in that way.

I am afraid it would cripple the system and be considered by the farmers as a slight on them if it were cut down as the Senator from Washington suggests, and I shall be obliged to resist his motion to amend.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Kansas?

Mr. HOLLIS. I yield.

Mr. CURTIS. I notice on page 50 the bill provides the powers of the board, and much of it is in regard to the organization of banks. Why could not the 12 reserve banks that now exist do this work, instead of having it done by new farm-loan banks?

Mr. HOLLIS. Because the Government does not own the Federal reserve banks. The Federal reserve banks are owned by the national banks. They are the only stockholders in them. The national banks have their own system and have their own assets, and they have contributed the stock to the Federal reserve banks. They are for an entirely different purpose, and it would mix matters to impose upon them duties of this sort.

Mr. CURTIS. Why would it be necessary to mix the funds? Could they not be separately kept? These officers are paid by the General Government.

Mr. HOLLIS. If it appears to the Senate that we should load the Federal Reserve Board and the Federal reserve system with the farm-loan business of the country, I, of course, will have to yield, but this also is the first time I have heard a suggestion of that kind.

Mr. CURTIS. Again the other duties to be performed by this board, it seems to me, could be performed or provided for by rules and regulations of the head of the department or the

bureau, as suggested by the Senator from Washington [Mr. JONES].

Mr. HOLLIS. It might be done in 50 other ways. The committee preferred this method, and all committees that have dealt with the bill have subscribed to it.

Mr. CURTIS. May I ask the Senator in charge of the bill if he has made any estimate as to what the putting in operation of this plan will cost and then what the annual cost will likely be thereafter?

Mr. HOLLIS. The bill provides for an organization expense of $100,000.

Mr. CURTIS. Does the Senator have any idea that $100,000 will come anywhere near paying the expenses of the organization?

Mr. HOLLIS. I have no doubt it will.

Mr. CURTIS. Does not the Senator know that the organization of 12 reserve banks cost over $450,000?

Mr. HOLLIS. No; I do not know that, but that would not be the slightest indication as to how much this would cost.

Mr. CURTIS. Are you not in this bill providing for many more agents, examiners, and lawyers than were provided for in the reserve bank system?

Mr. HOLLIS. Certainly; because all the branches, the real banking element of the Federal reserve system, were in existence and all we did was to superimpose the structure of the Federal Reserve Board and 12 banks on it. This is of a vastly different nature. No one can tell how much it will take. It will depend on how many banks are organized, on how many farmers want loans. No one can estimate that. I believe that $100,000 will fully cover the organization expenses.

Mr. JONES. Mr. President, of course I would not want to put any slight upon the farmers, but I do not believe that the farmers of the country would feel that they were slighted if we should find it unnecessary to create three or four positions here in Washington City paying a salary of $10,000 each. I do not believe any of the taxpayers of the country would rise in rebellion against any such act as that. Of course, there is not very much indication of attempting to prevent the establishment of any offices of that sort in the city of Washington; but I recognize that the committee has given this matter very long and careful consideration, and I have a great deal of confidence in their judgment as to what is proper to do, if we are to establish any system of this kind. I had myself thought that we ought to be able to work this out in connection with the Federal Reserve Board, as was suggested by the Senator from Kansas [Mr. CURTIS]. It seems to me that the machinery there ought to be of such a character, and that it is of such a charater, that it could take whatever supervisory charge as may be necessary to be exercised over this by the Federal Government; but the committee has not deemed it wise to do that.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES. I yield to the Senator from Idaho.

Mr. BORAH. Does not the Senator from Washington think that, if we should put this under the control of the Federal Reserve Board, it would ultimately be dominated by the spirit of—well, that which has more concern with the commercial interests of the country, the banking interests of the country, rather than the farming interests of the country?

Mr. JONES. That is possible.

Mr. BORAH. I think that ultimately the farm credits would be drawn to and controlled by the same forces and influences which would tend to control the commercial credits of the country; and that it would be utterly useless to have a farm-credit system at all if it were dominated and controlled by the same interests. I think the salaries too high and the officers too many, but I would not want to see the system linked up with commerce and credits.

Mr. JONES. Certainly, Mr. President——

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Oklahoma?

Mr. JONES. I shall yield to the Senator in just a moment. Certainly we would not want anything of that sort. What I had more in mind was this: There is certain administrative machinery that we are going to have here in Washington City to supervise this system, which is going to be worked out partly in the country districts through these organizations formed by the farmers. It occurred to me that, so far as the supervisory system here in Washington City is concerned, we ought to be able to use some of the machinery which we now have here to do that. I may be mistaken about it, but I would not want, of course, the system referred to by the Senator from Idaho to get control. I doubt if that would occur if we confined the supervision here in Washington City, or provided for it through the Federal Reserve Board, without connecting it with the various bank organizations throughout the country. I did not have that in mind at all.

I yield to the Senator from Oklahoma.

Mr. OWEN. Mr. President, I merely rose to confirm the suggestion which was made by the Senator from Idaho [Mr. BORAH] that in reality the Federal Reserve Board is dealing with a line of credits which were intended to be kept constantly available, and where the funds were only employed for a very short time, not exceeding 90 days, except in extraordinary cases—usually such securities being handled only for 30 days—from 10 to 20 and 30 days. This volume of commercial bills coming in, their whole mind is set upon the idea of keeping their resources constantly liquid, constantly available, and they have just the contrary point of view from the character of loans which are to be made by the farm-loan board, which contemplates a long period of time and an amortization plan, and is exactly the reverse of the quick liquid assets of the Federal Reserve Board. So their point of view is quite different, and I think it would be very difficult to charge one set of men with the work of keeping a large volume of resources constantly liquid and at the same time pursuing a policy with regard to another set of resources where exactly the contrary policy is to be pursued. I think it is better to have the human brain that is dealing with a long-term loan separate entirely from the personnel which deals with liquid assets.

Mr. JONES. Mr. President, of course if the men at the head of the Federal Reserve Board have to keep their minds in one particular channel, all the time going in one direction, I suppose that will have to be done; that we will have to provide for another system and for a lot of ten or twelve thousand dollar offices. It looks as though when we establish one thing, that is made a sort of precedent or excuse for providing something else, especially if there are any offices connected with it. So here we have provided a Federal board system for a certain purpose and provided a good many officers who must keep their minds going along in the same general direction, and we do not dare to interfere and call them off on something else. Here is another proposition that needs solution. So we must provide for another board here in Washington City, consisting of four or five different persons, and pay them each a salary of $10,000 a year. Possibly we shall find some other line of credits after we enact this law that we have not taken care of, and then we shall have to provide for another board of four or five officers at a salary of $10,000, $12,000, or $15,000 each, and get them to take up that line and keep their minds working along in that direction.

But as to this bureau, I do not know just what it is to do. This bureau is to be supervised by the farm-loan board. As a matter of fact this bureau will do most of the work. If we had one good, level-headed business man at the head of it as chief, and provided him the necessary help, in my judgment, he would work this matter out far better than would four or five different persons working on it, and especially with a Cabinet officer connected with it, appointed for political reasons and for political purposes, who is liable to change from time to time. That is another objection to this board.

I do not believe that any Cabinet officer ought to have any position upon the board of any kind or character. If we are going to provide for a board of five men, let us provide for a board of five men who will keep their positions as provided in this bill, without the changes that come in a Cabinet officer's life, and make the board just as nearly free from political influences as we possibly can. I do not care what administration is in power, the Secretary of the Treasury ought not to be a member of the board. While I feel very much as though I would be compelled to defer largely to the judgment of the chairman of the committee, who has given this matter much more thought and consideration than have I, I do regret that it seems to be necessary to establish a board like this with these high-salaried positions, and especially with a Cabinet officer made a member of it.

Mr. SMOOT. Mr. President, I sincerely hope that the Senate is not going to agree to the provision to pay the members of the Federal farm-loan board $10,000 per annum. I have been thinking, since the motion of the Senator from Washington [Mr. JONES] has been made, of the amounts that have been paid to some of the officials in other departments of the Government. As I remember, the Comptroller of the Treasury is paid $6,000 per annum; the Assistant Secretaries of the Treasury, $5,000 each; the Director of the Mint, $5,000; the Assistant Secretary of War, $5,000; the Assistant Secretary of the Interior, $5,000; the Commissioner of the General Land Office, $5,000; the Commissioner of Indian Affairs, $5,000; the Commissioner of Education, $5,000; the Assistant Postmasters General, $5,000 each; the

Director of the Census, $6,000; United States circuit judges, $7,000 each; and here we are providing in this bill to pay members of this board $10,000 per annum.

I will say to the Senate now that if the bill is passed in this form, providing salaries for members of this board at $10,000 each, it will be pointed to as a precedent by nearly every man holding any of the important positions in the Government to which I have referred as being unjust to him; and I do not see, if we are going to give these men, whoever they may be, a salary of $10,000 a year, that it would be an injustice to the men who are serving in the positions which I have indicated.

Mr. President, the Senator from Washington has not offered an amendment reducing the salaries of the members of the board, but, from what he said, I judge that after the question of the number of members of the board has been determined he intends to offer an amendment to decrease the salaries to be paid them.

The PRESIDING OFFICER. The Chair will advise the Senator from Utah that the Senator from Washington has offered an amendment to strike out the word "five" at the end of line 3, on page 3.

Mr. SMOOT. I understand that the Senator has offered such an amendment, but I simply stated, from what the Senator from Washington had said, that he would no doubt follow that amendment by offering another amendment reducing the amount of compensation to be paid annually to each member of the board.

Mr. President, I am going to ask the Senator in charge of the bill to allow the amendment to go over, for the reason that I have a meeting which I must attend at 3 o'clock, at which I promised to be present, and I desire to say a little more upon the amendment. I ask the Senator, therefore, to let the amendment go over to-day without being acted upon.

Mr. POMERENE. Mr. President, may I ask the Senator just this one question? As I recall, after considerable discussion we made the salaries of the members of the Federal Reserve Board $12,000 per annum. I think I am correcct as to that. The amount was cut to $10,000 in the committee. I realize that $10,000 is a pretty good salary, but I also realize that this is a position of very great responsibility, and that we are all interested in having the system made a success, if it is possible to make it a success. I further recognize the fact that success does not depend upon the amount of salary offered; but at the same time there is some reason why there should be substantially the same salary paid to the members of this board that is paid to the members of the Federal Reserve Board.

Mr. SMOOT. Mr. President, I think there is a great difference between the two positions. One reason why, it seems to me, that we should not be so extravagant at this particular juncture is that it will take some time after this bill becomes a law before it can accomplish much—I mean in the volume of business. I am satisfied that we can get just as good men as members of the board at $7,500 per annum as we can at $10,000. Take the Commissioner of Indian Affairs, Hon. Cato Sells. There is no Senator here who does not know that he can make more than $5,000 a year in the practice of his profession. He did not accept the honorable position he holds for the amount of money there is in it, but from a sense of public duty; nor will the men who are appointed to the farm-loan board accept the position because of the amount of compensation provided, even though it be $10,000. I say this, of course, believing that the President of the United States, no matter who he may be, whether the present President or a future President, in appointing members of the board will appoint men in whom he has absolute confidence, men whose past experience has been such that he can trust them to fill such a responsible position.

Mr. President, I repeat my request that the Senator having the bill in charge allow the amendment to go over for the present.

Mr. HOLLIS. Mr. President, I am entirely willing that this amendment be passed over. We will at some future time take up those that are passed over.

Mr. SMOOT. Yes.

The PRESIDING OFFICER. The amendment will be temporarily passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Banking and Currency was, on page 3, line 15, after the word "one," to strike out "member of said board" and insert "of the members to be appointed by the President"; in line 17, before the words "to serve," to strike out "the President" and insert "him"; in line 18, before the word "one," to insert "and"; in the same line, after the word "years," where it occurs the second time, to strike out "and one for 10 years"; in line 20, before the word "years," to strike out "10" and insert "8"; and in line 22, after the words "as the," to strike out "Farm Loan Commissioner" and insert "farm-loan commissioner"; so as to make the clause read:

One of the members to be appointed by the President shall be designated by him to serve for two years, one for four years, one for six years, and one for eight years, and thereafter each member so appointed shall serve for a term of eight years, unless sooner removed for cause by the President. One of the members shall be designated by the President as the farm-loan commissioner, who shall be the chairman and the active executive officer of said board. Each member of the Federal farm-loan board shall within 15 days after notice of his appointment take and subscribe to the oath of office.

The amendment was agreed to.

The next amendment was, on page 4, line 5, after the words "fixed by the," to strike out "chairman of said board" and insert "Secretary of the Treasury," so as to make the clause read:

The first meeting of the Federal farm-loan board shall be held in Washington as soon as may be after the passage of this act, at a date and place to be fixed by the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, on page 6, after line 11, to insert:

The Federal farm-loan board shall annually make a full report of its operations to the Speaker of the House of Representatives, who shall cause the same to be printed for the information of the Congress.

The amendment was agreed to.

The next amendment was, on page 6, line 23, after the word "supervision," to insert: "It shall by suitable rules and regulations require all offenses and delinquencies under this act to be forthwith reported to it and to the United States district attorney for the district in which any such offense or delinquency shall occur, and shall institute immediate proceedings in the proper court for the prosecution of any person committing an offense under any provision of this act," so as to make the clause read:

The Federal farm-loan board shall from time to time require examinations and reports of condition of all associations and banks established under the provisions of this act, and shall publish consolidated statements of the results thereof. It shall cause to be made appraisals of farm lands as provided by this act, and shall prepare and publish amortization tables which shall be used by associations and banks under its supervision. It shall by suitable rules and regulations require all offenses and delinquencies under this act to be forthwith reported to it and to the United States district attorney for the district in which any such offense or delinquency shall occurr, and shall institute immediate proceedings in the proper court for the prosecution of any person committing an offense under any provision of this act.

The amendment was agreed to.

The next amendment was, on page 7, after line 8, to insert:

It shall be the duty of the Federal farm-loan board to prepare from time to time bulletins setting forth the principal features of this act and to distribute the same, particularly to the press, to agricultural journals, and to farmers' organizations; to prepare and distribute in the same manner circulars setting forth the principles and advantages of amortized farm loans and the protection afforded debtors under this act, instructing farmers how to organize and conduct farm-loan associations, and advising investors of the merits and advantages of farm-loan bonds; and to disseminate, in its discretion, information for the further instruction of farmers regarding the methods and principles of cooperative credit and organization. Said farm-loan board is hereby authorized to use a reasonable portion of the organization fund provided in section 36 of this act for the objects specified in this paragraph, and is instructed to lay before the Congress at each session its recommendations for further appropriations to carry out said objects.

The amendment was agreed to.

The next amendment was, under the subhead "Federal land banks," in section 4, page 8, line 24, before the word "directors," to strike out "nine" and insert "five," so as to make the clause read:

Each Federal land bank shall be temporarily managed by five directors appointed by the Federal farm-loan board. Said directors shall be citizens of the United States and residents of the district. They shall each give a surety bond, the premium on which shall be paid from the funds of the bank. They shall receive such compensation as the Federal farm-loan board shall fix. They shall choose from their number, by a majority vote, a president, a vice president, a secretary, and a treasurer. They are further authorized and empowered to employ such attorneys, experts, assistants, clerks, laborers, and other employees as they may deem necessary, and to fix their compensation, subject to the approval of the Federal farm-loan board.

The amendment was agreed to.

The next amendment was, on page 11, line 15, after the word "hereinafter," to strike out "created" and insert "authorized," and in line 18, before the word "provided," to strike out "herein" and insert "hereinafter," so as to make the clause read:

After the subscriptions to stock in any Federal land bank by national farm loan associations, hereinafter authorized, shall have reached the sum of $100,000, the officers of said land bank shall be elected and appointed as hereinafter provided and shall, upon becoming duly qualified, take over the management of said land bank from the temporary officers appointed and chosen under this section.

The amendment was agreed to.

The next amendment was, on page 11, line 23, before the word "members," to strike out "nine" and insert "five"; so

line 24, before the words "of said," to strike out "Six" and insert "Three"; and, on page 12, line 1, before the word "directors," to strike out "three" and insert "two," so as to make the clause read:

The board of directors of every Federal land bank shall be selected as hereinafter specified and shall consist of five members, each holding office for three years. Three of said directors shall be known as local directors, and shall be chosen by and be representative of national farm loan associations; and the remaining two directors shall be known as district directors, and shall be appointed by the Federal farm-loan board and represent the public interest.

The amendment was agreed to.

The next amendment was, on page 12, line 12, before the word "local," to strike out "six" and insert "three," so as to make the clause read:

Farm-loan associations limited and farm-loan associations unlimited shall, respectively, have representation on the board of directors in proportion to the amount of unpaid principal on loans made to their members by the land bank and actually outstanding three months before each election. If the amount unpaid on the principal of loans outstanding in either division shall amount to less than $1,000,000, all associations in the district shall vote together for all three local directors.

The amendment was agreed to.

The next amendment was, on page 12, line 16, before the word "local," to strike out "six" and insert "three," and in line 25, before the word "persons," to strike out "twenty" and insert "ten," so as to make the clause read:

Two months before each election the farm-loan commissioner shall determine the proportional representation of each division as herein prescribed, and shall allot to each division its respective proportion of the three local directors. He shall forthwith notify each farm-loan association in writing that such election is to be held, giving the number of directors to be elected by each division, and requesting each association to nominate one candidate for each director to be voted for in its division. Within 10 days of the receipt of such notice each association shall forward its nomination to said farm-loan commissioner. Said commissioner shall prepare a list of candidates for local directors, the 10 persons receiving the highest number of votes in each division from farm-loan associations making such nominations to be placed on the list for such division. One month before said election said farm-loan commissioner shall mail to each association the list for its division. The directors of each association shall cast the vote of said association for as many candidates on said list as there are vacancies to be filled, and shall forward said vote to the farm-loan commissioner within 10 days after said list of candidates is received by them. The candidates receiving the highest number of votes from associations making choice in each division shall be elected respectively as local directors. In case of a tie the farm-loan commissioner shall determine the choice.

The amendment was agreed to.

The next amendment was, on page 13, line 15, before the word "years," to strike out "three" and insert "two"; in line 18, before the word "serve," to strike out "It shall designate one of said directors to serve for a term of two years and one to" and insert "The other district director shall"; and in line 20, before the word "years," to strike out "three" and insert "two," so as to make the clause read:

The Federal farm-loan board shall designate one of the district directors to serve for two years and to act as chairman of the board of directors. The other district director shall serve for a term of one year. After the first appointments each director shall be appointed for a term of two years.

The amendment was agreed to.

The next amendment was, on page 13, line 23, after the word "designate," to strike out "two" and insert "one"; in line 25, after the word "meeting," to strike out "two" and insert "one"; and on page 14, line 1, before the word "whose," to strike out "two" and insert "one," so as to make the clause read:

At the first regular meeting of the board of directors of each Federal land bank it shall be the duty of the local directors to designate one of the local directors whose term of office shall expire in one year from the date of such meeting, one whose term of office shall expire in two years from said date, and one whose term of office shall expire in three years from said date. In making such designations an equitable allotment shall be made between directors chosen in the two divisions in accordance with the proportional representation determined by the farm loan commissioner. Thereafter every director of a Federal land bank chosen as hereinbefore provided shall hold office for a term of three years. Vacancies that may occur in the board of directors shall be filled in the manner provided for the original selection of such directors.

The amendment was agreed to.

The next amendment was, under the subhead "Capital stock of Federal land banks," in section 5, page 15, line 10, before the word "each," to strike out "$10" and insert "$5," so as to make the clause read:

The capital stock of each Federal land bank shall be divided into shares of $5 each, and may be subscribed for and held by any individual, firm, or corporation, or by the Government of any State or of the United States.

The amendment was agreed to.

The next amendment was, on page 16, line 11, after the word "notice," to strike out "subject to" and insert "with," so as to read:

If within 90 days after the opening of said books any part of the minimum capitalization of $500,000 herein prescribed for Federal land banks shall remain unsubscribed, it shall be the duty of the Secretary of the Treasury to subscribe the balance thereof on behalf of the United States, said subscription to be subject to call in whole or in part by the board of directors of said land bank upon 30 days' notice, with the approval of the Federal farm-loan board; and the Secretary of the Treasury is hereby authorized and directed to take out shares corresponding to the unsubscribed balance as called, and to pay for the same out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, on page 16, line 22, after the word "held," to insert "therein," so as to read:

After the subscriptions to capital stock, exclusive of Government subscriptions, shall amount to $500,000 in any Federal land bank, said bank shall apply semiannually to the payment and retirement of stock held by the United States, one-quarter of all sums thereafter subscribed to capital stock, until all stock held therein by the United States is retired at par.

The amendment was agreed to.

The Secretary resumed the reading of the bill, and read to the bottom of page 18.

Mr. CURTIS. Mr. President, I should like to ask the chairman of the committee if they discussed or considered the advisability of making loans to farmers without requiring them to organize?

Mr. HOLLIS. Yes; that was very carefully considered.

Mr. CURTIS. Did not the committee think it would be better to let owners of farms borrow money directly, rather than to require them to go into the associations?

Mr. HOLLIS. No; that would be entirely outside of the plan that the committee adopted. In the first place, if the farmer borrows directly from the Federal land bank, we lose the indorsement of the loan association, which strengthens the loan very much, and therefore strengthens the security of the bonds; we lose the individual liability of the other members of the association, and have not as good a security. We do not secure the interest of the borrower in the system, in the first place, to see that none but good loans are made, and to help carry on the local business. We lose the entire cooperative feature of the plan, which we think it is very essential to secure. But we have provided for private joint-stock banks which can do exactly what the Senator suggests—loan directly to the farmer without forming any association. If the farmer does not want to go in on the cooperative side and do part of the work and furnish part of the additional security, then he may have recourse to the private joint-stock bank, where he does not have to do any of that work, and does not have to pay for any of it.

Mr. CURTIS. But he must join or become a stockholder in a bank?

Mr. HOLLIS. Not at all. If he does not care to join the association, then he borrows directly from one of the private banks, and does not become a stockholder or a shareholder in any sense. He is provided for either way he wants to be.

Mr. CURTIS. Does he pay any more interest?

Mr. HOLLIS. That depends. He ought to pay more, because he does not undertake the liability that the others do. My judgment is that he will have to pay more interest. He will have to pay such rates as the joint-stock banks find it necessary to require in order to do business.

Mr. KENYON. Mr. President, may I ask the Senator a question?

Mr. HOLLIS. Yes.

Mr. KENYON. Take the case of John Smith, who owns a quarter section of land, and wants to borrow, say, $5,000. Can he pursue one of two plans under this bill?

Mr. HOLLIS. Yes; he may pursue one of three plans.

Mr. KENYON. Will the Senator briefly explain what John Smith, who wants to borrow $5,000 on 160 acres of land, can do under this bill?

Mr. HOLLIS. Yes; very gladly. If he prefers to get his money in the cheapest possible way, and is willing to undertake unlimited individual liability, he will join an association that has that feature. If he does not care to trust his neighbors and go into an unlimited liability association, he may join one where the liability is double, as in the case of a national bank. If he does that—if he joins either association of that sort—he will do it expecting to get a lower rate of interest than he would if he went directly to a private joint-stock bank. In order to get his lower rate of interest he would have to subscribe to stock in the loan association to the extent of 5 per cent of the face of his loan. He will have to assume individual liability, either double or unlimited. Now, if he is not willing to do that, but prefers to borrow from a bank straight and not contribute to the capital and not assume individual liability, he then will go to a private joint-stock land bank and probably will have to pay somewhat more for interest. So the three methods are open to him.

The reading of the bill was resumed, beginning on page 19, line 1, and the Secretary read to line 22, page 22, the last paragraph read being as follows:

Upon receipt of such articles of association, with the accompanying affidavit and cash, the directors of said Federal land bank shall determine whether in their judgment a charter should be granted to such association, and they shall send a representative to investigate the solvency and character of the applicants and the value of their lands. They shall forward such articles of association and the accompanying affidavit to the Federal Farm Loan Board with their recommendation. If said recommendation is unfavorable, the charter shall be refused.

Mr. CURTIS. Mr. President, I should like to ask the chairman of the committee, in case the charter is refused, what becomes of the 5 per cent which is required to be deposited in lines 5, 6, and 7 of the bill on page 22?

Mr. HOLLIS. It would undoubtedly be returned, exactly as if I should send a $10 bill down to the store to buy something and they did not have it; they would send back the $10.

Mr. CURTIS. But, Mr. President, I notice in other parts of the bill that there is a provision requiring the return of the money deposited under similar conditions. I also notice in one part of the bill that there is authority for the board to return it, or to retain certain expenses and then return the balance; and I wondered whether it was an oversight that the committee had not put in a provision there that all the money should be returned in case the charter was refused.

Mr. HOLLIS. No. It might be called an oversight. It might be stated, as a great many other things might be stated in the bill. It did not occur to any of the committee that it was necessary to state that. It will do no harm to state it. It could be very easily done by providing that the charter shall be refused and the cash returned without deduction. I think it should be inserted, probably.

Mr. CURTIS. On page 28 it is provided:

If membership is refused to any applicant under this section, or if the loan applied for is for any reason rejected, the sum deposited by him shall be returned, less such deductions as may be authorized by regulations of the Federal farm-loan board.

Then there is another provision later on in the bill—I can not turn to it just this second—which simply provides for the return of the money, without any authority to withhold any part of it.

Mr. HOLLIS. That was all debated carefully in the committee. In some cases it seemed fair to make charges, and in others it did not, and we governed ourselves accordingly. If the Senator desires to amend, in line 22, by adding "together with the cash forwarded, without deduction," I shall have no objection. I should expect that to follow, whether it is here or not.

Mr. CURTIS. I offer the amendment, Mr. President—that after the word "refused," on line 22, page 22, there be inserted "and the 5 per cent deposited as required herein shall be returned without deduction."

Mr. HOLLIS. If the Senator will allow that to be passed for the present, I shall prepare an amendment which will correspond to the other provisions, and offer it later.

Mr. CURTIS. Very well.

The reading of the bill was resumed, beginning on line 23, page 22; and the Secretary read to line 3, on page 24, the last paragraph read being as follows:

National farm loan associations may be organized with limited or with unlimited liability, and each shall be designated as a national farm loan association limited, or a national farm loan association unlimited, as the case may be. Associations with limited liability may be also designated as division A associations; associations with unlimited liability as division B associations.

Mr. CUMMINS. Mr. President, may I ask the Senator in charge of the bill whether the farm loan associations have any source of profit except the dividends which they receive from the land banks?

Mr. HOLLIS. They have no source of profit except the dividends they receive from the land banks; but they are required to accumulate reserves, and they will have returns from the investment of the reserves.

Mr. CUMMINS. What is the source of profit open to the farm loan associations?

Mr. HOLLIS. I have just stated that the only source of profit is the dividends on the stock which it owns in the land banks; but it is required to accumulate reserves out of those dividends, and the reserves would be invested, so that it would get income out of the invested reserves.

Mr. CURTIS. But, Mr. President——

Mr. CUMMINS. And if there is no profit arising to a given association, then the stockholder in the association has simply deposited his money there without any return?

Mr. HOLLIS. Yes; that is true.

Mr. CUMMINS. And his deposit amounts to $5 upon each $100 that he borrows?

Mr. HOLLIS. Yes; and if he is not charged enough for interest on his loans so that there are profits in the system, then he has gotten his loan at cost and must not expect any profits; but if the 1 per cent is too much, so that the expenses are all paid and there is a dividend, then he will get whatever that surplus is, exactly like a member owning a participating life-insurance policy.

Mr. CUMMINS. But this is the point I do not fully understand and about which I should like to have an explanation: The borrower wants to get $10,000. He deposits with the farm-loan association $500 for stock in that association. He gets his $10,000, and finally pays the mortgage. How does he get back his $500?

Mr. HOLLIS. The bill provides that when he pays his loan the amount that he has subscribed for stock shall be paid to him in full.

Mr. CUMMINS. Suppose the association has no money with which to pay it to him?

Mr. HOLLIS. The land bank pays it back to him. It retires it and pays the money to the loan association and the loan association pays it to him.

Mr. CUMMINS. But it is the farm association that has the stock in the land bank?

Mr. HOLLIS. Yes.

Mr. CUMMINS. Not the borrower?

Mr. HOLLIS. Yes.

Mr. CUMMINS. Does the Senator say that under those circumstances the land bank must take up his stock in the farm association?

Mr. HOLLIS. No; the land bank must pay out to the loan association the stock that was issued at the time his loan was made, and the loan association must pay it out to the borrower.

Mr. CUMMINS. That is, the land bank must pay it to the association?

Mr. HOLLIS. The land bank pays it to the association, and the association turns it over to the borrower.

Mr. CUMMINS. But there is nothing in the bill that gives to the borrower the right to the money which is in that instance paid by the land bank to the association.

Mr. HOLLIS. Why, yes. There is just as much in the bill as entitled him to get his money when he has been awarded a loan and has forwarded his papers. In that case he forwards his papers to the loan association and the land bank forwards the money through the association to him. The bill provides that when his loan is paid off the cash for the stock taken in the land bank by the loan association shall be forwarded to the loan association and the loan association shall pay him off.

Mr. CUMMINS. But it does not say that that money must be paid by the land association to the borrower. It is true that it goes into the hands of the association and there may be an obligation upon the part of the association to reimburse the borrower.

Mr. HOLLIS. The bill so provides as specifically as anything can be. It belongs to him.

Mr. CUMMINS. I have not found that particular provision.

Mr. HOLLIS. We have not gotten to it yet, but we shall come to it later on.

Mr. CURTIS. Mr. President, lines 21 and 22 provide:

Which shall be paid off at par and retired upon full payment of said loan.

But that does not give him any profit. It simply gives him back his money at par.

Mr. HOLLIS. He has been getting his dividends, if there are any earnings, every six months.

Mr. CUMMINS. But what I am trying to discover is whether there is anything in the bill which makes it obligatory upon the land bank, when it takes the pay of the borrower for the mortgage, to give the borrower credit for the money which he has deposited with the farm association?

Mr. HOLLIS. There is.

Mr. CUMMINS. There may be. I do not say there is nothing of the kind, but I do not see it.

The reading of the bill was resumed, beginning on line 4, page 24.

The next amendment was, on page 24, line 6, after the words "value of," to strike out "$10" and insert "$5," so as to read:

SEC. 8. That the shares in national farm loan associations shall be of the par value of $5 each.

The amendment was agreed to.

The next amendment was, on page 24, line 16, after the word "thereof," to insert "for the purchase of stock at par," so as to read:

Any person desiring to borrow on farm-land mortgage through a farm-loan association shall deposit with the secretary-treasurer thereof for the purchase of stock at par an amount equal to 5 per cent of the face of the desired loan.

Mr. HOLLIS. Mr. President, that amendment should be perfected. The word "its" was omitted after "purchase of"; and I will ask unanimous consent to insert the word "its" at that point.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After the words "purchase of," in the amendment of the committee, it is proposed to insert the word "its," so as to read, "for the purchase of its stock at par."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 24, line 20, after the word "each," to strike out "$200" and insert "$100," and on line 21, after the word "loan," to strike out "or any fractional part thereof" and insert "which shall be paid off at par and retired upon full payment of said loan," so as to read:

If the loan is granted, the applicant therefor shall thereupon become the owner of one share of capital stock in said loan association for each $100 of the face of his loan, which shall be paid off at par and retired upon full payment of said loan.

The amendment was agreed to.

Mr. CUMMINS. Mr. President, is the provision just read by the Secretary the provision which the Senator from New Hampshire had in mind when he answered my question?

Mr. HOLLIS. It is half of it. We will come to the other part a little later. This requires the loan association to pay it off at par when the loan is paid up; and the other provision is that when the loan is paid off the land bank shall pay it out to the loan association. They go together.

The reading of the bill was resumed.

The next amendment was, on page 25, line 1, after the word "may," to insert "at any time," so as to read:

Said capital stock shall be held by said association as collateral security for the payment of said loan, but said borrower shall be paid any dividends accruing and payable on said capital stock while it is outstanding. Such stock may at any time, in the discretion of the directors and with the permission of the directors of the land bank, be paid off at par and retired.

The amendment was agreed to.

The next amendment was, on page 26, line 9, after the word "each," to strike out "$200" and insert "$100," and in line 10, after the word "loan," to strike out "or any fractional part thereof," so as to read:

After a charter has been granted to a division A association, any natural person who is the owner, or about to become the owner, of farm land qualified under section 12 of this act as the basis of a mortgage loan, and who desires to borrow on a mortgage of such farm land, may become a member of a division A association by a two-thirds vote of the directors upon subscribing for, and paying for in cash, one share of the capital stock of such association for each $100 of the face of his proposed loan.

The amendment was agreed to.

The next amendment was, on page 26, line 16, after the word "returned," to strike out "without deduction" and insert "less such deductions as may be authorized by regulations of the Federal farm-loan board," so as to read:

If membership is refused to any applicant under this section, or if the loan applied for is for any reason rejected, the sum deposited by him shall be returned, less such deductions as may be authorized by regulations of the Federal farm-loan board.

The amendment was agreed to.

The next amendment was, in division B, subhead "National farm-loan associations unlimited," in section 10, on page 27, line 12, before the word "member," to insert "provisional"; in line 15, after the word "loan," to strike out "or any fractional part thereof"; on page 28, line 2, before the word "member," to insert "regular"; in line 6, after the word "section," to insert "or if the loan applied for is for any reason rejected"; and in line 8, after the word "returned," to strike out "without deduction" and insert "less such deductions as may be authorized by regulations of the Federal farm-loan board," so as to make the clause read:

After a charter has been granted to a division B association, any natural person who is the owner, or about to become the owner, of farm land qualified under section 12 of this act as the basis of a mortgage loan, and who desires to borrow on a mortgage of such farm land, may become a provisional member of a division B association by unanimous vote of the directors upon subscribing for, and paying for in cash, one share of the capital stock of such association for each $100 of the face of his proposed loan. He shall at the same time file with the secretary-treasurer his application for a mortgage loan, giving the particulars required by section 12 of this act. The secretary-treasurer shall thereupon notify each member of such association of the application for membership, giving the name and post-office address of the applicant, and the amount he desires to borrow, describing briefly the land proposed to be mortgaged. Unless at least one-fifth of the members of such association shall file with said secretary-treasurer within 10 days of the mailing of such notice written objection to the application, it shall be granted, and the applicant shall thereupon become a regular member; but his admission to membership shall not entitle him to borrow any sum in excess of the amount to which the appraisal of his property shall entitle him. If membership is refused to any applicant under this section, or if the loan applied for is for any reason rejected, the sum deposited by him shall be returned, less such deductions as may be authorized by regulations of the Federal farm-loan board.

The amendment was agreed to.

The next amendment was, under the subhead "Powers of national farm-loan associations," in section 11, page 29, line 3, after the words "multiple of," to strike out "$100" and insert "$25"; in line 9, after the words "provided for in," to strike out "section 23" and insert "section 22"; in line 10, before the words "of this act," to strike out "section 25" and insert "section 24"; and in line 15, after the word "under," to strike out "$100" and insert "$25," so as to make the clause read:

Fourth. Against deposits of current funds, to issue certificates in any amount, bearing interest at not to exceed 4 per cent per annum after six days from date, convertible into farm-loan bonds when presented at the Federal land bank of the district in any multiple of $25. Such deposits, when received, shall be forthwith transmitted to said land bank and be invested by it in the purchase of farm-loan bonds or in first mortgages, as defined by this act. The mortgages thus taken may be hypothecated with the farm-loan registrar of the district against an issuance of farm-loan bonds, as provided for in section 22 and section 24 of this act; but such bonds when received, either by purchase or for issuance, shall not be delivered or issued except in exchange for and upon the presentation for redemption and cancellation of an equal amount of convertible certificates issued by a farm-loan association, any difference under $25 in such exchange being adjusted in cash. When thus redeemed and canceled such certificates shall be returned to the farm-loan association which issued them.

The amendment was agreed to.

Mr. CUMMINS. I should like to ask the Senator from New Hampshire a question with regard to the fourth paragraph. Is it the intention that the farm-loan associations shall become savings banks or depositaries for funds other than those that are to be invested in the bonds of the land banks?

Mr. HOLLIS. That was my personal hope. The bill as prepared by the joint congressional committees provided that there should be a savings department which should take savings and invest them in short-term mortgage loans; but the Senate Banking and Currency Committee cut out that section, which is section 18, found on page 42. That cut out the savings department. But this paragraph to which the Senator directs my attention acts as a savings feature of the bill. It permits individuals to make deposits and to take convertible certificates which may be turned into farm-loan bonds when any person owns as much as $25 worth. The Senate committee believed that this was as far as this banking system ought to go in that direction. That is the purpose of it. It is a savings-bank feature, and it is quite limited in scope.

Mr. CUMMINS. It seems to me that it is quite unlimited——

Mr. HOLLIS. It is quite limited.

Mr. CUMMINS. Although I may not grasp the full meaning of it. It says that "such deposits, when received, shall be forthwith transmitted to said land bank, and be invested by it in the purchase of farm-loan bonds or first mortgages as defined by this act." There would seem to be no limit to the amount of deposits that might be taken by association nor any other limit upon the investment save that the land bank must invest the money either in its own bonds or in first mortgages. But that is all that any savings bank does, if it confines itself to real estate securities.

Mr. HOLLIS. I wish to call attention first to the fact that the farm-loan association merely acts as agent for the land bank in taking the deposits and forwarding them. It is the land bank that becomes the savings bank in this connection. The land bank, according to the experience in Europe, will find it necessary at various times to buy in farm-loan bonds, and in order to stabilize their value they may use this money for one of two purposes, either in buying farm-loan bonds issued by that bank or by some other Federal land bank or in buying first-mortgage loans; that is, to loan the money on first mortgages.

There is no limit in the bill. The committee did not think it was desirable. They hope there will be a very large amount of money procured in this way. I am doubtful about it myself; but I hope so, and I see no harm in taking a very large amount of money.

Mr. CUMMINS. It seems to me there ought to be a limit to the amount of interest the farm-loan association is to pay.

Mr. HOLLIS. There is. It is limited to 4 per cent. It is so limited at the bottom of page 28, where it reads "Bearing interest at not to exceed 4 per cent per annum."

Mr. CUMMINS. That is the interest on the certificates.

Mr. HOLLIS. Yes.

Mr. CUMMINS. But what about the interest on the mortgages in which the money would be invested? They could bear any rate of interest, could they not?

Mr. HOLLIS. The rate of interest is never permitted to exceed 1 per cent more than the amount the last issue of farm-loan bonds carries.

Mr. CUMMINS. Is the Senator sure that that applies to this proceeding or transaction?

Mr. HOLLIS. Yes; I am very sure of that. I can direct the Senator's attention to the place where it is provided.

Mr. CUMMINS. It seems to me the bill simply authorizes national savings banks in every community to be operated in competition with the ordinary savings banks that are created under the laws of the States.

Mr. HOLLIS. Not at all, because no one can withdraw his money. All he can do is to get a bond with it, and then if he wants to get his money he has to sell that bond. He can not go to any farm-land association and withdraw his money; all he can do is to get scrip convertible into bonds.

Mr. CUMMINS. I would see no great objection to it if the bill limited the investment of the deposits to the farm-loan bonds of that district, but when it gives the land bank the authority to invest the deposits in any mortgages that may be presented to it for negotiation or purchase I fear the Senator is extending the institutions that he is creating much beyond the scope that most of us have had in mind.

Mr. HOLLIS. I would be very much pleased, indeed, if a large amount of money is gathered in this way and invested in farm-loan bonds because we are calling on the public to subscribe to our farm-loan bonds. The success of our system depends on the readiness with which the public will take our farm-loan bonds and the question whether they will take them at a low rate of interest. If we can gather in in this way all over the country or in any part of it a large sum of money that we can loan to farmers on first mortgages or invest in farm-loan bonds which are based upon first mortgages, then a very large part of the problem will be solved. My fear is that we shall not get very much.

Mr. STERLING. Mr. President, I should like to have the attention of the Senator from New Hampshire. The bill provides for two classes of national farm-loan associations: First, those where the liability of the member is a limited liability; and, second, those where the liability of the members of the association is unlimited. I should like to ask what is the difference between the rights of these members in the matter of securing loans through the association of the farm-land banks if the Senator will explain it.

Mr. HOLLIS. The mortgages taken by any Federal land bank from associations carrying an unlimited liability are kept altogether. When an issue of farm-loan bonds is to be made the mortgages of one class—that is, limited or unlimited liability—must be kept together. A group of mortgages, $50,000 in value, which carry unlimited liability of the farmer, ought to float bonds bearing a lower rate of interest than a group of mortgages carrying merely double liability. Therefore we hope and expect that the unlimited liability mortgages will be able to float bonds at a lower rate of interest, and that the farmer will get the benefit of the lower rate. It is perfectly clear in my mind if I have succeeded in conveying the thought.

Mr. STERLING. The Senator thinks that would be an inducement to form associations with unlimited liability?

Mr. HOLLIS. I think so, and I hope so very much, because I believe that eventually the way the farmers will get the lowest rate of interest is by assuming unlimited liability. This bill is intended to give that plan a fair trial.

Mr. CUMMINS. Mr. President, one more question. The interest on farm-loan mortgages is by the bill limited to the rate that may be charged by a national bank, as I understand it.

Mr. HOLLIS. It is limited to 6 per cent.

Mr. CUMMINS. The deposits of which I have been speaking may be invested in any mortgages, and, of course, those mortgages need not be represented finally by land-bank bonds; they may be held simply as mortgages. Does the Senator from New Hampshire think it is fair to put such savings banks as are here contemplated in competition with the savings banks established under the laws of the several States and relieve the property or transactions of the national savings bank from taxation? What will become of the savings banks of the States which must pay taxes?

Mr. HOLLIS. If I did not believe that the bill would give the farmer a lower rate than he is now getting I should not think it would be worth while to pass the bill. It is because we feel the farmer is not now getting loans at as low a rate as he is entitled to that we are passing the bill. If it has that result I shall feel that we have achieved our object.

Mr. SMOOT. Even if it drives out the national banks?

Mr. CUMMINS. Is it not the rule that somebody must pay taxes? Somebody must support the Government. The institutions that are now in business are helping to pay the taxes of the country and support both the State government and the Federal Government. I have not thought much about it, but it impresses me at first as very unjust to establish in a community a national savings bank and relieve it of the burden of taxation under the guise of affording special privileges to the farmer.

I am sure that I have as much concern for those who till the soil as has the Senator from New Hampshire, for the agricultural interest in my State is quite as important as that of any State in the Union; but if I understand the temper of the people of Iowa they would rather resent being made the objects of special privilege. They have always insisted that the Government should be administered without favor to any class and without privilege to any class that is not accorded to every other.

I would like very much to hear at some convenient time the views of the Senator from New Hampshire upon that point, for I have no doubt he considered the subject carefully before reaching a conclusion.

Mr. HOLLIS. It is a subject that is susceptible of being treated very simply and very clearly. The same objection that the Senator raises was raised to the postal-savings deposits. It was said then that the deposits by the Government would come in competition with banks and would drive them out of business, just as was suggested by the Senator from Utah [Mr. SMOOT]. That, of course, is beside the mark, because national banks do not loan on farm mortgages to any substantial extent. They ought not to do so; it is not good banking.

Mr. SMOOT. But the State banks do.

Mr. HOLLIS. Yes; the State banks do.

Mr. SMOOT. Of course——

Mr. HOLLIS. If the Senator will pardon me, I will answer the Senator from Iowa. My remark was addressed merely to national banks, which was the remark made by the Senator from Utah. Unless we can give under this bill lower rates than the farmers are now getting it is useless to try to give aid to them.

There are several schools of thought. Many Senators believe that the Government should borrow the money on obligations of the Government at 2 or 2½ per cent and loan directly to the farmer at 3 per cent. That would certainly drive all the savings banks out of their business, and that is one answer to that proposition.

Another school of thought is that the Federal Government ought not to engage at all in rural-credit business. All three political parties are committed to rural-credit legislation, and this is the recommendation of a joint congressional committee based on the promise that was made by the parties.

This is the first suggestion. The bill lies midway between the two. I have no idea that it will drive any substantial amount of banks out of business. It will not drive any out if they are charging a fair rate, in my judgment, because I firmly believe that private enterprise will always be able to compete to advantage with public institutions. But when there is a great need we must embark, so far as we constitutionally and properly may, on that plan. I believe the present bill is a medium bill lying between the two extremes. I believe it will come in competition with the local savings bank, and where they are charging too much it will either force them to lower their rates or to go out of business. I hope it will have that result.

The reasons why I am asking to have these bonds and mortgages exempt from taxation are, first, that if we do not do that it will be in the power of the States to drive these banks out of business by imposing an excessive tax. In the second place, if we permit it the land will be taxed, the mortgage will be taxed, the bond will be taxed. The result of those three successive taxes would be that the farmer would have to pay them all; he would have a triple taxation, and then the system would not work to the farmer's advantage.

Mr. CUMMINS. Mr. President, another question. I was very much impressed the other day when the Senator from New Hampshire was stating the case on opening the argument for the bill by the illustration which he used, that the people who have the money to loan were on one side of the river and the people who wanted to borrow the money were on the other side of the

river, and the purpose of this bill—I am not hostile to the bill, to the general object to be accomplished, at all—but that the purpose of the bill was to bridge the river so that those who wanted money would be face to face with those who had money. Now, does the Senator from New Hampshire think that it is necessary to bestow this privilege upon this particular business in order to build a bridge that will enable loaners and borrowers to meet each other?

I agree that the question of taxation ought not to be left entirely with the State, but the Senator is familiar with the provision made with regard to national banks. It can easily be provided that no greater rate of taxation shall be laid than is laid upon other property of a similar character. That will produce absolute equality without establishing what might be unfair competition.

I fear if the savings banks were driven out of business the farmer instead of being benefited by the bill we have now under consideration would be very seriously injured, for the savings banks of the country are integral parts of our commercial and industrial life, and especially so in the part of the country from which I come, where the farmers own the savings banks, except those in the large cities, where they own not only the stock of the savings banks in large measure but own the deposits in the savings banks as well. In Iowa I think that 90 per cent of the deposits in her banks—and she has more than any other State in the Union—outside of three or four large cities, are the deposits of farmers, and to set up a rival system that would conduct business upon an entirely different basis might injure the very persons whom the Senator from New Hampshire is trying faithfully, I know, to assist.

Mr. POMERENE. If I may ask the Senator from Iowa a question, to what extent are the farmers of his State borrowers?

Mr. CUMMINS. They are very large borrowers. There are many farms in Iowa mortgaged, not because the people there are impoverished——

Mr. POMERENE. Oh, no; not at all.

Mr. CUMMINS. But for the reason stated the other day by the Senator from New Hampshire; they desire to do business, and they very often secure their capital in that way.

Mr. POMERENE. I asked the question because of this thought in my mind: Assuming for the sake of the argument that to some inappreciable extent this might interfere with the building and loan associations that we have as deposits for the farmers' money, are they not going to be correspondingly benefited by a system which is going to give them long-time loans at what we believe is going to be a more reasonable rate of interest?

I conceive that the chief benefit of this system is the creation of an institution which is going to provide a long-time loan for the farmers. Under present conditions they are not able to make long-time loans. There may be a period of one or two years when crops have been only a partial success, if not a failure, and just at that particular time the banker who has made the loan becomes disturbed and insists upon calling the loan, or at least he refuses to renew it if it should have matured. Now, we are meeting that condition by providing a loan that can be extended over a period of 36 years, and at any time after 5 years the borrower can pay it all off if he desires.

It seems to me that the benefits which are provided for in this system are very much greater than any incidental injury the farmer may sustain, if he would sustain any, by trespassing upon the functions of the savings banks.

Mr. CUMMINS. Mr. President, in answer to the Senator from Ohio I want to say that I have no doubt a great many people would be benefited by a provision of the character we have just been discussing. I take it, however, that the test of a wise law is the general good, the general welfare, rather than the advantage arising to comparatively few people in any community.

I am not even suggesting hostility to the proposal that in some proper way the loaner of money shall be assured of the validity and the safety of the security that is offered to him and be relieved of the burden of collecting the interest upon a mortgage or the principal when it matures. That is the great benefit of a bill of this sort, and I think it is practically its sole benefit. It is well worth accomplishing, however.

I hope that before the bill passes it will be rid of some objectionable provisions and be strengthened in some of its very beneficial provisions. It is not expected, however, that the land banks will become the sole loaners of money in this country upon farm mortgages. I think the general welfare requires that the business of the land banks shall be done under such conditions as that other business of similar character honestly conducted may survive, for it is impossible to believe that we would be benefited if all the business of this character and kind were concentrated in this system.

Mr. President, this is nothing new in my State. We have had this system for years. Our State organized loan and trust companies which have accumulated mortgages, consolidated them in a trust or deposit, and upon the basis of the deposit issued bonds bearing a lower rate of interest than the mortgages bore.

The farmers and all other borrowers, in so far as loans on farms in Iowa were concerned, were greatly benefited by the system. This bill is simply an adaptation of a plan which has long been recognized.

The loan and trust companies in my State have largely gone out of business. Why? Because the insurance companies of the country a few years ago came to the conclusion that they would deal directly with the farmers and with other borrowers, and they gave to the farmer and to other borrowers a lower rate of interest than the loan and trust companies could give and maintain themselves.

Mr. POMERENE. Mr. President, may I ask at what rate do those companies loan?

Mr. CUMMINS. There is no uniformity in the rate.

Mr. POMERENE. What is the average rate?

Mr. CUMMINS. The rate in Iowa has been, taking a few years into consideration, all the way from 4½ to 6 per cent.

Mr. POMERENE. What commissions do the farmers have to pay for the loans that they get?

Mr. CUMMINS. That also is not uniform. Some of them pay no commission whatever. Some insurance companies have established places of business in our State for making loans, and loans are so made directly to the borrower in many intances, and there is no commission. There are other instances in which capitalists—insurance companies among them—have offices conducted by agents—brokers—and they charge a commission. It is not at all uniform.

Mr. DILLINGHAM. Mr. President, if the Senator from Iowa will permit me, in answer to the question of the Senator from Ohio [Mr. POMERENE], I have before me a table, which has been very carefully prepared, showing that as to 126 American life insurance companies, whose total mortgage loans amounted to 97 per cent of all the mortgage loans held by American companies, the average rate of interest was 5.55 per cent.

Mr. POMERENE. On what size loans?

Mr. DILLINGHAM. On all sized loans. They held 97 per cent of all the mortgages held by all the insurance companies of America, and the average rate was 5.55 per cent.

Mr. POMERENE. My experience has been that a good many of these loans by the insurance companies are made through agents, who charge a very substantial commission for their services.

Mr. DILLINGHAM. The great majority of such loans owned by insurance companies are purchased by dealers in the State, who are dealing directly with the borrowers. These loans are all taken subject to inspection by the companies' agents. I think the table which has been presented by the committee shows that in the State of Iowa, on an estimate made by Dr. Thompson, specialist in charge of rural organization in the Department of Agriculture, the average rate in Iowa was 5.6 per cent, and that the annual commission to the agents was only three-tenths of 1 per cent. I think that is too high. My experience with Iowa farm loans is such that I do not think the rate of interest upon the average issuance of farm loans in Iowa can be as high as he states it—5.6 per cent—because, according to this report, the average of all the loans owned by the insurance companies of America is only 5.5 per cent.

Mr. CUMMINS. Mr. President, I have not consulted the statistics with regard to the loans in Iowa. I speak only from a personal observation of many transactions of which I have known in the last few years. The fact is that in our State the two insurance companies which loan more money than any others—possibly as much as all others—are represented in the State by agents of the insurance companies, and the loans are made directly from the companies to the borrower, without the intervention of any third party, and, in the main, without any commission.

Mr. POMERENE. Mr. President, is it not——

Mr. CUMMINS. If the Senator from Iowa will allow me, I have been instancing these things simply to show that there are other interests to be conserved and to be recognized. I want the farmers to secure a lower rate of interest; and if I believed it to be fair to the people of the country generally I would favor the Government entering the business directly and purchasing the mortgages at an interest not to exceed 4 per cent; but while in that way I should be able to secure a low rate of interest to the farmers, I feel that I would be inflicting a great injury upon a business which, if destroyed, would in the end result in disaster to the farmers.

For these reasons I have been disposed to favor, and to favor very heartily, the general plan proposed by the Senator from New Hampshire [Mr. HOLLIS]; but in carrying out that plan we must not forget that the business of this country is a complicated one, and in the effort to assist the farmers we must not impair the rights and destroy the business of other people.

Mr. LODGE. Mr. President, will the Senator from Iowa allow me to interrupt him?

Mr. CUMMINS. I yield to the Senator.

Mr. LODGE. I was very much struck by what the Senator from Iowa said about the effect of this legislation on the savings banks. I have here the figures which show that there are deposits in private savings banks of $4,997,000,000, practically $5,000,000,000; in building and loan associations, $1,257,000,000; and there are 14,915,000 depositors and members. As suggested by the Senator from Iowa, we should touch cautiously such a great system as that, involving, as it does, 14,915,000 depositors. I believe that such a proposition ought to have very careful consideration.

Mr. President, if the Senator from Iowa will allow me, I will ask that the report, which I hold in my hand, of the committee on rural credits of the Chamber of Commerce of the United States be printed as a part of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The report refered to is as follows:

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA.

The committee on rural credits held meetings at Washington on February 14 and 15, a majority being present, and Mr. Myron T. Herrick in the chair. The only one of the measures pending in Congress discussed was bill 2986, which Senator HOLLIS introduced in the Senate on February 15, 1916.

OUTLINE OF THE HOLLIS BILL.

This bill proposes to create through a bureau at Washington a farm-mortgaging system composed of Federal land banks, national farm loan associations, national joint-stock land banks, and such other institutions as the bureau may admit to the system.

The bureau shall consist of the Secretary of the Treasury and four appointees of the President and Senate of the United States. The bureau shall divide continental United States, exclusive of Alaska, into 12 districts and establish a Federal land bank in each district. The bureau may establish as many more Federal land banks and charter any number of national farm-loan associations and national joint-stock land banks, as it pleases and grant licenses to mortgage companies and moneyed corporations organized under any National or State law to act as agents of the Federal land banks.

The bureau may appoint the receiver and administer the affairs of a dissolved land bank or association without the intervention of the courts, and no dissolution shall take place except upon its written consent. It shall appoint a registrar and one or more appraisers for each district, and any necessary examiners and employees for the system, and all such appointees shall be public functionaries. It shall supervise the system and render periodical reports to Congress.

Each Federal land bank shall have a capital stock of at least $500,000, which may be increased indefinitely. The shares shall be $5 apiece, and may be held by any individual, firm, association, corporation, or by the Government of the United States or of any State. But only the United States and national farm-loan associations may vote. The United States shall select two and affiliated national farm-loan associations the three other directors composing the board. One of the directors shall be a person experienced in practical farming.

Ten per cent of the capital stock shall be invested in bonds of the United States. Twenty-five per cent of the net profits shall be set aside each year for a reserve until that fund equals 20 per cent of the capital stock. The Federal land banks may maintain branches. They may serve as depositaries and financial agents of the United States. They may receive savings and deposits from shareholders, and circulate bonds up to twenty times capital stock and surplus. They may contract debts in other ways without any limit as to amount.

The bonds shall be prepared by the Secretary of the Treasury and Comptroller of the Currency after the manner of national-bank notes, and issued only when approved by the bureau, countersigned by its executive officer, and secured by mortgages valuated by the appraisers and trusteed with the district registrars. The smallest series shall be $50,000, the lowest denomination $25, and the highest interest rate 5 per cent per annum. The bonds shall have a maturity of at least 10 years, and be lawful investment for public and fiduciary funds. Postal banks may invest 30 per cent of their deposits in them. Any member bank of the Federal reserve system may buy or sell them or use them as security for acceptances or 60-day direct obligations; and such paper shall be eligible for discount by Federal reserve banks. The Federal land banks shall guarantee the bonds of one another.

The bonds and the mortgages shall be instrumentalities of the Government of the United States, and, together with the capital stock, reserve, surplus, and income, shall be exempt from all taxes, Federal, State, municipal, and local, except taxes on real estate. The United States shall, if ordered by the bureau, advance the Federal land bank $6,000,000 a year, and also subscribe for all the minimum capital stock remaining unsubscribed for by other parties 90 days after books have been opened. The United States shall receive only 2 per cent per annum for its advances, and no dividends at all upon its shares.

As many national farm-loan associations may be formed in a district as its Federal land bank and the bureau deem advisable. The incorporators of each shall be 10 or more natural persons applying for loans, and they must tender mortgages aggregating at least $20,000 executed and recorded in favor of such bank. Only borrowers may become shareholders. Each borrower must subscribe for shares up to 5 per cent of the amount of his loan and may hold as many more shares as he pleases.

The shares shall be $5 apiece and withdrawable under rules prescribed by the district Federal land bank. The liability of members shall be unlimited or double the face value of their shares, according to the plan selected. No member may cast more than 10 votes. Each association shall have a board of five directors selected by members, and a president, vice president, and secretary-treasurer selected by the board from members. But neither directors nor officers need be members.

A national farm-loan association can not issue bonds. Its powers shall be to receive money by the sale of shares and 4 per cent certificates of deposit, and to invest its funds in loans to members or in bonds of the United States or of Federal land banks. It may also receive money from its Federal land bank for making loans; but in this case it must buy shares in such bank up to 5 per cent of the amount so received, pledge the shares, and further secure the advances by an equal amount of mortgages indorsed and guaranteed to such bank. The total of the advances must never exceed twenty times the face value of the shares held in the bank. An association may also borrow sums from its bank at 6 per cent per annum to meet current expenses and losses. Twenty-five per cent of net annual profits must be set aside for a reserve until such fund equals 20 per cent of outstanding share capital. The reserve shall become the property of the district Federal land bank in the event of a dissolution. The associations, like the Federal land banks, shall be exempt from taxation.

As many national joint-stock land banks may be formed as the bureau deems advisable. The incorporators of each shall be 10 or more natural persons. Its territory shall be confined to a State or to contiguous States. The minimum for capital stock shall be $500,000 when headquarters are in a State with a population of 2,000,000 or more; in other States the minimum shall be $250,000. The shares shall involve double liability. The board shall consist of five or more directors. The bonds may bear any legal rate. They shall have a distinctive form and color and the amount in circulation must never exceed fifteen times capital stock and surplus. Tax exemptions are accorded only on the mortgages. In other respects national joint-stock land banks would have an organization similar to that of the Federal land banks, except the United States could not be a stockholder nor participate in the management.

These three kinds of institutions composing the proposed system shall make loans only on farm land. No restrictions as to amount, period, or purpose are imposed on national joint-stock land banks. But the loans in which Federal land banks and national farm-loan associations may invest their funds shall run for not less than 5 nor more than 36 years and be paid off by half-yearly annuities. Only sums divisible by $100 may be accepted in prepayment. The interest rate shall not exceed that fixed for national banks, nor shall it ever go higher than 1 per cent over that current on the bonds of the district Federal land bank. This ratio between interest on bonds and loans must also be observed by national joint-stock land banks. The only objects for lending shall be to purchase, improve, or equip a farm for a home. The minimum for amount shall be $200. The maximum shall be $10,000, but in no case ever exceed one-half the value of the mortgaged farm. The value shall be determined by the loan committee and a public appraiser.

The borrower must be or become the resident and actual cultivator of the farm. He must give a first mortgage and undertake not to sell or otherwise dispose of the farm until his loan has been paid in full. He must also buy shares in the Federal land bank or national farm-loan association up to 5 per cent of the sum borrowed and pledge the shares as additional security. If he should die, default, or violate the terms of his mortgage, the loan may be recalled, with 6 per cent interest.

Such mortgage loans are the only loans against which the Federal land banks may issue bonds. The mortgages, trusteed with the registrar as security for the issue, must always equal in amount the bonds outstanding. The Federal land banks may not make loans directly. They may acquire them only by indorsement from national joint-stock land banks or from national farm-loan associations, preferably from the latter. If a sufficient supply can not be obtained in this way, then a Federal land bank may buy such mortgages from any bank, trust company, or mortgage institution organized under National or State laws and approved by the bureau. Mortgages so acquired shall be guaranteed by the seller. The aggregate of the guaranties shall not exceed its capital stock and surplus.

OBJECTIONS TO THE HOLLIS BILL.

1. Powers of the bureau too extensive: The bill contravenes the spirit of American Government by proposing to enact special as distinguished from general laws and to create a bureau clothed with both executive and judicial powers through which, while Congress is not in session, money for the use of a special class of private individuals may be abstracted from the Public Treasury at 2 per cent, or for no interest, and the good faith and honor of the United States be involved in the issue of unlimited millions of bonds bearing interest at a rate as high as 5 per cent per annum and running for indefinite periods, even to future generations. The bureau may establish any number of Federal land banks in addition to the first 12, and, since no maximum is prescribed for capital stock, it may authorize continual issue of bonds that may be endless so long as qualified mortgages are supplied.

The bureau may withhold the benefits of the proposed system from any State or from any group of farmers. It may shift the public funds and, through its registrars, certain other funds of the land banks, and direct such funds to any section of the country, as it pleases. It may entirely forbid bond issues and fix different rates of interest for bonds and loans, according to district, and even fix the rate after the bonds have been issued, and thus it can favor one land bank to the detriment of any other land bank, and force the latter to suspend business. It has absolute authority to grant or disallow charters, to dissolve any land bank or association, to appoint the receiver, compound debts and claims, cancel even obligations to the United States, and dispose of assets in any way it sees fit. The courts can not intervene if it acts first, and no dissolution shall occur without its written consent. No appeal can be taken from any of its decisions. The bureau is a supreme autocratic body, with its great powers absolutely unrestrained except by its own discretion and prejudices. This burcaucracy is not American.

2. Government institutions: The Federal land banks, being established by Government, managed in part and entirely dominated by Government functionaries, and empowered to use the cash, good faith, and credit of Government are Government institutions to the extent that investors in their shares and bonds would have a moral, if not a legal right, to look to the United States for the return of their money. The establishment of such Government institutions for the private purposes for which they are intended presents a grave constitutional question. The Hollis bill avoids this by authorizing them to act as Government depositaries and financial agents, and by declaring their bonds and mortgages to be instrumentalities of the Government of the United States.

But this is subterfuge. If Congress can render doubtful legislation constitutional by such evasive devices, then the Constitution has be

come a mere scrap of paper, the principals of fair play and equal rights upon which the Republic is based have disappeared, and Congress may legislate for any religion, race, or class without regard to the rest of the people. The Constitution vests in Congress the power to borrow money on the credit of the United States and requires all bills for raising revenues to originate in the House. Such powers can not be delegated. Nevertheless, the Hollis bill plans to empower the Secretary of the Treasury and four appointees of the President and the Senate to utilize the credit of the United States and to borrow money without any limit as to amount or time and at a rate as high as 5 per cent per annum.

It is claimed that the Government's connection as a stockholder would be only temporary, since the bill provides for the retirement of the shares held by the United States in a Federal land bank. But this retirement can not begin until the holdings of other parties amount to $500,000, while even after that event only one-fourth of such subscriptions may be used for the retirement. These other shares would probably be those for which borrowers are obliged to subscribe up to 5 per cent of their loans. So, assuming that the United States supplies the initial capital stock, as is intended, the Federal land banks in the aggregate must have $12,000,000 of capital stock, and there would probably be $240,000,000 of loans and a corresponding amount of bonds outstanding before the United States could withdraw as a shareholder. This does not include any other than the first 12 Federal land banks which the bureau may establish.

3. Unqualified and unlimited State aid: Financial assistance follows the establishment of Government institutions, as a matter of course. The exemption from all taxes, the use of about one-third of postal savings, and the right to obtain Government funds as deposits at 2 per cent interest and as subscriptions to shares without dividends, and to issue bonds prepared by the Secretary of the Treasury and Comptroller of the Currency and certified and approved by Federal officials are State aid of any unqualified type and absolutely unlimited, for the reasons stated.

The possible extent is appalling, and yet it would not be available for many persons in need of it, i. e., tenant farmers and landless homeseekers in the town as well as in the country. The United States surely could not afford to take the risk of financing poor persons inexperienced in farming. But this is the usual excuse foreign nations have for a resort to the Government aid proposed by the Hollis bill.

In nearly every foreign country where the Government has intervened in land credit the State has suffered heavy losses from the defaults of borrowers and from being compelled to pay the bonds in order to protect its honor and financial standing. The United States also has suffered similar experiences. The reclaiming of the arid regions in the West is a great and necessary undertaking. It ought to have been financed, like the Panama Canal, by bond issues. The assessment on the tracts improved ought to have been paid into a sinking fund to redeem the bonds. But the United States financed its 25 projects through receipts from the sale of public lands. These millions of receipts, which otherwise would perhaps have been devoted to general educational and agricultural purposes, were used for the benefit of a relatively small number of individuals.

The United States has invested over $100,000,000 in the projects, has arranged to borrow $21,000,000, and must have $75,000,000 more to complete the work; and part of the investment represented in the Yuma project is a total loss. The settlers are not charged interest. They enjoy gratis this third largest instance of State aid in the world; and although their principal payments have been divided into 20 annual instalments, many are in default. One of the reasons for this is that the intervention of Government created such high fictitious values that the dues on mortgages given for the purchase price of the land, with the taxes, consume most of the settlers' profits.

The free use of money or the artificial reduction of interest rates is invariably compensated in this way by increase of the purchase price of land. The framers of the Hollis bill have overlooked the bitter experiences of the United States and of the settlers in these irrigation projects. Also they have overlooked the disastrous end of the private enterprises and banks with which many States became identified during the period beginning with the year 1836, and as a result of which nearly every State inserted in its constitution a clause forbidding the use of the cash or credit of government, except for strictly public purposes. The crazes for greenbacks and subtreasury warehouses are now happily dead, but they were more intense than the present demand for Government land banks.

The exemption of mortgages used as security for bonds is not objectionable since it would prevent double taxation. But to exempt bonds and shares without limiting the amount in the hands of one holder, as in the Hollis bill, can not be justified, because it would relieve from taxation the surplus of wealth of persons not farmers or even residents of the United States, and simply shift the inevitable burden of taxes to other kinds of real and personal property.

4. A Government savings bank system: Besides the United States, any individual, firm, association, corporation, or State could place time or demand deposits in a Federal land bank simply by becoming the holder of one share of stock. Since a share has a face value of only $5 and may be withdrawn under rules prescribed by the bureau, this converts the Federal land banks into Government savings banks. A national farm-loan association could issue any number of shares and 4 per cent certificates of deposit to members; it could issue the certificates also to nonmembers. The various associations in a district must transmit the deposits to their Federal land bank, and thus serve as agencies for it. In this network fashion the Hollis bill plans the creation of a great Government savings bank system for gathering up savings for public institutions remote from the localities of the depositors and dominated by a bureau at Washington. This nation-wide system would be completely tax exempted, without limit as to the amount standing to the credit of a depositor.

The demand deposits received from associations could not draw interest, but deposits of any kind from other depositors could draw interest. This would be unfair to members of the associations. Savings and deposits may be invested by the Federal land banks in mortgage loans, but the claims of bondholders shall be prior to that of depositors on the deposits as well as on capital stock and surplus. The investment of deposits in loans which must run for 5 and may run for 36 years is dangerous finance. It would also be equally wrong and dangerous to permit savings institutions to pyramid on their credit and encumber assets with debt through bond issues. Such methods brought the public savings banks of Italy so near to ruin a few decades ago that they would have become bankrupt if the Government had not come to their assistance, repealed the laws, and refunded their obligations on terms which it compelled creditors to accept.

Institutions financed through the cash and credit of Government do not need savings, nor do they need capital stocks. Nevertheless, the Hollis bill provides for both, and, in order to obtain them, would subject farmers to compulsory share subscriptions, but permit investors having no need of loans to enjoy the benefit of the Government's bounties and tax exemptions. In foreign countries, especially where royalty reigns, the highly centralized Governments require abundant funds for their warlike and other purposes, so they have established public savings banks and they discourage private savings banks. The more funds the State brings under its control the greater, of course, becomes its temptation to engage in private enterprises. The United States, following European practices, would probably invest in its own securities the deposits collected through the numerous associations for its 12 or more Federal land banks and thus enlarge its business ventures while diminishing the present volume of ready cash in country districts.

Recent statistics show that in the United States there are deposits and savings of $4,997,706,013 in private savings banks and of $1,357,707,900 in building and loan associations. The 14,915,104 depositors and members, comprising farmers and city dwellers and constituting over one-seventh of the population, have accumulated $6,355,413,913. With these funds and largely under their own management they have built up a system surpassing in assets and profits the combined public and private system in any other country. The postal savings banks have $65,684,708 of deposits. This moderate growth, contrasted with the enormous development of the private savings banks and building and loan associations, indicates that the people of the United States prefer a decentralized private system of cooperative or mutual local units that will keep their money circulating at home. The people have never expressed the least desire for a change. Their splendid system of mutuality and cooperation ought not to be disturbed by Government without their full knowledge and consent. Moreover, the postal savings banks ought to be given a fair chance to prove their worth before a second Government system is placed in competition with it.

5. Not cooperative: The report which Senator HOLLIS signed and the Senate published with the bill asserts that the proposed system is cooperative and that all profits would revert to the borrowers. The bill itself contains a clause authorizing the bureau to propagate the principles and practices of cooperative credit and cooperative organization. This report and provision are glaringly inconsistent with the plan of the bill. The basic principle of cooperation is organized mutual self-help resting upon individual initiative and private enterprise. The essentials of a cooperative association are that the management shall consist of members elected by members and that any distribution of profits shall be confined to members.

Nevertheless, the bill provides for Government initiative, aid, and direction; authorizes national farm-loan associations to be managed by directors and officers not members; prevents them from making any loans except with the consent of outsiders—a Federal land bank and official appraisers; and permits any individual, firm, association, corporation, or State, whether a member or not, to participate in the profits through ownership of dividend-paying stock in the land banks. Similarly, also, the Federal land banks may divert from borrowers and turn over to agents one-half of 1 per cent of the profits on loans made through them. The bill, it is true, requires collective liability, either limited or unlimited, but the effect of this would be to subject the borrowers to all the risk of loss while allowing them only a part of the profit. So the system not only violates cooperative principles, but would operate toward borrowers contrary to promises.

There is no country where cooperative associations and capitalistic companies work side by side under the same act. The reason is that they are entirely different the one from the other, and each requires statutory provisions especially designed for its peculiarities. For a similar reason public and private institutions have never been successfully conducted in the same system. Invariably wherever such a combination has been attempted the joint-stock companies have crowded out the cooperative associations, and the public banks have overmatched all. This would also be the case with the Hollis bill. Its Government intervention and assistance would render individual initiative, private enterprise, and mutual self-help unnecessary; and the final private remnants would be only those willing to take and able to get the Government favors that a bureaucratic body would have the arbitrary power to bestow or withhold, and the system would degenerate into nothing but Government ownership and State aid.

6. Too complicated: The Hollis bill proposes by one and the same act to establish public land banks and public savings banks, to authorize national cooperative savings and loan associations, and national joint-stock land banks; to utilize postal-savings banks and any kind of mortgage concern or moneyed corporation chartered by national or State laws, and to form out of these incongruent public and private elements a grand centralized system subject to the same rules and regulations, subsidized by Government, and controlled by a Federal bureau at Washington, for extending credit to a special class of landowners. Confusion has naturally arisen.

Under the bill, private individuals may participate with Government in the management of the public banks. The so-called cooperative associations may be assisted by Government, managed by outside parties, and divested of mutual self-help and all other cooperative features except collective liability of members. The private land banks may use public funds, must submit to Government intervention, practice cooperative methods, and prefer the interests of their borrowers to those of the holders of their stocks and bonds. Short-term deposits may be used to finance long-term loans, and the profits on the cash and credit of the United States be distributed as dividends among individuals who are neither borrowers nor farmers, while the tax exemptions would be enjoyed by those who are not the intended beneficiaries of the system.

The friends of the bill justify its plan from the Federal Reserve System. But, in adopting the features of centralization, bureaucratic domination, and Government intervention of that act for their special purpose, they ignore the facts that the Federal Reserve System is available for all and was established by the United States Government in accord with its sovereign and constitutional right to create currency, while they utterly fail to realize that the machinery for giving liquidity to personal credits is not the proper machinery for mobilizing land values. The bill can not be said to reflect matured thought on land credit. Rather, it indicates, when the high discretionary powers of its autocratic Federal bureau are considered, that the framers were seeking some safe way to utilize the cash and credit of Government, and that they followed models devised by foreign countries for poor and ignorant peasants.

7. Inconsistencies: The bill forbids bonds from being recalled for 10 years, but allows the underlying loans to be paid off 5 years after date. It allows land banks to retain defaulted loans on their books for 2 years, but requires national farm-loan associations to make good all defaults

within 30 days after notice; this, of course, is impractical since no mortgages can be foreclosed within such a short time. The loans must be paid by annuities, but the annuities may be larger than the income of the mortgaged land—a dangerous practice in long-term lending.

The lenders can charge no commissions, but must stand all the cost of making renewals, although borrowers may pay off their loans in bonds and so, in the event of a depreciation, throw the loss upon shareholders; this also permits a borrower who can buy bonds to take profit away from his less fortunate fellow borrowers, and to interfere with the accumulation of a reserve to protect their investments and liabilities. Since the loans must be made in cash, the lenders—at least, the national farm-loan associations—ought to be able to exact payment in cash, as a matter of justice to their members, particularly to small borrowers.

The arrangement by which the Hollis bill obligates all borrowers to assume collective liability for any loan used for securing bonds is unjust. Especially would it be unjust for national farm-loan associations in which the liability is unlimited. In spite of the fact that one-fifth of the members of such an association may prevent it from admitting a loan applicant, nevertheless, every member must stand good for loans made without his knowledge or consent by any other association or Federal land bank anywhere in the United States. This inconsistency practically eliminates the associations from the system, since farmers would avoid them. The bill, it is true, provides that membership shall cease with the payment of the loan, and that the shares (which the association must compel the borrower to take up to 5 per cent of his loan) may then be retired.

But, on the other hand, the bill requires the association to purchase a corresponding amount of the capital stock of its Federal land bank and to pledge the borrower's obligatory shares with such bank. It is in this way that a Federal land bank is expected to obtain capital stock after the shares of the United States have been paid off. The capital stock, however, must always be maintained (with surplus) at twenty times the bonds in circulation, and never fall below the minimum of $500,000, while the bonds can not be redeemed before 10 years from date, and may run for much longer periods. Consequently, the amount of the obligations for which a borrower may become liable is practically unlimited; and, since no time is fixed by the bill, the borrower's liability would continue for 5 or 6 years (or the statutory period set by State laws) after he had paid up his own loan and had exercised his remote right to withdraw.

8. Defects: The scheme for amortizing loans and for issuing and redeeming bonds is not well coordinated. Although providing for periodic payment of the loans, the bill does not provide for periodic retirement of bonds, and so there is no automatic sifting of bad from good securities, so necessary in long-term mortgaging. Moreover, since amortization is obligatory, there should be provisions permitting prepayments to be applied to increase the size of the annuities and shorten the loan period, as well as to reduce their size without changing the period. Such alterations, however, affect both the interest and principal installments in the annuity. In the absence of statutory clauses allowing such alterations, the courts might adjudge the loan to be usurious if a corresponding recalculation of the annuities was not made; or, again, if such recalculation was made, the courts might construe the rearrangement as an entirely new contract having no lien on the mortgaged property against intervening third parties.

The Hollis bill is obscure on these points. It does not permit the land banks or associations to charge any fees for renewals, while it lacks even the clauses which enable American building and loan associations to impose fines for withdrawals and aggregate interest and principal in installments, and thus extend long-term credit without running the risk of usury. The bill provides that only sums divisible by $100 and applicable for reducing principal (as distinguished from interest) may be paid in advance of the due date, while no loan under any pretext shall draw interest at a rate higher than that legal for national banks. The only exception is the national joint-stock banks. Prepayments and defaults would present troublesome problems under these clauses and lack of proper clauses. The right to pay off a loan ought not to be postponed for 5 years. Payment in whole or in part should be allowed at any semester; and this would occasion no trouble if the land banks had the power, as they should, to recall their bonds at will or were compelled to retire them by periodical drawings.

Although the bill prescribes a statutory limit for the output of bonds, nevertheless it permits the land banks to contract debts in other ways without any limit as to amount, while their obligations may draw interest at a higher rate than that of the underlying securities. Thus, interest received from loans and other investments may be used to consume principal on the obligations and impair capital stock and assets. The trusteeing of mortgages with district registrars would be cumbersome, expensive, and totally unnecessary on the assumption that the officers of the land banks would be as capable and honest as anybody else. Moreover, such a requirement could add nothing to safety, because the loss or theft of recorded instruments, like mortgages, can occasion only an inconvenience.

9. Terms too severe for borrowers: The regulation of the borrower's affairs and expenditures naturally follows the State-aid features of the bill. The United States should have the say, of course, as to what may be done with funds it supplies. But this paternalism would put in question the undoubted intelligence and integrity of the average American farmer, while it would be difficult and expensive to carry out, besides making foreclosure possible at practically the will of the lender. There are many good reasons for borrowing, such as to educate one's children or to increase the size of a farm so as to meet the needs of a growing family or to leave an estate to heirs, but the Hollis bill excludes all these.

The mortgaged farm must have a value equal at least to twice the principal of the loan. But since 5 per cent of the money borrowed must be spent in share subscriptions, this cuts the actual credit of the farm down to 45 per cent of its value. If the money comes through a Federal land bank, the borrower must live upon and personally cultivate the mortgaged farm and use the loan only for some specified and sworn-to purpose. He can not dismortgage the farm for five years, nor freely sell it as long as any of the loan remains unpaid, while foreclosure may be brought at once if he dies, defaults, or dissatisfies some secret inspector. Moreover, he must become a member of some national farm-loan association and assume double or unlimited liability for all other loans made through the system. These terms are more harsh and onerous than now exacted from borrowers.

10. Could not operate with uniformity and fairness: This plan to establish a nation-wide system by beginning at the top without due regard to the foundation has naturally evolved a fragile superstructure unnecessarily elaborated in details. The bill proposes to legislate on matters ordinarily taken care of by by-laws or resolutions of boards of directors, while, on the other hand, it lacks indispensable clauses. Its scheme to unite all varieties of land-credit institutions into one harmonious whole is pleasing to the eye, but not logical nor practical. The more it is studied the less it satisfies the advocates of any kind of institution. Indeed, nothing but continual violation of correct principles can be expected of such a centralized, complicated, and subsidized system. The 45 per cent of the value imposed as the lending limit on land would make it useless in thickly settled and improved sections. Its lending restrictions would interfere with its extension to Texas, whose constitution prevents the waiver of homestead rights, and to other States whose laws do not conform to the standards prescribed by the bureau.

There is no possibility that the system would operate with fairness and uniformity throughout the country nor improve land credit to any noticeable degree. Its method of finance, through deposits attracted and bonds sold upon the forced guaranty of 12 or more Government banks and upon the good faith and honor of the United States, eliminates land-credit features. The mortgages lose their character as securities and become simply a gauge for the output of bonds and a means for doling out funds supplied through Government. The unfortunate outcome of this substitution of the credit of Government for the credit of the land by the arrangement proposed would be that reforms now under way would be discouraged, while loans could be made only to special classes in outlying districts, and the profits of the system would be distributed as dividends and tax exemptions accorded to persons who are not farmers or borrowers.

11. Dangerous possibilities: Failing to satisfy the land-credit needs of the average farmer, the system would perhaps inordinately develop its savings-bank and other features. There is no foretelling the use of the enormous funds which might be attracted by the tax exemptions and by the promise of Federal officials to pay 4 or 5 per cent a year. The bureau may prescribe any kind of Government security for investment and define as it pleases the words "improvement" and "equipment" in the bill.

This opens the door for land-reclamation projects and for an endless variety of Government activities. The distinction between private and public enterprise would become obscured, with the ability of the Government, thus indefinitely increased, to embark on business and financial ventures.

RECOMMENDATIONS.

In view of these minor and important defects the Hollis bill does not present a workable plan. Instead of passing a special act for utilizing the cash and credit of the United States and for creating a centralized system composed of such incompatible elements as public banks, capitalistic companies, and cooperative associations, it would be better for Congress to pass a law, general in its nature (like the national banking act), under which plural competitive companies might be formed for granting loans to any class of landowners selected by their charters.

The specific essentials of such a law are few and simple, their purpose being to regulate bond issues, enforce rigid supervision, and safeguard borrowers from oppression and investors from losses, and to require enough capital stock to assure a strong financial standing. Inasmuch as farm loans are more expensive to make than other kinds of loans, it might be advisable to exempt from taxation all farm mortgages when used as security for bonds. But special legislation should not go beyond this favor until a fair trial had proved that properly regulated and officially supervised companies, operating on correct principles, were not able to find the farmers all the money they need at long-term and reasonable interest rates.

The so-called associations of borrowers in their purity have no capital stock nor do they take in money on shares or as deposits or savings. They are known as landschafts, and they are created, officered, and managed very much like drainage, sewer, improvement, or school districts in the United States. The liability of the landowners in both is collective and unlimited, in consequence of assessments which may be levied in order to maintain a sinking fund at a balance with outstanding bonds. The issuance of bonds by a landschaft, however, is resorted to only for raising money for individual loans. This is its chief difference from the American districts. Landschafts are the best institutions for according long-term credit on farm lands, but it would be well to leave the legislation for them to the States where they might be serviceable.

MYRON T. HERRICK, *Chairman.*

CLEVELAND, OHIO, *March 31, 1916.*

Mr. POMERENE. Mr. President, may I ask the Senator from Massachusetts what are the average earnings of the various institutions to which he has referred?

Mr. LODGE. I have not the figures here and can simply state those earnings offhand. I think our banks in Massachusetts made 3 per cent.

Mr. POMERENE. My thought is that these mortgage-loan bonds will be very largely taken by such institutions as the Senator from Massachusetts has in mind.

Mr. LODGE. I should not think they would be taken if they were well-managed institutions.

Mr. POMERENE. If these securities will be as good as we believe they are going to be—and I see no reason why they may not be just as secure as law and safe administration can make them—I can not understand why we should distinguish between them and any other institutions.

Mr. LODGE. Under the laws of the State—at least, under the laws of my State—the officials are very strict in regard to savings-bank investments. I do not believe they are permitted to invest in securities because the Senate and House of Representatives may think they are going to be good securities.

Mr. POMERENE. I imagine that they will use their sound judgment in the matter.

Mr. LODGE. I fancy so.

Mr. POMERENE. I think we have legislated with a reasonable degree of intelligence with regard to the banks of this country, and I see no reason why we may not use that same intelligence in this matter.

Mr. LODGE. I think we can hardly cite that as an authority.

Mr. POMERENE. I am entirely content with it.

Mr. CUMMINS. Mr. President, I am not questioning the intelligence of the committee; I think it has performed a very difficult task in a very creditable way; but it must not be assumed that the result of its labors can not be improved in the debate and the consideration which the Senate will give upon these very indirect propositions.

Mr. POMERENE. I hope the Senator from Iowa does not think that I was objecting to any amendments. I shall have several to offer myself later on.

Mr. CUMMINS. I did not, even in my mind, accuse the Senator from Ohio of any such treason to this very honorable body. I earnestly desire to aid the Senator from New Hampshire in opening the road for the farmer to the sources of capital in this country, and to procure for him the readiest access possible for the money that he needs to supply his wants; but I am still of the opinion that the farmer does not desire, and ought not to have if he does so desire, an advantage over other classes of the country.

I began by suggesting that the exemption from taxation in such a case as is proposed for the deposits made with the farm-loan associations was unequal and unfair, and I still believe so. I have no doubt that the thing in the mind of the Senator from New Hampshire was the exemption of the bonds from taxation, because they were, in a certain sense, governmental instrumentalities. I have no question but that he has been assiduously looking for constitutional pegs upon which to hang this very important measure. I think he will find them without difficulty, and still remove some of the objectionable things that I believe are now in the bill.

I shall offer no amendment at this time, but when the reading of the bill shall have been finished, there are certain suggestions that I desire to make to the Senator from New Hampshire and to the Senate.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. The Senator from Montana.

Mr. DILLINGHAM. Mr. President, before this bill is put upon its passage, I hope the Senator who has charge of it will very fully discuss the question which has been suggested by the Senator from Iowa [Mr. CUMMINS].

The VICE PRESIDENT. The Senator from Montana [Mr. WALSH] has been recognized by the Chair.

Mr. WALSH. I yield to the Senator from Vermont.

Mr. DILLINGHAM. I beg pardon. I did not know that the Senator from Montana had been recognized. I thought I was recognized.

I find in section 29 of the bill this language:

SEC. 29. That every Federal land bank and every national farm-loan association, including the capital stock and reserve or surplus therein and the income derived therefrom, shall be exempt from Federal, State, municipal, and local taxation, except taxes upon real estate held, purchased, or taken by said bank or association under the provisions of section 11 and section 13 of this act.

That is a very broad proposition, and when we consider the number of institutions in the country that are dealing in farm mortgages, and are dealing directly with the farmers and between them and large investors, we can see at a glance what such a provision as this means.

If I carry the figures correctly in my mind—and I think I do—the last census shows that the amount of farm loans in this country was substantially $2,000,000,000. If this act is to stimulate farm loans and place them upon a basis that will induce a larger measure of relief to the farmers, there is no reason why the number of farm mortgages in this country may not double. It is not a simple question of poverty; it is a simple question, as the Senator from New Hampshire [Mr. HOLLIS] has said, of securing money under conditions that will enable them to do business upon a better basis. If the amount of mortgages, we will say, in the next 10 years is to double and one class of them is to be exempted from taxation, which must run from 1 to 2 per cent, it will be seen at a glance that anybody in competition with this system must suffer extremely.

I do not know how it is in other sections of the country, but in New England I think our taxes average from 1½ to 2 per cent, and if they stand at either of the figures which I have given, this aggregation—that is, the aggregation provided by this bill—it seems to me, will be able to drive all others out of business, and we will find a double cause of trouble in it from the fact that we will be taking money from the people in the form of taxes, the benefit of which they have a right to enjoy. It will take a large amount of property out of taxation, and when that is taken out other classes in the community will have to pay the deficit that has been thus created. In addition to that, it is a direct attack upon established institutions in which there has been invested a vast accumulation of money.

I hope that the Senator will take that matter up very carefully. It is a subject to which I had given very little attention until I heard the reading of the bill; but I should like to see if there is any way of explaining away what seems to me to be a very great injustice both to that portion of the public not covered by the benefits of this bill, and to the other portion of the public that are engaged in legitimate business.

Mr. WALSH. Mr. President, it may be of some service to direct the attention of the Senate at this time to the clause in the bill which has given rise to this discussion, which has departed widely from the matter to which the provision of the bill under consideration relates. It reads as follows:

Such deposits, when received, shall be forthwith transmitted to said land bank, and be invested by it in the purchase of farm-loan bonds or in first mortgages as defined by this act.

The discussion was precipitated by the Senator from Iowa who might be interested in what I have to say.

Mr. SMITH of Michigan. From what page of the bill has the Senator read?

Mr. WALSH. Page 29. Of course if the land bank were at liberty to invest such deposits in any mortgages which it might find on the market, coming from any source whatever, those mortgages might bear any rate of interest; but quite obviously the land bank is restricted in the use of its funds to the purchase of mortgages negotiated by the local land association, for the language is not general that it may purchase mortgages, but that it may purchase farm-loan bonds or first mortgages "as defined by this act."

Mr. HOLLIS. Mr. President, I might supplement what the Senator is saying by adding that there is a provision in the bill that land banks can not buy in any other way, except through the local associations. They can only invest in regular mortgages, in loans to the farmers who belong to farm-loan associations.

Mr. WALSH. The term "first mortgage" is defined by section 2 of the act, as follows:

That wherever the term "first mortgage" is used in this act it shall be held to include such classes of first liens on farm lands as shall be approved by the Federal Farm Loan Board, and the credit instruments secured thereby.

The Federal loan board does not approve any loans on farm land except those made by the local associations, and the local associations are prohibited by the act from charging any more upon loans made by them than 1 per cent in excess of the rate at which the last issue of farm-land bank bonds was issued, and that, as provided by the act, shall never be in excess of 5 per cent. So the amount of interest which the mortgages in which the deposits may be invested shall bear is limited by the terms of the act.

Reference has been made to the exemption from taxation feature. That, as pointed out by the Senator from Vermont [Mr. DILLINGHAM], is the subject of a distinct subhead in this bill, which will be encountered in due course of time, and when it is, doubtless that subject will be debated with some earnestness, because it is quite obvious that in that provision of the bill is found the feature which has provoked whatever antagonism has yet developed to the measure.

I desire, however, to say in this connection, inasmuch as the Senator from Iowa [Mr. CUMMINS] has referred to the competition with savings banks, that the ideal savings bank is not subject to taxation. The ideal savings bank has no property; it is simply an agency for the investment of the money deposited with it by its depositors. The local associations are in character much the same, and, so far as they are concerned, there is no discrimination in this bill against the savings banks strictly so called. Of course, many banks go under the name of savings banks which have a capital stock, as the ideal savings bank has not, but those are operated for profit. Savings banks of that character will, of course, compete under such disadvantage as arises from the exemption given to the land banks; but, so far as the savings bank itself is concerned, the institution that is analogous to it is the local land association.

Mr. CUMMINS. Mr. President, a word in reply to the suggestion of the Senator from Montana. It may be that there are provisions in the bill with which I have not become familiar, but I think it can not be safely asserted that the only mortgages which a land bank can acquire are mortgages which are presented to it by farm-loan associations. It is true that in section 14 we find this provision:

That no Federal land bank shall have power * * * to loan on first mortgage except through national farm-loan associations as provided in section 7 of this act, or through agents as provided in section 17.

Turning to section 17, we find this provision:

That whenever, after this act shall have been in effect one year, it shall appear to the Federal farm-loan board that national farm-loan associations have not been formed, and are not likely to be formed, in any locality, because of some peculiar local conditions, said board may,

in its discretion, authorize Federal land banks to make loans on farm lands through agents approved by said board.

While I think that is a good provision, yet it opens the door to loans made by the land banks in every locality in which farm-loan associations have not been organized as an original authority; in other words, the land banks under those circumstances simply become general loaners of money to whomsoever desires to secure loans from the bank.

Mr. HOLLIS. Mr. President, if the Senator will pardon me, it is quite evident on a reading of section 17 that the agents are confined to chartered banks, trust companies, or mortgage institutions, and they are only permitted to place loans of that kind up to, I believe, 1 per cent of their capital and surplus, which restricts that amount very much. It is only intended to offer facilities to some remote regions where they can not form loan associations, in order that the farmers there may not be entirely without accommodation. It would be a very restricted form of loan.

Mr. WALSH. Mr. President, I will add that these agencies making the loans in lieu of the local associations, where there is no association, are under exactly the same restrictions as though the loan were made by the local association. Section 17, to which the Senator has referred, reads as follows——

Mr. CUMMINS. I am quite aware of the restriction; but it is no restriction at all when compared with the ordinary rules for loaning money. No loaner, I think, of reputation and standing, loans money in excess of 50 per cent of the value; and the only requirement here is that the borrower shall subscribe to the stock of the Federal land bank.

Mr. WALSH. I think not. I think it clearly appears that the loans made by the local agent are restricted in the matter of the interest charge just the same as the local association would be. I can not read the language in any other way. The language is:

Such loans—

That is, loans made by this local agent, instead of the association—

shall be subject to the same conditions and restrictions as if the same were made through farm-loan associations.

Now, clearly, that means that they can charge no higher rate than could the local association, if there were a local association.

The reading of the bill was resumed, beginning on line 19, page 29.

The next amendment was, under the subhead "Restrictions on loans based on first mortgages," in section 12, page 30, line 1, after the word "agreement," to strike out "for the payment of interest, and." so as to make the clause read:

Second. Every such mortgage shall contain an agreement for the payment of a fixed number of semiannual installments sufficient to provide for an agreed rate of interest during the term and for the payment of the principal during and at the end of the term, on what is known as the amortization plan.

The amendment was agreed to.

The next amendment was, on page 30, line 21, after the word "amounts," to strike out "and of the proper series," and in line 23, after the word "amounts," to strike out "and of the proper series," so as to make the clause read:

(b) By advance payments in cash in sums of $100, or any multiple thereof. In such case the Federal land bank receiving such payments shall purchase for its own account and credit at par upon the mortgage farm-loan bonds in suitable amounts; said land bank may call, as may be necessary, farm-loan bonds in suitable amounts, and when such calls shall have become effective shall credit such payments on such mortgage.

The amendment was agreed to.

The next amendment was, at the top of page 31, to insert:

Provided, That farm-loan bonds of any Federal land bank, tendered or purchased under the foregoing two paragraphs to extinguish the whole or any part of a mortgage loan, shall bear the rate of interest current on farm-loan bonds issued by such bank at the time such mortgage loan was made.

The amendment was agreed to.

The next amendment was, on page 32, line 3, after the word "section," to strike out "twenty" and insert "nineteen," so as to make the clause read:

Seventh. No such loan shall exceed 50 per cent of the value of the land mortgaged, said value to be ascertained by appraisal, as provided in section 19 of this act. In making said appraisal the actual earning power of said land shall be a principal factor. A reappraisal may be permitted at any time in the discretion of the Federal land bank, and such additional loan may be granted as such reappraisal will warrant under the provisions of this paragraph. Whenever the amount of the loan applied for exceeds the amount that may be loaned under the appraisal as herein limited, such loan may be granted to the amount permitted under the terms of this paragraph without requiring a new application or appraisal.

The amendment was agreed to.

The next amendment was, on page 32, line 16, before the word "shortly," to insert "who does not in his application promise," so as to read:

Eighth. No such loan shall be made to any person who is not at the time or who does not in his application promise shortly to become engaged in the cultivation of the farm mortgaged. In case of the sale of the mortgaged land the farm loan association may, in its discretion, declare the mortgage thereon due and payable or permit said mortgage to be assumed by the purchaser.

The amendment was agreed to.

Mr. SMOOT. Mr. President, may I ask the Senator having the bill in charge a question in relation to the amendment which was just agreed to? Suppose the person states that he does intend shortly to become engaged in the cultivation of the farm mortgaged and secures the loan and never does carry out his intention. Is there any penalty attached to it in any way?

Mr. HOLLIS. Yes; in section 12 the bill provides that if a borrower expends the money for any other purpose than the one specified in the application the land bank may immediately foreclose.

Mr. SMOOT. That is all?

Mr. HOLLIS. That is all; yes.

Mr. SMOOT. Simply the foreclosure of the mortgage on the property on which the loan is made?

Mr. HOLLIS. We discussed this matter, and it seemed that it might be a little harsh to hold a man too closely in order to give the land bank power to foreclose if he did not comply with his promises.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator from New Hampshire if the word "shortly," in line 16, has a distinct meaning in his mind? I suppose the committee are endeavoring to avoid being imposed upon and desire the applicant to be really engaged in the cultivation of the soil. I suppose that word has been used advisedly. Does the Senator think it is sufficiently restrictive?

Mr. HOLLIS. It seems to me that it is, because it would be left very largely to the discretion of the directors of the Federal land bank who had to deal with him. In one part of the country "shortly" might be pretty quick and in other parts of the country "shortly" might be a long time. We felt that it would not be wise to insist upon any particular time, because it might work hardship in some cases.

We went all over this matter two or three years ago in discussing the phrase "unfair competition." Many of us wanted to define it or try to define it, and many of us thought that we could not. Something has to be left to the decision of the bank and of the tribunal before whom it seeks to enforce its rights.

Mr. SMITH of Michigan. Does not the Senator think that the eighth subdivision, if relieved of the condition in lines 15 and 16, would be more effective? Then it would read:

No such loan shall be made to any person who is not at the time engaged in the cultivation of the farm mortgaged.

It seems to me that that would be far better than "or who does not in his application promise shortly to become." It seems to me that the latter expression opens the door for more or less speculation, and makes very indefinite the actual cultivation of the soil by the applicant.

Mr. HOLLIS. My own idea was exactly that of the Senator. As it was drawn in the bill recommended by the joint committee, it was left that way; but the Senate Banking and Currency Committee thought that those who were not actually cultivating the soil, but were going to buy a farm, and who promised that they would engage in the cultivation of it themselves, ought to be allowed to come in. I think it would obviate the difficulty that seems to be rather widespread if we should fix some time—say, six months. It is more proper to do it, and it makes it definite.

Mr. SMITH of Michigan. It seems to me the word "promise" is rather elastic.

Mr. SMOOT. I was going to suggest to the Senator, why not make the amendment read in this way:

Or who does not in his application promise to become, within six months after his application is made, engaged in the cultivation of the farm mortgaged.

Mr. SMITH of Georgia. "Six months after the loan is made."

Mr. SMOOT. "Ninety days after the loan is made," if you are going to make the loan the basis.

Mr. SMITH of Georgia. No.

Mr. HOLLIS. If it is left "within six months," to date from the time of the promise, which would be the application, I think that would be definite enough.

I ask unanimous consent that the word "shortly" be stricken out and that, after the word "become," there be inserted the words "within six months."

Mr. SMITH of Georgia. Mr. President, I should like to ask the Senator in charge of the bill whether that language means that the applicant must himself be physically engaged upon the farm, or through employees or tenants?

Mr. SMOOT. It applies in the same way that the eighth paragraph applies, in the beginning of the paragraph:

No such loan shall be made to any person who is not at the time—

And so forth. So it certainly would apply to the person himself. The person must be engaged in the cultivation of the farm mortgaged.

Mr. SMITH of Arizona. He does not have to be engaged with his own hands in actually working it himself.

Mr. SMOOT. It says so. It says—

No such loan shall be made to any person who is not at the time engaged in the cultivation of the farm mortgaged.

Mr. HOLLIS. I can easily explain what the committee meant. Whether they have adequately expressed it or not is for the Senate to determine.

The reason for the restriction, in the first place, is to avoid land speculation. We wanted to limit it to actual producers. If a man is personally engaged in the cultivation of his farm, either with his own hands or supervising those who are doing the work with their hands, the committee believed that the purpose would be fulfilled; and I think that is what a fair construction of the act would carry.

Mr. CLAPP. Mr. President, if the Senator will pardon me——

Mr. HOLLIS. I yield to the Senator from Minnesota.

Mr. CLAPP. I happened this morning to take up the bill offered by the senior Senator from North Dakota [Mr. McCUMBER], and it strikes me that he has that matter well arranged:

That any owner of agricultural land within the United States who is living upon and farming such land, desiring a loan—

That could easily be accommodated to the situation where a man was about to buy a farm, the contract, of course, depending upon the loan going through. I think it would be more likely to prevent any possible speculation, which the committee was desirous of avoiding, than even the amendment which the Senator has just accepted.

Mr. SMITH of Michigan. From what is the Senator from Minnesota reading?

Mr. CLAPP. I am reading from a bill offered by the senior Senator from North Dakota [Mr. McCUMBER].

Mr. SMITH of Michigan. Oh, I see. I thought that language was in this bill somewhere.

Mr. CLAPP. In looking it over I noticed that this morning, and it occurred to me that the Senator from North Dakota had covered that point about as well as it could be covered:

That any owner of agricultural land within the United States who is living upon and farming such land, desiring a loan—

And so forth.

Mr. SUTHERLAND. Mr. President, as I understand the language which the Senator from Minnesota has read, that would restrict the loans to persons who were actually engaged in farming their own land, would it not?

Mr. CLAPP. It would not. It would not restrict the loan to the man who is actually doing the work, but he must be in fact a farmer.

Mr. SUTHERLAND. I do not mean by that that he shall necessarily do the work with his own hands, but that he is really engaged in operating a farm.

Mr. CLAPP. Really engaged in farming.

Mr. SUTHERLAND. The provision to which the Senator from Michigan [Mr. SMITH] directed attention will permit of a loan being made to a person who not only is not engaged in the cultivation of a farm, but who never will engage in it, because it is only necessary that he shall promise to become engaged in the cultivation of the farm mortgaged; and if afterwards he does not carry his promise into effect no penalty is prescribed. The loan continues just the same.

Mr. CLAPP. I understand that the object of the committee was to limit this to men who were actually farmers, and to avoid cases where a man could use the assumed contemplated purchase of land as the basis of securing a loan under this bill. Now, if that is true—I assume, of course, that it is; I did not mean it in the form of a question—it strikes me that the Senator from North Dakota has put it in very good shape.

Mr. SUTHERLAND. I think I agree with what the Senator says about it. I think I agree that the language which the Senator has read from the other bill is the more appropriate language.

Mr. CLAPP. I was going to ask the Senator from New Hampshire if it did not occur to him that it would be a better form than the language which he has? If so, he can accept it.

Mr. HOLLIS. It seems to me that the language as it is now is as clear and definite as it can be made and still be workable:

No such loan shall be made to any person who is not at the time, or who does not in his application promise to become within six months, engaged in the cultivation of the farm mortgaged.

We went over this matter at different times. This language was the result of a good deal of colloquy among men who had made farm loans. I remember that the Senator from North Dakota [Mr. GRONNA] and the Senator from Minnesota [Mr. NELSON] were discussing it at that time and this was the result. I should rather hesitate to accept on the spur of the moment something that I had not had a chance to study.

Mr. SUTHERLAND. Let me ask the Senator from New Hampshire a question: Suppose some real estate speculator acquires a farm or two farms, or a dozen farms, for that matter, on which he desires to obtain a loan or loans, and in his application he makes the promise that within six months he will himself engage in the cultivation of the farm or farms mortgaged and then fails to redeem his promise. Is there any way of enforcing it? Is there any penalty prescribed?

Mr. HOLLIS. The only penalty is that if he fails to expend the money for the purpose indicated, the loan may be at once foreclosed. We discussed that matter, and at first we thought of annexing a penalty if a man made a false promise, punishing him for making a false promise. Upon reflection, however, it seemed to the committee that that was being a little too harsh with a man who might be used to making promises in his applications for loans and who was a little careless about fulfilling them. It did not seem to the committee that real estate speculators could impose on the lank banks very often, and if they did in a case now and then no great harm would be done, because the security is good, and could be taken and used to collect the money.

Mr. SUTHERLAND. But let me make a suggestion to the Senator. As I understand, the officers of the Federal land bank are to pass upon these applications.

Mr. HOLLIS. Yes.

Mr. SUTHERLAND. Instead of the provision that the Senator has inserted—

Who does not in his application promise within six months to become engaged in the cultivation of the farm mortgaged—

Why not say—

Any person who is not at the time engaged in the cultivation of the farm mortgaged, or whom the officers of the land bank, upon investigation, are not satisfied will engage within the period—

Leaving the discretion with the officers of the land bank instead of having it based upon the mere promise of the individual borrowing the money?

Mr. HOLLIS. I get the idea of the Senator.

Mr. SUTHERLAND. The officers of the land bank can very readily determine by a little investigation whether the man is making the application in good faith and really intends to farm the land or not.

Mr. HOLLIS. I think they will undoubtedly do that. If he makes a promise, then they will decide whether or not he is going to keep the promise. I will consider that; or, if the Senator cares to present it in the form of an amendment, I shall be glad to examine it carefully.

Mr. WALSH. Mr. President, before this matter is passed I desire to suggest to the Senator from New Hampshire that there is very considerable doubt as to whether a foreclosure could be had for failure to carry out the promise provided in subdivision the twelfth, to which he has called our attention. There is quite a little difference between using the money which he borrows for some purpose other than that for which he borrows it and his failure to carry out his promise to engage in the farming business. I do not think a foreclosure would be justified under the provisions of subdivision twelfth for a failure to observe the promise contemplated in subdivision A. I do not think any penalty is attached; and, accordingly, I think the language of the bill as it originally stood is to be preferred to that as it would be if the amendment proposed by the committee were adopted. It would improve it, I think, to put in the words "who does not intend," so that it shall read:

No such loan shall be made to any person who is not at the time, or who does not intend shortly to become.

In the application he will be obliged to state either the one thing or the other; either that he is actually engaged or that he intends to become engaged. Now, foreclosure would not follow, but there is a penal provision later on making him answerable for any false statement that he makes in his application; and while it would be difficult to prove that he did not intend to

engage in it, that would be the only recourse that could be had. It is my opinion that it would be unwise to penalize a man who made a loan expecting to go into the business himself, but who in the meantime, we will say, transferred his land, so that after he got the money, and before he went into the business, he sold the land, and thus abandoned his purpose.

It occurs to me that it would be unwise, as well as unjust, to make the mortgage subject to forfeiture; and so I think it is wise that it was not provided in subdivision twelfth that foreclosure should follow as a penalty for failure to observe the promise. I believe, though, that the whole purpose would be subserved by making the language as I have indicated:

Or who does not intend shortly to become.

Making him penally liable if he was fraudulent in making the representation concerning his purpose.

I make that suggestion to the Senator.

Mr. SUTHERLAND. Mr. President, I should like to ask the Senator from Montana a question. Does he think that a person who would state in his application that he intended within six months to become engaged in the cultivation of the farm mortgaged, and failed to redeem his promise, would be liable as for making a false statement?

Mr. WALSH. Oh, no; certainly not, if there was nothing further. If he made it in perfect good faith, and something afterwards intervened making him change his mind, he could not be made personally liable. That is the point I am making—that he ought not to be made either penally liable nor civilly liable.

Mr. SUTHERLAND. I agree with the Senator that he ought not to be made liable, and I do not see upon what theory he could be made liable.

Mr. SMITH of Michigan. He might be prevented from doing it by sickness or inability from some other cause.

Mr. SUTHERLAND. I think the Senator from Montana makes an excellent suggestion, and I think it might be amplified by saying:

Or who does not establish, to the satisfaction of the land bank, that he will become, within six months, engaged—

And so forth.

Mr. HOLLIS. The suggestion of the Senator from Utah is practically allowing the original language to stand.

Mr. SUTHERLAND. I think that is true. I think that would be the proper construction of the original language.

Mr. HOLLIS. That was my own idea, and that was the way the bill was drafted in the first place; but in the committee some one wanted the promise, and so it was inserted. I think if we reverted to the original language we would get it as nearly as we could get it for practical purposes. In that case the land bank would have to make up its mind whether or not the man did intend shortly to become engaged in farming the land mortgaged. That would be a fact. Does he intend? That is a fact which they can decide. Now, they may be wrong in their decision, and he may change his mind; but I think that is as near as they can come to it.

I suggest that this amendment be passed over, and I will bring it up at some later time.

Mr. SMITH of Michigan. Mr. President, if the Senator will permit me, I notice in line 20, paragraph 8, that the provision which was intended to give some status of protection to the heirs of the mortgagor is stricken out.

Mr. HOLLIS. But it is replaced by another one that immediately follows.

Mr. SMITH of Michigan. Does the Senator mean at the bottom of this page?

Mr. HOLLIS. Yes. That was done at the suggestion of the Senator from North Dakota, providing for the death of the mortgagor.

Mr. SMITH of Michigan. I do not think that is the same. Then, the Senator thinks, does he, that where the discretionary power is left with the board to terminate the loan that gives all the protection that is needed?

Mr. HOLLIS. It seems to me so. I drew it the other way originally, but this was a committee amendment, and I believe the committee amendment is wise. We float farm-loan bonds based on mortgages as security. We do that on the representation that these bonds are absolutely safe; they are backed by mortgages that are perfectly sound. The land bank, in case of the death of a mortgagor, will be very anxious to keep its money out and allow his family to carry it on as long as they do so properly; but the right to foreclose must rest with the land bank, because if its mortgages are not sound, if those who are in possesion are not carrying on the farm properly, and waste is being committed, then the land bank ought to be allowed to foreclose in order to save its own creditor; and after a great deal of discussion this language was finally agreed upon. I am aware that the two sides of it can be stated with great clearness and cogency, but this is the one that is usually found to prevail in all communities—that in case of death the mortgagee must have the right to decide whether he wishes to foreclose or to allow others to carry on the farm.

Mr. SMITH of Georgia. I do not believe that it would be satisfactory to the American farmer. I do not think many farmers would like to make a mortgage upon their farms under the provision that if they should die, although the interest was met and the debt had not matured, somebody would have the privilege of foreclosing it.

Mr. HOLLIS. Under this provision there must be a default before they can foreclose. As long as the interest is paid and the conditions are met they can not foreclose. There must be a default and there must be a necessity to protect the loan.

Mr. SMITH of Georgia. "In case of the death of the mortgagor, the mortgagee may, on default and if necessary to protect the loan."

Mr. SMITH of Michigan. That does not meet the situation. The clause "if necessary to protect the loan" puts into the hands of the mortgagee the power to entirely disregard the right of the heirs of the mortgagor.

Mr. HOLLIS. But there must be both a default and a necessity to protect the loan. If there is a default and if it is necessary to protect the loan, they may foreclose. If there is no default, they can not foreclose.

Mr. SMITH of Michigan. Do the heirs become ipso facto successors of the mortgagor in the loaning company?

Mr. HOLLIS. They do.

Mr. SMITH of Michigan. I do not find anything in the language to justify that statement.

Mr. HOLLIS. That is what it says, as I understand it.

The next amendment was, on page 32, line 20, after the word "purchaser," to strike out "In case of the death of the mortgagor, his heir or heirs, or his legal representative or representatives, shall have the option, within 60 days of such death, to assume the mortgage obligations of the deceased and carry on the mortgaged farm" and to insert "In case of the death of the mortgagor, the mortgagee may, on default and if necessary to protect the loan, declare the mortgage due and payable and take all steps necessary for its collection."

Mr. SMITH of Georgia. I should like to have that amendment passed over.

Mr. HOLLIS. I am willing to have it passed over.

Mr. WALSH. Before we pass from this subject I wish to inquire of the Senator from New Hampshire what is the purpose of the preceding clause, "in case of the sale of the mortgaged land, the farm-loan association may, in its discretion, declare the mortgage thereon due and payable, or permit said mortgage to be assumed by the purchaser." Why penalize a man for selling his land? Why not invite him to do so, and why should any permit be given to foreclose?

Mr. HOLLIS. He might sell to a drunkard or a man of bad character, and the bank might feel that the farm would run down in the hands of such a man. Therefore there ought to be an option of foreclosure, if they did not care to have this security handled by that sort of a man.

Mr. WALSH. Does not the Senator feel that that will be a very serious restriction upon alienation.

Mr. HOLLIS. I should think not, because as long as the purchaser is all right the land bank will be entirely willing to permit the mortgage to be assumed.

Mr. WALSH. Of course, I appreciate that this scheme is to a large extent cooperative, and each member of the local association in a way assumes some kind of a liability for all of the mortgagors, and inasmuch as they may exercise discretion in admitting strangers to membership, it might be proper to refuse to permit the assignment; but it occurred to me, when my attention was first directed to it, that it would be an unjustifiable restriction on alienation.

Mr. HOLLIS. That was carefully considered by the committee and discussed at some length, and they decided that this was the best way to put it.

Mr. CURTIS. Would not a provision of that kind prevent the sale of property? Would it not affect the price the seller might get for it? It seems to me that it would.

Mr. HOLLIS. I should think not. It would be perfectly easy to write to the land bank and say I want to sell to such a man; have you any objection? And the local association to whom the loan was made would report that the man is all right; there is no objection to it. It seems to me it is a very simple provision.

Mr. CURTIS. Why not provide that the property shall not be sold without consent?

Mr. HOLLIS. Consent of whom? He can pay up his mortgage if he wants to, and then he can sell to anyone he pleases, but as long as his land is mortgaged the land bank ought to have some choice as to whose hands it should go into.

Mr. SMITH of Georgia. Does not the Senator think it would handicap very much a transaction of this kind? Take the case of very long loans on the amortization plan. A large part of the loan may be paid off. The privilege of selling them and letting the loan continue becomes an asset that is very valuable. Of course no amendment has been offered yet to make a change.

Mr. HOLLIS. If the man is all right, it is such a man as is wanted in the association. If anything is the matter with him, the land bank ought to have the decision.

Mr. SMITH of Georgia. It ought to be a matter of right with the owner of the land to sell with the continuation of his mortgage, unless there should be some objection to the man.

Mr. HOLLIS. I think that discretion must rest with some one, and under any workable mortgage plan I think it must rest with the mortgagee. I should not put it anywhere else.

Mr. SMITH of Georgia. Is there not a general right on the part of the loan association to foreclose on default?

Mr. HOLLIS. The land bank is always the one that forecloses. The land bank loans the money, and there is a general right in it to foreclose.

Mr. SMITH of Georgia. I can not see the necessity of putting in a clause that "in case of the death of the mortgagor, the mortgagee may on default and if necessary to protect the loan," can "declare the mortgage due" and foreclose it. They could do it anyhow.

Mr. HOLLIS. I think that is so, but that expresses the idea of the framers of the bill that it should not be done without default. If we did not handle the subject at all people might claim that it might be done without default. When we state that it may be done on default and if necessary to protect the loan, we have declared ourselves on that subject.

Mr. SUTHERLAND. If it be true, as I think it is, as suggested by the Senator from Georgia, that the mortgagee would have the power upon default to declare the mortgage due and proceed to enforce it; in other words, that the power would exist if this clause is omitted, then have you not introduced a clause which is apt to lead to some confusion, namely, taking that clause by itself, when you say that in case of the death of the mortgagor the mortgagee may on default declare the mortgage due and payable, and so on, the implication at once arises that in any other state of facts, even upon a default, you could not declare it to have failed? It seems to me that by putting in that amendment you have introduced an element of confusion in the bill and it would be better to omit it. It really adds nothing to the general provision of the bill which is contained in the twelfth subdivision and which gives the mortgagee the option upon a default to declare the mortgage due and payable, whether the mortgagor is living or not.

Mr. HOLLIS. The situation which the bill is in illustrates the difficulty of handling a complicated subject like this even in committee, and it is much worse on the floor of the Senate. I drafted the clause that has been stricken out by the committee. I drew it myself thinking that that was the best one, and I gave it careful consideration. After we had had it in committee and discussed it for two or three hours we finally agreed on the other proposition. I did not like it as well as the original, others liked it better, and the result is that it does state something that would follow without the statement of it.

I think it should be, now, perhaps, in this way, that in case of the death of the mortgagor the mortgagee may foreclose only in case of default and if necessary to protect the loan; that is, that the death of the mortgagee alone would not be sufficient to place the mortgage in default.

Mr. SUTHERLAND. It seems to me that the language now suggested by the Senator from New Hampshire does not alter the sense. It is simply another way of stating the same thing.

Mr. HOLLIS. If the Senator will pardon me, I think in many States in the case of the death of the mortgagor the debt becomes due and the mortgagee could instantly foreclose. If we provided in the bill that a foreclosure in case of death shall only be when in default we should be stating something that is positive and means what is intended. That is my thought.

Mr. SUTHERLAND. It seems to me that the original language which the Senator used in the bill is preferable.

Mr. HOLLIS. I should be very glad to see it restored, but that is, of course, for the Senate to determine. If anyone cares to move that the amendment of the committee be not agreed to, I shall not object.

Mr. CURTIS. I understood that it was to go over.

Mr. SMITH of Georgia. If the Senate is ready to vote on it I would very much prefer the language of the original bill to the amendment of the committee. I still do not know what the amendment means. The Senator from New Hampshire suggests that in some States a mortgage becomes due on the death of the mortgagor.

Mr. CURTIS. I think the Senator must be mistaken in that.

Mr. SMITH of Georgia. I never heard of such a rule anywhere. I do not think that is the case.

Mr. HOLLIS. When a man dies the debts that he owes, whether a mortgage or not, are due and payable and collectible against the estate. If the security is not sufficient they will collect out of his other assets; they are not obliged to wait to foreclose. I state what I know to be the fact in my own State, because I have had experience.

I observe Senators shaking their heads, but that is so in some States.

Mr. SMITH of Georgia. A note due five years from date in New Hampshire would mature upon the death of the man who gave the note?

Mr. HOLLIS. Certainly; and he would be allowed discount for the time it had to run. It must be so; that is the only way that you can settle an estate. You can not settle an estate in any other way.

Mr. CURTIS. Does not the mortgage provide that the heir shall pay the mortgage in case of death?

Mr. HOLLIS. Some mortgages do and others do not. I can draw a mortgage in a hundred different ways.

Mr. SMITH of Georgia. My own view of the meaning of the amendment of the committee would be that it was a limitation upon the right to foreclose. In case of default the association would have to prove not only that there was default but that it was necessary to protect the loan. I ask the Senate to disagree to the amendment of the committee and retain the language in the bill.

The VICE PRESIDENT. The Chair understood that some one a few moments ago asked that it might go over.

Mr. HOLLIS. That was the preceding amendment in lines 14, 15, and 16.

The VICE PRESIDENT. The question is on agreeing to the amendment striking out and inserting.

The amendment was rejected.

The reading of the bill was continued, as follows:

Ninth. The amount of loans to any one borrower shall in no case exceed a maximum of $10,000.

Tenth. Every applicant for a loan under the terms of this act shall make application on a form to be prescribed for that purpose by the Federal Farm Loan Board, and such applicant shall state the objects to which the proceeds of said loan are to be applied, and shall afford such other information as may be required.

Mr. LEWIS. May I ask the Senator from New Hampshire a question? The paragraph just read, I may say to the Senator from New Hampshire, gives me concern in its application. Examining the bill I discover that it prohibits loans in an amount of more than $10,000.

Mr. TOWNSEND. Mr. President, I should like to have order in the Chamber.

Mr. LEWIS. It is my fault. It did not occur to me that other Senators would be interested in my confusion on this phase. This is my confusion, I will say to the Senator from Michigan, which I am submitting to the Senator from New Hampshire. A provision limits the loan to $10,000, but suppose there are three brothers, suppose there is a large family, suppose there is a partnership, and they all own a fee out in the West, a tract of land, jointly. Can each of those borrow $10,000?

Mr. HOLLIS. The limitation is here strictly to any one borrower. If I were to construe that as a member of the court, I would say that if there were three borrowing jointly they could borrow $30,000, but I might be wrong.

Mr. LEWIS. But that surely can not be the object. The object was merely to allow any one piece of land to raise $10,000, was it not?

Mr. HOLLIS. No; not the land. That was intended for the borrower. For instance, the borrower might have three or four different parcels of land, and it was not intended that there should be a loan of $10,000 on one, but the same farmer, as long as he personally attended to the cultivation, might include in the maximum of $10,000 as many tracts as he wanted.

Mr. LEWIS. If I am not disturbing the Senator, this is the point: Suppose one man has three tracts of land. If he could borrow then $10,000 on each he would borrow $30,000. Suppose, on the other hand three brothers or three partners or three associates would own one tract of land, could each of them borrow $10,000?

Mr. HOLLIS. That would be my opinion. It might be wrong.

Mr. LEWIS. I thank the Senator.

Mr. JOHNSON of South Dakota. Mr. President——

Mr. HOLLIS. I yield to the Senator from South Dakota.

Mr. JOHNSON of South Dakota. May I ask the Senator the object in specifying the limit on the loan at $10,000?

Mr. HOLLIS. The idea is to prevent land speculation. When a large fund is made available for the purchase of land it tends to increase speculation. That has been the experience in Europe. It is expected that a man who has security sufficient for more than $10,000 can get an accommodation from private persons—from a private bank—at a low rate without resorting to this system. This system is intended more particularly to help a small farmer to get a small loan. In the first bill drafted the maximum was fixed at $4,000, but it has steadily grown to $10,000. The aggregate composite idea of the committee was $10,000 in each case.

Mr. JOHNSON of South Dakota. My reason for asking the question is because in my State there are many large farms and many large borrowers, and this provision would eliminate a man wanting to borrow in excess of $10,000.

Mr. HOLLIS. There is no restriction as to the amount of the loan on a private joint-stock bank, and I should expect that men of that type could get accommodation at a private bank for larger sums at a low rate of interest.

The next amendment was, on page 33, line 12, after the word "shall," to strike out "undertake" and insert "pay simple interest on defaulted payments at the rate of 6 per cent per annum, and by express covenant in his mortgage deed shall undertake," so as to read:

Eleventh. Every borrower shall pay simple interest on defaulted payments at the rate of 6 per cent per annum, and by express covenant in his mortgage deed shall undertake to pay when due all taxes, etc.

Mr. CURTIS. Mr. President, before we reach that paragraph I should like to ask about paragraph 10. If a man is going to borrow money and is permitted to borrow only 50 per cent of the value of his farm and must state that he is going to live on the farm himself and operate it, why should he state what he wants the money for?

Mr. HOLLIS. Because the object of the bill is to furnish money for productive purposes only. It is not intended to allow a man to borrow money for living expenses; it is only for productive purposes. It is to prevent speculation, as I have explained in regard to other provisions. It is intended to help people borrow for certain specified purposes, and that is the reason why they are asked to state what those purposes are.

Mr. CURTIS. After the man gets his money he can do as he pleases with it?

Mr. HOLLIS. If he spends it for some other purpose, the land bank may foreclose it, if they care to do so.

Mr. TOWNSEND. Suppose a farmer wanted money to educate his boy and send him to college, or to educate his daughter, or for any other worthy purpose such as that, he could not borrow money for that purpose under the bill?

Mr. HOLLIS. No. The reason, if I may explain further, is this: It is intended under this plan to loan money to the farmer so that he may pay it back at some time, so that it will earn money with which he can pay it back. That is why it is limited to productive purposes; that is the thought and intention and scope of the bill. However worthy it may be to educate a boy at college or to loan money to a sick neighbor, this bill does not intend to permit that; but this bill will have this effect: It will furnish a great deal of new money, so that money that is now loaned will be available to these other purposes at a lower rate of interest; and I think it will have a tendency in the direction the Senator suggests.

Now, as to the pending amendment, which reads:

Eleventh. Every borrower shall pay simple interest on defaulted payments at the rate of 6 per cent per annum, and by express covenant in his mortgage deed shall undertake to pay when due all taxes.

The rate of 6 per cent seems to me not to be enough. I think in many cases a farmer would say: "Well, I would rather be in default and pay 6 per cent than to pay out." I think it should be as high as 10 per cent; and I am going to ask unanimous consent that in line 13 the word "six" be stricken out and the word "ten" substituted.

The VICE PRESIDENT. Is there objection?

Mr. SMITH of Michigan. How would it read then?

Mr. HOLLIS. It will read "10 per centum" instead of "6 per centum."

Mr. SMITH of Michigan. But how will the context read?

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

Every borrower shall pay simple interest on defaulted payments at the rate of 10 per cent per annum, and by express covenant in his mortgage deed shall undertake to pay when due all taxes or assessments which may be lawfully assessed against the land mortgage.

Mr. TOWNSEND. Mr. President, I have not looked into the matter carefully, but in some of the States, for instance, in the State of Michigan, the legal rate of interest is 6 per cent. The law provides that a loan shall be forfeited in case a larger rate is charged. This, for instance, would permit the charging or levying of 10 per cent where the legal rate in the State would be 6 per cent. Does the Senator think there would be any conflict there that would affect the validity of the act?

Mr. HOLLIS. No; Congress has authority to annex any condition it wishes if it has authority to pass the act at all.

Mr. TOWNSEND. Well, does the Senator think that any money would be borrowed under those conditions and with those restrictions placed upon it?

Mr. HOLLIS. Oh, certainly. Assume that I had a mortgage on which the regular rate was 6 per cent—that would be the maximum under this bill—and the time comes around to pay; the land bank has got to pay the interest on the bonds that have been issued by it. If it does not receive its interest promptly, it can not pay the interest that it owes. Therefore it must be able in some way to stimulate the borrower to pay promptly. Assuming that all the borrower has got to pay on his defaulted payment is 6 per cent, he would say, "I would a good deal rather let it run and take it out of the land bank; that is all I have got to pay anyhow, 6 per cent." So we must annex something that will stimulate the borrower to pay back. My experience is that that rate is usually fixed at 10 per cent in the States—it is in my State—and if a man does not pay his taxes on his personal property he is charged 10 per cent by the State on the default. That is done to force payment.

Mr. TOWNSEND. I was thinking of what the effect would be in the State of Michigan, for instance. Men with good security there can borrow 50 per cent on that security at 6 per cent anywhere in the State, and they do not have to pay 10 per cent if there is any default. I am wondering what inducement there would be for a Michigan farmer to join the banking system which is proposed in the bill.

Mr. HOLLIS. If the Michigan farmer is fortunate enough to be getting his money now at as low a rate as this bill will provide, the only advantage he would get would be in an amortized long-term loan, so that he would know he would not have to renew within two or three or five years, and that he could make small payments, having an opportunity to pay out. I hope, of course, that we are going to get the rate as low as 5 or 4½ or even 4 per cent eventually, but I was stating a case. Of course, the bill provides a maximum rate.

Mr. SMITH of Georgia. What does the Senator think of this suggestion: Leave the rate at 6 per cent, and after the words "per annum," in line 14, insert the words "together with a penalty of 4 per cent"?

Mr. HOLLIS. I do not think that would change it at all; and I think it would be objectionable, because it does not make a plain statement of what could be more plainly stated. It would have exactly the same result in either case.

Mr. SMITH of Georgia. I was thinking about the building and loan associations in connection with the administration of which penalties under certain conditions are enforced, because the imposition of additional interest charges would be illegal; and, it occured to me that, as perhaps the farm-loan associations might be regarded as being similar in character, the amendment might meet the situation.

Mr. HOLLIS. The reason the building and loan associations provide penalties is because they have not the right to impose a higher rate than the legal rate; but we have a right to impose any rate of interest we see fit in this bill. I feel very confident of that. I would rather have it at a flat 10 per cent per annum, which would accomplish the same result as would be accomplished by the suggestion of the Senator from Georgia.

Mr. SMOOT. Mr. President, it is now nearly half past 5 o'clock; the conferees of the House and the Senate meet tonight for the consideration of the legislative appropriation bill——

Mr. SMITH of Georgia. Can we not finish this paragraph?

Mr. SMOOT. I was going to ask the Senator if, after we finish the paragraph we are now on, he would not agree to adjourn?

Mr. HOLLIS. That is entirely agreeable to me.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Banking and Currency was, on page 33, line 15, after the word "taxes," to insert the words "or assessments," so as to read:

To pay when due all taxes or assessments which may be lawfully assessed against the land mortgaged.

The amendment was agreed to.

Mr. HOLLIS. Mr. President, the next amendment may provoke considerable discussion, and I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 27 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 26, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 25, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God, our heavenly Father, Source of Life and Light and Love, impart unto us strength for the duties before us and guide our thoughts that we may control our will and render unto Thee and our fellow men faithful and efficient service in the things which make for good government, that we may be worthy servants of the people, that Thy will may be done and Thy purposes fulfilled, to the glory and honor of Thy holy name. In Jesus Christ, our Lord, who taught us the way and the truth and the life. Amen.

The Journal of the proceedings of yesterday was read and approved.

CHANGE OF CALENDAR—RELIEF OF MAIL CONTRACTORS.

Mr. MILLER of Delaware. Mr. Speaker, I ask unanimous consent, by direction of the Committee on Claims, that the bill H. R. 11150, now on the Private Calendar, a bill for the relief of mail contractors, be placed on the Union Calendar, as it is a public bill and does not belong on the Private Calendar.

The SPEAKER. Without objection, the change of calendar will be made.

There was no objection.

REMAINS OF THE LATE ELSIE M'CAULLEY.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent to take up and consider the bill S. 2290. There can not be any objection to it. It is simply to remove the remains of a person who died 12 or 15 years ago with diphtheria, and the health department has said that the removal now would be all right.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

An act (S. 2290) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Elsie McCaulley from Glenwood Cemetery, D. C., to Philadelphia, Pa.

Mr. MANN. Reserving the right to object, this bill was in order yesterday.

Mr. JOHNSON of Kentucky. It was, and on the calendar.

Mr. MANN. And the gentleman intended to call it up when the House went into consideration of the Agricultural bill?

Mr. JOHNSON of Kentucky. I did; yes, sir.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the health officer of the District of Columbia be, and he is hereby, authorized to issue a permit for the removal of the remains of the late Elsie McCaulley from Glenwood Cemetery, D. C., to Philadelphia, Pa.

The bill was ordered to be read a third time, was read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5708. An act for the establishment of Winston-Salem, in the State of North Carolina, as a port of delivery under the act of June 10, 1880, governing the immediate transportation without appraisement of dutiable merchandise;

S. 1296. An act for the relief of John P. Wagner;

S. 4479. An act to amend an act approved June 8, 1906, entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,'" approved February 28, 1901;

S. 3423. An act to provide for the construction of a bridge across the Salt Fork of the Arkansas River near White Eagle Agency, in the Ponca Indian Reservation, Okla.;

S. 3533. An act for the relief of Mike G. Womack;

S. 3304. An act concerning the exportation of alcohol and other distilled spirits;

S. 2517. An act for the relief of Edward W. Whitaker;

S. 1274. An act for the relief of Edward Stewart;

S. 4425. An act to provide for the retirement of officers and employees of the Bureau of Lighthouses and the Lighthouse Service;

S. 3101. An act authorizing the Secretary of War to extend the lease issued under the act of August 23, 1912, entitled "An act authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, in the State of Montana, and for a right of way thereto for the removal of gravel and ballast material;

S. 3929. An act validating certain applications for and entries of public lands;

S. 4025. An act to grant patent to certain lands to Christian Frederickson;

S. 5172. An act to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C.;

S. 5086. An act amending section 4 of the public-building act approved March 4, 1913, providing for the purchase of a site for a building for post office and customhouse at Nogales, Ariz.;

S. 4974. An act to provide for the purchase of a site and the erection of a building thereon at Corvallis, in the State of Oregon;

S. 4810. An act for the issuance of a patent for certain Government lands to Benjamin F. Robinson and John Dows;

S. 5348. An act to authorize the exchange of lot 10, section 19, township 45 north, range 114 west, sixth principal meridian, for certain private lands needed in connection with the construction of Jackson Lake Reservoir, Wyo., and for other purposes;

S. 3986. An act granting certain coal lands to the town of Kaycee, Wyo.;

S. 3646. An act to amend the act of February 11, 1915 (38 Stat. L., p. 807), providing for the opening of the Fort Assinniboine Military Reservation;

S. 5053. An act authorizing abutting owners upon Crum River, a navigable stream, where the same empties into the Delaware River, to straighten, widen, and deepen the same, and substituting such straightened course and channel for the present channel thereof, and abandoning and vacating a portion of the present channel;

S. 4581. An act for the relief of Victor A. Ermerins;

S. 4085. An act to establish a Coast Guard station on the coast of Louisiana, in the vicinity of Barataria Bay;

S. 4368. An act for the relief of D. A. Barbour and Andrew P. Gladden; and

S. 1429. An act for the relief of Artemus W. Pentz.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill, with Mr. HAMLIN in the chair.

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917.

The CHAIRMAN. When the committee rose on yesterday all debate on the amendment offered by the gentleman from Kansas [Mr. DOOLITTLE] had been exhausted. The question now is on the amendment.

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. COX. Division, Mr. Chairman.

The committee divided; and there were—ayes 10, noes 56.

So the amendment was rejected.

The Clerk read as follows:

For general administrative expenses connected with the above-mentioned lines of work, including cooperation with other Federal bureaus, departments, boards, and commissions, on request from them, $12,560.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

This is the item that provides for general administrative expenses under the items which have preceded it, and therefore debate on any of those items is in order on the motion I have made. I voted for the appropriation for the enforcement of what is known as the migratory-bird law. I have voted for that appropriation ever since it has been carried in the bill, because I am of the opinion that the best way to defeat a bad law is to enforce it. If this law had been rigidly enforced,

there would have been not three judicial decisions against its constitutionality, but a score. If it were necessary in order to protect migratory birds in these United States to override the fundamental law of the land to extend Federal police power into every part of the Union, if it were necessary in order to afford better hunting for a few sportsmen to have a Government of orders in council formulated by a clerk in the Agricultural Department promulgated by an executive officer—if this were necessary for the protection of birds, then it would be infinitely better that the birds should decrease in number and absolutely perish from the earth than that American liberty should be destroyed and that the foundation of the Government should be undermined.

It is not necessary to do these things in order to reasonably and properly protect bird life in the United States. It is not necessary to legislate along the lines of the migratory-bird law. It is true that lawless people, seeking to accomplish their purposes, largely selfish, always desire to take a short cut to reach the object sought; and the curious thing about it is that these people do not seem to have any regard for the effect of the legislation they propose or approve upon their country or upon its institutions. Never in all the history of the American Congress has legislation been proposed which was so dangerous, and which in the long run, if enforced, would be so utterly repudiated by the people of the country as the migratory-bird law—a law under which an order promulgated by an executive officer determines what shall be a felony, and prescribes the punishment for a law under which, for the protection of the robin, the wren, the sparrow, and the peewee, we allow a Federal officer to go into the States of the Union and exercise absolute and arbitrary police power to drag a barefoot boy that robs a blackbird's nest before a Federal court and, if found guilty, incarcerate him in a Federal dungeon. Of course, the Supreme Court will overturn this law when the court reaches it; and the surest way to have the law pronounced unconstitutional, the most certain and effective way to arouse public sentiment against the effort to extend Federal police power throughout the country, is to enforce the law. Therefore I am in favor of the appropriation.

We hear much about the importance of protecting insectivorous birds as a defense for this legislation; but if one looks into the matter carefully he will find that most of the support for this Federal control comes from duck hunters who want the Federal Government to improve the duck hunting.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PLATT. Mr. Chairman——

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. PLATT. Mr. Chairman, I do not know whether the migratory-bird law is going to be declared constitutional or unconstitutional by the Supreme Court, but if declared unconstitutional it seems to me it would be a crime and a tremendous shame unless some equally effective national law that will stand the test can be enacted. This ought to be one great Nation, so far as migratory-bird life is concerned, and we ought to recognize that this law does not have anything to do with grouse or quail or other birds that are not migratory. It refers to birds that nest in one State or country and winter in another—to the ducks and geese that rear their young, most of them, in Canada, and to a great many insectivorous birds. Sometimes birds which have never been regarded as game birds in one State are allowed to be shot in others. A few States have no game laws at all, or did not have any until recently, and the only way that these birds can be given protection is to regard the United States as a Nation and to protect them by national policy and national effort. Even that will not save some of them from extermination. As I stated the other day, protected bird refuges are absolutely necessary to give some of them nesting places and wintering places where they will not be slaughtered in large numbers.

I have no doubt whatever but that the House of Representatives will stand by the migratory-bird law, as it already has done, but I thought the remarks of the gentleman from Wyoming [Mr. MONDELL], who says that he has always voted for it in order to defeat it ultimately, ought to have some answer.

Mr. BORLAND. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Missouri?

Mr. PLATT. Yes; I yield to the gentleman.

Mr. BORLAND. Is there any real, practical way of protecting migratory-bird life in this country except through some national legislation?

Mr. PLATT. I do not believe there is.

Mr. BORLAND. Is it possible to protect migratory birds by any form of State legislation in the several States?

Mr. PLATT. No; I do not believe it is.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes.

Mr. AYRES. Does the gentleman think the present law protects the migratory birds?

Mr. PLATT. I have no doubt it does, so far as it is enforced.

Mr. AYRES. While some localities permit them to be taken for the market, other localities do not give that permission?

Mr. PLATT. The gentleman means in the States?

Mr. AYRES. Yes.

Mr. PLATT. I do not know very much about the details of the enforcement of the law within the States, but it makes a great deal of difference how closely the birds are congregated and how they are killed, especially when they are massed together in the winter time, when they roost. There are some places where they should not be allowed to be killed at all.

Mr. COX. Will the gentleman yield there?

Mr. PLATT. Yes.

Mr. COX. As I understood the gentleman to say, it is wholly impracticable to protect birds otherwise than by Federal statute?

Mr. PLATT. Migratory birds; yes.

Mr. COX. Does not the gentleman believe that if the States should enact proper laws and the grand juries and prosecuting attorneys of those States would see to it that the laws were enforced, the birds could be adequately protected in that way?

Mr. PLATT. Well, in Chesapeake Bay, where canvasback and red-head ducks used to gather from Canada and from the Dakotas and northern Michigan and Minnesota and Wisconsin, they were killed off until very few were left.

Mr. COX. They were killed in Chesapeake Bay?

Mr. PLATT. Yes; and in the adjacent waters of Maryland and Virginia.

Mr. COX. Was it not practicable for the States of Maryland and Virginia, having jurisdiction over those waters, to protect those birds exactly as other States protect the quail—by having an open and a closed season?

Mr. PLATT. To some extent, yes; but the sentiment of the people in local communities and neighborhoods where many migratory birds gather is often to let them be killed as long as there are any left.

Mr. COX. Is it not just as practicable to protect the ducks in that way as it would be to protect the quail through the enforcements of the State laws?

Mr. PLATT. No. The trouble is, the State laws differ greatly and are not uniformly enforced. If one State enforces the law and others do not, it would be practically impossible to save the ducks. One State might save its quails, although all were destroyed in adjoining States; but no one State could save ducks and geese in that way, because the same birds saved by enforcement of a good law in one State might all be killed in another.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FESS. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for one minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. FESS. Would the gentleman permit a personal question?

Mr. PLATT. I will.

Mr. FESS. I would like to know what effect the gentleman's tramping the woods with John Burrough in the study of birds has had on his love for bird life?

Mr. PLATT. It has had a good deal to do with it. That is where I got a great part of it.

Mr. FESS. I think the House ought to know that the gentleman has some knowledge beyond what simply comes from general training through the woods.

Mr. PLATT. John Burrough happens to live within 7 miles of my home, and I used to see a good deal of him before I came to Washington.

Mr. FESS. And it is not only a personal matter with the gentleman, but a national matter with him, as it is with me, that the law ought to protect these birds?

Mr. PLATT. It certainly is.

The CHAIRMAN. The time of the gentleman has again expired. The pro forma amendments are withdrawn. The Clerk will read.

The Clerk read as follows:

In all, for general expenses, $530,200.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the last word.

Mr. LEVER. I ask unanimous consent, Mr. Chairman, that the debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MONDELL. Mr. Chairman, the gentleman from Missouri [Mr. BORLAND] made inquiry of the gentleman [Mr. PLATT] who was addressing the House as to whether there is any other way than by Federal statute by which we could protect the migratory birds of the country. Evidently the gentleman believes that there is no other way. I should exceedingly regret it if that were true.

I do not believe it to be true; but if it were true, we should not attempt in this way, contrary to the spirit of our institutions, to protect those birds. This country has a most sad and unhappy record of homicides. In no civilized nation on earth is human life held so lightly as in this "land of the free and home of the brave." Our record of violent deaths, of homicides, exceeds that, as I recall it, of almost any other civilized people of the world, and I have no doubt but there are people who believe the only way to cure this awful evil, this terrible stain on the public name, is by extending Federal police power over the country at large. No one is proposing it, however much as at times it seems necessary and effective, as it undoubtedly would be. But for the protection of the sparrow and the wren and the blackbird and the waterfowl we do a thing that is almost as dangerous as it would be to extend Federal police control and authority over all the Union for all purposes.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Missouri?

Mr. MONDELL. I do.

Mr. BORLAND. I think the gentleman is thoroughly agreed that as to bird life, as well as insect life, there is no such thing as State lines, and the gentleman is thoroughly——

Mr. MONDELL. Well, as to crime there is no such thing as State lines, except as to the jurisdiction within which it may be punished.

Mr. BORLAND. That is a different question. But as to insect life, such as insect pests, the cattle tick, the boll weevil, and so on, the gentleman believes that the Federal Government should use the most effective power to exterminate the pests?

Mr. MONDELL. Yes; as to inquiring into causes and into methods of extermination; but to defend the establishment of absolute police power throughout the Union for the protection of birds, when no one would attempt to justify it for the protection of human life, requires a lame and crooked logic that I can not understand.

Mr. BORLAND. If the gentleman's argument were carried out it would involve the abandonment of the control of the cattle tick by the General Government.

Mr. MONDELL. Not at all; that is a very different matter. I am voicing no complaint of the people of my State against this law. I have heard little complaint of it. I do not think it has been enforced there. I take the same position of opposition in regard to it now that I did when it was passed—that it is contrary to the spirit and genius of our institutions, and that eventually, if it were enforced, this kind of bureaucratic control would breed contempt of law and anarchy throughout the Union.

The CHAIRMAN. The time of the gentleman from Wyoming has expired. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

DIVISION OF PUBLICATIONS.

Salaries, Division of Publications: 1 editor, who shall be chief of division, $3,500; 1 editor, who shall be assistant chief of division, $2,500; 1 chief clerk, $2,000; 2 assistant editors, at $2,000 each; 4 assistant editors, at $1,800 each; 1 assistant editor, $1,600; 1 assistant editor, $1,400; 1 assistant editor in charge of indexing, $2,000; 1 indexer, $1,400; 1 assistant in charge of illustrations, $2,100; 2 draftsmen or photographers, at $1,600 each; 2 draftsmen or photographers, at $1,500 each; 2 draftsmen or photographers, at $1,400 each; 1 draftsman or photographer, $1,300; 7 draftsmen or photographers, at $1,200 each; 1 assistant photographer, $900; 1 assistant in charge of document section, $2,000; 1 assistant in document section, $1,800; 1 foreman, miscellaneous distribution, $1,500; 1 forewoman, $1,400; 1 clerk, class 3; 1 clerk, class 2; 9 clerks, class 1; 16 clerks, at $1,000 each; 40 clerks, at $900 each; 18 clerks, at $840 each; 2 skilled laborers, at $900 each; 7 skilled laborers, at $840 each; 4 skilled laborers, at $780 each; 1 chief folder, $1,200; 17 skilled laborers, at $720 each; 1 folder, $1,000; 2 folders, at $900 each; 2 skilled laborers, at $1,100 each; 1 skilled laborer, $1,000; 2 messengers, at $840 each; 2 messengers, at $720 each; 3 messengers or messenger boys, at $600 each; 2 messengers or messenger boys, at $480 each; 2 messengers or messenger boys, at $420 each; 2 messengers or messenger boys, at $360 each; 1 laborer, $840; 2 laborers, at $600 each; 4 charwomen, at $480 each; 3 charwomen, at $240 each; in all, $177,280.

Mr. COX. Mr. Chairman, as I recall this bill, two years ago it provided for the publication of so many farmers' bulletins, to be distributed to each Member of Congress and each Senator. Am I correct about that?

Mr. LEVER. The gentleman is mistaken about that. The appropriation for the publication of farmers' bulletins as such is carried in the sundry civil bill, an item of $400,000. I understand there is an increase of $100,000 estimated for this year.

Mr. COX. Is the same plan for the distribution of farmers' bulletins to be carried out in the future as in the past?

Mr. LEVER. Yes.

The Clerk read as follows:

Total for Division of Publications, $197,530.

Mr. FESS. Mr. Chairman, I move to strike out the last two words. I will ask the chairman if the committee has made an estimate as to the use of these various publications, so as to know whether the general public appreciates the receipt of them.

Mr. LEVER. I will say to the gentleman from Ohio that I read as many of the farmers' bulletins as I have time to read, and judging them by these readings I take them to be very valuable publications; and judging from my own mail, and the request for these publications, I think the public very generally appreciate the value of them.

Mr. FESS. Are they generally sent out promiscuously to all the people, or just to those who have written for them?

Mr. LEVER. That depends on the individual Member of Congress himself. Each Member is allowed 15,000 of these farmers' bulletins. I try to carry out the policy myself of placing a little notice in each of the papers in my district, stating that I have a certain list of farmers' bulletins, which I will be glad to send to those who request them. That usually brings me a very large number of requests for certain bulletins. I feel that that is the better plan of making the distribution, rather than to send out the bulletins indiscriminately.

Mr. FESS. Is there anything in the suggestion that a publication received without paying for it is regarded as worthless and thrown into the wastebasket without reading?

Mr. LEVER. That has not been my experience.

Mr. FESS. Personally, I think the Government is publishing some very valuable bulletins.

Mr. LEVER. There is no doubt about that.

Mr. FESS. And if the public could discriminate, so as to know that they are of great value, it seems to me that there could be a wonderfully large amount of good done; but I have been a little in doubt as to just how to proceed to get these publications into the hands of the people who would appreciate them, and how to get them to read them.

Mr. LEVER. My plan has worked out very well in my own district. I send to the newspapers the statement that I have for distribution bulletin number so-and-so, dealing with such and such a subject. Probably I will attach to that list a dozen or fifteen bulletins on various subjects, and I state that I will be very glad to supply anyone writing to me for any of those bulletins. That usually brings a large demand, the result being that I get a demand for certain kinds of bulletins that the people want. I think the indiscriminate distribution of the bulletins probably does not bring the best results.

Mr. FESS. The department is increasing the number of bulletins all the time, is it not?

Mr. LEVER. I understand that there is an estimate for $100,000 additional appropriation to be carried in the sundry civil bill for the publication of additional farmers' bulletins. For a number of years the appropriation has been $500,000, which gives each Member approximately 15,000 bulletins a year.

Mr. FESS. Now and then they publish one for which there is an unusual demand. For example, there is the bulletin on Fifty Common Birds, for which I have had very many applications and of which the supply is exhausted.

Mr. LEVER. The department has the right to reprint that bulletin, and I hope that they will do it, because it is a very valuable bulletin for which there is great demand.

Mr. FESS. I simply wanted to say that I think the proper expenditure of this particular fund is justifiable many, many times, and my only question is as to how to get a better use of it.

Mr. LEVER. I am glad the gentleman has made that statement.

Mr. SMITH of Michigan. Will the gentleman from South Carolina yield for a question?

Mr. LEVER. I yield to the gentleman from Michigan.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. SMITH of Michigan. After a person has exhausted his allotment of farmers' bulletins can he exchange any of his other documents for farmers' bulletins, or how can be proceed to secure an additional number?

Mr. LEVER. The only way to do that would be to take up the matter with the superintendent of documents. I know of no way by which a Member could make a direct exchange with the Agricultural Department. It might be done through the superintendent of documents, although I am not informed as to that.

Mr. SMITH of Michigan. The superintendent of documents would have the authority, and he would negotiate an exchange, would he?

Mr. LEVER. He probably would. I am sure he has authority to sell some of these publications and probably all of them.

The Clerk read as follows:

Salaries, library, Department of Agriculture: One librarian, $2,000; 1 clerk, class 3; 1 clerk, class 2; 5 clerks, class 1; 3 clerks, at $1,080 each; 3 clerks, at $1,020 each; 3 clerks, at $1,000 each; 6 clerks, at $900 each; 1 clerk, $840; 1 junior library assistant, messenger, or messenger boy, $720; 1 junior library assistant or messenger boy, $660; 3 junior library assistants, or messenger boys, at $600 each; 1 messenger, messenger boy, or laborer, $480; 1 messenger, messenger boy, or laborer, $360; 2 charwomen, at $480 each; in all, $31,520.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word. I should like to ask the chairman of the committee what on earth they do with all these employees in the library in the Department of Agriculture?

Mr. LEVER. The library of the Department of Agriculture contains something like 137,000 volumes. These employees are necessary to meet the demands of various departmental chiefs and others who use the library in carrying on the work of the department.

Mr. BORLAND. Is that purely a technical library—137,000 volumes?

Mr. LEVER. Purely a technical library; yes.

Mr. BORLAND. And it is solely for the use of the department?

Mr. LEVER. It is solely for the use of the department, except that they have the right to loan their books to agricultural experiment stations for a limited time. I will say to the gentleman that this is undoubtedly the greatest technical library of the kind in the world.

Mr. BORLAND. But it is not open to the public in any sense?

Mr. LEVER. No.

Mr. BORLAND. It is just for the use of the department?

Mr. LEVER. It is for the use of the department and for agricultural experiment stations.

Mr. BORLAND. That seems to be a pretty large amount simply to keep up a technical library in a department of the Government.

Mr. LEVER. I would think not. This appropriation has run for a good many years without any increase at all, although the work of the library has increased—that is, the number of volumes has increased.

Mr. BORLAND. Mr. Chairman, I have always been pretty strongly against the increase of overhead charges in the departments in Washington. I think if we pretend to spend any money for the farmer we ought to get it as near the farmer as we can. The sums we spend for overhead charges are in some cases unjustifiable, and the more we spend for them the less we are spending for the real benefit of the farmer. That has been my general theory on all these propositions. That was my theory a little while ago when I tried to get Congress to adopt a proposition to get a full day's work out of the clerks. I believe the overhead charges are too heavy and too much of this money such as we have here for clerical force is an unjustifiable increase in the overhead charges for the department. I can not understand how they can have $31,000 for employees for a purely technical library. This is not for the increase of the library itself, simply for the employees. It is only one of the score or more of technical libraries in Washington. Every department has built one for its use. They are not open for the public generally, but for the people who happen to be in that particular department. That is the case here, and it seems to me a pretty high overhead charge that we are supposed to appropriate for agriculture throughout the country.

Mr. COX. The gentleman would not vote to reduce it?

Mr. BORLAND. I will not move to reduce it, for I do not think it would do any good.

Mr. LITTLEPAGE. Mr. Chairman——

Mr. LEVER. Mr. Chairman, I ask that all debate on the paragraph and amendments thereto close in seven minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. LITTLEPAGE. Mr. Chairman, for the purpose of information I want to direct the attention of the chairman to page 67, line 22, five charwomen at $240 each.

Mr. LEVER. We have not reached that point in the bill yet; we are seven pages away from it.

Mr. LITTLEPAGE. The items have been read.

Mr. LEVER. But the gentleman said page 67.

Mr. LITTLEPAGE. I got the wrong page. I want to know as a matter of justice to these poor women who likely do more hard work than most any person there, and especially work harder than the messenger boys, if the gentleman would not be willing to make that compensation $300 each per year?

Mr. LEVER. I will say that these employees who receive the salary of $240 are only employed half of the time. Instead of being employed eight hours a day they are employed four hours. They come in the morning and again in the afternoon, and the balance of the day they are free to do such work as they please to do.

Mr. LITTLEPAGE. If they can get it to do. They come in the morning, and that spoils the best part of the day. Now, I am in favor of economy, but it strikes me that that is worth the consideration of the House.

Mr. LEVER. I will say that the Agricultural Committee, about four years ago, did probably what very few committees of this House have done, namely, they brought in a recommendation to increase or consider the salaries of a number of these lower-grade employees affecting 100 or 150, I think. No proposition has been made to increase the salaries of the charwomen and messenger boys, and the like of that. I will say that I understand a bill is pending in the proper committee to reclassify the lower-grade clerks, messenger boys, charwomen, and the like of that, and, in general, I may say that I sympathize with the gentleman's position. This is not the bill, however, to do that. It would have the effect of making the salaries of this class of employees unequal in the various departments of the Government. You ought to have a general proposition covering all the departments in the Government, instead of one bureau.

Mr. LITTLEPAGE. How would it do to fix it here and not take any chances on what will be done in the future?

Mr. LEVER. I think it would be inequitable to other employees in other departments.

Mr. LITTLEPAGE. That is my purpose; I think it is inequitable to these people who are doing a valuable service and getting too little pay. I would be very glad of an opportunity to vote an increase in their wages, and I was in hopes that I might appeal to the magnanimity of the gentleman in charge of the bill not to object to an amendment along that line to provide for these charwomen.

Mr. LEVER. The difficulty of the gentleman's position is that we are on the last part of the bill, and to increase the salary of the charwomen in this bureau and not in the other bureaus that we have already passed would be a manifest injustice.

Mr. LITTLEPAGE. Why not let it apply to all the charwomen mentioned in the bill?

Mr. LEVER. If the gentleman will prepare his amendment we will consider it when we get to it.

The Clerk read as follows:

General expenses, library: For books of reference, technical and scientific books, papers and periodicals, and for expenses incurred in completing imperfect series; for the employment of additional assistants in the city of Washington and elsewhere; for official traveling expenses, and for library fixtures, library cards, supplies, and for all other necessary expenses, $18,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in 12 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, on some subsequent paragraph I desire to seek information from the chairman of the committee with reference to the purchase of supplies. I think we ought to know something about the manner in which these supplies are purchased, but for the present I would like to

know whether the supplies referred to in line 8, page 61, include ink?

Mr. LEVER. In answer to the gentleman, I would say that I have made some personal investigation within the last few days as to the system which the Government has in buying its various and sundry supplies, and if the gentleman will permit me——

Mr. MOORE of Pennsylvania. I think the gentleman from South Carolina did not get my question. At present I do not want to raise the question of the purchase of supplies. I want to know whether the supplies referred to in line 8, page 61, include ink?

Mr. LEVER. Yes; I think so.

Mr. MOORE of Pennsylvania. As to inks, I wish to say this: The dyestuffs question enters into ink. The Speaker yesterday, in a very eloquent address, urged that the House speed up on legislation, with which I think most of his colleagues here agree, but the difficulty has not been altogether with the House itself. To a certain extent it may be due to some of the committees, which have a large amount of work to do. The Ways and Means Committee is one of these. The Ways and Means Commitee has not gone far into revenue questions yet. In the investigation of the dyestuffs question by this committee, for instance, it developed that the Government itself was subject to high prices for ink and other commodities, just as private enterprises are. In the course of time, unless there is some legislation coming from the Ways and Means or some other committee with reference to dyestuffs, the Government is going to feel the pinch, if it does not feel it already. The Government is in the same boat with individual manufacturers and merchants throughout the country.

It may be interesting to the House at this time to know that the people are paying enormously high prices for certain merchandise because of the lack of legislation to enable us to develop the dyestuffs industry in the United States. I have now in my possession papers which give a fair idea as to the pressure in commercial lines with respect to the lack of dyestuffs. One concern advises me that it has just paid more than $4,400, or at the rate of $9 per pound for a certain kind of dye which prior to the war could readily be had for 20 cents a pound. Another concern which manufactures carpets has been obliged to pay $12,500 for one barrel of 500 pounds of dyestuffs, which could readily have been purchased before the war for $600.

The point I want to make is, that that increased cost to the man who buys the dyestuff is passed on to the consumer. The purchaser of the carpets has to pay that bill. By the same token the Government of the United States which is itself at fault in the matter of legislation just now, will be obliged in the matter of all these supplies, to pay this increased cost for everything. At the present time we seem to be at the mercy of the British Government which is holding up the supplies that we might obtain from Germany. It is publicly announced that Germany has proposed to let loose 15,000 tons of dyestuffs to relieve the situation in the United States, but until our State Department develops enough influence with the British Government which controls the seas, that dyestuff can not come into the United States for the relief of our people. [Applause.]

Mr. FESS. Mr. Chairman, this item carries $18,000 for the purchase of technical and reference books pertaining to the work of the Agricultural Department. I want to commend in the most hearty terms this sort of expenditure. I probably would agree with my friend from Missouri [Mr. BORLAND] that the overhead expenditure should not, I would not say, be so much, but too much; we ought to guard that expenditure. I do not think we ought to economize upon the expenditure of money in this research work. I was pleased to hear the chairman say that this technical library was probably the best of its kind in the world.

On making an investigation in another field last year I sought information here in the Capital as to the number of technical libraries that were open to investigators—to scholars if they would care to enter them. I was surprised to learn that there are 137 libraries in the city of Washington, each one standing out unique in its line of investigation, and I presume many of them the greatest of their kind in the world. I believe it is true that Washington is the greatest center of research work, with the greatest group of scholars in special lines of research of any place in the world, unless it be Berlin. I think it is true also that the laboratory facilities for research work in this Capital City are the rarest and most extensive of any place in the world.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. LEVER. I think probably the greatest danger to the future effectiveness of the Department of Agriculture is the desire, which seems to be growing more and more each day in Congress, to have the department do too much field work without a sufficient regard to its investigational and research work. We must keep a proper balance between the two lines of work. We can not educate unless we have the basis for education.

Mr. FESS. If the Chairman would permit, I would remind him of the statement he made the other day right along that line, that the research is probably more important than the demonstration work, for the demonstration will come anyway. I agree with him in that statement. Dissemination of knowledge is sure to come when the valuable knowledge is once made known, but the group of men who are in the laboratory doing the research work, discovering what is not known, finding out things that need to be known, is the big work to which the country should give its warmest support. The expert or research worker should be encouraged to push the work in new fields. This may be done frequently at small outlay of expense and within narrow compass. I happen to know of a geologist who has won a name in two continents, and he confined his study to a glen not more than three-quarters of a mile in length. There in that laboratory of nature he made sufficient research so that his name is known in two worlds as a great geologist. He did not have to go out all over the world. The same thing can be said of a botanist who confined himself to a narrow gorge, studying the plant life, and he has made a name that is known in two continents. I mention this item to indicate the character of the research worker, and I want to commend not only this committee but every committee that looks into the business of research, for that is the big work, and $18,000 is not too much to expend in this great field of agriculture.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Miscellaneous expenses, Department of Agriculture: For stationery, blank books, twine, paper, gum, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, fuel, water and gas pipes, heating apparatus, furniture, carpets, and matting; for lights, freight, express charges, advertising, telegraphing, telephoning, postage, washing towels, and necessary repairs and improvements to buildings and heating apparatus; for the purchase, subsistence, and care of horses and the purchase and repair of harness and vehicles, for official purposes only; for the payment of duties on imported articles, and the Department of Agriculture's proportionate share of the expense of the dispatch agent in New York; for official traveling expenses; and for other miscellaneous supplies and expenses not otherwise provided for, and necessary for the practical and efficient work of the department, $115,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Here is an item where we may fairly raise the question about the purchase of supplies, because it not only includes the purchase of supplies of one kind or another, but the payment of duties on imported articles, indicating that the Government is put to it sometimes to go abroad to purchase those things it needs. All through this Agricultural appropriation bill it appears that we spend large sums of money, first, for salaries which are specified, and then we appropriate large lump sums for purposes which necessitate the employment of men whose salaries are not specified and whose places are not specified, and who may be appointed at the discretion of the Secretary of Agriculture; and we also appropriate large sums, generally in excess of the amount appropriated for salaries, for the purchase of supplies.

These appropriations for supplies are generally in the lump. They are not specified as they are in other appropriation bills, and apparently there is a very wide discretion left to the Secretary or to somebody in the department to deal with those who have commodities to sell.

Mr. BORLAND. The gentleman realizes that they have a General Supply Committee, does he not?

Mr. MOORE of Pennsylvania. That is what I am coming to.

Mr. BORLAND. They buy in quantities and at a uniform price and on uniform contracts. They intend to do that. There are some instances where they can not do it.

Mr. MOORE of Pennsylvania. The gentleman from Missouri states that the General Supply Committee buys at uniform prices in some instances. Now, occasionally a case arises where it appears that this General Supply Committee does not make its awards to the lowest bidder as in other instances. I have in mind one set of proposals that involve the expenditure of probably $200,000, where some men in the South have bidden and some men in the North, and where the practice seems to be to award to the highest bidder. Now, as we vest unusual discretion in the department in the purchase of agricultural supplies, which we do not seem to vest in other departments, I should like to know something about the method of purchase and the authority that is conferred by law upon those charged with responsibility.

Mr. LEVER. Mr. Chairman, I have asked the Department of Agriculture to furnish me a memorandum as to its methods of purchasing supplies; that is, those supplies that are not covered by the awards of the General Supply Committee, of which the gentleman from Missouri spoke. I think the statement furnished by the department is probably clearer than I can make it myself, and I am going to ask the gentleman that, in his time and mine together, I may read this statement. It says:

IN WASHINGTON.

Bureau chiefs are authorized to issue requisitions for supplies where the amount does not exceed $100, except in the case of the Forest Service and the Weather Bureau, where the limit is $500; all other requisitions for supplies in Washington are issued by the Secretary of Agriculture. The Secretary reserves the right, moreover, to approve all purchases of cameras and lenses, motor-driven vehicles or boats, and medicines for personal use, irrespective of the amount involved. In the case of all ordinary supplies for use in Washington, D. C., the General Supply Committee—

To which reference has been made—

under existing law, advertises annually for quotations and prepares a general schedule, a copy of which is herewith appended.

This is a volume containing a couple hundred of pages.

The Department of Agriculture makes its purchases from this schedule whenever practicable. When articles are needed which are not listed in the general schedule of supplies they are purchased in the open market by the Secretary or the bureau chief, as already indicated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I ask unanimous consent to proceed for five minutes, and then I ask unanimous consent that all debate conclude in seven minutes on this paragraph and amendments thereto.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and amendments thereto close in seven minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LEVER. It says, further:

If the amount involved is less than $50, such purchases may be made without competition, but where the amount exceeds $50 the department requires that bona fide competition be secured by three or more dealers; if the estimated cost of the supplies to be purchased in the open market exceeds $2,500, advertising in newspapers is resorted to to secure proper competition. All competitive bids received are passed upon by a departmental board of survey and all acceptances of bids are approved by the Secretary, except that the Chief of the Weather Bureau and the Forester have authority from the Secretary to accept bids that do not exceed $500.

Mr. MOORE of Pennsylvania. Is that the board which the gentleman from Missouri referred to?

Mr. LEVER. No; the board referred to here, I take it, is a board within the Agricultural Department. The board to which the gentleman from Missouri refers is a board which includes membership from all the departments of the Government.

The communication says further:

The only departure from the rule that competition must be secured in all open-market purchases in excess of $50 occurs when one of the following exigencies is shown to exist: (a) When articles required for immediate use are not provided for in existing contracts and there is not time to obtain them through advertisement by any of the methods heretofore named; (b) when, under a formal contract for construction, there arises a necessity for additional work practicable of performance only by the contractor; (c) when the articles required are patented or copyrighted and not on sale by dealers, but by the owners of the patent or copyright or their agents or assigns alone at a fixed and uniform price; (d) when there is only one dealer within a practicable distance from whom the articles can be obtained; (e) when prices or rates are fixed by Federal, State, or municipal legislation, or by competent regulation; or (f) when previous advertising for the identical purchase has been followed by the receipt either of no proposals or only of such as were unreasonable, and under circumstances indicating that further advertising would not alter results.

OUTSIDE OF WASHINGTON.

Whenever possible, advantage is taken of the prices established in the general schedule of supplies. Otherwise, when the estimated price is in excess of $50 competition must be obtained in the same manner as provided in the case of purchases for use in Washington. Minor supplies may be purchased by employees on proper prior authority issued to them, but when the amount involved is of some consequence the supplies are purchased by requisitions issued from the offices in Washington. On account of the needs of the field service of the Forest Service that bureau maintains a distributing supply depot at Ogden, Utah. It secures competition annually for its stock supplies in a manner similar to that under which the General Supply Committee in Washington establishes its general schedule.

Now, that is the system that prevails in the city of Washington. The same system prevails outside of the city of Washington.

Mr. MOORE of Pennsylvania. That obtains, Mr. Chairman, except as to patented articles and certain specialties, to purchases of supplies where the amount is small; that is, $100, and so forth. But this appropriation bill carries provision for the expenditure of hundreds of thousands of dollars for supplies, and I am not sure that those regulations the gentleman has read would apply definitely to these enormous purchases.

Mr. LEVER. Any purchase above the amount stated in the memorandum which I have read would be covered by the General Supply Committee.

Mr. MOORE of Pennsylvania. The General Supply Committee? I want to know what the Secretary of Agriculture knows about these purchases.

Mr. STAFFORD. If the gentleman will permit, the general supply committee is an adjunct of the Treasury Department, and consists of one representative from each of the departments, which prepare the necessary estimates for supplies and then advertise for bids for the supplies and award the contract for the ensuing fiscal year to the respective bidders whom they believe are the lowest and most responsible.

Mr. MOORE of Pennsylvania. Let me ask the gentleman a question.

Mr. STAFFORD. With the permission of the gentleman from South Carolina.

Mr. LEVER. Certainly.

Mr. MOORE of Pennsylvania. Suppose two concerns were bidding for supplies involving the expenditure of $200,000 during the course of a year, and one concern already had the contract through this General Supply Committee, and another concern which had outbid it the year before had bid low again the second year, who would make the award, the Secretary of Agriculture or the supply committee?

Mr. STAFFORD. The General Supply Committee determine the award for these supplies. The final test as to the character of supplies that shall be furnished to the respective departments, each department having a representative on this board to pass upon such questions as the gentleman has propounded, is with this committee.

Mr. MOORE of Pennsylvania. Can the gentleman tell us who the individual members of the Supply Committee are and how they are appointed?

Mr. STAFFORD. Oh, I can not tell the gentleman who the individual members are, but the head of each of the respective department appoints a representative of that department—some person connected with the department who is versed in the purchase of supplies and having direct connection with the supplies of his respective department.

Mr. MOORE of Pennsylvania. Suppose a department desired to secure a number of automobiles, and the agent of those automobiles, who had put in his proposal, was invited out to discuss the matter at dinner or did the inviting out himself. Does the gentleman think there should be some right of appeal from an award made under such circumstances?

Mr. STAFFORD. Oh, if a person submits to the temptations of a good dinner or a theater party and does not attend to business, he should not complain because he is not entitled to supreme consideration; but in that particular, so far as automobiles are concerned—and I mention this because it is a matter of live interest—this board asked for bids on certain characters of automobile delivery cars, and——

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. STAFFORD. This board determined the character of car to be accepted. During the past year the board accepted the Studebaker car, and that was the car that was purchased for such departments as had authorization granted them in the appropriation bill for the purchase of delivery cars. There was no privilege granted to the heads of respective departments to select any other car.

Mr. MOORE of Pennsylvania. Is this Supply Committee created by law or is it a creature of the departments?

Mr. STAFFORD. It is a creature of law.

Mr. SMITH of Michigan. The law of 1910.

Mr. STAFFORD. Yes; the law of 1910. It has worked very efficiently, and a large saving has resulted in the purchase of supplies. It is the central supply depot for standard supplies for all the departments.

Mr. MOORE of Pennsylvania. Are the men constituting this committee already under salary?

Mr. STAFFORD. They are heads of bureaus or occupy some other responsible position in the respective departments, where they come directly in contact with the needs of their respective departments as to supplies that are needed.

Mr. MOORE of Pennsylvania. Do they receive any extra compensation for their services?

Mr. STAFFORD. They do not. Their service occupies but a part of their time the year round, but there is a division con-

nected with the Treasury Department, with a special chief, who has charge of the administration of this Supply Division of the Treasury Department.

Mr. MOORE of Pennsylvania. It is centralized in the Treasury Department?

Mr. STAFFORD. Yes; it is centralized in the Treasury Department as to bids and awards on supplies necessary for each department.

Mr. SMITH of Michigan. And is it not true that each representative of every department passes on every award?

Mr. STAFFORD. That is a correct statement.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. The Clerk will read.

The Clerk read as follows:

Rent of buildings, Department of Agriculture: For rent of buildings and parts of buildings in the District of Columbia, for use of the various bureaus, divisions, and offices of the Department of Agriculture, $123,689: *Provided*, That the Secretary of Agriculture shall submit annually to Congress in his estimates of appropriations a statement showing what proportion of this appropriation is paid for the quarters occupied by the various branches of the department.

Mr. STAFFORD. Mr. Chairman, I rise to enter a protest against the extravagant amounts paid by the Department of Agriculture for rent of private quarters.

Mr. LEVER. Mr. Chairman, will the gentleman yield a moment?

Mr. STAFFORD. Yes.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the debate on this paragraph and amendments thereto shall close in 25 minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. STAFFORD. In no other department of the Government are such extravagant rates being paid for the rental of quarters as in the Department of Agriculture. It will surprise this committee when I say that the rentals aggregate in some instances the enormous return of 15 per cent on the value of the property used for these quarters, and the average rentals for the use of these buildings is 10 per cent, whereas in other departments the rental is as low as 5 per cent and 4 per cent on the value for a standard building. The committee says in their report that they have investigated this subject. I will read the exact language of the report. I read:

The committee investigated the matter thoroughly and is convinced that the sum appropriated is being wisely expended.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Missouri?

Mr. STAFFORD. Yes; I yield.

Mr. BORLAND. My recollection is that recently the subcommittee, of which the gentleman is a member, authorized a lease for quarters for the Department of Commerce, and they are very fine quarters, but they are based upon the price of about 31 cents a square foot.

Mr. STAFFORD. The department is authorized to make a contract at 40 cents, and the contract is 36.3 cents.

Mr. BORLAND. That is the building on Pennsylvania Avenue occupied by the Department of Commerce?

Mr. STAFFORD. Yes. But since the hearings of the subcommittee were concluded it appears that the return on that investment is something in the neighborhood of 8 or 9 per cent. Yet as to the buildings occupied by the Department of Agriculture, modern buildings, the net return on the value of the property is as high as 15 per cent, and still nothing is being done to curtail the rentals that these private owners are exacting of the Government, because this great department has grown so fast that the Government could not provide other quarters in which to house them.

Mr. BORLAND. Is the Department of Agriculture paying more than 36 cents a square foot?

Mr. STAFFORD. Yes. In some instances it is paying as high as 40 cents. For one building it is paying 41.6 cents. That is for the building used by the Office of Markets, a building where the space occupied is 85,000 square feet, and the annual rental is $35,360, where the assessed valuation of the property, according to the Book of Estimates, is $182,744. There has been prepared by the American Institute of Architects a list showing the rentals and the per cent of return to the owners received from the rental of these respective buildings used by the Government, and in no instance do you find such outrageous returns on the investment as in the case of the Department of Agriculture. I do not wish to criticize this heavily overworked committee. We all know that they work many days of the year continuously from early morn until late in the afternoon preparing this very important agricultural bill, and they have not time to go into details of this administrative feature that has been called particularly to the attention of the Appropriations Committee.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, I believe that something should be done not only by the Appropriations Committee but by all the committees that authorize rentals, whereby there shall be fixed a rate that will not permit the owner to receive more than a certain return on his investment. Who can justify such a return as 15 per cent year after year, when in the course of eight years the building will have paid for itself? We all know that a building will be occupied for eight years by the Government after the Government once moves in.

Mr. CULLOP. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. CULLOP. Who is it that makes the contract for the rentals of these buildings—what officer in the department?

Mr. STAFFORD. The matter is under the jurisdiction ultimately of the Secretary, the head of the department. I presume the head of the bureau negotiates the contract, subject to the approval of the chief clerk, and then the decision of the chief clerk is ultimately approved by the Secretary of the department.

Mr. CULLOP. I would like to know, if the gentleman can tell me, what particular person in the Agricultural Department negotiates the contract with the lessor?

Mr. STAFFORD. I can not give the gentleman that information, I regret to say.

Mr. FESS. Will the gentleman yield?

Mr. STAFFORD. I will yield to the gentleman.

Mr. FESS. Has the gentleman's investigations led him to any definite conclusion as to the relative economy of the Government owning the buildings or renting them?

Mr. STAFFORD. If we would but pay a rental that would net a return of, say, 5 per cent to the owner, as, for instance, we do in the Mills Building, occupied by the Department of Labor, I think it would be more economical for the Government to rent. But bear in mind this fact: When the Government rents a building at a rate, as we have provided in the legislative, executive, and judicial appropriation bill, of 36.3 cents per square foot rental of available floor space, that does not include the upkeep of the building. The upkeep of the building is in addition.

I was curious during the hearings on the legislative bill to ascertain what was the average cost per square foot for maintenance when the Government undertakes to care and provide for the upkeep of a building. The Secretary of Commerce at that time could not give the information, but appended it later in a detailed statement. It shows that the cost for maintenance, in addition to the rental, of 36.3 cents, is 18.5, making a total of 54.8 per foot. It may be interesting to know what the renters of office buildings pays and the Government pays for offices such as those in the Southern Building and the Woodward Building, which run up to 90 cents, and some to over $1. It is much more economical for the Government to rent large quarters in buildings occupied entirely by itself than to rent small quarters in buildings like the Woodward Building. Where we rent the entire building we are paying a rent that nets a return to the owner of 10 per cent, and that is the average to the owners of all buildings rented by the Agricultural Department, as shown by the compilation. In reply to the question propounded by the gentleman from Ohio I would say that it is more economical for the Government to rent a building if it only paid a return of 5 per cent to the owner. Taking into consideration the upkeep, there would be a saving of 4 or 5 per cent to the Government, even when the net return to the owner is 10 per cent.

I believe that some definite policy should be inaugurated by the Government. The Agricultural Department, I believe, does not enter into a long-term lease, but makes them from year to year. But we should make some definite rates whereby the Government would authorize the leasing based upon a fixed rental that would not deprive the owner of a fair return on his investment, taking into consideration the depreciation, the risk of the quarters or the building being vacated or abandoned by the Government, so that he would receive a fair return and no more—not a return that no one could justify, like a rate yielding 15 per cent.

Mr. BORLAND. Mr. Chairman, the rent roll of the Government for private quarters in the District of Columbia is something enormous. It does not confine itself to this particular bill, but extends to every activity of the Government. That is not the fault of the committees who have these bills in charge. The activities of the Government have been growing. Every time Congress asks the Government to pursue some new line of activity—at the demand of the people, of course—it is necessary to provide headquarters in the city of Washington for that purpose. That is the first thing necessary. Usually, when the demand comes it is a sudden demand, and quarters must be had in order that the department be opened. That was exemplified when we passed the law providing for the physical valuation of railroads—some quarters had to be found for that particular branch of the Interstate Commerce Commission. When we provided for the Federal Trade Commission some quarters had to be found for them. When the Department of Labor was separated from the Department of Commerce they had to be provided with quarters. The Government in these cases is more or less helpless; it must take the quarters it can get at a price that the owner is willing to take. But the question is always coming up whether it would be cheaper for the Government to rent or own the building. The answer to the question is that if the Government rented the same class of buildings that it built it would be more expensive, but if the Government would erect the same class of buildings that it rents it would be cheaper for the Government to build. That is, we build monumental buildings, and we build them under a little different theory than that of the man who is building for commercial purposes. We do not make available as much of the space as we could, and we give a good deal to ornamentation, so that you can scarcely compare the two propositions. But what I want to call attention to is this, that the committee in charge of the legislative, executive, and judicial appropriation bill this year put in, as it had to do, certain limitations of law providing that the heads of the departments where they needed additional space should be allowed to enter into a businesslike lease for a definite length of time with the owner, four years, I think, being the time allowed. Under that they could get a commercial rate on the space rented. For some reason or other that provision went out on a point of order. I think that was a mistake.

I do not see how appropriating committees can deal with this subject unless they are enabled to put in a legislative provision giving the heads of departments power to enter into leases for a definite time, within definite limitations. Then the committee can control the price. We have found that we can get a building as good as the Department of Commerce is now occupying at a flat rate of 36 cents and a fraction per square foot, and we pay the cost of janitor service, light, and elevator service. That amounts to 18 cents a square foot, making 54 cents a square foot in all, but that can be done only where the department is given legislative power to enter into a lease on business terms.

Mr. LEVER. Do I understand the gentleman to say that the Department of Commerce are paying 54 cents?

Mr. BORLAND. About 54 cents a square foot, including the cost of janitor service, cleaning, lighting, elevator, and upkeep. We pay 36 cents and a fraction per square foot for the space occupied and provide the cost of caretaking in addition.

This is the only practical solution. We can not build buildings fast enough in Washington to house the activities of the Government. We must always depend to some extent on rented quarters, and we either ought to have a general provision of law, common to all the departments, fixing the terms upon which leases may be made, or we ought to permit these appropriating committees to put in legislative provisions providing for leases for a definite length of time. No man who owns property is going to lease it to the Government for a short-time lease, or upon an uncertain tenure, on the same terms that he will lease it for a certain tenure and for a long-time lease; and four years or even five or six years time is not too long to lease a piece of property in the District of Columbia.

Mr. LEVER. Mr. Chairman, this matter was referred to a subcommittee which made a very thorough investigation, the chairman of which subcommittee was the gentleman from Arkansas [Mr. JACOWAY], who will now take charge of this matter.

Mr. JACOWAY. Mr. Chairman and gentleman of the committee, some two years ago I went into the matter of the rents paid by the Agricultural Department, and investigated the subject with some care and as exhaustively as I could in the time which I had. In order that Congress might be definitely advised in regard to the matter I have made up a table giving the name or location of the building, its character, the number of rooms, by whom occupied and for what purpose; the floor space in square feet, net and gross; the annual rental; the annual rental per square foot, net and gross; the date of the first lease; the name of the owner or lessor; and the assessed value of the building. I thought that under these subheads the committee could ascertain the reasonableness of rent paid by the Agricultural Department as compared with the rents paid by other departments of the Government.

In the report which I made at that time, I suggested to the House two years ago that it was my judgment that all of these rents paid by the different activities of the Federal Government were too high; but after comparing the rents paid by the Agricultural Department with the rents paid by other departments of this Government, I state to-day, as a result of that investigation, that the rents paid to-day by the Agricultural Department are lower than the rents paid by any other branch of the Government's activities. The table to which I refer is as follows:

Statement showing data in relation to rented buildings of the Department of Agriculture, Feb. 23, 1916.

Name or location of building.	Character of building.	Number of rooms.	Occupied by.	Occupied as—	Floor space (per square foot).		Annual rental.	Annual rental (per square foot).		Date of first lease.	Owner or lessor.	Assessed value of building.
					Net.	Gross.		Net.	Gross.			
930 F Street NW. (Atlantic Building).	Old brick office building, 8-story and basement.	148	Forest Service	Offices.....	25,658	54,600	$18,000	$0.504	$0.329	July 1,1901	Atlantic Building Co., M. M. Parker, president, 1418 F Street NW.	$138,670
913 E Street NW. (rear).	1-story shop building in alley.	1	.....do.....	Workshop	1,470	1,470	270	.18	.18	Nov. 1,1902	Jeremiah O'Connor, owner; T. D. Walsh, agent, 1312 F Street NW.	400
915 E Street NW. (rear).	2-story brick building in alley.	2	.....do.....	Storage.....	1,150	1,150	300	.26	.26	June 15,1915	Jos. R. Williams, 915 E Street NW.	300
216 Thirteenth Street SW. (Chemistry Building).	6-story and basement modern fireproof laboratory building.	132	Bureau of Chemistry.	Offices and laboratories.	50,350	59,000	16,000	.319	.271	Mar. 8,1909	Peter J. Campbell and John J. Shea, 632 Pennsylvania Avenue NW.	98,776
212-214 Thirteenth Street SW.	Old 3-story brick residences.	37	.....do.....	Supply rooms and storage.	7,200	8,600	960	.175	.111	Dec. 1,1894	Nicholas H. Shea, 632 Pennsylvania Avenue NW.	8,758
215 Twelfth Street SW. (rear).	2-story brick garage building.	8	.....do.....	Storage.....	2,353	2,682	600	.254	.223	Aug. 1,1915	Geo. P. Eustis; Frederic May, agent, 806 Seventeenth Street NW.	3,483
513 to 515 Fourteenth Street NW. (Willard Building).	Modern 8-story office building.	76	Office of Public Roads.	Offices and laboratories.	26,116	36,324	9,500	.363	.261	Apr. 12,1915	H. K. Willard (Kellogg Building) and National Savings & Trust Co., trustees.	182,160
1228 C Street SW. (rear).	Old 1-story and loft stable.	.....	.....do.....	Storage.....	1,000	1,195	144	.14	.12	Aug. 1,1907	Heirs at law of J. A. Harvey; C. A. Harvey, 1228 C Street SW.	400
215 Thirteenth Street SW.	4-story basement brick building for warehouse purposes.	17	Division of Publications.	Offices, storage and mailing.	15,340	19,390	4,000	.26	.206	Mar. 1,1905	Terrell & Little, agents, 1413 H Street NW.	21,726

Statement showing data in relation to rented buildings of the Department of Agriculture, Feb. 23, 1916—Continued.

Name or location of building.	Character of building.	Number of rooms.	Occupied by—	Occupied as.	Floor space (per square foot).		Annual rental.	Annual rental (per square foot).		Date of first lease.	Owner or lessor.	Assessed value of building.
					Net.	Gross.		Net.	Gross.			
1316 B Street SW...	Modern 3-story brick building.	34	Office of Solicitor.	Offices, files, and storage.	8,773	10,427	$3,000	$0.341	$0.286	May 1, 1904	John M. Beavers, owner, H and Water Streets SW.	$12,647
220 Thirteenth Street SW.	3-story brick warehouse, remodeled.	27	Insecticide and fungicide board.	Offices and laboratories.	8,470	9,900	3,000	.35	.30	Apr. 14, 1913	Frank J. Hogan, owner, Evans Building.	17,424
929 Seventh Street SW.	Old warehouse....	7	Exhibits and Bureau of Soils.	Storage.....	8,110	8,280	600	.074	.072	June 1, 1913	George E. Walker, owner, 501 Seventh Street SW.	16,393
200–202 Fourteenth Street SW.	4-story and basement brick building; remodeled and fireproof.	37	Plant Industry; States Relations Service; Biological Survey; Forest Appeals.	Offices and laboratories; storage.	13,100	15,140	3,000	.229	.198	July 1, 1900	R. Harrison Johnson, 306 Seventh Street SW.	20,167
339 Pennsylvania Avenue NW. (Globe Building).	Old 4-story brick building, warehouse construction.	27	Bureau of Plant Industry.	Congressional seed distribution and storage.	33,000	40,000	4,800	.145	.12	Sept. 1, 1912	R. W. Shoppell, Warder Building.	30,476
1304–1306 B Street SW.	Double brick structure, 3-story and basement.	36	.....do.....	Offices, forage crop; seed distribution.	11,386	13,530	2,500	.218	.185	Sept. 1, 1901	Tyler & Rutherford, agents, 817 Fifteenth Street NW.	18,169
215 Twelfth Street SW.	Old 3-story brick residence.	10	Farm Management.	Offices.....	1,746	2,771	450	.257	.162	Apr. 8, 1914	A. G. Belt, agent, 1309 G Street NW.	3,868
217 Twelfth Street SW.	.....do.....	13	Plant Industry; Farm Management; exhibits.	.....do.....	1,746	2,771	450	.257	.162	Aug. 1, 1914	.....do.....	5,491
220 Fourteenth Street SW.	Modern fireproof 6-story, basement, office building.	139	Plant Industry; States Relations Service.	Offices and storage.	51,000	60,000	20,000	.392	.33	Aug. 28, 1912	Western Investment Co.: F. H. Smith Co., 815 Fifteenth Street NW.	120,925
221 Linworth Place SW.	Modern brick and concrete fireproof 5-story and basement building.	31	Bureau of Animal Industry: Office of Markets.	Offices, warehouse, cotton and paper work.	19,000	21,600	5,400	.284	.245	June 1, 1906	Sidney Bieber, owner, Riggs Building.	30,849
224 Twelfth Street SW.	3-story brick double building.	40	Office of Farm Management.	Offices.....	8,380	12,360	2,500	.298	.20	Dec. 22, 1902	American Security & Trust Co., Fifteenth and Pennsylvania Avenue NW.	17,332
Munsey Building, rooms 919 and 920.	Modern granite, fireproof office building.	2	Bureau Animal Industry (Field Service).	Offices, meat inspection.	366	366	420	1.15	1.15	July 1, 1909	T. C. Willis, agent, Munsey Building.	655,820
215 Linworth Place SW. (rear).	1-story building of frame construction.	2	Bureau Animal Industry (Meat Inspection).	Storage.....	297	297	120	.40	.40	Aug. 1, 1915	Mrs. M. E. Winfield, 215 Linworth Place SW.	(1)
1358 B Street SW...	Modern fireproof 8-story basement office building.	216	Markets, Animal Industry, Library, Biological Survey, Publications, Seed Laboratory, Plant Industry.	Offices and laboratories.	76,500	85,000	35,360	.462	.416	Dec. 3, 1914	Mrs. Henrietta M. Halliday, owner; F. H. Smith Co., agents, 815 Fifteenth Street NW.	182,744
818 Four-and-a-half Street SW.	2-story brick warehouse.	4	Office of Markets.	Storage of cotton.	5,120	5,600	360	.07	.064	Dec. 1, 1914	R. H. Johnson, 306 Seventh Street SW.	3,767
1315 C Street NW...	.....do.....	2	.....do.....	.....do.....	4,000	4,100	1,000	.25	.243	Dec. 20, 1915	W. D. Sullivan, 817 Fifteenth Street NW.	.....
Total.....					391,631	476,551	132,734	.338	.278			

[1] Not assessed.

Bureau of Animal Industry, Meat Inspection, appropriation pays rental for:

Rooms in Munsey Building	$420
Rear of 215 Linworth Place SW	120
Portion of rent for building 1358 B Street SW	10,000
Total	10,540

Office of Markets appropriation, "Determining cotton standards and spot markets, 1916" (continuing appropriation):

818 Four-and-a-half Street SW	360
1315 C Street NW	1,000
Total	1,360

I want to call the attention of the committee to the fact that this report shows that we are paying as low as 40 cents per square foot, gross, up to as high as $1.15 per square foot in the Munsey Building, a modern, fireproof, eight-story office building. I believe that if you will make a comparison of other rents paid, such as the Post Office Department, the Interior Department, and other departments, you will find that from the statement I made some two years since, which is found in the CONGRESSIONAL RECORD on page 4852, Sixty-third Congress, second session, under date of March 14, 1914, that the rent paid by the Department of Agriculture is much less than the rent paid by any other branch of this Government. It is useless to encumber the records with comparison. The tables showing the rents paid by other branches of the Government departments have been incorporated into the record, and reference to same can be had by any who may be interested in the subject.

Mr. COX. What does the gentleman mean by "gross"?

Mr. JACOWAY. That is for the number of square feet in the whole building, not counting the net square feet actually used. The Bureau of Plant Industry and the States Relations Service pay 33 cents per square foot. The Office of Public Roads pays, for storage, 12 cents per square foot. The Office of Markets pays, for storage, as low as 6.4 cents per square foot.

Now, in the Interior Department the rate paid per square foot is 39.9 cents, 38 cents, 35 cents, 31.9 cents, 57.5 cents.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. How much more time is there remaining, Mr. Chairman?

The CHAIRMAN. Eight minutes.

Mr. LEVER. I ask unanimous consent that the gentleman from Arkansas may proceed for three minutes.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Arkansas may proceed for three minutes. Is there objection?

There was no objection.

Mr. JACOWAY. In conclusion, Mr. Chairman, I want to state, as I did two years since, when this matter was before the House, that I am of opinion, after the investigation I have been able to make, that the Government, from the standpoint of the Government and not from the viewpoint of the individual, is paying too much rent for all of those buildings. But I state and assert that the rent paid by the Government for the buildings for the use of the Agricultural Department is the cheapest rent paid by the Government for any of its great departments. Beyond question I feel this assertion is true. It is my hope that soon all branches of the Agricultural Department can be housed under one roof. Certainly no department of this Government is more important than that of agriculture. As has often been asserted—and it is a true statement—that agriculture is the basis of all wealth, then that source from which this wealth emanates should receive every encouragement. Besides its house the Agricultural Department in its own building would be a saving to the Government.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. JACOWAY. For a question.

Mr. STAFFORD. Can the gentleman inform the committee on what term of lease the Agricultural Department rents these respective buildings?

Mr. JACOWAY. It is from year to year, as a rule, generally.

Mr. STAFFORD. Yes; it is from year to year rather than for a term of years?

Mr. JACOWAY. It is from year to year, and the gentleman will find all this discussed in the report that I made some time ago, and to which I have made reference to-day.

Mr. STAFFORD. Whereas in the other departments, where they get much more economical rent, the term of lease being for from 5 to 10 years.

Mr. JACOWAY. I think there are some branches of the Department of Agriculture where they enter into leases for from 5 to 10 years, as just suggested by me.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. JACOWAY. Yes.

Mr. LEVER. Some years ago the committee tried to get the same authority the gentleman speaks of, but it was objected to on the floor of the House, and it went out on a point of order.

Mr. STAFFORD. Has the gentleman's attention been called to the compilation of the American Institute of Architects which gives the returns on the valuations of the respective properties and which shows that for these modern buildings the net return to the owners is 15 per cent and the average return of all of the rentals is 10 per cent?

Mr. JACOWAY. Mr. Chairman, the gentleman is in error about that. In discussing this question two years ago I said in answer to a question from Mr. HAWLEY:

No; I did not state that. I said that assuming the assessed value of the property in the District of Columbia as shown on the tax books complied with the law, which requires it shall be assessed at 66⅔ per cent of its value, and arguing from that premise, then the rent paid on all these buildings occupied amounts to about 10 per cent. If the assessment is erroneous, then, of course, the per cent would vary.

I also stated in those remarks that the Federal Government can house the activities of the Department of Agriculture under one roof, completing the building down here that is not now completed—and you can get the money at 3 per cent—and in that way it would be a saving to the Federal Government to do so, and in my report I recommended that that be done, and to me it appears to be good business judgment on the part of the Government to do so. [Applause.]

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. MANN. Mr. Chairman, I desire to ask the gentleman from Arkansas a question or two. Last year we provided at this place in the bill that the Maltby Building and all the buildings in that block might be used by the Agricultural Department. I understand that the Department of Agriculture has never made use of those buildings.

Mr. JACOWAY. It has not.

Mr. MANN. Does it require further legislation to strike that order out? The language of the law last year was:

Until otherwise ordered the Maltby Building, etc., may be used for governmental purposes by the Agricultural Department.

The design, of course, has been to tear down those buildings.

Mr. JACOWAY. I will state in answer to that question that the Department of Agriculture has not used that building this year.

Mr. MANN. I understand that it has never used it at all. The department never took possession of it.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. LEVER. The inspector of the Department of Agriculture looked over the Maltby Building and made a report to the Secretary of Agriculture that the building was unfit for use; that it was dangerous to use it.

Mr. MANN. I am not questioning that part of it. What I want to know is, if I can find out, whether there should be legislation now repealing this provision or whether these buildings are to stand there indefinitely, subject to being used by the Agricultural Department, which does not intend to use them?

Mr. LEVER. I will say to the gentleman that unless there is legislation the provision in the bill last year, I take it, will stand until repealed. The matter was not brought to the attention of the committee at all.

Mr. MANN. I think that provision ought to be repealed.

Mr. LEVER. I do also.

Mr. MANN. There is no earthly reason for keeping in the law a provision for the use by the department of a building which it can not, and I think properly does not, use.

Mr. LEVER. I am glad the gentleman called that to our attention.

Mr. MANN. Mr. Chairman, the gentleman from Wisconsin [Mr. STAFFORD], who has given a good deal of attention to the question of rents for buildings, especially in connection with the legislative appropriation bill and otherwise, stated that the Agricultural Department was paying very excessive rents for buildings; that the average was very high. I notice, however, that the other day in the Senate there was inserted in the RECORD what purported to be the rentals received from public buildings in the District of Columbia, being an extract from the Journal of the American Institute of Architects, of February, 1916. In that statement the information is given that the rental paid for the Willard Building, opposite the Willard Hotel, which used to be occupied by the Department of Commerce and by the Department of Labor and is now occupied by the Department of Agriculture, amounts to 1½ per cent on the value. Certainly no one would complain that a rental of 1½ per cent on the value was a high rate of rental.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. MANN. For a question, I have only a little time.

Mr. STAFFORD. Is the gentleman aware that that is merely a temporary arrangement because they could not obtain another tenant, that that is not the real rental the Government has been paying heretofore?

Mr. MANN. I am aware that the statement is made here that the Agricultural Department is now paying 1½ per cent on the value of the building. I do not imagine that they will be allowed to continue indefinitely upon that basis, but it does not indicate any extravagant desire on the part of the Department of Agriculture.

Now, I want to say, Mr. Chairman, while there is always a great demand in Washington and from the outside that all the buildings occupied by the various bureaus and departments in Washington shall be Government buildings, and the ground of economy is constantly advanced, I have not the slightest doubt myself with some observations and experiences in Washington with the Government buildings, that if we erect public buildings to put all these offices in it will cost the Government a great deal more than it does now.

The CHAIRMAN. The time of the gentleman from Arkansas has expired. All time has expired. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

To carry into effect the provisions of an act approved March 16, 1906, entitled "An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof," the sums apportioned to the several States and Territories, to be paid quarterly in advance, $720,000: *Provided*, That not to exceed $15,000 shall be paid to each State and Territory under this act.

Mr. CULLOP. Mr. Chairman, I ask unanimous consent to publish a letter from Dr. Melvin, the head of the Bureau of Animal Industry, in regard to experimental stations in two counties in Indiana.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD by printing a letter from Dr. Melvin in relation to experimental stations in Indiana. Is there objection? [After a pause.] The Chair hears none.

The following is the letter referred to:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Washington, D. C., April 15, 1916.

Hon. W. A. CULLOP,
House of Representatives.

DEAR MR. CULLOP: Receipt is acknowledged of your letter of April 13, asking for information concerning hog-cholera work by the bureau during the past two years.

Under the appropriation for work in the field experiments have been conducted in districts consisting of about one county each in 14 States, to determine the possibility of controlling hog cholera by quarantine and sanitary measures and the use of the serum preventive treatment, under some feasible plan which might permit of extending the work over large areas. Two of these experiments have been conducted in Indiana, one in Hendricks County and the other in Montgomery County, which cost the department during 1915, including the use of free serum, approximately $32,000.

In connection with these various experiments to December 31, 1915, there were treated 234,136 hogs in infected herds, with a loss of only 13.1 per cent, even though 85,547 of this number showed evidence of cholera at the time of treatment. During the same period 19,208 hogs were treated in well herds for protection, in which the loss was two-tenths of 1 per cent.

In addition to these experiments, educational, and demonstrational hog-cholera work was conducted in 10 States. This work has been more or less State-wide in advising farmers, through organizations and otherwise, of measures which may be taken to reduce losses and prevent cholera from reaching their herds.

The information obtained from these two classes of work indicates that the first, even though it has resulted in a saving of more than the amount expended, may be too expensive, and the other class does not afford a sufficient opportunity to place any one district in a position to control the disease.

It is believed that with a reasonable appropriation and a combination of these two methods, intensified work may be extended to larger sections of the country, and that with the support of the proper State officials, and the farmers themselves, the disease may be controlled and ultimately eradicated.

Very truly, yours,
A. D. MELVIN,
Chief of Bureau.

The Clerk read as follows:

To enable the Secretary of Agriculture to enforce the provisions of the above acts and the act approved May 8, 1914, entitled "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture," relative to their administration, including the employment of clerks, assistants, and other persons in the city of Washington and elsewhere, freight and express charges, official traveling expenses, office fixtures, supplies, apparatus, telegraph and telephone service, gas, electric current, and rent outside of the District of Columbia, $58,500; and the Secretary of Agriculture shall prescribe the form of the annual financial statement required under the above acts, ascertain whether the expenditures are in accordance with their provisions, coordinate the work of the Department of Agriculture with that of the State agricultural colleges and experiment stations in the lines authorized in said acts, and make report thereon to Congress.

Mr. TILSON. Mr. Chairman, I ask unanimous consent to extend my remarks at this point by inserting a letter written to me from the director of the Connecticut Agricultural Experiment Station on the subject of pine blister rust.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD on the subject which he indicates. Is there objection? [After a pause.] The Chair hears none.

The following is the letter referred to:

THE CONNECTICUT AGRICULTURAL EXPERIMENT STATION,
New Haven, Conn., April 19, 1916.

To the Hon. JOHN Q. TILSON,
New Haven, Conn.

DEAR SIR: The Agricultural appropriation bill soon to come before the House of Representatives contains an item of $30,000 for the suppression of the pine blister rust. The danger which confronts the lumber interests of the country from this source will no doubt be fully explained by the committee chairman.

I *need only* say that this station has made inspections and is now preparing for a third inspection of all white-pine plantations in this State. We could not do this effectively without the cooperation of the United States, made possible by the appropriation of $20,000 previously in the urgent deficiency bill. We are using every means which our State appropriations supply to detect and destroy this dangerous disease, but to do it effectively there will be needed further help from the General Government, and I hope you may be ready to give the item of the bill referred to your support.

Very truly, yours,
E. H. JENKINS, *Director.*

The Clerk read as follows:

For farmers' cooperative demonstrations and for the study and demonstration of the best methods of meeting the ravages of the cotton-boll weevil, including the employment of labor in the city of Washington and elsewhere, supplies, and all other necessary expenses, $661,300: *Provided*, That the expense of such service shall be defrayed from this appropriation and such cooperative funds as may be voluntarily contributed by State, county, and municipal agencies, associations of farmers, and individual farmers, universities, colleges, boards of trade, chambers of commerce, other local associations of business men, business organizations, and individuals within the State.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice there is a very slight decrease in the appropriation. I suppose that grows out of transfer, the intention being to keep the appropriation the same as it was before?

Mr. LEVER. Exactly. There is no change at all.

Mr. MANN. Did the committee consider increasing it?

Mr. LEVER. We did not. It was not estimated for. We did increase the preceding appropriation $100,000.

Mr. MANN. I noticed that. The appropriation above is mainly for demonstration work in the Northwest?

Mr. LEVER. In the Northern and Western States; yes, sir; 33 States outside of the cotton belt. The one which we are considering now is for the 15 States in the cotton belt.

Mr. MANN. I was under the impression that a few years ago we made the amount about the same.

Mr. LEVER. No; the gentleman's impression is wrong. A few years ago there was no amount carried for demonstration work.

Mr. MANN. I know. A few years ago there was and a few years ago there was not.

Mr. LEVER. The amounts have not been the same at any time, but we are trying to build up the item above as rapidly as we think it would be wise to do so. The committee on its own initiative increased this appropriation $100,000 after, of course, taking it up with the Secretary of Agriculture and after he had told us that he could use $100,000 wisely and economically.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. LEVER. I yield.

Mr. McLAUGHLIN. The chairman will remember that these amounts at one time were about the same, but the appropriations used by the South were supplemented by donations made by the General Educational Board, the Rockefeller fund, and Congress in considering that matter decided it was not wise longer to receive donations from that fund. And in order that the work should not be interfered with Congress added to the original appropriation enough to make up the amount that the General Educational Board had been in the habit of contributing.

Mr. MANN. My recollection was that at one time the items were almost the same.

Mr. McLAUGHLIN. They were about the same.

Mr. LEVER. If the gentleman from Michigan will permit, I was in error when I said the items were never together. They were together for about one or two years, as I remember it.

Mr. McLAUGHLIN. And the addition to the southern item——

Mr. LEVER. By the outside fund.

Mr. McLAUGHLIN. By the outside fund.

Mr. LEVER. The gentleman from Michigan has stated the case accurately.

Mr. McLAUGHLIN. The House refused, and the Senate offered the amendment and the House accepted it.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

To enable the Secretary of Agriculture to establish and maintain agricultural experiment stations in Alaska, Hawaii, Porto Rico, and the island of Guam, including the erection of buildings, the preparation, illustration, and distribution of reports and bulletins, and all other necessary expenses, $143,000, as follows: Alaska, $48,000; Hawaii, $40,000; Porto Rico, $40,000; and Guam, $15,000; and the Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment stations in Alaska, Hawaii, Porto Rico, and the island of Guam: *Provided*, That of the sum herein appropriated for the experiment station in Hawaii $5,000 may be used in agricultural extension work in Hawaii.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. LEVER. Mr. Chairman, if the gentleman will withhold that for a moment. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12717, the Agricultural appropriation bill, and had come to no resolution thereon.

INCREASE OF MILITARY ESTABLISHMENT.

Mr. POU. Mr. Speaker, I offer the following privileged report from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 216 (H. Rept. 599).

Resolved, That upon the adoption of this resolution the Committee on Military Affairs be, and is hereby, discharged from the consideration of H. R. 12766, a bill to increase the efficiency of the Military Establishment of the United States, with the Senate amendments thereto; that the said Senate amendments be, and are hereby, disagreed to by the House and a conference asked of the Senate on the disagreeing votes of the two Houses on the said bill; and the Speaker shall immediately appoint the managers on the part of the House, without intervening motion, except one motion to recommit.

Mr. MANN. Mr. Speaker, I make the point of order that the Committee on Rules has no jurisdiction to report this rule, and that it is not a privileged rule.

The Speaker yesterday ruled that the Committee on Rules could not report a rule which would prevent the exercise of the right to make the motion to recommit. In the discussion the Speaker referred to the last clause of the rule reported yesterday, which was, "without intervening motion," and intimated that if that were stricken out, or if that were left in and a provision were inserted, "except one motion to recommit," the rule would be in order. But the decision that the Speaker made yesterday was that the right to move to recommit under the rules of the House could not be taken away by a rule reported from the Committee on Rules.

Now, this rule provides, first, that the Committee on Military Affairs is discharged from further consideration of the bill. No exception can be taken to that. Second, it provides that the "Senate amendments be, and are hereby, disagreed to by the House and a conference asked of the Senate on the disagreeing votes of the two Houses." That disposes of the Senate amendments. That is final action on the Senate amendments. The motion to recommit can not be made until the rule is adopted and the Committee on Military Affairs is discharged.

But the rule provides that when the Committee on Military Affairs is discharged at the same time the Senate amendment is disagreed to and a conference is asked. What can you do with a motion to recommit then? That is like offering a right to offer a motion to recommit after a bill has passed and a motion to reconsider has been laid on the table. What good is it? It has passed beyond further action by the House. It provides that the Senate amendment is already disagreed to and a conference asked for.

Now, if the Speaker would hold that at that stage of the proceedings, before the conferees are appointed, it would be in order to recommit to the committee with instruction to the committee to report a recommendation to the House that the conferees be instructed, it leaves something to be done; but unless that motion should be in order there is nothing that can be done. The matter has been disposed of before the motion to recommit can be offered. If the motion to recommit, which the Speaker held we were entitled to make under the rules of the House, is to be offered at all, it must be offered with the purpose of accomplishing something by it. It is too late to move to recommit, to recommend a concurrence in the Senate amendment or an amendment to the Senate amendment after the amendment has been disagreed to and a conference asked. You can not move to concur after you have disagreed. You can not move to amend after you have disagreed. The only thing you can do in the House, after disagreement and conference is asked, is to move to instruct the conferees. If that motion is in order at that time, then this rule is in order. But if that motion is not in order at that time, then this rule is in violation of the rules of the House offering the right to make a motion to recommit, because it can not be said that the motion to recommit can be made when it can not possibly under any circumstances accomplish anything.

The SPEAKER. The Chair is ready to rule. This particular phase of this aggravated question has been passed upon once or twice before by eminent Speakers; that is, the question as to what takes this matter in controversy away from the House. On July 27, 1886, section 6380 of Hinds' Precedents, in a comparatively long decision, a ruling was made upon it which it is not necessary to read, except as to one sentence of it. The decision was made by Mr. Speaker Carlisle. I read:

> But the Chair thinks even if the present motion of the gentleman from Kentucky prevails, at any time before the Chair actually appoints the conferees, which takes the matter away from the House, resolutions of instructions are in order, and the Chair will entertain them after this motion is disposed of.

The pending rule cuts out the privilege to instruct the conferees. But evidently Speaker Carlisle thought, and evidently Mr. Speaker CANNON thought, later on, because he quoted Speaker Carlisle's conclusion approvingly, making a very short decision, that the matter is not taken away from the House until the conferees are appointed.

In rendering that decision yesterday, the Chair never guaranteed to the gentleman from Illinois [Mr. MANN] or anybody else that they would get a chance to offer a motion to instruct the conferees. What the Chair did decide was that the Committee on Rules could not cut out the privilege of offering the motion to recommit, with or without instructions. That is a correct decision, I think. The more I think about it the more certain I am. Everybody knows that I try to treat them all fairly. [Applause on the Republican side.]

If the gentleman from Illinois [Mr. MANN] can rig up a motion to recommit at the proper time—a motion that would be in order as an amendment—then the Chair will rule his motion in order, and if he does not do that, he will rule it out of order. The Chair overrules the point of order.

Mr. POU. Mr. Speaker, the majority and minority members of the Committee on Rules had an agreement that there should be an hour's debate on the resolution, one-half to be controlled by myself and one-half to be controlled by the gentleman from Kansas [Mr. CAMPBELL]. I ask unanimous consent that that be ratified by the House.

The SPEAKER. The gentleman from North Carolina [Mr. POU] asks that there be an hour's debate on this rule, 30 minutes to be controlled by himself and 30 minutes by the gentleman from Kansas [Mr. CAMPBELL].

Mr. POU. I would like to get an arrangement, if possible, that at the end of that time the previous question shall be considered as ordered.

Mr. MANN. I shall have to object to that.

Mr. POU. Then I will not ask for that. It is not in the agreement.

The SPEAKER. Is there objection to the request that there be one hour debate, if desired, one-half to be controlled by the gentleman from North Carolina [Mr. POU] and one-half by the gentleman from Kansas [Mr. CAMPBELL]

There was no objection.

The SPEAKER. The gentleman from North Carolina is recognized.

Mr. POU. I will reserve my time and ask the gentleman from Kansas to consume some of his time. I will say that in all probability we will not consume our 30 minutes on this side.

Mr. CAMPBELL. I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I hope the previous question may be voted down so that the rule can be amended in order to give the House an opportunity to express its opinion upon at least one phase of the Senate amendments to the bill. No one desires to keep this bill from going to conference or to prevent its early enactment into law.

Mr. Speaker, I am against our country entering into war [applause], but I am in favor of a sufficient preparation now so that if under any conditions we are forced into war we will have something to fight with. [Applause.] We can not determine the force of events which may settle the question whether we shall enter into war or not, but we can determine now whether we will endeavor to make preparation for that which may come, though I shall do everything in my power, so long as I am a Member of this House, to prevent our country entering into war except under the most extreme circumstances. [Applause.]

The Senate amendment contains section 2, which provides for an army of 250,000 men. It is not excessive. There are many other provisions in both the House and Senate bills which in course of time would absorb, in the main, the officers provided for, with the schools throughout the country; but at present we ought to provide an army of 250,000 men, put them in training, and be prepared, if events shall force it, so that we may have them to use as a first line of defense. If, when peace is really again hovering over the world and the cloud of war is dissipated, we want to reduce the Army, I should favor that. I think we are foolish beyond description if, in the present situation of the world, we hesitate to spend a little money in order that we may have trained men ready if war should come from causes beyond our control. [Applause.]

Mr. POU. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MCKENZIE].

Mr. MCKENZIE. Mr. Speaker, I am in favor of our country going to war whenever it is necessary to uphold human liberty and to fight for the right, and I am in favor of being prepared for that event, let it come when it may; but I am also in favor of sending this bill to conference, and sending it there at once. Many things have been injected into this bill in the Senate that I would like to see voted out of it before it goes to conference, but under the parliamentary situation I understand that is impossible, and that it is necessary that this bill go to conference without tying the hands of our conferees, in order that they may take out some of the bad things in this bill and insert some of the good things left out. If they fail to do that, we have the power in our hands to vote down the report when it comes in here, and to continue to vote it down until such a report is brought in as we feel justified in supporting.

While I am on my feet, however, I want to say one word. The gentleman from Illinois [Mr. MANN] says he is in favor of an army of 250,000 men now, to be maintained in time of peace. You understand my position. I am opposed to a large regular army in our country in time of peace or war. I believe in a small regular army sufficient to perform the functions of an army, and I believe in depending upon reservists and trained

men to fight our battles when war comes. [Applause.] To say that we can fasten this army of 250,000 men on our shoulders and then release it when the emergency has gone by is idle talk. The Senate bill provides for the officers for an army of 250,000 men, but to write that bill into law as it comes from the Senate would simply mean a fraud and a deception upon the American people.

If it were possible to do so, I would offer an amendment here providing that hereafter the private soldier, the enlisted man in the Army of the United States, shall receive $30 per month, and I would provide that within 30 days after this bill becomes a law the President of the United States shall by a proclamation notify the governors of the various States of their quota necessary to fill up the Army to 250,000 men, and if they were not forthcoming within 60 days I would provide for a draft. If we want an army of 250,000 men, let us be honest and get that Army and not put it on paper simply, but take the steps necessary to give the people an Army of 250,000 men. I have grown weary listening to men talking about an Army of 250,000 men on paper, when last week, at a time when in every post office in this country there are advertisements urging men to enlist to help catch Villa, notwithstanding that fact, the great city of Boston, the metropolis of the State from which comes our good friend from Massachusetts [Mr. GARDNER], furnished one man for the Army. [Laughter and applause.] Talk about an Army of 250,000 Americans in time of peace at $15 a month! You can not get them, gentlemen. Let us be honest. Let us bring out this bill from conference, this war dog with some teeth in it, and not hand them out a piece of buncombe pure and simple. [Applause.]

Mr. Speaker, I wish to insert in my remarks an article published in the Chicago Tribune on April 22, showing that for the week ending April 22 there were 772 men who enlisted in the United States Army.

The SPEAKER. The gentleman asks unanimous consent to insert the article referred to by him. Is there objection?

There was no objection.

The article is as follows:

ONLY 772 JOIN ARMY IN WEEK—RECRUITING SLACKENS ALL OVER NATION—CHICAGO LOSES LEADERSHIP—BOSTON SENDS ONE MAN.

WASHINGTON, D. C., *April 22.*

The week's recruiting figures were compiled to-day and displayed to the chief officials of the War Department and to others interested in the administration program. They were read with consternation and a degree of discouragement, which few of the Army men made any effort to conceal. Only 772 men were accepted.

Even Chicago, which has been leading the cities every week, with the exception of one occasion, when it fell below San Francisco, produced only 60 new men for the Army, falling below not only San Francisco, with its 84 acceptances out of 406 applications, but below New York, with 63 acceptances out of 322 applications.

Philadelphia, the third largest city of the land, produced only 22, and Boston contributed just one soldier to the colors.

ROLL IN MIDWEST CITIES.

Here are the figures for Chicago and near-by cities:

	Applications.	Acceptances.
Chicago	273	60
Peoria	32	8
Detroit	64	9
Grand Rapids	17	2
Indianapolis	110	27
Evansville	53	9
Terre Haute	29	13
Davenport	21	6

These acceptances total 134 out of 772 from the whole country. The total for the preceding 30 days was 3,927. This total of 4,700 men represents all that have been accepted at the station since the authorization of war strength regiments was passed by Congress.

MORE MAY BE DECLINED.

Probably 15 per cent of them will be declined at the receiving depots. At this rate the Army will have to wait close to a year to reach war strength.

War Department reports indicate that attendance at the Army instruction camps for civilians this summer will approximate 28,500. Secretary Baker, reporting to Congress to-day on the department's plans for the camps, asked for an appropriation of $454,085 for their expenses.

Mr. CAMPBELL. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. ANTHONY].

Mr. ANTHONY. Mr. Speaker, I rise to support the resolution and to favor sending the bill to conference at the earliest possible moment. [Applause.] It is very seldom that I disagree with the minority leader on this side of the House, but in this instance, if Congress is to put the country in a greater condition of military preparedness at the earliest possible date, I believe he is not proceeding along the proper line. I believe it would be a mistake for this House to indorse the proposition contained in the Senate bill to increase the Army to 250,000 men at this time. I believe that the adverse vote which the House might give at this time would handicap the conferees on the part of the House in subsequently obtaining from the conferees on the part of the Senate an adequate and reasonable increase in the Regular Establishment, which I favor and which I believe this House will eventually favor.

I believe, furthermore, that if we seek to place the country in a state of defense now that we can not attain it by indorsing the Senate proposition of making the Regular Army 250,000 men, for when you refer to the language of the Senate amendment you will find that they propose to take five years to attain that end. I favor a policy which will more quickly accomplish an increase in our military strength.

If this country should go into a great war, that war will be fought, as the gentleman from Illinois [Mr. MCKENZIE] says, not by the Regular Army, but by the hundreds of thousands of volunteers of the country who will rise to fight the battle.

Mr. MADDEN. How many years does it take under the Hay bill to get the number?

Mr. ANTHONY. Four years. Let me say to the gentleman that I stand for a Regular Army of practically the size named in the Senate bill as it was reported from the Senate committee, a Regular Army of 150,000 or even 175,000 men. I do not believe the country is in the slightest danger of invasion by a European enemy. [Applause.] The enemy in Europe of whom they speak would be utterly unable to reach us for purely physical reasons for at least a year after any declaration of war or severance of diplomatic relations. In the meantime we could arm and equip an army of a million volunteers to defend our shores.

In my opinion, our most pressing need for troops to-day is upon the Mexican border, and what we really need more than troops in Mexico is a well-defined policy on the part of our national administration as to what we shall do in that country. [Applause.] So far, the present administration has utterly failed to outline any definite policy as to our relations with Mexico. In my opinion, what we should do, or what the President of the United States should do now, is to issue a proclamation very similar to that we put forth at the time of the second intervention of Cuba and say to the Mexican people that we come to reestablish and restore law and order and a stable Government, and that upon the establishment of such a Government we intended to withdraw our soldiers; but I would also flatly say that if hostile shots were fired at these soldiers we would stay there and ourselves set up a stable Government as a duty which we owe to humanity as well as to afford protection to the lives and property of American citizens, and if war results we should take in return such territorial payment as would remunerate us for the bloodshed. I believe that such a clearly defined policy put forth at this time would absolutely make unnecessary the use of any great army in Mexico and cause the people of that country to recognize us as benefactors instead. I hope the House will send the bill to conference, believing as I do that a good bill will be the result. [Applause.]

Mr. CAMPBELL. Mr. Speaker, I yield to the gentleman from Michigan [Mr. KELLEY] five minutes.

Mr. KELLEY. Mr. Speaker, much as I regret the necessity of disagreeing with the minority leader, I find that I am in that position now. When the Kahn amendment, providing 220,000 men, was before the House a few days ago, I voted for it, but when I did that I stretched my judgment to the uttermost. I thought perhaps that an emergency was at hand and that it might be wise because of the situation on our border on the south of us to have this authorization given to the President to recruit the Regular Army up to 220,000 men. But when it comes to increasing it to 250,000 men and making that the permanent policy of the Government, I can not see my way clear to support it. [Applause.] I take this position, first of all, because I do not believe that a great army is the natural or normal or most effective protection of the people of the United States. Because of our geographical location the natural and normal protection of this country, in case of war, is the Navy, and if we are going to enlarge our Military Establishment let us put the bulk of the money in the Navy, where it will give us the greatest measure of protection. [Applause.]

In this connection, I believe that England has taught us the way in this great war now raging in Europe. She is separated from her neighbors by only a narrow stretch of water 20 miles wide, but for a year and a half that narrow stretch of water has been a barrier between her and the marching millions of her enemies in arms. Not only that, but for a thousand years no hostile foot has been planted on English soil from across the English Channel against the will of Great Britain. Why? Because the Navy of Great Britain has been her protection and defense. Probably at this hour

she can hear the boom of her enemy's guns across the English Channel. Her people can almost hear the tramp of mighty armed forces on the Continent, yet the English Channel, 20 miles wide, controlled by the English Navy, constitutes a perfect protection from attack. We have 3,000 miles of the same kind of water to protect us from possible invasion by any great power, and it seems to me, Mr. Speaker, that we should take advantage of our natural location in determining upon the best means for our defense.

Why, Mr. Speaker, the Senate bill proposes to add practically a hundred thousand men in excess of the number provided in the bill recently passed by this House. A hundred thousand additional men for the Navy would man a navy equal to that of Great Britain, a thing, of course, which we do not need. But if we are ever going to fight, and I trust we never may, let us fight upon the sea, where the total loss of life would be reduced to the minimum. It would take money to build an adequate navy, but I am in favor of spending the money and saving the lives of the youth of America. [Applause.] In the Spanish-American War our Navy destroyed two Spanish fleets without the loss of a single American ship or a single American life, while thousands of lives were lost in land operations in that brief war in camp and in battle. In the Old World thousands of the best youth of Europe are being sacrificed daily in the great struggle now going on over there. What we should do in this Congress is to increase the size and strength of our Navy so that it will be large enough and powerful enough to prevent the landing of troops on our soil by any great military country. It will be a great deal easier and a great deal safer to provide the necessary means to prevent the landing of any possible enemy than to drive him off once he has landed.

So, Mr. Speaker, I am in favor of sending this bill to conference. Let the conference committee reach an agreement, if possible, on all points of difference between the House and the Senate. I sincerely hope that in no event will provision be made for a greater permanent standing Army than that provided in the amendment offered to the House bill by the distinguished Member from California, Mr. KAHN. [Applause.]

Mr. CAMPBELL. Mr. Speaker, I yield five minutes to the gentleman from California, Mr. KAHN.

Mr. KAHN. Mr. Speaker, I am for a substantial Army. The gentleman from Michigan [Mr KELLEY], in speaking of the defenses of the country, said truly that our first line of defense must be a great Navy; but, according to the program that has been proposed for the upbuilding of our Navy it will take five years before we can have an adequate Navy. In the meantime we ought to have an adequate Army. [Applause.] I am not frightened by figures. The fact that the Congress fixes the line of the Army at 250,000 men or 220,000 men does not thereby mean that they must be immediately enlisted. It is simply an authorization. That is all that it is.

The existing law is an authorization for 100,000 men. It has been on the statute books since 1901. But up to the present time we have not had the 100,000 men. Suppose we fix the figures at 250,000. It then rests with the President, as Commander in Chief of the Army, to instruct the recruiting officers of this country to fill up the ranks to that number. But in the final analysis Congress has to pay for them. The President can not have them enlisted unless Congress is willing to pay for them. I can conceive of conditions under which it will be absolutely necessary to have the authorization. Take a case like this: Congress expires by limitation of law upon the 4th of next March. If there is no extra session, it will not be convened again until the following December. There is an interim of nine months between the short session and the new regular session of Congress. Suppose an incident should occur in our relations with a foreign Government that may make it possible or probable there will be a break. The President might not deem it advisable to call Congress together, and yet he ought to have the authority, in my judgment, to begin to enlist his regiments to full statutory strength, so that when the break comes our country will be ready for the emergency.

All this talk about enormous appropriations is simply begging the question. The law, if enacted, will simply be an authorization. There ought to be an authorization. The House of Representatives, in my judgment, ought to be willing to give the President an Army of sufficient strength that will enable us to be prepared in case we get into hostilities with any foreign Government. I feel that the time has come when we ought to tell the world emphatically that the United States of America stands ready to defend the life and the property of her citizens in every quarter of the globe. [Applause.] Notes between nations—why, enough notes have been exchanged between our Government and the various belligerent nations to make a tune! You can not expect results unless you have force behind your notes. [Applause.] I am ready to vote for a large substantial army, and I sincerely hope that the House itself will vote for an authorization for a large substantial army. [Applause.]

Mr. POU. Mr. Speaker, I yield four minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Speaker and gentlemen of the House, the doctor told me not to come here this morning. I am a sick man—hardly able to stand on my feet, but I feel that when the military policy of my country is being changed, as it evidently is by this bill which the Senate has passed, I can not sit idly by and not have my voice go up in protest against any such proceeding. I wish to reply to my distinguished colleague on the committee, Mr. KAHN, from the State of California. He says that this country needs force to back up its notes; that enough notes have already been sent to play a tune. My friend, according to the policy that you believe in the taxpayers of this country will be called on to pay for a tune that will keep them burdened for all time to come, while countless thousands of Army officers in idleness will dance in glee, drawing big salaries for life. Once you venture out on that sort of policy there is no end to it. This House passed a bill almost unanimously, a bill that the President was satisfied with, which he said was his bill, and yet the Senate has put a standing army of 250,000 soldiers on the people. Section 56 in this bill I consider an outrage. You have now a great number of recruiting stations trying to get men to fill out the special 20,000 that are ordered. They get nowhere. One hundred and forty thousand men are provided for in the Hay bill, and it will take a long time to get them. I want to say to the gentleman from California [Mr. KAHN] that if the citizenship of the American Republic at any time is outraged by any other Government, it will not be the force of the standing army that will protect the people of this country in their rights; it will be this great force of patriots—the volunteers, the honest citizens of the country—who will rise up to protect our Republic and back up the notes of the President. [Applause.] The standing army is nothing but a bagatelle. You can not fool anybody with that. We know that in the case of a real war your standing army will amount to nothing but chaff before the wind. You must go out with that flag and the love of country that we know beats in the heart of every true American, regardless of the position that he may occupy, and they will come to the defense of American rights and honor. [Applause.] When our country really needs soldiers to defend her, millions of patriots will rush to arms and rally to the flag. They do not believe in the burden and oppression of a big standing army in peace times. It comes, in the last analysis, to the volunteer soldier, and that is what I want, and not this dangerous and expensive policy of a standing army of 250,000 men to burden the taxpayers with. Let this bill go to conference without any handicap. We can rely on the House conferees taking care of the views of this great body expressed in thunder tones in passing the Hay bill. [Applause.]

Mr. POU. Mr. Speaker, I will state to the gentleman from Kansas that we have but one more speech on this side, and I will state to the Chair that by agreement between the gentleman from Kansas and myself I yield to him five minutes, and I will now ask him to conclude the debate upon his side.

Mr. CAMPBELL. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, there are new and important provisions in this Senate substitute involving millions of dollars of appropriations and important questions of public policy that, with the adoption of this rule—and I concede it will be adopted—will never receive any discussion whatever in this House, and there will be no opportunity for a separate vote on those matters unless the conferees who shall be appointed shall see fit before agreeing to the propositions contained in the bill or any amendment thereof to bring those propositions back to the House for a vote upon them, and one of those propositions, Mr. Speaker, is section 122 of this amendment, known as the nitrate-plant section. A similar section was voted out of the House bill without a debate by a substantial majority, and if it had been debated and the lobby behind it had been exposed, as I now wish it had been, I undertake to say there would not have been 50 votes for it in the House, and yet, Mr. Speaker, this amendment, section 122, has from beginning to the end the earmarks of this same lobby, a lobby as persistent and pernicious as any lobby I have ever known since I have been a Member of Congress.

This lobby has gone before the Committee on Rivers and Harbors and urged this proposition as a navigation proposition. They have gone before the Committee on Military Affairs and

urged it as a preparedness proposition. They have gone before the Committee on Agriculture and urged it as a fertilizer proposition, and they have now been successful in getting this thing in a very ingenious form in the amendment that is now before us, very innocent appearing upon its face, although they have not all that they want nor what they hope to secure at the hands of these conferees. There is a paragraph in this section that provides that when these plants are erected by the Government they shall be operated by the Government and that there shall be no private cooperation. These lobbyists, no doubt some of them sitting in the galleries at this moment, fully expect these conferees to strike out that proposition, and when they do it they will get exactly what they have been working for, at the hands of Congress for the past two or three years, namely, a dam at Muscle Shoals, at an expense to the Government of $20,000,000, and giving them 200,000 horsepower for the paltry sum of $3 per horsepower per year. That is what is involved in this proposition.

Even though they do not get that, there are only two processes of fixing nitrogen, one owned by the American Cyanimide Co. and the other the Du Pont Powder Co., and charges have been made by each against the other as to this very legislation, charges which are so broad and so serious that there is now pending before the Committee on Rules a resolution to investigate this lobby, and I sincerely hope it will be investigated before this session is over. Before any proposition of this kind is incorporated in this or any other bill that lobby ought to be investigated. There ought to be an opportunity to expose that lobby upon the floor of the House, so that when the House votes upon this proposition, whether contained in a conference report or otherwise, the House may know exactly what it is doing. Even if the section should remain as it is, the water-power lobby will get practically what it wants in the end.

If it was a preparedness proposition, and that is the only excuse it has for being in this bill, why is it confined to water power? Why was not the Secretary of War given the discretion to secure the manufacture of nitric acid in any manner he thought best? The only reason is because if it was secured in any other manner than by the creation of water power the water-power lobby that is behind this section would have no interest in the bill, and they would be cut out of the benefit of millions and millions of dollars that they expect to receive at the hands of this Congress. As I say, there are only two and they are controlled by patented processes. True, this section provides for the securing of those processes by eminent domain, but if this was to go in a bill, before a dollar should be expended upon a dam those processes should first be secured. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMPBELL. Mr. Speaker, I yield four minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Speaker, I desire to say just a word, supplementing what the gentleman from Wisconsin [Mr. LENROOT] has just said, and to call the attention of Members of this House to section 122 of the Senate amendment.

I think that the first poem I ever committed to memory, one that I heard when I was a very young boy, and which went the rounds of this country during a presidential campaign, was this:

> If 'tis a sin to steal a pin,
> How much more great to appropriate
> The electoral vote of a sovereign State.

Proceeding by analogy in this case, gentlemen, if it is a sin for one individual to obtain money from another individual on false pretenses, how much more great a sin it is for an individual, or a sovereign State for that matter, to obtain the people's money out of the Public Treasury on false pretenses. [Applause.] This matter is the old wolf in sheep's clothing. It is brought in as a preparedness measure, and I say to you, gentlemen of the House, and I say it advisedly, that the fiction about preparedness in this case is used as an effort to take money from the people under false pretenses. It is all based upon the false premise that water power is necessary for developing nitrogen out of the air, and is therefore something that this country must have in time of war in case we should be deprived of our supply of Chile saltpeter.

I do not intend, and I have not the time, to speak of the very large number of processes that are being used and can be used in this and other countries for extracting nitrogen out of the air without the use of water power. But I simply submit this to you without going into detail: Germany to-day is manufacturing an unlimited quantity of high explosives. To make those high explosives she is extracting an unlimited quantity of nitrogen out of the air, and doing that without the use of an ounce of water power. More, the German chemical interests owned the water power of Norway, the best and cheapest water supply ever developed in the world. They recently sold their stock—their controlling stock—in the Norway water power. Why? Because they had invented a far cheaper method of extracting nitrogen out of the air. We can do it in this country by a number of methods for much less than we could do it with water power.

I tell you, gentlemen, water power as an instrument for making nitrogen is obsolete. You might just as well, as a preparedness measure in the naval bill, build a lot of battleships of the *Oregon* class as to submit to this Senate proposal to spend $15,000,000 of the American people's money in the development of water power for this alleged purpose. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMPBELL. Mr. Speaker, these are abnormal times throughout the world. This is not, therefore, a good time in which to adopt a normal policy. Why, within my short memory I have seen this country thrown into a fury by men advocating the adoption of policies that, it was shown, in a few years would have been ruinous to the country. There was a contraction of money. Policies of inflation were advocated that would have made our money worth 50 cents on the dollar. A very few years ago a number of bank failures led others to advocate throughout the country the Government guaranty of bank deposits—that was done on this floor and upon every stump throughout the country.

To-day half the world is at war. The war sentiment is in the United States, but we shall not always be influenced by a sentiment for war. The war spirit will not always control the world nor the United States.

The Senate bill proposes the establishment as a normal, permanent policy a large standing army in the United States. There is no possibility of using the army that is provided for in the Senate bill in any emergency that might arise in the immediate future. Under that measure an army of 250,000 men could not be recruited for the immediate use of the country. If we are in immediate danger, if the sparks are flying all around and are liable to start a conflagration here any minute, what the President should do and what the Congress should do would be to call for half a million volunteers. [Applause.] They would respond within 10 days to the demands of the country.

So, Mr. Speaker, I am opposed to the Senate proposition to give to the United States a permanent policy of a standing army of 250,000 men. If the President, if the Congress, wants men for immediate service for the defense of the honor, for the preservation of the liberty of the United States, the men can be secured within 10 days for immediate training, and they will differ from those who would enlist in the Regular Army. They will be men from every walk of life, such men as enlisted in 1898 and in the sixties, such men as made up the Nebraska regiment that made itself famous throughout the country and the world [applause]; such men as enlisted in the Twentieth Kansas, which made every regiment in the Regular Army look like toy soldiers when it came to action; such men as fought in every battle of the Civil War. These men are everywhere in the United States, ready to serve their country when their country needs them. They are not ready to enlist in a regular army such as is proposed by the Senate amendment, which amendment, I repeat, would saddle permanently on the country a large standing army in time of peace if the Senate amendment were agreed to. [Applause.]

Mr. Speaker, I yield the remainder of my time to the gentleman from Illinois [Mr. MANN]. [Applause.]

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. Mr. Speaker, if opportunity is offered, the gentleman from California [Mr. KAHN] will make a motion that the House agree to the substance of section 2 of the Senate amendment, that section fixing the maximum of the Regular Army at 250,000 men, leaving the question of the details of its organization and raising for disposition by the conference committee in the remaining portions of the bill.

This is an authorization, 250,000 men. The gentleman from Kansas [Mr. CAMPBELL] just said that the President can call for half a million men and receive them at once. But the President is not authorized to make such a call. The President can not make the call. What we want to do is to give the President the authority to call for 250,000. [Applause.]

My friend from Kansas says the President can call for half a million and receive them at once. He has not that authority, and then the gentleman votes against the proposition to give the President authority to call for only 250,000.

Mr. CAMPBELL. We can give him the authority to call for half a million.

Mr. MANN. We can, but we have not done so. All we are asking is to give him the authority for a quarter of a million. Now, gentlemen say this means a permanent Army of 250,000 men. Mr. Speaker, all wisdom will not cease when this Congress ends or when the Members of this Congress have passed on to other duties, either in this world or the next. [Applause.] Congress has the power at any time to increase or decrease the Army. All the older Members of this House know that for years I have stood here opposing a large Navy or a large Army. I do not believe that under normal conditions either one is essential to our peace or our preservation.

I wish that I had the power of expression to make you see what is so clear in my mind. We are sitting on the top of an earthquake in the world. We are the only great, rich, powerful country that is not engaged in war and the only one without a method of defense. We may become at any time involved in war through our notions of our rights or because of the cupidity of other nations. I would rather spend a little money now than to spend oceans of American blood later. [Applause.] I think we ought to prepare for the worst now. [Applause.] I want to keep out of the war; I am opposed to even breaking off diplomatic relations with any of the countries at war in Europe. [Prolonged applause.] I think we ought to remain at peace, to stand even insult and injury. But there is a limit beyond which no one goes; and while in my opinion we have not reached that limit, and I hope we will be able to restrain ourselves so that we will never reach the limit, I am in favor now of preparing men who may be ready and trained to fight, if necessary, before we pour out the blood of the volunteers, unprepared and untrained. [Prolonged applause.]

Mr. POU. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 11 minutes.

Mr. POU. I yield 10 minutes to the gentleman from Virginia [Mr. HAY].

The SPEAKER. The gentleman from Virginia [Mr. HAY] is recognized for 10 minutes.

Mr. HAY. Mr. Speaker, I do not care to appeal to anybody's passion. I only want to appeal to the good sense of this House and to the fairness of the House. [Applause.]

The gentleman from Illinois [Mr. MANN] has talked about his great desire that this country shall be prepared for any emergency which may arise. He has no greater desire than I that the country should be prepared; but I do not want to put upon the country a proposition which will not prepare us, and this Senate bill is an attempt to fool the country into believing that we are doing something to make preparations when we are not. [Applause.]

This amendment provides for an Army in the discretion of the President of 250,000 men. But will they come when he calls for them? Has it ever been known in the history of this country that the Regular Army, when war came, was recruited?

What men have fought the wars of this country? During the Civil War did you rely upon your Regular Army? Did you recruit up your Regular Army? Gentlemen, if war should be declared to-morrow, or next week, or next month this legislation would be thrown aside as worthless for preparation for that war. If gentlemen have the courage of their convictions, if we believe that this is preparation, and the kind of preparation that they claim we ought to have, why did not the gentleman from Illinois [Mr. MANN] offer an amendment to the House bill when it was before this House, providing for compulsory military service? Then he would have gotten the men which he says he wants. When that bill was before the House, why did not the gentleman offer an amendment to increase the pay of the soldiers of the Regular Army, so that he might induce men to enlist in the Army? He did neither one of those two essential things. We have had trouble in Mexico. In the last few days we have had much said about the possibility of war with Germany. Yet, where are the 20,000 men that we authorized to be recruited? How many have been recruited in the last six weeks? Just 4,669 men; and all the time that those men were being recruited, other men were going out of the Army by reason of the expiration of their terms of enlistment. If you are going to rely on the Senate bill, if you are ready to believe that by voting for these 250,000 men you are going to prepare for an emergency, you believe what is not true, and what you know is not true. [Applause.] You are voting for it in response to a sentiment, and in response to a fear of your constituents, and not because you believe you are going to get the men under it. The very bill itself provides that they shall not be raised except in five annual increments, and even so they can not be raised at all. The first annual increment can not be raised within a year. To show you what the War Department thinks about this proposition, they have sent to the Committee on Military Affairs an estimate of the men they believe it necessary to appropriate for for the next fiscal year. They could have asked for 120,000 men. They have only asked for 105,000 men for the Regular Army for the next fiscal year. That shows that they know they can not get these men; and when you go home to your constituents and tell them that you have provided them with an Army of 250,000 men, you are telling them something which you ought to know and which I now tell you is not a fact. [Applause.]

The gentleman from Wisconsin [Mr. LENROOT], who, unlike the gentleman from Illinois [Mr. MANN], is opposed to a certain provision in the Senate bill, seems to assume that the House conferees are not going to do their duty by this House. I have been in this House a good many years. I have been a conferee on many bills, and this is the first time that I have ever been charged with any intention to defeat the purposes of this House. [Applause.] I know as well as the gentleman from Wisconsin [Mr. LENROOT] knows that this House voted down an amendment for a nitrate proposition, and until I get a further instruction from the House on that proposition I will not depart from the instruction that I consider the House has given me on that. [Applause.]

Mr. MAPES. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from Michigan?

Mr. HAY. Yes.

Mr. MAPES. Then, if this resolution is adopted, the gentleman gives the House his assurance that the conferees will not agree to section 122 of the Chamberlain amendment as it passed the Senate?

Mr. HAY. Until the House instructs me further; yes.

Mr. MAPES. Further than by the adoption of this resolution?

Mr. HAY. Exactly. Now, as I was going on to say, the conferees are entitled to the confidence of the House. Not one of them, so far as I know, has ever violated that confidence; and why should we now have our hands tied by the proposition of the gentleman from Illinois [Mr. MANN] and go into a conference with the Senate conferees unable to do our duty as we ought to do it by this House. It is a most unusual proposition for conferees to be bound in the first conference. It has happened but few times in this House, and I am not sure but that an instruction would be subject to a point of order for that reason. So I want to assure these gentlemen who come from the great cities of the country, and who are actuated by the panic of great riches, who have heard fairy tales about a German army being landed upon the shores of this country within two weeks after a declaration of war—I want to assure these gentlemen that they can possess their souls in patience, and that if the conferees on the part of the House are left untrammeled they will bring back here a better measure of preparedness than is contained in the Senate amendment. [Applause.]

Mr. RAGSDALE. Will the gentleman permit one question?

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. POU. I move the previous question, Mr. Speaker.

The SPEAKER. The gentleman from North Carolina moves the previous question.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. MANN. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 207, nays 144, answered "present" 1, not voting 81, as follows:

YEAS—207.

Abercrombie	Burgess	Davenport	Foster
Adamson	Burke	Davis, Minn.	Gandy
Aiken	Butler	Davis, Tex.	Gard
Alexander	Byrnes, S. C.	Dent	Garner
Allen	Byrns, Tenn.	Dewalt	Garrett
Almon	Callaway	Dickinson	Glass
Anthony	Candler, Miss.	Dies	Goodwin, Ark.
Ashbrook	Caraway	Dill	Gray, Ala.
Aswell	Carlin	Dillon	Gray, Ind.
Ayres	Carter, Okla.	Doolittle	Green, Iowa
Bailey	Casey	Doremus	Greene, Vt.
Barkley	Church	Eagle	Gregg
Barnhart	Cline	Edwards	Hamlin
Beakes	Coady	Ellsworth	Hardy
Bell	Collier	Estopinal	Harrison
Black	Connelly	Evans	Hastings
Blackmon	Cox	Ferris	Hay
Booher	Crago	Fess	Hayden
Borland	Cramton	Fields	Heflin
Brumbaugh	Crisp	Finley	Helgesen
Buchanan, Ill.	Cullop	Flood	Helm
Buchanan, Tex.	Dale, Vt.	Fordney	Helvering

Hensley	Littlepage	Quin	Steele, Pa.
Hilliard	Lloyd	Ragsdale	Stephens, Miss.
Holland	Lobeck	Rainey	Stephens, Nebr.
Hood	London	Raker	Stephens, Tex.
Houston	McClintic	Ramseyer	Stout
Howard	McGillicuddy	Randall	Sumners
Huddleston	McKellar	Rauch	Taggart
Hughes	McKenzie	Rayburn	Tavenner
Hull, Iowa	McLaughlin	Reilly	Taylor, Ark.
Hull, Tenn.	McLemore	Ricketts	Taylor, Colo.
Humphreys, Miss.	Mapes	Rouse	Temple
Igoe	Mays	Rubey	Thompson
Jacoway	Miller, Pa.	Rucker	Tillman
Johnson, Ky.	Mondell	Russell, Mo.	Tilson
Jones	Montague	Saunders	Towner
Kahn	Morgan, La.	Scott, Mich.	Tribble
Keating	Morgan, Okla.	Scott, Pa.	Van Dyke
Kelley	Morrison	Sears	Venable
Kennedy, Iowa	Moss, Ind.	Shackleford	Vinson
Kettner	Neely	Shallenberger	Walker
Key, Ohio	Nicholls, S. C.	Sherley	Watson, Va.
Kincheloe	Oldfield	Sherwood	Webb
Kitchin	Oliver	Sims	Whaley
Konop	Olney	Sisson	Williams, W. E.
Lazaro	Overmyer	Slayden	Wilson, La.
Lee	Page, N. C.	Small	Wingo
Lesher	Park	Smith, N. Y.	Wise
Lever	Phelan	Smith, Tex.	Young, N. Dak.
Lieb	Pou	Steagall	Young, Tex.
Linthicum	Price	Steele, Iowa	

NAYS—144.

Anderson	Focht	Lehlbach	Rowe
Austin	Frear	Lenroot	Rowland
Barchfeld	Freeman	Longworth	Sanford
Beales	Fuller	Loud	Schall
Britt	Garland	McAndrews	Sells
Britten	Glynn	McArthur	Siegel
Browne	Good	McCracken	Sinnott
Bruckner	Gould	McDermott	Slemp
Campbell	Graham	McFadden	Sloan
Cannon	Gray, N. J.	Madden	Smith, Idaho
Capstick	Greene, Mass.	Magee	Smith, Mich.
Carew	Griffin	Mann	Smith, Minn.
Cary	Hadley	Martin	Snyder
Chandler, N. Y.	Hamilton, Mich.	Matthews	Stafford
Charles	Hamilton, N. Y.	Meeker	Steenerson
Coleman	Haskell	Miller, Del.	Stephens, Cal.
Conry	Hawley	Miller, Minn.	Sterling
Cooper, W. Va.	Hayes	Moore, Pa.	Stiness
Cooper, Wis.	Hernandez	Moores, Ind.	Stone
Copley	Hicks	Moss, W. Va.	Sulloway
Costello	Hill	Mott	Sutherland
Curry	Hinds	Nelson	Sweet
Dale, N. Y.	Hopwood	Nichols, Mich.	Swift
Danforth	Howell	North	Timberlake
Darrow	Hulbert	Oakey	Tinkham
Dempsey	Humphrey, Wash.	Oglesby	Vare
Denison	Husted	Paige, Mass.	Volstead
Dooling	James	Parker, N. Y.	Walsh
Dowell	Johnson, Wash.	Peters	Ward
Drukker	Keister	Platt	Wason
Dunn	Kennedy, R. I.	Porter	Watson, Pa.
Dyer	Kent	Powers	Wheeler
Edmonds	King	Pratt	Williams, T. S.
Elston	Kinkaid	Reavis	Williams, Ohio
Emerson	Kreider	Roberts, Nev.	Wilson, Ill.
Farr	La Follette	Rodenberg	Woods, Iowa

ANSWERED "PRESENT"—1.

Eagan

NOT VOTING—81.

Adair	Fitzgerald	Lafean	Roberts, Mass.
Bacharach	Flynn	Langley	Rogers
Bennet	Foss	Lewis	Russell, Ohio
Browning	Gallagher	Liebel	Sabath
Burnett	Gallivan	Lindbergh	Scully
Caldwell	Gardner	Loft	Shouse
Cantrill	Gillett	McCulloch	Snell
Carter, Mass.	Godwin, N. C.	McKinley	Sparkman
Chiperfield	Gordon	Maher	Stedman
Clark, Fla.	Griest	Moon	Switzer
Cooper, Ohio	Guernsey	Mooney	Tague
Crosser	Hamill	Morin	Talbott
Dallinger	Hart	Mudd	Thomas
Decker	Haugen	Murray	Treadway
Dixon	Heaton	Nolan	Watkins
Doughton	Henry	Norton	Wilson, Fla.
Driscoll	Hollingsworth	O'Shaunessy	Winslow
Dupré	Hutchinson	Padgett	Wood, Ind.
Esch	Johnson, S. Dak.	Parker, N. J.	
Fairchild	Kearns	Patten	
Farley	Kiess, Pa.	Riordan	

So the motion for the previous question was agreed to.

The following pairs were announced:

For the session:

Mr. SCULLY with Mr. BROWNING.

Until further notice:

Mr. PADGETT with Mr. BACHARACH.

Mr. MURRAY with Mr. HEATON.

Mr. O'SHAUNESSY with Mr. HUTCHINSON.

Mr. FLYNN with Mr. MORIN.

Mr. SABATH with Mr. KEARNS.

Mr. WILSON of Florida with Mr. COOPER of Ohio.

Mr. WATKINS with Mr. LAFEAN.

Mr. SPARKMAN with Mr. RUSSELL of Ohio.

Mr. LOFT with Mr. ROBERTS of Massachusetts.

Mr. FITZGERALD with Mr. GILLETT.

Mr. DRISCOLL with Mr. NOLAN.

Mr. CROSSER with Mr. JOHNSON of South Dakota.

Mr. CLARK of Florida with Mr. GRIEST.

Mr. CALDWELL with Mr. MCCULLOCH.

Mr. BURNETT with Mr. SNELL.

Mr. MOON with Mr. CHIPERFIELD.

Mr. HOUSTON with Mr. GUERNSEY.

Mr. GALLIVAN with Mr. KIESS of Pennsylvania.

Mr. HART with Mr. CARTER of Massachusetts.

Mr. TAGUE with Mr. MCKINLEY.

Mr. GORDON with Mr. MOONEY.

Mr. GALLAGHER with Mr. HOLLINGSWORTH.

Mr. LANGLEY with Mr. CANTRILL.

Mr. PATTEN with Mr. FAIRCHILD.

Mr. HAMILL with Mr. HAUGEN.

Mr. THOMAS with Mr. NORTON.

Mr. DUPRÉ (for previous question) with Mr. Foss (against previous question).

Mr. SHOUSE (for previous question) with Mr. BENNET (against previous question).

On this vote:

Mr. DECKER (for previous question) with Mr. RIORDAN (against previous question).

Mr. EAGAN (for previous question) with Mr. PARKER of New Jersey (against previous question).

Mr. LIEBEL (for previous question) with Mr. MUDD (against previous question).

Mr. DIXON (for previous question) with Mr. ESCH (against previous question).

Mr. DOUGHTON (for previous question) with Mr. WINSLOW (against previous question).

Mr. ADAIR (for previous question) with Mr. WOOD of Indiana (against previous question).

Mr. STEDMAN (for previous question) with Mr. TREADWAY (against previous question).

Mr. HENRY (for previous question) with Mr. DALLINGER (against previous question).

Mr. EAGAN. Mr. Speaker, I am paired with the gentleman from New Jersey, Mr. PARKER. I voted "aye." I wish to withdraw that vote and answer "present."

The name of Mr. EAGAN was called, and he answered "Present," as above recorded.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on the adoption of the rule.

The question was taken, and the resolution was agreed to.

Mr. KAHN was recognized.

Mr. LONDON rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. LONDON. I move to recommit.

The SPEAKER. The Chair has already recognized the gentleman from California. Is the gentleman from California opposed to the bill?

Mr. KAHN. I am opposed to the Senate amendment as it stands.

The SPEAKER. The Clerk will report the motion of the gentleman from California.

The Clerk read as follows:

Mr. KAHN moves that the bill H. R. 12766 be recommitted to the Committee on Military Affairs with instructions to that committee to report the said bill back to the House forthwith with a recommendation that the Senate amendment to the text of the bill be concurred in with the following amendment: "Strike out all of the said amendment except section 2."

Mr. HAY. I make a point of order on that.

The SPEAKER. What is the gentleman's point of order?

Mr. HAY. As soon as I can inspect the motion to recommit I will state it.

Mr. HARRISON. Mr. Speaker, the gentleman from California stated that he was opposed to the Senate amendment. I submit to the Speaker that that does not come within the rule. He must say that he is opposed to the bill, and the bill being considered is the House bill and not the Senate bill.

The SPEAKER. Is the gentleman correct?

Mr. HARRISON. I think I am.

The SPEAKER. Is not the very thing being considered the Senate amendment?

Mr. HARRISON. It is the Senate amendment to a House bill, but the bill being considered is the House bill.

The SPEAKER. The Chair is inclined to the opinion that the matter in controversy here is the Senate amendment, and that it is the only thing in controversy.

Mr. FOSTER. Mr. Speaker, this is a House bill with a Senate amendment, and we are now considering the House bill with a Senate amendment.

The SPEAKER. It is not reasonable to suppose that the House will go back on its own bill.

Mr. MANN. It can not.

Mr. FOSTER. They are not going back on the House bill, they are disagreeing to the Senate amendments, and it is a House bill with Senate amendments.

Mr. HARRISON. Mr. Speaker, the very amendment that the gentleman proposes to concur in is a Senate amendment to the House bill.

Mr. HAY. With an amendment?

Mr. HARRISON. With an amendment.

The SPEAKER. It strikes out all of the Senate amendment.

Mr. HARRISON. The message came back from the Senate as a House bill with Senate amendments.

Mr. MANN. Mr. Speaker, of course this is a House bill pending before the House, a House bill that has passed the House. A motion to reconsider the vote by which the bill was passed was made and that motion was laid on the table, and it is not within the power of the House itself under the rules of the House to change a word in the House bill of its own motion. The only way that it can make a change in the House bill as it passed the House is by agreeing to some proposition which the Senate proposes or which comes to the House as a result of a conference between the House and the Senate. The House can not take any vote upon the House bill now. The only thing that the House can dispose of now are the Senate amendments. To ask whether a Member is opposed to the original House bill upon which the House can not act would be ridiculous, as it seems to me. The question is, What will the House do with the Senate amendments? That is the question that has to be put when the Speaker asks whether the Member making the motion is opposed to the proposition.

Mr. HAY. Mr. Speaker, the House can dispose of the whole bill by concurring in the Senate amendments.

Mr. MANN. Certainly. That is what I said. The House can not change a line in the House bill except by acting upon the Senate amendments.

Mr. HAY. And the gentleman from California [Mr. KAHN] is making a motion to recommit this bill to the Committee on Military Affairs with instructions to that committee to bring back a recommendation to concur in the Senate amendments with an amendment. He is actually moving to take affirmative action on the Senate amendments with an amendment.

Mr. HARRISON. Mr. Speaker, the gentleman from New York [Mr. LONDON] is opposed to the Senate amendments and to the House bill. He voted against the House bill when it was up here before, and the gentleman from California [Mr. KAHN] voted for the House bill, and I submit that the gentleman from New York comes within the rules more than does the gentleman from California.

The SPEAKER. No doubt the gentleman from New York [Mr. LONDON] would vote against any proposition that could be made with reference to this military preparedness. [Laughter.]

Mr. CRISP. Mr. Speaker——

The SPEAKER. In a moment. The gentleman from New York has stated that courageously, honestly, and fairly, but the only question is whether or not the gentleman from California [Mr. KAHN], the leading minority member of the Committee on Military Affairs, brings himself reasonably within the rule. The Chair will now hear the gentleman from Georgia.

Mr. CRISP. Mr. Speaker, if the Chair has made up his mind, I do not care to be heard.

The SPEAKER. The Chair never makes up his mind so that he can not change it by sufficient argument. [Laughter and applause.]

Mr. CRISP. Mr. Speaker, I know that statement to be absolutely true, for I never knew a man in the chair who wanted to do what he thinks is right more than the present occupant of the chair. [Applause.]

The SPEAKER. The Chair will hear the gentleman.

Mr. LONGWORTH. Mr. Speaker, may we have the motion again reported?

The SPEAKER. The Clerk will again report the motion of the gentleman from California to recommit.

The Clerk again reported the motion to recommit.

Mr. CRISP. Mr. Speaker, all I desire to present to the Chair is my view as to which of the two gentlemen—the gentleman from California [Mr. KAHN] or the gentleman from New York [Mr. LONDON]—is entitled to preferential recognition for the purpose of making the motion to recommit. Under the rules of the House, for the purpose of protecting the rights of the minority and for the purpose of giving the minority the right to go on record as to its views regarding the legislation before the House, the rules provide that when a Member states he is opposed to the bill or to the measure before the House he is entitled to preferential recognition to make that motion. With this exception, recognition for a motion to recommit is discretionary with the Speaker. What is the condition the House is in, or, rather, what measure is now up for consideration before the House? Certainly, Mr. Speaker, the House is not considering by itself standing alone a Senate amendment. The question before the House is a House bill with Senate amendments. The proposition before the House is the House bill. We passed the bill and it went to the Senate, and the Senate passed it with two amendments, one of them striking out all after the enacting clause and substituting a new text, and the other amendment being simply to the title of the bill. That bill was messaged back from the Senate to the House, stating that the Senate had passed the House bill with certain amendments, in which the concurrence of the House was asked. That bill, the House bill with Senate amendments, is now before the House, and the gentleman from California [Mr. KAHN] makes a motion to recommit, stating that he is opposed to the Senate amendment, or to certain parts of it, and he offers to concur in the amendment with an amendment striking it all out save the part dealing with the size of the Army, which motion is an admission by the gentleman from California that he favors the legislation before the House.

The gentleman from New York [Mr. LONDON] is opposed not only to the Senate amendments, but is opposed to the bill in its entirety. He is opposed to the bill before the House, to wit, the House bill with Senate amendments, and it seems to me that under the rule he is entitled to preferential recognition for the purpose of making the motion to recommit. [Applause on the Democratic side.]

The SPEAKER. The Chair is inclined to think, after reflection, that the gentleman from New York [Mr. LONDON], who is opposed to the whole business from start to finish, and who not only speaks for a minority but is the whole minority in himself, is entitled to recognition to make that motion.

Mr. BRITTEN. Mr. Speaker, I move to recommit upon the ground that I voted against the original bill.

Mr. MANN. Mr. Speaker, the gentleman from Illinois [Mr. BRITTEN] voted against the original bill in the House and is also against the Senate amendments, and I submit, all things considered, the Republican minority is entitled to recognition to make the motion to recommit in preference to some one who represents only himself on the floor of this House.

The SPEAKER. Is the gentleman from Illinois on the Committee on Military Affairs?

Mr. BRITTEN. No.

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. LONDON]. The situation is this: The Chair first recognized the gentleman from California [Mr. KAHN], the ranking Republican on the Committee on Military Affairs, but he failed to qualify under the practice and was ruled out; then the gentleman from New York [Mr. LONDON] arose and addressed the Chair. He was recognized by the Chair because he is notoriously opposed to the increase of military and naval forces and was fairly entitled to recognition; after he had been recognized by the Chair, the gentleman from Illinois [Mr. BRITTEN], who also voted against the bill and is opposed to it, demanded recognition, but he was too late, as the gentleman from New York had already been recognized.

Mr. MANN. Mr. Speaker, I think that is an unfair recognition.

Mr. LONDON. I offer the amendment and offer the motion to recommit.

The SPEAKER. There will be no debate on it. The Clerk will report the motion.

The Clerk read as follows:

Mr. LONDON moves to recommit the bill to the Committee on Military Affairs, and on that he moves the previous question.

The SPEAKER. The question is on ordering the previous question.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 186, nays 161, answered "present" 3, not voting 83, as follows:

YEAS—186.

Abercrombie	Ashbrook	Bell	Buchanan, Tex.
Adamson	Aswell	Black	Burgess
Aiken	Ayres	Blackmon	Burke
Alexander	Bailey	Booher	Byrnes, S. C.
Allen	Barkley	Borland	Byrns, Tenn.
Almon	Barnhart	Brumbaugh	Callaway
Anthony	Beakes	Buchanan, Ill.	Candler, Miss.

Caraway	Glass	Lever	Sears
Carlin	Goodwin, Ark.	Lieb	Shackleford
Carter, Okla.	Gray, Ala.	Littlepage	Shallenberger
Casey	Gray, Ind.	Lloyd	Sherley
Church	Greene, Vt.	Lobeck	Sherwood
Cline	Gregg	London	Sims
Collier	Hamlin	McClintic	Slayden
Connelly	Hardy	McGillicuddy	Small
Cox	Harrison	McKellar	Smith, N. Y.
Crago	Hastings	McLemore	Smith, Tex.
Cramton	Hay	Mays	Steagall
Crisp	Hayden	Miller, Pa.	Steele, Iowa
Cullop	Heflin	Mondell	Steele, Pa.
Dale, Vt.	Helgesen	Montague	Stephens, Miss.
Davenport	Helm	Morgan, La.	Stephens, Nebr.
Davis, Minn.	Helvering	Moss, Ind.	Stephens, Tex.
Davis, Tex.	Hensley	Neely	Stout
Dent	Hilliard	Nicholls, S. C.	Sumners
Dewalt	Holland	Oldfield	Taggart
Dickinson	Hood	Oliver	Tavenner
Dies	Howard	Olney	Taylor, Ark.
Dill	Huddelston	Overmyer	Taylor, Colo.
Dillon	Hughes	Page, N. C.	Thompson
Doolittle	Hull, Iowa	Park	Tillman
Doremus	Hull, Tenn.	Pou	Towner
Eagle	Humphreys, Miss.	Price	Tribble
Edwards	Igoe	Quin	Van Dyke
Ellsworth	Jacoway	Ragsdale	Venable
Estopinal	Johnson, Ky.	Rainey	Vinson
Evans	Jones	Raker	Walker
Ferris	Keating	Ramseyer	Watson, Va.
Fess	Kennedy, Iowa	Randall	Webb
Fields	Kettner	Rauch	Whaley
Finley	Key, Ohio	Reilly	Williams, W. E.
Flood	Kincheloe	Ricketts	Wilson, La.
Foster	Kitchin	Rouse	Wingo
Gandy	Konop	Rubey	Wise
Gard	Lazaro	Rucker	Young, Tex.
Garner	Lee	Russell, Mo.	
Garrett	Lesher	Saunders	

NAYS—161.

Anderson	Fordney	Longworth	Sanford
Austin	Frear	Loud	Schall
Bacharach	Freeman	McAndrews	Scott, Mich.
Barchfeld	Fuller	McArthur	Scott, Pa.
Beales	Garland	McCracken	Sells
Britt	Glynn	McDermott	Siegel
Britten	Good	McFadden	Slemp
Browne	Gould	McKenzie	Sloan
Bruckner	Graham	McLaughlin	Smith, Idaho
Butler	Green, Iowa	Madden	Smith, Mich.
Campbell	Greene, Mass.	Magee	Smith, Minn.
Cannon	Griffin	Mann	Snyder
Capstick	Hadley	Mapes	Stafford
Carew	Hamilton, Mich.	Martin	Steenerson
Cary	Hamilton, N. Y.	Matthews	Stephens, Cal.
Chandler, N. Y.	Haskell	Meeker	Sterling
Charles	Hawley	Miller, Del.	Stiness
Coady	Hayes	Miller, Minn.	Stone
Coleman	Hernandez	Moore, Pa.	Sulloway
Conry	Hicks	Moores, Ind.	Sutherland
Cooper, W. Va.	Hill	Morgan, Okla.	Sweet
Cooper, Wis.	Hinds	Moss, W. Va.	Swift
Copley	Hopwood	Mott	Temple
Costello	Howell	Nelson	Tilson
Curry	Hulbert	Nichols, Mich.	Timberlake
Dale, N. Y.	Husted	North	Tinkham
Danforth	James	Oakey	Vare
Darrow	Johnson, Wash.	Oglesby	Volstead
Dempsey	Kahn	Paige, Mass.	Walsh
Denison	Keister	Parker, N. Y.	Ward
Dooling	Kelley	Peters	Wason
Dowell	Kennedy, R. I.	Phelan	Watson, Pa.
Drukker	Kent	Platt	Wheeler
Dunn	King	Porter	Williams, T. S.
Dyer	Kinkaid	Powers	Williams, Ohio
Eagan	Kreider	Pratt	Wilson, Ill.
Edmonds	Lafean	Reavis	Woods, Iowa
Elston	La Follette	Roberts, Nev.	Young, N. Dak.
Emerson	Lehlbach	Rodenberg	
Farr	Lenroot	Rowe	
Focht	Linthicum	Rowland	

ANSWERED "PRESENT"—3.

Esch	Houston	Morrison

NOT VOTING—83.

Adair	Foss	Langley	Roberts, Mass.
Bennet	Gallagher	Lewis	Rogers
Browning	Gallivan	Liebel	Russell, Ohio
Burnett	Gardner	Lindbergh	Sabath
Caldwell	Gillett	Loft	Scully
Cantrill	Godwin, N. C.	McCulloch	Shouse
Carter, Mass.	Gordon	McKinley	Sinnott
Chiperfield	Gray, N. J.	Maher	Sisson
Clark, Fla.	Griest	Moon	Snell
Cooper, Ohio	Guernsey	Mooney	Sparkman
Crosser	Hamill	Morin	Stedman
Dallinger	Hart	Mudd	Switzer
Decker	Haugen	Murray	Tague
Dixon	Heaton	Nolan	Talbott
Doughton	Henry	Norton	Thomas
Driscoll	Hollingsworth	O'Shaunessy	Treadway
Dupré	Humphrey, Wash.	Padgett	Watkins
Fairchild	Hutchinson	Parker, N. J.	Wilson, Fla.
Farley	Johnson, S. Dak.	Patten	Winslow
Fitzgerald	Kearns	Rayburn	Wood, Ind.
Flynn	Kiess, Pa.	Riordan	

So the previous question was ordered.

The Clerk announced the following additional pairs:

On this vote:

Mr. DIXON (for previous question) with Mr. ESCH (against previous question).

Mr. DECKER (for previous question) with Mr. RIORDAN (against previous question).

Mr. LIEBEL (for previous question) with Mr. MUDD (against previous question).

Mr. SHOUSE (for previous question) with Mr. BENNET (against previous question).

Mr. DOUGHTON (for previous question) with Mr. WINSLOW (against previous question).

Mr. ADAIR (for previous question) with Mr. WOOD of Indiana (against previous question).

Mr. STEDMAN (for previous question) with Mr. TREADWAY (against previous question).

Mr. DUPRÉ (for previous question) with Mr. FOSS (against previous question).

Mr. HENRY (for previous question) with Mr. DALLINGER (against previous question).

For balance of day:

Mr. SISSON with Mr. FORDNEY.

Until further notice:

Mr. MORRISON with Mr. HUMPHREY of Washington.

Mr. PARKER of New Jersey with Mr. LEWIS.

Mr. RAYBURN with Mr. SINNOTT.

Mr. PADGETT with Mr. GRAY of New Jersey.

Mr. MAHER with Mr. ROGERS.

Mr. MORRISON. Mr. Speaker, is the gentleman from Washington [Mr. HUMPHREY] recorded?

The SPEAKER. No.

Mr. MORRISON. I am paired with him, and I desire to withdraw my vote of "yea" and answer "present."

The SPEAKER. The Clerk will call the gentleman's name.

The name of Mr. MORRISON was called and he voted "Present."

The result of the vote was announced as above recorded.

Mr. HOUSTON. Mr. Speaker, on the motion of the previous question on the adoption of the rule, I voted "yea," overlooking the fact that I was paired with the gentleman from Maine [Mr. GUERNSEY]. I ask unanimous consent to change my vote on that proposition from "yea" to "present."

The SPEAKER. The gentleman asks unanimous consent to have the RECORD and Journal corrected. Is there objection? (After a pause.) The Chair hears none.

The question is on agreeing to the motion of the gentleman from New York to recommit.

The question was taken; and the Speaker announced that the "noes" seemed to have it.

Mr. MANN. I ask for a division.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks for a division.

The House divided; and there were—ayes 1, noes 248.

So the motion to recommit was rejected; and the Speaker announced as the conferees on the part of the House Mr. HAY, Mr. DENT, and Mr. KAHN.

EXTENSION OF REMARKS.

Mr. OVERMYER. Mr. Speaker, I would like to ask unanimouse consent to extend my remarks in the RECORD on the subject of the establishment of the first-year united service school, under the bill H. R. 12487, by inserting an article by Commodore R. G. Denig, United States Navy, retired.

The SPEAKER. The gentleman from Ohio [Mr. OVERMYER] asks unanimous consent to extend his remarks in the RECORD by inserting an article by Commodore Denig, United States Navy. Is there objection?

There was no objection.

Mr. BUCHANAN of Illinois. Mr. Speaker, I desire to ask unanimous consent to extend my remarks in the RECORD by inserting a resolution passed by the Chicago Federation of Labor in opposition to the President's propaganda for preparedness.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by printing a resolution passed by the Chicago Federation of Labor against the preparedness propaganda——

Mr. BUCHANAN of Illinois. As presented by the Illinois Manufacturers' Association.

The SPEAKER. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed with amendments bills of

the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 12843. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 6057. An act to amend section 14 of the reclamation extension act approved August 13, 1914.

The message also announced that the Senate had passed without amendments bills of the following titles:

H. R. 7239. An act for the relief of Philip H. Heberer;

H. R. 6442. An act to provide for the exchange of the present Federal building site in Newark, Del.;

H. R. 4881. An act to reimburse the postmaster at Kegg, Pa., for money and stamps taken by burglars;

H. R. 4746. An act granting the city of Portland, Oreg., the right to purchase certain lands for public park purposes;

H. R. 2235. An act for the relief of the widow and heirs at law of Patrick J. Fitzgerald, deceased;

H. R. 384. An act to amend the act of June 23, 1910, entitled "An act providing that entrymen for homesteads within the reclamation projects may assign their entries upon satisfactory proof of residence improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act";

H. R. 177. An act authorizing the Secretary of the Interior to accept the relinquishment of the State of Wyoming to certain lands heretofore certified to said State, and the State of Wyoming to select other lands in lieu of the lands thus relinquished; and

H. R. 28. An act to amend an act entitled "An act granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs," approved March 1, 1907.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 147. An act for the relief of John W. Cupp;

S. 746. An act to remove the charge of desertion from the military record of Capt. Daniel H. Powers;

S. 55. An act to authorize the Secretary of the Treasury to use, at his discretion, surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States;

S. 28. An act for the relief of George T. Hamilton;

S. 4. An act to provide for the purchase of a site and the erection of a public building thereon at Bingham Canyon, in the State of Utah.

S. 1288. An act for the relief of Simon M. Preston;

S. 1056. An act for the relief of Alfred Sjostrom; and

S. 798. An act for the relief of Kate Canniff.

S. 4807. An act for the relief of James W. Cross;

S. 5244. An act authorizing the Secretary of Commerce to exchange the land now occupied by the Schooner Ledge Range Front Light Station, at the mouth of Crum Creek, Pa., for other lands adjacent thereto which are intersected by the axis of the Chester Range Line of the Delaware River, and authorizing the Secretary of Commerce to remove said Schooner Ledge Range Front Light Station after certain conditions have been complied with.

S. 4426. An act to regulate the salaries of keepers of lighthouses;

S. 4085. An act to establish a Coast Guard station on the coast of Louisiana, in the vicinity of Barataria Bay;

S. 2544. An act to authorize the President of the United States to appoint John Q. A. Brett a first lieutenant in the United States Army; and

S. 1697. An act to declare Ollala Slough in Lincoln County, Oreg., nonnavigable.

The message also announced that the President had approved and signed joint resolution and bills of the following titles:

On April 19, 1916:

S. J. Res. 24. Joint resolution authorizing the Librarian of Congress to return to Williamsburg Lodge, No. 6, Ancient Free and Accepted Masons, of Virginia, the original manuscript of the record of the proceedings of said lodge.

On April 20, 1916:

S. 4889. An act to renew patent No. 21053;

S. 3984. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 4399. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

On April 21, 1916:

S. 5229. An act granting the consent of Congress to the county commissioners of Warren County, Pa., to construct a bridge across the Allegheny River in the borough of Warren, county of Warren, in the State of Pennsylvania;

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 79. Joint resolution authorizing the Secretary of Labor to permit the South Carolina Naval Militia to use the Charleston immigration station and dock connected therewith;

PENSIONS.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 12843, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

An act (H. R. 12843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take the bill from the Speaker's table, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. RUSSELL of Missouri, Mr. ASHBROOK, and Mr. FULLER.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12717, the Agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12717, the Agricultural appropriation bill, with Mr. HAMLIN in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917.

The CHAIRMAN. The Clerk will proceed with the reading of the bill for amendment.

Mr. MANN. Mr. Chairman, when the committee rose I had a point of order pending against a paragraph of the bill.

The CHAIRMAN. The gentleman from Illinois is correct. A point of order was reserved.

Mr. MANN. I will ask the gentleman from South Carolina what is the provision of law in reference to these experiment stations in the islands and in Alaska?

Mr. LEVER. There is no law except the appropriation bill from year to year.

Mr. MANN. It is proposed this year to make a considerable increase, or some increase, in the appropriation.

Mr. LEVER. We make an increase, I will say to the gentleman from Illinois, in all of these stations except one.

Mr. MANN. Yes.

Mr. LEVER. We did that for this reason: The gentleman will remember that in the consideration of the bill last year a point of order was made against that provision which was carried in this item, which enabled the Secretary to sell the products of these stations and use those funds in the work of the stations. I think the gentleman himself made the point of order, which was well taken. I am glad he made it.

Mr. MANN. Yes. That is not in this bill.

Mr. LEVER. No; that is not in this bill. It was found in the case of the Alaska station, for instance, that the proceeds during the past year from the sale of products amounted to about $8,000, and the committee thought that inasmuch as the station had been using these products in the past, we ought to make their funds what they were in the past.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from Illinois withdraws his point of order. The Clerk will read.

The Clerk read as follows:

To enable the Secretary of Agriculture to investigate the relative utility and economy of agricultural products for food, clothing, and other uses in the home, with special suggestions of plans and methods for the more effective utilization of such products for these purposes, with the cooperation of other bureaus of the department, and to disseminate useful information on this subject, including the employment of labor in the city of Washington and elsewhere, supplies, and all other necessary expenses, $24,220.

Mr. WALSH. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the paragraph.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the debate on this paragraph and amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. WALSH. Mr. Chairman, I am opposed to this paragraph in the bill, because it is an instance of research run wild. This provision is under the home economics investigation of the bureau, and it is supposed to provide for an investigation of the use of agricultural products for food and clothing.

I find, upon looking up the program of the department, that they have been engaged in ascertaining the digestibility of certain kinds of agricultural products as foods; and with reference to the adaptability of agricultural products for clothing, the department has disseminated some general information pertaining to spots and stains on clothing and their removal. The gentleman who appeared before the committee states also the department under this item is engaged in considering the finishing of walls and ceilings, the proper height of work tables, sinks, and so on, the arrangement of household furniture, and the choice of house furniture. I suppose they would have the country believe that the farmers and their wives are anxious to know whether they ought to have rocking-chairs in the kitchen or couches in the woodshed.

Mr. MOORE of Pennsylvania. Was the gentleman reading from the hearings before the Rivers and Harbors Committee, or before the Committee on Agriculture?

Mr. WALSH. I happened to be reading from page 1225 of the hearings before the Committee on Agriculture, from the testimony of the chief of this particular office or branch.

Mr. MOORE of Pennsylvania. Are we spending $24,200 a year to find out how to remove stains from clothing?

Mr. WALSH. I think they have spent $29,980 on this and like problems.

Mr. MOORE of Pennsylvania. Does the gentleman think that is an economical expenditure?

Mr. WALSH. I do not think so. I do not think the farmers of this country are anxious to know how they can remove from their clothing the spots and stains that come from honest toil upon the farm. Yet the committee propose to expend $24,000, or $2,000 a month, to tell the farmers and the farmers' wives how they can remove spots from clothing, and whether squash, pumpkins, sweet potatoes, and other agricultural products are digestible. I submit that here is an item in this bill where the committee can practice economy. I submit that there is no justification for any such research or any such investigation on the part of a department of this Government. Think of it! The farmer's wife can write to the Department of Agriculture and ask this great Government how she can remove an ink stain from clothing, or how she can put up preserves, dried apples, or other agricultural products. I submit that a department as important as this ought to be spending its time and energies in the expenditure of Government funds on more important problems. I think it is time that we cried halt on such research as that which is proposed in this item. It is only another item of the bill which tends to deepen the impression that prevails, that Uncle Sam's highest ambition is to be a national Santa Claus.

Mr. MANN. Will the gentleman yield for a question?

Mr. WALSH. I will yield for a question or I will yield the floor.

The CHAIRMAN. The gentleman's time has expired.

Mr. MANN. Mr. Chairman, in my part of the country it is considered quite the proper thing to remove ink stains and grease stains, which do get on clothing, and I had supposed it would not be improper to do that even in Massachusetts. [Laughter.] We have to learn how it is done. I have seen fakers on the street, with some kind of preparation that purported to do this, and they were surrounded by a large crowd. I remember seeing that particularly in Boston: but I judge from the remarks of the gentleman from Massachusetts that it is purely academic information there. They want to learn from the faker, but do not want to know how to remove the stain. What is the use! [Laughter.]

Mr. MOORE of Pennsylvania. Mr. Chairman, will my colleague yield?

Mr. MANN. I have yielded the floor.

Mr. LEVER. Mr. Chairman, how many minutes remain?

The CHAIRMAN. There are three minutes remaining.

Mr. LEVER. Mr. Chairman, the gentleman from Massachusetts [Mr. WALSH] entirely misunderstands the situation in the country. There is no more important problem before the American public to-day than the problem of the country woman. Two years ago we passed what was known as the agricultural extension act. Among its provisions is one requiring the teaching of home economics. Home economics has to do with the work of the farm woman and the farm children. This item carries the appropriation which furnishes the foundation upon which the teaching of home economics is to be done in the future. Of course it may not appear to the gentleman from Massachusetts [Mr. WALSH] that the matter of removing stains, or the preparation of proper cooking recipes, or of looking into the comparative digestibility of certain articles of food common to the people of the country is a matter of any moment, but that is due to the fact that the gentleman does not know anything about the country. He does not know anything about rural economics. [Applause.] We are spending in this bill to-day hundreds of thousands of dollars to teach the people of this country the best ration for a pig or a cow or a horse. The gentleman has not raised his voice against these items, but when we want to give information as to the best kinds of food for our wives and our children, and the proper way to prepare them, the gentleman from Massachusetts objects. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts to strike out the paragraph.

The amendment was rejected.

The Clerk read as follows:

Salaries, Office of Public Roads and Rural Engineering: One director, who shall be a scientist and have charge of all scientific and technical work, $5,000; 1 draftsman or clerk, $1,920; 1 chief clerk, $1,900; 1 model maker, $1,800; 2 clerks, class 4; 5 clerks, class 3; 1 clerk or editorial clerk, $1,600; 1 clerk, $1,500; 1 clerk or photographer, $1,440; 1 clerk or instrument maker, $1,440; 1 clerk or tabulator, $1,440; 1 clerk, class 2; 1 clerk, $1,380; 2 clerks, at $1,320 each; 4 clerks, at $1,260 each; 6 clerks, class 1; 1 clerk or editorial clerk, $1,200; 1 draftsman, $1,320; 1 clerk or draftsman, $1,200; 1 clerk or draftsman, $900; 1 clerk or photographer, $1,200; 1 clerk or photographer, $1,000; 2 clerks, at $1,140 each; 2 clerks, at $1,080 each; 1 clerk, $1,020; 7 clerks, at $1,000 each; 1 clerk or skilled laborer, $1,000; 3 clerks, at $900 each; 1 mechanician, $1,680; 1 clerk or instrument maker, $1,200; 1 lantern slide colorist, $1,320; 1 mechanic, $1,200; 1 carpenter, $1,200; 1 messenger, laborer, or laboratory helper, $840; 1 messenger or laborer, $840; 2 messengers, laborers, or laboratory helpers, at $720 each; 2 messengers or laborers, at $660 each; 5 messengers, laborers, or messenger boys, at $600 each; 7 laborers, messenger boys, or charwomen, at $480 each; 5 charwomen, at $240 each; in all, $88,880.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph. I notice that the committee has recommended an increase in the salary of the Director of Public Roads and Rural Engineering from $4,500 to $5,000. My attention has also been called to other increases in the salaries of heads of bureaus and divisions of $250 and $500. I should like to inquire of the chairman of the committee what was the reason for making these increases in the salaries of the heads of these respective offices? For instance, here is an item which we have passed which provided an increase in the salary of the editor of the Division of Publications from $3,250 to $3,500, and there are other instances. Will the chairman indicate to the committee the number of salaries of head officials that have been increased, and what was the reason that prompted the committee in recommending these increases?

Mr. LEVER. There have been only two increases, one in the Division of Publications, $250, and this item of $500. The committee, in recommending the increase in the Division of Publications, took into consideration the fact that the present chief of that bureau is one of the most efficient men in the Government service. He has been in the service for a great many years, and has had no increase in salary in some time. That increase was not recommended by the Secretary of Agriculture.

Mr. STAFFORD. What member of the committee recommended it?

Mr. LEVER. I do not mind telling the gentleman. It was the gentleman from Missouri [Mr. RUBEY].

Mr. STAFFORD. I do not wish to embarrass the gentleman at all, but I assumed that if the department did not recommend it there was some one in the committee who was interested in looking after this most worthy official.

Mr. RUBEY. Will the gentleman yield to me?

Mr. STAFFORD. I yield to the gentleman.

Mr. RUBEY. I will say to the gentleman from Wisconsin that I made the motion in the committee for this increase, and I did so because the gentleman to whom the committee voted this increase has been in the department for 25 years. I made the motion without consulting him. He did not know anything about it. In the 25 years that he has been connected with the department he has never asked for an increase. I did not even know from what State he came. I did not know anything about him, except that he was an efficient man and an accommodating gentleman who had rendered valuable service and has been in the department year after year and has never had an increase. I felt that we ought to make this increase of $250, bringing his

salary up to $3,500 and placing him upon a par with other gentlemen in the Agricultural Department who hold similar positions and who receive that amount. This man does not come from my State. I have since learned that he comes from the State of Indiana.

Mr. STAFFORD. I assumed that he was a very efficient man, else I would have made a point of order or reserved a point of order against the item. I assumed that he was a very worthy official and that there must be some good reason that prompted the committee to make that recommendation. Now, what is the purpose of increasing the salary of the director of the Public Roads Division from $4,500 to $5,000? Of course, there are other chiefs that receive $4,500, but when you once raise the salary of one chief it is an incentive when the committee commences to prepare the bill again to have the committee raise every other salary accordingly, as instanced by the gentleman from Missouri in the case at hand.

Mr. LEVER. The Secretary of Agriculture two years ago and, I think, three years ago insistently recommended an increase of $500 in the chief of the Office of Public Roads and Rural Engineering. The committee has each time allowed the increase. The present head of the service is one of the great road engineers of the world. We have felt that the road question is becoming more acute each day, and the demands on his service each day are growing larger and larger. His responsibility is greater, he is being called upon from time to time to advise the various legislative agencies in States and is endeavoring to provide, as far as possible, a uniform and useful system of roads and roads maintenance in this country, and we think such a man ought to be the highest type of man, a man of peculiar information, good judgment, sound business ability.

Mr. STAFFORD. How long has he held the position?

Mr. LEVER. I do not know. He has been there ever since I have been connected with the department.

Mr. STAFFORD. What was the initial salary?

Mr. LEVER. I do not remember. He has been holding this salary, I think, six or eight years.

Mr. STAFFORD. Mr. Chairman, I presume there is good warrant for the committee making an exception of these two cases, but I thought the committee might be prompted to do it in view of the possible Federal legislation involving heavier work on this official.

Mr. LEVER. We did have that in mind.

Mr. STAFFORD. I withdraw the reservation of the point of order.

Mr. MANN. Mr. Chairman, I reserve a point of order.

Mr. STAFFORD. Mr. Chairman, I wish to inquire further, so that I may have a true concept of the policy of the committee in framing the bill, as to whether the committee when they transferred from the lump-sum appropriation to the statutory rolls they transferred all clerks who are performing work other than of a scientific character, so that next year the committee will be in a position, when confronting the heads of the respective bureaus, in case they divert the lump-sum appropriation that Congress intends for field service, that they will have no excuse and can not abuse or use it as a ruse to justify their utilizing it for some other purpose than Congress intended.

Mr. LEVER. In every case the information the committee has from the bureaus is that all their clerks carried on the lump-sum rolls not of a scientific character and whose employment is of a permanent nature have been transferred to the statutory roll.

Mr. WALSH. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. WALSH. As I understand the chairman, the committee took into consideration the likelihood of Federal legislation in road making?

Mr. LEVER. We did.

Mr. WALSH. If there is no Federal legislation, does the gentleman still think the increase would be warranted?

Mr. LEVER. I think it would.

Mr. BORLAND. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. BORLAND. I want to ask the gentleman when it was—I do not recollect—that this road bureau was called the Office of Public Roads and Rural Engineering?

Mr. LEVER. One year ago, under an authorization to rearrange and reorganize the department.

Mr. BORLAND. And it was then that the swamp drainage was put under the Road Bureau.

Mr. LEVER. Yes; transferred from what is known as the Office of Experiment Stations.

Mr. BORLAND. Is it the intention to separate this department and have a department purely for roads if the Federal legislation becomes a law?

Mr. LEVER. I would think that it would remain generally as it is, although I have no information about that.

Mr. MANN. How many bureau chiefs, may I ask, who receive $5,000 in the Department of Agriculture?

Mr. LEVER. I think we can name them: The Weather Bureau, the Bureau of Animal Industry, the Bureau of Plant Industry, the Forest Service, and the Bureau of Chemistry—five.

Mr. MANN. How many bureaus are there whose heads receive less than $5,000?

Mr. LEVER. The Bureau of Soils, the Bureau of Entomology, the Biological Survey, the Office of Roads, the Division of Publications, the Division of Accounts and Disbursements, the Bureau of Crop Estimates, the States Relations Service, the Office of Markets, and the Library.

Mr. MANN. The Bureau of Markets?

Mr. LEVER. The chief of that office receives $4,500.

Mr. MANN. Nearly all of these bureaus have just as much money expended under them and a great deal more diverse work done under them than under the chief of this bureau.

Mr. LEVER. Well, the Bureau of Markets is a new service. The gentleman in charge of that work is one of the ablest men in the department, but he has been in charge of this work only a few years.

Mr. MANN. The chief of the Bureau of Soils has $4,000 and the chief of the Bureau of Crop Estimates $3,500.

Mr. LEVER. But I do not regard either of these bureaus as equal in importance to the Office of Roads.

Mr. MANN. I judged from the efforts my friend has made in reference to the crop estimates that he thought that was the most important of all.

Mr. LEVER. My efforts had to do with the Census Bureau.

Mr. MANN. The Bureau of Markets is probably the most difficult bureau in the department. Now, if we consider building Federal roads, if that bill becomes a law, and the Government spends a large amount of money, under the control of this chief of the bureau, I think his salary ought to be increased; but it is quite certain, it seems to me, that you can not increase this salary from $4,500 to $5,000 without increasing the salaries of $3,500 and $4,000, and without increasing the other salary of $4,500, because this work has not expanded recently to any extent, and there is nothing very difficult about it. I agree that the gentleman is undoubtedly an efficient chief.

Mr. BYRNES of South Carolina. I would like to ask the chairman of the committee if it is not true that placing the rural engineering work under this bureau has not increased the duties of the chief?

Mr. LEVER. The duties of the chief of the bureau have somewhat increased; we have added to it irrigation investigation and also some work with reference to rural engineering. Notwithstanding that fact, however, the committee before that time recommended to the House here once or twice an increase in this gentleman's salary.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

Mr. LEVER. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. SLOAN. Is it not a fact that the activities of this particular bureau have expanded and multiplied more than those of almost any other bureau in the department?

Mr. LEVER. This bureau has increased in its work and activities probably more than any other bureau in the Department of Agriculture, with the exception of the Bureau of Markets, which is a new bureau.

Mr. SLOAN. Is it not a fact that this particular bureau is now sending throughout the United States, wherever called for, efficient men to aid in the work of advising and assisting in ideal road building everywhere, where called upon, and is, in fact, doing a great deal more than it has ever done before and is being called upon for more work all of the time?

Mr. LEVER. I think that is true, and it is true.

Mr. MANN. The gentleman speaks of the increase. Is it not a fact that the appropriation proposed this year is $599,000 for this bureau, while last year it was $586,000; practically the same?

Mr. LEVER. It is an increase of about $13,000, but that is a considerable increase over what it was three years ago.

Mr. MANN. An increase of 2 per cent in a year—not very much.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired. Does the gentleman from Illinois withdraw the point of order?

Mr. MANN. Mr. Chairman, I make the point of order.

The CHAIRMAN. Against just what is the point of order directed?

Mr. MANN. It is against the figures "$5,000," in line 26, page 66.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Mr. Chairman, I move to amend by inserting the figures "$4,500" at the place where the other figures are stricken out.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 66, line 26, after the word "work," insert "$4,500."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CULLOP. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BORLAND. Mr. Chairman, I make the same request.

Mr. BAILEY. Mr. Chairman, I make the same request.

Mr. SLOAN. Mr. Chairman, I make the same request.

Mr. SIEGEL. Mr. Chairman, I make the same request.

Mr. HASTINGS. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to these several gentlemen extending their remarks in the RECORD?

There was no objection.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I called attention in the previous paragraph to the method of making the estimates and appropriations for certain minor employees. On page 67 there are various items, and I will read a few of them:

One draftsman or clerk, one clerk or instrument maker, one clerk or photographer, one clerk or tabulator, one clerk or editorial clerk, one clerk or draftsman, one clerk or draftsman, one clerk or photographer, one clerk or photographer, one clerk or skilled laborer, one clerk or instrument maker—

And so forth.

It does seem to me that the department ought to be able to determine whether they want instrument makers or clerks. I do not imagine that the average clerk is a very good instrument maker and I am quite sure that a good instrument maker is not much of a clerk.

Mr. LEVER. Mr. Chairman, as I said to the gentleman on a previous occasion, the explanation of the department, of course, was accepted by the committee, and that is, that they make these dual designations, as it were, in order to give them more flexibility in getting their clerks and employees from the civil service.

Mr. MANN. There would be still more flexibility if we just said, "Employees in this bureau, $88,880."

Mr. LEVER. That is very true.

Mr. MANN. But we have found through long experience that too much flexibility adds to the number of employees and the expense without adding to the efficiency.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. MADDEN. Mr. Chairman, I move to strike out the last two words. I would like to know what there is that this Roads Bureau does which requires so many clerks. Just what do they do?

Mr. LEVER. The story of what the Office of Roads does is a long story.

Mr. MADDEN. Let us hear it.

Mr. LEVER. I am sure it is too long for me to tell in even five minutes. The Office of Roads, of course, is engaged in investigations along a number of lines that have to do with the technical question of road building, road maintenance, the question of the best kinds of material for road building and binders, and things of that kind; and in addition to that it also has to do with the irrigation problems in the West.

Mr. MADDEN. What has that to do with roads?

Mr. LEVER. It is in this bureau.

Mr. MADDEN. How much money is appropriated altogether for the Road Bureau?

Mr. LEVER. Five hundred and ninety-nine thousand dollars.

Mr. MADDEN. Do they build any roads?

Mr. LEVER. They have built a few experimental roads. They have one out here at Chevy Chase and one in the direction of Alexandria, and one in Maryland, where they are making investigations of the best types of roads to build, and what is the best material to be used in the way of binders, and so on.

Mr. MADDEN. Does any community in the United States ever adopt the suggestion they make as to the character of materials to be used?

Mr. LEVER. I think so, without a doubt.

Mr. MADDEN. Does not the gentleman know that every community has a particular material close by that it can move to the road to be built economically, and that that is used in preference to all other materials regardless of what the Department of Agriculture determines—that the cost always determines the question?

Mr. LEVER. That is very true, but the gentleman will realize that almost every community not only has one road material but several road materials that can be used.

Now, the work of the department in some of its aspects is to determine for that community which is the best of the road materials it has at hand with which to build a local road under local conditions, and they frequently send an engineer for that purpose.

Mr. MADDEN. What are the engineer departments of the various States and counties for? Are they not organized for the same purpose?

Mr. LEVER. A great many of the States do not have these departments, I will say to the gentleman.

Mr. MADDEN. All States have some kind of road organization.

Mr. LEVER. Of course, the department here works in close cooperation with such States as have road-engineering features.

Mr. HAWLEY. I wanted to ask the chairman of the committee a question.

Mr. MADDEN. Go ahead.

Mr. HAWLEY. Did not the director say before the committee this year and last that they were devoting a great deal of attention to the construction of dirt or earth roads?

Mr. LEVER. More attention this year than they have ever done in the past.

Mr. HAWLEY. And there is more demand for the construction of dirt roads than ever before?

Mr. LEVER. There is more demand for the construction of dirt roads than ever before, and there is more agitation for road building in this country than ever before.

Mr. MADDEN. I know, but it is not all done through the Bureau of Roads in the Agricultural Department.

Mr. LEVER. Let me illustrate. In one of the counties in my district there was a bond proposition on. It was lost, I may say, but the people down there asked me to send a road man to talk over the situation with the progressive men in the community. He went and suggested to them under their local situation what would be the best type of road that might be built there and what it would probably cost, according to his judgment. That is being done all over the country, and it is really a bureau of education coupled with investigation.

Mr. MADDEN. What proportion of the total amount appropriated is used, as a matter of fact, for the building of roads?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. I ask for three minutes more.

Mr. LEVER. Make it five minutes.

Mr. MADDEN. Then I will ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. What proportion of the total appropriation is expended in the real construction of roads?

Mr. LEVER. I would say a very small proportion of the entire appropriation is spent for the building of roads as such. Sixty thousand dollars, I am informed, is the total, which is about 10 per cent.

Mr. TILSON. May I ask the gentleman a question?

Mr. LEVER. Certainly; when the gentleman from Illinois [Mr. MADDEN] is through.

Mr. MADDEN. Does the gentleman from South Carolina really believe that the work done by the Bureau of Roads in the Agricultural Department justifies the department?

Mr. LEVER. I think the appropriation for the maintenance of the Office of Public Roads in the Department of Agriculture is one of the best dividend-paying investments that this committee makes.

Mr. MADDEN. Does the gentleman know any particular case where roads have been built as the result of the investigation made by the Bureau of Roads in the Agricultural Department, and on the recommendations of the department?

Mr. HAWLEY rose.

Mr. LEVER. My friend from Oregon [Mr. HAWLEY] is about to give you an instance, I think.

Mr. HAWLEY. In a certain section of the South there was a road that ran through a gumbo swamp. It became impassable during certain seasons of the year. It was a very essential part of a great road, and they had planked it with cypress, but the base was so soft it was out of repair a great deal of the time during the winter months. They appealed to the Director of Public Roads in Washington, and he sent some experts down there to investigate the question. As a result they built a road through that swamp, and when it was reported on about two years ago, after having been in use for two or three years, it was in good repair, and could be used the entire year around. That is one instance out of a very great many that can be cited.

Mr. LEVER. If the gentleman will permit, I can give him another that has just been brought to my attention. About two or three years ago the department built a model road in Chaighead County, in Arkansas. It is said to be one of the finest gravel roads ever built in that county. The result has been to greatly stimulate interest in that county and in that State for better roads, and that is the general result from this work throughout the country.

Mr. HAWLEY. There were constructed later many roads, I might add, like that which was built through this gumbo swamp.

Mr. LEVER. And we could pile these illustrations up very high.

Mr. MADDEN. I was wondering whether, in view of the fact that in all the States I know anything about, they have efficient organizations for road building in both the counties and townships, whether a bureau of roads in the department was needed at all.

Mr. HAWLEY. If the gentleman will yield——

Mr. MADDEN. Yes.

Mr. HAWLEY. These State departments, as I recall, are continually applying to the office here for expert advice and counsel, and the better the road engineers are in the State the more they appreciate the advice and counsel given by the department, and they apply to them continually.

Mr. MADDEN. Does the committee believe that the knowledge possessed by the men in charge of the Bureau of Roads in the Department of Agriculture is better than that possessed by the engineers in the State road organizations?

Mr. LEVER. I would not like to commit myself to the proposition that they were a higher class of men or a higher class of scientists, but I may say this, however, that the men in the Department of Agriculture have an advantage in reference to roads just as the Bureau of Plant Industry men have advantage over the State scientists. They get the benefit of all the best in all the States in the Union.

The CHAIRMAN. The gentleman's time has expired.

Mr. LEVER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LEVER. In other words, the Office of Roads, just like all these other various activities in the Department of Agriculture, is in a measure a gathering place for the best of the various things that are being done along certain lines.

Mr. MADDEN. So that, as a matter of fact, instead of the State depending upon the Bureau of Roads in the Department of Agriculture for information, the Bureau of Roads in the Department of Agriculture is getting the information from the States and then disseminating it in other directions.

Mr. LEVER. No; that does not necessarily follow. The Office of Public Roads, like all the bureaus of the Department of Agriculture, is getting its information wherever it can, and from the fact that its work is scattered all over the country it is given opportunities that the State road systems would not have.

Mr. MADDEN. The gentleman thinks that the money appropriated is properly expended and ought to be continued?

Mr. LEVER. Yes; we think so.

Mr. GARNER. Mr. Chairman, may I ask the gentleman a question in that connection?

Mr. LEVER. Yes.

Mr. GARNER. Does the gentleman know of any item in this entire bill where the money is doing more good to the people throughout the country than this good-roads appropriation?

Mr. LEVER. I think this is the best dividend paying of all the appropriations that we make.

Mr. MANN. The gentleman says "throughout the country." Does not the gentleman mean this Chevy Chase road out here—not throughout the country, but right here, and the road to Alexandria—not throughout the country, but right here where we ride?

Mr. LEVER. The Government built both of those roads.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield, and to whom?

Mr. LEVER. I yield to the gentleman from Oregon.

Mr. HAWLEY. The Bureau of Public Roads stands as a clearing house for information for all the bureaus of public roads in the several States of the Union, and instead of every State in the Union maintaining a bureau that would be compelled to go all over the country to get information at great expense to each State, we gather it all together here in one bureau, from which that information is furnished without great expense to the States.

Mr. LEVER. Yes. The theory underlying the Office of Roads is exactly the same as the theory underlying the work of the entire Department of Agriculture.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. TILSON. I wish to ask a question in regard to the building of sample roads, as distinguished from the dissemination of engineering information. The gentleman from Illinois [Mr. MANN] has spoken of the roads in the vicinity of Washington, and the gentleman from South Carolina [Mr. LEVER] has referred to a road down in Arkansas as being built under the supervision of this department. I wish to ask the gentleman how extensively has work of this kind been carried on, realizing the fact that the climatic and soil conditions are different in different parts of the country, and that the same kind of material that is used in Arizona, for example, might not be the best material in Connecticut or in Pennsylvania, and vice versa.

Mr. LEVER. The gentleman must have misunderstood my statement, or I did not make it entirely clear. The roads actually built by the Office of Public Roads in the Department of Agriculture are those roads near at hand, to which the gentleman from Illinois [Mr. MANN] has referred; one out here by the District line, at Rockville, Md., and one at Bradley Lane, Md.; and then they have one under way in Alexandria County, Va. These roads that have been built in this vicinity have been constructed for the purpose of testing out various and sundry kinds of materials that are recommended for road building.

Mr. TILSON. But you can only test them out under the climatic and other conditions that prevail in the vicinity of Washington.

Mr. LEVER. Let me go a little further. These roads are really the field laboratory of the Office of Public Roads, and they have been concentrated here so that they can be under the closest observation at the least expenditure of money. The roads to which the gentleman refers, such as I referred to a moment ago in Arkansas, are not, in fact, built by the Office of Public Roads at all. That is to say, they are not actually constructed by the Office of Public Roads. The construction is under the supervision—the complete supervision—of the Office of Public Roads, but the actual work and the actual money put into the roads, aside from the salaries of the supervisory force, are all furnished by the local authorities of the States.

Mr. TILSON. In those cases they are simply gathering information which is developed by the work of the States?

Mr. LEVER. We are doing both. We are not only gathering information, but at the same time we are disseminating that information in that community.

Mr. TILSON. Then, as a matter of fact, we have not built roads at any place except in the vicinity of Washington?

Mr. LEVER. No.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, has all time expired?

The CHAIRMAN. No; there is no limit fixed.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. Mr. Chairman, I would like to ask the gentleman from South Carolina [Mr. LEVER] what is being done by the Road Bureau with a view of connecting up good roads with railroad and waterway terminals?

Mr. LEVER. Well, if they have any work of that kind under consideration it was not brought to the attention of the committee.

Mr. MOORE of Pennsylvania. They have or have not?

Mr. LEVER. I would say that if they have any project which in itself looks to the linking of the country road with the terminal and the railroad and the water facilities of the country, the committee is not advised of it. Of course, the ulti-

mate aim of all the work of the Office of Roads is to furnish better transportation facilities from the farm to the market.

Mr. MOORE of Pennsylvania. That is what I am inquiring about.

Mr. LEVER. But they are making no general survey of that situation. Their whole plan looks to that, of course, ultimately.

Mr. MOORE of Pennsylvania. We are spending a large sum of money to spread information in regard to road construction. If the road is to be of any great value to the farmer in helping him to get to the market it ought to connect up with terminals somewhere, either a railroad terminal or a water terminal. At the proper time I will introduce an amendment which will suggest to the bureau the advisability of giving special consideration to the matter of terminals. A road that begins nowhere and ends nowhere is of no general service, of course.

Mr. LEVER. I will say to the gentleman from Pennsylvania that I take it that no man in charge of building the roads would fail to take into account the fundamental purpose of road building that the gentleman has suggested, namely, to connect up the man who has something to sell by cheaper road facilities with the man who wants to buy something.

Mr. MOORE of Pennsylvania. If we considered the matter of the transportation of farm products in relation to freight rates it would be conceded by most people who have studied the subject, I think, that the road leading to a waterway terminal would facilitate the transportation of the farm products to the market at a cheaper rate than could be attained otherwise. The development of waterways has been discouraged to a large extent, for reasons which it is not now necessary to explain; but I think when the time comes for offering this amendment, I can show to the Agricultural Committee and the chairman that if roads lead up to terminals on waterways, the farmers of the country will be very greatly advantaged. One of the farmer's difficulties now is in getting to market. I understand provision is made in this bill for an appropriation which will further the dissemination of information with respect to markets. It seems to me the one practical way to help the farmer is to link up his avenues of communication; that is, to make his roads lead somewhere where they will be of special advantage to him. That will apply to cotton, which now has to take the railroad to get to the sea, and which has no special advantage from inside waterways, because they are not sufficiently improved. It would apply to food products which are now often permitted to go to waste because there are no intermediate transportation facilities by water. I mention this now, in the course of these five minutes, in order that the chairman may think it over before the time comes for offering the amendment.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ADAMSON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its Clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHAMBERLAIN, Mr. BECKHAM, Mr. BROUSSARD, Mr. DU PONT, and Mr. WARREN as the conferees on the part of the Senate.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

For inquiries in regard to systems of road management throughout the United States and for giving expert advice on this subject, $39,540.

Mr. FESS. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the Committee on Agriculture whether there is very much interest throughout the country manifested by inquiries coming to the department as to the proper kinds of material for road building?

Mr. LEVER. I understand that the chemical and physical laboratory of the Office of Roads is kept busy investigating the materials sent to them from time to time from different portions of the country to determine whether or not they are good road materials.

Mr. FESS. Just last week I received a communication from a town in my own immediate vicinity, stating that they were about to rebuild the roads throughout the town, and making some inquiry about the material glutrin, saying that it had been used here about Washington, and wanting to know whether I could get any information about it. I thought it was a perfectly legitimate inquiry, so I took it up with the department and asked them whether they had any bulletins upon this matter. The chief of that bureau kindly stated that they not only had bulletins, but that he would write a letter giving specific information to the member of the council of this particular town. Now, while some people might think that is not the business of the Government, it seems to me that it is distinctively a legitimate realm of Government service for the Government to give this information.

Mr. LEVER. I agree with the gentleman most heartily.

Mr. FESS. And these roads about the city here are really the field laboratory by which the department determines whether this or other material is good or bad.

Mr. LEVER. That is very true, and without such investigation, of course the gentleman's inquiry would have been unanswered. There would have been no information to give.

Mr. BAILEY. Will the gentleman yield for a question?

Mr. LEVER. I yield to the gentleman from Pennsylvania.

Mr. BAILEY. I was very much interested in the statement of the chairman in regard to the county which had up a bonding proposition that failed. I wanted to know if the failure of that proposition was due in any degree to the hope that at some time the road would be built for the county, instead of the county having to build it for itself?

Mr. LEVER. I will say to the gentleman, as to the road proposition to which I referred a moment ago, that the reason for the defeat of the bond issue involved a good many propositions, but not the one the gentleman suggests.

Mr. BAILEY. Not at all?

Mr. LEVER. No.

Mr. BAILEY. I just wanted to know, because I believe there are cases where the prospect of getting something for nothing would have that effect.

Mr. LEVER. In this case the county was going to put up the funds, of course.

Mr. HICKS. Will the gentleman yield for a question?

Mr. LEVER. With pleasure.

Mr. HICKS. Mr. Chairman, I feel that this is a very important item in the bill. I come from a district that expends and has expended vast sums in road building. We were virtually pioneers in that work, and built many miles of macadam roads. Within a few years after they were built these roads began to deteriorate, and then additional sums were expended in rebuilding them. This was made necessary because we lacked the knowledge as to what was the best material. We used gravel, concrete, and macadam, with various kinds of binders.

It seems to me that in road building there are four things which ought to be taken into consideration: First, the weight of the traffic which goes over the road; second, the temperature; third, the rainfall; and, fourth, the accessibility of the material from which to make the road. When we built our first roads the traffic was comparatively light, but now, with heavy motor trucks, often weighing 7 or even 10 tons, it is necessary to build far heavier roads than formerly. My friend from Oregon, Mr. HAWLEY, suggests that the speed of traffic is a factor, and I agree with him that it is, and a very important one.

I desire to ask whether or not the department in Washington in experimental roads takes material from other parts of the country and makes the roads of the material from different States, with a view of ascertaining the best and cheapest material for each particular section.

Mr. LEVER. As I understand, any community which desires to have material tested, either chemically or physically, can send it to the department and they will have the tests made.

Mr. HICKS. Will they have a piece of road built?

Mr. LEVER. Not necessarily, but they have the physical and chemical tests, and the department will be able to give an accurate judgment as to whether it is good road material for that particular community.

Mr. HICKS. Has that information been availed of by different communities?

Mr. LEVER. Undoubtedly.

Mr. CARAWAY. Will the gentleman yield? I want to supplement what the chairman has stated. Two years ago when the department was building experimental roads one was built leading out of my town to the agricultural school. It has proven to be the most successful road that I ever saw built of gravel. The county has built about 150 miles of gravel road. A part of it was built before and a part since that time. The road completed since that time has given nearly twice as good service as that which was completed before, and the county has saved thousands of dollars by that one experimental road.

Mr. LEVER. The department has what is called a traffic census, through which it makes note of the amount of wear and tear that results to certain particular pieces of road material, and another kind of road material and another kind of road material, and through these investigations and the census they are enabled to accurately judge what is the best material for a given community.

The CHAIRMAN. The pro forma amendment is withdrawn and the Clerk will read.

The Clerks read as follows:

For investigations of the best methods of road making, especially ordinary sand-clay and dirt roads, and the best kinds of road-making materials, and for furnishing expert advice on road building and maintenance, $142,780.

Mr. SLOAN. Mr. Chairman, I move to strike out the last word in order to say that under this particular paragraph I believe some excellent work is being done, especially so this year, by this bureau. Perhaps this year witnesses more activity throughout the country in what is called "good-road building" than in any year in our history. It is a recognized fact that 80 or 90 per cent of all the roads in the United States are dirt roads. Probably for a great many years, although the percentage will decrease, yet to the end dirt roads will be the principal roads over which the public will travel. These will include not only roads between cities, but between the States and between the oceans. It becomes an important problem not only to the States and communities but to the Government.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SLOAN. I will.

Mr. MOORE of Pennsylvania. Does the gentleman from Nebraska now see that it would be of some advantage to open up the waterways in order to get connected with the good roads of the country?

Mr. SLOAN. I do see that there is a good deal of relation, but the trouble is the gentleman from Pennsylvania insists on connecting the roads with the waterways, while our great difficulty is in disconnecting the water from the roadways. [Laughter.]

Mr. MOORE of Pennsylvania. Has the gentleman read one or two paragraphs subsequent to this where we find a great deal of water in the bill?

Mr. SLOAN. Yes; the bill is a good deal like some of the industrial plants in the vicinity of the gentleman's home—very highly watered, I understand, especially since the war began.

I desire to say further that this bureau is doing an excellent work in cooperation with the State, county, and municipal highway authorities. A great deal of money is being expended on that work in the different States. There is a well-founded opinion that a good deal of the money is rather unwisely expended. It is important, if money be spent, that it be spent not only under the direction of engineers, but of engineers that will try to work out not only good roads but uniform roads. Uniformity can be better obtained through the engineering department of the United States than through any of the States.

In my own district there are 13,000 miles of public highway, practically all earth roads. This is all we can expect and all we desire. The bureau is at present engaged in cooperating with the authorities in several counties in my district constructing what they call ideal earth roads, giving the advice and direction that is important; so that once they have been made the counties will follow out that plan until the roads will be better and more uniform. That uniformity will extend throughout the State and from that to the whole country. This must prove of great advantage to interstate highway travel.

Mr. COX. I never was over the gentleman's territory, but do the roads in the gentleman's district get muddy in the wintertime?

Mr. SLOAN. Like all other roads, they become muddy when the snow melts and when there is a heavy rain. That is true, but if the roads are raised through the middle, are properly smoothed and sloped, and are worked at a proper time after rains or thaws with the King drag, they become hardened and are easily maintained. A very short time after the water has flowed away we have good, sound roads.

Mr. COX. They dry up quickly.

Mr. SLOAN. Yes.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SLOAN. Yes.

Mr. MOORE of Pennsylvania. Does the gentleman believe in removing the mud from the roads in his own country?

Mr. SLOAN. No; we do not remove the mud in our country. I do not know how it is in Pennsylvania, but out West mud is made up of two elements, one is dirt or clay and the other is water. We do not remove the mud. We remove the water. [Laughter.] Out there it has a penchant for flowing off, however sluggish it may be in other parts of the country. We do not remove the mud, but we wait for the water to flow, just as eloquence is permitted to flow from the lips of the gentleman from Pennsylvania [Mr. MOORE].

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last two words. I have been waiting for a long time to have this admission from the gentleman from Nebraska [Mr. SLOAN]. Many times he has very eloquently expatiated upon this floor against the development of certain rivers and harbors of the country. Now, he indicates his entire willingness to have the roads of the country constructed so that they may be useful to the farmers of the country, by being led up to the waterways, in order that shipments of grain, and so forth, may pass on to the consumer.

Mr. MADDEN. He has even gone further than that. He is willing that the water should flow.

Mr. MOORE of Pennsylvania. Yes; he concedes that if we remove the water from the roads, we may, through the medium of the river and harbor bill, be permitted to remove the mud from the rivers.

Mr. SLOAN. I am in favor of that very largely, because our roads will "dry up," and that never occurs with some streams back East or with the gentleman from Pennsylvania. [Laughter.]

Mr. MOORE of Pennsylvania. It never does, and that is the reason I wanted to hear from the gentleman. Now, Mr. Chairman, I ask the indulgence of the Chair and of the House while I resort to a method that is as old as the hills in reply to an adversary "worthy of one's steel." This morning in the dawn, thinking of the pleasantries the gentleman had made in his references to my great State and to the rivers of my country, I concluded to embalm him in verse. I have done so as calmly and as kindly as I can, for he is worthy of it.

Mr. SLOAN. Mr. Chairman, I rise to a point of order. I object to the reading of this verse until I know the gentleman is recognized as the poet laureate of this House or the official spring poet of the Committee of the Whole.

Mr. MOORE of Pennsylvania. Mr. Chairman, I can not yield my precious rhyme for a point of order in my time. [Laughter.] I would like the committee to be patient for a moment, as I hope my friend from Nebraska will be, because I wish to pay him a special tribute. This poem has no title:

My colleague from Nebraska is a very able man;
He can make about as fine a speech as anybody can.
He's a scholar on bugology, agronomy, and grain,
And he studied navigation—on a local railroad train.

When my colleague from Nebraska takes the center of the stage
Everybody stops to listen, from the Speaker to the page;
For they know "there's something doing," and they want to see the fun,
As my colleague from Nebraska puts the rivers on the run.

Oh, my colleague from Nebraska talks about the river "pork."
You can see Iowa titter; consternation in New York!
What a joke to spend our money on those sluggish little creeks,
When the dear old cows of Kansas can not sleep for cattle ticks!

Gargle rivers with our money! Make a roadway for a ship!
When our hogs are down with asthma and our pullets have the pip!
"Never!" quoth Nebraska's hero; "Never," echoes down the line.
"Never," while appropriations may be had to help our swine.

What's the use of transportation—on the water, anyway?
Spend the cash for irrigation, and we'll make our deserts pay.
Talk about your ships and harbors, that's an old New England fake.
What we want are prairie schooners like our Henry Ford can make.

[Laughter and applause.]

So my colleague from Nebraska keeps the galleries astir;
Every point is porcupinish as a bristling chestnut burr;
Every little fibrous plantlet, technological or plain,
Every drought-resistant croplet knows he does not speak in vain.

When at last the fight is over, and my colleague takes his seat,
Twenty thousand little buglets yell and stamp their little feet;
Twenty thousand experts echo "Swat the pork," and things like that,
While the waves "roll up like thunder" all along the roaring Platte.

[Laughter and applause.]

Mr. SLOAN. Mr. Chairman, some days ago I entered a serious objection to the organization of the American Academy of Arts and Letters. If that organization, which has been completed, will only find a place for my friend MOORE as one of the 50 immortals I shall withdraw all objection and all prejudice. [Applause.] I know what it means now to go up against real preparedness. He coins this in the morning. A veritable "little early riser poet of the Delaware." I thought he could do it on his feet; but in answer to that I shall have to suggest what was said once of these spontaneous speeches by an Irish statesman, I think it was Richard Brinsley Sheridan. He said that his adversary "depended upon his imagination for his facts and upon his memory for his wit." [Laughter.]

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn and the Clerk will read.

The Clerk read as follows:

For conducting field experiments and various methods of road construction and maintenance, and investigations concerning various road materials and preparations; for investigating and developing equipment intended for the preparation and application of bituminous and other binders; for the purchase of materials and equipment; for the employment of assistants and labor; for the erection of buildings; such experimental work to be confined as nearly as possible to one point during the fiscal year, $60,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 68, line 20, after the word "preparations" insert the words "for investigating road approaches to railroads and waterway terminals."

Mr. MOORE of Pennsylvania. Mr. Chairman, as this does not affect the appropriation at all, but simply adds a new feature to the work of investigation by the Road Bureau, I hope the committee will in its wisdom see fit to accept it. The question of reaching the terminals is one of the most important to the farmer of this country—not only to the farmer but to the man who is selling the finished products to the farmer. It is important in the matter of fertilizer. I have had some experience in the matter of freight rates along the Atlantic seaboard, where we have been agitating for the opening up of the waterways about which my friend from Nebraska [Mr. SLOAN] and I have disputed pleasantly on one or two occasions; and I think the House ought seriously to consider whether, if we expend $600,000 accumulating and disseminating information with regard to roads, we ought not to see to it that some of it is applied to this very practical matter of assisting the farmers to get to the market through available terminals.

And when it comes to shipping things from the so-called market centers to the farmer, let me call this to the attention of the committee. Some time before the European war broke out, before the present abnormal conditions with regard to freight rates and railroad embargoes, and things of that kind, I made inquiry as to the cost of the shipment of a ton of fertilizer from the city of Philadelphia to a point in North Carolina—Wilmington, I think it was. I found that if the water route was used a ton of 2,200 pounds could be sent through from Philadelphia to Wilmington for $1.30, but if the railroad route was used a ton of 2,000 pounds would cost $4.80. Now, that is a very marked difference, and in the long run the farmer has to pay. He pays the freight. On the other hand, in shipments coming from the South to the North, the shipment of lumber, for instance, the difference between the inside and outside cost for 1,000 feet of lumber as between the North Carolina forests and a distributing point like Philadelphia was the difference between $2 a thousand feet and $3 a thousand feet.

Now, there is a difficulty with regard to the farmer or the shipper maintaining these rates. So far as the main points are concerned, competition prevails and can be successful, but if that ton of fertilizer going from Philadelphia to Wilmington for $1.30 per ton of 2,200 pounds was intended for a destination 20 miles or so inland from Wilmington and had to be hauled by rail, so far as the general charge to the farmer was concerned there would probably be no difference between the all-rail rate and the figures that would be put up to him, including the short haul by rail. Now, if the farmer can get to the waterway terminal by good roads, he has a method of competition, he has a means of communication, which would enable him to take advantage of the water rate between important terminals.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I hope the committee can see fit to accept this amendment.

Mr. LEVER. Mr. Chairman, I do not think the amendment offered by the gentleman from Pennsylvania confers any greater authority on the Office of Roads than it now possesses; and, as I said heretofore this afternoon, of course the work of the Office of Roads in its investigations and demonstrations must of necessity look to the general purpose of connecting up the farmer, who has things to sell, with his markets, whether they be water fronts or whether they be railroad stations. And the entire work of the department is in that direction already, and I think this would only add superfluous language to the bill.

Mr. MOORE of Pennsylvania. The gentleman's answer to my question a little while ago indicated that there was no specific direction to the office to take up this work of reaching terminals.

Mr. LEVER. No. I said this to the gentleman, namely, that there was no special project as such. I remember using the words "as such." There is no special project such as the gentleman has proposed, but the whole fundamental work of the office itself looks to that very thing.

Mr. MOORE of Pennsylvania. We are going to spend about $600,000 for the Road Office, and in addition to that I think $150,000 for information in regard to marketing crops. Nothing can be more important than giving the farmer a good market. It is important for those of us who live in the cities, because we want to get the advantage of cheaper rates and cheaper produce.

Mr. LEVER. The gentleman from Pennsylvania and I do not disagree on that. There is no bigger problem before the country in the distribution of farm products than that of better roads, because that is one of the elements that enters into the distribution of farm products. The only objection I have as chairman of the committee, and as an individual on the committee, is that we would simply be adding language to the bill which does not confer any greater authority than that now possessed.

Mr. MOORE of Pennsylvania. The gentleman has pride in his bill; that is natural, and I do not want to interfere, but here is a suggestion he does not combat and which does not interfere with the appropriation at all and which would give specific direction to a bureau which ought to do this kind of work. I think the gentleman will concede that.

Mr. LEVER. I do not concede it would give any direction, because the department is doing already the very work the gentleman has in mind. My objection to it is that it adds to the bill unnecessary language.

Mr. MOORE of Pennsylvania. I think it covers a point not already covered by the bill.

Mr. LEVER. I ask for a vote, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For investigating and reporting upon the utilization of water in farm irrigation, including the best methods to apply in practice; the different kinds of power and appliances, and the development of equipment for farm irrigation; the flow of water in ditches, pipes, and other conduits; the duty, apportionment, and measurement of irrigation water; the customs, regulations, and laws affecting irrigation; for the purchase and installation of equipment for experimental purposes; for the giving of expert advice and assistance; for the preparation and illustration of reports and bulletins on irrigation; for the employment of assistants and labor in the city of Washington and elsewhere; for rent outside of the District of Columbia; and for supplies and all necessary expenses, $103,400.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the last word.

Mr. MONDELL. Mr. Chairman, the work which the Department of Agriculture is carrying on under this appropriation is highly important. One feature of that work has been carried on for a number of years in the State which I have the honor to represent, namely, a study of the customs, regulations, and laws affecting irrigation. We have not for any considerable time been an irrigation people. We inherited our water laws from those who laid down the rule of riparian rights. We had no practice or experience in the use of water for irrigation. We had no rule of appropriation. We had no customs relative to the practice of irrigation. These things we have had to develop. We have had many things to learn that other peoples knew very well a long time ago, for agriculture was perhaps first practiced on this earth on an extensive scale under irrigation.

It is highly important, therefore, that the work to which I refer should be continued. I regret to see that the appropriation is somewhat reduced, because I understood that the department questioned its ability under the appropriation to carry on this work, as it had hoped to carry it on, to completion.

Mr. LEVER. Let me say to the gentleman that there is no actual reduction. The reduction is only apparent, arising from the transfer of positions from the lump fund to the statutory roll.

Mr. MONDELL. I am very glad to know that, because the work to which I have reference is a very highly important work. I hope to see it continued with the necessary funds to make it thorough and complete.

Now, I desire to take advantage of this opportunity to refer for just a moment to a class of work carried on by the department that is entirely different and distinct from this irrigation work; in other words, the investigation and improvement of methods of crop production under subhumid, semiarid, or dry-land conditions. I want to pass for just a moment from irrigation investigations to dry-land investigations and dry-land demonstrations. At the time the appropriation for that work

was under consideration I was unable to be in the House. I did not know at that time that during the hearings in the committee there was a considerable discussion of dry-farming development in our country. I think it important, in view of what was said in the discussions had at the hearings and the opinions expressed by members of the committee relative to dry-farming development in the West, that something should be said here in regard to it. I was very much surprised to notice that one member of the committee, interrogating the expert who has charge of the dry-farming investigation, asked him this question, "Is it not a fact that this dry farming is a delusion and a snare?" I am very much surprised that any member of the committee should entertain such erroneous views as to what has been accomplished under what is termed dry farming.

The West has developed some of the finest and most thorough and most capable experts that are known to agricultural science, in connection with dry farming, for dry farming is a real science, and a science which has been largely developed in our country in the past few years.

Something has been said during the discussion of the bill relative to the wheat production in the United States, and in regard to future opportunities for increase of production. I wonder if gentlemen have stopped to think that the opportunity for a large increase of wheat production in this country is to be found almost wholly in the semiarid regions?

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask that I may have five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MONDELL. Mr. Chairman, as time passes, as the land in the older portions of the country becomes more and more valuable, it finally reaches a price where the growing of cereals at the ordinary price, except in rotation with other crops, is not ordinarily profitable, at least not as profitable as other crops for which there is a ready market. Intensified farming on very rich land leads to other classes of production. So it is under irrigation. The irrigated lands finally become so valuable that they must be utilized almost wholly, except as they are utilized in rotation with other crops, for other production than cereals. So that our increase and growth along the line of rye and barley and wheat production, must come very largely in the future, almost wholly, I may say, from the lands which in years past were considered valuable only for stock ranges. During the hearing one member of the committee suggested that it would be better to leave these lands as range lands rather than to utilize them for wheat growing, when, as he said, so many of them produce only a small annual yield—he said 10 bushels of wheat to the acre. I wonder if the gentleman remembered—I am sure he did not—that under ordinary range conditions range lands produce at the most not above 50 cents per acre per annum? That is as much as we are able to secure in income from them.

The same land placed under the plow, if it produce only 10 bushels of wheat per annum, is from 10 to 20 times as productive as it was when used only for range purposes. But under scientific methods of dry farming we are growing on these dry lands, not 10 bushels of wheat per acre, but by means of thorough tillage and biennial cropping, or by the growing of two crops in three years and the conservation of the moisture, we are producing 20, 25, 30, and as high as 40 bushels of wheat per acre on these lands. Of course these higher yields are infrequent. They are not the ordinary yields; but any of those semiarid lands that can be utilized to advantage at all can under proper methods of moisture and soil and fertility conservation, be made to produce every other year, or two years out of three, on an average, 20 to 24 bushels of wheat per acre. And the cost of growing that wheat on those cheap lands, under the conditions under which it can be grown, is less per bushel than the growing of the same wheat anywhere else in America. That being the case, these lands will, as I have suggested, add very largely to our cereal production in the future. I think it can be truthfully said that of the 900,000,000 bushels of wheat produced last year, at least 100,000,000 bushels were grown on lands that 20 years ago were not considered of any use or value except as a stock range. In my opinion there are still at least 100,000,000 acres of land in the semiarid region in this country that have not been touched by the plow that can be utilized successfully in the growing of agricultural crops.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MONDELL. I would like about two minutes more.

The CHAIRMAN. Without objection, the time of the gentleman will be extended two minutes.

There was no objection.

Mr. MONDELL. It is highly important that we should continue this development. It has not been a failure. It has been a marvelous success. Of course there are some people who are not successful anywhere, and dry farming does require attention and effort and some failures are inevitable.

It is also true that all the lands in a given region are not suitable or available for these purposes, and men make mistakes and go on the wrong land, and sometimes lose all they have; but the experiment must be made, and eventually we develop areas and regions that are valuable. In my State in the last 20 years we have established numerous agricultural communities—and that is also true of Colorado, true of the Dakotas, and true of Montana—communities that are permanently prosperous, on lands hitherto believed to be of value only for pasture. It is true that many of these communities had a hard struggle. It took them some time to learn the proper methods. It required constant effort and perseverance and self-sacrifice to obtain success there, just as it has in every other part of the Union. As a boy I remember northwestern Iowa, now rich and splendid, was considered by many a very, very poor place in which to make a living in agricultural pursuits. Now the land is worth $100 to $125 an acre. At a time that I can recall that conditions were not much more satisfactory there in many respects than they now are in some of these dry lands of the far West. No part of our history of development is finer than this work of conquering that semiarid territory and the conversion of the great range areas, so far as they may be utilized for this purpose, into farms, and filling with happy homes those areas where once roamed the buffalo and the Indian and later the cattle and the cowboy. [Applause.]

During the discussion before the committee, when there was evidenced a disposition to criticize some one for the alleged failure of the efforts to conquer the semiarid West, officials of the department hastened to assure the committee they had not encouraged people to go out there and engage in this development. To those who know this confession was not necessary, although one would think that the people who have been spending large sums of the people's money to study and develop dry-farming methods would have had a little more loyalty to their work and the region in which it is being carried on.

It is true those at the head of the dry-land experiment work of the Government have not encouraged people to go into the semiarid region and attempt the conquest of that section. I stand ready to exonerate them of any blame, if blame there be, of any part in the encouragement of that great and glorious movement which has already conquered millions of dry acres and will conquer millions more. That wonderful development of thorough and scientific agriculture, that inspiring conquest has been carried on with but little help, scant encouragement, and almost in spite of some of those who the Government has paid to point the way. I do not wish to be understood as suggesting that good work has not been done at the stations or in the field, on the contrary splendid work has been done and encouraging demonstrations have been made, but those responsible for the interpretation of these results have seemingly been so biased, so full of prejudice as to be unable or unwilling to admit, much less to fairly announce the facts thus demonstrated.

It is a most unfortunate situation when those in position of responsibility in a great work like this are at odds as to facts, at outs as to methods, and in an attitude of antagonism toward practically all the men who as scientists, experts, and practical demonstrators have for years been the leaders of the great dry-farming movement.

The CHAIRMAN. The time of the gentleman has again expired. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For investigating and reporting upon farm drainage and upon the drainage of swamp and other wet lands which may be made available for agricultural purposes; for preparing plans for the removal of surplus water by drainage, and for giving expert assistance, by advice or otherwise, in the drainage of such lands; for conducting field experiments and investigations concerning the construction and maintenance of farm-drainage work; for investigating and developing equipment intended for the construction and maintenance of farm-drainage structures; for the purchase of materials and equipment; and for preparing and illustrating reports and bulletins on drainage; and for the employment of assistants and labor in the city of Washington and elsewhere; for rent outside the District of Columbia, and for supplies and all necessary expenses, $94,720.

THE SUSAN B. ANTHONY AMENDMENT.

Mr. TIMBERLAKE. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to extend my remarks in the RECORD by printing some resolutions of constituents in my district relative to the Susan B. Anthony amendment.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

There was no objection.

STADIUM IN POTOMAC PARK.

Mr. HICKS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a bill introduced by my colleague Mr. HULBERT, with some comments thereon, in regard to the stadium in Potomac Park.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. The department is doing some valuable work under this item. I desire to emphasize that in view of the fact that certain irrigation engineers have complained that the department was interfering with their business, that the experts of the department were furnishing the farmers with information and outlining methods of drainage when that work should be left to private enterprise.

I think it is true that the Federal Government should not interfere with private enterprise in this line or any other any more than it may be necessary in order to carry out the useful work the department is engaged in. The department engineers do not take the place of irrigation engineers in this development; but there is a highly important and valuable work which the department engineers can do for the farmers, and which they are doing and should continue to do. That is particularly true in irrigated regions where we are beginning to suffer from seepage and alkali, where farmers are having a hard time with their land, in localities where it is becoming water-logged and almost worthless. They have received valuable aid from the agents of the department in planning drainage systems, and I hope the work will be continued to be carried on in the future, as in the past, under this appropriation.

The problems of drainage in irrigated regions are difficult and peculiar. They require knowledge of and experience in this particular line of work. The engineers of the department, who are trained in this particular line of engineering, are capable of giving the farmers advice and information, plans and suggestions, that it is difficult for them to secure elsewhere.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last two words. This item includes:

Preparing plans for the removal of surplus water by drainage and for giving expert assistance, by advice or otherwise, in the drainage of such lands.

The appropriation is $94,720. Will the gentleman inform us whether the preparation of plans and giving expert advice and assistance applies to individual cases? Can the individual farmer apply for plans and for assistance to drain his land and have it attended to by the Government under this appropriation?

Mr. LEVER. Yes; under certain conditions. The conditions would be that the work in cooperation with the farmer would be in the nature of a demonstration for the community around him.

Mr. MOORE of Pennsylvania. Suppose I own 100 acres of land lying on the coast of New Jersey that happens to have swampy places in it, can I apply to the Department of Agriculture and under this appropriation have an expert sent there to prepare plans by which I may properly drain that swamp land?

Mr. LEVER. That could not be done indiscriminately. It could be done only under the conditions that I mentioned, *namely*, that the land was so located and the problems involved were of such nature as to make it a model for other work and a demonstration for the community or the entire county.

Mr. MOORE of Pennsylvania. If the department should decide to prepare plans and make a demonstration on my farm, it could only be done with the understanding that it would be done in such a way as to benefit the community?

Mr. LEVER. The work would be only incidental to the larger work of the department.

Mr. MOORE of Pennsylvania. Would I have to pay anything?

Mr. LEVER. The gentleman would have to pay all the costs of the drainage.

Mr. MOORE of Pennsylvania. That is, for the employment of the labor. But the item calls for the employment for labor in the city of Washington and elsewhere.

Mr. LEVER. Yes; that is the usual language.

Mr. MOORE of Pennsylvania. That means that the Government could employ labor to dig the trenches on my farm?

Mr. LEVER. Oh, no; that is never done. The only thing the Government would do would be to work out the plans and furnish the plans to the individual or the community, which is formed into a drainage district.

Mr. MOORE of Pennsylvania. Mr. Chairman, to the extent to which the gentleman says this work may be done in individual cases by the Government I have no special fault to find, except that it illustrates one of the truths that is often denied here and elsewhere, that we do a great deal for the farmer in our national legislation. I am the farmer's friend and I want to see everything done for him that can be done. The farmer does not want for friends in Washington. A very vigilant committee of farmers' very particular friends take care of the farmer in a very particular way. I am rather glad to see it.

Mr. LEVER. The gentleman, of course, knows that there are 6,000,000 farmers in the United States and that $94,000 would not go very far.

Mr. MOORE of Pennsylvania. I know that; but in this very bureau we are appropriating $600,000 of public money, coming in from all sources, for the specific purpose of aiding the farmer in individual matters. If the preparation of these plans and the demonstration which involves the digging of ditches and trenches to carry off surplus and stagnant water——

Mr. LEVER. Oh, the department does not do that latter part at all.

Mr. MOORE of Pennsylvania. Evidently that is the purpose of the appropriation.

Mr. LEVER. No; the gentleman is mistaken.

Mr. MOORE of Pennsylvania. What do the plans provide for?

Mr. LEVER. The Government makes an investigation. It draws the plans and the specifications and turns those plans over to the community that forms itself into a drainage district or in circumstances which I have already described to an individual, and the community or the individual does the actual work, pays for the labor.

Mr. MOORE of Pennsylvania. Very well; it comes down to the individual after all.

Mr. LEVER. And not the Government.

Mr. MOORE of Pennsylvania. And I just wanted to call the attention of the individual to the fact that in these cases he is well provided for by Congress and has no special complaint against any other branch.

Mr. LEVER. I do not think the farmer is complaining.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For general administrative expenses connected with the above-mentioned lines of investigations and experiments, $12,600.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Are there any salaries provided for in this $12,600?

Mr. LEVER. Yes; there are some salaries provided for.

Mr. MOORE of Pennsylvania. Salaries for scientists or experts?

Mr. LEVER. Some. I will give the gentleman the details. In the city of Washington, one assistant director, $4,000; part of the time, temporary assistants, $2,500; estimated traveling expenses, $700; supplies and equipment, $5,000; miscellaneous expenses, $3,500.

Mr. MOORE of Pennsylvania. How are those salaries determined?

Mr. LEVER. They are determined by the Secretary in collaboration with the chiefs of the different bureaus.

Mr. MOORE of Pennsylvania. Are the persons employed under an item like this certified by the Civil Service Commission?

Mr. LEVER. They are.

Mr. MOORE of Pennsylvania. Is any discretion lodged in the Secretary to make appointments in a case of this kind?

Mr. LEVER. The Secretary under some conditions might make a temporary appointment pending a civil-service examination.

Mr. HAWLEY. Oh, I think the gentleman is wrong about that.

Mr. MOORE of Pennsylvania. I asked the gentleman a question based on this very item, which is a very small one, although it brings out the entire question I am interested in. I want to know to what extent individuals may be appointed under these lump-sum appropriations by the Secretary apart from the civil service?

Mr. LEVER. I will answer the gentleman's question, and I think I answered it correctly a moment ago. The scientists of the Department of Agriculture are appointed through civil-service examination. There are instances and times when a

temporary appointment is made pending an examination and certification from the Civil Service Commission when there is not an eligible on the civil-service list.

Mr. MOORE of Pennsylvania. But having been appointed temporarily, the appointee may perfect himself while in the service for the civil-service examination, and in that way he obtains a permanent appointment?

Mr. LEVER. That is true, if he passes an examination and is certified in the regular way.

Mr. MOORE of Pennsylvania. I yield back the balance of my time, Mr. Chairman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Total for Office of Public Roads and Rural Engineering, $599,700.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 12717, the Agricultural appropriation bill, and had come to no resolution thereon.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 5221. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers sailors; to the Committee on Invalid Pensions.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 11471. An act to amend paragraphs 177 and 178 of an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, relating to the duty on sugar, molasses, and other articles.

JOHN E. JONES.

The SPEAKER. A bill for the relief of John E. Jones was sent to the Speaker as having been passed by the Senate. It has not been passed by the Senate. The Speaker signed it, but has since canceled his name.

LEAVE OF ABSENCE.

Mr. SHOUSE, by unanimous consent, was granted leave of absence indefinitely, on account of serious illness in his family.

EXTENSION OF REMARKS.

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD. On what subject?

Mr. DOOLITTLE. On the Agricultural appropriation bill.

The SPEAKER. On the Agricultural appropriation bill. Is there objection? [After a pause.] The Chair hears none.

HOUR OF MEETING TO-MORROW.

Mr. BARNHART. Mr. Speaker, I ask unanimous consent that the House meet to-morrow at 11 o'clock a. m.

The SPEAKER. The gentleman from Indiana asks unanimous consent that when the House adjourns to-day, it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

Mr. MANN. I object.

Mr. BARNHART. We could have gotten almost through with our bill to-morrow. I have nothing to say if the gentleman from Illinois insists on his objection, but I might say something if he will withhold it.

Mr. MANN. I will reserve the objection.

Mr. BARNHART. I wanted to explain to the House that we made excellent progress in the reading of the printing bill on last Thursday, and we have only one more day under Calendar Wednesday rule. I believe very many Members of this House are much interested in the passage of the bill. We have a caucus to-morrow evening, as I see by some notices which have been received, and there probably will be a motion made to rise earlier than this hour. If we could meet at 11 o'clock we could get that hour in addition to the regular afternoon, and it would help us so much that I apprehend we might get some arrangement then with the leaders of the House that we could finish the printing bill, to which the Printing Committee has given much time, and the House also. The gentleman from Illinois and myself worked on it 19 days two years ago; and owing to the fact that the House was generous this time, and thinking that we had thrashed it out, whipped it into shape, and made it a good bill, we read 56 pages last Calendar Wednesday.

Mr. MANN. I hope the gentleman can read 56 pages to-morrow, so far as I am concerned, and, if he can, I can see no reason why the House should not, by a two-thirds vote, practically by unanimous consent, give the gentleman a third day.

The SPEAKER. Is there objection?

Mr. MANN. I object. If I was not sick abed I would not.

ADJOURNMENT.

Mr. LEVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 28 minutes p. m.) the House adjourned until to-morrow, Wednesday, April 26, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of State submitting an estimate of deficiency in the appropriation for the relief and protection of American seamen in foreign countries and shipwrecked American seamen in the Territory of Alaska, the Hawaiian Islands, Porto Rico, the Panama Canal Zone, and the Philippine Islands for the fiscal year ending June 30, 1916 (H. Doc. No. 1057); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting supplemental estimates of appropriations for expenses of the Bureau of Engraving and Printing required for the service of the fiscal year ending June 30, 1917 (H. Doc. No. 1058); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a copy of a letter from the Chief of Engineers, report on reexamination of project for reconstructing pier in Delaware Bay near Lewes, Del. (H. Doc. No. 1059); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GLASS, from the Committee on Banking and Currency, to which was referred the bill (S. 4432) to amend section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, reported the same with amendment, accompanied by a report (No. 600), which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 11616) to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the water between the mainland, at or near Cedar Point and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands, as amended by an act approved June 18, 1912, reported the same with amendment, accompanied by a report (No. 601), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (S. 4476) to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge, or bridges, or viaducts across the water between the mainland at or near Cedar Point and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands, as amended by an act approved June 18, 1912, reported the same without amendment, accompanied by a report (No. 602), which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 14771) granting the consent of Congress to commissioners of Charlton County, Ga., and Nassau County, Fla., to construct a bridge across the St. Marys River, to be known as the Dixie Highway Bridge, reported the same with amendment, accompanied by a report (No. 603), which said bill and report were referred to the House Calendar.

Mr. SHALLENBERGER, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 119) to permit the issuance of medical and other supplies to the American National Red Cross for a temporary period, reported the same without amendment, accompanied by a report (No. 604), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BYRNES of South Carolina, from the Committee on War Claims, to which was referred the bill (H. R. 6156) for the relief of the heirs of George W. Croft, reported the same with amendment, accompanied by a report (No. 596), which said bill and report were referred to the Private Calendar.

Mr. COOPER of West Virginia, from the Committee on War Claims, to which was referred the bill (S. 1425) for the relief of D. M. Carman, representing the estate of Luis R. Yangco, deceased, reported the same without amendment, accompanied by a report (No. 597), which said bill and report were referred to the Private Calendar.

Mr. BURKE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 12650) to authorize the change of name of the steamer *Normania* to *William F. Stifel*, reported the same without amendment, accompanied by a report (No. 598), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 13157) granting a pension to Edward G. Fetsch; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13799) granting an increase of pension to D. O. Root; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SLOAN: A bill (H. R. 15000) to provide for the purchase of a site and the erection of a public building thereon at David City, in the State of Nebraska; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 15001) to provide for the purchase of a site and the erection of a public building thereon at Seward, in the State of Nebraska; to the Committee on Public Buildings and Grounds.

By Mr. ALEXANDER: A bill (H. R. 15002) to amend an act to adopt regulations for preventing collision upon certain harbors, rivers, and inland waters of the United States, by allowing certain fog signals to be used by vessels at anchor; to the Committee on the Merchant Marine and Fisheries.

By Mr. AYRES: A bill (H. R. 15003) to acquire additional site, enlarge, extend, remodel, and modernize the post office and Federal building at Wichita, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. MOSS of Indiana: A bill (H. R. 15004) to provide capital for agricultural development; to create standard forms of investment based upon farm mortgage; to equalize rates of interest upon farm loans; to furnish a market for United States bonds; to create financial agents for the United States, and for other purposes; to the Committee on Banking and Currency.

By Mr. CRAGO: A bill (H. R. 15005) to appropriate $200,000 for training the Organized Militia of any State, Territory, or of the District of Columbia; to the Committee on Military Affairs.

By Mr. WOOD of Indiana: A bill (H. R. 15006) to authorize the Board of Commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River, in the State of Indiana; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 15007) to authorize the Board of Commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River, in the State of Indiana; to the Committee on Interstate and Foreign Commerce.

By Mr. HASTINGS: Joint resolution (H. J. Res. 211) for the erection of a monument to Thomas Jefferson within the Louisiana Purchase and in the State of Oklahoma, on the proposed international Jefferson Highway; to the Committee on the Library.

Also, a joint resolution (H. J. Res. 212) authorizing the Trade Commission to inquire into the increase of the price of print paper, to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 15008) for the relief of William A. Duff; to the Committee on War Claims.

By Mr. CANTRILL: A bill (H. R. 15009) granting an increase of pension to Elizabeth Cole; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 15010) for the relief of Basil A. Embrey; to the Committee on War Claims.

By Mr. CASEY: A bill (H. R. 15011) granting a pension to Catherine Burke; to the Committee on Pensions.

Also, a bill (H. R. 15012) granting a pension to Mary Degnan; to the Committee on Pensions.

By Mr. COX: A bill (H. R. 15013) for the relief of George Payton; to the Committee on Military Affairs.

By Mr. DICKINSON: A bill (H. R. 15014) granting an increase of pension to Susan C. Hines; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15015) granting a pension to Sarah B. Mitchell; to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 15016) for the relief of Assistant Paymaster John D. P. Hodapp, United States Navy; to the Committee on Naval Affairs.

By Mr. DOOLITTLE: A bill (H. R. 15017) granting a pension to Nelson Pennington; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 15018) granting an increase of pension to Andrew Applegate; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15019) granting an increase of pension to Daniel R. Hughes; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 15020) for the relief of Charles Allen, alias Allen Cleckner; to the Committee on Military Affairs.

By Mr. GRIFFIN: A bill (H. R. 15021) for the relief of the estate of Samuel C. Reid, jr.; to the Committee on Claims.

By Mr. HELVERING: A bill (H. R. 15022) granting an increase of pension to Minerva Bilsland; to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 15023) granting an increase of pension to Samuel W. Dallam; to the Committee on Invalid Pensions.

By Mr. KEATING: A bill (H. R. 15024) granting a pension to Emma B. (McDonald) Stockton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15025) granting an increase of pension to Lucy Tarsney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15026) removing the charge of desertion from the name of George A. McKenzie, alias William A. Williams; to the Committee on Military Affairs.

By Mr. KENT: A bill (H. R. 15027) granting a pension to John Ed. Sevenoake; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 15028) granting an increase of pension to Virgil A. Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15029) granting an increase of pension to Frederick H. Ferris; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 15030) granting an increase of pension to Laura V. Croll; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15031) granting an increase of pension to Maggie Sponsler; to the Committee on Invalid Pensions.

By Mr. LAZARO: A bill (H. R. 15032) granting a pension to Henry P. Nicholas; to the Committee on Pensions.

By Mr. LOBECK: A bill (H. R. 15033) granting a pension to Hortense Cremer; to the Committee on Invalid Pensions.

By Mr. McCULLOCH: A bill (H. R. 15034) granting an increase of pension to Ransom Smith; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 15035) granting an increase of pension to Uriah E. Jones; to the Committee on Invalid Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 15036) granting an increase of pension to Minnie Schrader; to the Committee on Invalid Pensions.

By Mr. NORTH: A bill (H. R. 15037) granting a pension to Sophia Johnson; to the Committee on Invalid Pensions.

By Mr. PAGE of North Carolina: A bill (H. R. 15038) granting a pension to Fletcher J. Conder; to the Committee on Pensions.

By Mr. PORTER: A bill (H. R. 15039) granting an increase of pension to Robert Walker; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 15040) granting an increase of pension to Clay Jackson; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 15041) granting a pension to Flora Turcott; to the Committee on Pensions.

By Mr. SMITH of New York: A bill (H. R. 15042) granting a pension to Joseph J. Margott; to the Committee on Pensions.

By Mr. SNELL: A bill (H. R. 15043) granting a pension to Anna Delong; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 15044) granting a pension to William T. Slemmons; to the Committee on Pensions.

Also a bill (H. R. 15045) granting a pension to Robert W. Gilkison; to the Committee on Pensions.

By Mr. THOMPSON: A bill (H. R. 15046) to remove the charge of desertion from the military record of George E. Miller; to the Committee on Military Affairs.

By Mr. WATSON of Pennsylvania: A bill (H. R. 15047) granting a pension to Mary Hallman, and for other purposes; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Ash Grove Lime & Portland Cement Co., Kansas City, Mo., favoring a bill to standardize the barrel of lime; to the Committee on Interstate and Foreign Commerce.

Also (by request), memorial of Christian Endeavor Society of Los Angeles, Cal., against manufacture and sale, etc., of liquors in the island of Porto Rico; to the Committee on Insular Affairs.

Also (by request), memorial of American Association of Masters, Mates, and Pilots, against House bill 8495, relative to governing Steamboat-Inspection Service; to the Committee on the Merchant Marine and Fisheries.

Also (by request) memorial of Grand Army of the Republic, Department of Vermont, favoring national defense; to the Committee on Military Affairs.

Also (by request), petition of Zwiazek Sokolow Polskich w Ameryce, favoring bill for relief of starving people of Poland; to the Committee on Foreign Affairs.

Also (by request), memorial of women voters of Colorado, relative to Federal suffrage amendment; to the Committee on the Judiciary.

By Mr. ASHBROOK: Papers to accompany House bill 11799, for relief of Delos Johnson; to the Committee on Invalid Pensions.

By Mr. BEAKES: Petition of Rev. J. Wulfmann and 135 citizens, of Manchester, Mich., favoring Emerson resolution, House joint resolution 127; to the Committee on Foreign Affairs.

Also, petition of Alfred O. Forbes and 6 citizens of Jackson, Irene E. Dingman and 13 citizens of Mackinac City, Mrs. Ural H. Baker and 12 citizens of Grand Traverse and Kalkaska, all in the State of Michigan, protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of union evangelistic meeting of 350 people of Parma and Baptist Young People's Union of the Memorial Baptist Church, of Jackson, Mich., in favor of national prohibition; to the Committee on the Judiciary.

By Mr. CARLIN: Deposition of Basil A. Embrey in re Civil War claim; to the Committee on War Claims.

By Mr. CASEY: Petition of sundry citizens and organizations of the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. CHARLES: Petition of various residents of the thirtieth New York district, against war with Germany on the submarine issue; to the Committee on Foreign Affairs.

Also, petition of various residents of Schenectady, N. Y., against any declaration of war by the United States; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Memorial of men and women voters of Arizona, favoring suffrage for women; to the Committee on the Judiciary.

Also, petition of executive committee of the Republican County Committee of New York County, favoring House bill 6915, relative to pensioning aged employees of Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. EMERSON: Petition of German Evangelical Lutheran Zion congregation, near Bedford, Ohio, against war with Germany; to the Committee on Foreign Affairs.

By Mr. FESS: Petition of 15 citizens of Springfield, Ohio, favoring House bill 8665; to the Committee on Naval Affairs.

Also, memorial of Methodist Episcopal Church of St. Paris, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. FLYNN: Memorial of New York State Retail Jewelers' Association, indorsing the Stevens bill; to the Committee on Interstate and Foreign Commerce.

By Mr. FOCHT: Papers to accompany House bill 7084, for relief of Daniel Pope; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 14691, for relief of Robert J. Bingaman; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 7082, for relief of Henry C. Wolfe; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 7072, for relief of Mary Stahl; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 8544, for relief of Henry S. Rider; to the Committee on Invalid Pensions.

Also, petition of citizens of Marysville, Pa., favoring the Emerson condensed-milk resolution; to the Committee on the Judiciary.

By Mr. FULLER: Petition of sundry citizens of Kernan, Ill., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of New York Young Republican Club, relative to the question of national preparedness; to the Committee on Military Affairs.

Also, petition of P. D. Keller, jr., secretary Christian Endeavor Union of Territory of Hawaii, favoring prohibition in Hawaii; to the Committee on the Territories.

Also, petition of Joseph Cummins, of Chicago, Ill., favoring 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the Chicago (Ill.) Federation of Labor, against preparedness; to the Committee on Military Affairs.

By Mr. GARDNER: Petition of 48 citizens of Haverhill, Mass., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. GRIFFIN: Memorial of the Defiance Machine Works, of Defiance, Ohio, in reference to establishing munitions plant at Defiance; to the Committee on Military Affairs.

Also, memorial of the National Society Scabbard and Blade, of Madison, Wis., in re preparedness; to the Committee on Military Affairs.

Also, petition of New York State Millers' Association, in re the grain-grades bill; to the Committee on Agriculture.

Also, memorial of National Grange legislative committee, in re water-power legislation; to the Committee on the Public Lands.

Also, memorial of General Jacob H. Smith Post, No. 83, Veterans of Foreign Wars of the United States, of San Francisco, Cal., in re legislation; to the Committee on Military Affairs.

Also, petition of Technology Sales Co., of New York, favoring preparedness; to the Committee on Military Affairs.

By Mr. GUERNSEY: Petition of citizens of Mars Hill, Me., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HOWELL: Petition of T. H. Gordon Circle of the Grand Army of the Republic of Salt Lake City, Utah, in favor of widows' pension bill; to the Committee on Invalid Pensions.

Also, communication from Hon. John Derm, Hon. F. J. Kiesel, and 10 other members of Austro-Hungarian Society of Utah, entreating against war with Germany; to the Committee on Foreign Affairs.

By Mr. KAHN: Memorial of Franklin Printing Trades Association, of San Francisco, Cal., favoring an embargo on export of all manufactured paper; to the Committee on Foreign Affairs.

By Mr. LAFEAN: Memorial of Merchants' Association of New York, relative to relations of the United States with the Philippine Islands; to the Committee on Insular Affairs.

By Mr. LOUD: Petition of Ernst Walther and 29 other citizens of Bay City, Mich., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. MAGEE (by request): Petition of citizens of Onondaga County, N. Y., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. MORIN: Petition of Herman L. Grote, of Pittsburgh, Pa., opposed to United States becoming embroiled in European war; to the Committee on Foreign Affairs.

Also, petition of Isaac W. Frank, of Pittsburgh, Pa., in opposition to House bill 8665; to the Committee on Labor.

Also, petition of E. B. Rockwell, Esq., Washington, D. C., in favor of section 13671 of Hay bill; to the Committee on Military Affairs.

Also, petition of General Jacob H. Smith Post, No. 83, Veterans of Foreign Wars of the United States, of San Francisco, Cal., in favor of House bill 12671 and Senate bill 5115; to the Committee on Military Affairs.

Also, petition of Frederick M. Hohman, of Pittsburgh, Pa., in support of House bill 14576; to the Committee on Military Affairs.

Also, petition of Chamber of Commerce of Pittsburgh, Pa., in favor of reconsideration of bill granting permission to build proposed power plant in close proximity to Mall in the District of Columbia and selection of a site having the approval of Fine Arts Commission; to the Committee on the District of Columbia.

Also, petition of W. G. Chambers, of University of Pittsburgh, Pittsburgh, Pa., in favor of House bill 13666; to the Committee on the District of Columbia.

Also, petition of Pittsburgh Shoe Retailers' Association, of Pittsburgh, Pa., in favor of establishing a merchant marine controlled and managed by United States Government; to the Committee on Interstate and Foreign Commerce.

Also, petition of Duncan N. Hood, of New York, in favor of more adequate shipping facilities to South America; to the Committee on Interstate and Foreign Commerce.

By Mr. OAKEY (by request): Petition of Dr. J. F. Barton, of Hartford, Conn., for enactment into law of the Gillett bill, House bill 10924, prohibiting rum exports to Africa; to the Committee on Alcoholic Liquor Traffic.

By Mr. RANDALL: Petition of Ada C. Jenkins and 20 citizens of Los Angeles, Cal., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of First Christian Church of Whittier and Woman's Christian Temperance Union of Glendale, Cal., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Ira Freeman and 30 other citizens of Los Angeles, Cal., against creation of a juvenile court in the District of Columbia; to the Committee on the District of Columbia.

By Mr. ROWE: Petition of sundry citizens of New York City, favoring the Stevens standard price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Produce Exchange, against grain-grades bill; to the Committee on Agriculture.

Also, petition of General Jacob H. Smith Post, No. 83, Veterans of Foreign Wars of the United States, relative to relief from inadequate salaries for headquarters, etc., clerks; to the Committee on Military Affairs.

Also, memorial of American Association of Masters, Mates, and Pilots, United Harbor, No. 1, New York City, against House bill 8495, relative to Steamboat-Inspection Service; to the Committee on the Merchant Marine and Fisheries.

By Mr. ROWLAND: Petition of citizens of Bloom Pike and Union Township, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Petition of S. N. Chidester and nine citizens of Battle Creek, Mich., favoring House bill 10484 (Hardwick bill), for benefit of rural mail carriers; to the Committee on the Post Office and Post Roads.

By Mr. SNELL: Petition of Mrs. Claude Kinne, Frances L. Lewis, Lucy E. Washburn, Wesley C. Kinne, Dora A. Kinne, H. L. Washburn, Mrs. J. E. Ross, James Rose, Mr. Newell E. Rose, Mrs. F. J. Penfield, Mrs. W. T. Powell, W. T. Powell, Essie M. Rose, and Fred E. Gibbons, all of Ogdensburg, N. Y., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petitions of William Langly, K. Williams, James Clark, Mrs. Ira Clark, and Frank Clark, of Saranac Lake; Israel Kent, of Vermontville; E. M. Rounds, D. E. Moxley, K. L. Moxley, Frank Schiff, Asia Williams, Arthur Minfield, H. Williams, and A. M. Langley, of Bloomingdale, all in the State of New York, protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, resolution of Ladies' Aid Society of the First Baptist Church, of Plattsburgh, N. Y., in favor of national preparedness measures; to the Committee on Military Affairs.

Also, resolution of Ethan Allen Grange, of Crown Point, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of John B. Riley, Ernest C. Gordon, Victor F. Boire, G. M. Lobdell, William M. Lucy, John Haughran, G. A. Butler, C. E. Freeman, M. Miller Son, J. D. Davern, Arthur S. Hogue, A. Sharron, O. G. Laskin, F. A. Stone, G. B. Fitch, J. E. McGregor, G. T. Wood, H. C. Graves, John H. Moffitt, Robert E. Healey, Wallace E. Pierce, Allen I. Vosburgh, G. F. Little, Charles McClennen, E. N. Dominy, T. B. Cotter, J. S. Shedden, William J. Smith, G. H. Smith, John P. Myers, R. L. Signor, C. E. Devenburgh, James McKeefe, A. L. Lapham, Ross P. Lobdell, George W. Southwick, Clark W. Howe, F. L. Carroll, William F. Jordan, Leo Balsam, H. T. Kellogg, Henry Brault, F. H. Deland, Charles Renauld, Martin I. Traynor, H. E. Spear, M. Spear, J. H. McGanlley, F. P. McGanlley, L. Wolfe, A. Wolfe, Howard Brewster, Edward McMartin, J. T. Murnane, W. J. Howard, Archie O. Smith, Lewis Miller, E. G. Prumer, S. S. Kempner, Frank G. Thompson, Leo H. Judd, W. B. Jaques, Charles M. Warrington, Robert N. Robinson, John H. Moffitt, jr., John Rivere, William J. Leonard, C. M. Ollivette, H. L. Barber, W. B. Eddy, C. B. Tillson, C. Johnson, P. H. Barber, O. V. Turner, Joseph L. Mark, W. E. Haley, M. Schiff, A. N. Carpenter, and G. S. Nice, all of Plattsburgh, N. Y., urging that section 56 of the Chamberlain bill be retained; to the Committee on Military Affairs.

By Mr. STEPHENS of California: Letter from the Pacific Kissel Kar Co., of San Francisco, Cal., protesting against revenue stamp on checks; to the Committee on Ways and Means.

Also, petition signed by Frederick William Farr and 95 others, of Los Angeles, Cal., protesting against House bill 13048; to the Committee on the District of Columbia.

Also, letter from the Western Meat Co., San Francisco, Cal., concerning the Philippine bill; to the Committee on Insular Affairs.

Also, letter from Gen. Charles Forman and Emil Firth, of Los Angeles, Cal., favoring the Mount Whitney Road; to the Committee on the Public Lands.

By Mr. STINESS: Petition of E. F. Mann, of Coventry, R. I., against action by Congress tending to involve the United States in the European war; to the Committee on Foreign Affairs.

Also, memorial of Prescott Post, No. 1, Grand Army of the Republic, of Providence, R. I., and petition of Joseph R. Burgess, of Providence, R. I., favoring the Chamberlain military bill; to the Committee on Military Affairs.

Also, petition of James H. Young, of Providence, R. I., favoring the passage of Senate bill 4784, for the establishment of an engineering experiment station at each of the land-grant colleges; to the Committee on Agriculture.

By Mr. TAYLOR of Colorado: Memorial of women voters of Colorado, adopted at mass meeting held in Denver April 16, 1916, protesting against the delay in House Judiciary Committee reporting suffrage amendment; to the Committee on the Judiciary.

Also, memorial of citizens of Archuleta County, Colo., against the delay in House Judiciary Committee reporting suffrage amendment; to the Committee on the Judiciary.

By Mr. VARE: Petition of citizens of Pennsylvania against Taylor system in Government offices; to the Committee on Labor.

By Mr. WARD: Resolution adopted by citizens of Kingston, N. Y., signed by J. Stumpf, secretary, in reference to warning of American citizens against traveling on armed merchantmen, that an embargo be placed on export of munitions of war, embargo placed on gasoline, etc., and Emerson resolution passed; to the Committee on Foreign Affairs.

By Mr. WASON: Petition of Mrs. E. M. Chase and 46 other residents of Manchester, N. H., favoring the passage of a bill to reimburse parties who contributed money to pay the ransom of Miss Ellen M. Stone, the American missionary who was abducted by brigands on September 3, 1901, while traveling in Turkey; to the Committee on Claims.

SENATE.

WEDNESDAY, *April 26, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, the Author of our being, Judge of all men, we come into Thy presence with a full assurance that Thou dost understand us altogether, that Thou dost read the secrets of our hearts. We would not dissemble nor cloak our sins. We call upon Thee with an open confession of sin and with a sense of unworthiness. We have come short of Thy glory. We come, we trust, humbly and earnestly desiring to find Thy favor and to receive Thy forgiveness. We pray for the inspiration of Thy spirit, that we may discharge the duties of this day. Look Thou upon us in the tenderness of a father's love. Take us by the hand and lead us wheresoever Thou wouldst have us go. May the result of the day's work be to the honor and glory of Thy name and to the further establishment of the great ideals of our national life. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 12843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JOHNSON of Maine. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT conferees on the part of the Senate.

PETITIONS AND MEMORIALS.

Mr. SMITH of Michigan. Mr. President, the right of petition is a constitutional right, and in the exercise of that privilege I present several memorials this morning and ask the indulgence of the Senate while they are noted and properly referred.

I desire to present a petition from the city of Detroit, through its city clerk, and ask that it may be printed in the RECORD without reading.

There being no objection, the petition was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

DETROIT, *April 24, 1916.*

Hon. WILLIAM ALDEN SMITH,
United States Senate, Washington, D. C.

DEAR SIR: As directed by the common council, I beg to call your attention to a resolution adopted by the legislative body of the city at the last session.

The resolution, which is attached herewith, is self-explanatory, I believe, but I beg to add that the matter is of great interest to the citizens of Detroit generally, and your assistance in making it possible for the city of Detroit to acquire this historic property for use as a city park will be needed and appreciated.

Yours, sincerely, RICHARD LINDSAY,
City Clerk.

Whereas there is in circulation a report that the United States Government will, on recommendation of the Secretary of War, abandon the military post familiarly known as Fort Wayne, now in the environs of our city; and

Whereas the addition of the ground and buildings located thereon would constitute a magnificent park and units for hospital purposes for our citizens generally: Therefore be it

Resolved, That the city clerk be, and is, instructed to communicate with the United States Senators representing the State of Michigan, together with the Congressmen, and especially our Representatives from the first and thirteenth congressional districts, requesting them to exert their best endeavors to acquire the said Fort Wayne grounds and buildings for the use and benefit of the citizens of Detroit.

Mr. SMITH of Michigan. I desire to introduce a memorial from the officers of Grand Castle, Michigan Knights of Luther, of Ann Arbor, Mich., in opposition to the Fitzgerald postal bill and the Siegel postal bill. I should like to have it printed in the RECORD without reading.

There being no objection, the memorial was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

GRAND CASTLE, MICHIGAN KNIGHTS OF LUTHER,
Ann Arbor, Mich., March 27, 1916.

Hon. WILLIAM ALDEN SMITH,
United States Senate, Washington, D. C.

DEAR SIR: The Grand Castle, Michigan Knights of Luther, in State convention assembled at Jackson, Mich., February 22, 1916, did instruct its executive committee to urge the Congressmen and Senators from the State of Michigan, to use every means in their power to defeat, either in committee or on the floors of Congress, the un-American Fitzgerald postal bill (H. R. 6468) and the Siegel postal bill (H. R. 491).

Free institutions depend on a free press. We believe in our free institutions, as do 80,000,000 of the American people, and we will not countenance any tampering with the free press. We count on you to be loyal to the highest interests of the great majority of your constituents and are carefully watching your action on the above bills.

Very respectfully, yours,

L. B. BISSELL,
Detroit, Mich.,
PERCY SNELL,
Cadillac, Mich.,
J. B. SAUNDERS,
Ann Arbor, Mich.,
Executive Committee.

Mr. SMITH of Michigan. I also have a resolution of the Association of Commerce of Grand Rapids, Mich., in favor of Federal aid for vocational education, and I should like to have it printed in the RECORD without reading.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

GRAND RAPIDS ASSOCIATION OF COMMERCE,
Grand Rapids, Mich., April 19, 1916.

Hon. WILLIAM ALDEN SMITH,
Washington, D. C.

DEAR MR. SMITH: At a joint meeting of the committee of one hundred of the Grand Rapids Association of Commerce and the Builders and Traders' Exchange of this city, held Wednesday noon, April 19, for the purpose of discussing the proposed bill relative to Federal aid for vocational education, the following resolution was unanimously adopted, and with instructions to convey this action to you, seeking your immediate support to this measure, viz:

"The committee of one hundred of the Grand Rapids Association of Commerce and the Builders and Traders' Exchange of Grand Rapids, in joint session this date for the purpose of considering referendum No. 14 from the Chamber of Commerce of the United States of America regarding Federal aid for vocational education, heartily indorse the report of the special committee created by the National Chamber of Commerce favoring a Federal appropriation for the promotion of vocational education in the United States. To that end we invite the cordial support of the Senators of Michigan and the Congressmen from this district, urging that they align with this movement and give such immediate attention to the furtherance of the bill as may insure its passage."

In conjunction with the foregoing we submit this action to you and commend the same for your favorable consideration. We would appreciate an expression from you on this subject, and we are of the opinion that in voting on referendum No. 14 the membership of our association will be practically unanimous in acting in the affirmative regarding Federal aid for vocational education.

Yours, sincerely, W. K. PLUMB, *Secretary.*

Mr. SMITH of Michigan. I have a communication from Local Union No. 97, National Brotherhood of Operative Potters, of Mount Clemens, Mich., which I think ought to be read. I ask unanimous consent that it may be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read the communication.

The Secretary read as follows:

NATIONAL BROTHERHOOD OF OPERATIVE POTTERS,
Mount Clemens, Mich., March 29, 1916.

Whereas there is a movement on foot to have Congress increase the Army and Navy, thereby increasing the cost of living to the working class: Therefore be it

Resolved, That Local No. 97, National Brotherhood of Operative Potters, is opposed to any increase in the United States military organizations, and call upon our representatives in Congress to use their voice and vote against all bills calling for an increased military organization; further

Resolved, That we use all honorable means in our power to discourage the working class from enlisting; further

Resolved, That if necessary to prepare for war, that we recommend that all citizens who have an income of $10,000 a year be drafted and placed in the first line of defense; further

Resolved, That a copy of these resolutions be sent to our representatives in Congress.

E. W. SOUTHERN, *President.*
[SEAL.] JAMES S. MYLER,
Recording Secretary.

The VICE PRESIDENT. The communication will lie on the table.

Mr. JAMES. I present resolutions adopted at a mass meeting of citizens of McCracken County, Ky., indorsing the foreign policy of the President. I ask that they may be printed in the RECORD.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF PUBLIC AFFAIRS,
Paducah, Ky., April 21, 1916.

Hon. OLLIE M. JAMES,
United States Senator, Washington, D. C.

DEAR SENATOR: Inclosed you will please find copy of resolutions which were passed at a mass meeting of the citizens of McCracken County yesterday, indorsing the action of the Government in its foreign-relation policy, and which expresses the views of the citizens of McCracken County and—I feel no hesitancy in saying—the views of western Kentucky.

From the newspaper reports, and from our faith in you, I know you have already announced your position as being absolutely for the policies of the Government, but, in furtherance of the confidence we have in you, I have seen fit to call the people of McCracken County together for the purpose of an expression of their belief and the passage—the unanimous passage—of the resolutions inclosed to you expresses their sentiment more fully than in any other way.

Trusting that the policies of the Government will be crowned with success, and that we may be kept out of the threatened international complications now before us, but again assuring the Government that that portion of western Kentucky which I represent will stand back of it in whatever course it may pursue in the defense of the honor and integrity of the Government, even to the extent of personal sacrifice, I beg to remain,

Very truly, yours, ERNEST LACKEY, *Mayor.*

Whereas the President of the United States, the Hon. Woodrow Wilson, did, on the 19th day of April, 1916, deliver to the Congress of the United States a resumé of the relationship between the United States and the Imperial Government of Germany, thereby disclosing the real condition of affairs existing between the two nations, and by his utterances to said Congress depicted that situation to be one of grave import at this time, in view of the demands of this Government in the interests of humanity and in the upholding of those principles of international law and international intercourse, which have been recognized by all the nations of the earth in the years that have passed as applicable, right and just in their intercourse one with the other; and

Whereas in his wisdom, based upon his own interpretation of the affairs as they exist, and sustained by his Cabinet, after due and proper consideration, he deemed it expedient and wise to, at this time, issue a statement to the Imperial Government of Germany outlining to it the policy of the people of the United States, and demanding of it a compliance with those recognized laws of humanity; and

Whereas he has seen fit in such declaration to Congress to, in effect, issue to Germany an ultimatum, which means, if complied with by Germany, a peaceable continuance of the relationships with that country, but, if disregarded, a severance of the relations, which may or may not mean the necessity upon the part of this country enforcing such demands; and

Whereas we have implicit confidence in his wisdom, in his integrity, and in his patriotism, and in the honesty, integrity, and patriotism of those upon whom he has a right to, and does, rely for advice, for counsel and guidance: Be it therefore

Resolved by the people of McCracken County, Ky., That we heartily indorse, and enthusiastically commend, the action of our President in the position assumed by him in his utterances delivered to the Congress of this country, publicly and without reservations, implied or otherwise, on the 19th day of April, 1916; and be it further

Resolved, That we extend to our representatives in both branches of the Congress of the United States our declaration that we do concur in, indorse, and appreciate the stand taken by our President, and urge each Member of both branches of Congress to uphold his hands in this crisis of our Nation's history in every manner possible, to carry into effect the policies as enunciated by him, pledging our support to such policies absolutely. Be it further

Resolved, That we indulge the hope that the Imperial German Government may accede to the just demands of the President of the United States, in the hope that the friendly relations heretofore existing between the two great nations may continue. Be it further

Resolved, That a copy of these resolutions be forwarded to the Hon. OLLIE M. JAMES and the Hon. J. C. W. BECKHAM, Senators from Kentucky in the United States Senate, and to the Hon. ALBEN W. BARKLEY, our Representative in the lower House of Congress.

ERNEST LACKEY,
Chairman.
S. REED CAMPBELL,
W. HERNDON LACKEY,
Secretaries.

Mr. JAMES. I present a telegram in the nature of a petition signed by Alfred Reinhardt, president of the German-American Alliance, Newport, Ky., praying that the Government may continue at peace with the world. I ask that it may be printed in the RECORD.

There being no objection, the telegram was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

[Telegram.]

COVINGTON, KY., *April 24, 1916.*

Hon. OLLIE M. JAMES,
United States Senate, Washington, D. C.

DEAR SIR: The eyes of all fair-minded people and your constituents who are against breaking off diplomatic relations with Germany are directed to your action in Congress. For humanity's sake and justice your constituents most earnestly urge you to oppose any and all attempts that may lead to such a break with Germany, the best friendly nation we have. On account of a mere technicality our country should not be degraded into a war.

Most respectfully, yours,

ALFRED REINHARDT,
President the German-American Alliance of Newport, Ky.

Mr. SHERMAN. I present certain communications in the nature of petitions, one of them dated April 22, 1916, from Ross G. Harrison, professor of comparative anatomy, Yale University. They all concern the refusal of the allies to permit Red Cross supplies to reach the central powers and further concern the proposed breach of the Geneva convention. I ask that these communications be printed in the CONGRESSIONAL RECORD at length without reading.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

NEW HAVEN, CONN., *April 22, 1916.*

Hon. L. Y. SHERMAN,
Washington, D. C.

DEAR SIR: I inclose a copy of an official circular of the American Red Cross and also a copy of a letter of protest which my wife, an active Red Cross worker, has sent to the members of the central committee.

The only publicity which this virtual nullification of the Geneva convention has received has been through the present efforts of myself and several friends, and this has been, of course, wholly inadequate. I therefore appeal to you not to let the matter pass unnoticed in Congress.

A most sinister phase of the situation is that, as president of the American Red Cross, the President of the United States must have known of the matter at the very time when he read his message to Congress on Wednesday last and constituted himself before the world as spokesman for humanity.

I can not believe that the American people will tolerate having their well-deserved reputation for fair play thus thrown to the winds or that they will stand for that particular kind of humanity and neutrality which sees one side only. Nor can I believe that they will permit themselves to be dragged into a futile and senseless war simply because the President has got himself into a dilemma by handling a complicated and far-reaching situation in an utterly one-sided and uncompromising way.

I urge you to throw the whole weight of your influence to divert the disaster of a country divided against itself, which is what our participation in the war on either side would mean, and to stand firmly against the President's policy which holds but one side to account.

Very respectfully, yours,

ROSS G. HARRISON,
Professor of Comparative Anatomy, Yale University.

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AMERICAN RED CROSS OFFICIAL ANNOUNCEMENT.

The American Red Cross has received notification through the State Department of the decision of the British Government that Red Cross supplies destined to enemy countries will not be passed through the blockade established by the entente allies. An exception is made of supplies intended for the use of hospital units maintained by the American Red Cross in these countries, but as these have been all withdrawn the prohibition is in fact absolute.

In view of this fact not only is the further contribution of supplies to the Teutonic allies not practicable, but it becomes necessary to make other distribution of those now on hand at the receiving and shipping station of the American Red Cross, Bush Terminal, Brooklyn, N. Y.

It is proposed to ship these supplies, or such of them as may be appropriate for the purpose, to Siberia, to be distributed to German, Austro-Hungarian, and Turkish prisoners in the prison camps of that country. It is therefore requested that you authorize the Red Cross to make this disposition of them, or, if for any reason this becomes impossible, to use these supplies for military preparedness at home or for relief work in disasters in neutral countries. If neither of these dispositions is acceptable, please authorize their shipment, at your expense, to such address in this country as you may indicate.

Please sign the authority given below and return to the Receiving and Shipping Station, American Red Cross, Bush Terminal, Brooklyn, N. Y., in the inclosed envelope.

Very respectfully,

J. R. KEAN,
Colonel, Medical Corps, United States Army,
Director General of Military Relief.

APRIL 18, 1916.

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PROTEST TO CENTRAL COMMITTEE AMERICAN RED CROSS.

NEW HAVEN, CONN., *April 22, 1916.*

SIR: I submit for your earnest consideration a copy of an official announcement of the American Red Cross. It states that the British Government refuses to pass Red Cross supplies hereafter from America to the central powers and indicates that the American Government has submitted to this decision without protest or publicity.

This, as you will recognize, is a nullification of the Geneva Convention. It strikes at the foundation of those principles of humanity in warfare of which the Red Cross has been the bulwark and for which the President now stands before the world as spokesman.

I wish to enter an earnest protest against an acquiescence by the American Red Cross in the action of the British Government and also against the policy of the American Government in concealing such important matters from the general public. I would lodge this protest particularly, because at this critical time allegations of inhumanity against the opponents of Great Britain are the basis of an ultimatum of which the natural outcome is war and for which the support of public opinion is sought.

As an active worker for the Red Cross, I urge, therefore, that this matter be given immediate reconsideration by the central committee and that the public be authoritatively informed of what has been done in order that public opinion may assert itself.

Very truly, yours,

IDA HARRISON,
For the New Haven Sewing Circles.

Address: Mrs. Ross G. Harrison, 142 Huntington Street, New Haven, Conn.

Mr. BRADY presented a memorial of sundry citizens of Rathdrum, Idaho, remonstrating against the passage of the so-called rural-credits bill, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Orofino, Idaho, remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Gilbert, Idaho, praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. TOWNSEND presented memorials of 675 farmers in the State of Michigan, remonstrating against the enactment of legislation to prohibit interstate commerce in convict-made goods, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Wyandotte, Mich., praying for the enactment of legislation to grant pensions to civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

He also presented a memorial of sundry citizens of Bay City, Mich., remonstrating against the enactment of legislation to

limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Woman's Club, of Alma, Mich., remonstrating against the proposed power-house site in the city of Washington, D. C., which was ordered to lie on the table.

Mr. MYERS. I present a resolution adopted at a regular meeting of the Silver Bow Trades and Labor Council, of Butte, Mont., which I ask may be printed in the RECORD, together with the signatures.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

SILVER BOW TRADES AND LABOR COUNCIL,
Butte, Mont., April 11, 1916.

To Montana Representatives in Congress.

GENTLEMEN: The following resolution bearing on "child labor" was adopted at a regular meeting of the Silver Bow Trades and Labor Council, the representative body for some 5,000 members of organized labor in Silver Bow County, Mont., to wit:

Whereas there is now pending in the United States Senate a bill known as the Keating child-labor bill; and

Whereas we believe it is to the best interests of the workers and citizens of this country that this bill should pass: Therefore be it

Resolved, That we, the delegates from the various locals to the Silver Bow Trades and Labor Council, in regular meeting assembled, do hereby request our Senators and Representatives from Montana to work for the immediate passage of the Keating bill.

Respectfully submitted.

[SEAL.] SILVER BOW TRADES AND LABOR COUNCIL,
F. A. BIGELOW, *President.*
O. U. PARTELOW, *Secretary.*

Mr. BURLEIGH presented a memorial of sundry citizens of Richmond, Me., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. McLEAN presented a petition of Excelsior Lodge, Knights of Pythias, of Stamford, Conn., praying for the enactment of legislation to grant pensions to employees of the Postal Service, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of 2,661 members of various German societies of the German American Alliance, of Hartford; of the German American Alliance, of Bridgeport; and of the Trades Council, of New Haven, all in the State of Connecticut, remonstrating against the severance of diplomatic relations with Germany and also against the United States becoming involved in the European war, which were referred to the Committee on Foreign Relations.

Mr. STONE presented a memorial of the Interstate Sportmen's Protective Association, of Kansas City, Mo., remonstrating against the adoption of certain provisions of the so-called migratory-bird law, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. LANE presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. CLARK of Wyoming presented petitions of sundry citizens of Weston County, Wyo., praying for the adoption of certain amendments to the so-called stock-raising homestead bill, which were ordered to lie on the table.

Mr. PHELAN presented a petition of sundry citizens of Patterson, Cal., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce, of Eureka, Cal., praying for the passage of the so-called Newlands-Broussard river regulation bill, which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce, of Eureka, Cal., praying for an increase in armaments, which was ordered to lie on the table.

He also presented a petition of Los Angeles District California Congress of Mothers, praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. BECKHAM, from the Committee on the Library, to which was referred the bill (H. R. 8351) to accept a deed of gift or conveyance from the Lincoln Farm Association, a corporation, to the United States of America, of land near the town of Hodgenville, county of Larue, State of Kentucky, embracing the homestead of Abraham Lincoln and the log cabin in which he was born, together with the memorial hall inclosing the same; and further, to accept an assignment or transfer of an endowment fund of $50,000 in relation thereto, reported it with amendments and submitted a report (No. 387) thereon.

Mr. STERLING, from the Committee on Public Lands, to which was referred the bill (S. 4862) to exclude intoxicating liquors from national parks and national forest reserves, reported it without amendment and submitted a report (No. 388) thereon.

Mr. JOHNSON of Maine, from the Committee on Pensions, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

H. R. 13486. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 389); and

H. R. 13620. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors (Rept. No. 390).

Mr. LANE, from the Committee on Claims, to which was referred the bill (S. 2852) for the relief of John F. Considine, reported it with an amendment and submitted a report (No. 391) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH:

A bill (S. 5757) to enlarge the jurisdiction of the municipal court of the District of Columbia, and to regulate appeals from the judgments of said court, and for other purposes (with accompanynig papers); to the Committee on the Judiciary.

By Mr. PITTMAN:

A bill (S. 5758) to amend sections 1 and 94 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. BROUSSARD:

A bill (S. 5759) for the relief of James Dodds; to the Committee on Military Affairs.

A bill (S. 5760) granting an increase of pension to Paul Sullivan, alias Matthias G. Clark; to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 5761) authorizing the Flandreau Band of Sioux Indians to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. GALLINGER (for Mr. GOFF):

A bill (S. 5762) granting an increase of pension to George W. Dawson (with accompanying papers);

A bill (S. 5763) granting an increase of pension to Nancy E. Gatrell;

A bill (S. 5764) granting an increase of pension to William S. Clark; and

A bill (S. 5765) granting an increase of pension to Eliza Jane McCoy (with accompanying papers); to the Committee on Pensions.

By Mr. LANE:

A bill (S. 5766) granting a pension to Sarah J. Cone (with accompanying papers); and

A bill (S. 5767) granting an increase of pension to Ezra A. Miller (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 5768) for the relief of Frank Carpenter (with accompanying papers); to the Committee on Claims.

By Mr. ASHURST:

A bill (S. 5769) granting an increase of pension to Joseph Burton (with accompanying papers); to the Committee on Pensions.

By Mr. JAMES:

A joint resolution (S. J. Res. 125) to authorize the Secretary of the Interior to accept assignment of patent for improvements in the manufacture of gasoline, and for other purposes; to the Committee on Patents.

By Mr. GORE:

A joint resolution (S. J. Res. 126) authorizing the Postmaster General to ascertain the effect upon postal receipts on first-class mail matter in certain post-office delivery districts of reduction of the rate to 1 cent per ounce or fraction thereof; to the Committee on Post Offices and Post Roads.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SHAFROTH. I submit an amendment intended to be proposed to the river and harbor appropriation bill (H. R.

12193), which I ask may be read at the desk and referred to the Committee on Commerce.

The proposed amendment was read and referred to the Committee on Commerce, as follows:

By adding a new section thereto, as follows:

SEC. 6. That each of the appropriations herein made shall become available only in the event States, counties, cities, or individuals shall pay into the Treasury as part of the same 20 per cent of the amount thereof.

ADJUDICATION OF PRIVATE CLAIMS.

Mr. WILLIAMS. I wish to offer an amendment to House bill 6918, to relieve Congress from the adjudication of private claims against the Government, to be pending when the bill to which it refers comes up for consideration.

The VICE PRESIDENT. The proposed amendment will be printed and referred to the Committee on the Judiciary.

THE JUDICIAL CODE.

Mr. GALLINGER (for Mr. GOFF) submitted an amendment intended to be proposed by him to the bill (S. 1412) further to codify, revise, and amend the laws relating to the judiciary, which was referred to the Committee on the Judiciary and ordered to be printed.

THE AQUEDUCT BRIDGE.

Mr. NEWLANDS submitted an amendment intended to be proposed by him to the bill (H. R. 759) to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof, which was referred to the Committee on Commerce and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 5415) to authorize the construction of a bridge across the Fox River at Geneva, Ill.

The message also announced that the House had passed a bill (H. R. 10750) permitting the Mondak Bridge Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

H. R. 10750. An act permitting the Mondak Bridge Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana was read twice by its title and referred to the Committee on Commerce.

GOOD ROADS.

The VICE PRESIDENT. Morning business is closed.

Mr. BANKHEAD. I move that the Senate proceed to the consideration of House bill 7617, commonly known as the good-roads bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

The VICE PRESIDENT. The pending question is on the amendment of the Senator from Nebraska [Mr. NORRIS].

Mr. BANKHEAD. I am sorry the Senator from Nebraska is not in the Chamber. I was going to suggest to him that if he would be satisfied with striking out "six months" and inserting "four months" I thought the committee would be willing to accept that modification. He stated the other day that he would agree to it. Since then, however, there has been a great deal of discussion on it, and I do not know what his attitude would be now. I suggest that the amendment be passed over for the present until the Senator from Nebraska returns to the Chamber.

The VICE PRESIDENT. It will go over, without objection. The bill is as in Committee of the Whole and open to further amendment.

Mr. GALLINGER. Mr. President, I wish to ask the chairman of the committee a question. I notice, on page 12, lines 13, 14, and 15, that the maximum amount which may be paid for the construction of a road is fixed at not to exceed $10,000 per mile. I think that is wise, although in some parts of the country it may cost more than that. But what I wish to inquire of the Senator is whether the minimum might not likewise well be fixed. Is the Senator sure that we will not get some dirt roads in the country under this bill?

Mr. BANKHEAD. As to the first inquiry, I will say to the Senator the purpose is that the Government shall not appropriate more than $10,000 a mile on any road; but there is no reason why the State, county, and locality may not appropriate $20,000 if they desire.

Mr. GALLINGER. I understand; but what is troubling my mind is this: If the Government and the States are going jointly into the matter of building roads, we ought to have good roads.

Mr. BANKHEAD. I quite agree with the Senator.

Mr. GALLINGER. There is no minimum fixed; and may we not find after a while, unless we fix a minimum amount, that some pretty cheap roads are being constructed that will not stand the wear and tear of the modern vehicles?

Mr. BANKHEAD. Mr. President, the committee and the Secretary of Agriculture discussed that matter very fully, and we did not quite see how we could fix a minimum. The conditions are so different in different portions of the country that we thought it would be very difficult to do that. For instance, there are sections of the country where a good road can be built for from $1,200 to $1,500 a mile, a sand and clay road, and they have proved to be very excellent. There are other sections where it will cost more, where they will build gravel roads; and in some others it will cost a great deal more if they undertake to build a surfaced road. The committee thought after investigating it that the best thing would be to leave the question to the State highway commission and the Secretary of Agriculture to pass upon it.

Mr. GALLINGER. If the Senator thinks it is safe in the hands of other officials I am not going to say another word, but I should very much dislike if, after we have appropriated this large sum of money and this good-roads movement is well in progress, we should find that very inferior roads are being built in some sections of the country.

Mr. BANKHEAD. I quite agree with the Senator as to that.

Mr. GALLINGER. I have seen bills presented to Congress where, among other things, they provided for sand roads—dirt roads. I think we ought to get rid of dirt roads nowadays as far as possible. But if the Senator is satisfied that it is safely guarded I shall say nothing further.

Mr. SMITH of Georgia. I only wish to say to the Senator from New Hampshire that there is a sand and clay road now made which is one of the very best roads that can be built. It is a road that is durable in many sections, where the land is not too hilly.

Mr. CLAPP. In some cases it lasts longer than these high-priced concrete roads for which vast sums are paid.

Mr. OVERMAN. I wish to say that that is my experience. In North Carolina some of our best roads are what are known as sand-clay roads. They last longer.

Mr. GALLINGER. It is a novel thought to me that dirt roads are better than more substantial roads.

Mr. OVERMAN. They last longer. They do not tear up like other roads.

Mr. GALLINGER. I think likely that is true.

Mr. OVERMAN. I will say that in my county we spent $3,600 for what is known as a macadam road, and it is found that they are not as good as the sand roads, because the macadam roads are torn up by automobiles.

Mr. GALLINGER. That would not be the case if they were properly examined from time to time and repaired.

Mr. OVERMAN. They repair them, but it does not do any good. They are discarded for sand-clay roads. That is our experience. They are better than the macadam.

Mr. GALLINGER. All right.

The VICE PRESIDENT. The bill is as in Committee of the Whole and open to amendment.

Mr. JONES. Mr. President, there are two or three Senators away who I know are very much interested in some features of the bill, and I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	Myers	Smith, Mich.
Bankhead	Hitchcock	Nelson	Smith, S. C.
Beckham	Hollis	Norris	Smoot
Brady	Hughes	Overman	Sterling
Brandegee	Husting	Owen	Sutherland
Broussard	James	Page	Swanson
Burleigh	Johnson, Me.	Pittman	Thomas
Clapp	Johnson, S. Dak.	Poindexter	Thompson
Clark, Wyo.	Jones	Pomerene	Tillman
Culberson	Kenyon	Ransdell	Townsend
Curtis	La Follette	Saulsbury	Underwood
Dillingham	Lane	Shafroth	Wadsworth
du Pont	Lippitt	Sheppard	Walsh
Gallinger	Martin, Va.	Sherman	Williams
Gronna	Martine, N. J.	Smith, Ga.	

Mr. OVERMAN. Mr. President, I wish to announce that my colleague [Mr. SIMMONS] has been called away on important business and is therefore unavoidably detained from the Senate.

Mr. BECKHAM. The Senator from Mississippi [Mr. VARDAMAN] is absent on official business.

The roll call was concluded.

Mr. BECKHAM. I wish to announce that the Senator from Tennessee [Mr. SHIELDS] is absent on account of death in his family. I desire that this announcement shall stand for the day.

Mr. MARTINE of New Jersey. I desire to announce that the Senator from Oregon [Mr. CHAMBERLAIN] is unavoidably detained on public business.

I also desire to announce that the Senator from Arkansas [Mr. ROBINSON] is unavoidably detained from the Senate. I ask that both of these announcements shall stand for the day.

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. There is a quorum present.

Mr. BANKHEAD. Mr. President, I see that the Senator from Nebraska [Mr. NORRIS] is now in the Chamber.

The VICE PRESIDENT. The pending amendment is the amendment proposed by the Senator from Nebraska [Mr. NORRIS] to the amendment of the committee.

Mr. BANKHEAD. I want to ask the Senator from Nebraska, as his amendment to the amendment was temporarily passed over until he could be present, if he will not consent to an amendment striking out "six months" and inserting "four months"?

Mr. NORRIS. Mr. President, in the first place, I wish to thank the Senator from Alabama for delaying the matter until I could be present. I was unavoidably detained this morning and came as soon as I could.

While I do not like the suggestion made by the Senator from Alabama nearly so well as I do the amendment to the amendment which I have proposed, yet, so far as I am concerned—and, of course, I can only speak for myself, for the amendment may be offered by some one else—I feel constrained, after talking with several Senators who have favored the amendment to the amendment, to accept the proposition of the Senator from Alabama. I am willing to do that.

Mr. TOWNSEND. What is the modification now proposed of the amendment of the Senator from Nebraska to the amendment of the committee?

The VICE PRESIDENT. The Secretary will state the amendment to the amendment as now proposed to be modified.

The SECRETARY. The Senator from Alabama moves to amend the committee amendment as follows: On page 12, line 25, before the word "months," to strike out "six" and to insert "four," so that it will read:

SEC. 7. That the Secretary of Agriculture shall withhold apportionment of funds to any State in which roads constructed under the provisions of this act have not, in his judgment, been properly maintained by the State, or any subdivision thereof, if within four months after he has given notice in writing to the State highway department such roads be not properly maintained by the State or any subdivision thereof.

The VICE PRESIDENT. The amendment to the amendment will be agreed to without objection. The bill is still before the Senate, as in Committee of the Whole, and open to further amendment.

Mr. SMOOT. Mr. President, if there are no further amendments to be proposed to perfect the committee amendment——

Mr. NORRIS. Mr. President, if the Senator from Utah will yield, I have another amendment to the amendment which I should like to offer, and to which I think the committee will agree.

Mr. SMOOT. I yield to the Senator from that purpose.

Mr. NORRIS. On page 12, line 24, I move to strike out the words "in his judgment." I do not think that will change the meaning of the bill, but it seems to me it would be much better that those words should be stricken out. It is not customary in legislation to insert phrases of that kind, as I understand, and such language certainly does not add anything to a law.

Mr. BANKHEAD. I have no objection to that amendment to the amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment on page 12, line 24, after the word "not," it is proposed to strike out the words "in his judgment."

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The bill is still before the Senate, as in Committee of the Whole, and open to further amendment.

Mr. NORRIS. I have no further amendment to offer, Mr. President.

Mr. SMOOT. Mr. President, if the amendment suggested by the committee to the House bill is perfected, I wish to offer a substitute for the Senate amendment.

The VICE PRESIDENT. Are there any further amendments to be proposed to the committee amendment?

Mr. POMERENE. Mr. President, on page 11, line 21, after the word "exceed," I move to strike out the word "fifty" and to insert in lieu thereof the words "thirty-three and one-third," so that the text will read:

The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this act on account of such project, which shall not exceed 33⅓ per cent of the total estimated cost thereof.

Mr. President, several days ago this same subject matter was discussed somewhat at length in connection with an amendment offered by the Senator from Nebraska [Mr. NORRIS]. When we recognize the fact that there are practically 2,300,000 miles of public highways in the United States—at least those are the figures furnished us by the committee in its report—I think we must all come to the conclusion that the burden of public-road improvement must be borne by the States or the local geographical subdivisions thereof.

Mr. WILLIAMS. Mr. President, if the Senator will pardon me a moment, what did he say was the road mileage of the United States?

Mr. POMERENE. The figures given in the report show the road mileage to be 2,300,000. All who favor legislation of this kind are interested in the subject not only of good roads, but permanent good roads, and my thought is, the project being so large, the portion of this expense which should be borne by the Federal Government must be substantially less than that which is borne by the States or the subdivisions thereof. My belief is that the policy adopted by the Federal Government should be such that it will encourage public-road building to the utmost. If we make the proportion which may be expended by the Federal Government not to exceed one-third of the total cost, I believe more miles of public highway will be permanently improved by the State authorities than will be improved if we agree to pay not to exceed 50 per cent thereof, and it was with that thought in mind that I offered this amendment.

Mr. GALLINGER. Mr. President, the Senator's amendment reduces the proportion to be paid by the Government from 50 per cent to 33⅓ per cent?

Mr. POMERENE. That is the amendment.

Mr. GALLINGER. May I say a word?

Mr. POMERENE. Certainly.

Mr. GALLINGER. Mr. President, I am not at all sure that that is a wise amendment. After all, the whole amount comes from the taxpayers of the country. The 50 per cent which the Government will pay will come from the men, women, and children of the country who pay tribute to the Government through impost duties and other forms of taxation. So, after all, it is taking it out of one pocket and putting it into another. The cities, towns, and counties are very heavily taxed at the present time, not only in reference to good roads, but in reference to all other matters. The people of the country are looking with a feeling of certainty, as well as with some degree of trepidation, upon increased taxes in the near future. If such taxes must be levied, doubtless the people of the country will submit to them with good grace, as they always have done; but, nevertheless, they have considerable anxiety about that matter.

If this burden could be lifted from the people directly to the extent of 50 per cent, I think there would be less tendency for faultfinding on the part of the taxpayers of the country than there will be if we so arrange the bill that the Government will pay less than is to be exacted from the cities and municipalities. That is the thought running in my mind, and I think possibly the Senator will admit that there is some force in it.

Mr. POMERENE. Mr. President, I recognize the fact that some Senators are imbued with that idea, and I am not here to say absolutely that they are wrong and I am right in the matter; but it must be borne in mind that the drafts upon the Federal Treasury are very great, too. I am satisfied in my own State, whether or not there is any Federal aid, we are going to have a system of good public highways. Our people have been bitten by the good-roads microbe, and they are appreciating now more than ever before the benefit to be derived from good roads. Many of the New England States have an excellent road system. Some of the States are rather further behind than either the New England States or my own State; but I am still of the opinion that the burden of this work must be borne by the local authorities, and I feel that we will be doing more for the cause of good roads if we reduce this amount to 33⅓ per cent than we will if we retain it at 50 per cent.

Mr. SMITH of Georgia. Mr. President, it is not to be supposed that all the good roads that are to be built will be those constructed under this form of cooperation between the Government and the States. The roads constructed under this bill, I trust, will be a very small part of the roads that are to be constructed, and constructed in the near future. It is rather a movement to give an example of and to afford an inspiration for good road building. The theory has been that when the Government takes part in a local enterprise, so far as that local enterprise goes, the expense shall be borne half by the Government and half by the locality; and I think it would be a great mistake in this instance if this bill were changed as the Senator from Ohio proposes. I feel sure that it in no sense means that the expenditures for good roads are to be only half and half, but that the good roads built under this bill will be an illustration of what good roads may accomplish and afford an example for road construction by adopting the best methods which may be possible.

Mr. LIPPITT. Mr. President, I should like to say to the Senator from Georgia that my thought concerning this bill has been just the opposite of the idea he has expressed. It seems to me that the tendency of the States will be not to build any good roads until they have arranged for the National Government to participate in their construction. That is only ordinary human nature. If a community finds that somebody else will pay 50 per cent of the cost of some improvement which they want they will endeavor so to arrange their matters that they will get that 50 per cent before they spend the money themselves. I know what has happened in States where the State itself has given aid to the construction of State highways so far as the respective activities of the State and the towns are concerned. The towns have stopped building roads; they have stopped making improvements until they can arrange that the State shall pay its proportion of the cost of the improvement.

It seems to me, if I understand this bill aright, that it is only the first step toward an enormous expenditure of money by the National Government for the construction of roads all over the United States. I expect that the instant this principle has been established the application of it will grow enormously. I think we shall have continual demands from all over the country to have this appropriation increased, and the tendency in the States will be to withhold and delay any improvement until such time as they can be sure that the National Government is going to participate in it. I really can not take the view the Senator from Georgia has expressed.

Mr. SMITH of Georgia. Mr. President, if I agreed with the views of the Senator from Rhode Island and believed that within the next 20 years we would have no road development in my section, except that which came from the cooperation of the Federal Government and the States, the counties, and other subdivisions, I would vote against this bill without a moment's hesitation. I do not anticipate anything of the kind. I think it will be a stimulus to improve roads. You can only reach a very small portion of your roads—one in a county, a portion of one in a county—when they are developed in this way; but all of the balance of the people will be aroused and interested in the direction of additional good roads. I look to see these roads an example and an inspiration of good roads.

Mr. LIPPITT. Mr. President, of course the Senator from Georgia knows the enormously active lobby which is now advocating the passage of this bill, and which has been advocating it for some time.

Mr. SMITH of Georgia. No; I do not know anything about any lobby. If the Senator does, he knows something I do not know. I have had no suggestion made to me through anybody outside.

Mr. LIPPITT. I can only say that I know how well informed the Senator is, and if he has not had his attention called to the tremendous amount of literature which is being distributed in this country in favor of national good roads——

Mr. SMITH of Georgia. That literature is in opposition to this bill.

Mr. LIPPITT. I have not happened to see any that was in opposition to it. Every two or three days I am receiving the most expensive maps, showing the proposed system of nationally aided good roads—maps which would mean the expenditure of an enormous amount of money for their production, and which are being circulated with the statement underneath that by the aid of the National Government the States are going to get these roads built largely without expense to themselves. There is no statement on those maps as to where the money is coming from that is to be expended for these roads. The implication is carried by these publications that it is going to be a free gift to each and every State from some unknown source; and from reading them I rather got the idea that the money was going to come something like the manna from heaven in the olden times—that the money just grew.

Mr. SMITH of Georgia. Did the Senator read this literature with any care?

Mr. LIPPITT. I looked over some of those maps.

Mr. SMITH of Georgia. Did he not observe that they were hostile to this bill, and hostile to this kind of road construction? Did he not recognize the fact that the literature was in opposition to this legislation?

Mr. LIPPITT. I understood that it was in favor of national aid to State roads.

Mr. SMITH of Georgia. A few great automobile highways.

Mr. BANKHEAD. Mr. President——

Mr. LIPPITT. I yield to the Senator from Alabama.

Mr. BANKHEAD. I have not seen the literature to which the Senator refers. The only literature I have received has been literature advocating great national highways, boulevards, mainly for the use of automobiles. I am not opposed to national highways. I am not opposed to roads upon which automobiles can travel. I should like to see them all over the country. I should like to have our friends from Rhode Island and New York and Pennsylvania get in an automobile and come down to Alabama and see us, and we would make it delightful for them. There is no question about that.

Mr. LIPPITT. I should like to go with the Senator.

Mr. BANKHEAD. But it is a very different kind of roads that we seek to build under the provisions of this bill. We want to improve the country roads over which the mails are carried, and the country roads over which the farmers can send their products to market. That is the object of this bill—not to build great national highways and boulevards.

Mr. LIPPITT. I understand the subterfuge in this bill. The purpose, as described in the bill, is to aid the States in building roads over which the mail is being sent, or over which the mail might be sent; and, of course, when you include roads over which the mail might be sent, that practically includes every road.

Mr. BANKHEAD. The Senator will remember that the Senator from Connecticut has had that expression, "might be sent," stricken out.

Mr. LIPPITT. If the Senator will remember, I asked him a few minutes ago if he had a copy of the bill as amended. I was aware that several amendments had been suggested, but I did not recall exactly what they were. I really had in my mind the purpose of this bill as it was indicated in the bill at the start. I am also aware, as the Senator says, that there are different theories upon which this national aid to State roads may be established; but I think I am absolutely correct in saying that there is an enormous movement going on in this country which, from the way it is conducted, is manifestly very liberally financed. The purpose of it is to obtain national aid, money from the Treasury of the United States, to construct a purely local implement of commerce and trade and transportation.

I am also aware that some of the States, including my own, have already spent enormous amounts of money out of their own treasuries for the construction of such roads. I am aware that if this bill is put into operation the State of Rhode Island will have to pay something like $750,000, which will be a contribution from the taxable property of the people of Rhode Island to the construction of roads at distant points, where they probably never will have any opportunity of using them at all. They will be obliged to do that although they have constructed their own roads entirely at their own expense. In fact, the operation of this bill is taking away from the State of Rhode Island a source of taxation which they would like themselves to use for the construction of their own roads. They have already spent so much money on them that they are hesitating as to how much further they can go in that direction without imposing undue charges on the people; and now this movement comes along which is going to deprive them of something like three-quarters of a million dollars which they would like very much to spend on their own roads, and which is to be distributed in other parts of the country.

I realize that a large number of the States are going to receive large sums from the operation of this bill, from sources outside of their own borders, which they will have for the construction of these roads; and it seems to me the inevitable tendency of the States will be to find that it is a very good thing, and to come back for more.

Mr. MARTINE of New Jersey. Mr. President, if the Senator will permit me, it seems to me, of course, that the line of argument advanced by the Senator from Rhode Island is applicable to the State of New Jersey. We have spent many millions of dollars in the matter of good roads. We are for-

tunate in the possession of a comparatively small State geographically, and a very compact settlement, and fortunate in being a wealthy State, and we have spent a very great deal of money on our roads. But, as I said the other day, I advocate this bill; and while I have had some criticism of my advocacy of it, I can not believe that I was elected a Senator from New Jersey or that the Senator from Rhode Island was elected a Senator from Rhode Island simply to look to the interests of our own States, and to look no further than our borders. I feel that we are here for a broader and a bigger purpose, to do that which shall enhance the general welfare and benefit of the whole country. I can understand that our good roads in New Jersey would amount to but little if we had a barrier placed at the State line, and were not permitted to extend over into Pennsylvania and across into New York, and ultimately, mayhap, over into Rhode Island.

So I believe that it is an unwise policy, and it is an unfortunate argument for us to argue simply because we have them, and because we, through the blessings of a Divine Providence, and mayhap fortunate circumstances and surroundings, may have acquired a little more wealth than some of the more sparsely settled communities, that we should be satisfied with ourselves and shut ourselves up in our own shell and say, "To the devil with the hindmost." I do not believe that should be the policy of a Representative or a Senator, for I believe it is not a statesmanlike policy.

Of course, the matter of roads affects us more than directly. It affects us indirectly as well. If Rhode Island is improved, hence the next State is improved, Connecticut is more or less improved, and we catch the drippings of the wealth that comes to us. You can not construct a great public highway system selfishly. We were about the first in this country to start out with a good roads system. We have spent many millions of dollars on roadways. We have seen direct results from it. It has multiplied the value of our acres. It has made homes in the country desirable, which we are all arguing for. We are all seeking to do something that shall prevent the congestion in the great cities and shall cause people to seek rural homes. We have solved the problem very largely, though we have 10,000 miles more to improve. Not only has it directly affected us but it has affected the communities all around us; and for us to stand out in this way, with this idea advanced by the Senator, it seems to me would be most unfortunate.

I feel that the Senator is decidedly unfortunate when he refers to the documents or the literature that have come to us as being a lobby. That is not my idea of a lobby. I had an idea—it may be a mistaken one; I have never had my buttons pulled off by a lobbyist since I have been here—but I had an idea that a lobbyist was a genial, suave, glib-tongued fellow who would gather me in the corners of yonder corridor and tell me that there was "something in it for me." I have had none of that sort of thing. I have had no uncanny methods or unreasonable methods or unjustifiable methods practiced on me. I, in common with the Senator from Rhode Island, have received document after document, map after map, giving me a portrayal of the ramifications of the road system of the country; and I say that I am thankful to the authors, whoever they were—and I do not know who they were—for having sent me such documents. I have gained from them an idea of the roads through Rhode Island, the roads through Georgia and Alabama and South Carolina and Kentucky, if you choose, which I never would have gained otherwise, for I am not one of those blest citizens who happen to own a five-thousand-dollar automobile and can go practically and see these localities. I have taken these lines and delineations that have been presented on these maps. There has been nothing uncanny in that. They have been sent quite broadcast. I have gained from them wisdom and knowledge; and if that be called lobbyism, then Godspeed lobbyism! I do not care how much may come of it.

I am in favor of this bill because I believe that the ramifications of a great road system can never come in this country without Government aid; and I believe that the people of the State of New Jersey, even with all that they have spent, will willingly bear their share in order that they may aid Mississippi, and that they may aid Rhode Island and Pennsylvania and the Southern States, if you choose.

I hope the bill will pass.

Mr. LIPPITT. Mr. President, I did not bring up the question of lobbying on this bill, if the movement may be so described, because I objected to it. I do not. I thoroughly agree with the Senator that it is the privilege and the duty of American citizens who are interested in any project, whether it is good roads or something else, to have their views presented before the Members of Congress and to take all legitimate means to do so. I do not sympathize in the slightest degree with the criticism which has been frequently levied in this body in regard to what has been called, as a convenient name for it, lobbying. I think it is a proper movement, and that without it we should be carrying on a great part of our business in ignorance of the facts.

What I brought the matter up for was because the Senator from Georgia [Mr. SMITH] had made the remark that he did not think this appropriation would mean that the States were going to rely in the future upon national aid. Now, he may be correct; I do not know; but it seems to me that this is simply the entering wedge for an enormously expensive expenditure by the Government of the United States. I believe that the very remarks which the Senator from New Jersey [Mr. MARTINE] has just made in favor of this movement indicate the great lengths to which it will ultimately go. I think it is only reasonable and proper that in the consideration of this initial movement we should have in our minds the probable extent and the probable result of it; and I think it is eminently proper that I should call to the attention of the Senate the effects which it will have on my own community and that I should present those facts in such a way that they will realize exactly what it means to us.

Mr. TOWNSEND. Mr. President, I hope the amendment offered by the Senator from Ohio will not prevail. It occurs to me that there has been no question that has been more intelligently urged by the people of the United States than has the one referring to good roads. In practically all of the States, at least in most of them, they have commissions which have made a very careful and a very thorough study of this subject. They are asking that this legislation be enacted. They have a right to ask for it.

The Federal Government is directly charged, under the Constitution, with the construction and maintenance of post roads. That language is more clear than is the language under which the Government proceeds with the development and improvement of rivers and harbors. It is true, of course, that under the river and harbor provision only a few States, comparatively, get the appropriations, but those appropriations are made for the benefit of commerce. The appropriations here are proposed for the benefit of post roads, in which all of the people are interested. Now, most of these State organizations, practically all of them, have decided that the half-and-half proposition was a practicable and an equitable one. That is arbitrary, of course. We could decide on paying one-third, possibly, as well as one-half; it would make no difference as to new mileage; but all of the arguments, all of the propositions which have been considered by the States have been based upon this 50 per cent division.

I agree with the Senator from Georgia that national aid is not going to prevent the building of roads. The movement is on. I confess that I have hesitated sometimes about starting this matter—not that we have not a right to do it, but because it might ultimately lead to very enormous expenditures on the part of the Government. I have also thought that possibly this was not a good time to begin. The Government is incurring unusual expenses; the Treasury is embarrassed. But the sentiment for Federal aid is abroad in the land. Nothing is more clearly settled on the part of the people than the question of Government aid for good roads.

I believe the bill of the Senate committee as here presented is the best under all the circumstances which has been conceived and brought to the attention of either House. It means good roads, in my judgment. I do not believe that the money will be squandered. The experimental period for building roads, as to material and method of construction, has passed. It has cost a good deal for the States to learn how to build roads, but to-day that question is practically settled. The Secretary of Agriculture will be surrounded by experts who understand the situation.

We are in reality, as the Senator from New Hampshire has said, spending the people's money. Whether it is taken from the individual States or a part from the Federal Government, it all belongs to all the States. Therefore, inasmuch as this plan has been worked out, inasmuch as it has become the settled conviction of the States that this is the proper proportion, it seems to me that it would be wise to follow the recommendation of the committee and adopt the bill as presented by it.

Mr. NORRIS. Mr. President, I sincerely trust that the amendment offered by the Senator from Ohio may be adopted. It is true, as the Senator from Michigan [Mr. TOWNSEND] and the Senator from Georgia [Mr. SMITH] have said, that the States will build a great deal of road, regardless of Federal assistance; that the roads built in the State with Federal assistance will be small in comparison with the roads the States will build on their own account. At the same time, it seems to me that those very facts constitute a good and valid argument why the amendment of the Senator from Ohio should be

adopted. It means, if it is adopted, that under this bill, if it becomes a law, there will be one-third more mileage of road constructed than though it were not adopted.

I would not want to make any Federal contribution so small that the State would not take advantage of the Federal statute and provide the necessary supervisory machinery to get Federal aid, but when we fix a proportion that will bring the States in to get this aid we ought to fix it at just as small an amount of Federal contribution as will have that effect. Nobody denies but that one-third is amply sufficient to accomplish that. As the Senator from Rhode Island [Mr. LIPPITT] says, it spreads the appropriation out a good deal wider and further.

It does not affect, Senators must remember, the amount of Federal contribution. That will be just the same. If this amendment prevails, instead of applying a Federal contribution over a road, say, 9 miles in length, it will add a third to it. The fact that the States are going to build roads in addition to Federal-aided roads, as the Senator from Michigan and the Senator from Georgia say, is a convincing proof that they will take advantage of the Federal statute if the proportion is fixed at 33⅓ per cent of the Federal contribution.

I offered an amendment the other day making the per cent 25 instead of 50, and we debated that at length. It seemed to me that that amendment ought to have been adopted, but the Senate in its wisdom thought otherwise and voted it down.

Mr. LANE. Mr. President——

Mr. NORRIS. I yield to the Senator from Oregon.

Mr. LANE. With all due deference to the Senator, I do not understand the logic of his reasoning when he supposes that the States will build more roads if they receive only 33⅓ per cent contributions from the Government than they will if they receive 50 per cent. It does not seem reasonable on the face of it. If you increase the contribution, it would seem to me that they would build more roads; that the more money they receive the more they will build. If by reducing the appropriation from 50 per cent to 33⅓ per cent and by doing so get more roads, why do you not cut it down to about 10 per cent and secure still more roads?

Mr. NORRIS. I answered that argument the other day when the Senator was not here, but I will answer the suggestion he made now, and I will convince him that I am right. Let us take an actual case. Suppose that as an actual contribution to the State of Oregon under this bill after it becomes a law the State is apportioned $200,000. The bill as it stands now provides that the State of Oregon must put in $200,000, and that the $400,000 will be used to build roads in Oregon. That is the Federal contribution on the 50 per cent basis.

If the amendment of the Senator from Ohio prevails, then the State of Oregon will get the same $200,000. It does not change the amount that the State gets. But instead of the State of Oregon being compelled to put up $200,000 to meet that $200,000, it will have to put up one-third more, and with that they will construct a road that is one-third longer.

Mr. LANE. That is all right, but I do not think it will appeal to the practical people of Oregon that they will get more at 33⅓ per cent than if it were 50 per cent or 60 per cent or 70 per cent. They would like it much better if you would put it all in.

Mr. NORRIS. Certainly.

Mr. LANE. The people of Oregon are building on the half-and-half principle harbors and other improvements. They are quite used to that system, and they put up more than any other State in the Union in proportion to their population and the amount of improvements carried on in the way of harbors. If you cut it to 33⅓ per cent I do not think they will look upon it as an extra inducement to build roads. In fact, I think you will get more miles of road if you keep it at 50 per cent. The argument is a little erratic.

Mr. BANKHEAD. Mr. President——

Mr. NORRIS. Just a moment. It can not be possibe that we will get more roads built if we let it remain at 50 per cent instead of 33⅓ per cent, unless you assume that the State will not take advantage of the Federal statute. If the State takes advantage of the Federal statute, then, with this amendment of the Senator from Ohio, it follows, just as the night follows the day, it is mathematically true that there will be one-third more roads constructed under Federal supervision than though the amendment were defeated. I yield to the Senator from Alabama.

Mr. BANKHEAD. I should like to know by what process of reasoning the Senator from Nebraska concludes that 33⅓ per cent is as much as 50 per cent and that the State will get just as much money from an appropriation of 33⅓ per cent as it would from an appropriation of 50 per cent?

Mr. NORRIS. Does the Senator contend that if the amendment of the Senator from Ohio prevails the amount of money that goes to the State will be cut down?

Mr. BANKHEAD. The Senator contends that it would be cut from 50 per cent to 33⅓ per cent.

Mr. NORRIS. The Senator has not examined the amendment or the bill where the amendment applies. It has nothing whatever to do with the Federal contribution paid to the States. If the Senator will examine the bill he will find that it can not be otherwise. If it is as he states, then the Senator from Ohio will be willing to withdraw his amendment. But the bill provides that a certain appropriation, $5,000,000 for the first year, shall be divided up between the States on a certain proportion, one third according to population, one third according to the geographical division of the State, and the other third of it in proportion to the roads that are already in existence in the State compared with the roads all over the country. So it is definitely determined just to a cent how much each State will get. But the proposal also provides that when the Federal Government contributes something to the State it will contribute only 50 per cent. That is, if it puts in $100,000 the State must put in $100,000. The same amount goes in every case. You can take any State in the Union and tell now from the statistics already in the record just to a cent what each State in the Union will get.

Mr. McCUMBER. Mr. President——

Mr. NORRIS. The only question is whether we shall compel the State to build one-third more road in order to get its contribution or whether we shall leave it as it is in the bill. I yield to the Senator from North Dakota.

Mr. McCUMBER. Putting it down to a practical proposition, under the present bill the Government pays for one mile of road provided the State pays for another mile.

Mr. NORRIS. That is right.

Mr. McCUMBER. Then you have 2 miles.

Mr. NORRIS. Yes.

Mr. McCUMBER. Under this amendment the Government will pay for 1 mile provided the State pays for 2 miles.

Mr. NORRIS. Exactly.

Mr. McCUMBER. And you will have 3 miles instead of 2.

Mr. NORRIS. Yes; that is the effect of it.

Mr. McCUMBER. That is the sum and substance of it.

Mr. SMOOT and Mr. BANKHEAD addressed the Chair.

Mr. NORRIS. I yield to the Senator from Utah.

Mr. SMOOT. That would be absolutely true if the Government was going to provide one-half of the money to enable the State to build all the roads the State desired to build, or, in other words, if the State had a desire to build a thousand miles of road and the Government of the United States would pay half of the expense. Then the statement of the Senator from Nebraska would be absolutely true. But that is not the case under this bill. For the first year there is $5,000,000 appropriated. The State of Utah gets under the apportionment only $57,950. The State of Nebraska gets only $110,700.

Mr. NORRIS. Nobody disputes that. Everyone knows that that is true.

Mr. SMOOT. Now, if the State of Nebraska was going to build roads to the value of only $220,000 during the year, then the statement would be absolutely true. But the State of Nebraska is going to spend more money than that in building roads. The State of Utah is going to use more money than she will get by three or four times the amount. Therefore, it makes no difference in the amount appropriated under the bill as to the amount of roads that she will build, and no difference whether the Government pays one-third or one-half, the amount of appropriation will be exactly the same.

Mr. NORRIS. Let me take up the Senator's objection that far. Everyone has said that the States are going to build more roads than the bill provides shall have Federal aid. There is no one who has denied that. But the fact that the State of Utah is going to get a certain amount of money under the bill is not changed to a farthing by the amendment of the Senator from Ohio. It will spread that money out over a road that is one-third longer than though the amendment were not adopted. So the effect will be to get more Federal-aided roads in the State than though the amendment were not adopted. That is true, mathematically. There is not any possibility of a successful contradiction of it.

Mr. SMOOT. I would rather have a State-controlled road, if the State has to pay for it, than a Federal-controlled road in the State.

Mr. NORRIS. If the Senator feels that way, then we ought to vote against the bill entirely and not have any Federal aid.

Mr. LANE. Mr. President, the argument reminds me of the elderly maiden lady who kept a boarding house, who stated "that she sat pensively by the kitchen window stretching beefsteak for supper." Of course it would go further, but there was less beefsteak for the individual boarder. [Laughter.]

Mr. NORRIS. There will be exactly the same amount of beefsteak. That is not changed by this amendment. The beefsteak to the very ounce will remain the same, but there will be a longer slice of beefsteak than though the amendment were not adopted. Its form will be changed. In other words, there will be more Government-aided roads in every State of the Union by one-third if this amendment is adopted than though it were not adopted. Now, why should not that be the case? It seems to me that we are representing here the Federal Government. The contribution of the Federal Government in making roads in a State is liberal. It seems to me if we contribute 33⅓ per cent it is a very liberal contribution. It is arbitrary, no matter what figure you put it on, and no man can say exactly what will always be just. We necessarily have to agree upon an arbitrary figure, but the use of the road as an interstate proposition will not be, in my judgment, on the average one-tenth as much as the use of the road for a local, State, or county proposition. Therefore we ought to contribute, it seems to me, from the Federal Government something in proportion to the value of the road as an interstate proposition. Therefore it appears to me that the amendment ought to be adopted.

Mr. SMOOT. Mr. President, when the Senator from Nebraska offered his amendment to reduce the amount provided by the Government of the United States for the building of roads from 50 per cent to 25 per cent I opposed that amendment and gave my reasons for my opposition. Those reasons are exactly the same as I would advance to-day in opposition to the amendment of the Senator from Ohio. It seems so simple to me that I can not conceive how there can be any misunderstanding as to the result. The bill, if it becomes a law, will provide an appropriation for the first year of $5,000,000 of Federal aid for building roads in the different States. That $5,000,000 is apportioned to the different States based upon the population of the State, the area of the State, and the number of miles of rural-delivery and star-service routes. The apportionment is made upon those three heads.

Mr. President, I will not take the time of the Senate to name the amount of appropriations in each State under that apportionment, but it is so small that it will build in my own State 4 miles of road. In the State of Massachusetts, I think, it would build 7 miles of road. So I might name all the States, and the result would be in the same proportion.

Mr. POMERENE. Does not the Senator from Utah refer to the small amount which is carried by the bill for the first year? Does not the Senator realize that this is just the beginning of a system of road improvement, and that the policy which is adopted now is going to be more or less permanent in character? In view of the fact that there are so many thousands of miles of roads to be built, and in view of the further fact that the Senator concedes that the greater portion of this road building is going to be done by the State authorities themselves, or by the authorities of the smaller geographical divisions thereof, is not that a reason why, if we determine that the Federal Government shall appropriate only $5,000,000, it should be so distributed and so expended as to result in the building of the largest possible number of miles of highway?

Mr. SMOOT. The very argument that the Senator makes is the very thing that I am trying to contend against. There is no question but that the money apportioned to each of the States, if they take advantage of it at all, will be exactly the same whether it is one-third or whether it is one-half. Nobody denies that.

This is the proposition, Mr. President: Every mile of road that is built in the State in which the Government appropriates money for the building is virtually under the control of the Secretary of Agriculture. If the State takes advantage of this law, there is no question but that it will get the full apportionment, and there is no question that the apportionment will not be one-tenth of what any one State will build. So it will make no difference whatever if the Government provides 50 per cent of the cost of the road within the appropriation, for the amount of the appropriation will build only a certain number of miles of road. If the Government pays only one-third of the cost, the amount of money received by the State will not affect the number of miles of road the State will build. The State of Utah has to provide for building not only the 4 miles of road or the 7 miles of road in Massachusetts provided for under this bill, but many times the number of miles named. Therefore it makes no difference at all, Mr. President, as to what percentage of the cost the Government pays, providing the appropriation is limited as the bill provides. But the 50 per cent basis has this advantage: When the State provides the money for the building of additional roads, the State will control the roads built entirely by it; and when the Government of the United States makes a part payment upon their construction, the Secretary of Agriculture will virtually control them. It is wrong in principle, and I can not see but that it is as plain a proposition as a, b, c.

Mr. GALLINGER. Mr. President——

Mr. SMOOT. I yield to the Senator from New Hampshire.

Mr. GALLINGER. There are times when the people of the country take some interest in the proceedings of the Congress of the United States and when they refer to the CONGRESSIONAL RECORD. I think this debate will be read by the people of the country largely, and I ask the Senator from Utah if he will not include in his remarks the table showing the amount which will be distributed to each State under this bill?

Mr. SMOOT. I shall be glad to do so, and I now ask consent, Mr. President, that the apportionment of the appropriation carried by the Senate committee bill on the basis as named by me, be inserted in the RECORD, without reading, as a part of my remarks.

Mr. POMERENE. Does the Senator from Utah refer to the table accompanying the report of the committee on the bill?

Mr. SMOOT. That is what I had reference to.

The VICE PRESIDENT. In the absence of objection, permission to insert the table referred to by the Senator from Utah will be granted. The Chair hears none.

The table referred to is as follows:

Apportionment of appropriation carried by Senate committee bill on basis of area, population, and rural-delivery and star routes.

State.	Apportionment of—				
	$5,000,000.	$10,000,000.	$15,000,000.	$20,000,000.	$25,000,000.
Alabama	$107,200	$214,400	$321,600	$428,800	536,000
Arizona	71,750	143,500	215,250	287,000	358,750
Arkansas	84,850	169,700	254,550	339,400	424,250
California	155,750	311,500	467,250	623,000	778,750
Colorado	86,800	173,600	260,400	347,200	434,000
Connecticut	31,900	63,800	95,700	127,600	159,500
Delaware	8,300	16,600	24,900	33,200	41,500
Florida	56,050	112,100	168,150	224,200	280,250
Georgia	138,650	277,300	415,950	554,600	693,250
Idaho	62,750	125,500	188,250	251,000	313,750
Illinois	228,800	457,600	686,400	915,200	1,144,000
Indiana	140,600	281,200	421,800	562,400	703,000
Iowa	150,700	301,400	452,100	602,800	753,500
Kansas	148,750	297,500	446,250	595,000	743,750
Kentucky	100,600	201,200	301,800	402,400	503,000
Louisiana	67,950	135,900	203,850	271,800	339,750
Maine	48,750	97,500	146,250	195,000	243,750
Maryland	44,150	88,300	132,450	176,600	220,750
Massachusetts	76,000	152,000	228,000	304,000	380,000
Michigan	150,650	301,300	451,950	602,600	753,250
Minnesota	146,050	292,100	438,150	584,200	730,250
Mississippi	91,400	182,800	274,200	365,600	457,000
Missouri	175,550	351,100	526,650	702,200	877,750
Montana	100,850	201,700	302,550	403,400	504,250
Nebraska	110,700	221,400	332,100	442,800	553,500
Nevada	66,950	133,900	200,850	267,800	334,750
New Hampshire	21,650	43,300	64,950	86,600	108,250
New Jersey	60,800	121,600	182,400	243,200	304,000
New Mexico	82,350	164,700	247,050	329,400	411,750
New York	258,500	517,000	775,500	1,034,000	1,292,500
North Carolina	116,400	232,800	349,200	465,600	582,000
North Dakota	78,400	156,800	235,200	313,600	392,000
Ohio	193,700	387,400	581,100	774,800	968,500
Oklahoma	118,250	236,500	354,750	473,000	591,250
Oregon	81,450	162,900	244,350	325,800	407,250
Pennsylvania	239,050	478,100	717,150	956,200	1,195,250
Rhode Island	12,050	24,100	36,150	48,200	60,250
South Carolina	74,100	148,200	222,300	296,400	370,500
South Dakota	83,750	167,500	251,250	335,000	418,750
Tennessee	118,250	236,500	354,750	473,000	591,250
Texas	301,050	602,100	903,150	1,204,200	1,505,250
Utah	57,950	115,900	173,850	231,800	289,750
Vermont	23,600	47,200	70,800	94,400	118,000
Virginia	102,000	204,000	306,000	408,000	510,000
Washington	73,250	146,500	219,750	293,000	366,250
West Virginia	55,050	110,100	165,150	220,200	275,250
Wisconsin	132,200	264,400	396,600	528,800	661,000
Wyoming	63,750	127,500	191,250	255,000	318,750
Total	5,000,000	10,000,000	15,000,000	20,000,000	25,000,000

Mr. GALLINGER. If the Senator from Utah will permit me just one remark—I have not taken much time and do not intend to do so in this debate—I want to say to the friends of the bill that, if the Federal appropriation is reduced, I think we are going to be confronted with the proposition that a great many States will refuse to accept this law which States might otherwise accept it.

Mr. SWANSON. Mr. President, will the Senator from Utah yield to me for a moment?

Mr. SMOOT. I yield to the Senator from Virginia.

Mr. SWANSON. The provision which was included in the Post Office appropriation bill for $500,000 seven years ago, was apportioned among the States, providing for a one-third payment by the Government, and a great many States refused to take their apportionment on account of the small proportion which was given. That action satisfied me that a great many States, if we appropriate but one-third, will not avail themselves of the law.

In addition to that, I should like to say that the subcommittee which prepared this bill discussed and considered the matter very carefully whether this proportion should be one-third or one-fourth or one-half and then inserted "not exceeding one-half." A great many roads that are expected to be improved under this legislation are roads which go through poor communities, and in most of the States roads do not have State aid, but have local aid. Very frequently there is a part of a road which is good and then you will come to points where it is very bad; places where there is a length of 5 or 10 miles of road which is very bad. That occurs because the community is very poorly off, taxes can not be raised, and the State law does not permit the road to be improved. Consequently the entire road is no better than the poorest link in it. We thought if we framed the legislation to read "not exceeding one-half" it would be more effective, because it would enable the Federal Government to aid the places where there are small links of road which are so bad that they ruin the entire road. The contribution is not compelled to be one-third. If any State wants it to be one-third, it makes application for one-third, or if the application be for one-tenth, one-tenth may be allowed under this bill. I think it would be a mistake to fix the amount at "not exceeding one-third."

The committee has discussed that matter fully and examined the conditions in the various States, and I think it would seriously hurt the bill if the amount should be reduced from one-half.

Mr. SMOOT. Mr. President, in that connection I wish to call the Senator's attention to a situation in road building. Roads outside of the limits of small towns, both county and State, are generally found to be better than the roads of said towns. We find that it is impossible for the small town to keep the roads in a condition they ought to be kept or to construct proper roads in the first place. I believe that situation is found in small towns all over the United States. The best constructed roads in the United States are those built and controlled by the counties and State, because of the fact that the counties and the State can raise sufficient money to build first-class roads in the first instance, whereas in the little towns, with but a limited amount of property on which to raise taxes, it is an impossibility for them to construct such roads as should be constructed.

I sincerely trust, Mr. President, that the amendment offered by the Senator from Ohio [Mr. POMERENE] will not be adopted.

Mr. LODGE. Mr. President, before the Senator from Utah takes his seat—I do this with great timidity, because I know the Senator's power when he is dealing with figures, for I have seen him figure percentages too often to feel any confidence in asking him a question—I wish to state that the point which troubles me is this: Under this bill a State can only get the Government apportionment by building an equal amount of road with that constructed by the Government. It is quite true that most of the States—perhaps all of the States—will build more roads in a year than the Government apportionment may demand; but suppose a case; suppose we build a good road in Massachusetts and our allotment is $76,000. In round numbers, that is 7½ miles of road at the price which our State roads cost us. Now, suppose we build no more roads after the apportionment has been made except what are necessary to get our apportionment, we should have to build, as I understand, under this bill 7½ miles of road; we should have to build an equal amount with that built by the Government in order to get the apportionment.

Mr. SWANSON. The States would have to either build or repair the roads.

Mr. SMOOT. Then, that is worse than ever.

Mr. LODGE. Yes; that is worse than ever.

Mr. TOWNSEND. The bill does not say "repair."

Mr. SWANSON. To keep in repair. As I understand the bill, if you have a macadam road that has absolutely run down, which is in real bad shape, you can improve that road up to a certain condition if you will agree to maintain it after that.

Mr. TOWNSEND. To rebuild it?

Mr. SWANSON. To rebuild it.

Mr. LODGE. That is equivalent to the same thing as building. We have to either rebuild or to build the road. I do not mean we have to build a new road, but to build our part of it. This confines it to doing-over old roads, as a matter of fact, but the State will have to spend an equal amount with the Government. Now, if you make it one-third, you have to build 15 miles of road.

Mr. SMOOT. That is true.

Mr. LODGE. That is the whole proposition with me—that if you make it a third for the United States, then you compel the State to build 2 miles for 1, instead of 1 mile for 1.

Mr. SMOOT. That is true.

Mr. LODGE. The Senator does not question that?

Mr. SMOOT. Not in the least.

Mr. LODGE. I am glad to find that I was not mistaken. The Senator's proposition is that it is all idle what ratio we put in the bill, because every State will build a good deal more than its allotment will be under this proposed law.

Mr. SMOOT. That is my position.

Mr. LODGE. I do not know how true that is, of course.

Mr. SMOOT. The Senator can get some idea of the correctness of my statement by simply referring again to the figures to which he himself has referred; that is, those affecting the State of Massachusetts with her area, her population, and the length of her roads. Under the apportionment of $5,000,000 Massachusetts will get $76,000. That means, as the Senator says, 7½ miles of road for the Government and 7½ miles of road for the State, or, in other words, 15 miles of road for the first year.

Mr. STERLING. Mr. President, if the Senator will permit me, I should like to ask if it is the Senator's understanding of the bill that it will require an equal number of miles of road to be built by the State and by the National Government?

Mr. SMOOT. Certainly.

Mr. STERLING. Is not this the provision——

Mr. SMOOT. That is, a certain amount of money must be contributed by the State; I did not mean to say "miles of road."

Mr. STERLING. A project is submitted by the highway commission of the State for the building of a certain road. The proposition is not that the Government and the State shall build an equal number of miles of road, but the Government will contribute 50 per cent of the amount required for that project. It is not contemplated, as I understand, that the Government shall double the number of miles of road constructed by the State.

Mr. SMOOT. It is virtually the same thing, I will say to the Senator.

Mr. STERLING. It is not quite the same thing. If the Senator will allow me a further suggestion, I conceive this to be the situation—it will be the situation in many of the States, at any rate: The highway commission will select a particular stretch of road in the building of which they will say, "We should like Federal aid, to the extent of 50 per cent." They will submit that project to the Secretary of Agriculture for his approval. That will leave them money to devote to the building of other roads than this particular project. That is the proposition, I think, involved in the bill—not that the State shall build one-half of the road and an equal number of miles of road be built by the Federal Government, but that both will contribute one-half to one certain project.

Mr. SMOOT. This is the language, Mr. President, of the amendment reported by the committee to the House bill:

> If the Secretary of Agriculture approve the plans, specifications, and estimates, he shall notify the State highway department and immediately certify the fact to the Secretary of the Treasury. The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this act on account of such project, which shall not exceed 50 per cent of the total estimated cost thereof.

Mr. STERLING. Yes; that is it.

Mr. SMOOT. That means that if the plans and specifications for building 15 miles of road, we will say, or 100 miles, or whatever it may be, are approved, and if the cost of that project is not more than double the amount of the State's apportionment, the Secretary of the Treasury extends the Government's credit for half of the amount, and the State is to pay the other half, but it must be devoted to work on that project, not for building roads on the part of the State in some other county or in some other part of the State. The money has to be expended on that particular project which has been approved; otherwise the State can not get one cent of the apportionment.

Mr. SMITH of Arizona. Mr. President, if the Senator will allow me to make a suggestion, I do not claim to understand this bill very well; but my impression is that the Government, before it contributes anything, requires the State to contribute an equal amount at least. Suppose the State engineer of the State road authority, whatever it is, concludes to build 50 miles of road, and the Government's contribution would not build, say, 10 miles of it. On the showing by the State that it

has not only equaled the Government's contribution but has sufficient funds itself to complete the project, does the Senator feel that the State, under the bill, would be prevented from building 50 miles of road, even though the Government's contribution was adequate only to build 10 miles of the road?

Mr. SMOOT. Mr. President, the provisions of the bill are such that after the Secretary of Agriculture has approved the plans and specifications for a particular project the Government controls only the length of the road that falls within the apportionment made under this bill to the State. If a certain project requires the full amount of a State's apportionment, it has to be devoted to that one project. If a certain project does not call for the full amount, then the Government could contribute to two projects or three projects, but each project must be approved by the Secretary of Agriculture and the plans and the specifications must be submitted to and approved by him before the work is undertaken by the State. After the plans and specifications are approved and after certification is made to the Secretary of the Treasury he then gives to the State the credit for one-half of the amount, but the money must be expended upon that particular project and no other.

Mr. President, it does seem to me that we ought, at least, if we are going to provide any aid at all from the Government, make the amount to be contributed by the Government 50 per cent, particularly when the Government has absolute control of the road constructed.

Mr. TOWNSEND. Mr. President, does it not also occur to the Senator that, inasmuch as the Government has to supervise that part of the road which it helps to construct under this apportionment, the shorter the mileage it has to look after, the better it will be for the Government?

Mr. SMOOT. Yes; the better it will be for the Government, and the better it will be for the State, as I have said before.

Mr. President, I do not want to be misunderstood about this subject. I do not think the method provided by this bill is the proper method for the Government to pursue in aiding the building of roads in States. I have already presented, and will offer just as soon as I have an opportunity to do so; that is, when the amendment reported by the committee is perfected, what is known as the Bourne bill as a substitute. I am not going to discuss it at this time, but will offer it as a substitute for the pending amendment reported by the committee. I hope the Senate will give attention to the provisions of the amendment which I shall offer. It completely solves the road question, in my opinion, and it does not call for a dollar from the Treasury of the United States, but it does provide that the Government of the United States lend its credit to the States; and that credit being greater than the credit of the States interest will be lower, the difference in the rate of interest in 50 years will pay all the expense of building roads in the States, and the Treasury of the United States will not be called upon to pay one dollar.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Ohio [Mr. POMERENE] to the amendment reported by the committee.

Mr. LODGE. Mr. President, I should like to ask the Senator from Utah if it is his intention to offer his amendment after the pending amendment is disposed of?

Mr. SMOOT. I expect to offer it immediately after the pending amendment is disposed of.

Mr. LODGE. I will wait until that amendment is offered.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Ohio [Mr. POMERENE] to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. SMOOT. Now, Mr. President, I ask that——

Mr. POMERENE. Mr. President, may I ask the Senator if he intends to offer the Bourne bill as a substitute for the pending measure?

Mr. SMOOT. That is my intention.

Mr. POMERENE. I have another amendment which I desire to offer to the bill as reported by the committee, if I may do so at this time.

Mr. SMOOT. Then I will withhold for the present the amendment I intend to offer.

Mr. POMERENE. Mr. President, on page 11, line 13, after the word "require" and before the period, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 11, line 13, after the word "require" and before the period, it is proposed to insert:

Provided, however, That the Secretary of Agriculture shall approve only such projects as may be permanent in character, and the expenditure of funds hereby authorized shall be applied only to such improvements.

Mr. SMOOT. I will ask the Secretary to read the text as it will read if the amendment be adopted.

The Secretary read as follows:

If the Secretary of Agriculture approve a project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require: *Provided, however,* That the Secretary of Agriculture shall approve only such projects as may be permanent in character, and the expenditure of funds hereby authorized shall be applied only to such improvements.

Mr. POMERENE. Mr. President, this matter was discussed somewhat at length the other day, and I do not know that I can add very much to what was then said. I suggested at that time that I thought a wise policy would require the Government to limit Federal aid to permanently improved highways. Of course, when this thought is suggested, necessarily it may appear that there are various kinds of road material in the several parts of the country and various characters of highways, and that we ought not to place any improper limitation upon the authority which is given to the Secretary of Agriculture.

The committee that reports this bill has seen fit to provide $5,000,000 of Federal aid the first year, $10,000,000 the second, $15,000,000 the third, $20,000,000 the fourth, and $25,000,000 the fifth year. That, of itself, is convincing proof that there must be a limit upon the character and extent of the improvements in which we must participate. Under the language of this bill, if a State highway department presents a plan, no matter what the character of the improvement, and it meets the approval of the Secretary of Agriculture, then the conditions precedent are complied with, and this money can be expended upon the project thus approved. It may be for the building of a brick road, it may be for the building of a macadam road, it may be for the graveling of a highway, or it may be simply to fill a series of mud holes in some unfrequented section of the country, and in the nature of mere temporary repairs.

That is my objection to the bill as it is reported to the Senate. I recognize the fact that these roads must be improved; but the burden of repairs must be borne, under any system that we can devise now, by the State and local authorities.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Ohio yield to the Senator from Michigan?

Mr. POMERENE. I yield.

Mr. TOWNSEND. What do I understand the Senator to mean by the words "permanent in character"?

Mr. POMERENE. Mr. President, the question is a very pertinent one. I do not know that I can specifically define those words. I have used language which, it seemed to me, would convey to the Secretary of Agriculture the thought that this money was to be expended in improvements other than those of a mere temporary character. For instance, those of us who are familiar with the construction of roads in the rural districts know that the local authorities get out in the spring and perhaps throw the earth up into the center of the highway and make gutters along the sides, and that lasts probably for the season, and the next season the same program is to be followed out again.

I do not think the Federal Government ought to undertake the building of a road of that kind. What we are interested in is, first, permanently improved highways, and, secondly, the greatest possible amount of mileage of that kind.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Oklahoma?

Mr. POMERENE. I yield.

Mr. OWEN. I suggest that the language used in the Senator's amendment, "permanent in character," necessarily means relatively permanent in character, because nothing is permanent in any final, critical sense.

Mr. POMERENE. I think the Senator's suggestion is a very good one.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio further yield to the Senator from Michigan?

Mr. POMERENE. Pardon me just a minute. We all recognize that even in Massachusetts, where they have a splendid system of highways—and I am sure they would class them generally as permanent—they are nevertheless required to make constant repairs, as will be the case with any system of road building we may adopt, because there is not any kind of a highway that can permanently resist the elements and the constant travel. So that the suggestion of the Senator from Oklahoma is a very wise one. The phrase means something that is relatively permanent.

I recognize the fact that what might be a relatively permanent highway in the State of Michigan might not be relatively permanent in character in the State of Mississippi or in the State of Florida, and that we must give a great deal of latitude to the Secretary of Agriculture; otherwise we will be doing an injustice toward certain localities, and I would not have that done for one moment. I do feel, however, that we would be going a long distance if we were to attempt to say that in certain localities we will make these temporary improvements. Why, ordinarily, in merely plowing up the gutters and scraping the earth into the center, as we do in many sections of the State of Ohio, I dare say that from $20 to $25 a year would pay for that character of improvements, but they are only temporary in character; and if we agree to give Federal aid for improvements of that character, the people living in the vicinity would lose interest, and they would never have a permanent system of highways, but they would be content to go along in the same shiftless kind of a way, allowing the Federal Government to pay one-half of this temporary expense. There can be no question, under the phraseology of this bill as reported by the committee, that the Secretary of Agriculture would be within his full powers if he saw fit to devote this money exclusively to temporary road improving of the kind I have indicated.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from South Dakota?

Mr. POMERENE. I do.

Mr. STERLING. Under the definition of what is permanent in character given by the Senator from Ohio, in which he speaks of the brick road, the macadamized road, the gravel road, and so forth, I fear he would exclude from the operation of this bill many States of the Union. Take it in my own State, for example, as well as in the neighboring State of North Dakota, and I think the same is true largely in Nebraska and in Iowa, it is often very difficult to get material out of which to build a permanent road, according to the Senator's definition of what constitutes a permanent road.

Mr. POMERENE. Mr. President, may I ask the Senator whether they do not have, in certain sections of the State, material which they use in making what I am pleased to call a road of a permanent character?

Mr. STERLING. Very little of it; and I will say that in the State of South Dakota that is in a very remote section of the State. Perhaps in the Black Hills region of the State of South Dakota some road-building material can be obtained, but outside of that I think there is very little.

Let me say to the Senator that there is science in the building of the good dirt road, as we term it. Great progress has been made within the last few years in that respect; and there are whole stretches of roads in our State for the building of which Government aid would be most acceptable. It is often a hardship upon the people of the community, a burdensome tax, to construct the roads in the first place, and to keep them in repair afterwards, even though they be dirt roads.

Mr. POMERENE. Mr. President, I have no doubt the Secretary of Agriculture, in trying to provide equitably under this authority for the different States, would have due regard to the character of the highways and the materials in use in those several States; and I can hardly conceive that there would be any State in this Union which could not get its proportion of the funds under this law and under the amendment, as I have proposed it.

Mr. STERLING. And for that very reason, Mr. President, I see no necessity for the use of the term "permanent in character" in this amendment. If the Secretary of Agriculture will take into consideration the conditions existing in different States, he will say, with reference to Massachusetts for example: "Considering the material you have at hand, the kind of roads you build there, and can build, you should macadamize or build of a particular material"; and he will take into consideration our conditions in the Northwest, and say: "Since other than dirt, as a material for building roads, can not be procured without excessive cost, you will be allowed to formulate your project and submit for approval here one which contemplates the building of the best dirt roads."

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. WALSH in the chair). Does the Senator from Ohio yield to the Senator from Utah?

Mr. POMERENE. Surely.

Mr. SMOOT. I want to ask the Senator from South Dakota if it is not a fact that the native sod of South Dakota makes the best road of any material that the people of that State have found?

Mr. STERLING. No; I will not say that it makes the best road of any material that they have found. I think perhaps in certain localities recently, under the impetus of the good-roads movement, they have, at considerable expense, procured gravel and used it in the construction of a few roads.

Mr. SMOOT. The reason why I asked the question was that I have heard, in the discussion on the side among Senators, the statement made that the very best roads and the most permanent roads they had in North Dakota and South Dakota were the roads build on the natural sod; that they never wanted it plowed up; they wanted it as a base. Now, I may be mistaken, or the person making the statement may have been mistaken.

Mr. STERLING. So far as taking the sod as the basis of the road is concerned, I do not think that can be true.

Mr. SMOOT. I thought it could not be when I heard it. That is the reason why I made the inquiry.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from North Dakota?

Mr. POMERENE. Yes.

Mr. McCUMBER. The very best and the most reliable roads we have in the State of North Dakota and all over that State are those that have never been worked in the slightest degree, where we still retain the old sod. No kind of traffic ever seems to cut through that sod; but, of course, there are dips here and there where the road has to be made, and it is necessary in many instances to throw up the road to the center. But if we could retain it and get the drainage the old sod is better than any road that was ever made in the State.

Mr. STERLING. That will apply, I think—and I think the Senator from North Dakota will agree with me—to roads on the highland only, where there never is any bad road at all, where water never settles; but this applies only to very limited parts of the State.

Mr. POMERENE. Mr. President, may I ask the Senator whether that applies to the State of South Dakota as well?

Mr. STERLING. Oh, we have that; yes; where there is no need at all for any road building.

Mr. POMERENE. Then I am quite sure that if my amendment is adopted it will not prejudice the rights of the citizens of the good State of South Dakota.

Mr. STERLING. I fear it would, Mr. President, because there, throughout most of the country, no such condition prevails.

Mr. BANKHEAD. Mr. President, every road engineer in this country, every man who has any reputation at all at stake, understands perfectly well what is meant by a permanent road. It means brick, macadam, or concrete, or material of that kind. You could not find a road engineer, and I do not think you could find a Secretary of Agriculture who had sense enough to sit in his seat in the department, who would say that anything below that could be construed as a permanent road.

There are large sections of the country that can not build roads of that character. No engineer would say that a sand and clay road, which answers every purpose in sections where they can be properly built, was a road permanent in construction; and if this amendment is adopted I predict now that not more than one-half, and perhaps not more than one-third, of the States in the Union will ever take advantage of it or build a mile of road under it.

The bill carefully describes the character of roads to be built. It provides, in the first place, that the State authorities, the State highway commission, shall select the routes on which the roads are to be built. They shall make the plans and the specifications and the estimate of cost. When that has been done, they submit that to the Secretary of Agriculture for his approval. I am free to confess, Mr. President, that in preparing this bill we tried to steer as far away from the Federal Government as we could; but we recognized, and I think every Senator on the floor recognizes, that if the Federal Government is called upon to put up half the money, it ought to have something to say about the character of the roads that are to be built. With the veto power, you might say, of the Secretary of Agriculture as to the character of the road, we ought to have some confidence and trust in the State authorities; and when they have agreed upon the location, the construction, and the cost, it seems to me that Senators ought to be willing to trust that matter to them.

Mr. POMERENE. Mr. President, if the Senator has unlimited faith in these officials—and I have great faith in them, too—why does he go to the trouble in this legislation of providing that the plans and the specifications shall be prepared and submitted to this scrutiny? Why not just leave the whole thing to these different officials, and turn over the money bodily, in the faith that it will be expended so as to get one hundred cents of return for every dollar of Federal money that is put into it?

Mr. BANKHEAD. Mr. President, the answer to that question is so obvious that I shall not consume the time of the Senate in

answering it. I am willing to leave that to their own good sense and judgment.

The Senator from Ohio is distressed for fear that the State highway commission, owing their position, their authority, and their responsibility to their several States, and that the Secretary of Agriculture, in his high place, will consent to the expenditure of money under the provisions of the bill to fill up mudholes somewhere. I can not understand why the Senator from Ohio every time he gets on the floor insists that his fear is this money will be spent somewhere in filling mudholes along some road.

Mr. POMERENE. We had the assurance of the Senator from Alabama the other day that he did not expect to have any of this money expended in that way.

Mr. BANKHEAD. I do not.

Mr. POMERENE. If that be true, then there is not any reason why there should not be some inhibition in the bill against that practice.

Mr. BANKHEAD. The objection I have to the amendment is what I have stated. It makes it impossible and impracticable to operate the bill. I would not say that that is the purpose of it; I do not think it is; but what I fear is that the Senator from Ohio has not considered all the provisions of the bill.

I observe that the hour of 2 o'clock has arrived, Mr. President.

RURAL CREDITS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 2986.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal savings deposits, to create Government depositaries and financial agents for the United States, and for other purposes.

Mr. McCUMBER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	McCumber	Smith, S. C.
Bankhead	Gronna	Martine, N. J.	Smoot
Borah	Harding	Myers	Sterling
Brady	Hitchcock	Nelson	Stone
Broussard	Hollis	Norris	Sutherland
Burleigh	Hughes	Owen	Thomas
Chamberlain	Husting	Page	Thompson
Clapp	James	Phelan	Townsend
Clark, Wyo.	Johnson, Me.	Pittman	Wadsworth
Clarke, Ark.	Johnson, S. Dak.	Pomerene	Walsh
Culberson	Jones	Ransdell	Warren
Cummins	Kenyon	Robinson	Williams
Curtis	La Follette	Saulsbury	Works
Dillingham	Lane	Shafroth	
du Pont	Lewis	Sheppard	
Fall	Lippitt	Smith, Ariz.	

Mr. LANE. I wish to announce that my colleague [Mr. CHAMBERLAIN] is absent in attendance upon a committee hearing.

Mr. JAMES. I desire to announce that the senior Senator from West Virginia [Mr. CHILTON] is unavoidably absent. He is paired with the Senator from New Mexico [Mr. FALL]. This announcement may stand for the day.

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. A quorum is present. The pending amendment will be stated.

The SECRETARY. The next amendment of the Committee on Banking and Currency is, on page 33, after line 16, to insert:

> Taxes or assessments not paid when due, and paid by the mortgagee, shall become a part of the mortgage debt and shall bear simple interest at the rate of 6 per cent per annum.

Mr. HARDING. Mr. President, I think I have some conception of the importance of the pending measure, and I think I can speak for one Member of this body who knows his lack of qualifications to discuss it in detail. We have in Ohio one of the ablest bankers in the State who has made a study of rural credits a very special matter. I refer to ex-Gov. Myron T. Herrick, who also served his country with great credit to himself as ambassador to France. During his stay in Europe Col. Herrick in the time that he had at his command made a very thorough and a very sincere study of the practice and system of rural credits in Europe. I know that he is very earnestly in favor of some plan of rural credits.

Out of the abundance of his knowledge Col. Herrick has contributed to the New York Sun a criticism of the pending measure. I do not venture to offer his opinion as my own, but I believe it will be helpful to the Members of the Senate if I trespass upon the time of this body to read somewhat from the contribution of Col. Herrick to the Sun. It is a criticism not only of a very eminent and able banker but it is the criticism of one who is very deeply and sincerely interested in this proposition.

I may say for myself before entering upon the reading, that I am not opposed to a practical measure which does not go too far in fixing upon the Government a function that is paternally socialistic. I am trying to learn from Members of this body the real reason, however, for pressing a measure of this kind. I will not assume to say that conditions in Ohio are altogether like those of other States in the Union, but I believe I state an absolute truth when I say that there is no more need for a measure of this kind for the agriculturalists of the State of Ohio than for the Government to step in and take charge of all our industrial and productive affairs in that State.

I know something about the banking business in what is termed an interior county seat, and I know from personal contact with the problem that the average Ohio farmer can secure money more readily than any other person in the State, and he can secure it on less credit than any man in a mercantile or manufacturing enterprise. The rates of interest are not high. I doubt if there is a loan made in the State of Ohio at more than 6 per cent interest, and it can be made for a short or long time, to suit the convenience of the customer.

I only speak of this in passing, because to those of us in Ohio there seems to be no occasion for the passage of such a measure. However, I wanted to present to the Senate the very valuable suggestions of the distinguished banker who has written to the New York Sun somewhat as follows——

Mr. SHEPPARD. Before the Senator proceeds, I wish to ask him if it is not a fact that they have a system of farm building and loan associations in Ohio that have proven very successful so far?

Mr. HARDING. We have a great building and loan system in Ohio. I have never known it designated particularly as a farm building and loan association. Ohio has millions upon millions on deposit in its building and loan societies, and they belong very largely to farmers of the State. As a matter of fact, our building and loan system in Ohio permits loans on collateral security.

Mr. SHEPPARD. I was under the impression that in Ohio they have one form of association adapted particularly to farmers.

Mr. HARDING. No; I think not.

Quoting from Col. Herrick:

> The Hollis bill is a defective, useless, and dangerous measure. It is full of flaws, inconsistencies, loopholes, jokers, and meaningless verbiage, besides lacking indispensable clauses, while it flagrantly violates basic principles by substituting the credit of Government for the credit of the land and by clothing land-credit institutions with savings-bank powers and allowing them to pyramid on their credit and encumber their assets with liabilities through bond issues.
>
> In almost every section of the bill there is error on some important point or in respect to minor details, and its general plan is rendered utterly vicious by two monster objects, which are an unjustifiable use of the cash and credit of the United States Government for a special class of private individuals and the creation (too soon after the postal banks) of another Government savings-bank system, absolutely unnecessary and fraught with grave dangers because of wrongful combination with long-term operations. The bill is so bad and faulty that it would not have the ghost of a chance in Congress were it not for the fact that a presidential campaign is near.
>
> The bill includes in its plan such incompatible elements as Federal and private land banks, cooperative associations, so called, and various kinds of mortgaging institutions, whether organized under National or State laws. The latter, however, by the adroit wording of an apparently insignificant clause, must have capital stocks. This deprives life insurance companies, mutual savings banks, and building and loan associations (which are without capital stock) of the tax exemptions, privileges, and benefits of the system. The obvious purpose of this joker is, of course, to place these greatest of mortgaging concerns at a disadvantage as competitors with the new Government institutions to be formed.
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> This complicated and disorderly system would be, in fact, a bureau of the Treasury Department, supervised and directed by a board consisting of the Secretary of the Treasury and four other appointees of the President and Senate of the United States, and possessing both executive and judicial powers, with the right to regulate interest rates under a prescribed maximum, to take away charters granted by it, and to dissolve the land banks and associations without intervention of the courts. No appeal would lie against any of its acts, its authority being autocratic and supreme, subject only to the general control of Congress.
>
> The provisions relating to private land banks and mortgage institutions organized under State laws and existing national laws are apparently an afterthought, inserted perhaps as a sop to bankers and mortgage men. They are imperfectly worded, however, and have tangled up the proposed system so badly that they satisfy nobody. Their effect would be to confuse Government intervention with private enterprise, and to allow companies conducted for gain to enjoy tax exemptions

and to operate with free or cheap money supplied by the United States. This defect ought to be sufficient in itself to defeat the bill.

The 12 Federal land banks for which the bill provides would be but the start of this State-aided and Government-controlled long-term mortgaging and savings-bank system. The bureau could establish as many more such banks as it deemed advisable. These banks shall each have exclusive districts and capital stocks of at least $500,000 apiece, capable of indefinite increase. The United States shall appoint the first directors and all the appraisers and registrars. If ordered by the bureau the United States must supply the minimum capital stocks and $6,000,000 a year. The United States may require the banks to serve as its depositories and financial agents.

The bonds shall be instrumentalities of the Government of the United States. They shall be prepared by the Secretary of the Treasury and the Comptroller of the Currency, and they may be issued only upon the approval of the bureau and when countersigned by its executive officer and secured by mortgages valuated by public appraisers, selected by public functionaries and trusteed with public registrars. The bonds shall be lawful investment for public and fiduciary funds, for deposits of the postal banks and for funds of the Federal Reserve System, and may be used as security for short-term paper discountable through that system.

The associations for which the bill provides can be formed only by the permission of the bureau and of the Federal land bank of the district. The incorporators must be applicants for loans from such bank, and tender mortgages aggregating at least $20,000 executed and recorded in its favor. Although designated as cooperative, the associations are not cooperative, for the reason that their directors and officers may be nonmembers, that their loans can not be made except with the consent of public functionaries, that the profits of the system to which they belong may be distributed among outsiders, and that their dissolution can not be effected at the will of the members. The associations would be simply adjuncts for acquiring mortgages and savings from farmers for transmission to the Federal land banks. After a certain number of associations shall have been formed in a district they may join with the United States in electing the directors of the Federal land bank. No other stockholders in such bank shall be entitled to vote.

Manifestly this is far from being a land-credit system. Resting upon the good faith and honor of the United States, it is machinery for utilizing the cash and the credit of the Government and for doling out public funds and granting special favors to a particular class of private individuals. Its purposes are so restricted that its facilities would be useless to the great majority of the farmers. Nobody believes that the establishment of such Federal land banks would be constitutional. The framers admit the unconstitutionality by departing from a true land-credit aim and by empowering such banks to be depositories and financial agents of the United States and components of a Govenrment savings-bank system and by making the bonds the credit instruments of the United States Government.

Senator HOLLIS promises that these clauses would be a dead letter. But this legerdemain renders the proposed system doubly dangerous and unjust, because, while lulling the taxpayers into a false feeling of security, it would make the United States the guarantor in fact of the deposits, savings, shares, and bonds of the system. Investors would not bother themselves about the mortgages or borrowers. They would look to the United States Government for the return of their money, with every logical and legal right to do so, and all land-credit features of the system would disappear.

Congress and the people have failed to grasp the full significance of this Hollis bill and the appalling extent of the State aid to be granted and the liabilities to be incurred under it by the United States. Misled into believing that the proposed system is cooperative and would be managed by the farmers at their own risk and expense, and deceived by assurances that only 12 Federal land banks are to be established, that the shares of the United States may be withdrawn, and that only $6,000,000 are to be advanced a year out of the United States Treasury, they have closed their eyes to the fact that a use of Government cash and Government credit is contemplated for private purposes on a scale never attempted in any other country.

The tax exemptions to be accorded are unparalleled. Every Federal land bank and every association, its capital stock, shares, reserves, surplus, and income, together with the bonds of the Federal land banks and the mortgages of the private land banks, shall be exempt from Federal, State, municipal, and local taxation, except taxes on real estate. The exemption of mortgages when used as security for bonds is not objectionable, since it would prevent double taxation.

But to exempt bonds, shares, and deposits without limiting the amount in the hands or name of one person, as in the Hollis bill, can not be justified, because it would relieve from taxation the wealth of those who are not the intended beneficiaries of the system and simply shift the inevitable burden of taxes to other kinds of real and personal property. The object of this total tax exemption is, of course, to divert funds from existing savings banks and building and loan associations and, if possible, to put these private mutual and cooperative concerns out of business.

The $6,000,000 of 2 per cent money which the bill calls for would be a very minor part of the eventual investment of the United States in the proposed system. The Secretary of the Treasury could deposit unlimited sums at the same low interest rate in the Federal land banks. The bureau could establish hundreds of Federal land banks, if it chose, and compel the United States to supply the minimum capital stocks of all by subscribing to shares yielding no dividends. And this would but open the way for still further outlays, by reason of certain remarkable clauses which would deprive the Federal land banks of most of the cash profits and require the United States to stand good for practically all the losses of the associations and to put $1 into the system for every $20 of loans made.

This astounding result would come from the peculiar and impracticable arrangement whereby an association, if it need money for current expenses, may borrow the same from its Federal land bank, to be paid back only from dividends belonging to the association. Again, the associations must subscribe for shares in their Federal land bank up to 5 per cent of any funds obtained from it for making loans to their members. The associations shall, in their turn, require subscriptions for their own shares by borrowers up to a like percentage of their loans.

Then comes the joker, which is that the borrowers could compel the Federal land banks to advance them the money necessary for buying their obligatory shares in the associations and for meeting all the costs of the loans. The United States would, of course, take this burden upon itself, because private investors would not be so benevolently inclined as to tolerate the use of their funds by farmers for buying shares and meeting deficits in the associations of an experimental system.

In this roundabout and absurd way the profits, reserves, and surpluses of the Federal land banks would be consumed in creating the system and meeting the costs and losses of its business. The United States would have to supply all the initial share capital of the associations, as well as the capital stocks of the land banks, while any individual member, however humble he be in private life, could force the United States to put up $1 for every $20 of loans made through the system.

This places the capstone on this State aided and centrally controlled Government system. The possible drain on public resources is incalculable. Senator HOLLIS, in keeping with his designs, has very properly taken the lock off the doors of the United States Treasury and backed the tax exempted credit instruments by the mutual liability of all the land banks and the guaranty of the United States Government, in order to supply the never ending and continually increasing demand for funds. However, if State aid must be granted it would be far better for Congress to appropriate fixed annual sums for giving bonuses to rural landowners than to involve the credit of the United States indefinitely through the indirect, cumbersome, and expensive way proposed by the Hollis bill.

In order to allay alarm Senator HOLLIS assures the public that the connection of the United States with the proposed system would be only temporary. But a fair interpretation of the bill constrains us to construe these assurances in a strictly Pickwickian sense. True, there is a clause providing for the retirement of the United States as a stockholder in the Federal land banks, but it is nullified by other clauses.

The retirement is to begin when the holdings of other parties amount to $500,000, but only one-fourth of new subscriptions are to be used for the purpose. The $500,000 would probably come from the obligatory shares of borrowers, and so represent the initial $10,000,000 of loans. Such shares must be pledged until the loans be fully paid; this could not be less than 5 years and might be 36 years. The capital stock must be maintained, with surplus, at one-twentieth at least of the bonds in circulation, while no bonds could be recalled before 10 years from date.

In the face of these inconsistencies and of enormous liabilities piled up in the system the Government's retirement becomes a remote and shadowy right which could hardly be exercised with honor. The Government's connection as a stockholder, however, is a comparatively insignificant matter. It is the establishment and participation in the management of the system, together with the governmental quality given to the credit instruments, which would make the United States responsible for the obligations, whether a stockholder or not.

The savings-bank features of the proposed system result from the following clauses: Deposits of any amount may be received by a Federal land bank from the holder of one share of its capital stock. The shares shall be $5 apiece, withdrawable under rules prescribed by the bureau, and may be held without limit as to number by any individual, firm, association, corporation, or the Government of the United States or of a State. Deposits of any amount for transmission to its Federal land bank may be received by an association from anybody, member or outsider. The shares of an association are also withdrawable, and only $5 apiece, and may be issued without limit as to number to any member. Because of the withdrawal right, the shares are simply time-deposit certificates. The deposits received may consist of current funds—that is, be checked out in cash of demand.

Thus the Hollis bill plans to give to this long-term mortgaging system not only direct aid from Government but to finance it with short-time and even demand deposits coming from public and private sources. The Secretary of the Treasury could deposit in the Federal land banks all the cash which the United States had on hand. States and private concerns and individuals could deposit in such banks all their funds and relieve them from every kind of taxation. There is no foretelling the amount that might be attracted by this total tax exemption and the promise of Federal functionaries to pay high interest rates. In his report Senator Hollis revels in the dream of a never-ending flow of savings and deposits. Exulting over the enormous possible supply, he says:

"It includes the ordinary savings of the school-teacher, clerk, minister, and wage earner; the proceeds of life insurance in the hands of widows and other beneficiaries; funds belonging to estates, minors, and wards in chancery in the hands of executors, guardians, and trustees; funds of insurance companies, benevolent orders, and societies of various kinds; endowments of colleges, hospitals, museums, and other institutions; and assets to be invested by receivers, courts, and Governments."

The aggregate of these has a value exceeding that of all farm property, and its annual income is greater than that of agriculture, while it represents more people than there are farmers in the United States. Much of this vast wealth is already lent to farmers or invested for the benefit of agriculture. And perhaps there is not one intelligent borrower from these conservative, considerate, and respectable lenders who would not say that the terms and interest rate on his loan are fair and reasonable. Moreover, the owners of this wealth are content, although normally its average return is under 4 per cent a year. Justice and wisdom require that these facts be carefully weighed and the parties most interested be consulted before legislating changes.

But Senator HOLLIS has not consulted even the farmers. Many of the granges view him with suspicion, and rightfully so, because all that he offers a farmer is a loan up to 45 per cent of the value of a small farm for one of four specific purposes, under an agreement that would prevent him from making prepayments for five years; that might oblige him to live upon and cultivate the mortgaged property and not to sell it or obtain any more money on it for 36 years; and that would impose double or unlimited liability on him personally for all loans made to other borrowers. The cooperative building and loan associations and the mutual and other kinds of savings banks, now having 14,915,104 members and $6,355,413,915 of the wealth that the Senator dreams of absorbing, are not friendly, because they realize that their very existence would be jeopardized by the total tax exemptions and Government guaranties of 5 per cent for any sums, large or small, in his new institutions.

For a like reason opposition is spreading among the fraternal orders and life insurance companies, with their millions of members and assets. The American Federation of Labor also passed resolutions contrary to the Hollis plans, evidently because it believes that if Government bounties are to be distributed they should be enjoyed by the industrial workman as well as by the tiller of the soil.

Depositors and investors are not evincing any keen desire to substitute their present holdings by bonds unrecallable for 10 years and by shares which must stand good for the losses of innumerable associations. Farmers do not like the idea of immobilizing 5 per cent of their loans in

such shares and of having their taxes increased in order to finance the Senator's grand back-to-the-land movement. So complaints are arising on all sides against the Hollis bill.

The fact is Senator HOLLIS has shot beyond his land-credit mark and become a social reformer, moral uplifter, and an agrarian of the old Populist sort. His benevolence and enthusiasm have colored his vision in respect to economics and finance. He is not trying to mobilize land values; he is trying to subsidize the farmers. In framing a bill for this purpose he has copied clauses in European laws enacted for the lowest and most ignorant peasants and then added other clauses which violate basic principles by an attempt to combine cooperative associations with joint-stock companies and to use savings and deposits in long-term operations through a system aided and controlled by Government.

The scheme is so impracticable and the benefits offered to the farmers are so slight that the question may be seriously asked if the creation of Government banks for savings and deposits is not now the main object of the bill. Some foreign nations, with centralizing and socialistic tendencies, have supplied the financial needs of state in part by establishing such institutions and restricting their investments to Government stock and bonds. The program of the present Democratic administration embraces enterprises of a private nature to be done by the United States Government. The more funds the Government can bring under its control the more readily these enterprises can be undertaken. The Hollis bill points the way.

MYRON T. HERRICK.

CLEVELAND, OHIO, *April 21.*

[The Sun, Monday, April 24, 1916.]

I want to repeat that I have read these criticisms of this distinguished banker and this earnest student of the question of rural credits, because I think they are a very valuable contribution to the discussion of the pending measure.

Mr. HOLLIS. Mr. President, the first argument advanced by the distinguished Senator from Ohio [Mr. HARDING] against the pending bill is in the form of a query, asking what reason there is for pressing a bill of this nature. The reason is found in the three national platforms of the campaign of 1912—the Democratic, the Republican, and the Progressive—all declaring in favor of a rural-credits bill. This bill is in response to the promise that was then made and in response to the needs that made those pledges necessary.

I have no quarrel with anyone who thinks that a bill of this kind is not needed. Anyone who thinks it is not needed ought to vote against it. I believe, however, that nine-tenths of the Members of the Senate believe that the bill is needed.

The letter that is signed by Gov. Herrick—and I have not the least idea that he wrote it—is one that has become very familiar to me, because it has been sent to me in one shape or another every two or three weeks for the last year. Gov. Herrick takes the very conservative, "standpat" attitude on this subject. He thinks that the National Government ought not to interfere in any way in the banking business. He himself is the head of the Society for Savings in Ohio, the largest savings bank in the State and the largest loaner to farmers. Doubtless Gov. Herrick prefers not to be interfered with in his savings-bank business, and with that I do not quarrel.

Mr. DILLINGHAM and Mr. HARDING addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield, and, if so, to whom?

Mr. HOLLIS. I yield, first, to the Senator from Vermont, and then I will yield to the Senator from Ohio.

Mr. DILLINGHAM. Mr. President, I simply wish to ask the Senator from New Hampshire whether either of the political platforms to which he refers indorsed this plan of Government aid; and, if so, which one?

Mr. HOLLIS. In the first place, this is not a "plan of Government aid." The bill has been more severely attacked because it is not a Government-aid plan than because it is so. It has been attacked on both sides; and, as I have tried to explain to the Senate, it gives Government aid in the sense of establishing a system and furnishing the initial capital, but later withdrawing the initial capital after the system shall have been built up.

Mr. HARDING. Mr. President, I think I ought to say to the Senator from New Hampshire, who suggests the selfish interest of Col. Herrick in this matter, that the Cleveland Society for Savings, which is the largest institution of its kind in the world, is distinctly a mutual institution, in which there is no private stockholder and no selfish interest to be served.

Mr. HOLLIS. I am very well aware of that; but no doubt Gov. Herrick, if he is fit to be the head of that institution, wants it to flourish, and he would be very sorry to see any part of its business taken away from it. I do not think that is selfish; I think it is moderate self-protection.

Mr. McCUMBER. Mr. President——

Mr. HOLLIS. I yield to the Senator from North Dakota.

Mr. McCUMBER. Is it not a fact that Gov. Herrick has formulated a rural credits bill that has been printed as a public document and that he has written a whole volume upon that subject explaining it? I think probably every Senator has received a copy of his work on rural credits. I simply ask that question to meet the proposition of the Senator from New Hampshire that Col. Herrick was selfish in the matter and probably did not wish any character of rural-credits legislation.

Mr. HOLLIS. Mr. President, I am very glad, indeed, to answer the Senator. Mr. Herrick did not write such a book as the distinguished Senator from North Dakota suggests. That book was written by a young man named Ingalls, a son of the late Senator Ingalls. His name is Ralph Ingalls. His name appears with that of Gov. Herrick as coauthor. I have no doubt he wrote substantially all the book and that Gov. Herrick lent his name to it.

As to a rural-credits bill having been drafted by Gov. Herrick, that is the first I have ever heard of it. If such a bill has been prepared, I have no doubt it was drawn by this same Mr. Ralph Ingalls.

Ever since the joint committees of the Senate started this proposition Gov. Herrick has been bombarding them with communications. I have received at least half a dozen from him, with the request that I reply and criticize. The fact is that he is opposed to the Government going into the mortgage business itself or giving franchises to any banks to go into the business. He believes that the rural-credit business should be handled by the States, and he gives his reasons for so believing.

The letter which was just read by the distinguished Senator from Ohio [Mr. HARDING] is practically the same letter that was introduced by the Senator from Massachusetts [Mr. LODGE] in the RECORD of yesterday. It is all found there. It contains rather a hysterical attack on the pending bill, a great deal of misinformation, a tremendous amount of misinterpretation, and some sound advice. In the first place, he says there are incompatible private banks and cooperative associations. That has been fully explained to the Senate. All over Europe private banks exist side by side with cooperative banks. Each fulfills its own special mission; each is successful. They compete with each other. In framing this bill the joint committee felt that it would be presumptuous to try to impose on all parts of the country any one of the systems. The committee has, therefore, provided that there may be joint-stock banks, cooperative associations with a limited liability, and cooperative associations with an unlimited liability. If we had provided any one system, Gov. Herrick would doubtless have attacked it and said that we ought to have provided the other two. When anyone is opposed to a measure it is easy enough to get up an argument that sounds convincing. Whether or not it is convincing, however, depends largely upon the intelligence and information of those to whom it is addressed.

Gov. Herrick speaks of "jokers," and points out two provisions that he calls "jokers." The first one that he calls a "joker" is the tax exemption. There is no joke about that. It is put right in the bill flatly; attention has been called to it in the report of the committee; I have called attention to it on the floor of the Senate; and there is no "joker" about it. A man is either in favor of exempting a farmer of taxation on mortgages or on bonds, or he is not. Each one will have to decide that for himself. It is a very fashionable way, if you want to ridicule anything nowadays, to call it a "joker"; but that does not fit this particular case.

Mr. TOWNSEND. Mr. President, does the bill which the Senator from New Hampshire has reported exempt the farmer from taxation, or does it exempt the man who owns the mortgage or the mortgage-loan bond from taxation, which may not be held by the farmer?

Mr. HOLLIS. It is the mortgage itself and the bond itself. As I explained the other day, experience shows that where the farmer borrows money on his farm and the mortgage is taxed, the farmer has to pay enough more interest on his mortgage to pay that tax. Any economist will admit that. Here we have the land which must pay its taxation locally; we have the mortgage; and we also have the farm-loan bond. If the farm-loan bond is taxed and the mortgage is taxed, the farmer will have to pay those taxes in addition to the tax on his land, which would be triple taxation.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. HOLLIS. I yield.

Mr. BORAH. Is it not true, in line with the suggestion of the Senator, that in most of the States farm mortgages are exempt from taxation?

Mr. HOLLIS. It is so in many States. In my own State any mortgage on land owned in New Hampshire is exempt if the rate is 5 per cent or under. The result of that is that all money loaned on mortgage in New Hampshire is at 5 per cent, and I think that is generally the case, but I can not say accurately, because I have not examined the laws of all the States.

Mr. BORAH. I do not know that it is true entirely throughout the country; but I know that a great many of the States exempt such mortgages upon the theory that the tax can finally be transferred back and charged to the farmer.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Ohio?

Mr. HOLLIS. I yield.

Mr. POMERENE. I regret to say that what the Senator from Idaho [Mr. BORAH] says is generally true; it does not apply to the State of Ohio. Unfortunately, in that State we have had for years double taxation. All our property, real, personal, and intangible, is taxable according to a uniform rule under the constitution. We have tried repeatedly to get rid of it, but up to today we have not succeeded. So if a $10,000 farm has upon it an $8,000 mortgage, under the constitution of the State of Ohio, the farm pays a tax according to its real value in money, and the mortgage must be returned for taxation; so that in that instance there would be taxes paid upon $18,000.

Mr. HARDING. Mr. President——

Mr. HOLLIS. I yield.

Mr. HARDING. It will only add information on the subject to say, in addition to what my colleague has just related, that in Ohio we tax all our municipal bonds, and we have repeatedly submitted to the people of the State a proposition to exempt such bonds from taxation, but the rural vote in particular is unalterably against such a proposition.

Mr. POMERENE. Perhaps I should add to what my colleague has just said that we did some years ago adopt an amendment making municipal bonds nontaxable, but within three or four years thereafter another amendment was submitted under which that provision was rescinded, and they are now taxable, as my colleague says.

Mr. HARDING. And, in addition, two later attempts to exempt them have failed.

Mr. POMERENE. I think that is true.

Mr. HOLLIS. If such is the state of the law in Ohio——

Mr. SUTHERLAND. Mr. President——

Mr. HOLLIS. Just a moment. If such is the state of the law in Ohio, that the bonds will be taxed, the mortgages will be taxed, and the farmer's land will be taxed, so that the farmer will pay triple taxation, I venture the prediction that under this system, if the bill is passed, the land banks would do a very substantial business at lower rates than now exist in Ohio.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Iowa?

Mr. HOLLIS. I yield.

Mr. CUMMINS. Is it not true that under the plan of this bill the only way in which the farmer gets the benefit of the exemption of the bonds and other securities from taxation is through the assumption that the interest on capital will be reduced by the amount of the exemption?

Mr. HOLLIS. Certainly.

Mr. CUMMINS. What does the Senator think of the present situation? There are some States in which capital, moneys, and credits are not taxed at all. There are other States in which there is a definite tax much lower than the ordinary rate of taxation laid upon moneys and credits. If, therefore, we get our capital from a State where it is exempt from taxation, why should we not get it at a lower rate of interest than when we get it from a State that imposes a tax upon it; and is the Senator at all sure that the exemption from taxation will be reflected in the rate of interest which the farmer pays for his loan?

Mr. HOLLIS. I am absolutely sure of it, and every economist who has written on the subject will so state. That has been the result in my own experience. I know that in New Hampshire, when mortgage loans were exempt from taxation, when the rate of interest was not more than 5 per cent, the rates dropped on such mortgage loans to 5 per cent almost at once.

Mr. CUMMINS. That is not my conclusion from the study I have given to the subject. If we had a uniform rule throughout the United States in regard to the matter, the conclusion might follow, or it might not, depending upon the demand for money; but, with no uniformity respecting the taxation of capital, I question very much whether the result would follow.

Mr. CURTIS. Mr. President——

Mr. HOLLIS. If the Senator from Kansas will pardon me, I should like first to answer the Senator from Iowa.

Uniformity under this plan would extend over the United States, because all mortgages and all bonds under this system would be exempt from all taxation. Therefore, in States where there was that exemption from taxation on the mortgages and the bonds, the farmers would already be getting the benefit of the low rate of interest. Possibly in such States the land banks established under this system would not be able to much underbid the local banks, but in States——

Mr. CUMMINS. Mr. President——

Mr. HOLLIS. If the Senator will pardon me—but in States where there was a triple taxation imposed, I think the banks organized under this system could hardly fail to give a considerably lower rate of interest than the local banks now give.

I now yield to the Senator from Iowa.

Mr. CUMMINS. But I was suggesting, if the Senator will allow me, that in Iowa, for instance, if we borrow money from one who lives in a State that exempts credits from taxation we do not get the benefit of that exemption.

Mr. HOLLIS. That is true.

Mr. CUMMINS. And, inasmuch as I assume that this system is not intended to be a substitute for all the loaning instrumentalities, I doubt whether our farmers would get any benefit from the exemption under this system.

Mr. HOLLIS. The Senator is mistaken in one particular, if I correctly understand him. He says that if the owner of capital lives in a State outside of Iowa which exempts money loaned at interest from taxation, and that owner should loan his money in Iowa, Iowa would not get the benefit of it. I think Iowa certainly would, because if the man did not have to pay taxes at home he could certainly afford to loan his money at a lower rate in Iowa.

Mr. CUMMINS. That is the fallacy of the whole argument. The man who has a mortgage that he is not compelled to pay taxes upon will not give the borrower the benefit of that exemption from taxation if he can loan his money at a greater rate of interest; and he can loan his money at a greater rate of interest if his rival loaners who must pay taxes charge a higher rate of interest. No man who has money loans it at any lower rate of interest than he is compelled so to do under the laws of competition, I think.

Mr. HOLLIS. That is true; but the level rises or falls, according to the tendency of money. If money is in plentiful supply at a cheap rate, the rate will go down; if money is scarce, the rate will go up. Now, if there are enough men who have money tax exempt to lend, the rate will inevitably fall; if there are very few, they will not affect the market. That all depends on how great is the supply. Under the present bill we expect to have the supply plentiful enough so that it will lower the interest rate.

Mr. CURTIS. Mr. President, I should like to ask the Senator in charge of the bill a question.

Mr. HOLLIS. I yield.

Mr. CURTIS. I ask if the residence of the owner of the mortgage does not control the question of taxation? For instance, in a State like Kansas loans are made practically by loaning companies. They sell the mortgages; and if a mortgage is purchased by a man in the State, he pays taxes on it in the State; but if the mortgage is sold to a man in Ohio or in Massachusetts or in any other State, no taxes are paid on the mortgage in Kansas, and it depends upon the law of his own State whether or not he pays a tax on it there.

Mr. HOLLIS. That is perfectly true. That is what I said in response to the Senator from Iowa.

Mr. WILLIAMS. Mr. President, if the Senator will pardon an interruption, as shedding some light upon this, we had some experience in Mississippi. Money was being loaned at 8, 9, and 10 per cent. The legislature finally, in order to encourage capital to come into the State, passed a law exempting from taxes all loans at 6 per cent or under 6 per cent. Nearly every long-time loan in the State of Mississippi since then has been reduced to 6 per cent; in fact, when a 6 per cent untaxed loan comes to vie with an 8 per cent taxed loan, if you take the taxes into consideration, it is better for the lender to lend at 6 per cent; he gets more net revenue. A great many people who were loaning at even 9 and 10 per cent were willing to accept the lower rate, because they do not have to pay taxes, and because they do not have to be bothered with the tax collector, with making out returns, and all that sort of thing. I think in all public legislation less attention is paid than the matter really deserves to the desire of men not to be bothered with having to make out statements for taxing purposes. At any rate, the fact in my State has been that nearly every long-time loan in the State has been reduced to 6 per cent.

Mr. HOLLIS. Mr. President, I have discussed one so-called "joker" which has been suggested by Gov. Herrick, and I now desire to discuss another one.

Mr. McCUMBER. Mr. President, before the Senator proceeds to that, upon the matter of taxation of mortgages I should like to ask him a question.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from New Hampshire yield to the Senator from North Dakota?

Mr. HOLLIS. I yield.

Mr. McCUMBER. Under the provisions of the bill no mortgage can draw a greater rate of interest than 6 per cent. Therefore, no matter whether or not the mortgages and the bonds are taxable in the hands of the purchasers, you could not make that react against the mortgagor, because he can not be required to pay more than 6 per cent.

Mr. HOLLIS. But if you can not get the money in the first place from a long-term investor at 5 per cent, you would not be able to make any loans, because you could not get money to loan. Unless we can borrow the money on farm-loan bonds at 5 per cent, we can not borrow any, and therefore we will have none to loan to the farmer.

Now, the other "joker" that is suggested——

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Utah?

Mr. HOLLIS. Yes.

Mr. SUTHERLAND. Before the Senator proceeds to another branch of the subject, I should like to ask him a question about the taxing feature. I agree with the Senator that, generally speaking, at any rate it is unwise to impose taxes upon farm mortgages, or, indeed, upon any kind of mortgages, because I think that generally the amount of the tax is shifted to the borrower, and it really amounts to double taxation; but I wanted to ask the Senator whether or not he felt quite sure that Congress has the power to exempt from State and municipal taxation within the State mortgages which are of course a species of property? I suppose the theory upon which the Senator proceeds is that the mortgages taken by the land banks would be regarded as instrumentalities of the Government; but, if the Senator has thought about that, I should very much like to have his view as to the power of the General Government to declare to be a governmental instrumentality a thing which is essentially private property and which the State, when that species of property is held by a private citizen, can tax.

Mr. HOLLIS. Mr. President, that question was settled in 1819 in an opinion by Chief Justice Marshall, which is familiar to the Senator, the case of McCulloch *v.* The State of Maryland (4 Wheat., 316). In that case there was involved the right of the State of Maryland to insist that notes issued by a branch of the United States Bank should be on stamped paper. The State of Maryland undertook to collect a penalty for failure to use stamped paper for that purpose, but the Supreme Court of the United States, in a long opinion by Chief Justice Marshall, decided that the Government had a right to incorporate a bank; that it had a right to exempt the bank from taxation; and that it had a right to exempt its instrumentalities from taxation. I think that opinion covers the point fully. That case is the authority under which the present national-bank act is sustained in the case of Van Allen against The Assessors, in Third Wallace, 573.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield further to the Senator from Utah?

Mr. HOLLIS. Yes.

Mr. SUTHERLAND. It has been quite a long time since I have had occasion to examine the case which deals with the United States bank legislation. My recollection, however, is that the Supreme Court of the United States held that the State was powerless to tax the franchise of the bank, but that it had the power to tax its property.

Mr. HOLLIS. It was just the other way. It was powerless to tax the instrumentality issued by the bank, to wit, the bank note. That was directly involved; but I would rather not argue that now. At some other time I shall be very glad to argue the question with the Senator, and I will have the authorities here; but if he will examine the McCulloch case, I think he will see that it is exactly parallel with the case at issue. I should like very much to finish my reply to the Senator from Ohio.

The second "joker" suggested by Gov. Herrick is that the borrower is allowed to borrow enough from the land bank to pay for his shares and to pay the expense of placing his loan. That would include the expense of examining the title and drawing the papers. There, again, if you want to stigmatize something, you call it a "joker" or a "pork-barrel" measure; and Gov. Herrick has availed himself of that privilege. But there is no "joker" about that. Here is the situation:

In order to have a successful mortgage-bank system, it is necessary to have a guarantee fund to take up the slack of the bad loans. If you just loan the money on the mortgages, and then put up the mortgages as security for an issue of farm-loan bonds, some day there will appear a bad mortgage and you will not have anything to take that out of, because you have all your mortgages up to support the loan, and when one drops out you are just so much short.

Now, it is recognized all over this country and in Europe that in a land-mortgage system you should have a guaranty fund of 5 per cent. You may call it capital. We do in this instance. In this case we have to have a 5 per cent capital, 5 per cent on the amount of our mortgages, 5 per cent on the amount of our bonds. The Government starts out the 12 banks with a capital of $500,000 each, but that would not be enough to support mortgages and bonds of over $6,000,000 each. Therefore we must have some way of getting additional capital in order to impose an issue of bonds upon it. The only way to do that under a cooperative system, as this is, is to get it from the borrower himself.

The first bill, which was drawn two years ago, provided that the stock of the local associations should come from private contributors. Under that bill we had to call on private investors at three points: First, to subscribe to the stock of the farm-loan associations; second, to subscribe to the stock of the land banks; and, third, to buy the farm-loan bonds. If we did that and were successful—and it is very doubtful whether the investors would subscribe for these three different classes—but if we were successful, that meant that we would have to turn the control of the system over to those who invested their money, because men will not invest their money in something where they do not control the votes.

Therefore in the present bill we have avoided that. We get from the Government the original capital, and then we sell the bonds to the investors so as to get more money to loan, but we have the borrower himself furnish his own guaranty fund. If he wants to borrow $2,000, he must take stock in the loan association to the amount of 5 per cent, or $100. We think that is useful, because it gives somewhat of an index to the character of the man. The man who can not produce $100 in order to borrow $2,000 probably is not a desirable man to have in a cooperative system.

In the second place, by requiring him to take stock we secure his interest in the success of the system; we get him interested to make it a success, and we also get him to watch other borrowers and see that cheap men, men who are not likely to pay, do not come in. But when you say to a man, "We will loan you 50 per cent of the value of your farm," and then require him to put up $100, 5 per cent of the amount he borrows, toward the guarantee fund, it is rather rough not to allow him to borrow that $100 additional; and under this bill we do. If he wants to borrow $2,000, if he will send us the $100 to give us an index that he is a man who can command $100 locally, then we will permit him to borrow $2,100, and he can pay back the $100 he has had to borrow out of it.

It did not seem to us that that was a "joker." It would be a very helpful thing to a farmer who needed to borrow. In the same way we have provided that he might borrow whatever expense he had to pay to get the loan made; that is, for looking up the title and having the papers drawn; and it did not seem to us that we were doing anything out of the way in that regard.

But I am encouraged at this sort of criticism. When a man of Gov. Herrick's standing and experience can not find anything more serious to say against the bill than that it contains two "jokers" of this character, it shows that the bill must be pretty tolerably sound, or he would not waste an 11-inch shell in going after such small game.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Illinois?

Mr. HOLLIS. I yield.

Mr. SHERMAN. I should like to make an inquiry.

In a land-bank district of the kind referred to by the senior Senator from Iowa [Mr. CUMMINS], or some of the other States where funds are capable of being found at a very fair rate, say 5 per cent, and applications are readily filled, does the Senator think that in such districts—which shall comprise States, if I understand the bill correctly, without breaking the boundary lines of States—a land bank would be organized beyond the minimum amount of capital? Or would it, if organized with the minimum amount, be subscribed by private individuals as an investment?

Mr. HOLLIS. I myself do not believe that private individuals will subscribe anything. If I had my way I would not permit them to do so. I would have the Government put up the $500,000 and then have it paid back as the capital increased from the borrowers. But the bill provides that the districts shall be apportioned in accordance with the farm-loan needs

of the country. Now, take a State like Iowa—that is admirably served; take a State like Ohio—that is admirably served. I should think their farm-loan needs were not very great. I should think that one land bank could cover that whole great section where the rates are so low, and that would leave more banks in the parts of the country South and West where the rates are high and where they are more needed. That is my own feeling about it.

Mr. SHERMAN. May I make a further inquiry?

Mr. HOLLIS. I yield to the Senator from Illinois.

Mr. SHERMAN. In the event that the minimum capital for a land bank in a district of the kind just referred to would be $500,000 and would be paid by the Government—which might be assumed for the purposes of my inquiry——

Mr. HOLLIS. I think so.

Mr. SHERMAN. In another district, say a district composed of Alabama and Mississippi, the capital stock of a land bank in that district would be solely within the discretion of the farm-loan board here at Washington, would it not?

Mr. HOLLIS. Does the Senator mean the limit?

Mr. SHERMAN. It might be $500,000, or it might be much in excess of that?

Mr. HOLLIS. That would depend entirely on whether farmers borrow money. Every time a farmer borrows money 5 per cent would be added to the capital. That is true.

Mr. SHERMAN. Suppose only a comparative small number of shares were subscribed by private individuals. In that event the Government would subscribe, and the Treasury here would furnish the remainder of the capital stock in that district. In that event, in the latter district named, the Government would in reality furnish the funds for the loans.

Mr. HOLLIS. They would in the first instance; but when the subscriptions from the borrowers, the 5 per cent of the face of the loans, amount to $500,000, then, beginning at that time, 25 per cent of all further subscriptions is paid over to the Government until the Government gets it all back. If the system is a success, the Government ought to get it all back in two or three years.

Mr. SHERMAN. I will make a further inquiry. It depends, then, upon the success of the investment, does it not?

Mr. HOLLIS. Absolutely. It depends on how many loans the farmers want on good land.

Mr. SHERMAN. And in order to obtain further funds it would be necessary to deposit the mortgages and, under the provisions of the bill, to issue what we commonly call another line of debenture bonds based on the mortgages?

Mr. HOLLIS. Yes.

Mr. SHERMAN. In that event the land bank in the first district I had in mind would stand responsible for every bond in Alabama, would it not?

Mr. HOLLIS. Yes.

Mr. SHERMAN. Because, when the bonds are once issued, the land banks of all the 12 districts are not only jointly but severally responsible for them.

Mr. HOLLIS. Not severally; jointly.

Mr. SHERMAN. That is, if the assets of 11 of the district banks were exhausted, and the twelfth bank had assets enough to pay it, it would take all of its assets to pay the bond issue.

Mr. HOLLIS. That is what I call "jointly." There is a difference between "severally" and "jointly," as the Senator well knows. They would not be severally liable; they would be jointly liable for the principal of the bonds.

Mr. SHERMAN. Does not the Senator think that that fact alone, in all agricultural districts where land values have arrived at a settled state, such as Iowa, Illinois, a large part of Missouri, and similar parts of the Union, would deter private individuals from embarking in a land bank by subscribing for stock—the fact that their resources, so devoted to that purpose, would stand good for the bonds issued upon the underlying mortgages in every land bank in the country?

Mr. HOLLIS. No; I do not think so. I think they would be deterred from the fact that they were asked to invest without having any voting power. I have already explained that; but in those districts where the land is not so valuable the interest rate charged would undoubtedly be high enough to make up for that extra risk. That is why we have divided the country up into districts instead of having it all one great district. We feared that if we had it all one great district the interest rate would be fixed at the highest rate of interest which was required to be paid, say, in the weakest portion; and, therefore, we thought it should be cut up into sections so that the risks would be substantially the same in each section, and the rate of interest over a particular district should be substantially the same.

Mr. SHERMAN. Another inquiry, Mr. President, and then I will close.

Mr. HOLLIS. I am very glad to answer questions if I can.

Mr. SHERMAN. Therefore appropriations made by the agency of this bill, to be drawn from the Treasury, in a Government undertaking, are depended upon to lower the rates of interest on these investments. Is that correct?

Mr. HOLLIS. I do not want to subscribe to its being a Government undertaking. It is a Government undertaking so far as establishing the system is concerned, but that is merely for the start, and we have provided that the capital advanced shall be returned. If it is a success, it will be returned, but the Government is helping all over the country. That is the reply; and in those sections where they need it most they will get the most help. That is inevitable.

Mr. SHERMAN. And in that event, where we are now getting 5 per cent money and no complaints, we contribute by taxes or otherwise to the just rates in the second district that I have supposed as an illustration?

Mr. HOLLIS. The Senator is now using the very admirable argument which the junior Senator from New York [Mr. WADSWORTH] made on the good-roads bill the other day. I do not think it is entirely justified, because the great vice of the mortgages in Illinois, as the Senator knows, is that they are not on long term; they are not on amortized payments; the farmer is not encouraged to pay them off. He has to renew every little while. Every time he has to renew there are new papers to be made out, new commissions to pay, and he still has the same old debt owing. Under this system the chief merit is the amortization loan feature, which will compel the farmer to pay off the principal of his loan, almost insensibly, 1 or 2 per cent a year. That is what we hope will be established in this country, and I believe the State of Illinois will be very, very much benefited by it.

Mr. SHERMAN. Mr. President, that is what I am trying to ascertain. In certain areas—I do not refer to my own State, but to many surrounding States where real estate values are substantially the same—there is little or no complaint about the cost of renewing the loan, the preparation of papers, the examination of titles or the extension of abstracts. In such States, where there are no complaints, where loans are now made running from 5 to 15 years, if desired—I know of loans now, in business enterprises in which I have been interested myself, having been made for 15 years with an option to pay any sum at any time, providing the borrower makes it out of the land—in areas of the United States where loans are in that condition and where 5 per cent money is accessible at all times upon a 50 per cent margin of security, what advantage would it be to have such a bill as this?

Mr. HOLLIS. I have just tried to explain that to the Senator. If I did not convince him at the first attempt, I probably could not at the second. I say that the amortized-loan feature alone ought to be enough to induce the farmers of Illinois to go into it, so that they will get their loan paid off a little at a time by paying a small amount each year.

Mr. SHERMAN. I have just stated, Mr. President—possibly I did not make myself clear——

Mr. HOLLIS. Oh, if the Senator eliminates all the advantages, of course there will be no advantages; but I have sketched the advantages that I think will follow. If the Senator eliminates them one after another, I shall finally be left without any. But I can not think that even in Illinois the farmers are so fortunate now in the way their loans are made that they can not be helped under this bill.

Mr. SHERMAN. Vast sums of life insurance money are loaned in the States I have referred to where there are privileges of prepayment at annual intervals. There are some loans of this kind made from private sources, and it is the universal rule in what we call the corn belt to give the prepayment privilege at any time if the borrower makes it out of the land. I know personally of many millions of dollars loaned at 5 per cent, with the prepayment privilege to the farmer, to be made at any time, providing he makes it out of the land. It is a better prepayment privilege than in the case of any building loan on city property. I am trying to ascertain if, to people living in such areas of the United States, there is any inducement whatever to support or to ask us to support the bill with the idea that any benefits will come to that population?

Mr. HOLLIS. I am giving the Senator my private opinion—that they will, and the great party to which he belongs thought that, on the whole, such benefits would result, and declared in favor of a rural-credits measure. Now, it may be that the State of Illinois does not want it, and it may be that they would secede from the Republican Party on that proposition, but I believe the Republican Party all over the United States wants it, just as the Democratic Party all over the United States wants it, and I am trying to get the best possible bill for national application that

we can get. It will not help them as much in Illinois as it will in some States where the rate is higher, but I think it will help substantially, for the reasons I have already explained. If the Senator does not believe it will, he naturally will not vote for the bill, but I hope there will be enough who will vote for it to pass it.

Mr. McCUMBER. Mr. President, I desire to ask the Senator just one or two questions.

What inducement is there in this bill for the private citizen who has capital of his own to invest to inaugurate this system and to start one of these banks?

Mr. HOLLIS. There are bankers in South Dakota who have been to see me and who say that they want to operate one of the joint-stock banks as provided for in the bill. There are bankers in Indiana who want to do it. The mortgage bankers of Chicago have sent circulars asking to have certain things put in the bill so that they can come in.

Mr. McCUMBER. I am not asking so much as to who wishes to do it. I want to know the inducement that the bill holds out to them so that I may understand it; and all of my questions will be for the purpose of getting a better understanding of the bill.

Mr. HOLLIS. Just the same inducement that there is for the private capitalist to organize a national bank instead of a State bank. Some capitalists think there is enough advantage in having a national bank to come in under the national system with the extra restrictions that there are. Now, we think it will be an inducement to a capitalist who wishes to engage in the mortgage business to organize one of the joint-stock banks in order to be under the national system of land banks; and, moreover, I think they will do it in order to get tax exemption of the mortgages and bonds that they issue.

Mr. McCUMBER. Of course, Mr. President, when any man goes into any kind of a business he goes into that business for the profit there is in it. If I understand this bill correctly, all the profits must lie between what the farmer pays on his mortgage and what the bond draws.

Mr. HOLLIS. Yes.

Mr. McCUMBER. And that spread can not be more than 1 per cent.

Mr. HOLLIS. Not 1 per cent on the capital, because the banker can issue fifteen times the amount of his capital in bonds; so he will get 1 per cent on fifteen times his capital, which ought to be enough.

Mr. McCUMBER. It is 1 per cent upon the mortgages that are given under this bill.

Mr. HOLLIS. Yes.

Mr. McCUMBER. Then he must make all of his expenses; he must build his bank building; he must pay all of the charges connected with the business——

Mr. HOLLIS. I do not see why the Senator says he must build a bank building. We have 12 Federal reserve banks in this country, enormous institutions, and not one of them has built a bank building. They have very modest quarters.

Mr. McCUMBER. If they do not build it, they will have to rent it, I presume.

Mr. HOLLIS. Yes.

Mr. McCUMBER. Which is practically the same thing.

Mr. HOLLIS. But the Senator's argument the other day was that these banks which we provided would spend all their $500,000 capital in building a bank building. I wanted him to see that that is not probable.

Mr. McCUMBER. The point I want to get at is the real inducement, and the methods by which the parties operating the banks are to receive their profit. If I understand the Senator correctly, that profit must come out of the difference between the 4 per cent which the bonds will draw and the 5 per cent which the mortgage will pay.

Mr. HOLLIS. That is absolutely accurate.

Mr. McCUMBER. And if the number of mortgages and the amount handled were not sufficient to pay the expenses between those two, then the inevitable result would be that that bank would soon have to go out of business, would it not?

Mr. HOLLIS. There is no doubt of it. I will say, further, that in Europe these banks conduct their business on a margin of one-third of 1 per cent on the mortgages and pay dividends.

Mr. McCUMBER. They probably could do it if they had a great quantity of them. The officers of these banks are to be selected through the farming organizations, are they not?

Mr. HOLLIS. If the Senator will pardon me, we have been talking about the private joint-stock banks, which are separate institutions. Now, the Senator is proceeding to talk about the cooperative banks, which are very different. One is called the joint-stock land bank and the other the Federal land bank. We are now talking about the Federal land bank.

Mr. McCUMBER. I am speaking now of the Federal land bank.

Mr. HOLLIS. Yes; I want that clear.

Mr. McCUMBER. The Federal land-bank officers are selected through the loan organizations, are they not?

Mr. HOLLIS. Two of them are appointed by the farm-loan board and three of them are elected by the farm-loan associations.

Mr. McCUMBER. My own opinion is that with the many officers and the salaries and the immense machinery there will not be enough to cover the overhead expenses that will be provided; but that is a mere matter of opinion.

Mr. HOLLIS. Right there, let me say that the Senator has said that, but I can enumerate to him what they are and show him that they are very slight. To begin with, there is the farm-loan board. If it is established as the bill provides there will be four of them paid $10,000 each. That is paid by the Government. Each of these great land banks, with an initial capital of $500,000, has only five directors, and that is all the bill provides.

Mr. McCUMBER. And what are the directors paid?

Mr. HOLLIS. The compensation of the directors of the land bank is subject to the approval of the farm-loan board. Their compensation must come out of the 1 per cent. Now, you can not run any bank anywhere without paying for banking brains. I believe it will cost something to run these banks. If they are not well paid they will not be well run, and they will not make any money. But you might as well ask me how the Standard Oil Co., or any other concern, can make money when it pays its officers liberal salaries. Take the banks in New York: Some of those great banks in New York pay $100,000 salaries, and the men earn them. I do not know what it will cost, or how much they will pay. They will pay just as much as they have to pay to get efficient service, and I hope they will get very efficient service and pay very well for it.

Mr. McCUMBER. I agree with the Senator.

Mr. HOLLIS. That is all there is to the Senator's criticism that this system is loaded down with highly paid officials. That is all there is to it; and if that is the best criticism there is of the bill, I feel very much reassured.

Mr. McCUMBER. I will say to the Senator that my own judgment is that if it can be made a profitable business to the organizers of the bank, you can get men to go into it that have the brains and the capacity to run the institutions; but you will not get them to devote their talents to the purpose unless there is a profit that justifies the exercise of those talents.

Mr. HOLLIS. That amount of profit is found in Europe at one-third of 1 per cent, and I believe we can find it at 1 per cent margin in this country. I may be wrong. If we can not, we shall never know it until we try it.

Mr. McCUMBER. After the Government is entirely eliminated, the stock then will be owned by the loaning associations, will it not?

Mr. HOLLIS. That is true.

Mr. McCUMBER. When the stock is owned by the loaning associations, they, of course, will have the management of the bank?

Mr. HOLLIS. No; the Government will still have two of the five directors, and they will still be under the farm-loan board.

Mr. McCUMBER. Although the Government may own none of the stock, the Government can still exercise its control as to who shall be directors?

Mr. HOLLIS. Certainly; just like the Federal reserve banks.

Mr. McCUMBER. Must the directors be stockholders?

Mr. HOLLIS. It is not necessary; no.

Mr. McCUMBER. The Government may employ them anywhere it sees fit?

Mr. HOLLIS. Why, the Government will do exactly as the Government does with the Federal reserve banks now. There are nine directors for every Federal reserve bank. Six of those are elected by the member banks and three are appointed by the Federal Reserve Board. It works out splendidly. We get the very best men all over the country to do that work practically for nothing. They consider it an honor to be connected with one of these Federal reserve banks. There is a great push by first-class men to get the appointments.

Mr. McCUMBER. I hope the Senator's optimism is justified.

Mr. HOLLIS. It is not optimism; it is facts. I am stating facts now. I am not dealing in speculation at all. I am stating just what has occurred under a system that the other side of this Chamber attacked much more viciously than they are attacking this.

Mr. McCUMBER. As I understand, the Senator wishes to discuss this matter further——

Mr. HOLLIS. Yes; but I am not particular. I expect to have to answer a great many questions. I am on tap at any time.

Mr. McCUMBER. I will wait until the Senator has finished, and then I will consider the matter to some extent.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Texas?

Mr. HOLLIS. I do.

Mr. SHEPPARD. Is not this stock also open to private subscription?

Mr. HOLLIS. The stock is open to private subscription. If I had my way, I would not have permitted it, however. I do not think anyone will subscribe, because any individual who does subscribe has no vote. I think the Government will take substantially the whole of it.

Mr. SHEPPARD. After the Government stock has been retired, private parties, firms, or corporations will still have the privilege, as well as the farm-loan association?

Mr. HOLLIS. Yes; that is true; and one of the criticisms made by Gov. Herrick is, because we permit the Federal land banks to receive deposits from stockholders, that private individuals may subscribe, and thereby get the right to deposit money with the land banks. I hope they will do it, and deposit a great deal, because if they do they can not get one cent of interest, and the bill so provides. If Gov. Herrick wrote the letter that is over his signature, and if he has read the bill, it was very unfair of Gov. Herrick not to state that these depositors could not draw any interest; and anyone who knows that they can not get interest would know that they would not deposit. I hope they will. If they do, they will solve the whole problem. We will get their deposits for nothing, and we will loan them to the farmers cheaply, too.

He also says there is no appeal from the farm-loan board. There is no appeal from the Federal Reserve Board. There is no appeal from any one of these various boards, from license commissioners, railroad commissioners, and so forth. You have to have final judgment somewhere; and it is not necessary, every time you want to get a loan, to go to the Supreme Court of the United States. There will not be any disposition on the part of the farm-loan board to crowd anybody or to rob anybody or to discriminate against anybody. As soon as they do the one who is hurt will howl, and his howl will be heard all over the country. The idea of having an appeal provided from the farm-loan board arises from a hypocritical attitude toward the system from one who is an enemy of it.

He says that this is an instrument for turning the public funds over to the farmer. Anyone who heard the letter read by the Senator from Ohio to-day would think that this bill provided for making a loan of Government money to the farmer; but that is not so. We do not propose to loan Government money to farmers at all, but to get long-term investors to buy our bonds based on mortgages as collateral and then loan the money to the farmers.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Illinois?

Mr. HOLLIS. Certainly.

Mr. SHERMAN. I am greatly interested in the Senator's last statement. Does the Senator think that Government credit will be used instead of Government money?

Mr. HOLLIS. No; I know it will not, and that is the next point I will come to. Gov. Herrick says the Government guarantees these bonds. It does nothing of the kind. There is no Government guaranty anywhere in the bill, and that is one of the things farmers complain of. They say the Government should get behind this business and it ought to guarantee the bonds. If I had my way it would do it, because I believe personally that is a proper Government function. I think the majority of the Members of this body are against that. Therefore, this is what is provided. I will have to lay a foundation before I come to the point. As the Senator well knows, under the national banking act every national bank is now a Government depositary. Whenever there is a panic or trouble in any particular locality the Secretary of the Treasury loans Government money to the bank in order to help out. That has been done in all parts of the country. It was done right here in Washington. It averted a great panic in Washington about two years ago. But the Secretary of the Treasury can not deposit Government funds for temporary use without requiring security, Government bonds or otherwise. That is what the national-bank act provides. Now, I borrowed that for this bill, and I take the full responsibility for it. It is from the national-bank act, and it provides that the Secretary of the Treasury may on the application of the farm-loan board loan temporarily to the Federal land banks not to exceed $6,000,000 in any one year, taking Government bonds or other good security of twice the value of the deposit, with interest at 2 per cent. That is all the Government aid there is in it. It is limited to $6,000,000 in any one year. It must be loaned to land banks on the security of bonds or other security satisfactory to the Secretary of the Treasury. That is all the Government aid there is here. I wish it were more. I wish I could get more, but I believe that is as much as I can get.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield further to the Senator from Illinois?

Mr. HOLLIS. I yield further.

Mr. SHERMAN. If there is no Government credit used or Government money beyond the sum stated——

Mr. HOLLIS. And the original contribution of capital. I have stated that several times.

Mr. SHERMAN. It might be subscribed by the Government in an indefinite amount under the order of the farm-loan board.

Mr. HOLLIS. No.

Mr. SHERMAN. What would be the limit?

Mr. HOLLIS. I think it would be possible only to have $500,000 for each bank. It has never occurred to me that the farm-loan board would authorize more than the 12 banks originally established.

Mr. SHERMAN. Let me put this query to the Senator: Suppose in the second district, which I gave a moment ago, of Alabama and Mississippi, to illustrate, the minimum capital of the loan bank in that district would be fixed at $500,000. There is no maximum in the bill as written, and does not the farm-loan board have the right or the power to fix the capital stock in the district of Illinois and Iowa, for instance, at $10,000,000? Is there anything in the bill to prevent that?

Mr. HOLLIS. Nothing.

Mr. SHERMAN. In that event the whole $10,000,000, or $9,500,000 of it, at least, I think under the bill could be properly transferred to the first district supposed and loaned there.

Mr. HOLLIS. There is no power in the bill which permits the transfer of capital from one district to another as there is in the Federal Reserve System.

Mr. SHERMAN. Not directly; but let me make a further inquiry. The capital stock to be fixed in the land bank of the district is in the discretion of the board; that is, the central governing board has unlimited power in that particular.

Mr. HOLLIS. That will be controlled by the amount of loans that are taken in the other districts. After the first $500,000 is subscribed, then all the other increases come from the 5 per cent received from the borrowers. That is automatic. It rises with additional needs and it falls with them. That is not fixed by the farm-loan board. It is fixed by the needs of the borrowers. But assume that it is large, and I think it will be large in all the districts.

Mr. SHERMAN. Let me assume that in the one instance money is a little more difficult of procurement and the rates are higher, could not mortgages be written on application made under the provisions of the bill through the national farm-loan association, say, in the sum of $10,000,000, to have some concrete illustration?

Mr. HOLLIS. Yes; probably several hundred million dollars.

Mr. SHERMAN. Then the money would be raised as soon as those loans are made by issuing bonds in the sum of $10,000,000, which would be a charge on all the 12 districts of the United States, including all the country.

Mr. HOLLIS. That is perfectly true. If we assume that we have but one great land bank to cover the whole country, as we would have a perfect right to do, and it has been urged by many people, then the different sections of the country would have to take their chances with all the other sections just as they do under the bill. The Government sets them up in business and requires that there shall be a universal guaranty all around as a return for that. It is perfectly true, as the Senator says, that a rich district might be called on to pay for a poor district; but the bank in the rich district may be badly managed and the bank in the poor district may be called on to make up for its deficiency. It is reciprocal.

Mr. SHERMAN. In other words, let me inquire, in the older States of the Union and some of the Mississippi Valley States north land values have been reaching toward their present condition for more than 100 years. Agricultural development has gone there during that time. In effect does not the bill transfer a portion of our land values or our accumulations through the power of taxation and make an involuntary loan so far as we pay direct taxes——

Mr. HOLLIS. I do not think so.

Mr. SHERMAN. Let me complete it—to the area where the land values have not yet reached the level in the northern Mississippi Valley country that I have supposed?

Mr. HOLLIS. We are dealing now with the question of the liability of one bank to another. On that point, before one district can be called on to answer for the default of another, first, the capital, reserve, and earnings of the one land bank must be exhausted; second, all the mortgages that have been put up as the basis for bonds must be exhausted; third, all the individual liabilities of farm-loan associations must be exhausted; all the reserves and the capital of the farm-loan associations must be exhausted; and if the banks are properly run and properly supervised, there is no chance for a failure such as the Senator indicates. If it does come, the Senator is perfectly right that wherever it comes the people who have loaned to that section on farm-loan bonds will be allowed to go on other sections that come in and get the benefit of the system. There is no doubt about that. I do not try to conceal it. I want the Senate to understand it. I do not believe that you can make such a national system unless you have a broad insurance.

Mr. SHERMAN. If what the Senator says is likely to be worked out in practice both by the borrower and by the investing public, will the Senator explain why such an investment can not now be sold on the market at a fair rate?

Mr. HOLLIS. Very easily. In the first place, they are not Government supervised. In the second place, they do not have this broad Government insurance that I have outlined. In the third place, there has never been in this country any cooperative system with the individual liability of the cooperating borrowers. Those are the three brief answers. The pending bill is to provide a system to give these facilities to the farmers on farm loans just as we have given them to the merchants and manufacturers through the national banks. To accomplish this result we recommend the system.

Mr. THOMAS and Mr. CLAPP addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from New Hampshire yield?

Mr. HOLLIS. I yield first to the Senator from Colorado.

Mr. THOMAS. I merely wish to make a suggestion to the Senators in view of one or two of the questions propounded by the Senator from Illinois. Land values are not dependent upon the age of the sections of the Union. There are many older sections where land values are less than in some of the newer sections. I think I am safe in saying that in such States as my own, in Idaho, Utah, and adjoining States land values are in places as high if not higher than they are in the generally rich section of the Mississippi Valley. So far, therefore, as the transfer of values in the operation of this bill is concerned, if it becomes a law, there is an equation growing out of the desirability of different sections as to differing soils and crops. That would certainly equalize conditions and in any event make the question of the transfer of land values comparatively unimportant in the operation of the bill.

Mr. HOLLIS. I now yield to the Senator from Minnesota.

Mr. CLAPP. If I understood the Senator a moment ago, the resources of both the banks and the cooperative association are involved in the payment of the loan made by either. Is that correct?

Mr. HOLLIS. No; not as I think the Senator understands it. The private joint-stock banks are organized for profit, and their capital, which is not exempt from taxation, stands entirely by itself. There is under the supervision of the farm-loan board a cooperative system of 12 land banks with their subsidiary associations.

Mr. CLAPP. I so understood it, but I think if the Senator will look at his remarks later he will see that possibly they bear the other construction.

Mr. HOLLIS. Very likely. It is very easy to confuse two characters of banks and to use the wrong word.

The point raised by Gov. Herrick's article that there will be numerous land banks formed I hardly believe is candid, but if anyone has a fear that there will be more than 12 I personally should not have the least objection to having the number limited to 12. That was one of the question which was up under the Federal reserve act, and we finally fixed on not more than 12, and 12 were organized. I have not the remotest idea that there ever will be more than 12 or any less than 12. They very soon settle into their environment and the connections formed are solidified, so that it is disadvantageous to give up the bank with its connections and start another. But if that criticism is made in good faith and anyone wants to offer an amendment that the number be limited to 12, I shall be very glad indeed, so far as I am concerned, to have it adopted.

Another suggestion by Gov. Herrick is that the capital is advanced by the Government and will not be returned. If these banks do a substantial business, it will run into the hundreds of millions. As soon as a bank has loaned ten million it will have a new capital of $500,000. When it increases its loans further, then 25 per cent of the new subscription will be returned to the Government. It will all be returned when the land bank has loaned $50,000,000. I should suppose the country will be divided into 12 districts, so that $50,000,000 may be loaned in each within two or three years.

Mr. WILLIAMS. Fifty million dollars by all?

Mr. HOLLIS. No; $50,000,000 by each one. When you consider that the farm loans already existing in this country are four and a half or five billion dollars, and we need only to have 1 per cent of the amount taken out on each land bank, it seems very probable that the limit will soon be reached.

These points which have been submitted in a broadside through Gov. Herrick's letter will doubtless be raised seriatim later in the debate by various Senators, and as they come up one by one I shall be very glad to give my answer to them, such as it may be.

Mr. McCUMBER. Mr. President, I am one of those who favor a rural-credits system. I am in hopes that we may be able to establish a workable one. I have given this matter considerable consideration, and of one thing I have become satisfied, and that is that we can not inaugurate any system that will give substantial benefit to the agricultural class without entering to some extent into the field of paternalism. I wish that we could avoid it, but I am satisfied that it is impossible. I have therefore drawn a substitute for the bill offered by the committee, a substitute that is simple, that is workable, that will certainly prove to be a success. It can not be otherwise.

The bill that has been introduced by the committee is paternalistic in all its tendencies. The substitute which I will offer does not avoid that criticism. The bill as it is proposed requires the Government to invest $6,000,000 in a business that may be profitable or it may not be profitable, according to the operation of the banks and the conditions. If it is a success, the Government may get its money back. If it is not a success, it is the Government that loses, and we who pay the taxes, of course, pay for that loss. The Government is establishing the institutions; the Government is creating the corporations; the Government is officering the corporations and conducting the business for a class of American citizens. Now, to do that and to accomplish the ends that are sought, the committee has reported what they admit is a very complex and a very cumbersome bill. To my mind it is so top-heavy that it will not be workable.

The committee has attempted to formulate a bill that will reach the diverse conditions in the several sections of the United States and apply with approximate justice to all. The Senator from Illinois [Mr. SHERMAN] has shown how it must fail to work justly to every section. I shall submit a substitute that will apply justly, because it will not require the Government to expend any money whatever except for a few additional clerks in the bureau which will be created.

Let us suppose this condition: Suppose the Government Treasury would buy up $100,000 worth of mortgages this year; that the Government would take those mortgages, bearing 4½ per cent interest, payable in 5 or 10 years, the interest payable annually; that the Government would then issue its debentures, bearing 4 per cent interest, payable in 20 years, with privilege of redeeming in 10 years if it was found that the demand of the country did not justify the continuation of this system. Then it sells those bonds bearing 4 per cent interest. The Government then has immediately received the money back that it paid for the mortgages it purchased.

Now, next year we will suppose that the Government takes another hundred thousand dollars and sells another hundred thousand dollars of debentures. This continues for 20 years, the Government selling the debentures just to the amount of the mortgages that it takes. The Government becomes the owner of the mortgages. They therefore would not be taxable.

Mr. SHERMAN. Mr. President——

Mr. McCUMBER. The Government in selling its own bonds can provide that they will not be taxable. I yield to the Senator from Illinois.

Mr. SHERMAN. I am following the statement of the Senator, and I wish to make an inquiry. Are those 4 per cent debenture bonds the obligation of the Government or simply secured by the undivided profits?

Mr. McCUMBER. They are the absolute obligation of the Government, and the mortgage securities which are owned by the Government are held as the basis of the bonds. Therefore, the Government has a dollar for every dollar it issues, and it has a security valuation equivalent to $2 upon every dollar of the mortgage which it takes.

Now, you will see that by following that system the Government puts itself in the position of a factor who has the property in his own hands and guarantees the payment of it. The Government would receive one-half of 1 per cent upon the mortgages to cover its expenses.

Under such a system as that there could be no question of any difference in the rates between any one section of the country and another. The rates would be 4½ per cent to the farmer, no more, no less. The farmer could pay off the mortgage under the provisions of the bill which I have offered at the end of 5 years, if he saw fit to pay it, or he could allow it to run the 10 years.

Now, here is a simple, easy proposition, unquestionably workable, because the moment the Government issues an untaxable bond for 4 per cent there will be any quantity of capital ready to take up those 4 per cent bonds of the Government. Then I provide that those 4 per cent bonds may be used in Federal banks for the issuance of currency, absolutely as good a security as it is possible to obtain, because it is the Government security itself.

Under the bill which I offer as a substitute the Government does not have to build a single other bank building. It does not have any of these overhead expenses. It utilizes the national banks of the country now in existence. It utilizes every State bank or trust company in the United States that is willing to act as the agent of the Government. It has its officials already in these banks in every town and village in the United States. It brings the farmer to his own home bank to do his business.

Mr. SHEPPARD. May I ask the Senator a question?

Mr. McCUMBER. Certainly.

Mr. SHEPPARD. Suppose the banks should decline to perform this service?

Mr. McCUMBER. There are generally two or three banks in every little town of 400 inhabitants in my State, and if one should decline there will be others that would accept. I can not imagine that a bank would decline to act if it wanted to have the business of the farmer, because the moment that the bank declines to act for this customer the customer goes to another bank and the first bank has lost that customer. That fact would assure an agency in every town in the agricultural sections of the United States.

Mr. SHEPPARD. What provision would the Senator make for the examination of title?

Mr. McCUMBER. I will explain that.

Mr. CLAPP. Just a moment, if the Senator will pardon me. I think at this time some Senators may not be familiar with the proposed substitute. Making it clearer as to the willingness of the banks to act, it is not supposed that the banks take any responsibility except that of carrying, and surely where they did not have any responsibility imposed upon them they would be very glad to perform the mere duty of comparing papers and examining them for the compensation that is provided. I suggest to the Senator that to those who had not read his substitute the question as to whether the bank would act or not might involve the thought that the bank itself was assuming a responsibility for these debts.

Mr. McCUMBER. No; all that the bank is responsible for is good faith. Let me just apply it to the practical method of doing business. Suppose I want to make a loan upon a farm in my State. Of course under the provisions of this bill I could not have the advantage of it, and I could not have the advantage of it under the provisions of the substitute which I have offered, because I am not living upon the farm and I am not doing the farming myself, except through tenants and hired help. But suppose I was an actual farmer, doing business as such, and I wanted to borrow $5,000 upon a section of land. I would go to the bank in my own town. The probabilities are that that bank would be the agent for the Travelers' Insurance Co. or some other loan agency which loans a great amount of money in my State. As a farmer, I would go to that bank and tell the banker I wanted to make a real estate loan of $5,000. He would draw up an application for me to sign. That application would describe my land; it would show how many acres are under cultivation, what was the assessed value of the land, what land of that character was worth, the number of horses and cattle and sheep and hogs and farm machinery that I would have, the number of boys I might have upon the farm who could help me in operating it. After I had answered 40 or 50 of those questions which are in the application blank, that banker, if he did not already know my land—and the chances are a thousand to one that he would know all about it in an agricultural section of the country—would pass his judgment upon its value. He would then draw the mortgage for me, phone to an abstract office and have my abstract continued to date, or I would send over my own abstract, possibly, or phone and have a new abstract made. He would pass judgment upon my title. In addition to my own statement in my application, I would probably have the statement of two of my neighbors signed to it verifying what I had said in reference to it, verifying my answers to the many questions in that application. He would then take those and, in all probability, he would advance me the money on them. He would not even wait until he had received the money from the Travelers' Insurance Co. He would send the papers on, with a draft accompanying them. I would have my money the very day that I went into the bank to borrow; there would be no red tape about it. It may be he would charge $5 or $10 for drawing the papers; but ordinarily he would make no charge, as his fee would be paid—1 or one-half per cent—from the Travelers' Insurance Co. for acting as its agent.

Why not utilize that same system here? What objection is there to it, except the objection, which I admit is valid, as to those who believe that the Government itself ought not to do any kind of business for the benefit of any class of its citizenship? That is a valid objection to those who have that belief; but those who believe in this bill can certainly have no qualms of conscience concerning the paternalistic effect of it. It is the difference between an unworkable bill and a workable bill.

After I have dealt with the bank the coupons will be sent by the Travelers' Insurance Co. to that bank for collection. If I am a little late in my harvest the bank will advance me the money. When I sell my grain I will deposit the proceeds of the sale in that bank. I am doing business all the time with a Government agency already created and with no expense whatever attached to it.

Now, I am going to consider a few of the provisions of this bill to demonstrate, if I can, what a complex, heavy, expensive piece of machinery it is. The bill reported in a certain way duplicates the Federal Banking System. We start out with 12 of these regional land banks. We first have a Federal farm-loan board, and we pay its members each $10,000 a year. There are four of them, so their salaries amount to $40,000 annually.

Mr. CLAPP. Mr. President, the Senator from North Dakota some days ago analyzed his substitute for the pending bill, but I think now, as we are getting nearer to a conclusion of the matter, there is more interest in his substitute. Though it may be plain to all, I think while the Senator suggested, after describing the manner of this loan on the part of the bank acting as an agent of the Travelers' Insurance Co., he would make the bank the agent for the Government instead of the agent for the company; at that point it would make it plainer if the Senator had suggested that the security taken by the bank, instead of being sent to the Travelers' Insurance Co., should be sent to Washington, the authorities at the Treasury here honoring the draft, thus making at that particular point a complete analysis of that transaction.

Mr. McCUMBER. Exactly the same. The Travelers' Insurance Co. would then sell either its bonds or its mortgages; and, in order to secure money at a cheap rate, the Travelers' Insurance Co. would probably guarantee those mortgages in the hands of the purchaser. That is what the Government, in effect, would do. Its guaranty, however, would be in the form of a long-term debenture.

I want to see whether or not this proposed bill will be an expensive affair. We start out with the Federal loan board, composed of four members, having a term of eight years, with a salary of $10,000 each. That is the initial cost. Then, this board is to have supervision over a bureau. The number of employees in that bureau is absolutely unlimited—no one knows how many there will be—but we may get some kind of an idea of the number that will be required when we take the statistics and show therefrom that there are estimated to be over $5,000,000,000 of farm loans in the United States. If this system is going to be workable at all, if it would be adopted all over the country, it would require enough clerical force to handle the business to take care of four or five billion dollars worth of mortgages. The force is unlimited.

Then, again, they are to appoint one registrar in each district. There are only 12 of them; but those are 12 more employees. We will suppose that they will probably be paid $5,000 a year each; so the cost for their salaries would be $60,000.

Then, we are to appoint as many land-bank appraisers as may be necessary. Let us stop and think of that. Remember, that under the provisions of the bill the land-bank appraiser must go out, examine, and pass judgment upon every piece of land involved. If this legislation is a success, you certainly would need as many as one land appraiser in each congressional district, would you not? You certainly would require three of them in my State, and it would keep them mighty busy traveling in order to cover the State: First, to examine one piece of land down in the southwest corner, and then to travel 400 miles to examine

another piece of land in the northeastern corner of the State. So you can be certain that there will be needed at least 435 appraisers.

In addition to those 435 appraisers, you are also to have another number of assistant appraisers. All of their expenses must be paid out of this system; they will have to hire teams; they will have to hire automobiles; they will have to travel by rail in order to get out to this land and to examine it. By the time a piece of land has been examined for the purpose of passing judgment on it by that one appraiser of loans you will have enough expenses to make 1 or 2 per cent upon the amount of mortgage which the average farmer would be desirous of making.

You have land-bank appraisers to be paid by the banks. Then, the farm-loan board must employ attorneys, experts, assistants, and laborers, and again their number is absolutely unlimited. The probabilities are the compensation paid will be the usual amount paid for Government employees, because the very system itself is inaugurated, it seems to me, for the purpose of finding places for your political friends without going to the Civil Service Commission, and after you have found those fine places for them, then they will be covered under the civil-service rules by the order of the President.

Nor do we stop there. The bill then provides for five directors for each land bank. That would make, at least, 60 in number, and if they have a salary of $5,000 a year apiece, that would be $300,000 for their salaries.

Mr. CURTIS. Mr. President, I should like to call the Senator's attention to the fact that, on page 47, the bill provides that the loan committee shall examine the land and all three members must sign the report, and it also imposes the condition that after the mortgage comes in the Federal land bank shall send out one or more of the appraisers to examine the land.

Mr. McCUMBER. Yes; it has to be looked after carefully, doubly appraised, and so forth.

Now, again, these land banks are authorized to employ as many attorneys, experts, and assistants as are necessary, and to fix their compensation. Here, again, the number of employees is absolutely unlimited. There is not a Senator here who does not know that the Government generally requires about three men to do as much work as would be done by one man in any kind of private employment; in other words, it will cost about two or three times as much as it would if a private individual was operating his own bank.

Mr. POMERENE. Mr. President, may I interrupt the Senator?

Mr. McCUMBER. Yes.

Mr. POMERENE. Of course, I think we will all agree that there ought not to be more attorneys or employees than are absolutely necessary to properly manage this system or any system which may be adopted. What limitations would the Senator from North Dakota suggest in that behalf? If there is likelihood of this provision being abused, what limitation would the Senator place upon it?

Mr. McCUMBER. I would not suggest any limitation; I am simply attempting to point out that it will require very expensive machinery to carry this bill into effect.

Mr. POMERENE. Of course, the Senator from North Dakota realizes that as no one can anticipate how many of these different farm-loan associations may be formed, it would be next to impossible to say that either 1 or 2 or 10 or 20 would be sufficient. I realize the fact that if you get a venal board, or a board that is incompetent or does not pay any attention to the business, there might be some abuse along the line that the Senator indicates if there are not any checks imposed upon them.

Mr. McCUMBER. Does not the Senator from Ohio also realize that whenever the Government attempts to operate any kind of business it employs a great many more persons to conduct that business than would be employed by a private individual conducting the same business?

Mr. POMERENE. Well, there is great force in that; and that would apply equally to the number of Senators who are in this Chamber. The business might be conducted with one-half the number of Senators; but we have a system, which prevails. I recognize the general truth of the statement that is made that public business is somewhat more expensive in certain lines and in certain departments than is private business, and that it is more expensive than it ought to be.

Mr. McCUMBER. Whatever these expenses may be, the Senator agrees with me that the expenses would be considerably in excess of what they would be to perform the same functions under private management.

Mr. POMERENE. No, Mr. President, I do not concede that. I say that it may so happen; but I am not conceding in advance that this board would be reckless or extravagant.

Mr. McCUMBER. I am not saying it would be; but I say generally that would be so.

Mr. POMERENE. As a general proposition, I think it is true that it is more expensive to have a given amount of service rendered by a given department of the Government than it would be where the men at the head of the department are not handicapped by having forced upon them certain employees who may have no adaptability whatsoever for the work which they are trying to perform.

Mr. McCUMBER. Well, I do not see that there is any difference between the opinion of the Senator and myself. We agree upon the fact that ordinarily it costs the Government more to do business than it would cost a private individual.

Mr. POMERENE. My thought was this——

Mr. McCUMBER. And if it costs more ordinarily, the chances are that it will cost more in the operation of this business.

Mr. POMERENE. The Senator from North Dakota is criticizing this particular bill because of a weakness which he discovers in it. I think anybody would concede that there is a possibility that there may be some difficulty along that line. For my own information, not only as a Senator but as a member of the committee, if the Senator from North Dakota has any suggestion to make which will reduce to a minimum the possibility of extravagance along this line, I should be very glad to hear it.

Mr. McCUMBER. I have poorly expressed myself if——

Mr. CLAPP. Mr. President——

Mr. McCUMBER. One moment. I have poorly expressed myself if I have not made the Senator from Ohio understand that, if we use the present facilities of the Government through its banks, with officers already established and already paid by the banks, we shall save all of this expense, which must in the end either be paid by the farmer in greater interest or which must be paid by the taxpayer; and the farmer is one of the taxpayers. Now I yield to the Senator from Minnesota [Mr. CLAPP].

Mr. POMERENE. I simply want to suggest, if I may——

Mr. CLAPP. I yield to the Senator.

Mr. POMERENE. That that involves the other question of the wisdom or the unwisdom of combining this system of rural credits with the Federal banking system, and I think it is a pretty serious proposition as to whether or not the two should be combined, because they are so essentially different.

Mr. CLAPP. Mr. President, I rose before the Senator from North Dakota had completed his statement simply to ask him if my understanding is not correct that his objection on account of the expense, or, if I may use the word, the "extravagance" involved in the committee bill, would not be remedied automatically by entirely eliminating it; but before I could ask the question he had already answered it.

Mr. McCUMBER. The amendment which I shall offer as a substitute does away with all of the banks, their officers and appointees, and heavy expenses.

I have not yet gotten through with the question of expenses. Each loan association must have directors and other officers, and the salaries and expenses of the loan associations are to be paid out of the general funds of the association. Those expenses will have to be paid. I can imagine that if farmers in my State enter into a farm-loan association along about the month of January, they will not hold their meetings in the streets; they will require some place in which to hold their meetings. They will either have to hire halls and pay for them or else buildings will have to be erected for the purpose of housing their records and their officers and conducting their business. That must all be paid for by the borrower or else it must be paid for as a loss to the Government.

Again, let us stop and think of the size of the districts. If only 12 districts are provided for the United States, and the bank of each district, if it handles its proportionate share of farm mortgages, must handle about $500,000,000 worth of farm mortgages, provided there are between $5,000,000,000 and $6,000,000,000 of such mortgages in the United States. To do that character and volume of business there must be quite an army of employees.

Now, suppose a bank were to be located in the city of Minneapolis for a district running to the Pacific Ocean through the western section of the country. It would have to be a bank of some considerable magnitude, and it would require a building compatible with the importance of such an institution as that. I can not imagine the possibility of constructing such a bank

building in any one of our great cities that would cost less than $500,000, and that would take, for the building alone, all of its capital stock. Suppose, however, they did not wish to erect a building. Very well, they would have to pay rent on the equivalent of a building that would cost about that much, and they would have to use so much of their capital invested in order to get the money to pay the rent.

Mr. SHERMAN. Mr. President——

Mr. McCUMBER. I yield.

Mr. SHERMAN. Has the Senator considered, or would he pursue the speculation into, the very large field it would open for appropriations for public buildings? There is quite a large field at present in that direction; and does the Senator think it ought to be enlarged?

Mr. McCUMBER. I do not. If the Government owns all the stock, it must provide the building. We have had no argument at all along this line, and no explanation of this feature has been given; some one must furnish the bank a building; the Government must either construct a building or rent one, or else the bank must take its capital stock to build it.

Mr. POMERENE. Mr. President——

Mr. McCUMBER. I yield.

Mr. POMERENE. I understand from the Senator's argument that his objection is that the districts are too large to attend to this business?

Mr. McCUMBER. Yes and no. The system is wrong. If you make the districts smaller, you add to the expense; if you leave them as they are, the bank will be so far away from the borrower doing business with the bank that it will be necessary to have a great class of middlemen between the farmer and the bank and a great amount of red-tapism that would disgust any farmer in the United States.

Mr. POMERENE. Of course if the system is wrong it ought to fail; if it is right, it ought not to be defeated because it requires either large districts or large bank buildings. My recollection is that when the Federal reserve act was before the Senate the Senator then favored the Hitchcock plan, which provided for only four, or perhaps five, districts in the United States. The business, of course, connected with the commercial banks is infinitely more complex, more involved, and more extensive than the business required under a plain mortgage system, so that I do not quite understand how, in this instance, the provision for 12 districts makes each district too large, when it was thought by the Senator and others that under a provision for four or five districts in the Federal reserve act the district would not be too large.

Mr. McCUMBER. I have not made any comment upon whether the districts are too large or too small. I insist that the system is wrong and you can not make it right by increasing or decreasing the number of banks.

Mr. POMERENE. Perhaps I misunderstood the Senator.

Mr. McCUMBER. One of the purposes of this bill is to bring the farmer who wants to borrow just as closely as possible to the individual who has the money to loan, and to cut out all unnecessary expenses that the farmer is now paying to get money through a somewhat complex system.

Mr. POMERENE. Does the Senator understand that the farmer would have to go to the central bank in order to get his loan?

Mr. McCUMBER. No; the farmer has first got to deal with an agent in his own section—or, rather, the first thing he has to do is to organize a community of debtors.

Mr. POMERENE. Certainly.

Mr. McCUMBER. That is the first thing he has got to do. Then those debtors must appoint an agent; then that agent will operate through the land bank; the land bank will operate through the central board; and the central board will be the connecting link between the Treasury of the United States and the several banks, and also, to some extent, indirectly the connecting link between the loaner and the system.

Now, let us consider just for a moment whether or not the difference of 1 per cent will in all probability take care of all of this expense. There are expenses of buildings, of traveling, of an army of registrars, special land appraisers, attorneys, experts, assistants, land-bank directors, presidents, vice presidents, secretaries, land-bank officials, and of all the vast machinery which will have to be paid out of 1 per cent of the business.

The expenses of the Federal Reserve Board last year were $216,000; the salaries of its employees last year were $108,650; and the salaries of the examiners who examined the banks in the Federal Reserve System were $396,000. The expenses of the Federal reserve banks last year were $1,490,729, and the estimated expenses for the same banks for this year are $1,611,000. Remember that one of the heavy items of the expense in our banking system is the bank examiners. Under the system proposed by this bill there must be an immense number of appraisers who will have to travel over the country and examine the lands on which the mortgages are to be made.

I want to call attention to one or two of the statements made by the Senator from New Hampshire [Mr. HOLLIS] in his address the other day. He said:

> In Europe mortgages run for as long a term as 75 or 80 years. I think there are some amortization payments of only a quarter of 1 per cent a year, which would enable the borrower to pay out in something under a hundred years. It is in order to encourage the farmer not only to get his money at a low rate and to use it for productive purposes, but at some time to pay off his loan that this system is devised.

Mr. President, I may not know the farmers of this country very well, but any system that is devised to allow a farmer to buy a farm and pay off his mortgage in 70 or 80 years will not be taken advantage of by many farmers in this country.

Mr. HOLLIS. Mr. President, I have no doubt the Senator means to be entirely fair about this matter, and I presume he knows perfectly well that under the pending bill a loan can not run for more than 36 years. What I said the other day applied to the European system; and the committee has discarded the idea of so long a term.

Mr. McCUMBER. Yes. I am inclined to think that, if you would take any farmer and show him a piece of land and tell him that if by working 36 years he could earn enough to pay for that piece of land, he would decline your offer.

Mr. HOLLIS. He is not obliged to do that if he does not want to do so.

Mr. McCUMBER. He would not want to buy a farm when it would require him 36 long years of toil—two-thirds of his working life—to pay for it.

Mr. HOLLIS. He is not obliged to borrow for 36 years. He can fix his own time after five years. But, of course, he would have to pay more each year if he wanted to pay out earlier.

Mr. McCUMBER. I am simply taking issue with the Senator by stating that, if this bill is devised to meet the demands of farmers who want even 36 years to pay for their loans, I do not think there are many farmers who would wish to take advantage of it. Most of the farmers that I know anything about, when they buy a piece of land, expect to pay for it in ten or a dozen years at least, as any merchant who goes into business expects ordinarily to have his stock clear in that many years.

Mr. HOLLIS. Mr. President, does the Senator understand that most merchants pay for their stock and for all the capital they use after the expiration of any period of years? Does not the Senator know that nearly all merchants are continually borrowing money to be used in their business as capital?

Mr. McCUMBER. I know that a great many are doing so, because doing business on a large scale it is cheaper to do business with other men's money than it is to furnish your own or to do it only in the limited way in which you would have to do it if you had to depend upon your own capital. A mercantile business grows; a farm does not increase in acreage. In a very few years the merchant is supposed to have the original value of his stock of goods clear.

Again, the Senator says:

> The Government under this bill will advance to a land bank money if it gets in temporary difficulty, just as it advances the money to commercial banks that get into difficulty by placing Government deposits in certain localities.

I had hoped, Mr. President, that we had outlived that system which has been adopted by the Treasury Department for a number of years to back up speculations in Wall Street and other places, and that we would not have to use it anywhere in the United States. The Senator undoubtedly has some suspicion about the success of this bank, and therefore he very cautiously provides that the Government may come to its rescue if it finds itself in straits. I should hope for a system that would be so sound, so certain, that it would not be necessary to have a provision in the bill which would provide for difficulties in which the Government would be called upon to help out.

Again, he says:

> The Government gets no dividends and no interest at all on the money that it employs for this purpose.

Mr. President, every dollar that the Government puts into this business it has to draw out of some one's pocket, and the chances are 10 to 1 that that some one is also paying interest upon money that he is borrowing; and thus you provide that you can tax certain of the people to furnish money for a private enterprise which you say can make money out of this 1 per cent. You tax me and you tax yourself to furnish the money to give to John Doe to operate a bank.

Mr. President, I am inclined to think that if the vote of the people of my States, all of them agricultural, could be had as to whether they would accept from the United States a gift of

money for use with no interest, they would not have the cheek to do it; and yet you are providing in this bill that they shall furnish at least a portion of the money that will go into this enterprise without any charges whatever, and if the Government loses the people that furnish the money lose in the enterprise. If it is a good, paying enterprise, the private individuals who constitute the directors or those owning the stock will have the benefit of it. That is scarcely just to the people.

Again, the Senator says:

His—

That means the appraiser's—

services are paid for by the land banks, for he performs an official function, and he goes to every piece of land and examines it himself and passes upon it.

Suppose, now, that you were to send examiners to every farm in the United States that has a mortgage on it where the farmer desires to renew that mortgage. Have you stopped to contemplate what it would cost? Why, it is almost beyond computation. The expense necessarily would be enormous. Some one must pay that expense. If the Government pays it all, then the Government has to pay millions upon millions of dollars for these expenses. If the borrower pays them, it must add to his interest rates.

Again, the Senator says:

The Government exempts from the income-tax law and from all Federal, State, and local taxes the capital stock of the Federal land banks—not of the joint-stock land banks—and the mortgages and the bonds.

I have some doubts myself about this bill being so carefully drawn that it can make that provision constitutional. I doubt if under the real purposes, at least, of this bill—purposes that are not hidden in any way—the Government of the United States can prevent the State of North Dakota from levying a tax upon mortgages within its jurisdiction or upon bonds within its jurisdiction, other than the bonds of the Government itself; and in this instance they will not be Government bonds.

Mr. President, I have an amendment which I should like to offer at this time, or at least to have read at this time, and I can ask for a vote upon it later. If there be no objection, I should like to have it read at this time.

Mr. HOLLIS. Mr. President, I think amendments are not in order at this time.

Mr. McCUMBER. Of course, I appreciate that the Senator's position is correct.

Mr. HOLLIS. I wish to finish the reading of the bill for committee amendments first. Of course, the Senator can offer the amendment, but it would not be advisable to vote on it as late in the afternoon as this; so I will ask the Senator to present it at some other time.

Mr. McCUMBER. That will be entirely agreeable; but I wish to describe it just for a moment.

Mr. CUMMINS. Mr. President, before the Senator proceeds to discuss his own bill or amendment I should like to ask his opinion on this question; and I ask it purely for information, because I have been unable to reach a satisfactory conclusion myself:

Suppose that the system were in effect, 12 land banks had been established, and in the aggregate they had loaned, we will say, $1,200,000,000. The profit, or the difference between the rate of interest on the bonds and the rate of interest on the mortgages, would aggregate $10,200,000. What would be the expense of operating the system when it had reached the extent I have described?

I should like to know something about how much it would cost to do this work for the purpose of ascertaining whether or not the 1 per cent would be sufficient to cover it.

Mr. McCUMBER. I think I can point out the pathway, at least, through which the Senator will be able to form some kind of a conjecture, and that is all that we can possibly do.

If the banks were doing a billion dollars' worth of business a year, and there were about $5,000,000,000 worth of mortgages, they would be doing a business that would cover at least one-fifth of all the mortgages in the United States during a year; and, assuming that those mortgages and renewals ran about five years—and they run from two to five, but give a five-year average—that would necessitate an examination of one-fifth of all the farms in the United States that have mortgages upon them. That would necessitate sending men from some part of the United States—we will suppose from one of the 12 central banks—to the land in question; and, as I stated, I can not conceive that it would be possible for four or five hundred men to do it. If you take 500 men—and probably you will need a thousand of them, in my opinion—if you take a thousand, and pay but $1,000 a year to each, there would be $1,000,000 that it would cost to cover that. I do not know how much it would cost; but I believe that if you carry out that appraisement idea and send men to appraise and visit and inspect the land on which the loan is to be made, pay their salaries and traveling expenses and all other expenses of the system, the spread of 1 per cent will not cover them.

Now, turning to my amendment:

Section 1 creates a bureau, to be known as the bureau of farm mortgages, in the Treasury Department. In that respect it is the same as the bill under contemplation.

Second, it makes an appropriation for advances until Government debentures are sold to cover the advances; that is all. If the Government would lose anything, it would lose the interest upon the money that it had advanced until it could sell the bonds that would cover the mortgages.

Third, the proceeds of the debentures are used for the purchase of other mortgages. A million dollars would certainly be all that it would be necessary for the Government ever to advance before it sold its debentures, and probably $100,000 would be sufficient.

Section 4 provides that every national bank or State bank coming under the provisions of the act is a governmental agency.

Section 6 provides that the farmer can borrow for any purpose. He is not limited. Under the provisions of this bill he can only borrow for the purpose of buying a farm, paying up an indebtedness on a farm or purchasing farm implements. Now, as long as the security is not above 50 per cent of the value of the land, why not allow the farmer to borrow the money for whatever purpose he sees fit to use it? It is the security that you must look to in every instance. If he happened to run in debt to the doctor because of some serious operation on his wife or a member of his family, why not allow him to borrow the money to pay for that, if he saw fit to do it? Why limit it to these few purposes? Again, suppose a farmer borrows for the purpose of buying farm machinery and other things of that kind, and he fails to do so, what are you going to do about it? The chances are, I think, that you would not attempt to enforce the mortgage and foreclose it as long as he kept up his interest. So, under the provisions of the bill, that is left in reality to the honor and integrity of the man borrowing.

Again, under the provisions of my bill the mortgage is to run for 10 years, with the privilege of paying it in 5 years; but I really believe it would be safe if it provided that it might be paid on any interest-paying date after three years. I believe there would be enough of a demand to keep mortgages coming in all the time, and due at different times, so that the farmer could pay if off whenever he saw fit.

May I ask the Senator a question here, as I am not certain about one feature of the bill under consideration?

Mr. HOLLIS. Certainly.

Mr. McCUMBER. Does it provide for annual or semiannual interest?

Mr. HOLLIS. Semiannual interest.

Mr. McCUMBER. Let us apply that to all of the Northwestern States. I think that is a provision, above all, that should not be in the bill, and my reason for that statement is this:

In every farming community where they have only one crop in a season the farmer pays the interest on his mortgages at the time he has his crop ready for market. If a farmer in my State should have to pay interest on a mortgage in June, he either would have had to keep that interest idle from the fall, or else he would have to pay interest on that interest until the next fall; and in the end, with your semiannual interest and your penalty of 8 per cent, which I think you have provided, you will have the farmer paying as much as or more than he would if he got the money from some loaning agency.

Under the provisions of my bill the mortgage can not carry a higher rate of interest than 4½ per cent. That mortgage will be accompanied by an abstract, an application, an appraisement of neighbors, and an appraisement by the banker himself; and in addition to this, to make it doubly secure, it will be the duty of the bank examiner, who generally goes to the banks two or three times a year, to report upon it.

In an agricultural community, in order to pass upon bank paper, our present bank examiner must know the value of the lands in that section. Therefore, under this system the Government would require him, in addition to his usual duties, to report upon the general value of lands in the vicinity of the banks which he examines, so the Government would have the assessment value, all of the facts that would be contained in the application verified by the farmer and by two of his neighbors; it would have the estimate and the report made by the banker himself, who would be held responsible if he did not act in good faith in giving the values; and under this system it would be impossible to impose upon the Government unless all of these officers were negligent in their duty.

The banker would be entitled to charge 1 per cent. If a farmer was borrowing $500, he would pay $5 to the banker for drawing his mortgage, examining his abstract, and conducting the business for him. If the mortgage was for $1,000, he would receive $10. That is probably the same amount that he would pay an attorney for doing the same kind of business.

Again, section 7 provides that when the Government receives a million dollars of mortgages it shall issue bonds or debentures, payable in 20 years, bearing 4 per cent interest, payable annually—not semiannually—so that the payments may be made at the same time that the farmer pays his interest; and the debentures that would be used in the Northern States would undoubtedly be so dated, as a rule, that they would mature in the fall of the year. Then these debentures would be sold for their face value. I know there was some criticism in the other Chamber upon that provision because it did not allow the Government to get a bonus if it could get it; but the object of this bill is to help out the small investor. It is not for profit. It is not to furnish the big banks with a means of loaning their surplus. It is simply to bring the investor—the widow, the trust estate—to the farmer, where the one can loan a small amount of money to the other. The debentures can not be for more than $500 nor less than $100; and the bill provides that the Government shall give preference in the sale of the debentures to the small investor, and if they are all taken up they will go into the hands of those people who must depend on some one else to keep their little capital invested.

Section 7 provides that the commissioner has the right of a mortgage under the laws of the State wherein the land is situated.

Section 9 provides for the payment of taxes, and for foreclosure of mortgage, or sale in lieu of foreclosure. That authorizes the commissioner to foreclose under the laws of the State wherein the land is situated; or, if he sees fit, and can secure the amount due, he may sell the mortgage instead of foreclosing it.

Section 10 provides that the bonds may be purchased and sold by Federal reserve banks under the provisions of sections 13 and 14 of the Federal reserve act. This hitches up the whole system to the present banking system of the United States, and I think would answer any objection as to its constitutionality.

Section 12 provides that the Secretary of the Treasury shall make all needful rules for carrying into effect the provisions of the act.

Now, just a word on why this system which is proposed for the United States—a system that has followed European customs—will not be applicable in America.

First, we must remember that farmers do not live in communities in the United States. In Europe they do. In Europe, if you take any one of those communities, you will find that through marriages and intermarriages the people in that community are about all related to each other. They are uncles and cousins and brothers and sisters and aunts, and brothers-in-law, and so forth, and each one knows all about the business of the other and knows his responsibility; and the entire community undoubtedly, where they have to buy land at such enormous prices that it takes them a lifetime to pay for it, are willing to act together and to protect the interest that belongs to the entire relationship in that community. That is not the nature or condition of the American farmer. He lives by himself. In our part of the country he lives on quite a good-sized farm, often several miles from his nearest neighbor. He does his business in his own way, and scarcely knows his neighbor, except when he talks to him over the telephone. Those conditions require entirely different kinds of systems in order that they may be a success.

Why, from the arguments that have been made here one would think that the farmers of the United States were properly described in these "Squash Center" articles in the comic supplements. As a matter of fact, the farmers of America are not sitting around a grocery store on barrels and discussing things. They are at their own homes, reading their papers, reading their magazines, and attending to their own business.

Again, the farmer wishes to conduct all his business independently of his neighbors. The matter of the cooperative creameries, and so forth, has been mentioned here. A creamery is part of the farmer's business, and he understands the general working of it. It is right at his very door. He may be willing to go in with a number of other farmers and take chances on that creamery. I think in a great many instances in my State, where they have proven a failure, you could not induce him to go into one of those schemes again. He prefers, ordinarily, to let some one else run the creamery, and he will sell him his cream and his milk. Well, then, if he even sometimes suspicions those institutions and does not like to incur responsibilities for their conduct, what hope have you to get him to enter into an agreement to take care of all the mortgages in the State of North Dakota and become a party to all of the liabilities connected with such an extensive and complex system the workings of which he can not hope to fully understand? If he is a good, sensible farmer, I do not think he would like to take that chance. He is averse to any liability other than his own.

Again, lands in the old country are held for life, and they pass from heir to heir. Now, as a matter of fact, in our part of the country a farmer will sell his farm about as readily as he will sell a horse or a colt or a steer. Whenever he thinks he can promote his welfare by doing so he will sell it, and he does not want it tied up by any 36-year mortgage, nor does he want it tied up in a system of liability for all of the debts, not only of his neighborhood but throughout his State.

As a rule, the farmers of the Northwest are opposed to long-term mortgages. The shorter the farmer can have the term of his mortgage the better it suits him. He would prefer borrowing from one year to the other; and if he is sensible he knows he would be better off to pay 7 per cent, with a right to pay any part of it in one year, and to pay his interest annually, than he would to tie it up for a number of years at 6 per cent and pay his interest semiannually. So I do not think that system would appeal to him.

Again, when a farmer under this bill wants a loan he has first to submit the question to all this community of debtors and they are to pass judgment on it. Then he puts the matter in the hands of the agent. He then must deal with a bank that may be a thousand miles from where he is located. Then the bank must send out an appraiser and examine that land after the application has been received. Do you know of any farmer in North Dakota, or South Dakota, or Iowa, or Minnesota who would go to that trouble to secure a loan when he can go to his bank and get money about as cheaply as he would get it under this provision, and get it the very day he wishes it, because, as I have said, the bank will generally advance money for its customers?

Again, there would be no conflict with the local banks. Under the provision which I have in my substitute there are banks enough in the country to do all the business, to take care of all the farm loans. All that a farmer is interested in is that he shall get his interest at the lowest possible rate, and through the system of these banks without any of these overhead expenses you can bring the farmer of the West into communication with the money loaner of the East.

The bill under consideration, Mr. President, assumes that it will not invite consideration from good business men. It assumes that the good business men will not go into the business; and, therefore, in order to force the system upon the Government, whether there is a demand for it or not, it provides for the creation of this board, and the board must then create these banks, without first knowing whether there will be use for them, without knowing whether they will be a success or not. Inasmuch as it assumes, as stated by one of the authors of the bill, that no private person would enter into it in the first instance, it compels the Government to take every dollar of the stock issued by that bank. Then if it fails because no one wishes to go into the business, you have a bank building that may have been built at an expense of $500,000 or you have entered into a 10 or 15 year lease for $20,000 or $30,000 a year for a great bank, and you have no business for it. But it is the Government's money; and, of course, it does not make so much difference. I admit frankly that this substitute is somewhat paternalistic; but you must either cross over the paternalistic line or else you will not get the kind of rural-credits bill that will suit the farmers in the entire United States, and without it, in my candid judgment, you will not secure a bill that will operate successfully. I used to be a little more afraid of the paternalistic idea than I am now. I am getting rather used to it here during the time I have been in Congress. When I find that the Government is building railroads over in Alaska for three or four thousand white people in the whole section, when I find that it is guaranteeing the bonds of a railway built in the Philippine Islands, when I find thousands of other instances where the Government is financing different institutions, I can see no serious objection to its becoming the guarantor of paper that is backed by property twice the value of the paper.

Now, under the proposed system the Government will risk the loss of its entire capital. Under my system it can not lose a cent. Why? Because land as capital can not blow away. You can not lose that capital. That land has a definite and stated value. Business may be valuable or it may not; but the land, if it is productive land, will always have a value; and what is more important, as population grows, and as acres can not grow, in the United States the acres will become more and

more valuable. Therefore there is no chance of loss on the part of the Government, and there can be no possibility that this substitute will not operate successfully.

It will give the farmer 4½ per cent money. It will give the money lender of the East who has but a few dollars to lend 4 per cent interest, and without being taxed upon the bonds held by the individual.

Mr. President, as I have stated before, the two parties agreed that they would give the farmers relief in a rural-credits bill. All right; make that promise good, but give them real relief. They did not ask that you should put upon the statute books something which you call a rural-credits bill, which they can not use and will not use, and which, in my opinion, will not be workable.

I furnish in this amendment the opportunity to give the farmers a rural-credits bill that will reduce all farm mortgages to 4½ per cent interest. You can vote it in and give the real relief demanded or you can vote it down and give a bill which will not meet the agricultural demands of the country.

NOMINATION OF JOHN RANDOLPH THORNTON.

Mr. RANSDELL. Mr. President, I ask unanimous consent that the appointment of former Senator Thornton, made by the President to-day, be laid before the Senate by the Vice President at this time.

The VICE PRESIDENT. Is there objection? The Chair hears none, and lays before the Senate the following appointment.

The Secretary read as follows:

WHITE HOUSE,
Washington, April 26, 1916.

To the Senate of the United States:

I nominate John Randolph Thornton, of Louisiana, for appointment as civilian member of the Board of Ordnance and Fortification vice Francis M. Cockrell, deceased.

WOODROW WILSON.

Mr. RANSDELL. I ask unanimous consent that the appointment be considered as in executive session, and that the nomination be confirmed without reference to a committee.

The VICE PRESIDENT. In open session. Is there any objection?

Mr. SMITH of Michigan. Mr. President, the request made by the Senator from Louisiana is a very unusual one but this is a very unusual man. He served his country faithfully in the Senate and he made a lasting impression upon all his associates. As far as I am concerned, I am perfectly willing to give consent to the immediate consideration of this nomination.

Mr. RANSDELL. I thank the Senator for his consent, but I wish to say that it is not without precedent.

On March 3, 1911, President Taft sent to the Senate the nomination of former Senator William Warner, of Missouri, to be civilian member of the Board of Ordnance. On motion by the Senator from Wyoming [Mr. WARREN], with the Senate in open session, but proceeding as in executive session, the nomination was confirmed without reference to a committee.

Mr. SMITH of Michigan. I am well aware of the instance cited by the Senator from Louisiana, but it is nevertheless an unusual request. However, the high character and excellent attainments of the distinguished former Senator from Louisiana amply justify this compliment at the hands of the Senate.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the nominee is confirmed. The President will be notified.

RURAL CREDITS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal savings deposits, to create Government depositaries and financial agents for the United States, and for other purposes.

Mr. HOLLIS. Mr. President, I have listened with great interest to the address of the Senator from North Dakota [Mr. MCCUMBER]. In the main it is the same address that he made a week or so ago. I wish it were as easy and as simple as the Senator doubtless thinks it is. I wish that every farmer in the country might get his land appraised by two of his neighbors and go to the nearest bank and get half its appraised value as a loan. I wish that could be done and be safe. But it would load the Government of the United States with billions and billions of indebtedness. I fear that the Government would never be ready to foreclose on a farmer who was in default. The plan suggested is simple. It has been worked out by the Senator from North Dakota with great care. Those who believe that the Government should borrow four or five or ten million dollars and reloan it to the farmers and take the risk that the farmer would not pay up as he might to a private bank will doubtless vote for it. I do not think that a majority of the Senate will approve a measure of that kind.

Before I finish what I have to say now I wish to state that the committee does not admit that the plan proposed in the committee bill is either cumbersome or complex. It considers that, in view of the vastness of the subject and of the number of loans to be treated, the system is very simple and very inexpensive.

Mr. President, unless some one is prepared to speak, I would like to continue the reading of the bill for action on committee amendments until a quarter to six, and then have a short executive session.

Mr. SMOOT. Mr. President, there are very few Senators here, and I am quite sure those who are away did not expect any further business to be transacted to-night after the address of the Senator from North Dakota. If we proceed with the amendments, there might be some agreed to to which Senators would object. I do not want to suggest the absence of a quorum, because it is very doubtful if we could get one at this time of the evening.

Mr. HOLLIS. Very well. I will state to the Senator and to those Members who are present that if any committee amendment had been adopted in the absence of those who wished to be heard on it, I would not object to having it reconsidered so that every one would have a fair chance. However, in view of the Senator's suggestion I now move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 7 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 17 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 27, 1916, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 26, 1916.

MEMBER OF THE BOARD OF ORDNANCE AND FORTIFICATION.

John Randolph Thornton, of Louisiana, to be civilian member of the Board of Ordnance and Fortification, vice Francis M. Cockrell, deceased.

PUBLIC HEALTH SERVICE.

Passed Asst. Surg. Ernest A. Sweet to be surgeon in the Public Health Service, to rank as such from May 10, 1916. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

Passed Asst. Surg. Francis H. McKeon to be surgeon in the Public Health Service, to rank as such from May 13, 1916. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 26, 1916.

MEMBER OF THE BOARD OF ORDNANCE AND FORTIFICATION.

John Randolph Thornton to be civilian member of the Board of Ordnance and Fortification.

PUBLIC HEALTH SERVICE.

Surg Louis L. Williams to be senior surgeon.
John Davis Reichard to be assistant surgeon.

POSTMASTERS.

MASSACHUSETTS.

William F. Kelley, South Acton.

MINNESOTA.

N. J. Enquist, Isanti.
Robert M. Mills, Maple Plain.

MISSOURI.

J. Kelly Joiner, Richmond.

NEW YORK.

Frank M. Evans, Fredonia.
J. Frank Lackey, Tannersville.
Paul E. McManus, Hartsdale.

OKLAHOMA.

G. H. Crittenden, Rush Springs.
Willard P. Morris, Hooker.

PENNSYLVANIA.

John C. Wiegel, Aliquippa.

REJECTION.

Executive nomination rejected by the Senate April 26, 1916.

POSTMASTER.

Adam Hersperger to be postmaster at Mayville, N. Y.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 26, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee for this beautiful spring day, with all its hopes and promises for an abundant harvest in its season. Quicken, we beseech Thee, all that is truest, noblest, best in us, that the soul, responsive to the heavenly vision, may spring into new life and bear fruits abundantly of the spirit, that we may glorify Thee and be worthy of Thy care and protection. After the manner of the Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. CAPSTICK rose.

The SPEAKER. For what purpose does the gentleman from New Jersey rise?

Mr. CAPSTICK. To ask unanimous consent to extend my remarks in the RECORD on the appropriations for the Department of Agriculture.

The SPEAKER. Is there objection?

There was no objection.

Mr. HELVERING. Mr. Speaker, I desire to make the same request, to extend my remarks on the Agricultural appropriation bill.

The SPEAKER. Is there objection?

There was no objection.

CALL OF THE HOUSE.

Mr. BEAKES rose.

The SPEAKER. For what purpose does the gentleman from Michigan rise?

Mr. BEAKES. I rise to make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Michigan makes the point of order that there is no quorum present. The Chair will count. Evidently there is no quorum present.

Mr. BARNHART. Mr. Speaker, I move a call of the House.

Mr. MANN. Is this a filibuster on that side?

The SPEAKER. The gentleman from Indiana [Mr. BARNHART] moves a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Foss	Lindbergh	Rowland
Anthony	Gallivan	Linthicum	Russell, Ohio
Bacharach	Gardner	Lobeck	Sabath
Barchfeld	Gillett	Loft	Scott, Pa.
Bennet	Godwin, N. C.	Loud	Scully
Brumbaugh	Gordon	McCulloch	Sears
Burnett	Griest	McFadden	Sells
Caldwell	Griffin	McKinley	Shouse
Cantrill	Guernsey	Maher	Siegel
Chiperfield	Hamill	Moon	Smith, N. Y.
Church	Hart	Mooney	Snell
Coady	Hay	Morin	Snyder
Cooper, Ohio	Heaton	Moss, W. Va.	Sparkman
Cooper, W. Va.	Helm	Murray	Stephens, Nebr.
Crosser	Henry	Nicholls, S. C.	Sumners
Dallinger	Hinds	Nolan	Switzer
Davis, Minn.	Hollingsworth	Norton	Tague
Decker	Hulbert	Oakey	Talbott
Denison	Hutchinson	O'Shaunessy	Thomas
Dill	James	Padgett	Tinkham
Dixon	Johnson, S. Dak.	Patten	Treadway
Doremus	Kearns	Phelan	Vare
Doughton	Kettner	Platt	Watkins
Driscoll	Kiess, Pa.	Porter	Wilson, Fla.
Fairchild	Kinkaid	Price	Wilson, Ill.
Farley	Konop	Reavis	Winslow
Flynn	Lafean	Riordan	Wise
Focht	Langley	Roberts, Mass.	
Fordney	Liebel	Rogers	

The SPEAKER. On this roll call 319 Members—a quorum—are present.

Mr. KITCHIN. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

PERMISSION TO ADDRESS THE HOUSE.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may proceed for five minutes.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent to proceed for five minutes. Is there objection?

Mr. MANN. About what?

Mr. BARNHART. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman if it is important that these remarks be made at this time?

Mr. RAKER. I will answer the gentleman's question. It seems to me that in consideration of the fact that the immigration bill passed the House with so many votes, and considering the sentiment of the country and of the West, as expressed in messages received from men of all parties, it is worth while to show to our President that the sentiment of the country today is in favor of this immigration bill.

The SPEAKER. Is there objection?

Mr. BARNHART. I object.

Mr. MANN. Reserving the right to object——

The SPEAKER. The gentleman from Indiana [Mr. BARNHART] objects.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the restriction of immigration by inserting an article published in the Yreka Journal, edited by W. Earl Smith.

Mr. MANN. Does that identify the gentleman?

The SPEAKER. Is there objection?

Mr. BARNHART. I object.

The SPEAKER. The gentleman from Indiana objects.

CALENDAR WEDNESDAY—REVISION OF PRINTING LAWS.

The SPEAKER. This is Calendar Wednesday, and the House automatically resolves itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 8664, with the gentleman from Mississippi [Mr. SISSON] in the chair.

Accordingly the House resolved itself into Committee of the Whole on the state of the Union for the further consideration of the bill H. R. 8664, with Mr. SISSON in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read the title, as follows:

A bill (H. R. 8664) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications.

The CHAIRMAN. The Clerk will proceed with the reading of the bill for amendment.

The Clerk read as follows:

SEC. 50. Par. 1. The Vice President and each Senator shall be entitled to order of the superintendent of public documents such Government publications, for free public distribution, as are authorized by this section to the value of not to exceed $2,200 annually; and each Representative, Delegate, and Resident Commissioner shall be entitled to likewise order Government publications, for free public distribution, as authorized by this section to the value of not to exceed $1,800 annually: *Provided*, That on the 4th day of March of 1916, and of each succeeding year, the superintendent of public documents shall credit the valuation account of each person entitled thereto with the annual amount as herein authorized; but no such valuation accounts or credits shall be available or used for any other publication, purpose, or person than as authorized by this section, and they shall not be subject to transfer or assignment from one person to another or in anywise held to be a personal asset of the individual in whose name such accounts or credits may be recorded: *Provided further*, That the superintendent of public documents shall distribute on the order of the Secretary and the Sergeant at Arms of the Senate, and the Clerk, the Sergeant at Arms, and the Doorkeeper of the House of Representatives, not to exceed 10 copies each of any publication printed for congressional valuation distribution: *Provided further*, That in event of a vacancy in any position designated in this act as entitled to a valuation account or quota of Government publications, the valuation amount or documents remaining to the credit of the person who held such position shall go to the credit of his successor, as provided for herein: *Provided further*, That said superintendent shall not supply publications on any valuation account in excess of the amount lawfully credited to the person having such an account with him; nor shall said superintendent sell, charge to any valuation account, or otherwise dispose of any publication in his charge, except as authorized by law, at less than the price fixed therefor by the Public Printer, which price shall be sufficient to cover the cost of paper, printing from plates, and binding.

Mr. BARNHART. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Indiana offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Page 57, line 7, after the word "that," strike out down to and including the word "shall," in line 9, and insert in lieu thereof the following: "The superintendent of public documents shall, on the 1st day of July, 1916, credit the Vice President and each Senator with Government publications, as provided in this section, to the amount not to exceed $1,470, and shall likewise credit each Representative, Delegate, and Resident Commissioner with such publications to the amount not to exceed $1,200, and said superintendent shall, on the 4th day of March of each succeeding year."

Mr. SULLOWAY. Mr. Chairman, we would like to know where that amendment comes in. In the confusion we could not hear.

The CHAIRMAN. The amendment is offered to line 7, page 57.

Mr. MANN. May we have the amendment reported again, Mr. Chairman, so that we can hear it?

The CHAIRMAN. Without objection, the Clerk will again report the amendment. The committee will be in order. This is an important amendment, and the Members of the House are all personally interested in this bill, because it will affect all of them if it becomes a law. The Chair will ask the committee to be in order and listen to the reading of this amendment.

The amendment was again read.

Mr. MANN. Mr. Chairman, the gentleman has fixed the date as July 1 next.

Mr. BARNHART. Yes.

Mr. MANN. It is absolutely certain that this bill will not become a law by the 1st of July.

Mr. BARNHART. I will say to the gentleman from Illinois that the committee had that under advisement this morning. Evidently it will have to be changed in conference, in any event, but we fixed that time so as to have a starting point.

Mr. MANN. Would it not be practicable to arrange it so that these sections shall not take effect until a certain time in the future, the existing law to remain until that time?

Mr. BARNHART. I agree with the gentleman.

Mr. MANN. I think we will get it all mixed up in this way.

Mr. BARNHART. Not necessarily so.

Mr. MANN. Perhaps not.

Mr. BARNHART. Sometimes the Senate does things with surprising rapidity, and we wanted to fix it so that the membership of the House, in the coming campaign, would have as much benefit as they could under the law without mixing the matter up, so we fixed it at that time. If the gentleman thinks it better, we can fix it at some future date. Evidently it will have to be changed, whatever is done now.

Mr. MANN. I suggest that we change these sections of the bill to take effect on the 4th of next March. Then everyone would have notice of its being enacted into law.

Mr. BARNHART. We talked that over in the previous consideration of the bill, and at that time we fixed it at the 1st of January. I do not recall now just what the suggestion was as to that, or the reason why we did not fix it at the 4th of March, but there was some reason that I do not recall now. I do not know that there will be any objection to fixing it at the 4th of next March, except that if the bill should pass at an earlier date than that, the Members ought to have the advantage of the allotment of the law, which we believe is vastly superior to the existing law and of greater benefit to the people in their districts.

Mr. MANN. I think there is a good deal of doubt on the part of the membership whether this provision is of any special advantage to them personally. I am willing to try it.

Mr. SIMS. Will the gentleman yield for a question?

Mr. BARNHART. Yes.

Mr. SIMS. The gentleman speaks of this allotment, and of the Members having the benefit of it in the approaching campaign. Is it not a little unfortunate to give out the impression that we are appropriating money for these documents to help us in our campaign? I thought these documents were to be used for the benefit of the public, our constituents, and not ourselves.

Mr. BARNHART. Certainly I had nothing in my mind except the benefit to the public.

Mr. SIMS. The gentleman used the language, and I thought it was unfortunate.

Mr. BARNHART. I think the gentleman from Tennessee is fully aware of the fact that I have taken the position all the time that these public documents belong to the people of the districts and not to the Members of the House.

Mr. SIMS. But the gentleman did use the language I am speaking of, that he thought Members ought to have it for the benefit of their approaching campaigns, and I was satisfied the gentleman did not mean to leave that kind of an impression.

Mr. BARNHART. I did not mean that. Some Members hold the documents to use them in their campaigns, and it is their privilege to do so.

Mr. SIMS. But the gentleman's remark was that they were entitled to the benefit of it, and that he wanted them to have it.

Mr. BARNHART. What I had in mind was the benefit to the public resulting from a better distribution.

Mr. SMITH of Idaho. Will the gentleman yield for a question?

Mr. BARNHART. I yield to the gentleman from Idaho.

Mr. SMITH of Idaho. I would inquire of the gentleman whether or not the amendment will reduce the quantity of documents to each Member?

Mr. BARNHART. Not in the least. The purpose of the amendment is to protect the membership of the House fully.

Mr. SMITH of Idaho. You are reducing the value of the documents allotted.

Mr. BARNHART. Not at all. This is only for two-thirds of a year.

Mr. KINCHELOE. Will the gentleman from Indiana yield?

Mr. BARNHART. I yield to the gentleman from Kentucky.

Mr. KINCHELOE. The gentleman's statement partly explains what I wanted to know. If I understand the bill correctly, the allotment of each Member for a full year is $1,800?

Mr. BARNHART. Yes.

Mr. KINCHELOE. And this is simply to pro rate it for the remaining part of the year?

Mr. BARNHART. Yes; that is all. It fully protects a Member in his present allotment and in the new one also.

Mr. BORLAND. Mr. Chairman, I desire to oppose the amendment, if the gentleman from Indiana has concluded what he wished to say.

Mr. BARNHART. Yes.

Mr. BORLAND. Mr. Chairman, I think the House ought to consider this section pretty seriously before it adopts any part of it. I think one of the most unfortunate things about the whole section is this division by valuation in money to each Congressman. It can not help but have the effect of producing the impression upon the public mind that in some way or other this is a personal privilege to the Members of Congress. The public will get the impression, in spite of any explanation you can make, that this is just as much a personal perquisite as your mileage or your stationery allowance. In my judgment, you will have just exactly the same trouble in explaining what you did with this $1,800 worth of books as you have in explaining these other alleged privileges that are constantly being criticized. As a matter of fact, public documents are issued for the public and not for the Members of Congress. They do not belong to the Member. They are given to him by allotment, if the allotment feature is followed at all, simply as a convenient method for getting them out into general distribution. The Member, as such, has no claim on them. It is possible that an evil has grown up in the past, fostered by the fact that a man had a certain definite number of documents to his credit.

It is considered that this is in some way a Member's personal asset. That charge has been made often, and is being repeated, and I do not know but it has been repeated by the chairman of this committee, that in some way or other these public documents have been treated as private assets of Members of Congress.

Mr. RAKER. Has there been any complaint that Members have sent out too many documents to their constituents, and is it the purpose of the bill to prevent the public from getting information that is furnished through these various publications?

Mr. BORLAND. That is the point that brings up the whole inquiry. Of course, if the volumes are valuable to the public, there ought not to be a limitation placed on it.

Mr. RAKER. Are you going to foreclose a man because his constituents want to be informed?

Mr. BORLAND. Certainly not. In my own district they are interested in a vast number of subjects. In the district I represent, a commercial city of the West, there are business men interested in every branch of governmental activity, and a good many activities not carried on in our neighborhood. They are interested in irrigation; one of the biggest irrigators of Colorado is a banker in Kansas City. They are interested in the Geological Survey; they are interested in the underground watercourses of the Western States; they are interested in the timber letting; they are interested in the Indian allotment; they are interested in oil and gas; and they are interested in the coal strata. I have never found a single, solitary subject, not even the Coast and Geodetic Survey, but there were not some business men in my district who were interested in it. I do not know that I would be limiting myself to $1,800; but if I could, I see no reason why I should limit the people who live in my district.

Mr. BARNHART. Will the gentleman yield?

Mr. BORLAND. Not just now. There is now a limited allotment of documents to my credit. I can feel free to say to a man who writes me for documents that I do not have, that my allotment of that book, which was only for the purpose of preliminary distribution, has been exhausted, but he can write to the Public Printer and buy at cost of printing and binding. I feel free to tell him that. But suppose I told him that, when, as a matter of fact, I had an undrawn allowance of $1,500 or $1,800 to my credit at the Printing Office.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BORLAND. I ask unanimous consent that I may proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BORLAND. I might have an undrawn allotment of $1,000 or more to my credit under this section. Some man might write me for this book on International Law if that were a document issued—I think it rates at $10 or $12—and I might not want to send it to him, I might not want to use $10 on that particular constituent—it might be some student or some casual visitor in my district who chanced to write me rather than some one else, or it might be a curiosity seeker or an agitator. I would write him back a polite letter of refusal. I would say that the document was not available, but if he would leave his address and name with me I would be glad to send it to him if I could in the future. He would find out afterwards that I had $1,000 to my credit at the Government Printing Office. He looks at my allotment and says "BORLAND had $1,000 to his credit," and he would immediately conclude that either I was playing favorites in the distribution of the documents, doing it for political purposes solely, or I had some unscrupulous way of disposing of them, and he would have a basis for that kind of argument. Suppose there was a demand for a certain class of book fostered by newspaper and magazine articles. Hundreds of people will write you about some work on the care of babies or a book on birds, hundreds write for the same book, practically at the same time from the same neighborhood. How much of your allotment are you going to give them? To-day you are free to say "go to the Public Printer and buy them." But suppose they say "Why, BORLAND has $1,800 worth of books to his credit with the Government Printer. Why does he not send us these books?" They would be sending to the Public Printer to get a certified statement of how much there was to my credit. Not long ago a man running against me in my district wrote to the Treasury to find out whether I had drawn my mileage for several years, and he wanted a certified copy. I told the Treasurer to give it to him if it could be given under the rules of the Government. Some man will want a certified copy of the credit that you have at the Government Printer's. The whole thing is vicious. I would very much prefer that all the allotments would be taken away from Members of Congress and make every constituent buy the book at the cost of printing and binding. [Applause.]

There is not a particle of reason why that could not be done. That is the custom in most civilized countries. This thing of having allotment to Members of Congress is difficult to handle, and if you put it on a money basis and allow a man $1,800 worth of books, I do not say that you will find some man who will not draw the $1,800 and distribute them. I will assume that you will be charged with that sort of a condition and would have to explain it. You will not only be called on to explain but perhaps explain also corroborating facts that you are guilty of that thing. Take a district where there is a large demand for a book, a commercial city, and a Member will not be able to keep within the $1,800 limit. They may be districts purely agricultural where the inquiries are limited to a certain class and where they are divided up, and the Member might keep within the $1,800 limit, but if there is a diversified demand and everybody understands that you are entitled to $1,800 worth, the Member never will be able to explain when he can not furnish the book.

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. SMITH of Idaho. Why not allow the Department of Agriculture to distribute the documents instead of the Members?

Mr. BORLAND. I would be willing to agree to that. I would be willing to strike out the whole section. I never would undertake to explain to a constituent of mine that he was not one of my constituents that was entitled to a free book out of my valuation.

Mr. BARNHART. What does the gentleman do now?

Mr. BORLAND. As it is now, it is first come first served. Every man would assume that I had $1,800 worth of books to give away, and I would never be able to convince anyone that that seemingly princely fortune had already been sent out.

Mr. FINLEY. Mr. Chairman, almost every argument the gentleman from Missouri [Mr. BORLAND] has advanced against this section can be advanced against the present method of distribution of public documents. There is nothing hidden or concealed as to the purpose of the section proposed here. The law at present provides that so many copies of each public document shall be allotted to each Senator and Representative. The number is necessarily limited because it covers the whole field of Government publications. The fact is that fully one-half or two-thirds of the public documents issued to-day are of no value to the people of Massachusetts, say, to the people of Kentucky or to those of Illinois or South Carolina, because they treat of subjects in which the people of those various States are not particularly interested or about which they do not desire to receive information. In its last analysis this section intends to give to each congressional district, to each State, to the Members of the House and the Senate for their districts and for their States, such documents as suit the demands of the particular locality.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. FINLEY. Yes.

Mr. COX. How much is each Member supposed now to get under the present system, in value?

Mr. FINLEY. I believe it is nearly $1,600. So, Mr. Chairman, I say there is no necessity in Georgia for information respecting deep-water borings, to ascertain the condition of the earth a thousand or five hundred feet down into the bowels of the earth, respecting minerals or oil or the flow of water underground, and so forth. Yet I have hundreds of those documents allotted to me. I have no use in the world for them. The people of South Carolina do not need them. Under this system if a man wishes his entire allotment in Horse Books or Cattle Books or Agricultural Yearbooks or in any other publication or publications that are public documents he can have it, and he can get it to the amount of the number that he orders. There is nothing in the argument of the gentleman from Missouri [Mr. BORLAND] so far as the distribution goes. There is every reason in the world to correct the present system, which is faulty in every respect and does not meet the demand of the public generally.

As to whether the gentleman would be charged with favoritism for not giving to this man something that he gave to another, that charge can be made with a great deal more force and effect under the present system. Some one mentioned maps. Suppose the gentleman from Ohio [Mr. FESS] were to send out a map to some prominent man. If he should do that without a special request, he would do more than I would. I send out those maps to schools, every one of them, where they can be used and where they are needed, and no prominent man or other person in my district gets a map unless he makes a special application for it. This provision is a wise one, and it is a necessary one. It is one that will serve the House and the Senate and give to the people of the various States and districts what they ought to have, publications that will be of interest, that will be of benefit to the various States and to the various congressional districts. The allotment of documents will be made on a valuation basis. The documents belong to the people of the States and districts, and this seeks to distribute the same in this way.

Mr. HOWARD. Mr. Chairman, I desire to oppose this amendment. It is apparent, to my mind, that this is a very dangerous provision to adopt. Here is the truth about this thing as I see it. For instance, take it in the district that I have the honor to represent. I have one very large city of over 200,000 inhabitants and four counties that are purely agricultural. There is a great deal of criticism of Members of Congress indulged in by people who do not understand the exact situation. There is a great deal of misunderstanding in the country about what a Congressman gets in the way of pay and perquisites. For instance, you let some blatherskite, some demogogue run against you, and he gets up and charges that you have $125 allotment for stationery, that you get 20 cents a mile for mileage, that you get this, that, and the other.

From the day I came to Congress up to the present time never has my stationery allowance met more than one-half of the actual demand upon the stationery room, and never has there been a surplus penny left from mileage after I have paid the mileage of myself and family to this city. Yet they think that is extra pay; and now you are proposing to hang a millstone around the neck of every man on the floor of this House by having it said that you get $1,800 a year for public documents, and what is the result? Take the subject of maps. We have 31 maps allotted to us. They come to us through the Secretary of the Interior, and I understand the actual cost of those maps is $2.25 each. I do as the gentleman from South Carolina [Mr. FINLEY] does, distribute them to my schools, first, to the schools in the country districts, and I have, in my five years and a half service, with six allotments of these maps, not yet gotten around to all of my country schools. The minute you put this $1,800 allotment to my credit I can not say to those people, "I can not furnish you with a $2.25 map," but I have got to go and simply take up my entire allotment in United States maps at $2.25 each. Let us take the Diseases of the Horse; the Diseases of Cattle. They are the most expensive public documents that I know anything about. Every man wants to know how to doctor a sick cow or a colicky horse, and he wants one of these books in his house. This thing of the distribution of public documents

spreads like the smallpox. If John Jones sees on Sam Smith's mantelpiece Diseases of the Horse, he says, "Where did you get it?" "Oh, I got it from my friend HOWARD. You write to him," and he writes.

The first thing you know you are overwhelmed here with requests for Diseases of the Horse, and your $1,800 is gone, and your opponent next year will say, "Is he not a pretty Congressman? He could not even get a Horse Book."

Mr. BORLAND. Suppose you had sent a Horse Book to John Smith, and were unable to send one to John Brown, would not Brown feel he was not in the class with Smith?

Mr. HOWARD. It would be a fare-you-well for Brown. [Laughter.]

Mr. MANN. What does the gentleman do about it now?

Mr. HOWARD. Here is the way I do. I do not like to talk about myself, but I have developed into one of the best traders on the floor of this House. This thing adjusts itself now. The gentleman has talked about useless documents. I get a lot of them. What do I do? I study the geography of my country, and I go to some good smiling Republican or Democrat and I say, "I have a lot of documents here that you need, but I am hard pressed for Horse Books and Cattle Books. Let you and me strike a mutually beneficial trade." The trade is struck. He gets what he wants and I get what I want.

Now, gentlemen, you are mistaken about this thing. I think $1,800 is a pretty liberal allowance for books, but I do not want to be put in a position to be criticized for getting something I do not get. [Laughter.] That is what will happen to every one of you.

Now, gentlemen, this proposition is dangerous. You hear this mileage business here every year. The newspapers are full of it. They discuss it. Now, instead of having two propositions with which to go before the country and criticize the Members of the House and Members of the Senate, you are adding another vicious proposition about which we can be criticized, and I for one do not propose to support it. [Applause.]

Mr. RAKER. Mr. Chairman, I am in accord with what the gentleman from Missouri [Mr. BORLAND] and the gentleman from Georgia [Mr. HOWARD] have said in regard to this matter. I think it would be unfortunate to have an amendment of this kind upon this bill for many reasons. I can only recapitulate in substance what the gentlemen have said, but it seems to me that this provision of the bill will not bring about good results. If the people of the country desire publications, desire documents that have been prepared by the best talent in this country, and the Government has made provisions for them, the men of the Congress ought to be able to send them out in such quantities as they are able to procure; and there is no loss of material. There is no duplication, and there is not this proposition hanging over your head that there is $1,800 for the Senate and $1,500 for the Members of the House, and that they should have this as a perquisite, to distribute as they please. At the present time first come first served. There are many valuable documents that we would like to send out, and if this becomes a law you can not make the people believe but that you are showing favoritism to one as against the other, and that many will be applied for, and your whole stock will be exhausted before you can get out the necessary information that you ought to get out.

This is not a matter of the individuality of the Congressman and for his benefit. It is not his property. It is intended that it should not be for political purposes. It is intended to give the people of this country the information which the Government has collected, and they are entitled to it. Send it out where you please and when you please, and certainly there should be no restriction. The provisions of the bill upon their face show that it can not have the effect the committee intended it should have. It says that you can not transfer this assignment to anyone else. Now, let me ask the committee just one question. Suppose I find I have exhausted my entire supply of public documents. I could go to some of my friends from New Jersey and say, "Here are 5,000 names that I can not supply this document to, and as a courtesy to the people of California, not to me, but as a Representative of this Congress and of this country, send these documents out to these people." Is there any inhibition against it? Would you say it could not be done? Would it be violating the law, if there were 5,000 people desiring and seeking information, if a Member from New Jersey should send to California this information if he wanted to do so, when as a matter of fact mine have been restricted and limited and prohibited by virtue of the amount fixed at $1,800 or $1,500, as the bill may provide? The present adjustment is very, very good, indeed. Exchanges can be made and are made all the time. People are writing and asking for these maps, these books, horse books and cattle books, and other documents, that furnish really valuable information to the people who like to learn.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent for five minutes more, and then I will be through on this subject.

The CHAIRMAN. The gentleman from California asks unanimous consent that he may proceed for five minutes more. Is there objection?

There was no objection.

Mr. RAKER. There are many people that have not had the advantage of the schooling that they would like to have. They are in the shops, they are in the stores, they are on the farms or in the mills, and I find requests from thousands of people for information and bulletins and speeches upon subjects that would help them along in their business. It makes them better citizens. It puts the country in better shape. It leaves the Members of the House free and clear to distribute this literature to those who desire it, those who ask for it, those to whom it would do the most good.

I feel as though it is a mistake to say that you have $1,800 credited to your account and that you can send it out in the form of documents until that $1,800 is gone. This is what will occur: There are a dozen books; I have been asked a dozen times for books on immigration; how much would they cost? How much would Moore's Digest cost, and books of that character? Eight or ten would exhaust your supply. The way to do would be to send out all you can, and then you would find that other people would exchange with you, and you would get results, and good results. If they are exhausted, as my distinguished friend the chairman of the committee says, if the public wants them, if there is a sufficient demand for the Horse Book and the Cattle Book—which there is—they could be procured by exchange. I suppose I have 500 applications on file for the Horse Book and the Cattle Book from people who want them and will use them, and make good use of them. It is the same way with the report and hearings of the Industrial Relations Commission. There are more requests for those documents than for any other, and it would exhaust the entire supply of a man's allotment here—that one publication itself. This publication should be republished, so that the people who want it might have the opportunity to obtain it.

But the most serious feature of this is that provision that you have $1,800; that it is yours; that you will dispose of it. If you do not use it, of course some one will say something about it. That does not make any difference; but there is no necessity of passing legislation to put Congress—to put the Members of the House—in an unhappy position by enabling people to say, "I don't suppose he will send me that; he is drawing it for his own use, or he wants to supply his own library and those of his special friends." That is how the present provision of this bill will work as it is in its present form. The whole section should be stricken out.

Mr. BARNHART. Do not look in that way.

Mr. RAKER. I could not look in any other way than to the chairman of this committee, whom we all love and admire; and even then, with all those good qualities that he has, I find sometimes that he makes a mistake, and in this particular instance this dear and beloved chairman of ours has made a mistake.

Mr. SMITH of Idaho. Mr. Chairman, I wish to offer an amendment.

Mr. BORLAND. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BORLAND. There is an amendment pending before the House, offered by the committee, to perfect the paragraph. Is there not?

The CHAIRMAN. Yes.

Mr. BORLAND. Any amendment offered now would have to be to perfect that amendment?

Mr. BARNHART. Mr. Chairman, I would like to have the pending amendment disposed of, and that will clear the way for any other amendments to follow. That is simply to fix the date different from what it is in the bill.

Mr. HULBERT. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again read.

Mr. BARNHART. Mr. Chairman, I ask for a vote.

Mr. HOWARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOWARD. Is it not in order to offer a substitute for the amendment offered by the committee at this point?

The CHAIRMAN. Yes; it is.

Mr. BARNHART. The gentleman from Georgia [Mr. HOWARD] would not object to getting this amendment out of the way, I think?

Mr. HOWARD. It is the shortest route; that is all.

Mr. BORLAND. Mr. Chairman, as I understand it, this committee amendment goes to the perfecting of the text in the original paragraph, and will not prevent any gentleman from making a motion to strike out the whole paragraph after it is perfected?

The CHAIRMAN. No.

Mr. BORLAND. Then the whole paragraph will be subject to amendment and to strike out?

The CHAIRMAN. Yes.

Mr. HOWARD. I wish to be recognized, Mr. Chairman, at the proper time, to offer an amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana [Mr. BARNHART].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. MANN. That is on the committee amendment?

The CHAIRMAN. Yes.

Mr. MANN. Let us have a division.

The CHAIRMAN. The gentleman from Illinois demands a division.

The committee divided; and there were—ayes 26, noes 14.

Mr. BEAKES. I make the point of order, Mr. Chairman, that there is no quorum present.

The CHAIRMAN. The Chair will count.

Mr. BEAKES. I withdraw my point of order, Mr. Chairman.

The CHAIRMAN. The point of order is withdrawn.

So the amendment was agreed to.

Mr. BORLAND. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. BORLAND: Page 56, line 23, strike out section 50, paragraph 1, and insert in lieu thereof the following:

"The distribution of public documents shall be carried on as heretofore provided by law."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. BORLAND].

Mr. SMITH of Idaho. Mr. Chairman, I want to offer a substitute for that amendment.

The CHAIRMAN. The gentleman from Idaho offers a substitute, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Idaho: Strike out section 50, paragraph 1, lines 23 and 24, on page 56, and lines 1, 2, 3, 4, 5, 6, and the word "annually," on line 7, page 57, and insert in lieu thereof the following:

"That the superintendent of documents is authorized to keep an exchange account with each Senator, Representative, and Delegate, in order to as far as possible furnish such documents as are desired by each Senator, Representative, and Delegate in exchange for documents not desired for distribution."

Mr. BORLAND. Mr. Chairman, I make the point of order that the gentleman's amendment is not a substitute. His amendment is to perfect the text and is not a substitute for the amendment I have offered. He leaves in the valuation of $1,800 and seeks to perfect the text in some way.

The CHAIRMAN. The gentleman from Idaho will observe that the motion of the gentleman from Missouri is to strike out the entire paragraph and substitute another provision. The amendment of the gentleman from Idaho is to perfect the text of the paragraph. The substitute of the gentleman from Idaho, being a motion to perfect the text, would take precedence over the motion of the gentleman from Missouri to strike out.

Mr. BORLAND. That is true, Mr. Chairman, if he had offered it as an amendment, but he offered it as a substitute for my amendment. I make the point of order that it is not germane as a substitute.

The CHAIRMAN. On the face of the amendment it shows—not the statement that the gentleman himself makes, but on the face of the amendment itself—it is to perfect the text.

Mr. SMITH of Idaho. I will offer it as an amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho.

Mr. RAKER. On account of the confusion, may we have the amendment of the gentleman from Idaho reported again?

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again read.

Mr. SMITH of Idaho. Mr. Chairman, what I desire to accomplish by this amendment is simply to continue the present law as it is, as far as the apportionment is concerned, but to establish in the Government Printing Office, under the superintendent of documents, a sort of clearing house, and to keep an account with each Senator, Representative, Delegate, and Commissioner, and permit them to turn in to the superintendent of documents such documents as they do not desire, and to take in exchange documents they may desire as nearly as possible of equal value. I understand that in some instances that system is in vogue. Occasionally a Member can turn in a certain class of documents to the superintendent of documents that he does not desire, and take others in exchange. It seems to me that we would all be glad to get the sort of documents of special interest to our constituents, and to surrender those that are not desired or not of interest to them.

Mr. MANN. Will the gentleman yield for a question?

Mr. SMITH of Idaho. Certainly.

Mr. MANN. If an exchange service is to be had here, would it be more effective under the superintendent of documents than in the folding room of the House?

Mr. SMITH of Idaho. I have proposed that it be under the superintendent of documents because he has entire charge of documents in the Government Printing Office.

Mr. MANN. But the superintendent of documents does not have charge of the documents in the folding room. Now, the gentleman's amendment is to strike out——

Mr. BARNHART. If the gentleman will look on page 34, which we have already passed, he will find the identical provision that the gentleman is now trying to incorporate in this amendment. Look at the bottom of page 34:

Provided further, That the superintendent of public documents is hereby authorized to exchange publications which he may have available for those of equal value which a Member may have to his credit in his respective folding room, and, for the purpose of facilitating such exchanges, the superintendent of each folding room shall advise the superintendent of public documents, on request, as to the number of any documents that a Member may have to his credit therein.

Mr. MANN. That does not answer the question. The gentleman from Idaho has offered an amendment to strike out the valuation plan entirely, and to provide for an exchange department in the hands of the superintendent of documents. But if the valuation plan is to be stricken out, then the folding room is to remain, and have charge of the documents, which would involve various amendments to the bill. If the folding room is to remain, and we are to receive our quota of documents in the folding room, is not that the place to have the exchange department?

Mr. SMITH of Idaho. Possibly that is so.

Mr. MANN. The superintendent of documents has nothing whatever to do with the documents which we receive through the folding room. Of course you might have an exchange department over there if you adopt the valuation scheme suggested by the gentleman from Indiana, but the amendment of the gentleman from Idaho [Mr. SMITH] strikes out the valuation scheme, as I understand.

Mr. SMITH of Idaho. Yes; I want to do that.

Mr. MANN. The gentleman from Idaho wants to retain the present quota system, and to authorize the making of exchanges of the documents we now receive.

Mr. SMITH of Idaho. It seems to me it might be a good idea to consolidate the folding rooms with the superintendent of documents, instead of having these separate establishments up here, as far as the apportionment of documents is concerned.

Mr. BORLAND. Will the gentleman yield?

Mr. SMITH of Idaho. Yes.

Mr. BORLAND. The gentleman evidently thinks he is striking this valuation scheme out of this section.

Mr. SMITH of Idaho. That is what I want to accomplish.

Mr. BORLAND. That is what we want; but the gentleman will find that the words in line 7, page 57, which he has left in the paragraph, go on to speak of this valuation account that the superintendent of documents is required to keep. The amendment does not fit into the text.

Mr. SMITH of Idaho. I drew this amendment hastily, and I am perfectly willing to have the whole paragraph stricken out.

Mr. MILLER of Delaware. Will the gentleman yield?

Mr. SMITH of Idaho. Yes.

Mr. MILLER of Delaware. Is the gentleman aware of the fact that his amendment makes no provision whatever for the Philippine and Porto Rico Commissioners? They are included in the act, where Delegates, Representatives, and Senators are mentioned, and I suggest that he modify his amendment so as not to leave them out.

Mr. SMITH of Idaho. I shall be glad to do that.

Mr. BARNHART. Mr. Chairman, if the amendment of the gentleman from Missouri [Mr. BORLAND] should prevail, then we have on page 34 the exact provision that the gentleman from Idaho [Mr. SMITH] is now trying to insert as an amendment to the amendment of the gentleman from Missouri. The provision on page 34 was put in there for the specific purpose of providing

for the exchange which is desired by the gentleman from Idaho [Mr. SMITH].

Mr. SMITH of Idaho. I was not aware of the provision on pages 34 and 35 when I offered my amendment, and I desire to withdraw it.

The CHAIRMAN. If there be no objection, the amendment of the gentleman from Idaho is withdrawn, and the question is on the amendment of the gentleman from Missouri [Mr. BORLAND].

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to discuss this amendment. I would like to ask the gentleman from Missouri [Mr. BORLAND], with whose general proposition I sympathize, whether it is necessary, in view of the clause to which the gentleman from Indiana [Mr. BARNHART] has called our attention on page 34? Whatever is existing law will continue to be existing law.

Mr. BORLAND. The gentleman from Indiana [Mr. BARNHART] called attention to a provision in the bill providing for an exchange of documents, which is a new provision. My amendment has nothing to do with that. I put into my amendment, out of excess of caution, the provision that the distribution of documents should be in accordance with the law as heretofore existing; but my amendment has nothing to do with the exchange system which the chairman of the committee [Mr. BARNHART] says is in another portion of the bill.

Mr. MOORE of Pennsylvania. I understand the gentleman has made a motion to strike out and insert that whatever is existing law shall continue to be existing law.

Mr. BORLAND. No; I say the distribution shall be according to existing law.

Mr. MOORE of Pennsylvania. I suggest to the gentleman that that is provided for on page 34.

Mr. BORLAND. Let us see about that.

Mr. MOORE of Pennsylvania. If you move to strike out the paragraph simply, many of us will vote for that.

Mr. BORLAND. The gentleman from Pennsylvania thinks that a simple motion to strike out paragraph 50 would accomplish the result without the addition of reference to existing law?

Mr. MOORE of Pennsylvania. I do.

Mr. BORLAND. What harm does the language that the distribution shall be according to existing law do?

Mr. MOORE of Pennsylvania. I think it would be unnecessary. Whatever is existing law will remain existing law, and so far as the distribution is concerned, that is provided for on page 34. I am ready to vote to strike out with the gentleman, and I think his motion should prevail; but I do not see the advisability of inserting anything in place of the paragraph.

Mr. BORLAND. I am inclined to think that the gentleman from Pennsylvania is right, and inasmuch as the motion is divisible, I will ask unanimous consent to withdraw that part of it, and then the chairman, who is more familiar with this matter than I am, can move to insert if necessary. We are agreed that paragraph 50, with the valuation, should go out. Mr. Chairman, I ask unanimous consent to withdraw the matter inserted and leave the amendment simply a motion to strike out section 50, paragraph 1.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that his amendment be modified by striking out the paragraph, withdrawing that part which inserts certain language. Is there objection?

Mr. MANN. Reserving the right to object, may we have the amendment reported?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 56, line 23, strike out section 50, paragraph 1, and insert in lieu thereof the following:

"The distribution of public documents shall be carried on as heretofore provided by law."

Mr. MANN. Mr. Chairman, I object to the modification at present. All a vote upon the pending amendment would do would be to express the opinion of Members of the House. Under the existing law there is a quota fixed for the various annual publications of the Government. The law provides the number of copies which shall be printed—so many for the Senate, so many for the House, and in some cases so many for the departments. If section 50, paragraph 1, should be simply stricken from the bill and the rest of the bill should be enacted into law, you would get no documents at all, because this bill provides for the repeal of the existing law, which fixes the number of copies which shall be printed of various documents and simply provides for the printing of the documents, without fixing the number. The result would be that if you simply struck out this paragraph and leave the rest of the bill in we would authorize the printing of documents and would not authorize any of them to be turned over to Members of Congress for distribution. I am quite sure that is not the desire of the gentleman from Missouri or of anybody else in the House.

It is true that if paragraph 1 of this section should be stricken out when we come over to the other pages, beginning, I believe, on page 60, we could insert the number of copies which should be printed for the use of the Senate and the use of the House, but that would involve a great many amendments. But to take the sense of the House, the gentleman offers an amendment to strike out paragraph 1—the valuation distribution—and, I think, it would be wise to have the amendment cover what he has already provided for, that the distribution shall be in accordance with existing law. That would be a direction at least to the Committee on Printing to have these amendments inserted in the bill in the proper place.

Mr. BORLAND. I was going to ask whether the gentleman was in favor of the amendment as originally offered, whether he thought it was better than the modified amendment, but he immediately followed it up by saying that the original amendment was the better.

Mr. MANN. I think if you wish to take the sense of the House that it would be better taken on the amendment as originally offered.

Mr. BORLAND. I intended to follow it up with subsequent amendments. Mr. Chairman, I think I will withdraw the request for unanimous consent which was suggested by the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. I am not quite as clear upon this as the gentleman from Illinois is on matters of this kind. It seems to me that there is existing law for the distribution of documents.

Mr. MANN. Yes; but if the bill should be passed as it stands now you would not have any provision at all. For instance, here is a provision on page 62, line 15, "Laws of each session of Congress in pamphlet form." We get a quota of that now. If we do, then the law now in existence provides the number of copies which shall be printed and the number which shall be furnished to the Senate folding room and the number which shall be furnished to the House. This does not provide any number at all unless it should be by an amendment. Now, as I say, if the House wants to express its opinion that the distribution should be in accordance with existing law, it might be well to vote on that.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Does the gentleman understand that this bill repeals existing law with respect to distribution?

Mr. MANN. Oh, certainly it does.

Mr. MOORE of Pennsylvania. Just one more question. It would not repeal existing law if section 50 were taken out?

Mr. MANN. Oh, yes; it would.

Mr. BARNHART. Mr. Chairman, will the gentleman yield for a moment?

Mr. MANN. Certainly.

Mr. BARNHART. I believe a word of explanation on the matter of the amendment would be wise. I would say for the information of the House that it will require, to perfect the bill, if this amendment goes out, 31 distinct amendments.

Mr. MANN. I should think at least that, or possibly more.

Mr. MOORE of Pennsylvania. If you do not include the amendment to be inserted under the motion of the gentleman from Missouri [Mr. BORLAND].

Mr. MANN. Even if it be inserted, the rest of the bill would have to be amended, but that tests the sense of the House. That is the only reason.

Mr. BORLAND. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman can not take a Member off his feet to make a parliamentary inquiry.

Mr. MANN. I will yield, so that the gentleman may make it.

Mr. BORLAND. I wanted to adopt the suggestion and the idea of the gentleman from Illinois [Mr. MANN] and withdraw my request to modify the amendment, so that the gentleman can discuss the merits of the amendment.

The CHAIRMAN. The gentleman has not withdrawn it, because the gentleman from Illinois objected.

Mr. BORLAND. I just want to put it in that shape.

Mr. MANN. I would not object after I make the explanation, if the gentleman desires to withdraw it.

Mr. CULLOP. I would like to ask the gentleman from Illinois if striking out section 85, on page 120, which purports to be the

section which repeals existing law, would not cover the matter he speaks of in reference to the distribution of documents?

Mr. MANN. I would say it would not, because you do not have to specifically repeal a law. Where you provide in the bill, for instance, with respect to the report of the Comptroller of the Currency, there is existing law covering that point, and this is a repeal by implication. I think there is no question about that.

I want now to discuss for a moment the valuation scheme. I shall not vote for the amendment offered by the gentleman from Missouri [Mr. BORLAND], though I have no particular feeling on the subject. I have given a good deal of study to the valuation scheme and was originally quite opposed to it. I recognize the difficulties which exist where gentlemen find some newspaper or magazine has published a statement that the Government has issued a very interesting document, which you can get by writing to your Member of Congress, and that you then get a large number of requests for that document—most of them out of idle curiosity—with which you can not comply because you do not have the quota. You say to your correspondent, "I can not send you the document, because my quota is exhausted; the Government fixes the number, and I have sent those out;" and in the main that is a satisfactory explanation. I do not know what we would have to say if the valuation scheme should be adopted. Doubtless we would find some method of taking care of ourselves in a reasonable manner. As it is now, there are a large number of annual publications. Those do not include the Horse Book and the Cow Book or books printed by special resolutions of Congress.

So far as the valuation scheme is concerned, if we desired in the future—and I think that would be the course adopted—we could provide for those special publications in addition to the valuation fixed by law, if it should go into effect. For instance, Congress, by joint resolution, as it will do, I have no doubt, when we need more books on the diseases of cattle and the diseases of the horse, could provide for the publication of a number of those documents, and, whether the Committee on Printing desires it or not, could provide that they shall be distributed to the Members pro rata. We now get these annual publications under the existing law, fixing the quota to be delivered to the House, and in the main those go to the folding room. There are a few of them where the quota is very small and they go to the document room, and you never have discovered, not one in fifty, that you have them to your credit. Nobody wants them; there is no demand for them. The gentleman from Georgia [Mr. HOWARD] says that he is a good trader and that he can trade them off. I will guarantee that he gets lots of documents that he can not give away unless he sends them to his constituents and gets them out before they know what they are. There are a lot of these things that you can not get enough of. I never have yet gotten enough ethnological reports; I never have gotten enough Smithsonian Institution reports; I never have gotten enough National Museum reports. I get a lot of bulletins from the National Museum about the languages of Indians, and so forth, that I have no earthly use for and that nobody else has. We get a lot of geological reports. It used to be in six volumes, and they have finally gotten it down, I believe, to one volume. I have a great university in my district and still I can not dispose of my geological reports. I usually give them to the Bureau of Geology. I get a lot of water-supply reports—used to get a large number of them. I do not know what has become of them in recent years, and nobody ever used them. Those reports we get that we can not make use of we can not trade, because no one wants them. Only a few people in the country want them, and if they want them they do not apply to their Member of Congress, as a rule, for them.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, if somebody wanted these reports we could provide for their exchange through an exchange department. An exchange department in the folding room would be a good thing anyway, in any event. The scheme that is proposed is that you get the value of all the documents we now receive as annual documents placed to your credit, including those that are good and those that are worthless to you, add a little bit to that and then fix this sum as the amount which you can use in getting such documents as you desire. There can be no question but that you will get more documents that you desire under this scheme than under the existing scheme.

Whether you will create a greater demand for documents which you can not supply I can not tell, and nobody else can tell, except time. It is immaterial to me from my personal point of view how the House looks at it. I have been able to take care of myself for years. I believe that it would be wise for the House to try this plan. I think they will get more good documents to the credit of their constituents in that way than they will now, and I feel absolutely assured that the House is quite able to take care of itself and its proper interests in the future as it orders extra publications issued.

Mr. RAKER. I would like to ask the gentleman how it happens that so many documents like the ones to which the gentleman refers that are absolutely of no use can be continued to be printed by the Government and by the departments?

Mr. MANN. That is one of the mysteries I can explain only in this way——

Mr. RAKER. I know the gentleman knows.

Mr. MANN. These documents have to be published. They are reports which are properly published. Certain people in the country are interested in them, but not a large number. We have to publish these things, and Congress has always manifested a desire whenever they ordered anything published to see that Members of Congress had their share for distribution.

Mr. SMITH of Idaho. I wish to say to the gentleman from Illinois that all of the documents that he mentions as useless in his district are valuable to the people out in the Rocky Mountain country.

Mr. MANN. Well, you have nothing to trade to me for them.

Mr. RAKER. I will trade with the gentleman.

Mr. MANN. Yes; you would take all I have and send them out with a letter. I will not give them to you. What have you to trade? I have sent any quantity of these documents back to the departments, where people apply for them. Sometimes they have more there than they are asked for.

Mr. CARTER of Oklahoma. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. KREIDER. Mr. Chairman, I believed that when the chairman of this committee, Mr. BARNHART, explained this provision in the bill it would meet with almost universal approval, and I think that the bill as it now stands should be adopted. I think we should not be afraid to go on record to correct any evil that exists. There is no question but that the Government to-day is spending thousands upon thousands of dollars in publishing various publications that are of no earthly use. I want to say to the Members of the House I have what I believe to be about 5 tons of various publications, and any Member can go over the list and pick out anything he wants, provided he can send the publications to any person who will read them.

Mr. RAKER. I will be pleased to visit the gentleman's office.

Mr. KREIDER. I want to say to the gentleman that I shall be glad to have him do so. Now, many of these publications cost anywhere from $1 to $5 to print, and I doubt if anyone has ever read a dozen pages of any one of them. I want to say that here is a loss of thousands of dollars, I believe, that we ought to stop. Now, it seems to me that the only objection that has been offered——

Mr. BARNHART. Will the gentleman permit me to give him the exact figures. There is $125,000 a year lost on junk paper.

Mr. KREIDER. That money should be spent for useful publications that people really want and will read when they get them.

Mr. GOOD. Will the gentleman yield?

Mr. KREIDER. Yes.

Mr. GOOD. How are you going to tell whether a publication is useful or not until you have first published an edition? These editions are small, as a rule.

Mr. KREIDER. What I refer to are not very small editions. They are books that weigh some tons.

Mr. RAKER. In answer to the question propounded by myself to the gentleman from Illinois, which seems to me to settle the question, I want to ask you this. The Government must publish these documents for the purpose of giving information and comply with the law. Now, it becomes necessary to publish a document and a report, so that the man who wishes to enforce the law must know what has been done, and would it be any extra expense to print a few extra copies so that the public, if it desires, may know what is being done?

Mr. KREIDER. Mr. Chairman, I do not refer particularly to department publications or reports. But I do refer to those books that are being published and allotted to each Congressman and which are not being used. Now, I am not prepared to name each one, but I want to say that the very fact that

there is a loss of $125,000 along that line is of sufficient importance to receive proper consideration.

Mr. RAGSDALE. Mr. Chairman, will the gentleman permit a question there?

Mr. KREIDER. Not now. I have only five minutes.

The point that has been made in all the arguments against this new proposition is that each Congressman will possibly be accused or charged with having received $1,800 worth of documents for distribution, and the proposition seems to bother some, how they are going to get by on that proposition without supplying everyone with all the documents they want. I do not think there has been a reasonable argument presented along that line that does not present itself under the present methods. But if that is the only objection, I believe it could be overcome in this way: Instead of specifying $1,800, or whatever the amount may be, so many dollars' worth of these documents being credited to each Representative, provide that a certain number of farm bulletins and a certain number of books, or its equivalent in value, shall be allotted to each congressional district, and do away with the dollars-and-cents feature. I believe we ought to perfect this bill in some way that will effect the saving that we are trying to accomplish and let only those publications be printed and distributed that are demanded and are of practical use and value. [Applause.]

Mr. BORLAND. Mr. Chairman, I want to ask unanimous consent that all debate on this amendment close in five minutes.

Mr. STAFFORD. The gentleman from Missouri does not mean to say that he is preempting the privileges of the chairman of the committee, does he?

Mr. BORLAND. No; I happen to be the author of the amendment, that is all.

Mr. BARNHART. Mr. Chairman, I hope the gentleman from Missouri will withdraw that request. The committee has not yet been heard at all on the amendment.

Mr. BORLAND. I thought I was aiding the committee, but if the chairman wants the debate to run on indefinitely, all right.

Mr. BARNHART. It would be unfair to the committee and to the Members of the House, and I ask the gentleman to withdraw that request for limitation of debate.

Mr. BORLAND. Does the chairman think that it would be possible to agree upon a division of time?

Mr. FINLEY. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from South Carolina objects.

Mr. TAVENNER. Mr. Chairman, I thoroughly believe that this valuation clause is in the interest of constituents of Members, and in the interest of Members themselves, and I know it is in the interest of the Government, because it will save about $125,000 a year right at the start, as soon as it goes into operation.

Now, there is an important weakness in the argument that hundreds of people are liable to write in for some given document and swamp the Members of Congress. The weakness of it is that it is a fiction. The truth of the matter is that the ordinary Member of Congress does not receive on the average, for the 365 days in the year, outside of the requests for farmers' bulletins, more than five bona fide requests for Government documents. For the last few days I have been interviewing the secretaries of Members, and have asked them how many bona fide requests they receive on the average, each day, for documents, and they say not more than five. Some may receive more than that, some less; but on the average I do not believe Members receive more than five. I know I do not, and I try to stir up my constituents on this question of public documents as much as I can.

Now, if you were to put in a page advertisement in each of the newspapers of your district and advertise such documents, you could not get more than 200 people to write for those documents to save your life. I have tried that myself. I did not insert a page advertisement, but I did put an advertisement or notice in nearly every paper in my district about this Horse Book, which is perhaps the most sought for of all the public documents, and in that advertisement I stated that I had some at my disposal, and said that it was an excellent book, and that I would be glad to send out copies as long as the supply lasted. I received only 75 requests, after inserting that notice in nearly all the newspapers of my district; and I know that my people, collectively, had never been told about that document before.

Mr. RAGSDALE. Mr. Chairman, will the gentleman yield there for an interruption?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from South Carolina?

Mr. TAVENNER. Yes.

Mr. RAGSDALE. About how many publications did the gentleman send out on his Navy League proposition?

Mr. TAVENNER. That has nothing to do with this proposition.

Mr. RAGSDALE. Yes, it has. How many requests did the gentleman get for its distribution?

Mr. TAVENNER. I could not say offhand how many I have received.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from California?

Mr. TAVENNER. I regret I have not the time.

Mr. RAKER. I will try to see that the gentleman gets more time.

Mr. TAVENNER. Very well.

Mr. RAKER. By what method does the gentleman arrive at the conclusion that there would be a saving of $125,000 by this provision, to start with?

Mr. TAVENNER. Because that is the value of the books that are being wasted now every year in the document and folding rooms—documents that are not sent out, but which are sold as junk.

Now, assuming that each Member would receive five actual, bona fide requests for public documents, exclusive of farmers' bulletins, each day in the year for 365 days, that would be a total of 1,825 requests for documents; and assuming that the average cost of these documents would be about 40 cents apiece—and that is a fair approximate average cost of these documents—a Member would receive in an entire year requests for $730 worth of documents. This bill gives each Member $1,800 worth of documents, which would leave approximately $1,000 worth of documents outside of the average bona fide requests.

Members of Congress say they do not want to be in a position to have some one in their district write for documents and not be able to send the documents to them. That is a position they will not be in under this bill, because, unless they unwisely give them away en masse, they will always have plenty of documents to their credit so that they can send out the documents requested and the people in their districts will get the documents they desire.

As a general proposition I believe that 70 per cent of all the documents that are sent out now are not sent to people who request them, but are sent by Members who take a chance that some document will interest some one, and perhaps Members do not figure it out very carefully. They just send them out in that way and a large number of them are misfits. Under the proposed plan a larger percentage of documents will go to people who are actually interested in them and who want them.

Now, this provision is not original with this committee. It has been recommended by every Committee on Printing for the last seven years, and also by the special committee appointed by the House and Senate to investigate the question of the printing of useless documents. Every one of the printing committees has recommended the valuation system. This plan has been discussed in every Congress every year for the last seven years, and so far as we know no newspaper in the United States has ever criticized it or said that it would be "pork" or anything like that, and on the other hand quite a number of papers have spoken favorably of the idea.

Mr. FESS. Mr. Chairman and gentlemen of the committee, I wanted to support the committee on this bill, and am going to do it as far as I can, but here is a feature that I fear I can not support. I admit that the theory of this valuation scheme is correct. If we are publishing documents that are useless, that is a distinct loss to the Government, and unnecessary and ought to be stopped; and if this method would stop it and there was no other way to do it, I would readily vote for it, even though I think we are inviting a good deal of embarrassment. I think the theory of this plan is good, in that it gives to the Congressman an opportunity to study the needs of his district and then make his order in accordance with it, and it will entail a good deal of intelligent consideration to find out the requirements of the district.

Mr. BARNHART. Will the gentleman yield?

Mr. FESS. Yes.

Mr. BARNHART. I know the gentleman wants to be fair.

Mr. FESS. Absolutely.

Mr. BARNHART. The gentleman would ascertain what documents were desired by the requests that came to him. There would always be a stock in the folding room on which Members could draw. A Member would not have to make any estimate of how many documents he was going to use. He might draw out all his allotment on one single document.

Mr. FESS. This was not a criticism. It was in commendation of the plan.

Mr. BARNHART. I thought the gentleman misunderstood that feature of it. I thought he said the Member would have to make an estimate.

Mr. FESS. I meant that he would have an opportunity to make an investigation of what people wanted, and that this plan would probably further it more than the old plan.

But now, seriously, there is another side of this matter that I do not want to invite, and that is that I am sorry to say we are the subject of unfair criticism on the part of a great many people who are much inclined to find fault. I confess that that is one reason why I have always opposed the present mileage system. In my own State we had a great contest on that and I could not get the consent of my mind, after taking a position at home, to come here and take a position apparently in opposition to what I have stood for at home, although it would not be in opposition, for this was an allowance that is more than simply the payment of mileage for an individual Member.

But no Member can close his eyes to the fact that a lot of people are talking about the perquisities that a Congressman receives; and I do not like the idea of the statement going out to the country that we have an allotment of $1,800, which is not true. The allotment is not to a Congressman. The allotment is to the district that the Congressman represents; but you will find that throughout the country there will be a charge that the Congressman has received $1,800 in perquisites; and then, if some one wants a publication that you can not get, he will say, "Did you put the money in your pocket, or what did you do with it?" Now, I do not want to invite that criticism, and I think I am about as courageous in the refutation of demagogic criticism as the average Member on the floor. I do not want to invite that, and it seems to me this is an invitation of that sort of criticism.

Mr. GOOD. Mr. Chairman, I move to strike out $2,200 in line 3 and insert $1,800.

The CHAIRMAN. The amendment of the gentleman from Missouri [Mr. BORLAND] is to strike out. The amendment of the gentleman from Iowa [Mr. GOOD] would take precedence.

Mr. BORLAND. I suppose that would be true if the amendments had been offered at the same time; but after a motion to strike out and insert has been offered and debated, is it then in order to offer an amendment to perfect the text?

The CHAIRMAN. The Chair understands the rule is that the motion to strike out is voted on last and that amendments intended to perfect the text are first in order. If the understanding of the Chair is correct, the amendment of the gentleman from Iowa [Mr. GOOD] is in order.

Mr. BORLAND. Does the Chair rule that a pending amendment under debate can be displaced at any time by another amendment to perfect the text?

The CHAIRMAN. It can, for the manifest reason that if the gentleman's motion to strike out should prevail the committee would have no opportunity to amend the text, and if the text could be amended the legislation might be favorably regarded by the committee and might pass.

Mr. BORLAND. What is the parliamentary situation of the amendment that is pending?

The CHAIRMAN. It will be displaced temporarily, until the amendment to perfect the text is disposed of. The Chair does not think there can be any question about that rule, and so the Chair will hold that the amendment of the gentleman from Iowa [Mr. GOOD] is in order.

Mr. GOOD. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GOOD. Would the amendment I have offered be in order after the motion of the gentleman from Missouri [Mr. BORLAND] is disposed of?

The CHAIRMAN. It would be in order as a new paragraph.

Mr. GOOD. I do not care to offer it as a new paragraph.

The CHAIRMAN. The Chair understands the gentleman to ask unanimous consent to withdraw his amendment.

Mr. GOOD. No; I do not care to withdraw it.

The CHAIRMAN. Is there objection? The Chair hears none.

Mr. HOWARD. Mr. Chairman, I desire to offer an amendment for the purpose of perfecting the text. I move to strike out "$1,800," where it appears in line 6, on page 57, and insert in lieu thereof "$2,200."

The CHAIRMAN. The clerk will report the amendment.

The Clerk read as follows:

On page 57, strike out in line 6, the figures "$1,800" and insert "$2,200."

Mr. GOOD. There is an amendment pending to perfect the text.

The CHAIRMAN. What amendment?

Mr. GOOD. The amendment that I have offered.

The CHAIRMAN. The Chair understood the gentleman to ask to withdraw his amendment.

Mr. GOOD. No; I said I did not care to do that.

The CHAIRMAN. The Chair then submitted a request for unanimous consent that the amendment be withdrawn, and there was no objection. The Chair recognizes the gentleman from Georgia [Mr. HOWARD] who has offered an amendment which the Clerk has just reported.

Mr. HOWARD. It is the reverse of the amendment offered by the gentleman from Iowa. Is this amendment debatable?

The CHAIRMAN. It is.

Mr. HOWARD. Mr. Chairman and gentlemen of the committee, I do not want to be selfish for my colleagues on the floor of this House at all, and I do not want to be ungenerous to the distinguished gentlemen at the other end of this Capitol. The function of a Senator is to deal with such momentous questions that he has but little time to fool with the distribution of horse books and seeds and the little things that this great Government is doing for a great people. I think the chairman of this committee, one of the most generous and lovable men in Congress, certainly overlooked the discharge of his duties, which he, as a rule, always performs faithfully, by being a little too modest, and practiced a little bit of false generosity when he made up this bill. The truth of the matter is, and the gentleman from Indiana knows it, that a Congressman gets 10 requests for public documents where a Senator gets 1. In other words, it has been recognized for 100 years in this country that a Congressman is the direct representative of the whole people, and when they want anything, when they want quick action, they know that small particles move rapidly and large bodies move slowly, and so they address that request to their Congressman. The result is—I do not know how it is with others, but as far as I am concerned, I find myself at the end of the year wending my way to the other end of the Capitol to beg my Senator to give me a few documents when I have exhausted mine, and I find that he has always an ample supply on hand.

Now, there is no reason in the world why we should give the Senate $400 the best of the bargain. I believe in being generous. If the people want this literature, let them have it. Here is $2,200 of documents to go to the district represented by the gentleman from Indiana. What folks in this country need light more [laughter] than the people that are asking for a little free book from this Government in order that they can learn something?

Now, Mr. Chairman, is there a man on the floor of this House who can get up and give a good reason why a Congressman should be discriminated against in such a manner as this? I want this House to repudiate the action of this committee in giving a United States Senator $400 more for public documents than we are getting.

Mr. WALSH. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. WALSH. I would like to know why a Senator should have any quota of documents at all?

Mr. HOWARD. Oh, Senators have to get to the people sometimes, as we do all the time. It is a great body, but I think they are human. They have friends scattered over the States. I admit it is a duplication, because they can not find a man in my district that wants anything that has not got it. [Laughter and applause.] I know of no reason why a Senator should not have some documents. Far be it from me to take them away from him. I want them to have some; I want them to have just what they ought to have and no more, because I do not get enough now. [Laughter.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. BARNHART. Mr. Chairman, my friend from Georgia is always illuminating and his positions are frequently well taken, but in this particular instance, Mr. Chairman, the House has been deciding all these years that a Member of the United States Senate, who represents his entire State rather than a fractional part of it as Members of the House do, shall be entitled to a certain quota. The proportion given to Senators has been even larger than this. When the bill passed the Senate it provided that the House should have $1,600 and the Senate $2,500 in document value. They are satisfied with this proportion, and it is a fair division. It is not the proportion that now is given to the Senate in public documents; they now take 30 per cent and the House 70 per cent.

Mr. HOWARD. Will the gentleman yield?

Mr. BARNHART. Yes.

Mr. HOWARD. I want to ask if it is not a fact that a Senator drew this very provision in this bill about this distribution?

Mr. BARNHART. No; the Senator drew a provision which gave the House $1,700 and the Senate $2,500 in value.

Mr. HOWARD. My opinion is——

Mr. BARNHART. No; I am incorrect about that. It was $1,600 for the House and $2,500 for the Senate.

Mr. HOWARD. I wonder he did not take more. [Laughter.]

Mr. BARNHART. Mr. Chairman, I realize that some of the remarks and some of the amendments offered to this section are really against the bill. I trust, however, that this amendment will not prevail because I know that when the bill goes to the Senate, unless we try to be fair with the Senate, as we ought to be, the probability is we will get the worst of it in the outcome and we will not get anything but present unsatisfactory ratio. I say that with all due respect to the Senate and to the merits and just deserts of the House.

Mr. Chairman, the proposed change for the amount of this allowance has been gone over time and time again. As I said in my opening statement on the bill, and I again say it for the benefit of new Members, this bill is not the sole baby of the Committee on Printing in the House; it is the outcome of 12 or 14 years of industrious work by members of the committee of both the House and the Senate, and by a commission that was authorized way back, I think, in 1906, and possibly 1904, to try and discover some remedy for the abuses that have grown up in printing documents. They investigated it, and they realized that something had to be done in order to give to the people the documents for which they are paying and not waste $125,000 a year, as we have been doing for many years in the past.

As the gentleman from Illinois has well said, there is a wealth of old documents printed now that nobody can use. They are printed under existing law, and we are trying to remedy that and prevent the great waste that is going on by printing documents that the public can not use but which it is paying for.

Mr. HOWARD. I would like to ask the gentleman if he has made any calculation as to how many bookkeepers and clerks it is going to take in addition to what we now have to keep these accounts?

Mr. BARNHART. I do not think it will take any more than now.

Mr. HOWARD. It will be just like the postal savings-bank law. Somebody sends to me for a bulletin which costs 5 cents, and there has to be a separate and individual charge of that. The consequence will be that you will load the department down with bookkeepers to keep these books.

Mr. BARNHART. Oh, no; the gentleman is mistaken.

Mr. HOWARD. It will waste the money just as certain as it will produce more jobs.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. RAKER. In this estimate that it will cost $125,000—that is, that we spend that much money a year—is there a list of the documents that have been destroyed which goes to show that about the same kind and character of documents each year have been issued?

Mr. BARNHART. Yes; and the gentleman from California has had them each year. They are sent to him each year by the Public Printer.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, I would like to ask the gentleman another question. If that is true, and I know it is, because the gentleman has stated it, why does the Printing Office print these documents of the same class and character each year?

Mr. BARNHART. Because existing law requires that the Printing Office do that, and that is why we are trying to change this law.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. BORLAND. I want to ask the chairman of the committee if it is true that the Government has been printing so many useless documents for so many years, and that absolutely no one wants them, if nobody would use them under the plan which the chairman has advanced, and nobody uses them under the present plan, would they continue to be printed?

Mr. BARNHART. Mr. Chairman, the gentleman's question convinces me of just what I have thought from all his statements, namely, that he does not understand the bill at all. Of course they would not be printed as now. They would be printed and kept in stock like a stock of goods in a store is kept, in such editions as the joint committee might authorize from time to time, and when they are exhausted additional copies will be printed as fast as they are needed; and you never would have present accumulation of these useless documents, because the joint committee would not permit it.

Mr. BORLAND. Then the gentleman has answered and admitted, as I knew he would have to, that the prevention or the reduction in the printing of these useless documents is not an essential feature of the change of plans.

Mr. BARNHART. We are trying to abolish the plan, and give the gentleman the documents he would like to have for his people, instead of having these printed up, not used, and sold for junk each year.

Mr. BORLAND. The gentleman can prevent printing them now.

Mr. BARNHART. How can he prevent it? Can the gentleman from Missouri tell me any way except by changing the law?

Mr. BORLAND. They are printed under some provision of law now?

Mr. BARNHART. Certainly; and the chairman of the Committee on Printing can not arbitrarily change the law. We are here before the House at the present time asking that it change the law as it ought to be changed.

Mr. BORLAND. The gentleman insists, then, that the law is going to remain as it is and these documents must be printed, and yet under his plan nobody is going to draw them to their credit, and what is to become of them?

Mr. BARNHART. Oh, they will be printed in such quantity that there will be comparatively no waste. They would not be printed each year, they would not be printed at all except when needed and in very limited editions, and if there was no call for them they would not be printed any more.

Mr. BORLAND. That can be done now.

Mr. BARNHART. You can do it by changing the law, and that is what we are asking.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. SHERLEY. Is not that what you can do now without involving this proposition of money value to each Member? Change the maximum that has now to be printed and make it very much smaller, and when there is an extra demand have a reprint and thereby get rid of the waste.

Mr. BARNHART. But the difficulty about these matters suggested from time to time to-day is this: Some documents are in demand in one district in the United States that are not wanted at all in another district, and any plan that proceeds upon the basis that we are now going, that prints a certain amount of documents for each and every district in the United States, gives to many districts that which they can not use and denies to other districts that which they can use.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

Mr. GOOD. Mr. Chairman, I am in favor of the amendment offered by the gentleman from Georgia [Mr. HOWARD]. There certainly can not be any good reason advanced why the allotment of these various publications should be greater to Members of the Senate than to Members of the House. No good reason has been advanced and none can be.

The argument of the gentleman from Indiana [Mr. BARNHART] that in order to prevent waste we must place a valuation on Government documents is to my mind ludicrous. Here is a document that is worthless. No one wants to read it. It is not proposed now to stop its publication, but it is only proposed that it will be valuable after we set a money value upon it and charge somebody with it. It is thought that there will then be a demand for it. If it is valueless, why do you publish it? If it is worthless and no one wants it, why do you want to charge it up to a Member of Congress, in order that he can send it out so that it may find a place in some one's wastebasket?

Mr. FINLEY. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. FINLEY. That is exactly what is done now, and we are trying to correct that.

Mr. GOOD. But you can make the correction without charging it up to a Member of Congress.

Mr. FINLEY. It is charged up to him now.

Mr. GOOD. Let us eliminate the waste. All that is necessary is to stop publishing useless publications. The gentleman from Illinois says that we will save $125,000, and then he goes on to say in his argument that if a certain number of requests came in each day it would exhaust only $700 worth of bulletins a year for each Member of Congress, and he figures that that would be a normal request.

If that is the case and you are looking for economy, why did you not allow each Member only $700 and save over $500,000

a year on Government publications instead of attempting to save $125,000?

Mr. FINLEY. I would like to ask the gentleman a question. He is familiar with the present law by which documents are allotted?

Mr. GOOD. It is not proposed to cut out entirely some of these publications that are useless. How do you know whether a publication would be a proper publication or not? Who is to be the judge of a publication? It is only by a trial.

Mr. FINLEY. Will the gentleman yield?

Mr. GOOD. I can not yield further. I have only five minutes.

Mr. FINLEY. The gentleman can get further time.

Mr. GOOD. Then I will yield to the gentleman.

Mr. FINLEY. Now, just there. The method of printing public documents as proposed in the bill here is that there will be a limited number of publications ordered by law to be published. To the extent that these publications are called for, of course, they will be printed, and the first print, small in number so to speak, will be raised or increased to meet the demand. Under the present law you can not do that. You get your allotment of irrigation bulletins and geological reports, and you must take them. You can not go to any department of the Government and say that you do not wish those, but that you want some other publication.

Mr. GOOD. And now you propose you must take them and must pay for them.

Mr. FINLEY. No; I do not.

Mr. GOOD. Then what are you going to publish them for at all?

Mr. FINLEY. Until it is demonstrated that certain publications are uncalled for you will not know what is necessary to publish.

Mr. GOOD. You are going to publish them anyway, to test their value, and you are going to have $125,000 worth of junk, just as we are now having at the end of each year.

Mr. FINLEY. The gentleman must know this, that if a publication is limited to 100 copies that would not compare in cost to a publication where there are 500,000 published under the present law.

Mr. GOOD. Does the gentleman mean to say that publications will be authorized where only 100 copies will be printed?

Mr. FINLEY. I will say that is the present law.

Mr. GOOD. The gentleman knows that of all the publications more than 100 copies are printed in every case.

Mr. FINLEY. Under the present law, yes; and the allotment is made to you whether you want them for distribution or not.

Mr. GOOD. I will ask the gentleman a question.

Mr. FINLEY. Yes.

Mr. GOOD. Can we not limit the edition to 100 copies of documents without this provision in the bill fixing a price upon it?

Mr. FINLEY. Under the present law?

Mr. GOOD. No. I mean if we struck out this provision fixing a price upon the document.

Mr. FINLEY. I will say to the gentleman the publication will be limited to a very small edition, and then as they are called for by Members of Congress the printing will be continued and the documents increased in number.

Mr. GOOD. That could be done whether the price was fixed on that document or not?

Mr. FINLEY. We say that in this bill.

Mr. GOOD. That could be done if we eliminated this section?

Mr. FINLEY. If the gentleman is in favor of that, he is in favor of the bill.

Mr. GOOD. I am in favor of eliminating this section entirely.

Mr. FINLEY. Then you are against this part of the bill.

Mr. GOOD. Is that all there is in this bill? Is it bottomed on the proposition of simply fixing a price on these documents and charging them to Members of Congress at that price?

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOOD. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BARNHART. I would like to ask the author of this amendment, the gentleman from Georgia [Mr. HOWARD] if we can not close debate in five minutes?

Mr. HOWARD. I am ready to close it right now.

The CHAIRMAN. The Chair will put the request that at the end of five minutes the debate be closed. Is there objection?

Mr. SHERLEY. I amend that by adding debate on this amendment and all amendments to the paragraph.

Mr. McLAUGHLIN. I object.

Mr. BARNHART. Mr. Chairman, I move that all debate close on the amendment to the paragraph in five minutes.

The CHAIRMAN. On the amendment to the paragraph, in five minutes?

Mr. BARNHART. On amendment and the paragraph in five minutes.

The CHAIRMAN. On the two pending amendments?

Mr. SHERLEY. I offer as an amendment to that motion that all debate close in five minutes on the paragraph and all amendments thereto.

Mr. BARNHART. On this I would like to be heard, Mr. Chairman.

Mr. SHERLEY. It is not a debatable motion.

The CHAIRMAN. The gentleman from Kentucky [Mr. SHERLEY] moves to amend the motion of the gentleman from Indiana closing all debate on this amendment in five minutes.

The amendment was agreed to.

Mr. BARNHART. Now, Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The question now recurs on the motion of the gentleman from Indiana [Mr. BARNHART] as amended.

The motion was agreed to.

Mr. BARNHART. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARNHART. What is the status of the situation now?

The CHAIRMAN. The status of the situation is that the gentleman from Iowa [Mr. GOOD] is recognized for five minutes, and at the expiration of that five minutes all debate on this paragraph and all amendments thereto is concluded.

Mr. BARNHART. Now, Mr. Chairman, I want to submit to the membership of this House——

Mr. GOOD. Mr. Chairman, I believe I have been recognized.

Mr. BARNHART. I ask unanimous consent, Mr. Chairman, to proceed for five minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed for five minutes.

Mr. BORLAND. I shall have to object, Mr. Chairman.

Mr. RAGSDALE. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RAGSDALE. The gentleman from Iowa [Mr. GOOD] has been recognized and is now on the floor.

The CHAIRMAN. The gentleman from Indiana [Mr. BARNHART] submitted a parliamentary inquiry; but that, of course, can not take the gentleman from Iowa off his feet. The gentleman from Iowa is recognized for five minutes.

Mr. BARNHART. Mr. Chairman, will the gentleman from Iowa yield?

Mr. GOOD. I will yield to the gentleman two minutes, if he wants to make a statement.

Mr. BARNHART. I thank the House for permitting the gentleman from Iowa to yield to the chairman of this committee two minutes in which to make an important statement.

Mr. MANN. Will the gentleman from Iowa yield to me for a moment?

Mr. GOOD. Yes.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the chairman of the Committee on Printing [Mr. BARNHART] may have five minutes at the conclusion of the time for which the gentleman from Iowa [Mr. GOOD] has been recognized.

The CHAIRMAN. Does the gentleman from Iowa consent?

Mr. GOOD. Yes.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that at the conclusion of the remarks of the gentleman from Iowa [Mr. GOOD] the gentleman from Indiana [Mr. BARNHART], the chairman of the Committee on Printing, may have five minutes. Is there objection?

Mr. BORLAND. Reserving the right to object, Mr. Chairman——

Mr. McLAUGHLIN. Reserving the right to object, Mr. Chairman, several gentleman have been on their feet several times asking for recognition, and the gentleman from Indiana moved to cut off debate and limited the time to five minutes.

Mr. BARNHART. I did nothing of the sort.

Mr. RAGSDALE. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. RAGSDALE. The gentleman from Iowa [Mr. GOOD] has the floor. I demand the regular order.

The CHAIRMAN. The gentleman from Iowa yielded the floor for the sole purpose of allowing the gentleman from Illinois [Mr. MANN] to make a request for unanimous consent in behalf of the gentleman from Indiana [Mr. BARNHART].

Mr. CLARK of Florida. Regular order!

The CHAIRMAN. The regular order is, Is there objection to the request of the gentleman from Illinois, that the gentle-

man from Indiana [Mr. BARNHART] shall have five minutes at the conclusion of the remarks of the gentleman from Iowa [Mr. GOOD]?

Mr. BORLAND. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Missouri objects.

Mr. GOOD. I will yield two minutes of my time, Mr. Chairman, to the gentleman from Indiana.

The CHAIRMAN. The Chair will state to the gentleman from Iowa that it will require unanimous consent for him to yield under the five-minute rule.

Mr. GOOD. I ask unanimous consent, Mr. Chairman, that I may yield to the gentleman from Indiana one-half of my five minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to be allowed to yield to the gentleman from Indiana one-half of his five minutes. Is there objection?

Mr. BARNHART. I trust gentlemen will not object to that request. I want to thank the gentleman from Iowa for according to the chairman of this committee, which has worked so long and arduously during all these years on this bill, the privilege of explaining in two and one-half minutes the details of the proposition of why we should not abolish this section of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa, that he may yield two and one-half minutes to the gentleman from Indiana?

There was no objection.

Mr. BARNHART. Mr. Chairman, I might repeat what I have already said, that the Committee on Printing feels that, at least, it ought to have the privilege of presenting the importance of this proposition as to whether or not this section of the bill shall become a part of the bill.

It is charged on the floor that I have made the motion that all debate be closed. I made the motion that the debate be closed on the amendments, but not on the section. The motion that the debate be closed on the section was made by some other Member.

I trust that the membership of this House will be fair to this committee that has been working so earnestly to bring in a bill that will be of benefit to the people and to the public service; and I submit that we should at least be given an opportunity to be heard on this matter. I hope our committee will at least be given that privilege.

The CHAIRMAN. The time of the gentleman from Indiana has expired. The gentleman from Iowa [Mr. GOOD] is recognized for two and one-half minutes.

Mr. GOOD. Mr. Chairman, I do not want to say anything to detract from the great work that has been done by the Committee on Printing, which has reported this bill. I think they have tried to bring before the House a workable proposition and that in many respects they have succeeded. But on the proposition involved in the amendment of the gentleman from Missouri [Mr. BORLAND] I think they have failed. I think we are inviting trouble that will arise every year to embarrass Members of the House when it comes to sending out bulletins and other Government publications that have a value fixed upon them. These bulletins and Government publications that are valuable ought to be given to every man, woman, and child in the United States that wants them; they ought to be sent to them without cost, and they ought to be had for the asking.

When you come to fixing a valuation upon them, as provided for in this bill, and the gentleman from South Carolina [Mr. FINLEY] says that that is the principle upon which this bill is bottomed, you are inviting trouble. I do not believe that the gentleman understands——

Mr. FINLEY. I made no such statement.

Mr. GOOD. I do not believe that the gentleman understands the provision of the bill his committee has reported if that is his contention.

Mr. FINLEY. I repeat, Mr. Chairman, I made no such statement.

Mr. GOOD. The gentleman does not seem to understand the principle upon which this bill is bottomed. The idea that there are hundreds of thousands of Government publications that are useless, and that $125,000 will be saved every year by not publishing them, simply charging them up to Members of Congress, is the most foolish proposition that was ever submitted to this House. Think of it! A publication is valueless and uncalled for when it can be had for the asking, only becomes valuable when a price is put on it at which Members can secure it.

Why, gentlemen, we are going to have here, as was said by the gentleman from Georgia [Mr. HOWARD], thousands of publications with values of 2 or 3 cents placed upon them. There will be bookkeepers galore keeping the accounts of every Member of Congress every day, charging them 3 cents for this publication and 5 cents for that publication and some other amount for another publication; and you will have, when the end of the year comes, the same amount of junk to sell to the junk dealer as you have had heretofore, and in addition you will have paid thousands of dollars for bookkeepers.

Mr. BARNHART. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes; I yield to the gentleman.

Mr. BARNHART. I know the gentleman wants to be fair.

Mr. GOOD. Certainly.

Mr. BARNHART. Do we not have these clerks now keeping the record of what you order?

Mr. GOOD. Yes; a given number of bulletins are credited to each Member, and as he orders out bulletins they are charged to him; but we do not have an account charging us 3 cents for a bulletin on "The Care of Babies," and so forth, do we?

Mr. MILLER of Pennsylvania. They charge you with the number of bulletins.

Mr. GOOD. Yes; they charge the Member with the number of bulletins only, but they do not fix a value on them and charge you with so many dollars and cents. The amendment of the gentleman from Georgia [Mr. HOWARD] ought to prevail. There ought to be no discrimination between Members of the House and Members of the Senate when it comes to the distribution of Government publications. Likewise the amendment of the gentleman from Missouri should be adopted.

The CHAIRMAN. The time of the gentleman from Iowa has expired. All time has expired.

Mr. SHERLEY. Mr. Chairman, I desire, as I made the motion to cut off debate, to ask that five minutes be given to the gentleman from Indiana [Mr. BARNHART].

Mr. BARNHART. I thank the gentleman from Kentucky, but the chairman of this committee can not present an argument on this proposition in five minutes, and I refuse to accept the time.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Georgia.

Mr. MILLER of Pennsylvania. Will the clerk report the amendment?

The CHAIRMAN. If there be no objection, the amendment will be again reported.

The Clerk read as follows:

Page 57, line 6, strike out "$1,800" and insert "$2,200."

The amendment was agreed to.

The CHAIRMAN. The question now recurs on the motion of the gentleman from Missouri [Mr. BORLAND], to strike out and insert.

Mr. BORLAND. I ask that the amendment be reported again.

The CHAIRMAN. If there be no objection, the amendment will be again reported.

The Clerk read as follows:

Amend by striking out the paragraph beginning with line 23 on page 56 and ending with line 12 on page 58, and inserting the following:
"The distribution of public documents shall be carried on as heretofore provided by law."

Mr. SHERLEY. A parliamentary inquiry, Mr. Chairman. Is that motion divisible?

Mr. MANN. No; the motion to strike out and insert is not divisible.

The CHAIRMAN. The motion to strike out and insert is not divisible.

The question being taken, on a division (demanded by Mr. BORLAND) there were—ayes 57, noes 41.

Mr. BARNHART. Tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. BARNHART and Mr. BORLAND.

The committee again divided; and the tellers reported—ayes 61, noes 49.

Accordingly the amendment of Mr. BORLAND was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MCKELLAR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 12843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4764. An act to amend an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved January 17, 1914.

REVISION OF PRINTING LAWS.

The committee resumed its session.

The Clerk read as follows:

SEC. 50. Par. 2. The superintendent of public documents shall supply, wrap, and mail or otherwise dispatch all publications subject to valuation distribution upon the written order of the person entitled to the same, who shall furnish addressed frank slips or envelopes therefor; and said superintendent shall promptly furnish each person entitled to a valuation account or document quota under this section with information and the prices of all publications available for such distribution in advance of printing the first edition thereof, if possible, and he shall also render statements from time to time to each person entitled to the same concerning the condition of his valuation account: *Provided*, That any person credited with a valuation account or quota of Government publications as provided for in this act, or any employee or agent of such person, or any officer or employee of Congress or either House thereof, who shall sell or dispose of for gain or profit any publications obtained either directly or indirectly under the provisions of this section, shall be fined not more than $1,000: *Provided further*, That, if the Public Printer, the superintendent of public documents, or any other officer or employee of the Government Printing Office shall permit or knowingly be party to any violation of this act, whereby the Government shall suffer any loss therefrom, he shall be fined not more than $5,000 or imprisoned not more than five years, or both.

Mr. BEAKES. Mr. Chairman, I move to strike out, on page 58, in line 19, the words "a valuation account."

The Clerk read as follows:

Amendment offered by Mr. BEAKES: Page 58, line 19, strike out "a valuation account."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. BEAKES].

The amendment was rejected.

Mr. BEAKES. Mr. Chairman, I move to strike out, in lines 23 and 24, after the word "same," the words "concerning the condition of his valuation account."

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 58, in lines 23 and 24, by striking out the words "concerning the condition of his valuation account."

Mr. BEAKES. Mr. Chairman, I am opposed to this printing bill, for the reason that I believe it will cost the Government of the United States much more money than the present system costs. I am in favor of reforms in the present system, but I do not believe that this printing bill accomplishes reforms in the present system.

Let me give you two or three examples of what this bill does. When I give them to you I do it in the belief that the Printing Committee are laboring under the impression that they can handle the printing of this Government better than any other committee can.

The Post Office Department of this country has a large number of continuing contracts, made when paper cost less than it does to-day, and contracts which this bill would void.

Mr. BARNHART. Will the gentleman yield?

Mr. BEAKES. Yes.

Mr. BARNHART. Has the gentleman any contractors for Government supplies in his district who would be interfered with in any way by this bill?

Mr. BEAKES. So far as I know there is not a contractor for Government printing in my district, and there is not a contractor with whom I am acquainted.

Mr. BARNHART. Nor in the State?

Mr. BEAKES. Nor in the State of Michigan. There is a contract for the printing of facing slips. I do not know whether the Members of this House know what facing slips are or not. They are slips that are placed by the postal clerks on the back of each package of letters. They contain the name of the post office to which they are addressed, and the name of the post office from which they come, the railroad, and the name of the clerk. Those slips are printed for this Government by special machinery at a cost to the Government of less than 5 cents a thousand. The Government Printing Office has bid on them at various times, and the last time that it bid upon them its bid was eight or nine times what the Government gets them printed for.

Mr. KEATING. Will the gentleman yield?

Mr. BEAKES. I yield to the gentleman from Colorado.

Mr. KEATING. Can the gentleman give the House any information as to the labor conditions prevailing in the offices which are handling these contracts, which the gentleman says are effecting such a material saving to the Government of the United States?

Mr. BEAKES. I know nothing whatever about them.

Mr. KEATING. Does not the gentleman think that before he advises the House as to what it should do under the circumstances he ought to investigate as to the labor conditions where this work is done under these contracts?

Mr. BEAKES. Let me say to the gentleman that the reason that this price can be made so low is that the shops that print these facing slips do nothing else.

Mr. KEATING. But the gentleman says he knows nothing about the labor conditions in those shops.

Mr. FINLEY. They are "scab" shops. We have affidavits here to that effect.

Mr. BEAKES. I do not yield any further.

The CHAIRMAN. The gentleman from Michigan declines to yield.

Mr. BEAKES. The Government has a contract for the printing of postal cards, and if it had to make that contract over again, as it would have to do under this bill, it would cost the Government several hundred thousand dollars more, because, mind you, the European war has sent up the price of paper.

I am talking about the Post Office Department, because I know something about that department. The Government has a contract for printing money-order blanks, and that contract was let for $101,000 less than the Government Printing Office bid on it. The reason is that the people who do this sort of work have special machinery, which the Government Printing Office has not. And I want to say to you that instead of this bill saving the Government $125,000 a year in the printing of useless documents you will find before you get through that you will have fastened upon yourselves a system which will trouble you and which will not properly distribute what you have to distribute, and which will cost the Government more money. [Applause.]

Mr. STAFFORD. Mr. Chairman, I would not take the floor if the gentleman had not referred to conditions in the printing of postal supplies. He criticizes the policy of the Government in recent years in taking from private contractors the printing of postal cards and other necessary postal supplies and having them printed in the Government Printing Office. It was my good fortune and privilege to serve for 10 years altogether on the Post Office Committee, and during that service I took considerable pleasure in looking into the details of that work and of the conditions in the administration of that great department. It is easy for the committee to understand why the Government should control the printing of all of its supplies that partake of the nature of currency or of any value whatever. The gentleman will have to admit, as he is acquainted with postal affairs by reason of his service as postmaster or assistant postmaster in his city for many years, that the character of the postal card is much superior both in its material and in its printing since the Government Printing Office has taken charge than before, when it was printed by private contractors. Bids were called for, and the bid of the Government Printing Office was almost the same as that of the private contractor, but if it is fundamental that postal supplies should be printed at the Government Printing Office because we can get better service, better returns, is it fair for gentlemen to compare the conditions on an eight-hour basis, where men receive good living wages, with contracts from private establishments, where children may be employed and where the contract price must necessarily be less?

It is a question of policy, and department officials generally agree that so far as postage stamps, postal cards, Treasury notes, and everything partaking of value in connection with the Postal Service or Government is concerned they should be printed at the Government establishment, and it needs little explanation to show the committee why that should be so.

Now, as to the valuation plan. The chairman of this committee has labored on this bill more assiduously than many a man could have been expected to labor. The gentleman has intimated that the chairman does not understand the provisions of the bill that has been brought in here. Why, this bill was considered in the United States Senate for several weeks in the Sixty-second Congress. It was considered in this House for five or six weeks—it may have been seven Calendar Wednesdays—in the last Congress.

Mr. BARNHART. It was 19 Calendar Wednesdays.

Mr. STAFFORD. The gentleman from Indiana corrects me and says it was 19. I remember that I was here most of that time considering the details of the various provisions. If the gentleman from Michigan will study the bill item by item he will find it is a logical, scientific measure and will save the Government hundreds of thousands of dollars. And yet a minute ago, under a bugaboo fear that we would be charged with having something of value to our credit for distribution to our constituents, the House was railroaded, on the spur of the moment, to strike out a section without any opportunity being given to the

deserving chairman, who has worked hours and hours on this bill, to defend the vital provision of it. [Applause.] I say it was not fair play. Never before within my service in this House have I seen such methods adopted against the protest of the chairman of the committee, a man who has labored on it long hours and brought us something that would be of value and of service and will protect the interests of the Government and of Members. I say it was only fair that we should have given the chairman an opportunity to explain this provision.

A moment ago some Members were swayed with the belief that it would result in great expense by having a large number of bookkeepers to keep the books. That is a ridiculous proposition when the bookkeepers are already employed. They affected to believe that which every Member knows is an excuse. Here is a workable provision to have public documents credited to the Member, documents which he knows would be the most desirous and suitable for his district.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. I ask for three minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. STAFFORD. It is enough to say that our constituents are already advised that we have documents to our credit for distribution. What is the criticism from constituents when we send out publications of little interest? We are sending them something that they have no use for whatever. You can not have any exchange bureau under those conditions. You can not exchange something which few Members have calls for. If the gentleman will study the bill he will find that there is a limited edition printed and the recurring editions are not to be printed unless there is a demand made on the part of Members for additional copies.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. SMITH of Michigan. I was going to ask along the line suggested by my colleague [Mr. BEAKES] whether or not the gentleman would think that, in view of the fact that the Agricultural Year Book costs possibly $400,000 to print, it would be a proper item to submit for public bids and get competitive bids, if it could be shown that there would be a saving of $50,000 on that one item alone?

Mr. STAFFORD. If the gentleman had studied the conditions he would know that the private contractors would offer a bid cutting down the public-printing price the first year, and after they got the contract would raise it so that the Government would ultimately pay the burden. We know when we contract for the printing of a publication which the Government prints we are getting full value and only asking the employees of the Government printing establishment a fair return for the employment which we demand of them.

Mr. SMITH of Michigan. The gentleman does not answer my question whether or not he would be in favor of that?

Mr. STAFFORD. No; I am not in favor of having the printing done at private establishments where working conditions may be different, where workmen may be worked 10 or 12 hours a day, and where children may be employed to do the work of men, while it is the policy of the Government to have its printing done at its own establishment.

Mr. SMITH of Michigan. Then the gentleman is against economy?

Mr. STAFFORD. I am not against economy, but I am not in favor of sweatshop printing establishments over which the Government has no control [applause] while it is the Government's policy of having all supplies of value printed in an office under its own control.

Mr. SMITH of Michigan. Have not people outside of the Government Printing Office a right to live as well as those in the Printing Office?

Mr. STAFFORD. Oh, yes; but the Government has the right to conserve its interests, and with a fully equipped plant it is a business proposition as to whether it should be kept running.

Mr. SMITH of Michigan. The gentleman is in favor of the Government printing everything, all of its supplies for its own use?

Mr. STAFFORD. I have already said that the Government established the policy of having its printing done in matters of value at its own establishment. We have been applying that policy in later years, and it would not be good business policy to now let that work out to private contract.

Mr. KREIDER. Mr. Chairman, I rise in opposition to the amendment. I want to say that I hope ways and means will be found before this bill is enacted into law whereby the paragraph providing for the valuation plan of all printed documents of every name and nature which has been stricken from this bill will be restored. I wonder whether every Member of this House realizes that the bill as framed will give each Member just what he wants and needs for distribution in his district, will give him such publications that are of real value to his constituents and at the same time save to the Government not less than $125,000 per annum. I can not believe that this House, on a purely business proposition, is ready to go on record as unwilling to correct a waste that has existed for years, which it is now purposed to rectify. There is not a Member of this House who would permit a waste of $125,000 per annum in his private business if he knew of it and knew how to stop it; if so, then why not stop it in governmental affairs and save so much of the people's money. The chairman of this committee has given this matter careful and intelligent thought, and there is no question but that the provision affecting this saving ought to be retained in the bill. The only possible excuse that anyone can have, and the only one advanced for voting against this section, is the fact that some Members are afraid their constituents will find out that he has to his credit $1,800 worth of printed material—documents, books, pamphlets, bulletins, and so forth—and that he has failed to send each constituent his proportionate share. I anticipate no such trouble. In fact, in order to distribute my allotment and place them into the hands of those who would benefit by them I sent out these little printed folders, which you all know we have, to thousands of my constituents and have asked them to mark what they would like to have.

Mr. SMITH of Michigan. A catalogue of bulletins?

Mr. KREIDER. Yes; and I did it because I felt that those bulletins were really valuable and that my constituents were not aware of the fact that they were compiled and printed at great expense to the Government and that they were available and could be had for the mere asking. I do not object to printed matter, if it is such as the people want, will read, and be of some use, and benefit those who receive them, but I have a number of documents and publications placed to my credit that I have no earthly use for, and unless I can give them to some one who has use for them it is evident that the expense of printing them is a total loss. In order to get rid of them I offer them here and now in a public way to anyone who will take them and read them or send them to some one who will read them, but I do not want to give them to any Congressman who is going to send them out under his frank and let the man who receives them sell them for waste paper at a fraction of a cent per pound. I do not want to put the Government to the expense of transporting them in the mails if they are not going to be of any use to those who receive them.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. KREIDER. Oh, I am going to give you a list of them. I have some thirty-odd agricultural experiment station reports for 1903, 1904, 1907, 1908, 1909, 1910, 1911.

Mr. SMITH of Idaho. I will take them.

Mr. KREIDER. I will give them to the gentleman. I am perfectly sincere in trying to find some one who has use for them. I am glad to get rid of them, to have them go out and serve the public and the use for which they were intended.

Mr. SMITH of Idaho. Mr. Chairman, will the gentleman permit an inquiry?

Mr. KREIDER. Yes.

Mr. SMITH of Idaho. The gentleman has frequently stated that these documents were worthless. Is not that a reflection upon the intelligence of Congress and the administrative officers of this Government when he says that they are spending public money for printing worthless documents?

Mr. KREIDER. I wish to say it is a reflection not only in this respect, but I can point to a number of instances where the Government has expended money foolishly—thrown it away deliberately, almost—and this is only one of the cases where I have raised my voice in an effort to stop such an uncalled-for and needless waste of the people's money.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. KREIDER. Yes.

Mr. JOHNSON of Washington. I want to say that in my district last summer I found in one house a baby sitting on the compiled laws of Alaska instead of a high chair and the screen door kept closed with a Smithsonian report. [Laughter.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. KREIDER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KREIDER. Mr. Chairman, I have 29 Agricultural Secretary's reports.

Mr. SMITH of Idaho. What year?
Mr. KREIDER. 1907, 1908, 1909, 1910, 1911, 1912.
Mr. EDWARDS. Mr. Chairman, will the gentleman yield?
Mr. KREIDER. Yes.
Mr. EDWARDS. I want to know if the gentleman has any Horse Books to his credit?
Mr. KREIDER. No; and that is why I am in favor of this bill. I would like to have more horse books, cattle books, bird books, agricultural books, and farmers' bulletins and such things whereby I could impart useful information to my constituents instead of this uninteresting and dry reading that nobody wants or looks at. I have some Alaska laws of 1913. Possibly somebody might want them. I have some Alaska reports; anyone can have them. I have some Army Registers of 1909, 1910, and 1911. Those of you who would like to have those hold up your hands.
Mr. SMITH of Idaho. The gentleman may not be aware of the fact that he is reflecting on the industry of his predecessor.
Mr. KREIDER. I do not care on whom I am reflecting. I am giving the facts, and that is why I think the chairman of this committee and his committee have given us a good bill when they provide that this waste shall continue no longer, and they should be supported and commended, and I am going to raise my voice in favor of it, and the reason I do it is to call attention to the fact of existing law and why this bill should become a law; why that paragraph should not have been stricken from the bill. I have some reports of the Attorney General for 1907, 1908, 1909, 1910, and 1911—46 in all. Do you want them? I have some canal reports, interoceanic, 1901, Senate report; some Senate reports of the Isthmian Canal, of 1899 and 1901—34 of them. I have a lot of civil-service reports of 1907 to 1912—45 of them. I have been trying to get rid of this stuff, but I could not find anybody who would take it and read it.

And I have some commerce reports of 1913. I will pass over a number of these. Also, Reports on Commerce and Labor, 1909, 1910, 1911; Reports on Commercial Relations, 1906 to 1912—about 30 of them. I have some forty-odd reports on Commerce and Navigation. I have a number of Congressional Directories of the Sixtieth and Sixty-first Congresses. I have 222 reports on the cotton tare—a special consular report. Some of the Members from the South may be able to use them.
Mr. EMERSON. How many of those old Congressional Directories have you?
Mr. KREIDER. About 90.
Mr. EMERSON. I will take those.
Mr. KREIDER. All right. I have 27 education reports of 1909, 27 of 1910, 14 of 1911, and 21 of 1912. Does anybody want them? I also have some copies of the Annual Report on Ethnology of 1896 and 1897, the eighteenth and ninteenth annual reports, in two volumes—15 in all. So I might go on and enumerate. I have 6 copies of Ethnology Bulletins No. 46, Choctaw Dictionary—a good book for anyone who desires to speak the Choctaw language correctly. I have also 5 reports of the Physiography of the Rio Grande Valley, N. Mex., in Relation to Pueblo Culture, and some 11 Bulletins No. 56, Ethnozoology of Tewa Indians; 6 Bulletins No. 57, Introduction to the Study of Maya; also 55 Reports on Finance, from 1906 to 1912.

I also have about 600 Geological Bulletins of every name and nature, which I do not seem to have any call for. Also, about 90 Geological Annual Reports, from 1908 to 1912. I have over 500 geological water-supply papers. I do not know what to do with them. So I might go on and enumerate hundreds, perhaps thousands, of other publications, all of which has cost the Government thousands of dollars to compile and print. I am speaking in all seriousness. It is because of the actual waste that is now going on which this bill, if enacted into law, will stop that I favor the bill, and I regret that it should meet this serious and seemingly determined opposition. [Applause.]
The CHAIRMAN. The time of the gentleman has expired.
Mr. FESS. Mr. Chairman, I move to strike out the last word.
The CHAIRMAN. The gentleman from Ohio is recognized.
Mr. FESS. Mr. Chairman and members of the committee, I would like to call attention to some of the publications that my friend from Pennsylvania has referred to as worthless.
Mr. KREIDER. I do not say they are worthless, but I have not found anybody who wants them.
Mr. FESS. I can not complete my set of geological reports——
Mr. BARNHART. Mr. Chairman, I do not like to make a point of order on this matter, but it seems to me, with the amount of work we have to do, we ought to confine our remarks to the subject that is pending.
Mr. FESS. I have never made a point of no quorum; I have never objected to anybody or anything; and I do not intend to do so now.
Mr. BARNHART. Does the gentleman from Ohio [Mr. FESS] mean to threaten?
Mr. FESS. No; I was just wanting to say that I have never obstructed. I am sweet-spirited. I do not object to anybody, and I think there ought to be something said in connection with what has just been said in regard to the value of certain reports that have been suggested are without value.
Mr. Chairman, I will take it for granted, however, that the House understands what I was going to say, and in the interest of procedure and my respect for the chairman of the committee I will desist.
The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. BEAKES].
Mr. FINLEY. Mr. Chairman, I move to strike out the last two words. In answer to what the gentleman from Michigan said to the effect that the Government Printing Office bid for printing a small contract was eight or nine times higher than the bill of the private contractor secured to do the work he mentioned, I want to read this. It is only a paragraph from a letter from the Public Printer. He says:

An examination of the original estimate made here shows the price to have been 11 cents and not $1.11.

So the gentleman from Michigan is mistaken in the figures and the percentages that he gave to the House. His amendment is based on what he states. Here is a letter from the Government Printing Office——
Mr. BEAKES. Will the gentleman yield?
Mr. FINLEY. Certainly.
Mr. BEAKES. Has the gentleman seen a letter sent by the Postmaster General to Senator FLETCHER, chairman of the Joint Committee on Printing, in January last?
Mr. FINLEY. This letter, or the part of the letter I have read, is in answer to that letter, where the Post Office Department states the bid of the Government Printing Office to have been $1.11, and it should have been 11 cents.
Mr. BEAKES. The department does not state how much it was a thousand. It does not say anything about 11 cents.
Mr. FINLEY. I am giving the facts here.
Mr. BEAKES. You are referring to something different from what I am referring to.
Mr. FINLEY. I am referring to a positive statement made by the Government Printing Office.
Mr. BEAKES. I doubt if it has any reference to what I have been referring to.
Mr. FINLEY. There is no question about its referring to it and being a complete answer.
The CHAIRMAN. The question is on the amendment stated by the gentleman from Michigan.
The question was taken, and the Chair announced that the noes seemed to have it.
Mr. BEAKES. Mr. Chairman, I make the point of no quorum.
The CHAIRMAN. The gentleman from Michigan makes the point of no quorum. The Chair will count. [After counting.] One hundred gentlemen are present—a quorum.
Mr. BEAKES. Mr. Chairman, I ask for tellers.
The CHAIRMAN. Five gentlemen have come in since the Chair counted 100 present, and therefore the Chair is absolutely sure that a quorum is present. The Clerk will read.
The Clerk read as follows:

SEC. 50. Par. 3. The Public Printer is hereby authorized, upon the requisition of the superintendent of public documents, to print or reprint from time to time a sufficient number of copies of such publications as shall be necessary to carry out the provisions of this section: *Provided*, That in the printing of any document or report, or any publication authorized by law to be printed, or hereafter authorized to be printed, for congressional valuation distribution, which shall not have been ordered within two years from the date of the first publication, the authority to print shall lapse, except as orders for subsequent editions may be approved by the Joint Committee on Printing.

Mr. BEAKES. Mr. Chairman, I move to strike out the paragraph.
The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Michigan.
The Clerk read as follows:

Amend, on page 59, by striking out the section beginning with line 14 and ending with line 25.

Mr. EDWARDS. Mr. Chairman, I make the point of order that that paragraph is already passed, and the Clerk was reading the next paragraph.
The CHAIRMAN. The Chair will state to the gentleman from Georgia that the gentleman from Michigan [Mr. BEAKES] was on his feet trying to get recognition, and the Chair's attention

was momentarily diverted. The gentleman from Michigan is recognized.

Mr. BEAKES. Mr. Chairman, I move to strike out the paragraph for the purpose of answering the gentleman from South Carolina [Mr. FINLEY]. He produced a letter from the Public Printer in which he said the Public Printer stated that the price for facing slips was 11 cents a thousand.

Mr. FINLEY. I will read exactly what he stated in his letter.

Mr. BEAKES. The price now paid for the printing of facing slips by the Post Office Department is 4.99 cents per thousand. I was not talking about facing slips, exactly, when I said that there was a case where the Government Printing Office bid eight or nine times the rate at which the work could be done under contract. What I was talking about was this: That on September 3, 1914, the Public Printer bid on a contract for furnishing 1,375,000 card labels, and the Fiest Printing Co., of White Haven, Pa., got the contract for $101, while the Public Printer's bid was $962.89.

Mr. BARNHART. They work girls over there 12 hours a day. Is the gentleman through?

Mr. BEAKES. I will yield to the gentleman.

Mr. BARNHART. Let the gentleman finish his speech. I have a few remarks to make about the conditions in the factory over there. Probably the gentleman is not aware of these conditions.

Mr. BEAKES. I do not know anything about the factory. I do not know anything about the Fiest Printing Co. I hold no brief for any concern on earth.

Mr. BARNHART. Does not the gentleman know that they work girls 12 hours a day? The gentleman would not make a comparison between a shop in which they work girls 12 hours a day and the men in the Government Printing Office that are paid from 50 to 60 cents an hour and are given an eight-hour day and annual leave?

Mr. BEAKES. I am not doing that.

Mr. BARNHART. That is what the gentleman is doing.

Mr. BEAKES. I want to call attention to the fact that instead of this bill saving money, it is going to cost you more money, and I think that every word these gentlemen are saying proves that my contentions are correct.

Now, I do not believe in sweatshop labor, and I do not believe in men working over eight hours a day; but many of these firms which bid on Government contracts and get the contracts at less money than the Government Printing Office bid are union firms, employing union printers, and working under union laws and regulations.

Mr. SMITH of Michigan. Where is the factory located that the gentleman refers to?

Mr. BEAKES. This particular firm, of which I know nothing, is located at White Haven, Pa.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. BEAKES. Yes.

Mr. PLATT. Is it not true that the printing industry is more generally unionized than any other industry in the country, most of the employees working under the eight-hour system?

Mr. BEAKES. The printing industry is the best organized industry in this country. I know something about the printing business. That has been my business all my life; and I want to say to you that when you come to these special things that require special machinery, private contractors having that machinery can do them much more cheaply than the Government can.

The CHAIRMAN. The time of the gentleman from Michigan has expired. The question is on agreeing to the motion of the gentleman from Michigan [Mr. BEAKES] to strike out the paragraph.

Mr. BARNHART. Mr. Chairman, I ask unanimous consent to proceed for five minutes. Or I can speak to the amendment, in opposition to it?

The CHAIRMAN. Yes.

Mr. BARNHART. I am quite sure, Mr. Chairman, that the gentleman from Michigan [Mr. BEAKES] does not realize that he is standing on the floor of this House as a champion of manufacturing industries that are doing in these shops what these affidavits that I hold in my hand say they are doing. If, as a matter of course, Mr. Chairman, the Government of the United States desires to go out and seek to have this work done in sweatshops, the Government Printing Office can not compete with them, and it ought not to compete with them because the Government of the United States ought to stand——

Mr. PLATT. Mr. Chairman, will the gentleman yield there?

Mr. BARNHART. No; not now. The Government of the United States ought to stand as a champion of the interests of labor.

I do not like to say it, but I know what I am talking about. The opposition to this proposition comes from men who are representing manufacturing industries such as the one in which this one employee says:

I was employed with the understanding that I was to receive 25 cents per hour, and work 12 hours—from 7 p. m. until 7 a. m.—seven days per week. This condition prevailed for a while until one night the electric power company cut off the power for the purpose of installing power in another plant in the neighborhood. This caused the presses to stand idle for a while and——

Mr. BEAKES. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Michigan?

Mr. BARNHART. I do not yield now.

The CHAIRMAN. The gentleman from Indiana declines to yield.

Mr. BARNHART. The affidavit continues:

When Mr. Young saw this condition he remarked that hereafter he would pay the man that did the work, and that also the pressmen were to receive 6 cents per thousand impressions instead of the 25 cents per hour. Knowing that meant a decrease in wages several of the pressmen refused to work, as we knew that it was almost impossible to make 25 cents per hour when the presses would not average 4,000 impressions per hour for the 12 hours.

Mr. Chairman and gentlemen of this House, I am sure that no Member of this Congress is willing to subscribe to a policy that will give the work of the Government to a manufacturing institution that goes into competition with grown-up men at the head of families, who have a right to the wages that the Government is paying them, by employing girls and adopting sweatshop methods in their broadest possible sense. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. BEAKES].

The amendment was rejected.

The Clerk read as follows:

SEC. 50. Par. 4. Documents specifically ordered by Congress for congressional valuation distribution and the following publications shall be printed and subject to distribution by the superintendent of public documents under the provisions of this section: *Provided*, That said superintendent shall supply, on the request of the Vice President, or any Senator, Representative, Delegate, or Resident Commissioner, not to exceed two copies each of any publication of the Government not provided for by this section which he may have available in stock and charge the same against his valuation account; and if the publications so furnished were printed for sale, the Public Printer shall credit the amount charged therefor to the reprint account of said superintendent by transferring a like sum from the allotment for printing and binding for Congress: *Provided further*, That this section shall not be construed to include the speeches of any Senator, Representative, Delegate, or Resident Commissioner in whatever form printed.

Mr. BEAKES. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of this committee——

Mr. EDWARDS. I make the point of order that the section has not been concluded.

Mr. BEAKES. Then, Mr. Chairman, I make the point of order that there is no quorum present.

Mr. EDWARDS. I have no objection to the gentleman speaking, but let us finish the paragraph.

Mr. BEAKES. I want to ask the chairman of the committee a question.

Mr. EDWARDS. I withdraw the point of order.

Mr. BEAKES. I want to ask the chairman if the Printing Committee does not intend to perfect this bill by striking out words referring to the valuation provision which the Committee of the Whole has stricken from the bill?

Mr. BARNHART. Mr. Chairman, that was not a committee amendment. The committee is not interested in perfecting that feature of the bill.

Mr. BEAKES. Then the Committee on Printing is not willing to accept the action of the Committee of the Whole?

Mr. BARNHART. Why, certainly; but the Committee on Printing does not feel under obligations to perfect the bill by offering 30 or 40 amendments, because it is up to the opponents of the bill, who are changing it, to submit those amendments. If the Committee on Printing can agree with them the committee will do so, but it is not up to the committee to formulate those amendments, now that the Committee of the Whole have taken it into their own hands to change this whole plan.

Mr. BEAKES. The question I want to ask the gentleman is whether or not, if the House cuts out this valuation scheme when the bill comes into the House, that will entirely destroy the value of this bill?

Mr. BARNHART. Gentlemen can answer that question for themselves. They will have to read the bill.

Mr. BEAKES. I notice that the chairman of this committee has been opposing amendments here that were intended to perfect the text. We have stricken out the valuation scheme, and

yet all these sections have reference to the valuation scheme. If the gentleman wants his bill to pass, he ought to try to get it into some shape.

Mr. BARNHART. The gentleman from Michigan can not dictate to the chairman of the Committee on Printing as to what the committee must do. It is up to the gentleman from Michigan himself to make the bill the way he wants it. If the House decides to adopt his theory, all right. If the House refuses to stand by the committee, we will go along and read the bill and do the best we can, and see what can be done when we get back into the House. That is a fair and open proposition.

Mr. BEAKES. I am fair with the gentleman. I am opposed to the whole bill.

Mr. BARNHART. I understand that, and I know why.

Mr. BEAKES. I wish the gentleman would tell the House why.

Mr. BARNHART. Because of the statement that the gentleman has already made.

Mr. BEAKES. What is that statement?

Mr. BARNHART. He has informed the House what objection he has to the bill, and there might be some other objections, in addition to that, which the gentleman has not yet given to the House. The chairman of the committee can not anticipate all that, but I understand what the gentleman's objections are so far.

Mr. BEAKES. Mr. Chairman, the gentleman by inference said something about some one representing some manufacturing interests here. I tried to get that inference brought out plainly, but the gentleman refused to yield to me. I want the gentleman to state fairly if he thinks I represent any manufacturing interests?

Mr. BARNHART. Well, Mr. Chairman, whether the gentleman is representing the interests of these sweatshops or not, it seems to me—and that is only my own opinion—that the gentleman is working in the interest of those shops. I may be mistaken about it, but the gentleman is taking that side of the question.

Mr. BEAKES. The only element that I represent here is the Post Office Department of the United States, which is opposed to this bill.

Mr. BARNHART. The gentleman referred to some slips that were being printed in a Washington sweatshop.

Mr. BEAKES. Mr. Chairman, there is no Washington——

Mr. BARNHART. Both in Pennsylvania and in Washington, and we have the affidavits here. If the gentleman would like to have the statement of the Public Printer and the affidavits of the employees of that shop introduced into the RECORD, I will ask unanimous consent that it be done on his request, and then the House and the country will understand what the gentleman from Michigan is fighting for. If the gentleman will suggest that I do so, I will ask unanimous consent that they be placed in the RECORD. I do not want to do it of my own accord, because I admire the gentleman from Michigan, and I know he does not want to be put in the situation in which these documents would place him.

Mr. BEAKES. They could not place me in any bad position, because I know nothing about them. I only used that as one illustration of a very large number of cases, and the other cases this firm have nothing whatever to do with.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn.

Mr. BORLAND, Mr. McLAUGHLIN, and Mr. PLATT rose.

The CHAIRMAN. Does any gentleman desire to offer an amendment?

Mr. BORLAND. I want to offer an amendment to this paragraph.

The CHAIRMAN. To the paragraph that has just been read?

Mr. BORLAND. Yes.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri.

Mr. TILSON. I make the point of order that the paragraph has not been completed and that we have only suspended the reading by unanimous consent without having completed the paragraph.

Mr. BORLAND. I think that is strictly correct, and I am willing to hold my amendment until the paragraph is read.

The Clerk read as follows:

(1) Addresses and messages of the President to Congress: *Provided*, That the annual message of the President shall be printed in pamphlet form immediately upon its receipt by Congress.

(2) Congressional Directory: *Provided*, That there shall be prepared, under the direction of the Joint Committee on Printing, not to exceed two editions of the Congressional Directory during each session of Congress. The first edition shall be distributed to the President, the Vice President, Senators, Representatives, Delegates, Resident Commissioners, the principal officials of Congress, and the heads of the executive departments, independent offices, and establishments of the Government on the first day of the session, and shall be ready for distribution to others within one week thereafter. The number and disposition of such directories shall be under the control of the Joint Committee on Printing, except as otherwise provided in this section. Official correspondence concerning the directory may be had in penalty envelopes, under the direction of the Joint Committee on Printing. The compiler of the Congressional Directory shall be appointed by the Joint Committee on Printing and shall receive $1,600 per annum for compiling, preparing, and indexing the Congressional Directory, to be payable as ordered by said committee and disbursed one-half by the Secretary of the Senate and one-half by the Clerk of the House.

Mr. EDWARDS. Mr. Chairman, I ask unanimous consent to offer an amendment to this paragraph, page 61, line 1.

Mr. BARNHART. Might not we read the whole section through and then refer back for these amendments? I think in that way we will make better progress.

Mr. STAFFORD. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. Are we proceeding by section or by paragraph?

The CHAIRMAN. The general rule is to proceed by sections. This bill has been peculiarly arranged; they have printed the bill so that each one of these paragraphs might be under the parliamentary rule considered as a section, because many of them are disconnected as sections of a bill would usually be. The Chair will hold that the different subdivisions marked as paragraphs are subject to amendment.

Mr. BORLAND. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BORLAND. I rose to offer an amendment to the first paragraph.

The CHAIRMAN. The gentleman from Missouri will not lose any of his rights.

Mr. FESS. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FESS. These paragraphs are numbered. The one we are considering is paragraph 4, and it runs to the bottom of page 73.

The CHAIRMAN. The Chair thinks that each of these paragraphs is subject to amendment. For convenience the bill was printed in this way, and the Chair thinks that each paragraph is subject to amendment. The Clerk will report the amendment offered by the gentleman from Georgia.

The Clerk read as follows:

Page 61, line 1, after the word "Congress," strike out the period and insert the following: "Containing a small cut or photograph of each Representative in Congress on the margin accompanying the biographical sketch of such Representative."

Mr. EDWARDS. Mr. Chairman, I think this is a good provision, otherwise I would not have offered it. I have offered it in good faith, and I hope the Members will so consider it. With a body of men of over 400, with considerable changing every two years, it is hard for the Members of the House or the public to know and point out a new Member of Congress. This often applies to older Members also. I have offered the amendment in the form it is for the reason that I understand the Members of the Senate do not care for the photographs of Senators to become a part of the Congressional Directory. It is not so badly needed in the Senate, as there are only 96 Senators and not so many changes every two years.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. EDWARDS. Certainly.

Mr. GREEN of Iowa. That is all right for a good-looking man like the gentleman from Georgia, but where does it apply to a man like myself? [Laughter.]

Mr. EDWARDS. I think the gentleman from Iowa would bring up the average very well.

Mr. COX. How much would this cost?

Mr. EDWARDS. I have not estimated the additional cost.

Mr. BARNHART. It would depend on the size of the photograph. It you used the miniature, it would cost for the cut itself about a dollar. Then there would be a little space required, which would make the volume larger by a few more pages.

Mr. EDWARDS. I understand the cost would not exceed $200.

Mr. COX. For each Directory?

Mr. EDWARDS. For each issue of the Directory. The additional cost in a single copy of the Directory would be very small, and it would add very materially to the usefulness of the Directory.

Mr. MILLER of Delaware. Will the gentleman yield?

Mr. EDWARDS. Certainly.

Mr. MILLER of Delaware. Is the gentleman aware that the Delegate from Hawaii, one of our most striking Members, as well as the Delegate from the other Territory and the Commissioners from the Philippine Islands and Porto Rico would not have their photographs in the Directory under the gentleman's

amendment? In other parts of this bill the words "Delegates and Resident Commissioners" are used in connection with the Representatives in Congress, and, for conformity's sake, I suggest the amendment.

Mr. EDWARDS. I should be happy to have them included, because I think it would add to the appearance and usefulness of the Directory. I will ask unanimous consent that my amendment be modified in that particular.

Mr. MILLER of Delaware. Mr. Chairman, I move to amend the amendment of the gentleman from Georgia by inserting, after the words "Representatives in Congress," the words "Delegates and Resident Commissioners."

Mr. EDWARDS. I will include that in my amendment, if there is no objection.

Mr. FINLEY. Will the gentleman yield?

Mr. EDWARDS. Yes.

Mr. FINLEY. The motive of the gentleman in offering his amendment is to have the Congressional Directory contain these photographs so that a person looking at the photographs would be able to recognize a Member of the House?

Mr. EDWARDS. Yes; largely for the purpose of identification.

Mr. FINLEY. Then the gentleman would discriminate against me. Eighteen or twenty years ago I thought I was good enough looking to have a photograph taken. Since then I have not had one taken, and never expect to have another. I should have to stand on my photograph of 20 years ago.

Mr. EDWARDS. Well, I think the gentleman is better looking now than he was 20 years ago, and I am not saying that with any reflection on his appearance 20 years ago. [Laughter.]

Mr. WALSH. Will the gentleman yield?

Mr. EDWARDS. Yes.

Mr. WALSH. Is this to aid in the identification of Members of the House?

Mr. EDWARDS. Yes.

Mr. WALSH. Would it not be better to have their finger prints? [Laughter.]

Mr. EDWARDS. No; I think in some cases it would not be. As I have stated, Mr. Chairman, I offered the amendment in all seriousness, and I hope the House will consider it in that light. It will serve a good purpose. You take the office of the Sergeant at Arms to-day, and he has there the picture of every Member of the House for the purpose of identification, and I believe they should go with a sketch in the Directory so that when the sketch is read it will be considered along with the face of the Member so that those using it will recognize at once the man they are reading about, especially as the sketch and the picture will be associated in the thought and mind of the reader. It will facilitate the business of Congress, and in the long run be in the interest of economy. It will also tend to bring about a closer and earlier acquaintanceship in the early part of each Congress and materially aid new Members in becoming known among their fellows.

Mr. SMITH of Idaho. Mr. Chairman, I am heartily in favor of the amendment offered by the gentleman from Georgia. When the old method prevailed of having desks in this House, and each Member sat in his own seat, it was an easy matter to examine the sketch in the Congressional Directory of the seats and locate the individual Member, but since the desks have been abolished that is impossible.

There was published by a private concern during the Sixty-second and Sixty-third Congresses a book containing the photographs of the Members by States and their names, and in that way the Members could by examining this booklet soon be able to recognize the faces and the names of Members and the States from which they came. There is no doubt in my mind but that it is very greatly to the advantage of the disposition of public business for the Members to know each other, and it certainly contributes to their pleasure to become acquainted. Without a list of photographs of Members such as was published in the previous Congresses, and as the Members do not sit in the same seat all of the time, the pages of the House are hindered in the performance of their duties because they do not know the Members by sight, and the new Members are handicapped in getting acquainted.

I have no doubt that if you were to ask any old Member of this House how many of the new Members he knows he would say he probably did not know one-half of them by sight, while the new Members do not know one-fourth of the membership. It would certainly be very much to the advantage of the transaction of the business of the House if the individual Members knew each other personally, and when a Member rises to speak to know who he is and where he comes from. By having the photograph of the Member inserted opposite the corresponding biography of the Member you could read the biographies and look at the photographs and in that way be able to identify the Members when you meet them on the floor or elsewhere.

Mr. RAGSDALE. Mr. Chairman, will the gentleman permit a question?

Mr. SMITH of Idaho. Yes.

Mr. RAGSDALE. Does the gentleman think that he could also arrange by putting these photographs on several pages and by twirling them rapidly with the thumb to produce a sort of moving picture so that you could recognize the Member while he is walking on the street?

Mr. SMITH of Idaho. Oh, this is a serious matter. It is a matter of very great importance that the Members know each other, and the only way they can speedily know each other is to be able to identify them by means of photographs.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Idaho. Yes.

Mr. WALSH. I would like to ask the gentleman if it would not be a little less expensive to have a plush-covered photograph album containing the photographs at the Clerk's desk?

Mr. SMITH of Idaho. That is another jocular inquiry that I do not care to take the time of the House to answer.

Mr. FESS. Mr. Chairman, I think there is a good deal in what the Member is saying. How expensive would it be to have the printed book we had in another Congress?

Mr. SMITH of Idaho. That would be more expensive than this. That would cost at least 25 cents a copy. Under the method I propose the cost of an edition of the Directory would be increased only a couple of hundred dollars, possibly less.

Mr. FESS. The other would be more convenient for the Members.

Mr. SMITH of Idaho. No; I do not think so, because you can take your Directory and read about a man, and you examine the photograph at the same time. When you see him you are instantly reminded of some information you have gleaned from his biography—what college he was graduated from, where he was born, and so forth, and you may have something in common about which you can talk with him, and in this way make his acquaintance, which would be mutually enjoyable and advantageous.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Idaho. Yes.

Mr. COX. Why not also include the photographs of the Corps of Official Reporters? We deal with them every day. Why not also include the newspaper reporters?

Mr. SMITH of Idaho. Mr. Chairman, that is another effort to say something funny. I have discussed this matter informally with about 65 Members of the House, practically all of whom favor the idea, and I have a petition addressed to the Joint Committee on Printing, containing signatures of a large number of Members, asking that this action be taken, which I ask unanimous consent to have inserted in the RECORD in connection with my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

The petition referred to is as follows:

We, the undersigned Representatives, believe that the placing of a small photograph of the Senators and Representatives besides their respective sketches in the Congressional Directory would be very desirable for the following reasons, and recommend that this be done in the next edition of the Directory:

First. New Members would be enabled to more quickly identify their colleagues by studying their features while perusing their biographical sketches.

Second. In a body of more than 400 men it is difficult to learn their names and identity, and frequently when a Member arises to speak many inquiries are made by Members of each other as to who the Member is before the fact can be ascertained.

Third. Officials in the departments could more easily recognize the Members and make frequent introductions unnecessary.

Fourth. The Directory would be more valuable from a historical standpoint, and be more attractive and desirable as a public document.

Fifth. The extra expense would be nominal, as many of the cuts would not need to be replaced at the beginning of a new Congress.

Respectfully submitted.

Addison T. Smith, Denver S. Church, John E. Raker, William Gordon, Dan V. Stevens, A. S. Kreider, Hunter H. Moss, jr., Patrick H. Kelley, S. J. Tribble, Edmund Platt, Cyrus Cline, Alfred G. Allen, Dick T. Morgan, John Jacob Rogers, J. M. C. Smith, C. R. Davis, T. H. Caraway, W. J. Fields, Scott Ferris, James P. Buchanan, M. P. Kinkaid, Charles Lieb, Warren Gard, J. W. Fordney, G. W. Fairchild, Carl Hayden, John J. Eagan, Charles M. Stedman, Louis C. Cramton, John W. Abercrombie, Charles P. Coady, Dudley M. Hughes, Guy T. Helvering, H. W. Temple, Thomas L. Rubey, John J. Casey, Fred A. Britten, William L. La Follette, Charles F. Booher, A. Johnson, H. M. Jacoway, Thomas M. Bell, William J. Cary.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that I be permitted to proceed out of order for five minutes.

The CHAIRMAN. Is there objection?

Mr. STAFFORD. On what subject?

Mr. RAKER. I just want to say a few words on the question of the restriction of immigration and to insert a small article in the RECORD, with a few comments upon it.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Chairman, I have an article here printed by the Yreka Journal, published at Yreka, Cal., on April 19, 1916. This journal was established in 1860. It is now published by W. Earl Smith, editor, and F. C. Pollard, manager. The heading of the editorial is "Restricting immigration," and it reads as follows:

For the third time the House of Representatives at Washington has passed the literacy test for immigrants, and now the public is curious to know whether for the third time the bill will be vetoed.

It is well known that both President Taft and President Wilson vetoed the former bills largely on the ground that, in their estimation, Congress did not reflect public opinion in the restriction imposed. But that can no longer be a valid excuse, for there is no doubt that Congress does voice public sentiment.

Much has happened since Congress last passed the literacy test. Europe is at war, and that makes a great difference to this country. Events have shown that a very large percentage of immigrants remain unassimilated, that they are not in full sympathy with American institutions, and that they give to our Government but a qualified allegiance. A nation that fails to assimilate its immigrants suffers from an acute attack of indigestion. This is no fault of the Government, but is due, probably, to too great an influx in a given time of foreigners. It is in the position of a man who has eaten more than he can digest. When a man thus suffers he abstains from eating for a time, or eats but sparingly. It is this fact that leads an increased number of American citizens, anxious for the country's welfare, to ask if it is not better to check immigration for a time, and do it by imposing a literacy test.

Under ordinary conditions the question is important, but it is now of unusual moment in view of the fact that the close of the war will make the immigration problem even more acute than ever. The prospect now is that the end of the war is nearer than seemed possible a few weeks ago, and when it comes it is altogether likely that millions of peasantry and others will seek to escape the burden of crushing taxation by coming to this country. The United States likes to be hospitable, but present conditions make it necessary, judging from congressional action, that the Nation guard its own safety.

Mr. Chairman, these views accord with mine, and I believe it is as clear a presentation as any man could possibly make. And I want to compliment these editors in presenting what seems to me to be the sentiment of the American people upon the present attitude of the Burnett immigration bill.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment. The Chair will ask the Clerk to report the amendment and the amendment to the amendment.

The amendment and the amendment to the amendment were reported.

Mr. MILLER of Delaware. Mr. Chairman, I would like to suggest to the gentleman from Georgia that those same words "Delegates and Resident Commissioners" be added at the end.

Mr. EDWARDS. I consented to that, and unanimous consent was granted that it be done.

The CHAIRMAN. Without objection, the words indicated by the gentleman from Delaware will be added to the amendment.

The question is, Shall the amendment offered by the gentleman from Georgia [Mr. EDWARDS] be adopted?

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. SMITH of Idaho. Division, Mr. Chairman.

The committee divided; and there were—ayes 35, noes 16.

Mr. WALSH. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from Massachusetts [Mr. WALSH] demands tellers.

Mr. WALSH. I raise the point of no quorum.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and eight gentlemen are present—a quorum.

Mr. RAGSDALE. I demand tellers, Mr. Chairman.

Mr. WALSH. I demand tellers.

The CHAIRMAN. In the first place, the request comes too late; in the second place, it is in the discretion of the Chair. There is no question about there being a quorum

Mr. STAFFORD. A parliamentary inquiry, Mr. Chairman. The gentleman from Massachusetts [Mr. WALSH] demanded tellers, and immediately thereafter made the point of no quorum. He having made the demand for tellers, the question recurs to the demand for tellers.

Mr. HEFLIN. Mr. Chairman, my recollection is that the call for tellers was not sustained.

The CHAIRMAN. The call for tellers was not sustained. There were not enough to get tellers, and the gentleman raised the point of no quorum.

Mr. STAFFORD. Mr. Chairman, as the record will show, the question was not submitted to the committee as to whether there was a sufficient number to warrant tellers.

Mr. LONGWORTH. The Chair never submitted the question to the committee.

The CHAIRMAN. In order that there be no question about it, the Chair will now entertain the motion for tellers.

Those in favor of tellers will rise and stand until counted. [After counting.] Eighteen gentlemen have arisen, not a sufficient number.

Mr. COX. The other side, Mr. Chairman.

The CHAIRMAN. There is no other side. The rules provide that 20 Members, one-fifth of a quorum, can demand tellers.

Mr. BORLAND. Mr. Chairman, if that amendment is disposed of, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. BORLAND. I desire to offer an amendment, on page 60, lines 10 to 15, to strike out all after the word "stock," in line 10, down to and including the word "Congress," in line 15.

Mr. BARNHART. Mr. Chairman, I make a point of order that the paragraph has been passed.

The CHAIRMAN. The Chair will state to the chairman of the committee that it was understood at the time that the amendment could be offered.

Mr. BARNHART. Then I withdraw that, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 60, line 10, after the word "stock," strike out all the language down to and including the word "Congress," in line 15.

Mr. BORLAND. Now, Mr. Chairman, I assume that the chairman of the committee and the other members of the Committee on Printing who have this bill in charge are perfectly willing, even if they be not particularly anxious, to perfect the bill in accordance with the vote of the House striking out the valuation clause. We all recognize, and recognized at the time that vote was taken, that there would be incidental amendments scattered through the bill. I think the chairman of the committee said there would be about 31 incidental amendments necessary to carry out that principal amendment.

This is one of those amendments, as it strikes me. I have not any pride of opinion or technical knowledge as to whether this is the exact wording that ought to come out, but this is the wording that refers to a charge against the valuation account, which valuation account by the vote of the committee has been eliminated; so that there is now no valuation account to which these particular documents can be charged.

I take it that this particular amendment, therefore, ought to prevail without question. But in order to save the time of the committee, and in order to be fair with the Committee on Printing, it seems to me that the question might resolve itself down into changes to be from time to time suggested by the committee itself as to what is necessary in that regard.

I find here a provision that certain documents shall be charged against a valuation account. The valuation account that was carried in the preceding page has been eliminated. There is now no valuation account to which that particular charge might be carried; so that as to this particular amendment, it seems to me the House is in a position to adopt it, if it adheres to its own views on that subject of valuation account.

I have not any other argument to advance in favor of the language except that; but I will ask the chairman of the committee whether that would not be his view, that the committee itself could make and offer these amendments as we went along?

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BARNHART. Mr. Chairman, the gentleman from Missouri [Mr. BORLAND] has asked the question of the chairman of the Committee on Printing, and in reply it is only fair to the members of the committee to say to the gentleman from Missouri, who will probably stand sponsor for the bill in its present condition, he being one of the comparatively few men who have been the means of defeating this bill providing for giving the House what it wants and giving the people the documents they need, and besides saving $125,000 a year. The committee would not be true to itself if it did not feel, after having formulated a plan whereby all these things could be accomplished, while the gentleman from Missouri has stood in opposition, that it will be necessary for the gentleman from Missouri to go ahead and perfect his plan along this line; and if the House decides that is the course, the Committee on Printing will certainly agree to it. The Committee on Printing, having gone into this undertaking as far as it has and believing that the plan is right, can not consistently be a party to any other course.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word.

Mr. STAFFORD. Mr. Chairman, a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. The gentleman from Missouri can not proceed, except by unanimous consent. He has already had five minutes, speaking to his amendment.

Mr. BORLAND. I want to reply to what the gentleman from Indiana has said. It seems to be a personal matter.

Mr. STAFFORD. I would like to expedite the consideration of the bill, but——

Mr. BORLAND. I would like to do so, too. I would not make a personal matter of legislation. I would resign my seat in Congress if I thought I would ever make a personal matter of public legislation. I never have done so, and I do not for a moment admit the imputation that I have prevented this House from doing what it chose to do in public business. I could not do anything in this House unless a majority of the Members who saw fit to come here and vote voted with me. I deny that I have prevented anybody from saving $125,000 or any other sum for the Government or that I have ever voted against a proposition of economy that seemed to be a genuine proposition of economy. Never knowingly have I ever done so, and I deny that I insisted on the House defeating a bill that the House did not want to defeat. [Applause.]

It is utterly impossible for me to do so. As a matter of fact, every Member of this House knows that the chairman of a committee in charge of the bill has all of the weight of precedents and votes on his side, and that a man who opposes a chairman of a committee has thrust upon him the burden of proof and the laboring oar to make the slightest change against the wishes of the chairman of a committee. That has been universally true in this House. To say that a man can, alone and single-handed, defeat the will of this House, as against the will of the chairman of the committee, is contrary to all of the precedents that have existed in the eight years I have been here, and, so far as I know, for a century before that.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. No; I can not yield. A chairman of a committee, by virtue of the long precedent established here, has the deciding voice in case of doubt, and Members who know nothing of a matter and who come in for the first time to vote are inclined in case of doubt to sustain the chairman in all cases, and only in a very clear case will they vote against a chairman.

Mr. BARNHART. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. No; I will not yield at this time. And yet the chairman of the Committee on Printing, having all the advantage of support on this side, having an organized committee, says that I can, single handed, get this House to defeat its own will. It is the most astounding statement I ever heard of. Now, the gentleman attributes virtues to his bill that it does not possess. That is the only difficulty about him.

I recognize the fact that he has been very much interested in the framing of this legislation and has put into it a great deal of mental effort and physical toil, and I recognize and am willing to concede to him, whether he is willing to concede to me or not, that he is perfectly sincere in his advocacy of his side of the proposition. But legislation is a matter of agreement of minds, and the gentleman must recognize that if other minds do not agree with him, they may have reasons that are sufficient unto themselves.

Now I call for a vote.

Mr. McLAUGHLIN. Mr. Chairman, I hope the committee will adopt the amendment offered by the gentleman from Missouri [Mr. BORLAND] as one of the steps necessary to be taken in the perfection of the bill, in view of the action of the committee in striking out the first paragraph of section 50. I fully agree with him that the duty devolves upon the chairman of the committee to make these corrections, and I am surprised that the chairman of the committee shows ill feeling and is refusing to be guided by the action of the committee. It is in keeping, though, with the statements he made a few moments ago in reply to the gentleman from Michigan, my colleague [Mr. BEAKES], who pointed out that this method of proceeding, as outlined by the bill, would not result in economy. The chairman of the committee charged my colleague with representing sweatshops, and charged him with representing private interests, and otherwise indulged in a cheap kind of talk. It seems to me that the Committee of the Whole can control this bill, and if the chairman of the committee does not choose to follow its direction, the committee itself can do it.

Mr. BLACK. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLACK. When this bill is reported to the House from the Committee of the Whole, will it not then be in order to call for a separate vote on the Borland amendment?

The CHAIRMAN. Yes; it will.

Mr. BARNHART. Mr. Chairman, the chairman of this committee feels that the castigation just delivered by the gentleman from Michigan [Mr. McLAUGHLIN] is not worthy of his attention, because the chairman of the committee understands, and the members of the committee understand, what this opposition from certain members of the Michigan delegation means. They know and I know what it means. I do not know that there is anything wrong about it. They are probably standing up for the interests of some citizens of the State of Michigan, and that is their own privilege. So far as the reference of the gentleman from Missouri [Mr. BORLAND] is concerned to what I have said, I did say that the gentleman from Missouri had led the opposition which terminated in what the members of the Committee on Printing felt was a lack of courtesy to them, for the reason that the intervening motion made by the gentleman from Missouri cut out the possibility of the committee presenting to the House the real merits of the amendment which was cut out, or of the section of the bill. Therefore I said, without any disrespect to the gentleman from Missouri [Mr. BORLAND], that it looked to me that the effort of the gentleman from Missouri to defeat this section meant an effort to defeat the thing for which the bill stands. I do not believe that there was any personal offense. I surely did not mean it. I have nothing to say in reply to the remarks of the gentleman from Michigan [Mr. McLAUGHLIN]. I have always considered him a friend and I want to continue so to consider him. I hope that the chairman of this committee has been patient and enduring, and I know that the committee itself has been industrious in trying to perfect this bill; and if the chairman of the committee has said anything in the course of this proceeding that has been personally offensive to anyone, he certainly did not mean it so. He does not believe that he has, because he has tried to be guarded and fair and gentlemanly, both in the consideration of the bill for some 19 days at a preceding session, and in what was done last Thursday, when the chairman yielded to the unusual request of all who asked it to turn back to sections of the bill which had already been passed.

The chairman does not understand how he could have been any fairer than he has been in the presentation of this bill, but he does insist that the motion made and industriously supported by the gentleman from Missouri [Mr. BORLAND] forestalled the members of this committee and prevented their presenting the real merits of this bill, and cut us out of the possibility of presenting them.

Mr. BORLAND rose.

Mr. BARNHART. I must decline to yield.

Mr. BORLAND. The gentleman will be fair enough to state that I voted against the motion to close debate.

Mr. BARNHART. The gentleman did not yield to me, and I can not yield to him.

Mr. BORLAND. The gentleman from Indiana made the motion that debate on the amendment of the gentleman from Iowa [Mr. GOOD] close in five minutes.

Mr. BARNHART. I voted for the motion that debate on the amendment of the gentleman from Iowa [Mr. GOOD] should terminate in five minutes, but not on the motion that debate on the whole paragraph should end in five minutes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

Mr. BEAKES. Mr. Chairman, there is no man in the House of Representatives for whom I have more respect than the chairman of this committee, the gentleman from Indiana. I have been a printer in my lifetime, and I know what printing is. When I stood up here and placed my opinion against his as to whether this bill saved or lost money, he charged, first, that I represented a contractor in my district. When I told him I did not, he said that I represented one in my State.

Now, Mr. Chairman, I want to make it plain to this House and plain to the gentleman from Indiana that I know of no contractor for printing Government supplies in the State of Michigan. There may be, but I do not know of him. I have never seen or been approached in any shape or form by any contractor that has a contract with the Government for printing. Furthermore, the gentleman from Indiana has been a printer himself. He probably has a different idea of what the word "sweatshop" means than have I; but I would like to ask him to point out where in this broad land of ours in the printing trade there is what is known as a sweatshop. A sweatshop is a place in a tenement, where work is taken home to be done under distressing conditions.

The printing trade has the most highly organized trade-union in the country, and many of these bids which have been made for the Government and which the Government has accepted

have been made by contractors who are working under union printing laws with union printing labor. The only reason why they can make a better contract with the Government than the Government can with itself is because special work requires special machines operated by specially trained men. Now, if the Government gets the machinery it has got to obtain specially trained men. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. BORLAND) there were 15 ayes and 21 noes.

So the amendment was rejected.

The Clerk read as follows:

(7) Navy Yearbook: *Provided*, That not to exceed 1,000 copies may be printed for the Navy Department and not to exceed 500 copies for the Committees on Naval Affairs of the Senate and the House of Representatives.

Mr. BEAKES. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee, now that the valuation clause is stricken from the bill, if it is possible under this provision for a Member of Congress to get a Navy Year Book or obtain one outside of the Naval Committee?

Mr. BARNHART. That has been provided for and is covered by the Borland amendment.

Mr. BEAKES. This provides for extra Year Books over the present law?

Mr. BARNHART. That is the misfortune of the gentleman from Michigan that I was not allowed to make a further explanation. A Member of Congress under the valuation plan, which the committee did not believe in, would give the gentleman from Michigan or any other Member any kind of a public document he wanted.

Mr. BEAKES. The gentleman does not understand my question. This committee has knocked out the valuation scheme, and we have the old law established. We are talking about the old law. Here is a provision that 500 books shall be printed for the Naval Committee; is that an increase or a decrease?

Mr. BARNHART. That is the same number the committee has had heretofore.

Mr. BORLAND. These are the copies given to the Navy Department and the Naval Committees of the House and Senate. It does not refer to the copies for the Members of the House.

Mr. TRIBBLE. Mr. Chairman, I move to strike out the last two words. Since the valuation clause has been stricken out, is it the policy of the chairman to strike out other portions that refer to that clause and return to the old system or to leave the bill in such fix that there will be a conflict of provisions?

Mr. BARNHART. For the information of the gentleman from Georgia, I will say that it is the intention of the committee, when we go back into the House, to have the membership of the House vote on the Borland amendment. That is the fair way to reach an understanding on this matter of valuation. If it is all stricken out, the law would evidently stand as it does now, because nothing would be done in another branch of Congress, but inasmuch as I stated once before—I do not know that the gentleman from Georgia was present—if the Committee of the Whole wishes to perfect the bill in relation to the valuation, the committee will offer no objection. If this should be all changed and we go into the House and reestablish the section providing for the valuation plan, then in the House we would have to take up 30 or 40 amendments.

Mr. TRIBBLE. The gentleman is operating on the idea that the House, when he gets a record vote, will go back to the gentleman's system and refuse to reform the bill in accordance with the wishes of the House at the present time.

Mr. BARNHART. If the House should reestablish it, it would involve less work, and if it does not, the probability is that the bill would be lost.

Mr. TRIBBLE. If you leave this bill in the Committee of the Whole in the shape it is now, conforming to the valuation plan, then you will have the section providing for the valuation plan stricken out and the balance of the bill providing for the machinery for the valuation plan instead of the present law system.

Mr. BARNHART. The gentleman from Georgia is hardly consistent in insisting that the committee knows what will be done.

Mr. TRIBBLE. I will tell the gentleman what I think the committee should do. I think the committee should follow the instructions of the House at this time and perfect it in Committee of the Whole.

Mr. BARNHART. Mr. Chairman, the Committee on Printing is willing to proceed. It has offered no obstruction whatever.

Mr. FESS. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Georgia [Mr. TRIBBLE]. I want to call the attention of the committee to the method under which we are proceeding here. We voted awhile ago by a vote of 61 to something less than 50 to change the method of publication allotment proposed in the bill, the valuation method, and leave it as it is under the old method. That is an amendment upon which, when we get into the House, we can have a separate vote. If the House reverses the work of the Committee of the Whole by refusing to adopt that amendment, and we proceed here as we did a little while ago, refusing to make changes in accordance with the vote of the committee, when we voted to cling to the old method—if we refuse to perfect this bill in accordance with that change, then we are in the House unable to do a single thing with this bill. It fails if in the House you refuse to accept the work of the Committee of the Whole. I want to ask the chairman a question. Is it the purpose of the chairman upon that parliamentary maneuver to make the work of this committee absolutely nugatory?

Mr. BARNHART. Certainly not.

Mr. FESS. What will the gentleman do in case the House adopts the amendment referred to?

Mr. BARNHART. The gentleman from Ohio [Mr. FESS] must remember that this Committee of the Whole has within the last hour taken two directly opposite positions, and, according to what the gentleman from Missouri [Mr. BORLAND] said, the Printing Committee can not prevent the Committee of the Whole House on the state of the Union from doing it. The Committee of the Whole House voted to strike out the section providing for the valuation plan, and since that time twice this same Committee of the Whole House has voted to refuse to make these changes.

Mr. FESS. And the chairman voted with that side of the committee.

Mr. BARNHART. Oh, I beg the gentleman's pardon. The chairman remained sitting in his seat, and did not vote at all on a standing vote.

Mr. FESS. Mr. Chairman, we have no record; but I looked to see whether the chairman voted on that measure, and if the chairman says he did not vote, then I will specifically state that my eyes failed me.

Mr. TRIBBLE. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. TRIBBLE. I will ask the gentleman if he does not think it would be a great deal better and more magnanimous on the part of the chairman of this committee, after the Committee of the Whole House has instructed that this valuation plan be stricken from the bill, to go ahead and tell the House what is in the bill that should be stricken out to conform to the old system.

Mr. FESS. I will state to the gentleman that the truth about the matter is that we are proceeding, according to this last vote, upon the plan to make all of the work of this committee nugatory. We can not do anything when we get back into the House if when we get there we refuse to accept this amendment, if in committee we refuse to perfect the bill in accordance with the amendment. I am wondering whether that is the purpose. There is no possible object in getting this bill adopted in the House if you refuse now in the committee to perfect it in accordance with the amendment which we have adopted, unless you reject that amendment in the House; and I want to know whether that is the procedure to be followed.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FESS. We can recommit it and go back to the committee if we want to; but that is a most unusual procedure and not at all probable.

Mr. BARNHART. Mr. Chairman, it is my purpose to move to rise in a few moments, and pending the motion to rise, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARNHART. Mr. Chairman, the chairman of the Committee on Printing wants to again impress on the membership of the House that he said that since the vote was taken on the elimination of the section referred to the Committee of the Whole House has twice refused by vote to strike out these provisions that the gentleman from Ohio [Mr. FESS] said would have to go out. That leaves the Committee on Printing as helpless as it does the gentleman from Ohio, who wants to strike out the whole provision. If the Committee of the Whole now goes ahead and leaves the bill as it is, and the vote of the House reestablishes the provision for the valuation, well and good, and we are all right. If it does not, then we are all wrong. If we go ahead and perfect it upon the other plan and then the House decides to reestablish the valuation plan, then we will have to go over the whole matter in the House, a

probable impossibility. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SISSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8664) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications, and had come to no resolution thereon.

HOUR OF MEETING TO-MORROW.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4401. An act to conduct investigations and experiments for ameliorating the damage wrought to the fisheries by predacious fishes and aquatic animals; to the Committee on the Merchant Marine and Fisheries.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 4881. An act to reimburse the postmaster at Kegg, Pa., for money and stamps taken by burglars;

H. R. 7239. An act for the relief of Philip H. Heberer;

H. R. 28. An act to amend an act entitled "An act granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs," approved March 1, 1907;

H. J. Res. 79. Joint resolution authorizing the Secretary of Labor to permit the South Carolina Naval Militia to use the Charleston immigration station and dock connected therewith;

H. R. 2235. An act for the relief of the widow and heirs at law of Patrick J. Fitzgerald, deceased;

H. R. 177. An act authorizing the Secretary of the Interior to accept the relinquishment of the State of Wyoming to certain lands heretofore certified to said State, and the State of Wyoming to select other lands in lieu of the lands thus reliquished;

H. R. 6442. An act to provide for the exchange of the present Federal building site in Newark, Del.;

H. R. 384. An act to amend the act of June 23, 1910, entitled "An act providing that entrymen for homesteads within the reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act"; and

H. R. 4746. An act granting the city of Portland, Oreg., the right to purchase certain lands for public park purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 6241. An act to ratify, approve, and confirm an act amending the franchise granted to H. P. Baldwin, R. A. Wadsworth, J. N. S. Williams, D. C. Lindsay, C. D. Lufkin, James L. Coke, and W. T. Robinson, and now held under assignment to Island Electric Co. (Ltd.), by extending it to include the Makawao district on the island of Maui, Territory of Hawaii; and extending the control of the public-utilities commission of the Territory of Hawaii to said franchise and its holder;

H. R. 9909. An act to authorize the Chicago, Milwaukee & St. Paul Railway Co. to construct a bridge across the Missouri River;

H. R. 11320. An act granting the consent of Congress to the counties of Twin Falls and Minidoka, State of Idaho, to construct a bridge across Snake River; and

H. R. 11471. An act to amend paragraphs 177 and 178 of an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, relating to the duty on sugar, molasses, and other articles.

ORDER OF BUSINESS.

Mr. BARNHART. Mr. Speaker, owing to the fact that the next call on Calendar Wednesday carries a committee that has an important matter, I am going to ask unanimous consent that the Committee on Printing may have Calendar Wednesday of two weeks from to-day for the further consideration of this bill.

Mr. BEAKES. Mr. Speaker, I object.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 59 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Thursday, April 27, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the president of the Board of Commissioners of the District of Columbia submitting an estimate of appropriation for expenses incident to the enrollment of the Militia of the District of Columbia (H. Doc. No. 1060), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CRAGO, from the Committee on Military Affairs, to which was referred the bill (H. R. 15005) to appropriate $200,000 for training the Organized Militia of any State, Territory, or of the District of Columbia, reported the same without amendment, accompanied by a report (No. 606), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DEWALT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 9132) to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, reported the same with amendment, accompanied by a report (No. 608), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (S. 4856) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 605), which said bill and report were referred to the Private Calendar.

Mr. BURKE, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 15048) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported the same without amendment, accompanied by a report (No. 607), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. HELGESEN: A bill (H. R. 15049) providing for the erection of a public building at Fargo, in the State of North Dakota; to the Committee on Public Buildings and Grounds.

By Mr. LITTLEPAGE: A bill (H. R. 15050) increasing the cost of erecting a public building at Hinton, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. LOBECK: A bill (H. R. 15051) authorizing the Secretary of War to deliver to Lee Forby Camp, No. 1, United Spanish War Veterans, of Omaha, Nebr., two condemned bronze or brass cannon with their carriages and suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. MADDEN: Resolution (H. Res. 217) to provide one additional employee for the use of the House minority; to the Committee on Accounts.

By Mr. DYER: Resolution (H. Res. 218) to authorize and empower the Secretary of the Interior immediately to investigate

motorzine, a certain substitute for gasoline, and to authorize an appropriation therefor; to the Committee on Appropriations.

By Mr. LEVER: Resolution (H. Res. 219) providing for the consideration of House bill 12717; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. BURKE [from the Committee on Invalid Pensions]: A bill (H. R. 15048) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. BACHARACH: A bill (H. R. 15052) granting a pension to Charles Harris; to the Committee on Pensions.

By Mr. BEALES: A bill (H. R. 15053) granting a pension to John Richstein; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15054) granting an increase of pension to James O. Whorl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15055) to correct the military record of Charles King; to the Committee on Military Affairs.

By Mr. CAMPBELL: A bill (H. R. 15056) granting an increase of pension to Daniel Newby; to the Committee on Invalid Pensions.

By Mr. DALE of Vermont: A bill (H. R. 15057) granting an increase of pension to Cutler D. Sanborn; to the Committee on Invalid Pensions.

By Mr. DARROW: A bill (H. R. 15058) granting a pension to Milton K. Jenkinson; to the Committee on Pensions.

Also, a bill (H. R. 15059) granting an honorable discharge to Patrick William O'Donnell; to the Committee on Naval Affairs.

By Mr. DAVIS of Minnesota: A bill (H. R. 15060) for the relief of Stephen A. Randolph; to the Committee on Military Affairs.

By Mr. DUPRÉ: A bill (H. R. 15061) for the relief of I. C. Johnson, jr.; to the Committee on Naval Affairs.

By Mr. EDWARDS: A bill (H. R. 15062) for the relief of the legal heirs of Michael and Elizabeth Wolf, deceased; to the Committee on War Claims.

By Mr. HASTINGS: A bill (H. R. 15063) to correct the military record of Hulbert Bean; to the Committee on Military Affairs.

By Mr. HAUGEN: A bill (H. R. 15064) granting a pension to Elizabeth Kimball; to the Committee on Pensions.

By Mr. HELGESEN (by request): A bill (H. R. 15065) granting a pension to George J. Beam; to the Committee on Invalid Pensions.

By Mr. JACOWAY: A bill (H. R. 15066) granting a pension to George W. Johnston; to the Committee on Pensions.

By Mr. KELLEY: A bill (H. R. 15067) to correct the military records of the United States as to the date of muster in of Timothy L. P. Miles in the service of the United States Army; to the Committee on Military Affairs.

By Mr. LAFEAN: A bill (H. R. 15068) granting an increase of pension to Kathrine Hake; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 15069) granting an increase of pension to Eliza I. Quick; to the Committee on Invalid Pensions.

By Mr. MEEKER: A bill (H. R. 15070) granting a pension to Lewis Zacher; to the Committee on Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 15071) for the relief of the Pennsylvania Lumbermen's Mutual Fire Insurance Co., of Philadelphia, Pa.; to the Committee on Claims.

By Mr. MORGAN of Oklahoma: A bill (H. R. 15072) granting a pension to Nathan W. Willcox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15073) granting a pension to Norah M. Oberlender; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15074) granting an increase of pension to Calice Bondreau; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 15075) granting an increase of pension to John L. Morgan; to the Committee on Invalid Pensions.

By Mr. NICHOLLS of South Carolina: A bill (H. R. 15076) granting to the widow of Col. David Du B. Gaillard authority to place, in his memory, a tablet in the Memorial Amphitheater at Arlington, Va.; to the Committee on Military Affairs.

By Mr. NORTH: A bill (H. R. 15077) for the relief of Benjamin F. Johnson; to the Committee on Military Affairs.

By Mr. OLNEY: A bill (H. R. 15078) granting a pension to Rachel S. Flood; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 15079) granting an increase of pension to Oscar D. Culver; to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 15080) granting an increase of pension to Henrietta N. Rose; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 15081) granting an increase of pension to Agnes B. Thomson; to the Committee on Invalid Pensions.

By Mr. SANFORD: A bill (H. R. 15082) granting a pension to Rosella MaGee; to the Committee on Invalid Pensions.

By Mr. SCHALL: A bill (H. R. 15083) granting an increase of pension to Melvina J. Jarvis; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 15084) granting an increase of pension to Johanna Covert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15085) granting an increase of pension to Joseph L. True; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 15086) granting an increase of pension to Lydia M. McGowan; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 15087) granting an increase of pension to Luman G. Heusted; to the Committee on Invalid Pensions.

By Mr. STINESS: A bill (H. R. 15088) granting an increase of pension to Lucy A. Cornell; to the Committee on Invalid Pensions.

By Mr. TAGUE: A bill (H. R. 15089) granting an increase in pension to Annie T. Barclay, widow of Charles J. Barclay; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 15090) granting an increase of pension to James Cranmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15091) granting a pension to Mrs. Cathrine Parmalee West; to the Committee on Invalid Pensions.

By Mr. WATSON of Pennsylvania: A bill (H. R. 15092) granting a pension to Emma Vanderslice; to the Committee on Invalid Pensions.

By Mr. WINGO: A bill (H. R. 15093) granting a pension to George A. McAmis; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Nevada Women's Civic League, relative to favorable report of suffrage amendment by Judiciary Committee; to the Committee on the Judiciary.

By Mr. AIKEN: Petition of citizens of Easley, S. C., favoring investigation of high price of gasoline; to the Committee on the Judiciary.

By Mr. BACHARACH: Memorial of Merchants' Association of New York City, against Clarke amendment to the Philippine bill; to the Committee on Insular Affairs.

Also, memorial of the New Jersey Society of Daughters of the Revolution, relative to preparedness; to the Committee on Military Affairs.

By Mr. BEALES: Petition of Sieling Furniture Co., Railroad Pa., against passage of House bill 4770; to the Committee on Railways and Canals.

By Mr. BOOHER: Petition of D. E. Hotchkiss and 21 members of the First Presbyterian Church of Maryville, Mo., favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of R. E. Snodgrass, Carl F. Rash, and 460 other citizens of the fourth congressional district of Missouri, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BRUMBAUGH: Evidence to accompany House bill 14872, granting a pension to Frank W. Tuttle; to the Committee on Pensions.

By Mr. CAREW: Petition of United Brotherhood of Carpenters and Joiners of America, in re wages on Canal Zone; to the Committee on Labor.

Also, petition of Cotton Goods Export Association of New York, in re Philippine Islands; to the Committee on Insular Affairs.

By Mr. COSTELLO: Petition of employees of Frankford Arsenal, Philadelphia, Pa., favoring passage of House bill 11168, relative to 30 days' leave for employees of United States navy yards, etc.; to the Committee on Naval Affairs.

By Mr. DALE of New York: Petition of Cotton Goods Export Association of New York, against Clarke amendment to the Philippine bill; to the Committee on Insular Affairs.

Also, petition of New York State Retail Jewelers' Association, favoring Stephens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of William S. Myers, relative to North America's need for Chilean nitrate; to the Committee on Interstate and Foreign Commerce.

Also, memoria' of Merchants' Association of New York, favoring pneumatic tubes in Postal Service; to the Committee on the Post Office and Post Roads.

Also, petition of men and women voters of Arizona and Nevada, favoring suffrage for women; to the Committee on the Judiciary.

Also, memorial of District Council of Greater New York, relative to wages of employees in Canal Zone; to the Committee on Appropriations.

By Mr. ELSTON: Petition of Samuel Smith and others, of Alameda County, Cal., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. EMERSON: Petition of citizens of Cleveland, Ohio, for impartial neutrality; to the Committee on Foreign Affairs.

Also, petition of citizens of the twenty-second district of Ohio, against war with Germany; to the Committee on Foreign Affairs.

By Mr. ESCH: Petition of Albert Hendrickson and 23 others, of Alma Center and Hixton, Wis., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. FLYNN: Petition of Cotton Goods Export Association of New York and the Merchants Association of New York, against Clarke amendment to the Philippine bill; to the Committee on Insular Affairs.

Also, petition of Merchants' Association of New York, relative to pneumatic tubes in Postal Service; to the Committee on the Post Office and Post Roads.

Also, petition of Republican county committee, New York, favoring bill to pension aged employees of the Postal Service; to the Committee on the Post Office and Post Roads.

Also, petition of District Council of Greater New York, relative to wages of employees in the Canal Zone; to the Committee on Appropriations.

By Mr. FULLER: Petition of sundry citizens of Argyle, Ill., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of legislative committee of the E. R. Nota Club, of Streator, Ill., favoring House resolution 137, for Government inspection of dairies; to the Committee on Rules.

Also, petition of Rockford (Ill.) Central Labor Union, favoring House bill 8665, relative to regulating work of Government employees, etc.; to the Committee on Labor.

By Mr. GALLIVAN: Petition of Italian-American Citizens' Club of Massachusetts, against Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. GLYNN: Petition of H. A. Carrigan and sundry other citizens of Ansonia, Conn., favoring passage of House bill 8665; to the Committee on Labor.

By Mr. GOOD: Petition of First Presbyterian Church of Toledo, Iowa, against polygamy in the United States; to the Committee on the Judiciary.

Also, petition of citizens of Linn County, Iowa, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. HUDDLESTON: Petition of T. G. Brobston and others, in re House bills 491, 6468, and 13778; to the Comimttee on the Post Office and Post Roads.

Also, petition of R. I. Keates and others, in re House bill 652; to the Committee on the District of Columbia.

Also, petition of R. I. Keates and others, in re House bill 6468; to the Committee on the Post Office and Post Roads.

By Mr. MORGAN of Oklahoma: Memorial of citizens of Tuttle, Okla., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Arapaho, Okla., favoring Federal motion-picture commission; to the Committee on Education.

Also, memorial of sundry citizens of Oklahoma, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MORIN: Petition of Electrotype Moulders and Finishers Union No. 17, of Washington, D. C., in favor of House bill 8664; to the Committee on Printing.

Also, petition of John Z. Speer, of Pittsburgh, Pa., in favor of adequate preparedness against foreign invasion of United States; to the Committee on Military Affairs.

Also, petition of Max I. Amdursky, Philip Gettman, William V. Fischer, C. V. Witt, William E. Heeren, Otto Heeren, T. A. Kinman, Edward Schuck, Richard F. Krumm, John Logiodice, and K. F. Stahl, all of Pittsburgh, Pa., opposed to United States becoming embroiled in European war; to the Committee on Foreign Affairs.

By Mr. NORTH: Memorial of D. B. McCreary, of Saltsburg, Pa., favoring a tax on all exportation of gasoline; to the Committee on Ways and Means.

By Mr. PRATT: Petition of Casper G. Decker, of Elmira, N. Y., favoring appropriation of $250,000 for Government schools for Sioux Indian children, and also favoring military preparedness; to the Committee on Military Affairs.

Also, petition of William H. Bilbrough, of Elmira, N. Y., favoring a large body of citizen soldiery, as embodied in section 56 of the Chamberlain military bill; to the Committee on Military Affairs.

Also, petition of Charles Gaiss, Henry Otto Hauptmann, Joseph Sidoti, David Wasson, John C. Meyer, J. W. Eyesenberger, Rudolph Buckinger, Valentine Remmel, Cassius G. Andrew, Ed. Kelce, G. J. Seibel, Otto F. Vollgraf, Edward Palmer, jr., Valentine Rettig, W. Campbell, Miles T. Terrill, F. J. Bantley, William W. Arland, John N. Illig, Frank K. Gaiss, John S. Edminster, M. L. Russ, and Joseph Eck, all of Corning, N. Y.; E. E. Rogers and H. J. Swartwood, of Painted Post, N. Y.; and W. A. Caveney, Fred G. Johnson, F. A. Abbey, A. Hohl, and Leonard R. Bell, all of Brookton, N. Y., in favor of peace; to the Committee on Foreign Affairs.

Also, petition of H. C. Rietmann, F. I. Lyons, P. G. Schug, William J. Finnegan, John Hammerstrom, N. H. Cooper, Grant Nelson, L. H. Brunt, and John J. Henley, all of Elmira, N. Y., favoring House bill 8665; to the Committee on Labor.

By Mr. RANDALL: Petition of sundry citizens and organizations of California, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Memorial of Andrew Jackson Democratic Club, of Brooklyn, N. Y., favoring the Penrose and Griffin bills; to the Committee on the Post Office and Post Roads.

Also, memorial of committee on military lectures, in re preparedness; to the Committee on Military Affairs.

Also, petition of sundry citizens of Brooklyn, N. Y., indorsing the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Clifton Motor Works, of Cincinnati, Ohio, in re House bill 9411; to the Committee on the Merchant Marine and Fisheries.

By Mr. SANFORD: Papers to accompany House bill 14936, for the relief of Lawrence Collois; to the Committee on Claims.

By Mr. SULLOWAY: Petition of sundry citizens and organizations of the State of New Hampshire, favoring national prohibition; to the Committee on the Judiciary.

By Mr. TIMBERLAKE: Petition of residents of Boulder County, Colo., protesting against the passage of House bill 652, to provide for the Sunday closing of barber shops in the District of Columbia; to the Committee on the District of Columbia.

SENATE.

THURSDAY, *April 27, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee amid the abounding light of this springtime. Open our hearts to Thee for the more abounding light of Thy grace. We remember the fruit of the spirit that is righteousness, joy, and peace. We pray that all of the fullness of Thy spirit may be revealed in us, that we may have all the qualities that will impart and maintain the diviner and higher life among men. Guide us this day. Through us do Thou fulfill Thy purpose in this great Nation. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the chief clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

Almeron E. Calkins *v.* The United States (S. Doc. No. 417);

Henry T. Whitaker *v.* The United States (S. Doc. No. 418); and

Claude L. Holt, son and sole heir of Lucius E. B. Holt, deceased, *v.* The United States (S. Doc. No. 419).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. BRADY. I present resolutions adopted by the Chamber of Commerce of Coeur d'Alene, Idaho, regarding arbitration of

the railway strike in the Northwest. I ask that the resolutions may be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the resolutions were referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE,
COEUR D'ALENE, IDAHO.

Resolution regarding arbitration between railroads and their employees adopted by Coeur d'Alene Chamber of Commerce, April 17, 1916.

Whereas the public of the Pacific Northwest will suffer great inconvenience and disastrous effect will fall upon the lumber, mining, grain, and other industries in the event of interruption of public service by a general strike, such as is threatened by the railway trainmen's organization; and

Whereas the Chamber of Commerce of the United States has taken action looking to an adjustment by arbitration of the issues in controversy; Therefore be it

Resolved by the Coeur d'Alene Chamber of Commerce, That in the interest of public convenience and the welfare of the Pacific Northwest industries, we urge that both parties to the controversy adjust their difficulties without recourse to extreme measures that will suspend the public service; and be it

Resolved, That we commend the effort of the Chamber of Commerce of the United States to indorse arbitration, and the attitude of the railway managers in signifying their willingness to submit to arbitration; and be it

Resolved, That the secretary of the Coeur d'Alene Chamber of Commerce be, and is hereby directed, to communicate this resolution to the Chamber of Commerce of the United States.

H. A. SAMPSON, *President.*

Approved:

C. L. DITTEMORE, *Secretary.*

Mr. BRADY presented petitions of sundry citizens of Idaho, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SMITH of South Carolina presented petitions of sundry citizens of South Carolina, praying for national prohibition, which were referred to the Commitee on the Judiciary.

Mr. SAULSBURY presented a petition of sundry citizens of Harrington, Del., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

Mr. STERLING presented petitions of sundry citizens of South Dakota, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. WARREN presented a petition of Major Frank M. Foots Camp, No. 3, United Spanish War Veterans, of Wyoming, praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

Mr. PHELAN presented a memorial of sundry citizens of Oakland, Cal., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of Local Union No. 389, International Longshoremen's Association, of San Diego, Cal., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of the Juvenile Protective Association of Los Angeles, Cal., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

Mr. JOHNSON of Maine presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. DU PONT presented a petition of sundry citizens of Harrington, Del., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

Mr. TOWNSEND presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Battle Creek, Mich., remonstrating against the proposed creation of a juvenile court in the District of Columbia, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Battle Creek, Mich., remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Colonel H. C. Gilbert Camp, No. 50, Sons of Veterans, of Coldwater, Mich., praying for an increase in armaments, which was ordered to lie on the table.

Mr. ROBINSON presented memorials of sundry citizens of Arkansas, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of De Queen, Ark., praying for the enactment of legislation to improve the Rural Delivery Service, which was referred to the Committee on Post Offices and Post Roads.

Mr. PITTMAN. I present a petition of the Civic League of Reno, Nev., favoring the adoption of the Susan B. Anthony woman-suffrage amendment. I ask that the petition may be printed in the RECORD.

There being no objection, the petition was ordered to lie on the table and to be printed in the RECORD, as follows:

Resolution adopted by Reno Women's Civic League, April 18, 1916.

Whereas we, as women voters of Nevada, realize the injustice done to the women of the Nation, to whom political rights are denied, and the necessity that this wrong should be righted by the Nation in the quickest possible way: Therefore be it

Resolved, That we, the members of the Reno Civic League, at a meeting held at Reno on Tuesday, April 18, call upon the Judiciary Committee of the House for an immediate and favorable report of the Susan B. Anthony amendment, and urge Congress to submit the same to the States during the present session: And be it further

Resolved, That the secretary of the meeting be instructed to send a copy of this resolution to the President of the United States; Senator KERN, the majority leader of the Senate; and Senator GALLINGER, the minority leader; Hon. CHAMP CLARK, the Speaker of the House; Hon. CLAUDE KITCHIN, majority leader of the House; Hon. JAMES MANN, minority leader; to every member of the House Judiciary Committee; and our Representatives in Congress.

MINNIE FLANIGAN, *President.*
BESSIE MOUFEE, *Secretary.*

Mr. BURLEIGH presented a petition of the Central Labor Union of Portland, Me., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

ACTIVITIES OF AMERICAN EMBARGO CONFERENCE.

Mr. HUSTING. Mr. President, I have here some letters and some telegrams sent to me which I think might be of interest to the Senate and to the people. I first want to offer about a thousand letters which I received some time in February and ask to have the Secretary read one of them. They are all identical.

The VICE PRESIDENT. Is there any objection?

Mr. SMOOT. What is the request?

The VICE PRESIDENT. To read one. The Chair hears no objection, and the Secretary will read.

The Secretary read as follows:

MONTELLO, WIS., *February 14, 1916.*

Hon. PAUL O. HUSTING,
United States Senator, Washington, D. C.

DEAR SIR: As a citizen of the State of Wisconsin, I am addressing this appeal to you, as my representative in the upper House of Congress, to support the resolution placing an embargo upon the further shipment of arms and ammunition to the belligerent nations of Europe.

I note in the public prints that you are pointing to the speech delivered by United States Senator REED on January 10 and that you are quoted as writing to your constituents that the position he (Senator REED) takes on the question of an embargo "exactly expresses" your sentiment in the matter and that the arguments he advances appear to you to be unanswerable.

May I call your attention to the editorial printed in the Milwaukee Free Press Wednesday morning, January 12, and may I take the liberty of asking you to point out to me where the Free Press and not Senator REED is in the wrong?

May I also ask, as the Free Press asks, why Senator REED did not point out that the Wilson administration had all along the weapon with which to bring Great Britain to time—the threat of an embargo on arms and ammunition?

May I also call your attention to the fact that Senator REED is reported as saying in his Milwaukee speech that "unless England makes reparation for confiscation of American goods" and unless this "will have effect within 60 days" he will be one of the first to vote for an embargo, and may I ask if you are joining with Senator REED in voicing this declaration?

I would point out to you that the large majority of the Wisconsin congressional delegation is in favor of the embargo resolution. Senator LA FOLLETTE is for it and Congressmen CARY, BROWNE, STAFFORD, BURKE, ESCH, KONOP, and COOPER are reported for it, and I feel that these men are convinced that their constituents want an embargo, and with this the situation in our State, I repeat my request that you give the embargo resolution your support.

I am very earnest in making this plea to you and ask that you be good enough to favor me with a reply. If you will do so I would like to have you give me some facts supporting your stand against the embargo other than your general reference to general statements that may have appeared in the newspapers.

Thanking you for an early reply, I am,

Very truly, yours, GUSTAV WESELOH.

Mr. HUSTING. Mr. President, I also received in due course of mail a letter which I hold in my hand not addressed to me but evidently sent to me by some one whose name appears in the left-hand corner. I should like to have the Secretary read it, omitting the name in the left-hand corner.

ALL READY FOR THE SIGNATURE.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

THE AMERICAN EMBARGO CONFERENCE,
139 North Clark Street, Chicago, February 9, 1916.

DEAR SIR: Taking the liberty of assuming that you are heartily in favor of any move that might hasten the end of the war and the slaughter of humans in Europe, and that theretore you are in favor of the movement to have an embargo declared upon the further shipment of arms and ammunition to any of the belligerents, we are taking the liberty of writing to you and asking whether you will join with us in the effort being made to induce United States Senator PAUL O. HUSTING,

of your State, to join with practically all of the other members of the Wisconsin congressional delegation in their work to bring about such an embargo.

Believing that you feel with the hundreds of thousands of our members that the United States should at least have no hand in the war, and should not be reaping a harvest of blood-stained money, and that you stand for a real and genuine neutrality for this Nation, we are sending you with this letter some letters addressed to Senator HUSTING.

These letters are ready to be dated and signed and then should be placed in separate envelopes and mailed as personal letters to Hon. PAUL O. HUSTING, United States Senator, Washington, D. C.

We would be glad if you were able to get some of the voters to write personal letters, but the big thing is to have all letters possible sent to Mr. HUSTING at the earliest possible moment.

If you think it would be a better plan to have all of the letters signed and then left with you and you would then have them forwarded in separate envelopes to Senator HUSTING, we would consider this a very great assistance on your part and would be very glad to reimburse you for the postage and envelopes.

We sincerely hope that you are with this effort to secure the embargo and that you will do all in your power to aid the movement. If you could use more of the letters, please let us know, and we will forward you as many as you think you can have signed. We are sending you a circular letter showing you the latest developments in the campaign.

Will you please be good enough to let us know just what assistance in this manner you can give us?

Thanking you for giving this your attention, we are, with best wishes,

Very sincerely, yours,

THE AMERICAN EMBARGO CONFERENCE,
WILL R. MACDONALD, *Secretary.*

Mr. HUSTING. Mr. President, I received these letters in February, and also this one. I did not then appreciate the full significance of it. I did not believe, or at least I thought it would not be advisable for me to bring it to the attention of the Senate. I thought perhaps that the matter might die out; that there was no need of stirring up the undertow of our foreign relations with another country. I understood it was the policy not to discuss these matters. I am in hearty accord with that policy; but, in connection with what has been happening recently and is happening now, I consider it quite relevant now to discuss the matter, especially because of this telegraphic campaign that is now being carried on in opposition to the Government's position.

In this letter it will be noticed there are several things which are quite significant, especially that part calling on the Wisconsin Senator to make him line up and work with the rest of the Wisconsin delegation; and it shows that that campaign was carried out with some thoroughness, because I have had about 1,000 identical letters sent to me. These letters are printed with my address on them. They are all identical. There is no difference between them, even to the crossing of a "t" or the dotting of an "i." The date and the place of signature are left blank, but aside from that the letter is absolutely complete, and the purpose is quite clearly stated in this letter; that is, to get me to line up with the rest of Wisconsin's representatives.

This emanated from Chicago, not from Wisconsin; and thus these thousand letters were placed in the hands of Wisconsin citizens for them to express, not their own sentiments, but the sentiments of some bureau or bureau clerk in Chicago, and back of him the person or institution or influence fomenting the propaganda and paying the bills.

Further he states as follows:

These letters are ready to be dated and signed, and then should be placed in separate envelopes and mailed as personal letters to Hon. PAUL O. HUSTING, United States Senator, Washington, D. C., designating them as "personal letters."

It shows the intention to deceive the representative from Wisconsin in the belief that he was getting the personal sentiments of Wisconsin citizens.

I must confess that they were not paying their representative a very good compliment when they thought he would be deceived into the belief that they were personal letters, because these thousand letters were all printed on the same paper, with the same contents, and with the same appearance, and sent in envelopes duly stamped and which were identical in appearance and substance. The clerks in my office knew the contents before they ever opened them by the appearance of the envelopes; but at least the intent was there to deceive.

Now, they also

urged you to get some of your neighbors to write personal letters to the Senator, but the big thing is to have all the letters sent to Mr. HUSTING at the earliest possible moment.

At that time there was a good deal of talk about an embargo. I think it was about the time when the embargo petitions were exhibited here in the Senate, and it was considered to be a good time to influence and overwhelm a representative of Wisconsin. Now, they make a further suggestion:

If you think it would be a better plan to have all of the letters signed and then left with you, and you would then have them forwarded in separate envelopes to Senator HUSTING, we would consider this a very great assistance on your part, and would be very glad to reimburse you for the postage and envelopes.

All they wanted was to have our citizens express the sentiments of the propagandists, and they were willing to pay the bills! All they asked of the citizens of Wisconsin was their cooperation in attempting to deceive their Senator!

The supply of letters was inexhaustible. As you will observe from the letter, they agree to send as many more as their correspondents might be able to secure signatures for. The supply was equal to the number of all citizens who were willing to put their hand down to a manufactured letter which they could sign and put it into an envelope which had already been addressed and with a stamp that had already been paid for.

Here is more that is significant:

We are sending you a circular letter showing you the latest developments in the campaign.

What campaign? The campaign of the American Embargo Conference and those back of that conference, a campaign of intimidation, a campaign to influence a representative of the people of the United States to vote against his own convictions!

THE SUBSIDIZED TELEGRAMS.

Now, as I said, these letters date back as far as February. I did not think it worth while to bring that to the attention of the Senate then, but some things are now occurring which come from the same malevolent source as the letters, which bear the same label, are of the same handiwork, initiated by the same influences, paid by the same money.

I have been favored with a great many telegrams from constituents in Wisconsin, and when I know that those telegrams are sent in good faith and are an honest expression of an honest opinion I think they are entitled to a great deal of respect and consideration. This is a country where everyone has a right not only to believe but to express his personal belief and to petition Congress at all times. But I began to receive these telegrams in such numbers and found such striking similarity between them, notwithstanding identical dates and from places far distant from one another, that I took the trouble to have my secretary inspect telegrams of other Senators. I took the liberty of having my secretary examine hundreds of telegrams received by Senators all over the United States, and there have been plenty of them introduced here, and I found this to be the fact, that telegrams emanating from places thousands of miles apart and dated on the same day were identical in form even to repeating an error which I found in the telegraphic forms which I shall hereafter show you.

These were dated April 24 from States like Wisconsin, and, for that matter, from many points in Wisconsin, 200 or 300 miles apart, from Illinois, from Missouri, from Indiana, from New York, from Ohio, are not only similar in character but absolutely identical word for word, and as I have said before, repeating grammatical errors in the original form. I have assorted these telegrams and have taken them from the above-named States and find them in the various forms in identical terms. I have them here, and for the purpose of not confusing them I have numbered them. Here is No. 1. It comes from Norwalk, Wis., dated April 25, addressed to "Hon. PAUL O. HUSTING, House of Representatives, Washington, D. C.":

[Telegram No. 1.]

Your constituents urge and expect you to stand like a rock against the passing frenzy of insane and criminal folly on the part of the small portion of interested persons who are clamoring for war. We want peace. Nothing warrants any other action.

Apparently a spontaneous conviction passing into the mind of some constituent, and, in the absence of any proof to the contrary, it would naturally indicate his own sentiments. But here we have one from Fond du Lac, bearing the same date, saying:

Your constituents urge and expect you to stand like a rock against the passing frenzy of insane and criminal folly on the part of the small portion of interested persons who are clamoring for war. We want peace. Nothing warrants any other action.

Here is one from another part of the State to the same effect. I will read some a little later.

Here is No. 2, from West Salem, Wis.:

[Telegram No. 2.]

Will you let me reassure you that the great majority of your constituents stand for peace, believe war now unnecessary and uncalled for, and will resent being participated into the European conflict?

Here is one from Fond du Lac, same date, 250 miles away:

Will you let me reassure you that the great majority of your constituents stand for peace, believe war now unnecessary and uncalled for, and will resent being participated into the European conflict?

Here are two others with the word "participated," repeating the mistake of the man who sat in his office in Chicago and made a slip over the typewriter or did not know how to spell "precipitated."

Here is No. 3:

As to-day's reports indicate that this country is likely to be rushed into the European war, let me assure you that I and your constituents who will be the real sufferers will bitterly resent anything but calm action, and calm action means peace continuing.

That was on April 25. Here is one from St. Louis, dated April 25, which I shall read—telegram No. 3:

As to-day's reports indicate that this country is likely to be rushed into the European war, let me assure you that I and your constituents will be the real sufferers, and will bitterly resent anything but calm action, and calm action means peace continuing.

St. Louis and Wisconsin! Fond du Lac and Missouri!

Here is No. 4: I want to call your attention to it. I will read these telegrams, because of all of the telegrams coming from most small towns no two are alike. They did not give the same telegram to the same man in the same small town, but had a collection of telegrams, and gave each one to a different man in the same town, of course, so that their representatives could not discover that there was any concerted action there; but to make it appear that these telegrams were a spontaneous expression of something that had just occurred to each separately because of recent events. Before I get through I want to show the Senate how these things were provided and arranged for. Now, here is another:

Other constitutents of yours join with me in informing you that we believe the great masses of the people resent being dragged into war, that we must consider unnecessary. We appeal to you to lift your voice in opposing steps leading to war.

Here is another from another State far away:

Other constituents of yours join with me in informing you that we believe the great masses of the people resent being dragged into war, that we must consider unnecessary. We appeal to you to lift your voice in opposing steps leading to war.

Here is form No. 5 from Milwaukee; here is one from Fond du Lac; here is another one from a State far away, in identical language:

Your constituents joining with me in sending this message are deeply alarmed by rumors that this country is near to being plunged into the European war. You know your constituents want peace, and we emphatically urge that you so express our sentiments. We know we can depend upon you.

That is from Kewaunee; another one from Fond du Lac; one from St. Nazianz; one from Wausau; one from Ripon, Wis., and one from Illinois and several from other States. I will just read one:

Your constituents joining with me in sending this message are deeply alarmed by rumors that this country is near to being precipitated into the European war. You know your constituents want peace, and we emphatically urge that you so express our sentiments. We know we can depend upon you.

I want to call the Senate's attention particularly to this question of rumors, because the rumors, apparently from the text of these telegrams, are of recent origin. There is another telegram from Fond du Lac containing form No. 6. Here is another one in what are called forms No. 7 and No. 8.

I have refrained from reading all of these telegrams, but those sorted according to number are absolutely identical in form, and I am informed by other Senators that telegrams identical in form have come from points all over the United States.

MADE-TO-ORDER "RUMORS OF WAR."

It is true that if the people of the United States were suddenly alarmed by rumors that were being spread by an intention on the part of this Government to plunge us into war, it might be alarming, and we would not be surprised to be overwhelmed with telegrams expressing the sentiment of the people—and it is the sentiment of the people—that they do not want any war. But the cruelty and the cunning of these telegrams is that they were framed perhaps weeks ahead of this crisis, a. I shall show you later, and the foul thought is being implanted in the minds of United States citizens, and citizens of my State, and I have no doubt in the minds of other citizens, that this administration is, in fact, seeking to plunge this country into war. *But what will you say of conduct, what will you say of a practice, which puts into the mouths of honest, decent citizens of my State and of the United States words and suspicions that are not founded on fact, but founded on something that has been handed to them by some one else living away out of the State, by some party, hired by who knows what or whom?*

After all, I want to cover this matter as fully as possible, and I hope that I shall not say anything that will in any way embarrass our Government in this matter. The only purpose of my dwelling upon this subject at all is merely in the interest of peace. I believe that the best way to preserve peace is for the people of the United States to get right squarely back of their Government and to sustain that Government in every crisis which comes to it; and I am only talking now in the hope of exposing a plot which, in its very nature, if long continued must bring us into serious trouble—if not with foreign countries, with the people of our own country. *It is high time that the people who are being duped should know that they are being duped; that the masks be torn from the faces of those who pretend to be in the interest of peace, and in the garb of a peacemaker are endeavoring to stir up dissension and insurrection in our own country by these methods; and these methods are calculated to bring about that very result.*

After collecting these telegrams, thinking that I had made a fairly satisfactory showing, at least to myself, I was fortunate enough to have presented to me some things which throw additional light on this campaign which is being now carried on. You have seen the articles in the World, in the Times, and in some of the other papers—the Herald, I believe, the Sun, and other New York papers—you have seen there that a certain secretary of the American Embargo Conference asked the newspaper men to give him publicity. I understand that the very man who asked them to give him such publicity is the man who stated that he was going to "pull off," so I have been reliably informed, "the biggest publication stunt that was ever pulled off in the United States." This secretary is the secretary, or at least is connected with the concern which I hope to show you not only sends out these telegrams, but which does something more, namely, pays for them.

I hold in my hand an original copy of blank-form telegrams. From a letter which I shall hereafter read you will learn that this blank telegraphic form was sent from the American Embargo Conference, located at Chicago. I am going to read this blank telegraphic form together with the directions at the top, and by comparing these forms with telegrams I have just read you will observe that Telegram No. 1 is identical with Form No. 1, that Telegram No. 2 is identical with Form No. 2, and so forth.

THE FORM TELEGRAMS.

Now, telegrams that have been received by various Members of Congress almost invariably follow the form of the "form" telegrams on the following sheet, even repeating typographical and grammatical errors of the form.

Here is the sheet of blank-form telegrams:

Please sign one of these telegrams and have voters each sign one telegram. Cross off the telegrams that are not signed and then hold this sheet until we wire you to telegraph it. Then please send it without delay.

NIGHT LETTER.

_____ _____, 1916.

Hon. _____ _____,
House of Representatives, Washington, D. C.:

Your constituents urge and expect you to stand like a rock against the passing frenzy of insane and criminal folly on the part of the small portion of interested persons who are clamoring for war. We want peace. Nothing warrants any other action.

_____ _____,
(Address) _____ _____.

NIGHT LETTER.

_____ _____, 1916.

Hon. _____ _____,
House of Representatives, Washington, D. C.:

If warlike rumors coming from Washington are true, will you let me assure you that the great majority of your constituents stand for peace, believe war now unnecessary and uncalled for, and will resent being PARTICIPATED into the European conflict.

_____ _____,
(Address) _____ _____.

NIGHT LETTER.

_____ _____, 1916.

Hon. _____ _____,
House of Representatives, Washington, D. C.:

As to-day's reports indicate that this country is likely to be rushed into the European war, let me assure you that I and your constituents, who will be the real sufferers, will bitterly resent anything but calm action, and calm action means peace continuing.

_____ _____,
(Address) _____ _____.

NIGHT LETTER.

_____ _____, 1916.

Hon. _____ _____,
House of Representatives, Washington, D. C.:

Other constituents of yours join with me in informing you that we believe the great masses of the people will resent being dragged into a war that we must consider unneeessary. We appeal to you to lift your voice in opposing steps leading to war.

_____ _____,
(Address) _____ _____.

NIGHT LETTER.

_____ _____, 1916.

Hon. _____ _____,
House of Representatives, Washington, D. C.:

Your constituents, joining with me in sending this message, are deeply alarmed by rumors that this country is near to being plunged into the European war. You know your constituents want peace, and we emphatically urge that you so express our sentiments. We know we can depend upon you.

_____ _____,
(Address) _____ _____.

NIGHT LETTER.

——— ———, 1916.

Hon. ——— ———,
House of Representatives, Washington, D. C.:

The wives and mothers in your district, who will suffer most if the war comes, urge me to appeal to you to do all possible to block warlike sentiment agitated by those who will not suffer. Your constituents see no reason for ending our peace.

——— ———,
(Address) ——— ———.

NIGHT LETTER.

——— ———, 1916.

Hon. ——— ———,
House of Representatives, Washington, D. C.:

Your constituents, joining with me in sending this message, are deeply alarmed by rumors that this country is near to being plunged into the European war. You know your constituents want peace, and we emphatically urge that you so express our sentiments. We know that we can depend upon you.

——— ———,
(Address) ——— ———.

Mr. THOMPSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Kansas?

Mr. HUSTING. I yield.

Mr. THOMPSON. Mr. President, in line with the argument of the Senator from Wisconsin, I want simply to state in this connection that I received this morning a number of telegrams dated at Kansas City, Mo., but evidently most of the signers residing in Kansas City, Kans., 35 of the telegrams being identical with No. 1, which the Senator has read; 27 of them being identical with No. 2; 15 of them being identical with No. 3; 9 being identical with No. 4; 30 identical with No. 5; and 20 corresponding identically with No. 6, showing clearly that they were inspired from the same source as those received by the junior Senator from Wisconsin.

Mr. HUSTING. I should like to ask the Senator whether, in the telegrams coming from small towns, he found any two alike or whether they were not different telegrams?

Mr. THOMPSON. These all came from the same place, being dated at Kansas City, Mo.; but I am acquainted with most of the signers, and they reside in Kansas City, Kans. I have only one little, lone telegram from an outside town, evidently voluntarily sent by the sender himself, as it is couched in entirely different language.

Mr. GORE. No. 5 seems to be the favorite.

WHO HAS KEPT THE PEACE?

Mr. HUSTING. Yes; No. 5 seems to be the favorite.

It was rumored that the Republic might be plunged into war. Rumored when? To read these telegrams it would appear that the rumor had just started; that word had just gone out that the President of the United States desired to plunge this country into war, when, as a matter of fact, the telegrams had been lying on the desks of the senders for weeks, and perhaps months, waiting for the time when they should be rushed to the telegraph office and be sent to Senators and Representatives in Congress at a time which they then already anticipated would come, as though they were the creation of the moment, as though they were expressing the opinion of the moment.

The President had kept us out of war under the most trying and difficult circumstances for nearly a year and a half. Who else has helped to keep us out of war thus far? Certainly not the belligerent powers, who have trampled upon our rights, who have killed our citizens on the high seas, and who are now obstructing our commerce. Nor have their sympathizers kept us out of war. Our rights have been violated by all of the belligerent nations, by the entente allies as well as the Germanic allies. Suffice it to say that our rights have been trampled upon and a hundred things have occurred, each one of them sufficient under ordinary circumstances and conditions to have precipitated us into war, if instead of a peace-loving President we would have had an impulsive and warlike President, and yet we have had no war. Who kept us out of war? Who was here from March 4, 1915, until December, 1915, to bear the heavy responsibility of maintaining our honor and keeping the peace? Congress was not in session. There were no warning resolutions; there was no necessity to warn the President; there is no necessity to warn him now to keep us out of war. There was an attempt made here to warn our citizens from traveling on the high seas, because such action on their part might perchance get us into trouble with Germany; but I should like to know whether the same men—and I am speaking of the country at large—who favored warning our citizens not to travel upon the high seas for fear we might thereby become involved in trouble with some foreign Government would have been or are now in favor of issuing a warning to the shippers of the products of this country—cotton, wheat, wool, anything, if you please—not to ship their goods across the high seas for fear that it would get us into trouble! Who would have had us warn our citizens to abandon all of our commerce for fear we might get into trouble with the other powers? It was the administration now representing our Government that has kept us at peace, as all the world knows!

POISONERS OF PUBLIC OPINION.

I am only saying this in passing, because the President of the United States has exerted every patriotic effort that he could to keep us out of trouble, and I resent it as a base insinuation and foul slander upon our Government for anyone to intimate or charge that the President of the United States has any idea in his mind except to preserve the peace of this country, if he can do so with honor to ourselves.

And what shall we say of a conspiracy financed by money from some mysterious source to slander and to bring the President of the United States into the hatred and contempt of his fellow citizens in the manner referred to?

So I say we have a peace-loving President, who has been criticized, on the one hand, because he is too peace loving, who has kept us out of war all this time, and, on the other hand, we find him charged, through the instrumentality of some organization, using the citizens of this country as its messengers, with attempting to plunge this Nation into the maelstrom of war. Here we find a deep-laid plot to poison the minds of his fellow citizens all over the country into the belief that the President wants war when every fact gives the lie to such assertion!

I say this is being done by this mysterious "embargo conference," this embargo conspiracy, I have not gotten through with it yet; and I want to come to the point now of showing conclusively to any fair mind that this propaganda, these 200,000 telegrams, are not only being sent out from a common head but they are being paid for by this same head.

THE TELL-TALE LETTER.

You will notice at the head of this blank form the holders are instructed to procure signers at once and hold the same subject to further orders, and I have already shown that these must have been in the hands of holders, who appear to have been part of the organization, for weeks or perhaps months. The word came to these procurers in the letters of April 24, namely, Monday of this week, as will appear from one of these letters which I will read into the RECORD and comment on in detail.

[The American Embargo Conference (Incorporated), Room 905, 139 North Clark Street (City Hall Square Building), Chicago. Telephone, Randolph 3189. Col. Jasper Tucker Darling, president, chairman of the executive committee; W. R. McDonald, general manager; J. H. Forrest, secretary; C. Hjalmar Lundquist, secretary; William D. Falk, treasurer.]

APRIL 24, 1916.

DEAR SIR: Feeling confident that as one of the patriotic citizens of the United States you are anxious to see this country held out of the present terrible war in Europe, we are making this extraordinary appeal to you because we know from the most positive information that is possible to be obtained at this time that the situation warrants it.

We can not find words strong enough to tell you of the gravity of the situation, and we assure you in the most earnest manner possible that the only way in which this country can keep from becoming involved is an immediate and great expression of the real sentiment of the people of the country who want peace.

We also most solemnly assure you that it is too late to mail an expression of this sentiment to Washington. It must be telegraphed. We have prepared night-letter telegrams that are ready to be signed by the voters. At the top of these sheets we asked that you hold these sheets until we give you notice to telegraph them. Now, we ask that you have the night letters signed as rapidly as possible and that you send them from the telegraph offices without a moment's delay.

Do not wait for any further word from us. Conditions are now even more serious and the messages should be sent at once. They should all be in Washington by Wednesday.

We beg that you will realize how grave we consider the situation to be when we assure you that we are to pay for all of the messages. All that we urge you to do is to get the telegrams signed and send them at once. Then send the bills to us and a check will be mailed to you immediately. We know what you have done in the past to help keep this country in a neutral position, and we know that at this, the most critical time in the diplomatic negotiations, you will not fail to act for us.

Only believe that our information is of the best and send the telegrams now. Please let us depend upon you in this crisis.

Thanking you for what we know you will do and repeating the assurance that we will pay for all expenses incurred, we beg to remain,

Most earnestly, yours,

THE AMERICAN EMBARGO CONFERENCE.

You will observe that the letterhead on the above letter is the same as the letterhead on the letter I received in February. Now you have heard the letter read. Let me call your attention to some of the details of this letter.

Let me call your attention to this:

We can not find words strong enough to tell you of the gravity of the situation, and we assure you in the most earnest manner possible that practically the only thing that will keep this country from becoming involved is an immediate and great expression of the real sentiment of the people of the country who want peace. We also most solemnly assure you that it is too late to mail an expression of this sentiment to Washington. It must be telegraphed—

I am reading now from this circular letter dated April 24, 1916, last Monday. It says, "It is too late to mail"—

It must be telegraphed. We have prepared night letter telegrams that are ready to be signed by the voters. At the top of these sheets we asked that you hold these sheets until we gave you notice to telegraph them.

Let me read further:

We also most solemnly assure you that it is too late to mail an expression of this sentiment to Washington. It must be telegraphed. We have prepared night-letter telegrams that are ready to be signed by the voters. At the top of these sheets we asked that you hold these sheets until we gave you notice to telegraph them. Now we ask that you have the night letters signed as rapidly as is possible and that you send them from the telegraph offices without a moment's delay. Don't wait for any further word from us. Conditions are now even more serious and the messages should be sent at once. They should all be in Washington by Wednesday—

The flood of telegrams that came in yesterday was in response to the American Embargo Conference, sitting at Chicago, and directing the transmission of hundreds of thousands of telegrams all over the United States, identical in terms, and all prepared in advance and held subject to order as directed. I read further:

We beg that you will realize how grave we consider the situation to be when we assure you that we are to pay for all of the messages. All that we urge you to do is to get the telegrams signed and send them at once. Then send the bills to us and a check will be mailed to you immediately. We know what you have done in the past to help keep this country in a neutral position, and we know that at this the most critical time in the diplomatic negotiations you will not fail to act for us.

Now, just for a moment let us take up this expression:

We know what you have done in the past to help * * * us.

What does that indicate? It indicates that previous orders of this kind have gone out and have been duly executed by these same men who are now procuring the execution and sending of these telegrams.

We know what you have done in the past * * * the most critical time in the diplomatic negotiations.

Now, listen to this, Senators:

Only believe that our information is of the best and send the telegrams now. Please let us depend upon you in this crisis.

Thanking you for what we know you will do and repeating the assurance that we will pay for all expense incurred, we beg to remain,

Most earnestly, yours,

THE AMERICAN EMBARGO CONFERENCE.

WHO PAYS THE BILLS?

Now, just note this phrase:

We know what you have done in the past to help keep this country in a neutral position, and we know that at this, the most critical time in the diplomatic negotiations, you will not fail to act for us.

Who is "us"? I want to say now that it should be determined, by an investigation of some kind, who is "us." Who pays for these telegrams? Who pays for this bureau? Who pays for the man they get to fetch and carry in every little hamlet in the country? Who is "us" who puts this foul stuff into the mouths, the hearts, and the hands of the President's fellow citizens? I want to know who "us" is. I want to know who is paying for the couple of hundred thousands of telegrams. If there is any proper tribunal, any proper department, any proper committee of any kind, let them find out who "us" is, and find out who is paying these bills, and find out how they are acting for "us"—American citizens employed to act for "us," as though there were some outside force wanted to be helped at the hands of American citizens.

I shall not stop to read these newspapers, but one of them says here:

"By noon to-day," said one of the officers, "50,000 telegrams will have been sent from Chicago, 25,000 from St. Louis, 20,000 from Cincinnati, 20,000 from Milwaukee, 15,000 from Detroit, 15,000 from Cleveland, and lesser amounts from smaller cities throughout the country."

Messages running up into the hundreds of thousands of dollars are being sent out of Chicago from the embargo conference, expressly worded to give them the appearance of a spontaneous expression of public sentiment, when in fact they have been deliberately procured and have been lying in cold storage for a month or more.

WHY THIS PROPAGANDA?

There are some other things that I should like to know. I should like to know what this person means by saying "our information is of the best." The United States had sent its message to Germany. There was nothing more to be given out from Washington, from the White House, and here they say that this is "the gravest crisis in the history of all our negotiations," and that their "information is of the best." Are they already foretelling, I want to know, the reply that we are going to get to our note? Do they pretend to know what Germany is going to do in reply to our note? Why, what is the object, I ask, of sending these telegrams here after our message has been transmitted to Europe and before we have received a reply? What useful purpose is it going to serve?

If, as I said before, these letters were the spontaneous expression of hundreds of thousands of people who wanted to keep us out of war, would this Chicago headquarters cause their telegrams to come in at a time when the decision is hanging in the balance over in Berlin? Do they think for a moment that two hundred or three hundred thousand telegrams that have been sent here by citizens of the United States protesting, in effect, against our Government's action are going to persuade a foreign Government to yield to our rightful and just demands? Or are they better calculated, I want to ask, to strengthen another country in the belief that we, as Americans, recognize the justice of their claims and thus to give them timely advice that they need not yield to us, because, in the event that they do not yield to us, then we will yield to them?

I say I can not see what useful purpose these telegrams can serve at this time. I can see, perhaps, that they might have served a useful purpose if an unfavorable answer had been returned to the message of the President and when it was a question of war or peace, but the immediate question that is up now is not war or peace. The immediate question that is up now before us is whether Germany is going to yield or whether we are going to yield; and here we have two or three hundred thousand citizens of the United States, by procurement of a hostile agency, publicly expressing in effect the idea that we are in the wrong and that Germany is in the right. I want to ask whether they believe, when they sent those telegrams here, that they are going to be helpful to the country in keeping us out of war and in maintaining peace? Or is it perhaps the case that these procurers and some of the senders even wish or hope that the submarine warfare may be continued in order to compel us to yield to the universal sentiment for peace and let a foreign country go on with its shocking and horrifying work?

WHAT IS THIS EMBARGO CONFERENCE?

I should like to know how this organization was initiated, how it was and is being financed, and what powers or influences are back of it. Remember that the letter dated April 24, which I have read to you, declared that it was necessary to have these telegrams in the hands of Senators and Representatives by Wednesday. April 24 was Monday, and these telegrams were received here on Wednesday to the number of two or three hundred thousand. I am informed that these telegrams came from every nook and corner in the United States and arrived here on schedule time according to the directions on the top of the blank telegraphic forms.

In other words, the string was pulled in Chicago on Monday. The response came on Wednesday in the shape of hundreds of thousands of telegrams from every part of the United States. What organization in the United States can equal that record? Is it even possible for either of the great political parties or for the United States Government itself to equal it?

Now, Mr. President, this is no common, irresponsible organization, but one carefully and scientifically organized. There is more to this than the names of the insignificant men appearing on the letterhead; and so I say I want to know who is the builder of this organization, who or what is the moving spirit of it, and what is its sinister end.

I should like to have the roster of American citizens who are lending themselves to the execution of the ultimate design and purpose of this organization, and I should also like to have their names published in the press of the Nation so that we may know who they are.

These are among the thoughts that have occurred to me. No good can come of this publication of American differences; and I want to say, at least, as one Member of the Senate—and I hope I am expressing the unanimous sentiment—that this is no time to make a public exhibition of our differences to Germany. If we are sincere in our efforts to have peace we can only get it by keeping the respect, at least, of those with whom we are now negotiating. But if our citizens, either thoughtlessly or otherwise, are intent upon showing and disclosing to the European countries that they need not be afraid, that our notes mean nothing, if we mean to assure them in advance that we do not want even to hurt their feelings, what respect have they or will they continue to have for our notes? If they know that we are merely indulging in sending notes and that there is no force or strength back of that diplomacy backed and sustained by a united Nation, I wonder and I ask how do you expect to get any different results than a disagreement, and thus you bring about the very thing you are trying to avoid and to save us from? If you want a real crisis, all that is necessary is to inform those foreign countries with whom we are now negotiating that, no matter what they do or say they need have

no fear; that we want peace; that we will talk and will not fight, no matter what the cause—in short, that they may work their will on us; that they are safe, no matter what they do!

A good many hundreds of our citizens have been sent to the bottom of the sea. Of course we have resented it and have protested against it, but many of our citizens thought that we should warn our people to keep off the sea. Here the other day a man was arrested with papers upon his person, it is reported, which indicate that he may be a party to the work that is going on, and immediately there is talk to the effect that Germany will break off relations with us because we arrested her man!

Part of the press of the United States and some of our citizens who had favored the warning of our own citizens thought Germany might have just cause for breaking diplomatic relations because of the arrest of a German subject. Is it more hazardous to put a citizen of a foreign country in jail than it is to send hundreds of American citizens down to the bottom of the sea?

I say that I want these letters and these telegrams referred to the appropriate committee. I should like to have a sample of each one put into the RECORD for the purpose of enabling other Members of Congress to compare theirs with these, in order to convince themselves of the fact that the protests came not from their people, but from an influence beyond their State.

I want to say now that my sole object in discussing the matter to-day is to call the attention of the country and the Senate to the things that are going on in this country. I for one can not look with complacency or tolerance on any movement that seeks to poison the people of this country against their own Government. This is no time for taking chances; and I for one think that this Government may well take notice of these movements that are going on, and follow them up to their poisonous sources. I do not believe that any respectable Government will want to admit that it is carrying on a propaganda in this country. If it is, however, this Government should stop it once and for all. This Government can not afford to suffer any foreign Government to incite or attempt to incite our people, and any such attempt, if attempt there is, should immediately and promptly be made an end of. I believe that this country should waste no time before trying to put its finger on the heart of this sinister activity.

We can only have one end eventually, no matter how many crises we may pass. We may pass this crisis, we may pass another crisis, and still another, and still a hundred more; but it must be plain to everybody that if this war continues for another year or two, and incidents like those of the past against our rights continue, it can lead only to one end. No person or influence or power can make our people continue indefinitely to endure it.

THE MAIN ISSUE.

We all want peace. I hope that as long as I am a Member of this body I may never have to vote for a declaration of war. I do not want to vote for any declaration of war. I want peace, and I know every other Senator in the Chamber wants peace. It is only a question of how you are going to keep it. How are you going to get it? Are you going to get it by permitting this kind of business to go on in this country, unrebuked and unpunished? Are you going to have peace by debating in an academic way who is doing us the most injury—the allies of Great Britain or the allies of Germany? Instead of considering the question of our rights as against Germany, the controversy seems to have shifted as to which of the two belligerents are doing us the greatest injury. Which of these combinations is doing its best to drive us into war; which of these countries is most—I will not say insolent—but most regardless of our rights; which one is trying to put the barb into us the deepest?

I say we have lost sight of the main issue and are engaging in academic discussions instead of digging out the main issue. And what is the main issue? At this time the main issue for our citizens is this: Are we right or are we wrong in our controversy with Germany, and are you with or are you against the United States? If we are right, can we afford to abandon the right and condone a wrong, or shall we admit that we are mistaken, even though we know we are right, and thus condone a wrong and repudiate our rights?

We must settle these things one at a time; and I want to take occasion in just a few words to state my position.

I am for the United States against Germany or Austria or Great Britain or Russia or France or Japan or Turkey or any other nation on the face of the earth when opposed to us; I do not care what they are or who they are. I want each and every nation to respect our rights, as we propose to respect theirs; and I will not conceal the fact that I was in hopes long ago that Germany would yield and recognize our rights, so that we might straightway and promptly turn our undivided attention to other flagrant violations of our rights on the part of other countries. I believe that Germany has been standing in her own light. I believe that in her refusal to bow and yield to the rightful demands of the United States she has in a way hindered and obstructed herself, because I believe there is a sentiment in this country which is that we shall play no favorites, but defend our rights, no matter how or by whom invaded. There is also a belief prevailing in this country that as long as the lives of our citizens are the issue that must be settled first; and then, I say, I believe there is a further sentiment in this country that when that is settled, and settled right, we should turn our attention to those who are wronging us in other ways, and make them see the right also.

That is the attitude that I want to take in this body, and the attitude that I think is the proper and just and right one. In this controversy that lies nearest to our right hand I believe it is absolutely necessary, in order to convince Germany that we mean business, that the country as one man should put themselves back of a President who has used his talents, his genius, his time, his energy, and all his other qualities of hand and heart with which Nature has so richly endowed him, to keep us out of war and preserve our honor. I say such a President as that deserves the support, in my humble opinion, of the humblest citizen in the land, as well as that of every Senator in this body.

NOT SENTIMENT OF NATION.

Now, I have said that these hundreds of thousands of telegrams might have the effect of encouraging Germany to maintain its position and put us in a position where we must yield or break off diplomatic relations. I want to remind, however, those whom it may concern that the expressions of these telegrams in the main are not the spontaneous utterances of our people, but as it clearly appears from what has already been said these are merely the repetition of some force, by some "us," seeking to hinder, delay, and obstruct the peaceful negotiations of this country with Germany. These are, therefore, not in the main the expression of the sentiment of the people whose names are attached to these telegrams except in so far as they reflect the universal desire on the part of our countrymen for peace, but a peace that must be consistent with honor and with American traditions of preserving American lives and American rights.

Let no foreign nation be deluded or deceived into the belief that American citizens will not support their American Government always. Let every foreign country be duly advised that if the time should come, which God forbid, when the American Government must take a stand which may involve a breach of diplomatic relations or involve us in even worse than that, that America as one man will leap to the defense of our flag, to the defense of our Government, to the defense of the lives of our citizens and of our sacred honor.

Mr. WORKS. Mr. President, I have received something over a hundred of the telegrams to which the Senator from Wisconsin has referred so feelingly. It had not occurred to me to take exception to the contents of the telegrams or to criticize the American citizens who sent them. My constituents in California have a perfect right to express their views to me upon any public question. I have never resented it at any time. So has any American citizen in any State of the Union the right to express his sentiments to me or any other Senator.

There is no question before the Senate now. This whole matter is in the hands of the executive department. That department is responsible for whatever may be done. Until it comes in proper course before Congress I myself have felt that it ought not to be agitated under the present conditions. I think the President of the United States should be left to determine what shall be done under existing conditions, and that the Congress of the United States should be free when any responsibility is cast upon it to deal with this matter independently and freely. I am, therefore, astonished that any Member of this body should make such a speech as we have just listened to.

Mr. President, this is a solemn occasion. Everyone who stops to think about it realizes that the situation is a delicate one and that something may happen at any time that would precipitate a most unfortunate conflict with one or the other of the belligerent nations. Certainly we, as representatives of the people of this Republic, should not aid by anything that we may say or do to agitate the public mind and bring about any such consequences.

Therefore, Mr. President, I have not felt it to be any part of my duty to bring these telegrams before the Senate. They come properly to me. I have no sense of criticism of the people who have sent them. It does not make any difference to me whether they have been sent voluntarily and without suggestion by any single citizen or whether they have been suggested by somebody else. I assume that whenever a citizen attaches his name to one of the telegrams he is expressing his own sentiments, no matter who suggests it to his mind.

I think, Mr. President, the conditions are such that a Senator might well be admonished, as the Senator from Wisconsin has admonished the people who sent these telegrams, that it is a good time to be silent until we are called upon to act and speak.

Mr. POMERENE. Mr. President, I had not intended to say a word upon this subject, but, in view of the discussion to which we have listened, I simply desire to say this: I have received four or five hundred of these telegrams. Their character was such that it was evident to the merest tyro they were sent from some inspired source.

I am always glad to hear from my constituents on every subject that is attracting the attention of the public. I am particularly pleased to hear from them when I know that their messages contain their real sentiments and that they are not the mere conveyors of the sentiments or thoughts which may inspire the breast of some one who is actuated by some ulterior purpose.

Mr. President, I very much regret this campaign for this reason: The method which has been adopted casts a suspicion upon the motive of the man who started it. Evidently the telegrams themselves indicate a purpose of hostility against this Government. A campaign of this kind can not serve either the cause of truth or the cause of peace. It is for that reason that I regret that it has been started.

I do not care to occupy the attention of the Senate further in this matter, except to express my disapproval of the methods which have been adopted by those who are back of the movement.

Mr. HUSTING. Mr. President, I hope the Senate will indulge me a moment in reply to the remark of the senior Senator from California [Mr. WORKS].

Mr. ROBINSON. Will the Senator from Wisconsin permit me to suggest that this subject might well be left until after the close of morning business?

Mr. HUSTING. I shall take only a moment.

Mr. ROBINSON. Very well; I shall not make any objection.

Mr. HUSTING. Mr. President, I merely wish to say in reply to the remark of the Senator from California, who admonishes me that my remarks may have been out of order, or, rather, not in place at this time, that, of course, as a younger Member of this body, I am glad many times to defer to the opinions of senior Members, but I do want to say further that the Senator from California has made remarks here in regard to this administration and this Government at other times that would have impelled me to admonish him if I considered it proper to admonish a Senator from another State, who, I take it, is primarily answerable for his conduct to his State and country.

I want to conclude by remarking that I have spoken at length this afternoon because I thought it high time to bring this movement out into the open air where it can best be treated, and that with all due deference to the senior Senator from California he will have to permit me as long as I am a Member of this body as the representative, in part, of a great State to exercise my own judgment as to the propriety of any action which I may take or of making any remarks which I choose to make within parliamentary limits.

Mr. SHERMAN. Mr. President, I present a telegram on the same subject referred to by the junior Senator from Wisconsin [Mr. HUSTING]. I do not ask to have it read, but that it be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The telegram is as follows:

MAYWOOD, ILL., *April 24, 1916.*

Hon. L. Y. SHERMAN,
United States Senate, Washington, D. C.:

If warlike rumors coming from Washington are true, will you let me reassure you that the great majority of your constituents stand for peace. Believe war now unnecessary and uncalled for, and will resent being participated into the European conflict.

CHARLES BROBERG,
1618 South Seventh Avenue.

Mr. SHERMAN. The telegram of itself is unobjectionable. It is the number and circumstances that are out of the ordinary.

If the Senate will indulge me for a few moments, I wish to say that I have on the same subject about 4,000 similar telegrams in my office. It is inexpedient to take much time this morning. The Senator from Wisconsin has gone into the matter at length, and to some degree he, as well as the Senator from Ohio [Mr. POMERENE], voices my sentiments.

These telegrams, under the conditions, I wish to say will not change in any manner my vote or my conduct in this body. The right of petition is a sacred one in a republican form of government and is respected by the Senate. This is evidenced by the time taken and the extreme liberality with which the Senate regards such communications.

But, Mr. President, the right of petition is always one that ought to present the volition as well as the initiative of the petitioner. In my judgment, the great number of telegrams that have come to certain Members of the Senate do not represent either the initiative or the volition of the person signing such petitions or telegrams. They indicate, in my opinion, so far as I can collect evidence on that subject, the activities of the American Embargo Conference, which seeks to close the neutral markets of our country against the belligerents in the European war.

I probably will not suit either side on pending controversies relating to our foreign affairs. I shall vote, Mr. President, against closing our markets to the purchase of war supplies by any belligerents that can enter our markets and arrange satisfactory terms of purchase with our people. I do that because I wish to defend the rights of my own country to purchase in the markets of the world if we unfortunately are at war. The defense of the right to sell to belligerents as a neutral nation constitutes the defense of our right to buy when we are belligerents in a neutral market wherever it may be deemed advantageous to us.

I do not agree with many of the matters in which this administration is called on to act, but I regard the American Embargo Conference, which I regard as the responsible author of these communications, as having misplaced its activities. Whatever I may do hereafter in voting upon peace or war or in sustaining or opposing the administration, if it should break off its diplomatic relations with foreign powers, will be decided when it is reached, if unhappily it must. On any existing ground at this time I am opposed to war and shall vote for peace.

I am an American and a neutral, and so being neutral I deplore the ex parte activities of those who are not neutral in arousing this flood of petitions. The excitement caused among our people by such procedure is harmful to our neutrality and our continued domestic peace.

I wish to say, Mr. President, in the few moments that I shall take, that these communications are, in my judgment, an abuse of the right of petition. They are thrusting upon this body those communications in a way that is intended to be a menace and not a legitimate argument, and whatever my views may be, and to some degree I sympathize upon other questions with these petitioners or with those who are active in the American Embargo Conference, I regard these numerous petitions as not only a perversion of the right of petition, but as an unworthy menace upon the liberty of action and of judgment of the Senate, and to that degree I regret its occurrence.

MIGRATORY BIRD REGULATIONS.

I wish to offer further, Mr. President, upon another matter, a petition presented to me by certain citizens of the State of Illinois relating to the United States Biological Survey relative to a revision of the migratory bird regulations for Illinois, and I wish to add in addition a few words. I am aware with what relief it falls upon the Senate like a blessed benediction. I did it designedly in order that the tension might be relieved.

Mr. ROBINSON. Mr. President, a parliamentary inquiry.

Mr. SHERMAN. Just a moment, on the last petition I have presented.

Mr. ROBINSON. Will the Senator permit me to indulge the hope that we may proceed with the morning business in a very short time?

Mr. SHERMAN. Very well; I shall certainly take but a moment. The complaint of the petition is that the Biological Survey has interfered with the legitimate rights of a number of sportsmen in various rivers, either the Mississippi or the tributary rivers, and the complaint is upon that ground. They regard the bureau as having become somewhat ossified in its conduct and very dictatorial in its regulations.

The VICE PRESIDENT. The petition will be referred to the Committee on Forest Reservations and the Protection of Game.

ARMED MERCHANT SHIPS (S. DOC. NO. 420).

Mr. NELSON. Mr. President, I have in my hand a statement issued by the State Department defining the attitude of the United States toward armed merchant ships in neutral ports and on the high seas. It was published in full in last night's Star. On account of the importance of the subject, I ask that it may be printed as a public document.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BRANDEGEE subsequently said: The Senator from Minnesota [Mr. NELSON] asked to have printed as a document a moment ago the statement which was issued by the Department of State in relation to the question of armed merchantmen. I should like to ask that it be printed in the RECORD also. It is a statement from a department of the Government on a very important matter. While the Senator from Utah [Mr. SMOOT], from the Committee on Printing, usually objects to both these courses being taken, I am quite certain that it would be much

more serviceable if printed in the RECORD than printed as a document, and I hope he will waive his objection to both being done in this instance.

Mr. SMOOT. I wish to say to the Senator that I understood the request of the Senator from Minnesota was that it be printed in the RECORD.

Mr. BRANDEGEE. No; that it be printed as a document. If I had had my way and could have made a suggestion to the Senator I would have asked him to request that it be printed in the RECORD, where it would have a much wider circulation.

Mr. SMOOT. I will ask the Senator to defer his request until I confer with the Senator from Minnesota. I have no doubt he will agree to the suggestion.

Mr. LODGE. I thought the Senator from Minnesota asked that it might be printed in the RECORD.

Mr. BRANDEGEE. The Senator from Utah takes the ground that the Committee on Printing will not allow or does not advocate the printing in both the RECORD and as a document.

Mr. GALLINGER. Mr. President, I am a member of the Committee on Printing, and that matter has never been before the committee.

Mr. SMOOT. I wish to state that the Joint Committee on Printing has time and again discussed the question as to whether matter should be printed in the RECORD and printed as a public document, and the position taken by the Joint Committee on Printing is that any particular article could be printed either in the RECORD or as a public document. If it is printed in the RECORD, it can be circulated exactly the same as a public document. It virtually becomes a public document, because it can be printed by itself or it can be taken as a part of the RECORD and sent through the mails in that way. That is the reason why the committee has taken this position. I believe it is the right one, and as long as I can object I am going to object.

Mr. BRANDEGEE. I will say to the Senator that it seems to be purely a technical objection on his part, because anybody can read it into the RECORD, and it may as well be printed in the RECORD and not take up the time of the Senate to read it.

Mr. SMOOT. I have no objection to printing it in the RECORD, I will say, if the Senator desires it.

Mr. NELSON. I have no objection to that course, but I want to have it printed also as a document.

Mr. LODGE. There is no reason why it should not be printed in both forms.

Mr. CLARK of Wyoming. Mr. President, a parliamentary inquiry. Does a single objection bar the request?

The VICE PRESIDENT. To print in the RECORD?

Mr. CLARK of Wyoming. Yes.

Mr. BRANDEGEE. I assume that a vote of the Senate could be taken on the question, but I hardly thought it was necessary to make a motion. I was simply asking the Senator from Utah to agree in this case that an important communication from the Department of State might be printed in the RECORD.

Mr. SMOOT. I have no objection, as far as the subject matter is concerned, to have it printed both ways, but I have been trying to be consistent in this matter.

The VICE PRESIDENT. It is very easy to settle the question. Is there objection to printing the statement in the CONGRESSIONAL RECORD? The Chair hears none, and it is so ordered. The Senator from Minnesota requests that it be printed as a public document.

Mr. NELSON. That has already been ordered.

Mr. SMOOT. I understand that the Chair was asking whether it should be printed in the RECORD, and that it was not going to be printed as a public document.

The VICE PRESIDENT. We can settle that question. All in favor of printing the article as a public document will say aye, contrary no. [Putting the question.] The ayes have it, and it is so ordered.

The statement referred to is as follows:

A statement from the State Department defining the attitude of the United States toward armed merchant ships in neutral ports and on the high seas was made public to-day by the State Department by direction of President Wilson. It originally was prepared as a circular note to other powers, but it later was decided to issue it as a statement.

TEXT OF STATEMENT.

The statement is as follows:

"The status of an armed merchant vessel of a belligerent is to be considered from two points of view: First, from that of a neutral when the vessel enters its ports, and, second, from that of an enemy when the vessel is on the high seas.

"FIRST. AN ARMED MERCHANT VESSEL IN NEUTRAL PORTS.

"(1) It is necessary for a neutral government to determine the status of an armed merchant vessel of belligerent nationality which enters its jurisdiction in order that the Government may protect itself from responsibility for the destruction of life and property by permitting its ports to be used as bases of hostile operations by belligerent warships.

"(2) If the vessel carries a commission or orders issued by a belligerent government and directing it under penalty to conduct aggressive operations, or if it is conclusively shown to have conducted such operations, it should be regarded and treated as a warship.

"(3) If sufficient evidence is wanting, a neutral government, in order to safeguard itself from liability for failure to preserve its neutrality, may reasonably presume from the facts the status of an armed merchant vessel which frequents its waters. There is no settled rule of international law as to the sufficiency of evidence to establish such a presumption. As a result a neutral government must decide for itself the sufficiency of the evidence which it requires to determine the character of the vessel. For the guidance of its port officers and other officials a neutral government may therefore declare a standard of evidence, but such standard may be changed on account of the general conditions of naval warfare or modified on account of the circumstances of a particular case. These changes and modifications may be made at any time during the progress of the war, since the determination of the status of an armed merchant vessel in neutral waters may affect the liability of a neutral government.

"SECOND. AN ARMED MERCHANT VESSEL ON HIGH SEAS.

"(1) It is necessary for a belligerent warship to determine the status of an armed merchant vessel of an enemy encountered on the high seas, since the rights of life and property of belligerents and neutrals on board the vessel may be impaired if its status is that of an enemy warship.

"(2) The determination of warlike character must rest in no case upon presumption, but upon conclusive evidence, because the responsibility for the destruction of life and property depends on the actual facts of the case and can not be avoided or lessened by a standard of evidence which a belligerent may announce as creating a presumption of hostile character. On the other hand, to safeguard himself from possible liability for unwarranted destruction of life and property the belligerent should, in the absence of conclusive evidence, act on the presumption that an armed merchantman is of peaceful character.

"(3) A presumption based solely on the presence of an armament on a merchant vessel of an enemy is not a sufficient reason for a belligerent to declare it to be a warship and proceed to attack it without regard to the rights of the persons on board. Conclusive evidence of a purpose to use the armament for aggression is essential. Consequently an armament which a neutral government, seeking to perform its neutral duties, may presume to be intended for aggression might, in fact, on the high seas be used solely for protection. A neutral government has no opportunity to determine the purpose of an armament on a merchant vessel unless there is evidence in the ship's papers or other proof as to its previous use, so that the government is justified in substituting an arbitrary rule of presumption in arriving at the status of the merchant vessel. On the other hand, a belligerent warship can on the high seas test by actual experience the purpose of an armament on an enemy merchant vessel and so determine by direct evidence the status of the vessel.

"SUMMARY OF CONTENTIONS.

"The status of an armed merchant vessel as a warship in neutral waters may be determined, in the absence of documentary proof or conclusive evidence of previous aggressive conduct, by presumption derived from all the circumstances of the case.

"The status of such vessel as a warship on the high seas must be determined only upon conclusive evidence of aggressive purpose, in the absence of which it is to be presumed that the vessel has a private and peaceable character, and it should be so treated by an enemy warship.

"In brief, a neutral government may proceed upon the presumption that an armed merchant vessel of belligerent nationality is armed for aggression, while a belligerent should proceed on the presumption that the vessel is armed for protection. Both of these presumptions may be overcome by evidence—the first by secondary or collateral evidence, since the fact to be established is negative in character; the second by primary and direct evidence, since the fact to be established is positive in character."

II.

The character of the evidence upon which the status of an armed merchant vessel of belligerent nationality is to be determined when visiting neutral waters and when traversing the high seas having been stated, it is important to consider the rights and duties of neutrals and belligerents as affected by the status of armed merchant vessels in neutral ports and on the high seas.

"FIRST. THE RELATIONS OF BELLIGERENTS AND NEUTRALS AS AFFECTED BY THE STATUS OF ARMED MERCHANT VESSELS IN NEUTRAL PORTS.

"(1) It appears to be the established rule of international law that warships of a belligerent may enter neutral ports and accept limited hospitality there upon condition that they leave, as a rule, within 24 hours after their arrival.

"(2) Belligerent warships are also entitled to take on fuel once in three months in ports of a neutral country.

"(3) As a mode of enforcing these rules a neutral has the right to cause belligerent warships failing to comply with them, together with their officers and crews, to be interned during the remainder of the war.

"(4) Merchantmen of belligerent nationality, armed only for purposes of protection against the enemy, are entitled to enter and leave neutral ports without hindrance in the course of legitimate trade.

"(5) Armed merchantmen of belligerent nationality under a commission or orders of their government to use, under penalty, their armament for aggressive purposes, or merchantmen which, without such commission or orders, have used their armaments for aggressive purposes, are not entitled to the same hospitality in neutral ports as peaceable armed merchantmen.

"SECOND. THE RELATIONS OF BELLIGERENTS AND NEUTRALS AS AFFECTED BY THE STATUS OF ARMED MERCHANT VESSELS ON THE HIGH SEAS.

"(1) Innocent neutral property on the high seas can not legally be confiscated, but is subject to inspection by a belligerent. Resistance to inspection removes this immunity and subjects the property to condemnation by a prize court, which is charged with the preservation of the legal rights of the owners of neutral property.

"(2) Neutral property engaged in contraband trade, breach of blockade, or unneutral service obtains the character of enemy property and is subject to seizure by a belligerent and condemnation by a prize court.

"(3) When hostile and innocent property is mixed, as in the case of a neutral ship carrying a cargo which is entirely or partly contraband, this fact can only be determined by inspection. Such innocent property may be of uncertain character, as it has been frequently held that it is more or less contaminated by association with hostile property. For example, under the declaration of London (which, so far as the provisions covering this subject are concerned, has been adopted

by all the belligerents) the presence of a cargo which in bulk or value consists of 50 per cent contraband articles impresses the ship with enemy character and subjects it to seizure and condemnation by a prize court.

"HAVE THE RIGHT TO ARM.

"(4) Enemy property, including ships and cargoes, is always subject to seizure and condemnation. Any enemy property taken by a belligerent on the high seas is a total loss to the owners. There is no redress in a prize court. The only means of avoiding loss is by flight or successful resistance. Enemy merchant ships have therefore the right to arm for the purpose of self-protection.

"(5) A belligerent warship is any vessel which, under commission or orders of its Government imposing penalties or entitling it to prize money, is armed for the purpose of seeking and capturing or destroying enemy property or hostile neutral property on the seas. The size of the vessel, strength of armament, and its defensive or offensive force are immaterial.

"(6) A belligerent warship has, incidental to the right of seizure, the right to visit and search all vessels on the high seas for the purpose of determining the hostile or innocent character of the vessels and their cargoes. If the hostile character of the property is known, however, the belligerent warship may seize the property without exercising the right of visit and search, which is solely for the purpose of obtaining knowledge as to the character of the property. The attacking vessel must display its colors before exercising belligerent rights.

"(7) When a belligerent warship meets a merchantman on the high seas which is known to be enemy owned and attempts to capture the vessel, the latter may exercise its right of self-protection either by flight or by resistance. The right to capture and the right to prevent capture are recognized as equally justifiable.

"RIGHT OF CAPTURE LIMITED.

"(8) The exercise of the right of capture is limited, nevertheless, by certain accepted rules of conduct based on the principles of humanity and regard for innocent property, even if there is definite knowledge that some of the property, cargo as well as the vessel, is of enemy character. As a consequence of these limitations, it has become the established practice for warships to give merchant vessels an opportunity to surrender or submit to visit and search before attempting to seize them by force. The observance of this rule of naval warfare tends to prevent the loss of life of noncombatants and the destruction of innocent neutral property which would result from sudden attack.

"(9) If, however, before a summons to surrender is given a merchantman of belligerent nationality, aware of the approach of an enemy warship, uses its armament to keep the enemy at a distance, or after it has been summoned to surrender it resists or flees, the warship may properly exercise force to compel surrender.

"(10) If the merchantman finally surrenders, the belligerent warship may release it or take it into custody. In the case of an enemy merchantman it may be sunk, but only if it is impossible to take it into port, and provided always that the persons on board are put in a place of safety. In the case of a neutral merchantman the right to sink it in any circumstance is doubtful.

"(11) A merchantman entitled to exercise the right of self-protection may do so when certain of attack by an enemy warship; otherwise the exercise of the right would be so restricted as to render it ineffectual. There is a distinct difference, however, between the exercise of the right of self-protection and the act of cruising the seas in an armed vessel for the purpose of attacking enemy naval vessels.

"WHEN THEY LOSE STATUS.

"(12) In the event that merchant ships of belligerent nationality are armed and under commission or orders to attack in all circumstances certain classes of enemy naval vessels for the purpose of destroying them, and are entitled to receive prize money for such service from their Government or are liable to a penalty for failure to obey the orders given, such merchant ships lose their status as peaceable merchant ships and are to a limited extent incorporated in the naval forces of their Government, even though it is not their sole occupation to conduct hostile operations.

"(13) A vessel engaged intermittently in commerce and under a commission or orders of its Government imposing a penalty, in pursuing and attacking enemy naval craft, possesses a status tainted with a hostile purpose which it can not throw aside or assume at will. It should, therefore, be considered as an armed public vessel and receive the treatment of a warship by an enemy and by neutrals. Any person taking passage on such a vessel can not expect immunity other than that accorded persons who are on board a warship. A private vessel engaged in seeking enemy naval craft, without such a commission or orders from its Government, stands in a relation to the enemy similar to that of a civilian who fires upon the organized military forces of a belligerent, and is entitled to no more considerate treatment."

REPORTS OF COMMITTEES.

Mr. ROBINSON, from the Committee on Interstate Commerce, to which was referred the bill (S. 3069) to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to regulate commerce,"' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved March 4, 1915, reported it with an amendment and submitted a report (No. 394) thereon.

He also, from the Committee on Claims, to which was referred the bill (H. R. 3794) for the relief of Thomas S. Johnson, reported it without amendment and submitted a report (No. 393) thereon.

Mr. SHEPPARD. For the senior Senator from Louisiana [Mr. RANSDELL], who is detained from the Senate, I report from the Committee on Commerce the bill (S. 4760) to authorize the change of name of the steamer *Normania* to *William F. Stifel*, and I submit a report (No. 400) thereon.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. MYERS, from the Committee on Public Lands, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 3618. A bill authorizing the Secretary of the Interior to subdivide the southeast quarter of section 18, township 46 north, range 4 west, Boise meridian (the same being that portion of the town site of Plummer, Benewah County, Idaho, not yet platted), into 5-acre tracts for sale, and for other purposes (Rept. No. 398); and

S. 4287. A bill to grant unsurveyed islands to the State of Minnesota for forestry purposes (Rept. No. 399).

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 3617. A bill for the relief of Elizabeth Davis (Rept. No. 395); and

H. R. 7804. An act to authorize the issuance of patent to Oscar R. Howard, and for other purposes (Rept. No. 397).

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 113) for the relief of Fred White, reported it without amendment and submitted a report (No. 396) thereon.

G. B. DICKSON.

Mr. MYERS. From the Committee on Public Lands I report back favorably without amendment the bill (H. R. 8067) to quiet the title to certain lands in the possession of G. B. Dickson, and for other purposes, and I submit a report (No. 392) thereon.

Mr. ROBINSON. Mr. President, I ask unanimous consent for the present consideration of that bill. My physical condition is such that I have been unable to be in the Senate for the last few days, and after to-day I expect to be absent for some time. I should like to have the bill disposed of before leaving the city. It is a private bill, and of no great importance, except to the claimant.

Mr. GALLINGER. Let the bill be read, Mr. President.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee to that portion of land, the title of which is now in the United States of America, comprised in section 16, township 14 north, range 6 east, in the county of Craighead, State of Arkansas, to G. B. Dickson, the present occupant of the land, upon proof by him that there are no adverse claimants and that he has continuously occupied the land since January 1, 1882.

Mr. ROBINSON. If unanimous consent be given for the present consideration of the bill, I desire to offer an amendment which has been suggested, namely, after the word "land," in line 10, to insert the words "in person or by tenant." This is done to relieve the bill from the possibility of ambiguity. I do not think the amendment is necessary, but it has been thought to be so by others.

Mr. CLARK of Wyoming. How will the bill read if amended as proposed by the Senator from Arkansas?

The VICE PRESIDENT. The Secretary will read the language as proposed to be amended.

The SECRETARY. If amended as proposed by the Senator from Arkansas, the language will read:

And that he has continuously occupied the land in person or by tenant since January 1, 1882.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Arkansas.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THOMPSON:

A bill (S. 5770) to amend an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908; to the Committee on Pensions.

A bill (S. 5771) for the relief of Sylvester P. Hill (with accompanying papers); to the Committee on Military Affairs.

By Mr. MYERS:

A bill (S. 5772) to provide for the sinking of artesian wells, and for other purposes; to the Committee on Public Lands.

A bill (S. 5773) for the relief of G. W. Kates; to the Committee on Claims.

By Mr. ROBINSON:

A bill (S. 5774) to amend an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April 22, 1908, and amended April 5, 1910; to the Committee on Interstate Commerce.

A bill (S. 5775) granting a pension to J. A. Swaim; to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 5776) to amend certain public-utility company franchises in the Territory of Hawaii; and

A bill (S. 5777) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the Lihue district and the Koloa district, county of Kauai, Territory of Hawaii; to the Committee on Pacific Islands and Porto Rico.

By Mr. CHAMBERLAIN:

A bill (S. 5778) granting an increase of pension to Emma E. Boswell (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 5779) granting a pension to Alonson V. Dean (with accompanying papers); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 5780) granting an increase of pension to Kate K. Henry (with accompanying papers); to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 5781) to amend an act entitled "An act to regulate commerce"; to the Committee on Interstate Commerce.

By Mr. PAGE:

A bill (S. 5782) granting a pension to Delia L. Trask (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. RANSDELL submitted an amendment intended to be proposed by him to the rivers and harbors appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

Mr. MYERS submitted an amendment proposing to appropriate $50,000 to enable the Secretary of the Interior to investigate the existence of artesian water and other underground water supplies suitable for irrigation in the arid and semiarid portions of northern Montana, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

RURAL CREDITS.

Mr. STERLING submitted two amendments intended to be proposed by him to the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes, which were ordered to lie on the table and be printed.

GLIMPSES OF OUR NATIONAL PARKS.

Mr. SAULSBURY submitted the following resolution (S. Res. 180), which was read and referred to the Committee on Printing:

Resolved, That the Public Printer be, and he is hereby, authorized and instructed to cause to be printed 1,000 copies, for the use of each Senator, of National Park Service bulletin known as "Glimpses of our National Parks."

RURAL CREDITS.

Mr. THOMPSON. Mr. President, I desire to give notice that on Saturday next, the 29th instant, following the routine morning business, I shall address the Senate on the pending Federal farm-loan bill.

GOOD ROADS.

The VICE PRESIDENT. The morning business is closed.

Mr. BANKHEAD. Mr. President, I move that the Senate proceed to the consideration of House bill 7617, commonly known as the good-roads bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

The VICE PRESIDENT. The pending question is on the amendment proposed by the Senator from Ohio [Mr. POMERENE].

Mr. LODGE. Mr. President, the amendment proposed by the Senator from Ohio [Mr. POMERENE], it seems to me, is an eminently sensible one. It has met with an opposition which is very illuminating in regard to the main purposes of this bill. The Senator from Ohio described the character of roads with which we are all extremely familiar—we can see them by going a very few miles from this Capitol—roads which are annually repaired by the town or the county or the neighborhood. The repairing consists in digging out in springtime the washings of the winter on either side, piling them up in the middle of the road, and putting the road in such condition that it is fairly open to travel for that locality during the summer and autumn seasons. The work has no permanent quality whatever; it does not mean the building of good roads in any sense by the production of something permanent, while the purpose of this bill ought to be the development of good highways and main traveled roads extending between different States; that is, it should have a national character, a real value to all the people of the United States, who have to pay the bill. But this bill is a proposition to get the United States to dump in a certain amount of money annually for the temporary improvement of some local road—very local—which has no part in the great system of highways throughout the country. It is exactly like expecting the United States to come into a town which is not very well off to spend money to remove the snow or the mud in the spring, or something of that kind. This kind of temporary work has no relation to the building of good roads, as properly understood.

The opposition to the amendment proposed by the Senator from Ohio, as I have said, illustrates what I have felt from the beginning from an examination of this bill—that its primary purpose is the distribution of a large sum of money from the Treasury of the United States among deserving States and deserving voters.

I am as heartily in favor of good roads and of everything that can be done to develop good roads as anyone can possibly be. I have supported the development of good roads in my own State, and the State has done an immense work in building good roads. We have already resurfaced and put in splendid condition over half the roads in the State. For that very reason I dislike very much to see $75,000,000, a large sum of money even for this country, taken out of the United States Treasury and spent nominally on roads, with results so trifling, even if we assume that the money will be spent in the best possible way, that this great amount should be practically wasted.

Take this amount with which we are dealing and make some comparisons. The State of New York has spent $82,000,000 on its roads. It has a total road mileage of 80,000 miles, in round numbers, and by the expenditure of $82,000,000 it has improved, put in proper conditon, and made really good roads of 22,000 miles, 27 per cent of the roads of New York. To improve those roads alone within the boundaries of the State of New York, 22,000 miles in length, the State has spent $82,000,000, and we are asked to improve the roads of the United States with an expenditure of $75,000,000.

The roads of the United States, in round numbers, represent 2,227,000 miles, and if this money is spent upon them in the best possible way—and a large part of it will undoubtedly be wasted—it would not affect 1 per cent or one-tenth of 1 per cent of the roads in the United States; and yet it is an enormous sum of money to take out of the United States Treasury, especially at a time when we need the money of the United States for other and, to my mind, far more important purposes, and at a time when the expenditures in all directions are very heavy.

The $75,000,000 if spent in the best possible way, as I have said, will accomplish little or nothing so far as the roads of the United States as a whole are concerned; but, Mr. President, we begin by taking 15 per cent of the money, about $11,000,000, I presume, and expending it on another bureau, to build up another great administrative department here in Washington.

We are overridden with bureaus now. We are creating so many, and we have so many, that the practical administration of the country is passing rapidly into their hands. They control Congress. By that I mean, for instance—to give an example which I have used before, and which I will use again—we have five surveys going on in this country, in many cases duplicating the work. An effort was made some years ago to

try to consolidate these surveys and save money to the country, but it was perfectly useless; the bureaus hopelessly beat those back of the effort, both in the Senate and in the other House, although we could get better work and save much money to the Government by organizing them purely on a business basis. This has been demonstrated here in regard to those surveys in past years, not once, but again and again. The late Senator from Colorado, Mr. Wolcott, a very brilliant Senator and a very brilliant man, devoted years to making a fight on the subject of the surveys, but gave it up in absolute despair because we were so controlled by the bureaus here in Washington.

We have at least three navies—I think four, perhaps; but certainly three. We have the Navy of the United States; we have the Coast and Geodetic Survey with a little navy; we have the Coast Guard Service with a little navy; and I think the Army has a little navy of its own. Attempts were made years ago, when I first came to Congress, to bring those naval forces under one head. It would, of course, have been infinitely better in administration, and it also would have strengthened our naval forces in time of war. Even then, as many years ago as that, the effort was hopelessly beaten by the bureaus.

Now, it is proposed to build up a new great bureau here to spend money on good roads. As a trifling beginning, $11,000,000, I believe, in five years is to be devoted to the purposes of administration—a mere nothing. Mr. President, if you inaugurate the system of appropriations provided by this bill, the fact that will impress the States and the people who receive it will be that the amount is so small that it does not really do any good; but you will have taught them to come to the United States Government for money to do the work which they ought to do themselves, and you will still further destroy the spirit of local self-government, the spirit of independence of the States in their own field of action. Appetite will grow by what it feeds upon, and out of this $75,000,000 which it is proposed to give to the States as a beginning will come annual appropriations which will make the worst river and harbor bill we ever had look wan and pale and slight and attenuated in comparison. It will reach such a point, when you once hold out to the people of the States that they can get money here in Washington, that they will come here with clamors, which can not be resisted, and this $75,000,000 will look like a trifle, a bagatelle; and yet $75,000,000 taken out of the Treasury is a huge sum of money to be added to the expenditures of the present time, some of which are vital.

Mr. President, the maintenance of a road is quite as important, if not more important, than the original building of the road. If you have a bad road and spend no money on it, you fail to get a good road, and save your money; that is all; but if you spend a good deal of money on a road and do not maintain it, you have lost an immense amount of money and still have a bad road. There is no sufficient provision in this bill for the maintenance of the roads. The clauses in regard to maintenance are slack, and it does not seem to me that those supporting this bill can possibly understand what the maintenance of a road means.

Of course it is sheer waste to spend money on a road, as is proposed by those who oppose the amendment of the Senator from Ohio, in digging out the spring washings and piling them into the middle of the road. That is not maintenance; that is temporary repair; but to keep the road really a good road, really a main traveled road, a national highway, it must be attended to constantly.

We have 8,000 miles of as good roads in Massachusetts as I have met with anywhere in the world. I have traveled on the beautiful roads of France and England and elsewhere, as well as in this country, and I know of no better roads than the State roads of my own State. They are extremely expensive to build. They cost $10,000 a mile, and if you double the width—as is the case in some places—$20,000 a mile. But the average running cost of the State roads is $10,000 a mile, built with tar, crushed stone, gravel, and so forth. Those roads cost $800,000 a year to maintain; that is, to keep the whole system up to the condition in which it was when first built involves an expenditure, on an average, of a thousand dollars a mile a year. I do not mean, of course, that a thousand dollars is spent on each of the 8,000 miles every year. The road will go for many years without needing repairs, and then you will have to spend two or three thousand dollars a mile on it; but, on an average, it costs a thousand dollars a mile a year to keep those roads in Massachusetts in proper order, and there is not any provision made in this bill sufficient to insure the maintenance of a road in the condition in which it will be when the Government money has been spent on it.

One last point, Mr. President, which I think is to be considered, but which is not likely to have much effect in the votes against the bill, because it represents only injustice to a minority.

It is always a pleasant thing to get something for nothing. There is no money so easy, so agreeable to spend as other people's money, and it is the money that is most surely wasted. Now, the State of Massachusetts—I will take my own State to illustrate—out of the last $25,000,000 to be expended under this bill will receive $380,000, and she will pay in taxes, based on the direct taxes levied by the Government, $1,400,000. Of that $25,000,000 the States of New York, Pennsylvania, Connecticut, and Massachusetts, and I think New Jersey—those five States—will pay half. Now, that is pleasant for the other States, but it is extremely unjust to the States from which the money is taken. The Senator from Mississippi [Mr. VARDAMAN] said the other day that New York was a rich State, and ought to pay for her own roads and pay for other people's roads because it is a rich State. That seems to me a strange doctrine, Mr. President. The framers of the Constitution of the United States took great pains to endeavor to make taxation as equal as possible, and the fact that one State has more money than another or is more prosperous than another is no reason why that State should pay the bills of the less prosperous States; but that is just what this bill does.

Let me take as an illustration the emergency-tax receipts for the fiscal year ended June 30, 1915. The total amount collected in the United States, in round numbers, was $52,000,000. Thirty-one million of the $52,000,000 was paid by Connecticut, Illinois, Indiana, Massachusetts, New Jersey, New York, Ohio, and Pennsylvania. Twenty-one million of the $52,000,000 was paid by the other 40 States. Those are direct taxes, falling on articles of consumption in the form of stamp taxes. We have no complaint to make about paying those taxes if our consumption and our use of stamps justifies it; but when you go beyond that and make us pay also for roads in distant parts of the country, under a bill from which we get no real benefit, it seems to me that it is extreme injustice, and I do not believe that laws rooted in injustice can or ought to prevail in the United States.

The first year of this bill my State will receive $76,000 in order to improve its roads. Mr. President, the annual expenditure for roads of Massachusetts by the State—which is over two million—counties, and towns is $6,600,000, and we are keeping our roads up not only for our own benefit but for the benefit of the whole country. New England is the great point of travel all through the summer, and those roads are open to the world free of charge. We get a reward no doubt in the travelers who are attracted by the fine roads, but none the less we are paying $6,600,000 a year to build those roads. Now the United States comes along and offers to give us $76,000 as an installment of five-year payments, and at the end of five years we shall have received $1,100,000 and paid to the Government $2,800,000. I really do not see why that money should be taken from us, because we pay a larger share of taxes than 40 other States.

These figures are used merely to illustrate what I consider the inherent injustice of the bill. That, as I have said, will have, I suppose, little or no effect on the vote of the Senate, but I wish to enter them as my protest against an injustice. The most serious objection, however, to the bill is, to my mind, that it will in no way advance the cause which we all have at heart. It will be a prodigious waste of Government money, with no corresponding result.

It is not as if we could spend $75,000,000 in five years in building certain great trunk lines of road through the country in different directions, as in the old days of internal improvements, when they built the great Cumberland Road, I think it was, over the mountains. That was a national improvement, and gave the whole country a great artery of commerce, and all the States, whether they benefited by it directly or not, or whether they paid a larger share of money or not, were ready and willing to contribute their full part to the construction of the road. But this is a proposal to take the money paid by a few States—in its result, that is where it comes out—in the form of a huge sum of money from the National Treasury, and then scatter it about in small sums here and there, helping a bit of local road here and another bit there, ninety-nine one-hundredths of the value being only to the immediate locality, of no national value whatsoever. This huge sum is to be taken for that purpose.

I think I am justified in saying that the primary purpose of this bill is the distribution of money from the United States Treasury, to be distributed, no doubt, to deserving localities and deserving voters; but the result in good roads will be negligible. It will keep a good many people busy, I have no doubt; and, if I may return for a moment to what I said at the beginning, it will stimulate the appetite for appropriations which are for local purposes, the appropriations which go where the votes are lying thickest. Already they are a terrific drain on the

United States. Now you are opening up another source of drain on the Treasury which will go beyond anything that ever has been undertaken. The river and harbor bill will be nothing to it. The public-buildings bill will be nothing to it. Before you get through with this business, the Panama Canal will look like a cheap enterprise; because, if the people in the various localities once see that they are getting money from the Treasury of the United States, the demand will come up to Congressmen and to Senators that they must have more and ever more money for roads, and they will all get together in order to get the money for the roads, for with the roads go votes; and the bill will assume proportions which will stagger even the wealth of the United States.

It is to my mind most dangerous legislation in that way. It is entering on these vast expenditures without any thought of the future, and with results in the direction at which the bill is supposed to aim which will be perfectly trivial. There is an idea abroad—all of us must have seen it in our correspondence and elsewhere—there is an idea abroad in many localities that you can take money out of the United States Treasury, and that it is like a conjurer picking silver dollars out of the air. Nobody has to pay it; that seems to be the idea. Our taxes are laid on the theory that they must not hurt anybody. We try to impose the taxes where the votes are fewest, which makes a clumsy, ill-balanced, bad system, without any regard for the laws of economy or sound taxation; and our expenditures, as I have said, are based on the exactly opposite doctrine of spending the money where the votes are lying thickest.

I am no crazy economist. I never have been. I always have believed in liberal but intelligent Government expenditures. But we are now plunging into a course of expenditure, apart from those which we must make for the defense, the protection, and the government of the country, which are colossal, outrunning anything that ever has been dreamed of before. I think some of these expenditures for the present time at least can well wait; but I believe this bill is unsound economically, I believe it will do no good to the roads, and I believe it is going to end in a frightful waste of the money of the United States, which is all taken out of the pockets of the people sooner or later. You can not devise a tax that does not end by being distributed among all the people of the country, and the money which you are spending from the United States Treasury will all come out of the people. It will seem to the States that get $3 for one that they are profiting at the expense of the States that are getting $1 for three; but the net result will be a tremendous drain on the Treasury of the United States, and there is nothing in this bill that can ever justify the expenditure. You never will get out of this bill and out of an expenditure of $75,000,000 any result except a trivial one, although the draft on the Treasury is so huge.

Mr. SMOOT obtained the floor.

Mr. BANKHEAD. Mr. President——

Mr. SMOOT. I yield to the Senator from Alabama.

Mr. BANKHEAD. It is now within two minutes of 2 o'clock, when this bill must be laid aside. I simply want to say to the Senate that I shall not ask the Senate to consider this bill during the morning hour to-morrow or next day, in order that we may have a little time for the calendar and other matters; but I hope that on Monday the Senate will resume the consideration of this bill and make some disposition of it as soon as possible.

I desire to ask, Mr. President, for a reprint of the bill, including, of course, the amendments which have been agreed to by the Senate, in order that we may have that before us when we next consider the bill.

The PRESIDING OFFICER (Mr. PITTMAN in the chair). Without objection, it will be so ordered.

Mr. GALLINGER. And the Senator will have the amendments printed either in brackets or in italics, so that they can be distinguished?

Mr. BANKHEAD. Yes; I should like to have that done.

Mr. POMERENE. May I suggest also that that order may include the pending amendments—the proposed amendments—so that they may be before the Senators?

Mr. BANKHEAD. The suggestion I made was that the reprint should include the amendments that have been adopted. The Senator's amendment is printed, and is here on everybody's desk.

Mr. POMERENE. The bill, of course, could be so printed as to indicate those which had been adopted and those which were proposed and pending.

Mr. BANKHEAD. The Senator's amendment is the only one that is pending.

Mr. POMERENE. Is it?

Mr. BANKHEAD. I should not like to include that in the bill which we are printing to show the amendments that have been agreed to.

Mr. VARDAMAN. Mr. President, if the chairman of the committee will let me make a suggestion, the amendments which have been adopted could be put in italics, and if the Senator wants his amendment to appear in the print, it could then be incorporated in brackets.

Mr. BANKHEAD. Really, I do not see any necessity for including that in a reprint of the bill to show the amendments, when the amendment has not been adopted.

Mr. POMERENE. My only object was this, that while this amendment was being discussed a good many Senators were absent.

Mr. BANKHEAD. It is on every Senator's table, Mr. President.

Mr. POMERENE. I hope Senators have seen it.

Mr. BANKHEAD. I have no doubt that they have read it. I would rather not have the reprint include amendments that have not been agreed to.

Mr. POMERENE. Well, all right.

The order as agreed to was reduced to writing, as follows:

Ordered, That the bill (H. R. 7617) "An act to promote agriculture * * * and encourage the development of a general system of improved highways, etc.," be printed showing the bill as reported in italics; the part to be omitted in line type; new matter agreed to in small capitals; and the pending amendment in bold-face type.

Mr. HOLLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. I am going to ask a question, and then I will yield. Has the unfinished business been laid before the Senate?

The PRESIDING OFFICER. It has not.

Mr. SMOOT. I understand that there was an agreement that the Senate should go into executive session at 2 o'clock to-day.

Mr. HOLLIS. That is perfectly true. I was going to suggest that the unfinished business be laid before the Senate, and then I shall make the motion.

Mr. SMOOT. It comes up automatically at 2 o'clock.

RURAL CREDITS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes.

Mr. HOLLIS. I ask unanimous consent that the rural-credits bill be temporarily laid aside.

The PRESIDING OFFICER. Without objection, that will be the order.

EXECUTIVE SESSION.

Mr. HOLLIS. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. Under the unanimous-consent agreement, the hour of 2 o'clock having arrived, the Senate proceeds to the consideration of executive business. The Sergeant at Arms will clear the galleries and close the doors.

The Senate thereupon proceeded to the consideration of executive business. After 3 hours and 30 minutes spent in executive session the doors were reopened.

RECESS.

Mr. HOLLIS. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate took a recess until to-morrow, Friday, April 28, 1916, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 27, 1916.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

Ensign Alfred T. Clay to be a lieutenant (junior grade).

Ensign Jay K. Esler to be a lieutenant (junior grade).

Ensign Eugene P. A. Simpson to be a lieutenant (junior grade).

Ensign Herbert G. Gates, jr., to be a lieutenant (junior grade).

Ensign Alexander W. Loder to be a lieutenant (junior grade).

Asst. Naval Constructor Robert B. Hilliard to be a naval constructor.

Asst. Naval Constructor Lee S. Border to be a naval constructor.

Gunner Alvin E. Skinner to be a chief gunner.

The following-named assistant surgeons of the Medical Reserve Corps of the Navy to be assistant surgeons:

John Harper,
Richard H. Miller,
Paul Richmond, jr.,
Forrest M. Harrison,
Lawrence F. Drumm,
George W. Taylor,
Walter A. Vogelsang,
Elphege A. M. Gendreau,
Grover C. Wilson,
Russell J. Trout, and
Virgil H. Carson.

Chaplain Hugh M. T. Pearce, with rank of lieutenant (junior grade), to be a chaplain in the Navy with rank of lieutenant.

John A. Nelson to be a lieutenant (junior grade).

Alfred J. Toulon to be a passed assistant surgeon.

POSTMASTERS.

ARIZONA.

L. L. Ferrall, Grand Canyon.
W. B. Kelly, Clifton.

CALIFORNIA.

Ardella F. Brown, Walnut Grove.
Virginia Mason, Suisun City.
H. E. Meyers, Yuba City.

ILLINOIS.

Thomas W. Daly, Witt.
Frank Johnston, Charleston.

KANSAS.

George W. Long, Galena.

MAINE.

Theresa L. Higgins, Woodland.
Silas T. Lawry, Fairfield.

MISSISSIPPI.

Jefferson D. Fogg, Hernando.

NEBRASKA.

J. R. Cooper, Holdrege.

NEW YORK.

Michael Daly, Rye.
B. F. Lent, Ithaca.
Robert A. Lundy, Ray Brook.
James McNamara, Ravena.
Garrett D. Roche, Perry.
George Sinnott, Tarrytown.
Fred G. Worden, Lake George.
Llewellyn W. Yawger, Union Springs.

REJECTION.

Executive nomination rejected by the Senate April 27, 1916.

EXCISE BOARD, DISTRICT OF COLUMBIA.

Robert G. Smith to be a member of the Excise Board for the District of Columbia.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 27, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We wait upon Thee, our Father in heaven, with open minds and hearts for the inspiration of Thy spirit, that with clear vision, honest hearts, and patriotic devotion our sacred rights and hallowed traditions may be subserved.

We are confronted ever and anon by the civil, political, and religious rights of freemen; plutocracy and democracy are the opposing forces, each striving for supremacy. "No man can serve two masters; for either he will hate the one and love the other or else he will hold to the one and despise the other. Ye can not serve God and mammon." Help us to serve Thee with all our mind, heart, and strength, under the spiritual leadership of the Prince of Men, who died for the liberty of all mankind. Amen.

The Journal of the proceedings of yesterday was read and approved.

SAFETY OF EMPLOYEES AND TRAVELERS UPON RAILROADS.

Mr. DEWALT. Mr. Speaker, there is reported from the Senate a bill in regard to a minimum fine for violations of the act to promote the safety of employees and travelers upon railroads. That bill is on the Speaker's table. There is a House bill, reported from the Committee on Interstate and Foreign Commerce, of the same purport.

The SPEAKER. What is the number of the Senate bill?

Mr. DEWALT. I do not have the Senate bill number. The number of the House bill is 9132. We desire to substitute the Senate bill for the House bill.

The SPEAKER. Yes; but the main thing is to find the Senate bill, and it would be easier if you had the number.

Mr. DEWALT. I will defer it, then, until I can get the number.

The SPEAKER. It will be necessary, first, to secure unanimous consent, anyway, because the Senate bill came over here before the House bill was put on the calendar. The Senate bill is No. 3769, an act to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907. Is that it?

Mr. DEWALT. Yes, sir; that is it.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table Senate bill 3769 and consider it now.

Mr. MANN. The House bill that the gentleman refers to was reported to the House only yesterday. I would like to have a chance to look over it. I hope the gentleman will postpone his request until to-morrow.

The SPEAKER. Does the gentleman object?

Mr. MANN. No; I do not object.

Mr. DEWALT. I withdraw my request, Mr. Speaker, at this time.

The SPEAKER. The gentleman from Pennsylvania withdraws his request.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HEATON, for one week, on account of illness in his family.

To Mr. SMITH of Texas, for two days, on account of illness.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12717, the Agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12717, the Agricultural appropriation bill, with Mr. HAMLIN in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917.

The CHAIRMAN. The Clerk will proceed with the reading of the bill for amendment.

The Clerk read as follows:

Salaries, Office of Markets and Rural Organization: One chief of office, $4,500; 1 chief clerk, $2,000; 1 administrative assistant, $1,980; 5 clerks, class 4; 8 clerks, class 3; 14 clerks, class 2; 1 clerk, $1,380; 1 clerk, $1,320; 20 clerks, class 1; 1 clerk, $1,140; 10 clerks, at $1,000 each; 1 clerk, $1,080; 10 clerks, at $900 each; 1 clerk, $840; 2 clerks, at $720 each; 1 mechanical assistant, $1,800; 1 mechanical assistant, $1,380; 3 laboratory aids, at $900 each; 4 laboratory aids, at $720 each; 2 laboratory aids, at $600 each; 1 photographer, $1,400; 1 photographer, $1,200; 1 telegraph operator, $1,400; 1 telegraph operator, $1,200; 1 map tracer, $900; 1 map tracer, $720; 1 map tracer, $600; 1 map tracer, $480; 1 laborer, $720; 1 laborer, $660; 4 messenger boys or laborers, at $600 each; 4 messenger boys or laborers, at $540 each; 8 messenger boys or laborers, at $480 each; 1 messenger boy, $420; 2 charwomen, at $480 each; 1 charwoman, $300; 2 charwomen, at $240 each; in all, $129,880.

Mr. HUGHES. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Georgia moves to strike out the last word.

Mr. HUGHES. Mr. Chairman, we can sometimes best understand the purpose of legislation if we make a practical application of its expected results, and I hope you will pardon me for giving this little incident. There was a large cotton farmer in my district who raised home supplies. On one occasion he planted 20 acres in turnips, arranging with a commission house in Macon to ship and sell wherever he could find a market. When he was shipping his turnips he stopped at a store in a

little city and saw several barrels of turnips. He asked the merchant where the turnips were grown, and learned that they came from Canada. He said to the merchant, "I have larger and better turnips than those. Let me send you some of mine so that you can sell Georgia turnips instead of Canadian, as you can afford to sell them cheaper by saving the freight charges from Canada here." The farmer sent these turnips over to the merchant. After an absence of 10 days, he stopped by the merchant's on his way home and saw what he thought was another lot of his turnips, and remarked, "I see you have ordered another lot of turnips from the farm." The merchant answered, "No; these are the same you sent over before leaving home. The people will come in and look at them, admiring them in every instance, but they always buy from the Canadian barrel."

The farmer commented on this fact to his commission merchant, telling him of his experience. The commission merchant advised "not to offer for sale direct from the farm. Ship all to me. I will repack, reship to your town, then they will sell there." This was done and the consumers were so delighted with the new variety of "Canadian" turnips that they bought them entirely, excluding altogether those from Canada. We see from this that the Biblical statement "a prophet is not without honor save in his own country and his own home" may be applied to so ordinary a thing as turnips.

I merely relate this incident to show the need of perfecting some method of organization which will enable the consumer and the producer to get together. Marketing and rural organization are among the foremost items in this bill, and I heartily indorse them, and trust that the great Department of Agriculture may be able to solve this important problem which now confronts the consumer as well as the producer, and every man, woman, and child is a consumer.

The farmers of the South have been criticized, and justly so, for relying on one money crop, namely, cotton. I assert that diversification would not be the exception but the rule if a market could be found for other products than cotton. The southern farmer has relied upon cotton from the fact that it has a ready market. It could be sold for six days in the week at any crossroads store until 1914, when the European war broke out, and when for the first time in history cotton was without a market. From the very fact that the southern farmer was dependent upon cotton as his only money crop this condition brought consternation, and almost bankruptcy, throughout the broad limits of the South. In 1915 the cotton acreage was reduced, less fertilizer was used, and a small crop was the result, bringing fairly good prices, which held up though the war was still in progress. In that year the farmers of the South diversified their crops more than any year during their history. Many farmers made quite a surplus of cereals and large amounts of meat. Many of them had a prosperous year, comparatively, but they had no way of disposing of this surplus crop so that they might enjoy the financial advantage which their satisfactory crops should have brought them. The Department of Agriculture has this great question to solve, and I am earnestly in favor of the proposed appropriation and such other appropriations as may be necessary to make their effort a success.

The fruit growers of Georgia for many years shipped their fruit regardless of supply and demand. The majority of this fruit was shipped to the city of New York with the result that the New York market was greatly overstocked. Their crops brought barely enough to pay the freight charges, and, in fact, in some instances did not bring enough. Fruit speculators would buy the fruit, place it in cold storage, then ship to other markets and sell at tremendous profits. The growers saw that the continuation of this plan meant ruin and they formed a fruit-growers' association, which now dictates the destination of every carload of fruit shipped by members of the association, frequently diverting a car in transit. The result is that the fruit growers of the South by this method have protected themselves and are reaping a profit from this great summer crop.

In May, 1913, Congress appropriated $50,000 for the purpose of acquiring and diffusing information connected with the marketing and distribution of farm products. This resulted in the establishment of the Office of Markets. Later the appropriation which was made for the investigation of cooperation among farmers was transferred to that office, the name of which was changed to the "Office of Markets and Rural Organizations." This office was created because of the recognized need for improvement in the processes of marketing and distributing the agricultural products of the country and for solving many vital problems inherent in life in our rural communities. The Department of Agriculture for years has devoted much time, thought, and work in teaching the farmers how to produce more and better crops; he must now be helped to market these to advantage, for it is of little use to increase the quantity and improve the quality if this can not be done.

I received a marked copy of the Farmers' Open Forum at my office which had an interesting article on better marketing methods, I wish to read only a few lines from this article:

This is the idea upon which the farmers of Maine have been working. They first organized local unions, having in mind the organization of a State central body. After eight of these small unions had been organized, a State-wide meeting was held and the representatives from these eight locals organized the Farmers' Union of Maine, which is the State central body. There are now 78 of these locals, all working independent of each other, but through the central body. This central body acts as the selling and buying agency for the locals. Twenty-two warehouses have been erected. There are 25 grain stores and 6 grocery stores. In addition, a wholesale grain house has been started, a distributing house in Boston and New York City, and they contemplate establishing a wholesale grocery store.

The farmers of Maine believe that it is just as important to buy right as it is to sell right. We find that we are able to save about $40 on a carload of grain. We save the farmers $2 per ton on commercial fertilizer, which meant a total saving of $400,000 to the farmers of the State.

This is the result of cooperation. Rural organization is an important factor in the great effort now being made to get the farmer back to the farm for it makes farming a successful business. In my opinion there should be county, district, or township units, with a central organization in each State, and the Office of Markets and Rural Organizations in Washington City the general or national head. By some such method all products for sale could be known and distributed directly from the producer to the consumer. [Applause.]

Mr. HASTINGS. Mr. Chairman, I was born on a farm just after the Civil War, when everyone was poor and when times were hard. I am, therefore, familiar with farming and farm life. My sympathies have always been with the farmer, and I have always looked at things from his viewpoint.

I represent in part a great agricultural State, and it is natural that I should take a deep interest in the consideration of this bill. I have been both gratified and instructed by the discussion of the various items in this measure during the past 10 days. I have frequently wished the past few days that many, if not all my constituents, could be present in the gallery and witness the very deep interest that Members of Congress take in the welfare of the farming class of this country. Many of them are not aware of what the Federal Government is doing to assist the farmer.

AMOUNT APPROPRIATED FOR AGRICULTURE.

This bill carries an appropriation of $24,501,093 in addition to a standing appropriation of about $6,000,000, so that in round numbers $30,000,000 is annually spent through the Department of Agriculture in aid of the farmers throughout the Union. In my judgment no money is better spent by the General Government.

The records show that about six and one-half million farmers live in the United States, and that about 45,000,000 people, including women and children, are dependent on them. The entire country is largely dependent upon them for prosperity. When the farmer's acres yield fair returns and the markets are good, the proceeds of his crops go into the channels of trade, and not only is the farmer and his family benefited, but the business of the entire community is stimulated. When his funds are plentiful the farmer beautifies and enlarges his home, builds a bigger and better barn, puts out an orchard, repairs his fences, spends more money for family conveniences and comforts, insists on better educational facilities for his children, and contributes liberally to the building of schools and churches in the community in which he lives. The money derived from the sale of abundant crops goes to the blacksmith, the carpenter, the laborer, the merchant, and into the banks of the community, so that everyone shares in his prosperity. The General Government should do everything it legitimately can through legislation to help this industry—the leading one of the country.

I am gratified to know that this bill is not sectional. Some of the appropriation bills which we are called upon to consider make large appropriations for certain localities. Every section of the country will be benefited by this bill.

I congratulate the House and the country upon the splendid committee which has spent days and weeks in preparing this measure, carefully examining every item going into it. I am sure that I voice the sentiment of every Member of the House and of the committee when I specially commend the chairman of the committee for the great work he has done in the interest of scientific and practical agriculture. From the discussion of the various items of the bill he has shown that he is in deep sympathy with the purposes of it and that he understands the reasons for the insertion of every item. In answering inquiries propounded in debate, he has always been courteous and con-

siderate, and has deservedly won the confidence of both sides of the Chamber.

The Department of Agriculture was established in 1887. At first the appropriation for it was small, but the amount has been gradually increased from year to year.

BUREAU OF ANIMAL INDUSTRY.

The Bureau of Animal Industry is one of great importance to the entire country. The bill appropriates for this bureau the aggregate amount of $2,222,777. Of this sum, large amounts will be used for the detection, prevention, treatment, and cure of the various diseases of domestic animals and communicating the results to the people throughout the United States. The sum of $360,000 is carried in the bill for the investigation, control, and eradication of hog cholera. Few people know the immense loss caused by this disease. The records show that from January 1 to November 1, 1915, a period of 10 months, Oklahoma sustained a loss of $632,874 from it, and the entire United States shows the enormous loss of $75,000,000 caused by hog cholera the past year. Reports show that a serum has been found which when properly used in the vaccination of hogs prevents their taking the cholera. The Department of Agriculture is not only interested in finding the remedy, but by means of bulletins and articles in agricultural papers and through demonstrators the department is educating the farmers how to protect their hogs from this disease.

My home paper, just received, contains a local item showing the work of the Government agent in demonstrating to farmers how to use the serum in the vaccination of their hogs.

Other items under this head contain adequate appropriations for the investigation and study of diseases of every kind or character of horses, mules, and cattle.

BUREAU OF PLANT INDUSTRY.

Under this head there is appropriated the sum of $2,511,620, providing in detail for the study of every disease of plant life. Of this appropriation there will be used for the investigation of diseases of fruit trees the sum of $63,615, and the sum of $59,000 for the investigation of diseases of cotton, potatoes, truck crops, and forage crops. Special attention is given to the testing of seed samples, grasses, clover, alfalfa, lawn grass, or other seeds. Farmers are protected through this appropriation against adulterated seeds.

The bill carries an item of $252,540 for the purchase and congressional distribution of valuable seeds and plants. There is much discussion annually leveled against this item. Similar items have been carried in appropriation bills for a great number of years. In my opinion, the distribution of these seeds and plants serves a useful purpose. They stimulate the farmer's boy and girl, as well as their father and mother, to take extra pains in preparing beds and planting them. A package of seed does not cost much, and because of the special care taken with them I feel sure they serve a useful purpose in encouraging the boy and girl, as well as their parents, to more carefully study gardening.

I remember when a boy living across the Arkansas line in the Indian Territory when by some chance the name of my father was given the Department of Agriculture and he received a package of seed. Every member of the family took great pains in seeing that the seed bed was carefully prepared, enriched, and cultivated. Again, the sending of these seed, which cost the Government but little, serves to remind the people at home that their Member of Congress has them in mind and acts as a remembrance card from him. We do not prize an Easter card so much for its value or beauty as we do for the kindly remembrance of a friend.

BUREAU OF SOILS.

Under the heading of Bureau of Soils there is appropriated the sum of $328,735 for investigating the composition and productivity of soils and for ascertaining and determining the best possible sources of fertilizers, including potash and nitrates. In a new fertile State, like Oklahoma, not much attention has been paid in the past to enriching the soil. The allotment of the land has brought individual ownership and the people are beginning to study the best methods of improving it. Nothing should be permitted to go to waste about the barnyards, but everything conserved and properly distributed. The same land should not be planted to cotton and corn from year to year, but the crops should be rotated—planted to forage crops, sown to small grain, peas, alfalfa, and the grasses. Some soils need commercial fertilizers, and the Government, through the Department of Agriculture, is doing a great work in educating the farmers as to the things necessary to build up certain weak soils. The farmers are beginning to appreciate also that all soils are not adapted to raising the same crops, and that some land may be profitably planted to one crop, while a crop of another kind would prove a total failure on the same land. Hence the study of the different kinds of soil is of great value to the farmers.

Large appropriations are carried in the bill for the investigation of insects affecting cotton, including the boll weevil, and, in fact, the study of all insects which destroy the crops grown in the garden or field and the fruits in the orchard.

FARMERS' BULLETINS.

This bill not only appropriates money for the use of the Department of Agriculture to study and find out the remedies but items are carried appropriating adequate sums for the carrying of this information to the farmers. This is the point that I want to emphasize. The information would serve but little purpose if it were not turned to practical use. I want to do everything possible to press upon the attention of every farmer in the country the results of the investigation of agents of the department, published in bulletins carefully prepared upon practically every subject in which the people are interested. There is not a crop grown upon the farm, a vegetable planted in the garden, or a fruit grown in the orchard but what valuable information is collected regarding it. These bulletins also deal with every other subject in which the citizen is interested. Whether you live upon the farm or in the city, if you will take time to look over the list, many bulletins will be found in which you are interested, the reading of which will be of benefit.

I can not too strongly commend them to the people of my district, and in order to advise them of the benefits that may be derived from them, I have taken pains to invite their attention to the bulletins and supply, so far as I could, all requests for them.

FARM DEMONSTRATORS.

While very much valuable information is communicated to the farmers of the country through bulletins, the metropolitan press, and agricultural journals, I want to testify to the great work that is being done by the farm demonstrators throughout the country. The people of Oklahoma keenly appreciate the importance of their work. We have one of the best agricultural colleges in the United States, largely attended, and while comparatively new, Oklahoma having been admitted to statehood in 1907, we are beginning to feel the good effects of the great work being done at this college.

In addition we have six district agricultural schools, and by a provision of our constitution agriculture is taught in all the schools throughout the State, so that through the agricultural college, district colleges, normal schools, city schools, and rural schools scientific farming is being taught and practical information disseminated. Notwithstanding this great work I want to attest to the valuable work being done by the farm demonstrators, who go among the people upon their farms and bring the results of the study of agriculture in a practical way to the farmers themselves. They test the soils for the farmers, advise them what to plant upon this tract or upon that one, and give them information as to how best to cultivate farm crops, as well as to harvest and take care of them. They encourage them to produce more and better live stock and instruct them how to prevent and cure diseases. There has already been a great awakening among the farmers, particularly throughout the South and West, which in a few years will manifest itself in the general prosperity of the farming classes throughout the entire country.

BUREAU OF MARKETING.

This bill also contains an item making an appropriation for a bureau of marketing. The farmers not only need to be educated how to care for and improve their soils, making them yield more wheat, corn, cotton, potatoes, and other crops, they not only need to be encouraged to buy more live stock and improve the same, but they need the helpful, sympathetic assistance of the Government in securing to them the full value of everything raised or grown upon the farm. They need to be directed, so that they may come into direct communication with the consumers. The profits of the middlemen should go to the farmers themselves. The building of good roads will give them better and quicker transportation facilities. All transportation charges, whether upon the dirt road, the railroad, or upon the rivers, should be reduced to a minimum and saved to the producers. The parcel post, when enlarged and when rural routes are more generally established, will be of great benefit to the farmers.

In addition the farmer needs cheap money. I am confident that this Congress before adjourning will enact rural-credits legislation, which will afford a means whereby the farmers of the country can borrow cheap money with which to buy and improve their farms, improve their live stock, and, when their crops mature, enable them to hold the same until they obtain a favorable market.

To aid in some small way in accomplishing these results is my sole ambition in aspiring to a seat in this House. I have voted for every item in this appropriation bill which commends itself to me as being in the interest of the real farmers of the country. Everyone appreciates that the farmer himself, his good wife, and the farmer's boy and girl work longer hours than any other class of citizens. The entire country depends upon the farmer for subsistence. It is well that Congress give thoughtful consideration to his welfare and enact all legislation which will better his condition and bring, so far as legislation can, the comforts and conveniences of the town and city to farm life. By doing so we will increase the population of the rural communities and carry happiness, contentment, and prosperity to the great farming class. [Applause.]

The Clerk read as follows:

For acquiring and diffusing among the people of the United States useful information on subjects connected with the marketing and distributing of farm and nonmanufactured food products and the purchasing of farm supplies, independently and in cooperation with other branches of the department, State agencies, purchasing and consuming organizations, and persons engaged in the transportation, marketing, and distributing of farm and food products, $285,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. This is a very important item, for a very important purpose. Will the gentleman from South Carolina indicate whether this appropriation has been increased over last year?

Mr. LEVER. Yes; this appropriation has been considerably increased. The total increase is $64,620.

Mr. MOORE of Pennsylvania. In this paragraph?

Mr. LEVER. In this paragraph.

Mr. MOORE of Pennsylvania. Is the next paragraph appropriating $136,600 new?

Mr. LEVER. That work is not entirely new, but the amount is considerably increased in that appropriation also. There is a new item on page 73.

Mr. MOORE of Pennsylvania. I am informed that the increase on the present item is about $47,000.

Mr. LEVER. The increase on the present item is $64,620. There are some transfers which make the difference.

Mr. MOORE of Pennsylvania. Will the gentleman explain why that increase is necessary?

Mr. LEVER. The gentleman understands, of course, that the Office of Markets and Rural Engineering is one of the new services in the Department of Agriculture. It has been in operation now about three or four years. Heretofore the activities of that bureau have been in the nature of gathering together information on marketing and the distributing of farm products. Under the direction of the committee they have been going rather slowly, because we have felt that, since this was a new service, they ought to be careful to make no mistake. Now they have organized and developed to such an extent that they are able to extend their operations rather materially to other lines, and the increase here is for the purpose of extending those operations, mostly with respect to cooperative purchasing and marketing; marketing grains, marketing live stock and animal by-products; marketing seeds, hay, and dairy products, and investigation of marketing business practice.

The larger part of this increase will be used in extending the investigations and work of the department along these lines.

Mr. MOORE of Pennsylvania. To what extent does the bureau help the farmers who raise farm products like tomatoes, potatoes, and so forth?

Mr. LEVER. The next item deals with that specifically.

Mr. MOORE of Pennsylvania. Is any of the sum of $285,000 provided for in this item used for the purpose of helping the farmers who raise truck and supply city markets?

Mr. LEVER. Some of the money appropriated under this paragraph has been so used, but the fund for that purpose in the present bill is carried in the next item of $136,600.

Mr. MOORE of Pennsylvania. Where is the most of the $285,000 used—at Washington, or in field work?

Mr. LEVER. It is pretty well divided between the work in Washington and field work. They have a great many agents in the country gathering information, which later will be analyzed and digested in Washington and made useful. Let me illustrate this work.

Mr. MOORE of Pennsylvania. I would be glad if the gentleman will do so. This is one of the most important items in the bill.

Mr. LEVER. Let me illustrate this line of work under the present item, and I will take cotton, because I am more familiar with the marketing of cotton than that of any other product. Under this item the Office of Markets has been making surveys, 100 or more, of the practices and methods of marketing cotton in the various cotton markets in the South with a view to determine all of the economic factors that enter into the farmer's price, the price to the commission men, to the cotton merchants, and to the port of exportation or local mills of consumption in this country; to determine the various factors that enter into the final price; to determine whether or not the original producer is getting an equitable share of the price of the cotton.

I think it was in an Oklahoma city that it was discovered that on the local cotton market a bale of cotton of the highest grade sold for from $3 to $20 less than a bale of cotton of a less grade sold for on the same day in the same market. That is a tremendous economic waste to somebody. The farmer in that case is the burden bearer of that waste.

I think I can assert without hesitancy that on account of the system or lack of system in grading cotton in the South there is a loss to the farmer of from $5 to $10 on each bale of cotton produced. That, on a 15,000,000 bale crop, would amount, at $10 a bale, to $150,000,000. That is a tremendous economic loss. The farmer bears it. The purpose of the Office of Markets is to bring these striking facts to the attention of producers and to the attention of consumers with the view of interesting them in better methods of grading, handling, transportation, and distribution in general.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. I ask for five minutes more so that I may yield to the gentleman.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. LEVER. Now, Mr. Chairman, I have some knowledge of the cotton business. We have about three classes of cotton graders—men who give to cotton the grade which finally fixes the price. We have the honest cotton grader, a man who really knows the difference between different grades. Then we have the competent and sometimes, I am sorry to say, dishonest grader who knows the grade but does not grade according to his knowledge. And finally we have the third class, which consists of the honest man but incompetent grader.

The dishonest grader who is competent dishonestly grades, and the farmer loses by that process. The honest but incompetent grader necessarily and naturally undergrades, according to his own judgment, in order to protect himself from his own ignorance. The result is, again the farmer loses. Now, the purpose of this work is to devise ways and means and methods by which we can bring these facts strongly to the people, with the view of improving the system.

In one place in Arkansas where these facts were brought to the attention of the farmers, the department, having sent one of its expert graders there, in four months developed the facts and so called them to the attention of the public that the farmers themselves organized into an association and hired an expert grader at $3,000 a year. When that happened the department withdrew their representative and sent him into some other community, there to demonstrate what it meant to have an efficient, competent, and honest grading of cotton. Another thing, it was brought to the attention of the committee, and I did not know anything about it, although I have been in the cotton business all my life, more or less, that a great deal of the cotton of this country—more than a million bales last season—is sold in the seed without ginning. The statement was made that it is absolutely impossible to grade cotton correctly in the seed, and it is estimated that on each bale of cotton sold in the seed and graded in the seed there is a loss of about $6 a bale to the man who sells it. The fact was further developed that in all the Southern States—South Carolina less than any other, for there only 23,000 bales were so sold—over a million bales during the last season were sold in the seed. If that is true, and there is a loss of $6 a bale by selling in the seed, it amounted to a loss of $6,000,000 to the cotton producers of the South. Now, that is because the producer does not know and has not been informed that it is a bad business practice to sell cotton in the seed.

It is the function of this appropriation in this item to gather together such facts, to get such information, and in turn to disseminate it for the use of the public. As I said at the outset, I refer to cotton only as an example. Under this item work is done on other farm products, including live stock, hay, grain, seed, dairy products, and so on.

Mr. MOORE of Pennsylvania. Can the gentleman tell how much of this $285,000 is expended for making these investigations for the marketing of cotton?

Mr. LEVER. I have that information here; yes. I have the information of what was expended in 1916, and the appropriation for 1917 would be relatively a little greater. For cotton, $23,300. I can give it all to the gentleman if he desires.

Mr. MOORE of Pennsylvania. I wanted to know about what proportion of the $285,000 would be expended for cotton investigations.

Mr. LEVER. Twenty-three thousand three hundred dollars, with the relative increase in this item.

Mr. MOORE of Pennsylvania. What will become of the rest of the money? Will that go for investigation of farm and food products generally?

Mr. LEVER. No; the balance of that appropriation would be used in making investigations of cooperative purchasing and marketing of farm products and other projects.

Mr. MOORE of Pennsylvania. For general farm products?

Mr. LEVER. Yes. That would be $24,100; and then a certain other amount, $54,220, would be used in making the marketing surveys of methods and costs of marketing; marketing grades and standards would take up $12,400; city marketing and distribution would be $12,000; transportation and storage investigations, $12,000; miscellaneous problems in marketing and cooperation, $30,800; marketing by parcel post and express, investigation thereof, $15,280; marketing live stock, meats, and animal by-products, $23,000.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. LEVER. Mr. Chairman, I will take the floor in my own right.

The CHAIRMAN. The gentleman from South Carolina is recognized for five minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, I want the gentleman to yield to me a little of his time.

Mr. LEVER. Certainly.

Mr. MOORE of Pennsylvania. Mr. Chairman, on line 10, in the second paragraph from the one we are now considering, page 72, provision is made for another appropriation of $48,000 for investigation and demonstration of standards relating to cotton, tares, and so forth. All the way through the representatives of the cotton States are taking care of the interests of the cotton planter on the floor of the House. There may be no objection to that, because it is natural that the men coming from the cotton States will take care of their own. I do not blame them for that; but in view of the explanation which is made by the gentleman from South Carolina [Mr. LEVER] as to the conditions that prevail with respect to cotton, and in view of the fact that we appropriate for investigating the cotton market, for making censuses of cotton, for looking after the cotton planter from the time the seed goes into the ground until the cotton is taken out of the boll—in view of all these things, it seems to me that if we are to appropriate sums like $285,000, including the sum in the paragraph following for $136,000, some attention should be given to some of the other products that arise from the farm. If the eastern farmer does not understand this situation——

Mr. LEVER. Oh, the gentleman knows that these investigations cover every possible farm product.

Mr. MOORE of Pennsylvania. I am pleased to be informed of that; but I am calling the attention of the committee, without in any way reflecting upon the earnestness of the Representatives of the cotton States to look after their own, to the fact that all over the country in the farming districts there are droughts, there are periods of distress, there are times when cyclones sweep the grain fields, there are times when there are gluts in the market, there are times when other farmers suffer losses, who ought also to have the benefit of information, advice, and assistance from the Government, if other sections of the country have it. I say if the eastern farmer or the western farmer or the northern farmer or the southern farmer does not understand what is being done in certain lines on certain farms or on certain plantations it is his own fault; and if it happens, as it did, when there was distress in the cotton fields a year ago, that the farmers of New Jersey ran up against a complete glut in the potato market or were unable to sell tomatoes, which they have to throw into the rivers, they ought also to be considered.

Mr. LEVER. If the gentleman will permit, the very next item takes care of that. We are furnishing the most comprehensive information for the first time in the history of the Government in that line, even making use of the telegraph.

Mr. MOORE of Pennsylvania. Does the gentleman mean to say that that is the purpose of the next paragraph?

Mr. LEVER. Absolutely. It is to take care of the perishable products—tomatoes, cantaloupes, peaches, strawberries, and so forth.

Mr. MOORE of Pennsylvania. Then I renew all of the remarks that I made respecting the assiduity of our friends from the cotton States, and hail this first glimpse of information with respect to those farmers in other sections of the country who may sometimes suffer from weather or market conditions, just as they do in the cotton fields. If it is true that the succeeding item carries $136,600 for helping the tomato raiser, the potato raiser, or the truck raiser in States where farming is conducted in more congested areas, and where the product is more perishable than it is on the great cotton plantations, I shall be pleased.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. CANNON. I just want to ask the gentleman a short question. Now that you are going to have the potato raiser and the tomato raiser fixed, as well as the cotton raiser and the wheat raiser, what are you going to do with the balance of us?

Mr. LEVER. Oh, we will take care of all.

Mr. MOORE of Pennsylvania. I think every farmer ought to be treated alike. We have taken excellent care of the tobacco and the cotton farmer and it is time that the man who raises farm produce and truck have a chance.

Mr. SLOAN. Mr. Chairman, I note from the remarks of the gentleman from Pennsylvania [Mr. MOORE] that the tomato man has raised a new issue. Seeing the abuse in the expenditure of money for dredging rivers in the East, he proceeds to fill them up with the local tomatoes and then make the raid on the Treasury to dredge them out. [Laughter.]

The gentleman from Pennsylvania [Mr. MOORE] has criticized the opposition to the rivers and harbors with unsparing tongue in both prose and rhyme. He has at least uncovered one reason for dredging his Delaware. That is to remove the tomato deposit.

I opposed the river and harbor bill, first, because it called for $39,608,410 appropriations at a time when we did not have that amount of free legal-tender money in the National Treasury. Second, while I favor reasonable appropriations for public improvements which are capable of standing on their own merits, I do not favor increasing the floating indebtedness or resorting to bonded indebtedness of the Government for that purpose. Roundly speaking, we have a deficit of $50,000,000 for the present fiscal year and a much greater one for the last fiscal year. Third, I opposed a large portion of the proposed appropriations because it is to be used in fitting up harbors for the landing of large amounts of foreign goods, especially farm products, the foreign importer not being charged even a cent to keep up the harbor repairs, say nothing about contributing to the support of the Government or protecting American industries. Fourth, a large part of the appropriations are for canals which parallel the ocean and at no great distance therefrom. If a double water track were desired, why not parallel the shore line out a little farther in the sea, the path being already made and would need no dredging. Fifth, much of the appropriations are for obliterated creeks in the Carolinas, streams of doubt in the Gulf States, and lost rivers in Texas. Again, there are mountain streams in the Rockies which ought to be insured against forest fires, instead of being expensively dredged, and again there are dry canyons in the far West which are flushed only by summer's dews and the melting frosts of autumn. These last are capable of navigation by airships only, and yet the appropriations are provided for. In many of these cases the appropriations are defensible on a basis not of their merits but on the sole ground that each is the part of a house of cards, and is no less meritorious than many of the rest. [Applause.]

I was very much interested, Mr. Chairman, in the discussion of this market office and the appropriation to be made for its maintenance. I desire to talk about the cattle-feeding industry. It was discussed by a number in general debate when this bill came up for consideration, especially by my colleagues from Nebraska, STEPHENS and REAVIS.

I speak of this subject with some degree of personal knowledge. For a number of years I have been engaged, until within the last three, rather extensively in the business. It was stated on the floor of the House by one Member and agreed to by others that the cattle-feeding and meat-producing industry in this country was in a very bad way. Further, that the cattle feeders were losing money. As a general proposition, it was the conclusion of the speakers that there has, in the last few years, been an elimination of competition at the great central markets where fat cattle are sold for slaughter. The second proposition is that during the last year thousands of American feeders have become bankrupt. Now, I am not certain about the latter fact, but I accept the statements made as being correct for the purpose of this discussion.

Now, these conditions are not unexpected, because during the last five years the trend of legislation here in reference to the cattle and meat industry had its purpose to bring about this precise condition. For five years there has been an incessant clamor for a reduction of prices of cattle meat products. Begin-

ning with the reciprocity measure passed by this House in 1911 and followed by the farmers' free-list bill, which, as passed by this House, admitted meats and cereals free into this country, and ending in the Underwood tariff law, which placed live stock and meats on the free list, the one purpose has been, as I have on several occasions expressed upon this floor, to reduce the profits of the cattle and meat industry.

There may have been some on this floor and in the country who believed that when this reduction of profits came it would not fall upon the farmer and the cattle feeder. But anyone who understood the business and understood the power of the packers knew that if there was to be any loss it would not fall on the packer, but would fall upon the cattle feeders and the farmers. Now, then, it has fallen, as stated by a number of gentlemen. Personally I expected that it would. Frequently upon the floor of this House I warned those who were interested in cattle feeding throughout the country that the placing of meats and live stock upon the free list would create a condition in which the farmer would be at a disadvantage; and that is where we now find him. It is a case of distinct confession from the Democratic side of the House that what we on this side warned the country would follow their legislation has actually come to pass.

In the first place, when by the imposition of a good, strong duty at our ports there were some cattle imported and very little meats, every man who had a herd of cattle or a flock of mutton sheep could fairly estimate the consuming power of the American people and the productive power of the American farmer and cattleman.

Mr. DOOLITTLE. Will the gentleman yield?

Mr. SLOAN. Yes; briefly.

Mr. DOOLITTLE. Does the gentleman believe that the price paid for food cattle or hogs is controlled by the law of supply and demand?

Mr. SLOAN. I understand that that is the large rule in all markets. But some people have a good deal to do with the control of supply and demand. That is to say, if our dealings in cattle and meats were confined practically to the United States—that is, one-fifteenth of the population of the world—and the outside practically kept from mingling largely with our business, then, of course, we could know more certainly the demand and the sources of our supply, and we could govern ourselves accordingly.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. LONGWORTH. Mr. Chairman, I ask that the gentleman proceed for five minutes.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in 20 minutes.

Mr. SLOAN. I thank the gentleman from Ohio [Mr. LONGWORTH] for his request.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 45 minutes, the gentleman from Nebraska [Mr. SLOAN] to have 10 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and amendments thereto close in 45 minutes. Is there objection? [After a pause.] The Chair hears none. The gentleman from Nebraska [Mr. SLOAN] is recognized for 10 minutes.

Mr. HUMPHREY of Washington. Will the gentleman from Nebraska yield?

Mr. SLOAN. For just one question. What is it?

Mr. HUMPHREY of Washington. The other day when your colleague from Nebraska [Mr. STEPHENS] was talking upon this subject he made quite a remarkable speech, and, as I understood him, he made the statement that the removal of the tariff on meat had not made any difference whatever in the price. If that is so, what has been accomplished by the removal of it?

Mr. SLOAN. Of course, the expressed purpose of removing the tariff on cattle and meats was to cause a lowering of price; because if that was not the case there has been absolutely no reason for throwing away $20,000,000 of revenue. That would have been the amount of duties paid on the imported cattle, beef, and veal since the Underwood tariff law passed if the Payne law duties had been collected. I assume if it was not for the purpose of affecting the price they would not be in favor of further depleting our Treasury. That will answer the gentleman's inquiry as to what was accomplished.

Mr. DOOLITTLE. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Nebraska yield to the gentleman from Kansas?

Mr. SLOAN. I desire to proceed, Mr. Chairman.

The CHAIRMAN. The gentleman from Nebraska refuses to yield.

Mr. SLOAN. The value, if any, of this law is a matter of information. It seems to be a means of "first aid to the injured," after the industry has been assailed, a sort of a crutch to be used where a bungling surgeon has sawed off the wrong leg. A man who has a carload of cattle must now consider not only the consumptive power of the 100,000,000 of American people, and the productive power of the few million people who are interested directly or indirectly in the production of meat, but he must know about the production of cattle and meats in every part of the globe. The packers have their systems of information complete. The small cattle feeder can not afford that. The freeing of meats and cattle therefore gave the great packers a distinct advantage. The ordinary American can through various governmental and public reports inform himself as to the United States, but he has not means of world information which free meat makes necessary.

Free listing cattle and meat has broadened the problem of the meat producer. I say, in an entirely nonpartisan way, if it has so broadened the problem of the meat and cattle producer, then it is proper that we should have an appropriation of this character, so that the new and different methods of communication concerning markets, information concerning markets, the distribution of cattle, the importation of meats, and all that may become known regularly to those whose problem it is to buy, feed, and market the cattle.

Mr. BOOHER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Nebraska yield to the gentleman from Missouri?

Mr. BOOHER. Just for one question.

Mr. SLOAN. Yes; I will yield for a question.

Mr. BOOHER. Will the gentleman tell the committee whether beef on foot to-day brings a higher price than it did two years ago?

Mr. SLOAN. I understand that beef on the foot to-day commands a fair price. I have not compared it with the price of two years ago.

Mr. BOOHER. That was not the question. Is not beef higher to-day on foot per hundredweight than it was two or three or four years ago?

Mr. SLOAN. I can not state just what it has been. The complaint has not been as to the price of beef to-day or last week or last month. I understand it is temporarily satisfactory. The complaint has been as to the price of beef during the months of October, December, and January. Following and based upon that period complaints have been made.

Mr. BOOHER. There was a slump during those months in the past, and then the price got back higher than it was before the slump.

Mr. SLOAN. The price is now back to a satisfactory level, and I want to explain why it is so.

Mr. BOOHER. Is not the main problem of the cattle feeder the high price of stock cattle?

Mr. SLOAN. I want to be frank with the gentleman from Missouri, who comes from a district having a great market. That, I understand, is one of the large sources of loss—the high price of feeders. It was one of the reasons which prompted me to advise my friends last fall against extending their cattle feeding.

Mr. BOOHER. Yes.

Mr. SLOAN. And the reason for it has been this: Heretofore the American feeder has been in the habit of buying his feeders based upon the number of cattle produced in the United States, but now he is up against the number of cattle that are produced and may or may not come across our border entirely unhampered by tariff restrictions.

Mr. BOOHER. Will the gentleman permit just one more question?

Mr. SLOAN. Yes.

Mr. BOOHER. Can the gentleman tell this committee how many stock cattle have been imported into the United States in one year since the passage of the Underwood bill; and if so, whether it is greater now, since the passage of the Underwood bill, than it was under the Dingley Act or the Payne bill? I mean stock cattle.

Mr. SLOAN. The increases have been stock cattle, and those fattened and ready for slaughter. The precise figures of what were stock cattle and what were not I can not state; they are not readily obtainable. But in the first two years after the passage of the Underwood law there were imported into this country 1,321,293 head of cattle, whereas in the two years preceding that the number was only 853,298. It was stated on the floor of the House, in discussing this question, that the importations of cattle for the last period of a year or a few months had been very small.

Mr. BOOHER. Will the gentleman just let me ask him one more question on that?

Mr. SLOAN. Yes.

Mr. BOOHER. Notwithstanding that importation of cattle, stock cattle are higher, and have been for the last two years, than ever before, have they not?

Mr. SLOAN. Farmers have paid too highly for their stock cattle. That is one argument in favor of this appropriation, and I stand for it. A great many feeders, forecasting the market for their products, did not take into account the heavy importation of veal and beef which the packers, now owning so heavily in the Argentine, can ship in or withhold at their convenience.

Mr. BOOHER. Notwithstanding this large increase of importation, stock cattle have been higher than they ever were before in the history of the country.

Mr. SLOAN. During the period of two and one-half years since the passage of the Underwood law stock cattle have been at times very high. They have fluctuated with other cattle. The feeder has not in buying them considered sufficiently the changed conditions which free trade has caused.

Mr. HAUGEN. Mr. Chairman, will the gentleman yield?

Mr. SLOAN. Yes.

Mr. HAUGEN. Is it not a fact that at times they have been very low; that is, last October, November, and December? Is it not a fact that the price of stock cattle was then lower than it was the year before?

Mr. BOOHER. Mr. Chairman, will the gentleman yield again there?

Mr. HAUGEN. And is it not a fact that——

Mr. SLOAN. I can not yield further, Mr. Chairman.

The CHAIRMAN. The gentleman declines to yield.

Mr. SLOAN. I want to call attention to what it has been for the last several months, at a period when it was stated that we have not been importing cattle in large numbers. For the months of August, September, October, and November, the period for the importation of cattle, which most largely contributed to the slump in the price of cattle for the late fall and early winter, we imported into this country 252,348 head of cattle.

Mr. DOOLITTLE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. SLOAN. I can not yield until I get these figures stated. Then, if I have time, I shall be pleased to yield. That is a larger importation of cattle for those four months than was ever made in a corresponding period in the history of the United States. For the months of October, November, and December of the year 1915, and the month of January, 1916, we imported 200,976 head of cattle, of the value of $7,370,000. In the same months we imported 49,804,643 pounds of beef and veal, of the value of $4,000,000.

Now, these figures to me demonstrate the fact that you introduce into cattle feeding and into meat production the large world factor which ordinarily is not communicated to the ordinary farmer or feeder, he having been used to considering the consumptive and productive power of this country alone. Now, if the Department of Agriculture can in any way further enlighten the men who are in this business, and whose business is important, I am very much in favor of the appropriation.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield to a very brief question?

Mr. SLOAN. If it is very brief; yes.

Mr. LONGWORTH. Does the gentleman believe that the acquisition and diffusion among the people of the United States of useful information on the subject of marketing and distributing farm products and the purchasing of farm supplies will have a tendency to raise or lower the price of cattle on the hoof?

Mr. SLOAN. I feel that the gentleman from Ohio did not live up to his pledge of making the question real brief.

Mr. GOOD. The word "brief" was used in the sense of a lawyer's brief. [Laughter.]

Mr. LONGWORTH. I made it as brief as possible, if the gentleman will excuse me, in order to obtain the enlightenment.

Mr. SLOAN. Well, the gentleman's sort of brevity would not be considered characteristic of the better class of wit. [Laughter.]

The diffusion of this information will, to some extent, inform the cattle feeder so that he may more advisedly buy his feeders and suggest when he may dispose of his finished product.

Mr. DOOLITTLE. Mr. Chairman, I have listened to the remarks of my good friend from Nebraska [Mr. SLOAN] on what he considers to be the cause of the unsatisfactory market for live stock. In my opinion, gentlemen of the committee, he has not even touched on the real trouble. The gentleman refused to yield for my question, which was his perfect right. I wanted to ask him if he thought that the packing combine of this country had anything to do with the fixing of prices.

Mr. SLOAN. Will the gentleman yield for a reply, as a matter of fairness? I yielded to him, but I could not yield too often.

Mr. DOOLITTLE. I yield to the gentleman.

Mr. SLOAN. If that was the gentleman's question, I had already answered it, because it was stated on the floor, as I said, that the packers in the great centers had eliminated competition, and I accepted that statement as correct, and the packers do that.

Mr. DOOLITTLE. Then I understand the gentleman to admit that the packers do have a great and material influence on the prices?

Mr. SLOAN. I not only admit it, I assert it. [Applause.]

Mr. DOOLITTLE. I am gratified at that. Now, Mr. Chairman, what my friend has said about high prices for thin cattle, what we call stockers and feeders, is in a great degree true. That is, if he has said, as I understand he has, or at least intimated, that the price of thin cattle has been too high in proportion to the price paid for fat stock cattle in particular by the packers, that is true. But the laws of supply and demand have not been permitted to work out in a normal way. I want to cite a specific instance regarding the hog market. On October 20 and October 21, 1915, there was a violent fluctuation downward of $1.25 a hundred pounds. Some power manipulates the market. There are five big packing concerns in this country that control at least 68 per cent of the beef, mutton, and pork, and they fix the market price they pay and set the price to the consuming public also. Hearings have been held and are now in progress on a resolution to look into the whole economic proposition of supply and demand from the time the animal is born until it goes to the consumer. It has been shown by cattlemen from all over the country that the complaint of the feeders of live stock, who have been the losers, has not been a complaint against the tariff or a complaint against the stock breeders, but their complaint is almost entirely against the packer. [Applause.]

Mr. CLINE. May I ask the gentleman a question?

Mr. DOOLITTLE. Yes; I yield to the gentleman from Indiana.

Mr. CLINE. It has been stated by the ranking member of the committee that prices were lower in October, November, and December, 1915, and in January following than they had been at any other time. I will ask the gentleman if it is not true that the entire market was demoralized by the foot-and-mouth disease, and prices declined as much as $2 a hundred in the central markets of the United States, and if that condition was not taken advantage of by the packers themselves to pound the price down and squeeze the price of the producer and advance the price to the consumer?

Mr. DOOLITTLE. There is no question that the foot-and-mouth disease did have considerable to do with the demoralization of the market last fall, and the packers never overlook an opportunity to squeeze the producer and the consumer. [Applause.]

Mr. SUMNERS. Mr. Chairman, we have here an illustration of the effort of some of our friends on the other side of the Chamber to attribute to the tariff all the ills that this country is heir to. Now, this is the situation. The feeders of the United States come to the Committee on Agriculture and tell it that prices are not satisfactory; that they are losing money. The Committee on Agriculture engages in an investigation looking to the discovery of the cause of this condition. That item is now under consideration. The gentleman from Nebraska [Mr. SLOAN] in his discussion of this matter wants the country to understand that the reason why the farmers and the feeders are not getting satisfactory prices is because of the Underwood tariff bill. That is the whole burden of his argument. The gentleman from Nebraska knows that there never was a time when meat was higher, and that the trouble is that between the man who has the stock to sell and the man who must buy the meat there is too much profit for the packers. The man who puts his grain and feed into beef cattle and hogs does not get a fair return for what he is putting into them, and yet the price of beef and pork would justify that return. There is no difficulty here with regard to the tariff. The tariff has not been effective during the European war. The tariff has not beaten down the price of stockers, has it? The tariff has not beaten down the price of beef, has it? No. The trouble is between the stocker and the beef—the great packing concerns of this country have been standing there squeezing both the man who feeds and the people who consume. [Applause.] The Committee on Agriculture, honestly undertaking in a constructive way to discover the difficulty and to meet it, recommends appropriations in this bill to be used for this purpose, and the gentleman from Nebraska [Mr. SLOAN] wants the country to understand that the Com-

mittee on Agriculture are not on the right trail; that it is the Underwood tariff law. The gentleman from Nebraska [Mr. SLOAN] says he admitted—I did not hear his admission in his original statement, though I do not question that he made it—he did admit under questioning that the packing concerns are getting too much; but when he stood before this House and made his argument it was for the deliberate purpose of making the country believe that it was the Underwood tariff bill that was responsible. He made the deliberate effort to distract attention from the packing concerns, that are throttling the feeders of cattle and the men who eat meat products in this country by pointing the finger of accusation at the Underwood tariff bill. That is a fair sample of Republican statesmanship. [Applause.]

Mr. HAUGEN. Mr. Chairman, the gentleman from Texas [Mr. BLACK] has asked the question, Did the tariff affect the price of cattle? I believe it is safe to say that up to the outbreak of the war the tariff did affect the price of cattle.

Mr. DOOLITTLE. Affect it up or down?

Mr. HAUGEN. Down.

Mr. SUMNERS. Will the gentleman yield?

Mr. HAUGEN. I will make my statement, and then I will yield to the gentleman. As the gentleman remembers, the Underwood bill was passed for the purpose of reducing prices to the consumer in conformity with the declaration in the platform of the Democratic Party to aid the consumer in buying at a lower price. In order to carry out the Democratic policy the President sent Dr. Melvin to South America to make it easier for them to export cattle to this country, and to provide for regulations making it possible for the people of South America to export beef cattle to America. They got along swimmingly, and the live-stock producers of this country were on the highway to bankruptcy. But war broke out and the program was interfered with. As a result the shipments were then diverted from the United States to the war zone, and since that time the price of stock here has been fairly satisfactory.

Mr. DOOLITTLE. Will the gentleman yield?

Mr. HAUGEN. Certainly.

Mr. DOOLITTLE. Does not the gentleman realize that during the time of the diversion of shipments, in 1915, that the live-stock market of the United States was in a most demoralized condition, more so than it ever had been?

Mr. HAUGEN. It was just as I have stated. The Underwood bill was in force, which encouraged shipments from South America exactly the same as was done in the shipment of grain. The gentleman will remember that corn costing 40 cents in Argentina was worth 80 cents a bushel in Chicago, but it was laid down here on the coast from Argentina for 50 cents a bushel. Corn finally moved along up to Chicago, with 10 cents freight added, and the price of corn went down owing to the importations from South America. Exactly the same thing happened with reference to Argentine beef. It could be laid down here at a much lower price than beef was selling for here at the time; hence a considerable amount of South American beef was sold, but the war interfered with the shipments. As a result the shipments were diverted from the United States to the war zone. With the present conditions, of course the tariff law does not affect this country or any other.

Mr. DOOLITTLE. Let me see if I understand the gentleman's statement. It is that because of the diversion of shipments of beef from Argentina the prices which had prevailed in 1915 became better?

Mr. HAUGEN. After the war started; certainly.

Mr. DOOLITTLE. Because of the diversion of the shipments from Argentina; is that the gentleman's argument?

Mr. HAUGEN. Yes; to other countries, because of the increased demand for beef on account of the war.

Mr. SUMNERS. Will the gentleman yield?

Mr. HAUGEN. I will.

Mr. SUMNERS. Does the gentleman state that the price of cattle is satisfactory, and does he mean fat cattle?

Mr. HAUGEN. The price is not satisfactory, but the dissatisfaction coming from feeders and cattlemen to-day is not because of the tariff act. The dissatisfaction comes from the manipulation of prices by the packers. [Applause.] We might as well be honest about this. The gentleman has referred to the foot-and-mouth disease. What happened? As the gentleman knows, the cattle coming from the quarantine districts were sent to the restricted districts, which the packers took advantage of to the extent of $2 to $2.50 a hundred. [Applause.]

The unfortunate thing is that many believe that Government officials are in a large degree responsible, not only in their failure to promptly stamp out the foot-and-mouth disease, but for prolonged quarantines and restricted districts, which largely accounts for the widespread opposition throughout the country to the department and which has evidently provoked so much discussion on the foot-and-mouth item.

Mr. MOSS of Indiana. Mr. Chairman, I do not wish to inject any politics into this discussion. The facts, however, ought to be clearly stated. I deny that cattle feeders in the United States are not making money under present conditions, and I do not believe that the big packers control prices of fat cattle in the sense that there is no effective competition among buyers at the yards. I arrive at these conclusions by my own experience as a cattle feeder and one who ships his cattle to Chicago and sells them year after year in that market. I do not always make money on a bunch of cattle; neither do I enjoy such pleasant experience in any other branch of my farming operations. I have had an experience covering more than a quarter of a century in handling feeding cattle in a modest way, and during that period, taken as a whole, the business has paid a satisfactory profit. This fact is conclusive proof to me that there is an open market for cattle and that it is possible to engage in this industry with confidence as to the financial returns.

The past two years have been unsatisfactory to the American stockman because of the prevalence of the foot-and-mouth disease. The quarantine measures which it was absolutely necessary to enforce worked hardships in many instances and demoralized the legitimate industry to a considerable degree. No discussion of this period will be fair which fails to make allowance for this abnormal disturbance. I fed cattle during this period and can speak from personal experience, but I am glad to say that even under such circumstances it was entirely possible to continue feeding and make a satisfactory profit.

In September, 1914, as I now recall it—perhaps in October of that year and shortly before the outbreak of the foot-and-mouth disease—I gave an order for 100 feeding cattle. This order was filled by Clay, Robinson & Co., in the Chicago yard, at an average price of $7.70 per 100 pounds. I did not go in person to the yards to select these cattle and did not even place a price limit on the order. It may seem strange to those who talk so glibly about the Cattle Trust controlling prices that an Indiana farmer would trust his agents at Chicago to purchase cattle on their own judgment as to quality and price. I know of no more reliable men in the business world than the commission men who buy and sell cattle at these great markets. I have been buying feeding cattle since 1890, and the price in 1914 was the highest I have ever paid for feeding cattle. To those who wish to consult tariff schedules in order to determine the price of cattle I may say that in 1890 I recall purchasing good feeding cattle from my own neighbors at an average price of $2.55 per hundred pounds.

These cattle were fed on the farm under the personal supervision of my nephew, Mr. Harry A. Moss, of Center Point, Ind. We began buying corn from our neighbors, paying 60 cents per bushel at the cribs in the fall of 1914, and gradually raising the price until we gave 74 cents per bushel for corn delivered at the feed lot in August, 1915. These prices were likewise the highest we have ever paid for corn, if the average for an entire year be taken. In the face of such a record, it sounds rather strange to hear an elaborate argument as to the disastrous effects of the Underwood tariff law on the price of farm products.

The first shipment of these cattle was made in July, 1915, to Chicago. It will be recalled that owing to the quarantine measures then in force Chicago was a closed market. Cattle could be shipped to that market only for immediate slaughter. These conditions gave the packers a monopoly of that market during the continuance of such restrictions. If it be the policy of the packers to rob farmers, they failed to avail themselves of the opportunity when our cattle were exposed for sale. The cattle sold for $10 per hundred pounds, and made a satisfactory profit. This sale was made by the same commission men who purchased the cattle as feeders; and again I did not go to the market. Here, then, is an example under the most extreme conditions which can exist. A contagious disease breaks out among cattle, and all markets are subjected to the restrictions of a rigid quarantine. No competition to packers is possible under existing conditions; and yet cattle are sold at prices which made it possible to clear a satisfactory profit on feeding stock purchased at extremely high prices and fed costly feed stuffs.

The next shipment of these cattle was made in November, 1915, and the price realized was $10.35 per hundred pounds. I am perfectly willing to put in the RECORD the cost items of the feeding of these cattle—what it cost to buy them in Chicago, freight, taxes, the price of the food they ate, and the selling price in Chicago—thereby conclusively showing that they realized a satisfactory profit.

Mr. DOOLITTLE. I wish the gentleman would put those facts in the RECORD.

Mr. HAUGEN. Will the gentleman yield?

Mr. MOSS of Indiana. Yes; to the gentleman from Iowa.

Mr. HAUGEN. Does the gentleman take issue with the feeders of the country? They say that they are feeding at a loss.

Mr. MOSS of Indiana. I am presenting the exact facts of one cattle feeder who did not lose money. I can not take issue with some imaginary gentlemen as to the results in their own business. If cattle feeders are generally losing money, and if they did lose money during the season of 1915, it is largely their own fault. I know of no business which demands higher skill than the feeding of cattle. It is a business which consumes large volumes of capital, and in which the profits largely depend upon the finish which is placed upon the cattle in the feed lots. There never has been a year that some men did not lose money feeding cattle and probably never will be one. The conditions never were more favorable to the cattle feeder than they are now. I have been feeding cattle since 1890. In that year we purchased cattle from our neighbors as low as $2.55 per 100 pounds; and, as I say, in 1914 I paid $7.70 a hundred.

The profit on any given lot of cattle depends upon many factors, chief among which are the cost price of feeders, the price of feed, the rate of gain, and the final selling price of the finished cattle. I have known cattle to lose money to their owner where every condition was favorable except the rate of gain. That is to say, a bunch of cattle may be purchased at a fair price; they may be fed at a fair cost; they may be shipped to a market where the ruling price for well-finished beeves of a good quality is satisfactory; and yet if the cattle have not done well in the feed lot the transaction may easily be a losing one for the owner of the cattle. I wish it were possible to establish conditions which would make all men skillful in all their undertakings. I wish it were possible to banish all failures on the farm and among farm operations, and if these ideal conditions shall be established, then I will advise all men to engage in the business of feeding cattle. Until then, however, only those who know the business of buying, feeding, and of selling cattle will be able to make profits, escape losses, and avoid controversies with an imaginary Cattle Trust at every market center.

The gentleman from Kansas [Mr. DOOLITTLE] believes that there is a Cattle Trust and that prices are arbitrarily fixed at the great market centers. I shall not attempt to discuss how the price level is fixed. I do not know, for instance, all the elements which controls the price of other articles on the daily markets. I have referred particularly to the first shipment of cattle in July which were sold to the packers because Chicago was then a closed market. It so happened that our second lot was exposed for sale immediately that the quarantine was raised so as to permit the shipping of live cattle from Chicago to the eastern cities. Now, what happened? These cattle were sold to shippers and were slaughtered in eastern cities because these buyers were willing to pay a higher price than the packers for the quality of cattle I had on the market that day. There was not only theoretical competition but there was active competition. There was effective competition.

Now, who set the price on the lot of cattle? I had the pleasure of being present when the sale was negotiated. Before the cattle had been exposed for sale, the commission man, the man who represented my interests and who was paid by me—the firm who has sold cattle for me for a quarter of a century—looked over the bunch and I asked him his opinion as to their value. "What will those cattle bring on to-day's market?" was the question I put to him. In reply he said, "Mr. Moss, I think we will make a top out of the bunch; I think I can get $10.40 a hundred," and in less than an hour he sold them for $10.35 a hundred. In other words, he guessed within 5 cents of what the cattle did sell for. Does that instance bear out the assertion that the packers control the price and fix the price levels? These cattle did sell for the extreme top that day. I was proud that I got the top of the market, because I had been trying to achieve that for 20 years. There is a great deal to this question of cattle feeding. It is one that requires experience; it requires money; it requires brains; and, finally, it requires good judgment. [Applause.]

[Mr. Moss of Indiana was granted leave to extend his remarks in the RECORD.]

Mr. MANN. Mr. Chairman, I know nothing about the cattle-feeding business. I have a brother who is one of the best-known farmers in the West. I said to him once, "Why in the world do you not feed cattle?" "Because," said he, "I have got too much sense. A man who makes money feeding cattle must know that business from the bottom up, and I do not." That is the trouble with two-thirds of the cattle feeders.

Mr. Chairman, there is no business in the world that is done on so small a margin of profit as the packing business by the beef packers of the country. That is the reason they have the business. Last year Swift & Co. did a business of over $400,000,000. That is more business, by a large amount, than the Government of the United States did through the Post Office Department, with a post office in every hamlet and city in the land. I do not now recall what the total profit was, but it was not a very large amount of profit to be made on a business of over $400,000,000. I have no doubt the packers, who are human beings, very often do not pay as high a price as the seller would like to have them pay, but it is to the interest of the packers to continue their business, and hence it is to the interest of the packers to encourage the men who raise cattle by letting them make a profit. It is not to their interest to destroy the feeding business. The packers are doing more now to encourage the production of live stock in the country than we are, and we are doing something. I have heard gentleman after gentleman on the floor of the House abuse the packers because—well, I suppose to do so is popular in their districts; but what they say is based largely upon misinformation. I do not hold the packers out as angels any more than I hold the feeders out as angels, and I am not going to take more time, except to repeat that there is no large or small business in this country conducted on so small a margin of profit as is the packing business by the big packers.

Mr. ANDERSON. Mr. Chairman, I do not care to project myself into this tariff discussion, although I think it is true that the Underwood tariff law prior to the war in Europe did affect the price of cattle adversely, as it affected the price of corn adversely. We had before the Committee on Agriculture experts in the handling of corn—men who were specialists in the handling of corn—who testified that the reduction in the tariff on corn did result in a reduction in the price paid to the producer of corn in this country.

But, Mr. Chairman, I rose particularly to address myself to one phase of the work done under the appropriation which we are now discussing, and that is the proposition of marketing business practice. One of the difficulties with which the farmer is confronted in selling his grain or cattle is that he has no standard method, in fact no method at all, by which he can determine, as the manufacturer determines it, the cost of the different elements which enter into the production of the animal or the agricultural product. This bureau is undertaking to establish a method by which the farmer can determine the elements of cost in the production of any agricultural product which he produces. Doubtless many farmers are figuring these costs now, but the great bulk of the farmers are not figuring them. They have no way of determining whether the price they get represents a reasonable profit on the investment or not, and this is one of the great difficulties with which we are constantly confronted in our efforts to deal with the great problem of marketing. This office is designed to investigate this question and work out a system of cost accounting which can be applied by the farmer. This service goes much further than that. It has made an investigation into the methods of accounting in the country elevator, and has worked out a uniform system which has been adopted by more than 450 elevators in the country. The adoption of this system results in better service to the farmer, in his getting more nearly the value of his grain, the value of his product. This service is also investigating the commission business. It has established a uniform system of accounting in this business, a system which enables the shipper, the seller, who sells grain or delivers grain to the commission house on commission, to know absolutely that he is getting his part of the price paid by the purchaser. It enables the commission man to go back over his books and establish a large number of facts which are of interest and of value to him in determining whether he is running his business upon a profitable basis. This work, it seems to me, is of inestimable value not only to the farmer but to the man engaged directly in these several businesses. It ought to be continued. It will be continued under this appropriation and extended into other fields which enter into or have to do with the marketing of agricultural products.

[By unanimous consent, Mr. ANDERSON was granted leave to extend his remarks in the RECORD.]

Mr. SLOAN. Mr. Chairman, I trust the gentleman from Kansas [Mr. DOOLITTLE] will understand the force of my discussion of this matter. I do not say that the packers do not largely combine and thereby control prices. That has been a

matter of discussion in this House for four or five years. Those who have said that we should take the duties off cattle and meats were met by our direct statement on the floor of the House here that they would thereby place the whole matter within the control of the packers throughout the country. What is complained of now is simply what has been prophesied by us on this side of the House for five years. I want to read what the Association of Cattle Feeders of Nebraska have concluded upon this:

Whereas the placing of live stock and meats on the free list has resulted in increasing the control of the large slaughterers over the prices paid for live stock in the country, and when normal conditions are restored it is likely there will be large importations of foreign meats, which will greatly depreciate prices in our home market.

My contention has always been that if the duties were removed the grip of the packers, which was pretty strong some years ago, would be made absolute. It seems from the speeches made here to be absolute now. For that reason during the last two or three years, when consulted by cattle feeders in my district, and especially last year, I have advised them it was not a good time to go into the cattle-feeding business or to increase their investment. For that reason, believing, as I did, in the doctrine which I have talked on the floor of this House during the five years I have been a Member, I have during the last three years suspended the cattle-feeding business, because I believed it would not be profitable.

The changed condition of affairs has tightened the grip of the great packers, just as the Nebraska cattle feeders have contended, and it being so tightened and we having to compete with the world for the home market, the greatest and best market of the world, the best meat-eating community in the world, not knowing about world production or world markets, we are at a disadvantage. For these reasons I am in favor, as I said before, of this appropriation, that it may to some extent alleviate the condition of these men engaged in this important industry. But this can only be palliative. The real treatment will be given when a protective tariff will be restored on cattle, beef, and veal, as well as other farm products now placed by the Underwood law on the free list.

But that is referred to the broad forum of the American electorate, the determination of which from recent events leaves little room for doubt. [Applause.]

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

[By unanimous consent, leave was granted to Mr. SLOAN to extend his remarks in the RECORD.]

Mr. RUBEY. Mr. Chairman, I usually agree with my good friend from Nebraska [Mr. SLOAN] when we are discussing agricultural matters, and I am indeed glad that this discussion, which has lasted now for 40 minutes, has been had here to-day. The gentleman started out with the proposition that the tariff was the cause of all the trouble, but at last, after this discussion, he has seen the light and now acknowledges that the packers of the country are in absolute control of the live-stock market. [Applause.]

The live-stock product of the country is the largest single product that comes from the farm, amounting to over $5,000,000,000 annually. Here is another peculiar situation: The bulk of the meat-eating population of the country is located in the eastern part of the United States, while the meat-producing population of the country lies west of the Mississippi River, hence the great centers through which the meat products go to market are necessarily in the Middle West. We have in this country to-day about 35 or 36 great central live-stock markets. I say, and I say it without fear of successful contradiction, that in each and every one of those central markets the great packing concerns are in absolute control of the markets, fix prices, and regulate them at will. Why, they tell me that if you go to market with a load of stock you will stand around there in the morning until 10 o'clock, till finally a representative of one packing concern will come down to your pen, look over your cattle, and make you a bid on them, and you can get one bid and only one bid, and that, too, from only one concern, and you are forced to take what you are offered. If, perchance, a shipper has his cattle at Kansas City, he decides that he can not get enough for them, he concludes that he will ship them on to Chicago. He reships his cattle to Chicago, but news of his reshipment with a full description of the cattle has gone on to Chicago long before he ever gets there, and the bid that he receives on the cattle in Chicago is less than that which he received on those cattle the day before at the Kansas City market.

Mr. GOOD. Will the gentleman yield?

Mr. RUBEY. I will.

Mr. GOOD. What effort has been made by this administration to prosecute this illegal combination of which you are talking?

Mr. RUBEY. I will say to the gentleman that the Secretary of Agriculture, Mr. Houston, called a meeting at Chicago last fall, and there were at that meeting representatives of every department of the live-stock industry—producers, consumers, packers, including the railroad people, who carry the live stock to market—in fact, every possible interest that has to do with the production and marketing of the live stock of the country was there represented.

Mr. GOOD. Except the Department of Justice, and that seemed to be asleep.

Mr. DOOLITTLE. I will answer the gentleman's question, if he will permit.

Mr. RUBEY. I will say further to the gentleman that we have a resolution introduced into this House and now pending before the Committee on the Judiciary. Extensive hearings have been held, and are being held, for the purpose of referring this whole matter to the Trades Commission, in order that it may be thoroughly investigated by that body, that proper steps may be taken to correct this great evil.

Mr. GOOD. Will the gentleman yield further?

Mr. RUBEY. I will.

Mr. GOOD. Three years ago, before the subcommittee on the legislative, executive, and judicial appropriation bill, the gentleman who is now at the head of this Trade Commission appeared and ridiculed the former administration for its attempt to dissolve the Meat Trust, and said, "Wait until we get at it, and we will dissolve it." You have not brought a single suit.

Mr. RUBEY. Will the gentleman tell me how long that commission has been in existence?

Mr. GOOD. He was in the Department of Justice at that time.

Mr. RUBEY. How long has the Trade Commission been in existence?

Mr. GOOD. It had not been created at the time he testified. He was going to dissolve the Meat Trust through the Department of Justice.

The CHAIRMAN. All time has expired. Without objection, the pro forma amendment will be withdrawn.

Mr. RUBEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

For collecting and distributing, by telegraph, mail, and otherwise, timely information on the supply, commercial movement, disposition, and market prices of fruits and vegetables, $136,600.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order. I believe this item provides for a new activity of the Government for work that has never heretofore been done by the Agricultural Department or any other department on such an extensive scale that is proposed under this pending paragraph.

Mr. LEVER. If the gentleman will permit, his statement, qualified by "on not so extensive a scale," is correct; but during the last year, under another item of this bill, between $30,000 and $40,000 was spent in doing this character of work. But this is the first time it has been set out in the bill.

Mr. STAFFORD. Mr. Chairman, I do not question but that the Agricultural Committee appropriated funds under general appropriations for this character of work last year, but never before has it been directly authorized by Congress. I wish to call the attention of this committee to the extreme to which we are proposing to go if we adopt this proposition as carried in this bill. It is proposed to have highly paid experts here in Washington who are acquainted with market conditions on the strawberry crop, the peach crop, the cantaloupe crop, and the tomato crop, and send out to the shipping centers of the country daily telegraphic reports as to the number of carloads of these perishable commodities that have been assigned to the respective markets of the country. This gentleman, Mr. Sherman, came before the committee. He was formerly connected with the Civil Service Commission and apparently has a hobby which he desires to have adopted by the Government. When asked on more than one occasion in the hearings as to what the total cost of this experiment would be, he dodged the question, but stated that we could get along in some way this coming year in experimental work with $136,600.

If you will read the testimony, which covers some 20 pages or more, you can not escape the conclusion that if this policy is carried out to a logical extreme it will involve the Government ultimately in an expenditure of $2,000,000 or $3,000,000, or maybe $5,000,000.

The question before the committee is whether this information will have any value whatever to the producers or to the consuming public of the country. I claim that this method of obtaining information by telegraph from all parts of the country daily, having it forwarded here to the department headquarters and then send it out to the respective market centers, is a function not for the Government but a function for the business concerns involved, and that that information can be obtained without this extravagant expenditure by those producers and by those commission merchants from the daily press. The growers of strawberries in the country tributary to the district that I have the honor to represent know exactly the market conditions prevailing in the Chicago and Milwaukee markets to which they send their supplies. It is not necessary for them to be advised daily by telegraphic reports from the department here at Washington. The peach growers of Maryland and Delaware know the market conditions as to peaches in the Philadelphia and New York markets daily from the Philadelphia and New York newspapers without having this expensive adjunct established here in a department of the Government.

Reading the hearings you can only come to one conclusion, and that is that this is more for the interests of the commission merchants than for the interests of the producers. True, there is testimony presented that the work of the past year has been of value to those shippers. Of course it has been of value. Of course these private shippers will receive information free from the Government if the Government wishes to furnish it; but the question is whether it is a proper governmental function. Here with respect to the cotton crop and with respect to the tobacco crop, through our census officials, we are furnishing to the producer quarterly and monthly returns as to those products for the benefit of the producers; but here you propose by telegraph—the expensive agency of the telegraph—to furnish daily reports to the commission merchants for their own private gain, to the end that they may know whether a number of cars en route from the various shipping centers have been dispatched to some other center, so that they may know just the quantity of supplies that may be en route on the day before.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. CAMPBELL. Mr. Chairman, it is doubtful if this item will cure the trouble that it seeks to reach. The matter of marketing perishable products is not a question of ascertaining the market price at the market the day the products are ready to be sent out. The trouble is in finding transportation facilities that are ready and fast. Tons of perishable products rot on the vines and in the fields every year within a few miles of people who are anxious and able to buy them but who have not the opportunity, because the transportation facilities are not provided.

I have recently given this matter much consideration. A very large section of country in the district that I have the honor to represent grows berries and other perishable products. We are within easy reach of a splendid market. Our berries, our tomatoes, our peaches, in large measure, waste, because of their perishable nature, for want of a way to reach the market where the people really want them. I doubt very seriously if this $136,000 would result in a dollar's benefit to the producers of perishable products.

If the Interstate Commerce Commission and State railroad commissions will require the railroads to put fast trains on out of the producing districts during the season in which perishable products are produced, reaching the market at a marketable hour, something worth while will be done for the producers and consumers of these perishable farm products. The prices are generally very well understood.

There is another thing in addition to reaching the market. The producer, the farmer, the truckman, is very largely at the mercy of the commission merchant at the market end of the line.

Mr. BAILEY. Mr. Chairman, will the gentleman yield at that point?

Mr. CAMPBELL. Yes.

Mr. BAILEY. Is it true that the market is steadied often now by the destruction of the products?

Mr. CAMPBELL. Yes. If I had time I would go into that. But I have no doubt that some commission merchants to whom I have just referred let shipments waste rather than sell them at fair prices to consumers and that other merchants might put upon the market in this way similar products which are sold to a few at a high price, and the result is an absolute loss to the producer of similar products wasted.

Mr. BAILEY. I will say to the gentleman that I have seen the Chicago River running red with strawberries at a time when they were selling at the rate of two boxes for a quarter. I do not know whether that is still the practice, but I have also seen the Chicago River running full of peaches in order to steady the market.

Mr. CAMPBELL. I have seen berries and vegetables of all kinds rot upon the ground on which they were grown because there was no way by which they could be gotten to market and because the producer was afraid to send them to the commission merchants on account of the manner in which they had been treated on other occasions by the commission merchants.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. LEVER. Mr. Chairman, I would like to have a limit set upon the debate, if I may, pending the decision by the Chair on the point of order.

Mr. HAUGEN. Mr. Chairman, I suggest that we go on with this debate for a few minutes. Then we can try to reach an agreement. I think there are a number of Members who desire to be heard. I would like to have a few minutes myself.

Mr. LEVER. In a matter of this importance, I think it is always better to know what the limit of time is.

Mr. HAUGEN. I think we had better go on, and later we may reach an agreement.

Mr. LEVER. I suggest we close debate in 45 minutes.

Mr. HAUGEN. I think we could save time by going along, say, for 20 minutes, and then we could see.

Mr. LEVER. I do think it would be a waste of time, if the point of order is to be sustained. I do not, however, think the item is subject to a point of order myself.

Mr. HELGESEN. I do not think they will make the point of order if they understand the situation.

Mr. MANN. I was in hopes I might persuade the gentleman not to make a point of order.

Mr. LEVER. Very well, we will jog along.

Mr. FOSTER. Mr. Chairman, the farmer and the fruit grower and the truck grower are first interested in producing a crop. After the crop is produced and ready to go on the market the farmer is then interested as to where he can send his product to market to the best advantage to himself.

There are certain elements that enter into this matter. Transportation is one of them and a proper place to sell that product when it gets to market, wherever that may be. Many times, as has been said here, the farmer, the fruit grower, and the truck grower sends his produce to a market and finds that the market is full and that there is no demand that gives him any remuneration for what he has put upon the market. Many times the price of this produce by the time it reaches the consumer has been doubled or trebled in value, and the consumer gets no advantage in price as a result. He is compelled to pay this high price, but the producer does not get it. It has been shown, I think, by men who have made a particular study of this subject that in many instances a product for which the producer received $1 costs probably four times as much by the time it reaches the consumer. One great difficulty is that these products pass through so many hands, and each one must make a profit, and so the consumer pays a high price, of which the producer does not get any part. We hear a great deal of talk about going back to the farm. Many have lectured and written in favor of keeping the boy on the farm; yet unless we can show the boy on the farm that he is going to get something out of the prosperity of the country, it is no use to talk about keeping him there. He is not on the farm for fun. Working on the farm is not a funny business, as any man knows who has ever tried it.

I believe this Bureau of Markets is one of the best things that has ever been established in the Agricultural Department. I do not know as to this particular proposition whether it will be of so much benefit or not, but it seems to me that with a production of more than $8,000,000,000 a year upon the farms of this country we can afford an appropriation of $136,000, or whatever amount may be necessary, to give the farmer the information as to the conditions of markets throughout the land, and I believe it will prove of benefit to him.

Mr. CAMPBELL. Will the gentleman yield for a suggestion?

Mr. FOSTER. Yes.

Mr. CAMPBELL. Would it not be more profitable to the producer and also to the consumer if the condition of the market were sent out to the producer?

Mr. FOSTER. Why, certainly; there is no question about that. Many times the producers of strawberries—a very perishable product—send them to Chicago or some other market, and by the time they get there the market is glutted, so that the strawberries will not pay the transportation charges. We raise a good many strawberries in southern Illinois, and they go largely on the Chicago market, possibly because it is more convenient to us than any other market. Many times I have heard men say that they have sent these strawberries to the market

and they have had the commission man return them a bill for charges. I heard this story down there, that a man sent some produce to the market, and the commission man sent him a bill for transportation to Chicago. All the man could do was to say, "I will send you some more produce to pay the charges that you have incurred for me." [Laughter.] That is a deplorable condition, and there is no use to talk about keeping boys on the farm in this country as long as that condition continues.

Mr. GOOD. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. GOOD. The gentleman has said that only $136,600 is appropriated for this purpose; but if he will look at the item preceding he will find that we have already appropriated $285,000 for acquiring and diffusing useful information on subjects connected with the marketing and distributing of farm and nonmanufactured food products, and so forth.

Mr. FOSTER. Yes; I know that. I am speaking particularly of this amount, on which the point of order was reserved. We talk about increasing the production of this country and increasing the remuneration of the farmer, and yet only about 2 per cent of the appropriations of this Government are for agriculture, while we pay large amounts for other things that possibly would not do the good that is done for the farmer. [Applause.]

Mr. ANDERSON. I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I could not qualify as a market expert. I am not certain but that I might possibly, by a stretch of imagination, be able to qualify as a legislative expert.

A few years ago the proposition was made to provide for information concerning the marketing of certain farm products. A bill was introduced in the House and a bill was introduced in the Senate. I am not sure now just what became of those bills. My recollection is that the Senate passed its bill. I am not sure.

Mr. LEVER. I think the gentleman is mistaken. This item in this appropriation bill is really——

Mr. MANN. I will come to that. My recollection still is that the Senate passed its bill. I may be mistaken about it. I know that I made a very careful canvass of the matter in the House and Senate and discovered that, in my opinion, there was more than a two-thirds majority in both bodies, which would pass the bill.

That bill provided for very large machinery to begin with, practically for the furnishing of all kinds of information to everybody who had anything to sell. I thought it was not wise to do it all at once, and that it would be better to have a provision in the Agricultural appropriation bill, where we could go at it somewhat gradually, where we would have better control over it. I believe the Senate inserted in the Agricultural bill, or perhaps we did—the gentleman from South Carolina [Mr. LEVER] can inform me—an appropriation in reference to marketing, and the appropriation was finally agreed upon.

Mr. LEVER. I will say to the gentleman that the Agricultural Committee reported out an appropriation of $50,000, which was agreed to in the House and Senate also.

Mr. MANN. That is correct. That was reported as a sort of compromise between those who were opposed to anything of the sort and those who were in favor of the original bill. That, in my opinion, was the proper way to get at it. Now, so far this appropriation has been increased. Here is another proposed increase, not an exorbitant sum, not enough to furnish information to everybody who has everything to sell, and we have not reached the point yet where we can do that. It is still experimental. It is a good deal wiser to make it as an experimental proposition, to see what it amounts to, than it is to enact it into positive legislation and create a bureau by statute with such power that it must inevitably in a few years cost millions of dollars, whether it is worth anything or not—because we can not stop those things.

Now, here is a proposition to test out what is already being done, but to test it further. A few years ago a gentleman over here in the Bureau of Plant Industry—I forget his name; I believe he was at one time acting chief, but I am not sure of that—went out with the California Fruit Growers' Association. I suppose, although I do not know, that the California Fruit Growers' Association is now the most important association of the growers of farm or agricultural or horticultural products in the world.

Mr. SLAYDEN. And the most efficient.

Mr. MANN. They have discovered, by the methods proposed to be used here, that they can market their products where there is a demand for them. A carload of oranges is started from southern California and does not know where it is going to land when it starts.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

[By unanimous consent, the time was extended five minutes.]

Mr. FESS. Will the gentleman yield?

Mr. MANN. Yes.

Mr. FESS. This is a new item?

Mr. MANN. It is a new item in language, but the work is now being done.

Mr. FESS. What I wanted to ask the gentleman is whether he has in mind the specific good results that will follow from this?

Mr. LEVER. I think I can tell the gentleman at the proper time.

Mr. MANN. The gentleman from Ohio asks a very proper and interesting question. All last summer I used to notice in the Chicago papers—and I suppose it was published everywhere—a statement of the number of carloads of different kinds of fruit and vegetables that were sent to Chicago from different places. The same was true with reference to all other large markets. That information is provided throughout the country, so that a man raising watermelons in Georgia would know from day to day the number of carloads of watermelons on the way to Chicago and New York and Cincinnati or Baltimore, and in that way have some idea of whether the market at those places would be overcrowded.

Mr. FESS. Then the value would not be limited to the commission merchants?

Mr. MANN. Oh, no; the value is not to the commission merchant; the value is to the producer.

Mr. LEVER. If the gentleman from Illinois will allow me, I suggest, in connection with the fruit growers of California, that that association has been so successful that it is enabled to employ Dr. Powell, who used to be in the Bureau of Plant Industry, at a salary of $12,000 a year, and their telegraph code costs $60,000 a year, and yet with those overhead expenses they make a large profit.

Mr. MANN. They make a large profit from a very small charge, and they are now engaged in the most interesting kind of work there is for an association of that kind, and that is advertising their products so that they may reach a larger consumption. You read every day—they have it all over the country—advertisements of "Sun-kissed oranges" and various other California products, paid for by this association out of a general fund that is a very small charge on what they sell. I remember when Dr. Powell went to the concern in California. I talked with him, and he told me he had an offer to go to this association and what he was going to try to do. The little knowledge I have on the subject—and I was interested in it from the start—shows me that he has accomplished a great deal more than he thought he could accomplish or than anybody else could accomplish.

Mr. HAUGEN. Will the gentleman yield?

Mr. MANN. I will.

Mr. HAUGEN. The gentleman has referred to the movement of fruit. Is it not a fact that the railroad companies furnish the information of the movement of stock at their own expense and that this information is furnished by the department at Government expense?

Mr. MANN. No; that is not the fact. The railroads may have the information. Of course, the Department of Agriculture has to get it some way, partly from the railroads and partly from the merchants; but the Agricultural Department furnishes it to the people of the country. I dare say that the gentleman never learned a single thing in reference to such shipments from a railroad statement. If he did, he had to make inquiry for it.

Mr. HAUGEN. I was referring to stock shipments.

Mr. MANN. The stockyard furnishes that information as to stock shipments, but they do not furnish the information as to where the shipments start from. All they furnish is the receipts of the shipments at the yard.

Mr. ANDERSON. Mr. Chairman, the remarks of the gentleman from Kansas indicate but one thing, and that is a very vague notion as to the kind of work being done and proposed to be done under this paragraph. Perhaps that is not at all singular, as the work is largely new. Gentlemen of the House are entitled to information as to its character and purpose. The information that is gathered by this service and given to shippers, associations, and commission men is not confined to prices. If prices are gathered at all, they are a very small incident of this service. The service, in the first place, makes a survey of the consuming capacity of the large centers of population.

Mr. CAMPBELL. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. CAMPBELL. Is not that covered in the preceding paragraph—the survey of the market and the information to producers of the best markets to which to send their perishable products?

Mr. ANDERSON. It is not.

Mr. CAMPBELL. It certainly is not in the paragraph under discussion.

Mr. ANDERSON. I think it is. It was formerly done under the preceding paragraph, but it is now proposed to carry it under this paragraph. They make a survey of the consuming capacity of the great centers of population. It is a well-known fact that some cities consume a very much larger amount of strawberries per capita than other cities. This survey determines the normal consuming capacity of these large consuming centers with respect to certain perishable products.

Then it goes to the other end and determines the producing capacity of the producers of the country. It knows how much of any given product is available for shipment at any particular time. It ascertains how many cars of strawberries, peaches, or watermelons are started for consuming points upon any given day. Having previously given to the shipping center the information as to what the normal consumption of the city is, and knowing the amount of the product that is on its way to that city, the shipper is enabled to divert a part of the shipment to some other point, where there is no oversupply.

Naturally this information, to be of any value, must be obtained very quickly. It has to be obtained by telegraph and it is obtained by telegraph. Those who have seen this service applied testify that it is of inestimable value. The gentleman from Illinois [Mr. MANN] told the House something with respect to what had been done by the California Fruit Growers' Association. This is one of the largest, perhaps the largest, association of its kind in the country, if not in the world. Because of its size it is able to perform this service for itself, but there are a vast number of small producing centers, and smaller associations, whose business is not of sufficient volume to enable them to carry on such a vast service as this is intended to be.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ANDERSON. Mr. Chairman, these small associations can not perform this large service for themselves. If the Government does not perform it, nobody will perform it, and we will have what we have had heretofore, namely, the great consuming centers of the country flooded with a product at one time and absolutely without it at another. The market office is under the direction of a citizen of the State which I have the honor in part to represent, a graduate of the university of that State. I think it is one of the most efficient organizations in the entire Government. It is a new service, very largely in the experimental stage, but because it is a new service it has not been cramped by traditions, by obsolete methods which have been adhered to from year to year, from a time as to which the memory of man runneth not to the contrary. It has been able to apply to its own organization the system of efficiency which it is trying to get adopted by the various concerns in the country handling agricultural products. The gentleman from Iowa [Mr. HAUGEN] talks about the information with reference to stock shipments which appears in the newspapers from day to day. That information, of course, refers only to receipts, and naturally reaches the public only after it can be of no possible value to the man who is shipping stock. This service proposes to give the information in advance, so that the producer will know where to ship his produce and when to ship it.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. I yield.

Mr. STAFFORD. Do not the local papers, so far as perishable truck is concerned, furnish that very information to-day? I know they do, so far as my home paper is concerned.

Mr. ANDERSON. Oh, this is not a local proposition. This is a Nation-wide proposition, a proposition to correlate information from every section of the country and make it available to every producer in the country. The information that is contained in the local newspapers reaches only those persons in the immediate localities. These products are shipped, many of them, thousands of miles. It is not a local market problem. It is a national market problem, a problem that affects the whole country. It requires the gathering of information with respect to these products all over the country, and in that respect it is a service which no individual establishment, no matter how large, can duplicate upon the same scale as the Government, giving the same value to the shipper and the consumer alike.

Mr. LEVER. And the same impartial information?

Mr. ANDERSON. And the same impartial information. In other words, it is a Government service which stands between the producer and the consumer that can obtain and give the information in an impartial way, that is biased neither by the desire to sell dear nor to purchase cheap.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. WARD. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the Agricultural bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HELGESEN. Mr. Chairman, my very good friend from Milwaukee, Mr. STAFFORD, is a very well-meaning man; but, coming from a large city, he is apt to take the same view of all these questions that men do who come from large cities—a local view—and they imagine anything that tends to benefit the farmer must necessarily injure the consumer. They can not understand that new conditions might be brought about that might benefit the producer and the consumer alike. Much as the great cities consume—and they do consume a great deal in the line of fruit—they do not begin to consume as much as the smaller towns, villages, and hamlets and the farmers of the North. I represent a district that can not raise any of these southern fruits. We have no interest in this item as producers, but we do have an interest in the item as consumers. We want them at a reasonable price; and we understand what the great cities do not seem to understand, that whenever there is any unnecessary waste it must result eventually in making the average price higher than it would have been if that waste had not been sustained, and whenever there is a carload or a trainload dumped it must increase the price eventually, although it may ruin a few and very frequently many producers. It is not in the interest of the commission men at all. The commission men get their commission regardless of whether it is sold at a high or a low price; but whenever the southern fruit flows into the great central markets in such quantities as to overstock those markets the price goes down to a point where the producer does not get enough to pay for the cost of production, and it discourages him, even though it does not break him financially, and he will not ship any more. He does not know the fact that whereas Chicago, Milwaukee, Pittsburgh, St. Louis, and Kansas City may be overstocked, there are very many other much better markets where they could get a profit; and the idea is to furnish the information to the producers of the southern fruit so that they may know that certain markets are glutted and that therefore he should not ship to those markets, but to ship to the distributors in Minnesota and the northern regions of the country where people want that fruit and where they are willing to pay a reasonable price.

It is the only possible way that the small producer can ever get the information that he needs and must have if he is going to remain in the business and get more than the cost of production. We have a great many instances of that. I remember that about a year ago a man told me he had a friend who was a commission man in Boston. He was raising onions down South, and he appealed to his friend in Boston to let him know when to ship those onions, and he got a letter saying he believed that now was a good time to ship, but, unfortunately, a great many others had received the same information, and the market was flooded. So the commission man wired him afterwards not to ship. It was too late. The result was that the onions sold for less than the freight, and he had to pay $12 on top of giving his onions away, because they did not pay for the freight. Now, if information had been available, if he could have shipped those onions to a place where the people would have taken them at a reasonable price, it would have been to his advantage.

And so it is on all lines of southern fruit. The South is different from the Pacific coast. The orange industry is in the hands of a compact organization that has capital enough to carry on a private marketing organization, but the small southern producer can not do it, and the only way he can get the information, if he is to have it at all, is from a Government source.

Mr. BYRNES of South Carolina. Mr. Chairman, I trust the gentleman from Wisconsin will not make the point of order against this item, but if he does, I hope that it will not be sustained. Of all the work of the Department of Agriculture, I believe the work of the Bureau of Markets will prove to be of the greatest value, and in this bureau there is no work of greater importance than that provided for in this item appropriating $136,600 for collecting and distributing by telegraph and mail, information as to the supply, commercial movement, and market prices of fruits and vegetables. One can hardly

appreciate the value of this work unless he is familiar with the manner in which the farmers have heretofore marketed their fruits and vegetables. In a part of the district I have the honor to represent the growing of fruits and vegetables is quite an industry. Asparagus, cucumbers, cantaloupes, watermelons, lettuce, and other fruits and vegetables are grown and shipped to northern markets for sale. The farmer who invests his money and labor in producing cantaloupes, for instance, has heretofore sold them by shipping them to some commission merchant in one of the great cities of the East, without any knowledge as to the number of cars arriving in the city that day or the number of cars en route for that market. As a result it has often happened that while there was a demand for cantaloupes in many markets, some one market would have a surplus and this perishable fruit be thrown away. It has been an injury to the consumer because the waste of carloads of cantaloupes in one market simply means a shortage in another city, and consequently higher prices in that city. At the same time it has been a serious injury to the producer who in return for his cantaloupes has received from the commission merchant nothing more than a request to remit to cover the freight.

The work provided for in this item was commenced last year. It was impossible for the bureau to extend it to all fruits and all vegetables the first season, but strawberries, onions, tomatoes, and one or two others were covered, and this year the work will be extended to cover asparagus, cantaloupes, and other crops. Agents of the department are sent to the great markets and by telegraph they inform the bureau daily of the prices prevailing in those markets and of the supply available. Arrangements have been made with the railroads to furnish to the bureau every night the number of cars of cantaloupes, for instance, that are en route for New York. The producer in South Carolina can arrange with the Bureau of Markets to have sent to him daily a telegram informing him of the number of cars of cantaloupes in New York that day, the prices prevailing, the number of cars en route, and with this information he can reach an intelligent conclusion as to whether or not he will ship a car to that market. Cars from the South Atlantic States are consigned to Potomac yards here at Washington, and if the information from the bureau causes the producer to conclude that it would be wise not to ship to New York he can, by telegraph order to Potomac yards, have his car diverted to Philadelphia, Boston, or some other market.

As the gentleman from Illinois has stated, this work is only in the experimental stage. It is growing, and if it is to be of the greatest service to both producer and consumer it must finally become a great clearing house of information. My own opinion is that at the conclusion of the season for shipping cantaloupes, for instance, a bulletin should be prepared showing the number of carloads of cantaloupes arriving at the large markets each day and the price prevailing that day. This information could be easily secured, and if furnished to the producer would be of great value to him the following season. When he receives a telegram from the bureau that 20 cars of cantaloupes have arrived at New York and 20 more are on the way he is still in doubt, because he does not know the consuming capacity of the market. But if he has a record of the condition existing in that market the preceding season on that very day that information will be a chart by which he can be guided in shipping his cantaloupes.

Mr. GOOD. Must he have that information by telegraph?

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. BYRNES of South Carolina. I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SMITH of Michigan. I was interested in what the gentleman said about the crop reporting or the dissemination of information by bulletins. Now, that is done at considerable expense to the Government, and it always contains this same information largely that the gentleman is talking about, but it comes too late. Would it not be better to send a telegram than to use this money for this late information, so that they can take advantage of the information the gentleman is now talking about?

Mr. BYRNES of South Carolina. The gentleman did not understand me. The bureau could prepare a record of the number of cars of cantaloupes received at New York on June 1, 2, or 3 of this year and at the conclusion of the season could prepare a bulletin setting forth this information, together with a record of the prices prevailing in that market each day. That bulletin could be prepared at any time in the fall and forwarded to producers, and next season when the producer was ready to ship he could consult this record and know exactly how many cars were consumed in that market last year; he could telegraph to the bureau and find out how many were en route for New York and then decide whether or not he should ship there.

Mr. SMITH of Michigan. Very true, but this market produce is perishable stuff, and would it not be better to have the information just at the time the crop is produced?

Mr. BYRNES of South Carolina. It is absolutely essential to secure by telegraph the information as to the condition of the markets at the time the producer is ready to ship.

Mr. SMITH of Michigan. I quite agree with the gentleman in the position he takes on this matter, but I wanted to get his idea and ascertain if he did not agree with me.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Connecticut?

Mr. BYRNES of South Carolina. Yes.

Mr. TILSON. I wanted to ask the gentleman if in his section of the country there are not fruit growers' associations, so that one man will not have to bear this expense alone, but that the whole association, including a group of farmers in a settlement, might get all this information at their joint expense.

Mr. BYRNES of South Carolina. That is a very pertinent question. The producers are slow to organize; it is difficult to convince them of the benefit of it. However, progress is being made, there is a State organization of asparagus growers just organized this year, and in Beaufort County, in my district, there is an organization of producers engaged in producing lettuce, potatoes, cabbages, and other truck. They have a competent secretary and, of course, he can secure telegraphic information from the bureau if he wishes to, and communicate it to the members of the association. Where there is no association, however, the producer has up to this time had no means of securing this information, and that is the reason why I believe this item of such great value. I think it would be well for the department to consider using the county demonstration agents at points where the producers are not yet organized. If the producers agree to bear the expense of the daily telegram to the agent from the bureau, when he received it in the morning he could use the telephone to communicate it to interested producers. Of course this work is in its infancy, but I think it exceedingly fortunate that Mr. Brand, who is in charge of it, has had the good judgment to proceed cautiously. Having read the hearings before the committee, I am satisfied they have made great progress. It is no easy task to organize a new bureau, secure competent assistants, and map out the work. He is laying a solid foundation for this bureau, which is destined to become one of the largest in the Department of Agriculture and render great service to the producers of the country.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. WATSON of Pennsylvania. Mr. Chairman, I am a practical farmer, not too proud to get down on my knees and get after the bugs that my colleague and friend from Pennsylvania [Mr. MOORE] has said are so dangerous to vegetation and the human race. [Laughter.]

Something has been said about the transportation of products. I live within 20 miles of the city of Philadelphia, and the road to that city is as smooth as this floor. There are plenty of trucks to transport my products, and within three hours after they are harvested they are placed on the markets. But when they arrive there it is difficult to find purchasers. Therefore it is not transportation but demand that worries the farmers of my district.

This item in the bill, amounting to $136,000, to notify the farmers, I feel, is of no practical assistance. In my section there are a great many people growing pears. Occasionally letters are received from Pittsburgh stating that there is a great demand for pears there. Then the growers send their crop to Pittsburgh, only to find a weak market.

So it will be in all sections of the country and for all growers of products. I am speaking for my constituents and for myself when I say I do not believe in this appropriation, and I think it is of no value to the country. [Applause.]

Mr. HAUGEN. Mr. Chairman, if anyone will read the hearings he will find that the purpose of the Bureau of Markets is to do away with the middleman.

Gentlemen, possibly the middleman is not entitled to consideration. It may be that the beautiful towns and hamlets throughout this country have no rightful place on the map. Possibly they should be wiped off the map. I do not believe this should be. This question is now up to the committee. If you believe in eliminating them, then give this Bureau of Markets every encouragement that you can. The idea here, evidently, is to

transport the products from the farm to the kitchen. If you go direct from the farm to the kitchen, you eliminate the middleman and merchant in the small town and the merchant in the city, who have largely built up and inhabit the towns. I have lived in small towns. I have contributed to their support. I still believe that they are entitled to some consideration.

How is this to be accomplished? By way of parcel post? Yes; the express companies pay railroads, on the average, 73 cents a hundred, or less than three-fourths of a cent a pound for hauling express. The railroads get from Uncle Sam an average of $4.60 for every 100 pounds you divert. You thereby throw nearly $4 extra on every 100 pounds to them and add that much to the receipts of the railroad companies.

If it is to aid the railroads, if they can not take care of themselves, very well; let us encourage this appropriation. However, I have always believed that the railroad companies are capable of taking care of themselves. I have no quarrel with them. They are like the packing houses; they are human; they take all that they can get.

What next? The claim is, it is to enlighten these so-called "ignorant farmers." It is to inform the farmers as to the rates from one given point to some other point. The gentleman from Minnesota [Mr. ANDERSON], a member of the committee, raised this question: "I shipped my automobile, I paid one rate, and was called upon to pay in addition." Asked what remedy he had to suggest, he said: "We supply information, but we do not make rates." Why, gentleman, is it not a fact that every railroad company is required to post their schedule of rates in every office? A farmer can go to the nearest freight office and procure all that information, as he in fact does; but the department now contends that the farmer is not capable of comprehending the schedule, and therefore information should be furnished by it.

A word as to the merchant: I believe that the merchant, the distributor, is as necessary as transportation and the producer. This talk about "from the farm to the kitchen" is, in a large degree, a political bunkum to catch votes and in the interest of transportation companies. For instance, much has been said about potatoes. The dealer who it is proposed to eliminate, the merchant who helps to build and support the town, its schools, churches, parks, and streets, buys in carload lots and pays, say a cent a pound for potatoes and 25 cents per hundred freight. He sells in small quantities, in many instances not to exceed 10 pounds. Suppose he charges a profit of 75 cents a hundred. This makes the cost to the consumer 2 cents per pound or 20 cents for 10 pounds. On the other hand, if the consumer follows the advice to buy direct from the farmer and places an order for a certain number of pounds of potatoes to be forwarded from time to time, say, in 10-pound shipments by parcel post, he pays 10 cents to the farmer for the potatoes, the same as the merchant paid for the carload lot. If the shipment is within the first zone of 50 miles, he pays 14 cents postage; if in the third zone and over 150 miles, he pays 24 cents postage. I believe that it is fair to assume that no consumer will pay 24 or 34 cents for 10 pounds of potatoes that can be delivered at his door on short notice at 20 cents. What is true as to potatoes is true in many other instances. It is also true that many products can be shipped to advantage. At times butter and eggs can be shipped to an advantage, but with our slow parcel-post service few take chances on shipping perishable products. Even if money could be thus saved to the consumer with the present rate paid to railroad companies carrying parcel post, the rate charged and the deficit incurred, it hardly seems fair to encourage a greater deficit and take money out of the Public Treasury to make it up. We might as well be honest about it. The whole scheme is to encourage shipments by express and parcel post at a higher rate than the freight rate now paid, and thus increase the receipts of the railroad companies. Cooperation and organization should be encouraged. We have it throughout the country. In my section of the country we have cooperative creamery companies, insurance companies, elevator companies, and various other cooperative associations. They serve a good purpose and are generally ably and successfully operated, and are worthy of credit and commendation, but in order to encourage and assist them it is not necessary to employ and send out experts on transportation rates to tell the farmer or the elevator man the rate from his station to his shipping point when the information is available or can be had by stepping into the freight office; nor is it necessary for the department to telegraph market reports from Washington at Government expense when that information is already furnished over the wire and through the daily press; nor is it necessary to employ inexperienced business men to advise business or commission men where and how to conduct their business, or the elevator men how to keep books, or numerous other things which are proposed under this item.

In this connection I desire to say a word as to appropriations based upon statements and credit hitherto taken for increase in yield, which were evidently not well taken. As stated by Mr. Spillman, Chief of Office of Markets, hitherto eloquence has been wasted in an effort to increase the yield, and from now on the farmers are to be told how to grow less, and thus the solemn pledge made to the consumer in the Democratic platform, pledging a reduction in the cost of living is to be repudiated. In the paragraph under consideration, and in a number of others, it is proposed to appropriate money for the payment of high salaries and expenses of employees in the department, averaging from $2,500 to $5,000, as stated by Mr. Spillman, "to visit among farmers and gather up their experience." Why not employ an experienced, intelligent, practical, and substantial farmer at the outset? Why employ those who know nothing about farming to go into the country "to visit and gather up their experience?" What is the situation? People are employed to go into the fields, to advise and educate farmers, to tell them what to do—information to be given to the farmer by employees who know little about farming or the work assigned to them. Second, as stated, another employee is sent to visit among farmers and to gather up their experience, so that if he acquires the necessary knowledge of farming he may be sent out to instruct and educate other employees in the field so that they may intelligently perform the work assigned to them—that is, to tell the farmer what to do. As a result we have half a dozen men, each drawing salary and expenses from $2,500 to $5,000, endeavoring to do the work that one practical and experienced farmer could do much better because of his experience and knowledge. Why this waste of money? Why tax the farmer with all these high salaries and expense when, according to Mr. Spillman's statement, the farmer is receiving annually a net average of $142 cash and $260 worth of food, rent, and fuel for his year's work, which includes the services of his family, averaging 4.6 people? Why not employ a competent man at the outset, as was contemplated and understood would be done when the item was first inserted in the bill? Certainly many practical, experienced, intelligent, and successful farmers could be employed to do the work, thus not only eliminating hundreds of thousands of dollars from this bill, but at the same time have the work done in a more efficient and comprehensive manner by giving the farmer practical and valuable information, not in one but in all the bureaus of the department.

Scientists have their place and should be given encouragement. Everyone employed in the department, so far as I know, is worthy and deserving. When it comes to treating bugs and the diseases of plants and soil, scientists become necessary and are in their place, but when it comes to practical farming very few of them, if any, have practical knowledge, and are out of place in undertaking to give advice, because of their lack of knowledge and experience. Much of the money thus expended is a waste. A business man in need of a manager for his business does not advertise for a scientist. He employs one with training, experience, and capacity for that particular line of work. If in court he employs a lawyer, not a preacher. For spiritual advice he goes to the preacher, not the lawyer. The farmer, if he needs a farm hand or manager, employs one with proper training and experience to feed his stock and till the soil. So, instead of paying salaries and giving joy rides to inexperienced people the department should employ men and women equipped and prepared to do the work assigned them. If you will read the hearings you will find that people are sent out to teach how to shock, stack, thrash, and market grain. If that is to be continued, why send one unable to tell a shock or stack of grain from a muskrat mound. Why not send one who can tell one from the other and who knows how to set the shock and how to stack the grain? Why send one to tell when to swat the roosters, another how to drive and round-up cattle, another how and when to plant potatoes, another how and when to plant corn, another how to build granaries and fences? Why not send one who by his experience and knowledge knows and is capable of advising as to all, who knows through experience when and how to fertilize the soil, when and how to rotate crops, how to produce large crops and leave the soil better than before, how to make a good farmer out of a poor one, how and what kind of fence and barn to build, when and how to plow deep, when to exterminate weeds, how to select and plant seed corn, how to house and swill hogs, and a thousand other things of which he has knowledge, attained in the school of experience—in short, how to intelligently and advantageously apply industry and enterprise.

Yes, instead of sending out circulars and gathering and publishing so-called information, resulting in discrediting the dairy industry—though unintentional—rather send one to aid in improving conditions where improvements are necessary. If the department will employ an intelligent, experienced, and successful

farmer to go out, he would do as is being done by farmers' organizations, by farmers, by dairy journals, and all friends of the dairy. Preach the importance of not only a clean dairy, but a clean kitchen, a clean cupboard, a clean conscience, and neat housekeeping.

As previously stated, so far extravagant and unfounded claims made by or for the department have not increased the yields. So far no one in or out of the department has been able to point out any material assistance rendered the farmer by the department along that line. Claims are made, it is true, as, for instance, in the discovery of alfalfa. Yes, the department discovered alfalfa nearly a hundred years after Jefferson did. So far neither the department, party platform pledges, stump speeches, nor eulogies printed in the CONGRESSIONAL RECORD have materially increased the yield. As that is the case, it occurs to me that the time has come for some one to offer a few observations and, in view of the solemn duty imposed upon me as ranking member of the minority in the committee by the distinguished gentleman from North Carolina [Mr. KITCHIN], to carefully scrutinize and criticize unwarranted expenditures, or share in the responsibility, I venture to take the floor and have in a feeble way pointed out a few of the many apparently unwise appropriations carried in this bill and offer a few suggestions, not so much with the view of criticizing the department or of holding it responsible for all of the errors made, as Congress must share with it in the responsibility, for it holds the purse string and has the power of directing how the money shall be used. I repeat what I have often said, that in the department we have, I believe, the ablest corps of scientists in the world, all pursuing their duty with enthusiasm, and because of their enthusiasm and skill we admire and respect them, but they allow themselves to be carried away and overestimate their capacity for doing that in which they lack experience and training. Like all others, they are not infallible; hence we have inefficiency, duplication, and a waste of money in certain lines. Therefore, I believe that it is up to Congress to do its part, to do as suggested by the distinguished gentleman from North Carolina—scrutinize, criticize, exercise its power in directing how money shall be expended, inquire as to results attained, and if money appropriated has been wisely expended. Furthermore, if the best interests of agriculture are to be subserved legislative action should be substituted for eulogies and party platform pledges. Instead of declaring in favor of rural credits it should be enacted into law; instead of reporting bills providing for $10,000 salaries under the title of "rural credits" funds should be made available to the people in rural districts on reasonable terms and at a reasonable rate of interest; instead of talking about bonded warehouses and grain inspection the bills reported should be passed; instead of disposing of the forest-grazing and water-right privilege on 160,000,000 acres of public land at any price obtainable, at an annual loss of $2,500,000, besides timber and privileges given away and money expended for improvements, thus keeping the price of lumber up to the consumer, investigation should be made with a view of dealing with the matter in a more economical and advantageous manner. As everybody knows, the suggestion has been made by some that if Uncle Sam's 160,000,000 acres of forest was opened so that everyone could help themselves free of charge or leave it to rot, Uncle Sam would be more than $3,000,000 ahead each year, besides the corresponding decrease in the price of lumber to the consumer. That, of course, is not going to be done, nor should it be done; but it seems to me that a wiser and more prudent way of handling the matter should be found.

I desire to emphasize that instead of employing and sending out seven and one-half hour men and women to visit among farmers to gather up their experience and tell them who to elect as Senators and Members of Congress in planting and harvesting time, and talking shorter hours and more pay while Congress is in session, we had better send men accustomed, willing, and equipped to work much of the time from sunrise to sundown, to talk good common sense, and give practical advice, instead of bookkeepers, doctors, and experts on rates, as is being done.

Mr. Chairman, another matter. I am getting sick and tired of these insinuations. Not one day goes by but the intelligence of the people in the country is questioned. I have sat here for 17 years. We have appropriated $207,000,000 in the last 10 years on the pretense that it is to educate these so-called "ignorant farmers"; that this appropriation is for the purpose of enlightening and benefiting the farmer. Why, I would suggest to you that you may eliminate this appropriation and every item in this bill, and yet the farmer would get along better than the people who are benefited and who are drawing the salaries.

I believe that every Member of this House takes a just and pardonable pride in the fact that we are living in this age of marvelous expansion, that we are moving forward at such a mighty pace, and that we rank amongst the most intelligent and practical people on the face of God's footstool; I believe it is a man's duty—I care not what his political affiliations, creed, or occupation may be—rather than to legislate to furnish soft berths in the public crib, and to give joy rides to many of the 16,000 people employed by the department, we should strive to benefit the weak, to uplift the distressed, to help humanity, to give honest and heartfelt consideration of every useful agency in securing full benefit from our natural resources, for the development of every mechanical appliance, for the skill and genius of American labor, and to see to it that nobody is discriminated against, but that each and every one is given adequate protection against any invasion of his rights on the part of unscrupulous and dishonest interests in order that we may have the fullest development of every worthy and legitimate enterprise. But we can not do that by unwarranted attacks day after day. We can not help the farmer by declarations in party platforms. We can not assist the farmer by eulogizing him here in the House and tax him for unnecessary expenditures. We can not assist the farmer by making liberal appropriations for fat salaries. If we are going to benefit him, do something for him. If you are interested read the testimony here; you will find that many of the appropriations are not in the interest of the farmer, but that they are in the interest of the commission man and in the interest of the railroads and employees, all worthy, though many unnecessary. If you will read the hearings you will find that we are paying fat salaries for what—to aid the railroad companies. Have they said a good word for the farmer? No; they eulogize the railroad companies, speak of the great favors received from them, and draw salaries from Uncle Sam under the pretense that they are working in the interest of Mr. Farmer.

Mr. LEVER. Mr. Chairman, the statement of the gentleman from Iowa [Mr. HAUGEN] is most remarkable, indeed, when we take into consideration the fact that for 16 years he has been a member of the Committee on Agriculture. I had thought that one of the things that might be written of the gentleman when he shall have passed over the river and is resting in the shade of the trees is that he had some part—and was proud of it—in the development, establishment, and promotion of this great Department of Agriculture of the Government of the United States, which is the greatest agricultural university in all the civilized world. [Applause.] Now, at the end of 16 years, after having contributed his ability, his energy, his broad experience, and his good, common horse sense, as we call it in my country, to the upbuilding of this great instrumentality of education, the Department of Agriculture, I am surprised to find him ready to-day to tear down the temple to whose construction he has contributed so much.

I think it may be said in truth that there is no country in the civilized world which has gathered together under one management so many men of such a high degree of expertness and scientific information as have been gathered together under the present Secretary of Agriculture and his immediate predecessor, the Hon. James Wilson, who comes from the State of the gentleman who has just spoken. [Applause.] If the gentleman's argument is sound at all, it would be the duty of the people to close the doors of every schoolhouse in the land, to tear down the pillars that support every college, to dynamite every university, and to tear from its foundations every educational institution under the Stars and Stripes.

This Department of Agriculture is intended, under its organic act, to gather information and diffuse it to the people of the United States on the subject of agriculture, in the most comprehensive meaning of that word. I have been on the Committee on Agriculture for 13 years. I do not believe it is egotistical for me to say that I have contributed some small part in the expansion and extension of the activities of the Department of Agriculture. Thank God as I stand here to-day I am not ashamed of what I have done. [Applause.]

Mr. Chairman, the particular item under consideration is but the culmination of a long agitation for what the producers of this country regard as a duty that this Government owes to them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. LEVER. Since 1862, when the Morrill Act was passed establishing land-grant colleges, followed later by the passage of the Hatch Act, and then later by the Adams Act and the second Morrill Act, and then by the agricultural-extension act

of 1914, we have been appropriating money to teach the farmer how to produce more things and how to produce them economically. We have spent in the neighborhood of $200,000,000 in that line of governmental activity. In my judgment the money has been wisely expended. It has brought back to the people dividends a hundredfold, and no man need be ashamed of his part in that work in this Congress. [Applause.]

But, Mr. Chairman, the producers of this country and the Committee on Agriculture, agreeing with them, rightly assert that it is not fair, it is not just, it is almost criminal for the Government to appropriate its money and expend it to teach the farmers how to produce things unless we take the next logical step and appropriate money to teach them how economically and wisely to sell that which they produce. [Applause.] But Congress after Congress ignored that great basic, fundamental fact in the economy of agriculture, until in 1914 there was inserted in the Agricultural bill this item—

To enable the Secretary of Agriculture to acquire and diffuse among the people of the United States useful information on subjects connected with the marketing and distributing of farm products, and for the employment of persons and means necessary, in the city of Washington and elsewhere, there is hereby appropriated the sum of $50,000.

That was in the appropriation act of 1914. That was the beginning of the present Office of Markets and Rural Organization. That item was reported from the Committee on Agriculture without a dissenting voice. It was accepted by this House without a dissenting vote or a question. It was accepted by the Senate of the United States without a dissenting voice or a vote of protest, and it is upon that broad language that we are building up the instrumentalities through which we hope to bring closer together the producers of agricultural products and the consumers thereof. [Applause.]

Mr. Chairman, I trust that members of the committee will pardon me, if I say that I, together with the president of the State Farmers' Union of South Carolina—an extremely progressive farmer—wrote the exact language as it appeared in the act of 1914, and I am not ashamed of my baby, by a long shot. [Applause.]

Mr. BUTLER. Will the gentleman yield?

Mr. LEVER. I will yield to the gentleman from Pennsylvania.

Mr. BUTLER. Was it not in 1913 that we made the first appropriation for this work?

Mr. LEVER. It may have been. I may have been in error about the date.

Mr. BUTLER. It may be interesting to a man like me, representing a large agricultural district, if the gentleman will tell us what progress we have made, how the farmer is going to reach the mouth of the consumer and get rid of the middleman; and how much we have done, and how soon it will reach Chester County, Pa., where I live.

Mr. LEVER. I am glad the gentleman from Pennsylvania has asked the question.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. BUTLER. Mr. Chairman, I ask that the gentleman's time be extended two minutes in order that he may answer my question.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. LEVER. When the first proposition for the Bureau of Markets was brought to Congress it was proposed in sundry bills to expend fifteen, twenty-five, fifty million dollars; to go out without information, without the facts, without the necessary investigation, and plank down on the country, as it were, a market blanket which must be just so wide and just so long and so constructed that we could neither draw it up nor expand it with the growth of the country. The item in this bill to which I have referred, and the growth of the bureau so far, was a compromise proposition, broader in its terms, more effective in its practical operations, in my judgment, than if we had adopted any of the original suggestions. Now, what has been done? I said this morning to the committee in the matter of the cotton market that it had been found that in certain sections of the country the highest grade of cotton was selling on the same market on the same day in the same State anywhere from $3 to $20 a bale lower than cotton of a lower grade was being sold for on that market on that day. I said further that the investigation of the department had so strikingly brought these facts to the attention of the producers that the community organized itself and employed a $3,000 expert in cotton grading to protect them against such discrepancies in the future.

Now, what is true in reference to cotton I have no doubt is true in the sale of practically every farm product in this country; through lack of standardization, through lack of proper grading, through lack of proper methods of business, through lack of proper marketing, both the producer and the consumer are paying a heavy economic waste cost.

Mr. BUTLER. Does the gentleman know whether or not this bureau has considered the advisability of raising the price of milk in Pennsylvania and also the price of corn and wheat and oats? Is it a fact that when the producer produces he has to take his products where they are consumed?

Mr. LEVER. That is very true; and the purpose of the office is to find out the places where the price is the highest and to find out the channel through which the producer may get the largest profit out of that which he produces.

Mr. BUTLER. First, to discover where the price is the greatest, and, second, the avenue by which the product may be conveyed?

Mr. LEVER. Yes.

Mr. BUTLER. I want to vote for this provision. We usually have had that information from the newspapers, and to my recollection we have had it for 50 years.

Mr. SCOTT of Michigan. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. SCOTT of Michigan. How does your committee propose to get this information to the farmers throughout the country?

Mr. LEVER. It is the purpose to station the experts in the field, gather the information, and at the request of the individual telegraph that information to the individual or to other parties who may make use of it. It is my own thought, however, that this work is going to grow up more largely through the organization of cooperating selling societies than any direct contact with the individual. My hope is that it may grow up in that way. While the actual work now being done is important, in my humble judgment the greatest work of the Office of Markets, after all, is coming as the result of organization of the farmers to do cooperative selling and cooperative buying, in order to get the benefit of this system.

Mr. BUTLER. This subject is not new. It has been talked of ever since I was a boy, but I am pleased to know that the gentleman is of the opinion that it is being developed. I am going to turn all the successful agriculturists of my county over to this bureau within a week.

Mr. LEVER. I hope the gentleman will do so, and he will find it a very efficient office. Now, Mr. Chairman, it may seem ungracious for me to ask to limit debate, after consuming so much time myself.

The CHAIRMAN. The gentleman from Wisconsin has raised a point of order. The Chair will ask the gentleman from Wisconsin if he makes the point of order?

Mr. STAFFORD. Mr. Chairman, after listening to the illuminating discussion that has just been given to the committee by the practical farmers of the House who are acquainted with the practical conditions of the market, and particularly the gentleman from Pennsylvania [Mr. WATSON], I feel constrained to make the point of order.

Mr. SUMNERS. Will not the gentleman reserve the point of order?

Mr. STAFFORD. I will be glad to reserve it.

The CHAIRMAN. The Chair will hear the gentleman from Wisconsin on the point of order.

Mr. STAFFORD. Mr. Chairman, I believe that this item can not be justified under the warrant of existing law. Certainly it can not come within the general authority of the organic act creating the department. That language is very broad and expansive. The authority there stated, that there shall be established a Department of Agriculture, whose object shall be to acquire and diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word, can not be construed as warranting this character of employment of departmental activities. That phraseology must be construed in connection with the entire act to determine what was the purpose in the mind of Congress in framing that act. You must construe the act entire. I direct the attention of the chairman in limiting that general provision and authority to the more specific definition as found in section 3, which says:

It shall be the duty of the Secretary of Agriculture to acquire and preserve in his department all information concerning agriculture which he can obtain by means of books and correspondence and by practical and scientific experiments, accurate records of which experiments shall be kept in his office by the collection of statistics and by any other appropriate means within his power.

If the Chair is going to hold that that language is warrant for this new machinery of the department's activities of going into the business of a clearing house to determine where carloads of perishable fruits or perishable truck happen to be located, then we would be warranted in having on this appro-

priation bill authorization for the establishment of an agricultural university in this city.

It would be warrant for the collection and distribution of statistics relating to cotton, tobacco, of every character of agricultural produce, which the Chair knows has been accomplished not by writing into the Agricultural appropriation bill any authorization such as this, but by distinct, definitive acts. Certainly the Chair can not rely on this general language, which has a specific purpose only of obtaining information of a character that is already in existence, of educational value that could be compiled and distributed in the way of bulletins, which is specifically set forth in section 3. Perhaps the chairman of the committee will lay emphasis upon two other provisions directly relating to this Bureau of Markets that have been passed since the organic act. I have examined this question somewhat, Mr. Chairman, else I would not seek to discuss it so much at length. I want to give to the chairman all that I have at hand. In the compilation of legislation enacted on appropriation acts from 1879 to 1915, as compiled by the Committee on Appropriations, I find on page 323 the only provision which is referred to in the index relating to marketing, and the language is as follows, found in Statutes at Large, volume 37, page 295:

Farm products, investigation and marketing of.
And that the Secretary of Agriculture be, and he is hereby, directed to secure from the various branches of the department having authority to investigate such matters reports relative to systems of marketing farm products, cooperative or otherwise, in practice in various sections of the country, and of the demand for such products in various trade centers, and shall make such recommendations to Congress relative to further investigations of these questions and the dissemination of such information as he may deem necessary.

That limits the authority of the Department of Agriculture to those agencies and branches of the department now in existence having authority to investigate such reports. Certainly that provision is not warrant for this extraneous matter of an entirely new scope of work for the department.

Then we come to the authorization referred to by the gentleman from South Carolina [Mr. LEVER] in the appropriation act of 1914, on which he bases his claim that this is in order. It is found on page 440 of 38 Statutes at Large, under the title "Office of markets":

To enable the Secretary of Agriculture to acquire and to diffuse among the people of the United States useful information on subjects connected with the marketing and distribution of farm products and for the employment of persons and means necessary in the city of Washington and elsewhere there is hereby appropriated the sum of $200,000.

That is not a permanent authorization. That is merely appropriation law that expired with the termination of that appropriation act. There is no language in that paragraph which signifies any permanency whatsoever, but even if it did, there is nothing in the language to support this amendment even if it could be possibly construed to be permanent law. There is nothing that goes to the extent that they can obtain this information along the lines indicated in this paragraph relating to the supply, to the commercial movement, and disposition and market prices of goods. Where can the chairman find in the acts I have referred to any authority in the Agricultural Department to-day or at any time in the past that gives warrant to inquire as to the movement of trains loaded with perishable goods? If the Chair is going to the extreme of saying that the general law gives warrant for this piece of legislation, then the Agricultural Committee can bring in any and all kinds of legislation, and I respectfully contend that at no time in the past has any such construction been given to that organic act, either by a Chairman of the Committee of the Whole or by Congress, in legislating definitively on the respective measures increasing the authority of the Department of Agriculture.

Mr. LEVER. Mr. Chairman, I will call the attention of the Chair to what has been the universal practice of the Chairman of the Committee of the Whole dealing with the Agricultural appropriation bill. I think the Chair recognizes that all Chairmen of the Committee of the Whole have been, from custom or for some other reason, more liberal in the application of the rules of the House with respect to this appropriation bill than to any other which is considered by the House. I think the attitude of Chairmen of the Committee of the Whole in that regard is justified for two reasons: First, the tremendous problems involved, but more important than that in this case the broad language of the organic act creating the Department of Agriculture. Many times I have called that language to the attention of the Chair, and I desire again to do so at this time:

There shall be at the seat of government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word—

What is agriculture? What is farming? Does farming consist of the mere production of things out of the ground? Does farming consist of the mere gathering of things that have been grown out of the ground? Is that agriculture? That is the old-fashioned view of agriculture; but there is no student of agricultural economics to-day who is worthy of the name who does not include in the definition of agriculture the matter of production, the matter of harvesting, the matter of distribution, and the matter of market prices and methods.

Mr. GOOD. Will the gentleman yield?

Mr. STAFFORD. Will the gentleman yield?

Mr. LEVER. I yield to the gentleman from Wisconsin [Mr. STAFFORD] for a question.

Mr. STAFFORD. Does the gentleman contend that the construction he now says shall be given to the word "agriculture" was the accepted construction in the year 1862, when the organic act was established?

Mr. LEVER. Oh, the gentleman is living 50 years behind the times. [Applause.]

Mr. STAFFORD. Oh, no; the gentleman is speaking 60 years ahead of a statute that was passed 60 years ago.

Mr. LEVER. I do not know how the Chairmen of the Committee of the Whole construed this act in 1862, and it does not make any difference to me how they construed it. What I am interested in doing now is to call the attention of the Chair to the fact that the Chairmen of the Committee of the Whole in recent years have given to this bill a more liberal construction of the rule than they have applied to any other bill that comes before the House.

Mr. GOOD. If what the gentleman says is a correct statement of law, then the things for which this $136,600 may be expended could be secured under the appropriation that just precedes it.

Mr. LEVER. There is no question about it. Last year they were secured under that language.

Mr. GOOD. Then certainly it is subject to a point of order.

Mr. LEVER. I do not catch the gentleman's reasoning at all.

Now, Mr. Chairman, let me go on. I wish the Chair to keep in mind now the definition of agriculture as it is known to-day by agricultural scientists and experts and farmers themselves; that it involves not only the matter of producing things, but the matter of prices, methods of marketing and distributing, and the like of that.

Now, I want to call the Chair's attention also to section 526 of the Revised Statutes, where the duties of the Commissioner of Agriculture are set out. Among those duties is this:

He shall procure and preserve all information concerning agriculture—

Agriculture in its most comprehensive term, as found in section 520—

which he can obtain by means of books and correspondence—

And listen—

and by the collection of statistics, and by any other appropriate means within his power.

What does that mean? If the Department of Agriculture wishes to do so, it can gather this information through books, through correspondence, through scientific experiments. And then the wise legislator who wrote that language added this broadening term—

or by any other appropriate means.

But that is not all. I call the Chair's attention to this language under the act of August 10, 1912, and also in the act of 1913. I will read it to the Chair. It was begun in the act of 1911. It says:

And the Secretary of Agriculture is hereby authorized to continue investigations on the cost of food supplies at the farm and to the consumer and to disseminate the results of such investigations in whatever manner he may deem best.

And then in the succeeding act that authority is continued, and there has been no repeal of that item in the appropriation act of 1911. And what is it to-day? To investigate, as it were, the cost of living, the distributing of food supplies. And how? By any means that may suggest itself to the Secretary of Agriculture.

And, Mr. Chairman, that is my case. When the original language creating the office was under consideration my recollection is that a point of order was lodged against that; and, if my recollection is not entirely awry this evening, the present occupant of the chair overruled the point of order; and the language now under consideration, it seems to me, is certainly no broader than the original language either of the act creating the Department of Agriculture or of the language in the bill under which we are operating the Office of Markets and Rural Organization.

The CHAIRMAN. The Chair is ready to rule.

It appears to the present occupant of the chair that different appropriating committees are sometimes inclined to exceed their authority under existing law, and, of course, the only means at the disposal of the House or the committee to prevent that is by the use of the point of order. But in this case—and in saying that the Chair does not want to be understood as criticizing the committees, because we all know how we importune the different appropriating committees to put propositions in which ought not to be in the bill, so far as their right to be in there under existing law is concerned—but in this case the Agricultural Department stands somewhat alone, so far as its activities are concerned. The gentleman from Wisconsin [Mr. STAFFORD] spoke of the Agricultural Department being a "clearing house," provided that these various paragraphs should be held in order. To the mind of the present occupant of the chair the Agricultural Department is peculiarly a "clearing house." That is just exactly what it is.

The provision that I have before me here is section 520 of the Revised Statutes of the United States, which reads in part as follows:

That there shall be at the seat of government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word—

unquestionably making that department peculiarly a "clearing house" for information. Again, section 526 of the Revised Statutes provides that—

The Commissioner of Agriculture shall procure and preserve all information concerning agriculture which he can obtain by means of books and correspondence and practical and scientific experiments, accurate records of which experiments shall be kept in his office, by the collection of statistics, and by any other appropriate means within his power.

Mr. STAFFORD. Will the Chair permit an interruption just there?

The CHAIRMAN. Yes.

Mr. STAFFORD. The Chair will notice that refers to collection of information by books or correspondence, not by telegraph.

The CHAIRMAN. It says:

Or by any other appropriate means within his power.

Mr. STAFFORD. That refers to statistics.

The CHAIRMAN. Of course, he gets his statistics by means of information which he receives from the different means employed.

Then, in the act of August 10, 1912, there is this provision:

And the Secretary of Agriculture is hereby authorized to continue investigations on the cost of food supplies at the farm and to the consumer, and to disseminate the results of such investigations in whatever manner he may deem best.

That is a very broad authority and direction—in fact, a command—on the Secretary of Agriculture to gather and disseminate certain information.

Now, the paragraph under consideration reads:

For collecting and distributing—

The two very things that the Department of Agriculture is authorized to do—

by telegraph, mail, and otherwise, timely information on the supply, commercial movement, disposition, and market prices of fruits and vegetables.

It appears to the Chair that this paragraph is clearly covered by the authority given in the different sections of the law which I have read.

Now, some Member raises the question as to the words "commercial movement." It occurred to the Chair some time ago that perhaps those words might be subject to a point of order. But this also occurs to the Chair: The language used there, of course, has reference to any information that he can obtain and disseminate in regard to the products of the farm and garden in transit which is connected with or is the link between the actual production and the actual marketing to the consumer, and is therefore only a part of the whole, and so the Chair believes that the provision of this paragraph is covered by existing law, and the point of order is therefore overruled.

Mr. STAFFORD. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] moves to strike out the paragraph.

The Clerk read as follows:

Amend, page 72, by striking out the paragraph beginning with line 3 and ending with line 6, reading as follows: "For collecting and distributing, by telegraph, mail, and otherwise, timely information on the supply, commercial movement, disposition, and market prices of fruits and vegetables, $136,600."

Mr. STAFFORD rose.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto shall close in 25 minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to offer an amendment to the paragraph.

Mr. LEVER. I will make it 30 minutes, Mr. Chairman. I hope the gentleman from Pennsylvania will get his time on the next paragraph, and we can get through with this.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto close in 30 minutes. Is there objection?

Mr. CRAMTON. Reserving the right to object, Mr. Chairman, I will say to the gentleman that I am going away, and I am simply asking for five minutes.

Mr. LEVER. On that statement, Mr. Chairman, let us make it 40 minutes.

Mr. CRAMTON. Five minutes will do. The matter I wish to speak of has reference to a later section of the bill.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this paragraph and amendments thereto close in 40 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Chair for his own guidance would like to know among whom this time is to be distributed?

Mr. LEVER. The gentleman from Illinois [Mr. MANN] five minutes, the gentleman from Oregon [Mr. SINNOTT] five minutes, the gentleman from Iowa [Mr. GOOD] five minutes, the gentleman from Wisconsin [Mr. STAFFORD] five minutes, the gentleman from Michigan [Mr. CRAMTON] five minutes, the gentleman from Pennsylvania [Mr. MOORE] five minutes, and the gentleman from Texas [Mr. SUMNERS] five minutes. How much does that make? I understand the gentleman from Pennsylvania [Mr. MOORE] desires to offer an amendment.

The CHAIRMAN. It will make 35 minutes.

Mr. LEVER. Make it 45 minutes. The Chair will control the time. I wish to reserve 5 minutes for myself.

Mr. STAFFORD. Mr. Chairman, I will give way to the gentleman from Michigan [Mr. CRAMTON]. He would like to go ahead.

Mr. CRAMTON. Mr. Chairman, I would like to take my time with a discussion in reference to the foot-and-mouth disease. I desire to discuss the responsibility for the spread of that disease, which resulted from lack of proper measures in time to arrest such spread.

I have no desire to express any criticism of the Department of Agriculture in this connection, but I do desire to present a reply to an absolutely unfair, unjust, and untrue criticism coming from that department with reference to State officials of Michigan, and I think I can best present the cause of the officials of my State by reading a letter from Dr. Dunphy, the State veterinarian, in which he presents the facts of the case in an absolutely conclusive way, showing that if there is to be any criticism for lack of proper measures early it should be addressed to the Department of Agriculture rather than to the State of Michigan. I will read an open letter addressed to the Secretary of Agriculture from Dr. Dunphy, issued some time in December. I read:

AN OPEN LETTER TO THE HON. D. F. HOUSTON, SECRETARY OF AGRICULTURE.

Hon. D. F. HOUSTON,
Secretary of Agriculture, Washington, D. C.

HONORABLE SIR: I notice in your report of December 1, 1915, you make the following statements in regard to the outbreak of foot-and-mouth disease in Michigan, and as these statements are misleading in some respects, I deem it a duty to myself and the public, especially citizens of the State of Michigan, to call your attention to these statements.

On page 15 of this report, referring to the outbreak of foot-and-mouth disease in 1914, you state as follows: "After visiting the locality the State veterinarian consulted an assistant veterinary inspector." Now, sir, this gentleman (as your department is well aware) was a full-fledged inspector of your department, and had been in the service of the Bureau of Animal Industry for 14 years in different capacities; began in Chicago about 15 years ago and had gradually worked up as tagger, stock inspector, meat inspector, until at the time that he was called to this outbreak of foot-and-mouth disease he was acting chief of your department in this State. This gentleman had been in the meat inspector's department, and for six years prior to 1914 he had been an antemortem inspector, which is one of the best positions to develop a man in regard to the diseases of live stock of almost any position in connection with the bureau. He had been through the outbreak of foot-and-mouth disease in 1908, and assured me, at the time that I called him over the telephone, of this fact. He again assured myself and the local veterinarians at Niles on September 3 that he had been through the outbreak of foot-and-mouth disease in 1908, and was familiar with the disease, which statement is substantiated by affidavits from Dr. Graham and Dr. Clemo, the local veterinarians at Niles, filed in our office.

Now, honorable sir, if you look into the files of your department you will find that this inspector informed you by letter that the State veterinarian of Michigan reported the matter as very suspicious of foot-and-mouth disease, but that he (the inspector) found that it was necrotic stomatitis. He also sent specimens from the feet and mouths of these animals, that I helped him to secure, to your laboratory for investigation, and referring to this matter, a report was sent from your department to your Detroit office and was forwarded to us, which read as follows:

"Referring to the specimens from cattle at Niles which were forwarded to the Pathological Division, United States Department of Agriculture, Washington, D. C., for examination, you are respectfully advised that a report by the Chief of the Pathological Division has been received at this office, which states that the examination of the samples and the description of the lesions presented by the affected animals indicate very clearly that the condition is mycotic stomatitis, the symptoms of which, both upon the lips and extremities, bear considerable resemblance to those of foot-and-mouth disease."

Now, sir, you will observe by this report that your laboratory at Washington was very positive in this matter, and, as you are well aware, mycotic stomatitis is a noncontagious disease. As this report reached my office when I was confined to my bed by an accident, it was immediately forwarded to the local veterinarians at Niles. This report, coming as it did from the highest pathological authority on animal diseases in the entire country, was not questioned by either the local veterinarians, myself, or the live-stock owners. We took it for granted that the disease was just what your department reported it to be, a noncontagious disease, and it was allowed to run riot in the community.

While I was still confined to my room a report reached me that the disease was spreading, and as soon as I could travel I proceeded to Niles in company with Dr. Hallman, our pathologist, on September 26. At this time several other herds that had not previously been reported were found, and in nearly all cases the lesions had healed.

The CHAIRMAN (Mr. RUSSELL of Missouri). The time of the gentleman from Michigan has expired.

Mr. CRAMTON. If it is possible, Mr. Chairman, I will ask unanimous consent that I be allowed to proceed for five minutes more, and that that time shall not be taken out of the agreement.

The CHAIRMAN. The former Chairman of this committee gave the present occupant of the chair a list, and the time is distributed.

Mr. CRAMTON. I ask to be allowed five minutes, not to conflict with the agreement. I have taken no time on this bill heretofore.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CRAMTON. I read further:

As we had suspicion that this was not simply a noncontagious disease, we decided to inoculate a calf with material that had been obtained from some of the diseased animals. This calf was placed in my own barn that had not been used for animals for a year or more, and the pathologist injected some material that he had obtained from Niles into the mucous membrane of the upper lip. This animal showed the disease in the mouth in four days, but no foot lesions; but the lesions in the mouth were sufficient to satisfy us that the disease was infectious. This experiment was also reported to your department at Washington by the chief of the department at Detroit, stating that Drs. Dunphy and Hallman had inoculated a calf at East Lansing, and that the calf had shown an elevation of temperature, excessive drooling from the mouth, and erosions on the tongue. There must have still remained an element of doubt on the part of your department at Washington, for I understand one of your chief experts went to the bureau experiment station in Maryland and inoculated some calves with material that had been sent him from the cattle at Niles by the chief of the department at Detroit.

Now, sir, I take the liberty to state to you plainly, had not your own department made a fatal mistake in stating in the most positive manner that this disease was mycotic stomatitis, the disease might have been confined to one county in Michigan and one in Indiana. Please bear in mind that this mischievous report that was sent out from your own laboratory in Washington, couched, as it was, in the most positive terms, was the cause of the spread of foot-and-mouth disease in this country. I wish to emphasize the following facts: First, that the Federal man from your department in Michigan stated in his letter to the department in Washington that the State veterinarian of Michigan informed him that the disease, as it appeared at Niles, was very suspicious of foot-and-mouth disease, and in the face of this fact you state on page 17 of your report that the first information giving ground for suspicion that foot-and-mouth disease might be present came to your office on October 10, although his report was sent from Detroit about September 4. I call your attention particularly to these dates. On the 4th of September a letter was written you from Detroit stating that the State veterinarian of Michigan was suspicious that the disease was foot-and-mouth disease, and you make the statement in your report, on page 17, that the first ground you had for suspicion of foot-and-mouth disease was on October 10. Again, on page 15 of your report, you state that the gentleman I called from your Michigan department was an assistant inspector on the meat-inspection force of the Bureau of Animal Industry at Detroit, while your department is well aware that he was one of your experienced men, that had been a tagger, a stock inspector, meat inspector, and had reached a point where he was acting for a time as inspector in charge, and had been connected with your department for 14 years; further, that I took the precaution to inquire of this man before he came to Niles if he was familiar with foot-and-mouth disease, and was assured that he was. Now, the question is: Why should these misleading statements be placed in an official report? The only object I can see on your part would be to lead the public to believe that this man was simply an amateur and place the greater responsibility for any mistakes that had occurred on the State veterinarian of Michigan. I ask you plainly, would it not have been in better form for you first to rid your own department of the incompetents before attacking in an insidious manner the ability of the State veterinarian?

Now, sir, I have affidavits from the local veterinarians at Niles showing that this gentleman took issue with me at once in regard to the diagnosis of the disease, and referred it to your Pathological Laboratory at Washington, and a true copy of the report on this matter you have already seen in this letter. I contend that this mischievous report, couched, as it was, in the most positive terms, was the cause of the great spread of foot-and-mouth disease in this country.

I wish to call your attention, further, to the fact that the expert that you sent to Michigan took the same precautions that I had taken at East Lansing, to inoculate a calf and produce the disease before you were convinced at Washington that the disease existed, simply because you did not get the same results immediately at your own experiment station. Another fact that I wish to impress upon the minds of the public is this: That the Live Stock Sanitary Commission and State veterinarian of Michigan placed a quarantine on live stock coming into this State from the Chicago Stock Yards on October 30, while your own quarantine was only issued to become effective October 31; and in this one day that intervened hundreds of cattle went out of the stock yards at Chicago into different States.

Further, you had been informed by the chief of your department at Detroit that Drs. Hallman and Dunphy, the State pathologist and State veterinarian, had adopted these same measures to determine whether the disease was infectious or not that your own experts adopted a week later.

Now, my dear sir, I can not understand why a gentleman occupying a high and honorable position could be cowardly enough to publish this report in a manner that would reflect on the reputation of a State official to cover the ignorant mistakes of his own department, as this mistake of your own department, written, as it was, in the most plain and positive terms, cost the United States hundreds of thousands of dollars. Looking at it from this standpoint, would it not be well for you to clean house in your own department first before you begin to throw out those covert criticisms of the actions of veterinarians not connected with your own department?

I do not believe that the gentleman that was acting chief of your department in Michigan at the time was to blame for not being able to diagnose this disease as it first developed in the State, as neither the symptoms nor lesions were plain in the animals which he and myself examined, and I further believe that this gentleman, as well as myself, had perfect faith in your great Pathological Department at Washington.

I can assure you, sir, that the statements I make in this letter are substantiated by either affidavits from the local veterinarians or reports under the signature of your own department, and I am writing this that the public may have a fair and true understanding of the conditions as they really existed.

Allow me to say in conclusion, that you have a number of gentlemen in your department whom I admire as professional men and respect as gentlemen, but somewhere in your mighty army of so-called experts you must have some incompetents, whose fatal mistakes have been very costly to the live-stock interests of the country.

I beg to remain, honorable sir,

Very respectfully, yours, GEORGE W. DUNPHY,
State Veterinarian of Michigan.

[Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SINNOTT. Mr. Chairman, as the paragraph of the Agricultural bill before us relates to "timely information" concerning the "commercial movement, disposition, and market prices of fruits," I would like to have the Clerk read a letter which I have received from Mr. H. F. Davidson, of Hood River, Oreg., the agent of the northwestern shippers in New York. Mr. Davidson is an apple grower also. He has been representing the growers for a number of years. He came to Washington a few weeks ago to secure permission of the British embassy to ship apples to Denmark. His request was refused. Afterwards, on April 12, he wrote to me concerning his troubles. I would like to have the Clerk read that letter, which I submitted to the Department of State, and also a letter from the Department of State in reply thereto. They contain "timely information" about the "commercial movement and disposition" of apples.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

[H. F. Davidson, shippers' representative, domestic and foreign markets.]

NEW YORK, *April 12, 1916.*

Hon. N. J. SINNOTT,
Congressman, Second District Oregon,
Room 404, House Office Building, Washington, D. C.

MY DEAR MR. SINNOTT: Referring to our conversation yesterday regarding difficulties imposed by the British authorities with reference to shipments of fresh apples to Denmark during the past season, beg to advise you that we made shipments via the Scandinavian Line steamships to Copenhagen for the holiday trade on orders from Mr. Th. Olesen, our Copenhagen representative, on the S. S. *Oscar II* November 11, 1915; S. S. *United States* November 13, 1915; S. S. *Hellig Olav* November 18, 1915; S. S. *Frederick VII* December 3, 1915, or thereabout, to the amount of 20 carloads, which were landed at Copenhagen, but were held by the British Government officials until after the time for supplying the holiday trade was passed and then released to our representative, Mr. Th. Olesen, to whom the fruit was shipped, and we thereby sustained a heavy loss, which we have not been able up to this time to definitely ascertain the amount of, as the sale and settlements were delayed and we have not yet received full settlements for all of these apples.

Recently we received orders for 15 cars of fresh apples, of which 2 cars each were intended for Joseph Stam, Peter Meiniche, A. Anderson, and Valdemar Anderson, and 7 cars for Th. Olesen, and we engaged steamship space for 5 cars on each of the following ships of the Scandinavian Line to Copenhagen, which is the address of each of the above-named customers: S. S. *Oscar II*, to sail April 6; S. S. *Frederick VIII*, to sail April 16; S. S. *Hellig Olav*, to sail April 27. The shipment of five cars for the S. S. *Oscar II* went as scheduled, but before the two last shipments moved and while the lot on the *Oscar II* is on the way we are advised that the British authorities have issued an order that no shipments of fresh apples will be permitted to be delivered to Denmark.

Having one shipment out in the ocean and two more in storage here in New York at heavy expense for the fruit, freight and other necessary expenses will force on us another heavy loss.

Kindly advise us as promptly as possible what can be done to relieve this disastrous condition, as fresh apples have not been considered contraband of war and this fruit is all intended for consumption in Denmark, and the purchasers have expressed their willingness to give proper bonds guaranteeing that none of the fruit would be permitted to go into Germany or any country which is an enemy of Great Britain.

Inasmuch as apples are a perishable product and the season for moving them such great distances safely will soon pass, it is highly important that extremely prompt action be had in order to save the fruit from perishing before delivery can be accomplished.

Trusting that relief can be had through your offices and those of your colleagues from this unfortunate, and, we believe, unwarranted situation, I am,

Yours, truly,

H. F. DAVIDSON,
Representing over 3,000 Fruit Growers in the Pacific Northwest.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SINNOTT. Mr. Chairman, I would like to have time enough to read the letter written by the State Department in response to Mr. Davidson's letter.

The CHAIRMAN. The time for debate has been limited to 40 minutes, and the present occupant of the Chair has been given a list of names for recognition, which exhausts the time.

Mr. LEVER. I ask unanimous consent that the gentleman may have more time, notwithstanding the previous agreement.

The CHAIRMAN. The gentleman asks unanimous consent that the gentleman from Oregon [Mr. SINNOTT] have further time, not to be taken out of the time already allotted. Is there objection?

There was no objection.

Mr. SINNOTT. Mr. Chairman, the letter which I received from the State Department in response to Mr. Davidson's communication is as follows:

DEPARTMENT OF STATE,
Washington, April 15, 1916.

The Hon. N. J. SINNOTT,
House of Representatives.

SIR: The receipt is acknowledged of your letter of April 13, 1916, inclosing a letter from Mr. H. F. Davidson, dated April 12, in regard to the shipment of apples to Denmark.

I have taken up this matter unofficially with the British Embassy, which states that they have received a number of applications for "letters of assurance" with reference to the shipment of apples to Scandinavia.

A number of these "letters of assurance" have been issued, but some have been refused in view of the fact that foodstuffs are conditional contraband, and the large quantities of apples going forward to Scandinavia convince Great Britain that certain of these shipments are intended for reexportation to Germany.

The embassy, however, informs me that it is sending a special cablegram to the foreign office in an endeavor to ascertain whether it may not be possible to permit all these consignments of apples to go forward to Scandinavia.

The embassy promised to let me know as soon as they are in receipt of a reply from the foreign office, and as soon as I obtain any additional information from them I will again communicate with you.

This Government recognizes the right of American firms to ship goods, whether contraband or not, to neutral consignees in neutral countries. The department, however, is informed that steamship companies are refusing to accept various consignments of goods even though destined for neutral countries, and there is no power in this department to require them to alter their decision. This Government has had no part in the arrangement announced by the embassy in the public press in reference to the issuance of "letters of assurance" to American firms wishing to make shipments of goods to Scandinavia.

The whole subject of interference with neutral trade and the circumstances which have induced steamship companies to assume their present attitude are being given the careful consideration of the department.

Very truly, yours,

CHARLES A. HOLDER,
Foreign Trade Adviser.

In this letter it will be seen that the Department of State informs me that it has taken up the matter unofficially with the British Embassy, and that the embassy has wired to the foreign office to ascertain whether or not it could obtain permission for these apples to be shipped to Denmark. That was on the 15th of April, and since that time no word has been received by the Department of State about the subject, although I have twice by phone called up the department to inquire about the matter. Now, I am one of those who believe that these matters properly rest within the domain of vigorous diplomacy, but not within the domain of the complaisant and perfunctory diplomacy that has heretofore characterized our negotiations relating to interference with our trade with neutral countries. [Applause.] Mr. Davidson has been compelled to hawk about on the streets of New York 10 carloads of apples which the British Government has refused to grant him authority to send to Denmark.

Mr. COX. Absolutely to a neutral country.

Mr. SINNOTT. Absolutely to a neutral country, and where the consignees are willing to put up any kind of a bond that those apples will not reach German territory. Must we submit our next apple crop, our next wheat crop, to this imposition? I say, Mr. Chairman, it is time that this complaisant and perfunctory diplomacy ceases, and that in regard to interference with our shipments to neutral countries we would welcome in this House as vigorous and trenchant a message as we heard a few days ago relative to submarine warfare. [Applause.] I am willing to leave these things in the hands of diplomacy; but when diplomacy fails, I think it is time that this House give serious consideration to a bill looking toward an embargo upon munitions of war. In that way this Congress may accomplish what diplomacy has failed to accomplish—respect for our trade with neutrals. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Chairman, I expect to offer an amendment to this paragraph which will provide that a part of this $136,600 shall be expended for inquiring into the cost of transportation by rail or water and the cost of storage. The paragraph reads:

For collecting and distributing, by telegraph, mail, and otherwise, timely information on the supply, commercial movement, disposition, and market prices of fruits and vegetables.

The amount of money to be expended is $136,600. If the intention of it is to eliminate the middle man, we should inquire into the rates of transportation and the charges and expenses for cold storage. One of the real differences of opinion between the producer and the consumer, such as the gentleman from North Dakota [Mr. HELGESEN] referred to, arises from the fact that there is a distinct cost, due very largely to our separated conditions, which neither party to the transaction, the producer or the consumer, thoroughly understands.

It is difficult for the farmer who gets 17 cents a dozen for eggs in Iowa to understand why he does not get more of the 50 cents a dozen the consumer in my district has to pay. It is hard for the consumer to understand it also, but some one must erect a cold-storage warehouse and some one must build a railroad, and all that costs money and must be charged in. There are many other expenses that must be charged up to the middle man, and they must be accounted for as between the producer and consumer. Without the middle man it is idle to talk about selling the products of the Middle West to the people along the Atlantic seaboard. There must be a means of transportation and there must be a medium of storage and of safekeeping and preserving the product until the time for distribution comes.

Mr. STEENERSON. Will the gentleman yield?

Mr. MOORE of Pennsylvania? I do.

Mr. STEENERSON. How does the gentleman explain the fact, announced in the press, that the steamship lines plying from the Pacific to the Atlantic through the Panama Canal have now been abandoned because they can not compete with the transcontinental railroads?

Mr. MOORE of Pennsylvania. If that is true, that ought to delight the gentleman from Minnesota; but I suppose it is due to the increased freights that ships are now reaping on account of the war.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. HAUGEN. Mr. Chairman, I regret exceedingly that the gentleman from South Carolina [Mr. LEVER] should have made an uncalled-for and unwarranted attack on a member of his committee. I regret it not because the attack was directed at me but because it comes from a gentleman for whom I have the highest regard, and one who has always performed his duty with enthusiasm, industry, intelligence, and rectitude of purpose; and, so far as I know, he is dominated by noble and lofty ideals, hence I regret that the attacks should come from the distinguished gentleman. The gentleman takes great credit, and he deserves great credit, but when he takes credit for everything that has appeared in all appropriation bills, that includes items incorporated in the other branch of Congress, possibly a question mark should be added to his remarks. What seems unfair to me is that the gentleman should make an attack on a colleague of his committee for performing a solemn duty imposed by the leader of his own party, the gentleman from North Carolina [Mr. KITCHIN]. It will be remembered that the gentleman from North Carolina, at the opening of this session, served notice on the Republicans that unless every item of these bills was carefully scrutinized, and unless objections were made, Republicans would be held responsible for waste appropriations. I have not seen fit to criticize the gentleman because he finds it his duty to follow the estimates submitted by the department. It has not been my practice to criticize or question the motives of another Member who disagrees with me. I prefer to believe and give everybody credit of being as honest as I am. The gentleman is mistaken in his conclusion. I did not criticize the department, I merely stated certain facts in order to correct numerous misstatements. If I had had any desire to criticize, I say to the gentleman, there are many things to criticize; but errors are made, and anyone who will read the hearings, study the bill, and inform himself as to the

operations of this department, and you may add every other department, will not have to search deep for errors.

But even that is not a criticism, as the poet says:

Errors like straws on the surface flow;
He who will search for pearls must dive below.

I take it that the gentleman will concede that applies to the department also. A distinguished statesman said not long ago, "If the departments would adopt business methods in administering Uncle Sam's affairs, $300,000,000 could be saved." The gentleman's party platform denounced Republican expenditures as "waste of money wrung from the people by oppressive taxation." His party assumed control. It is now in control, which includes the Department of Agriculture. His party in its first two years of rule added $172,000,000 to the appropriations made and denounced as "waste of money wrung from the people by oppressive taxation." Still the gentleman feels warranted in attacking another Member for merely calling attention to a few unnecessary and unwarranted expenditures. When I arose I, of course, knew what to expect and how unpopular it is to refer to waste expenditures, and how fruitless is an attempt to correct a few of the many impositions upon the taxpayer. But having read party platforms and stump speeches full of encouragement and promises to the farmer and the taxpayer, and having listened to the many insinuations hurled on this floor at the people so eloquently eulogized on the stump, but generally classed by the representatives of the department and on this floor as ignorant and as wards of the department, I confess that my patience was finally exhausted, and I took occasion to call to the attention of the House these facts, and took the privilege of expressing my sentiment as to what might be expected of a Member of this House.

As the chairman of the committee it is his duty to follow instructions as they come. That is the unfortunate thing under our form of government and the practice of this House. There is no way to get away from it. The gentleman might not be justified in supporting a number of these appropriations, but it becomes incumbent on him as another leader of this House belonging to that party, and as we know, if he will sit at the pie counter he must do the bidding. That is nothing new; I am not criticizing the present administration. It has been the practice in years gone by.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HAUGEN. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask that the gentleman have two minutes more in order to answer a question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. I should like to ask the gentleman if he can tell us, and he has been upon the committee a long time and his service to agriculture is undisputed, how many experts there are actually employed in the Department of Agriculture?

Mr. HAUGEN. On January 1, 1915, there were 16,233 employees on the roll. Add 162 increase and you have the number. There has been much said about the agricultural appropriations in the interest of the farmer. These 16,395 people also come in for their share.

Mr. COX. The most of them?

Mr. HAUGEN. The most of them.

Mr. MOORE of Pennsylvania. Does the gentleman know how much of this appropriation would go for the employment of experts?

Mr. HAUGEN. No; there is no way of knowing how many experts would be employed, because experts are made every day. [Laughter.] They appoint people who never spent a day on the farm, and yet they are employed to go out broadcast through the country and instruct the farmer how to farm, and they are classed as expert farmers.

Mr. MOORE of Pennsylvania. We have just passed an item appropriating $285,000, and now here is this item appropriating $136,000. Does the gentleman know how many men will be employed under these appropriations?

Mr. HAUGEN. As the gentleman knows, Congress has surrendered its right and power to fix salaries. Congress does not reserve the right that it has under the Constitution. We make lump-sum appropriations. We make them in the dark and the department appoints the people in any number it sees fit and fixes the salaries to suit its sweet will.

Mr. MOORE of Pennsylvania. The salaries are not specified, as in other bills?

Mr. HAUGEN. No.

Mr. MANN. Mr. Chairman, I hope this appropriation will not be stricken from the bill. I know of nothing on a small scale which involves greater economic loss than is occasioned by the destruction of fresh fruits and green vegetables. If we can so arrange through any method which may be perfected that the fresh fruit shall be consumed before it molds and decays and the green vegetables shall be consumed before they become too old or rot in the field or on the way we will have accomplished a most desirable purpose. This is an experimental work. No one knows just how much good can be accomplished, but it seems to me that it is worth while to make the experiment.

I have seen in the city of Chicago, within a distance of 8 or 10 miles, on South Water Street, which has the greatest market for fruits and vegetables in the world, field after field of vegetables rotting on the ground because it was not worth while to collect them and transport them by wagon down to the market, for the reason that people farther out in the country were sending great quantities of vegetables to South Water Street for which, owing to the glut of the market, they were receiving no return, and when in many other places there was a great demand for these vegetables at high prices.

I have seen in my limited experience great quantities of fruit sent to Chicago from places in Illinois where there was no return from the sale, when little towns between the place of production and the city of Chicago were clamoring for these fruits at reasonable prices. No one could tell except by collecting the information. The man who raises the fruit can not know of his own knowledge whether there is a glut in the Chicago market on a certain day or whether everybody is seeking to pour the fruit into the markets on that day.

A moment ago the gentleman said that the people around Philadelphia might send all their products to Pittsburgh and it would all go in on one day. It probably would not, but if the information could be had from day to day as to the state of the market at Pittsburgh they would know whether to send it there or not. If the information could be conveyed around the country without too great expense, so that the person who is raising or shipping these products quickly destroyed by time that they may know where there is a demand and where there is a glut in the market, we might save great quantities of fruits and vegetables, the result of hard labor and an investment of much money, which are now lost and absolutely destroyed. I think it is worth while to make the experiment and see if we can not find a way to save these things which are now lost and destroyed. [Applause.]

Mr. STAFFORD. Mr. Chairman, the proponent of this proposition is not content with indulging in experiments such as have been carried on for the past year, but before waiting to see whether they are efficacious he comes before the committee and agitates for an increase of appropriation of three or four times, without any information as to the ultimate cost that will be occasioned by this unheard-of experiment. If the Government is warranted in going into the field of business venture to determine the supply of commodities of a perishable character, then in a few years this Congress is going to be beset with a demand from the producers of staple commodities that it determine as to the quantity of those commodities that are on the rails and the warehouses throughout the country.

This committee brings in an appropriation bill aggregating $24,500,000, not taking into account the $6,000,000 on the permanent appropriation fund. Last year it was $22,000,000 and the year before $19,000,000, and yet the committee, that is supposed to be for economy, in this one item increases the appropriation by $200,000. This work was carried on last year in a small way under the appropriation in a previous item, and that item has been increased $64,000. Where is your much-vaunted economy, when you launch full force into an experimental field that you know nothing whatever about? Talk about economic distribution of perishable fruits. Why, if you are going to advise the producer as to the condition of the market, it will only tend to aggravate the glut in those respective markets. From time immemorial perishable fruit has congested in South Water Street, Chicago; in Philadelphia, and in New York. That will always be the condition there, because they are the great markets. I contend that anyone who knows anything about the subject knows that this information can be obtained from the newspapers and that it is furnished every day, and the growers of strawberries in the district adjoining that which I represent study those returns and send their products to the markets according to the price and the supply. And here this fanciful doctrinaire, the head of this division, who was formerly connected with the Civil Service Commission, and who is now the protagonist of this idea, wishes to establish headquarters in 25 or 30 leading markets of the country, having expensive men em-

ployed here at the department collecting this data daily as to the disposition of trainloads of fruit. If you can justify that as a governmental function, then you will be compelled to support a like investigation and daily report as to the quantity of eggs, the quantity of poultry, and the quantity of all kinds of products.

Mr. PLATT. Mr. Chairman, does not the gentleman think it would be of very great advantage to the farmer if everyone should have a ticker service in his house, showing what apples are worth and what other things are selling for each day?

Mr. STAFFORD. That only emphasizes in hyperbole the ridiculousness of this proposition that the Government shall go into a business venture to investigate the production and consumption of these commodities. Those things have in times past been taken care of under the existing distribution forces of the country, and they will continue to be, and this is no time to launch into an extravagant and wasteful proposition.

Mr. GOOD. Mr. Chairman, I represent a district where the activities are largely agricultural, and I would not knowingly do anything that would injuriously affect the agricultural interests of the country; but when I recall that a Democratic House was elected six years ago on a platform of economy, a program of retrenchment, at a time when we were spending $13,000,000 a year under the Agricultural appropriation bill, and now realize that after six years of Democratic rule in this House that appropriation has been raised to about $30,000,000, it makes me stop and think.

Mr. LEVER. Mr. Chairman, will the gentleman yield for a question?

Mr. GOOD. Yes.

Mr. LEVER. Does the gentleman oppose that kind of a program—appropriation for agriculture?

Mr. GOOD. I oppose it unless you can show that some material good has resulted from the increase. The gentleman from South Carolina stated a few moments ago that we commenced this work of investigating the question of markets in 1914 and secured an appropriation of $50,000 for that purpose. Last year we appropriated for marketing this kind of crops $238,000 and this year it has jumped to $421,600. When are these increases to stop? Where has any beneficial result been obtained either for the farmer or for the consumer?

The gentleman from Illinois [Mr. MANN] has pointed out that the orange growers of California have entered into a combination—illegal, if you please, and in restraint of trade—by which they have avoided this glutting of the market, and by so doing they have held up the price of oranges, and the poor laboring man who a few years ago might, when the market was flooded, be able to buy a dozen good oranges for 20 cents, now finds that under this combination he must pay 40 cents for a dozen of good oranges. That may be all right for the orange growers, but how about the poor consumer that you are also going to legislate for? You have not increased the price by this kind of legislation to the farmer of a single article, unless it be to the growers of oranges; but according to the Department of Commerce you have increased the cost of living to every man, woman, and child in the United States. I do not know where you expect to get off with this kind of legislation. You are piling up unnecessary taxes that the people of the United States must pay to furnish jobs for thousands and thousands of men, but you can not point to a single beneficial result to either the consumer or to the producer. I do not say that the Agricultural Department is a failure. It has done some very good work. It has made some good investigations; but until you bring some good results, why do you not keep the appropriation down within reasonable limits? I would not object to an appropriation of $238,000, the amount you had last year for the purpose, although it could well be questioned; but in order that you may pay the telegraph companies something, in order that you may sweeten them up, perhaps for election purposes, you are going to increase this appropriation for marketing $136,000. If we were to adopt the amendment of the gentleman from Pennsylvania or a similar amendment, striking out the telegraph item and inserting an amendment that we should disseminate this information by use of the bulletin of the Atlantic Deep Waterways Association, just as good a result would be accomplished.

Mr. LEVER. How much time is there remaining, Mr. Chairman?

The CHAIRMAN. Ten minutes.

Mr. LEVER. Mr. Chairman, I wish the Chair would notify me when I have used three minutes.

This bill carries a total appropriation in round numbers of $24,500,000, and most of that we have already passed over. We have only 7 pages more out of 79 of this bill remaining to consider. The bulk of the large appropriations have been passed by this committee. The bulk of these appropriations, too, are used largely in the teaching of better methods of production.

The distinguished gentleman from Iowa [Mr. GOOD], a member of the Appropriations Committee of this House, a committee that seems always, I am afraid, to look somewhat jealously on appropriations for agriculture, has permitted all of these other appropriations, involving millions of dollars, to pass by without one word of protest. [Applause.] And now when we come to the point in the bill where we appropriate the total sum of $541,000 to teach the farmer or to help the farmer how to better distribute that which he produces, the distinguished representative from the Appropriations Committee throws himself into 40 fits of economy. [Applause.]

I am for economy, too. I would not join in recommending this item if I did not believe it was a wise expenditure of public money, that would bring back to the people 100 per cent in dividends. But I do somewhat object, Mr. Chairman, to people getting their economical fits only upon the agricultural appropriation bill. [Applause.]

The CHAIRMAN. The gentleman has consumed three minutes.

Mr. HAUGEN. Will the gentleman yield a minute?

Mr. LEVER. I have but two minutes.

Mr. HAUGEN. I do not want to take it out of your time.

Mr. LEVER. I promised the gentleman from Indiana that I would yield to him.

Mr. CULLOP. Mr. Chairman, there is no other department in this Government doing a more beneficial work, and to a more important class of industry in this country, than the Agricultural Department is doing. [Applause.] And more especially in educating the farmer how he may increase the productiveness of the soil, how he may increase the quantity and variety of his crop, how he may find the best means of marketing it and supplying the hungry mouths all over the country. [Applause.] With 8,000,000 of people engaged in farming, who raise the products that feed more than 100,000,000 of people, the work of educating them how to increase and distribute their crops, how to market them, how to prepare them for market, as the Agricultural Department is now doing, is one of the most important functions of this Government. [Applause.] Every time that they educate the farmer in the way in which he is to prepare his products for market, better the crops, and better the quality of those going to the ultimate consumer for consumption, the more beneficial the work and the more profitable is the business to the farmer. This great work should be commended and encouraged from every possible standpoint by Congress in order that improved conditions may exist and the industry become more profitable. This department is extending and expanding its intelligent work year after year, and is rendering to the farmers valuable service which proves highly advantageous to them in many branches of the industry. The more the department cooperates with the farmer, the closer the relations, the more efficient the service is and the greater the benefits. We must not underestimate the value of the assistance or withhold some paltry sum which might cripple the industry or restrain its expansion. I fear in too many instances proper appreciation of this fact is not considered.

The marketing of crops is a most important feature of this great industry from the standpoint of both the producers and consumers, and more especially is this the case concerning perishable products. The market at one point may be glutted, and products wasted consigned to it, whilst at other markets there may be a scarcity. Hence if the producer can be advised of this fact, as here proposed, the producer can ship his products to a market where there is a demand, and sell them at a remunerative price. In this manner the interest of both producer and consumer are conserved to good advantage. It is a part of the function of this great department to serve the public to the best advantage, and in doing this it is performing a necessary and desirable purpose. It ought to be equipped so it can do it and if we afford the means for it to do so our work will be commended. Something has been said here about our inability to do so, because of a depleted Treasury, and we must economize. This great Government is not pauperized; it is abundantly able to incur and pay every necessary expense which will promote the welfare of its citizens and encourage its industries—help them. It has more available means to raise revenues than any country in the world, and its people are ready to respond in taxes for every useful and beneficial purpose for which they may be required. This is no place to use the pruning knife or to practice parsimony. We should encourage and assist this great industry and by this item it is proposed to render it a great service, and one that will be of great advantage to the whole people.

Mr. SUMNERS. Mr. Chairman, having spoken twice briefly during this debate on the Agricultural bill, I would not again ask the attention of the committee but for the fact that some suggestions have been made which indicate a lack of understanding on the part of some Members of the vital problems of agriculture and their relationship to the public welfare.

One of the gentlemen who has spoken in opposition to the item in this bill providing for the giving of telegraphic information to the producers of perishable products asks why this information can not be supplied by bulletins or gotten from the trade papers. That gentleman is an active Member of the House, well versed in general governmental matters, and yet he asks this sort of question with regard to one of the great vital problems of modern life. I want to answer that question, and, incidentally, do a little missionary work for my constituents and for his constituents. The Federal Government conducts many investigations and issues many bulletins. The fact is the departments of this Government are "chucked" full of knowledge hidden away in publications. Much of this information is out of date before the people get it, and much of it never reaches them at all. What the man wants who has perishable products for sale is information right up to the minute with reference to the supply and demand for these products in the various markets of the country and the movement to these several markets from the areas of production. Bulletins and yesterday's news he does not need. He has a car of stuff on the road, for instance. In four hours maybe it will have passed the point where he can change its destination. He wants to know about the markets—not yesterday, but now—before the car passes that point. In this connection I want to call attention to the fact that he needs something more, a central distributing agency which will route the moving commodities to the several markets in proportion to their several demands. While no provision is made for that in this bill, it does propose a service which would materially aid cooperative organizations undertaking to do that.

Mr. Chairman, one of the unanswerable criticisms of the Agricultural Department is that the farmers, after they have followed the instruction of the Federal Government in producing, if successful in increasing the total yield receive less value therefor than if the yield had not been so great. This is largely due to the present methods of sale and distribution. These perishable products go out into the dark to seek an unknown purchaser. They may rot on a sidetrack or in a congested market. Nobody can forecast what will be the result of the farmer's gamble in trying to convert his products into money. The Agricultural Department is now undertaking to lessen the hazard by giving to producers telegraphic information which will enable them to direct their shipments so that they will have a better chance to send them to markets needing them and so that they may be kept out of glutted markets. That is the purpose of this item. As indicated before, I do not regard the service proposed to be rendered as adequate, but it is in the right direction.

Mr. Chairman, another suggestion which I want to discuss was made by the gentleman next to the last one, I believe, who addressed the committee. He asks the question, What is the consumer getting out of this? Evidently he does not believe this legislation to be of beneficial concern to the consumer. I have listened very attentively to the debate on this Agricultural bill, and the general view seems to be that this legislation dealing with the problems of the farm is solely in the interest of the farmers and is a sort of distribution by the Federal Government to them as their share in the direct benefits dispensed by the Federal Government. The responsibility for this erroneous viewpoint rests, in some measure at least, upon certain of us in this House who represent agricultural constituencies. Our business is not to make our constituents think we are serving them. Our business is really to serve them. This "ranting" and defying, denouncing, and cavorting around does not get us anywhere. That is not the way these Members do here who really get results. Let us quit talking about the fact that we are fighting "old Rube" battles, and that sort of rot, and let us study, really study, these questions affecting the farm and demonstrate to the other classes that in our efforts in behalf of our farming constituents we are not trying to hurt anybody else, but are trying to promote the general interest. We can do it, because the facts are with us, and we can get results that way. That is the only way we can get them.

Mr. Chairman, an understanding of the problems of agriculture and their relationship to the general interest makes clear the fact that there is no conflict of interest between the men who produce and the men who consume the products of the farm. I am going to make that clear, because I want to have the problems of the farmer dealt with free from prejudice, free from class consideration, and upon the broad basis of the best interest of the country as a whole. I ask nothing for the farmers which the common welfare does not require. If I can demonstrate to you gentlemen who live in the cities that your interest and the interest of my constituent who lives in the country are identical, in so far as the removal of certain difficulties which hamper my constituents are concerned, I will have rendered a valuable service not only to my constituents but to your constituents as well. I want to lay down a few propositions which, if they can be sustained, removes all doubt as to the correctness of the statement that the constituents of you gentlemen who live in the cities are interested with my constituents who live in the country in bringing to the American farmers better economic conditions. I shall direct your attention to only one phase.

We have heard much during this discussion of the waste resulting from the present methods of sale and distribution, especially of perishable products. You gentlemen who represent city constituencies may have been impressed when you heard the statements with reference to this waste; that it is unfortunate that the farmers suffered such loss; but I doubt if you realized that your constituents have shared in that loss.

The first proposition which I lay down is this, and I hope I may have the careful attention of the Members who represent city constituencies: Waste is a burden upon agriculture which the consumers of agricultural products must bear. The consumer must eventually pay for the waste. I grant the consumer is not paying it all now. A few years ago he was not paying any considerable part of it. This is why: With the improvement of agricultural machinery, which began to assume its greatest proportion a comparatively short time ago, the producing power of the individual farmer was greatly enhanced. The lack of educational equipment on the part of the mass of men engaged in farming handicapped them in the change of their vocation. The total producing power in proportion to consumption created such sharp competition among producers for the markets then available that the loss could not be shifted to consumers. So, when the products of the individual farmer perished before reaching a market, the loss rested upon him and his family. There was, of course, a rapid movement from the farm during all this time, but also a rapid improvement in agricultural machinery which offset, in so far as production was concerned, the relative numerical decrease of producers. But during these years of industrial revolution, wrought largely by steam and electricity, some very far-reaching things almost unnoticed have been under process of development, the effect of which we are now feeling. The consuming population has increased by leaps and bounds in proportion to the producing population. The fertility of the soil has suffered, and the country boy and girl have very generally been given the benefits of such education as affords to them freedom of choice among the vocations of the country. On yesterday, as time is measured in a country's development, the equilibrium between country and town dwelling population could be more nearly maintained without equality of opportunity, because the lack of general education on the part of the country boy and girl handicapped them in choosing among the vocations. Many of them were held by ignorance to the business of their parents. But we have a situation now, under which a very large percentage of those engaged in farming are equipped to do other things. They will not farm unless farming be made as profitable as any other business to them. Yesterday men were compelled to farm. They knew how to do nothing else. To-day they have freedom of choice, and can only be induced to farm by the payment of as much profit, not gross profit, but net profit, as any other business would give. I want to emphasize that it is net profit they must have. There ought to be no question as to the soundness of that proposition. If it be sound, it follows inevitably that consumers must take care of all the burdens upon production and distribution. They must do this because the profit which they must give to the farmer is a net profit. In the price, therefore, of the products which finally reach the table of the constituents of you gentlemen who represent city districts you must pay for the value of the products which rot on the farms and in congested markets after they have been produced and all the other avoidable, as well as unavoidable, burdens of agriculture. You must pay the farmers for them in order that they may have this net profit, which will prevent them from changing their business.

Mr. Chairman, I shall digress at this point to say to my colleagues from the great cities that you are just as much interested in proper rural-credit legislation as are the people who live in the country, because, if agricultural products must be produced under an exorbitant interest rate, your constituents who live in the city must pay that interest rate in order to give to agriculture the net profit which I declare men who farm must have, or they will change their business. Your constituents must have food to live, and they can not afford to have the number

of agricultural producers very much more reduced. Is not that a sound proposition? If you do much more reduce their numbers one of these times we will slip a cog in the machinery of production and you will not face the problem of the high cost of living merely, you will face the problem of getting something to keep yourselves alive. I know you are not paying all of this waste yet. You are not paying the entire interest charge yet, but this movement from the country to the city is not ended yet, either. Year by year you are paying more of it, and you will continue to pay more and more of it until you pay it every cent. This movement of population from the country to the city will not cease until you do pay every cent. That is fixed by immutable economic law. In this connection I want to make a prediction. The farmers of this country have been having meetings in community groups in State and in national assembly for the purpose of devising means of bringing to their business better economic conditions. The country at large has looked upon these efforts without any feeling of direct concern. The time is almost at hand when you people who live in the great cities will be having your meetings to deal with the very same problems which the farmers are now undertaking to deal with. You will be trying to devise a plan for getting to your tables those products which are rotting in the fields and on the sidetracks, because you will then know that you are having to pay for them, and you had just as well get the benefit of them. You will be trying to reduce the intervening charges.

Mr. Chairman, I am giving my support to this Bureau of Markets and Rural Organization not because I believe it to be adequate or that its activities indicate that those who have the determining of the scope of its activities have yet a clear, comprehensive view of what is necessary. I have spoken only of marketing perishable products. We need just as badly a system for the marketing of our grain, cotton, and live stock, but I shall not discuss that now. I am not trying to cover the whole ground. I have spoken with a very specific and definite purpose of replying in a general way to some criticisms and suggestions made during this debate and of trying to broaden the scope of direct interest in our great agricultural problems. To illustrate how far-reaching these matters are, a most interesting discussion of them could be developed from that standpoint of preparedness of which we hear so much now. Well-fed bodies are conducive to mental growth, moral development, and the higher sentiments of patriotism. Well-fed bodies not only fit men and make them willing in an emergency to defend their country but fit them for the commercial contests as well. The necessity for a nation's citizens to have sufficient wholesome food is an imperative national necessity, for a nation lives and acts only through its people. I have seen in my own State carloads of food decaying in the fields, because the price obtainable would not pay the expense of harvest and marketing, while at no great distance the prices charged for these products were prohibitive to the average family.

Waste of food, on one hand, because of lack of a marketing system, and loss of mental and physical stamina of the Nation's citizenship because of a lack of this food, are not only a national loss, they are a national disgrace. I shall not develop this thought further. I merely suggest these things as bearing upon the matters under consideration and to give another viewpoint of the vital and comprehensive importance of these matters which have been considered as only of concern to farmers. Another suggestion which I make in passing, aside from the increased producing power of a well fed and clothed workman over one not well fed and clothed, anything which would enable such a man to reduce the cost of his food and clothing would reduce the cost of manufacturing, for instance; for whatever be the manner of considering it, the cost of the operatives' food and clothing is one of the overhead charges which must be taken care of. The operative would, no doubt, share in the benefits of such a reduction. I shall not take the time to further develop this thought, either. There is a somewhat broader scope. The cheaper we can feed and clothe ourselves as a Nation, the less are the fixed charges upon the Nation's activities. The greater we can reduce these fixed charges, the greater will be our opportunities in the industrial contests of the world. In a consideration of these matters we had as well definitely understand that we can not reduce the farmer's profit, because he is quitting at the present profit. I am not making a plea for him. I am stating a self-evident fact. We must give him more profit to induce him to continue. There is no other way to keep him on the job. There is but one new place we can work, and that is in that far distance between the areas of production and of consumption. I am not fighting the middlemen. They are here because they are needed. If we develop a system in which they are not needed, they must go. My judgment is they will always be needed, but not in such relatively great numbers as now. There is too much waste and too many toll takers. But the excess will be eliminated naturally and without any disturbance, if we get a better system. We spend too much time trying to destroy and too little trying to construct. We do not seem to realize that if we build a better house than the present one we will probably not have to tear the old one down in order to have it vacated and the new one occupied. At least we ought to build the new before we demolish the old, even if it does have many defects.

Mr. Chairman, we ought to build a comprehensive marketing machine. I do not mean that the Government should go into the marketing business. It should do with regard to sale and distribution what it is doing with regard to production, and give the people of the Nation a chance to eliminate this waste. It can be done. In this connection I will put into the RECORD a short bill which embodies my ideas as to how it can be done:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized and directed to establish, at as early date as practicable, a farm-produce exchange, with such branches thereof as may be necessary, in order to afford a medium through which the economic and systematic sale and distribution of such products may be effected.

In the operation of such exchange the Secretary of Agriculture, as far as practicable, shall cooperate with the several States and the various agencies therein which may be utilized, and may formulate plans and regulations for exchange of service between them and such exchange.

It shall be the duty of each of the departments of the Government to furnish the Secretary of Agriculture with such statistics and data as they may acquire which would be useful in the operation of such exchange, and to render such other service in the sale and distribution of farm products through such exchange as it would be practicable to render.

The Secretary of Agriculture shall keep advised as nearly as practicable as to the details of the quantity, quality, location, and price at which held, of agricultural products and the volume and location of demand in the United States and abroad, and the price at which such products may be sold, and shall make such information available to the producers and purchasers of such products, and shall endeavor to bring about such system in the sale and distribution of such products as shall eliminate the waste and extremes in prices resulting from the present lack of system therein.

Those desiring to offer products for sale through such exchange may do so by grade or by sample delivered to such exchange, under such rules and regulations as the Secretary of Agriculture may prescribe, but all tenders of such products shall be for a definite quantity and quality: *Provided, however*, That the Secretary of Agriculture is authorized to permit contracts for the sale of such products to be made upon a basis grade, with the option to deliver other grades in fulfillment of such contract: *Provided, however*, That no contracts shall be made through said exchange permitting a delivery within a wider range of grades than the ordinary user of such product dealt in uses in the general conduct of his business wherein such products are used, nor upon any other delivery value difference than the commercial difference between the basis grade and the grade or grades delivered.

The Secretary of Agriculture is authorized to require such deposits in money, bond, or other guaranty of compliance with the obligation to deliver according to tender or receive and pay according to offer as in his judgment may be necessary to insure compliance with the contracts made through such exchange.

All information furnished by such exchange shall not be at a higher cost than that necessary to defray the expenses of transmission.

No charges shall be made to individual producers or to producers' organizations for services rendered in effecting sales of products grown by them or by their members, as the case may be.

The Secretary of Agriculture is authorized to establish such rules and regulations governing transactions through said exchange and the service rendered by said exchange as in his discretion may be deemed necessary.

This bill recognizes the necessity of lodging a large discretion with the Secretary of Agriculture, both as to details and as to time of installation. This would give us what we need, a machine which would make possible of utilization our present Government agencies and the private and organized constructive forces of the country. It would give us a basis for a personal rural-credit system in this country, but I shall not discuss that now. How long before we will do what is necessary I do not know, but I do know that upon all proper occasions I am going to press these matters upon the attention of Congress and of the country until it is done. I am not a crank on this subject. There are many other matters of great importance, but few, if any, of greater importance. I try to be an all-round Representative of my people. If I claim more time on these matters than on any others, it is because I have committed myself especially to them, and know more about them than I do about any other great matter claiming your attention. In other words, while endeavoring to care for my general legislative duties, I have cut this out as my job, and I am going to stay on it until it is finished. I am persuaded I could render no greater constructive service to my country.

The CHAIRMAN. The time of the gentleman from Texas has expired. The gentleman from Wisconsin [Mr. STAFFORD] moves to strike out the paragraph. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. HARRISON. A division, Mr. Chairman.

Mr. STAFFORD. Mr. Chairman, if the gentleman is going to insist on that sort of thing I am going to insist that there shall be a quorum present, so that there shall be a full expression of judgment on the part of the committee.

The CHAIRMAN. Does the gentleman from Mississippi withdraw his request for a division?

Mr. HARRISON. Yes. The gentleman from Wisconsin looks so lonesome over there that I relent. [Laughter.]

The CHAIRMAN. The gentleman from Mississippi [Mr. HARRISON] withdraws his demand for a division. The Clerk will read.

The Clerk read as follows:

For the investigation and demonstration of standards for the different grades, qualities, and conditions of cotton, and for investigating the ginning, grading, stapling, baling, marking, compressing, and tare of cotton, $48,000: *Provided*, That of the sum thus appropriated $28,620 may be used for testing the waste, tensile strength, and bleaching qualities of the different grades and classes of cotton in order to determine their spinning value and for demonstrating the results of such tests.

Mr. HAUGEN. Mr. Chairman, I made a request for unanimous consent a little while ago to extend and revise my remarks, and the question was not put. I wish to make it now.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the debate on this paragraph and all amendments thereto may close in 10 minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of congratulating the committee on the retention of the paragraph by the rather close vote by which it was retained. [Laughter.]

I represent in part the State of New York, and there is no State in the Union that is more interested in that particular paragraph than is the State of New York, for we lead every other State in the Union in the production of orchard fruits, small fruits, and apples.

Mr. MANN. And the amount you eat.

Mr. BENNET. Yes; and the amount we eat, because we have the money to pay for it; and I will say to the gentleman from Illinois that we do pay for it, whereas other States may not. [Laughter.]

Mr. MOORE of Pennsylvania. And the gentleman carries the practice into the House.

Mr. BENNET. The practice of paying for things?

Mr. MOORE of Pennsylvania. No; the habit of eating apples.

Mr. BENNET. Yes; Presbyterians, of whom I am one, have that habit.

Mr. MOORE of Pennsylvania. If the gentleman's religion induces him to misunderstand me, I will say my purpose was to indicate that the gentleman from New York has been detected in the act of eating apples on the floor. [Laughter.]

Mr. BENNET. I will admit that.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. PLATT. Did the gentleman hear the gentleman from Oregon [Mr. HAWLEY] talking about some carloads of apples brought from Oregon to New York, where they had to hawk them around the streets in order to sell them? Is that a great hardship?

Mr. BENNET. There is no reason why Oregon should send any apples to New York anyway, when New York produces six times as many apples in value as the State of Oregon does. [Applause.]

Mr. PLATT. And better in flavor, too.

Mr. BENNET. Yes; they are better apples.

Mr. MOORE of Pennsylvania. Is the New York greening as good an apple as the Albemarle pippin?

Mr. BENNET. All our apples are "pippins."

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. HAWLEY. Has the gentleman from New York ever eaten any of the Oregon apples?

Mr. BENNET. Not consciously. [Laughter.]

Mr. MANN. If the gentleman from New York will save his money he can afford to buy some. [Laughter.]

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. TREADWAY. I regret I can not join in the applause which greeted the gentleman's praise of the apples of New York. They may be better than the Oregon apples, but not better than the apples of Massachusetts. He will have to include the apples of Massachusetts before he can get me to accept his statement. [Laughter.]

Mr. HAWLEY. Mr. Chairman, will the gentleman yield for one question?

Mr. BENNET. Yes.

Mr. HAWLEY. Did the gentleman know before that Massachusetts had ever raised apples?

Mr. BENNET. I have heard of it raising other things than apples.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. FESS. The gentleman from New York forgets Ohio. Ohio is the place of Johnny Appleseed. [Laughter.]

Mr. BENNET. I know about Ohio. In former times some Ohio people came to New York and got some apples, and got a man by the name of Johnny Something, and went back and planted some New York apples in the West and called them "Johnny Appleseed." That is the way they got them.

Mr. HULL of Iowa. Mr. Chairman, will the gentleman yield there? Does the gentleman know that the State of Iowa raises the prize apples of the country?

Mr. BENNET. Everybody will deny that. It can not be proved. [Laughter.] But I did not rise to talk about prize apples or anything of that sort. I rose to talk about volume, and I congratulate the committee that they had the breadth of mind and the clearness of vision to start this proceeding, which is of such great value to consuming States such as Massachusetts and South Carolina and the other Atlantic Coast States, where we are really embarrassed by the failure of our methods of distribution.

The gentlemen, I think, treated this item when it was before the House more or less facetiously; but if they lived in a city like New York, where it is so difficult to obtain the best of food at the lowest prices under any administration, they would realize what a debt of gratitude they ought to bear to the committee that has really made an effort to start something looking toward the better distribution of the small fruits.

Mr. GOOD. Will the gentleman yield for a question?

Mr. BENNET. Yes.

Mr. GOOD. Then the gentleman supported the prior paragraph on the theory that it would reduce the cost of fruit and vegetables?

Mr. MANN. No; that it would make a proper distribution of green things. [Laughter.]

Mr. BENNET. I did not support it because the gentleman from Illinois spoke for it. I supported it because it was right, and I presume the gentleman from Illinois supported it for the same reason.

Mr. HAWLEY. Mr. Chairman, for the enlightenment of the gentleman from New York, I should like to call his attention to a matter that appears on page 6142 of the CONGRESSIONAL RECORD, in the excellent remarks of the gentleman from Arkansas [Mr. JACOWAY]. Evidently the gentleman from New York has not been reading this important document, the CONGRESSIONAL RECORD, with his usual care. The gentleman from Arkansas quotes a statement from Mr. Yoakum relative to this matter:

The apple growers of Oregon based their marketing campaign upon special care and skill in packing. They succeeded so well that Oregon apples are found in the hotels and on the trains in the very heart of some of the finest apple lands in the country, in central New York, in Michigan, in the Ozark country of Arkansas and Missouri. In this instance marketing became a science as exact and as exacting as the business of selling steel billets or farm machinery or any other product of a carefully and accurately organized industry.

The gentleman from New York [Mr. BENNET] has spoken very eloquently of the apples that grow in that State, and I have no criticism to make of his remarks or of the apples of his State, except concerning the worms in them. [Laughter.]

Mr. MOORE of Pennsylvania. All the worms are provided for in previous paragraphs, are they not? [Laughter.]

Mr. HAWLEY. They have been partially provided for. We will take care of the rest of them subsequently.

Mr. MOORE of Pennsylvania. But you take care of the Oregon packing in this paragraph. New York has not gotten on to that yet.

Mr. BENNET. Will the gentleman yield to me to allow me to read the comparative statistics of the two States?

Mr. HAWLEY. Oh, it is not the quantity of apples of which we boast; it is their quality. [Laughter and applause.]

Mr. BENNET. What there are of the apples in Oregon are good apples. I remember now that the gentleman from Oregon brought here several crates at one time and treated us all to them; and they were good apples.

Mr. HAWLEY. Nothing like them in the world.

Mr. BENNET. Some people said that was fortunate, but I do not think so. They are very good apples.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. Mr. Chairman, I rise to oppose this amendment.

The CHAIRMAN. The time fixed for debate on this paragraph and amendments thereto has expired.

Mr. LEVER. Let us read the next paragraph.

Mr. FESS. I am afraid the apple interest will be gone.

Mr. MANN. Not if the gentleman brings a barrel of them here—the interest will not be gone. [Laughter.]

The Clerk read as follows:

To enable the Secretary of Agriculture to make studies of cooperation among farmers in the United States in matters of rural credits and of other forms of cooperation in rural communities; to diffuse among the people of the United States useful information growing out of these studies, in order to provide a basis for a broader utilization of results secured by the research, experimental, and demonstration work of the Department of Agriculture, agricultural colleges, and State experiment stations, $32,860.

Mr. PLATT. Mr. Chairman, I move to strike out the last word.

Mr. LEVER. I ask unanimous consent that debate on this paragraph and amendments thereto close in 10 minutes.

Mr. BENNET. Make it 20 minutes.

Mr. MANN. I hope somebody will give us some information about the status of the rural-credit proposition. I do not desire any time myself.

Mr. LEVER. Make it 15 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate on this paragraph and amendments thereto close in 15 minutes. Is there objection?

There was no objection.

Mr. PLATT. Mr. Chairman, in reading this paragraph my eye was caught by the words "rural credits," and I wondered just what the Secretary of Agriculture was going to do in the line of cooperation among the farmers of the United States in the matter of rural credits. Various farm publications, farm agitators, and politicians have been undertaking to teach the farmers that if they can only have rural credits they will not need to plant crops, but that crops will grow without planting, and not only will they grow without planting, but they can sell them without marketing them. They will not need any of this appropriation of $136,000 in the preceding paragraph. That will be absolutely unnecessary if they have rural credits. I should like to get some information from the chairman of the commitee as to whether the Department of Agriculture will enlighten the farmers as to just what rural credits mean, what they expect to get, and what it is all about, anyway. The Committee on Banking and Currency, of which I am a member, has reported a farm-mortage rural-credit bill, but in the present state of the agitation that bill or any bill that is any where near rational will prove a tremendous disappointment to such farmers as put their trust in the agitators.

Mr. LEVER. As I understand it, the Department of Agriculture under this item for the past two or three years has been making a very careful investigation of the farm-credit facilities of this country. As a member of the joint committee of the two Houses that prepared the rural-credits bill, I remember that the committee had before it Dr. Thompson of this office. I think the gentleman from New York [Mr. PLATT] knows him.

Mr. PLATT. He is a very able man.

Mr. LEVER. I regard him as a very able man.

Mr. PLATT. Undoubtedly.

Mr. LEVER. I think the suggestions and facts and statistics furnished by that gentleman to the Joint Committee on Rural Credits—I have no doubt he also furnished the same to the Committee on Banking and Currency—would justify this appropriation if nothing else had been done under it. The department has recently issued a bulletin warning farmers against going into claptrap rural-credit associations which have begun to spring up here and there in different parts of the country. Very likely that bulletin in its results will be very beneficial and effective.

Mr. PLATT. Will the department probably inform the farmers that they do not need to have the United States Government loan them money at 1 per cent in order to live and furnish food for the rest of us?

Mr. LEVER. The gentleman has as good an idea of Dr. Thompson's views on that subject as I have, and also the views of the Secretary of Agriculture on the same subject.

Mr. PLATT. Does the gentleman have any idea how much of this appropriation will be used for this purpose?

Mr. LEVER. About $24,270 for rural credits, rural insurance, and rural communication.

Mr. PLATT. That is a pretty large amount, and it ought to accomplish something.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. MOORE of Pennsylvania. I would like to ask the gentleman whether any other department of the Government is making inquiry into rural credits?

Mr. LEVER. Not to my knowledge.

Mr. MOORE of Pennsylvania. Reading this and the next paragraph will convince most anyone that there may be something in the suggestion of a duplication of work. For instance, in the paragraph passed a moment ago for the investigation and demonstration of standards for the different grades, qualities, and conditions of cotton, and for ginning, grading, stapling, baling, and so forth, $48,000, it would appear that we have already passed special legislation with respect to that. May not that be a duplication?

Mr. LEVER. There is no duplication. I will say to the gentleman from Pennsylvania that the line of demarkation between many of these items is very narrow. The contact is very close, but there is no real duplication of the work.

Mr. MOORE of Pennsylvania. I do not want to rise again when the paragraph is read, so I will speak of it now. At the top of page 73 there is an item:

To enable the Secretary of Agriculture to cooperate with the several States in the employment of agents to acquire and diffuse useful information connected with the distribution and marketing of farm products through investigational, demonstrational, or extension methods, $20,000.

We have just appropriated $285,000 in one item and $136,600 in another item, and it would appear as if this $20,000 was for the same kind of work.

Mr. LEVER. Not at all; the item the gentleman has just called attention to proposes to employ agents, half of whose salaries shall be paid by the Federal Government and half by the State government in States in which market systems have been organized. It is for cooperative work and for the purpose of correlating the market activities of the Federal Government with the existing market activities of the State government.

Mr. MOORE of Pennsylvania. And the prior appropriations will not be used for cooperative work?

Mr. LEVER. Absolutely not.

Mr. MADDEN. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. MADDEN. Does the department send salesmen out to market the products of the farmer?

Mr. LEVER. No.

Mr. MADDEN. What do they do?

Mr. LEVER. I am afraid the gentleman is making me repeat a story that I have told once or twice this morning.

Mr. MADDEN. Well, the gentleman always speaks lucidly and gives much information.

Mr. LEVER. The purpose of the Bureau of Markets, including all the various items, is to develop the most economical system of marketing farm products in this country with the view of disseminating the information when collected.

Mr. MADDEN. If the gentleman had a big farm and raised a lot of corn he would go to the Department of Agriculture and get the information of where he could find a buyer?

Mr. LEVER. No; the department has not advanced to that point yet.

Mr. MADDEN. To what point have they advanced?

Mr. LEVER. The information of the character suggested by the gentleman is furnished under the item above, on page 72, lines 3 to 6, with reference to perishable products.

Mr. MADDEN. Hay would not be a perishable product, and neither would corn.

Mr. LEVER. No.

Mr. MADDEN. Hogs would be. [Laughter.]

Mr. LEVER. No; these appropriations are with respect to vegetables and fruits.

The Clerk read as follows:

To enable the Secretary of Agriculture to cooperate with the several States in the employment of agents to acquire and diffuse useful information connected with the distribution and marketing of farm products through investigational, demonstrational, or extension methods, $20,000.

Mr. BENNET. Mr. Chairman, I move to strike out the last word.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from South Carolina why, if he uses the alleged words "investigational" and "demonstrational," he does not also use "extensional"? I do not admit for a moment that there is such a word as "investigational" or "demonstrational," but, if they are words, then "extensional" is a word, and we ought to have harmony.

Mr. LEVER. If the gentleman will offer an amendment, I will accept it.

Mr. MADDEN. I wonder whether the gentleman from New York raised the question of the proper way of spelling these words for the purpose of creating harmony or discord?

Mr. BENNET. Mr. Chairman, I move to amend by striking out the words "investigational," "demonstrational," and insert in lieu thereof the words——

Mr. LEVER. The better way would be for the gentleman to move to strike out the word "extension" and insert in lieu thereof the word "extensional." [Laughter.]

Mr. MOORE of Pennsylvania. Is the gentleman sure that his amendment would not strike out a few experts?

Mr. BENNET. If it did, I should not shed any tears.

Mr. Chairman, I move to amend, in lines 4 and 5, by striking out the words "investigational" and "demonstrational" and inserting in lieu thereof the following: "Investigation, demonstration, or by extension methods."

Mr. MANN. Oh, that is worse yet. [Laughter.]

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 73, strike out, in lines 4 and 5, the words "investigational demonstrational, or extension methods" and insert in lieu thereof "investigation, demonstration, or by extension methods."

Mr. BENNET. I ask unanimous consent to modify the amendment by striking out the word "by," so that it will read "or extension methods."

Mr. LEVER. Mr. Chairman, I hope the amendment will be defeated.

Mr. MANN. The gentleman from South Carolina has brought his dictionary down to date, while the gentleman from New York has not.

Mr. BENNET. The trouble is that there are not any such words.

Mr. MANN. Oh, not in the gentleman's dictionary.

Mr. LEVER. But the Committee on Agriculture can make words.

Mr. BENNET. Nor in the House dictionary.

Mr. MANN. That is a little old.

Mr. BENNET. If the House is satisfied with the language, the gentleman from New York is; but it does seem as if in a body such as this, which is assumed to be fairly up to date in education, we ought not to coin words.

Mr. FESS. Mr. Chairman, I would like to ask the chairman of the committee a question.

Mr. MADDEN. Mr. Chairman, I raise the question that the gentleman ought to speak to the amendment, and I would like also to have him make the distinction between "investigational" and "extensional."

Mr. FESS. I am speaking to the amendment. I would like to ask the chairman of the committee whether he prefers the use of the word "investigational" to the word "investigation"?

Mr. LEVER. Mr. Chairman, I will say frankly to the gentleman that I do not think I have any objection to that. I think the words mean the same, even though they do not look the same.

Mr. MANN. Why not say "investigation methods"?

Mr. LEVER. Mr. Chairman, the gentleman from Oregon [Mr. HAWLEY] has called my attention to the fact that you would be qualifying a noun with a noun.

Mr. FESS. A noun very often is used with an adjective meaning. We say "nomination convention." That is quite proper. Convention is a noun and nomination is made an adjective, but I should think the chairman of the committee would prefer the word "investigation" to the word "investigational."

Mr. LEVER. I would say very frankly to my friend from Ohio that the Committee on Agriculture believes it has among its membership one of the greatest grammarians in this body. I refer to the gentleman from Oregon [Mr. HAWLEY], and this passed his critical eye and I would not like to take any backwater on the proposition. [Applause.]

Mr. FESS. Then I will ask the gentleman from Oregon whether he indorses the word "investigational"?

Mr. HAWLEY. In the relation to which those three words stand to the word "method" I think the three adjectives are properly used.

Mr. FESS. The gentleman prefers the use of the phrase "investigational method" to "investigation method"?

Mr. HAWLEY. I think I do.

Mr. PLATT. Should we not also say "extensional"?

Mr. FESS. Then I will say that I regret that the committee chooses to use that sort of language and embody it into the law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. BENNET) there were—ayes 18, noes 44.

So the amendment was rejected.

Mr. GOOD. Mr. Chairman, I move to strike out the last word.

Mr. LEVER. Mr. Chairman, I understood debate on this paragraph and all amendments thereto was closed?

The CHAIRMAN. The gentleman is correct about that.

Mr. GOOD. I will say to the gentleman that I requested time on this amendment, and only one person has been recognized.

Mr. LEVER. Is the time exhausted?

The CHAIRMAN. The Chair can explain the situation. Some other gentleman took the time that the Chair expected the gentleman from Iowa to use.

Mr. MANN. The only gentlemen who spoke were the gentleman from New York [Mr. BENNET] and the gentleman from Ohio [Mr. FESS].

The CHAIRMAN. The gentleman from Oregon [Mr. HAWLEY] spoke.

Mr. MADDEN. But he used only about a minute.

Mr. LEVER. I reserved five minutes for myself, which I have not used.

Mr. MANN. The gentleman from Oregon did not have the floor on this amendment.

The CHAIRMAN. He occupied it for a long time.

Mr. MANN. He answered a question asked by the gentleman from Ohio [Mr. FESS], and he did not have the floor.

Mr. LEVER. Mr. Chairman, I have five minutes in my own right, and I will be very glad to have the gentleman from Iowa use two or three minutes of that.

Mr. GOOD. Mr. Chairman, this is not only new and exceptional language, but it is a new and probably exceptional provision. It is barely possible that it is a meritorious provision; I do not know, but I have been led to believe that a good many of these new provisions are inserted just to provide for new jobs. I was told the other day, and reliably informed, that seven persons from the Department of Agriculture hired two automobiles at Government expense and drove 20 miles to attend a meeting advertised by the Department of Agriculture to be held among the farmers for the purpose of gathering and disseminating information, and that not a farmer attended the meeting, not a woman attended, not a child attended, and those seven persons there at Government expense got up one after the other and delivered their addresses. If that is a sample of the way we are spending the money of the people of the United States, money that we do not have in the Treasury, it is high time to call a halt on some of these new propositions.

Mr. DOOLITTLE. Mr. Chairman, would the gentleman mind telling where this was and when it was?

Mr. GOOD. I do not know when it was. They drove out from the city of Washington, and the gentleman can find the information.

Mr. LEVER. The gentleman can not find it with that kind of information.

Mr. DOOLITTLE. Does the gentleman believe that is true?

Mr. GOOD. I said the city of Washington. I want to correct that statement. It was from the city of New Orleans. Yes; I believe it to be true.

Mr. DOOLITTLE. Why does not the gentleman have a little more information that he can give us?

Mr. GOOD. Oh, the gentleman can get the information. The trouble is that gentlemen on that side do not want the information; you simply want the jobs, and you want to open an almost empty Treasury to pay for them; you want to tax the people of the United States for joy rides. That is what I am opposed to.

Mr. DOOLITTLE. Will the gentleman tell us who told him?

Mr. GOOD. Of course I will not tell the gentleman. I will not betray a confidence in that way, but the gentleman can get all the information, and he will find it is correct. The gentleman is on the committee.

Mr. DOOLITTLE. What was the date?

Mr. GOOD. I did not get the date. I got the number of persons, the number of automobiles, and the number of miles traveled, and the fact that not a soul attended but the paid experts of the department, and it then occurred to me I had gone into the matter as far as I ought to on a first inquiry. I will try again if you insist.

Mr. DOOLITTLE. What year was this, anyhow?

Mr. GOOD. Just recently. I am referring to the present administration of the Agricultural Department.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For general administrative expenses in connection with the lines of investigation, experiment, and demonstration conducted in the Office of Markets and Rural Organization, $19,500.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in 16 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and amendments thereto close in 16 minutes. Is there objection? [After a pause.] The Chair hears none.

The gentleman from New York [Mr. BENNET] is recognized.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Oregon, who seems to be the expert on style in the Committee on Agriculture, if, in line with the new words adopted in the preceding section, the word "administrative," in line 6, ought not to be changed to "administrational"? He seems to have adopted that form of terminology. And if not, why not?

Mr. HAWLEY. I have the greatest regard for the gentleman from New York, and I will ask him if he thinks it ought to be changed?

Mr. BENNET. It is not a question of the gentleman's regard for me, but the question is as to the gentleman's regard for English grammar.

Mr. HAWLEY. I would like to get the gentleman's attention——

Mr. BENNET. If we have gone into the use of the Roumanian language—I recognize the source—and if we are going to write our bills now in Roumanian under this administration, I say, Yes; let us write them in Roumanian throughout. Let us drop the "ive" at the end of the words and put in the Roumanian "al." I do not know why we are so bound by foreign customs during this administration. I think the gentleman, as a Member of the American Congress, should have some pride in standing by the American language.

Mr. HAWLEY. I am not so familiar with the Roumanian language as the gentleman is, my parentage being all American.

Mr. BENNET. I have only two parents, and both of them were born in America. [Laughter.]

Mr. HAWLEY. This word has been used in this sense in this bill for ever so long, and as it has such a well-defined meaning, I can see no reason why it should be changed.

Mr. BENNET. The only reason is to be consistent, and I must say that I sympathize with the gentleman's stand in relation to this particular word, and I think he was wrong in the preceding paragraph. But the House has voted, by 44 to 18, that there is such a word as "demonstrational," and the Democratic Party has made so few contributions to anything worth while in this Congress that I am rather glad they have done that.

Mr. MADDEN. Mr. Chairman, I was wondering, when I saw the language of this paragraph, why it was that the items of expense were not specifically appropriated for, so that we might know how many men were to be employed in this administrative work and what the compensation was to be. It seems to me we ought to be able to ascertain definitely how many men it will take to do this administrative work and to incur this administrative expense in this administrative division of the executive branch of the Government known as the Agricultural Department, and this does not give us any information at all. Why is it that we continue to appropriate in lump sums and keep the information from the Congress and the people as to what salaries are paid and to whom they are paid and why they are paid?

Mr. LEVER. This item is not different from other items in every bureau in this bill. Nor is it different from the policy that has been pursued in this bill ever since I have been a member of the Committee on Agriculture.

Mr. MADDEN. But the fact that that has been the policy and the item is similar to this is no good reason it should continue.

Mr. LEVER. We can give the gentleman the information.

Mr. MADDEN. Why is it not printed in the bill?

Mr. LEVER. It is printed in the Book of Estimates. All lump sums are carried in the same way.

Mr. MADDEN. Does it not give the department wider latitude in the employment of men than it ought to give them, instead of making specific appropriation for the employment?

Mr. LEVER. Not any wider than any lump sum.

Mr. HAWLEY. Does not the great Committee on the Post Office and Post Roads make appropriations in this form?

Mr. MADDEN. No. The Committee on the Post Office and Post Roads says that there shall be 10,000 men of class 1, 10,000 men of class 2, and 10,000 men of class 3, at $800 and $900 and $1,000 each, in certain branches of the service.

Mr. HAWLEY. We do that in all the statutory rolls, but the scientists in the department we never have put on the statutory roll.

Mr. MADDEN. This is a clerical roll, though. It must be necessarily. It is administrative. It can not be scientific.

Mr. HAWLEY. All the clerks employed, except for temporary purposes in this particular bureau, are set forth in the statutory roll at the beginning of the appropriation for the bureau.

Mr. MADDEN. I can understand that where the department requires scientists to do the work of a given branch of the service that it can not very well put them on the statutory roll, but here is the administrative branch of a given bureau, where all the work must of necessity be clerical, and it is easy to set out the number.

Mr. LEVER. If the gentleman will yield, I will say to him that there are only two salaries out of this entire sum—that of the assistant chief of the office, at $3,500, and one scientific assistant, at $1,800, traveling expenses $5,150, and miscellaneous expenses, and so forth.

Mr. MADDEN. What do the miscellaneous expenses consist of, and why have they such large traveling expenses?

Mr. LEVER. This is the administrative item for this entire bureau, and necessarily men selected by the chief of this bureau must spend a good deal of time in the field.

Mr. MADDEN. The gentleman thinks this is the best way to make the appropriation for this branch of the service?

Mr. LEVER. Yes. I will say to the gentleman very frankly, it is the only way that we could work out that was at all satisfactory.

Mr. MADDEN. The committee is satisfied that they have all the information as to what the expenses are for, and that they are along economical lines.

Mr. LEVER. Yes. We have a check on them, and they are set out in detail here.

Mr. MADDEN. They do not give information as to how they are going to spend the funds, but how they have been expended?

Mr. LEVER. No. They are set out in the estimates as to how they are going to be expended.

Mr. HAWLEY. And in the program of work they are set out.

Mr. LEVER. Yes; they are set out in the program of work.

Mr. HEFLIN. Mr. Chairman, I regret exceedingly that so many gentlemen on the other side of the House wait for an opportunity to get into the RECORD to fight this Agricultural appropriation bill.

This is the bill of all bills that go through this House that benefits the agricultural class of our people, and I am surprised at some gentlemen on that side getting up here and fighting with all their might and main this bill, which means so much to the farmers of this country.

The gentleman from Iowa [Mr. GOOD] seems to take delight in fighting, with all the earnestness that he has, these measures that benefit the farmers of the West, the farmers of the East, the farmers of the North, and the farmers of the South. Why, the gentleman becomes very vehement in his fight here against provisions in this bill, and he says it is trying to give somebody a job.

Why, Mr. Chairman, we must have men—experts—men qualified to serve this great agricultural mass. We are living in a progressive age. We are trying to carry the best information that we can obtain by all the power of this Government; we are trying to lay it at the door of the farmers of the West, of the East, of the North, and of the South; and the gentleman from Iowa rises up here and fights appropriations that benefit these people, that carry information to them. He says they want a few jobs.

The gentleman belongs to a party that was in power 16 years in every branch of the Government. [Applause on the Republican side.] It was so extravagant during all that time that Mr. Aldrich, Republican leader of the Senate, said it squandered $300,000,000 a year. It was so extravagant and wasteful of the public funds that Mr. Taft, a Republican President, said they had squandered $100,000,000, and the gentleman was unable to point out where we were misappropriating as much as $10,000 for all the farmers of the United States. [Applause.]

The gentleman talks here and seriously undertakes to entertain this House with a hearsay statement that floated about down in Louisiana, where seven men went out to lecture to the farmers and the farmers were not there and they lectured each other. [Laughter.] I do not believe a word of it. The gentleman talks that sort of stuff in this House in throwing

himself against an appropriation that benefits the farmers of his own State and the country. If the gentleman keeps up that sort of fight, I want to make this prediction to him: In this fall campaign he will go to many places to speak where there will not be anybody there but him. [Applause and laughter.]

Mr. HAUGEN. Mr. Chairman——

Mr. HEFLIN. I was speaking of the other gentleman from Iowa, although you have made yourself liable, too. [Renewed laughter.]

Mr. HAUGEN. Mr. Chairman, how much time is there?

The CHAIRMAN. The gentleman from Iowa has three minutes. That is the amount of time left.

Mr. HAUGEN. Mr. Chairman, that will be enough. In response to the statement of the gentleman from Alabama [Mr. HEFLIN] I desire to say that if I remember correctly, Mr. Chairman, the Democratic Party declared in its platform in favor of a return to "that simplicity and economy which befits a democratic Government, and a reduction in the number of useless offices, the salaries of which drain the substance of the people." It denounced the Republican Party as having been guilty of "a profligate waste of money wrung from the people by oppressive taxation through the lavish appropriations of recent Republican Congresses, which have kept taxes high and reduced the purchasing power of the people's toil."

I have before me a table giving the appropriations for two years that were denounced by the Democratic Party. According to the table, appropriations made by a Republican Congress were, for 1911, $978,521,087.68; for 1912, $995,799,462.72; total for the two years, $1,974,320,550.60. Appropriations made by the present Democratic Congress are reported to be, for the fiscal year 1914, $1,057,605,694.40; for 1915, $1,089,408,777.26; total for the two years, $2,147,014,471.66, which is $172,693,921.26 in excess of appropriations for 1911 and 1912, which they denounced as waste of money wrung from the people by oppressive taxation.

Notwithstanding the fact that the Republican administration turned over to you $149,000,000 in cash available for the payment of running expenses, you had to add another burden upon the people of $100,000,000 under the misnamed "war tax." You undertook to excuse the crime by charging it up to a war 3,000 miles away. You boasted of your pension legislation. The table shows that appropriations made for Army, Navy, and fortifications for the fiscal year 1915 were $11,228,690.07 in excess of appropriations for the fiscal year 1914; but appropriations for pensions is less by $11,150,000, besides two battleships, the *Idaho* and *Mississippi*, were sold and $4,635,000 out of the proceeds of the sale were turned into the Federal Treasury, and adding that amount to the decrease of appropriations for pensions, instead of having an increase of appropriations because of war, we have a decrease of $4,556,309.93.

Thus another plank of the Democratic Party was smashed. The punishment inflicted, though only $172,000,000 in two long years, evidently was sufficient to set the people thinking, and, as the gentleman knows, the Democratic majority in the House was materially reduced. Evidently the breach of promise and the humiliation added to the unnecessary burden was more than many loyal supporters could endure, and it is possible that if the Democratic Party, now in control, continues to add to the burden already imposed, Mr. Voter may be curious to know why this "waste of money wrung from the people by oppressive taxation." [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Iowa has expired. The Clerk will read.

The Clerk read as follows:

Enforcement of the United States cotton-futures act: To enable the Secretary of Agriculture to carry into effect the provisions of the act approved August 18, 1914 (Public, No. 174, 63d Cong.), entitled "An act to tax the privilege of dealing on exchanges, boards of trade, and similar places in contracts of sale of cotton for future delivery, and for other purposes," including all expenses necessary for the purchase of equipment and supplies; for travel; for the employment of persons in the city of Washington and elsewhere; and for all other expenses, including rent outside of the District of Columbia, that may be necessary in executing the provisions of this act, $120,750.

Mr. BENNET. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from New York reserves a point of order on the paragraph.

Mr. LEVER. Mr. Chairman, I suggest to the gentleman that he make the point of order.

Mr. BENNET. Then I make the point of order, Mr. Chairman.

Mr. LEVER. I submit, Mr. Chairman, that that is not subject to a point of order. It is authorized by existing law, the cotton-futures act of 1914. This is to carry it into effect.

Mr. BENNET. Mr. Chairman, there is an act known as the cotton-futures act, which was passed on the date set out in the paragraph; but by a decision of the Federal court, contained in volume 226 of the Federal Reporter, page 135, in the case of Hubbard and others against Lowe, internal-revenue collector, that act was declared to be unconstitutional.

Mr. HEFLIN. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. HEFLIN. Does the gentleman know that an appeal has been taken in that case and is now pending in the Supreme Court, and that until that court acts, it is not declared unconstitutional?

Mr. BENNET. The gentleman from New York knows nothing of that sort, so far as the conclusion is concerned. Of course, the gentleman from Alabama, as a good lawyer, will admit that the decision of any court is the law until it is reversed. This is the existing law.

Mr. HEFLIN. Not until the higher court acts, if an appeal is taken; but until the appeal is taken the judgment of the lower court is the law. Until a decision is rendered on the appeal you could not stop the business; not until the higher court acts.

Mr. BENNET. That would be a very comforting rule if it were true. I have unfortunately once or twice in my life represented defendants against whom judgments were obtained and had to appeal from those judgments. Now, under the logic of the gentleman from Alabama [Mr. HEFLIN], the moment I appealed from those decisions it set aside the judgment; but I have never been able to convince any court that it did.

Mr. MANN. That is just exactly what it does.

Mr. BENNET. Here is what Judge Hough said in the first line of his decision, and I will say to the Chairman that it is very applicable:

That an unconstitutional statute is not a law at all is a proposition no longer open to discussion.

And then he proceeds, through several pages of opinion, to demonstrate that the law is unconstitutional, and he so held it. The headnote of the decision, or that portion of it which is in point, is this:

The cotton-futures act, having originated in the Senate, contrary to the constitutional requirement that bills for raising revenue shall originate in the House of Representatives, is not and never was a law.

And of course, following that out logically, if it never was a law then there is no authority for the appropriation reported by the Committee on Agriculture, and therefore the provision is subject to the point of order.

Mr. HOWARD. Mr. Chairman, will the gentleman yield for a question?

Mr. BENNET. Certainly.

Mr. HOWARD. Does the gentleman maintain, as a matter of law, that that decision of the circuit court, or whatever court it was——

Mr. BENNET. The district court.

Mr. HOWARD. That that decision of the district court is the law of the land, and that this whole act of Congress has been repealed by that decision? And does the gentleman mean to state, as a matter of law, that the appeal to the United States Supreme Court does not suspend that decision until it is finally adjudicated in the Supreme Court of the United States?

Mr. BENNET. Why, Mr. Chairman, every decision of every court is the law until it is reversed.

Mr. HOWARD. Suppose the Supreme Court of the United States were to decide within the next five minutes that that particular decision of the district court was wrong and should reverse it, what would be the attitude of the gentleman then? What would be the law?

Mr. BENNET. My attitude would be that the decision of the Supreme Court was final.

Mr. HOWARD. The gentleman has taken a position that is unheard of, as to the effect of an appeal. I would not entertain it from a justice of the peace. [Laughter.]

Mr. BENNET. Well, I suppose the gentleman is entitled to cite the courts with which he is most familiar. [Laughter.]

Mr. HOWARD. I should say from the appearance of the gentleman on that question that he has never practiced anywhere but in a justice court.

Mr. BENNET. If the gentleman will rise, I will let the House pass on our comparative appearance. [Laughter.] But, of course, all persiflage aside——

The CHAIRMAN. Will the gentleman from New York inform the Chair against whom that proceeding was brought?

Mr. BENNET. Against the collector of internal revenue in one of the New York districts.

The CHAIRMAN. Can the gentleman inform the Chair whether the collector has continued to collect this tax?

Mr. BENNET. The moment that the court handed down the decision not only this collector, but each internal-revenue collector in the United States, being a law-abiding citizen, ceased to operate under this law. The tax is not being collected. Nothing is being done under the law, because there is no law. There can not be any question about that.

Mr. HEFLIN. Mr. Chairman, it is a fact that the cotton exchange has gone on operating under this law, just as it did before. The officers of the law may not have collected the tax pending the appeal, but they are ready to collect it when the higher court, as it will, in my judgment, hold that the law is constitutional. The law will be amended. The bill that we passed, in fact, originated in the House.

Mr. BENNET. All that was disposed of by Judge Hough. He refers to Senate bill 110, and takes up the argument just made by the gentleman from Alabama, overrules it, and decides that the law is unconstitutional. Now, the decision of a court is binding on this House.

The CHAIRMAN. The appropriation carried in this paragraph is to pay the expenses of the machinery incident to the enforcement of this law.

Mr. BENNET. Of this unconstitutional act.

The CHAIRMAN. It is now being held in abeyance. As some gentleman suggested a moment ago, suppose the Supreme Court of the United States on appeal—I understand it is agreed that this case is pending on appeal——

Mr. BENNET. I do not know.

The CHAIRMAN. The Chair does not know.

Mr. BENNET. All I know is the record.

The CHAIRMAN. If the case is pending on appeal, and if the Supreme Court of the United States should hold the act constitutional, then the machinery for its enforcement must be kept up.

Mr. BENNET. Oh, no; not at all. Take a rather famous case. The income tax of 1894 was declared unconstitutional. There were people who suggested that because of the fact that that case was decided by one vote, and that the personnel of the court afterwards changed, new proceedings ought to have been begun. Would anybody have held for a moment that after that act had been declared unconstitutional Congress ought to have gone on and appropriated money for its enforcement on the theory that possibly at some time in the future the court might reverse itself, as, of course, even the Supreme Court has done? But I stand on the proposition, which ought not to be strange to a lawyer, that the law is as declared by the latest decision.

Mr. MANN. Mr. Chairman, I suppose it might be possible for the chairman to take the reasoning of the judge as his own reasoning and for the Chair to hold that the law was unconstitutional. Yet I think no chairman would ever take that responsibility where an act of Congress had not been finally declared unconstitutional by the courts. If the contention of my friend from New York [Mr. BENNET] be correct, it would put us in a very embarrassing position. The other day we had the migratory-bird law under consideration. A few days ago one court declared it unconstitutional. The next day another court declared it constitutional. The next day another court declared it unconstitutional. I may not be giving the exact time, but all that has occurred.

Mr. HAUGEN. I think that no court has held the bird law constitutional.

Mr. MANN. I submit that the gentleman is mistaken. The statement to me is that some courts have held it constitutional. There is no final decision, however. If my friend from New York is correct, we might appropriate to-day; to-morrow we could not. The decision of a nisi prius court, or even one of the appellate courts, is not a final decision at all. It has no weight; when the appeal is taken, that vacates the judgment, but it does not vacate the reasoning.

Mr. STERLING. Will the gentleman yield?

Mr. MANN. Yes.

Mr. STERLING. The Government could go on and operate under this law while the appeal is pending?

Mr. MANN. Certainly it could. It might not get any court to convict. Another nisi prius court might accept the reasoning of this court and take the decision as a precedent, because the decision of one judge has great weight with other judges, but it is not binding on them at all; even a decision of the court of appeals is not binding outside of the circuit, and they frequently disagree.

Mr. RICKETTS. Does the gentleman mean to say that an appeal vacates the judgment or suspends it?

Mr. MANN. It practically vacates the judgment until the decision is confirmed.

The CHAIRMAN. The gentleman from Illinois has stated what is in the mind of the Chair. The Chair had in mind the migratory-bird law. The Chair's information is that one Federal court, and perhaps two, has held the bird law unconstitutional, while another court of equal jurisdiction has held that it is constitutional. We know that these things occur not only in the Federal courts but in the State courts. The present occupant of the Chair would not feel warranted in sustaining a point of order simply because some district court had held an act of Congress unconstitutional, especially if it is pending on an appeal to the court of final jurisdiction. The point of order is overruled.

Mr. ADAMSON. Would the Chair kindly allow me to ask a question?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. ADAMSON. I have been wondering several times when these questions came up for consideration during the progress of this bill if anybody would seriously contend that as long as a law is on the statute books not declared unconstitutional, we would be justified in failing to appropriate for the purpose of enforcing it.

The CHAIRMAN. The Chair thinks not; and the point of order is overruled.

Mr. BENNET. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from New York appeals from the decision of the Chair, and the question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and on a division (demanded by Mr. BENNET) there were—70 ayes and 10 noes.

So the decision of the Chair was declared to be the judgment of the committee.

Mr. MANN. Mr. Chairman, I move to strike out the last word to make an observation. The decision of the court in New York in regard to this cotton-futures act is an illustration of the need of technical care in legislation. Here is an act on which a good deal of thought was expended. The bill was really prepared, I believe, by the gentleman from South Carolina, or some gentleman on that side of the aisle. In the end in the work between the House and the Senate the Senate passed a bill really prepared by the House—a bill nominally authorized by the right to raise taxes, but not intended for that purpose. The court, at the instance of some bright lawyer—and I take my hat off to the lawyer, whoever he was—raised the question, and the court decided that the bill ought to have originated in the House of Representatives, because we have the power alone to originate revenue legislation. I am inclined to agree with the court. I think it would be a very good thing if the House not only agreed with the court but hereafter enforced the doctrine as to all of these propositions nominally to raise revenue, whether they are for that purpose or not.

Mr. CULLOP. Will the gentleman yield?

Mr. MANN. Yes.

Mr. CULLOP. If I understood the gentleman from Illinois, he said that the fact that the Federal court in a New York district construed the act unconstitutional that the judgment of the court was vacated. I would like to put this proposition to the gentleman from Illinois. Suppose, connected with that suit, as I assume there was, a petition to the court to enjoin the marshal or officer from collecting the tax because the act itself was unconstitutional and therefore invalid and the court upheld that contention and issued the injunction. Now, if we appropriate for the enforcement of this act would we not have this condition existing, that in other districts where the suit was not brought the marshal or officer would enforce the act but the officer could not enforce it in the district of New York where he was enjoined, for if he did he would be violating the positive injunction of the court, and would be guilty of contempt?

Now, if the act was declared unconstitutional and suspended for that reason in that district, would it not be an anomalous condition to enforce it in other districts over the country?

Mr. MANN. The gentleman asks a practical question. I do not suppose any money will be expended for the enforcement of the act as long as the decision stands. I presume that if the Supreme Court shall pass on the act and declare it constitutional this money will be expended. Or perchance before this act becomes a law some provision now in the cotton-futures act which has been declared unconstitutional will possibly be included as a portion of this act and this appropriation amended accordingly.

A while ago we were discussing a purely technical question. A practical question is another thing. I do not suppose any of

the money will be expended to enforce an act which the Department of Justice believes to be unconstitutional.

Mr. CULLOP. Mr. Chairman, I move to strike out the last two words.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

Mr. FESS. Mr. Chairman, reserving the right to object, I would like to have a couple of minutes in which to make a statement.

Mr. LEVER. Make is seven minutes, then, Mr. Chairman.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CULLOP. Mr. Chairman, it seems to me as a plain proposition that if the court in New York, of competent jurisdiction, declared this act to be unconstitutional, necessarily it must have suspended the operation of the act throughout the entire country. If it did not, we would have this anomalous condition, that in the Federal district of New York, where doubtless there was more work, more revenue to be collected under this act than in any other district in the United States, the officer would be powerless, and yet out in a district of Iowa or Oklahoma, if the contention be true, it would be the positive duty of the official to go on and execute the act.

Mr. STERLING. Mr. Chairman, will the gentleman yield for a question?

Mr. CULLOP. Yes.

Mr. STERLING. Does the gentleman know whether this was an injunction proceeding?

Mr. CULLOP. I do not, but I assume that it was. I do not know just what the nature of the proceedings was.

Mr. STERLING. The injunction would operate on no person except the defendant in the proceeding, would it?

Mr. CULLOP. The defendant would be the officer whose duty it was to execute the law.

Mr. STERLING. Then if it was an injunction suit he and he alone was enjoined from collecting the moneys under this law, and how would that have any effect on any other officer anywhere else in the country who was not a party to the writ?

Mr. CULLOP. Very good.

Mr. STERLING. I agree with the gentleman——

Mr. CULLOP. Mr. Chairman, I will ask the gentleman not to interrupt further, as I have only five minutes and I want to conclude my statement. The courts of this country must have full faith and credit throughout the entire domain of the country, so that if the officer was enjoined from executing an act, performing the duties required by the act to be performed, then the act would be suspended, so far as he was concerned, though it be appealed to the Supreme Court of the United States, and if that judgment was presented to a court of concurrent jurisdiction, that court would have to give due faith and credit to the decision of the other court. I do not say it would be binding—that is, the decision of one nisi prius court upon another—but I do say that it would be a duty that courts universally follow to give due faith and credit to the decisions of other courts of similar jurisdiction and upon the same matter.

Mr. STERLING. Mr. Chairman, will the gentleman yield now?

Mr. CULLOP. Let me get through with this, and then I will yield. Suppose no appeal had been taken in this case? Suppose the Government had been content with that judgment, then I would ask, gentlemen, if that would not stand as a precedent for every officer in the United States to be controlled by when he was called upon to act under this law? It would strike down the act if the proceedings were to stop there, and it will not do for gentlemen to say that when an act is declared unconstitutional by a court of competent jurisdiction that that judgment is to be ignored in any legislative body, State or National. If so, it would set a precedent which, if the citizen followed, would bring down on him severe criticism. Here a great department is doing and proposes to do in this matter what, if a citizen should do, would be the occasion for severe rebuke. To proceed as proposed would be to enforce a law which one of the courts of the country having jurisdiction in the premises has declared invalid on the highest ground for invalidity—holding it to be unconstitutional. Such a course is not in keeping with the procedure of governments, and is calculated to encourage disrespect for the court and disobedience to its orders. Such a course, to my mind, is subject to severe criticism, and will invite just censure. It would be much better for it to obey the mandate until reversed, if ever, and if not, to acquiesce in its judgment.

Mr. FESS. Mr. Chairman, I think the gentleman from Indiana [Mr. CULLOP] has stated the situation correctly, as I recall my study of constitutional law. This court has jurisdiction and in proper procedure pronounced the act unconstitutional. Under the clause of the Constitution, which says that full faith and credit shall be given, then all district courts of the United States certainly would take due notice of the decision, and no one would say that this tax would be collected in the district where the decision was made, and I do not think anyone would say it would be collected in any other district until this final decision is reached in the Supreme Court.

Mr. CULLOP. Mr. Chairman, will the gentleman yield?

Mr. FESS. I have only half a minute. That being true, and with no assurance that the Supreme Court will reverse the decision of the lower court, I think the proper and wise method now would be to strike out this paragraph at this time. It can not do any harm. In case of a reversal, then it can be enforced later on when its legality is established. I therefore move to strike out the paragraph.

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] moves to strike out the paragraph.

Mr. MOORE of Pennsylvania. On that motion I would like to say this, that unless there is some reason not explained for the expenditure of this money, pending the decision of the Supreme Court, it seems an idle waste.

Mr. LEVER. Mr. Chairman, let me say——

Mr. MOORE of Pennsylvania. In other words, if the gentleman will permit for a minute, why should we spend the money when nothing is to be done pending the action of the court?

Mr. LEVER. There are two reasons: First of all, the department is now enforcing the law; that is, it is gathering its testimony and its evidence, and it is settling disputes and keeping up the machinery for the enforcement of this law. But there is a second reason. Assuming they were not doing that, I am inclined to think that there will be a reenactment during this session of Congress of the cotton-futures act, which was declared unconstitutional by the New York court.

Mr. MOORE of Pennsylvania. Is all of this $120,750 being spent now?

Mr. LEVER. None of this is being spent now. It is an appropriation bill which becomes effective on the 1st of July.

Mr. MOORE of Pennsylvania. An appropriation was made last year?

Mr. LEVER. Yes. They are spending some money now in gathering the evidence.

Mr. MOORE of Pennsylvania. What was it spent for after the court in New York decided that this act was unconstitutional? What would the men have to do?

Mr. LEVER. The department took the position, and I think correctly, that until the Supreme Court has passed upon the validity of this act that is was their duty to enforce it as if no adverse decision had been rendered—enforcing it in the way of notifying all parties concerned that "We will collect evidence against you, and if you violate the law, if this act is declared constitutional, we propose to prosecute." Now they are gathering that testimony, and also settling disputes which arise on the cotton exchanges.

Mr. HAUGEN. In answer to the question of the gentleman from Pennsylvania, I take it that this bureau does exactly as the other bureaus do. I will read for his information the statement of Mr. Nelson, who is in charge of the bird act. Here is his testimony:

> The law is being enforced the same as ever until the status of the law is decided by the Supreme Court of the United States.

Notwithstanding the fact that the act was declared unconstitutional, the gentleman from Illinois says that one court had upheld it. The hearings do not disclose this fact. To the contrary, the hearings disclosed the fact that all the courts, where the question of constitutionality was raised, have held it unconstitutional.

Mr. MOORE of Pennsylvania. Are we paying experts and clerks, including the bureau chief, to go through the motions of pretending to enforce the law that has been declared unconstitutional, or are they actually doing something?

Mr. HAUGEN. That is what they are doing. They are spending the money to enforce inoperative law, not only in this instance but in the interest of the bird act, in the interest of the cotton-futures act, and in the interest of the butter act.

Mr. LEVER. I do not agree with the statement made by the gentleman from Iowa entirely, although I could not hear distinctly.

Mr. HAUGEN. I was reading from the testimony of the witnesses before the committee.

Mr. LEVER. As I understood the gentleman to read it, the act is being enforced as if no adverse decision had been rendered; and that is true, absolutely.

Mr. MOORE of Pennsylvania. I do not object to money to keep the machinery greased; but it seems absurd, if there is nothing to do, to spend $120,000 upon experts merely to go through the motions of reporting in the morning——

Mr. LEVER. That is not the case at all.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. The gentleman might have some explanation of it.

Mr. LEVER. I will try to explain it. The time upon it is limited.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the time be extended for 10 minutes.

Mr. LEVER. Make it 5 minutes. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Is any of my time remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has half a minute remaining.

Mr. LEVER. The department has taken the position that until the Supreme Court passes upon the validity of the cotton-futures act——

Mr. MOORE of Pennsylvania. Will the gentleman yield for one question?

Mr. LEVER. It is very hard for me to make a statement and be interrupted.

Mr. MOORE of Pennsylvania. The gentleman is not reaching the point that I want to get at. How many men are employed for this $120,000, and what are these men doing now?

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. MOORE] has expired.

Mr. MOORE of Pennsylvania. I will ask the gentleman to explain in his own time.

Mr. LEVER. Mr. Chairman, the department takes the position that until the Supreme Court passes upon this matter it is their duty to keep up the machinery and to enforce this law as if no adverse decision upon it had been rendered. Whether that is right or wrong legally, I do not know. The Solicitor of the Department of Agriculture I regard as a good lawyer, and he has advised with the department as to this course. Not only are we seeing that the law is not violated upon these various cotton-future exchanges—not various ones, because there are only two in this country, namely, New York and New Orleans—but we provide the machinery for passing upon the disputes as between buyer and seller as to quality of grade, and the like of that, when such disputes arise.

That is an expensive piece of machinery. In addition to that, under this item we are providing for furnishing standards of grain to exchanges that may desire them, and that is an expensive feature. But I might say, without any further elaboration of it, that the department is enforcing this law and carrying on its machinery as if no adverse decision had been rendered.

Mr. MOORE of Pennsylvania. If the gentleman will answer the question I put to him, I will be obliged to him.

Mr. LEVER. I will try to.

Mr. MOORE of Pennsylvania. How many men are employed? And what have they been doing?

Mr. LEVER. Twenty-six men have been employed. If the gentleman wants me to read the list, I will put them in the RECORD.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman tell me whether the case is pending in the Supreme Court or not?

Mr. MOORE of Pennsylvania. A number of gentlemen here have asked me to ask this question: How many men are employed, and where, and what are they collecting?

Mr. LEVER. Here is the list of men employed:

In Washington: 1 cotton technologist, $3,000; 2 specialists in cotton classing, at $3,000 each; 1 inspector of cotton standards, $3,000; 1 specialist in cotton classing, $2,640; 1 specialist in cotton classing, $2,500; 1 specialist in cotton classing, $2,400; 1 assistant in cotton business methods, $2,250; 1 assistant in cotton classing, $2,100; 2 assistants in cotton business methods, at $2,100 each; 2 assistants in cotton business methods, at $1,800 each; 1 assistant in cotton marketing, $1,800; 2 assistants in cotton classing, at $1,800 each; 1 assistant in agricultural technology, $1,440; 6 assistants in cotton classing, at $1,400 each; 1 assistant in cotton marketing, $1,400.

Out of Washington: 1 specialist in cotton classing, $2,500; 1 assistant in cotton classing, $2,100.

That makes 26 in all.

Mr. MOORE of Pennsylvania. Have those men collected anything under this act?

Mr. LEVER. I will say to the gentleman, in answer to his question, that I glanced over the hearing on that subject last night, and my recollection is that $45,000 has been returned to the Treasury, about $24,000 fees from settling of disputes, more than $10,000 from the sale of standards, and more than $10,000 from the sale of cotton left over. This is not a tax, however; to say that would be misleading.

Mr. MOORE of Pennsylvania. Fees, not penalties?

Mr. LEVER. I so understand.

Mr. MOORE of Pennsylvania. Are these men appointed by the Secretary under Executive authority, or do they come up through the civil service?

Mr. LEVER. Every last one of them comes through the civil service.

Mr. MOORE of Pennsylvania. How are the salaries fixed?

Mr. LEVER. I am not informed as to that.

Mr. MOORE of Pennsylvania. The Secretary fixes the salaries, evidently.

Mr. LEVER. That may be, but they are all under civil service.

Mr. MOORE of Pennsylvania. Are they all experts in cotton?

Mr. LEVER. So far as I know, they are. Now I will answer the question propounded by the gentleman from Michigan.

Mr. SMITH of Michigan. I understood the gentleman to say that the case was pending in the Supreme Court.

Mr. LEVER. Yes; but it has not been argued yet. It is in the same status as the bird law.

Mr. CULLOP. I understood the gentleman to say that $10,000 had been collected?

Mr. LEVER. Yes; and more than that. Not in fines but in settling disputes between buyer and seller.

Mr. CULLOP. That was done before the law was declared unconstitutional.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Ohio [Mr. FESS] to strike out the paragraph.

Mr. HAUGEN. Mr. Chairman, I desire to have five minutes.

Mr. LEVER. I ask unanimous consent, Mr. Chairman, that the gentleman from Iowa have five minutes. He is a member of the committee. I did not know that the gentleman wanted five minutes.

Mr. HAUGEN. Mr. Chairman, I understood that I was to have that much time.

Mr. LEVER. Let the gentleman ask unanimous consent. I shall not object.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for five minutes on this paragraph. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Chairman, the gentleman from South Carolina [Mr. LEVER] has stated the policy of the Government and has explained what its policy is. Its policy is to have Congress appropriate money. For what? To enforce a law that is inoperative and is declared unconstitutional by the courts.

We appropriated a large sum of money for the enforcement of the migratory-bird act, held unconstitutional. We are now about to appropriate money for the enforcement of another act which has been declared by the courts to be unconstitutional.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield there for a question?

Mr. HAUGEN. Yes.

Mr. SMITH of Michigan. Is it not true that when the case was appealed that vacated the judgment in the court below, and the law stands as it virtually did before the decision?

Mr. HAUGEN. I state what the status is. Fines, of course, can not be imposed, but it is a "hold-up." They come up to a man and say: "Here, you have been violating this law. You come in and settle, and we will compromise the case." A constituent of mine compromised a case the other day. It cost him $1,111. The courts have held that the rulings of the department are unconstitutional. Think of it, a department levying a fine and compromising on $1,111 contrary to law as interpreted by the courts.

Several thousand dollars have been paid by honorable men in my district who have been held up because a few pounds of butter were found to contain more than 16 per cent of moisture, notwithstanding the fact that courts have held that the rulings of the department under which fines were compromised are unconstitutional. We have had two rulings, in one department 16 per cent of moisture and in another department 82½ per cent of butter fat. Here you have a conflict of ruling. The courts have held the one being enforced unconstitutional, yet this department holds up these people, as I have said, in some instances more than

$1,000, and in another case they have come down to $100. Now, is it fair to appropriate money, is it fair for this department to hold up these people and compel them to pay either $1,100 or $100? In my opinion it is unjust.

Mr. CANNON. Will the gentleman allow me to ask him a question?

Mr. HAUGEN. Yes.

Mr. CANNON. I believe the gentleman stated that the decisions of the courts have held the bird act unconstitutional.

Mr. HAUGEN. Absolutely, in every case where the question of constitutionality was raised.

Mr. CANNON. I should be glad to know whether there are officers who are drawing pay for the execution of the bird act.

Mr. HAUGEN. Yes.

Mr. CANNON. How many?

Mr. HAUGEN. I can not tell you offhand. As the gentleman knows, we are making appropriations in a lump sum. Congress knows nothing about the number of men to be employed, and nothing about the salaries to be paid.

Mr. CANNON. If the hearings give the information of the number of employees engaged in the enforcement of the bird act, will the gentleman please put that statement in the RECORD?

Mr. HAUGEN. Certainly.

Mr. CANNON. And their salaries?

Mr. HAUGEN. As far as I can.

Mr. CANNON. I ask unanimous consent that the gentleman may extend his remarks in the RECORD by inserting that information.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Iowa may extend his remarks by inserting the information referred to. Is there objection?

There was no objection.

Mr. HAUGEN. The estimates furnished by the department contain the following information on that subject:

Protection of migratory birds, 1917, $99,680 (committee allowed $50,000).

Salaries	$56,540
As follows:	
In Washington—	
1 administrative assistant, in charge migratory bird law, $2,500.	
1 assistant biologist, $1,800.	
Out of Washington—	
31 inspectors, at $1,500 each.	
4 field assistants, at $100 per month each (4 months).	
2 field assistants, at $75 per month each (4 months).	
295 cooperating wardens, at $1 per month each.	
Traveling expenses	37,600
Supplies and equipment	1,000
Miscellaneous expenses	4,540
Total estimate, 1917	99,680
Total appropriation, 1916	50,000
Increase (but as 1 clerk, $1,200, is transferred to the statutory roll, the actual increase is $50,940)	49,680

Protection of migratory birds, 1915, $50,000.

Salaries	$28,244.97
As follows:	
In Washington—	
1 administrative assistant, in charge of migratory bird law, $2,500 (9 months).	
1 administrative assistant, acting in charge migratory bird law, $2,500 (¼ month).	
1 clerk, $1,260 (2 months).	
Out of Washington—	
4 inspectors, at $1,500 each.	
1 inspector, $1,500 (10⅝ months).	
1 inspector, $1,500 (10⅔ months).	
7 inspectors, at $1,500 each (10½ months).	
1 inspector, $1,500 (9½ months).	
1 inspector, $1,500 (8 months).	
2 inspectors, at $1,500 each (7 months).	
2 inspectors, at $1,500 each (6 months).	
1 inspector, $1,500 (5½ months).	
144 wardens, at $1 per month each.	
3 wardens, at $1 per month each (11 months).	
1 warden, $1 per month (10 months).	
1 warden, $1 per month (9 months).	
1 warden, $1 per month (8 months).	
1 warden, $1 per month (7⅔ months).	
1 warden, $1 per month (7 months).	
22 wardens, at $1 per month each (6 months).	
4 wardens, at $1 per month each (5⅓ months).	
1 warden, $1 per month (5.1 months).	
4 wardens, at $1 per month each (5 months).	
1 warden, $1 per month (4⅓ months).	
5 wardens, at $1 per month each (4 months).	
1 warden, $1 per month (3⅓ months).	
24 wardens, at $1 per month each (1⅓ months).	
1 warden, $1 per month (1 month).	
5 game protectors, at $1 per annum each.	
Traveling expenses	16,264.87
Supplies and equipment	251.08
Miscellaneous expenses	182.85
Total expenditures, 1915	44,943.77

Mr. HEFLIN. Will the gentleman yield for a question?

Mr. HAUGEN. Certainly.

Mr. HEFLIN. Suppose one district court declared the bird law unconstitutional, and another district court declared it to be constitutional.

Mr. HAUGEN. Suppose it did—but it did not do any such thing.

Mr. HEFLIN. Suppose it did, then would it be unconstitutional and out of commission before the Supreme Court passed on it, finally?

Mr. HAUGEN. In my opinion it should be held the same as unconstitutional, and the law should not be enforced until it has been determined by the highest court.

Mr. HEFLIN. There is a difference of opinion on that.

Mr. HAUGEN. I know there is a difference of opinion as to that, and what I object to is that any department of the Government should hold up any man in the country, I care not who he is.

Mr. CULLOP. I agree with the gentleman on that.

Mr. HAUGEN. I make no distinction between a man who calls another man into his office and extracts $100 from him under the pretense of enforcing a law that does not exist, according to the interpretation of the courts, and the one who forcibly takes his money from him unlawfully. The principle is the same.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the motion of the gentleman from Ohio [Mr. FESS] to strike out the paragraph.

The question was taken; and on a division (demanded by Mr. LEVER) there were—ayes 34, noes 64.

Accordingly the amendment was rejected.

Mr. MOORES of Indiana. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOORES of Indiana: Page 73, line 23, after the words "one hundred and twenty thousand seven hundred and fifty dollars" insert: "*Provided*, That no portion of the appropriation herein made for the enforcement of such cotton-futures act shall be expended unless and until the constitutionality of such cotton-futures act shall have been sustained by the Supreme Court of the United States.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on that amendment be closed——

Mr. MANN. Debate on the paragraph and all amendments thereto has been closed.

Mr. LEVER. That is correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. MOORES].

The question was taken; and on a division (demanded by Mr. MOORE of Pennsylvania) there were—ayes 33, noes 53.

Mr. MOORES of Indiana. Mr. Chairman, I demand tellers.

Tellers were ordered.

The Chair appointed as tellers the gentleman from South Carolina [Mr. LEVER] and the gentleman from Indiana [Mr. MOORES].

The committee again divided; and the tellers reported that there were—27 ayes and 60 noes.

So the amendment was rejected.

The Clerk read as follows:

Demonstrations on reclamation projects: To enable the Secretary of Agriculture to encourage and aid in the agricultural development of the Government reclamation projects; to assist, through demonstrations, advice, and in other ways, settlers on the projects; and for the employment of persons and means necessary in the city of Washington and elsewhere, $40,000.

Mr. FERRIS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 76, after line 17, insert the following as a separate paragraph:

"International Dry Farming Congress, El Paso, Tex.: to enable the Secretary of Agriculture to cooperate with and make an exhibit at the next annual meeting of the International Dry Farming Congress, to be held at El Paso, Tex., during the fiscal year ending June 30, 1917, illustrative of the investigations, products, and processes relating to farming in the subhumid, arid, and semiarid regions of the United States, including labor and all expenses in the city of Washington and elsewhere, $20,000.

"That the President is hereby authorized to extend invitations to other nations to appoint delegates or representatives to the International Dry Farming Congress: *Provided*, That no appropriation shall be granted or used for the expenses of delegates."

Mr. LEVER. Mr. Chairman, I reserve a point of order upon the amendment.

Mr. FERRIS. Mr. Chairman, this amendment is the amendment of the gentleman from Texas [Mr. SMITH] in whose district is El Paso. The dry-farming people have arranged to hold the next convention down at El Paso, Tex. The amendment I have offered is exactly in the form it was carried in the Agri-

cultural appropriation bill last year when the convention was held at Denver. It was held the preceding year at Wichita, Kans., and carried $20,000; it was held the preceding year at Tulsa, Okla., and carried $20,000 there. The preceding year it was held in Canada, and that year it only carried $10,000.

This item is not regularly estimated for, and I assume that it is subject to a point of order. However, the same custom has prevailed and the bill has carried it every year, and I hope that no point of order will be made and that we may accord El Paso, in that dry section of the greatest State in the Union, the same courtesy that has been accorded to other places.

Mr. STAFFORD. Has the other provision provided for an invitation to foreign Governments?

Mr. FERRIS. The bill of last year did. This amendment is in the same form as the provision of last year and is identical with it. The year preceding that did not have the invitation.

Mr. STAFFORD. To what Governments do you expect to issue invitations?

Mr. FERRIS. I can not say. I have attended but one dry-farming congress, and that was at Tulsa. We had there quite a number from Canada and some other foreign countries. Our Secretary of Agriculture sends delegates. I hope that the chairman of the committee will let the House do the courteous thing instead of having it put on in the Senate, as it will be.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. MOORE of Pennsylvania. What amount of the appropriation last year was spent for traveling expenses of delegates?

Mr. FERRIS. I can not tell the gentleman.

Mr. MOORE of Pennsylvania. Was there any spent for that purpose?

Mr. FERRIS. I can not state.

Mr. MANN. The amendment provides that no part of it shall be used for the expenses of delegates.

Mr. FERRIS. I think it is for the rent of halls and making arrangements to care for the delegates.

Mr. BORLAND. Was the same amount carried in last year's bill?

Mr. FERRIS. The same amount for the preceding three years.

Mr. BORLAND. Is the $20,000 to be used by the Government in participating in the congress?

Mr. FERRIS. Not participating.

Mr. BORLAND. Does the department send anybody there?

Mr. FERRIS. They do; and they lecture and make speeches, and so forth.

Mr. BORLAND. That expense is incurred out of this appropriation or the regular appropriation?

Mr. FERRIS. The gentleman from Illinois advises me that nothing can be spent for delegates out of this appropriation.

Mr. BORLAND. Out of the regular appropriation?

Mr. FERRIS. I do not know.

Mr. BORLAND. It must be spent out of this appropriation.

Mr. FERRIS. The gentleman from Missouri raises the question as to whether the expenses of the delegates will be paid out of this appropriation.

Mr. LEVER. The amendment provides that no appropriation shall be granted or used for the expenses of delegates. It is for a Government exhibit there and things of that kind.

Mr. FERRIS. Yes; they bring very elaborate exhibits down from the Agricultural Department, and things of that kind.

Mr. MANN. How is it possible to spend $20,000?

Mr. FERRIS. I never have had to do with the expenses of it. I attended the Tulsa convention in my own State. I was invited there. They made very elaborate arrangements. The town was full of people for over a week. They had elaborate exhibits, and it resembled a county fair in a good big town. They rented halls, and even constructed exhibit halls, and they had exhibits of all the different branches of the Government. The mining people had a lot of stuff there.

Mr. MANN. If we are to have a dry-farming congress every year, as has been the case recently, and we are to appropriate money every year to put up a building, it strikes me that we had better have a permanent location and give it at that place. I can not see, and I am asking for information, how it is possible to spend $20,000.

Mr. FERRIS. I never have had to do with the expenditure of the money, but I believe if the gentleman were to attend one of the congresses he would not think that that is too much.

Mr. MANN. I suppose most of the exhibits there are sent by the States or associations and not by the General Government. I do not understand that this is for the purpose of making a Government exhibit.

Mr. FERRIS. The Indian schools send the different kinds of wheat and corn and kafir corn and cane and maize.

Mr. MANN. Is that paid for out of this appropriation?

Mr. FERRIS. Again I am at sea, and I am not able to tell the gentleman. Does the chairman of the committee know?

Mr. MANN. It seems to me that somebody ought to have some information on the subject if they want to get the money.

Mr. LEVER. My impression is that the department would pay for the expense of transportation of the things to which the gentleman has referred, although I confess that I do not have that information right at hand. Some foreign nations make exhibits—for instance, Canada.

Mr. MANN. Who gets this money?

Mr. LEVER. It is spent through the department.

Mr. MANN. Of course, but do they turn it over to the secretary of the dry-farming congress?

Mr. LEVER. Not to my knowledge.

Mr. MANN. I understood when we first made the appropriation that that was the way part of it was to be expended.

Mr. FERRIS. I think that must be true. I do not know.

Mr. MANN. Mr. Chairman, I think the gentleman better let this go over until morning until we can get some information about it.

Mr. LEVER. If the gentleman is willing to do that I would be very glad to have it go over.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that the consideration of the amendment which I have offered be passed over until to-morrow morning.

The CHAIRMAN. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, as the matter stands now I am inclined to make the point of order.

Mr. FERRIS. The point of order is pending. Let me see if I can not justify this amendment.

Mr. MOORE of Pennsylvania. But absolutely no information has been presented here which would warrant Congress in putting its hand into the Federal Treasury and giving $20,000 to some individuals to spend for their own use.

Mr. FERRIS. It will not be that way.

Mr. MOORE of Pennsylvania. If the gentleman is going to explain it, I will not make the point of order now.

Mr. FERRIS. That is the purpose of having it go over.

Mr. MOORE of Pennsylvania. The gentleman knows that there are hundreds, if not thousands, of associations being built up on this character of propaganda, and they have to pay for it out of their own pockets; and it would be better for Congress and for the people if we had less of them. They seem to get to a point where with Government money they pass resolutions to ask the Government for more money, and the time will come when we will have to consider whether we ought not to stop them.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the consideration of his amendment be passed over until the morning. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Cooperative fire protection of forested watersheds of navigable streams: For cooperation with any State or group of States in the protection from fire of the forested watersheds of navigable streams under the provisions of section 2 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," $100,000.

Mr. RAINEY. Mr. Chairman, on page 7800 of the CONGRESSIONAL RECORD for April 25, 1916, under a leave to print, my colleague from Illinois [Mr. BUCHANAN], who is my friend and for whose integrity and ability I have the greatest respect, printed certain articles from certain newspapers published in Chicago, together with resolutions purporting to have been adopted by the Chicago Federation of Labor, the statement being made therein that in that organization there are 250,000 working people in the city of Chicago. These resolutions reflect upon and question the motives of the Illinois Manufacturers' Association and such Members of the Illinois delegation in Congress as attended the banquet given at the Shoreham Hotel last night by the Illinois Manufacturers' Association to the Members of this body from the State of Illinois.

I regret that any member of the Illinois delegation felt himself called upon, even though requested to do so by a great labor organization, to print in the CONGRESSIONAL RECORD matter misrepresenting, as this does, the attitude of the Illinois Manufacturers' Association, and reflecting indirectly upon such Members of Congress as accepted their invitation to be enter-

tained at their dinner last night and to confer with them upon the subject of national preparedness.

It is impossible from the nature of the material printed in the RECORD to tell what portion of it comprises extracts from certain Chicago newspapers and what part of it consists merely of the resolutions passed by the Chicago Federation of Labor on that subject. The resolutions indicate, however, that the Chicago Federation of Labor charges that the Illinois Manufacturers' Association—the delegation which came here yesterday—was composed of "self-styled patriots"—I read from the resolutions—"who are nearly all reaping great financial benefits from the present war in Europe by furnishing ammunition and other war materials," and also "that these gentlemen would repeat very large profits if the Senate and the House of Representatives of the United States should adopt their so-called 'military preparedness' plan."

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. I ask unanimous consent that my colleague may be permitted to proceed for five minutes more.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] asks unanimous consent that his colleague may be permitted to proceed for five minutes more. Is there objection?

There was no objection.

Mr. RAINEY. I read again from the resolution:

> Whereas the "patriots" whose ill-gotten profits enabled them to hire a special train and arrange for an elaborate dinner in Washington to the Members of the Senate and House of Representatives, represent numerically a very small portion of our community, and do not represent the sentiment of the "people back home" in Chicago—

And so forth.

I represent an agricultural district in this body, and not a manufacturing district. I have no connection with the Illinois Manufacturers' Association. I represent a district where there are a few workmen who belong to organized labor. But in this body for nearly 14 years I have actively supported and have voted for every single labor proposition submitted here. For years and years as the ranking Democrat, when Democrats were in the minority in the House of Representatives, on the Committee on Labor I fought the battle for the measures that organized labor stood for. And I think as a citizen of Illinois, not representing a manufacturing district, not representing a district in which organized labor exists to any considerable extent, I have the right to resent the insinuations contained in these resolutions.

The Illinois Manufacturers' Association is about 20 years old. It numbers between 2,000 and 3,000 members. It reaches out from the great city by the lake down through the State of Illinois. The requirement for membership in that organization, as I understand it, is that the person seeking membership be a manufacturer, no matter how small, and most of them are small manufacturers, and they pay an annual fee of $25. The organization exists, as I understand it, for the purpose of promoting the manufacturing industries of the great State of Illinois, for the purpose of looking after credits, better transportation, better and more efficient business methods, and for the purpose of developing and promoting the industries of Illinois. Not long ago representatives of this great organization visited the Republics of South America, promoting there the trade interests of the United States and calling attention to the goods we manufacture in the State of Illinois.

Since this organization was perfected and commenced its work Illinois has forged rapidly to the front as a manufacturing State, until to-day we are the third State in the Union in point of manufactures. Five hundred thousand skilled workmen are employed in the factories of Illinois, more than in any other State except New York and Pennsylvania, and we pay out to the wage earners in those factories in Illinois over $300,000,000 per year. No State has increased as fast as has Illinois the wages of the men who work in her factories. To-day in 20,000 manufacturing establishments distributed throughout the great State I have the honor to represent in part here we turn out every year over $2,000,000,000 worth of manufactured products. Farming lands in Illinois are worth to-day more per acre than in any other State in the Union, and Illinois is our greatest agricultural State. If by some great calamity the factories of Illinois could be eliminated in a day, a half million of our citizens would be out of employment and farming lands would instantly depreciate in value 50 per cent, our prosperity would disappear, and the result would be most disastrous.

Now, I want to give you, and to place in the RECORD here, the names and occupations of the officers of the Illinois Manufacturers' Association, in order that you may see whether any of them are interested in any way in the manufacture of munitions. None of these officers are, so far as I know—and I know of no manufacturers in the State of Illinois belonging to this organization who are—in any way interested in the manufacture of munitions.

Samuel M. Hastings, of Chicago, the president of the association, is president of the Computing Scale Co. of America, a company which manufactures the computing scales which are used in stores throughout this country. William Butterworth is the first vice president. He is a member of the firm of Deere & Co., of Moline, which manufactures plows. Dorr E. Felt is the second vice president. He is a member of the Felt & Tarrant Manufacturing Co., manufacturing these comptometers or adding machines which are sold throughout this country and the world. Peter S. Theurer, the treasurer of the association, is connected with the Peter Schoenhofen Brewing Co., of Chicago, evidently from the name of the organization not engaged in the manufacture of munitions of war. Charles Piez, of Chicago, one of the directors, is connected with the Link-Belt Co., engaged in the manufacture of leather belts for machinery. Alfred H. Mulliken, of Chicago, another director of the association, is connected with the manufacturing firm of Pettibone, Mulliken & Co. William Nelson Pelouze, of Chicago, another director, is connected with the Pelouze Manufacturing Co. G. R. Meyercord, of Chicago, another director, is at the head of the Meyercord Co., manufacturing not war materials but harmless decalcomanias—a delightful gentleman who I assure you will always keep as far away from munitions of war as possible. Paul Schulze, of Chicago, another director, is connected with the Schulze Baking Co., evidently not a munitions concern. Frederick W. Upham, of Chicago, another director, is connected with the Consumers' Co., the organization that supplies the citizens of Chicago with coal and ice. H. G. Herget, another director, lives at Pekin, and is connected with the Pekin Wagon Co., manufacturing wagons for farmers. R. D. Clarke, of Peoria, also a director, is a member of the firm of Clarke Bros. & Co. Mr. Clarke at the present time is also largely interested in the reclamation of swamp lands in Illinois and Arkansas. George D. Tower, of Mendota, another director, is connected with the J. D. Tower & Sons Co. J. Willis Gardner, of Quincy, another director, is connected with the Gardner Governor Co. Milton S. Florsheim, of Chicago, another director, is connected with the Florsheim Shoe Co., and E. Tyner, of Chicago, another director, is a member of the firm of Ed. V. Price & Co., which manufactures not munitions of war but clothing. Mr. John M. Glenn is the secretary of the association, and Mr. Colin C. H. Fyffe is the general counsel.

Not one of the officers and directors of this association is engaged in any business even remotely connected with the manufacture of munitions of war. As a citizen of Illinois interested in its great industries and in its material progress I have the right to protest most vigorously against the insinuations contained in these resolutions. I am unwilling to have the matter I have been discussing become a part of the permanent records of this Government without adding to the record the statement I am now making as to the object and purposes and the organization of the Illinois Manufacturers' Association. I have not been requested by any member of this organization to make this statement. I have not consulted in this matter the officers of the organization or any member of it. The gentlemen who came to Washington did not come here on a special train. There were not 200 of them. I did not see as many as 20 of them at the banquet referred to in the matter so inserted in the RECORD. They came here to consult with and to advise Members in both branches of the National Congress from Illinois, and they had the right to do this. It became the duty of Representatives from that great State to confer with that committee and to receive their suggestions in this crisis in our national history. It is the duty of Representatives in Congress to invite suggestions from their constituents and to consider any petition or suggestions presented to them respectfully and seriously at all times. The success of representative government depends entirely upon whether or not the people are correctly and properly represented in both branches of the Congress. It becomes the duty of Representatives to consult their constituents, and it is the duty of good citizens to consult and advise and make suggestions to their Representatives. Representatives of organized labor came to Washington from all over the Union, and especially from Illinois. They have the right to come. It is the duty of Members of Congress to invite these visits and to attentively consider all communications received from them or from any organization interested in legislation.

I regret that on last evening a prior engagement with the Credit Men's Association of the National Capital, to attend a meeting held by them and to deliver an address on my tariff-

commission bill, prevented me from attending the banquet given by the representatives of the Illinois Manufacturers' Association. I, however, as soon as I had fulfilled my prior promise to the credit men's organization repaired at once to the Shoreham Hotel and reached the dining room where the banquet was being given just at the close of the banquet, in time to participate in the proceedings which followed. I saw enough of the banquet, however, to indicate to me that it was the usual dinner served on similar occasions here in the Capital City, resembling in every particular dinners I have heretofore attended, given by labor organizations to prominent labor officers and representatives and others. The dinner was attended by both Senators from Illinois and by a large portion of the Illinois delegation in Congress. I do not think any Member of Congress from Illinois was absent on account of being intimidated by any of the matter printed on the pages of the CONGRESSIONAL RECORD, to which I am calling attention. There was no attempt to improperly influence any Member of Congress. Mr. Hastings, the president of the organization, in opening the discussion, stated that the Illinois Manufacturers' Association was not in any way interested in the manufacture of arms or munitions of war. Its members receive no profit or financial benefit from business of that character. They have no interest in preparedness legislation other than the interest loyal American citizens should have in the welfare and the safety of this Government and of our institutions. They were not here, he said, to advocate any particular method of defense nor what the units of defense should be on the sea and on the land. That matter should be left entirely, he said, to the experts of the United States Government.

The organization he represented, he stated, did not advocate extravagant or unnecessary methods of defense. They only advocated an adequate and a sufficient system of defense. They only advocated such preparedness as would enable this Government to protect the lives of its citizens wherever they might be, on the land or on the sea, and which would enable this Government to protect and defend the homes of its citizens and the institutions and ideals of this great Government. In other words, he advocated that kind of preparation which would enable this great Nation to keep its place in the sun.

To-day these citizens of Illinois, representing its great industries, are quietly returning to the cities from which they came to take up again the business of managing the great industries of Illinois. I desire to say as a Member of Congress from that State that I appreciate their visit here, and I believe this sentiment is shared by all the Representatives from Illinois who attended this conference. I sincerely hope conferences between Illinois Representatives in Congress and their constituents, whether their interest is in manufacturing, in agriculture, in mining, or in any of the great principles for which organized labor stands, will be frequent in the future and I am sure that Members of Congress from Illinois will at all times have in view the material progress of that State and its great interests. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. LEVER. Mr. Chairman, I offer the following as a new paragraph.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 77, after line 2, insert the following——

Mr. LEVER. Mr. Chairman, I ask that the Clerk read it just as it is—amendment No. 1.

The Clerk read as follows:

Amendment No. 1, part A. That this part, to be known as the United States cotton-futures act——

Mr. STAFFORD. Mr. Chairman, it will take about 15 minutes to read that provision.

Mr. LEVER. Mr. Chairman, I take it that gentlemen on that side will make a point of order against it. May I say that this is the cotton-futures act?

Mr. STAFFORD. The same that is embodied in the resolution introduced this week?

Mr. LEVER. Yes; exactly.

Mr. GARLAND. Mr. Chairman, I move to strike out the last word.

Mr. MADDEN. Mr. Chairman, I reserve a point of order.

Mr. LEVER. I suggest, Mr. Chairman, that if a point of order is to be raised, enough has been read to demonstrate that it is not in order on this bill. I suggest that somebody make it.

Mr. STAFFORD. To accommodate the gentleman from South Carolina, Mr. Chairman, I will make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the amendment may be printed in the RECORD.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the amendment be printed in the RECORD. Is there objection?

There was no objection.

The amendment reads as follows:

Amendment offered by Mr. LEVER: Page 77, after line 2, insert the following:

"AMENDMENT No. 1.

"*Part A.*

"That this part, to be known as the United States cotton futures act, be and hereby is enacted to read and be effective hereafter as follows:

"'That this act shall be known by the short title of the "United States cotton futures act."

"'SEC. 2. That, for the purposes of this act, the term "contract of sale" shall be held to include sales, agreements of sale, and agreements to sell. That the word "person," wherever used in this act, shall be construed to import the plural or singular, as the case demands, and shall include individuals, associations, partnerships, and corporations. When construing and enforcing the provisions of this act, the act, omission, or failure of any official, agent, or other person acting for or employed by any association, partnership, or corporation within the scope of his employment or office, shall, in every case, also be deemed the act, omission, or failure of such association, partnership, or corporation as well as that of the person.

"'SEC. 3. That upon each contract of sale of any cotton for future delivery made at, on, or in any exchange, board of trade, or similar institution or place of business, there is hereby levied a tax in the nature of an excise of 2 cents for each pound of the cotton involved in any such contract.

"'SEC. 4. That each contract of sale of cotton for future delivery mentioned in section 3 of this act shall be in writing plainly stating, or evidenced by written memorandum showing, the terms of such contract, including the quantity of the cotton involved and the names and addresses of the seller and buyer in such contract, and shall be signed by the party to be charged, or by his agent in his behalf. If the contract or memorandum specify in bales the quantity of the cotton involved, without giving the weight, each bale shall, for the purposes of this act, be deemed to weigh 500 pounds.

"'SEC. 5. That no tax shall be levied under this act on any contract of sale mentioned in section 3 hereof, if the contract comply with each of the following conditions:

"'First. Conform to the requirements of section 4 of, and the rules and regulations made pursuant to, this act.

"'Second. Specify the basis grade for the cotton involved in the contract, which shall be one of the grades for which standards are established by the Secretary of Agriculture except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section, the price per pound at which the cotton of such basis grade is contracted to be bought or sold, the date when the purchase or sale was made, and the month or months in which the contract is to be fulfilled or settled: *Provided*, That middling shall be deemed the basis grade incorporated into the contract if no other basis grade be specified either in the contract or in the memorandum evidencing the same.

"'Third. Provide that the cotton dealt with therein or delivered thereunder shall be of or within the grades for which standards are established by the Secretary of Agriculture except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section and no other grade or grades.

"'Fourth. Provide that in case cotton of grade other than the basis grade be tendered or delivered in settlement of such contract, the differences above or below the contract price which the receiver shall pay for such grades other than the basis grade shall be the actual commercial differences, determined as hereinafter provided.

"'Fifth. Provide that cotton that, because of the presence of extraneous matter of any character or irregularities or defects, is reduced in value below that of Good Ordinary, or cotton that is below the grade of Good Ordinary, or, if tinged, cotton that is below the grade of Low Middling, or, if stained, cotton that is below the grade of Middling, the grades mentioned being of the official cotton standards of the United States, or cotton that is less than seven-eighths of an inch in length of staple, or cotton of perished staple or of immature staple, or cotton that is "gin cut" or reginned, or cotton that is "repacked" or "false packed" or "mixed packed" or "water packed," shall not be delivered on, under or in settlement of such contract.

"'Sixth. Provide that all tenders of cotton under such contract shall be the full number of bales involved therein, except that such variations of the number of bales may be permitted as is necessary to bring the total weight of the cotton tendered within the provisions of the contract as to weight; that on the fifth business day prior to delivery the person making the tender shall give to the person receiving the same written notice of the date of delivery, and that on or prior to the date so fixed for delivery, and in advance of final settlement of the contract, the person making the tender shall furnish to the person receiving the same a written notice or certificate stating the grade of each individual bale to be delivered and, by means of marks or numbers, identifying each bale with its grade.

"'Seventh. Provide that in case a dispute arises between the person making the tender and the person receiving the same as to the quality or the grade or the length of staple of any cotton tendered under the contract either party may refer the question to the Secretary of Agriculture for determination, and that such dispute shall be referred and determined, and the costs thereof fixed, assessed, collected, and paid in such manner and in accordance with such rules and regulations as may be prescribed by the Secretary of Agriculture.

"'The provisions of the third, fourth, fifth, sixth, and seventh subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the memorandum evidencing the same, at or prior to the time the same is signed, the phrase "Subject to United States cotton-futures act, section 5."

"'The Secretary of Agriculture is authorized to prescribe rules and regulations for carrying out the purposes of the seventh subdivision of this section; and his findings upon any dispute referred to him under said seventh subdivision, made after the parties in interest have had an opportunity to be heard by him, or such officer, officers, agent, or agents of the Department of Agriculture as he may designate, shall be accepted in the courts of the United States in all suits between such parties, or their privies, as prima facie evidence of the true quality or grade or length of staple of the cotton involved.

"'SEC. 6. That for the purposes of section 5 of this act the differences above or below the contract price which the receiver shall pay for cotton or grades above or below the basis grade in the settlement of a contract of sale for the future delivery of cotton shall be determined by the actual commercial differences in value thereof upon the sixth business day prior to the day fixed, in accordance with the sixth subdivision of section 5, for the delivery of cotton on the contract, established by the sale of spot cotton in the market where the future transaction involved occurs and is consummated if such market be a bona fide spot market; and in the event there be no bona fide spot market at or in the place in which such future transaction occurs, then, and in that case, the said differences above or below the contract price which the receiver shall pay for cotton above or below the basis grade shall be determined by the average actual commercial differences in value thereof upon the sixth business day prior to the day fixed, in accordance with the sixth subdivision of section 5, for the delivery of cotton on the contract in the spot markets of not less than five places designated for the purpose from time to time by the Secretary of Agriculture, as such values were established by the sales of spot cotton in such designated five or more markets: *Provided*, That for the purposes of this section such values in the said spot markets be based upon the standards for grades of cotton established by the Secretary of Agriculture: *And provided further*, That whenever the value of one grade is to be determined from the sale or sales of spot cotton of another grade or grades such value shall be fixed in accordance with rules and regulations which shall be prescribed for the purpose by the Secretary of Agriculture.

"'SEC. 7. That for the purposes of this act the only markets which shall be considered bona fide spot markets shall be those which the Secretary of Agriculture shall, from time to time, after investigation, determine and designate to be such and of which he shall give public notice.

"'SEC. 8. That in determining, pursuant to the provisions of this act, what markets are bona fide spot markets the Secretary of Agriculture is directed to consider only markets in which spot cotton is sold in such volume and under such conditions as customarily to reflect accurately the value of middling cotton and the differences between the prices or values of middling cotton and of other grades of cotton for which standards shall have been established by the Secretary of Agriculture: *Provided*, That if there be not sufficient places in the markets of which are made bona fide sales of spot cotton of grades for which standards are established by the Secretary of Agriculture to enable him to designate at least five spot markets in accordance with section 6 of this act, he shall, from data as to spot sales collected by him, make rules and regulations for determining the actual commercial differences in the value of spot cotton of the grades established by him as reflected by bona fide sales of spot cotton of the same or different grades in the markets selected and designated by him from time to time for that purpose; and in that event differences in value of cotton of various grades involved in contracts made pursuant to section 5 of this act shall be determined in compliance with such rules and regulations.

"'SEC. 9. That the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards of cotton by which its quality or value may be judged or determined, including its grade, length of staple, strength of staple, color, and such other qualities, properties, and conditions as may be standardized in practical form, which, for the purposes of this act, shall be known as the "Official cotton standards of the United States," and to adopt, change, or replace the standard for any grade of cotton established under the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909 (35 Stat. L., p. 251), and acts supplementary thereto: *Provided*, That any standard of any cotton established and promulgated under this act by the Secretary of Agriculture shall not be changed or replaced within a period less than one year from and after the date of the promulgation thereof by the Secretary of Agriculture: *Provided further*, That, subsequent to six months after the date section 3 of this act becomes effective, no change or replacement of any standard of any cotton established and promulgated under this act by the Secretary of Agriculture shall become effective until after one year's public notice thereof, which notice shall specify the date when the same is to become effective. The Secretary of Agriculture is authorized and directed to prepare practical forms of the official cotton standards which shall be established by him, and to furnish such practical forms from time to time, upon request, to any person, the cost thereof, as determined by the Secretary of Agriculture, to be paid by the person requesting the same, and to certify such practical forms under the seal of the Department of Agriculture and under the signature of the said Secretary, thereto affixed by himself or by some official or employee of the Department of Agriculture thereunto duly authorized by the said Secretary.

"'SEC. 10. That no tax shall be levied under this act on any contract of sale mentioned in section 3 hereof, if the contract comply with each of the following conditions:

"'First. Conform to the rules and regulations made pursuant to this act.

"'Second. Specify the grade, type, sample, or description of the cotton involved in the contract, the price per pound at which such cotton is contracted to be bought or sold, the date of the purchase or sale, and the time when shipment or delivery of such cotton is to be made.

"'Third. Provide that cotton of or within the grade or of the type, or according to the sample or description, specified in the contract shall be delivered thereunder, and that no cotton which does not conform to the type, sample, or description, or which is not of or within the grade specified in the contract shall be tendered or delivered thereunder.

"'Fourth. Provide that the delivery of cotton under the contract shall not be effected by means of "set-off" or "ring" settlement, but only by the actual transfer of the specified cotton mentioned in the contract.

"'The provisions of the first, third, and fourth subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the document or memorandum evidencing the same, at or prior to the time the same is entered into, the words "Subject to United States cotton-futures act, section 10."

"'This act shall not be construed to impose a tax on any sale of spot cotton.

"'This section shall not be construed to apply to any contract of sale made in compliance with section 5 of this act.

"'SEC. 11. That upon each order transmitted, or directed or authorized to be transmitted, by any person within the United States for the making of any contract of sale of cotton grown in the United States for future delivery in cases in which the contract of sale is or is to be made at, on, or in any exchange, board of trade, or similar institution or place of business in any foreign country, there is hereby levied an excise tax at the rate of 2 cents for each pound of the cotton so ordered to be bought or sold under such contract: *Provided*, That no tax shall be levied under this act on any such order if the contract made in pursuance thereof comply either with the conditions specified in the first, second, third, fourth, fifth, and sixth subdivisions of section 5 or with all the conditions specified in section 10 of this act, except that the quantity of the cotton involved in the contract may be expressed therein in terms of kilograms instead of pounds: *Provided further*, That if at the time any such contract is entered into the Secretary of Agriculture, after investigation, shall have determined and, by declaration then unrevoked, in the rules and regulations made pursuant to this act, shall have publicly announced that its terms are the substantial equivalent, and sufficient to accomplish the purposes, of the conditions specified in the fourth, fifth, and sixth subdivisions of section 5 of this act, and the rules and regulations relating thereto, such contract shall be deemed, for the purposes of this section, to comply with the said conditions: *And provided further*, That no tax shall be levied under this act on any order mentioned in this section if, first, such order and the contract made in pursuance thereof be solely for hedging the purchase or sale of spot cotton shipped, or to be shipped, from the United States to any foreign country, or the shipment or consignment for sale of spot cotton from the United States to any foreign country, whether such order or contract be the one given or made originally, or be subsequently given or made for a purchase or sale to be substituted, for hedging the purchase, sale, or shipment or consignment for sale, of spot cotton, or be for the liquidation of any such transaction; and, second, a report of such transaction, including the shipment of the cotton involved, be made to the Secretary of the Treasury at such time or times and in such form as he may require.

"'This act shall not be construed to lay any tax on cotton exported from any State.

"'SEC. 11a. That upon each order received in the United States which shall have been, directly or indirectly, transmitted or directed or authorized to be transmitted by any person from a foreign country in which there is any exchange, board of trade, or similar institution or place of business at, on, or in which contracts of sale of cotton grown in the United States for future delivery are customarily made, for the making of any contract of sale of cotton grown in the United States for future delivery in cases in which a contract of sale is made pursuant thereto at, on, or in any exchange, board of trade, or similar institution or place of business in the United States, there is hereby levied an excise tax at the rate of 2 cents for each pound of the cotton so ordered to be bought or sold under such contract: *Provided*, That no tax shall be levied under this act on any such order if contracts of sale of cotton grown in the United States for future delivery which made be made at, on, or in the exchanges, boards of trade, and similar institutions and places of business in such foreign country or countries comply with the conditions specified in section 11 of this act for exemption from taxation under this act of orders sent from the United States for the making of contracts of sale in foreign countries. The Secretary of Agriculture is authorized from time to time to ascertain and determine in what foreign countries there are any exchanges, boards of trade, or similar institutions or places of business at, on, or in which contracts of sale of cotton grown in the United States for future delivery are customarily made, and whether any such contracts of sale which may be made at, on, or in such exchanges, boards of trade, or similar institutions or places of business comply with the conditions specified in section 11 of this act for exemption from taxation under this act of orders sent from the United States for the making of such contracts of sale. He shall publish such determinations in his rules and regulations made pursuant to this act.

"'SEC. 12. That the tax imposed by section 3 of this act shall be paid by the seller of the cotton involved in the contract of sale, by means of stamps which shall be affixed to such contracts, or to the memoranda evidencing the same, and canceled in compliance with rules and regulations which shall be prescribed by the Secretary of the Treasury. The tax imposed by sections 11 and 11a of this act shall be paid by the sender of the order from the United States or the receiver in the United States of the order coming from a foreign country, as the case may be, and collected in accordance with rules and regulations which shall be prescribed by the Secretary of the Treasury.

"'SEC. 13. That no contract of sale of cotton for future delivery mentioned in section 3 of this act which does not conform to the requirements of section 4 hereof and has not the necessary stamps affixed thereto as required by section 12 hereof shall be enforceable in any court of the United States by or on behalf of any party to such contract or his privies. That no contract of sale of cotton for future delivery made in pursuance of any order mentioned in sections 11 and 11a of this act shall be enforceable in any court of the United States by or on behalf of any party to such contract or his privies unless it conforms to the requirements of section 4 hereof and the tax imposed by section 11 or 11a upon the order for such contract shall have been paid in compliance with section 12 of this act.

"'SEC. 14. That the Secretary of the Treasury is authorized to make and promulgate such rules and regulations as he may deem necessary to collect the tax imposed by this act and otherwise to enforce its provisions. Further to effect this purpose, he shall require all persons coming within its provisions to keep such records and statements of account, and may require such persons to make such returns, verified under oath or otherwise, as will fully and correctly disclose all transactions mentioned in sections 3, 11, and 11a of this act, including the origin, making, execution, settlement, and fulfillment thereof; he may require all persons who act in the capacity of a clearing house, clearing association, or similar institution for the purpose of clearing, settling, or adjusting transactions mentioned in section 3 of this act to keep such records and to make such returns as will fully and correctly disclose all facts in their possession relating to such transaction; and he may appoint agents to conduct the inspection necessary to collect said tax and otherwise to enforce this act and all rules and regulations made by him in pursuance hereof, and may fix the compensation of such agents. The provisions of the internal-revenue laws of the United States, so far as applicable, including sections 3173, 3174, and 3175 of the Revised Statutes, as amended, are hereby extended and made to apply to this act.

"'SEC. 15. That any person liable to the payment of any tax imposed by this act who fails to pay, or evades or attempts to evade the payment of such tax, and any person who otherwise violates any provision of this act, or any rule or regulation made in pursuance hereof, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be

fined not less than $100 nor more than $20,000, in the discretion of the court; and, in case of natural persons, may, in addition, be punished by imprisonment for not less than 60 days nor more than 3 years, in the discretion of the court.

"'SEC. 16. That in addition to the foregoing punishment there is hereby imposed, on account of each violation of this act, a penalty of $2,000, to be recovered in an action founded on this act in the name of the United States as plaintiff, and when so recovered one-half of said amount shall be paid over to the person giving the information upon which such recovery was based. It shall be the duty of United States attorneys to whom satisfactory evidence of violations of this act is furnished to institute and prosecute actions for the recovery of the penalties prescribed by this section.

"'SEC. 17. That no person whose evidence is deemed material by the officer prosecuting on behalf of the United States in any case brought under any provision of this act shall withhold his testimony because of complicity by him in any violation of this act or of any regulation made pursuant to this act, but any such person called by such officer who testifies in such case shall be exempt from prosecution for any offense to which his testimony relates.

"'SEC. 18. That the payment of any tax levied by this act shall not exempt any person from any penalty or punishment now or hereafter provided by the laws of any State for entering into contracts of sale of cotton for future delivery, nor shall the payment of any tax imposed by this act be held to prohibit any State or municipality from imposing a tax on the same transaction.

"'SEC. 19. That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1916, the unexpended balance of the sum appropriated by the act of March 4, 1915 (38 Stat. L., 1017), for "collecting the cotton-futures tax," or so much thereof as may be necessary, to enable the Secretary of the Treasury to carry out the provisions of this act and any duties remaining to be performed by him under the United States cotton-futures act of August 18, 1914 (38 Stat. L., 693).

"'SEC. 20. That there are hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, the unexpended balance of the sum of $150,000 appropriated by section 20 of the said act of August 18, 1914, and for the fiscal year ending June 30, 1916, the unexpended balance of the sum of $75,000 appropriated for the "enforcement of the United States cotton-futures act" by the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916 (38 Stat. L., 1086), or so much of each of said unexpended balances as may be necessary, to be used by the Secretary of Agriculture for the same purposes, in carrying out the provisions of this act, as those for which said sums, respectively, were originally appropriated, and to enable the Secretary of Agriculture to carry out any duties remaining to be performed by him under the said act of August 18, 1914. The Secretary of Agriculture is hereby directed to publish from time to time the results of investigations made in pursuance of this act. All sums collected by the Secretary of Agriculture as costs under section 5, or for furnishing practical forms under section 9, of this act, shall be deposited and covered into the Treasury as miscellaneous receipts.

"'SEC. 21. That section 9, 19, and 20 of this act and all provisions of this act authorizing rules and regulations to be prescribed shall be effective immediately; section 11a of this act shall become and be effective on and after the 1st day of August, 1917. All other sections of this act shall become and be effective on and after the 1st day of the calendar month next succeeding the date of the passage of this act: *Provided*, That nothing in this act shall be construed to apply to any contract of sale of any cotton for future delivery mentioned in section 3 of this act which shall have been made prior to the 1st day of the calendar month next succeeding the date of the passage of this act.

"'SEC. 22. That the act entitled "An act to tax the privilege of dealing on exchanges, boards of trade, and similar places in contracts of sale of cotton for future delivery, and for other purposes," approved August 18, 1914 (38 Stat. L., 693), is hereby repealed, effective on and after the 1st day of the calendar month next succeeding the date of the passage of this act: *Provided*, That nothing in this act shall be construed to affect any right or privilege accrued, any penalty or liability incurred, or any proceeding commenced under said act of August 18, 1914, or to diminish any authority conferred by said act on any official of the United States necessary to enable him to carry out any duties remaining to be performed by him under the said act, or to impair the effect of the findings of the Secretary of Agriculture upon any dispute referred to him under said act, or to affect any right in respect to, or arising out of, any contract mentioned in section 3 of said act, made on or subsequent to February 18, 1915, and prior to the 1st day of the calendar month next succeeding the date of the passage of this act, but so far as concerns any such contract said act of August 18, 1914, shall remain in force with the same effect as if this act had not been passed.

"'SEC. 23. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.'"

Mr. LEVER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from South Carolina offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEVER: Page 77, after line 2, insert the following:

"Amendment No. 2, part B. That this part, to be known as the United States grain act, be and is hereby enacted, to read and be effective hereafter as follows: This act shall be known by the short title of 'the United States grain grade act.'"

Mr. STAFFORD. Mr. Chairman, reserving the right to object, I understand that it is the plan of the chairman of the committee to present these three proposals to the Committee on Rules to make them in order. In order to accommodate him, so that the three can be brought in under the rule, I make a point of order against it.

Mr. GARRETT. Mr. Chairman, the gentleman from Wisconsin states that he makes the point of order on this particular amendment as a matter of accommodation; but may I ask the gentleman if it is his real purpose to make the point of order?

Mr. STAFFORD. I question whether I would press the point of order but for the fact we have passed the usual hour of adjournment. It is after 5.30 o'clock. To require these respective amendments to be read would keep us in session until 6 o'clock. I believe gentlemen on that side are going to have a caucus tonight. I think the gentleman from South Carolina [Mr. LEVER] desires to have these amendments printed in the RECORD for the convenience of Members of the House.

Mr. BORLAND. The gentleman has no objection to this particular amendment, has he—this grain-grading amendment?

Mr. MADDEN. I think I will make a point of order against the amendment if no one else does.

Mr. STAFFORD. I have no objection to some of these provisions, but there are other Members on this side who do object to them, and so I am accommodating the gentleman from South Carolina in making the point of order.

Mr. LEVER. The gentleman from Illinois will make the point of order on this?

Mr. MADDEN. Yes.

Mr. HEFLIN. The gentleman from Illinois makes the point of order.

Mr. LEVER. I concede the point of order.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] concedes the point of order, and on that concession the Chair will sustain it, not because of his own judgment, for he has not even read it. The gentleman from South Carolina concedes the point of order, and the Chair sustains it.

Mr. LEVER. I ask unanimous consent that this amendment may be printed in the RECORD.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the amendment be printed in the RECORD. Is there objection?

Mr. FOSTER. Reserving the right to object, when the rule comes in will not this amendment be printed in the RECORD again?

Mr. LEVER. I presume so.

Mr. FOSTER. Why is it necessary to print it twice?

Mr. LEVER. Members may wish to see the proposition that is to come before the House.

Mr. MADDEN. I think it is only fair that they should have that opportunity.

Mr. LEVER. That was my idea—that Members would like to see it in the RECORD.

Mr. BORLAND. Reserving the right to object, is it the purpose to couple all these three propositions together, to make them in order in one rule?

Mr. LEVER. It is.

Mr. BORLAND. Why could they not stand on their individual merits?

Mr. LEVER. Simply to save time; that is all.

Mr. MADDEN. We will have a right to vote on them separately?

Mr. LEVER. Oh, yes.

The CHAIRMAN. Is there objection?

Mr. MOORE of Pennsylvania. I object.

Mr. STAFFORD. The gentleman does not object to having them printed in the RECORD, does he?

Mr. MOORE of Pennsylvania. Will the Chair state the proposition again?

The CHAIRMAN. The request of the gentleman from South Carolina is that the amendment which he proposes may be printed in the RECORD.

Mr. MOORE of Pennsylvania. Merely for information?

Mr. LEVER. Yes.

Mr. MOORE of Pennsylvania. I make no objection to that.

The CHAIRMAN. Is there objection?

There was no objection.

The amendment is as follows:

Amendment offered by Mr. LEVER: Page 77, after line 2, insert the following:

"AMENDMENT No. 2.

"Part B.

"That this part, to be known as the United States grain grades act, be and is hereby enacted, to read and be effective hereafter as follows:

"'That this act shall be known by the short title of the "United States grain grades act."

"'SEC. 2. That the Secretary of Agriculture is hereby authorized to investigate the handling, grading, and transportation of grain and to fix and establish as soon as may be after the enactment hereof standards of quality and condition for corn (maize), wheat, rye, oats, barley, flaxseed, and such other grains as in his judgment the usages of the trade may warrant and permit, and the Secretary of Agriculture shall have power to alter or modify such standards whenever the necessities of the trade may require. In promulgating the standards, or any alteration or modification of such standards, the Secretary shall specify the date or dates when the same shall become effective, and shall give public notice, not less than 60 days in advance of such date or dates, by such means as he deems proper.

"'SEC. 3. That the standards so fixed and established shall be known as the official grain standards of the United States.

"'SEC. 4. That whenever standards shall have been fixed and established under this act for any grain no person thereafter shall ship or deliver for shipment from any State, Territory, or District to or through any other State, Territory, or District, or to any foreign country, any such grain which is sold or offered for sale by grade unless the grain shall have been inspected and graded by an inspector licensed under this act and the grade by which it is sold or offered for sale be one of the grades fixed therefor in the official grain standards of the United States: *Provided*, That any such grain not sold or offered for sale by grade may be sold, offered for sale, shipped, or delivered for shipment in interstate and foreign commerce by sample or by type, or under any name, description, or designation which is not false or misleading, and which name, description, or designation does not include in whole or in part the terms of any official grain standard of the United States: *Provided further*, That any such grain sold or offered for sale by one of the grades fixed therefor in the official grain standards may be shipped to or through any place at which an inspector licensed under this act is located, subject, under such rules and regulations as the Secretary of Agriculture shall prescribe, to be inspected at the place to which shipped, or at the place through which shipped for inspection, and subject further to the right of appeal from such inspection, as provided in section 6 of this act: *And provided further*, That any such grain sold or offered for sale by any of the grades fixed therefor in the official grain standards may, upon compliance with the rules and regulations prescribed by the Secretary of Agriculture, be shipped without inspection from a place at which there is no inspector licensed under this act to a place at which there is no such inspector, subject to the right of either party to refer any dispute as to the grade of the grain to the Secretary of Agriculture, who may determine and certify the true grade thereof. No person shall in any certificate or in any contract or agreement of sale or agreement to sell by grade, either oral or written, involving, or in any invoice or bill of lading or other shipping document relating to, the shipment or delivery for shipment, in interstate or foreign commerce, of any grain for which standards shall have been fixed and established under this act describe, or in any way refer to, any of such grain as being of any grade other than a grade fixed therefor in the official grain standards of the United States.

"'SEC. 5. That no person shall represent that any grain shipped or delivered for shipment in interstate or foreign commerce is of a grade fixed in the official grain standards other than as shown by a certificate therefor issued in compliance with this act; and the Secretary of Agriculture is authorized to cause examinations to be made of any grain for which standards shall have been fixed and established under this act, and which has been certified to conform to any grade fixed therefor in such official grain standards, or which has been shipped or delivered for shipment in interstate or foreign commerce. Whenever, after opportunity for hearing is given to the owner or shipper of the grain involved, and to the inspector thereof if the same has been inspected, it is determined by the Secretary that any quantity of grain has been incorrectly certified to conform to a specified grade, or has been sold or offered for sale under any name, description, or designation which is false or misleading, he may publish his findings.

"'SEC. 6. That whenever standards shall have been fixed and established under this act for any grain and any quantity of such grain which has been sold, offered for sale, shipped, or delivered for shipment in interstate or foreign commerce shall have been inspected and a dispute arises as to whether the grade as determined by such inspection of any such grain in fact conforms to the standard of the specified grade, any interested party may appeal the question to the Secretary of Agriculture, and the Secretary of Agriculture is authorized to cause such investigation to be made and such tests to be applied as he may deem necessary and to determine the true grade: *Provided*, That any appeal from such inspection to the Secretary of Agriculture shall be taken before the grain leaves the place where the inspection appealed from was made and before the identity of the grain has been lost, under such rules and regulations as the Secretary of Agriculture shall prescribe. In every such case the Secretary of Agriculture shall charge and assess, and cause to be collected, a reasonable fee in amount to be fixed by him, which fee shall be refunded if the appeal is sustained. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts. The findings of the Secretary of Agriculture as to grade, made after the parties in interest have had opportunity to be heard, shall be accepted in the courts of the United States in all suits between such parties, or their privies, as prima facie evidence of the true grade of the grain determined by him at the time and place specified in the findings.

"'SEC. 7. The Secretary of Agriculture may issue a license to any person, upon presentation to him of satisfactory evidence that such person is competent to inspect and grade grain for interstate and foreign commerce. No person authorized or employed by any State, county, city, town, board of trade, chamber of commerce, corporation, society, or association to inspect or grade grain shall certify, or otherwise state or indicate in writing, that any grain for interstate or foreign commerce which has been inspected or graded by him, or by any person acting under his authority, is of one of the official grades of the United States, unless he holds an unsuspended and unrevoked license issued by the Secretary of Agriculture: *Provided*, That in any State which has State grain inspection established by law, the Secretary of Agriculture shall, in issuing licenses, give preference to persons duly authorized and employed to inspect and grade grain under the laws of such State. The Secretary of Agriculture may suspend or revoke any license issued by him whenever, after opportunity for hearing has been given, the Secretary shall determine that any inspector has been found to be incompetent or has knowingly or carelessly graded grain improperly or by any other standard than is authorized under this act, or has issued any false certificate of inspection, or has accepted any money or other consideration, directly or indirectly, for any neglect or improper performance of duty, or has knowingly violated any provision of this act or of the rules and regulations made hereunder. Pending investigation the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing.

"'SEC. 8. That the Secretary of Agriculture, shall, from time to time, make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this act.

"'SEC. 9. That any person who shall violate any of the provisions of sections 4 or 7 of this act, or any inspector licensed under this act who shall knowingly or carelessly inspect or grade improperly any grain which has been shipped or delivered for shipment in interstate or foreign commerce, or shall knowingly or carelessly give any false certificate of inspection or grade, or shall accept money or other consideration, directly or indirectly, for any neglect or improper performance of duty, and any person who shall improperly influence or attempt to improperly influence any such inspector in the performance of his duty, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $1,000 or be imprisoned not more than one year, or both.

"'SEC. 10. That every person who forcibly assaults, resists, impedes, or interferes with any officer or employee of the United States Department of Agriculture in the execution of any duties authorized to be performed by this act or the rules and regulations made hereunder shall, upon conviction thereof, be fined not more than $1,000, or be imprisoned not more than one year, or both.

"'SEC. 11. That the word "person" wherever used in this act shall be construed to import the plural or singular, as the case demands, and shall include individuals, corporations, companies, societies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any official, agent, or other person acting for or employed by any corporation, company, society, or association within the scope of his employment or office shall, in every case, also be deemed the act, omission, or failure of such corporation, company, society, or association, as well as that of the person.

"'SEC. 12. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $125,000, which shall be available until expended, for the expenses of carrying into effect the provisions of this act, including rent and the employment of such persons as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere.'"

Mr. LEVER. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Amendment offered by Mr. LEVER: Page 77, after line 2, insert the following:

"Amendment No. 3, part C. That this part, to be known as the United States warehouse act, be, and is hereby, enacted to read and be effective hereafter as follows."

Mr. STAFFORD. Mr. Chairman, with the same purpose I make the point of order.

The CHAIRMAN. Does the gentleman from South Carolina concede the point of order?

Mr. LEVER. I do.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Now, I ask unanimous consent that this amendment be printed in the RECORD.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the amendment be printed in the RECORD for information. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, does this include all the amendments that are to be acted on tomorrow, to come up under the rule?

Mr. LEVER. It does.

Mr. MOORE of Pennsylvania. I do not object.

The CHAIRMAN. Is there objection?

There was no objection.

The amendment is as follows:

Amendment offered by Mr. LEVER: Page 77, after line 2, insert the following:

"AMENDMENT NO. 3.

"Part C.

"That this part, to be known as the United States warehouse act, be, and is hereby, enacted to read and be effective hereafter as follows:

"'That this act shall be known by the short title of "United States warehouse act."

"'SEC. 2. That the term "warehouse" as used in this act shall be deemed to mean every building, structure, or other protected inclosure in which any agricultural product is or may be stored for interstate or foreign commerce, or, if located within any place under the exclusive jurisdiction of the United States, in which any agricultural product is or may be stored. The term "agricultural product" wherever used in this act shall be deemed to mean cotton, wool, grains, tobacco, and flaxseed, or any of them. As used in this act, "person" includes a corporation or partnership or two or more persons having a joint or common interest; "warehouseman" means a person lawfully engaged in the business of storing agricultural products; and "receipt" means a warehouse receipt.

"'SEC. 3. That the Secretary of Agriculture is authorized to investigate the storage, warehousing, classifying according to grade and otherwise, weighing, and certification of agricultural products; upon application to him by any person applying for license to conduct a warehouse under this act, to inspect such warehouse or cause it to be inspected; at any time, with or without application to him, to inspect or cause to be inspected all warehouses licensed under this act; to determine whether warehouses for which licenses are applied for or have been issued under this act are suitable for the proper storage of any agricultural product or products; to classify warehouses in accordance with their ownership, location, surroundings, capacity, conditions, and other qualities, and as to the kinds of licenses issued or that may be issued for them pursuant to this act; and to prescribe, within the limitations of this act, the duties of the warehousemen conducting warehouses licensed under this act with respect to their care of and responsibility for agricultural products stored therein.

"'SEC. 4. That the Secretary of Agriculture is authorized, upon application to him, to issue to any warehouseman a license for the conduct of a warehouse or warehouses in accordance with this act and such rules and regulations as may be made hereunder: *Provided*, That each such warehouse be found suitable for the proper storage of the particular agricultural product or products for which a license is applied for, and that such warehouseman agree, as a condition to the granting of the license, to comply with and abide by all the terms of this act and the rules and regulations prescribed hereunder.

"'SEC. 5. That each license issued under sections 4 and 9 of this act shall be issued for a period not exceeding one year and shall specify the date upon which it is to terminate, and upon showing satisfactory to the Secretary of Agriculture may from time to time be renewed or extended by a written instrument, which shall specify the date of its termination.

"'SEC. 6. That each warehouseman applying for a license to conduct a warehouse in accordance with this act shall, as a condition to

the granting thereof, execute and file with the Secretary of Agriculture a good and sufficient bond other than personal security to the United States to secure the faithful performance of his obligations as a warehouseman under the laws of the State, District, or Territory in which he is conducting such warehouse, as well as under the terms of this act and the rules and regulations prescribed hereunder, and of such additional obligations as a warehouseman as may be assumed by him under contracts with the respective depositors of agricultural products in such warehouse. Said bond shall be in such form and amount, shall have such surety or sureties, subject to service of process in suits on the bond within the State, District, or Territory in which the warehouse is located, and shall contain such terms and conditions as the Secretary of Agriculture may prescribe to carry out the purposes of this act. Whenever the Secretary of Agriculture shall determine that a bond approved by him is, or for any cause has become, insufficient, he may require an additional bond or bonds to be given by the warehouseman concerned, conforming with the requirements of this section, and unless the same be given within the time fixed by a written demand therefor the license of such warehouseman may be suspended or revoked.

"'SEC. 7. That any person injured by the breach of any obligation to secure which a bond is given, under the provisions of sections 6 or 9, shall be entitled to sue on the bond in his own name in any court of competent jurisdiction to recover the damages he may have sustained by such breach.

"'SEC. 8. That upon the filing with and approval by the Secretary of Agriculture of a bond, in compliance with this act, for the conduct of a warehouse, such warehouse shall be designated as bonded hereunder; but no warehouse shall be designated as bonded under this act, and no name or description conveying the impression that it is so bonded, shall be used, until a bond, such as provided for in section 6, has been filed with and approved by the Secretary of Agriculture, nor unless the license issued under this act for the conduct of such warehouse remains unsuspended and unrevoked.

"'SEC. 9. That the Secretary of Agriculture may, under such rules and regulations as he shall prescribe, issue a license to any person not a warehouseman to accept the custody of agricultural products and to store the same in a warehouse or warehouses owned, operated, or leased by any State, upon condition that such person agree to comply with and abide by the terms of this act and the rules and regulations prescribed hereunder. Each person so licensed shall issue receipts for the agricultural products placed in his custody, and shall give bond, in accordance with the provisions of this act and the rules and regulations hereunder affecting warehousemen licensed under this act, and shall otherwise be subject to this act and such rules and regulations to the same extent as is provided for warehousemen licensed hereunder.

"'SEC. 10. That the Secretary of Agriculture shall charge, assess, and cause to be collected a reasonable fee for every examination or inspection of a warehouse under this act when such examination or inspection is made upon application of a warehouseman, and a fee not exceeding $2 per annum for each license or renewal thereof issued to a warehouseman under this act. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts.

"'SEC. 11. That the Secretary of Agriculture may, upon presentation of satisfactory proof of competency, issue to any person a license to classify any agricultural product or products, stored or to be stored in a warehouse licensed under this act, according to grade or otherwise and to certificate the grade or other class thereof, or to weigh the same and certificate the weight thereof, or both to classify and weigh the same and to certificate the grade or other class and the weight thereof, upon condition that such person agree to comply with and abide by the terms of this act and of the rules and regulations prescribed hereunder so far as the same relate to him.

"'SEC. 12. That any license issued to any person to classify or to weigh any agricultural product or products under this act may be suspended or revoked by the Secretary of Agriculture whenever he is satisfied, after opportunity afforded to the licensee concerned for a hearing, that such licensee has failed to classify or to weigh any agricultural product or products correctly, or has violated any of the provisions of this act or of the rules and regulations prescribed hereunder, so far as the same may relate to him, or that he has used his license or allowed it to be used for any improper purpose whatsoever. Pending investigation, the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing.

"'SEC. 13. That every warehouseman conducting a warehouse licensed under this act shall receive for storage therein, so far as its capacity permits, any agricultural product of the kind customarily stored therein by him which may be tendered to him in a suitable condition for warehousing, in the usual manner in the ordinary and usual course of business, without making any discrimination between persons desiring to avail themselves of warehouse facilities.

"'SEC. 14. That any person who deposits agricultural products for storage in a warehouse licensed under this act shall be deemed to have deposited the same subject to the terms of this act and the rules and regulations prescribed hereunder.

"'SEC. 15. That grain, flaxseed, or any other fungible agricultural product stored for interstate or foreign commerce, or in any place under the exclusive jurisdiction of the United States, in a warehouse licensed under this act shall be inspected and graded by a person duly licensed to grade the same under this act.

"'SEC. 16. That every warehouseman conducting a warehouse licensed under this act shall keep the agricultural products therein of one depositor so far separate from agricultural products of other depositors, and from other agricultural products of the same depositor for which a separate receipts has been issued, as to permit at all times the identification and redelivery of the agricultural products deposited; but if authorized by agreement or by custom, a warehouseman may mingle fungible agricultural products with other agricultural products of the same kind and grade, and shall be severally liable to each depositor for the care and redelivery of his share of such mass, to the same extent and under the same circumstances as if the agricultural products had been kept separate, but he shall at no time while they are in his custody mix fungible agricultural products of different grades.

"'SEC. 17. That for all agricultural products stored for interstate or foreign commerce, or in any place under the exclusive jurisdiction of the United States, in a warehouse licensed under this act original receipts shall be issued by the warehouseman conducting the same, but no receipts shall be issued except for agricultural products actually stored in the warehouse at the time of the issuance thereof.

"'SEC. 18. That every receipt issued for agricultural products stored in a warehouse licensed under this act shall embody within its written or printed terms (a) the location of the warehouse in which the agricultural products are stored; (b) the date of issue of the receipt; (c) the consecutive number of the receipt; (d) a statement whether the agricultural products received will be delivered to the bearer, to a specified person, or to a specified person or his order; (e) the rate of storage charges; (f) a description of the agricultural products received, showing the quantity thereof, or, in case of agricultural products customarily put up in bales or packages, a description of such bales or packages by marks, numbers, or other means of identification and the weight of such bales or packages; (g) the grade or other class of the agricultural products received and the standard or description in accordance with which such classification has been made: *Provided*, That such grade or other class shall be stated according to the official standard of the United States applicable to such agricultural products as the same may be fixed and promulgated under authority of law: *Provided further*, That until such official standards of the United States for any agricultural product or products have been fixed and promulgated, the grade or other class thereof may be stated in accordance with any recognized standard or in accordance with such rules and regulations not inconsistent herewith as may be prescribed by the Secretary of Agriculture; (h) a statement that the receipt is issued subject to the United States warehouse act and the rules and regulations prescribed thereunder; (i) if the receipt be issued for agricultural products of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership; (j) a statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien: *Provided*, That if the precise amount of such advances made or of such liabilities incurred be at the time of the issue of the receipt unknown to the warehouseman or his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof shall be sufficient; (k) such other terms and conditions within the limitations of this act as may be required by the Secretary of Agriculture; and (l) the signature of the warehouseman, which may be made by his authorized agent: *Provided*, That unless otherwise required by the law of the State in which the warehouse is located, when requested by the depositor of other than fungible agricultural products, a receipt omitting compliance with subdivision (g) of this section may be issued if it have plainly and conspicuously embodied in its written or printed terms a provision that such receipt is not negotiable.

"'SEC. 19. That the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards for agricultural products in this act defined by which their quality or value may be judged or determined: *Provided*, That the standards for any agricultural products which have been or which in future may be established by or under authority of any other act of Congress shall be, and are hereby, adopted for the purposes of this act as the official standards of the United States for the agricultural products to which they relate.

"'SEC. 20. That while an original receipt issued under this act is oustanding and uncanceled by the warehouseman issuing the same no other or further receipt shall be issued for the agricultural product covered thereby or for any part thereof, except that in the case of a lost or destroyed receipt a new receipt, upon the same terms and subject to the same conditions and bearing on its face the number and date of the receipt in lieu of which it is issued, may be issued upon compliance with the statutes of the United States applicable thereto in places under the exclusive jurisdiction of the United States or upon compliance with the laws of any State applicable thereto in any place not under the exclusive jurisdiction of the United States: *Provided*, That if there be in such case no statute of the United States or law of a State applicable thereto such new receipts may be issued upon the giving of satisfactory security in compliance with the rules and regulations made pursuant to this act.

"'SEC. 21. That a warehouseman conducting a warehouse licensed under this act, in the absence of some lawful excuse, shall, without unnecessary delay, deliver the agricultural products stored therein upon a demand made either by the holder of a receipt for such agricultural products or by the depositor thereof if such demand be accompanied with (a) an offer to satisfy the warehouseman's lien; (b) an offer to surrender the receipt, if negotiable, with such indorsements as would be necessary for the negotiation of the receipt; and (c) a readiness and willingness to sign, when the products are delivered, an acknowledgment that they have been delivered if such signature is requested by the warehouseman.

"'SEC. 22. That a warehouseman conducting a warehouse licensed under this act shall cancel each receipt returned to him upon the delivery by him of the agricultural products for which the receipt was issued.

"'SEC. 23. That every warehouseman conducting a warehouse licensed under this act shall keep in a place of safety complete and correct records of all agricultural products stored therein and withdrawn therefrom, of all warehouse receipts issued by him, and of the receipts returned to and canceled by him, shall make reports to the Secretary of Agriculture concerning such warehouse and the condition, contents, operation, and business thereof in such form and at such times as he may require, and shall conduct said warehouse in all other respects in compliance with this act and the rules and regulations made hereunder.

"'SEC. 24. That the Secretary of Agriculture is authorized to cause examinations to be made of any agricultural product stored in any warehouse licensed under this act. Whenever, after opportunity for hearing is given to the warehouseman conducting such warehouse, it is determined that he is not performing fully the duties imposed on him by this act and the rules and regulations made hereunder, the Secretary may publish his findings.

"'SEC. 25. That the Secretary of Agriculture may, after opportunity for hearing has been afforded to the licensee concerned, suspend or revoke any license issued to any warehouseman conducting a warehouse under this act, for any violation of or failure to comply with any provision of this act or of the rules and regulations made hereunder or upon the ground that unreasonable or exorbitant charges have been made for services rendered. Pending investigation, the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing.

"'SEC. 26. That the Secretary of Agriculture from time to time may publish the results of any investigations made under section 3 of this act; and he shall publish the names and locations of warehouses licensed and bonded and the names and addresses of persons licensed under this act, and lists of all licenses terminated under this act, and the causes therefor.

"'SEC. 27. That the Secretary of Agriculture is authorized, through officials, employees, or agents of the Department of Agriculture designated by him, to examine all books, records, papers, and accounts of warehouses licensed under this act and of the warehousemen conducting such warehouses relating thereto.

"'SEC. 28. That the Secretary of Agriculture shall from time to time make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this act.

"'SEC. 29. That nothing in this act shall be construed to conflict with, or to authorize any conflict with, or in any way to impair or limit the effect or operation of the laws of any State relating to warehouses, warehousemen, weighers, graders, or classifiers; but the Secretary of Agriculture is authorized to cooperate with such officials as are charged with the enforcement of such State laws in such States and through such cooperation to secure the enforcement of the provisions of this act; nor shall this act be construed so as to limit the operation of any statute of the United States relating to warehouses or warehousemen, weighers, graders, or classifiers now in force in the District of Columbia or in any Territory or other place under the exclusive jurisdiction of the United States.

"'SEC. 30. That every person who shall forge, alter, counterfeit, simulate, or falsely represent, or shall without proper authority use, any license issued by the Secretary of Agriculture under this act, or who shall violate or fail to comply with any provision of section 8 of this act, or who shall issue or utter a false or fraudulent receipt or certificate, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $500 or imprisoned not more than six months, or both, in the discretion of the court.

"'SEC. 31. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, available until expended, for the expenses of carrying into effect the provisions of this act, including the payment of such rent and the employment of such persons and means as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere, and he is authorized, in his discretion, to employ qualified persons not regularly in the service of the United States for temporary assistance in carrying out the purposes of this act, and out of the moneys appropriated by this act to pay the salaries and expenses thereof.

"'SEC. 32. That if any clause, sentence, paragraph, or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

"'SEC. 33. That the right to amend, alter, or repeal this act is hereby expressly reserved.'"

EXTENSION OF REMARKS.

Mr. BURKE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the pending bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

By unanimous consent, the following Members were given leave to extend their remarks in the RECORD: Mr. BENNET, Mr. SIEGEL, Mr. HICKS, Mr. MCFADDEN, Mr. JACOWAY, Mr. FESS, and Mr. STEPHENS of Texas.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12717, the Agricultural appropriation bill, and had come to no resolution thereon.

HOUR OF MEETING TO-MORROW.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 a. m. to-morrow.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. Is there objection?

There was no objection.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 5415. An act to authorize the construction of a bridge across the Fox River at Geneva, Ill.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3536. An act to provide for the storing and cleansing of imported Mexican peas commonly called "garbanzo"; to the Committee on Ways and Means.

ADJOURNMENT.

Mr. LEVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 38 minutes p. m.) the House adjourned until to-morrow, Friday, April 28, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Galena River, Ill. (H. Doc. No. 1061), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HINDS, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 4401) to conduct investigations and experiments for ameliorating the damage wrought to the fisheries by predacious fishes and aquatic animals, reported the same without amendment, accompanied by a report (No. 609), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FARR, from the Committee on Naval Affairs, to which was referred the bill (H. R. 11168) granting 30 days' leave of absence in each year, without forfeiture of pay during such leave, to employees at United States navy yards, gun factories, naval stations, and arsenals, reported the same with amendment, accompanied by a report (No. 610), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 14345) to reimburse J. B. Patterson, postmaster of Lacon, Morgan County, Ala., for certain postage stamps stolen; Committee on Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 9856) granting to the St. Louis, Iron Mountain & Southern Railway, and to the Anheuser-Busch Brewing Association, and to the Manufacturers' Railway Co., permission to transfer certain rights of easement for railway purposes heretofore granted by the United States to the St. Louis & Iron Mountain Railway Co. and to the Anheuser-Busch Brewing Association, respectively; Committee on the Public Lands discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and a resolution were introduced and severally referred as follows:

By Mr. YOUNG of Texas: A bill (H. R. 15094) for purchase of site and erection of a building to be used as a post office at the town of Henderson, Rusk County, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. DAVIS of Texas: A bill (H. R. 15095) to recognize the rights of the States in the regulation and prohibition of the manufacture and sale of intoxicating beverages and to forbid the issuance of internal-revenue licenses to sell the same in any State or Territory in violation of the law of such State or Territory; to the Committee on Ways and Means.

By Mr. FERRIS: A bill (H. R. 15096) to amend the act entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated," and to authorize an exchange of lands between the United States and the several States; to the Committee on the Public Lands.

By Mr. WICKERSHAM: A bill (H. R. 15097) to provide for the surveying of the villages occupied by natives of Alaska, and for the disposal of lots therein, and for other purposes; to the Committee on the Public Lands.

By Mr. SMITH of Idaho: A bill (H. R. 15098) to provide for the erection of a Federal building at Nampa, Idaho; to the Committee on Public Buildings and Grounds.

By Mr. FINLEY: A bill (H. R. 15099) for the erection of a public building at Winnsboro, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. EAGAN: A bill (H. R. 15100) providing for the acquiring of site and construction of Federal building for Weehawken post office, in the town of Union, Hudson County, N. J.; to the Committee on Appropriations.

By Mr. NICHOLS of Michigan: Concurrent resolution (H. Con. Res. 34) for the sale or lease of Fort Wayne, Mich., to the city of Detroit for park or other municipal purposes; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 15101) granting a pension to Eliza J. Moore; to the Committee on Invalid Pensions.

By Mr. ALMON: A bill (H. R. 15102) for the relief of J. R. Wells; to the Committee on Claims.

Also, a bill (H. R. 15103) granting an increase of pension to Stanbery Jenkins; to the Committee on Invalid Pensions.

By Mr. ANDERSON: A bill (H. R. 15104) granting a pension to Houston Lemon; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 15105) granting an increase of pension to George W. Murphy; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 15106) granting an increase of pension to Richard N. Solomon; to the Committee on Invalid Pensions.

By Mr. BARKLEY: A bill (H. R. 15107) granting an increase of pension to William W. Echols; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15108) granting an increase of pension to Jonathan Bondy; to the Committee on Invalid Pensions.

By Mr. BENNET: A bill (H. R. 15109) for the relief of Catherine A. Fox; to the Committee on Claims.

By Mr. BROWNE: A bill (H. R. 15110) to correct the military record of John C. Harris; to the Committee on Military Affairs.

By Mr. CASEY: A bill (H. R. 15111) granting an increase of pension to Delight A. Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15112) for the relief of John McCarthy; to the Committee on Military Affairs.

Also, a bill (H. R. 15113) to correct the record of Alfred Groff, deceased; to the Committee on Military Affairs.

By Mr. FESS: A bill (H. R. 15114) for the relief of John W. Kellough; to the Committee on Military Affairs.

Also, a bill (H. R. 15115) for the relief of Henry Harris; to the Committee on War Claims.

By Mr. HENSLEY: A bill (H. R. 15116) granting an increase of pension to Charles H. Hearing; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15117) for the relief of John Steagall; to the Committee on the Public Lands.

Also, a bill (H. R. 15118) for the relief of the trustees of the Arcadia-Ironton charge of the Methodist Episcopal Church South; to the Committee on War Claims.

By Mr. HINDS: A bill (H. R. 15119) to amend and correct the military record of Alvah B. Doble; to the Committee on Military Affairs.

By Mr. JACOWAY: A bill (H. R. 15120) for the relief of the heirs of Simon Kirkpatrick; to the Committee on War Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 15121) for the relief of Pleasant M. Heath; to the Committee on Military Affairs.

Also, a bill (H. R. 15122) granting an increase of pension to Hiram S. Woods; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15123) granting an increase of pension to Martha Town; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 15124) granting an increase of pension to Juliann Bloom; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15125) for the relief of William Thomas Matingley; to the Committee on Military Affairs.

By Mr. KINKAID: A bill (H. R. 15126) granting a pension to Mary H. Elder; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 15127) granting a pension to Mary M. Baugher; to the Committee on Invalid Pensions.

By Mr. LOFT: A bill (H. R. 15128) granting an increase of pension to John L. Morgan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15129) granting an increase of pension to Ida M. Satterfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15130) granting an increase of pension to Sarah A. Thatcher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15131) granting an increase of pension to John M. Millan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15132) granting an increase of pension to Jacob Brock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15133) granting an increase of pension to Jonathan Bondy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15134) granting an increase of pension to Lydia Ann Hagan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15135) granting an increase of pension to James Logsdon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15136) granting an increase of pension to George W. Sullivan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15137) granting a pension to Katharine Fey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15138) granting a pension to Pattie D. Davis; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 15139) granting a pension to Mary L. Ward; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 15140) granting a pension to Jennie Pond; to the Committee on Invalid Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 15141) granting an increase of pension to Samuel W. Vest; to the Committee on Invalid Pensions.

By Mr. PARKER of New York: A bill (H. R. 15142) granting an increase of pension to Martin A. Monroe; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 15143) granting an increase of pension to Clara A. Short; to the Committee on Invalid Pensions.

By Mr. SCOTT of Michigan: A bill (H. R. 15144) granting a pension to Lorenzo J. McEvoy; to the Committee on Pensions.

By Mr. SHERWOOD: A bill (H. R. 15145) granting a pension to Florence Ada Stoddard; to the Committee on Invalid Pensions.

By Mr. SISSON: A bill (H. R. 15146) for the relief of Albert G. Barton; to the Committee on Claims.

Also, a bill (H. R. 15147) granting a pension to John E. Hall; to the Committee on Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 15148) granting an increase of pension to Nelson Hart; to the Committee on Invalid Pensions.

By Mr. STINESS: A bill (H. R. 15149) granting an increase of pension to Waldo F. Raynsford; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 15150) providing for the refund to the Union Brewing Co. of certain excise tax paid in excess; to the Committee on Claims.

By Mr. WALSH: A bill (H. R. 15151) for the relief of William Befuhs, alias Charles Cameron, Company B, Twenty-eighth Massachusetts Volunteer Infantry; to the Committee on Military Affairs.

Also, a bill (H. R. 15152) for the relief of Le Roy G. Weston, Company F, United States Heavy Artillery; to the Committee on Military Affairs.

By Mr. WARD: A bill (H. R. 15153) granting an increase of pension to Mrs. Emma M. Neske; to the Committee on Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 15154) granting a pension to Anna E. Little; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15155) granting a pension to Abner L. Tuttle; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of members of the council of the Society of the Governor and Company of Massachusetts Bay, in New England, favoring preparedness; to the Committee on Military Affairs.

By Mr. ALLEN: Memorial of Cincinnati Bar Association, opposing courts taking cases from the jury or asserting their opinions as to facts, and favoring juries fixing punishment; to the Committee on the Judiciary.

By Mr. ASHBROOK: Papers to accompany House bill 12719, for relief of Mary L. Bishop; to the Committee on Invalid Pensions.

By Mr. BROWNING: Petition of union meeting of members of Collingwood (N. J.) Methodist Episcopal Church, favoring constitutional amendment forbidding polygamy; to the Committee on the Judiciary.

By Mr. BURKE: Petitions of W. E. Renn and 158 citizens of Hustisford, Julius C. Schulz and 5 citizens of Rubicon, Gustav A. Koenig and 74 citizens of Newburg, all in the State of Wisconsin, against war with Germany or any other nation; to the Committee on Foreign Affairs.

Also, memorial of Boot and Shoe Workers' Union No. 197, Sheboygan, Wis., asking passage of House bill 6871, relative to convict-made goods; to the Committee on Labor.

By Mr. CHARLES: Petitions of sundry citizens of the thirtieth congressional district of New York, against war with Germany on the submarine question; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Petition of C. K. Gleason, of New York City, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Alice C. Trenthart, of Portsmouth, Ohio, favoring woman-suffrage amendment; to the Committee on the Judiciary.

By Mr. DEWALT: Petition of Macungie (Pa.) Grange, protesting against any limitation to the parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of the State of Pennsylvania, requesting that all products of the farm be placed on an equitable tariff basis; to the Committee on Ways and Means.

Also, petition of Henry Wood and 184 others, of Allentown, Pa., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens and organizations of the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of members of the Alexander Hamilton Business Club, of Reading, Pa., favoring the Stevens bill, House bill 13305; to the Committee on Interstate and Foreign Commerce.

By Mr. FLYNN: Petition of C. K. Gleason, of New York City, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of the United Trades and Labor Council of Streator, Ill., favoring the anti-Taylor system bill, House bill 8665; to the Committee on Labor.

Also, petitions of sundry citizens of Minooka and Grand Ridge, Ill., favoring tax on mail-order houses; to the Committee on Ways and Means.

Also, petition of Illinois League for Nursing Education, favoring House resolution for inspection of dairies; to the Committee on Rules.

By Mr. GALLIVAN: Memorial of Massachusetts Christian Endeavor Union, relative to national prohibition; to the Committee on the Judiciary.

Also, petition of New England Shoe & Leather Association, favoring bill for a permanent tariff commission; to the Committee on Ways and Means.

By Mr. HAYES: Petition of citizens of San Jose, county of Santa Clara, Cal., against compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HENSLEY: Memorial of St. Francois County Farm Bureau, relative to standardization of agricultural products and general improvement in market conditions; to the Committee on Agriculture.

By Mr. HILL: Petition of Excelsior Lodge, Knights of Pythias, and Leeds Council, No. 16, O. U. A. M., of Stamford, Conn., favoring House bill 6915, the post-office retirement bill; to the Committee on the Post Office and Post Roads.

By Mr. HOPWOOD: Petition of 59 citizens of Somerset, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HULBERT: Petition of Cotton Goods Export Association of New York, against the Clarke amendment to the Philippine bill; to the Committee on Insular Affairs.

By Mr. LOUD: Petition of Freda Girvin and 99 other residents of Shepherd, Isabella County, Mich., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. MAGEE (by request): Petition of Crest Civic Club, of Syracuse, N. Y., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. MILLER of Pennsylvania: Petition of citizens of Mercer County; 40 voters of Franklin, Venango County; and 34 citizens of Mercer and Crawford Counties, all in the State of Pennsylvania, for a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, petition of 150 citizens of Ridgway, Elk County, Pa., against the bill closing barber shops on Sunday in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of 8 citizens of Emlenton, Venango County, Pa., against House bill 13408; to the Committee on the District of Columbia.

By Mr. MORIN: Petitions of Herman Gunto, Harry W. Riemer, E. J. Taylor, W. L. Johnston, William Grabowsky, C. A. Michel, James E. Graham, Max Mansbosch, Emil Weil, Frank Drabner, F. Benkiser, Alfred A. Perrott, John R. Cowan, John Breen, John Belka, Herman A. Adam, William E. Frye, John J. W. Hoffman, J. M. Mueller, R. Gross, Jacob W. Fanston, Harry Karuff, Fred Bower, William C. Faust, Rev. Charles Kreminn, Jacob Die, Rev. John L. Ernst, John Wittmer, Edward Krebs, Theo. W. Janssen, Allegheny County Branch of the German-American National Alliance, Julius Hertz, G. Blatte, David G. Jackey, Enoch J. Guinto, William Janssen, Herman A. Kobe, Herman Janesen, John Schnesoler, Bernard H. Janssen, all of Pittsburgh, Pa., and A. Mayer, of McKeesport, Pa., opposed to United States becoming embroiled in European war; to the Committee on Foreign Affairs.

Also, petitions of Charles M. Chestnut, president Lumberman's Exchange of Philadelphia, Pa., and E. P. Burton Lumber Co., of Philadelphia, Pa., in favor of appropriation of $1,000,000 toward further construction of Norfolk to Beaufort Inlet waterway; to the Committee on Rivers and Harbors.

By Mr. MOSS of West Virginia: Petition of citizens of Reedy, W. Va., favoring national prohibition; to the Committee on the Judiciary.

By Mr. PRATT: Petition of Charles P. Swingle, Arthur Swingle, Rev. H. Kaufmann, Herman Kohnken, sr., Henry Kohnken, Christian Kohnken, Herman Kohnken, jr., Gerhard Danz, Jacob G. New, Melchier Zeh, Rev. J. Flierl, George Zeh, Martin Link, Christian Link, Andrew Link, Adam Sourber Henry Zeh, Louis Bartz, Charles Bartz, Henry Shoullice, Louis Shoullice, John Beechner, William Drum, Philip Tanz, Lorenz Tanz, John Zeh, Edwin New, Theobald Newfang, Charles Rex, Henry Rowe, Fred Rowe, Philip Drum, W. H. Foults, Arthur Drum, Charles Drum, George W. Beechner, Henry Paul, William Wittig, John Strobel, Frank Strobel, Walter Strobel, Edwin Strobel, Christian Strobel, William Strobel, Christian Eichhorn, William Conrad, Christian Miller, Harry Schwingel, Mark Schwingel, John Schwingel, Robert Schwingel, Jacob Pritting, George F. Wagner, John Link, Edward Drum, Henry Sick, William Fleischman, Philip Folts, all of Cohocton, Steuben County, N. Y., favoring peace; to the Committee on Foreign Affairs.

Also, petition of John W. Fedder, W. E. Howell, Hiram Carlton, Irving Bronson, John McGannon, Frank Gottfrand, Jacob Aker, Charles Gregorius, John Fahey, W. J. Woods, Sam Kelce, J. Shaffer, Bert Sebring, John H. Herr, and Edwin C. Gay, of Corning and Painted Post, N. Y., favoring peace; to the Committee on Foreign Affairs.

By Mr. RAINEY: Protest of Mrs. M. A. Cory and others of Kane, Ill., against juvenile-court bill; to the Committee on the District of Columbia.

By Mr. RANDALL: Petition of First Methodist Episcopal Church of Alhambra, Baldwin Park, and Los Angeles, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petition of Carl Reinschild, of New York City, against bill for numbers on motor boats; to the Committee on the Merchant Marine and Fisheries.

Also, petition of F. C. Barton, favoring the Rainey bill (H. R. 13767); to the Committee on Ways and Means.

Also, petition of New York State Millers' Association, favoring the grain grades bill; to the Committee on Agriculture.

Also, petition of sundry citizens of New York, favoring the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Idaho: Memorial of Wendell (Idaho) Grange, No. 82, Patrons of Husbandry, favoring national prohibition; to the Committee on the Judiciary.

By Mr. STAFFORD: Petition of sundry citizens of Milwaukee, Wis., against United States in European war; to the Committee on Foreign Affairs.

By Mr. STINESS: Papers to accompany House bill 15088, granting an increase of pension to Lucy A. Cornell; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Arkansas (by request): Petition of Theo. Muense, F. H. Spilker, and others, of Stuttgart, Ark., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

SENATE.

FRIDAY, *April 28, 1916.*

(Legislative day of Thursday, April 27, 1916.)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	du Pont	Kenyon	Owen
Beckham	Gallinger	Kern	Page
Brady	Gronna	La Follette	Pittman
Broussard	Hardwick	Lane	Pomerene
Burleigh	Hitchcock	McCumber	Ransdell
Chamberlain	Hollis	McLean	Saulsbury
Clark, Wyo.	Hughes	Martine, N. J.	Shafroth
Clarke, Ark.	Husting	Myers	Sheppard
Colt	James	Nelson	Sherman
Culberson	Johnson, Me.	Norris	Smith, Ga.
Dillingham	Jones	Overman	Smith, Md.

Smoot	Swanson	Tillman	Williams
Sterling	Thomas	Walsh	Works
Sutherland	Thompson	Warren	

Mr. OVERMAN. I wish to announce that my colleague [Mr. SIMMONS] is unavoidably detained from the Senate.

Mr. MARTINE of New Jersey. I desire to announce that the junior Senator from Missouri [Mr. REED] is detained by illness from the Senate.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills and joint resolution:

S. 2290. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Elsie McCaulley from Glenwood Cemetery, District of Columbia, to Philadelphia, Pa.;

S. 3769. An act to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; and

S. J. Res. 63. Joint resolution authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial fountain to Alfred Noble.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4876) to provide for an increase in the number of cadets at the United States Military Academy.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 5415. An act to authorize the construction of a bridge across the Fox River at Geneva, Ill.;

H. R. 28. An act to amend an act entitled "An act granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs," approved March 1, 1907;

H. R. 177. An act authorizing the Secretary of the Interior to accept the relinquishment of the State of Wyoming to certain lands heretofore certified to said State, and the State of Wyoming to select other lands in lieu of the lands thus relinquished;

H. R. 384. An act to amend the act of June 23, 1910, entitled "An act providing that entrymen for homesteads within the reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act";

H. R. 2235. An act for the relief of the widow and heirs at law of Patrick J. Fitzgerald, deceased;

H. R. 4746. An act granting the city of Portland, Oreg., the right to purchase certain lands for public park purposes;

H. R. 4881. An act to reimburse the postmaster at Kegg, Pa., for money and stamps taken by burglars;

H. R. 6442. An act to provide for the exchange of the present Federal building site in Newark, Del.;

H. R. 7239. An act for the relief of Philip H. Heberer; and

H. J. Res. 79. Joint resolution authorizing the Secretary of Labor to permit the South Carolina Naval Militia to use the Charleston immigration station and dock connected therewith.

PETITIONS AND MEMORIALS.

Mr. MYERS. I present a petition from the American Society of Equity, of Montana, praying for legislation relative to the public lands on the Fort Peck Indian Reservation in that State. I ask that the petition be printed in the RECORD together with the signatures and referred to the Committee on Indian Affairs.

There being no objection, the petition was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD as follows:

Whereas the cooperative farmers of Montana, known as the American Society of Equity, realizing that our country now stands in the midst of difficulties, deem it necessary that all farmers should be induced to raise all food possible; and

Whereas we find a vast area of fertile land on the Fort Peck Reservation practically uninhabited, on account of the present law requiring all homesteaders to pay from $2.50 to $7 per acre for said land, one-fifth to be paid at time of entry, the other four-fifths to be made in five annual payments, that said law is keeping actual settlers from this land: Therefore be it

Resolved, That we ask our Senators and Congressmen to introduce a law asking a reduction of one-half of the appraised value of said land and that 10 years' extension of time be granted on all payments after the first one has been made, that being one-fifth down at time of entry.

We also ask that said law be made to cover all payments that have been made, with the exception of commutements, so that the actual settler who is on the land at the present time may receive the same benefits from time of their entry as those who are yet to homestead.

Whereas we consider this one of the first steps toward preparedness, we ask our Senators and Congressmen to act as soon as possible, as the planting time is near at hand, and through this law not only our State but our Government would be greatly benefited, as this is one of our greatest wheat belts.

[SEAL.] CHARLES E. KISSACK, *President*,
EVERT EVANS, *Secretary*,
Portage, Mont.

Mr. CHAMBERLAIN presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Woodburn, Oreg., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Klondike, Oreg., remonstrating against the proposed creation of a juvenile court in the District of Columbia, which was referred to the Committee on the Judiciary.

Mr. BURLEIGH presented a memorial of sundry citizens of Richmond, Me., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. GALLINGER presented the petition of John S. Codman, of Boston, Mass., praying for an investigation into the practice of vivisection, which was referred to the Committee on Agriculture and Forestry.

Mr. HITCHCOCK presented petitions of sundry citizens of Nebraska, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Boelus, Nebr., remonstrating against an increase in armaments, which was ordered to lie on the table.

He also presented a petition of the Young People's Society of Christian Endeavor of the Presbyterian Church of Bancroft, Nebr., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. POINDEXTER presented a petition of Cherry Valley Grange, No. 287, Patrons of Husbandry, of Duvall, Wash., praying for Government ownership of telegraph and telephone systems, which was referred to the Committee on Post Offices and Post Roads.

He also presented the memorial of Mrs. Dora B. Sperry and sundry other citizens of Pasco, Wash., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented the memorial of H. E. Nelson and sundry other citizens of Bremerton, Wash., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. CLAPP. I have received the following telegram, which I send to the desk with the request that it be read into the RECORD, and I make that request.

There being no objection, the telegram was read, as follows:

AUSTIN, MINN., *April 27, 1916.*

MOSES E. CLAPP, *Washington, D. C.:*

The Minnesota State Sunday school convention, representing a majority of the churches of the State familiar with the conditions in the Indian country, petitions the Senate of the United States to stand unchangeable by its wise and just amendment for ending sectarian appropriations by providing sufficient Government schools. This sentiment, expressed in a resolution, was adopted unanimously. Please read this message into the RECORD.

R. W. MCLEOD, *President.*
A. M. LOCKER, *Secretary.*

Mr. SMITH of Maryland presented petitions of Monumental Council, No. 13, Sons and Daughters of Liberty; of Independent Council, No. 22, Sons and Daughters of Liberty; of Rescue Council, No. 1, Sons and Daughters of Liberty; of Frances Willard Council, No. 21, Sons and Daughters of Liberty; of Eastern Star Council, No. 10, Sons and Daughters of Liberty; and of Liberty Council, No. 6, Sons and Daughters of Liberty, all of Baltimore, in the State of Maryland, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. PHELAN presented resolutions adopted by the Chamber of Commerce of Los Angeles, Cal., favoring the enactment of legislation for the construction of the San Juan Railway in

Colorado and New Mexico, which were referred to the Committee on Railroads.

He also presented a petition of J. Holland Laidler Camp, No. 5, United Spanish War Veterans, Department of California, of Sacramento, Cal., and a petition of Wheaton Camp, No. 8, United Spanish War Veterans, of San Jose, Cal., praying for the enactment of legislation granting pensions to widows and orphans of veterans of the Spanish-American War, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. WALSH, from the Committee on Indian Affairs, to which was referred the bill (S. 793) modifying and amending the act providing for the disposal of the surplus unallotted lands within the Blackfeet Indian Reservation, Mont., reported it with an amendment and submitted a report (No. 401) thereon.

Mr. SWANSON, from the Committee on Naval Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 833. A bill to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade (Rept. No. 402);

S. 1807. A bill to reinstate Elwin Carlton Taylor as a passed assistant surgeon in the United States Navy (Rept. No. 403); and

S. 3020. A bill waiving the age limit for admission to the Medical Corps of the United States Navy in the case of John B. Bostick (Rept. No. 404).

Mr. SHEPPARD. From the Committee on Commerce I report back favorably, with amendments, the bill (H. R. 759) to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof, and I submit a report (No. 405) thereon.

Mr. SWANSON. I should like to ask unanimous consent that the bridge bill just reported be taken up. The bridge is in a wretched condition. It has been condemned. There was a report of the Army engineer made upon it yesterday which shows that it is a very urgent matter. If there is to be debate upon it and objection to the bill, of course I would not press my request.

Mr. SMOOT. I understood the Senator from New Hampshire [Mr. HOLLIS] was going to ask that the Senate proceed to the consideration of the rural-credits bill this morning, and I understand also that the Senator from New Hampshire is perfectly willing to have an adjournment to-day in order that we may have a morning hour to-morrow. The Senator from Virginia can no doubt call up the bill to-morrow morning.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH:

A bill (S. 5783) concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States; to the Committee on the Judiciary.

By Mr. OVERMAN:

A bill (S. 5784) providing for the adjudication of certain claims by the Court of Claims; to the Committee on Claims.

By Mr. HOLLIS:

A bill (S. 5785) granting an increase of pension to Zemri Stearns (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5786) granting a pension to Catherine E. Ranney;

A bill (S. 5787) granting an increase of pension to Mary C. Hill (with accompanying papers); and

A bill (S. 5788) granting an increase of pension to Thomas Bracken (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 5789) granting an increase of pension to Sue Rains (with accompanying papers); to the Committee on Pensions.

By Mr. PITTMAN:

A bill (S. 5790) to confer additional authority upon the President of the United States in the construction and operation of the Alaskan Railroad, and for other purposes; to the Committee on Territories.

By Mr. POINDEXTER:

A bill (S. 5791) granting an increase of pension to Mary R. Edwards (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 5792) granting a pension to Thomas J. Thompson; to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 5793) granting an increase of pension to Mary A. McElroy (with accompanying papers); and

A bill (S. 5794) granting a pension to Mrs. Lucy K. Kellogg (with accompanying papers); to the Committee on Pensions.

RIVER AND HARBOR APPROPRIATIONS.

Mr. CHAMBERLAIN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

Mr. SAULSBURY submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

INCREASE OF CADETS AT MILITARY ACADEMY.

Mr. CHAMBERLAIN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4876) entitled "An act to provide for an increase in the number of cadets at the United States Military Academy," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 3, 4, and 6, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "twenty of whom shall be selected from among the honor graduates of educational institutions having officers of the Regular Army detailed as professors of military science and tactics under existing law or any law hereafter enacted for the detail of officers of the Regular Army to such institutions, and which institutions are designated as 'honor schools' upon the determination of their relative standing at the last preceding annual inspection regularly made by the War Department"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "in number as nearly equal as practicable"; and the House agree to the same.

GEO. E. CHAMBERLAIN,
G. M. HITCHCOCK,
H. A. DU PONT,
Managers on the part of the Senate.

JAMES HAY,
S. H. DENT, Jr.,
JULIUS KAHN,
Managers on the part of the House.

The report was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On April 26, 1916:

S. 3560. An act to validate a certain title whereon the purchase money has been paid on a private sale by order of the United States district court for the middle district of Pennsylvania, at No. 83, June term, 1910, sitting in bankruptcy.

On April 27, 1916:

S. 683. An act prohibiting the use of the name of any Member of either House of Congress or of any officer of the Government by any person, firm, or corporation practicing before any department or office of the Government;

S. 1294. An act to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and

S. 4480. An act providing for the establishment of two additional terms of the district court for the eastern district of North Carolina at Raleigh, N. C.

On April 28, 1916:

S. J. Res. 98. Joint resolution to print as a public document the final report and testimony submitted to Congress by the United States Commission on Industrial Relations.

RURAL CREDITS.

Mr. HOLLIS. I ask that the rural credits bill be laid before the Senate and proceeded with.

The VICE PRESIDENT. The Chair lays Senate bill 2986 before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal savings deposits, to create Government depositaries and financial agents for the United States, and for other purposes.

Mr. HOLLIS. Mr. President, I urge the attention of the Senator from Utah [Mr. SUTHERLAND] to a matter that we were discussing when the bill was last laid aside, on page 32, the provision that "no such loan shall be made to any person who is not at the time, or who does not in his application promise shortly to become, engaged in the cultivation of the farm mortgaged." I assure the Senator I will take that up again and try to reach some solution. The only improvement I can suggest is that the provision be amended so as to read as follows:

No such loan shall be made to any person who is not at the time, or who does not in his application state his intention to become within six months, engaged in the cultivation of the farm mortgaged.

That would be a statement of a fact subject to proof whether he did have such an intention or not. If he did not have such an intention and there were proof of it, such as would convince a jury, he could be prosecuted for having made a false statement in his application. Then I would add to that——

Mr. SMOOT. Will the Senator repeat his proposed amendment?

Mr. HOLLIS. I suggested to make it read:

Or who does not in his application state his intention to become within six months—

And so forth.

The point is this: If a man promises to do something and does not do it, he can not be prosecuted for false pretenses. If he states that he has an intention to do something when he has not, then he has made such a statement that he could be prosecuted for making a false statement of fact in his application.

I think there should be added to that a provision at the top of page 34 that on a failure to comply with the terms of his application the mortgage may be foreclosed. I can not think of any way that would make that any more binding on the borrower than I have suggested, but any of these several ways which have been suggested I think would work out practically about the same.

Mr. SUTHERLAND. Mr. President, that seems to be a rather shadowy basis to base the prosecution upon; that is, to undertake to prosecute a man upon the ground that he had declared an intention to do a thing when, in fact, he had no such intention. It is pretty difficult to get into the human mind to find exactly what a man intended. The Senator is familiar with the rule that no man can be prosecuted for perjury for having promised to do something which he did not do.

Mr. HOLLIS. Yes; but the promise to do something and having a present intention to do it are very different things. An intention is a present state of mind that is susceptible of proof and definite determination. If a man states his present intention to do something and later you prove that he had no such intention, he can be prosecuted for perjury.

Mr. SUTHERLAND. The Senator may be right about that. The line of distinction is sometimes a very narrow one. But I suggest to the Senator that it would be always an exceedingly difficult thing to prove what the intention of the individual was. After all, the intention is something within his own mind. It is not manifested necessarily by any outward circumstance. I think the Senator will be putting something into the bill that would be very difficult at least of enforcement.

It seems to me the thing to do is to leave the matter to the officials who have to deal with it. If the Senator will make provision that the officials who are responsible for making the loan shall be satisfied that the individual intends to do this thing, then he will have afforded some definite test, but if he simply provides that it shall rest in the intention of the individual, that being a matter wholly in his own mind, I think you will have such a shadowy test that it will be very difficult of enforcement.

Mr. McCUMBER. Mr. President——

Mr. HOLLIS. If the Senator will pardon me, as I said at the outset I think any one of these ways will work out practically, because the land bank will have to be satisfied it is so before it makes the loan. It must exercise its judgment as to whether to make the loan or not. I am quite sure it will be satisfactory in any one of the three ways suggested; but, as I said, it is immaterial to me. I yield now to the Senator from North Dakota.

Mr. McCUMBER. I wish to ask the Senator if the provision he has just stated is one that refers to ownership, becoming the owner to the land?

Mr. HOLLIS. Yes.

Mr. McCUMBER. I suggest to the Senator that I can not imagine any great difficulty there, because I do not suppose that the money will be advanced until there is a mortgage, and a mortgage can not be given until there is ownership of the land, and the record shall show it.

Mr. HOLLIS. No; this is a promise to cultivate the land mortgaged. I did not understand the Senator.

Mr. McCUMBER. That is the reason why I asked whether it had reference to the title.

Mr. HOLLIS. It is a promise to cultivate. For the purpose of getting this matter definitely stated and leaving it open, so far as I am concerned, to future consideration, if anyone desires to have it changed, I will move, on line 16 of page 32, that the word "promise" be stricken out and that there be inserted in place thereof the words "state his intention."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 32, line 16, it is proposed to strike out the word "promise" in the committee amendment and in lieu insert the words "state his intention."

The VICE PRESIDENT. The amendment to the amendment will be agreed to, without objection; and, without objection, the amendment as amended will be agreed to.

Mr. HOLLIS. Then, at the top of page 34, at the beginning of line 2, I move to insert "fail to comply with the terms of his application, or." The result of that amendment is that if a man borrows and then does not comply with the terms of his application the mortgage may be foreclosed.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 34, after the word "shall," at the end of line 1, insert the words "fail to comply with the terms of his application, or."

Mr. STERLING. Mr. President——

Mr. HOLLIS. I yield to the Senator from South Dakota.

Mr. STERLING. I merely wish to ask the Senator from New Hampshire in regard to paragraph 9, on page 33, which names the maximum which may be loaned to any one borrower. Should not that paragraph also state the minimum? Was not that the intention? I think previously in the bill a minimum is named, and should not a minimum be named here? I suggest as an amendment after the numerals "$10,000," that the words be inserted "nor shall any loan be less than the sum of $200."

Mr. HOLLIS. I think the distinguished Senator is in error in stating that there is a minimum limit. That is merely at the outset in the forming of loan associations. The Senator will find it on page 22. After the loan association is once formed, there is no reason why a man should not borrow less than $200 if he desires; and I can not see any reason for having any minimum stated.

Mr. STERLING. Mr. President, I had thought that in the matter of a farm loan under this system there ought to be a minimum, and that it would not, as a business proposition, be wise to permit of loans in a less sum than $200; and that there ought to be at least that minimum limit to the amount which he could borrow. If a man must have a less sum than $200, let it be from some other source and in some other manner than by mortgage of his land to a Federal land bank. Such would be my idea in regard to it.

Mr. HOLLIS. I have not previously heard that view urged. It would occur to me that there might be a good many cases where men might want to borrow less than $200, and might properly borrow it.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from New Hampshire [Mr. HOLLIS].

The amendment was agreed to.

The SECRETARY. The pending amendment is on page 33, section 12, after line 16, where the committee propose to insert:

Taxes or assessments not paid when due, and paid by the mortgagee, shall become a part of the mortgage debt and shall bear simple interest at the rate of 6 per cent per annum.

Mr. HOLLIS. Mr. President, I think that in nearly every State if a mortgagee pays the taxes on the land mortgaged, he would be undoubtedly subrogated to the right of the taxing power and be allowed to collect, but in order to have that clear, and thinking that in some States it may be otherwise, the committee have thought it proper to annex this condition. I believe the rate should be 10 per cent per annum. I think in most

States for delinquent taxes there is a rate of at least 10 per cent charged. I ask unanimous consent to change the rate of interest, in line 19, from "6" to "10" per cent before this committee amendment is voted on.

The VICE PRESIDENT. If there be no objection, that amendment to the amendment will be made. The question is on the amendment as amended.

The amendment as amended was agreed to.

The next amendment of the Committee on Banking and Currency was, on page 34, line 2, after the word "condition," to insert "or covenant," and in line 3, after the word "shall," to insert "at the option of the mortgagee," so as to make the clause read:

Twelfth. Every borrower who shall be granted a loan under the provisions of this act shall enter into an agreement, in form and under conditions to be prescribed by the Federal farm-loan board, that if the whole or any portion of his loan shall be expended for purposes other than those specified in his original application, or if the borrower shall be in default in respect to any condition or covenant of the mortgage, the whole of said loan shall, at the option of the mortgagee, become due and payable forthwith: *Provided*, That the borrower may use part of said loan to repay any sum borrowed to pay for his stock in the farm-loan association, and the land bank holding such mortgage may permit said loan to be used for some other purpose specified in this section.

The amendment was agreed to.

The next amendment was, on page 34, line 12, after the word "borrower," to strike out "or of the farm-loan association," so as to make the clause read:

Funds transmitted to farm-loan associations by Federal land banks to be loaned to its members shall be in current funds, or farm-loan bonds, at the option of the borrower.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 22, on page 35, the last clause read being as follows:

(b) Parcels of land mortgaged to it as security.

Mr. STERLING. Mr. President, I should like to call the attention of the Senator from New Hampshire to page 35, line 22, clause (b), that being one of the powers given the Federal land bank. Under (b) the bank will have the power to acquire and dispose of "parcels of land mortgaged to it as security."

I wonder if it is the intention to give the general power to a farm-land bank to buy lands which have been mortgaged to it as security, to purchase them at any time and to dispose of them, or is it meant that it shall acquire those lands simply in the course of the satisfaction of the mortgage debt, which I think is covered by subdivision (c).

Mr. HOLLIS. The provision to which the distinguished Senator calls attention is meant to cover transactions arising in States where the title passed to the mortgagee, where there is a default, in a case where there is a conditional sale. Therefore the mortgagee would have the right under his present title, if he acquired under foreclosure, to take peaceable possession and to hold the land until the mortgagor complied with the conditions of the mortgage. It is merely meant to cover a case of that kind, where the mortgagee would take temporary possession and proceed to foreclose finally if it became necessary to do so.

Mr. STERLING. Mr. President, it seems to me there should be some language limiting it, because the terms are very general, and on the face of the statement it would give power to acquire any lands mortgaged to a land bank as security and to dispose of them.

Mr. HOLLIS. I agree with the Senator in the thought that this matter should be covered, and I am willing to have an amendment added at the end of the line. Perhaps the expression "under default" would cover it, or the words "where default has occurred"; and I ask unanimous consent that the words "where default has occurred" be added, on page 35, at the end of line 22, before the period.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 35, line 22, after the word "security," it is proposed to insert the words "where default has occurred."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Banking and Currency was, under the subhead "Powers of Federal land banks," in section 13, page 36, line 11, after the word "Eighth," to strike out "To accept time deposits and to pay interest on the same, as provided in section 18 of this act," and insert "To borrow money, to give security therefor, and to pay interest thereon," so as to make the clause read:

Eighth. To borrow money, to give security therefor, and to pay interest thereon.

The amendment was agreed to.

The next amendment was, on page 36, line 21, before the word "Federal," to strike out "on," and insert "of," so as to make the subhead read "Restrictions of Federal land banks."

The amendment was agreed to.

The next amendment was, under the subhead "Restrictions of Federal land banks," in section 14, page 37, line 1, after the word "act," to strike out ", but this restriction shall not apply to prevent the acceptance of time deposits, as provided in section 18 of this act," so as to make the clause read:

First. To accept deposits of current funds payable upon demand except from its own stockholders, or to transact any banking or other business not expressly authorized by the provisions of this act.

The amendment was agreed to.

The next amendment was, on page 37, line 6, after the words "section 17," to strike out ", or for short terms as provided in section 18," so as to make the clause read:

Second. To loan on first mortgage except through national farm loan associations as provided in section 7 of this act, or through agents as provided in section 17.

The amendment was agreed to.

Mr. SHEPPARD. Mr. President, in connection with the discussion of land credit, I wish to direct attention to a phase of the land question which clamors for settlement, a matter distinct from the general subject of rural credits, but frequently confused with it.

A vast and growing number of American farmers are reduced to such conditions that they have no land to offer as security for loans, no means to acquire land which they might offer as such security for loans of balances due on purchase, and hardly enough left after the landlord, the merchant, and the banker are paid from the proceeds of their crops to keep body and soul together until another crop is made. Whatever meager personal goods they hold are mortgaged for tools and food at a rate of interest so enormous as to keep them in poverty. Their wives and children must, as a rule, labor with them in the fields. As a result their children either have no schooling at all, or very little. They are in a state of financial servitude, from which there is little or no hope for escape under present conditions. These restless, discontented multitudes of men, women, and children, who have no place they may call home, whose earnings, toil as they will, are hardly sufficient for the barest necessities, present a problem that becomes more pressing every hour. The percentage of tenant farmers in the United States increased from 25 per cent in 1880 to 37 per cent in 1910, while the percentage of our rural population decreased from 70 per cent in 1880 to 53 per cent in 1910. It is the statement of Mr. Charles W. Holman, secretary of the National Conference on Marketing and Farm Credits, that in the last 10 years in Texas and Oklahoma the ratio of increase of tenant farmers has been double that of land-owning farmers; that in the States of Alabama, Arkansas, Tennessee, Georgia, Louisiana, Texas, Mississippi, South Carolina, North Carolina, Missouri, Kentucky, Indiana, Nebraska, Michigan, Wisconsin, Minnesota, and California there has been an actual increase since 1880 of 994,361 tenants, while home-owning farmers have increased but 606,755; that in the States of Illinois, Iowa, Kansas, New York, Ohio, and Pennsylvania tenant farmers have increased to the extent of 121,167, while the number of home-owning farmers has actually decreased to the extent of 62,915. But what of the country at large? In this connection let me say, Mr. President, that the last census shows that of the 20,000,000 families in the United States, less than 6,000,000 own their homes free from incumbrances, nearly 11,000,000 American families living in rented homes.

In this connection I want also to cite the fact that the Society to Lower Rents and Reduce Taxes on Homes, an organization located in the State of New York, published, on September 2 of last year, a statement showing that 13 families on Manhattan Island owned land of a total value of $205,404,875, or $15,800,000 to a family, the amount owned by these families being one-fifteenth of the value of all the land on the island. The total number of families in that borough was placed at 560,000. The 13 land-owning families are as follows: The Astors, Vanderbilts, Rhinelanders, O. B. Potter properties, J. P. Morgan, E. H. Van Ingen, Wendels, Goelets, Ehret, Gerrys, Charles F. Hoffman estate, William R. H. Martin, and Eugene Hoffman.

An interesting fact brought out in that connection was that the value of the improvements which these 13 great families have placed on the land was only one-fourth of its value, while the value of the improvements placed on the land by owners of small homes in Manhattan was three times the value of said land. It was demonstrated, therefore, that the small home owners were being taxed for the benefit of the 13 great families I have mentioned.

Mr. President, an aristocracy is rapidly developing in this country, built on the concentrated ownership of lands and also on the concentration of other forms of wealth, an aristocracy that riots in unmeasured luxury, an aristocracy for the most part selfish, indifferent, and cruel. It is the statement of Mr. Benjamin C. Marsh, the executive secretary of the Association for an Equitable Federal Income Tax, that less than 5 per cent of the population of the United States own nearly all the value of land and nearly all the acreage.

Commissioner Davies, of the Bureau of Corporations, reported in 1914 that 1,694 timber owners held in fee over one-twentieth of the land area of the United States, from the Canadian to the Mexican border—a total of 105,600,000 acres—and that 16 holders own nearly half of this amount, or about 47,800,000 acres. This is an alarming situation. The United States is becoming a land of the landless.

Sir, we talk of preparedness against war, and no man favors it more earnestly than I do. Let me say to you that the most effective step this country may take to secure permanent preparedness against all foes is to utilize part of its vast credit in anchoring the people to the land. If you would have this Nation invincible, make it a nation of homes. The home problem presents an emergency so tremendous and so pathetic as to justify the employment of a substantial portion of the Government credit in aiding our landless and homeless millions to acquire lands and homes. This has been done with gratifying results in Great Britain, Australia, New Zealand, and other countries. Some of our States are already considering such steps, Oklahoma and Massachusetts having enacted measures with such ends in view.

Mr. OWEN. Mr. President, would it interrupt the Senator to call his attention to the extraordinary efficiency of the German people, due to the very pains taken by the national power there in abolishing poverty by finding employment to occupy the people and teaching them how to make a living?

Mr. SHEPPARD. I think the Senator's suggestion is a very valuable one. Let us have a Federal home-loan law, enabling the Federal Government to make loans or sales at low interest rates and on long time to worthy homeseekers, either directly or in cooperation with States, and perhaps other political divisions.

For many years the Federal Government protected the wages and incomes of the masses by offering them homes on the public domain. This served as a safeguard against the oppression of the laborers of factory and farm. Now that the public land available for homes has been nearly all preempted shall this safeguard perish? The public land is no more the public domain than the public credit—the Government credit, which is the common possession of all the people. Let the priceless bulwark of home ownership on easy terms, such terms as private collections of capital could never offer, be preserved.

The Secretary of Labor in his last annual report makes an epoch-marking suggestion. He says:

> It will not be enough to hunt "manless jobs" for "jobless men." Any efficient public employment service of a national character must go beyond that. Unless it does, "manless jobs" giving out while "jobless men" remain, the causes of involuntary unemployment will continue to express themselves to the great prejudice of the wage workers of the United States, and consequently to the harm of all industrial interests. In my opinion, therefore, the labor-distribution work of this department should extend to some such development of the natural resources of this country as will tend to make opportunities for workers greater than demands for work and to keep them so.
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> For this purpose further legislation will be necessary. But it need not be either voluminous or revolutionary. Nothing more is required than a judicious utilization of Government lands.
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> Title to some of the old public domain still remains in the Government. By a recent decision of the Supreme Court, Congress is soon to have the power, and to be under an obligation, to treat with land-grant railroads regarding the terms on which large areas of that domain heretofore granted away may be restored. There are extensive areas of privately owned but unused farming land in most or all of the States, which might be acquired by the General Government for promoting labor opportunities as advantageously as other areas have been acquired or retained by it for the creation of public parks. If Congress were to adopt, with reference to those lands, a policy of utilizing them for promoting opportunities for employment, the benefits of the labor-distribution work of this department, and of State and municipal public employment offices throughout the United States, would be vastly augmented.
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> For such a policy the homestead laws seem to afford a legislative basis and their history to furnish valuable suggestions. Those laws relieved the industrial congestions of their day by opening the West to workers of pioneering spirit who set up individual homes and created independent farms in waste places. But the day of the individual pioneer is over. From the Atlantic he has moved westward until the Pacific throws him back again into crowded spaces, and new forms of industrial congestion have consequently developed. To the relief of these the old form of homesteading is not adapted, but the homesteading principle persists. The problem is how to adapt that principle to changed circumstances.
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> One necessary condition is that the General Government shall retain title to the public lands it already holds. Another condition is that from time to time it shall reacquire title to such lands, formerly owned by it but now privately owned, as are held out of use and may be reacquired upon reasonable terms. Still another condition is that the Government, from time to time, shall acquire title to such privately owned lands in different States as may be usefully devoted to the purpose of opening opportunities for employment. All this need not be done at once. A satisfactory beginning may be made with public lands already available for the purpose in question. But it is necessary that the Government shall not lightly divest itself of title to any lands it may set aside for labor opportunities.

Mr. SHAFROTH. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. SAULSBURY in the chair). Does the Senator from Texas yield to the Senator from Colorado?

Mr. SHEPPARD. Certainly.

Mr. SHAFROTH. How can these Western States that have millions and millions of acres of land in governmental ownership ever support a State, county, or school government if that is going to be the policy of the Government?

Mr. SHEPPARD. The policy I speak of will help the Western States. It will mean the more speedy sale of public lands to home owners. It will give these States more home owners, and that is what they want. These home owners will help to support the State.

Mr. SHAFROTH. Yes; but these lands are situated in the States; and if these lands are to be held by the Government and the title is to remain in the Government, there is no power on earth by which they can be the subject of taxation.

Mr. SHEPPARD. The idea is that the public lands available for homes shall not be too hastily disposed of, but that they shall be held only until they can be sold for this purpose under proper safeguards. But the disposition of existing public lands is not essential to the main question. The point I am making to-day is that we must maintain the homestead principle, which protected the masses of the people up to a few decades ago from oppressive conditions in the cities and in the wage-paying industries.

The Secretary of Labor continues:

> Regulation of private tenures created pursuant to this purpose should fit the circumstances of particular cases. It is therefore suggested that private titles to lands set aside for the indicated purpose be so adjusted by the Department of Labor to its work of labor distribution as to prevent inflation of land values. This precaution is of extreme importance. Wherever inflation of land values might enter in, the proposed method of promoting labor distribution would be obstructed.
>
> There is still another essential condition. Equipment for farming and education in farming as well as a place for farming are needed. All three, however, could be met by an appropriate unification of some of the activities of the Departments of the Interior, of Agriculture, and of Labor. Pursuant to such unification Congress might provide a "rotary fund" for lending purposes; that is, a fund to be used over and over again for those purposes and to be maintained by repayments of loans.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Oklahoma?

Mr. SHEPPARD. Yes; I yield, Mr. President.

Mr. OWEN. I call the attention of the Senator to the fact that the Government of the United States is now using a rotary fund in furnishing means to various Indians for the purpose of teaching them self-support by agriculture. That fund, as I say, is a revolving fund.

Mr. SHEPPARD. I am very glad to have that statement, Mr. President.

The Secretary of Labor continues:

> Out of this fund Congress could authorize the departments named above to make loans, through the Department of Labor, to settlers placed by this department upon lands set aside for that purpose in accordance with the authorized plan for thus augmenting labor opportunities. Those loans could be safeguarded, without commercial collateral, by resting them upon the best possible basis of industrial credit—ability, opportunity, and character—and by establishing in connection with them a system of community credits adapted to the circumstances.
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> By their educational processes the Departments of the Interior and of Agriculture could make efficient farmers of inexperienced but otherwise competent workers seeking that vocation. By its marketing plans the Department of Agriculture could guard borrowers from the "rotary fund" against commercial misfortune in disposing of their crops. By its labor-distribution functions the Department of Labor could bring the right men to the right places on the soil and settle them there under favorable circumstances. And by their several appropriate functions these three departments, cooperating under appropriate legislation, could multiply demands for labor in rural regions and minimize labor congestion at industrial centers.
>
> It is a reasonable prediction that such a policy would develop in country and city an economically independent and socially progressive population. The results would be analogous in our time to those of the homestead laws at an earlier period.

Mr. President, let these suggestions of the Secretary of Labor be extended to cover the acquisition of farm homes with Government aid for both landless and jobless men. The rural districts are rapidly decreasing in population.

A Federal home-loan and aid law and a short-term rural-credit law will go far toward remedying fundamental economic evils while a permanent land-mortgage system is being developed.

One of the greatest national needs is to turn the trend of population from the cities back to the farm home. It is fundamentally a national need. It is essential to the Nation's liberty and life.

Of course, it is exceedingly questionable whether the power of the Federal Government, under the Constitution as it now reads, covers the use of its funds and its credit for the acquisition of lands and the distribution of those lands on the homestead principle among the people. I therefore submit an amendment to the Constitution along this line, and ask that it be read, and ask unanimous consent to introduce it at this time.

The VICE PRESIDENT. The joint resolution will be read.

The joint resolution (S. J. Res. 127) proposing an amendment to the Constitution of the United States, giving Congress the power to purchase, hold, improve, subdivide, and sell land and to make loans for the purpose of promoting farm-home ownership, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment of the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States, as provided by the Constitution:

AMENDMENT —.

The Congress shall have power to purchase land anywhere in the United States, hold, improve, subdivide, and sell the same, and also to make loans for the purpose of encouraging and promoting farm home ownership in the United States: *Provided, however*, That this amendment shall not be deemed to authorize the sale of such land at less than the cost thereof.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Wyoming?

Mr. SHEPPARD. I yield.

Mr. CLARK of Wyoming. Of course, I do not wish to object to this being read as a part of the Senator's remarks; but I think it is my duty to call attention to the rule in regard to the introduction of other matters while a Senator has the floor and is making a speech.

Mr. SHEPPARD. Do I understand that this amendment can not be introduced by unanimous consent, Mr. President?

The VICE PRESIDENT. It is the duty of the Chair to prevent any person from interrupting a Senator while he is talking by the introduction of a bill, joint resolution, or any other document. Whether the Chair is under the duty of interfering with the Senator from Texas, the Chair is in very grave doubt.

Mr. SHEPPARD. I do not see how a man could interrupt himself in this way.

The VICE PRESIDENT. The Chair is unable to speak for the Senator from Texas.

Mr. CLARK of Wyoming. If the Senator from Texas is an exception to the rule that bills or resolutions shall not be introduced while a Senator is speaking——

Mr. SHEPPARD. Mr. President, I should like to have the matter ruled on anyway.

The VICE PRESIDENT. There is not any objection to the Senator's introduction of a resolution. This suggestion was largely humorous on the part of the Senator from Wyoming. Shall the amendment be referred to the Committee on the Judiciary?

Mr. SHEPPARD. Yes, sir.

Now, Mr. President, if this amendment seems to strike anybody as radical or socialistic, I want to call attention to a similar amendment to the Constitution of the conservative State of Massachusetts, which was adopted in that State last November by a popular vote of 3 to 1; and I ask the Secretary to read it.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

The Secretary read as follows:

CONSTITUTION OF MASSACHUSETTS.

ARTICLE OF AMENDMENT ADOPTED NOVEMBER, 1915.

The general court shall have power to authorize the Commonwealth to take land and to hold, improve, subdivide, build upon, and sell the same, for the purpose of relieving congestion of population and providing homes for citizens: *Provided, however*, That this amendment shall not be deemed to authorize the sale of such land or buildings at less than the cost thereof.

Mr. SHEPPARD. As a matter of fact, this Massachusetts amendment and my amendment are the antithesis of socialism. The object of these amendments is to preserve the institution of private-land ownership, to preserve it for the masses.

Mr. WALSH and Mr. THOMAS addressed the Chair.

Mr. SHEPPARD. I yield to the Senator from Montana.

Mr. WALSH. I desire to inquire of the Senator from Texas if he is able to advise us as to the attitude of the Senators from Massachusetts upon that amendment?

Mr. SHEPPARD. I judge from the speeches that have been made by the Senators from Massachusetts opposing the acquisition by the Government of an armor-plate plant and of a nitrate plant, and opposing the principle of extending governmental activities along these lines, that they may not be in sympathy with the action of the overwhelming majority of the people of Massachusetts in voting to put the State into the business of buying land and selling it to the people for homes.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Colorado?

Mr. SHEPPARD. I yield; yes.

Mr. THOMAS. If the Senator will so amend his proposed amendment to the Constitution as to require the Government to sell some of the land it already owns, I will support it with a good deal of enthusiasm.

Mr. SHEPPARD. Well, Mr. President, this idea that I have suggested includes the sale of the land the Government now possesses and creates circumstances under which it may be sold.

I merely wanted, Mr. President, during the discussion of land credits, to bring the attention of the Senate to a question that is going to assume greater and greater importance as the years pass by. The land question is to-day one of the most fundamental and the most important questions before the country. The fact that the land is rapidly passing away from the possession of the people, that its control is being centered in the hands of the few, is one of the most alarming facts of contemporary history. The United States is becoming a country of tenants and boarders. A land without homes is a land without hope, a land without liberty, although it may wear the garb of a republic and boast of treasures beyond the human brain to comprehend.

Mr. POMERENE. Mr. President, may I ask the Senator from Texas what amount of land is allowed for homestead purposes in the State of Texas now?

Mr. SHEPPARD. Does the Senator mean what amount of the public land may be sold to individuals for homesteads, or what amount of land is exempted from debt as a homestead?

Mr. POMERENE. Well, perhaps that expresses my thought more accurately.

Mr. SHEPPARD. The two propositions are different, as the Senator understands.

Mr. POMERENE. They may be, of course, and they may not be.

Mr. SHEPPARD. Two hundred acres are exempted from debt as a rural homestead.

Mr. POMERENE. And what amount is exempted from sale for debt?

Mr. SHEPPARD. Two hundred acres. A section of land—that is, 640 acres, may be bought from the State for a homestead on 40 years' time at a very low rate of interest. Grazing homesteads comprise more than one section.

Mr. HITCHCOCK. Mr. President, I want to say a word of commendation for the pending bill, which I shall call the Hollis bill. It seems to me that the Senator from New Hampshire is entitled to unusual and particular credit for the preparation and perfection of the simple, strong, and comprehensive measure which is now before the Senate.

I do not take the gloomy view presented by the Senator from Texas.

Mr. SHEPPARD. Mr. President, the Senator did not understand me to bring forward my suggestions as criticisms of this particular measure?

Mr. HITCHCOCK. No; I did not.

I come from the West, where agriculture is prosperous, where agriculture is developing, where home owning is the rule. It is true, however, that the farmers in the West are borrowers. They ought to be borrowers. We have not sufficient capital in the West for the proper development of our farms; and the bill now before the Senate provides in a simple way for accomplishing something which has never yet been accomplished in the United States, and that is for bringing the farmer who wants to borrow money for legitimate purposes into close contact, under Government supervision, with the money lenders who have the capital to invest.

Mr. President, capital in this country is abundant, but to the farmer it is comparatively inaccessible. Through the Federal reserve act and through other legislation enacted by Congress capital has been made readily accessible to the merchant, the manufacturer, and the business man of the industrial centers

and of our cities. This bill, in my opinion, will make capital accessible to the farmer on the most favorable terms.

It is true, Mr. President, that the farmer in the past has borrowed money, and I speak of the farmer of the West because I know him better than I know the farmers of other sections. The great difficulty has been, however, that he has been compelled not only at times to pay an excessive rate of interest but practically at all times to pay an excessive commission to the middleman or agent who has procured for him the loan that he needs. Reduced to its simplest statement this bill establishes a new middleman, provides him with capital, regulates his charges and his profits, and in that way gives to the farmers of the country an opportunity to procure from the money lenders their loans not only at the lowest possible rate of interest but at the minimum of cost.

Mr. President, I have heard some opposition to this bill expressed here in the Chamber, though I am glad to say not much, and I attribute the absence of opposition very largely to the fact that the bill has been so admirably drawn and so thoroughly digested that it is very difficult to make legitimate criticism.

We have been told by some objectors that Congress has neither the power nor the duty to establish this farm-loan system, under which the agricultural interests of the country are to be given quick and cheap access to the great monetary resources of the country. I shall leave to the Senator from New Hampshire [Mr. HOLLIS], who has the bill in charge, the defense of the bill upon legal lines. I think he has already indicated that there is sufficient authority to hold that the bill is drawn in such a way as to come within the constitutional powers of Congress.

I shall discuss for a few moments, however, the duty of Congress to provide for the farmers this means of access to the loanable funds of the country. Mr. President, I might assert that duty upon the ground that the farming industry is the greatest industry in the United States; that in it are employed the largest number of American citizens. That would probably be sufficient to establish the duty of Congress to look after their welfare. But the farmer of the country is in a stronger position than that. He has a stronger claim upon the consideration of Congress. The farm produces the greatest necessary of life—one might almost say the only absolute necessary of life—food for the people. We are approaching a time when the production of food must be one of the great cares of government, if that time has not already arrived. We have witnessed in this country a gradual increase in the cost of living, a cost of living which affects peculiarly the laboring men and clerks in our cities and in our great industrial centers engaged in manufacturing, in mining, and in mercantile pursuits. We know that the number of arable acres in the United States is limited. We can increase them slightly from time to time by irrigation, but, practically speaking, all the arable land of the United States for all time is already known, and most of it is in cultivation.

How are we going to provide the food for our increasing millions in the future from year to year and from decade to decade? We can only do it by doing as Germany did. Beginning 45 years ago Germany has raised the productiveness of each acre by every means known to scientific agriculture. In that period Germany has increased the average German farm acre more than 80 per cent. To bring this about it was necessary to supply farmers with cheap and abundant capital to build improvements, buy machinery, and fertilize the land. In this way intensive farming has enormously increased the national wealth and enabled the empire to bear the burden of this war.

We also can greatly increase the productiveness of our acres if we give the farmers the proper help.

So I say, Mr. President, that the people in our cities and in our industrial centers are interested in this system, which will give to the farmers of the United States, North and South and East and West, capital with which to develop and improve their farms, capital with which to make them productive to a much larger degree than they have ever been in the past. Congress therefore, when it provides this system for the farmer, is also providing for the people in our industrial centers a safeguard against an undue increase in the cost of living and an insurance of sufficient food products.

Mr. President, I have referred to this bill as a simple bill, and it appeals to me because it is so simple and so strong. It practically unites into one great mutual organization all the farmers of the United States and gives to each farm mortgage the united strength of the whole system. It not only affords cheap capital to be borrowed by the farmer, but it affords a good investment for the small lender of money in the richer portions of the United States. The man or the woman in New England who now finds difficulty in finding safe investment for a small amount of savings can under this bill buy land-bank bonds. The timid investor of the East will be given an opportunity under this system of buying bonds of the Government-controlled land bank, which will yield not less than 4 per cent and which may yield a larger amount. It is this 4-per-cent money of the great eastern centers of saving and capital which it is proposed through the land bank and through the farmers' associations to lend to the farmers at 5 per cent, thus permitting only 1 per cent commission or middleman's cost where heretofore in the past the average farmer has paid 2½ per cent and sometimes 3 per cent as a commission for securing a loan.

Mr. President, I referred to the simplicity of the system. Ten farmers in a neighborhood desiring immediately or in the future to borrow money upon their farms associate themselves together in a little association called the farmers' association. Each farmer may apply to that association for a mortgage. Each farmer is an inspector of his neighbor's mortgage. To some extent each farmer is a guarantor of his neighbor's loan. This association, then, in the name of these farmers makes application to the land bank of the district for a loan to each. Suppose each farmer desires to borrow $2,000, each farmer pays in 5 per cent in cash to the farmers' association, namely, $100. The association then, with $1,000 in cash, turns it over to the land bank and receives in return certificates of ownership of the stock of the land bank for that amount. It is an investment in the capital stock of the land bank. Thereupon each farmer becomes entitled to receive at the lowest possible rate of interest a loan of $2,000 upon his farm, providing that amount does not exceed one-half of its value. The land bank has secured $1,000. This becomes a part of its working capital. Each $1,000 added to its capital increases its power to issue bonds $20,000, which in this case is the amount that goes to the 10 farmers in long-time loans. The security for each issue of bonds is, first, the capital of the bank; second, the land mortgaged; third, the obligation of the farmers' association; and fourth, notes of the farmers. Every new mortgage increases the cash capital 5 per cent. The bonds will be a safe and attractive investment, and the land banks can issue and sell them as fast as they make farm loans, and put the mortgages in their vaults. The farmers who invest in the capital of the land bank to the extent of 5 per cent of the amount of their mortgage receive a stock certificate which should pay a fair dividend. So they are all bound together in one great mutual system—all borrowing twenty times what they invest in stock.

So, Mr. President, the farm bank, with a minimum capital of $500,000 of cash actually paid in, paid in largely by the Government of the United States to begin with, paid in later also by these farm associations for the farmers, starts its business. It brings the funds from the money centers to the farms where it is loaned. When it has exhausted its capital and exhausted the funds which it has received from the farmers' associations it has the power to issue bonds to cover mortgage loans, dollar for dollar, as they are made. Thus the mortgages pile up within its vaults as new bonds are issued and sold and the cash capital grows 5 per cent of each loan as it is made.

The bank is under constant Government inspection. Its operations are safeguarded not only by its own land examiners, who go out and visit the farms as loans are made, but it is also under the inspection of the officers of the United States. It affords cheap loans to the farmers and to the bond buyers in the centers of capital a safe investment. Thus we will have a constant flow of cheap money into the land bank and a constant flow of money from the land bank out to the farmers' associations as they are formed, and through the farmers' associations to the farmers themselves.

I say, Mr. President, it seems to be a system so simple and so strong that it is remarkable that it has not been undertaken in this country before this time.

Mr. President, in my opinion, one of the best features of this system is the provision permitting long loans. This provision permits a farmer to borrow money and repay it at his convenience. He is only required to pay 1 per cent of the principal each year, although he may pay more. The mortgage may not be paid off under this amorization plan for 36 years. What will be the consequence of this provision? It will be that farms will be bought and sold with the mortgages upon them; that people with limited capital will be able to buy these farms with the long-time mortgages already upon them. People will be able to go out from cities with a comparatively small amount of ready capital and buy farms, being compelled to pay only the amount represented by the equity and take their time in paying the mortgage.

Nor is that all, Mr. President. I believe that a farm under such a long-time mortgage, with the amortization feature, call-

ing for only the interest every year and 1 per cent of the principal, will be a safe investment for a second mortgage, and that men will be found with local capital who will lend moderate amounts on second mortgages. They will feel sure that they can always protect themselves if necessary by taking the farm and keeping up the first-mortgage payments required for interest and for the amortization of the loan. In other words, the second mortgagee will not fear to loan on second mortgage; he will not fear that the first mortgage will fall due and be foreclosed in a year or two if default in principal should unhappily come, but he will feel safe in lending under a second mortgage, because so little principal on the first mortgage falls due each year.

I believe this system will enable the farmers of the country not only to get cheap money, the cheapest money that the market affords, in the manner provided by the bill, but it will enable the farmer also to secure additional or second-mortgage loans if it is necessary to develop his farm to a higher degree of perfection. I believe, Mr. President, that the result of the bill now before the Senate will be to develop agriculture in the United States, and particularly in the West, and I hope also in the South, as it has never been developed before.

Mr. THOMPSON. Mr. President, in connection with the remarks of the junior Senator from Texas [Mr. SHEPPARD], as well as those by the senior Senator from Nebraska [Mr. HITCHCOCK], who has just spoken, it may be of interest to know that in western Kansas we already have a plan by which any able-bodied man with a family can become the owner of a farm from the production of the farm alone.

This plan was inaugurated by one of our western Kansas public-spirited men, Mr. John Plummer, who lives at Johnson, Stanton County, Kans., and who himself owns a large amount of land and is the inventor of a particular kind of a plow which has revolutionized farming in western Kansas, in what was formerly known as a semiarid country—dry land with an elevation of about 3,000 feet. By the use of this plow Mr. Plummer has never had a crop failure in that western country with limited rainfall.

He and those with whom he is associated agree to take any able-bodied man willing to work on a farm of 160 acres, place moderate improvements on it, and to break it up by the use of this plow in order to demonstrate its ability to produce crops, and to secure permanent settlers who will own their farms. They agree with the farmer in the outset to purchase all the crop that he can raise upon his place at the market price, and also agree to sell him the land at the market value from his farm's production, aiding him in setting aside a sufficient sum each year to pay out by the use of reasonable economy in about five years.

By this method a great many families have obtained homes in western Kansas, and it is being gradually extended and developed until that whole country will no doubt be settled up by farmers who own their homes. All that it takes is an able-bodied man, willing to work, with a family and a few hundred dollars to provide for his groceries and clothing until he can produce his living upon the land.

Now, if this can be successfully accomplished in a private way by one charitably inclined with a little means, how much easier might it be accomplished by the Government with unlimited means.

Mr. NORRIS. Mr. President, agriculture is the most important activity of mankind. It always has been, and from the very nature of things always must be. Not only the happiness and prosperity but the very existence of the human race depends, not indirectly but directly, upon the products of the soil. When the farmer's returns are bountiful all the people, regardless of creed or avocation, share in the prosperity and happiness which it brings. When the sun fails to shine and the rains cease to fall, the farmer fails and with him goes all enterprise and activity. Happiness ceases; starvation, misery, and destruction take possession of all things. Civilization must end and human existence must cease when the soil fails to produce. This is not only true of mankind; it is true of government. All governmental activity must cease when the soil fails to bring forth its return. No government can live without agriculture. When there is no product from the soil, gold becomes less valuable than dust and government bonds as worthless as mere "scraps of paper." One of the principal objects of government should be to encourage as much as possible the scientific development and the practical protection of agriculture. All the people are interested in the success of the farmer, not because they think more of the farmer than of any other citizen but because their own happiness and their own prosperity goes up or down according to the success or the failure of the farmer. In legislating for the benefit of agriculture we should always bear this distinction in mind. A sound public, governmental policy, one in which all the people regardless of their avocation are directly interested, is the proper legislation to give the utmost possible encouragement to agriculture. One of the alarming features disclosed by the last Federal census is that the population in our rural communities has been decreasing, while the population in our already overcrowded cities has been increasing.

The last Federal census discloses the remarkable fact that in the great State of Illinois, justly noted for its rich soil and fine agricultural development, there were 50 agricultural counties between the years 1890 and 1910 where the population had actually decreased, while the cities in the same State for the same period show an increase of more than 16 per cent. In addition to this, not only in Illinois but in the entire country, figures show that the proportion of tenant farmers is continually on the increase. In 1880, 25 per cent of the farmers of the country were tenants; in 1890, 30 per cent; in 1900, 35 per cent; and in 1910, 37 per cent of the farmers of the country were tenants. These remarkable conditions ought to excite the consideration and interest of all worthy citizens whether in the country or in the city. We are all equally interested and are all equally affected, regardless of our vocation or location. Unless this tendency is checked it is easy to see that all classes of our citizens will be injured. We ought to legislate, if we can, not only to stop this tendency but to reverse it. It is no answer to say that legislation in this direction is class legislation, because the evil tendencies that I have pointed out apply as much to the man in the city as to the man on the farm.

For several years the high cost of living has been one of the alarming tendencies of the age. If it continues to increase, it will be necessary for humanity to entirely reconstruct many of the economic instrumentalities of government. This increased cost falls lightly upon the rich but bends the back of labor in every activity of human existence. That it falls the most heavily upon the poor is apparent to anyone who gives it but a moment's study. The expense of maintaining existence for one man is about as great as for another, regardless of his station in life. The man who has an abundance or whose income is very large can look with impunity upon the continually increasing cost of living, but the man whose income is moderate and who requires about all of the product of his labor to sustain himself and those dependent upon him can not long endure if the expense of existence continues to increase. The very poor will suffer first, and those in moderate circumstances will come next. It can easily be seen that a readjustment of every economic condition must result unless this tendency is stopped. When we find that the population of the farms in our best agricultural communities is decreasing and that, therefore, the producing capacity of mankind is lessening, while the population of the cities is increasing and that, therefore, the consuming portion of the population is becoming greater, we are confronted with a condition that all sober-minded, well-meaning men ought to honestly try to remedy. Not only does this condition have a direct bearing upon the cost of living, but it likewise has a direct effect upon the social and physical conditions of human society. The overcrowding that is continually going on and continually growing worse in some of our large cities means that we are burdening future generations with human beings who will be defective mentally, physically, and morally. It is in the slums of the overcrowded cities where crime and social disorder are bred. It is there that the army of inebriates, the physically and socially defective human beings are recruited. This means increased taxation. This means greater burdens for the balance of humanity. It means less stability for society. It means a weaker Government, a less patriotic citizenship.

To prevent this flow of humanity from the open country to the crowded city we must make farm life more happy, more desirable, more profitable. Under existing conditions the farmer pays the highest rate of interest of any class of citizens. His security is the foundation of society, of government, the corner stone of existence, and yet when he places it upon the market as security for money he is compelled to pay the highest rate of any class of our citizens. The security that ought to command money at the lowest rate in fact pays the highest. The worst condition that could possibly exist would be to have all our farming done by tenants, a condition where the owners of the land lived in the cities and where the actual work of the farm was done by those who had no title to the soil which they tilled.

The model condition, the one that would bring the maximum amount of prosperity and happiness to all the people, would be to have all the land cultivated by men who actually own it and reside with their families upon it. Anything that we can do to bring about an approach to this condition must result in increased happiness to the people, in strengthening the moral

foundation of society, and increasing the stability of government itself. Patriotism grows where light and sunshine penetrate the home. Crime, disorder, and ignorance thrive best in the dark alleys and slums inhabited by tenants and poorly developed offspring. We ought to make it easy for men who are now tenants in the country to buy the farms which they till and to make it possible for thousands of willing men who are struggling almost against hope in the cities to take their wives into the open country and rear their children in the healthy atmosphere of a real country home owned by themselves. There is nothing that gives more happiness to the parent, more stability to the citizen, and more patriotic pride to the individual than to see his offspring growing into strong and vigorous manhood and womanhood around a hearthstone the title of which is in himself. If we could lower the rate of interest on farm loans, we would make it possible for thousands of tenant farmers and yet thousands of residents in the city to become the owners of country homes. Why should not the instrumentality of government be turned in this direction? What higher and nobler thing can government do for the perpetuation of government and for the happiness of all people than to make it possible for those who desire to live on farms and till the soil to borrow money at such a rate that it will be possible for them to carry out this idea?

Various plans to bring this about have been proposed within the last few years. Some of them, in my judgment, have much merit, and most of them, I think, have been proposed by honest men with the honest intention of improving present conditions. I can most heartily give my support to any plan that would bring about an improvement. But it will be found upon examination, in practically all of the schemes proposed, that the machinery is top-heavy. There are too many middlemen to receive commissions; too much machinery to be oiled; too much overhead expense. All of these must be paid by the man on the farm who borrows the money.

These criticisms, at least to a very great extent, are applicable to the pending bill. I fear that the bill is top-heavy. I doubt its practicability, yet I know how earnestly the committee having it in charge has striven to bring in a practical, workable proposition. Particularly is this true as to the Senator from New Hampshire [Mr. HOLLIS] whose name the bill bears. I criticize it, therefore, not as an enemy but as a friend. If it is passed and becomes a law no man will more earnestly hope for its sucessful operation than I. In addition to its being top-heavy, I doubt very much whether the bonds provided for will float at a rate that will enable the farmer to get very much benefit out of it. To my mind its expensive machinery could be obviated and plenty of money obtained at a low rate of interest if it were entirely and completely a governmental instrumentality. I believe that we are justified, for the reasons that I have already given, and for additional reasons that I shall give later, in utilizing the credit of the Government as an instrumentality to make it possible to obtain money at the very lowest rate of interest. With this in view, I have introduced a bill (S. 3201) providing for the establishment of a bureau of farm loans, which I intend to offer as a substitute for the pending measure.

In proposing a plan of my own to remedy the situation I do so without any criticism, other than that I have already outlined, upon the various other plans that have been proposed by others who have given the subject much thought and consideration. To get a low rate of interest, of which the farmer can have the benefit, we must lessen the machinery as much as possible and surround the security with stability that in the markets of the world will command the lowest possible rate of interest. In the proposed substitute which I shall offer I have provided for the establishment in the Agricultural Department of a bureau of farm loans, which shall, in fact, be a clearing house between the men, women, and children who have money and savings to loan and the man who wants to become a farmer and build up a home for himself and family in the country. It is the function of this bureau to make loans on farm lands located in any of the States of the Union. These loans are to be secured by mortgages, made payable to the bureau, and draw interest at the rate of 4 per cent per annum, payable semiannually. I have provided that loans can be made for $100 or any multiple of $100 up to and including $2,000. At the end of five years one-tenth of the principal becomes due, and thereafter one-tenth becomes due each year until the entire loan is matured. This would make the loan run for 15 years, but the right is given to the mortgagor to pay the entire loan or to make a payment of $100 or any multiple thereof on the principal at the maturity of any semiannual interest payment. It is provided that application for loans can be made, upon blanks furnished by the bureau, to any postmaster, and the postmaster is authorized to receive such application and to administer oaths to applicants or other persons to any affidavits made necessary by the rules and regulations of the bureau. It is made the duty of the postmaster, when requested by the bureau, to appoint the appraisers that are provided for in the proposed law. It is provided that no person shall be entitled to a loan under the act who is not of good moral character and who does not establish to the satisfaction of the bureau that he is honest and bears a good reputation in the neighborhood where he resides. No loan shall be made to any person who is not an actual resident on and engaged in the cultivation of the land offered as security; but where the applicant is endeavoring to secure the money for the purpose of building a house upon the land, or for the purpose of making part payment upon the purchase price of the land, the bureau can waive this stipulation; but it is expressly stated in the proposed law that it is the intention of the act to provide money only for persons who intend to reside on and cultivate the land which they offer as security. No loan shall be made for more than one-half of the value of the land offered as security, and only for one or more of the following purposes:

First. To make payment of part of the purchase money of the land to be mortgaged.

Second. To pay off an indebtedness already existing against said land.

Third. To build a house, barn, or other building or buildings upon said land.

It is also provided that the bureau, under proper rule and regulation, can provide that not to exceed 50 per cent of any loan may be used for the purchase of stock and farm implements. It is made the duty of the postmaster or any other employee or official of the Government, without fee or pay therefor, to make confidential reports to said bureau upon request upon any subject pertaining to any loan and upon the character or standing of any applicant or witness.

It might be advisable to increase the amount that could be loaned in excess of $2,000, although we ought never to go beyond the theory which we ought constantly to bear in mind, that one of the principal objects of the plan is to help tenants to become proprietors, and to help residents in the city to become farmers. We want to increase the farming population. We want to stop the trend toward the city. We ought not use the instrumentality of the Government for the purpose of permitting men to speculate or for the purpose of permitting men of wealth to control large areas of the farming community. We must not go to the extent of providing money through the instrumentality of the Government for men to deal in farms so large that they themselves would necessarily require the assistance of tenant farmers to care for their interests. As long as we carry out these objects we will not be guilty of the charge of class legislation. We will, in other words, be legislating for all and not for a part.

Let us see now how the Government could look after these loans. We have an army of postmasters, revenue collectors, deputy revenue collectors, United States marshals, deputy United States marshals, post-office inspectors, inspectors of the Land Department, and various other officials whose duties carry them to all parts of the country. These officials, like a network, cover the entire United States. There is scarcely a farm in the United States of which the postmaster in the vicinity has not a personal knowledge. The chances are that the postmaster would not only know the individual applying for the loan, but he would likewise be acquainted with the land that was offered for security. The marshals and post-office inspectors in the performance of their duties are continually passing up and down the country, and very often they could without any additional expense, and almost always with but slight additional expense, make a personal inspection of the land offered as security. Not only would they be able to do this when the land is offered for security, but these officials would know in a general way whether the mortgagor was in good faith carrying out the terms of his mortgage. Any dereliction in this respect could be reported at once. It is made the duty of these officials under the proposed law to make confidential reports to said bureau upon request therefor upon anything pertaining to any loan or the character and standing of the mortgagor or any witness. Moreover, if this plan were adopted, there would be no community in the United States but where there would be a great many farms mortgaged to this bureau, and every citizen would have an interest in the success of the plan. He would feel a proprietary interest and this bureau would be in a better position to get direct, positive, and reliable information as to the conditions at all times than any other loaning institution that ever existed or that has ever been proposed in any of the various schemes for rural development. In addition to this, the bill which I have offered makes it the duty of attorneys

in the Department of Justice in all parts of the United States to pass upon abstracts and to foreclose mortgages whenever it becomes necessary. We already have the legal machinery in active operation in every section of the country, and by increasing it somewhat it would be able to look after all of the legal business and litigation that would become necessary. The proposed bill gives to the bureau the right to declare any loan due if the mortgagor has failed or neglected to pay the interest on the mortgage or the taxes on the land, or if he has failed to apply the money in accordance with the statements made in the application, or if he has made any false statements as to any material matter in his application, or if he neglects to properly care for the improvements on the land, or if the land without the consent of the bureau should cease to be farmed and cultivated.

The mortgagor is allowed to pay the interest and the principal to the postmaster and the money is remitted by the postmaster to one of the Federal reserve banks and the business of the bureau is transacted with these banks already in existence and already performing certain governmental functions. With the exception of the officials of the bureau, there would be no necessity for additional employees, except the employment of the necessary clerks and inspectors to do the business of the bureau.

The question now arises: How will this bureau secure the money with which to make these loans? I have provided in the substitute bill which I propose that the bureau shall issue bonds in denominations of $100 or any multiple thereof, which shall bear interest at the rate of 3½ per cent. When the bureau desires to secure money for the purpose of making loans, it gives notice of its intention to issue bonds and invites from the public generally subscription to said bonds. These bonds, together with the interest thereon, and also the notes and mortgages taken by said bureau, are entirely free from all taxation of every kind, national, State, and municipal. They are, both as to principal and interest, the obligation of the Government, the same as other Government bonds. No bonds can be issued except for the purpose of loaning money as before outlined, so that when bonds are issued bearing 3½ per cent interest, mortgages are taken bearing 4 per cent interest. In my judgment, this difference of one-half of 1 per cent would much more than pay all the expenses connected with the bureau, as well as the losses, if any, that were sustained. The bonds are payable in 15 years. Perhaps it would be advisable to provide that the bureau should have the option of paying them off at the time any interest payment became due after five years. This bureau would therefore be issuing bonds on the one hand and with the proceeds making loans on the other. It would be a clearing house where the middleman's profit and where the overhead machinery of loan companies would be almost entirely eliminated. It is possible that after the bureau had been in operation a few years it would be found that these bonds could be sold at par at a less rate than 3½ per cent. If experience demonstated this, then the rate to the farmer is lowered accordingly. The bureau might be described as a great bank dealing in time deposits and loaning on real estate. It would take in deposits on 15 years' time and loan on land for the same length of time. The amount of its business would, of course, be enormous. It would be continually making loans, daily collecting principal and interest, issuing bonds, paying interest on bonds. It would be an outlet for the savings of millions of school children. It might be well to provide for the investment of postal savings funds in them. Trust funds of all kinds would be invested in these bonds. And while the Government, in order to make the bonds float, would be behind them, no man would say that there would ever be any possibility of any loss occurring to the Government as long as the bureau was honestly and fairly conducted. If the Government runs no risk of loss, why should it not lend its credit to that portion of our citizenship whose prosperity means the happiness of all?

Let us now consider for a few moments some of the objections that are urged against such a plan. First, it is said that this bureau would get into politics and become a political organization, loaning money to its political favorites without proper consideration and security. I am frank to admit that if this bureau became partisan and became a political instrumentality that the entire plan would be a failure. Partisanship would be its ruination, as it is the ruination of almost everything that it embraces within the circle of its power. We are continually from day to day in the Federal Government, in State governments, and in municipal governments trying to get away from partisan politics. Its baneful influences is one of the serious objections to our form of government. But it is possible to keep this bureau entirely out of politics. I have provided that the director of the bureau shall be appointed for a term of 10 years by the President and that his appointment must be confirmed by the Senate. It is provided that he can only be removed by the Secretary of Agriculture for cause, and then only upon charges made, and that he must be publicly tried, and that his removal must be approved by the President of the United States. All of the transactions of his office must be public. I make it a criminal offense for any Senator or Member of the House of Representatives or other Government official or member of any political committee to use any influence or attempt to persuade or to use any political influence to induce the bureau to make or refuse to make any loan. The very fact that every act of this bureau would have to be public would be the best protection against the baneful influence of party politics. Every honest citizen would be interested in the carrying out of the work of the bureau in good faith. If the tenure of office of the officials of this bureau were independent of partisan control, and Members of Congress were absolutely prohibited by law from making any recommendations or using any influence to control the action of the bureau, and if every act of the bureau were open to public inspection and public view, I do not believe that party politics would ever succeed in getting its withering influence into the domain of the bureau's action.

Another objection always offered is that this kind of a law would be in the nature of special privilege or class legislation. I have already to a great extent answered this objection at the beginning of my remarks. It is not class legislation and is not open to the charge that we would be enacting laws for the benefit of one class of our citizens only. The direct benefit would come to all classes of citizens. It would take away from the army of consumers and would add to the army of producers. It would increase the efficiency of the producing class. In this we are all directly interested and would all receive benefits. It would improve the quality of our citizenship. It would increase the stability of our Government. It would lessen the army of paupers; decrease the inclination toward crime that poverty and ignorance always breed. It would decrease taxation, because thousands of children growing up in idleness would be transplanted to the healthy atmosphere of enlightened, educated agricultural communities. The fact that the loan is made directly to the farmer does not make it class legislation.

In our Federal reserve act the Government under certain conditions issues money and loans it directly to the bankers, and yet many of the people who are objecting to governmental assistance in the farm-loan business are ardent supporters of the theory that it is proper for the Government to loan its credit to the banks. I mention this instance of Government credit to the banks provided for in the Federal Reserve System without criticism. While the Federal reserve act, in my judgment, has many imperfections and ought to have been amended in some very important respects, yet I believe, as a whole, the law is a good one and that its result will be beneficial. The theory of it is that in times of panic or distress the Government will loan its credit to the banks in order that they may float loans in business matters; and while the banker, of course, gets a benefit, the entire country or the affected community is benefited through this instrumentality of Government in lending its credit to the banker. The principal object of the Federal reserve bank is to prevent panics, and one of the means by which this is sought to be accomplished is that in times of stringency the Government shall loan its credit to the bankers, not because the Government has any more regard for the banker than for other citizens but because the business of the country is transacted through the banks, and if, with the assistance of the Government, the banks can stem the tide, business generally is protected and prosperity retained. So in the farm-loan plan I have proposed the Government lends its great credit to the bonds, so that the farmer can get cheap money, and through his prosperity all of the people may have their happiness increased as well as the cost of living decreased. The instrumentality of Government is exactly the same. It could be said, of course, that if all the people who had loans from the Government refused to pay and if all the people who had the bonds demanded payment the scheme would fail. So it could be said of the Federal Reserve System; if after the Government notes had been turned over to the banks and they in turn had loaned them out to the people everybody refused to pay and all became bankrupt, the Government would fail with the rest. The difference is in favor of governmental support of a farm-loan plan, because the farmer's security is much better than that which the banker offers. Business men fail, stocks of goods burn, railroads become bankrupt, but the land remains intact, and security founded upon it is the best, the surest, and the safest known to man. Moreover, many of those people who are objecting to the Government lending its aid in any farm-loan plan are often found advocating, for instance, a ship subsidy—a direct payment

by the Government to a certain kind of business. Many of them were strong advocates of the exemption of American ships from toll when passing through the Panama Canal. I do not criticize these advocates. While I do not agree with them, I concede their honesty; but yet no man who has given the subject any consideration will deny that exemption from tolls when passing through the Panama Canal, for instance, is another form of subsidy, not as honest, in my judgment, as the direct payment. But the man who advocates subsidy, either by a direct payment or by the exemption from taxation of any kind, goes on the theory that if the Government through taxation pays the subsidy the benefits derived by all the people will more than recompense the outlay. This is, perhaps, in a great many instances true; but if these things can be even advocated from an honest standpoint, and I think they can, how much more logical it would be to sustain the proposition of Government assistance in the plan I have outlined, where there is no intention of the Government ever paying one penny toward the great enterprise; where no man who will give it careful and honest study can, in my judgment, reach any other conclusion than that there never could be a condition arise by which the Government could possibly lose anything.

Another illustration not only where Government credit but the direct use of Government funds is employed for the benefit of all the people through the instrumentality of a class of citizens is the organization under the Federal statute of the Bureau of War Risk Insurance. This bureau was created by an act of Congress September 2, 1914, to write insurance on American ships and cargoes against the risk of war. Private corporations, taking advantage of the European war, increased the cost of this kind of insurance to such a rate as to materially interfere with shipments of American products. Congress took notice of the condition by the passage of the act which brought this bureau into existence, and provided for the Government going into the insurance business. It was not because Congress desired to give direct financial assistance to those who furnished the produce to be shipped or to those who were engaged in the carrying of the merchandise to foreign shores, although such people incidentally did get a direct benefit from the act. The object of the act, the real reason for its passage, was that through the instrumentality of these particular classes all of the people could receive the benefits of the governmental activity. It is worthy of note, also, to consider the results of this governmental insurance. In the first annual report made by the director of this bureau, for the year ending September 2, 1915, he used the following language:

> The operation of the Bureau of War Risk Insurance in the Treasury Department during its first year just closed demonstrates, despite persistent claims to the contrary, that the Government can conduct a private business enterprise economically, efficiently, and profitably.

This report not only shows that great benefits were derived by the country generally in the reduction that governmental interference brought about in insurance rates but that the Government had made a considerable profit out of the operations of the bureau. A recent examination of the records of this bureau discloses that since its organization on September 2, 1914, up to April 19, 1916, this bureau has issued 1,420 policies of insurance, involving risks to the amount of $114,883,056 and that the bureau received as premiums for these risks the sum of $2,557,085.14. It had risks on April 19, 1916, outstanding to the amount of $12,857,661 and that its net losses to that date, all paid, were $696,220.05. The total expenses up to April 19, 1916, were $27,744.51. This leaves a net profit to the Government from the business, above all losses and expenses, to the 19th day of April, 1916, of $1,833,120.58.

Another instance where Government funds under laws passed by Congress have been used for the benefit of the people generally through the instrumentality of the farmer is the operation of the Reclamation Bureau. It is conceded, I think, by all who have given any consideration to the subject that great benefits have resulted from the operations of this bureau, and that still greater benefits will result in the future. No man now questions the wisdom of using Government funds through this instrumentality, and no man doubts but that through such use great benefits have come and great benefits will continue to come to the people generally.

The Government many years ago gave millions of acres of public land to corporations in return for the building of railroads across the western plains. In addition to giving the land to railway companies it also loaned its credit for the raising of many millions of dollars for the construction of such railroads. Subsequent events have perhaps demonstrated that the Government was too generous in its gifts for these purposes, but there can be no doubt but that the object of Congress was to benefit the entire country, and to do this it gave direct subsidies and loaned the credit of the Government to private corporations as an instrumentality to bring about the general benefit, and there is no doubt but what the entire country did receive great benefits from this governmental instrumentality.

Government funds have been used in the purchase and development of the Panama Railway Co. In a similar way Government funds are now being used in the construction of a railroad in Alaska. Many people will receive individual benefits and perhaps some of them make vast fortunes on account of the construction of this railroad, but yet the object of Congress in authorizing the use of Government funds for its construction was to bring about beneficial results to all of the people.

Congress has many times recognized that Government assistance to agriculture is not only proper but necessary for the proper development of our country, and for the improvement of agricultural conditions generally. We are appropriating thousands of dollars annually to send men all over the world for the purpose of getting rare seeds and plants for the improvement of agricultural conditions and for the investigation of improved methods of cultivation and development. The object of it all is to improve the happiness and contentment of all classes of people, although the instrumentality through which this is brought about is the farmer. We recognize by our laws—in fact, every civilized Government in the world recognizes by its laws—that agriculture is the foundation not only of all prosperity and happiness, but of life itself, and that when we improve it in any way we bring beneficial results to every home, whether in the country or in the city, to every class of people, regardless of their business or occupation.

Still another very apt illustration of the use of Government credit for the benefit and improvement of conditions generally, through the instrumentality of a class of citizens, is the establishment of the Government Postal Savings System. In this case the Government borrows money of its citizens and pays interest on the same. It agrees to return this money on demand, and it borrows it without any specific governmental use for it. It limits the amount that it will borrow of any one citizen in order to confine the transactions to a class of citizens. One of the objects of the law is to induce the people of small means to avoid extravagance by economizing their savings, and to bring this about the Government pays interest to such people, not because the Government wants the money but because it desires to foster among the people habits of frugality and economy. Another object of this law is to improve business conditions and increase the circulating medium, by bringing into circulation amounts of money that are otherwise hidden and locked up from business transactions. After the Government has borrowed this money from the people it loans a large portion of it to the banks in the various communities where it obtained the money. It charges these banks a higher rate of interest than it pays to those from whom it borrowed the money, and in this way it has made a profit out of the business.

The postal savings systems have been established by practically every civilized government in the world. Reduced to a short definition, our system can be defined as the borrowing of money by the Government from its citizens and the loaning of the same money to another class of citizens. Through this governmental activity we assist financially those from whom we have borrowed the money. We give to a class direct Government assistance by the payment of interest and pledge to them the credit of the Government for money borrowed. We also give direct assistance to the banks when we loan them the money at a less rate than the banks would have to pay in borrowing money from the citizens generally. In other words, in this use of the instrumentality of Government these two classes of people get a direct and positive benefit not shared in by the people generally. The object of the system, however, is to benefit the entire country, improve the business of the entire country, and to increase the amount of money in circulation in the entire country, and these two classes are the instrumentalities through which this object is attained. It is much more a direct benefit to the postal savings depositors who loan the money and the banks that borrow it than the plan I have proposed for the establishment of the bureau of farm loans is beneficial to the farmers who borrow the money.

It is said also that if the Government provides for the loaning of money through a bureau as I have outlined for the farmer, why should it not provide for the loaning of money to other classes of citizens as well? This objection loses sight of the fact that the object of the entire plan is to benefit all the people and not any class; that the farmer is only an instrumentality by which this benefit can be extended to the people, the same as in the Federal reserve act the banker is the instrumentality through which the Government by the use of its credit prevents panics and financial disaster. Under the Federal reserve act the ordinary citizen can not get the United States notes behind

which the credit of the Government is lodged. If he applies to the Federal Reserve Board he will find that he must go into the banking business before he can get this favor, if you call it such. Not only must he go into the banking business, but he must go into a certain kind of banking business. And so with the farm-loan plan; if the business man or even the millionaire desires to avail himself of the benefits of the law outlined he must buy the farm, comply with the conditions, and go out among the toilers and engage in agriculture—not by proxy, but in his own proper person. It must be borne in mind, however, in the plan outlined, that not only is the benefit to accrue to all the people, but the Government is amply secured against loss. The Government would not be justified in loaning money to the farmers, even though all the people would benefit by it, if the farmer did not give ample security to prevent any loss coming to the Government. The principle upon which such assistance rests involves not only benefit to the people generally, but security to the Government against loss as well.

Objection is also made to the use of Government credit for the benefit of the farmer, on the ground that it is claimed such a plan would impair the Government credit. As a matter of fact, the plan which I have outlined, if the bureau provided for were honestly managed, would bring in a large profit to the Government. The one-half per cent difference between the rate charged to the farmer and the rate paid by the Government on the bond for the money, would much more than pay all the expenses of operation and would build up in a very short time, an enormous surplus. There would be no doubt if this law were put into operation, that after it had been in force several years and a large surplus had been built up that Congress would perhaps change the law and provide for a smaller margin between the rate on the bond for money borrowed and the rate on the mortgage for money loaned. This surplus would be an element of strength rather than a weakness, and could very properly be used in case of any great emergency. If the money obtained by the Government upon the sale of bonds were invested in some enterprise, in some business, or in some product from which there would be no income, then the objection now under consideration would be valid. If the Government invested these funds in battleships, in armament, and in the raising of large armies, where the investment could not under any possible condition bring a financial return to the Government, then the credit of the Government would be impaired in proportion to the amount of the bonds issued, but if these funds were invested in real estate mortgages, carefully supervised and honestly managed on a conservative basis, then the Government would have security upon absolutely the best property in the world, in fact the only property that is, after all, the foundation of all prosperity, of all happiness, and of all wealth. This security would be as stable as the Government itself. In fact, the stability of the Government as well as its very existence depends upon the production of the soil, and a Government will fail just as soon as the land fails to produce. The plan proposed in its operations can be compared to a bank. The most successful bank, the one that stands highest in financial circles, is the bank that has not only the largest deposits but that has invested these deposits in the safest line of investments. If two banks equally honestly managed, having equal capital and having equal deposits, but one having its deposits invested in good securities and the other with its deposits in its vault should desire to borrow money, there is no doubt but that on such a showing, the money loaner would prefer to loan his money to the bank that had its deposits properly invested, although it would be known, as a matter of fact, that if all the depositors of this bank on the same day demanded their money, they would not be able to get it, and the bank would have to fail, while the other bank, with its deposits all in its vault, would be able to pay its depositors on demand dollar for dollar. So it would be with the bureau of farm loans, taking the people's money and issuing certificates of deposit therefor, due in 15 years, and investing this money in the fundamental security of the country, where the interest payments would be continually coming in. Its resources would be absolutely the best known to man. If honestly managed it could not fail. Even though the Government itself should be destroyed the security of this bureau would remain intact. The one thing only that could destroy it would be some act of God that would bring about the annihilation not only of the Government but of the productibility of the soil.

The plan which I have briefly outlined would in my judgment be workable and would add immensely to the prosperity of all our people. There would be no dangers to the Government involved. It would not mean the increasing of money or the expansion of the currency. To the extent of its operation it would interfere with men engaged in the loaning of money upon real estate. It might have some influence upon the savings banks of the country, and in this way there might be instances where there would be personal loss, but if we can devise a plan by which the farmer who wants the money and the individual who has it to loan can be brought into direct contact, and thus the consumer and the producer brought directly together, we ought to do it, even though in the doing of it we take away the profitable occupation of a few who standing between have taken their toll as the money has passed from one to the other.

I ask unanimous consent to have printed as a part of my remarks the Senate bill 3201, to which I referred and which was introduced by me.

The PRESIDING OFFICER (Mr. THOMAS in the chair). If there be no objection, permission is granted.

The bill referred to is as follows:

A bill (S. 3201) providing for the establishment of a bureau of farm loans in the Department of Agriculture.

Be it enacted, etc., That there is hereby established in the Department of Agriculture a bureau to be called the bureau of farm loans. There shall be appointed a director of said bureau, who shall receive a salary of $6,000 per annum, and an assistant director, who shall receive a salary of $4,500 per annum. The assistant director shall perform the duties of the director of said bureau in case of the death, resignation, removal from office, or absence of the director, and he shall also perform such other duties as may be assigned to him by the Secretary of Agriculture, by the director, or by law. There shall also be in said bureau a chief clerk and such other agents, clerks, inspectors, and employees as are provided for in this act or as may hereafter be authorized by law, or as may be authorized by the Secretary of Agriculture. The director and assistant director shall hold their respective offices for a term of 10 years and shall be removed from office during such term only for cause. The Secretary of Agriculture can remove either of said officers for a violation of law or neglect of duty, but only after a public trial upon charges duly made, of which the accused official shall have reasonable notice, and then only upon the approval in writing of the President of the United States. The director and assistant director shall be appointed by the President, by and with the advice and consent of the Senate, and in case there is a vacancy in either of said offices the appointment to fill the same shall be made for the full term.

SEC. 2. That under the rules and regulations made by the director of said bureau and approved by the Secretary of Agriculture, and in accordance with the provisions hereinafter provided, the said bureau shall make loans on farm lands located in any of the States of the Union or in the District of Columbia. Said loans shall be secured by mortgage made payable to said bureau, and shall bear interest at the rate of 4 per cent per annum, payable semiannually. No loan shall be made upon any tract of land less than 10 acres in area. Loans shall be made only for $100 or any multiple of $100 up to and including $2,000. The mortgage securing any such loan shall provide that at the end of five years one-tenth of said loan shall become due, and that thereafter one-tenth of said loan shall become due each year until the entire loan matures. Said mortgage shall also provide that whenever any interest is due, the mortgagor or his grantee shall have the right to pay the entire loan or to make a payment of $100 or any multiple thereof on the principal thereof, and upon such payment being made the interest on the amount so paid shall thereupon cease. Said mortgage shall also provide that both principal and interest shall draw interest at the rate of 6 per cent per annum from maturity.

SEC. 3. That no person shall be entitled to a loan of money from said bureau until he has made application therefor under oath upon blanks to be furnished by said bureau. Such application can be sworn to before any person authorized to administer an oath, and all postmasters and their deputies in the United States are hereby authorized to administer oaths to applicants making application for loans under this act and to administer oaths to such applicants or other persons to any other affidavits made necessary by the rules and regulations of said bureau. Whenever any oath is administered by a postmaster or deputy postmaster no charge shall be made therefor. No person shall be entitled to a loan under this act who is not of good moral character and who does not establish to the satisfaction of said bureau that he is honest and bears a good reputation in the neighborhood where he resides. No loan shall be made to any person who is not an actual resident on and engaged in the cultivation of the land offered as security: *Provided*, That where the applicant for the loan is endeavoring to secure the money for the purpose of building a house upon the land or for the purpose of making part payment upon the purchase price thereof, the bureau can waive this stipulation if convinced that it is the intention of applicant as soon as possible to reside upon the land and to cultivate the same, the intention of this act being to provide money only for persons who intend to reside upon and cultivate the land which they offer as security. No loan shall be made for more than one-half of the value of the land offered as security and only for one or more of the following purposes:

First. To make payment of part of the purchase money of the land to be mortgaged.

Second. To pay off an indebtedness already existing against said land.

Third. To build a house, barn, or other building or buildings upon said land: *Provided*, That said bureau, under proper rule and regulation, can provide that not to exceed 50 per cent of any loan may be used for the purchase of stock and farm implements. Any applicant or other person testifying falsely to any material fact in any application or other affidavit connected with any loan under this act shall, upon conviction thereof, be deemed guilty of perjury and punished accordingly.

SEC. 4. That it shall be the duty of every postmaster, deputy postmaster, or other employee or official of the Government, without fee or pay therefor, to make confidential reports to said bureau upon request therefor, upon anything pertaining to any loan and upon the character or standing of any applicant or witness. Such postmaster, deputy postmaster, or other officer shall also, when requested by said bureau, appoint appraisers to appraise the land offered for security under the regulations of and upon the blanks furnished by said bureau.

SEC. 5. That any person applying for a loan shall furnish to said bureau an abstract of title to the land offered as security and shall pay all the necessary expenses connected with the making of said loan. Such applicant shall furnish conveyance for the appraisers appointed to fix a value upon land offered for the loan, or shall pay for the transportation of said appraisers to and from said land, and if required by said appraisers, he shall pay a fee to each of them, not exceeding two in

all, which fee shall be ascertained in advance and fixed by the official appointing said appraisers. It shall be the duty of said bureau and the officials appointing said appraisers to select efficient, qualified, and unbiased persons, but, at the same time, to regulate any fee that they may charge for such service so as to make the same as small as possible. Said appraisers shall make return upon blanks provided by the bureau and shall swear to the same before some person qualified under this act to administer an oath.

SEC. 6. That it shall be the duty of every United States district attorney or deputy district attorney, upon request from said bureau, to examine the abstract of title to any land offered as security under this act and to make return thereof to the said bureau. It shall likewise be the duty of any district attorney or deputy district attorney, when requested by the bureau, to foreclose any mortgage taken as security for a loan under this act and to prosecute the same to final judgment. All such services so rendered by an attorney connected with the Department of Justice shall be a part of his official duty and shall be rendered without pay, but said bureau shall pay in all cases the actual expenses of any such attorney in connection with such litigation.

SEC. 7. That it shall be the duty of any post-office inspector, United States marshal, deputy United States marshal, or other employee or inspector of any other department, when engaged in official business in the vicinity of any land mortgaged to said bureau, upon request of said bureau, to make a personal inspection of the same and to report thereon to said bureau. Such inspection shall be made without charge, but said bureau shall pay the actual expenses, if any, made necessary thereby. It shall likewise be the duty of any postmaster, deputy postmaster, or other governmental official residing or doing business in the vicinity of any land that has been mortgaged to said bureau, upon request of said bureau, to make a report upon said loan or as to whether the money borrowed upon said land has been expended or is being expended in accordance with the purposes for which the same was loaned, and in making any loan under this act the said bureau can withhold, under such rules and regulations as it may prescribe, any part of the same for the purpose of insuring the application of said loan to the purposes for which the same was made.

SEC. 8. That should the owner of any land mortgaged to said bureau fail or neglect to pay the interest thereon at or before the time when the same is due, or permit the taxes on the land to become delinquent, or neglect or refuse, without the consent of said bureau, to apply the money borrowed in accordance with the statements made in the application for the loan, or if he has made any false statement as to any material matter in said application, or if he neglects to properly care for the improvements on said land, or if he do any other act that materially injuries the value of the security, either by overt act or by neglect and inattention, or should said land, without the consent of the bureau, cease to be farmed and cultivated, then the said bureau shall have the right, at its election and without notice, to declare the entire amount secured by said mortgage due and payable, and may take any steps necessary for the foreclosure of said mortgage and the collection of said loan, and from and after said election so made by the bureau the amount secured by said mortgage shall bear interest at the rate of 6 per cent per annum.

SEC. 9. That in making any payment of interest or payment of the principal, or part payment of the same, upon any loan made under this act, the person making such payment can pay the same to any postmaster designated by said bureau, and the same shall be transmitted by said postmaster either directly to the bureau or to such Federal reserve bank as may be designated by the bureau, and such postmaster shall immediately notify the bureau of such payment and the transmission of the money so paid, and thereupon credit shall be given for the payment of such money as of the date the same was paid to the postmaster. The said bureau shall notify each person to whom a loan has been made as to the post office where payments upon his loan can be made. The bureau may make such designation by general circular or by specific notice in writing, and can designate by such notice a post office within a county or other district to which all payments within such district can be made.

SEC. 10. That the bureau shall deposit all money it receives in the Federal reserve banks provided for in the act of December 23, 1913, and in making disbursements of money it shall do so by check upon such banks. Any Federal reserve bank organized under the said Federal reserve act is hereby authorized and instructed to receive such deposits and to pay checks or drafts drawn by said bureau upon said

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deposits, the same as other accounts authorized to be held by said banks under said act.

SEC 11. That the bureau shall have power to sue and to be sued, to complain and defend in any court of law or equity having jurisdiction of the subject matter in litigation. To protect any loan it may pay the taxes or any other prior lien due and unpaid against the land securing said loan, and in such case the amount paid in liquidation of such taxes or lien shall be added to and become a part of its mortgage on said real estate and from the date of such payment shall bear interest at the rate of 6 per cent per annum. It shall have the right and authority to purchase, at sale under judgments or decrees of court rendered in foreclosure proceedings of any mortgage it owns, the land so mortgaged, but in such case it shall not bid a greater amount for such land at such sale than the amount due in such proceedings, together with costs and expenses expended in relation to said loan. In case the bureau obtains title as set forth in this section to any real estate, it shall have authority to sell the same at such price as may be for the best interests of said bureau in the judgment of the director and to convey title to the purchaser thereof by deed signed and acknowledged by the director. In making such sale it shall be authorized to take a return mortgage from the purchaser for part of the purchase price thereof in accordance with the provisions of this act.

SEC. 12. That in order to secure money for the purpose of making loans as hereinbefore provided the said bureau shall issue bonds which shall be the obligation both as to principal and interest of the United States. Said bonds shall be issued in denominations of $100 or any multiple thereof and shall bear interest at the rate of 3½ per cent per annum, payable semiannually. Said bonds, together with the interest thereon, and also all notes and mortgages taken by said bureau upon farm lands, shall be entirely free from all taxation of every kind, national, State, and municipal. When in need of money for the purpose of making loans as provided in this act, the bureau shall give notice of its intention to issue bonds and invite from the public generally subscriptions to said bonds. If the amount of subscriptions shall exceed the then demand of the bureau, it shall give preference in accepting money for said bonds to those offered in the smallest amounts, the intention being to give as wide circulation and distribution to said bonds throughout the country as is possible. Said bonds shall be issued for the term of 15 years, with the privilege on the part of said bureau of paying the same upon the date of maturity of any interest payment after 10 years. After this act shall have been in active operation for one year said bureau shall have authority to change the rate of interest charged for farm loans thereafter made and to also change the rate of interest upon the bonds herein provided for thereafter issued, it being the object of this act to pay as low a rate of interest upon said bonds as will float said bonds at par and to charge as low a rate of interest upon the farm loans herein provided for as will bring in sufficient revenue to pay said bonds, the interest thereon, the expenses connected with the making of said loans, and any losses, if any, incurred therein.

SEC. 13. That it shall be unlawful for any Senator, Member of the House of Representatives, or any other official of the Government of the United States to use or attempt to use any political or other influence to induce said bureau to make or refuse to make any loan or loans. Any person found guilty of the conduct in this section prohibited shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $2,000.

SEC. 14. That it shall be unlawful for any official of any State or any officer or member of any political committee to use or attempt to use any political or other influence to induce said bureau to make or refuse to make any loan or loans. Any person found guilty of the conduct in this section prohibited shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

SEC. 15. That it shall be the duty of the officials of said bureau to give publicity to any letter or communication from any of the persons named in the above two sections, requesting or urging said bureau to make or to refuse to make and loan and to give to the Department of Justice the names of any of said mentioned persons attempting to influence the action of said bureau in allowing or refusing any application for a loan, together with the evidence connected with said attempt, whether the same be in writing or otherwise.

SEC. 16. That any person who shall make any false representation to said bureau in connection with the making or the investigation of any application for a loan shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000 or be imprisoned for a term not exceeding one year, or both such fine and imprisonment, in the discretion of the court.

Mr. HOLLIS. Mr. President, I feel that the Senate and the country owe a debt of gratitude to the Senator from Texas [Mr. SHEPPARD] and to both Senators from Nebraska for their addresses this morning. They all deal with very vital and important questions that affect the people who live in the United States.

The subject of tenancy of farms is one that has attracted the attention of all economists. It is a very serious evil and it must sometimes be handled in some such way as the Senator from Texas suggests. Both the Senator from Texas and the Senator from Nebraska [Mr. NORRIS] are pioneers in the study of questions of this sort, and what they have to say is entitled to the greatest consideration of the Senate. I feel personally that the country is not yet ready for either of the measures that they suggest. It is for that reason that I have not directed my efforts along those lines. I feel personally that the pending bill is as far as the country will warrant us in proceeding at this time. Unless some one else is prepared to speak I ask that the reading of the bill by committee amendments be continued.

The reading of the bill was resumed.

The next amendment of the Committee on Banking and Currency was, on page 37, line 10, after the words "section 12," to strike out "or section 18," and in the same line, after the word "act," to insert "and those taken as additional security for existing loans," so as to make the clause read:

Third. To accept any mortgages on real estate except first mortgages created subject to all limitations imposed by section 12 of this act and those taken as additional security for existing loans.

The amendment was agreed to.

The next amendment was, on page 37, line 21, after the word "shall," to insert "also," so as to make the clause read:

Fifth. To demand or receive, under any form or pretense, any commission or charge not specifically authorized in this act. This provision shall also apply to joint-stock land banks.

The amendment was agreed to.

The next amendment was, under the subhead "National farm-loan associations: Special provisions," in section 15, page 38, line 11, after the word "expenses," to strike out "shall" and insert "may," so as to make the clause read:

Such member may, at his option, pay the expenses for appraisal, examining title, drawing legal papers, recording and similar services, or he may require such expenses to be advanced by the Federal land bank making the loan, in which case said expenses may be made a part of the face of the loan and paid off in amortization payments. Such addition to the loan shall not be permitted to increase said loan above the 50 per cent limited in section 12.

The amendment was agreed to.

The next amendment was, under the subhead "Unlimited department," in section 16, page 39, line 9, after the word "department," to strike out "or to the savings department," so as to make the clause read:

SEC. 16. That the Federal farm-loan board is authorized and directed to create in each Federal land bank a special department for the issue of farm-loan bonds unlimited, to be known as the unlimited department, and also to set apart from time to time for the purposes of said unlimited department such portion of the capital stock of said bank, not exceeding one-half, as its needs may require. Whenever an unlimited department is created in any land bank there shall also be established a limited department, which shall carry on all business of said bank which is not assigned to the unlimited department.

The amendment was agreed to.

The next amendment was, under the subhead "Agents of Federal land banks," in section 17, on page 40, line 22, after the word "incorporated," to strike out "trust company, mortgage company, or savings institution, chartered by the" and insert "bank, trust company, or mortgage institution chartered by the Federal Government, or by the," so as to make the clause read:

No other agent than a duly incorporated bank, trust company, or mortgage institution, chartered by the Federal Government, or by the State in which it has its principal office, shall be employed under the provisions of this section.

The amendment was agreed to.

The next amendment was, on page 41, line 3, after the word "agents," to strike out "the actual expense of appraising the land offered as security for a loan, examining and certifying the title thereof, and making, executing, and recording the mortgage papers, and in addition may allow said agents," and in line 8, after the word "unpaid," to strike out "capital" and insert "principal," so as to make the clause read:

Federal land banks may pay to such agents not to exceed one-half of 1 per cent per annum upon the unpaid principal of said loan.

Mr. SMOOT. The paragraph as proposed to be amended would read as follows:

Federal land banks may pay to such agents not to exceed one-half of 1 per cent per annum upon the unpaid principal of said loan.

I hardly see why the original language of the bill was not in better form than as it is proposed to amend it. I should like to ask the Senator from New Hampshire if it is to be amended on lines 3, 4, 5, 6, and 7, why the word "capital" would not be better than the word "principal," in line 8.

Mr. HOLLIS. Capital, in connection with money, is usually employed as opposed to dividends meaning the same as capital stock. The principal of a loan is a definite description of what we mean to reach here, and therefore we thought it to be the more apt word.

Mr. SMOOT. Do I understand that it was the object of the provision, as amended, to pay to these agents one-half of 1 per cent per annum upon any loans that they may secure?

Mr. HOLLIS. On any loans that they secure for the land bank, of course. I can explain that to the Senator. The total allowance for all expenses and profits on loans under this system is limited to 1 per cent on the principal. Originally the bill was drawn so that half of that went to the land bank and half to the loan association. Later the bill was drafted so that the land bank handled it all and the loan association got just what was left after the expenses were paid in the form of dividends. When a loan is made through the agency of a bank the 1 per cent belongs entirely to the land bank, and it may allow not to exceed one-half of it to the agent doing the business and indorsing the loan so that it becomes responsible.

Mr. SMOOT. I understand that; but under the reading of the provision as it now stands it seems to me that the Federal land bank would be allowed one-half of 1 per cent upon the principal of the note as long as the note was not paid in full; in other words, if they made a loan of $1,000 for 25 years they would be entitled to one-half of 1 per cent for that full length of time upon that amount if the note had not been reduced, or if in the meantime it had been reduced each year, still they would be allowed one-half of 1 per cent upon whatever amount of the principal of the note was unpaid. Is that the intention of the framers of the bill?

Mr. HOLLIS. The Senator is correct. If the loan was for $2,000 and the amortization payment was so arranged that $100 would be paid on the principal each year, there would be one-half of 1 per cent on $2,000 for the first year, and one-half of 1 per cent on $1,900 for the second year, and so on. It is to cover the expenses of collecting and the risk the bank assumes in indorsing the loan. There are to be payments every year; the bank is to collect them and forward them to the Federal land banks; and for the entire service of indorsing and becoming liable on the loan and collecting and forwarding it they receive not to exceed one-half of 1 per cent a year. If it proves to be lucrative the farm-loan board can direct that it shall be lowered. It is not to exceed one-half of 1 per cent.

Mr. SMOOT. I thought it was rather a high rate to pay the Federal land bank one-half of 1 per cent of all the rate of interest over and above the 4 per cent or 5 per cent, between 4 and 5 per cent, the Federal land bank getting the business and the bank itself receiving the other half doing virtually all the business and furnishing the money and everything else. I thought it was an unfair distribution of the 1 per cent.

Mr. HOLLIS. My own belief is that one-half of 1 per cent to the land bank will result in dividends to the borrowers; I hope so, and I so expect from my investigation; and that the one-half paid the agent will be fully adequate. The farm-loan board may order it to be reduced. If the one-half of 1 per cent which goes to the land bank is too much, it will be returned to the borrower in the form of dividends. So no harm will be done.

Mr. SMOOT. I think it ought to be reduced. Of course, the words "not to exceed" give the power to reduce it, and perhaps there is no particular objection to it, but I would very much rather see the bill read "not to exceed one-third of 1 per cent per annum upon the unpaid principal of the loan."

Mr. HOLLIS. I should like to see the bill so drafted that all the rates would be very much lower, but I agree with the Senator that you always want to provide for enough revenue to run the Government, and this provides a way for the money to go back to those who contribute it in an equitable proportion. I hope we have our percentage high enough so that this will surely pay the bill; and that is why I favor making it as high as it is.

Mr. SMOOT. I will say to the Senator that of course one advantage is that as he perhaps knows it is none too high until the bank gets into full swing and operation; but I do believe that it is too high after the banks are established and the loans are made. If the bank is a success, then, in my opinion, one-half of 1 per cent per annum is too high.

Mr. HOLLIS. I agree with the Senator.

The amendment was agreed to.

The next amendment was, on page 41, line 10, after the word "paid," to strike out "to agents under the provisions of this section" and insert "by borrowers for appraisal, examining title, drawing legal papers, recording, and similar services"; in line 14, after the word "payments," to strike out "as provided in section 15 of this act"; and in line 14, after the word "act," to insert: "Such addition to the loan shall not be permitted to increase said loan above the 50 per cent limited in section 12," so as to make the clause read:

Actual expenses paid by borrowers for appraisal, examining title, drawing legal papers, recording, and similar services may be added to the face of the loan and paid off in amortization payments. Such addition to the loan shall not be permitted to increase said loan above the 50 per cent limited in section 12.

The amendment was agreed to.

Mr. POMERENE. Mr. President, while a little out of order, I call the Senator's attention to the language on page 40, line 12. The language is, "because of some peculiar local conditions." I suggest that the words "some peculiar" be stricken out, and just let it read "because of local conditions."

Mr. HOLLIS. There was a reason for putting in the words "some peculiar" there. It will be easily understood that if a borrower can go to a bank and get all the benefits of this act they will not want to form farm-loan associations. This language is employed to arrest the attention of the farm-loan board and have them understand that it really meant something. Therefore I like those words because they challenged the attention of the Senator from Ohio, and they will challenge the attention of the farm-loan board. They can not do any harm, and they may prove restrictive. I hope so.

Mr. POMERENE. I dare say if the learned Senator in charge of the bill were sitting as a court he would have some difficulty in giving those words a judicial construction.

Mr. SMOOT. I think there ought to be some peculiar condition existing, and if the word "peculiar" were left out it seems to me it would be wide open as to any condition arising that this provision of the bill would apply to. I think it is as moderate a word as could be found, and that it would at least give notice. I think that is all there is in it; it is simply a notice.

Mr. POMERENE. I shall not insist on an amendment, but certainly it is rather peculiar.

Mr. BRADY. Before leaving page 41 I should like to ask the Senator in charge of the bill a little more fully relative to the discussion which took place between himself and the Senator from Utah [Mr. SMOOT] concerning lines 3 to 9, on page 41, and from line 21, on page 41, to line 4, on page 42. It seems to me that it would indicate that the agent negotiating the loan would have to become responsible for the loan.

Mr. HOLLIS. Yes.

Mr. BRADY. And that the only compensation the bank or trust company or mortgage institution would receive for making the loan and guaranteeing it would be the one-half of 1 per cent.

Mr. HOLLIS. Yes; that is true.

Mr. BRADY. Instead of that being too large a rate it seems to me it is rather small, and that that feature of the bill should receive very careful consideration at the hands of the Senate, for it does not seem possible that a responsible banking institution would negotiate a loan of $10,000 and look after it for 36 years for any less than one-half of 1 per cent.

Mr. HOLLIS. The Senator will see it is one-half of 1 per cent of the amount due each year.

Mr. BRADY. I understand that.

Mr. HOLLIS. The Senator will understand, of course, that this does not require the bank which indorses to embark any of its capital. This is in the nature of an acceptance. It merely requires its indorsement. This is a proposition to loan on farm land not to exceed 50 per cent of its value. We want to enlist the interest of the bank so that it will be sure not to allow a loan to be made for more than 50 per cent of the value and so that the loan will surely be paid. We secure that interest of the bank by securing its indorsement, and we limit the payment to one-half of 1 per cent on the amount of the principal due each year. If agents can not be found who will do it for that sum, we shall not be able to do business on that basis, because we can not allow more than 1 per cent any way for expense and profit, and half of that ought to go to the Federal land bank. So if they are not able to do it for that percentage this section will not be operative, but we have not any more to pay them even if we think they ought to have more.

Mr. BRADY. Then, in case the agent made the loan, the agent making the loan would take one-half of 1 per cent, and the other one-half of 1 per cent would go to the Federal land bank?

Mr. HOLLIS. Yes, sir; that is right.

Mr. BRADY. Thus making the full 1 per cent which is to be allowed, which the bank and agent would be permitted to make on the loan.

Mr. HOLLIS. Yes; that is correct.

Mr. BRADY. It seems to me that that is a very equitable provision.

Mr. HOLLIS. The committee felt that it was such.

The next amendment of the Committee on Banking and Currency was, on page 42, after line 9, to strike out:

SAVINGS DEPARTMENT.

SEC. 18. That the Federal farm-loan board is authorized and empowered to permit any Federal land bank to establish a savings department for receiving time deposits on which interest may be paid. The books, funds, earnings, and reserves of said savings department shall be kept separate. The capital of said land bank shall not be available for any debts or obligations of said savings department as long as any farm-loan bonds issued by said bank are outstanding and unsatisfied. Said savings department shall contribute to the general expenses of said bank its proportionate share, based upon the amount of farm-loan bonds and time deposits outstanding in the separate departments of said bank.

Every savings or time deposit shall be subject to not less than 30 days' notice before the whole or any part of the same is paid or withdrawn, but no land bank shall be obliged to avail itself of such notice when payment or withdrawal is requested.

Each Federal land bank shall maintain a reserve of at least 5 per cent of all time or savings deposits received by it, said reserve to be in cash or invested so as to be quickly available, under rules and regulations prescribed by the Federal farm-loan board. The remaining 95 per cent of such deposits may be invested as follows:

(a) In first mortgages on farm lands within the district for a term not exceeding five years, subject to be called on 60 days' notice at any time after one year, said mortgages to be subject to the restrictions imposed and conditions provided under sections 12 and 20 of this act, except as to term and amortization.

(b) In United States Government bonds or farm-loan bonds issued under this act.

(c) In such securities as the Federal farm-loan board may prescribe. Preference shall be given to first mortgages above described.

Interest on time or savings deposits shall in no case exceed the current rate on bonds issued by the land bank receiving such deposits, and any agreement for a higher rate of interest shall be invalid.

Time or savings deposits may be received from any person, firm, or corporation, subject to rules and regulations prescribed by the Federal farm-loan board. Each depositor may receive a deposit book, on which all deposits and withdrawals shall be entered, or the deposit may be evidenced by a certificate which shall specify the rate of interest to be paid and the notice of withdrawal required.

Every national farm-loan association shall by its secretary-treasurer receive and pay out time or savings deposits as agents for the Federal land bank of the district, and said secretary-treasurer shall forthwith forward any deposit so received to said land bank. Farm-loan associations receiving and forwarding, or paying out, deposits as aforesaid, shall receive such compensation therefor as the Federal farm-loan board shall fix.

All net earnings of savings departments shall be carried to surplus account and invested according to rules and regulations prescribed by the Federal farm-loan board.

The amendment was agreed to.

The next amendment was, in division (c), subhead "Joint-stock land banks," on page 44, line 21, to change the number of the section from "19" to "18"; on page 45, line 3, after the word "bank," to strike out "shall" and insert "may"; and in line 4, before the word "than," to strike out "not less" and insert "more," so as to make the clause read:

SEC. 18. That corporations, to be known as joint-stock land banks, for carrying on the business of lending on farm-mortgage security and issuing farm-loan bonds, may be formed by any number of natural persons not less than 10. They shall be organized subject to the requirements and under the conditions set forth in section 4 of this act, so far as the same may be applicable: *Provided*, That the board of directors of every joint-stock land bank may consist of more than five members.

The amendment was agreed to.

The next amendment was, on page 45, line 23, before the word "deposits," to strike out "accept" and insert "receive"; in the same line, after the word "deposits," to strike out "of current funds payable upon demand"; and in line 25, after the word "act," to strike out:

Provided, however, That this restriction shall not apply to prevent the acceptance of time deposits, as provided in section 18 of this act for Federal land banks.

So as to make the clause read:

No joint-stock land bank shall have power to issue or obligate itself for outstanding farm-loan bonds in excess of fifteen times the amount of its capital and surplus, or to receive deposits or to transact any banking or other business not expressly authorized by the provisions of this act.

The amendment was agreed to.

The next amendment was, on page 46, line 17, after the word "section," to strike out "twenty-one" and insert "twenty"; in line 19, after the word "provisions," to insert "of the paragraphs designated first, sixth, eighth, ninth, and twelfth"; in line 22, after the word "made," to strike out "which are not" and insert "in excess of 50 per cent of the appraised value of the mortgaged lands, and all loans shall be"; and on page 47, line 1, after the words "principal office," to insert "or within some State contiguous to such State," so as to make the clause read:

Joint-stock land banks shall not be subject to the provisions of section 13 or section 20 of this act as to interest rates on mortgage loans or farm-loan bonds, nor to the provisions of the paragraphs designated first, sixth, eighth, ninth, and twelfth of section 12 as to restrictions on mortgage loans: *Provided, however*, That no loans shall be made in excess of 50 per cent of the appraised value of the mortgaged lands, and all loans shall be secured by first mortgages on farm land within the State in which such joint-stock land bank has its principal office or within some State contiguous to such State.

The amendment was agreed to.

The next amendment was, on page 47, line 12, after the word "section," to strike out "19" and insert "18," so as to make the clause read:

Each joint-stock land bank organized under this act shall have authority to issue bonds based upon mortgages taken by it in accordance with the terms of this act. Such bonds shall be in form prescribed by the Federal farm-loan board, and it shall be stated in such bonds that such bank is organized under section 18 of this act, is under Federal supervision, and operates under the provisions of this act.

The amendment was agreed to.

The reading of the bill was continued to the end of line 16, page 47, the last clause read being as follows:

Farm-loan bonds issued by joint-stock land banks shall be called joint-stock bonds.

Mr. BRADY. Mr. President, I desire to ask the Senator in charge of the bill if he does not think that the bonds referred to in the text of the bill as "joint-stock bonds" should be called "joint-stock land bonds"? The banks which issue such bonds have been called all the way through the bill "joint-stock land banks."

Mr. HOLLIS. The reason for placing this definition here was merely to describe these bonds for the purposes of this act and to distinguish them from farm-loan bonds, limited or unlimited, issued by the Federal land bank. I have no idea what they will be called in practice, but this is an apt name by which to refer to them in other sections of the act. I merely wanted a short name for such bonds, so that it would not take too many words. I would just as lief call them "class C bonds," or anything else the Senator desires; but the object of designating the bonds as we have done in the bill is what I have stated.

Mr. BRADY. The Senator feels, then, that it would be perfectly easy to distinguish these bonds by calling them "joint-stock bonds" instead of "joint-stock land bonds"?

Mr. HOLLIS. It seems to me so.

Mr. BRADY. If the Senator from New Hampshire feels that that description will answer the purpose, I have no objection.

Mr. HOLLIS. I think it will.

The reading of the bill was resumed.

The next amendment of the Committee on Banking and Currency was, under subhead "Appraisal," on page 47, line 18, to change the number of the section from "20" to "19."

The amendment was agreed to.

The next amendment was, on page 48, line 6, after the words "with the," to strike out "affidavit provided for in section 7 of this act" and insert "application for the loan," so as to make the clause read:

The written report of said loan committee shall be submitted to the Federal land bank, together with the application for the loan, and the directors of said land bank shall examine said written report when they pass upon the loan application which it accompanies, but they shall not be bound by said appraisal.

The amendment was agreed to.

The next amendment was, on page 48, line 13, after the word "application," to strike out "affidavit," so as to make the clause read:

Before any mortgage loan is made by any Federal land bank or joint-stock land bank it shall refer the application and written report of the

loan committee to one or more of the land-bank appraisers appointed under the authority of section 3 of this act, and such appraiser or appraisers shall investigate and make a written report upon the land offered as security for said loan. No such loan shall be made by said land bank unless said written report is favorable.

The amendment was agreed to.

The next amendment was, on page 48, line 23, after the word "section," to strike out "twenty-three" and insert "twenty-two," so as to make the clause read:

Whenever any Federal land bank or joint stock land bank shall desire to issue farm-loan bonds under the provisions of section 22 of this act the Federal farm-loan board shall refer the application of such land bank to one or more of the special appraisers appointed under the authority of section 3 of this act. Such special appraiser or appraisers shall make such examination and appraisal of the mortgages offered as collateral security for such bonds as the Federal farm-loan board shall direct, and shall make a written report to said board. No issue of farm-loan bonds shall be authorized unless the Federal farm-loan board shall approve such issue in writing.

The amendment was agreed to.

The next amendment was, on page 49, line 22, after the word "directors," to strike out "of any farm-loan association," so as to make the clause read:

No borrower under this act shall be eligible as an appraiser under this section, but borrowers may act as members of a loan committee in any case where they are not personally interested in the loan under consideration. When any member of a loan committee or of a board of directors is interested, directly or indirectly, in a loan, a majority of the board of directors shall appoint a substitute to act in his place in passing upon such loan.

The amendment was agreed to.

The next amendment was, under the subhead, "Powers of Federal farm-loan board," on page 50, line 2, to change the number of the section from "21" to "20."

The amendment was agreed to.

The next amendment was, on page 50, line 22, after the word "penal," to strike out "sum" and insert "sums," so as to make the clause read:

(f) To prescribe the form and terms of farm-loan bonds, and the form, terms, and penal sums of all surety bonds required under this act and of such other surety bonds as they shall deem necessary, such surety bonds to cover financial loss as well as faithful performance of duty.

The amendment was agreed to.

The next amendment was, at the top of page 51, to insert:

(g) To require Federal land banks to pay forthwith to any Federal land bank their equitable proportion of any sums advanced by said land bank to pay the coupons of any other land bank, basing said required payments on the amount of farm-loan bonds issued by each land bank and actually outstanding at the time of such requirement.

The amendment was agreed to.

The next amendment was, on page 51, line 7, to change the letter in parentheses from "g" to "h."

The amendment was agreed to.

The next amendment was, under the subhead "Applications for farm-loan bonds," on page 51, line 11, to change the number of the section from "22" to "21."

The amendment was agreed to.

The next amendment was, under the subhead "Issue of farm-loan bonds," on page 52, line 18, to change the number of the section from "23" to "22"; and in line 21, after the word "twenty," to strike out "two," and insert "one"; so as to make the clause read:

SEC. 22. That whenever any farm-loan registrar shall receive from the Federal farm-loan board notice that it has approved any issue of farm-loan bonds under the provisions of section 21, he shall forthwith take such steps as may be necessary, in accordance with the provisions of this act, to insure the prompt execution of said bonds and the delivery of the same to the land bank applying therefor.

The amendment was agreed to.

The next amendment was, under the subhead "Form of farm-loan bonds," on page 54, line 18, to change the number of the section from "24" to "23," and in line 20, after the words "denominations of," to insert "$25, $50"; so as to make the clause read:

SEC. 23. That all bonds provided for in this act shall be issued under the authority and by the direction of the Federal farm-loan board. They shall be issued in denominations of $25, $50, $100, $500, and $1,000. They shall run for specified minimum and maximum periods, subject to be paid and retired at the option of the land bank at any time after 10 years from the date of their issue. They shall have interest coupons attached, payable semiannually, and shall be issued in series of not less than $50,000, whose amount and term shall be fixed by the Federal farm-loan board. They shall bear a rate of interest not to exceed 5 per cent per annum.

The amendment was agreed to.

The next amendment was, on page 55, line 6, after the word "concerning," to insert "the form of farm-loan bonds, and"; so as to make the clause read:

The Federal farm-loan board shall prescribe rules and regulations concerning the form of farm-loan bonds, and the circumstances and manner in which farm-loan bonds shall be paid and retired under the provisions of this act.

The amendment was agreed to.

The Secretary continued the reading down to the word "banks," in line 19, page 55, as follows:

Farm-loan bonds shall be delivered through the registrar of the district to the bank applying for the same.

In order to furnish suitably engraved bonds for delivery to Federal land banks and joint stock land banks, the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, cause plates and dies to be engraved in the best manner to guard against counterfeits and fraudulent alterations, and shall have printed therefrom and numbered such quantities of such bonds of the denominations of $100, $500, and $1,000 as may be required to supply such land banks.

Mr. HOLLIS. Mr. President, on page 55, line 18, I move to insert "$25, $50," so as to correspond with the provision on the preceding page.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 55, line 18, after the word "of" it is proposed to insert "$25, $50."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. WALSH. Mr. President, before proceeding to the next subdivision, I should like to ask the Senate to recur to page 35 on which, with the preceding page, the powers of the Federal land banks are defined. Under the fifth subdivision it will be perceived that the Federal land bank is given authority:

To acquire and dispose of—

(a) Such property, real or personal, as may be necessary or convenient for the transaction of its business, which, however, may be in part leased to others for revenue purposes.

(b) Parcels of land mortgaged to it as security.

(c) Parcels of land acquired in satisfaction of debts or purchased at sales under judgments, decrees, or mortgages held by it.

Of course, the land bank ought to be given power to acquire such real estate as is essential for the conduct of its business. It also should be given the power, as provided in subdivision (c), to acquire lands in satisfaction of debts or sold under judgments, decrees, or mortgages held by it; but why invest it with unlimited power to buy "parcels of land mortgaged to it as security"? And why should a land bank be permitted to speculate in the lands which it holds as security?

Furthermore, it will be observed that, while it is there given power to acquire such lands, by subdivision (c) it is given the same power to acquire lands which shall be taken in satisfaction of debts or sold under judgments, decrees, or mortgages held by it, but such lands it can hold for no longer than five years, when it must get rid of them. The land, however, acquired under subdivision (b) being parcels of land held by it as security, it may purchase and apparently hold for an indefinite period. I should like to have a little enlightenment from the Senator from New Hampshire upon the significance of subdivision (b).

Mr. HOLLIS. Subdivision (b) was amended this morning to read:

Parcels of land mortgaged to it as security where default has occurred.

That was the intention. In some States the actual title to the land is passed by the mortgagor to the mortgagee, and the mortgagee may take possession on default without court proceedings. This was made to cover cases of that kind. It should, however, only cover such cases where default has occurred.

Mr. WALSH. Then, I ask the Senator if that is not covered by the next subdivision, which reads:

Parcels of land acquired in satisfaction of debt or purchased at sales.

That is to say, under the terms of subdivision (c) the land bank may take a piece of property in satisfaction of a debt to it. I still question the advisability of giving the land bank the power to buy any piece of property that is mortgaged to it as security because there has been default in the mortgage, inasmuch as that would easily permit a man who wanted to sell his land to the bank to suffer a default and then the power would exist in the bank to buy that land of the man upon just such terms as they might agree upon.

Mr. HOLLIS. Mr. President, of course, if there were default and the land were acquired in satisfaction of debts or purchased at sales under judgments or decrees, then the provisions of subdivision (c) would apply, and the lands could only be held for five years. That is the intention; but subdivision (b) was put in at the suggestion of a member of the committee, who called attention to the fact that in some States the title actually passed to the mortgagee when the mortgage was made; that it was a title that would pass, subject to defeasance on the condition being filled; and that subdivision (c) would not cover such cases in his State. Therefore he said this provision ought to be put in; and it would seem where it is provided that parcels of land acquired in satisfaction of debts may be held only for five years and where subdivision (b) says that parcels of land mortgaged to the land bank as security can only be acquired where default has occurred, that it would be cov-

ered; but I know the Senator from Montana is an able lawyer, and if he thinks otherwise and can suggest any other way to arrange it to cover all cases I shall be very glad to accept an amendment. It was not on my suggestion that the provision was inserted.

Mr. WALSH. I think that it is a very questionable power to put in the hands of the Federal land bank to acquire without restriction and to hold without restriction, and for an unlimited time, any land pledged to it as security for indebtedness.

Mr. HOLLIS. That is not the intention of the act, of course, and if the Senator will allow the paragraph to be passed over I will take that up and draw it so that there will not be any question about it.

Mr. WALSH. Very well.

The reading of the bill was resumed.

The next amendment of the Committee on Banking and Currency was, under the subhead "Special provisions of farm-loan bonds," on page 57, after line 11, to strike out:

SEC. 25. That the form of farm-loan bonds issued under this act shall be prepared by the Federal farm-loan board. The form of farm-loan bonds issued by a Federal land bank shall include, among other provisions, a copy of this section of this act, and a statement that the assets of all the Federal land banks and of one farm-loan association are jointly and severally liable for the payment of each bond, and shall further state the physical basis of such bonds in farm lands, and whether the first mortgages held as collateral security for its payment have been received from an association with a limited or an unlimited liability, and such other information as may be prescribed by the Federal farm-loan board.

Each bond shall also contain a certificate in the face thereof, signed by the farm-loan commissioner, to the effect that this bond has the approval in form and issue of the Federal farm-loan board and is legal and regular in all respects. It shall be signed by the president of the bank issuing the same and attested by its secretary.

The amendment was agreed to.

The next amendment was, on page 58, line 6, after the word "Sec.," to strike out "25" and insert "24"; in the same line, before the word "land," to strike out "Each" and insert "That each Federal"; in line 7, before the word "bound," to strike out "held to be"; in the same line, after the words "of its," to strike out "president" and insert "officers"; and in line 8, after the word "signing," to insert "and issuing," so as to make the clause read:

SEC. 24. That each Federal land bank shall be bound in all respects by the acts of its officers in signing and issuing farm-loan bonds and by the acts of the Federal farm loan board in authorizing their issue.

The amendment was agreed to.

The next amendment was, on page 58, after line 10, to strike out:

Said bonds shall state that they are authorized by the Federal farm loan board under the provisions of this act.

The amendment was agreed to.

The next amendment was, on page 58, after line 12, to strike out:

There shall appear in the face of each farm-loan bond provided for in this act the statement that such bond is not taxable by national, State, or municipal authority.

The amendment was agreed to.

The next amendment was, on page 59, after line 9, to insert:

Every farm-loan bond issued by a Federal land bank shall be signed by its president and attested by its secretary, and shall contain in the face thereof a certificate signed by the farm loan commissioner to the effect that it is issued under the authority of the Federal farm-loan act, has the approval in form and issue of the Federal farm loan board, and is legal and regular in all respects; that it is not taxable by National, State, municipal, or local authority; that it is issued against collateral security of Government bonds or first mortgages on farm lands, indorsed by farm-loan associations having double or unlimited liability of their members, as the case may be, and at least equal in amount to the bonds issued; and that all Federal land banks, stating the approximate amount of their aggregate capital and surplus, are liable for the payment of each bond.

The amendment was agreed to.

Mr. WALSH. Mr. President, I desire to question the wisdom of the last clause of the amendment found on page 59, "that all Federal land banks, stating the approximate amount of their aggregate capital and surplus, are liable for the payment of each bond," or, rather, that portion of it expressed by the language, "stating the approximate amount of their aggregate capital and surplus." That is changing at all times; is it not?

Mr. HOLLIS. Yes; but that would apply as of the time the bond was issued, and would not be reduced until the bond was paid.

Mr. WALSH. So that it would be substantially stable and the representation would be substantially accurate during the entire life of the bond?

Mr. HOLLIS. Yes; it would not be less than that until the bond was redeemed.

The reading of the bill was resumed.

The next amendment of the Committee on Banking and Currency was, under the subhead "Application of amortization and interest payments," on page 60, line 3, to change the number of the section from 26 to 25.

The amendment was agreed to.

The Secretary resumed the reading of the bill and read to the bottom of page 62.

Mr. SUTHERLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Gronna	Newlands	Smith, S. C.
Borah	Hardwick	Norris	Smoot
Brady	Hollis	Overman	Sterling
Brandegee	Hughes	Page	Sutherland
Broussard	James	Pittman	Thomas
Burleigh	Johnson, Me.	Poindexter	Thompson
Chamberlain	Johnson, S. Dak.	Pomerene	Townsend
Clapp	Jones	Ransdell	Vardaman
Clark, Wyo.	Lane	Shafroth	Walsh
Cummins	Lewis	Sheppard	Warren
du Pont	Martine, N. J.	Sherman	Williams
Fall	Myers	Smith, Ariz.	
Gallinger	Nelson	Smith, Ga.	

Mr. OVERMAN. I desire to announce that my colleague [Mr. SIMMONS] is unavoidably absent. This announcement may stand for the day.

Mr. MARTINE of New Jersey. I have been requested to announce the unavoidable absence of the senior Senator from West Virginia [Mr. CHILTON], who is paired with the senior Senator from New Mexico [Mr. FALL], and also to announce the unavoidable absence of the junior Senator from Missouri [Mr. REED], on account of illness.

The PRESIDING OFFICER. Fifty Senators having answered to their names, there is a quorum present. The Secretary will proceed with the reading of the bill.

The Secretary resumed the reading of the bill, beginning on line 1, page 63.

The next amendment was, under the subhead "Reserve and dividends on land banks," on page 63, line 19, after the word "SEC.," to strike out "27" and insert "26," and on page 64, line 7, after the word "any," to strike out "of said," so as to make the clause read:

SEC. 26. That every Federal land bank, and every joint-stock land bank, shall, out of its net earnings, semiannually carry to reserve account 25 per cent thereof until said reserve account shall show a credit balance equal to 20 per cent of the outstanding capital stock of said land bank. Whenever said reserve shall have been impaired, said balance of 20 per cent shall be fully restored before any dividends are paid. After said reserve has reached the sum of 20 per cent of the outstanding capital stock, 5 per cent of the net earnings shall be annually added thereto. For the period of two years from the date when any default occurs in the payment of the interest, amortization installments or principal on any first mortgage, by both mortgagor and indorser, the amount so defaulted shall be carried to a suspense account, and at the end of the two-year period specified, unless collected, shall be debited to reserve account.

The amendment was agreed to.

The next amendment was, under the subhead "Reserve and dividends of national farm-loan associations," on page 64, line 22, to change the number of the section from 28 to 27.

The amendment was agreed to.

The next amendment was under the head of "Defaulted loans," on page 66, line 2, after the word "SEC.," to strike out "29" and insert "28," and in line 10, after the word "bonds," to insert "issued by said land bank," so as to make the section read:

SEC. 28. That if there shall be default under the terms of any indorsed first mortgage held by a Federal land bank under the provisions of this act, the national farm loan association or agent through which said mortgage was received by said Federal land bank shall be notified of said default. Said association or agent shall thereupon be required, within 30 days after such notice, to make good said default, either by payment of the amount unpaid thereon in cash, or by the substitution of an equal amount of farm loan bonds issued by said land bank, with all unmatured coupons attached.

The amendment was agreed to.

The next amendment was, under the subhead "Exemption from taxation," on page 66, line 13, after the word "SEC.," to strike out "30" and insert "29"; in line 16, after the word "State," to insert "municipal"; in line 20, after the word "banks," to insert "and farm loan bonds issued"; and in line 25, after the word "State," to insert "municipal," so as to make the clause read:

SEC. 29. That every Federal land bank and every national farm loan association, including the capital stock and reserve or surplus therein and the income derived therefrom, shall be exempt from Federal, State, municipal, and local taxation, except taxes upon real estate held, purchased, or taken by said bank or association under the provisions of section 11 and section 13 of this act. First mortgages executed to Federal land banks, or to joint stock land banks, and farm loan bonds issued under the provisions of this act, shall be deemed and held to be instrumentalities of the Government of the United States, and as such they and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation.

Mr. SUTHERLAND. Mr. President, on yesterday, I think it was, I called the attention of the Senator from New Hampshire [Mr. HOLLIS], in charge of the bill, to this provision contained in section 29 which proposes to exempt from taxation certain of the property belonging to these Federal land banks and national farm-loan associations. The Senator from New Hampshire seemed to be entirely confident that the General Government had the power to exempt from taxation this species of property, and directed my attention to the case of McCulloch against State of Maryland, which was a decision with reference to the power of the State of Maryland to impose certain taxes against the United States bank.

I think a careful reading of that case will demonstrate that the question presented there was altogether different from the one which is presented by this bill. I think, in the first place, that even if the Government of the United States has the power to exempt this species of property from taxation at the hands of the State, it ought not to exercise it. It is a species of property which, when held by the private banks of the State, chartered under the laws of the State, is subject to taxation; and I see no reason why property of that same description, held by a bank which happens to be chartered by the Government of the United States, should escape taxation.

What is it that is proposed to be done? The language of the section is:

> That every Federal land bank and every national farm-loan association, including the capital stock and reserve or surplus therein and the income derived therefrom, shall be exempt from Federal, State, municipal, and local taxation, except taxes upon real estate held, purchased, or taken by said bank or association under the provisions of section 11 and section 13 of this act. First mortgages executed to Federal land banks, or to joint-stock land banks, and farm-loan bonds issued under the provisions of this act, shall be deemed and held to be instrumentalities of the Government of the United States, and as such they and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation.

In what possible way can it be said that a first mortgage executed to a Federal land bank, for money loaned to a farmer in precisely the same way that money may be loaned to a farmer by a State bank and secured by a mortgage, is an instrumentality of the Government of the United States, and thereby exempt from taxation?

This bill is attempted to be tied to the Constitution by a somewhat slender thread. I am not prepared to say that the bill, taken as a whole, is unconstitutional. It may be conceded, at any rate, for the sake of the argument upon this question, that it is constitutional; but what governmental function does the Government of the United States discharge through these banks?

The bill provides that deposits of Government money may be made in these banks. It provides, in a somewhat general way, that the fiscal operations of the Government may be carried on through these land banks. To that extent these land banks become instrumentalities or agencies of the Federal Government in the same way that a State bank which is authorized to receive deposits of postal savings becomes an instrumentality of the Federal Government. In other words, the bank becomes an instrumentality of the Federal Government to that extent—to the extent to which the Government of the United States deposits its moneys in the bank, and to the extent to which the Government of the United States utilizes these banks in its fiscal operations. But in loaning money to the farmers it is not discharging any governmental function. The Government of the United States is not acting through the bank in doing that. The bank, in doing that, is discharging a purely private function—just as much a private function as is the individual loaner of money when he loans money to a farmer and takes a mortgage to secure it.

In the case of McCulloch against Maryland the situation was altogether different. There the Congress had provided for the creation and organization of a United States bank, through which the Government of the United States was to discharge its fiscal operations. Among other things, the bank was authorized to issue bank notes; and what the State of Maryland undertook to do was to provide by law that those bank notes, the issuance of which constituted a governmental function carried on through the bank, should not be issued except upon paper which the law of Maryland provided should bear a stamp, to be paid for by the bank, the value of which should be proportioned to the size of the note; and they undertook to provide further that these bank notes should be issued in certain definite amounts—$5, $10, $20, $50, $100, $500, and $1,000, as I recall.

The Supreme Court in that case very properly held that the act of the Legislature of Maryland was an attempt to tax a governmental operation performed through the bank; and the power to tax being the power to destroy, the power might be exercised so as to destroy that governmental operation. But the court nowhere held that the property of the bank could not be taxed; and, indeed, in the concluding part of the case—the case itself being a very long one, covering in the original volume something over 100 pages, with the statement of the case and the arguments of counsel and the opinion itself—in summing up, the court says:

> The court has bestowed on this subject its most deliberate consideration. The result is a conviction that the States have no power, by taxation or otherwise, to retard—

Now, observe the language—

> No power * * * to retard, impede, burden, or in any manner control, the operations of the constitutional laws enacted by Congress—

To do what?—

> to carry into execution the powers vested in the General Government. This is, we think, the unavoidable consequence of that supremacy which the Constitution has declared. We are unanimously of opinion that the law passed by the Legislature of Maryland imposing a tax on the bank of the United States is unconstitutional and void.

Now, I call particular attention to this concluding paragraph:

> This opinion does not deprive the States of any resources which they originally possessed. It does not extend to a tax paid by the real property of the bank, in common with the other real property within the State, nor to a tax imposed on the interest which the citizens of Maryland may hold in this institution in common with other property of the same description throughout the State. But this is a tax on the operations of the bank, and is, consequently, a tax on the operation of an instrument employed by the Government of the Union to carry its powers into execution. Such a tax must be unconstitutional.

Mr. President, the question has arisen in a variety of forms since that decision and since the other decision, with reference to the same law, in the case of Osborn against United States Bank. In the case of the Railroad Co. against Peniston, which is reported in Eighteenth Wallace, the question came up with reference to the power of the State to tax certain of the transcontinental railroads which had been incorporated by an act of Congress, and which Congress had declared, among other things, should carry on certain of the operations in which the Government was interested, such as transporting troops, mail, and so forth. The case of McCulloch against Maryland and Osborn against The Bank were both cited by counsel as authority for the proposition that a law of the State of Nebraska undertaking to impose a tax upon the property of these railroad companies could not be sustained because it was a tax on an instrumentality of the Government of the United States, as it was claimed.

But the court disposed of the question in this way, and I read from the syllabus in Railroad Co. against Peniston, Eighteenth Wallace:

> The exemption of agencies of the Federal Government from taxation by the States is dependent not upon the nature of the agents nor upon the mode of their constitution, nor upon the fact that they are agents, but upon the effect of the tax; that is, upon the question whether the tax does in truth deprive them—

That is, the agents—

> deprive them of power to serve the Government as they were intended to serve it—

Now, observe, because it deprives them—

> of power to serve the Government as they were intended to serve it, or hinder the efficient exercise of their power. A tax upon their property merely, having no such necessary effect and leaving them free to discharge the duties they have undertaken to perform, may be rightfully laid by the States. A tax upon their operations, being a direct obstruction to the exercise of Federal powers, may not be.

There is nothing occult about a question of this character. It seems to me it may be disposed of by a very simple illustration. Here is an individual who is an officer of the Government of the United States. He is thereby an agency through whom the Government of the United States discharges some of its governmental functions. Now, no State can pass a law which will have the effect to obstruct or interfere with the operations of that officer in so far as they are governmental operations; but if he commits murder he may be prosecuted under the law of the State. If he commits any other offense against the law of the State, he may, of course, be prosecuted. The salary which he receives from the Government of the United States may not be taxed by the State, because that would be to interfere with him in the exercise of his functions, because the power to tax, I repeat, is the power to destroy, and they could conceivedly take away his salary entirely or take away so large a part of it as to render it impossible for him to act in the capacity to which he has been appointed. But the State may tax his property. The fact that he happens to be an officer of the General Government does not prevent the State from taxing a mortgage, if he holds it, if it be the policy of the State to tax mortgages; it does not prevent it from taxing his money, if he has money in the bank, from taxing his real estate, from taxing his personal property, from taxing anything that he has which in the hands of the ordi-

nary citizen may be taxed. It is exactly the same as to any other agency which the Government constitutes. The Government for certain purposes has constituted State banks its agents, as I have already stated, with reference to the receipt of postal savings bank funds, yet that does not give the Government of the United States power to provide that such a bank shall be exempt from taxation with reference to its mortgages or with reference to its other property.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield?

Mr. SUTHERLAND. I yield to the Senator from Iowa.

Mr. CUMMINS. Is it not true that if any property is exempted from the operation of State law in pursuit of the power of taxation it is constitutionally exempted? Can Congress exempt property from State taxation? Must it not be constitutionally exempt, in other words?

Mr. SUTHERLAND. I answer that with some hesitation, because there are certain intimations in some of the decisions, purely dictum, which may indicate the contrary. However, my own judgment is that Congress has no power to exempt from taxation anything which would not because of its nature be exempted under the provisions of the Constitution.

Mr. CUMMINS. I believe that is the better view; and it is preliminary to another suggestion. The modern and sounder opinion, I think, is that Congress has the power to provide for the incorporation of common carriers doing an interstate business. I think our late Attorney General held that Congress has the power to make an act of incorporation of that sort exclusive and require the carriers who propose to engage in transportation among the States to incorporate under a law of Congress, if one were provided. I think it is also the modern opinion that Congress can pass a law providing for the incorporation of any person or persons engaged in interstate commerce, all this under authority in the Constitution to regulate commerce among the States.

Now, if property is exempt from taxation on the part of the State, under the Constitution, I ask whether or not, if Congress should go on in its——

Mr. SUTHERLAND. In its mad career?

Mr. CUMMINS. I will not say that; but in its regulation of commerce among the States along the lines that have been so earnestly urged, would not the result be that practically all the property of the United States of that character would be exempt from taxation?

Mr. SUTHERLAND. Theoretically, of course, we face that conclusion. I will say to the Senator from Iowa that I am not quite prepared to assent to the proposition that Congress has power to provide that in order to enable a person or persons to engage in interstate commerce they must be chartered under the Federal Government. Indeed, I doubt very much whether Congress has power to that extent, because the right to trade between the States, I think, is a right which belongs to the citizens of the States, and the power of Congress is to regulate the right, and I doubt very much whether it can say that only a particular description of persons shall be permitted to engage in commerce among the States.

Mr. CUMMINS. Lest I may be misunderstood, I desire to say to the Senator from Utah that I share his doubt in that respect; but there is no great question that Congress may make a law which is optional in its character, so that corporations can be formed under it for the purpose either of engaging in general business among the States or of engaging in the business of common carriers. There are a great many people who believe that that is the only effective way of regulating commerce. If, however, the fact of organization under a Federal law would exempt all the property of these corporations from State taxation, it can be readily seen that it would be so inviting that all of them would become Federal corporations instead of State corporations.

Mr. SUTHERLAND. Of course, Mr. President, I do not think for one moment that Congress has any such power to exempt from taxation.

Mr. NELSON. Will the Senator from Utah yield to me?

Mr. SUTHERLAND. Certainly.

Mr. NELSON. There is a practical question in connection with this provision as it would apply to the State of Minnesota. Under the laws of our State a real estate mortgage before it can be recorded must pay a tax to the county treasurer. I think it is at the rate of 50 cents a hundred. A small mortgage under $100 is exempt. If a mortgage has to pay that tax before it can be recorded, manifestly no loan association or anybody else would take a mortgage that could not be recorded.

It is a universal rule pertaining to the transfer of real estate that such transfers, whether by deed or mortgage, are governed wholly by the laws of the State in which the real estate is situated. How can the Federal Government change the laws of the State of Minnesota in respect to real estate mortgages? If we insist in Minnesota that no mortgage on real estate shall be recorded until that tax is paid, can the Federal Government come in and veto that and prevent it? To my mind this would be an absolute obstacle in the State of Minnesota to the enforcement of this provision of the bill.

Mr. SUTHERLAND. I think the Senator from Minnesota is entirely correct. I do not think the Federal Government can interfere with a law of that kind.

Mr. HOLLIS. Mr. President, when the Senator from Utah has completed his argument I shall offer some suggestions in answer, but lest I forget the suggestion made by the Senator from Minnesota I should like permission to reply to his statement now.

Before the mortgages in any State can be received by the land bank in order to borrow money, the farm-loan board must investigate the laws of that State, and if they are not such as to recording of title and homestead exemptions, and so on, as to afford adequate security to the land bank, then the loans can not be made in the State until the laws are changed. If Minnesota is in the unfortunate predicament of having laws so that it could not come under this system, it will suffer and not the system.

Mr. SUTHERLAND. Mr. President, it seems to me that that would be an unfortunate meddling on the part of the Federal Government——

Mr. CLAPP. Yes; why, instead of the State suffering, should not the system be so amended that this regulation of the State shall be consistent with the system?

Mr. HOLLIS. When I come to answer the Senator from Utah I think I can show that the provision in Minnesota would conform to the act that we have under consideration, but that would be the answer in case they are so inconsistent that the State could not exempt mortgages from taxation.

Mr. WALSH. Before we pass from the subject, I should like to ask the Senator from Utah whether he concurs in the view expressed by the Senator from Minnesota that such a fee as that charged for filing a mortgage falls within the denomination of a tax such as is contemplated in the bill under consideration?

Mr. SUTHERLAND. No; I do not think it comes under the operation of this section, but I understood the Senator to use it as an illustration.

Mr. WALSH. Does the Senator from Utah agree about that?

Mr. SUTHERLAND. That we could do that?

Mr. WALSH. That we could do that. That no charge shall be made for recording them.

Mr. SUTHERLAND. Perhaps not. The two cases are not entirely parallel.

Mr. WALSH. But, Mr. President——

Mr. SUTHERLAND. I do not want to be led aside to discuss that particular question. It is not the immediate proposition involved.

Mr. CLAPP. If the Senator will pardon me, I think the Senator from Montana is doubtless laboring under the impression that it is a record fee. It is in no sense a record fee. It is a tax that has to be paid as a prerequisite to the right to have the mortgage recorded.

Mr. SUTHERLAND. And the tax is proportioned to the amount of the mortgage?

Mr. CLAPP. Certainly.

Mr. SUTHERLAND. Then, of course, it would come within the provisions of this section. It is a tax.

Mr. NELSON. It is not a recording fee; it is a tax. A recording fee has to be paid in addition.

Mr. SUTHERLAND. I did not understand that at first. I do now, and I answer the Senator from Montana that in my judgment it would come within the purview of section 29.

Mr. President, the power to tax is a sovereign power, and in one respect the most important sovereign power which can be exercised by any Government. It is a power upon the exercise of which every other power depends, and it exists to the utmost limit in the Federal Government and also in the State government.

The Federal Government has no power to interfere in any way with the power of the States to tax, and the State has no power to interfere in any way with the power of the General Government to tax; but the power of both governments to tax is subject to an exception, and that is that neither government can tax the instrumentalities of the other. However, the right of one is no more restricted than the right of the other.

The power of the Federal Government to tax the instrumentalities of the State is just as restricted, just as much forbidden as the power of the State to tax the instrumentalities of the Federal Government, only they must be instrumentalities.

Mr. HOLLIS. Mr. President, unless I might forget it when I come to reply, is not the Senator overlooking the well-established principle that while the Federal Government can tax out of existence bank notes issued by State banks the State can not tax the bank notes issued by national banks? There is a plain illustration.

Mr. SUTHERLAND. Mr. President, there does seem to be a distinction of the particular kind to which the Senator calls attention, but the Senator must remember that the decision to which he refers, the decision which held that the Federal Goverment had the power to tax the issues of State banks, was rendered many years after the decision in the McCulloch case. The decision was by a divided court, as I remember, and never has been regarded as being among the strongest decisions of the Supreme Court of the United States. It is a case that stands by itself. However, the general doctrine that I have laid down is recognized, I think, by all the cases.

Now I call attention to the decision of the Supreme Court in the case of National Bank against Commonwealth, which is reported in Ninth Wallace, page 353. In the course of that decision the court said:

It is certainly true that the Bank of the United States and its capital were held to be exempt from State taxation on the ground here stated—

That is, where they were instrumentalities of the Federal Government, by which its important operations were carried on—

and this principle, laid down in the case of McCulloch *v.* The State of Maryland, has been repeatedly affirmed by the court. But the doctrine has its foundation in the proposition that the right of taxation may be so used in such cases as to destroy the instrumentalities by which the Government proposes to effect its lawful purposes in the States, and it certainly can not be maintained that banks or other corporations or instrumentalities of the Government are to be wholly withdrawn from the operation of State legislation. The most important agents of the Federal Government are its officers, but no one will contend that when a man becomes an officer of the Government he ceases to be subject to the laws of the State. The principle we are discussing is its limitation, a limitation growing out of the necessity on which the principle itself is founded. That limitation is, that the agencies of the Federal Government are only exempted from State legislation, so far as that legislation may interfere with or impair their efficiency in performing the functions by which they are designed to serve that Government.

I call attention particularly to what immediately follows:

Any other rule would convert a principle founded alone in the necessity of securing to the Government of the United States the means of exercising its legitimate powers into an unauthorized and unjustifiable invasion of the rights of the States—

And so on.

The case of Railroad Co. against Peniston I have already referred to, and now I call attention to a paragraph in the case of Lane County against Oregon, in which it is said:

In respect, however, to property, business, and persons within their respective limits their power of taxation remained and remains entire. It is, indeed, a concurrent power, and in the case of a tax on the same subject by both Governments the claim of the United States, as the supreme authority, must be preferred; but with this qualification it is absolute.

With the qualification that when the Government of the United States and the State government tax the same thing the claim of the United States is paramount to that of the State—with that qualification the decisions says the power of taxation in the State is absolute.

The extent to which it shall be exercised, the subjects upon which it shall be exercised, and the mode in which it shall be exercised, are all equally within the discretion of the legislatures to which the States commit the exercise of the power. That discretion is restrained only by the will of the people expressed in the State constitutions or through elections, and by the condition that it must not be so used—

Now, mark again the language—

by the condition that it must not be so used as to burden or embarrass—

What?—

the operations of the National Government. There is nothing in the Constitution which contemplates or authorizes any direct abridgment of this power by national legislation. To the extent just indicated it is as complete in the States as the like power, within the limits of the Constitution, is complete in Congress.

Mr. STERLING. What case is that?

Mr. SUTHERLAND. That is a quotation from Lane *v.* Oregon (7 Wal., 57).

Now, I come to a sentence or two in the case of Railroad against Peniston, to which I referred that I desire to read, and I read it because the court in that case very carefully distinguished the case of McCulloch against Maryland and the case of Osborn against The Bank from the other cases which subsequently arose, and pointed out with great clearness the precise limits of the decisions in those two cases. After referring to those two cases, they say:

In the former of those cases—

That is, the McCulloch case—

the tax held unconstitutional was laid upon the notes of the bank. The institution was prohibited from issuing notes at all except upon stamped paper furnished by the State, and to be paid for on delivery, the stamp upon each note being proportioned to its denomination. The tax, therefore, was not upon any property of the bank but upon one of its operations; in fact, upon its right to exist as created.

I pause long enough to hazard at least the suggestion that if the State bank issue tax question had arisen at the same time and had been brought before the same court as the case of McCulloch against Maryland, the court at that time thus constituted would probably have held that the act passed by the Congress of the United States which sought to tax out of existence State bank issues would not have been valid. The court proceeds:

The tax therefore was not upon any property of the bank but upon one of its operations; in fact, upon its right to exist as created. It was a direct impediment in the way—

Of what?—

a direct impediment in the way of a governmental operation performed through the bank as an agent.

Not in some private function of the bank, but—

in the way of a governmental operation performed through the bank as an agent.

In other words, it was the same as if an attempt had been made to tax money issued by the Government of the United States, because it had utilized this bank as its agency through which to perform this governmental function or operation.

It was a very different thing, both in its nature and effect, from a tax on the property of the bank. No wonder, then, that it was held illegal. But even in that case the court carefully limited the effect of the decision. It does not extend, said the Chief Justice, to a tax paid by the real property of the bank, in common with the other real property in the State, nor to a tax imposed on the interest which the citizens of Maryland may hold in the institution, in common with the other property of the same description throughout the State. But this is a tax on the operations of the bank and is consequently a tax on the operations of an instrument employed by the Government of the Union to carry its powers into execution. Such a tax must be unconstitutional. Here is a clear distinction made between a tax upon the property of a Government agent and a tax upon the operations of the agent acting for the Government.

And the court proceeds:

In Osborn *v.* The Bank the tax held unconstitutional was a tax upon the existence of the bank—upon its right to transact business within the State of Ohio. It was, as it was intended to be, a direct impediment in the way of those acts which Congress for national purposes had authorized the bank to perform. For this reason the power of the State to direct it was denied, but at the same time it was declared by the court that the local property of the bank might be taxed, and, as in McCulloch *v.* Maryland, a difference was pointed out between a tax upon its property and one upon its action.

And further, on page 36 of this volume (18 Wall.), the court said:

It is therefore manifest that exemption of Federal agencies from State taxation is dependent, not upon the nature of the agents, or upon the mode of their constitution, or upon the fact that they are agents, but upon the effect of the tax; that is, upon the question whether the tax does in truth deprive them of power to serve the Government as they were intended to serve it, or does hinder the efficient exercise of their power.

Now, in what way are these land banks authorized to serve the Government of the United States? In receiving deposits of governmental money and in discharging some fiscal operation of the Government. When they are loaning money to a farmer they are not performing any governmental function; they are not engaged in any operation for the Government of the United States; it is purely a private function. They are not doing anything for the benefit of the Government of the United States; what they do is for the benefit of the farmer and for the benefit of the bank. They loan money to the farmer upon which they collect interest, and they are authorized to collect interest to such an amount, the bill contemplates, that the bank will earn dividends. It is purely a private business that they are engaged in, so far as that part of it is concerned. The case continues:

A tax upon their property has no such necessary effect. It leaves them free to discharge the duties they have undertaken to perform. A tax upon their operations is a direct obstruction to the exercise of Federal powers.

In this case the tax is laid upon the property of the railroad company precisely as was the tax complained of in Thompson against Union Pacific. It is not imposed upon the franchises or the right of the company to exist and perform the functions for which it was brought into being.

If the State had undertaken to impose a franchise tax upon the Union Pacific Railroad in that case, it would have been invalid.

It is not imposed upon the franchises or the right of the company to exist and perform the functions for which it is brought into being. Nor is it laid upon any act which the company has been authorized to

do. It is not the transmission of dispatches, nor the transportation of United States mails, or troops, or munitions of war that is taxed, but it is exclusively the real and personal property of the agent, taxed in common with all other property in the State of a similar character.

Now, we can imagine the railroad company acquiring a mortgage as a part of its property. Can there be any doubt that the taxing power of the State would have extended to that mortgage as well as to its rolling stock, to its track, and to its real property?

It is impossible to maintain that this is an interference with the exercise of any power belonging to the General Government, and if it is not, it is prohibited by no constitutional implication.

In a very strong opinion rendered in a similar case, involving the right to tax the Union Pacific Railroad, the case being reported in First Dillon, page 314, at page 320, speaking of the proposition that the State had no power to tax the Union Pacific Railroad because it had been created by the Government of the United States, and that, among its powers, it was authorized to perform certain functions for the General Government, Judge Dillon said:

The argument in support of this proposition is that the corporation was created by Congress and not by the State; that it was created because deemed by Congress a fit instrumentality or means of exercising the constitutional powers of carrying on, promoting, or facilitating the operations, or executing the duties of the General Government, and that if it be such instrumentality or means it is settled that it is beyond the taxing power of the State.

Then the court refer to the bank cases and state very briefly what they held, and then proceed:

The defendant controverts these propositions and contends that the Union Pacific Railroad Co., though chartered by Congress, is essentially a private corporation, whose principal object—

Let me pause to emphasize those words "principal object"—

is individual trade and individual profit, and not a public corporation, created for public and national purposes; and denies that it is an instrument, agency, or means of the General Government, in such a sense as, on this ground, to exempt it by necessary implication from taxation by the States. The cases referred to undoubtedly establish the doctrine that no State has the right to tax the means, agencies, or instrumentalities rightfully employed within the States by the General Government for the execution of its powers; and this doctrine is adhered to, and, when understood with the necessary qualifications, declared to be sound by the Supreme Court, in its latest adjudications on the subject.

Then, further on, the court says:

But the doctrine has its foundation in the proposition that the right of taxation—

That is, the doctrine that the State may not impose a tax upon the instrumentalities of the Federal Government.

But the doctrine has its foundation in the proposition that the right of taxation may be so used in such cases as to destroy the instrumentalities by which the Government proposes to effect its lawful purposes in the States, and it certainly can not be maintained that banks or other corporations or instrumentalities of the Government are to be wholly withdrawn from the operation of State legislation. * * * The principle we are discussing has its limitation—a limitation growing out of the necessity on which the principle itself is founded. That limitation is that the agencies of the Federal Government are only exempted from State legislation so far as that legislation may interfere with or impair their efficiency in performing the functions by which they are designed to serve that Government. Any other rule would convert a principle founded alone in the necessity of securing to the Government of the United States the means of exercising its legitimate powers into an unauthorized and unjustifiable invasion of the rights of the States.

Thus far the court is quoting from a case which I have already read. Then the court goes on, at page 323, to say:

The Government created the corporation—

That is, the Union Pacific Railroad—

The Government created the corporation and both authorized and aided the building of the road. It was to be constructed within the Territories of the United States; and if Congress was not the only power which could erect said corporation and authorize it to build the road therein, it is certain that no road could have been constructed through the national domain against the will of Congress.

The purpose of Congress is manifest not only from the nature of the legislative provisions, but from the plain expression of it, both in the title and in the body of the incorporating act. It is declared in the eighteenth section that "the object of this act is to promote the public interest and welfare by the construction of said railroad and telegraph line and keeping the same in working order, and to secure to the Government at all times (but particularly in time of war) the use and benefits of the same for postal, military, and other purposes," and to this end "Congress may, at any time, having due regard for the rights of said companies named herein, add to, alter, amend, or repeal this act." And to the same effect is the title, which is, "An act to aid in the construction of a railroad, etc., and to secure to the Government the use of the same for postal, military, and other purposes."

Therefore the case dealt with a corporation which was expressly designed to carry on operations for the Government far more important than anything of that character that is provided for in the bill now under consideration. Then I come to page 326, where the court says:

Congress had the power to create this corporation; it had the power to make its grants conditioned upon the performance by the corporation of certain duties; the power to reserve legislative control over it, as it did; and these and other provisions of the act intended to secure to the Government the use of the road for postal, military, and other public purposes are not abrogated or abridged by the subsequent admission of Nebraska into the Union as a State; and these rights are inalienable in their nature, without the consent of Congress, and not destructible by any act of the company.

Then the court sums up as follows:

1. That the Union Pacific Railroad Co. is not an instrument of the Government in such a sense as exempts it by implication from the taxing power of the State through which its road may be located.

2. If it be in any sense a Federal instrumentality, the rights of the Government, under the incorporating act, are fully protected and reserved, and any rights derived from a sale for taxes under State authority are entirely subordinate to the original, paramount, and indefeasible rights of the General Government; can not destroy the corporation nor incapacitate it from discharging any of its inalienable, fundamental, and organic duties to the Government. If so, then the case falls without the principle on which the corporation relies to sustain its application for an injunction.

I think I can discover in the more recent judgments of the Supreme Court evidences of a conviction on the part of the judges that the doctrine of implied exemption of Federal agencies from State taxation has been carried quite to its limit, and that it will not be pressed to embrace a case of the character of the one now under consideration.

It is true that in this case and in some of the other cases the statement is made that no exemption from taxation will arise by implication; but the suggestion made by the Senator from Iowa a short time ago, to my mind, must be necessarily true, and that is that the right of the State to tax being a sovereign right the Government of the United States can not interfere with it, unless it be necessary to protect its own instrumentalities or its own operations, either carried on directly or through some agency.

If we once accept any other doctrine, if we once say that the Congress of the United States has the power by an express enactment to do more than that, then we have taken away the sovereign power of taxation from the States, because there is nowhere to draw the line; in the very nature of the case there can be no limitation. If we have the power to say, because we have constituted a certain agency for the purpose of doing certain things for the Federal Government, that we may exempt from State control—because if we can exempt from taxation we can exempt from other control—that we may exempt from State control the operations of that agent which have nothing to do with the Federal Government, then where is the power to end? If we can exempt the mortgage taken by this institution, which constitutes property, upon what theory may we not exempt the farm which the land bank acquires when it has foreclosed one of these mortgages? It seems to me very clear that this is a sovereign power of the State, which the Federal Government is just as powerless to invade, except to protect its own operations, as is the State powerless to invade the sovereign taxing power of the Federal Government, except for the same purpose.

Now, I call attention—and this is the last case which I shall quote—to a recent decision in the case of South Carolina against the United States. That was a case where the State of South Carolina had undertaken to go into the liquor business.

Mr. HOLLIS. Will the Senator please give the reference to that case?

Mr. SUTHERLAND. It is in One hundred and ninety-ninth United States. That was a case where the State of South Carolina had gone into the liquor business, and the Federal Government undertook to collect taxes of the State, just as it collected taxes of corporations or individuals engaged in that business. The State insisted that that was taxing a State operation, and therefore could not be permitted, but the court held that the position was not well taken. The court in its decision, at page 461, said, after referring to a number of decisions:

These decisions, while not controlling the question before us, indicate that the thought has been that the exemption of State agencies and intrumentalities from national taxation is limited to those which are of a strictly governmental character, and does not extend to those which are used by the State in the carrying on of ordinary private business.

In that case they went further than it is necessary for me to go here, and held that even where the State itself engaged in the business, if it was a business that was in its essence ordinarily a private business, it could not escape taxation because it was the State which had embarked in it. At page 463 the court says:

It is reasonable to hold that while the former may do nothing by taxation in any form to prevent the full discharge by the latter of its governmental functions, yet whenever a State engages in a business which is of a private nature that business is not withdrawn from the taxing power of the Nation.

I repeat, in conclusion, that here is an attempt to create an organization for the purpose of doing two wholly distinct things: One, to carry on certain limited operations for the Government; that is, to receive deposits, and to carry on certain fiscal operations; and, second, to discharge the essentially private business of loaning money and collecting interest upon

the loans. The bill does not even contemplate that the Government of the United States necessarily shall be interested in the institution, because it provides that the stock in these various banking institutions shall be subscribed by private individuals; and that only in case there are not sufficient subscriptions from private persons is the Government of the United States to participate. In that event, the Government of the United States is to make up the difference between the subscribed capital and the authorized capital, but provision is made by which the Government retires from the business as a stockholder as quickly as it can, leaving it then wholly in the hands of private individuals.

So that in the last analysis we have a bank which is owned and operated, except for Government supervision, by private individuals engaged in a private business, and the bill undertakes to exempt from taxation the property which they acquire in the discharge of their purely private functions, and not in the discharge of any governmental operations or functions at all.

It seems to me that we are undertaking by that not only to do an unwise thing, to take from a State the opportunity of taxing valuable property within its limits, to which it must afford police protection, as it affords police protection to every other species of property within the State, but that we are doing something that we are without authority to do, namely to invade a sovereign power of the State.

Mr. TOWNSEND. Mr. President, may I ask the Senator a question?

Mr. SUTHERLAND. Yes.

Mr. TOWNSEND. Is there any difference in principle here than would be the case if Congress attempted to exempt from taxation the stock and mortgages of national banks now in existence all over the country? They are all taxed under State law.

Mr. SUTHERLAND. They are all taxed. Of course, the national banks are a good deal more closely related to the Government of the United States than the banks proposed under this bill will be related to the Government, and as a matter of fact, in the national banking legislation—I have not had occasion to examine it for some time—there are certain provisions which affirmatively recognize the right of the State to tax the capital stock of national banks.

Mr. TOWNSEND. And it is all taxed.

Mr. SUTHERLAND. And, as a matter of fact, it is all taxed. As a matter of practical construction, there certainly can be no more reason why the property of the banks proposed to be established under this bill should be exempted from taxation than that like property held by the national banks should be exempted.

Mr. JONES. Mr. President, I desire to present an amendment which I intend to offer to the pending bill, and ask that it may be printed and lie on the table.

I also present an amendment which I intend to propose to the substitute of the Senator from North Dakota [Mr. McCUMBER]. I ask that it may be printed and lie on the table.

The VICE PRESIDENT. Such will be the order, in the absence of objection.

Mr. HOLLIS. Mr. President, the distinguished Senator from Utah [Mr. SUTHERLAND] announces two prime propositions. He says, in the first place, that he does not agree with the policy of exempting these banks and their operations from taxation; and, in the second place, he does not believe in the right of Congress so to exempt them.

The second proposition always follows, in the case of a constitutional lawyer, from the first. Any lawyer who does not believe in a certain policy of Congress is sure to find somewhere in the decisions of the Supreme Court some basis for his position; and I could tell by looking over a list of the Senators of this body those lawyers who would find grave constitutional objections to doing what we are trying to do in this act.

The Senator from Utah has overlooked two or three very important principles. The first is that in McCulloch against The State of Maryland there was no action of Congress whatever exempting the bank or its operations from taxation. In that case the Congress of the United States did not undertake to cover the field of taxation; they allowed it by implication to the States; and yet the court held that, in spite of a failure to include in that statute establishing a United States bank an exemption from taxation, still the operations of the bank were exempt.

Now, take the national banks that exist to the number of 7,500 in this country. There has never been any question raised as to their constitutionality. The question was considered, and an opinion was anounced by the Supreme Court in the case of Farmers' National Bank against Deering, in Ninety-first United States, page 29, in which the constitutionality of the national-bank act was placed expressly on the authority of McCulloch against The State of Maryland. There has never been any argument that the constitutionality of the existing national-bank act rests in the power to issue currency. The Congress of the United States has no express power under the Constitution to issue currency; not the slightest; it has never been claimed that it has. All the authority that it has is to coin money; and the constitutionality of no bank act has ever been placed on the proposition that the bank in issuing currency was coining money or performing a Government function.

Mr. SUTHERLAND. Mr. President, may I interrupt the Senator?

Mr. HOLLIS. Yes.

Mr. SUTHERLAND. The Supreme Court, however, as I recall the decision, has held that having the express power under the Constitution to coin money, Congress has the power, when necessary, to provide a substitute for coined money.

Mr. HOLLIS. I should be very glad to have the Senator produce that case and show where it affected in any degree the constitutionality of any act that Congress has passed for that purpose.

Mr. SUTHERLAND. I am not speaking about it with reference to national-banking legislation; but I say that it has been held that, having the power to coin money, Congress has the power to provide currency or a substitute.

Mr. HOLLIS. That is very true, but the point here is that no bank has ever been declared constitutional because it was given the power to issue currency. If it had been, it would be an authority for the present act; and I wish it were so, because the bonds issued under this act will be just as much currency as the bank notes issued by national banks—precisely as much. They are issued in denominations running from $25 to $1,000; they are promises to pay; they are not legal tender; and that is all the national-bank notes are, namely, promises to pay; they are not legal tender. So, if the issue of currency makes any bank constitutional, the issue of these farm-loan bonds, which are payable to bearer, just as a bank note is, makes this act constitutional; and I hope the Senator will succeed in finding such a case. I have not been able to do so.

There is nothing in the Constitution of the United States which in express terms gives authority to Congress to establish a bank or any other corporation. There is no authority of the kind except by implication. McCulloch against the State of Maryland, which has remained undoubted and unquestioned authority for nearly 100 years, settles that point. Chief Justice Marshall wrote the opinion; Daniel Webster was counsel for the United States, and appeared with the Attorney General. That case decided that the Government can not be run with the express powers given it under the Constitution unless it can borrow money, unless it can regulate commerce between the States, and raise armies and navies. And the only concrete instance that Chief Justice Marshall cites of how that bank could perform Government functions is that it could transfer treasure from the East to the West and from the North to the South.

In the present bill precisely the same functions are given to the land banks that are given to the national banks under the national-bank act. The Supreme Court has nothing to do with the method by which Congress carries out the purposes that are confided to it. Who for a moment thinks that the Government of the United States ever intends to avail itself of all the 7,500 national banks as fiscal agents or as Government depositaries? It is for Congress to say that they may want to do so at some time; it is for Congress to say "We will establish banks of this kind as Government depositaries and as fiscal agents"; and if Congress says "We do it for that purpose," that settles it, and the Supreme Court can not go behind that verdict. So, Congress having decided that it will establish a bank and will make that bank—or 7,000 other banks—Government depositaries and fiscal agents the Government is acting in that sphere, and, so far as the Government acts in that sphere, it becomes supreme.

At this juncture let me call attention to another point which has evidently been overlooked by the distinguished Senator. He has discussed the occupation of a field of taxation by a State and its occupation by the United States, and says that where one has acted the other is excluded. In the railroad cases which he cited the Government of the United States did not act on the question of taxation. The Government set up the instrumentalities to conduct commerce between the States and to transport armies and ammunition, but it did not undertake to occupy the field of taxation so far as those instrumentalities were concerned.

In the present bill the distinguished Senator from Utah would not himself undertake to occupy that field of taxation, and, if he did not, undoubtedly the State would be left free to occupy

it; but where the Government, acting under a sovereign power, does undertake to occupy a field, it occupies it for all purposes and excludes the States from it. That has been decided, and very clearly decided, in a decision under the national-bank act in Veazie Bank against Fenno, 8 Wallace, 533. In that case the United States taxed State bank notes issued by a bank having a State charter, and the court held that the United States may tax bank notes not issued under its authority. That is undoubtedly so, and the opinion has been unanimously concurred in by all the banks of this country, and no State bank undertakes now to issue bank notes. If they did, they would be taxed, and there would be no profit in it. They could issue them if they wanted to pay a 10 per cent tax. Therefore, when the Government of the United States does act upon the subject of taxation concerning any instrumentalities that the Congress has seen fit to employ to carry out an authorized or expressed purpose of the Constitution, then it may act, and act with supreme authority.

In this instance, in section 6 of the pending measure, we have adopted the exact provision found in the national-bank act, to wit:

> That all Federal land banks and joint-stock land banks organized under this act, when designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, except receipts from customs, under such regulations as may be prescribed by said Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties as depositaries of public money and financial agents of the Government as may be required of them.

If the national banks never in the world performed any governmental function whatever they would still be constitutional. The test is not, as the distinguished Senator seems to think, whether or not in the operation that is going on the bank is performing a governmental function. What governmental function is a national bank performing when it loans money to me on my note? None whatever. If Congress sees fit to give to the banks, so that they may exist through the employment of private capital, the power to make money in certain ways, Congress has a right to endow those institutions with such powers; and when they are exerting those powers, whether it is in a private capacity or in a public capacity, they are instrumentalities of the United States, not acting for a public purpose, but acting for a private purpose or any other purpose which can be conceived of, and if they are instrumentalities of the United States, then we may annex any conditions we may desire to the performance of any duties private or public. There can not be any escape from that.

Mr. CUMMINS. Mr. President——

Mr. HOLLIS. I yield to the Senator.

Mr. CUMMINS. My inquiry is whether the exception which the bill contains with regard to real estate is one of policy or one of necessity?

Mr. HOLLIS. Purely one of policy. We could exempt real estate just as much as we could the capital—there is no doubt about it—just as we exempt the post office when we buy real estate and put a Government building upon it. Of course we could.

Mr. CUMMINS. I assume that the Senator applies the rule he has just announced to the real estate as well as to the personal property of the bank?

Mr. HOLLIS. Certainly.

Mr. CUMMINS. And we could except all of it if Congress so desired?

Mr. HOLLIS. Certainly; but I think it would be very bad policy. Let us apply that for a moment.

The United States Constitution—and we do not consider it broadly enough in this body; now and then some one gets up and considers some section of it—declares, first, the purpose of the Constitution, among other things, to promote the general welfare and provide for the common defense, and then it proceeds immediately to discuss the powers of the legislative branch. It sets them up, first tells what the Senate and House shall be composed of, how they shall conduct their business, what shall be a quorum, and so forth, and then, in the eighth section of the second article, I believe, it says that the Congress shall have power to do certain things. We have to operate under the eighth section.

Among other powers given to Congress is the power to establish post offices and post roads. In order to carry that out we want a post-office building. A post office is not a building alone. A post office is a building with people in it to handle the postal business, but to carry out the purpose of constructing a post office we erect a building. We buy from the citizens of a State, from the owners, a certain tract of land, and we put up a post-office building on it. That is exempt from taxation. That is a discrimination against every other piece of real estate that does pay taxes; but we do it, and we could do it here. If it seems wise to Congress in establishing a useful instrumentality—one that will exist and be powerful enough to be of some service to the Government—Congress may exempt its real estate if it wants to, but I think that would be very poor policy.

Now, let me recur to the question of currency.

Most people confuse currency and coin. Coin is specie. It is metal, having a real value, an intrinsic value, and stamped by the Government so that it passes as legal tender from hand to hand. Currency is composed of paper money, bonds, securities, and bank checks. That is currency. It is used all the time as currency. It passes current from hand to hand, but is not legal tender. Now, the bonds issued under this act are just as much currency as the bank notes issued by the Riggs National Bank—just as much. One is legal tender as much as the other; that is to say, not at all. If the bonds secured by these mortgages are properly looked after and properly issued, they will be better currency than the bank notes issued by the Riggs National Bank. They will be better secured. So that if any Senator is going to put the right to establish a national bank on the ground of the power of Congress to issue currency, then this act is surely constitutional. There can not be any escape from that.

Recurring to the railroad cases that have been referred to, I have no hesitation in saying that if it had seemed to the Congress of the United States that it was necessary to exempt those railroads and their real estate from taxation, Congress would have had entire authority to do it. If Congress had believed that otherwise those instrumentalities would not have been vigorous and useful and would not have fulfilled the function of the Government that the Congress thought they would, Congress could have exempted them from taxation. But Congress did not do it, any more than Congress exempted the Bank of the United States from taxation in express terms; and right there comes the difference. Because the issuing of bank notes by the United States Bank was one of the necessary and useful functions to which Congress had regard, therefore the Supreme Court of the United States said: "That is such an operation of the government of the bank that Congress could not have intended that the State could tax it." Why? Because if the State could tax that function of the particular instrumentality—to wit, a bank—it could drive it out of business; and so the States could drive these banks out of business if they could tax them, and they would.

Mr. SUTHERLAND. Mr. President——

Mr. HOLLIS. I yield to the Senator from Utah.

Mr. SUTHERLAND. Does the Senator from New Hampshire think that Congress would have the power to exempt from taxation the engines and cars and other rolling stock of the Union Pacific Railroad?

Mr. HOLLIS. I certainly do, and there can not be any case produced deciding the contrary.

Mr. SUTHERLAND. Because it never has been tried.

Mr. HOLLIS. No.

Mr. SUTHERLAND. The case never has arisen.

Mr. HOLLIS. No; it has not been tried. The Senator asked me for my opinion, and I gave it; and I am entitled to it, as much as anyone else is entitled to his opinion, until the court decides differently.

Mr. SUTHERLAND. Certainly.

Mr. HOLLIS. Congress would not attempt to do it, of course; and I should not attempt to get the land exempted from taxation under this bill.

Mr. SUTHERLAND. I do not desire to interfere at all with the Senator's entertaining that opinion, but I ask the Senator this further question: I suppose the Senator concludes that Congress would have the power to exempt from taxation the property of the Union Pacific Railroad Co. because the Union Pacific Railroad Co., in certain aspects, was an agency of the Government?

Mr. HOLLIS. Yes. That is for Congress to decide, whether it is or not.

Mr. SUTHERLAND. The Senator recognizes that the Attorney General is an agency of the Government of the United States?

Mr. HOLLIS. I beg the Senator's pardon; I do not think the Attorney General is an agent of the Government of the United States. He is an official, with certain prescribed duties. He can not bind the Government of the United States.

Mr. SUTHERLAND. Does the Senator think he is an agency of the Government?

Mr. HOLLIS. I think he is an officer.

Mr. SUTHERLAND. Is he not an agency?

Mr. HOLLIS. Why, you may call him that. You may call him an instrumentality. I do not care what you call him.

Mr. SUTHERLAND. Does not the Government perform certain functions through him?

Mr. HOLLIS. Certainly.

Mr. SUTHERLAND. Does the Senator think that the Congress of the United States could exempt from taxation any of the individual property of the Attorney General?

Mr. HOLLIS. Why, I do not think any such thing. I do not know. I never have seen it decided. I can not conceive of anyone raising such a question. I do not care to give an opinion on such a matter.

Mr. SUTHERLAND. I personally can see very little difference in principle between the two things.

Mr. HOLLIS. That is because the Senator does not want to see the difference; and when a man does not want to see a difference, you can not make him see it. Knowing the Senator's drift of mind and his policy on public questions, I should not expect him to be able to see the constitutional power here, plain though it may be. I do hope the majority of the Senators will see it, and I am very confident the Supreme Court of the United States will see it if the bill is passed.

Mr. SUTHERLAND. I will say to the Senator, if he will permit me, that I am very glad that I have not the ability to see some things as some people see them.

Mr. HOLLIS. Well, that is pleasant, and I am much obliged.

Mr. CUMMINS. Mr. President, whatever may be said about the Senator from Utah, the Senator from Iowa is not a narrow or an illiberal constructionist of the Constitution.

Mr. HOLLIS. Well, I do not entirely agree to that.

Mr. CUMMINS. But I rise to ask this question: Does the Senator from New Hampshire think that Congress could have given the State of Maryland the right to tax the notes of the United States Bank?

Mr. HOLLIS. If Congress had said, "The notes of the United States Bank shall not be exempt from taxation by a State authority," that undoubtedly would have been constitutional.

Mr. CUMMINS. The Supreme Court held, however, that the tax was unconstitutional because repugnant to the Constitution; and the substance of the Senator's answer seems to me to be that Congress can, if it desires, waive the Constitution.

Mr. HOLLIS. No; I do not think that is at all so. Congress might have done it in this way, and it undoubtedly would, if it had acted. I am glad the Senator has raised that point, because it raises exactly the same question that was decided under the national-bank act. I say, and I believe, and the authorities sustain the proposition, that the Government might provide that the capital stock and the real estate of a national bank are exempt from taxation. I believe that. But Congress has said that the capital stock of a national bank may be taxed the same amount as the capital stock of other institutions of a like character in the State. Now, that is constitutional; and if it had made that same provision in the law under consideration in McCulloch against the State of Maryland that would have been constitutional.

I do not say that Congress can do anything repugnant to the Constitution. Of course it can not; and if it had made the same provision about the bank notes and had said that they should be subject to the same tax as bank notes issued by State institutions, that undoubtedly would have been constitutional.

Mr. CUMMINS. In the absence of any such statement as that, does not the Senator from New Hampshire think that an attempt on the part of the State to discriminate against the stock of a national bank or the property of a national bank would be invalid?

Mr. HOLLIS. Does the Senator mean under the statutes as they are?

Mr. CUMMINS. Without any statute at all on that subject.

Mr. HOLLIS. Without any statute? I think it would have been discrimination.

Mr. CUMMINS. And would have been entirely invalid?

Mr. HOLLIS. I think so.

Mr. CUMMINS. Even if Congress had not spoken at all?

Mr. HOLLIS. I think so; certainly.

Mr. CUMMINS. I am only trying to suggest that, in my opinion, whatever exemption from State taxation exists on the part of property within a State arises under the Constitution, and does not and can not arise under any law of Congress. Congress can neither add to nor take from the Constitution.

Mr. HOLLIS. Congress has acted in the national-bank act, however, which all concede to be constitutional.

Mr. THOMAS. Mr. President, the position suggested by the Senator from Iowa [Mr. CUMMINS] is entirely logical, to my mind; but it seems to me that it is overthrown, or at least it is affected, by the decision of the Supreme Court sustaining a tax placed upon State bank currency for the avowed object of suppressing it and making such issues impossible.

Mr. CUMMINS. Mr. President, if I may be allowed to mention that case, that is an authority arising under the power of the Federal Government to tax. It laid the tax. Of course, the power to tax need not be exercised by the General Government in every instance in which it has the power to tax. It is not so exercised now. The Federal Government has the right to tax every business concern in the United States, if it pleases, simply because it is carrying on that particular business; but it does not do so. It is a power in abeyance. So when the Federal Government came to lay a tax upon State bank circulation it did not involve the exemption of property from taxation under the Constitution.

The Senator from New Hampshire has not stated fully the reasons given by the Supreme Court in sustaining that act on the part of Congress. I think he will remember that there were a good many objections made against the tax. Among others, the question of direct and indirect taxation arose; and the Supreme Court finally sustained the Federal power, because it held that it was a function of the Federal Government to provide the people of this country with a circulating medium, and that the State bank circulation interfered with the power of the Government to provide the people of the country with a stable circulating medium, and therefore the Federal Government could designedly drive the State circulation out of existence.

Mr. HOLLIS. That is merely a matter of policy. That is not a matter of right; it is a matter of policy. Congress did that as a matter of policy. We are passing this bill as a matter of policy; but our right to pass it rests on a very different thing.

Mr. CUMMINS. Not at all.

Mr. HOLLIS. The Supreme Court has decided that the right to pass the national-bank act rests on the authority of McCulloch against the State of Maryland.

Mr. CUMMINS. Not at all. In the case of McCulloch against Maryland the question was, Can the State impose a tax upon a Federal instrumentality? There was nothing in the law which either gave the State the right to do it or withheld from the State the right to do it.

Mr. HOLLIS. I have not said there was. I said the national-bank act was decided constitutional on the authority of McCulloch against the State of Maryland, and it is true.

Mr. CUMMINS. I do not quite think so; but, then, that is——

Mr. HOLLIS. Well, if the Senator will do me the honor to read the case I cited to him, I think he will find it stated there in terms.

Mr. CUMMINS. I will read, however, the last paragraph in the opinion, if the Senator from New Hampshire will permit me.

Mr. HOLLIS. Which one?

Mr. CUMMINS. It is the case of Veazie Bank against Fenno. It is the case to which the Senator from New Hampshire referred a few moments ago.

Mr. HOLLIS. I beg the Senator's pardon. The case I referred to as establishing the constitutionality of the national-bank act was Farmers' National Bank *v.* Deering (91 U. S., 29).

Mr. CUMMINS. In the inquiry of the Senator from New Hampshire addressed to the Senator from Utah I am quite sure the Senator referred to that opinion.

Mr. HOLLIS. I did refer to it, but for another purpose—not for the constitutionality of the national-bank act, but for the power of the United States Government to tax State bank notes out of existence.

Mr. CUMMINS. To tax a State instrumentality.

Mr. HOLLIS. Yes. They are very distinct.

Mr. CUMMINS. And this is what the Supreme Court said in closing this opinion:

> Having thus, in the exercise of undisputed constitutional powers, undertaken to provide a currency—

I interpolate, through the national banks—

> for the whole country, it can not be questioned that Congress may, constitutionally, secure the benefit of it to the people by appropriate legislation. To this end Congress has denied the quality of legal tender to foreign coins and has provided by law against the imposition of counterfeit and base coin on the community. To the same end Congress may restrain, by suitable enactments, the circulation as money of any notes not issued under its own authority. Without this power, indeed, its attempts to secure a sound and uniform currency for the country must be futile.

The Supreme Court, in truth, did not treat the enactment which levied the tax as a part of the taxing power for revenue at all. It treated it as though it was an exercise of the power to destroy the State-bank circulation; and it could have done it in some other form quite as effectually and quite as constitutionally as it could have done it through the power of taxation.

Mr. HOLLIS. If the Senator will permit me, the case from which the Senator has read had nothing whatever to do with the constitutionality of the national-bank act, which set up the national banks as instrumentalities of this Government. It dealt with the power of the Congress of the United States to tax out of existence the State bank notes. There is no doubt about that. They decided, in the words of the opinion, that Congress had undertaken in a constitutional way to act through national banks; and in the case of the Farmers' National Bank against Deering, which called directly in question the constitutionality of the national-bank act, the decision was put precisely on the authority of McCulloch against State of Maryland, and not at all on the power to provide a suitable currency for the United States. That was the only point I wanted to make.

Mr. WILLIAMS. The Senators are talking about different things.

Mr. CUMMINS. I do not differ at all with the Senator from New Hampshire with regard to the reasons which underlie the power of the Government to establish national banks. I do not question the statement of the Senator from New Hampshire that the national banks of the country rest upon the same constitutional authority that was invoked in the case of the United States Bank in the early part of the century.

Mr. HOLLIS. I am very glad the Senator understands that. I did not want the other Senators to be misled.

Mr. CUMMINS. I was simply calling the attention of the Senator from New Hampshire to the fact that because the United States could tax, or destroy in any other method, State bank circulation, that was not even a step toward the argument that Congress could exempt these land banks and their property, their bonds, their stock, from State taxation.

Mr. THOMAS. Mr. President, if the Congress had enacted a law for the purpose of protecting its own issues of currency and in order to give the Nation a general system of currency circulation by prohibiting the issue of currency by State banks, I never should have questioned its authority to do so, in view of the decisions up to the time the statute taxing the State bank currency was passed. But it has always seemed to me that the decision in the case just referred to by the Senator from Iowa [Mr. CUMMINS] was opposed in principle to the doctrine of McCulloch against Maryland, which recognizes the exemption of State instrumentalities from Federal taxation quite as vigorously as it insists upon the exemption of the national instrumentalities from State taxation. Indeed, the statement of the one thing necessarily includes the statement of the other. But it did not legislate directly in prohibition of the issuance of currency by State banks.

There was a time when there were State banks in the true sense of the term—that is, banks which were organized by the State for the State, and which were controlled by and run in the interest of the State government. Of course, they did a general banking business. Now, the Federal Government, through Congress, for the purpose of protecting the currency of its own banks and giving it that national quality which it possesses, and which was desirable, in the exercise of its taxing power placed a tax upon the instrumentalities and the currency of the States and made it prohibitory. If we can conceive that State banks, or banks organized by authority of the States, notwithstanding such 10 per cent tax, had continued to issue their currency, it would have been good in the States of issue, at least. In other words, the enforcement of the tax does not of itself destroy the circulating quality, so to speak, of the bank note against which it was aimed.

That has been held, nevertheless, by the Supreme Court of the United States to be the exercise of a proper authority. If that be so, then it seems to me that if this bill sought to accomplish the same purpose by providing for prohibitory tax upon all other mortgages and all other bonds issued by or under State authority—we will say 10 per cent upon the amount which they represented—certainly that would necessarily be upheld by the Supreme Court of the United States if Congress has the power to enact this rural credits legislation at all; and inasmuch as that case has determined that Congress may, by the exercise of its taxing power, destroy a competitor, certainly it is not going too far to say that it may accomplish the same purpose by providing exemptions upon its own instrumentalities, its own currency, its own circulating medium.

Mr. LEWIS. Mr. President——

Mr. SUTHERLAND. Mr. President, may I ask the Senator from Colorado a question? I am not entirely sure that I apprehend the position that the Senator takes with reference to the Veazie Bank case. Does the Senator think that in that case the act was justified by the court upon the ground that it was a naked exercise of the taxing power?

Mr. THOMAS. I never have thought so, although, of course, I realize that the power to tax is the power to destroy. In fact, the Chief Justice says so. He uses that expression in McCulloch against Maryland.

Mr. SUTHERLAND. The Veazie Bank case, as I said in answer to the Senator from New Hampshire when he asked me about it, has never entirely satisfied my own judgment, which, however, does not matter very much.

Mr. THOMAS. I never have been able to reconcile it with previous decisions of the same court, but it is the law just the same.

Mr. SUTHERLAND. But I take occasion, with the permission of the Senator, to incorporate in the RECORD, so far as it deals with this question, the syllabus of that case, Veazie Bank against Fenno, in Eighth Wallace, at page 533:

> Congress having undertaken, in the exercise of undisputed constitutional power, to provide a currency for the whole country, may constitutionally secure the benefit of it to the people by appropriate legislation, and to that end may restrain by suitable enactments the circulation of any notes not issued under its own authority.

Mr. THOMAS. With that I agree, provided the power is exercised directly.

Mr. SUTHERLAND. Yes.

> The tax of 10 per cent imposed by the act of July 13, 1866, on the notes of State banks paid out after the 1st of August, 1866, is warranted by the Constitution.

It appears from that, taking those two syllabi together, that the decision of the court was based upon the proposition, not that it was a legitimate exercise of the taxing power per se, but that it was a law passed for the protection of the currency of the United States for which the Congress, in the exercise of its constitutional power, had provided. Notwithstanding that, there is a very strong dissenting opinion, as the Senator knows, and I think nobody can read the dissenting opinion without coming to the conclusion that it is the better reasoned of the two opinions.

At the conclusion of that opinion, Mr. Justice Nelson, speaking for the minority, said (p. 556):

> Even if this tax could be regarded as one upon property, still, under the decisions above referred to—
>
> Those, among others, were the United States Bank cases—
>
> it would be a tax upon the powers and faculties of the States to create these banks, and, therefore, unconstitutional.
>
> It is true that the present decision strikes only at the power to create banks, but no person can fail to see that the principle involved affects the power to create any other description of corporations, such as railroads, turnpikes, manufacturing companies, and others.

And, taking the dissenting opinion all through, I think the Senator will agree with me that it is a remarkably well-reasoned opinion.

Mr. THOMAS. I think it is unanswerable.

Mr. SUTHERLAND. The majority opinion can only be justified, as it seems to me, upon the single ground that the law is passed for the protection of the currency of the United States; and it is justified by the court just as they would have justified a law which had expressly declared that no such State notes should be issued at all.

Mr. THOMAS. Certainly. The Supreme Court having sustained the legislation, of course we must assume and also concede that the legislation was entirely within the purview of congressional authority; but its application here, to my mind, seems appropriate, provided it would give authority to Congress in this bill, by providing for a tax upon all other mortgages to the extent of 10 per cent, or a prohibitory tax, practically to do away with all possibility of competition in the operation of this law. If that be so, then it seems to me that the power exists to exempt, although they may be instrumentalities or may not be, those things which are provided for in this law, since that practically accomplishes the same purpose.

Mr. LEWIS. Mr. President——

Mr. CUMMINS. Mr. President, may I ask the Senator from Colorado a question with regard to the last suggestion, which I think is absolutely sound, if I understood him correctly? We have the same right to levy a tax of 10 per cent or any other proportion upon every mortgage issued in the States, and thus compel the land banks to do all the business, that we have to exempt the mortgages of the land banks or their bonds from taxation, and in that way drive other mortgages out of existence. I understood the Senator to say that both would rest upon the same constitutional authority, and I think he is right about that. If we could do either—if we could do what we now propose to do, exempt these things from taxation—we could accomplish the same purpose by imposing a direct tax upon mortgages that are not issued by the land banks.

Mr. THOMAS. Yes. In other words, it is a choice of method of procedure.

Mr. CUMMINS. So the Senator from Colorado believes that we could, if we desired to do it, put a tax of 10 per cent, or any other sum, upon every mortgage issued upon farms in the United States?

Mr. THOMAS. I would not want to go so far as to say I think we have that power. The decision to which the Senator referred seems to give it. If we have the power, then if we can accomplish the same end by exemption from taxation of mortgages and bonds provided for by this act, we have the power to do it. Now, whether Congress has the power to enact legislation of this kind, to place a prohibitory tax on all bonds and mortgages, I do not want to commit myself. This decision goes a long way in that direction. I think, however, I can say with perfect safety that if we have the power to enact this bill at all, if Congress has the power to create a system of rural-credit banks, then it has the power to enact all the legislation necessary for the protection and for the operation of the system; and upon the assumption that we have that power, coupled with the decision to which the Senator refers and the other decisions that have been quoted here, it seems to me that the provision which is now the subject of consideration is within the power of Congress.

Mr. LEWIS. Mr. President, I wish to address myself to the question, if the Senator from Utah will allow me. I happened to come into the room while the controversy upon the legal aspect of this bill was being indulged by the Senator from Utah, the Senator from New Hampshire, and the Senator from Iowa. I heard the Senator from Utah quote the concluding paragraph from the opinion in Ninth Wallace. Am I right in this?

Mr. SUTHERLAND. I referred to Ninth Wallace. I do not remember whether what I read was the concluding paragraph.

Mr. LEWIS. I make the inquiry of the Senator, knowing him to be a skilled lawyer, living as he does in Utah and knowing the litigation involved in the Union Pacific Railroad Co. My mind reverts to the case of Peniston against Union Pacific Railroad Co., in Eighteenth Wallace, where, if I am not in error, the Supreme Court there held, touching the Union Pacific, that whether a tax levied upon governmental agency was good or whether one could be exempted as righteous, turned rather on the effect the tax worked than upon the designation of it by name or purpose.

I will ask the Senator from Utah does he not think that that so modifies the rule laid down in Ninth Wallace as to leave it as follows: That the right of the Government to exempt the tax, the legality or not, the validity or not, will turn upon the effect that the courts will give as to how far such stimulates circulation or restrains, to leave it rather a question of fact than one of law. Would not the Senator conclude that such must be the result of the ruling to which I allude, if I am right in my memory?

Mr. SUTHERLAND. It is entirely due to my dullness, no doubt, but I do not well get the point the Senator makes.

Mr. LEWIS. I may have misunderstood the Senator from Utah, and I am anxious to see if I did. Does the Senator from Utah contend that an attempt by the Federal Government to exempt this proceeding, this State bank issue, from State taxes, was per se illegal?

Mr. SUTHERLAND. My point is that the Government has no power to exempt property lying within the limits of a State from State taxation simply because the property happens to belong to an agent of the Federal Government or an agency of the Federal Government.

Mr. LEWIS. In reference to that last point, then, I ask the Senator if his mind reverts to the case against the Owensboro Bank, in One hundred and seventy-third United States? I think there it was held that it was in the power of Congress to make a reservation by its own act of a right of a State to impose a tax on a Federal institution. Am I right about that?

Mr. SUTHERLAND. I do not recall the case the Senator refers to, but no doubt the Senator has stated it accurately.

Mr. LEWIS. Let me call your attention, for I am anxious myself about this, and I must be free to say to the Senator I trust I am not intruding. This question of taxes we are now discussing fell under me in a professional way, and the whole field of it I had to go through with. I argued the contention of the right of the city of Chicago to levy a tax upon certain instrumentalities of the Federal Government by virtue of municipality. I wish to say to the Senator I argued that case with such power and capability, with such irrefutable logic, that the court, at the conclusion of my argument, decided it for the other man without hearing him at all. [Laughter.]

Mr. SUTHERLAND. I do not blame the court a particle.

Mr. LEWIS. But in this pursuit my mind was especially addressed to the distinction, and I am very much interested in the point the Senator suggested, and particularly the distinction which he presented, and which the Senator from Colorado and the Senator from Iowa sought to sustain. I ask the Senator if he can see the distinction in the case of Owensboro against the National Bank. I will read only a part of the syllabus, where the court say—and they went very far, as the Senator says, in opposition to what appears as a general principle:

A State is wholly without power to levy any tax, either direct or indirect, upon national banks, their property, assets, or franchises, except when permitted so to do by the legislation of Congress.

I am strongly impressed with the idea that previous to this decision and previous to the decision that followed it in 180, a case that came from the West, there was a general idea that the State had no such power, and the creation by Congress of a Federal institution of this kind promptly placed it within constitutional protection, and within that Federal constitutional immunity it was safe and secure.

But I state to my able friend from Utah here is where I am embarrassed. If it is in the power of an act of Congress to subject an institution to State taxation, is it not equally in the power of Congress to waive the right and exempt it from taxation?

Let me reverse myself and make it shorter and make it plain to the mind, because if it is not legal we ought not to pass it. I am for the measure generally, but I do not wish to vote for what is illegal, and I wish the Senator's opinion. If we can pass this measure and provide that there shall be an exemption, if we can provide that no State shall put a tax upon this property, do we not simply say to the State we have created an agency for the general use of the Federal Government, and therefore to that extent we deny the right of the State to burden it by that taxation? Would not that act of Congress prohibit the State within the meaning of this decision from levying that tax?

Mr. SUTHERLAND. Let me ask the Senator from Illinois a question. This bill creates a so-called land bank, and among other things it provides that the Government of the United States may deposit funds in that bank, and that it may discharge—I do not remember what they are—fiscal operations for the Government of the United States. To that extent this bank may be regarded as an instrumentality of the Federal Government. But the association is made up of private stockholders, private individuals, who put their capital into the bank and take stock, and these private individuals operate the bank, and in the course of their operations they loan a farmer $1,000 and take from the farmer a mortgage upon his land. I ask the Senator from Illinois what governmental function the bank performs in making that loan?

Mr. LEWIS. Has the Senator concluded?

Mr. SUTHERLAND. Oh, yes.

Mr. LEWIS. My judgment would be this, Senator, that in his position as a citizen of the United States the United States is assumed to give him the right to enjoy the privileges of money and its circulation; that it has provided an agency to accomplish that purpose, and when it provided the agency by Federal legislation, the office of the Federal Government that was being discharged, was the opportunity to enjoy the circulation upon the security tendered which the Government had elected to select.

Mr. SUTHERLAND. Does the Senator from Illinois think that the loan of money is a governmental function or a private function?

Mr. LEWIS. The Senator remits me now to the vexed discussion that has been with us from the founding of this Government. My judgment is this, that the lending of money by the Federal Government to the citizen is a governmental agency. The lending the Government by a private agent in exercising the privilege of the charter of the Federal Government is private business.

Mr. SUTHERLAND. If the Senator thinks that loaning money is a governmental function, there is no common ground for us to argue upon. The Senator thinks whenever the Government does anything that makes it a governmental function?

Mr. LEWIS. Otherwise the Government could never enforce it. The moment it attempted to enforce it any one of the sovereignties could step in and say, "It is not governmental for you to enforce it, because the doing of it is in the exercise of a private capacity, and therefore a Government can not enforce it." I take it that to avoid a punishment for a violation of the Government decree it would be answered that true you authorize it and carry it out, but as a Government you can not punish the disobedience. It would be impotent unless it was a Government act, from my point of view.

I should like to ask the Senator from Utah to look at this case which I hand to the Senator, and in this case of Peniston against the Union Pacific, Eighteenth Wallace. I should like to call the Senator's attention to that. A specific qualification of

Ninth Wallace, read by him, is made; but I am not quite so sure to the extent. My mind is a little hazy. It has been some time since I had occasion to use this case.

May I read from page 30, Railroad against Peniston, which came from Utah and Kansas, and it involved the whole Government railroad line through, and the case from which the Senator read with much appropriateness a moment ago? On page 30 the Senator will find this:

There are, we admit, certain subjects of taxation which are withdrawn from the power of the States, not by any direct or express provision of the Federal Constitution but by what may be regarded as its necessary implications. They grow out of our complex system of government, and out of the fact that the authority of the National Government is legitimately exercised within the States. While it is true that Government can not exercise its power of taxation so as to destroy the State government or embarrass their lawful action, it is equally true that the States may not levy taxes the direct effect of which shall be to hinder the exercise of any powers which belong to the National Government. The Constitution contemplates that none of those powers may be restrained by State legislation. But it is often a difficult question whether a tax imposed by a State does in fact invade the domain of the General Government—

The question the Senator asked me a moment ago—

or interfere with its operations to such an extent, or in such a manner, as to render it unwarranted.

A distinction I sought to make to the able Senator in my reply.

It can not be that a State tax which remotely affects the efficient exercise of a Federal power is for that reason a loan inhibited by the Constitution. To hold that would be to deny to the States all power to tax persons or property. Every tax—

And so forth.

Then they proceed:

Hence the Federal Constitution must receive a practical construction.

And the court discusses the correlative relation of taxation.

I respectfully urge upon the able Senator's attention this point. Would not the Senator conclude from this, and this opinion following, that the subject matter of tax, the method in which it operates, the effect it has upon the subject matter which must be the basis to determine whether it is legal or not—I ask the Senator, would not the tax be illegal if it shall be held that in its operation it does serve to retard the instrumentalities of the Federal Government? Would it not be held, therefore, illegal if we put one upon it and so served in its operation to retard the object? Are we, therefore, not back again to the question as to the effect of the operation of the tax that the State may or may not tax the Federal Government or may or may not grant the immunity, according to the purpose of the legislation, rather than to the mere distinction in powers of State and Federal Government?

Mr. SUTHERLAND. Mr. President, my complaint about this exemption is that it interferes with the sovereign power of the State to tax within the limits of the State the same kind of property that it taxes in the hands of private individuals, simply because it happens to be held by an association which in an altogether different connection may act as an agency of the General Government.

Mr. STERLING rose.

NOMINATION OF LOUIS D. BRANDEIS.

Mr. SUTHERLAND. Mr. President, the Senator from Arizona [Mr. ASHURST] is, I see, in his seat, and I want to call attention while he is here to an interview which purports to have been given by the Senator to the newspapers, as reported in the Washington Herald of this morning. In the course of that interview, the Senator from Arizona is quoted as having said—I read the article:

The session of the Judiciary Committee of the Senate held yesterday to consider the nomination of Louis D. Brandeis for Associate Justice of the Supreme Court was attended with some acrimony and Senator ASHURST, who is favorable to the confirmation of Brandeis, left the meeting in perturbed state of mind after telling the Republican members of the committee that they were deliberately filibustering against a report on the nomination.

I hope the Senator from Arizona was not responsible for giving that interview, because nothing of the kind occurred.

Mr. ASHURST. That is true.

Mr. SUTHERLAND. In the first place, no Republican Senator is responsible for not having an immediate report made on the Brandeis case. On the contrary, so far as I am informed, the Republican members of that committee are quite ready to vote upon it at any time; and, second, if the Senator was in a perturbed state of mind, I did not observe it. In the third place, the Senator did not tell the Republican members of the committee that they were deliberately filibustering or that they were filibustering at all, because I was present during the whole of the meeting and nothing of that sort occurred.

Mr. ASHURST. If the Senator will yield to me, I will state that I have never seen that interview. I never said in the Judiciary Committee that the Republican members were filibustering. I have never seen that interview. The interview which I saw in the New York World was one that is substantially correct. When I came out of the Judiciary Committee yesterday morning I did say something in response to questions about this case, and, Mr. President, as was my wont and my custom, I said what I thought. I am not of that character of public men who give an interview to a newspaper reporter and then when the newspaper man honestly and faithfully publishes the same, shifts the responsibility and say the paper garbled the statement.

What I said to the newspaper man was this. The reporter asked me, "Do you think the Republican members are filibustering until after the convention?" I said "Yes, sir"; and I did think it, and, upon the whole, I think it now.

Mr. SUTHERLAND. Let me say to the Senator——

Mr. ASHURST. Just a moment.

Mr. SUTHERLAND. The Senator will permit me a moment right there. I wish to say if the Senator thinks so the thought of the Senator is without warrant.

Mr. ASHURST. I am glad to know that.

Mr. SUTHERLAND. There is not any other member of the committee, in my judgment, who will agree with the Senator.

Mr. ASHURST. I think that is quite true.

Mr. SUTHERLAND. Democrat or Republican.

Mr. CLARK of Wyoming. If the Senator from Arizona had been as faithful in his attendance upon the hearings as the Republican Members and other Democratic Members have been, he would not have formed that notion, because I say for both the Republican and the Democratic members of the committee that they have proceeded with fair and honest purpose to reach a definite conclusion, and I can only regret that the Senator from Arizona has not honored the committee with his presence so as to assist them in that laudable purpose.

Mr. ASHURST. Mr. President, unlike some other members of the Judiciary Committee I do not pretend to deliberate when my mind is made up. I do not wish any members of the Judiciary Committee, of which I happen to be a member, to feel offended. A member of the Judiciary Committee told me this afternoon that I had violated the proprieties in stating what took place in the Judiciary Committee. Mr. President, you can remove me from the Judiciary Committee, but you can not seal my mouth.

Mr. CLARK of Wyoming. The Senator has reference to me. I did not make the statement. I said I thought retailing in public what occurred in executive session of the Judiciary Committee or any other committee was an impropriety, the same as it would be to reveal what occurred in an executive session of the Senate.

Mr. ASHURST. I deny here and now that I retailed what took place. I do not say what took place. I assert here on my responsibility as a Senator, and I call the reporter to witness, that I never stated what took place. I said what I thought, and I should like to see the color of the person's hair who can imprison my thoughts. I can well understand the perturbation, indeed the astonishment, that must have greeted the Republican Party when the name of such a man as Louis D. Brandeis was sent in to be a justice of the Supreme Court.

If the nominee had been a man who all his life had been steering giant corporations around the law, there would have been a yell of approval from the Republican side, but there having been sent in the name of a man who has consecrated his life to the poor people of this country, casuistry must be resorted to, and then all the delay that can be conjured up is resorted to.

Mr. CLARK of Wyoming. Mr. President——

Mr. ASHURST. Just a moment. As to whether or not there is a filibuster on the case can easily be determined next Monday morning by a vote on the matter. If all are willing to vote and do vote, then I shall believe there is no filibuster; but it must not be forgotten, in connection, that in your desperation to secure a candidate whom you think could win, in your desperation to overthrow Woodrow Wilson—not Republican Senators, they are above it—but their party has reached out its hands and attempted to grasp from the Supreme Court of the United States one of its members in order to mingle him in the debaucheries of politics, and so flagrant is your disregard of that great court that one of your own members, the Senator from California [Mr. WORKS], an honored member of the Judiciary Committee, openly rebuked you in the Senate for that conduct.

I do not resent the resentment which you feel over my interview. I again assert I did not say what took place in that committee; I said what I thought and I stand by it.

Mr. CLARK of Wyoming. Well, Mr. President, I have nothing further to say than what I have said. Attention has been called

by a Senator to an interview which was given out, and which the Senator from Arizona fathers. The interview states anything but the truth. The Senator himself is perfectly aware of that, because he has been informed of it, and he has reliance on the word of those who have informed him. All the tirade about political matter cuts no figure. The interview is denied.

Mr. LEWIS. Mr. President——

Mr. ASHURST. Just a moment.

Mr. WORKS. Mr. President——

Mr. ASHURST. Just a moment, please. I hardly know what effect that would have. The interview can not be denied, because I gave it. I gave the interview, and I assert I believed it when I said it. If the Senator wants to say he does not believe that I believed it, that is a different question.

Mr. SUTHERLAND. Let me ask the Senator, did the Senator give the interview I read?

Mr. ASHURST. No. I did not. The interview I gave was this——

Mr. SUTHERLAND. Let me ask the Senator, does the Senator repudiate the statement in the Herald which I read?

Mr. ASHURST. Let me see what the Senator wants me to repudiate before I do any repudiating.

Mr. WORKS. Mr. President——

Mr. ASHURST. Pardon me just a moment. This paper, the Washington Herald, which is usually an accurate paper, says as follows—I omit the headlines, because headlines never mean anything in a newspaper:

The session of the Judiciary Committee of the Senate held yesterday to consider the nomination of Louis D. Brandeis for Associate Justice of the Supreme Court was attended with some acrimony.

That is not so; there was no acrimony displayed. I did not feel any acrimony, and do not feel any now.

Senator ASHURST, who is favorable to the confirmation of Brandeis, left the meeting in a perturbed state of mind.

Well, that is not so.

After telling the Republican members of the committee that they were deliberately filibustering against a report on the nomination—

That is wholly and purely a fabrication. I did not tell any Senator such a thing.

Later, after he emerged from the committee room, the Senator said that there was a disposition to postpone action on the nomination until after the national conventions. He charged that questions had been asked for the twentieth time in the committee—

That is true, though I did not charge that. The same question has probably been asked 20 times.

Mr. SUTHERLAND. To what question does the Senator refer?

Mr. ASHURST. Like many things in this life, they are too numerous to mention.

Mr. SUTHERLAND. I do not recall any such question as the Senator mentions. I would be glad if he would point it out.

Mr. ASHURST. The statement in the Herald continues—

and old straw thrashed over, and the Senator intimated that if dilatory tactics were persisted in the matter might be taken up in the executive session of the Senate and a motion made to discharge the committee from further consideration of the case.

Mr. President, I do not wish to be stapled to this interview as reported in the Herald. I say again that what took place was this: As I emerged from the committee room I met a number of reporters. It has not been my habit to state what takes place in any executive session, although I am opposed to any kind of executive sessions. If I had my way, there would be no such thing as an executive session—the doors would be unlocked and open. I was asked by the reporters if I thought a filibuster was being conducted on the Brandeis nomination until after the conventions. The words were put to me in that way, and I said, "Yes; I think so, and I wish you would say so in your newspapers."

Mr. CUMMINS. Mr. President——

Mr. ASHURST. I yield to the Senator from Iowa.

Mr. CUMMINS. Does not the Senator know that substantially the entire session of the committee to which he refers in the interview was consumed in an argument made by a Democratic member of the committee in favor of Mr. Brandeis?

Mr. ASHURST. The Senator from Wyoming stated the truth when he said I had not been in attendance at all times upon the Judiciary Committee meetings.

Mr. CLARK of Wyoming. The Senator was present yesterday.

Mr. ASHURST. I was there yesterday, and I want to say that I have not been present because I had to attend conference meetings on the Indian appropriation bill, which have lasted a month and were only finished this morning.

Mr. CUMMINS. Then the Senator does not know what I have just stated in the form of an inquiry?

Mr. ASHURST. I can not answer that question.

Mr. CUMMINS. I am sure the Senator will be so assured by his fellow Democratic members of the committee. Does he know that three-fourths of the time that has been taken up since the nomination was reported to the full committee has been consumed by Democratic members of the committee?

Mr. ASHURST. Yes; and I deplore that. I deplore a Democratic filibuster even more than I do a Republican filibuster.

Mr. CUMMINS. The Senator from Arizona stated nothing about a Democratic filibuster.

Mr. ASHURST. No; I did not, because when I think of a filibuster I think of your party. It filibustered three months last winter to beat the ship-purchase bill, so that the Shipping Trust might get a greater advantage over the people; and when I think of a filibuster I think of Republicans.

Mr. CUMMINS. However, in this instance I should think the Senator from Arizona would want to be accurate about it.

Mr. ASHURST. Well, I do want to be; and I hope that I am reasonably accurate.

Mr. CUMMINS. Does not the Senator know that the Republican Members have been ready to vote upon this nomination since the time it came in, and have offered over and over again to take a vote upon it; and it has so happened—and it might just as well be known now—it has so happened that the Republican Members have been in attendance and some of the Democratic Members have not been in attendance, so that if a vote had been taken it would probably have resulted at any time in an unfavorable report, so far as Mr. Brandeis is concerned?

Mr. ASHURST. That is all the more to be deplored.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from California?

Mr. ASHURST. In just a moment. I wish to say before I conclude, that if the Democratic President had sent in here the name of some corporation lawyer, whose life had been given up to steering corporations around the law, for instance, the former Senator from New York, I do not suppose there would be any of the simulated anger which has been manifested here because I said to a reporter of a newspaper what I thought.

Mr. WORKS. Mr. President——

Mr. SUTHERLAND. Mr. President, if the Senator from California will permit me just a moment, there is no "simulated anger" here; there is no anger at all. I for one resented what appeared to be an absolutely false statement, and one which the Senator himself now denies; that is all.

Mr. ASHURST. I deny that which the Herald has put into my mouth, and I regret it, because the Herald is usually an accurate paper. I want to put into the RECORD a clipping from the New York World, which I think very fairly states what I said. I ask that permission, Mr. President.

The VICE PRESIDENT. Without objection, permission is granted.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. The Senator from California.

Mr. WORKS. Mr. President, I am a member of the Judiciary Committee, and I think the Members of the Senate know what my views are respecting the appointment of Mr. Brandeis. I was on the subcommittee and have made a separate report, as other members of the subcommittee have done, expressing my views as clearly as I could state them. I have attended every meeting of the Judiciary Committee since that matter has been under consideration. I have not noticed any disposition on the part of any member of the committee on either side to filibuster or to prevent the committee from reaching a vote.

There are a number of charges which have been made and which were heard before the subcommittee. The evidence has been before the full committee, and some of those charges have been carefully considered and discussed by the different members of the committee. I think it is entirely proper that the committee in an important matter of this kind should do that very thing, and do it carefully and consistently, for the purpose of ascertaining whether or not this appointment should be confirmed.

There was nothing in the proceedings of the committee at the last session that anybody could criticize. One of the members of the committee reviewed carefully the evidence bearing upon one of these charges, as he had a perfect right to do. He was a Democratic member of the committee, but what difference does it make whether he was a Democratic member or a Republican member in dealing with a question of this kind, involving the appointment of a man to the Supreme Court of the United States?

I resent the effort to make it a political issue at all. It ought not to be considered in any such way. I have the most kindly feeling for the Senator from Arizona, as I think he

knows. I have not felt any resentment about it; but I am sorry that the Senator should in his zeal have permitted himself to give out a statement of this kind. Of course, he had a right to think what he pleased. No man's thinking ought to be controlled by anybody else; but I think it was unfortunate that he should have expressed his thoughts—if they are expressed in the interview—of what was going on before his own committee. I think that is a very unfortunate situation, and I am sorry.

Mr. ASHURST. Mr. President, no rebuke that the distinguished Senator from California could administer to me could make me feel resentful, because I love him too much, and he is so often right that frequently I am inclined at times to agree with him; but this is not a political contest. It is not a contest between the Democratic Party and the Republican Party; it is a contest between that great inarticulate mass of people who, if war should be declared, would give their bodies to preserve this Republic—that is the issue on one hand—and the great, grasping corporations on the other, who want kept off the bench a man who will do all men justice. So long as that is the issue I shall refuse to allow my thoughts to be imprisoned, whether I entertain them at one place or another. I repeat that I hold no brief for Mr. Brandeis. So far as politics are concerned, he may have registered as a Republican, so far as I know, and I do not care whether he is a progressive Republican or a regular Republican or what not; the only thing that I measure him by is this: Is he honest and is he capable? I do not care anything about the political exigencies. It is your party and not mine that is reaching out its hands to get hold of somebody on the bench in your desperation for a candidate; it is not my party. I ask that there be printed in the RECORD the short clipping from the New York World to which I have referred.

Mr. BRANDEGEE. Mr. President, I should like to have it read.

Mr. ASHURST. Let it be read.

Mr. BRANDEGEE. Do I understand that the clipping to which the Senator has referred represents his present view?

Mr. ASHURST. Let it be read, and then I will state.

Mr. HUGHES. It is the interview that was in the New York World.

Mr. BRANDEGEE. I understood the Senator to say that it substantially represented his views——

Mr. ASHURST. Let it be read, and I will then answer that question.

Mr. BRANDEGEE. And therefore he asked to have it inserted in the RECORD. I should like to have it read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read the article.

Mr. OVERMAN and Mr. BRANDEGEE addressed the Chair.

The VICE PRESIDENT. The Senator from North Carolina.

Mr. BRANDEGEE. I wanted to make a comment in connection with the matter which has been read, if the Senator will allow me.

Mr. SMITH of Georgia. The Senator from North Carolina desires to speak, and he is ranking member of the Judiciary Committee at present.

Mr. BRANDEGEE. I only wanted to speak in connection with the matter concerning which I have spoken; but I am willing to wait until the Senator from North Carolina concludes.

Mr. OVERMAN. Mr. President, I am sorry the Senator from Arizona has not been more regular in his attendance upon the committee. If he had been, I think he would not have made these charges. He has been detained on other business of the Senate, as it has been his duty to attend the sessions of another committee having under consideration an appropriation bill. He has always been faithful in his attendance on the committee in so far as was possible, but during the course of the discussions in the Judiciary Committee he has been present very few times.

The truth of the matter is that two Democratic Senators, members of the committee, have been absent for some weeks; and the Senator from Arizona left word that he could be sent for at any time and would be ready to attend, but he was not present in the committee all the time when the discussions were going on.

Furthermore, I think, in justice, I should say that most of the discussion has been on the part of Democratic Senators. The Senator from Montana [Mr. WALSH], as has been stated in the clipping which has been read, did take nearly all the time at the last meeting at which the charge in connection with the Lennox case was under discussion. I have seen no disposition on the part of any Republican to delay a report on the nomination; in truth, I think I have heard several of them say they were ready to vote at any time, and I think that was the consensus of opinion of the Republicans on the committee.

Some Democrats wanted to go into this question and hear from the different members of the subcommittee in regard to three or four serious charges which have been made against Mr. Brandeis. The committee meets at half past 10 and the Senate meets at 12, when there is usually a roll call. It takes some time to examine into these charges. There are about 1,000 or more pages of testimony, and we have been going through the charges. We have now come to the Lennox matter, which took nearly all of yesterday, the time being occupied by the discussion of the Senator from Montana. After he concludes, there will be discussion on the other side. It is a matter that necessarily takes time, but I myself have never seen any disposition to delay.

Mr. SMITH of Georgia. Mr. President, I have attended each of the meetings of the Judiciary Committee when the nomination of Mr. Brandeis has been under consideration, and I do not think I have been out of the committee room five minutes when it was under consideration. With the Senator from North Carolina [Mr. OVERMAN], I regret that the Senator from Arizona [Mr. ASHURST] has been detained by his duties in connection with other committees and does not know the earnest consideration which the Judiciary Committee is giving to this nomination. He explained to us the urgency of other committee meetings that prevented his being present with the Judiciary Committee. I am sure if he had been present he would have appreciated fully what was really going on in the committee. He did not appreciate it, having been absent so much of the time.

Mr. ASHURST. That is the trouble with me. I do know what is going on in the committee.

Mr. SMITH of Georgia. Mr. President, I repeat that I regret the Senator did not know what was going on. He misunderstood what was going on, or he would not have made the statement which he has made.

Now, I state that there has been no filibustering by anybody in that committee. Most of the time has been taken up by the Democrats, and there never has been a time when Mr. Brandeis could have obtained a favorable report from those present at a committee meeting. He may yet obtain it. Most of the time the Republicans have been in the majority; only once or twice have we had a majority of Democrats present. The Senator from Missouri [Mr. REED] is detained at home sick. The Senator from Tennessee [Mr. SHIELDS] is detained by sickness in east Tennessee. I say frankly for myself that there never has been a time that I have been ready to vote for a report favorable to Mr. Brandeis. I have voted to postpone the consideration of the nomination because I have not reached a conclusion, and I wanted a further investigation and more information.

Mr. BRANDEGEE. Mr. President, the Senator from Arizona [Mr. ASHURST] has put into the RECORD an article from a newspaper which states that the Republican members of the Judiciary Committee are filibustering against taking a vote on the nomination of a justice of the Supreme Court of the United States, and he has given it out to the press of the country.

Mr. President, I have attended every meeting of that committee in which that nomination has been considered. There has been no time when the Republicans have made the slightest attempt to hinder coming to a vote. I myself the other day, when the debate seemed to languish, suggested that if nobody else cared to be heard, it was the duty of the Chair to order the roll to be called, whereupon some Senator commenced to discuss the case.

It does seem to me that the Senator from Arizona, having caused this article to be published all over the country, making a partisan charge, charging all the Republicans of the committee with an attempt to filibuster upon this nomination until after certain political conventions have been held, either ought to prove his charge or to withdraw it. I do not think myself that he ought to leave it in the RECORD, reasserting it by putting it in the RECORD, after he has heard the disclaimers of the Republican Members.

Mr. ASHURST. Mr. President, I think the Senator is right. I ought to withdraw it after the disclaimer, because whatever I may have thought then, or whatever I may think now—and I repeat, nobody can imprison my thoughts, or censor what I say—I think there is force in the Senator's statement that Senators having disclaimed it, having asserted that they are not filibustering, I ask to withdraw that statement.

Mr. SMITH of Georgia. That is fine.

Mr. ASHURST. I will ask to withdraw that statement upon their disclaimer, because while there has been some little heat manifested, although political ties sever us and this aisle

divides us, I know that you are all gentlemen. In view of the disclaimer, I ask leave to withdraw that statement.

Mr. OWEN. Mr. President, I just want to say a word for the RECORD, and that is that the nomination of Mr. Brandeis has been pending for about three months.

Mr. KERN. Three months to-day.

Mr. OWEN. And there apparently has been a concerted assault upon Mr. Brandeis, through various corporations of the country, who have falsely charged him with all kinds of things. He has been subjected to the most vicious and unjust assault ever brought against a nominee for a judgeship, and the fact that the members of the committee of the Republican persuasion appear to be unanimously disposed against him and to have approved these assaults and given the attacks such hospitable reception, even if not intentional encouragement, has probably caused this sentiment which led the Senator from Arizona to believe there was a Republican filibuster being unostentatiously engineered in committee. Certainly there has been a most ungenerous, unfair fight made against this man, who is distinguished by his learning and courage and his obvious desire to see justice done the common people by incorporated wealth. I am glad to see the Republican members of the Judiciary Committee now expressly deny any purpose of intentional delay and hope we may soon have a report.

RURAL CREDITS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes.

Mr. LEWIS. Mr. President, unless some other Senator desires to address himself to this particular subject, I desire to say that it was in the midst of my paragraph, just as I was concluding an illuminating lucubration upon this subject of constitutional farm-loan credits, that these eminent antagonists introduced their acerbity, which I desire now to attempt to mollify, through concluding my paragraph with the softening influence of the law.

I ask the Senator from Utah [Mr. SUTHERLAND] if he will not observe the concluding paragraph of this opinion in Eighteenth Wallace in order that the Senator from New Hampshire [Mr. HOLLIS] and the Senator from Colorado [Mr. THOMAS] may observe that the effect of the Ninth Wallace opinion has been seriously qualified by these last observations.

In Eighteenth Wallace the court, on page 34, says:

> It is, however, insisted that the case of Thompson *v.* The Union Pacific Railroad Co. differs from the case we have now in hand in the fact that it was incorporated by the Territorial legislature and the Legislature of the State of Kansas, while these complainants were incorporated by Congress.

And so forth, and so forth.

Then says the court, concluding:

> It is therefore manifest—

Referring to all these rulings, and particularly the one the able Senator most appropriately introduced—

> It is therefore manifest that exemption of Federal agencies from State taxation is dependent not upon the nature of the agents, or upon the mode of their constitution, or upon the fact that they are agents, but upon the effect of the tax; that is, upon the question whether the tax does in truth deprive them of power to serve the Government as they were intended to serve it or does hinder the efficient exercise of their power. A tax upon their property has no such necessary effect. It leaves them free to discharge the duties they have undertaken to perform.

I merely read this paragraph to the able Senator to see if he concludes with me that the later rulings clearly indicate that the test of whether these exemptions are legal or not is not whether they appear in letter to conflict with some provision of the Federal Constitution, but what would be the effect of the operation, which is to be derived from the facts of the case, and arrived at by the method of the operation of the tax rather than by a mere comparison of the verbiage of the statute clause on the one hand and a constitutional clause on the other.

I thank the Senator for allowing me to take this time.

STEAMER "NORMANIA."

Mr. POMERENE. Mr. President, I have a private bill (S. 4760) to authorize the change of name of the steamer *Normania* to *William F. Stifel*, which was reported yesterday, and is now on the calendar. There seems to be some special reason why its passage should be desired, and I ask unanimous consent that it may be placed upon its passage.

The VICE PRESIDENT. Is there any objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

> *Be it enacted, etc.*, That the Commissioner of Navigation is hereby authorized and directed, upon application of the owner, the Ottawa Transit Co., of Mentor, Lake County, Ohio, to change the name of the steamer *Normania*, official No. 205017, to the *William F. Stifel*.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HOLLIS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m., Friday, April 28, 1916) the Senate adjourned until to-morrow, Saturday, April 29, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 28, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we find ourselves involved in a moral order the laws of which are as inexorable as the physical laws which environ us, and we realize the weaknesses, the foibles, and the infirmities of human nature. Impart unto us, therefore, we beseech Thee, strength to resist wrong, power to overcome the temptations which doth so easily beset us, that we may adjust ourselves to that order and thus prove ourselves worthy of the trust Thou hast reposed in us. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

SAFETY OF EMPLOYEES AND TRAVELERS ON RAILROADS.

Mr. DEWALT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table and consider at this time the bill (S. 3769) to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, and that a similar House bill (H. R. 9132) lie on the table.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill S. 3769, and consider the same at this time. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

> *Be it enacted, etc.*, That section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, be, and the same is hereby, amended so as to read as follows:
>
> "SEC. 3. That any such common carrier, or any officer or agent thereof, requiring or permitting any employee to go, be, or remain on duty in violation of the second section hereof shall be liable to a penalty of not less than $100 nor more than $500 for each and every violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violations shall have been committed; and it shall be the duty of such district attorney to bring such suit upon satisfactory information being lodged with him; but no such suit shall be brought after the expiration of one year from the date of such violation; and it shall also be the duty of the Interstate Commerce Commission to lodge with the proper district attorney information of any such violations as may come to its knowledge. In all prosecutions under this act the common carrier shall be deemed to have knowledge of all acts of all its officers and agents: *Provided*, That the provisions of this act shall not apply in any case of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the carrier or its officer or agent in charge of such employee at the time said employee left a terminal and which could not have been foreseen: *Provided further*, That the provisions of this act shall not apply to the crews of wrecking or relief trains."
>
> SEC. 2. That nothing in this act shall affect, or be held to affect, any suit that may be instituted for recovery of penalty for violation of the act hereby amended occurring prior to the approval of this act, or any suit for such penalty or growing out of alleged violation of the act hereby amended which may be pending in any court at the time of the approval of this act.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, a similar bill, H. R. 9132, on the House Calendar will lie on the table.

There was no objection.

On motion of Mr. DEWALT, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RAKER, for the day, on account of sickness.

To Mr. PRICE, indefinitely, on account of important business.

To Mr. CONRY, for three days, on account of illness.

INCREASING CORPS OF CADETS AT WEST POINT.

Mr. DENT. Mr. Speaker, I call up the conference report on the bill (S. 4876) to provide for an increase in the number of cadets at the United States Military Academy, and move its adoption.

The SPEAKER. The gentleman from Alabama calls up a conference report on the Military Academy bill, increasing the number of cadets, which the Clerk will report.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. MANN. Mr. Speaker, I think the report is more illuminating than the statement, and I object.

The SPEAKER. The gentleman from Illinois objects, and the Clerk will read the conference report.

The Clerk read the conference report as follows:

CONFERENCE REPORT (NO. 611).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4876) entitled "An act to provide for an increase in the number of cadets at the United States Military Academy," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 3, 4, and 6, and agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "twenty of whom shall be selected from among the honor graduates of educational institutions having officers of the Regular Army detailed as professors of military science and tactics under existing law or any law hereafter enacted for the detail of officer of the Regular Army to such institutions, and which institutions are designated as 'honor schools' upon the determination of their relative standing at the last preceding annual inspection regularly made by the War Department"; and the House agree to the same.

Amendment numbered 5: That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "in number as nearly equal as practicable"; and the House agree to the same.

JAMES HAY,
S. H. DENT, Jr.,
JULIUS KAHN,
Managers on the part of the House.

GEO. E. CHAMBERLAIN,
G. M. HITCHCOCK,
H. A. DU PONT,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The managers on the part of the House on the disagreeing votes of the two Houses on (S. 4876) entitled "An act to provide for an increase in the number of cadets at the United States Military Academy," make the following statement:

House amendment No. 1 strikes out the word "sixty" and inserts "eighty," and the Senate recedes.

House amendment No. 3 strikes out and inserts the same words, and the Senate recedes.

House amendment No. 4 inserts the words "congressional or" on page 1, line 10, and the Senate recedes.

House amendment No. 6 strikes out the words "two hundred" and inserts the words "one hundred and eighty," and the Senate recedes.

House amendment No. 2 was an amendment providing for appointment from honor schools of certain graduates of those schools; the House receded with an amendment changing the verbiage, but not the substance of the House amendment.

House amendment No. 5 read as follows: "In as near equal proportion as possible," and the House receded with the following amendment: "In number as nearly equal as practicable."

JAMES HAY,
S. H. DENT, Jr.,
JULIUS KAHN,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. STAFFORD. Mr. Speaker, I desire to ask the gentleman from Alabama a question. What will be the entire quota of cadets at the Military Academy at one time when the full maximum is reached under this bill?

Mr. DENT. Somewhere in the neighborhood of 1,300. My figures make the number 1,332, but I would not say that I was absolutely accurate about that.

Mr. STAFFORD. When will that maximum be attained?

Mr. DENT. I can not answer that question.

Mr. STAFFORD. It may take four years, at least?

Mr. DENT. Oh, yes.

Mr. STAFFORD. What capacity has the Academy at present, as far as buildings are concerned?

Mr. DENT. My recollection is that they can support about 1,200 there now, with the estimates made for the ensuing fiscal year to accommodate them. These estimates are as follows:

Estimate of cost to make the United States Military Academy able to accommodate 1,200 cadets.

Ordnance and quartermaster equipment	$56,932
Changes in camp grounds	41,000
Changes in academic buildings and additional furniture	42,000
Changes in mess hall and new mess-hall furniture	9,663
Changes in barrarks	2,000
For temporary construction for cantonment barracks, hospitals, and other temporary structures	108,405
Total ($41,662.70 already estimated for, House Doc. 432)	260,000

Mr. STAFFORD. So that it will not require any additional buildings in the near future to provide for this additional quota?

Mr. DENT. It will require some changes but not to any great extent.

Mr. STAFFORD. There is one question further, which was not in dispute between the two bodies; but I can not understand why it is that these appointees of the President from the National Guards are restricted, so far as age is concerned, to between the ages of 19 and 20, when other cadets are eligible for appointment between the ages of 17 and 22.

Mr. DENT. Mr. Speaker, I will confess to the gentleman that I do not know myself why the Senate adopted that provision. I suppose it was in order to get men of some experience, but it was in the Senate bill as it originally passed, and I was not present in the Committee on Military Affairs when that feature of the bill was discussed. I do not know that that was brought up in the Military Committee of the House at all. I confess that I do not see any real good reason for it.

Mr. STAFFORD. The gentleman can see that it is of very little value to the National Guard to give them the privilege of appointment, if limited to age between 19 and 20 years. If they had the same privilege as to age as appointees to the academy generally—from 17 to 22—it might permit an eligible roll that could be considered for appointment from the National Guard.

Mr. DENT. The gentleman was present when this bill was passed, under suspension of the rules, the other day, was he not?

Mr. STAFFORD. I may have been temporarily absent.

Mr. DENT. I am sorry the gentleman did not call attention to that feature at that time when it might have been changed.

Mr. STAFFORD. I thought perhaps there was some good reason why the committee did not take action upon it.

Mr. FESS. Mr. Chairman, if the gentleman will yield, I think the reason that was attributed was that those appointed for the academy not in the National Guard are usually in either high schools or academies preparing, and have not yet entered the National Guard. The National Guard could receive them that early, but usually does not, and if you did not extend the minimum age, so far as the National Guard is concerned, you would not get as good a choice.

Mr. DENT. That sounds like a very plausible reason.

Mr. COX. Section 4, I believe it was, that was stricken out in the House the day the bill passed the House is eliminated?

Mr. DENT. That is eliminated.

Mr. FESS. Will the gentleman yield again?

Mr. DENT. Yes.

Mr. FESS. The question came to me as to why we did not make the full apportionment at once. Is that due to the fact that they are not prepared?

Mr. DENT. Not absolutely prepared.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. DENT. Yes.

Mr. HUDDLESTON. I would like to ask what is the total increase provided for in this bill?

Mr. DENT. It practically doubles the capacity.

Mr. HUDDLESTON. And by whom are these cadets, whose increase is provided for in this bill, named?

Mr. DENT. They are named by the President, just as they are at the present time.

Mr. HUDDLESTON. They are named now, are they not, on nomination by Representatives?

Mr. DENT. That is a custom that the War Department has indulged in for many years, but the law authorizes the appointment to be made by the President, and this does not change the law in any respect whatever.

Mr. HUDDLESTON. Has the gentleman information as to whether that custom will be retained?

Mr. DENT. I am sure it will be.

Mr. HUDDLESTON. And these added nominations will be made——

Mr. DENT. By the Members of the House and the Senate, just as they have been heretofore.

Mr. ADAMSON. I simply wanted to suggest to my distinguished friend from Alabama, as to the question raised by my friend from Wisconsin [Mr. STAFFORD], that the action of the House took that matter out of issue between the two Houses.

Mr. DENT. It certainly did.

Now, Mr. Speaker, unless some other gentleman desires to discuss this subject, I move the adoption——

Mr. CANNON. I want to ask the gentleman a question. I have not been able to hear up to this time. When is a Member of Congress entitled to nominate a candidate or recommend him?

Mr. DENT. Under this additional appointment?

Mr. CANNON. Yes.

Mr. DENT. That would be a matter that would have to be worked out by the War Department. When we increased the midshipmen at Annapolis we were authorized by the department to make the appointment, and my recollection is that we were given only about six weeks in which to have our young men who were nominated prepare for the examination. But we were told that we might wait until the next year in order to fill a vacancy, and I presume that the War Department will follow the same course.

Mr. CANNON. Well, there will be one nomination to each Representative this year?

Mr. DENT. One additional nomination.

Mr. CANNON. One additional nomination?

Mr. DENT. Yes, sir. It will be left to the War Department to work out the details.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

ALFRED NOBLE MEMORIAL FOUNTAIN.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to address the House for three minutes on the constitutional amendment granting suffrage to women.

The SPEAKER. The Chair will recognize the gentleman in a moment. The Chair promised to recognize the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, I move to take from the Speaker's table Senate joint resolution 63 and put it on its passage.

The SPEAKER. Is there objection to the request of the gentleman?

Mr. CANNON. We want to know what it is.

The SPEAKER. The Chair could not understand the gentleman.

Mr. MANN. Let us have it reported.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Senate joint resolution 63, authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial fountain to Alfred Noble.

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant permission to the American Society of Civil Engineers for the erection on public grounds of the United States in the city of Washington, D. C., other than those of the Capitol, the Library of Congress, and the White House, of a memorial fountain to Alfred Noble, a civil engineer of distinguished ability in connection with Government work, whose services have been of conspicuous benefit to the country: *Provided*, That the site chosen and the design of the memorial fountain shall be approved by the Commission of Fine Arts, and that the United States shall be put to no expense in or by the erection of the said memorial fountain: *Provided further*, That if the erection of this memorial fountain shall not be begun within three years from and after the passage of this resolution the permission granted may, in the discretion of the Chief of Engineers, be revoked at any time.

Mr. BORLAND. Mr. Speaker, reserving the right to object, I wanted to ask the gentleman a question.

Mr. SLAYDEN. The gentleman will state it.

Mr. BORLAND. This resolution contemplates that this memorial fountain will be erected by the American Society of Civil Engineers, without any appropriation?

Mr. SLAYDEN. Yes; at their own expense.

Mr. BORLAND. Without any appropriation on the part of Congress, and the only request made is that we furnish the site on public ground. Now, that is true up to that point?

Mr. SLAYDEN. Yes.

Mr. BORLAND. But the memorial being a fountain, which requires continuous operation—a fountain, of course, must be supplied with water from some source or it is not a fountain—I assume that either the District government or the National Government is going to supply the expense of running that fountain. Is that true?

Mr. SLAYDEN. I presume that is true.

Mr. BORLAND. The gentleman recalls the fountain down here at the Station Plaza is now in dispute between the District and the Federal Government as to which Government ought to furnish the water. Is there any provision about this in the resolution?

Mr. SLAYDEN. Mr. Speaker, I confess that that contingency has never crossed my mind. I had an idea that the water just flowed. [Laughter.]

Mr. BORLAND. It is unfortunately true that even when people give us something, we have to pay a little something to keep it.

Mr. MANN. May I ask the gentleman if he can give us any idea where it is probable that this fountain will be located?

Mr. SLAYDEN. Mr. Speaker, I will say in reply to the gentleman from Illinois that my information is that while they have not been officially requested to consider the matter, the Commission on Fine Arts, at a late session in this city, did consider it, and did examine the various possible sites, with a view to determining some place where this fountain could be put in harmony with the general landscaping and parking schemes of the city of Washington. They had in view a site that would in no way interfere with the beautification and development of Washington along that line; and they have reached the conclusion again, if I have been correctly informed, that it would be well to place it down somewhere near Continental Hall, the building of the Daughters of the American Revolution, somewhere in the rear of it.

Mr. MANN. In Potomac Park?

Mr. SLAYDEN. Is there a place called McPherson Park down there?

Mr. STAFFORD. McPherson Square is at Fifteenth and K Streets.

Mr. SLAYDEN. It is not that. Is there one called Rawlins Park down there? I know where the Rawlins Statue is, but it is not there. My recollection now is that it is in Rawlins Place or Park.

Mr. MANN. In that connection I would like to ask the gentleman a question. The resolution refers to a memorial fountain. Is it to be really a fountain, or some form of statue such as those with which we are now somewhat overburdened in the District of Columbia?

Mr. SLAYDEN. Mr. Speaker, it gives me great pleasure to tell the gentleman that I have been assured that it will be a fountain. It will be a real fountain, not a statue such as those with which the District of Columbia is overburdened. There is a superabundance of ornaments of that kind already, if they are indeed ornaments. This is to be a fountain and a work of art.

When the matter was first brought to my attention the gentleman having it in charge did contemplate a different sort of memorial, but I told them I would not be in favor of it unless it took the form of a fountain. We have comparatively few fountains. I told them I was against any more statues and they assured me that they were glad to adopt the suggestion of a fountain, and I wrote the word into the bill myself. But the Senate adopted their measure before we got the resolution reported over here, a few days before.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. SLAYDEN. Yes.

Mr. MADDEN. Are we to construe the gentleman's statement to the effect that he is opposed to any more statues as indicating that he is opposed to the statue proposed to be erected to Ericsson?

Mr. SLAYDEN. I am speaking only in general terms. In fact, the city of Washington is beginning to look somewhat like a petrified forest, owing to the superabundance of statues of bronze and marble intruding themselves on the vision of the people all the time. Some of them are memorials to men whose march toward oblivion no statue can arrest. Altogether too

many statues are erected, and the appearance of Washington will be ruined if we do not forbid it on so prodigal a scale.

Mr. MADDEN. I was interested in the matter with special reference to the statue of Ericsson.

Mr. SLAYDEN. I am only one-fifth of the Committee on the Library, anyway, I may say to the gentleman.

Mr. MADDEN. The gentleman is more than one-fifth.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. SLAYDEN. With pleasure.

Mr. CANNON. The statue of Gen. Rawlins stood just a little to the west of the Corcoran Art Gallery—a little west of where that gallery is now located—but the statue was moved up to the park in front of the Center Market house. This fountain is to be practically on the site where the Rawlins Statue stood before it was removed.

Mr. SLAYDEN. My information is that that is the place where the Commission on Fine Arts tentatively planned to locate it.

Mr. HUDDLESTON. Mr. Speaker, will the gentleman yield?

Mr. SLAYDEN. Yes.

Mr. HUDDLESTON. Does not the gentleman from Texas think we should leave part of the city of Washington open for the benefit of posterity, so that the people of the future may be accommodated?

Mr. SLAYDEN. I agree with the gentleman in a general way, and I should adhere rigidly to that rule unless this memorial had taken a form of art in which we are now very deficient.

Mr. HUDDLESTON. Would it not be better to make a recommendation to carry out some of this "junk" that we have here, and put that and other works in place of it, if it is real art? Would it not be good, as a precedent, to put up a statue that has real value as an art object?

Mr. SLAYDEN. I think the gentleman's suggestion is valuable, and I hope he will introduce a resolution to remove a large part of what he has denominated "junk."

Mr. HUDDLESTON. Mr. Speaker, I object to the consideration of the bill.

Mr. SLAYDEN. I move, Mr. Speaker, that the resolution be taken from the Speaker's table.

Mr. MANN. The gentleman could make a motion. There is a similar resolution on the House Calendar.

Mr. SLAYDEN. That is what I thought. I move to take it up, Mr. Speaker.

The SPEAKER. You do not have to make the motion. Just ask the Speaker to submit it to the House.

Mr. SLAYDEN. Very well.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, House joint resolution 88, of the same tenor, is laid on the table.

There was no objection.

WOMAN SUFFRAGE.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] asks unanimous consent to address the House for three minutes on the constitutional amendment—the Susan B. Anthony amendment, so called. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, Wyoming is the original woman-suffrage State of the Union. The women of Wyoming have voted for all the elective officers in that Commonwealth, State and Territory, for 46 years. Their participation in the affairs of government has been highly helpful and beneficial, and has the approval and hearty and unanimous support of all of our people.

Naturally our people are greatly interested in the resolution now pending before the Committee on the Judiciary, proposing a constitutional amendment granting suffrage to women throughout the Union.

As a part of my remarks I desire to have the Clerk read a resolution adopted by the Woman's committee of Albany County, Wyo., on the subject of that amendment.

The SPEAKER. The Clerk will read it.

The Clerk read as follows:

Resolution.

LARAMIE, WYO., *March 28, 1916.*

Resolved, That this meeting, the Albany County Branch of the Congressional Union, at Laramie, Wyo., March 28, 1916, calls upon the members of the Judiciary Committee to report immediately and favorably to the House of Representatives the Sutherland-Mondell resolution; be it further

Resolved, That a copy of this resolution be sent to each member of the Judiciary Committee of the House of Representatives, and also that it be sent to each Member of the congressional delegation of Wyoming, and that it be read into the CONGRESSIONAL RECORD by Representative FRANK W. MONDELL, of the House, and Senator FRANCIS E. WARREN, of the Senate.

ALBANY COUNTY COMMITTEE,
Mrs. M. C. BROWN,
Chairman, Member School Board.
Mrs. W. S. INGHAM.
Dr. GRACE RAYMOND HEBARD,
Professor Political Economy, University of Wyoming.
Mrs. ETTA ROACH.
Mrs. C. L. PATCHELL.
Mrs. MAY BAIRD CAMPBELL,
Secretary.
Mrs. FRANK D. SPAFFORD,
Treasurer.
Mrs. C. A. DUNIWAY,
Chairman Resolution Committee.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD a similar resolution adopted by the women of Laramie County, Wyo., at the meeting held in Cheyenne April 15, to welcome the envoys from the nonsuffrage States.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

The resolution is as follows:

Resolution.

CHEYENNE, WYO., *April 15, 1916.*

Resolved, That this meeting for the envoys from the nonsuffrage States, at Cheyenne, Wyo., April 15, 1916, calls upon the members of the Judiciary Committee to reconsider and report favorably to the House of Representatives the Sutherland-Mondell resolution; be it further

Resolved, That a copy of this resolution be sent to each member of the Judiciary Committee of the House of Representatives and also that it be sent to each Member of the congressional delegation of Wyoming, and that it be read into the CONGRESSIONAL RECORD by Representative FRANK W. MONDELL, of the House, and Senator FRANCIS E. WARREN, of the Senate.

Mrs. R. A. MORTON, *Chairman.*

This resolution was seconded by Judge W. S. Metz., of Sheridan, Wyo., Democratic floor leader of the Wyoming Legislature of 1915.

AGRICULTURAL LEGISLATION.

Mr. HARRISON. Mr. Speaker, I desire to submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman will send it up.

The Clerk read as follows:

The Committee on Rules, to which was referred House resolution 219, respectfully reports the same to the House with the recommendation that it do pass.

House resolution 219 (H. Rept. 612).

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 12717, a bill making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, and in such further consideration it shall be in order to offer and consider as amendments thereto (the general rules of the House notwithstanding) the following:

Mr. HARRISON. Mr. Speaker, this resolution which is now being read, with the exception of the latter part, on pages 44 and 45, contains certain bills which were printed in the RECORD yesterday, being offered as amendments to the Agricultural bill. I ask unanimous consent that those parts which have already been printed in the RECORD be not read, that the reading be dispensed with.

Mr. MANN. I have no objection to the Clerk reading them very rapidly, but I think that, theoretically at least, they ought to be read.

The SPEAKER. The gentleman objects. The Clerk will read.

The Clerk read as follows:

AMENDMENT NO. 1.

Part A.

That this part, to be known as the United States cotton futures act, be, and hereby is, enacted to read and be effective hereafter as follows:

"That this act shall be known by the short title of the 'United States cotton futures act.'

"SEC. 2. That, for the purposes of this act, the term 'contract of sale' shall be held to include sales, agreements of sale, and agreements to sell. That the word 'person,' wherever used in this act, shall be construed to import the plural or singular, as the case demands, and shall include individuals, associations, partnerships, and corporations. When construing and enforcing the provisions of this act, the act, omission, or failure of any official, agent, or other person acting for or employed by any association, partnership, or corporation within the scope of his employment or office shall in every case also be deemed the act, omission, or failure of such association, partnership, or corporation as well as that of the person.

"SEC. 3. That upon each contract of sale of any cotton for future delivery made at, on, or in any exchange, board of trade, or similar institution or place of business there is hereby levied a tax in the nature of an excise of 2 cents for each pound of the cotton involved in any such contract.

"SEC. 4. That each contract of sale of cotton for future delivery mentioned in section 3 of this act shall be in writing, plainly stating, or evidenced by written memorandum showing, the terms of such contract, including the quantity of the cotton involved and the names and addresses of the seller and buyer in such contract, and shall be signed

by the party to be charged, or by his agent in his behalf. If the contract or memorandum specify in bales the quantity of the cotton involved, without giving the weight, each bale shall for the purposes of this act be deemed to weigh 500 pounds.

"SEC. 5. That no tax shall be levied under this act on any contract of sale mentioned in section 3 hereof if the contract comply with each of the following conditions:

"First. Conform to the requirements of section 4 of, and the rules and regulations made pursuant to, this act.

"Second. Specify the basis grade for the cotton involved in the contract, which shall be one of the grades for which standards are established by the Secretary of Agriculture, except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section, the price per pound at which the cotton of such basis grade is contracted to be bought or sold, the date when the purchase or sale was made, and the month or months in which the contract is to be fulfilled or settled: *Provided*, That middling shall be deemed the basis grade incorporated into the contract if no other basis grade be specified either in the contract or in the memorandum evidencing the same.

"Third. Provide that the cotton dealt with therein or delivered thereunder shall be of or within the grades for which standards are established by the Secretary of Agriculture, except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section, and no other grade or grades.

"Fourth. Provide that in case cotton of grade other than the basis grade be tendered or delivered in settlement of such contract the differences above or below the contract price which the receiver shall pay for such grades other than the basis grade shall be the actual commercial differences, determined as hereinafter provided.

"Fifth. Provide that cotton that, because of the presence of extraneous matter of any character or irregularities or defects, is reduced in value below that of good ordinary, or cotton that is below the grade of good ordinary, or, if tinged, cotton that is below the grade of low middling, or, if stained, cotton that is below the grade of middling, the grades mentioned being of the official cotton standards of the United States, or cotton that is less than seven-eighths of an inch in length of staple, or cotton of perished staple or of immature staple or cotton that is 'gin cut' or reginned, or cotton that is 'repacked' or 'false packed' or 'mixed packed' or 'water packed,' shall not be delivered on, under, or in settlement of such contract.

"Sixth. Provide that all tenders of cotton under such contract shall be the full number of bales involved therein, except that such variations of the number of bales may be permitted as is necessary to bring the total weight of the cotton tendered within the provisions of the contract as to weight; that, on the fifth business day prior to delivery, the person making the tender shall give to the person receiving the same written notice of the date of delivery, and that, on or prior to the date so fixed for delivery, and in advance of final settlement of the contract, the person making the tender shall furnish to the person receiving the same a written notice or certificate stating the grade of each individual bale to be delivered and, by means of marks or numbers, identifying each bale with its grade.

"Seventh. Provide that, in case a dispute arises between the person making the tender and the person receiving the same, as to the quality, or the grade, or the length of staple, of any cotton tendered under the contract, either party may refer the question to the Secretary of Agriculture for determination, and that such dispute shall be referred and determined, and the costs thereof fixed, assessed, collected, and paid in such manner and in accordance with such rules and regulations as may be prescribed by the Secretary of Agriculture.

"The provisions of the third, fourth, fifth, sixth, and seventh subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the memorandum evidencing the same, at or prior to the time the same is signed, the phrase 'Subject to United States cotton-futures act, section 5.'

"The Secretary of Agriculture is authorized to prescribe rules and regulations for carrying out the purposes of the seventh subdivision of this section, and his findings upon any dispute referred to him under said seventh subdivision, made after the parties in interest have had an opportunity to be heard by him or such officer, officers, agent, or agents of the Department of Agriculture as he may designate, shall be accepted in the courts of the United States in all suits between such parties or their privies as prima facie evidence of the true quality or grade or length of staple of the cotton involved.

"SEC. 6. That for the purposes of section 5 of this act the differences above or below the contract price which the receiver shall pay for cotton of grades above or below the basis grade in the settlement of a contract of sale for the future delivery of cotton shall be determined by the actual commercial differences in value thereof upon the sixth business day prior to the day fixed, in accordance with the sixth subdivision of section five, for the delivery of cotton on the contract, established by the sale of spot cotton in the market where the future transaction involved occurs and is consummated if such market be a bona fide spot market; and in the event there be no bona fide spot market at or in the place in which such future transaction occurs, then, and in that case, the said differences above or below the contract price which the receiver shall pay for cotton above or below the basis grade shall be determined by the average actual commercial differences in value thereof, upon the sixth business day prior to the day fixed, in accordance with the sixth subdivision of section 5, for the delivery of cotton on the contract, in the spot markets of not less than five places designated for the purpose from time to time by the Secretary of Agriculture, as such values were established by the sales of spot cotton in such designated five or more markets: *Provided*, That for the purposes of this section such values in the said spot markets be based upon the standards for grades of cotton established by the Secretary of Agriculture: *And provided further*, That whenever the value of one grade is to be determined from the sale or sales of spot cotton of another grade or grades, such value shall be fixed in accordance with rules and regulations which shall be prescribed for the purpose by the Secretary of Agriculture.

"SEC. 7. That for the purposes of this act the only markets which shall be considered bona fide spot markets shall be those which the Secretary of Agriculture shall, from time to time, after investigation, determine and designate to be such, and of which he shall give public notice.

"SEC. 8. That in determining, pursuant to the provisions of this act, what markets are bona fide spot markets, the Secretary of Agriculture is directed to consider only markets in which spot cotton is sold in such volume and under such conditions as customarily to reflect accurately the value of middling cotton and the differences between the prices or values of middling cotton and of other grades of cotton for which standards shall have been established by the Secretary of Agriculture: *Provided*, That if there be not sufficient places, in the markets of which are made bona fide sales of spot cotton of grades for which standards are established by the Secretary of Agriculture to enable him to designate at least five spot markets in accordance with section 6 of this act, he shall, from data as to spot sales collected by him, make rules and regulations for determining the actual commercial differences in the value of spot cotton of the grades established by him as reflected by bona fide sales of spot cotton, of the same or different grades, in the markets selected and designated by him, from time to time, for that purpose, and in that event, differences in value of cotton of various grades involved in contracts made pursuant to section 5 of this act shall be determined in compliance with such rules and regulations.

"SEC. 9. That the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards of cotton by which its quality or value may be judged or determined, including its grade, length of staple, strength of staple, color, and such other qualities, properties, and conditions as may be standardized in practical form, which, for the purposes of this act, shall be known as the 'Official cotton standards of the United States,' and to adopt, change, or replace the standard for any grade of cotton established under the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909 (35 Stat. L., p. 251), and acts supplementary thereto: *Provided*, That any standard of any cotton established and promulgated under this act by the Secretary of Agriculture shall not be changed or replaced within a period less than one year from and after the date of the promulgation thereof by the Secretary of Agriculture: *Provided further*, That subsequent to six months after the date section 3 of this act becomes effective, no change or replacement of any standard of any cotton established and promulgated under this act by the Secretary of Agriculture shall become effective until after one year's public notice thereof, which notice shall specify the date when the same is to become effective. The Secretary of Agriculture is authorized and directed to prepare practical forms of the official cotton standards which shall be established by him, and to furnish such practical forms from time to time, upon request, to any person, the cost thereof, as determined by the Secretary of Agriculture, to be paid by the person requesting the same, and to certify such practical forms under the seal of the Department of Agriculture and under the signature of the said Secretary, thereto affixed by himself or by some official or employee of the Department of Agriculture thereunto duly authorized by the said Secretary.

"SEC. 10. That no tax shall be levied under this act on any contract of sale mentioned in section 3 hereof, if the contract comply with each of the following conditions:

"First. Conform to the rules and regulations made pursuant to this act.

"Second. Specify the grade, type, sample, or description of the cotton involved in the contract, the price per pound at which such cotton is contracted to be brought or sold, the date of the purchase or sale, and the time when shipment or delivery of such cotton is to be made.

"Third. Provide that cotton of or within the grade or of the type, or according to the sample or description specified in the contract shall be delivered thereunder, and that no cotton which does not conform to the type, sample, or description, or which is not of or within the grade specified in the contract shall be tendered or delivered thereunder.

"Fourth. Provide that the delivery of cotton under the contract shall not be effected by means of 'set-off' or 'ring' settlement, but only by the actual transfer of the specified cotton mentioned in the contract.

"The provisions of the first, third, and fourth subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the document or memorandum evidencing the same, at or prior to the time the same is entered into, the words 'Subject to United States cotton-futures act, section 10.'

"This act shall not be construed to impose a tax on any sale of spot cotton.

"This section shall not be construed to apply to any contract of sale made in compliance with section 5 of this act.

"SEC. 11. That upon each order transmitted, or directed or authorized to be transmitted, by any person within the United States for the making of any contract of sale of cotton grown in the United States for future delivery, in cases in which the contract of sale is or is to be made at, on, or in any exchange, board of trade, or similar institution or place of business in any foreign country, there is hereby levied an excise tax at the rate of 2 cents for each pound of the cotton so ordered to be bought or sold under such contract: *Provided*, That no tax shall be levied under this act on any such order if the contract made in pursuance thereof comply either with the conditions specified in the first, second, third, fourth, fifth, and sixth subdivisions of section 5, or with all the conditions specified in section 10 of this act, except that the quantity of the cotton involved in the contract may be expressed therein in terms of kilograms instead of pounds: *Provided further*, That if at the time any such contract is entered into the Secretary of Agriculture, after investigation, shall have determined and, by declaration then unrevoked, in the rules and regulations made pursuant to this act, shall have publicly announced that its terms are the substantial equivalent, and sufficient to accomplish the purposes, of the conditions specified in the fourth, fifth, and sixth subdivisions of section 5 of this act, and the rules and regulations relating thereto, such contract shall be deemed, for the purposes of this section, to comply with the said conditions: *And provided further*, That no tax shall be levied under this act on any order mentioned in this section if, first, such order and the contract made in pursuance thereof be solely for hedging the purchase or sale of spot cotton shipped, or to be shipped, from the United States to any foreign country, or the shipment or consignment for sale of spot cotton from the United States to any foreign country, whether such order or contract be the one given or made originally, or be subsequently given or made for a purchase or sale to be substituted, for hedging the purchase, sale, or shipment or consignment for sale, of spot cotton, or be for the liquidation of any such transaction, and, second, a report of such transaction, including the shipment of the cotton involved, be made to the Secretary of the Treasury at such time or times and in such form as he may require.

"This act shall not be construed to lay any tax on cotton exported from any State.

"SEC. 11A. That upon each order received in the United States which shall have been, directly or indirectly, transmitted, or directed or authorized to be transmitted, by any person, from a foreign country in which there is any exchange, board of trade, or similar institution or place of business at, on, or in which contracts of sale of cotton grown in the United States for future delivery are customarily made, for the making of any contract of sale of cotton grown in the United States for future delivery in cases in which a contract of sale is made pursuant thereto at, on, or in any exchange, board of trade, or similar institution or place of business in the United States, there is hereby levied an excise tax at the rate of 2 cents for each pound of cotton so ordered to be bought or sold under such contract: *Provided*, That no tax shall be levied under this act on any such order if contracts of sale of cotton grown in the United States for future delivery which may be made at, on, or in the exchanges, boards of trade, and similar institutions and places of business in such foreign country or countries comply with the conditions specified in section 11 of this act for exemption from taxation under this act of orders sent from the United States for the making of contracts of sale in foreign countries. The Secretary of Agriculture is authorized from time to time to ascertain and determine in what foreign countries there are any exchanges, boards of trade, or similar institutions or places of business at, on, or in which contracts of sale of cotton grown in the United States for future delivery are customarily made, and whether any such contracts of sale which may be made at, on, or in such exchanges, boards of trade, or similar institutions or places of business comply with the conditions specified in section 11 of this act for exemption from taxation under this act of orders sent from the United States for the making of such contracts of sale. He shall publish such determinations in his rules and regulations made pursuant to this act.

"SEC. 12. That the tax imposed by section 3 of this act shall be paid by the seller of the cotton involved in the contract of sale, by means of stamps which shall be affixed to such contracts, or to the memoranda evidencing the same, and canceled in compliance with rules and regulations which shall be prescribed by the Secretary of the Treasury. The tax imposed by sections 11 and 11A of this act shall be paid by the sender of the order from the United States or the receiver in the United States of the order coming from a foreign country, as the case may be, and collected in accordance with rules and regulations which shall be prescribed by the Secretary of the Treasury.

"SEC. 13. That no contract of sale of cotton for future delivery mentioned in section 3 of this act which does not conform to the requirements of section 4 hereof and has not the necessary stamps affixed thereto as required by section 12 hereof shall be enforceable in any court of the United States by or on behalf of any party to such contract or his privies. That no contract of sale of cotton for future delivery, made in pursuance of any order mentioned in sections 11 and 11A of this act, shall be enforceable in any court of the United States by or on behalf of any party to such contract, or his privies, unless it conforms to the requirements of section 4 hereof, and the tax imposed by section 11 or 11A upon the order for such contract shall have been paid in compliance with section 12 of this act.

"SEC. 14. That the Secretary of the Treasury is authorized to make and promulgate such rules and regulations as he may deem necessary to collect the tax imposed by this act and otherwise to enforce its provisions. Further to effect this purpose, he shall require all persons coming within its provisions to keep such records and statements of account, and may require such persons to make such returns, verified under oath or otherwise, as will fully and correctly disclose all transactions mentioned in sections 3, 11, and 11A of this act, including the origin, making, execution, settlement, and fulfillment thereof; he may require all persons who act in the capacity of a clearing house, clearing association, or similar institution for the purpose of clearing, settling, or adjusting transactions mentioned in section 3 of this act to keep such records and to make such returns as will fully and correctly disclose all facts in their possession relating to such transactions; and he may appoint agents to conduct the inspection necessary to collect said tax and otherwise to enforce this act and all rules and regulations made by him in pursuance hereof, and may fix the compensation of such agents. The provisions of the internal-revenue laws of the United States, so far as applicable, including sections 3173, 3174, and 3175 of the Revised Statutes, as amended, are hereby extended, and made to apply, to this act.

"SEC. 15. That any person liable to the payment of any tax imposed by this act who fails to pay, or evades or attempts to evade, the payment of such tax, and any person who otherwise violates any provision of this act, or any rule or regulation made in pursuance hereof, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than $100 nor more than $20,000, in the discretion of the court; and, in case of natural persons, may, in addition, be punished by imprisonment for not less than 60 days nor more than 3 years, in the discretion of the court.

"SEC. 16. That in addition to the foregoing punishment there is hereby imposed, on account of each violation of this act, a penalty of $2,000, to be recovered in an action founded on this act in the name of the United States as plaintiff, and when so recovered one-half of said amount shall be paid over to the person giving the information upon which such recovery was based. It shall be the duty of United States attorneys, to whom satisfactory evidence of violations of this act is furnished, to institute and prosecute actions for the recovery of the penalties prescribed by this section.

"SEC. 17. That no person whose evidence is deemed material by the officer prosecuting on behalf of the United States in any case brought under any provision of this act shall withhold his testimony because of complicity by him in any violation of this act or of any regulation made pursuant to this act, but any such person called by such officer who testifies in such case shall be exempt from prosecution for any offense to which his testimony relates.

"SEC. 18. That the payment of any tax levied by this act shall not exempt any person from any penalty or punishment now or hereafter provided by the laws of any State for entering into contracts of sale of cotton for future delivery, nor shall the payment of any tax imposed by this act be held to prohibit any State or municipality from imposing a tax on the same transaction.

"SEC. 19. That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1916, the unexpended balance of the sum appropriated by the act of March 4, 1915 (38 Stat. L., 1017), for 'collecting the cotton-futures tax,' or so much thereof as may be necessary, to enable the Secretary of the Treasury to carry out the provisions of this act and any duties remaining to be performed by him under the United States cotton-futures act of August 18, 1914 (38 Stat. L., 693).

"SEC. 20. That there are hereby appropriated. out of any moneys in the Treasury not otherwise appropriated, available until expended, the unexpended balance of the sum of $150,000 appropriated by section 20 of the said act of August 18, 1914, and for the fiscal year ending June 30, 1916, the unexpended balance of the sum of $75,000 appropriated for the 'Enforcement of the United States cotton-futures act' by the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916 (38 Stat. L., 1086), or so much of each of said unexpended balances as may be necessary, to be used by the Secretary of Agriculture for the same purposes, in carrying out the provisions of this act, as those for which said sums, respectively, were originally appropriated, and to enable the Secretary of Agriculture to carry out any duties remaining to be performed by him under the said act of August 18, 1914. The Secretary of Agriculture is hereby directed to publish from time to time the results of investigations made in pursuance of this act. All sums collected by the Secretary of Agriculture as costs under section 5, or for furnishing practical forms under section 9, of this act, shall be deposited and covered into the Treasury as miscellaneous receipts.

"SEC. 21. That sections 9, 19, and 20 of this act and all provisions of this act authorizing rules and regulations to be prescribed shall be effective immediately; section 11A of this act shall become and be effective on and after the 1st day of August, 1917. All other sections of this act shall become and be effective on and after the 1st day of the calendar month next succeeding the date of the passage of this act: *Provided*, That nothing in this act shall be construed to apply to to any contract of sale of any cotton for future delivery mentioned in section 3 of this act which shall have been made prior to the 1st day of the calendar month next succeeding the date of the passage of this act.

"SEC. 22. That the act entitled 'An act to tax the privilege of dealing on exchanges, boards of trade, and similar places in contracts of sale of cotton for future delivery, and for other purposes,' approved August 18, 1914 (38 Stat. L., 693), is hereby repealed, effective on and after the 1st day of the calendar month next succeeding the date of the passage of this act: *Provided*, That nothing in this act shall be construed to affect any right or privilege accrued, any penalty or liability incurred, or any proceeding commenced under said act of August 18, 1914, or to diminish any authority conferred by said act on any official of the United States necessary to enable him to carry out any duties remaining to be performed by him under the said act, or to impair the effect of the findings of the Secretary of Agriculture upon any dispute referred to him under said act, or to affect any right in respect to, or arising out of, any contract mentioned in section 3 of said act, made on or subsequent to February 18, 1915, and prior to the 1st day of the calendar month next succeeding the date of the passage of this act, but so far as concerns any such contract said act of August 18, 1914, shall remain in force with the same effect as if this act had not been passed.

"SEC. 23. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered."

AMENDMENT NO. 2.

Part B.

That this part, to be known as the United States grain-grades act, be and is hereby enacted, to read and be effective hereafter as follows:

"That this act shall be known by the short title of the 'United States grain-grades act.'

"SEC. 2. That the Secretary of Agriculture is hereby authorized to investigate the handling, grading, and transportation of grain and to fix and establish, as soon as may be after the enactment hereof, standards of quality and condition for corn (maize), wheat, rye, oats, barley, flaxseed, and such other grains as in his judgment the usages of the trade may warrant and permit, and the Secretary of Agriculture shall have power to alter or modify such standards whenever the necessities of the trade may require. In promulgating the standards, or any alteration or modification of such standards, the Secretary shall specify the date or dates when the same shall become effective, and shall give public notice, not less than 60 days in advance of such date or dates, by such means as he deems proper.

"SEC. 3. That the standards so fixed and established shall be known as the official grain standards of the United States.

"SEC. 4. That whenever standards shall have been fixed and established under this act for any grain no person thereafter shall ship or deliver for shipment from any State, Territory, or District to or through any other State, Territory, or District, or to any foreign country, any such grain which is sold or offered for sale by grade unless the grain shall have been inspected and graded by an inspector licensed under this act and the grade by which it is sold or offered for sale be one of the grades fixed therefor in the official grain standards of the United States: *Provided*, That any such grain not sold or offered for sale by grade may be sold, offered for sale, shipped, or delivered for shipment in interstate and foreign commerce by sample or by type, or under any name, description, or designation which is not false or misleading, and which name, description, or designation does not include in whole or in part the terms of any official grain standard of the United States: *Provided further*, That any such grain sold or offered for sale by one of the grades fixed therefor in the official grain standards may be shipped to or through any place at which an inspector licensed under this act is located, subject, under such rules and regulations as the Secretary of Agriculture shall prescribe, to be inspected at the place to which shipped, or at the place through which shipped for inspection, and subject further to the right of appeal from such inspection, as provided in section 6 of this act: *And provided further*, That any such grain sold or offered for sale by any of the grades fixed therefor in the official grain standards may, upon compliance with the rules and regulations prescribed by the Secretary of Agriculture, be shipped without inspection from a place at which there is no inspector licensed under this act to a place at which there is no such inspector, subject to the right of either party to refer any dispute as to the grade of the grain to the Secretary of Agriculture, who may determine and certify the true grade thereof. No person shall in any certificate or in any contract or agreement of sale or agreement to sell by grade, either oral or written, involving, or in any invoice or bill of lading or other shipping document relating to, the shipment or delivery for shipment, in interstate or foreign commerce, of any grain for which standards shall have been fixed and established under this act describe, or in any way refer to, any of such grain as being of any grade other than a grade fixed therefor in the official grain standards of the United States.

"SEC. 5. That no person shall represent that any grain shipped or delivered for shipment in interstate or foreign commerce is of a grade fixed in the official grain standards other than as shown by a certificate therefor issued in compliance with this act; and the Secretary of Agriculture is authorized to cause examinations to be made of any grain for which standards shall have been fixed and established under this act, and which has been certified to conform to any grade fixed therefor in such official grain standards, or which has been shipped or delivered for shipment in interstate or foreign commerce. Whenever, after opportunity for hearing is given to the owner or shipper of the grain involved, and to the inspector thereof if the same has been inspected, it is determined by the Secretary that any quantity of grain has been incorrectly certified to conform to a specified grade, or has been sold or offered for sale under any name, description, or designation which is false or misleading, he may publish his findings.

"SEC. 6. That whenever standards shall have been fixed and established under this act for any grain and any quantity of such grain which has been sold, offered for sale, shipped, or delivered for shipment in interstate or foreign commerce shall have been inspected and a dispute arises as to whether the grade as determined by such inspection of any such grain in fact conforms to the standard of the specified grade, any interested party may appeal the question to the Secretary of Agriculture, and the Secretary of Agriculture is authorized to cause such investigation to be made and such tests to be applied as he may deem necessary and to determine the true grade: *Provided*, That any appeal from such inspection to the Secretary of Agriculture shall be taken before the grain leaves the place where the inspection appealed from was made and before the identity of the grain has been lost, under such rules and regulations as the Secretary of Agriculture shall prescribe. In every such case the Secretary of Agriculture shall charge and assess, and cause to be collected, a reasonable fee in amount to be fixed by him, which fee shall be refunded if the appeal is sustained. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts. The findings of the Secretary of Agriculture as to grade, made after the parties in interest have had opportunity to be heard, shall be accepted in the courts of the United States in all suits between such parties, or their privies, as prima facie evidence of the true grade of the grain determined by him at the time and place specified in the findings.

"SEC. 7. The Secretary of Agriculture may issue a license to any person, upon presentation to him of satisfactory evidence that such person is competent, to inspect and grade grain for interstate and foreign commerce. No person authorized or employed by any State, county, city, town, board of trade, chamber of commerce, corporation, society, or association to inspect or grade grain shall certify, or otherwise state or indicate in writing, that any grain for interstate or foreign commerce which has been inspected or graded by him, or by any person acting under his authority, is of one of the official grades of the United States, unless he holds an unsuspended and unrevoked license issued by the Secretary of Agriculture: *Provided*, That in any State which has State grain inspection established by law, the Secretary of Agriculture shall, in issuing licenses, give preference to persons duly authorized and employed to inspect and grade grain under the laws of such State. The Secretary of Agriculture may suspend or revoke any license issued by him whenever, after opportunity for hearing has been given, the Secretary shall determine that any inspector has been found to be incompetent or has knowingly or carelessly graded grain improperly or by any other standard than is authorized under this act, or has issued any false certificate of inspection, or has accepted any money or other consideration, directly or indirectly, for any neglect or improper performance of duty, or has knowingly violated any provision of this act or of the rules and regulations made hereunder. Pending investigation the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing.

"SEC. 8. That the Secretary of Agriculture shall, from time to time, make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this act.

"SEC. 9. That any person who shall violate any of the provisions of sections 4 or 7 of this act, or any inspector licensed under this act who shall knowingly or carelessly inspect or grade improperly any grain which has been shipped or delivered for shipment in interstate or foreign commerce, or shall knowingly or carelessly give any false certificate of inspection or grade, or shall accept money or other consideration, directly or indirectly, for any neglect or improper performance of duty, and any person who shall improperly influence or attempt to improperly influence any such inspector in the performance of his duty, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $1,000, or be imprisoned not more than one year, or both.

"SEC. 10. That every person who forcibly assaults, resists, impedes, or interferes with any officer or employee of the United States Department of Agriculture in the execution of any duties authorized to be performed by this act or the rules and regulations made hereunder shall, upon conviction thereof, be fined not more than $1,000, or be imprisoned not more than one year, or both.

"SEC. 11. That the word 'person' wherever used in this act shall be construed to import the plural or singular, as the case demands, and shall include individuals, corporations, companies, societies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any official, agent, or other person acting for or employed by any corporation, company, society, or association within the scope of his employment or office shall, in every case, also be deemed the act, omission, or failure of such corporation, company, society, or association, as well as that of the person.

"SEC. 12. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $125,000, which shall be available until expended, for the expenses of carrying into effect the provisions of this act, including rent and the employment of such persons as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere."

AMENDMENT No. 3.

Part C.

That this part, to be known as the United States warehouse act, be, and is hereby, enacted to read and be effective hereafter as follows:

"That this act shall be known by the short title of 'United States warehouse act.'

"SEC. 2. That the term 'warehouse' as used in this act shall be deemed to mean every building, structure, or other protected inclosure in which any agricultural product is or may be stored for interstate or foreign commerce, or, if located within any place under the exclusive jurisdiction of the United States, in which any agricultural product is or may be stored. The term 'agricultural product' wherever used in this act shall be deemed to mean cotton, wool, grains, tobacco, and flaxseed, or any of them. As used in this act, 'person' includes a corporation or partnership or two or more persons having a joint or common interest; 'warehouseman' means a person lawfully engaged in the business of storing agricultural products; and 'receipt' means a warehouse receipt.

"SEC. 3. That the Secretary of Agriculture is authorized to investigate the storage, warehousing, classifying according to grade and otherwise, weighing, and certification of agricultural products; upon application to him by any person applying for license to conduct a warehouse under this act, to inspect such warehouse or cause it to be inspected; at any time, with or without application to him, to inspect or cause to be inspected all warehouses licensed under this act; to determine whether warehouses for which licenses are applied for or have been issued under this act are suitable for the proper storage of any agricultural product or products; to classify warehouses in accordance with their ownership, location, surroundings, capacity, conditions, and other qualities, and as to the kinds of licenses issued or that may be issued for them pursuant to this act; and to prescribe, within the limitations of this act, the duties of the warehousemen conducting warehouses licensed under this act with respect to their care of and responsibility for agricultural products stored therein.

"SEC. 4. That the Secretary of Agriculture is authorized, upon application to him, to issue to any warehouseman a license for the conduct of a warehouse or warehouses in accordance with this act and such rules and regulations as may be made hereunder: *Provided*, That each such warehouse be found suitable for the proper storage of the particular agricultural product or products for which a license is applied for, and that such warehousesman agree, as a condition to the granting of the license, to comply with and abide by all the terms of this act and the rules and regulations prescribed hereunder.

"SEC. 5. That each license under sections 4 and 9 of this act shall be issued for a period not exceeding one year and shall specify the date upon which it is to terminate, and upon showing satisfactory to the Secretary of Agriculture may from time to time be renewed or extended by a written instrument, which shall specify the date of its termination.

"SEC. 6. That each warehouseman applying for a license to conduct a warehouse in accordance with this act shall, as a condition to the granting thereof, execute and file with the Secretary of Agriculture a good and sufficient bond other than personal security to the United States to secure the faithful performance of his obligations as a warehouseman under the laws of the State, District, or Territory in which he is conducting such warehouse, as well as under the terms of this act and the rules and regulations prescribed hereunder, and of such additional obligations as a warehouseman as may be assumed by him under contracts with the respective depositors of agricultural products in such warehouse. Said bond shall be in such form and amount, shall have such surety or sureties, subject to service of process in suits on the bond within the State, District, or Territory in which the warehouse is located, and shall contain such terms and conditions as the Secretary of Agriculture may prescribe to carry out the purposes of this act. Whenever the Secretary of Agriculture shall determine that a bond approved by him is, or for any cause has become, insufficient, he may require an additional bond or bonds to be given by the warehouseman concerned, conforming with the requirements of this section, and unless the same be given within the time fixed by a written demand therefor the license of such warehouseman may be suspended or revoked.

"SEC. 7. That any person injured by the breach of any obligation to secure which a bond is given, under the provisions of sections 6 or 9, shall be entitled to sue on the bond in his own name in any court of competent jurisdiction to recover the damages he may have sustained by such breach.

"SEC. 8. That upon the filing with and approval by the Secretary of Agriculture of a bond, in compliance with this act, for the conduct of a warehouse, such warehouse shall be designated as bonded hereunder; but no warehouse shall be designated as bonded under this act, and no name or description conveying the impression that it is so bonded, shall be used until a bond, such as provided for in section 6, has been filed with and approved by the Secretary of Agriculture, nor unless the license issued under this act for the conduct of such warehouse remains unsuspended and unrevoked.

"SEC. 9. That the Secretary of Agriculture may, under such rules and regulations as he shall prescribe, issue a license to any person not a warehouseman to accept the custody of agricultural products and to store the same in a warehouse or warehouses owned, operated, or leased by any State, upon condition that such person agree to comply with and abide by the terms of this act and the rules and regulations prescribed hereunder. Each person so licensed shall issue receipts for the agricultural products placed in his custody, and shall give bond, in accordance with the provisions of this act and the rules and regulations hereunder affecting warehousemen licensed under this act, and shall otherwise be subject to this act and such rules and regulations to the same extent as is provided for warehousemen licensed hereunder.

"SEC. 10. That the Secretary of Agriculture shall charge, assess, and cause to be collected a reasonable fee for every examination or inspection of a warehouse under this act when such examination or inspection is made upon application of a warehouseman, and a fee not exceeding $2 per annum for each license or renewal thereof issued to a warehouseman under this act. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts.

"SEC. 11. That the Secretary of Agriculture may, upon presentation of satisfactory proof of competency, issue to any person a license to classify any agricultural product or products stored or to be stored in a warehouse licensed under this act, according to grade or otherwise, and to certificate the grade or other class thereof, or to weigh the same and certificate the weight thereof, or both to classify and weigh the same and to certificate the grade or other class and the weight thereof, upon condition that such person agree to comply with and abide by the terms of this act and of the rules and regulations prescribed hereunder so far as the same relate to him.

"SEC. 12. That any license issued to any person to classify or to weigh any agricultural product or products under this act may be suspended or revoked by the Secretary of Agriculture whenever he is satisfied, after opportunity afforded to the licensee concerned for a hearing, that such licensee has failed to classify or to weigh any agricultural product or products correctly, or has violated any of the provisions of this act or of the rules and regulations prescribed hereunder, so far as the same may relate to him, or that he has used his license or allowed it to be used for any improper purpose whatsoever. Pending investigation, the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing.

"SEC. 13. That every warehouseman conducting a warehouse licensed under this act shall receive for storage therein, so far as its capacity permits, any agricultural product of the kind customarily stored therein by him which may be tendered to him in a suitable condition for warehousing in the usual manner in the ordinary and usual course of business, without making any discrimination between persons desiring to avail themselves of warehouse facilities.

"SEC. 14. That any person who deposits agricultural products for storage in a warehouse licensed under this act shall be deemed to have deposited the same subject to the terms of this act and the rules and regulations prescribed hereunder.

"SEC. 15. That grain, flaxseed, or any other fungible agricultural product stored for interstate or foreign commerce, or in any place under the exclusive jurisdiction of the United States, in a warehouse licensed under this act shall be inspected and graded by a person duly licensed to grade the same under this act.

"SEC. 16. That every warehouseman conducting a warehouse licensed under this act shall keep the agricultural products therein of one depositor so far separate from agricultural products of other depositors, and from other agricultural products of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and redelivery of the agricultural products deposited; but if authorized by agreement or by custom, a warehouseman may mingle fungible agricultural products with other agricultural products of the same kind and grade, and shall be severally liable to each depositor for the care and redelivery of his share of such mass, to the same extent and under the same circumstances as if the agricultural products had been kept separate, but he shall at no time while they are in his custody mix fungible agricultural products of different grades.

"SEC. 17. That for all agricultural products stored for interstate or foreign commerce, or in any place under the exclusive jurisdiction of the United States, in a warehouse licensed under this act original receipts shall be issued by the warehouseman conducting the same, but no receipts shall be issued except for agricultural products actually stored in the warehouse at the time of the issuance thereof.

"SEC. 18. That every receipt issued for agricultural products stored in a warehouse licensed under this act shall embody within its written or printed terms (a) the location of the warehouse in which the agricultural products are stored; (b) the date of issue of the receipt; (c) the consecutive number of the receipt; (d) a statement whether the agricultural products received will be delivered to the bearer, to a specified person, or to a specified person or his order; (e) the rate of storage charges; (f) a description of the agricultural products received, showing the quantity thereof, or, in case of agricultural products customarily put up in bales or packages, a description of such bales or packages by marks, numbers, or other means of identification and the weight of such bales or packages; (g) the grade or other class of the agricultural products received and the standard or description in accordance with which such classification has been made: *Provided*, That such grade or other class shall be stated according to the official standard of the United States applicable to such agricultural products as the same may be fixed and promulgated under authority of law: *Provided further*, That until such official standards of the United States for any agricultural product or products have been fixed and promulgated, the grade or other class thereof may be stated in accordance with any recognized standard or in accordance with such rules and regulations not inconsistent herewith as may be prescribed by the Secretary of Agriculture; (h) a statement that the receipt is issued subject to the United States warehouse act and the rules and regulations prescribed thereunder; (i) if the receipt be issued for agricultural products of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership; (j) a statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien: *Provided*, That if the precise amount of such advances made or of such liabilities incurred be at the time of the issue of the receipt unknown to the warehouseman or his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof shall be sufficient; (k) such other terms and conditions within the limitations of this act as may be required by the Secretary of Agriculture; and (l) the signature of the warehouseman, which may be made by his authorized agent: *Provided*, That unless otherwise required by the law of the State in which the warehouse is located, when requested by the depositor of other than fungible agricultural products, a receipt omitting compliance with subdivision (g) of this section may be issued if it have plainly and conspicuously embodied in its written or printed terms a provision that such receipt is not negotiable.

"SEC. 19. That the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards for agricultural products in this act defined by which their quality or value may be judged or determined: *Provided*, That the standards for any agricultural products which have been, or which in future may be, established by or under authority of any other act of Congress shall be, and are hereby, adopted for the purposes of this act as the official standards of the United States for the agricultural products to which they relate.

"SEC. 20. That while an original receipt issued under this act is outstanding and uncanceled by the warehouseman issuing the same no other or further receipt shall be issued for the agricultural product covered thereby or for any part thereof, except that in the case of a lost or destroyed receipt a new receipt, upon the same terms and subject to the same conditions and bearing on its face the number and date of the receipt in lieu of which it is issued, may be issued upon compliance with the statutes of the United States applicable thereto in places under the exclusive jurisdiction of the United States or upon compliance with the laws of any State applicable thereto in any place not under the exclusive jurisdiction of the United States: *Provided*, That if there be in such case no statute of the United States or law of a State applicable thereto such new receipts may be issued upon the giving of satisfactory security in compliance with the rules and regulations made pursuant to this act.

"SEC. 21. That a warehouseman conducting a warehouse licensed under this act, in the absence of some lawful excuse, shall, without unnecessary delay, deliver the agricultural products stored therein upon a demand made either by the holder of a receipt for such agricultural products or by the depositor thereof if such demand be accompanied with (a) an offer to satisfy the warehouseman's lien; (b) an offer to surrender the receipt, if negotiable, with such indorsements as would be necessary for the negotiation of the receipt; and (c) a readiness and willingness to sign, when the products are delivered, an acknowledgment that they have been delivered if such signature is requested by the warehouseman.

"SEC. 22. That a warehouseman conducting a warehouse licensed under this act shall cancel each receipt returned to him upon the delivery by him of the agricultural products for which the receipt was issued.

"SEC. 23. That every warehouseman conducting a warehouse licensed under this act shall keep in a place of safety complete and correct records of all agricultural products stored therein and withdrawn therefrom, of all warehouse receipts issued by him, and of the receipts returned to and canceled by him, shall make reports to the Secretary of Agriculture concerning such warehouse and the condition, contents, operation, and business thereof in such form and at such times as he may require, and shall conduct said warehouse in all other respects in compliance with this act and the rules and regulations made hereunder.

"SEC. 24. That the Secretary of Agriculture is authorized to cause examinations to be made of any agricultural product stored in any warehouse licensed under this act. Whenever, after opportunity for hearing is given to the warehouseman conducting such warehouse, it is determined that he is not performing fully the duties imposed on him by this act and the rules and regulations made hereunder, the Secretary may publish his findings.

"SEC. 25. That the Secretary of Agriculture may, after opportunity for hearing has been afforded to the licensee concerned, suspend or revoke any license issued to any warehouseman conducting a warehouse under this act, for any violation of or failure to comply with any provision of this act or of the rules and regulations made hereunder or upon the ground that unreasonable or exorbitant charges have been made for services rendered. Pending investigation, the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing.

"SEC. 26. That the Secretary of Agriculture from time to time may publish the results of any investigations made under section 3 of this act; and he shall publish the names and locations of warehouses licensed and bonded and the names and addresses of persons licensed under this act and lists of all licenses terminated under this act and the causes therefor.

"SEC. 27. That the Secretary of Agriculture is authorized through officials, employees, or agents of the Department of Agriculture designated by him to examine all books, records, papers, and accounts of warehouses licensed under this act and of the warehousemen conducting such warehouses relating thereto.

"SEC. 28. That the Secretary of Agriculture shall from time to time make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this act.

"SEC. 29. That nothing in this act shall be construed to conflict with, or to authorize any conflict with, or in any way to impair or limit the effect or operation of the laws of any State relating to warehouses, warehousemen, weighers, graders, or classifiers; but the Secretary of Agriculture is authorized to cooperate with such officials as are charged with the enforcement of such State laws in such States and through such cooperation to secure the enforcement of the provisions of this act; nor shall this act be construed so as to limit the operation of any statute of the United States relating to warehouses or warehousemen, weighers, graders, or classifiers now in force in the District of Columbia or in any Territory or other place under the exclusive jurisdiction of the United States.

"SEC. 30. That every person who shall forge, alter, counterfeit, simulate, or falsely represent, or shall without proper authority use, any license issued by the Secretary of Agriculture under this act, or who shall violate or fail to comply with any provision of section 8 of this act, or who shall issue or utter a false or fraudulent receipt or certificate, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $500 or imprisoned not more than six months, or both, in the discretion of the court.

"SEC. 31. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, available until expended, for the expenses of carrying into effect the provisions of this act, including the payment of such rent and the employment of such persons and means as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere, and he is authorized, in his discretion, to employ qualified persons not regularly in the service of the United States for temporary assistance in carrying out the purposes of this act, and out of the moneys appropriated by this act to pay the salaries and expenses thereof.

"SEC. 32. That if any clause, sentence, paragraph, or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

"SEC. 33. That the right to amend, alter, or repeal this act is hereby expressly reserved."

And amendments Nos. 1, 2, and 3 shall be read and considered separately, and on each amendment there shall be debate under the five-minute rule as follows: Amendment No. 1, one hour; amendments Nos. 2 and 3, one hour and a half each; during which debate amendments may be offered to the amendment then under consideration. All amendments offered, if any, shall be considered pending until the conclusion of the debate on the amendment to which they are offered, and at the expiration of the debate on each of the amendments Nos. 1, 2, and 3 a vote shall be taken on all pending amendments and on the amendment.

Mr. HARRISON. Mr. Speaker, the majority and minority members of the Committee on Rules agreed that 40 minutes on a side would be satisfactory. I desire to submit a request for unanimous consent——

Mr. MADDEN. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. MADDEN. I suppose that was on account of the insignificance of the amendments that are to be offered.

Mr. HARRISON. It was because of the liberal length of time that the rule allows for the discussion of the amendments themselves. [Laughter.]

Mr. MADDEN. I thought it was on account of their insignificance.

Mr. HARRISON. I ask unanimous consent that debate on this resolution be limited to 80 minutes, 40 minutes to be con-

trolled by the gentleman from Kansas [Mr. CAMPBELL] and 40 minutes to be controlled by myself.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that the debate on this rule be confined to 80 minutes, 40 minutes to be controlled by himself and 40 minutes by the gentleman from Kansas [Mr. CAMPBELL]. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, the Clerk read the resolution so rapidly that I was unable to follow him. [Laughter.] I want to ask the gentleman from Mississippi, before unanimous consent is given, just what it was that we had printed in the RECORD this morning?

Mr. HARRISON. The bills that were offered yesterday as amendments to the agricultural bill.

Mr. MOORE of Pennsylvania. I was trying to follow the Clerk, and did follow him quite a while, but what he read does not correspond with what is in the RECORD this morning. I want some explanation.

Mr. HARRISON. The gentleman must have gone to sleep while the Clerk was reading. [Laughter.]

Mr. MOORE of Pennsylvania. The gentleman was very wide awake while the Clerk was reading, and he was very lenient with the Clerk and the House in not insisting on the actual reading of every word. But what is it we have in the RECORD this morning? Are amendment No. 1 and the other amendments merely amendments to a bill the Clerk was reading? Is that the idea?

Mr. HARRISON. I was not paying attention to the Clerk, but I assume that he read the amendments as they are stated in the rule. [Laughter.]

Mr. MOORE of Pennsylvania. I observe the gentleman was asleep; but I am asking seriously, because I am interested in this bill.

Mr. HARRISON. This resolution embraces the three amendments that were offered by the chairman of the Committee on Agriculture yesterday that went out on points of order. One related to cotton futures, another to the standardization of grains, and the third to the warehouse bill.

Mr. MOORE of Pennsylvania. I understand that.

Mr. HARRISON. And they are printed in the RECORD.

Mr. MOORE of Pennsylvania. And what was printed in the RECORD was not the cotton-futures bill, but the amendments thereto; is that correct?

Mr. HARRISON. What was printed in the RECORD is the cotton-futures bill, which the gentleman will have an opportunity to vote for presently.

Mr. MOORE of Pennsylvania. The Clerk referred to section 32, section 33, and so forth. What I want to find out is whether those sections 32 and 33, which I do not find printed in the RECORD this morning, are a part of the original bill?

Mr. HARRISON. They are in the RECORD.

Mr. STAFFORD. I desire to call attention to the fact that they are in the RECORD, on page 7904, second column.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. HARRISON]?

There was no objection.

The SPEAKER. The gentleman from Mississippi [Mr. HARRISON] is recognized for 40 minutes.

Mr. HARRISON. Mr. Speaker, I ask unanimous consent that at the expiration of 80 minutes the previous question shall be considered as ordered on the resolution.

Mr. CAMPBELL. Mr. Speaker, I shall have to object to that.

The SPEAKER. The gentleman from Kansas objects.

Mr. HARRISON. I yield five minutes to the gentleman from Missouri [Mr. RUBEY].

Mr. RUBEY. Mr. Speaker and gentlemen of the House, what we want in this Congress is legislation. What we are seeking to get by this rule is legislation, and what we hope to secure through the adoption of this rule is legislation upon three of the most important measures that will come before this House during this Congress.

One of these measures—the cotton-futures act—was passed by the last Congress. It passed by a large vote not only the House but the Senate, and became a law, but was knocked out by a decision of a district court upon a mere technicality. The purpose here is to reenact that legislation.

The second amendment is what is known as the grain-grading act. That, too, passed in this House in the last Congress. It was known then as the Moss bill. In this House it was passed under suspension of the rules, and there were only 17 votes against it.

In this country of ours there is raised annually grain to the amount of $3,500,000,000. The passage of the grain grades act will benefit the farmers from one end of the country to the other. This measure is indorsed by the farmers' organizations, by the grain men, by the millers, and, in brief, by everybody interested in grain, from the producer to the consumer. The third measure also passed the House during the last Congress and is what is known as the warehouse bill. Each and every one of these measures is for the benefit of the American farmer. We are endeavoring to secure legislation in the interest of the agricultural people of this great country.

The best way to get it is to bring it before the House in connection with the Agricultural appropriation bill and to provide this rule, which is not an unfair rule, but which gives to every man on the floor of the House the opportunity to offer amendments to each one of these measures. It provides for an hour's debate for the cotton-futures amendment, it provides one and a half hours for the grain-grades amendment, and one and a half hours for the warehouse bill. It gives to Members of the House the opportunity to offer as many amendments as they may desire. It provides for full and fair consideration of each of these measures, brought in here in connection with the Agricultural appropriation bill for the purpose of getting certain desired legislation which will be for the benefit of the farming communities throughout the length and breadth of the land.

I sincerely trust that there will be but little if any opposition to this rule. Men may make the mere technical objection that we are legislating by rule, but I do not care as long as we get the legislation. It matters not to me whether it be done by rule or in some other way, provided, of course, the rule is a fair one, and gives opportunity for debate and amendment. In this House at this time, with the congestion of legislation which we have before us, the only way to secure legislation upon these important measures is to adopt this rule and bring up for consideration these measures in connection with the Agricultural appropriation bill. It can be done, and every man will be given a fair opportunity. I trust that there will be little if any opposition to the adoption of the rule and to the passage of these amendments as they come up for consideration. [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. CAMPBELL. Mr. Speaker, the gentleman from Missouri [Mr. RUBEY] has stated that this rule makes in order on an appropriation bill three very important matters of legislation. That is not all this rule does, Mr. Speaker; it inaugurates a complete revolution in the legislative procedure of the House. It does more than that; it is a confession on the part of a majority of this House that they do not know how to get a measure through the House except by attaching it to an appropriation bill as a rider.

There is no question about the importance of the legislation proposed. All the more reason that the bill should be considered on its merits in the usual way that legislation is considered in the House of Representatives. If these matters of legislation were relatively unimportant it would not be so serious a matter to adopt a rule making them in order as amendments and riders on appropriation bills. But they are important legislation, each of them. Each of these three bills should engage the attention of this House in Committee of the Whole under the five-minute rule in order to be voted on as they are discussed, to be reported in the regular way to the House, with an opportunity to make a motion to recommit to the Committee of the Whole or to the Committee on Agriculture. All this procedure is denied by the adoption of this rule.

The gentleman from Missouri has stated that these measures have heretofore passed the House of Representatives. If so, why not pass them again in the House of Representatives, not as a rider on an appropriation bill but upon the merits of the measure? Mr. Speaker, the House of Representatives for years has contended with another body against attaching irrelevant amendments to appropriation bills. Hereafter, if this resolution is agreed to, the Senate is invited to attach anything that it wishes to appropriation bills; any Senator may rise in his place and offer as an amendment to an appropriation bill any bill that has been introduced in the Senate, that is under consideration by any committee of the Senate, have it adopted, and the House conferees, if this resolution is agreed to, will be estopped from denying the Senate the right to have that legislation enacted in that way.

Mr. RUBEY. Will the gentleman yield?

Mr. CAMPBELL. I will.

Mr. RUBEY. Is it not a fact that the Senate rules are far more liberal than our rules in regard to amendments on appropriation bills?

Mr. CAMPBELL. The practice of the Senate does admit of offering amendments to appropriation bills. As one of the conferees on a bill I have been contending with the Senate for weeks over a matter now under consideration by another committee in

this House. The matter was put on the appropriation bill to which I refer while under consideration in the Senate by another committee. If we are to ignore the ordinary rules of the House, the Committee on Rules becomes the great legislative committee of the House. As a member of that committee I do not invite, I do not encourage, and I protest against that authority being exercised by the Committee on Rules or that duty being imposed upon it. The Committee on Rules this morning, after a hasty consideration of less than 30 minutes, reported out three bills for the consideration of this House to be enacted into law before the House adjourns to-night.

Is it any wonder that one of these bills was declared unconstitutional by a nisi prius court recently, having been hastily and inconsiderately passed in another Congress as it now proposes to pass these bills. If this method of legislation is a sample of the capacity of the House under Democratic leadership, the country should know just what your measure is, what your capacity is for legislating, what your ability is to conduct the great business of this country.

You aided a short time ago in a revolution in this House because of the way in which important legislation was enacted. The method you are inaugurating to-day makes the methods that were then employed highly commendatory to the country. The gentleman from Missouri stated in opening this debate that what the country wanted was legislation, and they were not particular about the manner in which that legislation was enacted. The revolution in 1910 in this House was because of the methods by which legislation was enacted rather than because of the nature of the legislation that was enacted.

Mr. Speaker, I reserve the remainder of my time.

Mr. HARRISON. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Speaker, I am surprised to find western Republicans giving opposition to this measure. The gentleman from Kansas [Mr. CAMPBELL], a member of the Committee on Rules, has opened the argument opposing this method of securing this legislation for the farmers of the country. All three of these measures provided for in the rule have passed this House before and failed in the Senate. It is necessary to enact them again. In two instances the bills passed the House, and in the other instance the question of the constitutionality of the cotton-futures law is pending in the Supreme Court, on the ground that the bill originated in the Senate when it should have originated in the House; and in order to have no question about it and not to wait until the court shall pass upon it it is necessary that a cotton-futures act be reenacted, and we propose to amend it in some particulars and try to improve it. Gentlemen, the whole South is interested in that bill. A billion-dollar product is at stake and a large portion of it is handled on the exchanges of the United States. Surely you do not want to deny us the opportunity of having these exchanges regulated by law. One of the other measures is advocated by the gentleman from Missouri [Mr. RUBEY], and it is in the interest of the grain growers of the West. It establishes honest grain standards. He comes here and asks you to vote for a bill that will give the grain growers a fair deal.

Mr. ANDERSON rose.

Mr. HEFLIN. I have not the time to yield. The other proposition is in the interest of the farmers of both the North and the South, the warehouse proposition; and, gentlemen, you come here to-day, when we are begging you to give us speedy legislation for the farmers, and you are fighting a rule that will give it to them. [Applause.] The farmers of the South, the farmers of the North, want this legislation. This House, a body fresh from the people every two years, has twice enacted these measures with regard to the warehouse and the grain law, and the cotton-futures act is already a law, and we want to improve it by amendment and reenact it; and here you are, you old standpat Republicans, true to your record of service to special interest, fighting anything in the interest of the mass of the American people. [Applause.]

Mr. COADY. Mr. Speaker, will the gentleman yield?

Mr. HEFLIN. I have not the time to yield. That is what we see. It looks to me that you would profit by your experience in the past. We whittled you down to a minority, and if you keep up this sort of performance we will have 50 more from that side added to this after the November election. [Applause.] Those who put you up to make a fight on the floor of this House against measures like these are getting you in an ugly predicament. Do not let them impose on you in this fashion any more. It is dangerous, gentlemen. You are going to be winged and crippled worse than you are now in the fall campaign if you keep it up. [Laughter.] Do not let them lead you into that sort of a performance any more. These measures are meritorious. Let us put them on the Agricultural appropriation bill and pass them to-day. Gentlemen say, let us try them out in the regular fashion, and yet you stand here and filibuster and you will continue to filibuster to the end of this session. You can not fool the people. You have the opportunity now to vote for these measures. Are you in favor of giving the farmers of the West and South the benefit of the legislation proposed in these three amendments? [Applause.]

Mr. CAMPBELL. Mr. Speaker, I yield eight minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Speaker, I shall decline interruptions.

The SPEAKER. The gentleman declines to be interrupted.

Mr. BENNET. Mr. Speaker, to paraphrase a familiar hymn:

This is the day I long have sought,
And mourned because I found it not.

I served in the Fifty-ninth, the Sixtieth, and the Sixty-first Congresses, when nearly every day some gentleman on the Democratic side of the aisle rose and talked about gag rules and Cannonism, and depriving the individual Member of his rights. Well, here we are. [Laughter.] There never was anything attempted in those three Congresses like passing a rule 45 pages long embodying three bills, attaching them to an appropriation act, so that the only way the President can veto the bills if he wants to is to veto one of the great appropriation acts. When you vote for the rule that is going to be passed you are not voting respecting any one of these three things. You are simply voting to get something to the Senate so that the Senate can amend it, so that it can go to conference, and so that the individual will never get a chance to vote on the final proposition.

I always liked Democrats, and I regret as a human being when I see them err. As a politician I do not mind it. [Laughter.] As a human being I want to talk to you, however, particularly you gentlemen from the Northern States where your election is not sure as it is in some of the other States; and I want to remind you just between ourselves, because we all of us were alive 10 years ago, of the fact that in the great States of New York, Pennsylvania, in New England, Indiana, Illinois, and Ohio, and in the farther Western States, every Democratic orator went through them talking about the rules and gag rules and tying the hands of the House, and there are men sitting here to-day, I do not doubt, who are here because they made that sort of a campaign. You can never say anything about the rules any more after you do this, because nothing that you criticized was anything like this. I listened to the speech of the distinguished gentleman from Alabama [Mr. HEFLIN] with pleasure, as I always do, and if he does not ever get any closer to the smallpox than he did to the question before the House, he is immune. [Laughter.] If nobody knows any more about what is in this rule than he does, then the four hours provided for discussion are tragically incomplete. [Laughter.] He says there is a grain-grading bill included here that is going to help the farmer.

It will take him more than four hours to demonstrate that there is anything of that kind in this bill. He talks about a Federal warehouse bill, and he forgot to tell you it was entirely optional; that you could license or not license, except for one thing. I have never said before on this floor, and I regret to state it now, because I do not sympathize very much with this talk that everything is aimed at New York, and I am charitable enough to think what they have done to New York in connection with this Federal warehouse bill is an accident. But in section 3 of the bill as proposed I will tell you what they have done. On the piers of our city there stand 70 miles of warehouses side by side, and you confer on the Secretary of Agriculture the power, without application on the part of the owner of any one of these warehouses for a license, without any desire to come into the system, to go into every one of those warehouses, because every one of them is capable of containing wool, cotton, flaxseed, or grain, and inspect it; and then you require him, by the bill, to publish the result of his inspection.

If I were still in practical politics I would know what this bill was. I would know that this was a proposition to come around about October, before a presidential election, and to say to those corporations and individuals who own those warehouses, "I am here to inspect your warehouse." The man would say, "I do not want it inspected. I am not going into your licensing system." And then somebody else would come around to tell him how he could avoid being inspected. But far be it from me to insinuate that there is any political purpose in this bill. It seems to me, though, if I were the owner of a warehouse in those 70 miles of warehouses in New York City, and this bill passed, as it ought not to do, I would be inclined, if I thought more of my money than I did of my principles—and men of large means are apt to appreciate their money—I would be inclined to hesitate before I took any part in politics other than on the Democratic side, when I knew that the

Secretary of Agriculture could send any one man out to force himself into my warehouse any day, and he could rate it in any way he pleased, and that I had no appeal, and that he could do it whether I wanted it or not.

Gentlemen, it is this kind of legislation that is going to make this next House safely Republican. Everybody knows it is going to be Republican. There is just one outstanding fact about this House, and that is its sincere ennui. This side does not particularly care to do anything, because they are going out. Our side is a little bit cautious about raising any rumpus, because we do not want to make any bad precedents. But you are making it secure for us.

When I came here in 1905 the distinguished gentleman from Mississippi, Mr. JOHN SHARP WILLIAMS, then and still a philosopher, said in my first week of service that the trouble with the Democratic Party was that all over the Union its emblem was the donkey, and that the truth was that the people were afraid of it, and that the reasons that they were afraid of it were such as the matters that were before the House and were usually little minor things.

It was the minor things that your party has done. It is the more or less of minor things that your party is doing now. The ruling of our distinguished Speaker the other day was probably within the letter of the law, but to the people of this country "the letter killeth, but the spirit giveth life." And all over the country there are appearing headlines like the one I picked out of a paper this morning that came to me through the mails, saying, "Speaker forces bill into conference." That kind of thing that you are doing is going to put you out. You could not evolve any worse rule than this. But I think I will withdraw that, on reflection. You may. [Laughter.] If you can do this, nobody can put a limit on what you can do. You may put all the legislation in the House on an appropriation bill. But there is one thing you gentlemen have got to face when you go back into your districts. Your districts will ask you why you did not pass your legislation. You will say you could not get to it. They will say, "Mr. RUBEY and Mr. LEVER, who introduced the other bills, passed them—the grain-grading and warehouse bill." "Oh, yes; but that was under a rule. They put it on in an appropriation bill." They will say, "Those people had more power than you, did they not?" And you will have to say, "Yes." "Did you vote to permit that?" And you will have to say, "Yes." And you have destroyed Democratic equality as it affects your own people, and they will make you hear from it and suffer for it. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. HARRISON. Mr. Speaker, I yield six minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Speaker, I think our friend from New York has somewhat missed the point in his attack upon the majority party with respect to the contention that we made while the Republican Party was in power. We did have a good deal to say about gag rule, but we charged that your party, while it had control of this House, used the gag rule for the purpose of suppressing good legislation rather than for the purpose of putting good legislation through. [Applause on the Democratic side.] And that is the reason that the American people listened to the protests of the Democratic Party, put us in power, and turned you out. We sat here for 16 years and saw the Rules Committee, composed of the Speaker and two other Representatives, throttle the demands of the rank and file of the American people. It was no uncommon sight to see large delegations appealing in vain to be heard.

The American people are not going to turn the Democratic Party out of power until they have analyzed results. That is what the American people are concerned about more than the method of procedure. Now, if these three amendments are good legislation, the average man does not give a flip of his finger whether they are put through this House as separate bills or as amendments to the Agricultural appropriation bill. And the test is going to come in this House when the vote is taken, and I predict that when it is taken upon these three amendments you will find gentlemen voting for them on that side of the Chamber as well as on this, just as they have voted for every other important measure the Democratic Party has put through this House except one. We heard a great deal of protest about the currency bill. Dire predictions were made that ruin would come to the country if it should be passed

Yet when the great war in Europe was suddenly declared, a war that involves the whole world, the finances of this country were safe and steady and the credit of the Nation was strong as the rock of Gibraltar. But for the passage of that law there would have been a panic Nation wide. Everybody believes this is true. I wonder how many gentlemen on that side of the Chamber would stand up now and say they are willing to vote for a repeal of that currency legislation.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from North Carolina yield to the gentleman from Illinois?

Mr. POU. Yes.

Mr. MADDEN. The gentleman probably knows that if the bill had become a law as it was drawn originally everybody in this country would have gone into bankruptcy.

Mr. POU. It is true the bill was amended by a Democratic House and Senate. It became necessary for a Democratic Congress to act, for you gentlemen had sat here for 16 years and refused to act. And if that Democratic currency law had not been passed, and if the Republican laws affecting the currency had remained on the statute books there would have been the greatest panic the world had ever seen. [Applause on the Democratic side.]

Mr. MADDEN. Mr. Speaker, will the gentleman yield again?

The SPEAKER. Does the gentleman yield?

Mr. POU. No; I can not yield. I have only a moment left.

The SPEAKER. The gentleman declines to yield.

Mr. POU. And so all down along the line. When the work of this Congress is put before the American people, I submit they are not going to stop to consider whether it was put through by a rule or whether it was put through by bill upon report of a committee. The substance of the legislation itself is going to be considered; and I submit that with the great record behind us and with the measures that we are going to put through in this Congress, we are perfectly content to accept the challenge of gentlemen on the other side, and submit this legislation to the arbitrament of the American people. [Applause on the Democratic side.]

I yield back the balance of my time, Mr. Speaker, if I have any.

The SPEAKER. The gentleman yields back one minute.

Mr. CAMPBELL. Mr. Speaker, I yield eight minutes to the gentleman from Illinois [Mr. CHIPERFIELD].

The SPEAKER. The gentleman from Illinois [Mr. CHIPERFIELD] is recognized for eight minutes.

Mr. CHIPERFIELD. Mr. Speaker and gentlemen of the House, as one of the new Members of the House, I beg to suggest to the distinguished gentleman from Alabama [Mr. HEFLIN] that when the more recent membership on the Republican side select a mentor for their political acts, it will not be the distinguished gentleman who tendered his services in that behalf, nor will it be any gentleman from across the aisle until there is much more evidence of more popular approval of their statesmanship than has existed within the last few months. [Applause on the Republican side.]

The distinguished gentleman from Missouri [Mr. RUBEY] said, very truly, that the legislation which is proposed to be made in order by the rule now sought to be adopted is the most important legislation that has been pending before the present session of Congress.

I can go yet further, and add that this legislation is so comprehensive and all-embracing in its provisions that it affects every man, woman, and child within the confines and borders of our land.

When you provide, as is done by the proposed amendment, for the trading and dealing in cotton upon the great marts of commerce in the United States; when you give the Secretary of Agriculture the right arbitrarily to fix the standards for corn, wheat, rye, oats, barley, flaxseed, and every other commodity of the land that in his judgment requires such standardization; when you provide that every warehouse and elevator within the limits of the United States and every place where these commodities may be stored shall be under his supervision and control, how could you, in 45 pages of any bill, go further than you have attempted to go in this measure, the provisions of which are not fully understood or clearly comprehended by any man who sits within this House to-day?

Now, I know what the answer will be.

The answer will be that some of the provisions of these amendments are optional and some are permissive and that not all are mandatory. But the action which you seek to take to-day is laying the foundation for making them obligatory at the next session of Congress and placing within the hands of the Secretary of Agriculture all of the agricultural commodities, all of the grains, all of the warehouses and elevators, and all of the products of all of the farms within the United States.

I remember a few years ago, shortly before his election as Speaker, when the loved and revered Speaker of this House—and he is not more admired on the one side than he is on the other—came to the city where I reside.

I had the distinguished honor—and I esteemed it as such—to introduce him to our people.

I heard his classic discourse upon the evils that had grown up in Congress, and I heard him, in language that was chaste and beautiful and forcible, speak of the infamous Rules Committee, of their arbitrary action and of the reports that had been brought in by them, gagging, as he alleged, the minority of the House and putting in jeopardy the rights of the American citizens and endangering our Republic.

As he spoke, as none other can speak upon the platform, the people from this Republican community broke into cheers, as they were impressed with and thought of the evils and wrongs that had been visited upon the Democratic minority by the unscrupulous majority, and I confess I felt badly myself. [Laughter.]

Mr. FORDNEY. Did you get over it? [Renewed laughter.]

Mr. CHIPERFIELD. Yes; I got over it. We were rebuked by the electorate; we were chastened; and now we are spiritually refined.

At the present time we have done our penance, and our repentance is accomplished and complete.

The American people kicked us out of power because of their detestation of the same tactics and practices that you now invoke and seek to employ.

I am not foolish enough to think, or credulous enough to suppose, that anything that may be said here by any of us will make the slightest difference in the action of the majority upon this proposition, and I realize that it is "the voice of one crying in the wilderness."

But I have read in the RECORD of past sessions the wails and the denunciations, and the protests and the lamentations, and the shrieks of horror you uttered as you were being ravished by the Republican majority. [Laughter.]

I have seen in that RECORD, indelibly preserved, the tears you shed, and, in view of your action to-day, repudiating all you then said, you stand branded with the condemnation of rank hypocrisy in the utterance at those times of those wails and lamentations. [Applause on the Republican side.]

You were not on the square then, and you are not now.

You believe just as much to-day that the practice you invoke to serve the purpose of the passing hour is as questionable and as wrong now as you believed it to be then.

But why the difference?

Simply because you desire to add these amendments to this appropriation bill, and to crowd them, by the use of this iniquitous rule, down the throats of the minority of this House, without giving to us opportunity for discussion or for consideration.

Here they are, these amendments—of nation-wide effect and importance.

On one of them you allow an hour's debate, and upon each of the others you allow an hour and a half of debate.

These are measures that affect every constituent within your districts, measures that are of the greatest importance to every man who is engaged in the production of any agricultural product, and yet you stifle debate and consideration of them and seek to tie them onto this appropriation bill in order that it may pull them through.

You give by this bill the power to the Secretary of Agriculture to establish a grade for all of these grains without reference to local conditions.

You give to him the power to supervise every warehouse and elevator.

You give him the power to change the grade of the grains of the country whenever it may appear practicable to do so.

And then you bring these measures, every one of which is sufficient for at least a week's consideration, into this House and you say to the House, "You must take them blindly, without sufficient debate or consideration, for they are to be forced upon you in defiance of the rules of the House, and only because we are numerically stronger than you." You say, by your actions at least, "We confess that the rules we have adopted to govern us this session are not practical or workable in their operation. We confess our inability to pass legislation in the ordinary way. We know no way to secure the enactment of these three laws in a regular manner, and so we brutally force them upon you in defiance of the rules that we have adopted. We utterly confess our impotence."

Now, you can do this. You probably have the votes to do it, but there is this much that can be said that is as certain as that the sun will rise to-morrow morning, and that is that the practices which you adopt to-day, which you formerly hypocritically reviled the Republican Party for adopting and using, will be submitted to the people at the polls in the coming November for their approval, and that such actions will not be approved. Oh, the gentleman [Mr. HEFLIN] said—and he was simply whistling while going through a graveyard—that there would be more Members taken from this side and added to that side in the coming November election. Gentlemen, in the next Congress of the United States, because of your stupendous failures in all the departments of the Government, a little child will be able to count the number of your Members then present without going beyond the most elementary stage of enumeration in arithmetic. [Applause on the Republican side.]

Mr. HARRISON. I yield two minutes to the gentleman from Texas [Mr. DAVIS].

Mr. DAVIS of Texas. Mr. Speaker, on this question I have made perhaps a thousand speeches in the last 30 years. I have been very much interested in our friend from Illinois [Mr. CHIPERFIELD], who just left the floor. He talks about the Rules Committee in the past and the Rules Committee now. The difference between the two is that the Rules Committee under Republicans had a habit of blocking legislation in the farmers' interest and saddling a lot of trusts and combines on the farmers and the country, and I condemned them in every form of language I could use in a parliamentary way; but when the present Rules Committee has the courage to bring out legislation to help the farmers, three very important measures, to open the door of hope to that class who drink warm stick-worm water out of an old jug at the end of the row, while we men here drink ice water out of a cooler, my God, I want to congratulate the Committee on Rules! [Applause.]

In one of these measures we have the warehouse system. I have seen the apples in rows of trees a mile long on the Pacific slope, as beautiful as ever the human eye looked upon, rot and go to waste, while across on the other side of the mountains the people could not afford to eat apples, because some sort of a monopoly lay between the mouth of the hungry fellow and the fellow who had the apples. I have seen peaches and potatoes rot by the thousands of bushels, when they would not pay for the baskets and sacks to put them in, because there was no warehouse system to handle them, and a line of monopolies built up by the Republican Party stood between them and the fellow 300 miles away, who could not afford to eat them, because there were too many monopolies between the fellow that grew them and the fellow that was hungry. I have seen all those conditions, and I want to help remedy them. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

Mr. CAMPBELL. I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Speaker, this is another effort to fasten unnecessary law on the people of the country. I say "fasten law upon the people of the country," because that has been the practice of the party in power since it came into power. It has been nothing but law, law, law, regulation, regulation, regulation! Now we are coming to regulate the farmer of the country a little bit. And the farmer may soon feel it.

Our friends upon the other side assume that this bill is in the interest of the farmer. I have some information here which indicates that it is opposed to the interests of the farmer. If this grain-grading bill is put through under this rule, as you propose to put it through, and the farmers meet with bad climatic conditions and poor crops, they may, in the course of one year, by reason of the standards established here, stand to lose as much as $50,000,000 or $75,000,000. When the farmer begins to lose money under this expensive regulation system, some of you who are preaching special friendship for the farmer may not care to look him squarely in the face and tell him that you put this legislation through under a gag rule. The farmers of Montana are beginning to raise wheat to sell to the export trade. When these regulations are put into effect and full authority is given the Secretary of Agriculture and his inquisitors, go ask the farmers of Montana how they feel when their crop conditions will not permit them to enter into the foreign trade, because their grade of grain does not come up to a hard-and-fast legal standard.

Our friends upon the other side of the House talk about this being important legislation that ought to be passed under a rule. It is important legislation, three great bills that this Congress ought to carefully consider, but we are to do so only under pressure. The Speaker told us the other day that we ought to speed up; that we ought to get busy so we can get home. You have given us two weeks to discuss the details of the Agricultural bill, and in the last hours of that bill you bring in as riders these three important bills, any one of which ought to have the consideration of this House for a week. Yet under a gag rule you propose to pass these laws, which you do not care to have discussed in the open.

Gentlemen over there say Republicans suppressed legislation under the rules. Perhaps it was well for the country that some of the legislation which you have brought out since you have been in power was suppressed. It would have been for the welfare of the people of this country.

You boast about your legislation and ask whether we would repeal the currency act. You have already started to repeal that act yourself. You are already beginning to correct your errors. In a few days you are going to take back all you said about interlocking directorates. You have already started to correct your tariff law. You have taken back your repeal of the sugar tax. You are repealing here and there all along the line. Talk about your seaman's law, which drove the American flag from the high seas! You have already come in, under the pressure of the people behind you, the farmers included, and you have started to repeal that law. Go on with your kind of legislation, fasten your tentacles upon the business of this country, and the farmer will feel it along with the rest. Then will come the change.

The agricultural bill that is now pending is filled with appropriations which the farmers, along with their customers, have to pay for the employment of scientists and experts. We now have 16,000 of them, more or less, to go about the country to tell the farmers how to run their farms; now you are going to fasten a few more of these experts and scientists upon them. You have them in the cotton fields; fasten them upon the warehouses, upon the shipping agencies, upon the boards of trade; all these are among the farmers' best friends and must be relied upon if the farmer is to have a market. But go ahead and pile up the legislative burdens; it will hasten the day of reckoning. [Applause.]

The SPEAKER. The gentleman from Pennsylvania yields back half a minute.

Mr. HARRISON. Mr. Speaker, I yield to the gentleman from North Dakota [Mr. HELGESEN] five minutes.

Mr. HELGESEN. Mr. Speaker, the opposition to this rule is placed on high grounds. Men are opposed to it because of the principle involved. They are opposed to rider legislation. I am just as much opposed to rider legislation, where it is improper legislation, as anyone else; but, my friends, this rule has been used by both parties in the past, and perhaps always will be. My people know this just as well as you know it. They know that it has been used to pass improper legislation and to destroy good legislation, and now they are interested in some bills that they do not see any other way of passing except by this rule.

They say you can not use the rule against them; that it is not legitimate to use it. I have been told by men that the Progressive element is opposed to rider legislation, and yet, while my memory does not go back as far as that of some men, I remember some matters of legislation that passed as riders on an appropriation bill and was supported by the Progressives.

The public-utilities bill was passed as a rider on the District of Columbia appropriation bill. The antimerger legislation was passed as a rider upon the District of Columbia appropriation bill. The Jones-Works excise bill was passed as a rider on the District of Columbia bill. The meat-inspection law was passed as a rider on the Agricultural appropriation bill in 1906, and was supported by Progressives, including Senator LA FOLLETTE, who ought to be a sufficiently radical Progressive to suit anyone.

Now, this is only a partial list. The fact of the matter is that you men who oppose this to-day are opposed to the bill. The gentleman from Pennsylvania [Mr. MOORE] and the gentleman from Illinois [Mr. CHIPERFIELD] both indicate that they are opposed to the legislation which is proposed, and they have a right to be opposed to it. My friends, I want to tell you that this is a serious matter. It is serious for the consumer as well as for the producer. Our foreign exports are in such a condition that they have to be remedied. The principal opposition comes from Baltimore, Philadelphia, New York, Boston, and other export centers. They brought out the fact that they were shipping No. 3 and No. 4 grain as grade No. 2. The price of grain is based on Liverpool prices less the cost of sending it there. That practice has taken not millions but billions of dollars away from the farmers of this country. [Applause.]

Now, from Boston, where the exporters are tremendously opposed to the standardization of grades, comes a resolution which was sent to me the other day. It is too long to read in full, but I will print it in the RECORD. The Chamber of Commerce of Boston is very much in favor of this legislation. They say:

In an attempt to help remove the stigma which has attached to the American grain trade with foreign countries ever since last fall, when shipments of wheat were sent to Europe from Chicago and were of such poor quality that cargoes of it had to be thrown overboard, the Boston Chamber of Commerce to-day is forwarding to Washington a formal approval of the Rubey bill now pending in Congress and aiming to prevent such abuses of inspection as permitted this wheat to go abroad.

At a largely attended meeting of the grain board of the chamber the following vote was passed:

That it is the sense of the grain board that it favors the passage of the Rubey Grain Grades Act, and recommends to the directors that they request our Senators and Congressmen to favor the passage of the bill; and that the chairman of the grain board be authorized to appoint a committee of three members to draft a report to the board of directors giving the reasons why the chamber should favor the passage of the Rubey Grain Grades Act.

In accordance with this vote, Harry Hamilton, Bernard J. Rothwell, and Charles A. Rache were named to draw up the reasons. They now have presented their summary of the abuses which led to the move for a radical change and these have been approved by formal action of the directors, so that the whole report will go forward to the Massachusetts Senators and Congressmen this afternoon, as follows:

The undersigned, having been appointed in accordance with the above vote, respectfully submit the following reasons why the Boston Chamber of Commerce, through its board of directors, should favor the passage of the Rubey Grain Grades Act.

1. The Rubey bill provides for the establishment of uniform standards for the various grades of the different grains, such uniform standards to be maintained throughout the United States.

All grain sold by grade must be inspected and graded in accordance with these standards, but grain may be sold by sample under trade names adopted by individual sellers, as, for example, "Victory" Oats, "Winner" Wheat, etc.

It further provides that all inspection shall be under Federal supervision. There would be no interference with the machinery of existing inspection systems, as, for example, that of the Boston Chamber of Commerce, and competent inspectors recommended by the various exchanges would be appointed by the Secretary of Agriculture. It is understood that these inspectors would be placed under civil-service rules, so that while performing their work honestly and efficiently they could not be disturbed for political reasons.

2. The need for this legislation has for many years been most urgent. Abuses resulting from present conditions have been flagrant, reaching their culmination during the present crop year.

Inward inspection has been rigid at the expense of the shipper. Outward inspection has been elastic at the expense of the buyer.

Grain has at times been inspected out from elevator into cars. These cars run around a belt line back to elevator within a few days and inspected in a grade or two grades lower.

Not only has the one grade, say, No. 1 northern spring wheat, meant one thing in one market and another in another, but it has meant several different things in the one market, for example:

In Minneapolis for months during the present crop year there was, day after day, a variation based on quality of from 8 cents to 16 cents per bushel in the selling price of No. 1 northern spring wheat; that is, at the same time and in the same place various lots of wheat, each bearing the same official grade, sold at from 8 cents per bushel difference on some days to 16 cents per bushel difference on others.

In Kansas City during the same time the difference, day after day, for months was from 3 cents to as high as 20 cents per bushel; that is, at the same time and in the same place various lots of wheat, each bearing the same official grade, sold at from 3 cents per bushel difference on some days to 16 cents per bushel difference on others.

These were wholly quality differences. There was no other reason for the variation in price.

As one-eighth of a cent per bushel will turn a trade in grain, the extent of the manipulation of grades may easily be seen.

The oats crop of 1914 affords striking example of fraudulent manipulation of grades.

In the early months of the crop movement the average moisture content of oats in eight principal oat-shipping States was 11.1 per cent. In January, 1915, oats of the same grade in one of our eastern markets showed an average moisture content of 13.7 per cent, showing an average added moisture of 2.6 per cent, which meant that the consumer paid 2.6 per cent of his money for water instead of for oats.

Seizures were made by United States officials during the spring of 1915, with the result that the moisture content of the same grade dropped within a month to an average of 11 per cent.

"Doctoring" of oats, in other words, adulteration, is a constant fraud against which under present conditions buyers and consumers have no redress.

In August and September, 1914, in one of the large markets oats contained an average of 2.8 per cent of other grains and foreign materials. In April, 1915, in the same market the same grade of oats showed 10.3 per cent of other grain and foreign seeds, an increased adulteration of 7.5 per cent.

In wheat, however, during the summer and early fall of 1915 occurred the most extraordinary abuse of inspection ever perpetrated.

Grain houses in one of the large central markets of the West, prior to harvest, sold in foreign markets enormous quantities of "No. 2 hard" and "No. 2 red winter" wheat for shipment from Chicago during July, August, and September, 1915.

Almost incessant rains at harvest, and for months afterwards, totally destroyed many millions of bushels of wheat and damaged to an unprecedented extent the entire crop. The result was that not over 10 per cent of the receipts of wheat in principal markets during the months named graded "No. 2"; comparatively little graded "No. 3"; the bulk was "No. 4" or "No grade."

The total receipts of No. 2 in Chicago during these months were probably considerably less than 1,000,000 bushels. Notwithstanding this, several million bushels of wheat were inspected out and certificates issued as "No. 2 hard" or "No. 2 red winter" and were shipped in fulfillment of the contracts above mentioned.

When some of this wheat reached the seaboard local inspection graded it "No. 4" or "Unmerchantable." However, it had been sold on western certificate and went forward to European buyers.

On arrival across the ocean much of this wheat was hot and caked and actually had to be chopped out of the holds of vessels at Liverpool and London.

At Italian ports the Government confiscated several cargoes and they were thrown overboard as unfit for any use.

The reputation of the American grain trade, which had suffered for many years from lesser infractions of the rules of fair trading, was now smirched as never before. For probably the first time in such matters the intervention of the United States ambassadors was sought and the whole matter, involving 30,000,000 bushels and several million dollars, is now in the hands of the Department of State.

3. Efforts to eliminate these abuses, which have involved enormous loss year after year to grain shippers, to millers, to domestic grain distributors, to consumers, and to foreign buyers of American grain, have been persistent for the past 10 years.

In the last session of Congress the Moss Grain Grades Act, almost identically the same as the Rubey bill, passed the House of Representatives almost unanimously, but the Senate Calendar was so crowded and the fight over the shipping bill was so prolonged that it was not reached; consequently a new bill had to be introduced at the present session.

There is good prospect of the passage of this bill, but it will require the indorsement of all organizations who favor putting this enormous business upon a reputable and responsible basis.

Among the organizations that have favored this legislation are:

(A) Grain Dealers' National Association of the United States, made up of 3,300 members in practically every State of the Union, 17 States being represented upon its board of directors.

(B) Millers' National Federation, embracing thousands of flour millers in every flour-milling State in the Union.

(C) The principal grain-trade organizations in all the prominent grain-trade cities of the West.

The demand for it is almost universal.

4. Opposition to the Rubey bill, aside from State-inspection departments, which are under political control and are in a large measure responsible for the abuses herein recited, comes from exporters in Baltimore, Philadelphia, New York, and Boston.

Their reasons for the most part are illogical and easily refuted. In Boston, for example, the principal argument of the exporters who are opposed to uniform inspection is that in the case of corn it would do away with the climatic advantage which Boston, by reason of its cooler temperature, holds over southern ports.

This argument is specious, because it is obvious that if corn containing a high percentage of moisture can safely be exported via Boston, whereas shipment via southern ports would be decidedly risky, that corn will be exported via Boston and the port will receive the full benefit of its natural advantage. There is no sound reason, however, why corn that is in reality "No. 3" or "No grade" should be graded and certificated in any market as "No. 2."

Summary: The Rubey bill and the movement which it represents is designed to safeguard the interests of all concerned in the growth, the milling, and the distribution of grain. It is designed to protect the honest dealer from the unscrupulous; it is designed to remove grain inspection from local, political, or other influence which can be used for private advantage; it is designed to enable the grain buyer, large or small, to know with reasonable exactness what he is buying and paying for and what he is entitled to and will receive. As stated by the Grain Dealers' National Association:

"We are in favor of Government supervision of grain inspection for the same reason that the honest shippers of the country favored the abolition of the rebate. It makes for better, more honest business. It gives the consumer a square deal, and that in the long run benefits the individual dealer who wishes to conduct his business without constant infractions of the law of common honesty."

As this bill is now under discussion in Congress and a vote is likely to be reached immediately, we respectfully urge the indorsement of the bill by the Boston Chamber of Commerce and the immediate notification of such indorsement to Hon. THOMAS L. RUBEY, chairman Subcommittee on Agriculture, and Hon. THOMAS P. GORE, who has entered in the Senate another exactly similar bill, as well as the Senators and Representatives of all the New England States.

Mr. COADY. Will the gentleman yield?

Mr. HELGESEN. Yes.

Mr. COADY. Does the gentleman know how many complaints have been made by foreign shippers, or at least foreign recipients of the grain as to grain shipments from Baltimore, Philadelphia, and New York?

Mr. HELGESEN. They have made complaints every year.

Mr. COADY. Does the gentleman know that those ports have shipped 46,000,000,000 bushels of grain and that there were very few complaints of any kind?

Mr. HELGESEN. I do not know that, nor does the gentleman know it. They have made persistent complaints and have appealed to this Government before this year. This is not the first case; it has been year after year, and was admitted by the exporters from the four cities.

The SPEAKER. The time of the gentleman has expired.

Mr. CAMPBELL. Mr. Speaker, I yield three minutes to the gentleman from Minnesota [Mr. ANDERSON].

Mr. ANDERSON. Mr. Speaker, the Clerk read this rule very fast. I suspect he left out a very large proportion of it, which was well. I have the idea that it is much easier to vote for the rule if you do not know what is in it. The rule provides for the consideration of three bills covering some 44 pages. These bills are to be passed in four hours, without one minute of general debate. The only debate permitted is under the five-minute rule, and that part of the rule is constructed in such a way that a man can not get a vote upon his amendment at the end of his argument, but must get his vote at the end of the entire debate, when everybody has forgotten what he has said. That is the kind of a rule that you propose to put over on us. It would be difficult to imagine a more severe commentary upon the methods of legislating in this House than this situation presents. Already in this session of Congress, although we have passed only five of the great appropriation bills, we have passed seven special rules, and there are some five or six rules pending before the Rules Committee which have not been reported. In the short session that preceded this we passed 8 special rules, and at the long session that preceded that we passed 17 special rules—more special rules in these three sessions than were passed in the entire régime of the distinguished former Speaker of the House when chairman of the Rules Committee.

The gentleman from Alabama talks about the regulation of grain exchanges. If anybody else in this House knows as little about what is in the resolution as the gentleman from Alabama, we shall need more than four hours' debate. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HARRISON. How many speeches remain on that side?

Mr. CAMPBELL. Only one more on this side.

Mr. HARRISON. I yield to the gentleman from South Carolina [Mr. LEVER] seven minutes.

Mr. LEVER. Mr. Speaker, the House is brought face to face with a practical proposition. It might as well realize what the proposition is. The rule under consideration makes in order on the appropriation bill which will be under consideration shortly certain bills that have been passed upon by the Committee on Agriculture having jurisdiction of the subjects and which are now pending on the calendar in this House. Each of these three bills—the cotton-futures bill, the grain-standardization bill, and the Federal-warehouse bill—has passed, two of them both branches of the American Congress in the last session of Congress, and the grain-standardization bill passed this House under a suspension of the rules by over a two-thirds vote.

Now, the criticism is that we are attaching to an appropriation bill a rider, and therefore that you are asked to vote down the rule, because it is asserted that the practice of attaching riders to appropriation bills has in the past led to bad legislation. On the general proposition of attaching riders to appropriation bills I may agree that under ordinary circumstances it were best that that method of legislation should not be employed. But I take it that whatever evils have resulted from this method of legislation have been due to the fact that the body considering them was taken by surprise, and that there could not be, that there had not been, full consideration of the legislation proposed. This is a different situation. We are asking you to attach to this bill three propositions which have been considered thoroughly by the committee having jurisdiction.

The rule making these three propositions in order was introduced by me a week ago, so that the Congress has had due notice. We are not surprising anybody. We have given you fair notice. We are only asking you to do in a practical way what we fear we will not be able to do under the existing situation in this body and the body at the other end of the Capitol. [Applause on the Democratic side.] Do we want this legislation? Do you gentlemen, representing great agricultural constituencies from the West and the East and the Middle West and the South, desire to represent the will of those people? Are you honestly in favor of giving this great remedial legislation to the toiling farmers of the country? Are you in earnest in your protestations? I say very frankly, knowing some of the men from the West, on that side and on this side, that they are earnestly in favor of legislation of this character, and I do not believe that they are going to stand on this mere quibble of a technicality and deny their people this relief. [Applause on the Democratic side.]

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. LEVER. I have not the time, I am sorry to say. It is a question of getting consideration. Will you defeat this rule, deny consideration of this legislation, and then have the hardihood to go to your people who have demanded it, and in whose interest it is proposed and say, "I could not give you that legislation, boys, because a technical rule of the House stood in the way"? I do not believe your people will excuse you upon that ground. I believe the people of this country have made up their minds that they want this legislation, and I do not believe they give a tinker's damn how they get it, just so they get it. [Applause on the Democratic side.]

Let me say another thing. Take your grain-grading bill. There is not a single line of opposition to that legislation from the grangers or from the farmers, from the milling interests, or from any interests involved, except probably the chambers of commerce of one or two exporting points on the Atlantic coast.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. CAMPBELL. Mr. Speaker, I yield eight minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, if I were looking only to political advantage, I would content myself with making a formal protest against this rule and then letting this majority adopt it, but there is so much more involved here in the rule than politics that I would not be true to my duty if I let it rest there. You propose to destroy the greatest safeguard that this House has against legislation of the most vicious character. Every Member of this House who has been here for any length of time knows that two-thirds of the legislation that has been

vicious which has crept into the laws enacted by Congress has been through riders on appropriation bills, and it has not been put there by this House, but by another body, and the conferees of this House have accepted it. For the past few years this House has stood like a rock against riders of that character, and, as a result, legislation that has been found upon appropriation bills in the form of riders has not been of that vicious character to which I refer. Pass this rule, however, create this precedent, and the conferees of the House no longer will be able to say to the conferees of the Senate, "It is against the practice and the rules of the House to carry new legislation upon appropriation bills," and this House will then be helpless.

Mr. Speaker, I want to say a word with reference to the speech made by my friend from North Dakota [Mr. HELGESEN], a valuable Member of this House. This is the first time that he has gone seriously wrong upon any proposition. He was elected as a progressive Republican, and one of the cardinal principles of those who belonged to that group was that they were opposed to gag rules, that they were opposed to rules of this character, and yet he proposes to vote for it. This rule is not only a gag rule, but it is a rule that will prevent the House upon the final coming of this legislation before the House from having a vote upon it. I have a little different conception of the duties of a Member of this House than that he is to base his action upon vital issues on the question of whether or not he happens to be for or against the legislation.

What will happen if this rule is adopted? I am not against these bills, any one of them. They have been amended to meet the objections I have heretofore made with reference to them. But these are not the bills that will come out of conference. The conferees will finally frame these bills and put them into a great appropriation bill, and there will be no opportunity for a separate vote upon them; and we will be compelled, if the bills are not as we think they ought to be, to vote down a great appropriation bill for the carrying on of the expenses of this Government in order to defeat legislation that we may then think to be vicious. Mr. Speaker, it can not be defended from any standpoint or from any theory; and the Democratic leaders, if they believed for a moment that they would control the next House, would never have dared to set this precedent for themselves. [Applause on the Republican side.]

Many times the plea has been raised that there should be no sectionalism in this House, and I have agreed with that. I have never since I have been a Member of this House raised the issue of sectionalism, but there comes a time when it is the duty of Members of the House to call a spade a spade, and that time has come now. What is behind this most extraordinary procedure? What is the reason for destroying this great safeguard that we have against vicious legislation? There is only one answer, Mr. Speaker, and that is cotton.

Cotton is king. The South is in the saddle. The South controls this House, and they are willing to sweep away every safeguard we have, they are willing to destroy every principle necessary to the orderly conduct of this House wherever cotton is involved. And you Democrats from the North are willing to meekly follow them, thereby demonstrating to the country that you are not following your own convictions. You are willing, for the purpose of aiding a few Southern States, to destroy the greatest bulwark we have in this House against legislation of evil character.

There is a sop thrown to the farmers of the West, and that is why my friend from North Dakota [Mr. HELGESEN] has favored it; but it is only a sop. There is nothing substantial in it. I am willing to vote for it in a separate bill. It does neither good nor harm, but I want to say it will not help his farmers of North Dakota one iota. You talk about the regulation of grain exchanges, as the gentleman from Alabama did. There is not a syllable about that in these bills. What is the evil in the Northwest that has been complained of? It is the elevators. And in this bill there is not a line of regulation as to a single warehouseman or elevator man, unless he chooses to come under it, and this means, and means only, that if the Federal regulation is more to his advantage than the State regulation he will take the Federal regulation and not the State. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. HARRISON. Mr. Speaker——

The SPEAKER. The gentleman from Mississippi [Mr. HARRISON] has 11 minutes.

Mr. HARRISON. Mr. Speaker, I am not surprised at that side of the House opposing this resolution. It is in keeping with the practice and policy of the minority to obstruct and delay beneficent legislation. It is very consistent upon the part of you Republicans to find fault with and criticize this rule. Your party has sunk to the unenviable position of mere fault finding and criticism. You say this rule is drastic and unprecedented. But I hope before I have closed to convince you that it is neither drastic nor unprecedented. I listened to the gentleman from Wisconsin [Mr. LENROOT] when he said that when these bills were offered as amendments in Committee of the Whole he expected to vote for them, but that he was going to vote against this rule. His views are the views of practically all of you and clearly show the hypocrisy and insincerity of your position. If you intend to vote for the amendments when offered in the committee, why do not you vote now for the rule? The rule is not different, except it is not so drastic, from rules that your side forced through this House time and time again. [Applause on the Democratic side.] The gentleman from Wisconsin [Mr. LENROOT] says that the Senate has practiced putting on riders to appropriation bills but that the House has not. I say the House, too, has done it time after time. While you employed this method of enacting much bad legislation the Democratic minority forced you to pass some of the best legislation now upon the statute books by embodying it in general appropriation bills. [Applause on the Democratic side.] The parcel-post bill was enacted in that way. [Applause.] The rural carriers provision was enacted in that way [applause], and there are many other provisions that I could cite the gentlemen on that side to that to-day might not be on the statute books if it were not for the fact that they were tacked as riders on general appropriation bills.

Now, let us see whether or not this rule is so drastic. Let us see if it is sectional. On the Agricultural Committee of the House there are men from every section of the country—only 6 out of 21 from the South. This grain-standardization bill was voted unanimously out of the committee. The men on that committee who came from the West, and who are vitally interested in this legislation, disagree with my friend from Wisconsin and are enthusiastically supporting this bill. There is nothing sectional in this matter. Representatives from the South are for the grain-standardization bill because they believe it will help the farmers of the North and West, and because northern Representatives want it. Ah, the gentleman from North Dakota [Mr. HELGESEN] need not become alarmed at the remarks of the gentleman from Wisconsin [Mr. LENROOT]. I believe that when he goes before his people and shows to them that there was no way of procuring the passage of the grain-standardization bill except by voting for a rule making it in order for consideration on this bill, they will approve and applaude his action. And when the constituency of the gentleman from Wisconsin and constituencies of other gentlemen of the minority ascertain that through voting against this rule they prevent the consideration of the grain-standardization bill, which means its defeat, they will disapprove and denounce their action. [Applause.]

Sectional? There is nothing sectional about this resolution. The grain-standardization bill was introduced by the gentleman from Indiana [Mr. Moss]. But let us see about the drasticity—if I may manufacture or employ that word—of this rule. It only provides for the consideration of these three amendments as they are offered in the Committee of the Whole. It does not prevent any amendment from being offered to any of the three amendments. It provides for more debate than any of the bills along this line previously considered in this House. The cotton-futures bill, the standardization of grain bill, and the warehouse bill were all passed under a suspension of the rules, which, under the general rules of the House, prevented amendments being offered and allowed only 20 minutes of debate on a side, and yet under this rule an hour's debate on the cotton-futures amendment, an hour and a half on the grain-standardization amendment, and an hour and a half on the warehouse amendment is permitted. Let me say to the gentleman from Wisconsin, if he wants to offer any amendments, notwithstanding the fact that he says he is going to vote for them anyhow——

Mr. LENROOT. I did not say I was going to vote for these amendments. If they were separate bills that would be a different proposition.

Mr. HARRISON. Then I misunderstood the gentleman. If the gentleman wants to offer an amendment he may do it, and any other gentleman on the floor of this House may do it. When you were in control of this House you did not follow that practice. You brought rules into this House and said that no amendments could be offered to the bills, and not only that, but oftentimes you said that no debate should be allowed in the consideration of the bills. Here we allow you both, and no one can rightfully say that this is a drastic rule. It merely grants the right to consider these measures, allows freedom of amendment and reasonable debate, and yet for these reasons, and not because you are against the amendments, you oppose the rule. Gentlemen, your constituents will neither approve

your reasoning nor your course. [Applause on the Democratic side.]

Let me cite you to some precedents proposed by your Republican Rules Committee and passed by your Republican majority when in control of this House. Oh, you can smile. Of course, the gentleman from Illinois [Mr. CHIPERFIELD] will smile, although the two distinguished gentlemen that are on the Agricultural Committee from his State voted for all of these propositions.

Mr. CHIPERFIELD. Will the gentleman yield to a question?

Mr. HARRISON. I am sorry my time is limited, and I can not yield just now.

In the Sixtieth Congress, first session, page 2660 of the CONGRESSIONAL RECORD, you adopted a rule providing for new legislation on the Army appropriation bill.

In the Fifty-ninth Congress, first session, page 9152 of the RECORD, you adopted a rule allowing certain new legislation in order on an appropriation bill, unreasonably limited debate under the five-minute rule on the new legislation, and permitted no debate under the five-minute rule on any of the other provisions. [Applause on the Democratic side.] And yet you talk about this rule being drastic and without precedent,

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Mississippi yield to the gentleman from Wisconsin?

Mr. HARRISON. Not right now.

Mr. LENROOT. Just for one question.

Mr. HARRISON. If the gentleman will just abide his time with patience, I will give him as much information as it is possible in a short time. [Laughter.] In the Fifty-eighth Congress, second session, page 3709 of the RECORD, the Committee on Rules made in order new legislation on the Post Office appropriation bill.

In the Fifty-ninth Congress, second session, page 897 of the RECORD, the Committee on Rules made in order new legislation on the Army appropriation bill.

In the Sixty-first Congress, first session, page 4554 of the RECORD, Mr. Walter I. Smith, a Republican, from the Committee on Rules, reported a special rule—and your party passed it in this House—making in order a provision on the urgent deficiency bill a section pertaining to surety bonds.

In the Fifty-second Congress, second session, a provision for creating a commission to investigate the executive departments of the Government was made in order on an appropriation bill.

In the Fifty-eighth Congress, second session, a rule was brought in providing for an increase in rural carriers' salaries on the Post Office appropriation bill.

In the Fifty-seventh Congress, second session, a rule was brought in making in order on the District appropriation bill a provision for levying a personal tax in the District of Columbia.

In the Fifty-ninth Congress, second session, Mr. Dalzell reported a rule and forced it through the House making in order on the Post Office appropriation bill several paragraphs that were not in order under the general rules of the House.

In the Fifty-ninth Congress, first session, page 4398 of the RECORD, your majority under a rule made in order every section of the bill of the legislative, executive, and judicial bill that was subject to a point of order, and made it in order, further, upon the motion of the Committee on Appropriations, to insert in any part of the bill any provision reported as a part of the legislative, executive, and judicial appropriation bill which had theretofore been ruled out on points of order. [Applause on the Democratic side.] Will the gentleman from New York [Mr. BENNET] and the gentleman from Wisconsin [Mr. LENROOT] permit me to say that that rule passed by your Republican majority affected 47 provisions of that bill. [Applause on the Democratic side.]

Mr. LENROOT. Mr. Speaker, will the gentleman yield there for a question?

The SPEAKER. Does the gentleman yield?

Mr. HARRISON. Yes.

Mr. LENROOT. Does the gentleman know what happened to the Republicans who brought in that rule? [Laughter.]

Mr. HARRISON. Oh, yes; but the reason why it happened to them was that you thwarted by your rules beneficent legislation and passed by your rules iniquitous legislation, prevented amendments being offered, and refused freedom of discussion. [Applause on the Democratic side.]

Mr. MANN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Mississippi yield to the gentleman from Illinois?

Mr. HARRISON. I do not. In the Sixty-first Congress, second session, page 7578 of the CONGRESSIONAL RECORD, you adopted a rule relating to the postal savings banks which allowed one amendment and you designated what that amendment should be, refused further right to amend, and provided for an immediate vote at the end of a certain time. [Applause on the Democratic side.] That is the kind of legislation you put through. Ah! and the gentleman from Illinois [Mr. MANN] voted for that rule. [Applause on the Democratic side.] But that is not all. In the Fifty-eighth Congress, second session, page 1947 of the RECORD, the Committee on Rules reported a rule for the consideration of an amendment to the act regulating commerce. A time limit was fixed for closing general debate, no debate was allowed under the five-minute rule, and only one amendment was allowed to be offered, and that was in the nature of a substitute. [Applause on the Democratic side.] And yet you say the resolution under discussion is drastic and without precedent. You had better read the record of your party. [Applause on the Democratic side.]

In the Sixtieth Congress, first session, page 6244 of the RECORD, the Vreeland banking bill was considered. How? Ah! It was so cruel I dislike to recall it. [Applause on the Democratic side.] You knew you had the votes and you passed it under a motion to suspend the rules; you allowed only one amendment, a substitute, to be offered and you specified what it should be; you limited debate, and you discharged the committee, who had not considered it, from consideration of it. [Applause on the Democratic side.] And while that action was bad, that did not surpass your action in the Sixty-first Congress, when your Rules Committee and your Republican majority passed your Payne tariff law under a rule that allowed only five amendments to the whole tariff bill being offered, and shut off discussion under the five-minute rule. And you who say we are returning to the days of Cannonism, let me ask you to again consider the liberality and justice of this rule, and compare it with the one you passed in the Fifty-ninth Congress, second session, found on page 3755 of the RECORD, when your Rules Committee forced through the House a rule relating to the safety of employees and travelers upon railroads, that not only made in order six amendments to the bill but, mind you—listen to me—in the rule you agreed to the six amendments; you passed the bill as amended, and in that same rule you sent the bill to conference and appointed the managers on the part of the House. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. HARRISON. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The gentleman from Mississippi moves the previous question. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the "noes" seemed to have it.

Mr. HARRISON. I ask for a division, Mr. Speaker.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 97, noes 89.

So the previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution embodying the rule.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. HULBERT, Mr. CAMPBELL, and Mr. MANN demanded the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll. Those in favor of the resolution will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 184, nays 136, answered "present" 3, not voting 110, as follows:

YEAS—184.

Abercrombie	Byrns, Tenn.	Doughton	Gray, Ind.
Adamson	Callaway	Dupré	Gregg
Aiken	Candler, Miss.	Eagan	Griffin
Alexander	Caraway	Eagle	Hamlin
Allen	Carter, Okla.	Edwards	Hardy
Almon	Casey	Estopinal	Harrison
Ashbrook	Clark, Fla.	Evans	Hart
Aswell	Cline	Farley	Hastings
Austin	Collier	Ferris	Hawley
Ayres	Connelly	Fields	Hay
Bailey	Cox	Finley	Hayden
Barkley	Crisp	Flood	Heflin
Barnhart	Crosser	Foster	Helgesen
Beakes	Cullop	Gallivan	Helm
Bell	Davenport	Gandy	Helvering
Black	Davis, Tex.	Gard	Hensley
Blackmon	Dent	Garner	Hilliard
Borland	Dewalt	Garrett	Holland
Browne	Dickinson	Glass	Hood
Buchanan, Tex.	Dies	Godwin, N. C.	Howard
Burgess	Dill	Goodwin, Ark.	Huddleston
Burke	Doolittle	Gordon	Hughes
Byrnes, S. C.	Doremus	Gray, Ala.	Hull, Tenn.

Humphreys, Miss.	McClintic	Rayburn	Stone
Igoe	McDermott	Reilly	Stout
Jacoway	McGillicuddy	Rouse	Taggart
Johnson, Ky.	McKellar	Rubey	Tavenner
Johnson, S. Dak.	McLemore	Rucker	Taylor, Ark.
Jones	Miller, Pa.	Russell, Mo.	Taylor, Colo.
Keating	Montague	Sabath	Thomas
Kettner	Morgan, Okla.	Sears	Thompson
Key, Ohio	Moss, Ind.	Shackleford	Tillman
Kincheloe	Nicholls, S. C.	Shallenberger	Tribble
Kitchin	Oldfield	Sherley	Van Dyke
La Follette	Oliver	Sims	Venable
Lazaro	Olney	Sinnott	Vinson
Lee	Overmyer	Sisson	Walker
Lesher	Page, N. C.	Small	Watson, Va.
Lever	Park	Smith, N. Y.	Webb
Lieb	Patten	Steagall	Whaley
Linthicum	Pou	Stedman	Williams, W. E.
Littlepage	Quin	Steele, Iowa	Wilson, La.
Lloyd	Ragsdale	Steele, Pa.	Wingo
Lobeck	Rainey	Stephens, Miss.	Wise
London	Randall	Stephens, Nebr.	Young, N. Dak.
McAndrews	Rauch	Stephens, Tex.	Young, Tex.

NAYS—136.

Anderson	Farr	Kennedy, R. I.	Rogers
Anthony	Fess	King	Rowe
Bennet	Fitzgerald	Kinkaid	Rowland
Britt	Focht	Kreider	Sanford
Britten	Frear	Lehlbach	Scott, Mich.
Butler	Freeman	Lenroot	Sherwood
Campbell	Fuller	Longworth	Siegel
Cannon	Garland	McArthur	Slemp
Cary	Gillett	McCracken	Sloan
Charles	Good	McFadden	Smith, Idaho
Chiperfield	Gould	McKenzie	Smith, Mich.
Coady	Green, Iowa	McLaughlin	Snell
Cooper, W. Va.	Greene, Vt.	Madden	Snyder
Cooper, Wis.	Hadley	Magee	Stafford
Copley	Hamilton, Mich.	Mann	Steenerson
Costello	Hamilton, N. Y.	Mapes	Stephens, Cal.
Cramton	Haugen	Matthews	Sterling
Curry	Hayes	Miller, Minn.	Stiness
Dale, Vt.	Hernandez	Mondell	Sulloway
Dallinger	Hicks	Moore, Pa.	Sweet
Danforth	Hill	Moores, Ind.	Tilson
Darrow	Hinds	Nelson	Timberlake
Davis, Minn.	Hopwood	Oakey	Tinkham
Dempsey	Howell	Paige, Mass.	Towner
Dillon	Hulbert	Parker, N. J.	Treadway
Dowell	Hull, Iowa	Parker, N. Y.	Volstead
Dunn	Humphrey, Wash.	Platt	Wason
Dyer	Husted	Powers	Watson, Pa.
Edmonds	Johnson, Wash.	Pratt	Wheeler
Ellsworth	Kahn	Ramseyer	Williams, T. S.
Elston	Kearns	Reavis	Williams, Ohio
Emerson	Kelster	Ricketts	Wilson, Ill.
Esch	Kelley	Riordan	Winslow
Fairchild	Kennedy, Iowa	Rodenberg	Wood, Ind.

ANSWERED "PRESENT"—3.

Booher	Browning	Woods, Iowa

NOT VOTING—110.

Adair	Fordney	McCulloch	Raker
Bacharach	Foss	McKinley	Roberts, Mass.
Barchfeld	Gallagher	Maher	Roberts, Nev.
Beales	Gardner	Martin	Russell, Ohio
Bruckner	Glynn	Mays	Saunders
Brumbaugh	Graham	Meeker	Schall
Buchanan, Ill.	Gray, N. J.	Miller, Del.	Scott, Pa.
Burnett	Greene, Mass.	Moon	Scully
Caldwell	Griest	Mooney	Sells
Cantrill	Guernsey	Morgan, La.	Shouse
Capstick	Hamill	Morin	Slayden
Carew	Haskell	Morrison	Smith, Minn.
Carlin	Heaton	Moss, W. Va.	Smith, Tex.
Carter, Mass.	Henry	Mott	Sparkman
Chandler, N. Y.	Hollingsworth	Mudd	Sumners
Church	Houston	Murray	Sutherland
Coleman	Hutchinson	Neely	Swift
Conry	James	Nichols, Mich.	Switzer
Cooper, Ohio	Kent	Nolan	Tague
Crago	Kiess, Pa.	North	Talbott
Dale, N. Y.	Konop	Norton	Temple
Decker	Lafean	Oglesby	Vare
Denison	Langley	O'Shaunessy	Walsh
Dixon	Lewis	Padgett	Ward
Dooling	Liebel	Peters	Watkins
Driscoll	Lindbergh	Phelan	Wilson, Fla.
Drukker	Loft	Porter	
Flynn	Loud	Price	

So the resolution was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. SCULLY with Mr. BROWNING.

Until further notice:

Mr. SMITH of Texas with Mr. LOUD.

Mr. GALLAGHER with Mr. HOLLINGSWORTH.

Mr. MAHER with Mr. KIESS of Pennsylvania.

Mr. MURRAY with Mr. LAFEAN.

Mr. TALBOTT with Mr. NORTH.

Mr. LOFT with Mr. HEATON.

Mr. HENRY with Mr. HASKELL.

Mr. HAMILL with Mr. GRAHAM.

Mr. TAGUE with Mr. BACHARACH.

Mr. WATKINS with Mr. CAPSTICK.

Mr. WILSON of Florida with Mr. CHANDLER of New York.

Mr. PRICE with Mr. SUTHERLAND.

Mr. DIXON with Mr. WOOD of Indiana.

Mr. DECKER with Mr. SCOTT of P nnsylvania.

Mr. SAUNDERS with Mr. WARD.

Mr. BOOHER with Mr. GRIEST.

Mr. DALE of New York with Mr. GREENE of Massachusetts.

Mr. HOUSTON with Mr. GUERNSEY.

Mr. BRUMBAUGH with Mr. DRUKKER.

Mr. DRISCOLL with Mr. MUDD.

Mr. SLAYDEN with Mr. NORTON.

Mr. SPARKMAN with Mr. MORIN.

Mr. FLYNN with Mr. MOONEY.

Mr. MORRISON with Mr. SWITZER.

Mr. NEELY with Mr. PETERS.

Mr. BUCHANAN of Texas with Mr. MILLER of Delaware.

Mr. CALDWELL with Mr. FOSS.

Mr. SHOUSE with Mr. Moss of West Virginia.

Mr. MAYS with Mr. BEALES.

Mr. CAREW with Mr. GRAY of New Jersey.

Mr. SUMNERS with Mr. CARTER of Massachusetts.

Mr. RAKER with Mr. ROBERTS of Nevada.

Mr. MOON with Mr. CRAGO.

Mr. CARLIN with Mr. MCKINLEY.

Mr. MORGAN of Louisiana with Mr. BARCHFELD.

Mr. LEIBEL with Mr. COOPER of Ohio.

Mr. BRUCKNER with Mr. HUTCHINSON.

Mr. CONRY with Mr. MCCULLOCH.

Mr. OGLESBY with Mr. MEEKER.

Mr. PHELAN with Mr. ROBERTS of Massachusetts.

Mr. O'SHAUNESSY with Mr. SMITH of Minnesota.

Mr. CHURCH with Mr. WALSH.

Mr. LEWIS with Mr. TEMPLE.

Mr. BURNETT with Mr. SWIFT.

Mr. DOOLING with Mr. COLEMAN.

Mr. ADAIR with Mr. FORDNEY.

Mr. PADGETT with Mr. MOTT.

Until further notice by either:

Mr. JAMES with Mr. KONOP.

On this vote:

Mr. CANTRILL (for the rule) with Mr. LANGLEY (against the rule).

Mr. BROWNING. Mr. Speaker, I voted "no." I have a general pair with my colleague Mr. SCULLY, who is absent. I wish to withdraw my vote and to be recorded "present."

Mr. WOOD of Indiana. Mr. Speaker, I voted "no." I have a general pair with my colleague Mr. DIXON. He did not vote, and I desire to withdraw my vote and to answer "present."

Mr. BUCHANAN of Illinois. Mr. Speaker, I desire to vote "yea."

The SPEAKER. Was the gentleman in the Hall listening?

Mr. BUCHANAN of Illinois. I came in just after my name had been called.

The SPEAKER. The gentleman is too late.

The result of the vote was announced as above recorded.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill.

Mr. BENNET. Mr. Speaker, I call the gentleman's attention to the fact that under the rule the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman is correct. The House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill (H. R. 12717), with Mr. HAMLIN in the chair.

Mr. LEVER. Mr. Chairman, I offer the following as an amendment, on page 77, after line 2.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 77, after line 2, by adding the following:

AMENDMENT No. 1.

Part A.

That this part, to be known as the United States cotton-futures act, be, and hereby is, enacted to read and be effective hereafter as follows:

"That this act shall be known by the short title of the 'United States cotton-futures act.'

"SEC. 2. That, for the purposes of this act, the term 'contract of sale' shall be held to include sales, agreements of sale, and agreements to sell. That the word 'person,' wherever used in this act, shall be construed to import the plural or singular, as the case demands, and shall include individuals, associations, partnerships, and corporations. When construing and enforcing the provisions of this act, the act,

omission, or failure of any official, agent, or other person acting for or employed by any association, partnership, or corporation within the scope of his employment or office, shall, in every case, also be deemed the act, omission, or failure of such association, partnership, or corporation as well as that of the person.

"SEC. 3. That upon each contract of sale of any cotton for future delivery made at, on, or in any exchange, board of trade, or similar institution or place of business, there is hereby levied a tax in the nature of an excise of 2 cents for each pound of the cotton involved in any such contract.

"SEC. 4. That each contract of sale of cotton for future delivery mentioned in section 3 of this act shall be in writing plainly stating, or evidenced by written memorandum showing, the terms of such contract, including the quantity of the cotton involved and the names and addresses of the seller and buyer in such contract, and shall be signed by the party to be charged, or by his agent in his behalf. If the contract or memorandum specify in bales the quantity of the cotton involved, without giving the weight, each bale shall, for the purposes of this act, be deemed to weigh 500 pounds.

Mr. SIMS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SIMS. Will we have to wait until each section is read in full before we can offer amendments to it?

The CHAIRMAN. Under the special rule no amendment to the amendment will be in order until after this amendment is reported in full.

Mr. SIMS. The whole amendment?

The CHAIRMAN. The whole amendment.

Mr. SIMS. Then we can return to the proper place?

The CHAIRMAN. Then the amendment, of course, will be open to amendment, but not until after the amendment is reported in full.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Under the rule is discussion permitted under the five-minute rule?

The CHAIRMAN. Not until after the amendment is reported in full. The Chair construes the rule to mean that the amendment must be reported in full, and then one hour's debate under the five-minute rule will be permitted, during which time amendments may be offered.

Mr. MOORE of Pennsylvania. That means that while the first amendment is being read we will not be permitted to offer any amendments or to make any remarks until the conclusion of the reading.

The CHAIRMAN. This whole amendment No. 1 is now being read by the Clerk, and can not be interrupted for amendment or debate until after the reading of it has been completed.

Mr. MOORE of Pennsylvania. During the discussion of the rule it was stated by several gentlemen, notably the gentleman from Missouri [Mr. RUBEY] and the gentleman from Mississippi [Mr. HARRISON] that there would be opportunity for the freest discussion of these amendments. Now is it understood that under the rule the discussion can be had only at the conclusion of the reading of these 21 pages of the cotton futures act?

The CHAIRMAN. Under the special rule just adopted by the House the Clerk is now reading amendment No. 1, and at the conclusion of the reading there will be one hour of debate on that amendment No. 1, during which time any member may seek recognition for the purpose of offering an amendment, and at the end of one hour a vote will be had on the amendments, if any are offered, and upon the amendment now being read.

Mr. MOORE of Pennsylvania. If I understand the Chair correctly, then there will be one hour of general debate only?

The CHAIRMAN. One hour only.

Mr. MOORE of Pennsylvania. At the conclusion of the reading of amendment No. 1, and that there will be no debate on the amendments to be offered to amendment No. 1?

The CHAIRMAN. Gentlemen may offer amendments during that time under the five-minute rule, if they desire.

Mr. MOORE of Pennsylvania. But only one hour is permitted for the offering of amendments and for the discussion of amendments.

The CHAIRMAN. That is the Chair's construction of the rule.

Mr. MOORE of Pennsylvania. A further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Then as a matter of fact all discussion under the five-minute rule is barred under the special rule?

The CHAIRMAN. The Chair is not called upon to pass upon that now. The Chair will pass upon that question when it arises.

Mr. MOORE of Pennsylvania. The fact is that the Chair refuses to allow Members at this time to discuss the amendments paragraph by paragraph under the five-minute rule or to discuss amendments thereto.

The CHAIRMAN. The Chair is bound equally with the gentleman under the rule just adopted by the House, and by reason of that fact can not now recognize him.

Mr. MOORE of Pennsylvania. I understand that. I am not finding fault with the Chair. I want to get the ruling of the Chair. Will the Chair recognize the gentleman from Pennsylvania at this time to discuss a paragraph of the amendment under the five-minute rule?

The CHAIRMAN. However glad the Chair would be to do that, he can not do so.

Mr. MOORE of Pennsylvania. The Chair refuses to recognize the gentleman for that purpose. I thank the Chair.

The Clerk read as follows:

SEC. 5. That no tax shall be levied under this act on any contract of sale mentioned in section 2 hereof if the contract comply with each of the following conditions:

First. Conform to the requirements of section 4 of and the rules and regulations made pursuant to this act.

Second. Specify the basis grade for the cotton involved in the contract, which shall be one of the grades for which standards are established by the Secretary of Agriculture, except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section, the price per pound at which the cotton of such basis grade is contracted to be bought or sold, the date when the purchase or sale was made, and the month or months in which the contract is to be fulfilled or settled: *Provided*, That middling shall be deemed the basis grade incorporated into the contract if no other basis grade be specified either in the contract or in the memorandum evidencing the same.

Mr. LONGWORTH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONGWORTH. I do not know that I quite understand the ruling of the Chair. At what period does the reading under the five-minute rule begin?

The CHAIRMAN. After the Clerk finishes the reading of the amendment.

Mr. LONGWORTH. Then, it will be read under the five-minute rule?

The CHAIRMAN. Then it will not be read under the five-minute rule. It will have been read already.

Mr. LONGWORTH. It will have been?

The CHAIRMAN. Yes.

Mr. LONGWORTH. Now, suppose the gentleman from Pennsylvania [Mr. MOORE] desires to offer an amendment immediately on the conclusion of the reading of this amendment?

The CHAIRMAN. He can offer it, provided he receives recognition from the Chair.

Mr. LONGWORTH. How long would he be entitled to debate it?

The CHAIRMAN. Under the five-minute rule he can talk five minutes, unless the committee desires to extend his time.

Mr. LONGWORTH. Then, I think I misunderstood the Chair. The five-minute rule begins at the conclusion of the reading of this amendment, does it?

The CHAIRMAN. The bill is read as one amendment.

Mr. LONGWORTH. Precisely. Now, when does the five minute-rule begin?

The CHAIRMAN. After the Clerk has completed the reading of the amendment.

Mr. LONGWORTH. And then the five-minute rule continues for one hour—is that it?

The CHAIRMAN. Then the debate under the five-minute rule continues for one hour.

Mr. LONGWORTH. Oh! I did not get that.

Mr. MADDEN. I understand, Mr. Chairman, that there is one hour's general debate on the bill, and then the five-minute rule applies.

Mr. LONGWORTH. May I ask the Chair another question?

The CHAIRMAN. Certainly.

Mr. LONGWORTH. Then, according to the ruling of the Chair, as I understand it, there would be the possibility of offering only 12 amendments.

The CHAIRMAN. How many amendments?

Mr. LONGWORTH. Twelve—5 times 12 make 60 minutes.

The CHAIRMAN. The Chair would not want to say that.

Mr. LONGWORTH. Suppose there were 20 amendments offered?

The CHAIRMAN. If the gentleman could get five minutes' time, he might offer five amendments, or one every minute. There is no limit on the number of amendments that the gentleman might offer during that time.

Mr. LONGWORTH. If that is the case, where does the time come from?

The CHAIRMAN. The Chair will call the attention of the committee to the rule just adopted, which seems to be plain:

And amendments Nos. 1, 2, and 3—

The Clerk is now reporting amendment No. 1—

shall be read and considered separately, and on each amendment there shall be debate under the five-minute rule as follows: Amendment No. 1, one hour; amendments No. 2 and 3, one hour and a half each; during which debate amendments may be offered to the amendment then under consideration. All amendments offered, if any, shall be considered pending until the conclusion of the debate on the amendment to which they are offered, and at the expiration of the debate on each of the amendments Nos. 1, 2, and 3 a vote shall be taken on all pending amendments and on the amendment.

Mr. LONGWORTH. Then the physical fact is that during this hour any gentleman may offer an amendment, which he can debate for five minutes; then some one on the other side could oppose the amendment for five minutes. Is that true?

The CHAIRMAN. Undoubtedly.

Mr. LONGWORTH. That would make 10 minutes; there would be 50 minutes remaining. The physical fact is that not over six amendments could be offered to this bill.

The CHAIRMAN. The Chair is not called upon to figure out mathematically how many amendments can be offered. The Chair is bound by the rule. The amendment must be reported as a whole, and after that there is not exceeding one hour's debate under the five-minute rule, and at the conclusion of that one hour a vote shall be had on the pending amendments to the amendment, if any.

Mr. BENNET. Mr. Chairman, I do not think the gentleman from Ohio precisely understands the situation.

The CHAIRMAN. Does the gentleman from New York make a parliamentary inquiry?

Mr. BENNET. In the nature of a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BENNET. Does the Chair understand that the attitude of the gentleman from Ohio is that the amendment comprises 21 printed pages; that that must all be read; and that no amendment or debate can be had until it is completed; and then there shall be an hour, and during that hour not only is there to be all the debate that there is to be, but within that hour all the amendments must be reported from the desk? So the gentleman from Ohio, if he got the impression that he seems to have got, has an erroneous impression, because there is not one entire hour for debate; there must be deducted from that the time required to report the amendment.

The CHAIRMAN. The Chair thinks the committee understands the rule adopted and the Clerk will read.

Mr. MANN. Mr. Chairman, I will submit a parliamentary inquiry, but I will not ask the Chair to answer it now. I understand the rule and the rule is not explicit on one point. The rule provides that amendments to the amendment may be offered during the one-hour debate. That is a provision contrary to the usual rule—to have an amendment offered and pending. It does not provide definitely either one way or the other whether at the end of the hour's debate it would still be in order to offer an amendment without debate. That question will arise and I ask the Chair to consider it.

Mr. ANDERSON. Mr. Chairman, I wanted to ask the gentleman from Illinois a question, but I will ask it of the Chair as a parliamentary inquiry—whether or not the time consumed in reading the amendment will be taken out of the hour or hour and a half of debate.

The CHAIRMAN. The Chair thinks that the time will be taken out of the hour.

Mr. MANN. Oh, no, Mr. Chairman; a Member who has five minutes is allowed that time for debate and the reading of his amendment is not taken out of that five minutes. Now the rule provides for one hour debate.

The CHAIRMAN. The Chair thinks that he was in error as to that and that the gentleman from Illinois is correct. The Clerk will read.

The Clerk, proceeding with reading of the amendment, read as follows:

SEC. 5. That no tax shall be levied under this act on any contract of sale mentioned in section 3 hereof, if the contract comply with each of the following conditions:

First. Conform to the requirements of section 4 of, and the rules and regulations made pursuant to, this act.

Second. Specify the basis grade for the cotton involved in the contract, which shall be one of the grades for which standards are established by the Secretary of Agriculture except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section, the price per pound at which the cotton of such basis grade is contracted to be bought or sold, the date when the purchase or sale was made, and the month or months in which the contract is to be fulfilled or settled: *Provided*, That middling shall be deemed the basis grade incorporated into the contract if no other basis grade be specified either in the contract or in the memorandum evidencing the same.

Mr. SLOAN. Mr. Chairman, I rise to give the Chair an opportunity to rule directly on the proposition. At the end of the paragraph just passed I move to amend by striking out the last word of that paragraph.

The CHAIRMAN. The gentleman can not be recognized for that purpose at this time. Under the rule this amendment must be reported as a whole.

The Clerk, proceeding with the reading of the amendment, read as follows:

Third. Provide that the cotton dealt with therein or delivered thereunder shall be of or within the grades for which standards are established by the Secretary of Agriculture except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section and no other grade or grades.

Fourth. Provide that in case cotton of grade other than the basis grade be tendered or delivered in settlement of such contract, the differences above or below the contract price which the receiver shall pay for such grades other than the basis grade shall be the actual commercial differences, determined as hereinafter provided.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. BOOHER having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills and joint resolutions of the following titles:

On April 26, 1916:

H. R. 7862. An act for the relief of New England Coal & Coke Co., owner of the American barges *Emilie* and *Cassie*, and Bruusgaard Kiosterud Dampskibsaktieselskab, owner of the Norwegian steamship *Hesperos;*

H. R. 6241. An act to ratify, approve, and confirm an act amending the franchise granted to H. P. Baldwin, R. A. Wadsworth, J. N. S. Williams, D. C. Lindsay, C. D. Lufkin, James L. Coke, and W. T. Robinson, and now held under assignment to Island Electric Co. (Ltd.), by extending it to include the Makawao district on the island of Maui, Territory of Hawaii; and extending the control of the Public Utilities Commission of the Territory of Hawaii to said franchise and its holder;

H. R. 9909. An act to authorize the Chicago, Milwaukee & St. Paul Railway Co. to construct a bridge across the Missouri River;

H. R. 11320. An act granting the consent of Congress to the counties of Twin Falls and Minidoka, State of Idaho, to construct a bridge across Snake River; and

S. 3560. An act to validate a certain title whereon the purchase money has been paid on a private sale by order of the United States District Court for the Middle District of Pennsylvania, at No. 83, June terms, 1910, sitting in bankruptcy.

On April 27, 1916:

H. R. 7248. An act for the relief of the United States Drainage & Irrigation Co.;

H. R. 9803. An act to emancipate from certain disabilities children who have judgments of conviction for crime of record against them in the juvenile court of the District of Columbia;

H. R. 11471. An act to amend paragraphs 177 and 178 of an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, relating to the duty on sugar, molasses, and other articles;

H. R. 4701. An act to establish in the War Department and in the Navy Department, respectively, a roll designated as "the Army and Navy medal-of-honor roll," and for other purposes;

S. 683. An act prohibiting the use of the name of any Member of either House of Congress or of any officer of the Government by any person, firm, or corporation practicing before any department or office of the Government;

S. 1294. An act to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and

S. 4480. An act providing for the establishment of two additional terms of the district court for the eastern district of North Carolina, at Raleigh, N. C.

On April 28, 1916:

H. J. Res. 87. Joint resolution authorizing and directing the Secretary of the Treasury to credit the stamp account of Edward B. Craig, as collector of internal revenue for the collection district of Tennessee, in the sum of $2,034.89, being the representative value of certain internal-revenue documentary stamps which were taken from the office of said collector by an act of burglary;

H. R. 5835. An act for the relief of James Stanton;

H. R. 7502. An act for the relief of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased; and

S. J. Res. 98. Joint resolution to print as a public document the final report and testimony submitted to Congress by the United States Commission on Industrial Relations.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. In view of the statement of the Chair that the time for reading the amendment will be taken out of the hour of debate, would the Chair entertain a motion that further reading of the amendment be dispensed with?

The CHAIRMAN. The Chair did make the statement but immediately corrected it. The Chair does not hold that the time for reading the amendment will be taken out of the time for debate. The Chair made the statement inadvertently but immediately corrected it.

Mr. MOORE of Pennsylvania. I did not understand, Mr. Chairman, that the Chair had corrected that statement.

Mr. LEVER. If the gentleman from Pennsylvania wishes to expedite the matter I will submit a request that the further reading of the amendment be dispensed with.

Mr. MOORE of Pennsylvania. I simply wanted to get the Chair's opinion in the matter.

The Clerk, proceeding with the reading of the amendment, read as follows:

Fifth. Provide that cotton that, because of the presence of extraneous matter of any character or irregularities or defects, is reduced in value below that of Good Ordinary, or cotton that is below the grade of Good Ordinary, or, if tinged, cotton that is below the grade of Low Middling, or, if stained, cotton that is below the grade of Middling, the grades mentioned being of the official cotton standards of the United States, or cotton that is less than seven-eighths of an inch in length of staple, or cotton of perished staple or of immature staple, or cotton that is "gin cut" or reginned, or cotton that is "repacked" or "false packed" or "mixed packed" or "water packed," shall not be delivered on, under, or in settlement of such contract.

Sixth. Provide that all tenders of cotton under such contract shall be the full number of bales involved therein, except that such variations of the number of bales may be permitted as is necessary to bring the total weight of the cotton tendered within the provisions of the contract as to weight; that on the fifth business day prior to delivery the person making the tender shall give to the person receiving the same written notice of the date of delivery, and that on or prior to the date so fixed for delivery, and in advance of final settlement of the contract, the person making the tender shall furnish to the person receiving the same a written notice or certificate stating the grade of each individual bale to be delivered, and, by means of marks or numbers, identifying each bale with its grade.

Seventh. Provide that in case a dispute arises between the person making the tender and the person receiving the same as to the quality or the grade or the length of staple of any cotton tendered under the contract either party may refer the question to the Secretary of Agriculture for determination, and that such dispute shall be referred and determined, and the costs thereof fixed, assessed, collected, and paid in such manner and in accordance with such rules and regulations as may be prescribed by the Secretary of Agriculture.

The provisions of the third, fourth, fifth, sixth, and seventh subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the memorandum evidencing the same, at or prior to the time the same is signed, the phrase "Subject to United States cotton-futures act, section 5."

The Secretary of Agriculture is authorized to prescribe rules and regulations for carrying out the purposes of the seventh subdivision of this section; and his findings upon any dispute referred to him under said seventh subdivision, made after the parties in interest have had an opportunity to be heard by him, or such officer, officers, agent, or agents of the Department of Agriculture as he may designate, shall be accepted in the courts of the United States in all suits between such parties or their privies as prima facie evidence of the true quality or grade or length of staple of the cotton involved.

SEC. 6. That for the purposes of section 5 of this act the differences above or below the contract price which the receiver shall pay for cotton of grades above or below the basis grade in the settlement of a contract of sale for the future delivery of cotton shall be determined by the actual commercial differences in value thereof upon the sixth business day prior to the day fixed, in accordance with the sixth subdivision of section 5, for the delivery of cotton on the contract, established by the sale of spot cotton in the market where the future transaction involved occurs and is consummated if such market be a bona fide spot market; and in the event there be no bona fide spot market at or in the place in which such future transaction occurs, then, and in that case, the said differences above or below the contract price which the receiver shall pay for cotton above or below the basis grade shall be determined by the average actual commercial differences in value thereof upon the sixth business day prior to the day fixed, in accordance with the sixth subdivision of section 5, for the delivery of cotton on the contract in the spot markets of not less than five places designated for the purpose from time to time by the Secretary of Agriculture, as such values were established by the sales of spot cotton in such designated five or more markets: *Provided*, That for the purposes of this section such values in the said spot markets be based upon the standards for grades of cotton established by the Secretary of Agriculture: *And provided further*, That whenever the value of one grade is to be determined from the sale or sales of spot cotton of another grade or grades such value shall be fixed in accordance with rules and regulations which shall be prescribed for the purpose by the Secretary of Agriculture.

SEC. 7. That for the purposes of this act the only markets which shall be considered bona fide spot markets shall be those which the Secretary of Agriculture shall, from time to time, after investigation, determine and designate to be such and of which he shall give public notice.

SEC. 8. That in determining, pursuant to the provisions of this act, what markets are bona fide spot markets the Secretary of Agriculture is directed to consider only markets in which spot cotton is sold in such volume and under such conditions as customarily to reflect accurately the value of middling cotton and the differences between the prices or values of middling cotton and of other grades of cotton for which standards shall have been established by the Secretary of Agriculture: *Provided*, That if there be not sufficient places in the markets of which are made bona fide sales of spot cotton of grades for which standards are established by the Secretary of Agriculture to enable him to designate at least five spot markets in accordance with section 6 of this act, he shall, from data as to spot sales collected by him, make rules and regulations for determining the actual commercial differences in the value of spot cotton of the grades established by him as reflected by bona fide sales of spot cotton of the same or different grades in the markets selected and designated by him from time to time for that purpose; and in that event differences in value of cotton of various grades involved in contracts made pursuant to section 5 of this act shall be determined in compliance with such rules and regulations.

SEC. 9. That the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards of cotton by which its quality or value may be judged or determined, including its grade, length of staple, strength of staple, color, and such other qualities, properties, and conditions as may be standardized in practical form, which, for the purposes of this act, shall be known as the "Official cotton standards of the United States," and to adopt, change, or replace the standard for any grade of cotton established under the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909 (35 Stat. L., p. 251), and acts supplementary thereto: *Provided*, That any standard of any cotton established and promulgated under this act by the Secretary of Agriculture shall not be changed or replaced within a period less than one year from and after the date of the promulgation thereof by the Secretary of Agriculture: *Provided further*, That, subsequent to six months after the date section 3 of this act becomes effective, no change or replacement of any standard of any cotton established and promulgated under this act by the Secretary of Agriculture shall become effective until after one year's public notice thereof, which notice shall specify the date when the same is to become effective. The Secretary of Agriculture is authorized and directed to prepare practical forms of the official cotton standards which shall be established by him, and to furnish such practical forms from time to time, upon request, to any person, the cost thereof, as determined by the Secretary of Agriculture, to be paid by the person requesting the same, and to certify such practical forms under the seal of the Department of Agriculture and under the signature of the said Secretary, thereto affixed by himself or by some official or employee of the Department of Agriculture thereunto duly authorized by the said Secretary.

SEC. 10. That no tax shall be levied under this act on any contract of sale mentioned in section 3 hereof, if the contract comply with each of the following conditions:

First. Conform to the rules and regulations made pursuant to this act.

Second. Specify the grade, type, sample, or description of the cotton involved in the contract, the price per pound at which such cotton is contracted to be bought or sold, the date of the purchase or sale, and the time when shipment or delivery of such cotton is to be made.

Third. Provide that cotton of or within the grade or of the type, or according to the sample or description, specified in the contract shall be delivered thereunder, and that no cotton which does not conform to the type, sample, or description, or which is not of or within the grade specified in the contract shall be tendered or delivered thereunder.

Fourth. Provide that the delivery of cotton under the contract shall not be effected by means of "set-off" or "ring" settlement, but only by the actual transfer of the specified cotton mentioned in the contract.

The provisions of the first, third, and fourth subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the document or memorandum evidencing the same, at or prior to the time the same is entered into, the words "Subject to United States cotton-futures act, section 10."

This act shall not be construed to impose a tax on any sale of spot cotton.

This section shall not be construed to apply to any contract of sale made in compliance with section 5 of this act.

SEC. 11. That upon each order transmitted, or directed or authorized to be transmitted, by any person within the United States for the making of any contract of sale of cotton grown in the United States for future delivery in cases in which the contract of sale is or is to be made at, on, or in any exchange, board of trade, or similar institution or place of business in any foreign country, there is hereby levied an excise tax at the rate of 2 cents for each pound of the cotton so ordered to be bought or sold under such contract: *Provided*, That no tax shall be levied under this act on any such order if the contract made in pursuance thereof comply either with the conditions specified in the first, second, third, fourth, fifth, and sixth subdivisions of section 5 or with all the conditions specified in section 10 of this act, except that the quantity of the cotton involved in the contract may be expressed therein in terms of kilograms instead of pounds: *Provided further*, That if at the time any such contract is entered into the Secretary of Agriculture, after investigation, shall have determined and, by declaration then unrevoked, in the rules and regulations made pursuant to this act, shall have publicly announced that its terms are the substantial equivalent, and sufficient to accomplish the purposes, of the conditions specified in the fourth, fifth, and sixth subdivisions of section 5 of this act, and the rules and regulations relating thereto, such contract shall be deemed, for the purposes of this section, to comply with the said conditions: *And provided further*, That no tax shall be levied under this act on any order mentioned in this section if, first, such order and the contract made in pursuance thereof be solely for hedging the purchase or sale of spot cotton shipped, or to be shipped, from the United States to any foreign country, or the shipment or consignment for sale of spot cotton from the United States to any foreign country, whether such order or contract be the one given or made originally, or be subsequently given or made for a purchase or sale to be substituted, for hedging the purchase, sale, or shipment or consignment for sale, of spot cotton, or be for the liquidation of any such transaction; and, second, a report of such transaction, including the shipment of the cotton involved, be made to the Secretary of the Treasury at such time or times and in such form as he may require.

This act shall not be construed to lay any tax on cotton exported from any State.

SEC. 11a. That upon each order received in the United States which shall have been, directly or indirectly, transmitted or directed or authorized to be transmitted by any person from a foreign country in which there is any exchange, board of trade, or similar institution or

place of business at, on, or in which contracts of sale of cotton grown in the United States for future delivery are customarily made, for the making of any contract of sale of cotton grown in the United States for future delivery in cases in which a contract of sale is made pursuant thereto at, on, or in any exchange, board of trade, or similar institution or place of business in the United States, there is hereby levied an excise tax at the rate of 2 cents for each pound of the cotton so ordered to be bought or sold under such contract: *Provided*, That no tax shall be levied under this act on any such order if contracts of sale of cotton grown in the United States for future delivery which may be made at, on, or in the exchanges, boards of trade, and similar institutions and places of business in such foreign country or countries comply with the conditions specified in section 11 of this act for exemption from taxation under this act of orders sent from the United States for the making of contracts of sale in foreign countries. The Secretary of Agriculture is authorized from time to time to ascertain and determine in what foreign countries there are any exchanges, boards of trade, or similar institutions or places of business at, on, or in which contracts of sale of cotton grown in the United States for future delivery are customarily made, and whether any such contracts of sale which may be made at, on, or in such exchanges, boards of trade, or similar institutions or places of business comply with the conditions specified in section 11 of this act for exemption from taxation under this act of orders sent from the United States for the making of such contracts of sale. He shall publish such determinations in his rules and regulations made pursuant to this act.

SEC. 12. That the tax imposed by section 3 of this act shall be paid by the seller of the cotton involved in the contract of sale, by means of stamps which shall be affixed to such contracts, or to the memoranda evidencing the same, and canceled in compliance with rules and regulations which shall be prescribed by the Secretary of the Treasury. The tax imposed by sections 11 and 11a of this act shall be paid by the sender of the order from the United States or the receiver in the United States of the order coming from a foreign country, as the case may be, and collected in accordance with rules and regulations which shall be prescribed by the Secretary of the Treasury.

SEC. 13. That no contract of sale of cotton for future delivery mentioned in section 3 of this act which does not conform to the requirements of section 4 hereof and has not the necessary stamps affixed thereto as required by section 12 hereof shall be enforceable in any court of the United States by or on behalf of any party to such contract or his privies. That no contract of sale of cotton for future delivery made in pursuance of any order mentioned in sections 11 and 11a of this act shall be enforceable in any court of the United States by or on behalf of any party to such contract or his privies unless it conforms to the requirements of section 4 hereof and the tax imposed by section 11 or 11a upon the order for such contract shall have been paid in compliance with section 12 of this act.

SEC. 14. That the Secretary of the Treasury is authorized to make and promulgate such rules and regulations as he may deem necessary to collect the tax imposed by this act and otherwise to enforce its provisions. Further to effect this purpose, he shall require all persons coming within its provisions to keep such records and statements of account, and may require such persons to make such returns, verified under oath or otherwise, as will fully and correctly disclose all transactions mentioned in sections 3, 11, and 11a of this act, including the origin, making, execution, settlement, and fulfillment thereof; he may require all persons who act in the capacity of a clearing house, clearing association, or similar institution for the purpose of clearing, settling, or adjusting transactions mentioned in section 3 of this act to keep such records and to make such returns as will fully and correctly disclose all facts in their possession relating to such transaction; and he may appoint agents to conduct the inspection necessary to collect said tax and otherwise to enforce this act and all rules and regulations made by him in pursuance hereof, and may fix the compensation of such agents. The provisions of the internal-revenue laws of the United States, so far as applicable, including sections 3173, 3174, and 3175 of the Revised Statutes, as amended, are hereby extended and made to apply to this act.

SEC. 15. That any person liable to the payment of any tax imposed by this act who fails to pay, or evades or attempts to evade the payment of such tax, and any person who otherwise violates any provision of this act, or any rule or regulation made in pursuance hereof, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than $100 nor more than $20,000, in the discretion of the court; and, in case of natural persons, may, in addition, be punished by imprisonment for not less than 60 days nor more than 3 years, in the discretion of the court.

SEC. 16. That in addition to the foregoing punishment there is hereby imposed, on account of each violation of this act, a penalty of $2,000, to be recovered in an action founded on this act in the name of the United States as plaintiff, and when so recovered one-half of said amount shall be paid over to the person giving the information upon which such recovery was based. It shall be the duty of United States attorneys to whom satisfactory evidence of violations of this act is furnished to institute and prosecute actions for the recovery of the penalties prescribed by this section.

SEC. 17. That no person whose evidence is deemed material by the officer prosecuting on behalf of the United States in any case brought under any provision of this act shall withhold his testimony because of complicity by him in any violation of this act or of any regulation made pursuant to this act, but any such person called by such officer who testifies in such case shall be exempt from prosecution for any offense to which his testimony relates.

SEC. 18. That the payment of any tax levied by this act shall not exempt any person from any penalty or punishment now or hereafter provided by the laws of any State for entering into contracts of sale of cotton for future delivery, nor shall the payment of any tax imposed by this act be held to prohibit any State or municipality from imposing a tax on the same transaction.

SEC. 19. That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1916, the unexpended balance of the sum appropriated by the act of March 4, 1915 (38 Stat. L., 1017), for "collecting the cotton-futures tax," or so much thereof as may be necessary, to enable the Secretary of the Treasury to carry out the provisions of this act and any duties remaining to be performed by him under the United States cotton-futures act of August 18, 1914 (38 Stat. L., 693).

SEC. 20. That there are hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, the unexpended balance of the sum of $150,000 appropriated by section 20 of the said act of August 18, 1914, and for the fiscal year ending June 30, 1916, the unexpended balance of the sum of $75,000 appropriated for the "enforcement of the United States cotton-futures act" by the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916 (38 Stat. L., 1086), or so much of each of said unexpended balances as may be necessary, to be used by the Secretary of Agriculture for the same purposes, in carrying out the provisions of this act, as those for which said sums, respectively, were originally appropriated and to enable the Secretary of Agriculture to carry out any duties remaining to be performed by him under the said act of August 18, 1914. The Secretary of Agriculture is hereby directed to publish from time to time the results of investigations made in pursuance of this act. All sums collected by the Secretary of Agriculture as costs under section 5, or for furnishing practical forms under section 9, of this act, shall be deposited and covered into the Treasury as miscellaneous receipts.

SEC. 21. That sections 9, 19, and 20 of this act and all provisions of this act authorizing rules and regulations to be prescribed shall be effective immediately; section 11a of this act shall become and be effective on and after the 1st day of August, 1917. All other sections of this act shall become and be effective on and after the 1st day of the calendar month next succeeding the date of the passage of this act: *Provided*, That nothing in this act shall be construed to apply to any contract of sale of any cotton for future delivery mentioned in section 3 of this act which shall have been made prior to the 1st day of the calendar month next succeeding the date of the passage of this act.

SEC. 22. That the act entitled "An act to tax the privilege of dealing on exchanges, boards of trade, and similar places in contracts of sale of cotton for future delivery, and for other purposes," approved August 18, 1914 (38 Stat. L., 693), is hereby repealed, effective on and after the 1st day of the calendar month next succeeding the date of the passage of this act: *Provided*, That nothing in this act shall be construed to affect any right or privilege accrued, any penalty or liability incurred, or any proceeding commenced under said act of August 18, 1914, or to diminish any authority conferred by said act on any official of the United States necessary to enable him to carry out any duties remaining to be performed by him under the said act, or to impair the effect of the findings of the Secretary of Agriculture upon any dispute referred to him under said act, or to affect any right in respect to or arising out of any contract mentioned in section 3 of said act made on or subsequent to February 18, 1915, and prior to the 1st day of the calendar month next succeeding the date of the passage of this act, but so far as concerns any such contract said act of August 18, 1914, shall remain in force with the same effect as if this act had not been passed.

SEC. 23. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Mr. SIMS. Mr. Chairman, I want to offer the following amendments to the amendment:

On page 3, line 8, after the words "no tax," insert the words "in excess of 10 cents per bale."

On page 10, line 14, following the words "no tax," insert the words "in excess of 10 cents per bale."

On page 12, line 4, at the end of the words "no tax," add the words "in excess of 10 cents per bale."

On page 14, line 2, after the words "no tax," add "in excess of 10 cents per bale."

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. SIMS:

Page 3, line 8, after the word "tax" insert the words "in excess of 10 cents per bale."

Page 10, line 14, after the word "tax," insert the words "in excess of 10 cents per bale."

Page 12, line 4, after the word "tax," insert the words "in excess of 10 cents per bale"

Page 14, line 2, after the word "tax," insert the words "in excess of 10 cents per bale."

Mr. ANDERSON. Mr. Chairman, I make the point of order that the gentleman has submitted four amendments.

Mr. SIMS. No; it is only one amendment in several places, and a vote on the first will settle them all.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The point of order made by the gentleman from Minnesota is not well taken.

Mr. SIMS. Mr. Chairman, the object of this bill, on the face of it, is to put a tax on the sale of cotton of $10 a bale of 500 pounds. The general proposition is a tax of $10 a bale when sold on the exchanges, and then follows exemptions providing that if a certain form of contract is used no tax shall be collected. Now, my amendment does not change the bill in any shape whatever but wherever the contract provided in this act is used then instead of taxing it $10 a bale we only tax it 10 cents a bale.

Such a tax is not burdensome and will enable any legitimate future dealing to be done where the cotton is intended to be delivered or where it is intended to be used for hedging purposes. It will not prevent the use of the exchanges in all legitimate business, but it will prevent the buying and selling of options merely as a gambling transaction where neither party intends to at the time they make the contract to deliver the cotton.

Mr. HEFLIN. Mr. Chairman, would that apply to spot deals?

Mr. SIMS. It would have no effect whatever upon spot deals.

Mr. HEFLIN. Spot deals on spot markets.

Mr. SIMS. Oh, not at all; it must be through the exchanges; but it will amount to the collection of a large sum of money, because they buy and sell cotton by the hundreds of thousands of bales where no delivery is expected or intended or desired—purely fictitious transactions—and if they want to do so they can still do that under this bill with this 10 cents a bale, reducing the tax from $10 to 10 cents a bale. They can still gamble, but they will have to pay some revenue for the privilege of doing it, which will very greatly reduce such dealings. When we are seeking all sorts and sources of taxation in order to collect revenue to prepare this country for its defense, and this is a small revenue tax, perfectly legitimate, bringing in a large sum of money, and it will not prevent any legitimate use of the cotton exchanges. The Democratic platform calls for the suppression, not for the regulating, of this kind of dealing. This 10 cents a bale will not suppress it absolutely, it will not prevent a legitimate use of it, but it will have a tendency to reduce fictitious dealing on the exchanges where men buy in the morning and sell in the afternoon of the same day or the next minute. It will prevent "ringing" out, it will tend to prevent running of corners; but if you do it you must pay for it, must pay this tax into the Public Treasury at a time when the Public Treasury needs every cent it can get. I think my friends who live in the South can better justify voting for this bill with this amendment than they can without it, because every cotton exchange for every kind of dealing, gambling, real or otherwise, will use the contract provided in this Lever amendment. They will all be printed forms, and no other sort will be used, and without some amendment of this bill your pretended 2 cents a pound tax will produce no revenue; you will not get a cent under it; but it is using the taxing power for other purposes, which a great many Democrats are very much opposed to.

Mr. JACOWAY. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. JACOWAY. Mr. Chairman, I want to ask the gentleman for my own information what he thinks of the provision of this bill as compared with the old bill?

Mr. SIMS. It is practically the same thing. I voted against the old bill because they would not accept an amendment of this sort, and will do it again unless it is amended. But if we tax it 10 cents a bale it means a large amount of revenue and a great deal less gambling, and then we will have a real record made by an officer of the United States which will show accurately the amount of future dealing done in the cotton exchanges of the country.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. The gentleman from Tennessee having offered four amendments and having consumed five minutes in the discussion of one of them, is he now entitled to 15 minutes more for a discussion of the other three?

The CHAIRMAN. The Chair has already ruled that the gentleman's amendment is one amendment. He has occupied his five minutes.

Mr. SIMS. And he does not ask for any more.

Mr. BENNET. Mr. Chairman, I move to amend by striking out section 11.

Mr. LEVER. Mr. Chairman, does the gentleman mean section 11 or section 11a? One deals with orders coming in and the other with orders going out.

Mr. BENNET. Mr. Chairman, I will limit myself for the time being to try to strike out all that is going out—section 11.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. BENNET moves to strike out, on page 11, beginning with line 20, all of section 11 down to and including line 12, on page 13.

Mr. BENNET. Mr. Chairman, without assuming the highest degree of familiarity with the cotton trade, but simply applying ordinary business principles, it seems to me that this is an attempt, after the present war closes, to transfer the business of the cotton exchanges of the United States to Liverpool. I am not particularly versed in the comparative morality or immorality of cotton exchanges. I never was on one in my life and never bought or sold any of these futures or hedges, whatever they are called. I absolutely disagree with the morality of the position of the gentleman from Tennessee [Mr. SIMS], however. For instance, he regards these transactions as gambling, but is perfectly willing that the gambling shall continue as long as the United States gets a part of the rake-off.

Mr. SIMS. Oh, no. I said the Democratic platform called for the abolition of gambling, and the way to abolish it is to tax it out of existence.

Mr. BENNET. But the gentleman says do not abolish it, but let us get some of the money.

Mr. SIMS. I said you can go ahead with your legitimate dealings because the tax is light.

Mr. KELLEY. Mr. Chairman, did not the gentleman urge this as a revenue-producing measure?

Mr. BENNET. Of course.

Mr. KELLEY. And how could you get revenue unless the gambling continued?

Mr. BENNET. Certainly. It is simply another way of licensing a gambling house. The contention is made by the men who deal on these exchanges, however, that it is a legitimate business, and I am inclined to think it is. If it is a legitimate business, it ought not to be driven from the United States. What section 11 does is to drive the business of making contracts for the future sale of cotton grown in the United States and contracts for future delivery from the exchanges of the United States to the exchange at Liverpool, because, of course, we can not impose any tax on the sale of futures on the exchange in Liverpool. I realize that this method of discussion of my amendment is very futile. We talk now, and 50 minutes from now, under this rule, when the gentlemen who are now at lunch and who comprise a large majority of the House come back, we will vote on what we have now offered in the way of amendment.

That is simply one of the beauties of this rule. But I discharge my duty to gentlemen who live in the city which I have the honor to represent in part, and I make my protest both in behalf of my city and the city of New Orleans against driving this business out of the United States and over to Great Britain. I do not know why we are so particularly fond of Great Britain in all of our manifestations. I was glad yesterday when we showed a little kindly feeling toward Roumania, because it was a modification of our usual rule; but we are getting more and more British in this practice of putting legislation on appropriation bills. It is what? British. What is the Speakership of this House now? It is British. Ten years ago we had an American system under which the Speaker had power. Now we have the British provision, and by this rule we have taken one further step toward turning the American House of Representatives into the British House of Commons. I know that the Sixty-fifth Congress will be Republican and we will reverse it, but I would not be surprised if in the second session of this Congress we would have to call the chairman of the Committee on Agriculture "the right honorable gentleman from South Carolina, in charge of the Agricultural appropriation bill," and use all those other forms that go with the British aristocracy and all those other matters that we were brought up—rightly, I think—to believe inferior to American institutions.

I am sorry I have to discuss this bill in this way, but that is the manner in which it comes before the House, and I hope the gentleman from South Carolina [Mr. LEVER] will see his way clear to accept the amendment I have suggested.

Mr. LEVER. Mr. Chairman, I rise in opposition to the amendment of the gentleman from New York [Mr. BENNET].

Mr. MOORE of Pennsylvania. Mr. Chairman, I rise to make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. I make the point of order that this cotton-futures bill is not properly before the Committee on Agriculture; that——

Mr. LEVER. Mr. Chairman, I make the point of order that that point is not well taken and is evidently dilatory.

Mr. MOORE of Pennsylvania. I would like to bring it up, even if it is disposed of by the Chair.

The CHAIRMAN. The Chair will remind the committee that the House by rule has made this special bill in order at this time; and the point of order is overruled.

Mr. LEVER. Mr. Chairman, section 11 of the cotton-futures bill was made a part of that bill for two purposes, one to prevent the evasion of the law, and the other to provide, if possible, an international standard of grade and contract. There has been a great deal of misrepresentation of the effect of section 11.

Now, what is that section? We have provided in this cotton-futures bill a method for the control of the operations of our own future-cotton exchanges. In the same bill we are undertaking by legislation—indirectly, I admit—to bring about a universal system for handling cotton contracts. We attempt to get other exchanges of the world—Liverpool, Bremen, Havre, and the recently established exchange at Rotterdam—not only to adopt our standard of measurement of the grades, but at the same time to adopt our contract, as far as possible, so as to protect the farmers of this country, who export 66 per cent of their cotton, from improper grades and improper and depressed contracts.

Now, it has been asserted very frequently that this section 11 as it appeared in the old law was a discrimination in favor of the British operator. Theoretically there may be something to that statement, but in practical effect there is nothing to it. But that criticism does not lie in this bill, because we have recommended section 11a, which makes it impossible for the operator on a foreign exchange to have executed for him an order on an American exchange unless the contract and the grade of the foreign exchange meet substantially the requirements of the American standard of grade and contract.

Now, then, I assert that it means greatly to the benefit of the farmers of this country if we can say to them, "You produce the cotton that is sold in the world, and we are going to give you the right under law in this country and abroad, if we can, to fix for yourselves what the standard of measurement shall be of that which you produce and likewise the character of contract upon which you sell your product." Is that a bad undertaking? Is not that a carrying out of the desire of the cotton producers of this country? I think there is no question about it.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 20, line 6, after the word "receipts," add the following: "The Secretary of Agriculture shall report to Congress before July 1, 1916, the names of all persons appointed by him to carry out the purposes of this act, the dates of such appointments, the purposes for which such persons were appointed, and the salaries paid to them."

Mr. MOORE of Pennsylvania. Mr. Chairman, I raised the point of order a moment ago that this bill was improperly before the Committee on Agriculture, and the Chair ruled that the point was not well taken. In the few moments I have I want to refer to the permanent rules of the House, which provide that all matters "pertaining to the revenue and the bonded debt of the United States shall be referred to the Committee on Ways and Means." Those matters to be referred to the Committee on Agriculture are "agriculture and forestry," "which committee shall receive the estimates and report the appropriations for the Agricultural Department." There is nothing in the permanent rules of this House which gives the Committee on Agriculture the right of jurisdiction over tax bills. That is clearly a function of the Committee on Ways and Means, and this bill is improperly before this Committee of the Whole now, because it provides—section 3 on page 2—for a tax of 2 cents per pound on the cotton involved, and so forth, and in subsequent paragraphs it provides for taxes all along the line. Hence the rules of the House are overridden, and a purely revenue proposition is taken from the great Committee on Ways and Means, and jurisdiction over the matter of revenue is assumed by the Committee on Agriculture, which has absolutely nothing to do with that question. But the Chair has ruled, and I shall say nothing further about it for the present.

I have offered an amendment which proposes that the Secretary of Agriculture shall report to the Congress what he does in the way of appointing people to serve under this act. It is important that we should have that sort of information in this House, if we are to uphold the limitations that have been imposed by law upon other departments of this Government. As this bill now stands, and as most of the provisions providing appropriations for salaries in the Department of Agriculture now stand, that department is a law unto itself. Those rules and limitations and legal restrictions which bind other departments do not bind the Department of Agriculture.

Yesterday we had an evidence of this when discussing the appropriation for carrying out the law which this amendment is to be attached to, with respect to the government and control of the cotton exchanges of the country. It developed then that we were employing 26 men, the total appropriation for all purposes being $150,000. We were employing 26 men who had no special work to do, because the law under which they were employed had been declared unconstitutional.

Now, in the matter of the migratory-bird act, it appeared upon inquiry by the gentleman from Illinois [Mr. CANNON] that we were appropriating $50,000 for a large number of assistants and specialists and experts who were apparently performing, when the law under which they had been appointed had been declared unconstitutional.

I wish I had time, in the five minutes to which we are restricted under this rule, to go into this matter of the specialists and the experts that the Secretary of Agriculture can appoint at will, without restriction or limitation as to the salary, under this appropriation, but the five minutes is up. However, we find the salaries run up to $3,000, not fixed by law, as in every other department, but fixed in the discretion of the Secretary of Agriculture.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. TRIBBLE. Mr. Chairman, I desire to review the history of this legislation. Since I have been in Congress this House has passed what is known as the Scott bill twice. The Scott bill prohibited gambling in cotton futures. The year previous to the investigation by the Committee on Agriculture of this question which resulted in the production of this bill the House passed what is known as the Scott bill almost unanimously. There was scarcely a protest on the floor of this House against it.

The exchanges, Mr. Chairman, saw the end of the cotton exchange and the gambling in futures. What did they do? The next year after the passage of the Scott bill almost unanimously by this House, the cotton exchanges, through their officials—the president and ex-presidents of the cotton exchanges—appeared before the Committee on Agriculture and changed the attitude in regard to cotton-future legislation.

The gentleman from South Carolina [Mr. LEVER] is one of the best men in this House, he is thoroughly conscientious in supporting this bill, and I regret that I can not agree with him on this bill. I will read from the hearings, first from Mr. Hill, who has been in the cotton-exchange business 30 or 40 years, and who has been appearing periodically in Washington for 21 years on this question. He says:

I feel quite sure that the political powers, were we to show this sort of spirit, would be satisfied with these changes and that these changes would add substantially to the volume of our business rather than to change it or reduce it.

Mr. Hill is not the only one who testified. I read:

I like the initial clauses of this bill, and I like the tax idea rather than the prohibition of the mails. I think the business can stand a small tax.

Yes, gentlemen, they fought the Scott bill to a finish. They fought it to where they were lost, and they knew they were lost. They knew this House had passed it twice. They knew the House had passed it once unanimously, and they knew that the Senate could not stand out against the Scott bill any longer. You will notice Mr. Hill said:

I think the business can stand a small tax.

That is what the bill is; and, as I understand the hearings, he approved legislation along the line of this bill.

Another man, a president of the New York Cotton Exchange, Mr. Marsh, also appeared before the committee, and here is what he says:

I want to begin by saying that I do not appear here in opposition to legislation in regard to the cotton exchanges.

Then he added:

Consequently it can not be said that I am, or that the New York Cotton Exchange is, opposed to legislation on this subject in principle. On the contrary, we believe in legislation on this subject.

The man who had fought it so vehemently and the crowd that had tried to defeat it and had been run over in this House twice again appeared before this committee and, as I understand the hearing, approved the principles contained in this bill before the House. [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Washington.

The Clerk read as follows:

Amendment by Mr. JOHNSON of Washington: Page 12, line 21, after the word "conditions," strike out the words *"And provided further"* and the rest of line 21, lines 22, 23, 24, and 25; also on page 13, lines 1 to 10, inclusive.

Mr. JOHNSON of Washington. Mr. Chairman, I offer this amendment for the purpose of asking the chairman of the Committee on Agriculture what the word "hedging" means in line 24 of page 12. I want to get some information about the method of "hedging" in the cotton business, as permitted in line 24, page 12. What does "hedging" mean?

Mr. LEVER. "Hedging" means sale on a future contract against a contemplated spot delivery of cotton.

Mr. JOHNSON of Washington. Is not that a form of gambling?

Mr. LEVER. It is not.

Mr. JOHNSON of Washington. It is an effort to protect a sale by another sale?

Mr. LEVER. "Hedging" is defined by those who know this business as an insurance against accident in the course of transportation of the product from the point of shipment to the point

of delivery and a protection against fluctuations in the value of spot cotton. It is the antithesis of gambling.

Mr. JOHNSON of Washington. How is the insurance made?

Mr. LEVER. The insurance is made through these operations on the exchange. For instance, if I were to sell a thousand bales of cotton to a firm in Manchester, England, for delivery next January, in order to protect myself against any fluctuations in the market in the meantime I would buy on the Liverpool exchange a future contract for 1,000 bales of cotton, January delivery.

Mr. JOHNSON of Washington. Would both deals be consummated?

Mr. LEVER. Both deals would be consummated.

Mr. JOHNSON of Washington. And the actual cotton delivered in both cases?

Mr. LEVER. When I delivered the cotton I would sell my future contract, and that would consummate the deal.

Mr. JOHNSON of Washington. I thank the gentleman for the information.

Mr. CARAWAY. Mr. Chairman, on page 4, line 20, at the end of the line, I move to strike out "seven-eighths" and insert "three-fourths."

The CHAIRMAN. The gentleman from Arkansas offers an amendment that the Clerk will report.

The Clerk read as follows:

Amend, on page 4, in line 20, by striking out the words "seven-eighths" and inserting the words "three-fourths."

Mr. CARAWAY. Mr. Chairman and gentlemen of the committee, I want to talk to you gentlemen who are not familiar with cotton growing. Amendment No. 2 is a grain bill. I do not know anything about that, and when we reach that I shall be largely governed by your views. You will pardon me for going just a bit into my history, merely to acquaint you with the conditions and to show that I know something about cotton. When I was first able to lift a hoe I went to work in the cotton fields, and as a hired hand, as a share cropper, as a tenant, and in later years as a landlord in a moderate way, and a ginner of cotton, I have learned something about cotton.

Last year when this bill was before this House I did not vote. I was then rather persuaded that it was a splendid bill for the spinner and a disastrous bill for the cotton grower. However, in deference to the Committee on Agriculture—for I have the very highest regard for all the members of that committee—I would not put my judgment against theirs. But we have had one year of experience now, and we know about it. Notwithstanding the fact that there were 5,000,000 bales less cotton grown in 1915 than in 1914, and notwithstanding the fact that there was an increased consumption of cotton up to the 31st day of March, 1916, over the 31st day of March, 1915, spot cotton—that is, the actual cotton—has sagged from the opening day of the market to the present time.

This bill provides that a man who wants to purchase cotton, a spinner, can go to an exchange and make a binding, valid contract with that exchange to deliver to him so many bales of cotton of a certain grade at some fixed time in the future. That being true, he knows what his cotton is going to cost him. He does not then have to put his money into it. Cotton costs considerable if you carry many bales of spot cotton. He does not have to pay insurance or commission or storage. He simply makes a contract with somebody who agrees that at some future date agreed upon between the two he may have as many bales of cotton of a certain grade as he wants. Under the system that existed before that time he could not make such a binding, valid contract, and the result was that if he wanted cotton he had to buy it when it was in the market to be sold.

We commence to gather cotton about the middle of August and continue up to the first of the year, but in the months of September, October, and November three-quarters of all the cotton that is grown is put on the market. That cotton is grown by people who are compelled to sell, and in the common parlance we say that is the "distressed" cotton. That is cotton grown by people who are unable to carry it. Some merchant has furnished them the money to make it. Somebody has advanced them the money to gather it. They even have to have the ginning paid for in many instances, and the consequence is that as soon as they get their cotton gathered they must sell it. Heretofore spinners went into the market at that time and actually bought spot cotton, but under the provisions of this bill they do not do so. They can say to the exchange man, "I am going to need 20,000 bales of cotton of a certain grade next summer to spin." The cotton exchange man says, "All right, I will let you have it at, say, 10 cents." Instead then of going into the market and becoming an active bidder for 20,000 bales of spot cotton, when the people who have grown it are compelled to sell it, this spinner puts his hands in his pockets and sits back in his office, and leaves a market in which there are thousands and thousands of bales of cotton that must be sold with nobody to buy it. The result is that the cotton grower is beaten out of his cotton.

Mr. TRIBBLE. Mr. Chairman, I wish to offer a substitute.

The CHAIRMAN. The gentleman from Georgia [Mr. TRIBBLE] has been recognized once and can not be recognized again——

Mr. TRIBBLE. I ask unanimous consent that I be allowed to introduce a substitute.

The CHAIRMAN. The gentleman from Georgia [Mr. TRIBBLE] asks unanimous consent that he may be permitted to offer an amendment in the nature of a substitute. Is there objection?

There was no objection.

Mr. TAYLOR of Arkansas. Mr. Chairman, I ask unanimous consent that my colleague [Mr. CARAWAY] may proceed for five minutes.

The CHAIRMAN. The gentleman has surrendered the floor and the committee by unanimous consent has granted to the gentleman from Georgia [Mr. TRIBBLE] permission to offer an amendment.

Mr. TRIBBLE. I move to strike out all after the first word and insert the following, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Georgia offers an amendment in the nature of a substitute, which the Clerk will report.

The Clerk read as follows:

Amend, by striking out all after the word "that," on page 1, and inserting the following:

"Certain words used in this act and in proceedings pursuant hereto shall, unless the same be inconsistent with the context, be construed as follows: The word 'message' shall mean any communication by telegraph, telephone, wireless telegraph, cable, or other means of communication from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia or to any foreign country. The word 'person' shall mean any person, partnership, joint-stock company, society, association, or corporation, their managers and officers, and when used with reference to the commission of acts which are herein required or forbidden shall include persons who are participants in the required or forbidden acts, and the agents, officers, and members of the boards of directors and trustees, or other similar controlling or directing bodies of partnerships, joint-stock companies, societies, associations, and corporations. And words importing the plural number, wherever used, may be applied to or mean only a single person or thing, and words importing the singular number may be applied to or mean several persons or things.

"SEC. 2. That it shall be unlawful for any person to send or cause to be sent any message offering to make or enter into a contract for the purchase or sale for future delivery of cotton without intending that such cotton shall be actually delivered or received, or offering to make or enter into a contract whereby any party thereto, or any party for whom or in whose behalf such contract is made, requires the right or privilege to demand in the future the acceptance or delivery of cotton without being thereby obligated to accept or to deliver such cotton; and the transmission of any message relating to any such transaction is hereby declared to be an interference with commerce among the States and Territories and with foreign nations. Any person who shall be guilty of violating this section shall, upon conviction thereof, be fined in any sum not more than $1,000 nor less than $100, or shall be imprisoned for not more than six months nor less than one month, or by both such fine and imprisonment, and the sending or causing to be sent of each such message shall constitute a separate offense."

Mr. LEVER (interrupting the reading). Mr. Chairman, enough of the amendment offered by the gentleman from Georgia has been read to enable me to make a point of order against it. I know what the amendment is—it is the old Scott bill, and it will take half an hour to read it.

Mr. TRIBBLE. Then the gentleman admits that it is the old Scott bill.

Mr. LEVER. Yes. I am not trying to conceal anything. I make the point of order that the amendment proposed by the gentleman from Georgia is not germane to the amendment under consideration.

The CHAIRMAN. Does the gentleman from Georgia want to be heard?

Mr. TRIBBLE. It is the same subject as is the amendment under consideration. The amendment under consideration is to regulate cotton futures, and this proposition is along the same line—exactly the same question involved.

Mr. HOWARD. If the Chair will permit one additional statement to that made by my colleague. The Scott bill—and it is admitted that it is the Scott bill—was regulatory of the cotton-future business. That was the intent of the law, to regulate cotton futures.

Mr. LEVER. The gentleman is very much mistaken.

Mr. HOWARD. What was the purpose of it?

Mr. LEVER. The Scott bill was enacted as the gentleman from Goergia [Mr. TRIBBLE] intends this to be, to absolutely put the cotton exchanges dealing in futures out of business.

Mr. HOWARD. And you propose to do it by taxation.

Mr. LEVER. We do not propose to do it.

Mr. HOWARD. Now, this bill before the House regulates the question of exchanges and future sales of cotton by taxation. The other, the Scott bill, regulates it by prohibiting it and forbidding them the use of the mails or interstate commerce; both of them deal with the exchange. The subject matter of the Scott bill is the subject matter of this bill, namely, the cotton exchanges and the control of them. It is germane and in order, I respectfully submit. This is the way to get rid of the devil and that is what we are after. [Laughter.]

Mr. LEVER. Mr. Chairman, if the Chair will permit, I would like to call the attention of the Chair to this fact: The amendment under consideration is an effort, through the taxing power of the Constitution, to regulate the operation of the cotton-future exchanges of this country. There is no attempt in this amendment, I say very frankly, to abolish cotton-future trading in this country. The purpose of this bill is solely to regulate the conduct of these exchanges so that their contracts, which are quoted from morning to morning, upon which the price of spot cotton is based in all markets, shall really represent the true average value of spot cotton in the United States at that time. That is the purpose of the amendment, and we rely on the taxing power to do that.

Now, the amendment offered by the gentleman from Georgia—and I am quite familiar with it, because I was on the subcommittee which helped to draw it and on the full committee that reported it out—the purpose of the old Scott bill was, and if it had gone into operation the effect would have been, to absolutely close the doors of the exchanges. There was no purpose to regulate future sales in that bill; the only purpose was to destroy the exchanges and the bill relied upon the commerce clause of the Constitution and the control by Congress of the postal facilities to accomplish this end.

Now, I submit that on a bill, the purpose of which is to regulate by certain methods a transaction another proposition intended to destroy absolutely, that transaction through other methods can not be germane.

Mr. HOWARD. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. HOWARD. The provision in the Scott bill was that unless the transaction was accompanied with an affidavit that it was a bona fide transaction and that it would be delivered, it was an unlawful act. That did not destroy the legal transaction, but it destroyed the illegal transaction.

Mr. LEVER. If the gentleman knew as much about this as the gentleman from Tennessee——

Mr. HOWARD. I admit that I am powerfully ignorant. [Laughter.]

Mr. LEVER. If he knew as much about it as the gentleman from Tennessee knows about it, he would know that there is not a cotton-future exchange in existence which could live for a minute if everyone of these contracts had to be fulfilled by delivery and if the Scott bill went into operation. It would absolutely destroy the exchanges, and every man on the committee knew it.

Mr. HOWARD. The gentleman will admit that the Supreme Court of the United States has determined time and again that the power of Congress to regulate carries with it the power to destroy.

Mr. LEVER. That may be; but I am discussing the point of order before the House.

Mr. HOWARD. I am, too.

Mr. LEVER. And I submit that the bill which seeks to destroy a thing absolutely is not germane to a proposition which seeks only to regulate its conduct.

Mr. DAVIS of Texas. Mr. Chairman, I wish to be recognized on the point of order. We are dealing with a very serious problem. The Supreme Court has decided definitely—and it is an accepted proposition of law—that the power to regulate, the power to tax, is the power to destroy, and I hope it will have that effect in this amendment. I am now more determined than ever in respect to this amendment, since I have heard the chairman's explanation. The whole issue is involved in this one fact: That if we accept the chairman's position we leave the exchange with the full power to control the absolute spot market of the United States, with no competition by the actual buyer or spinner down among the ranks of the cotton growers, and hence they have a legalized unscrupulous monopoly in touch with the exchange in Liverpool, and they can put a final price on every bale of cotton in the United States six hours before the farmer gets out of bed in the morning.

The CHAIRMAN. The gentleman from Texas is not discussing the point of order. The Chair will be glad to hear him on the point of order.

Mr. DAVIS of Texas. Mr. Chairman, I am discussing the reasons why the point of order ought not to exist. We are dealing with the power to regulate.

The power to regulate carries with it the power to kill, and I want to kill these exchanges and then kick them to show them there is punishment after death. The power to tax carries with it the power to kill. The Scott bill may kill it, but, my God, if it is to be left with the monopoly that the chairman admits, I hope it will, and it is absolutely germane, because it regulates. If it regulates unto death, that is their misfortune and the farmers' good fortune.

Mr. SIMS. Mr. Chairman, it has been so long since the Scott bill was before the House that I would not undertake to state positively its terms. That is the reason why the bill should be read, and I think now it ought to be read before we discuss the point of order. The Scott bill made it unlawful to make fictitious deals, and all you had to do was to make an affidavit that your contract was genuine, that you intended to deliver if you sold it or intended to accept delivery if you bought. It seems to me it is absolutely regulatory, because a man could not swear he intended to receive delivery unless he intended to do so. It was cumbersome and would have been hard to execute. The taxing power is much better and a more convenient way to abolish gambling contracts.

Mr. HOWARD. Mr. Chairman, I submit that this amendment ought to be read. If there is any doubt about what the provisions are, we would at least like to have it go into the RECORD for the preservation of parliamentary procedure.

The CHAIRMAN. If the gentleman insists upon it, the Clerk will read.

Mr. TRIBBLE. I do insist upon it. This will not be taken out of the time, will it?

The CHAIRMAN. Oh, no. The Clerk will read.

The Clerk read as follows:

SEC. 3. That it shall be the duty of any person sending any message relating to a contract or to the making of a contract for future delivery of cotton to furnish to the person transmitting such message an affidavit stating that he is the owner of such cotton and that he has the intention to deliver such cotton; or that such cotton is at the time in actual course of growth on land owned, controlled, or cultivated by him and that he has the intention to deliver such cotton; or that he is at the time legally entitled to the right of future possession of such cotton under and by authority of a contract for the sale and future delivery thereof previously made by the owner of such cotton, giving the name of the party or names of parties to such contract and the time when and the place where such contract was made and the price therein stipulated, and that he has the intention to deliver such cotton; or that he has the intention to acquire and deliver such cotton; or that he has the intention to receive and pay for such cotton: *Provided*, That any person electing to do so may file with the telegraph, telephone, wireless telegraph, or cable company an affidavit stating that the message or messages being sent, or to be sent, for the six months next ensuing by such person do not and will not relate to any such contract or offers to contract as are described in section 2 of this act, and any such company shall issue thereupon a certificate evidencing the fact that such affidavit has been duly filed, and such certificate shall be accepted in lieu of the affidavit herein required at all the transmitting offices of such company during the life of said affidavit. Any person who knowingly shall make a false statement in any affidavit provided for in this act shall be punished by a fine of not more than $5,000 nor less than $500, or shall be imprisoned for not more than two years nor less than one year, or by both such fine and imprisonment. And in any prosecution under the provisions of sections 2 or 3 of this act the proof or failure to make any affidavit herein required shall be prima facie evidence that said message or messages related to a contract prohibited by section 2 of this act, and the proof of failure to deliver or receive the cotton called for in any contract for future delivery of cotton shall be prima facie evidence that there was no intention to deliver or receive such cotton when said contract was made.

SEC. 4. That any agent of any telegraph, telephone, wireless telegraph, or cable company to whom messages herein described may be tendered is hereby required, empowered, and authorized to administer any oath required to be made under the provisions of this act with like effect and force as officers having a seal, and such oaths shall be administered without any charge therefor.

SEC. 5. That it shall be unlawful for any person owning or operating any telegraph or telephone line, wireless telegraph, cable, or other means of communication, or any officer, agent, or employee of such person, knowingly to use such property or knowingly to allow such property to be used for the transmission of any message relating to such contracts as are described in section 2 of this act. Any person who shall be guilty of violating this section shall, upon conviction thereof, be punished for each offense by a fine of not more than $1,000 nor less than $500, and the sending of each message in violation of the provisions of this section shall constitute a separate offense.

SEC. 6. That every book, newspaper, pamphlet, letter, writing, or other publication containing matter tending to induce or promote the making of such contracts as are described in section 2 of this act is hereby declared to be nonmailable matter, and shall not be carried in the mail or delivered by any postmaster or letter carrier. Any person who shall knowingly deposit or knowingly cause to be deposited for mailing or delivery any matter declared by this section to be nonmailable, or shall knowingly take or cause the same to be taken from the mails for the purpose of circulating or disposing thereof, or of aiding in the circulation or disposition thereof, shall be fined not more than $5,000 nor less than $500, or shall be imprisoned not more than five years nor less than one year, or both. Any person violating any of the provisions of this section may be proceeded against by information or indictment and tried and punished either in the district at which the unlawful publication was mailed or to which it is carried

by mail for delivery according to the direction thereof, or at which it is caused to be delivered by mail to the person to whom it is addressed.

Mr. MILLER of Pennsylvania (interrupting the reading). Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MILLER of Pennsylvania. Why can not this whole thing be printed in the RECORD? Nobody is paying any attention to what the Clerk is reading.

The CHAIRMAN. It will be printed in the RECORD.

Mr. MILLER of Pennsylvania. I ask unanimous consent that it be put into the RECORD without being read.

Mr. MOORE of Pennsylvania. I object.

The CHAIRMAN. The gentleman from Pennsylvania objects, and the Clerk will read.

The Clerk read as follows:

SEC. 7. That the Postmaster General, upon evidence satisfactory to himself that any person in sending through the mails of the United States any matter declared by section 6 of this act to be nonmailable, may instruct the postmasters in the post offices at which such mail arrives to return all such mail to the postmaster in the post office at which it was originally mailed, with the word "unlawful" plainly written or stamped upon the outside thereof, and all such mail, when returned to said postmaster, shall be returned to the sender or publisher thereof under such regulations as the Postmaster General may prescribe.

SEC. 8. That in any proceeding under this act all persons may be required to testify and to produce books and papers, and the claim that such testimony or evidence may tend to criminate the persons giving such testimony or producing such evidence shall not excuse such person from testifying or producing such books and papers; but no person shall be prosecuted or subjected to any penalty or punishment whatever for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence of any character whatever.

Mr. OLIVER. Mr. Chairman, I submit that the point of order made by the gentleman from South Carolina [Mr. LEVER] is not well taken. The amendment introduced by the gentleman from South Carolina is in order only by reason of a special rule making in order "legislation to regulate exchanges." In order for the Chair to determine what then would be in order under such rule, the Chair must of necessity determine what is the meaning of the term "regulate." The Supreme Court has uniformly held that power to regulate carries with it the power and the right to prohibit. If that be the meaning of the word "regulate" as interpreted by the Supreme Court in cases that are strictly analogous, certainly the same would hold in interpreting the meaning of the word in the rule under which we are here acting. But it is not necessary for the Chair to adopt such conclusion in order to hold that this amendment is in order, for the reading of the substitute which the Chair has just listened to clearly shows that it authorizes contracts on the exchange and seeks to specify a class of contracts that are not lawful. It is clearly then germane and within the general purpose of the amendment offered by the gentleman from South Carolina. The reading of the substitute, it seems to me, can leave no doubt in the mind of the Chair that the insistence of the gentleman from South Carolina that the substitute is a bill to destroy, even if the Chair should hold that the rule was not sufficiently broad to authorize such an amendment, is not well taken. The substitute does not go that far. It simply regulates, just as the amendment offered by the gentleman from South Carolina seeks to do, and for that reason there can be no question as to the point of order not being well taken.

The CHAIRMAN. Does the gentleman see any distinction in this fact, that the amendment offered by the gentleman from South Carolina seeks to attempt to regulate certain proceedings by the process of taxation, while the substitute offered by the gentleman from Georgia seeks to perhaps accomplish the same thing, but in a different way entirely, by the imposition of fines, in the nature of criminal procedure?

Mr. OLIVER. I can not understand that there could be any difference when the primary purpose of both bills is to regulate and to define what contracts are lawful and permissible, even though it might be sought to accomplish such regulation by different methods in the two bills. Both of these bills provide a criminal penalty for violations. The position of the gentleman from South Carolina is that while the Scott bill, which is the substitute, does not in fact prohibit exchanges by its terms, yet he would have the Chair, for the purpose of sustaining his point of order, conclude that because of his statement that he believes the effect of the Scott bill would be to close down the exchange, that such is its purpose and effect.

Certainly the Chairman would not determine the purpose and effect of this substitute by considering a statement made on the floor to the effect that perhaps it may not be profitable, if this law is enacted, for exchanges to continue business under it. The belief of the chairman of the committee does not determine, if you please, what is the nature and purpose of a law, but only the reading of the language of the law can be looked to by the Chair in order to ascertain its purpose and effect.

Mr. SIMS. Mr. Chairman, now, of course, the present amendment to the Agricultural bill starts out by proposing a tax of $10 a bale—2 cents a pound. That is a proposition simply and singly by itself, but which is followed by providing a sort of a contract by which, if executed, no tax at all is to be collected, but it also has many other provisions in it besides the one with reference to taxation. The Chair will see by examining the bill that there is much in this amendment besides the taxing provision, and he will see by the Scott bill that there is much in it besides simply preventing the buying and selling where there was no intention to deliver or accept delivery.

The underlying purpose of this bill is to legalize dealing in futures where no delivery is intended, where no cotton is to be delivered and none to be accepted, by simply complying with the form of contract mentioned therein, but it also refers to grades and legislates concerning a number of things besides taxation, just as the Scott bill did, and making it a misdemeanor or crime to buy that which you do not want and sell that which you have not got and do not expect to deliver. But the main object is to prevent fictitious trading in cotton upon the various exchanges of the country, to which each of these bills applies. Of course the taxing power is used in one instance and the criminal statute in another, but the Scott bill provides that certain kinds of contracts shall be absolutely void, and it provides how valid contracts shall be made; that is, by making an affidavit to accompany the contract; and then it can be executed under the law and be protected, and it only makes the so-called fictitious contracts where the parties to them do not intend to comply with the terms of them; and this $10 a bale tax will not absolutely destroy the cotton exchange not only where delivery is not intended, but where it is, from the fact that no legitimate business could be done on the cotton exchange if dealers had to pay $10 a bale tax.

Now, avoiding the tax by using a certain form of contract is a mere subterfuge to legalize fictitious dealing where all the parties to the transaction have not the slightest idea of doing anything except to settle by way of margin, the loser paying the difference and the winner getting what the loser loses, which has always been called a gambling or wagering contract, where the whole purpose and object of the deal is that I am to get your margin or you are to get mine.

Mr. CARAWAY. Mr. Chairman, I want to call attention to section 3 of the so-called Lever amendment. It says:

There shall be levied a tax in the nature of an excise tax of 2 cents for each pound of cotton involved in any such contract.

That would be $10 a bale on the cotton. Of course, that is prohibitive. If there was not a subsequent section in the bill by availing himself of the provisions of which the dealer can get around the provisions of section 3, it would close every exchange in America the day it went on the statute books.

Now, the Scott bill provides that if they make a contract and do not do certain things in connection with it, they are in violation of the law, and its penalties are so harsh that it would close the exchanges. Each one gets its jurisdiction to deal with the matter by a provision of the bill that would absolutely close the exchanges. Then each in a different way provides the means by which those who deal on the exchanges may avoid the penalties of the bill, the object being the same in each, each starting out with the provision that would close the exchanges, and each having subsequent provisions by means of which those who deal with them may avoid the penalties of the statute. And, therefore, if one is in order the other would necessarily be, under the rule.

The CHAIRMAN. The Chair is ready to rule. Naturally the Chair would like to have had more time to consider this matter, and it may be that he may not be of the same opinion to-morrow as he is to-day; after he has had time to look this matter up carefully he may change his opinion.

I think it has been the experience of every Chairman who has had to deal with these many matters that it is very difficult to determine sometimes just what is germane and what is not. It is not always true that things pertaining to the same general purpose or object are germane, one to the other. But in this case it seems to me that the only difference that I have been able to detect, only hearing the two amendments read, is that one seeks to accomplish a certain purpose through the process of taxation, and the other by a little different method, to wit, by the imposition of fines for the violation of certain provisions of the amendment.

The Chair is reminded of this fact, however, that in 1904 the House had under consideration a bill carrying an appropriation for an enforcement of the Chinese-exclusion act. There were certain provisions in that bill that changed existing law. The Chairman, who was then Mr. Theodore Burton, held that if a

point of order had been raised to those provisions it would unquestionably have been sustained, but the point of order not being raised, was therefore waived, and the matter was in consequence properly before the committee.

In this case the matter under consideration offered by the gentleman from South Carolina [Mr. LEVER] is made in order by a special rule, so that point can not be raised as to his amendment. Then the matter made in order by special rule, or permitted to be in order by reason of the fact that no point of order is made against it, stands the same as any other matter that is naturally in order before in the bill; but Chairman Burton laid down this rule that if a paragraph was included in the bill which had a taint of illegality, or which was contrary to existing law, that paragraph can be perfected or corrected by an amendment; but if a further paragraph proposed as an amendment carries a further illegality, affecting the whole paragraph, it is not in order.

It appears to the Chair that that is pretty sound doctrine. What has been bothering the Chair is whether the Tribble amendment does not go beyond the amendment made in order by special rule and introduce a new and further encroachment upon existing law. Yet the Chair recognizes and realizes that in the main both amendments are intended to accomplish practically the same purpose.

Mr. KELLEY. Mr. Chairman, has the Chair ruled?

The CHAIRMAN. The Chair has not yet concluded. The Chair would like to have had ample time to consult precedents, but the Chair has thought upon it, and inasmuch as it is necessary to rule now, the Chair is going to overrule the point of order.

The gentleman from Georgia [Mr. TRIBBLE] has the right to discuss his amendment for five minutes if he desires to do so. If not, the Chair will recognize the gentleman from Michigan [Mr. KELLEY].

Mr. KELLEY. Mr. Chairman, I just want to make a request. When the gentleman from Arkansas [Mr. CARAWAY] had the floor a while ago, his time expired when he was making what was to me a very illuminating statement. I do not know about the effect of this legislation upon cotton, and I would like to vote, of course, to benefit the cotton producers; and I therefore ask unanimous consent that the gentleman from Arkansas be given five minutes more in which to continue the statement he was making when his time expired.

The CHAIRMAN. The gentleman from Michigan [Mr. KELLEY] asks unanimous consent that the gentleman from Arkansas [Mr. CARAWAY] may proceed for five minutes. Is there objection?

Mr. LEVER. Reserving the right to object, Mr. Chairman, how much time remains?

The CHAIRMAN. Twenty-seven minutes remain.

Mr. LEVER. I imagine a goodly number of gentlemen here would like to discuss the matter. I have no objection to the gentleman from Arkansas going on, because he always makes a good statement.

The CHAIRMAN. Is there objection?

Mr. LEVER. I shall not object.

The CHAIRMAN. The gentleman from Arkansas is recognized for five minutes.

Mr. MANN. Reserving the right to object, Mr. Chairman, the Chair did not submit any proposition. I could not hear what the conversation was.

The CHAIRMAN. The Chair did submit the request of the gentleman from Michigan [Mr. KELLEY], that the gentleman from Arkansas [Mr. CARAWAY] be permitted to proceed for five minutes, and then later the Chair inquired if there was objection to that request.

Mr. MANN. I think the Chair asked if there was any objection, but I did not hear what it was.

The CHAIRMAN. If the gentleman from Illinois objects——

Mr. MANN. I did not know what the proposition was, and I do not know yet. I knew there was a conversation going on there, but I did not know what it was.

The CHAIRMAN. The gentleman from Michigan [Mr. KELLEY] asks unanimous consent that the gentleman from Arkansas [Mr. CARAWAY] may have five minutes more time. Is there objection?

Mr. MANN. Reserving the right to object, how much time is there left?

The CHAIRMAN. Twenty-seven minutes.

Mr. MANN. Is that applied for?

The CHAIRMAN. Not to the Chair.

Mr. LEVER. Mr. Chairman, I do not understand that the request is that this five minutes shall be in addition to the time fixed by the rule.

The CHAIRMAN. No; it comes out of the general time. The gentleman from Arkansas is recognized.

Mr. CARAWAY. Mr. Chairman, I want to thank the gentleman from Michigan [Mr. KELLEY] for his kindness in this matter.

I was discussing with gentlemen on this side of the House the possibilities of this bill with reference to the man who grows cotton. Now, as I said before, the cotton crop is gathered principally in the months of September, October, and November, and three-fourths of the crop is sold in these months. We sell it in this way: A man picks his cotton and carries it to the gin, and there it is ginned and wrapped in bales of approximately 500 pounds each, and the man who owns it usually owes the merchant in that town all that it is worth. He delivers to the merchant his gin ticket, as it is called, which entitles the merchant to that bale of cotton, and the price is fixed usually by the prevailing price in the market on that day, less the price of transportation and commission for selling. For instance, if cotton is worth 12 cents on the market in Memphis, the price of that grade of cotton at my home town, 60 miles from Memphis, would be about 11¼ cents. It varies from day to day. Now, there are two classes of people who buy cotton. There is the man who buys the spot cotton, who actually intends to manufacture the cotton, the spinner; and there is the man why buys the future cotton, who says, "I will buy a thousand bales of cotton, March, April, or May." The future-cotton price, of course, is governed not by the conditions existing at the time he buys, but by the conditions existing at the time the cotton is to be delivered—which is never to be delivered, as a matter of fact.

The man who has spot cotton must sell according to the demand. He has a product, and he must sell it from day to day. There is but one legitimate source to which he may look for a buyer, and that is the spinner. Heretofore the spinner has gone eagerly into the market while the cotton was in the hands of the grower, because the history of cotton is that ordinarily when it is out of the hands of the grower it has gone up. The spinners have gone actively into the markets at every cotton-selling center in the United States, and you will find hundreds and hundreds of buyers of cotton, not only from all the spinners in America but from the spinners all over the world. That cotton is sampled in large allotments, and these buyers from day to day buy that cotton. But under the provisions of this bill they do not have to do that. Usually the man on the cotton exchange is what we call a bear. He wants the price of cotton to be as low as possible. The spinner agrees with him. Under this bill they can make a binding contract, and all the dealer on the cotton exchange has to do is to say to the spinner, "Well, there will be for sale to-day on this market a hundred thousand bales of cotton. You want 20,000 bales. You do not need it until next summer. Now, you stay out of that market and I will agree that I will deliver to you all the cotton you want next August—that is, 20,000 bales of cotton—at a certain fixed price." The spinner has nothing to lose, because under the provisions of this bill, if the exchange man does not deliver to him that particular cotton, he can collect the commercial difference and go into the market and buy that many bales of cotton. He has nothing to lose, and therefore he will readily agree to do it. Here are a hundred thousand bales of cotton, owned by poor people who can not carry it. The spinner is the only man to buy it. He will not buy it, because it costs $60 or $70 or $80 a bale to carry spot cotton, and it only costs a dollar a bale to carry future cotton. He therefore stays out of the market, and the market sags, and the man who grew the cotton and put 12 months of toil into it has no one to buy it. He has to sell, and therefore it drops in price from day to day, as it has done every day this year.

Pass this bill and every grower of cotton must suffer and every spinner will profit, and the gamblers will continue to rob the producer of the fruits of his toil. Pass it and little children must grow up in poverty and in want. Pass the substitute of the gentleman from Georgia [Mr. TRIBBLE] and millions of the toiling poor of our Southland will bless you for it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I desire to oppose the amendment of the gentleman from Georgia [Mr. TRIBBLE]. I am glad the gentleman from Michigan [Mr. KELLEY] is interested in this proposition. I desire to call to his attention some of the facts involved in it.

The amendment that I have offered has not been hastily drawn. It has not been crudely drawn, but it has been drawn by the greatest experts that the Secretary of Agriculture could assemble in the Department of Agriculture. Every line of this bill has undergone the closest scrutiny of the best experts that the Government has been able to put its hands on.

Now, this law was in effect for more than 12 months, and what happened? Let us see if the bill works out in the interest of the farmer or not. Immediately after the opening of the European war the exchanges closed and remained closed until November 16 following. The cotton-futures act became effective February 18 following that. When the exchanges opened they opened with two contracts in force—one the old contract, under which they had operated for years, and against which this legislation was directed, and a new contract, drawn in anticipation of the law which was to go into effect on the 18th of February. I would like these farmers to give me their attention for a moment. I hold in my hand a comparison of the relative value of these two contracts during the period when they were both in use. Without going into the details, because that would cover several pages of the RECORD, you will find that the contract drawn in compliance with the provisions of this amendment which I have offered sold each day from 20 to 40 points higher than the old contract. [Applause.]

Mr. CARAWAY. Will the gentleman yield?

Mr. LEVER. I can not yield. Translating that into dollars and cents it means from $1 to $2 a bale on each bale of cotton in the South, or from $15,000,000 to $30,000,000 more to the southern farmer. That is what it means.

Now, let me call the attention of my friend to another thing. On the 13th of September last the cotton-futures act was held unconstitutional by District Judge Hough, of the southern district of New York. We should expect that if this law had not been a good thing, if it had depressed the market, when that decision was announced the price of cotton would promptly have gone up. Would not that be what you would expect if this bill had not been doing what I claim for it? But what happened? I read from the New York Journal of Commerce and Commercial Bulletin of the morning after the law was declared unconstitutional:

It was a day of surprises Prices advanced early 30 points or more and then two things hit the market hard, so hard that it came down to something like the traditional thud. These two blows were first the failure to predict killing frost over last night, none having occurred over the holiday, and, second, and hardest of all, the fact that Judge Hough, of the United States district court, had handed down a decision declaring the Lever bill unconstitutional on the ground that it was a violation of the Constitution of the United States, as the measure originated in the United States Senate and not in the House.

I quote again:

EXIT LEVER BILL?

Looks like it from a decision in the United States district court, if upheld by the Supreme Court. It caused heavy selling and a rapid reaction after a rise of 30 to 33 points.

Again I quote:

The rumor that the Lever bill had been declared unconstitutional caused selling around 12 o'clock, and January fell to 12.70 cents after being up to 13.08 cents on the early trading.

The fact is that while the market that morning had been a bull market, having gone up 33 points, or a little more than $1.50 a bale, within 10 minutes after the rumor reached the New York Exchange membership that this law had been declared unconstitutional the market broke 30 points, or $1.50 a bale, representing a loss of $22,500,000 to the cotton farmers of this country.

Mr. TRIBBLE. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. LEVER. Inasmuch as the committee allowed the gentleman from Arkansas [Mr. CARAWAY] five minutes additional, I would like to have five minutes more.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to proceed for five minutes. Is there objection?

Mr. MANN. How much time will remain?

The CHAIRMAN. Seventeen minutes.

Mr. MANN. I shall object unless I have some time.

Mr. HUGHES. Mr. Chairman, it is always with deep regret that I am forced to differ with the distinguished gentleman from South Carolina, the chairman of the great Committee on Agriculture, but on this issue I must disagree with him.

I have ever been opposed to the measure which he to-day advocates. I am a cotton grower myself, and I have the honor of representing a large agricultural cotton-growing district, and the second great cotton-growing State in this Union.

The Scott bill passed this House almost unanimously twice, and I wish to say that I believe I speak the sentiments of the cotton growers of the great State of Georgia when I say that they approve the Scott bill. I went over the State and discussed this proposition with them, and when the Scott bill was presented they showed their almost united approval.

I sincerely hope that this substitute will be adopted. I believe it should be, because it is in the interest of the cotton growers of this country. Mr. Chairman, the cotton growers of this country feel that their great crop of cotton should not be priced by two great cities—one New York and the other New Orleans. The cotton growers of this great country are willing to comply with the calls of supply and demand.

Mr. LEVER. Will the gentleman yield?

Mr. HUGHES. I will.

Mr. LEVER. Does the gentleman know that six presidents of the Farmers' Union have taken the position that this law ought to be reenacted at the earliest date, with the exception of section 11?

Mr. HUGHES. Anything that the gentleman from South Carolina states is the truth. They may favor it; but I tell you, my countrymen, that the majority of the cotton growers of this country do not favor it. They feel that they have been swindled and robbed by these speculators in their cotton. They expect the representatives of the cotton growers to defend their interests on the floor of this House. Now, I acknowledge that there are some good points in the gentleman's bill. I agree to that; but there is enough that is injurious and wrong and detrimental to the farmers of the country to more than offset the good that there is in it, and because of that I shall vote against it.

It has been said, and perhaps it is true, that the bill presented by the distinguished gentleman from South Carolina is a far better measure than the plan upon which these exchanges are to-day operating. That may be true, Mr. Chairman, but whereas that may be true we are willing to kill the better of the two so as to be sure to kill the worse at the proper time, and we propose to fight this to the finish and ultimately give the cotton growers of this country the right to control the price of their cotton. [Applause.]

Now, how can they do this? It has been said from the very fact that the cotton exchange in New York was closed in 1914, when war was declared in Europe, there was and could be no sale for cotton. The gentlemen who make that statement are mistaken. I was in Georgia at that time, and before the New York Exchange opened and saw fit to give the farmers an opportunity to sell the great money crop of this country cotton was selling at my own little town for 6 and 7 cents a pound. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I do not remember whether I objected to the extension of remarks of the gentleman from Georgia two years ago or not. I objected to a lot of extensions at that time on this bill in order to show the House that there was a very important bill, with only 20 minutes of debate on a side. Now we have 30 minutes' debate in reference to this bill, supposedly on a side. It is a very important proposition. At that time the bill passed 4 to 1 in favor of it, with less than 25 per cent of the membership of the House present.

Now what is the situation? The Committee on Agriculture has reported a bill, which is before the House, H. R. 11861. Members have had an opportunity to examine that bill. Here is a rule which makes the provisions of that bill in order as an amendment to the Agricultural bill. Not many of us know very much about that bill, although it was enacted into law, with the exception of a very small portion of it. But now, during the middle of an hour's debate, when more than half of the time has expired, an amendment is proposed to be inserted containing something entirely different. Gentlemen say that the original proposition will be detrimental to the farmers raising cotton, and other gentlemen say that the substitute is absolutely essential. Why, nobody has had any opportunity to examine it. There is no consideration of it. This is no proper method of legislation. I do not know how meritorious the substitute may be; I can not vote for it. I do not know what it is, and I am not willing to take legislation on the theory of a pig in the poke.

I do know what the Lever bill is, reported from the committee. I am willing to vote for that, although I am not enthusiastic about it. I do not think we ought to be asked to vote in the House for a matter which gentlemen say is so very important without knowing anything about it. The Lever bill is now the law, depending on whether it is constitutional or not.

Mr. SIMS. Will the gentleman yield?

Mr. MANN. No. I voted against the rule and the gentleman from Tennessee voted for it.

Mr. SIMS. The Scott bill passed the House twice, as the gentleman will remember.

Mr. MANN. I do not know whether it did or not. I will take the gentleman's word for it. I probably did not vote for it, although I do not remember. The Lever bill is brought in here with an hour's debate and seeks to enact into law that which Congress tried to enact, but missed it by a technicality. We ought not to be expected to vote for a proposition of as great importance as this, seeking to abolish the present method

of dealing in one of the great products of the country, without any knowledge of it whatever. I can not do it. [Applause.]

Mr. TRIBBLE and Mr. HEFLIN rose.

Mr. TRIBBLE. Mr. Chairman, haven't I got five minutes?

The CHAIRMAN. The gentleman has not five minutes, unless he gets it now.

Mr. HEFLIN. How much time is there left?

The CHAIRMAN. Seven minutes; and the gentleman from Georgia [Mr. TRIBBLE] having proposed an amendment, and the committee consenting to his being recognized at that time, the Chair feels that he is entitled to speak.

Mr. HEFLIN. But the gentleman from Georgia has already addressed the committee. I am a member of the Committee on Agriculture.

The CHAIRMAN. The Chair recognizes that, and that is the embarrassing fact; but the gentleman from Georgia having proposed an amendment, it occurs to the Chair that he ought to have the time. [Cries of "Regular order!"]

Mr. HEFLIN. He has already spoken upon it.

The CHAIRMAN. The gentleman from Alabama, then, is recognized—a member of the committee.

Mr. HEFLIN. Mr. Chairman, I am going to offer an amendment to this bill, and I send it to the desk and ask the Clerk to read it.

The Clerk read as follows:

Page 2, line 9, after the word "corporations," add the words: "who produce or deal in actual cotton; that contracts on the cotton exchanges of the United States for the future delivery of cotton shall be confined and limited to individuals, corporations, or associations who produce, buy spot cotton, and consume cotton in manufacturing establishments, or persons who purchase hedge sales made by producers, spot buyers, and spinners."

Mr. HEFLIN. Mr. Chairman, the bill regulating cotton exchanges as reported by the committee—the Lever bill—is already the law, with the exception of the changes made in section 11. It has some very valuable provisions in it, provisions not contained in the substitute offered by the gentleman from Georgia [Mr. TRIBBLE]. His substitute passed the House a few years ago. It is the old Scott bill. I supported that bill when it was up for consideration then. But that bill could not pass the Senate then and it could not pass that body now. This bill has four or five provisions in it that are not contained in the Scott bill, offered as a substitute by the gentleman from Georgia, and one of them is that whenever a dispute arises on the exchange as to the grade of cotton tendered on the contract, either one of the parties can call upon the Secretary of Agriculture to decide that question. Under the old law there was no appeal from the decision of the exchange. When its committee said that the grade was this or that there was no appeal from that decision, and that situation alone cost the cotton producers millions of dollars every year. I suggested the provision which gives the Secretary of Agriculture the right to decide the grade when called on to do so. The committee on fixed differences on the exchanges used to determine what the difference was between good ordinary and strict middling, and there was no appeal from that, and that committee could change in one night the difference that it had announced just a day or two before, and injure one of the parties to the contract by its arbitrary action. [Applause.] That committee on fixed differences is put out of business by the provisions of this measure, and the commercial difference between the grades is now provided for in this bill, and the Secretary of Agriculture is required to find out what the commercial difference is, by going to five spot markets in the South. [Applause.] I submit to gentlemen that those two provisions alone are sufficient to warrant the support of a measure of this sort rather than a return to the old system. I take pride in the fact that I suggested that the commercial difference should be required, as the law now provides.

Not only that, but this bill requires the exchanges to adopt the nine grades of cotton standards fixed by the Congress and now in use in the Agricultural Department and in the exchanges in the United States. The Scott bill, offered here as a substitute, contains none of these provisions, and I submit to my friends from the cotton-growing States that no bill should be seriously considered with these important provisions left out.

The Scott bill can not pass here and it could not pass the Senate. Now, then, if the Supreme Court should declare the present law unconstitutional, why the exchanges would return to the operation permitted under the old law when dog-tailed cotton and fixed differences ruled the price. If the cotton exchanges can be properly regulated, and I believe that they can, so that they will really help to distribute the crop and become a legitimate institution, serving buyer and seller both in the matter of aiding the law of supply and demand, well and good. The gentleman from Georgia [Mr. TRIBBLE] wants to kill them outright. I will say frankly that if I had my way I would establish spot-cotton exchanges all over the South. I think that we will have them some day, but until we do get them established we must not destroy any legitimate agency that deals in cotton. If we adopt my amendment, it will confine these dealings in cotton futures to the producer, to the spot buyer and the spinner and those who buy their hedge sales. These are the persons to whom dealing in futures should be confined. The producer is making, we will say, 20 bales of cotton. Let him go upon the exchange and sell 20 bales if he wishes. The merchant buys 20 bales, and he says, "I do not know what the price will be in two weeks or a month from now and I will go on the exchange and hedge." He ought to have the right to do that. The spinner buys 50,000 bales, and he says, "I ought to be permitted to hedge." Let him go on the exchange, and let him use the exchange to help him carry any loss that may come in fluctuation in the price. The spinner contracts to sell 5,000,000 yards of cloth, and buys real cotton with which to make the cloth. He does not want the price to go down after he buys, then let him go on the exchange and protect himself if he so desires. Under my amendment all contracts have behind them real cotton. It will confine speculation, in the main, to hedging transactions, and that is the object of it. If we make 10,000,000 bales and 10,000,000 bales are sold for hedging purposes, only 20,000,000 bales are handled in both spot sales and future contracts. Now, many times that amount is sold in a single season. My amendment will confine contracts to actual cotton and the hedge sales that they represent. You can keep track then of all the contracts and know exactly what is going on in the cotton business. Vote for my amendment and the exchanges can be made useful and serviceable to all persons who are really interested in the cotton business. [Applause.]

Mr. LEVER. Mr. Chairman——

Mr. TRIBBLE. Mr. Chairman, I do not think the gentleman intends to take all my time.

The CHAIRMAN. The gentleman has not any time more than any other Member of the House.

Mr. TRIBBLE. The gentleman stated before this argument began that "the gentleman from Georgia was entitled to five minutes," and I relied implicitly upon his statement.

The CHAIRMAN. And the gentleman from Georgia was recognized, but took his seat and did not occupy the five minutes.

Mr. TRIBBLE. I did not so understand it. I ask unanimous consent that I may be allowed to proceed for three minutes.

The CHAIRMAN. The Chair will also remind the gentleman from Georgia that he was very anxious to recognize him.

Mr. TRIBBLE. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for three minutes.

Mr. LEVER. Mr. Chairman, the time was fixed.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent——

Mr. LEVER. Just one minute. I reserve the right to object. If we extend it to the gentleman from Georgia, we are bound in all courtesy to the gentleman from Texas who was here a moment ago and asking for time. With the distinct understanding that I will object to any further——

Mr. MOORE of Pennsylvania. Reserving the right to object, how much time is there remaining under the one-hour arrangement?

The CHAIRMAN. Two minutes.

Mr. MOORE of Pennsylvania. Can not the gentleman from Georgia [Mr. TRIBBLE] get through in two minutes?

The CHAIRMAN. Is there objection?

Mr. HARRISON. Mr. Chairman, I make the point of order. The Committee of the Whole can not change a rule adopted by the House.

The CHAIRMAN. The Chair thinks it could if by unanimous consent. Is there objection?

Mr. HARRISON. I object.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] is recognized.

Mr. MANN. The House fixed the time.

Mr. LEVER. Mr. Chairman, I desire to bring to the attention of the gentlemen from the South particularly in these two minutes the attitude of the farmers of the South as that attitude is expressed in certain resolutions which have come to me. I read from the resolutions signed by the marketing committee of the farmers' union, composed of presidents of the following State farmers' unions and representing the national organization:

O. P. Ford, president and member of the marketing committee, Farmers' Union of Alabama, McFall, Ala.

J. L. Shepard, president and member of the marketing committee, Farmers' Union of Florida, Greensborough, Fla.

O. W. Taylor, president and member of the marketing committee, Farmers' Union of Oklahoma, Roff, Okla.

I. N. McCollister, president and member of the marketing committee, Farmers' Union of Louisiana, Many, La.

H. N. Pope, president and member of the marketing committee, Farmers' Union of Texas, Fort Worth, Tex.

I can not read all of these resolutions, but they say this:

We most respectfully urge that you immediately reenact into law the Smith-Lever bill, omitting section 11 and section 11a, thereby saving an untold amount to the producers of this country.

In another resolution of this same marketing committee it is said:

Resolved further, That attention be called to the fact that the Alabama law is an indorsement of the act of Congress known as the United States cotton-futures act, which act is the result of years of study in the interest of the producers of cotton by the best brains and the ablest men representing the Southern States in both branches of Congress; further, that its practical trial during the past year has demonstrated that (excepting section 11, which restricted business with foreign countries) it meets the needs of the cotton growers, eliminating evils which have heretofore been complained of.

Furthermore, I desire to read from a letter from Mr. McCollister, president and member of this farmers' union marketing committee, addressed to me under date of March 10, as follows:

We take the view that the Smith-Lever bill as originally drawn, with the exception of section 11 and section 11a——

Mr. ASWELL. What have you done with those?

Mr. LEVER. They are in the bill. I will be frank with the gentleman. I disagree with that view of it. It says further:

If eliminated, is the most constructive legislative act that has ever been placed on the statute books of our country.

This is what the representatives of the farmers are saying.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. I object.

Mr. TRIBBLE. Mr. Chairman, I rise to a point of order.

Mr. WINGO. Reserving the right to object——

Mr. TRIBBLE. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TRIBBLE. May I ask that the gentleman have the privilege of an extension of five minutes for the purpose of addressing the House?

Mr. LEVER. I object to the privilege.

The CHAIRMAN. All time has expired. The Clerk will read the first amendment.

The Clerk read as follows:

Amendment offered by Mr. SIMS.

Page 3, line 8, after the word "tax," insert "not less than 10 cents per bale."

Page 10, line 14, after the word "tax," insert "not less than 10 cents per bale."

Page 12, line 4, after the word "tax," insert "not less than 10 cents per bale."

Page 14, line 2, after the word "tax," insert "not less than 10 cents per bale."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. SIMS].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Amendment No. 2, offered by Mr. BENNET: Page 11, line 20, strike out all of section 11.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. BENNET. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 50, noes 56.

Mr. BENNET. I ask for tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. LEVER and Mr. BENNET to act as tellers.

The committee again divided; and the tellers reported—ayes 58, noes 72.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 3, offered by Mr. MOORE of Pennsylvania: Page 20, line 6, after the word "receipts," add the following: "The Secretary of Agriculture shall report to Congress before July 1, 1916, the names of all persons appointed by him to carry out the purposes of this act, the dates of such appointments, the purposes for which such persons were appointed, and the salaries paid to them."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. MOORE of Pennsylvania. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 30, noes 86.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 4, offered by Mr. JOHNSON of Washington——

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 5, offered by Mr. CARAWAY: Page 4, line 20, after the word "than," strike out "seven-eighths" and insert "three-fourths."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arkansas [Mr. CARAWAY].

The question was taken, and the Chairman announced that the "ayes" appeared to have it.

Mr. LEVER. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from South Carolina asks for a division.

The committee divided; and there were—ayes 26, noes 73.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report No. 7.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent——

The CHAIRMAN. The Clerk will report No. 7. The amendment No. 6 is in the nature of a substitute, and we will perfect the text of the original bill first by voting on amendment No. 7.

Mr. HOWARD. That is the Heflin amendment?

The CHAIRMAN. Yes.

The Clerk read as follows:

Amendment No. 7, offered by Mr. HEFLIN: Page 2, line 9, after the word "corporations," add the words "who produce or deal in actual cotton. That contracts on the cotton exchanges in the United States for the future delivery of cotton shall be confined and limited to individuals, corporations, or associations who produce, buy spot cotton, and consume cotton in manufacturing establishments, or persons who purchase the hedge sales made by producers, spot buyers, and spinners."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama [Mr. HEFLIN].

The question was taken, and the Chairman announced that the "noes" appeared to have it.

Mr. HEFLIN. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 14, noes 71.

So the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

Mr. SHERWOOD. Mr. Chairman, let the amendment be read again.

The CHAIRMAN. Does the committee desire to have this amendment reported again?

Mr. TRIBBLE. Mr. Chairman, I ask unanimous consent that instead of reading the amendment, I may have two minutes in which to explain it.

Mr. MANN. It has already been read.

The CHAIRMAN. It is not absolutely necessary to read the amendment. It has been read once. It could, in fact, only be read by unanimous consent. The question is on agreeing to the amendment in the nature of a substitute, offered by the gentleman from Georgia.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. HOWARD. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 29, noes 78.

So the amendment was rejected.

The CHAIRMAN. The question is now on agreeing to the amendment offered by the gentleman from South Carolina [Mr. LEVER].

Mr. MANN. Mr. Chairman, I move to amend page 2, line 1, by striking out the word "act" and inserting the word "part."

Mr. LEVER. Mr. Chairman, I want to state to the gentleman——

Mr. ANDERSON. Mr. Chairman, I make the point of order that debate is not in order.

Mr. LEVER. I will say to the gentleman that I do not think that change will have the effect the gentleman thinks it will have.

Mr. WINGO. Mr. Chairman, I make the point of order that all debate is exhausted.

Mr. MANN. Mr. Chairman, I will withdraw the amendment.

The CHAIRMAN. The gentleman from Illinois withdraws the amendment. The question is on agreeing to the amendment offered by the gentleman from South Carolina [Mr. LEVER].

The question was taken, and the Chairman announced that the "ayes" seemed to have it.

Mr. HOWARD. I ask for a division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 101, noes 23.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

Mr. RUBEY. Mr. Chairman, I desire to offer amendment No. 2, to be inserted immediately following the amendment that has just been adopted.

The CHAIRMAN. The gentleman from Missouri [Mr. RUBEY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after the amendment just adopted the following:

"AMENDMENT No. 2.

"*Part B.*

"That this part, to be known as the United States grain-grades act, be, and is hereby, enacted, to read and be effective hereafter, as follows:

"'That this act shall be known by the short title of the "United States grain-grades act."

"'SEC. 2. That the Secretary of Agriculture is hereby authorized to investigate the handling, grading, and transportation of grain and to fix and establish as soon as may be after the enactment hereof standards of quality and condition for corn (maize), wheat, rye, oats, barley, flaxseed, and such other grains as in his judgment the usages of the trade may warrant and permit, and the Secretary of Agriculture shall have power to alter or modify such standards whenever the necessities of the trade may require. In promulgating the standards, or any alteration or modification of such standards, the Secretary shall specify the date or dates when the same shall become effective, and shall give public notice, not less than 60 days in advance of such date or dates, by such means as he deems proper.

"'SEC. 3. That the standards so fixed and established shall be known as the official grain standards of the United States.

"'SEC. 4. That whenever standards shall have been fixed and established under this act for any grain no person thereafter shall ship or deliver for shipment from any State, Territory, or District to or through any other State, Territory, or District, or to any foreign country, any such grain which is sold or offered for sale by grade unless the grain shall have been inspected and graded by an inspector licensed under this act and the grade by which it is sold or offered for sale be one of the grades fixed therefor in the official grain standards of the United States: *Provided*, That any such grain not sold or offered for sale by grade may be sold, offered for sale, shipped, or delivered for shipment in interstate and foreign commerce by sample or by type, or under any name, description, or designation which is not false or misleading, and which name, description, or designation does not include in whole or in part the terms of any official grain standard of the United States: *Provided further*, That any such grain sold or offered for sale by one of the grades fixed therefor in the official grain standards may be shipped to or through any place at which an inspector licensed under this act is located, subject, under such rules and regulations as the Secretary of Agriculture shall prescribe, to be inspected at the place to which shipped, or at the place through which shipped for inspection, and subject further to the right of appeal from such inspection, as provided in section 6 of this act: *And provided further*, That any such grain sold or offered for sale by any of the grades fixed therefor in the official grain standards may, upon compliance with the rules and regulations prescribed by the Secretary of Agriculture, be shipped without inspection from a place at which there is no inspector licensed under this act to a place at which there is no such inspector, subject to the right of either party to refer any dispute as to the grade of the grain to the Secretary of Agriculture, who may determine and certify the true grade thereof. No person shall in any certificate or in any contract or agreement of sale or agreement to sell by grade, either oral or written, involving, or in any invoice or bill of lading or other shipping document relating to, the shipment or delivery for shipment, in interstate or foreign commerce, of any grain for which standards shall have been fixed and established under this act describe, or in any way refer to, any of such grain as being of any grade other than a grade fixed therefor in the official grain standards of the United States.

"'SEC. 5. That no person shall represent that any grain shipped or delivered for shipment in interstate or foreign commerce is of a grade fixed in the official grain standards other than as shown by a certificate therefor issued in compliance with this act; and the Secretary of Agriculture is authorized to cause examinations to be made of any grain for which standards shall have been fixed and established under this act, and which has been certified to conform to any grade fixed therefor in such official grain standards, or which has been shipped or delivered for shipment in interstate or foreign commerce. Whenever, after opportunity for hearing is given to the owner or shipper of the grain involved, and to the inspector thereof if the same has been inspected, it is determined by the Secretary that any quantity of grain has been incorrectly certified to conform to a specified grade, or has been sold or offered for sale under any name, description, or designation which is false or misleading, he may publish his findings.

"'SEC. 6. That whenever standards shall have been fixed and established under this act for any grain and any quantity of such grain which has been sold, offered for sale, shipped, or delivered for shipment in interstate or foreign commerce shall have been inspected and a dispute arises as to whether the grade as determined by such inspection of any such grain in fact conforms to the standard of the specified grade, any interested party may appeal the question to the Secretary of Agriculture, and the Secretary of Agriculture is authorized to cause such investigation to be made and such tests to be applied as he may deem necessary and to determine the true grade: *Provided*, That any appeal from such inspection to the Secretary of Agriculture shall be taken before the grain leaves the place where the inspection appealed from was made and before the identity of the grain has been lost, under such rules and regulations as the Secretary of Agriculture shall prescribe. In every such case the Secretary of Agriculture shall charge and assess, and cause to be collected, a reasonable fee in amount to be fixed by him, which fee shall be refunded if the appeal is sustained. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts. The findings of the Secretary of Agriculture as to grade, made after the parties in interest have had opportunity to be heard, shall be accepted in the courts of the United States in all suits between such parties, or their privies, as prima facie evidence of the true grade of the grain determined by him at the time and place specified in the findings.

"'SEC. 7. The Secretary of Agriculture may issue a license to any person, upon presentation to him of satisfactory evidence that such person is competent to inspect and grade grain for interstate and foreign commerce. No person authorized or employed by any State, county, city, town, board of trade, chamber of commerce, corporation, society, or association to inspect or grade grain shall certify, or otherwise state or indicate in writing, that any grain for interstate or foreign commerce which has been inspected or graded by him, or by any person acting under his authority, is of one of the official grades of the United States, unless he holds an unsuspended and unrevoked license issued by the Secretary of Agriculture: *Provided*, That in any State which has State grain inspection established by law, the Secretary of Agriculture shall, in issuing licenses, give preference to persons duly authorized and employed to inspect and grade grain under the laws of such State. The Secretary of Agriculture may suspend or revoke any license issued by him whenever, after opportunity for hearing has been given, the Secretary shall determine that any inspector has been found to be incompetent or has knowingly or carelessly graded grain improperly or by any other standard than is authorized under this act, or has issued any false certificate of inspection, or has accepted any money or other consideration, directly or indirectly, for any neglect or improper performance of duty, or has knowingly violated any provision of this act or of the rules and regulations made hereunder. Pending investigation the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing.

"'SEC. 8. That the Secretary of Agriculture shall from time to time make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this act.

"'SEC. 9. That any person who shall violate any of the provisions of section 4 or 7 of this act, or any inspector licensed under this act who shall knowingly or carelessly inspect or grade improperly any grain which has been shipped or delivered for shipment in interstate or foreign commerce, or shall knowingly or carelessly give any false certificate of inspection or grade, or shall accept money or other consideration, directly or indirectly, for any neglect or improper performance of duty, and any person who shall improperly influence or attempt to improperly influence any such inspector in the performance of his duty, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $1,000 or be imprisoned not more than one year, or both.

"'SEC. 10. That every person who forcibly assaults, resists, impedes, or interferes with any officer or employee of the United States Department of Agriculture in the execution of any duties authorized to be performed by this act or the rules and regulations made hereunder shall, upon conviction thereof, be fined not more than $1,000 or be imprisoned not more than one year, or both.

"'SEC. 11. That the word "person" wherever used in this act shall be construed to import the plural or singular, as the case demands, and shall include individuals, corporations, companies, societies, and associations. When construing and enforcing the provisions of this act the act, omission, or failure of any official, agent, or other person acting for or employed by any corporation, company, society, or association within the scope of his employment or office shall, in every case, also be deemed the act, omission, or failure of such corporation, company, society, or association, as well as that of the person.

"'SEC. 12. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $125,000, which shall be available until expended, for the expenses of carrying into effect the provisions of this act, including rent and the employment of such persons as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere.'"

Mr. RUBEY. Mr. Chairman, if I may have the attention of the committee, I would like to present a request for unanimous consent.

This rule provides for one hour and a half of debate. I ask unanimous consent that that one hour and a half debate under the five-minute rule be divided into two parts, one half to be controlled by myself and the other half by the gentleman from Minnesota [Mr. ANDERSON], who is a member of the subcommittee.

The CHAIRMAN. The gentleman from Missouri [Mr. RUBEY] asks unanimous consent that the hour and a half of debate permitted on this amendment under the rule be divided into equal parts, one half to be controlled by himself and the other half by the gentleman from Minnesota [Mr. ANDERSON]. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, I should like to ask if the gentleman from Minnesota is in favor of the amendment?

Mr. ANDERSON. I will say to the gentleman that I did not vote to report this particular amendment out of the committee.

Mr. MOORE of Pennsylvania. I have no objection to the gentleman from Minnesota apportioning the time if he is opposed to the amendment. I am opposed to the amendment and desire some time to discuss it.

The CHAIRMAN. Of course the Chair will be very glad to have such an agreement made.

Mr. MOORE of Pennsylvania. I submit that if the gentleman from Missouri [Mr. RUBEY] and the gentleman from Minnesota

[Mr. ANDERSON] are both in favor of the amendment they ought not to apportion the time.

Mr. RUBEY. I do not care who may control the time on the other side. If it is agreeable that the gentleman from Pennsylvania [Mr. MOORE] shall control the time, that is satisfactory to me.

The CHAIRMAN. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object——

Mr. ANDERSON. I will yield some time to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. I do not object.

Mr. LINTHICUM. Mr. Chairman, reserving the right to object, I should like to know whether the gentleman who will control the time is opposed to the amendment or not. I am opposed to the amendment.

Mr. ANDERSON. I do not care anything about controlling the time on this side of the House. If gentlemen who oppose the amendment desire to control the time or make any other arrangement than that suggested by the gentleman from Missouri [Mr. RUBEY], I shall not object.

Mr. BORLAND. I suggest that if the Republican member of the committee [Mr. ANDERSON] controls the time on his side he will probably be willing to yield to gentlemen on the Republican side, whichever position they take on the amendment, and I am sure the gentleman on this side [Mr. RUBEY] will yield to any Democrat.

Mr. LINTHICUM. I am opposed to the amendment. I am satisfied to have any member control the time who is opposed to the amendment. Otherwise I shall object.

The CHAIRMAN. Is there objection?

Mr. LINTHICUM. I object.

Mr. RUBEY. I ask unanimous consent that the time be controlled one half by myself and the other half by the gentleman from Pennsylvania [Mr. MOORE] who is opposed to the bill.

The CHAIRMAN. The gentleman from Missouri [Mr. RUBEY] asks unanimous consent that the time allotted for debate on this amendment be controlled one half by himself and the other half by the gentleman from Pennsylvania [Mr. MOORE]. Is there objection?

Mr. GREEN of Iowa. Mr. Chairman, I do not think that is the proper way to apportion the time, and I object.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. If the gentleman from Missouri [Mr. RUBEY] does not desire recognition now, the Chair will recognize the gentleman from Pennsylvania [Mr. MOORE] to offer the amendment which he sends to the Clerk's desk.

Mr. RUBEY. Mr. Chairman, if the gentleman will yield for a moment, I would like to make one further proposition, and that is, that the time be controlled one half by myself and the other half by the gentleman from Illinois [Mr. MANN].

Mr. MOORE of Pennsylvania. I wish to say to the gentleman from Illinois that I have no desire whatever to control the time. It seems to me that always in matters of this kind each side should be represented in the apportionment of the time, and that is all I desire. If the gentleman from Missouri [Mr. RUBEY] and the gentleman from Minnesota [Mr. ANDERSON] are of one mind, the minority will have no representation in the distribution of the time. All I ask is the opportunity to have read in my time what will take about 10 minutes.

The CHAIRMAN. The gentleman from Pennsylvania will suspend. Without objection, the Chair will submit the new proposition, that the time on this amendment be controlled one half by the gentleman from Missouri [Mr. RUBEY] and the other half by the gentleman from Illinois [Mr. MANN]. Is there objection?

Mr. LINTHICUM. The gentleman from Illinois [Mr. MANN] voted in favor of the bill when it passed the House the last time. I think those opposed to the amendment ought to control the time, and unless that can be arranged I shall object.

Mr. RUBEY. Mr. Chairman, I withdraw my request.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The Clerk read as follows:

Page 29, line 14, after the word "elsewhere," insert the following: "The Secretary of Agriculture shall report to Congress before July 1, 1916, the names of all persons appointed by him to carry out the purposes of this act, the duties of such appointments, the purpose for which such persons were appointed, and the salaries paid to them."

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on this subject.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. LEVER. I object.

Mr. MANN. I shall object to all extensions.

Mr. MOORE of Pennsylvania. Very well, Mr. Chairman; I shall read as much as I can from the memorial of the Commercial Exchange of Philadelphia with reference to this bill. I am going to skip a little, because I can not get it all in. The memorial was forwarded to me by Louis G. Graff, president of the exchange, and I regret it can not now be presented in full. I read:

The export trade of this country is the best friend of the farmer of the United States, and should it be injured, harassed, or taken away we hesitate to forecast the dire consequences to the producer of the crops. The enormous crops raised in this country leave a large available surplus annually for export, which if not disposed of would mean ruinously low prices to our farmers, and we can not expect to secure and hold this foreign trade if our laws regarding the grading of grain are such as to hamper and destroy fair competition with other exporting countries.

The proposed grain-grades act, H. R. 10405, should it become a law would be especially detrimental to the export trade and the farmer inasmuch as its provisions would prevent from competing upon equal terms with our competitors, such as the Dominion of Canada, Argentina, and other exporting countries, these competitors not being amenable to our laws. As a concrete example of this, permit us to say that the United States Department of Agriculture has adopted a standard for grading corn requiring No. 2 corn to contain not more than 15½ per cent moisture, No. 3 corn not more than 17½ per cent moisture; and No. 4 corn not more than 19½ per cent moisture, etc. In the western markets the settling price between No. 2 and No. 3 corn is 2 cents a bushel, and between No. 2 and No. 4 corn as much as 6 cents a bushel. At the present time all of the No. 3 corn can be used for export without docking the farmer or country shipper, but the Department of Agriculture, should the grain-grades act become a law, would prohibit us from doing so, and would therefore legislate in favor of the foreign buyer as well as our competitor and against the producer in this country. Very little corn, as you may know, has as little moisture as 15½ per cent in its natural state or condition, and it is safe to say 2,500,000,000 bushels of the crop will contain a moisture above 15½ per cent. As all corn containing one-quarter or even an eighth higher percentage of moisture would necessarily, under the department's proposed moisture tests, be forced to take the grade of No. 3 corn, the Agricultural Department would thereby reduce the value of this year's crop to the farmers of the country 2 cents a bushel, which, as above stated, is the settling price between the grades of No. 2 and No. 3 corn, or $50,000,000; this is, of course, assuming it would all grade No. 3 corn, but we know a great deal of it would be below No. 3, and as No. 4 is docked 4 to 6 cents a bushel, it would be a safe estimate to say the loss to the farmer by reason of the proposed grades would be 3 cents a bushel, or $75,000,000.

Furthermore, our Philadelphia merchants, together with the efficient grain-inspection department of this exchange, by reason of their knowledge and experience in blending wheats, are producing an article which the millers of England, France, and Holland have shown a desire to purchase in preference to those of western markets. It is only within the past two years that the great State of Montana has produced wheat in large enough quantities to become a factor in the export trade. During that time the production of wheat in that State has grown from an unknown quantity to that of 33,000,000 bushels, a matter of great importance to the State, the railroads, the steamship lines, and the export merchants of the entire country. Under our present export grading system we are permitted to bring that wheat from Montana to Philadelphia, and by blending it with wheat from other sections of the United States, are enabled to give to our foreign merchant millers a desired milling article, of which we have shipped millions of bushels within the past year. Under the terms of the grain-grades act this will be impossible.

Another important factor that should be considered in connection with the proposed grain-grades act is that grain graded at western primary points frequently deteriorates in quality while in transit between the western shipping point and the eastern terminus. If the western exporter has sold such grain to the foreign buyer on western certificates of inspection, the question arises as to the attitude of the Government in case the grain arrives at the seaboard out of condition. Will it stop the shipment and compel the exporter to put the grain in good condition, or will the shipment be permitted to continue on its way across the ocean regardless of its condition? It would seem there is a responsibility on the part of the Government in such exigencies after the proposed grain-grades act should be enacted into law. If the Department of Agriculture, under the grain-grades act, permits deteriorated grain as above referred to to be shipped on the western certificate of inspection, this would be a serious discrimination against the seaboard exporter. Then again, if this act becomes a law the exporters will of necessity be forced to establish their own brands, which would require every receiver, shipper, and exporter to have their grain stored in separate bins so as to preserve the identity of the grain. This would necessitate largely increased storage facilities, for which the storage capacity of our elevators would prove to be decidedly inadequate, resulting in still further congesting the railroads and interfering with general business.

Mr. RUBEY. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. RUBEY. The gentleman probably knows that the corn standard has been adopted all over the United States, except in Boston, New York, Philadelphia, and Baltimore.

Mr. MOORE of Pennsylvania. I understand the Boston Chamber of Commerce, composed largely of railroad men, are in favor of the bill; but not the Boston grain exporters. I do not know, but the exporters of Philadelphia indicate that the farmer may be deluded by the passage of this bill; that when the crops are in and the grade is a little low there will be no opportunity for the farmer to market his crop, because the standard fixed by the United States Government will be inflexible and his crop will go to

waste. He may have no opportunity, under certain conditions, to market it. I am sorry that I have not the time to read the whole of this memorial, because it ought to go in the RECORD.

Mr. SUMNERS. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes; if I have time.

Mr. SUMNERS. Will not the corn be so classified that it will be permissible to be sold under the standard?

Mr. MOORE of Pennsylvania. What will the farmer do who does not come up to the standard? Sometimes the crop is poor. What will become of the farmer if your standard fixed by law is such that he can not come up to it? The weather and soil may determine that.

Mr. ANDERSON. The gentleman knows what becomes of such crops now?

Mr. MOORE of Pennsylvania. The farmer may be forced to lose his crop; to feed it to the hogs. The farmer will have to pay for some of this Federal supervision, too. You are going to make the farmers raise grain by law. I hope he may be able to do so and still find a market.

Mr. RUBEY. Mr. Chairman, I renew my request made a moment ago. The gentleman from Maryland [Mr. LINTHICUM] assures me that he withdraws his objection. I renew the request for unanimous consent that the time be equally divided between myself and the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the time be equally divided between himself and the gentleman from Illinois [Mr. MANN]. Is there objection?

Mr. HULBERT. Does this relate to the amendment proper?

The CHAIRMAN. Yes; there is an hour and a half debate on the amendment proper.

Mr. HULBERT. Can the gentleman from Missouri give me two and a half minutes?

Mr. RUBEY. I will yield to the gentleman when the time comes.

Mr. FOCHT. Reserving the right to object, I would like to ask the gentleman from Missouri, since he has been unwilling to adopt the amendment proposed by the gentleman from Pennsylvania as to the men who are to be appointed under this law, why he objected to the gentleman from Pennsylvania?

Mr. RUBEY. I did not object to the gentleman from Pennsylvania, and his amendment is still pending and will be voted on.

Mr. FOCHT. The gentleman asks unanimous consent to renew his proposition.

Mr. RUBEY. The gentleman from Pennsylvania does not understand. We have an hour and a half debate on this amendment. Five minutes has already been used by the gentleman from Pennsylvania [Mr. MOORE]. Now I ask unanimous consent that the remaining time be divided equally between myself, to control one half, and the gentleman from Illinois [Mr. MANN] control the other. That does not apply to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

Mr. FOCHT. The gentleman previously asked that the time be divided between himself and the gentleman from Pennsylvania [Mr. MOORE]. Why has he changed his mind?

Mr. RUBEY. Because the gentleman from Iowa [Mr. GREEN] objected to that.

Mr. FOCHT. Then I object to this.

Mr. HELGESEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

At the end of page 22, insert the following:

"SEC. 3½. Whenever by reason of climatic or other conditions any large quantity of grain shall be ineligible to grade under the standards fixed pursuant to section 2 the Secretary may establish supplemental or commercial grades for such grain, and such supplemental or commercial grades may be promulgated upon such notice as the Secretary shall deem proper."

Mr. HELGESEN. Mr. Chairman, I offer this amendment in order to take care of the vast amount of grain which frequently is of such a character as to make it impossible to bring it under the ordinary grades. Frequently we have wet seasons, and while we may have had a very good crop, a splendid crop, after it is cut and shocked rain may come and make it very moist, so much so that when it goes to the market it can not be graded under the ordinary grades. It is then thrown into what is called "no grade." "No grade" may mean a No. 1 hard wheat, which carries a little more moisture than the rules permit, or it may mean an inferior grade.

The market often shows a spread of 20 to 30 cents per bushel in "no-grade" wheat, and in selling through a commission firm it becomes impossible for the farmer to know whether he is getting a fair price for his grain or not.

Mr. MOSS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. HELGESEN. Yes.

Mr. MOSS of Indiana. What difference would the gentleman's amendment be, if adopted, from the language written in the bill in line 11 on page 1 and line 2 on page 2? Does not that give precisely what the gentleman is seeking to reach?

Mr. HELGESEN. It does not. This only provides for grades of a quality that can come under the regular standards, but when it goes below the regular standards there is no provision made. In Canada they have the same conditions and they recognize it in this way. In section 87 of their law they provide:

Should the climatic or other conditions result in the production of a considerable proportion of grain, other than oats, not capable of being included in the classification provided for in this act, the grain standards board for the division shall be convened for the selection of commercial grades and samples whenever the chairman of the said board is notified by the chief inspector or five members of the said board that such a course is necessary.

2. Inspecting officers shall grade all classes of grain which can not be graded according to this act in accordance with the commercial samples so selected by the board.

Mr. MOSS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. HELGESEN. Yes.

Mr. MOSS of Indiana. Under the Canadian law, when the grade standards are once fixed they can not be modified, and therefore they have the commercial grades of which the gentleman is speaking. Under this proposed law the Secretary of Agriculture is supposed to be given the right to modify the standards whenever he chooses.

Mr. HELGESEN. But the regular grades can be modified only by giving 60 days' notice. The grain may have been cut and it may have been shocked and ready to thrash when the wet season comes along. If you have to thrash it and ship it in a damp condition, the Secretary of Agriculture can not change those grades without a two months' notice, and by that time the grain is gone.

Mr. MOSS of Indiana. Under the commercial grades, of which the gentleman is speaking, in Canada, before they can be established, do not specimens or types have to be established so that they have to be given the purchaser or the seller on demand, and it is not really selling under type after all?

Mr. HELGESEN. No; it is selling under commercial grades not included in the regular grades.

Mr. MOSS of Indiana. In Canada, but before they can establish commercial grades, does not the department have to select a standard and provide that?

Mr. HELGESEN. They have to establish rules, but they do it on a short notice when these conditions require it.

Mr. MOSS of Indiana. What difference is that, then, from selling by type or standards under this bill as proposed?

Mr. HELGESEN. In all the western markets anything that does not come up to No. 4 or No. 5 is graded as either rejected or "no grade." If it carries more moisture than is permitted in the regular grades, it is graded as "no grade," which is absolutely meaningless to the man who sells because it may be "no grade," although No. 1 hard wheat simply because it carries a small amount of moisture more than the rules permit. If this amendment is adopted, rules could be established that a damp No. 2 should be graded as commercial No. 2, indicating that it would be No. 2 if dry, but was too damp to be graded as regular No. 2.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. RUBEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12717, the Agricultural appropriation bill, and had come to no resolution thereon.

HOUR OF MEETING TO-MORROW.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 a. m. to-morrow.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none.

PENSIONS.

Mr. BURKE. Mr. Speaker, this is private-pension day under the rules, and I desire to call up two omnibus private-pension bills, being Nos. 237 and 238 on the Private Calendar, and to ask unanimous consent that they be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the bills referred to be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

ORDER OF BUSINESS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the business in order on Monday—the Unanimous Consent Calendar—be dispensed with.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that business on the Unanimous Consent Calendar be dispensed with on next Monday.

Mr. MANN. That is with the understanding that we will try to find some other day soon?

Mr. KITCHIN. Yes.

Mr. FERRIS. Reserving the right to object, let us fix it now.

Mr. KITCHIN. We will fix some other day for that.

The SPEAKER. The gentleman asks unanimous consent that the business that is in order next Monday under the rule be dispensed with on that day. Is there objection? [After a pause.] The Chair hears none.

HOUR OF MEETING ON NEXT MONDAY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-morrow, Saturday, it adjourn to meet at 11 o'clock a. m. Monday.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that when the House adjourns to-morrow it adjourn to meet at 11 o'clock a. m. on Monday. Is there objection? [After a pause.] The Chair hears none.

PENSIONS.

The SPEAKER. The Clerk will report the first pension bill.

The Clerk read as follows:

An act (S. 4856) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. BURKE. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the first reading of this bill be dispensed with. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill for amendment.

The Clerk read as follows:

An act (S. 4856) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws—

The name of Nettie Johnson, widow of John W. Johnson, late of Company F, One hundred and fifty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John George Bauer, late of Company G, Fifth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Corda P. Gracey, widow of Samuel L. Gracey, late chaplain, Sixth Regiment Pennsylvania Volunteer Cavalry, and former widow of Harrison O. Pratt, late of Company M, First Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of Elizabeth Propson, widow of John Propson, late of Company I, One hundred and twenty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sarah E. Marsh, widow of Charles H. Marsh, late of Company D, First Regiment Connecticut Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Cecilia Murphy, widow of Charles Murphy, late of Battery M, Third Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Andrew H. Nichols, late of Company C, Second Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Mary E. Norton, widow of Silas M. Norton, late of Company K, Sixteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ann Odell, widow of Thomas Odell, late of Company K, Twentieth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William R Latimer, late of Company F, Fourteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Rebecca L. Lapaugh, widow of John D. Lapaugh, late of Company C, Sixteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lide Smith, widow of Albert G. Smith, late of Company F, Fifty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Alice R. Hutchinson, widow of Henry A. Hutchinson, late of Company B, Eleventh Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Mary Pritchard, widow of Claudius B. Pritchard, late of Company I, Second Regiment Minnesota Volunteer Infantry, and former widow of John Pelas, late of Company G, Fourth Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Henry Brown, late of Company B, Fifth Regiment, and Company A, Seventh Regiment, Delaware Volunteer Infantry, and pay him a pension at the rate of $21 per month.

The name of Moses Green, late of Company B, Fourteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George E. Newall, late first lieutenant Company A, Eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alice Quigley, widow of Charles Quigley, late of Company G, Tenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Winifred Whitney, helpless and dependent child of Adrial L. Whitney, late of Company C, First Regiment Maine Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The name of Marie A. Smith, widow of Lawrence Smith, late of Company K, Thirty-ninth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Elizabeth S. Chaplain, former widow of John W. Minton, late of Company C, Fifteenth Regiment Illinois Volunteer Cavalry, and widow of Charles Chaplain, late of Company A, Fortieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Ellen Edwards, widow of Presley Edwards, late of Company H, One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Francis M. George, late of Company I, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harvey W. Hoover, late of Company A, First Regiment Mississippi Marine Brigade Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Fry, late of Company G, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John M. Davidson, late of Company I, Ninety-first Regiment, and Company F, One hundred and twentieth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Justine M. Thrift, widow of William H. Thrift, late of Company D, Sixteenth Regiment Iowa Volunteer Infantry, and major and additional paymaster, United States Volunteers, War with Spain, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Samuel E. Wilson, late of Company G, Fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Harper, late of Company A, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary J. White, widow of Albert E. White, late of Company K, Eighty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elsie A. Platt, widow of Charles Platt, late of Company B, First Battalion Connecticut Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Adelaide M. Tarbox, widow of George H. Tarbox, late of Company E, Eighteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary Whipple, widow of Lucian A. Whipple, late of Company F, Second Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Hannah A. Hill, widow of Robert Hill, late of Company E, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John C. Brown, late of Company H, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Michael Reuss, late of Company H, Sixty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hentry Waltz, late of Company K, Forty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Moses Hull, late of Company D, Seventh Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Margaret M. Lane, widow of Marion D. Lane, late of U. S. S. *Grampus*, *Nymph*, and *Hastings*, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Crome, late of Company H, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James C. Green, late of Company C, One hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Gowland, late of Company G, Eighth Regiment, and Company M, Sixteenth Regiment, Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John B. Hammer, late of Company D, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Henry Lichtley, late of Company B, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $21 per month in lieu of that he is now receiving.

The name of Malisa A. Sherk, widow of William Sherk, late of Company M, Fifth Regiment Pennsylvania Volunteer Cavalry, and Company F, Nineteenth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $12 per month.

The name of Fannie M. Carey, widow of Daniel W. Carey, late of Company I, and principal musician One hundred and third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Nathaniel Haskell, late of Company E, Fifth Regiment Maine Volunteer Infantry, and Company B, First Regiment Maine Veteran Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Robert N. B. Simpson, late of Company A, Fourth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William O'Neal, late of Company E, Forty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Silas Blodgett, late of Company H, First Regiment District of Columbia Volunteer Cavalry, and Company K, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ella A. Tyler, widow of Benjamin F. Tyler, late of Company K, Twenty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Emma J. Beal, widow of Horace W. Beal, late of Company A, Thirteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James Beaton, late of Company G, Twenty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary C. Knowlton, widow of John O. Knowlton, late of Company C, Ninth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Sarah C. Greenfield, widow of John Greenfield, late of Company L, Twenty-second Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James H. Moser, late of Company F, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adelia C. Macauley, widow of Orlando H. Macauley, late captain Company H, Thirteenth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Barney Sancomb, late of Company I, Twenty-sixth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William P. Nelson, late of Company D, Seventeenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Marion Kilborn, late of Company I, Ninety-eighth Regiment, and Company H, Sixty-first Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert J. Sprinkle, late of Company B, Eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas White, late of Company E, Twenty-seventh Regiment, and Company C, Thirty-third Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James S. Meek, late captain Company H, Ninety-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Michael Demuth, late of Company G, Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin Simpson, late of Company I, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Aaron Benjamin Waggoner, alias Aaron Benjamin, late of Company D, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Merchant, late of Company M, Eighth Regiment New York Volunteer Heavy Artillery, and Company G, Tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Elmira E. Morrison, widow of James W. Morrison, late of Company C, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sarah J. Cadle, widow of Richard Cadle, late quartermaster Eleventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ellen Temperance Smith, helpless and dependent daughter of George W. Smith, late of Company C, Fifteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Carrie S. Cross, widow of Samuel K. Cross, late first lieutenant Company A, Second Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James Hawkins, late of Company B, Third Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martha A. Hodges, widow of James L. Hodges, late captain Company K, Third Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Leora L. Macarey, widow of Harlow E. Macarey, late first lieutenant Company K, Twenty-eighth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Charles Leeder, late of Company C, Eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John S. Allison, late of Company G, One hundred and sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Ida C. Martin, widow of Edwin L. Martin, late of Company K, Fifty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Guy Beebe, late of Company F, Seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Ellen Lambert, former widow of Robert Lambert, late of Company F, Twenty-eighth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of George W. Doyle, late of Company A, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harvey D. Plummer, alias Harvey D. Picknell, late of Company H, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin H. Whipple, late of Company B, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Gallup, late of Company D, One hundred and forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Peter Soncrant, late of Company A, One hundred and eighty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Moody, jr., late of Company A, Sixteenth Regiment, and Company I, Twentieth Regiment, Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alphonso W. Longfellow, late of Company C, First Regiment Maine Volunteer Sharpshooters, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Clara P. Boulter, widow of Eugene A. Boulter, late of Company C, Nineteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Christian C. Forney, late of Company F, Nineteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Moreland, widow of George W. Moreland, late of Company I, Eighty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Rebecca J. Short, widow of Ferdinand E. Short, late of Company C, Thirty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of John L. Short, helpless and dependent child of said Ferdinand E. Short, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Rebecca J. Short, the name of said John L. Short shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Rebecca J. Short.

The name of Mary C. Finlay, widow of Andrew Finlay, late of Companies D and K, Forty-seventh Regiment Illinois Volunteer Infantry, and former widow of John Dolman, late of Company G, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Annie P. Marchant, widow of Amaziah B. Marchant, late of Company H, Twelfth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry C. Pennington, late of Company E, One hundred and eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward P. Carman, late of Company F, First Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sophronia Porter, widow of John W. Porter, late of Company K, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Julia C. Bradley, widow of David B. Bradley, late of Company F, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Matilda Weger, widow of John W. Weger, late of Company F, First Regiment Oregon Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Mercy A. Martin, widow of Milton Martin, late captain Company F, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mandana C. Thorp, widow of Thomas J. Thorp, late colonel One hundred and thirtieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Mary M. Lose, widow of Daniel Lose, late of Company G, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Lula S. Knight Bigelow, widow of Jonathan G. Bigelow, late captain Eightieth Regiment and Company K, Eighty-third Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $20 per month, with an additional $2 per month on account of the minor child of said Jonathan G. Bigelow until she reaches the age of 16 years, said pension to be in lieu of all pension now being paid on account of the service of this soldier.

The name of Sarah A. Hanson, widow of George H. Hanson, late of Company G, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Hugh Harbinson, late of Company B, Sixty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Nellie S. Nason, widow of Nahum A. Nason, late of Company I, Thirteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ruth A. Hazzard, widow of Robert C. Hazzard, late of Company A, Ninth Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Celina C. Smith, widow of Jesse Smith, late of Company G, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Jacob Baker, late of Company F, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Herbert Wadsworth, late second lieutenant Company E, Twenty-eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joanna Swander, widow of William H. Swander, late assistant surgeon Seventy-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of James Hanners, late of Company G, Fifth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $16 per month.

The name of John Stone, late of Company E, Tenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Eva Helena Patten, widow of Ambrose E. Patten, late of Company E, Twenty-eighth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Job D. Marshall, late of Company G, Ninth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hiram Stevens, late of Company F, Thirteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Louis Badger, late of Company D, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Martha Nutter, former widow of George D. Trembley, late of Company G, One hundred and forty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Erastus T. Bowers, late of Company G, Fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of David McLean, late of Company E, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alonzo E. Martin, late of Company H, Fourth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edwin W. Clark, late of U. S. S. *Sabine, Ohio,* and *Passaic,* United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Kern, late of Company H, Seventeenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Corydon B. Lakin, late first lieutenant Company B, First Regiment District of Columbia Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Emma J. Wamaling, widow of C. Thomas Wamaling, late acting third assistant engineer, United States Navy, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Thomas E. Sharp, late of Company E, One hundred and ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Della W. Crane, widow of James M. Crane, late of Company C, Fourth Regiment Michigan Volunteer Cavalry, and former widow of Edwin R. Clark, late captain Company B, Thirtieth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Elvira Louisa Kanady, widow of Sanford B. Kanady, late of Company C, Twenty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lorenzo D. Emory, late of Company K, Twenty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alvin E. Tennant, late of Company C, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month.

The name of Nephi Owen, late of Company A, One hundred and fifteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Richard H. Bellamy, late of Company C, One hundred and thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Dailey, late second lieutenant Company E, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Elizabeth Holt, widow of John Holt, late of Company B, Twenty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $24 per month.

The foregoing bill is a substitute for the following Senate bills referred to the Committee on Invalid Pensions:

S. 125. Nettie Johnson.
S. 154. John George Bauer.
S. 201. Corda P. Gracey.
S. 253. Elizabeth Propson.
S. 259. Sarah E. Marsh.
S. 265. Cecilia Murphy.
S. 267. Andrew H. Nichols.
S. 269. Mary E. Norton.
S. 270. Ann Odell.
S. 274. William R. Latimer.
S. 283. Rebecca L. Lapaugh.
S. 526. Lide Smith.
S. 563. Alice R. Hutchinson.
S. 686. Mary Pritchard.
S. 695. Henry Brown.
S. 767. Moses Green.
S. 770. George E. Newall.
S. 771. Alice Quigley.
S. 915. Winifred Whitney.
S. 963. Marie A. Smith.
S. 1015. Elizabeth S. Chaplain.
S. 1040. Ellen Edwards.
S. 1044. Francis M. George.
S. 1112. Harvey W. Hoover.
S. 1130. John Fry.
S. 1133. John M. Davidson.
S. 1202. Justine M. Thrift.
S. 1234. Samuel E. Wilson.
S. 1240. John Harper.
S. 1339. Mary J. White.
S. 1455. Elsie A. Platt.
S. 1458. Adelaide M. Tarbox.
S. 1459. Mary Whipple.
S. 1477. Hannah A. Hill.
S. 1489. John C. Brown.
S. 1502. Michael Reuss.
S. 1514. Henry Waltz.
S. 1536. Moses Hull.
S. 1557. Margaret M. Lane.
S. 1561. William Crome.
S. 1590. James C. Green.
S. 1593. John Gowland.
S. 1594. John B. Hammer.
S. 1599. Henry Lichtley.
S. 1604. Malisa A. Sherk.
S. 1605. Fannie M. Carey.
S. 1720. Nathaniel Haskell.
S. 1814. Edwin J. Walton.
S. 1960. Robert N. B. Simpson.
S. 1964. William O'Neal.
S. 1965. Silas Blodgett.
S. 2146. Ella A. Tyler.
S. 2297. Emma J. Beal.
S. 2298. James Beaton.
S. 2312. Mary C. Knowlton.
S. 2319. Sarah C. Greenfield.
S. 2330. James H. Moser.
S. 2335. Adelia C. Macauley.
S. 2341. Barney Sancomb.
S. 2463. William P. Nelson.
S. 2554. Marion Kilborn.
S. 2556. Albert J. Sprinkle.
S. 2620. Thomas White.
S. 2639. James S. Meek.
S. 2670. Michael Demuth.
S. 2680. Benjamin Simpson.
S. 2705. Aaron Benjamin Waggoner (alias Aaron Benjamin).
S. 2830. John Merchant.
S. 2839. Elmira E. Morrison.
S. 2863. Sarah J. Cadle.
S. 2893. Ellen Temperance Smith.
S. 2904. Carrie S. Cross.
S. 2907. James Hawkins.
S. 3015. Martha A. Hodges.
S. 3017. Leora L. Macarey.
S. 3061. Charles Leeder.
S. 3126. John S. Allison.
S. 3149. Ida C. Martin.
S. 3151. Guy Beebe.
S. 3157. Ellen Lambert.
S. 3197. George W. Doyle.
S. 3198. Harvey D. Plummer (alias Harvey D. Picknell).
S. 3199. Benjamin H. Whipple.
S. 3241. William H. Gallup.
S. 3302. Peter Soncrant.
S. 3414. David Moody, jr.
S. 3432. Alphonso W. Longfellow.
S. 3433. Clara P. Boulter.
S. 3438. Christian C. Forney.
S. 3463. Mary A. Moreland.
S. 3465. Rebecca J. Short.
S. 3496. Mary C. Finlay.
S. 3519. Annie P. Marchant.
S. 3546. Sophronia Porter.
S. 3572. Henry C. Pennington.
S. 3583. Edward P. Carman.
S. 3674. Mary E. B. Bruson.
S. 3707. William F. Wiley.
S. 3738. Julia C. Bradley.
S. 3809. Matilda Weger.
S. 3831. Mercy A. Martin.
S. 3856. Mary M. Lose.
S. 3881. Mandana C. Thorp.
S. 3889. Lula S. Knight Bigelow.
S. 3905. Sarah A. Hanson.
S. 3906. Hugh Harbinson.
S. 3963. Nellie S. Nason.
S. 4012. Ruth A. Hazzard.
S. 4024. Celina C. Smith.
S. 4040. Jacob Baker.
S. 4113. Herbert Wadsworth.
S. 4120. Joanna Swander.
S. 4148. James Hanners.
S. 4151. John Stone.
S. 4173. Eva Helena Patten.
S. 4178. Job D. Marshall.
S. 4240. Hiram Stevens.
S. 4241. Louis Badger.
S. 4249. Martha Nutter.
S. 4293. Erastus T. Bowers.
S. 4296. David McLean.
S. 4325. John Kern.
S. 4330. Alonzo E. Martin.
S. 4334. Edwin W. Clark.
S. 4362. Corydon B. Lakin.
S. 4363. Emma J. Wamaling.
S. 4382. Thomas E. Sharp.
S. 4403. Della W. Crane.
S. 4442. Elvira Louisa Kanady.
S. 4444. Lorenzo D. Emory.
S. 4455. Alvin E. Tennant.
S. 4491. Nephi Owen.
S. 4520. Richard H. Bellamy.
S. 4525. James M. Dailey.
S. 4731. Elizabeth Holt.

The following committee amendments were severally read and severally agreed to:

Page 4, strike out lines 7 to 10, inclusive (pension of William R. Latimer).

Page 5, line 18 (pension to Harvey W. Hoover), strike out "$30" and insert "$40."

Page 6, strike out lines 4 to 9, inclusive (pension of Justine M. Thrift).

Page 9, line 21 (pension of Robert N. B. Simpson), strike out "$30" and insert "$40."

Page 10, line 1 (pension of William O'Neal), strike out "$30" and insert "$40."

Page 10, line 18 (pension of James Beaton), strike out "$30" and insert "$40."

Page 11 (pension of James H. Moser), strike out lines 3 to 6, inclusive.

Page 11, line 10 (pension of Adelia C. Macauley), strike out "$20" and insert "$24."

Page 12, line 23 (pension of Aaron Benjamin Waggoner, alias Aaron Benjamin), strike out "$30" and insert "$40."

Page 14, line 2 (pension of Martha A. Hodges), strike out "$20" and insert "$24."

Page 14, strike out lines 11 to 14, inclusive (pension of John S. Allison).

Page 15, strike out lines 3 to 14, inclusive (pensions of George W. Doyle, Harvey D. Plummer, and Benjamin H. Whipple).

Page 18, strike out lines 3 to 6, inclusive (pension of Julia C. Bradley).

Page 18, line 13, strike out "$20" and insert "$24" (pension of Mercy A. Martin).

Page 19, line 1 (pension of Lulu S. Knight Bigelow), strike out "$20" and insert "$24."

Page 19, line 10, strike out "$25" and insert "$20" (pension of Sarah A. Hansom).

Page 21, strike out lines 9 to 12, inclusive (pension of Louis Badger).

Page 24, line 6, after the word "month," insert the following: "*Provided,* That in the event of the death of Anna Holt, helpless and dependent child of said John Holt, the additional pension herein granted shall cease and determine: *And provided further,* That in the event of the death of Elizabeth Holt the name of said Anna Holt shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Elizabeth Holt."

Mr. BURKE. Mr. Speaker, I move the bill be read a third time.

The bill was read a third time and passed.

The SPEAKER. The Clerk will report the next one.

The next business on the Private Calendar was the bill (H. R. 15048) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Mr. BURKE. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill for amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Laura E. Headington, widow of John W. Headington, late of Company H, and major, One hundredth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Robert H. Wood, helpless and dependent child of William P. Wood, late of Company F, Second Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The name of John Brin, late of Company G, First Battalion Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John C. Messerschmidt, late of Company E, Fifty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nannie B. Turner, helpless and dependent child of William Turner, late of Company G, Fifth Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of $12 per month.

The name of Thomas Haley, alias Thomas Burke, late of Company G, One hundred and fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin F. Goodman, late of Company K, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Catherine Strafford, widow of William P. Strafford, late of Company B, First Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elizabeth Cumming, former widow of Thomas Cumming, late of Company B, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Matilda E. Pierce, former widow of De Witt C. Kinsman, late of Company E, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William Pierce, late of Company H, Second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Roeana F. Duran, widow of Josiah Duran, late of Company C, Seventeenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of David F. Landon, late of Company K, Eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Isaac M. Chrissinger, late of Company E, One hundred and fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Amanda J. Winkle, widow of Edward S. Winkle, late of Company G, Fourth Regiment, and Company K, Eighth Regiment, Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Annie E. Osgood, widow of James H. Osgood, late of Company E, Thirty-fifth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Anna L. Yachmann, former widow of Robert W. Scott, late of Company F, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Charity C. Hughes, widow of Logan Hughes, late of Company K, One hundred and fourteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Eudora E. Phillips, widow of Absalom B. Phillips, late of Company B, Fifty-first Regiment United States Colored Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Catherine Beard, widow of Robert Beard, late of Company A, One hundred and seventeenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Franklin Agnew, late of Company D, Fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Gertrude Russell, helpless and dependent child of John Russell, late sergeant, Fourth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The name of William James Richey, late of Company B, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Kelly, late of Company E, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and Company A, Eleventh Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jennie Raley, former widow of Thomas Raley, late of Companies C and B, First Regiment District of Columbia Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Andrew Silberman, late of Company E, Second Battalion, Fourteenth United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Mapes, late of Company K, One hundred and thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Frank S. Bradley, late of Company C, Twenty-sixth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Groat, late of Company G, One hundred and fifty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Andrew J. Storts, late of Company H, One hundred and forty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Arabella Smith, widow of Whitmer Smith, late a seaman, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Julia A. Sheck, former widow of Christian Sheck, late of Company G, One hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Johanna Rost, widow of Gustav Rost, late of Company I, Forty-fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ellen Le Count, widow of William J. Le Count, late of Company E, Tenth Regiment, and Company B, Fifty-second Regiment, Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Hannah Wait, widow of Miles Wait, late of Company D, Eighth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Aaron D. Egleston, late of Company C, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jane E. Ulmer, widow of David Ulmer, late of Company M, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of 12 per month.

The name of Julia A. Walker, widow of K. Walker, late of Company H, Fifteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Warren S. Read, late of Company B, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Anna R. Laing, widow of William H. Laing, late of Company A, McClellan Dragoons, and Company H, Twelfth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Euphema Gatts, former widow of Francis Walton, late of Company F, Ninety-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John H. Rodkey, late of Company E, Second Battalion Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Bridget Brassill, widow of John Brassill, late of Company D, Eighty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Harriet Quail, former widow of Frederick Pittluker, late of Company G, One hundred and thirty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Thomas E. Kellogg, late of Company E, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Catherine E. Bentley, widow of Harvey Bentley, late of Company B, Second Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of William M. Donovan, late of Company I, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary F. Terwilliger, widow of William H. Terwilliger, late of Company E and Company A, Sixty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Sabrina A. Broadfoot, former widow of Bela E. Brown, late of Company E, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Benjamin J. Harding, late of Company F, Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Bogue, late of Company F, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Eugene H. Steward, late of Company E, Sixty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Miller, late of Company F, Second Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John T. Myers, late of Company G, One hundred and seventy-fifth Regiment, and Company D, One hundred and eighty-ninth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Susan C. J. Slocum, widow of Lewis F. Slocum, late of Company A, Ninth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Martha M. Miller, widow of James M. Miller, late of Company I, Fourth Regiment Indiana Volunteer Cavalry, and One hundred and twenty-fourth Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of $12 per month.

The name of John F. Myers, late of Company G, Fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William W. Echols, late of Company A, Seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edward M. Willis, late of Company C, Sixtieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Luther Wing, late of Company I, Third Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Leonora Turner, former widow of George Schaefer, late of Company A, Eleventh Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Elijah Coffman, late of Company F, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. Solifelt, late of Company E, Twentieth Regiment Pennsylvania Volunteer Cavalry, and Company C, First Regiment Pennsylvania Provisional Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lydia Ripley, widow of Manson M. Ripley, late of Company D, First Regiment Arkansas Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Alice A. Wing, widow of Charles E. Wing, late of Company I, Fifty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John Holley, late of Company E, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Eliza M. Baxter, widow of Philo N. Baxter, late of Company C, Eighty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of James R. Cowgill, late of Company K, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Theresa B. Streibig, helpless and dependent child of Rony Streibig, late of Company G, One hundred and nineteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Mary E. Clark, widow of William M. Clark, late of Company C, Seventeenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Frank L. Weiss, alias Louis Weiss, late of Company M, Fourteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph R. Kemp, late major, Sixth Regiment Pennsylvania Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Wallace W. Jackson, late of Company E, Eighteenth Regiment, and Company A, Ninth Regiment, Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martha W. Pollock, widow of James W. Pollock, late of Company G, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John Montgomery, late of Company K, Twenty-first Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary L. Taylor, widow of James P. Taylor, late of Company C, Sixteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Koontz, late of Company H, Seventy-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sinnie Young, widow of William M. V. Young, late of Company I, Ninth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Charles R. Brackett, late of Company B, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William A. Pratt, late of Company C, Forty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William Jones, late of Company G, One hundred and sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Elizabeth Lindsey, helpless and dependent child of Joseph M. Lindsey, late of Company G, Sixth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $12 per month.

The name of Jessie L. Higby, widow of Jasper N. Higby, late of Company M, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and Company M, Third Regiment Pennsylvania Provisional Cavalry, and pay her a pension at the rate of $12 per month.

The name of Thomas Tirrell, late of Company K, Seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Annie E. McCombs, widow of Isaac A. McCombs, late of Company E, Twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Sanders, late of Company G, Fourth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lillie E. Spaulding, widow of Charles A. Spaulding, late of Company K, Fourth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Wilford M. Taylor, late of Company C, Seventh Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lena McKee Huffman, widow of James Huffman, late of Company F, Eighty-fifth Regiment, and Company H, One hundred and eighty-eighth Regiment, Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Eliza A. Lantz, widow of Jacob F. Lantz, late of Company H, One hundred and thirtieth Regiment Pennsylvania Volunteer Infantry, and Company K, Ninth Regiment Pennsylvaia Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Perry F. Holstein, late of Company D, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abbie M. Holyoke, former widow of Eugene J. Holyoke, late of Company K, Fifty-seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William H. Willie, late of Company E, Third Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Edward M. White, late of Company H, Eighty-sixth Regiment, and Company B, One hundred and seventy-ninth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lewis G. Haiston, late of Company A, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Williams, widow of John Williams, late of Company L, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ellen Johnston, widow of Benjamin S. Johnston, late of Company H, Twenty-first Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Felix R. Robertson, late of Company E, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James K. Jackson, late of Company I, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah E. Sherman, former widow of James Personett, late of Company G, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William G. Mahaffey, late of Company F, One hundred and thirty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry Fleisher, late of Company G, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Adaline L. Power, widow of John M. Power, late of Companies F and I, Fourteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Adelia C. Augur, widow of William E. Augur, late of Company C, Seventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Amanda M. Smith, widow of Plumer Smith, late of Company A, Eleventh Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Perry C. McIntosh, late of Company B, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry C. Metcalfe, late of Company E, Sixteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles van Ostrand, late of Company A, Ninth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John N. Bayles, late of Company D, Eleventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Moore, late of Company K, and sergeant major Forty-sixth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary M. Slater, widow of Henry W. Slater, late of Company E, One hundred and third Regiment Ohio Volunteer Infantry, any pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Katharina Betz, widow of John Betz, late of Company D, Thirty-first Regiment Wisconsin Volunteer Infantry, and One hundred and forty-sixth Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry Lee Anderson, late major and brevet lieutenant colonel, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Andrew Chase, late of Company H, Fourth Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Brown, late of Company I, Thirtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alfred S. Gates, late of Company E, Fiftieth Regiment New York Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Prudie Duncan, widow of Jackson D. Duncan, late of Company B, Phelp's regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Francis M. Ellis, late of Company I, Forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James F. Brittain, late of Company E, Thirty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John B. Kerr, late of Company B, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Malissa Sunderland, widow of Albert Sunderland, late of Company D, Twentieth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Martin V. Trapp, late of Company H, Fourth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Ida E. Hazen, widow of John Hazen, late of Company D, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Mary Larkin, widow of James Larkin, late of Company C, One hundred and second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William W. Myers, late of Company D, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Chalmers Canan, late of Company D, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas R. Maples, late of Company F, Forty-eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of John W. Moon, late of Company A, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis A. Rominger, late of Company A, Third Regiment North Carolina Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ellen J. McIntire, helpless and dependent child of John McIntire, late of Company H, Seventh Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Hermund Gudmandson, late of Company A, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John T. Cox, late of Company K, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary L. Tingle, widow of John W. Tingle, late of Company G, Ninety-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Susan G. Graham, widow of John B. Graham, late of Company H, Forty-seventh Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William B. Gere, late major and lieutenant colonel, Fifth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The name of Viola Merry, widow of Philander B. Merry, late of Company H, Second Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William Girdler, late of Company C, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James F. Dowis, late of Company B, Thirty-fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Mary Rice, widow of William Rice, late of Company A, Twenty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Catherine Hogg, widow of Joseph Hogg, late first lieutenant and commissary of subsistence, Sixth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Kate M. Miller, widow of Stephen C. Miller, late captain and commissary of subsistence, United States Volunteers, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of William H. Zombro, late of Company B, Sixty-sixth Regiment, and Company A, One hundred and thirty-fourth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Orlo G. F. Marvin, late of Company D, One hundred and seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wallace Orcutt, late of Company H, One hundred and eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nancy J. Wigginton, widow of James Wigginton, late of Company B, First Regiment Alabama Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of John E. Buehler, late of Company D, One hundred and thirty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hannah M. Styles, widow of Hyman F. Styles, late of Company B, Eightieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James Jerolaman, late of Company A, Thirtieth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Michael Moore, late of Company F, Eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Elijah C. Davey, late of Twelfth Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Evan E. Griffis, late of Company G, One hundred and sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Mary Jane Glaser, widow of William M. Glaser, late of Company H, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Silas J. Pickerill, late of Company I, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cunigunda Indlekofer, widow of Martin Indlekofer, late of Company F, One hundred and seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James H. Hower, late of Company F, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Z. Leitner, late of Company D, Eighty-sixth Regiment, and Company A, One hundred and sixty-ninth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George G. Cowan, late of Company F, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Beach, late of Company B, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram Laughlin, late of Company C, Twenty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Levi Perkins, late of Company F, Sixty-fifth Regiment United States Colored Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Fannie M. Lorain, widow of Lorenzo Lorain, late captain, Third Regiment United States Artillery, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Charles Decker, late of Company I, Twentieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frances Powell, widow of George C. Powell, late of Company C, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Jesus Ochoa, late of Company A, First Regiment New Mexico Volunteer Infantry, and Company B, First Regiment New Mexico Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William W. McDonald, late of Company I, Thirty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Annie M. Sweeney, widow of Dennis Sweeney, late of Company I, Twenty-ninth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Thomas S. Bostick, late of Company K, One hundred and twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lydia A. McKnight, widow of William J. McKnight, late of Company G, Forty-sixth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Isaac F. Moore, late of Company G, One hundred and eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah A. Lofton, widow of John G. Lofton, late of Company I, Thirty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Robertson S. Allen, late of Company E, First Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jefferson O'Hara, alias Thomas J. O'Hara, late of Battery E, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lucy A. Butts, widow of Frank A. Butts, late of Company H, and major, Forty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Angeline Murray, widow of John A. Murray, late of Company K, Fifth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George Mahaffey, late of Company I, Twenty-fifth Regiment United States Colored Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rosa T. Wallace, widow of William J. Wallace, late of Company A, Eighty-seventh Regiment New York Volunteer Infantry, and Company A, Thirteenth Regiment New York State Militia Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lewis Bish, late of Company E, Thirteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jackson Hughbanks, late of Company I, Forty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George Ahlheim, late of Company E, One hundred and seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas R. Gregory, late of Company B, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Cox, late of Company B, Fifth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Louisa D. Humphrey, widow of Charles H. Humphrey, late of Company D, First Regiment Minnesota Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Josiah F. Staubs, late of Company H, First Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Andrew J. Graves, late of Company M, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Eugene E. Spainhower, late of Company C, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Calvin Green, late of Company A, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Ambrose W. Kearsing, late of Company K, Eighty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Solomon Berliner, late of Company K, Sixty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Esther Randolph, widow of Francis M. Randolph, late of Company G, Seventh Regiment, and Company I, First Regiment, Missouri Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Susan A. Cross, former widow of Jacob F. Jackson, late of Company F, Sixteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William G. Stine, late of Company B, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Ottilla H. Smith, widow of Amos T. Smith, late of Company D, Ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Milton F. Barry, late of Battery H, First Regiment New York Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William A. Wilson, late of Company F, One hundred and forty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Una Stevens, widow of John H. Stevens, late of Company K, Fifth Regiment Michigan Volunteer Infantry, and Company K, Ninth United States Veteran Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Lovina Stevens, helpless and dependent child of said John H. Stevens, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Una Stevens the name of said Lovina Stevens shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Una Stevens.

The name of Adelaide V. Disbrow, former widow of David W. Ostrander, alias William Arnold, late of Company A, Eleventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Joseph Baldwin, late of Company G, Two hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Robert J. Yeoman, late of Company I, One hundred and sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah H. Medary, widow of Charles S. Medary, late first lieutenant, Third Regiment United States Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Precilla A. Chilton, former widow of James P. Chilton, late of Company K, Thirty-first Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Jane C. Smith, widow of William W. Smith, late of Company C, Eightieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Conrad Orth, late of Company B, Thirteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Sarah B. Longnecker, widow of John K. Longnecker, late of Company C, One hundred and fifty-eighth Regiment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Joseph Babbin, late of Company F, First Regiment Maine Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas J. Lee, late of Company D, First Regiment Oregon Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Whitebread, late of Company F, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Overton Gore, late of Company C, Eighth Regiment Tennessee Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah Jane Ruby, widow of Walter B. Ruby, late of Company K, One hundred and thirtieth Regiment, and Company B, One hundred and eighty-seventh Regiment, Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William H. Hunter, late of Company K, Ninth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph P. Wells, late of Company F, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles E. Rowlen, late of Company E, Sixty-second Regiment, and Company I, Sixty-seventh Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Charles A. Vining, late of Company B, Ninth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Malinda Pauley, widow of Shadle R. Pauley, late of Company E, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Luman W. Ames, late of Company C, One hundred and sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel E. Rumsey, late of Company E, Forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adella I. Cummings, former widow of John A. Cummings, late of Company E, Sixth Regiment New Hampshire Volunteer Infantry, and major First Regiment New Hampshire Volunteer Cavalry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Benjamin F. Longenecker, late of Company B, Seventh Regiment, Company D, Fourth Regiment, and Company L, Twelfth Regiment, Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month.

The name of John Brough, late of Company D, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Jane McKee, widow of James B. McKee, late of Company K, Fourth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George H. Holliday, late of Company G, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Grace E. Ash, widow of Reuben Ash, late of Company E, Second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John W. Jennings, late of Company H, Fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James C. Summers, late of Company F, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter Haywood Gregory, late of Company A, Eighth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nelson Benjamin, late of Company C, Twelfth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John A. Holland, late of Company C, Seventy-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Margaret J. Deaver, widow of John W. Deaver, late of Company B, Sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Carrie Porter, widow of Carlile P. Porter, late admiral's secretary, United States Navy, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Alvin Calmes, late of Company A, Twenty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas Adams, late of Company K, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alvena A. Dunham, former widow of Peter Plant, late of Company H, One hundred and tenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Cornelia Shoemaker, widow of Andrew Shoemaker, late of Twenty-fourth Independent Battery, Ohio Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James H. Raney, late of Company E, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel Bowman, late of Company A, Forty-Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Elizabeth Foisia, widow of Joseph Foisia, late of Company F, Ninety-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Chancey Williams, late of Company A, Fifty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James G. Haner, late of Company A, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Hiram Beach, late of Company H, One hundred and forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Pleasant D. Broaddus, late of Company C, Eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Mitchell, late of Company I, Ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph W. Anderson, late of Company A, Tenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lenora N. Hoyt, widow of William R. Hoyt, late of Company I, Tenth Regiment, and unassigned, Fifth Regiment, Vermont Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Jeremiah Perrigone, late of Company I, Forty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph A. Gibrant, late of Company E, Thirteenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adolph H. Schumann, late of Battery C, New Jersey Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Valentine Hinton, late of Company I, Thirty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander Adams, late of Company E, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jessie E. Stover, helpless and dependent child of Frederick Stover, late of Company G, Fourth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Ambrose S. Uselman, late of Company C, One hundred and thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Zachariah McClain, helpless and dependent child of Samuel L. McClain, late of Company E, Seventy-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Sarah M. Roberts, widow of James M. Roberts, late of Company E, Third Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $12 per month.

The name of Daniel J. Masters, late of Company H, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas Lynch, late of Company D, Thirty-fifth Regiment, and Company H, Twentieth Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac Thacker, late of Company E, Fortieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Peter McDoll, late of Company A, Twenty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William Turner, late of Company A, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James P. Griffin, late of Company K, Third Regiment, and Company H, Fourth Regiment, Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick M. Chamberlain, late unassigned, Second Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Eliza J. Minks, widow of James H. Minks, late of Company K, Nineteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles E. Watts, late of Company A, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Pius W. Wonner, late of Company D, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Frank A. Boyd, late of Company B, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Augusta A. King, widow of John W. King, late of Company C, Eighty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Mary S. Switzer, widow of James Switzer, late of Company I, Sixth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John H. Ormsby, late of Company B, One hundred and twenty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The foregoing bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 798. Laura E. Headington.
H. R. 844. Robert H. Wood.
H. R. 922. John Brin.
H. R. 990. John C. Messerschmidt.
H. R. 1364. Nannie B. Turner.
H. R. 1411. Thomas Haley.
H. R. 1464. Benjamin F. Goodman.
H. R. 1504. Catherine Strafford.
H. R. 1573. Elizabeth Cumming.
H. R. 1701. Matilda E. Pierce.
H. R. 1858. William Pierce.
H. R. 1903. Roeana F. Duran.
H. R. 1918. David F. Landon.
H. R. 1922. Isaac M. Chrissinger.
H. R. 2001. Amanda J. Winkle.
H. R. 2096. Annie E. Osgood.
H. R. 2214. Anna L. Yachmann.
H. R. 2247. Charity C. Hughes.

H. R. 2259. Eudora E. Phillips.
H. R. 2577. Catherine Beard.
H. R. 2653. Franklin Agnew.
H. R. 2767. Mary Gertrude Russell.
H. R. 2793. William James Richey.
H. R. 2887. James Kelly.
H. R. 3120. Jennie Raley.
H. R. 3154. Andrew Silberman.
H. R. 3173. Jacob Mapes.
H. R. 3191. Frank S. Bradley.
H. R. 3203. John Groat.
H. R. 3237. Andrew J. Storts.
H. R. 3274. Arabella Smith.
H. R. 3774. Julia A. Sheck.
H. R. 3816. Johanna Rost.
H. R. 3819. Ellen Le Count.
H. R. 3861. Hannah Wait.
H. R. 3905. Aaron D. Egelston.
H. R. 3942. Jane E. Ulmer.
H. R. 3984. Julia A. Walker.
H. R. 4323. Warren S. Read.
H. R. 4353. Anna R. Laing.
H. R. 4403. Euphema Gatts.
H. R. 4422. John H. Rodkey.
H. R. 4426. Bridget Brassill.
H. R. 4535. Harriet Quail.
H. R. 4590. Thomas E. Kellogg.
H. R. 4616. Catherine E. Bentley.
H. R. 4847. William M. Donovan.
H. R. 4894. Mary F. Terwilliger.
H. R. 5009. Sabrina A. Broadfoot.
H. R. 5063. Benjamin J. Harding.
H. R. 5120. William Bogue.
H. R. 5153. Eugene H. Steward.
H. R. 5164. George W. Miller.
H. R. 5237. John T. Myers.
H. R. 5256. Susan C. J. Slocum.
H. R. 5257. Martha M. Miller.
H. R. 5305. John F. Myers.
H. R. 5432. William W. Echols.
H. R. 5495. Edward M. Willis.
H. R. 5585. Luther Wing.
H. R. 5605. Leonora Turner.
H. R. 5617. Elijah Coffman.
H. R. 5671. George H. Solifelt.
H. R. 5824. Lydia Ripley.
H. R. 5885. Alice A. Wing.
H. R. 5910. John Holley.
H. R. 5982. Eliza M. Baxter.
H. R. 5997. James R. Cowgill.
H. R. 6168. Theresa B. Streibig.
H. R. 6185. Mary E. Clark.
H. R. 6261. Frank L. Weiss.
H. R. 6394. Joseph R. Kemp.
H. R. 6637. Wallace W. Jackson.
H. R. 7011. Martha W. Pollock.
H. R. 7088. John Montgomery.
H. R. 7118. Mary L. Taylor.
H. R. 7367. William Koontz.
H. R. 7424. Sinnie Young.
H. R. 7432. Charles R. Brackett.
H. R. 7445. William A. Pratt.
H. R. 7463. William Jones.
H. R. 7658. Elizabeth Lindsey.
H. R. 7806. Jessie L. Higby.
H. R. 7957. Thomas Tirrell.
H. R. 7968. Annie E. McCombs.
H. R. 8123. John H. Sanders.
H. R. 8154. Lillie E. Spaulding.
H. R. 8261. Wilford M. Taylor.
H. R. 8271. Lena McKee Huffman.
H. R. 8280. Eliza A. Lantz.
H. R. 8303. Perry F. Holstein.
H. R. 8322. Abbie M. Holyoke.
H. R. 8389. William H. Willie.
H. R. 8463. Edward M. White.
H. R. 8506. Lewis G. Halston.
H. R. 8584. Mary Williams.
H. R. 8731. Ellen Johnston.
H. R. 8832. Felix R. Robertson.
H. R. 8862. James K. Jackson.
H. R. 8892. Sarah E. Sherman.
H. R. 9005. William G. Mahaffey.
H. R. 9087. Henry Fleisher.
H. R. 9110. Adaline L. Power.
H. R. 9206. Adelia C. Augur.
H. R. 9301. John H. Ormsby.
H. R. 9407. Amanda M. Smith.
H. R. 9571. Perry C. McIntosh.
H. R. 9608. Henry C. Metcalfe.
H. R. 9742. Charles Van Ostrand.
H. R. 9774. John N. Bayles.
H. R. 9780. William H. Moore.
H. R. 9796. Mary M. Slater.
H. R. 9832. Katharina Betz.
H. R. 9885. Henry Lee Anderson.
H. R. 9945. Andrew Chase.
H. R. 9977. Samuel Brown.
H. R. 10045. Alfred S. Gates.
H. R. 10048. Prudie Duncan.
H. R. 10184. Francis M. Ellis.
H. R. 10259. James F. Brittain.
H. R. 10294. John B. Kerr.
H. R. 10327. Malissa Sunderland.
H. R. 10466. Martin V. Trapp.
H. R. 10511. Ida E. Hazen.
H. R. 10533. Mary Larkin.
H. R. 10545. William W. Myers.
H. R. 10736. Chalmers Canan.
H. R. 10741. Thomas R. Maples.
H. R. 10787. John W. Moon.
H. R. 10812. Lewis A. Rominger.
H. R. 10980. Ellen J. McIntire.
H. R. 10984. Hermund Gudmandson.
H. R. 11027. John T. Cox.
H. R. 11037. Mary L. Tingle.
H. R. 11038. Susan G. Graham.
H. R. 11039. William B. Gere.
H. R. 11130. Viola Merry.
H. R. 11134. William Girdler.
H. R. 11202. James F. Dowis.
H. R. 11232. Mary Rice.
H. R. 11234. Catherine Hogg.
H. R. 11236. Kate M. Miller.
H. R. 11272. William H. Zombro.
H. R. 11302. Orlo G. F. Marvin.
H. R. 11310. Wallace Orcutt.
H. R. 11342. Nancy J. Wigginton.
H. R. 11357. John E. Buehler.
H. R. 11359. Hannah M. Styles.
H. R. 11397. James Jerolaman.
H. R. 11456. Michael Moore.
H. R. 11509. Elijah C. Davey.
H. R. 11527. Evan E. Griffis.
H. R. 11671. Mary Jane Glaser.
H. R. 11699. Silas J. Pickerill.
H. R. 11754. Cunigunda Indlekofer.
H. R. 11904. James H. Hower.
H. R. 11907. William Z. Leitner.
H. R. 11918. George G. Cowan.
H. R. 11943. William Beach.
H. R. 11983. Hiram Laughlin.
H. R. 12003. Levi Perkins.
H. R. 12015. Fannie M. Lorain.
H. R. 12101. Charles Decker.
H. R. 12132. Frances Powell.
H. R. 12155. Jesus Ochoa.
H. R. 12175. William W. McDonald.
H. R. 12179. Annie M. Sweeney.
H. R. 12191. Thomas S. Bostick.
H. R. 12235. Lydia A. McKnight.
H. R. 12250. Isaac F. Moore.
H. R. 12304. Sarah A. Lofton.
H. R. 12339. Robertson S. Allen.
H. R. 12361. Jefferson O'Hara.
H. R. 12432. Lucy A. Butts.
H. R. 12451. Angeline Murray.
H. R. 12452. George Mahaffey.
H. R. 12457. Rosa T. Wallace.
H. R. 12466. Lewis Bish.
H. R. 12467. Jackson Hughbanks.
H. R. 12496. George Ahlheim.
H. R. 12505. Thomas R. Gregory.
H. R. 12550. William H. Cox.
H. R. 12558. Louisa D. Humphrey.
H. R. 12565. Josiah F. Staubs.
H. R. 12567. Andrew J. Graves.
H. R. 12576. Eugene E. Spainhower.
H. R. 12593. Calvin Green.
H. R. 12600. Ambrose W. Kearsing.
H. R. 12609. Solomon Berliner.
H. R. 12630. Esther Randolph.
H. R. 12639. Susan A. Cross.
H. R. 12656. William G. Stine.
H. R. 12760. Ottilla H. Smith.
H. R. 12737. Milton F. Barry.
H. R. 12815. William A. Wilson.
H. R. 12821. Una Stevens.
H. R. 12864. Adelaide V. Disbrow.
H. R. 12874. Joseph Baldwin.
H. R. 12911. Robert J. Yoeman.
H. R. 12914. Sarah H Medary.
H. R. 12943. Precilla A. Chilton.
H. R. 12950. Jane C. Smith.
H. R. 12973. Conrad Orth.
H. R. 13066. Sarah B. Longnecker.
H. R. 13070. Joseph Babbin.
H. R. 13097. Thomas J. Lee.
H. R. 13138. John H. Whitebread.
H. R. 13140. Overton Gore.
H. R. 13142. Sarah Jane Ruby.
H. R. 13148. William H. Hunter.
H. R. 13174. Joseph P. Wells.
H. R. 13179. Charles E. Rowlen.
H. R. 13214. Charles A. Vining.
H. R. 13250. Malinda Pauley.
H. R. 13264. Luman W. Ames.
H. R. 13272. Samuel E. Rumsey.
H. R. 13323. Adella I. Cummings.
H. R. 13359. Benjamin F. Longenecker.
H. R. 13435. John Brough.
H. R. 13437. Mary Jane McKee.
H. R. 13491. George H. Holliday.
H. R. 13551. Grace E. Ash.
H. R. 13562. John W. Jennings.
H. R. 13574. James C. Summers.
H. R. 13576. Peter Haywood Gregory.
H. R. 13608. Nelson Benjamin.
H. R. 13644. John A. Holland.
H. R. 13676. Margaret J. Deaver.
H. R. 13678. Carrie Porter.
H. R. 13699. Alvin Calmes.
H. R. 13725. Thomas Adams.
H. R. 13758. Alvena A. Dunham.
H. R. 13881. Cornelia Shoemaker.
H. R. 13882. James H. Raney.
H. R. 13885. Daniel Bowman.
H. R. 13900. Elizabeth Folsia.
H. R. 13950. Chancey Williams.
H. R. 13995. James G. Haner.
H. R. 14027. Hiram Beach.
H. R. 14086. Pleasant D. Broaddus.
H. R. 14099. James Mitchell.
H. R. 14110. Joseph W. Anderson.
H. R. 14156. Lenora N. Hoyt.
H. R. 14206. Jeremiah Perrigone.
H. R. 14214. Joseph A. Gibant.
H. R. 14236. Adolph H. Schaarsnn.
H. R. 14237. Valentine Hinton.
H. R. 14249. Alexander Adams.
H. R. 14256. Jessie E. Stover.
H. R. 14275. Ambrose S. Uselman
H. R. 14277. Zachariah McClain.
H. R. 14278. Sarah M. Roberts.
H. R. 14323. Daniel J. Masters.
H. R. 14326. Thomas Lynch.
H. R. 14435. Isaac Thacker.
H. R. 14501. Peter McDoll.
H. R. 14511. William Turner.
H. R. 14516. James P. Griffin.
H. R. 14542. Frederick M. Chamberlain.
H. R. 14555. Eliza J. Minks.
H. R. 14603. Charles E. Watts.
H. R. 14656. Pius W. Wonner.
H. R. 14673. Frank A. Boyd.
H. R. 14829. Augusta A. King.
H. R. 14860. Mary S. Switzer.

During the reading of the bill the following occurred:

Mr. BURKE. Mr. Speaker, the committee offers an amendment to the item beginning on line 23, page 35, pension of Jane C. Smith, widow of William W. Smith. Strike out the figures "$12," on line 2 of page 36, and insert in lieu thereof the figures "$20."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 36, line 2, strike out "$12" and insert in lieu thereof "$20."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BURKE. Mr. Speaker, the committee offers an amendment, to strike out the words "in lieu of that she is now receiving," on lines 17 and 18 of page 38, in the pension of Adella I. Cummings, former widow of John A. Cummings.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 38, lines 17 and 18, strike out the words "in lieu of that she is now receiving."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk proceeded with and concluded the reading of the bill.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BURKE, a motion to reconsider the votes whereby the last two pension bills were passed was laid on the table.

INTERNATIONAL TREATIES.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a list of the treaties negotiated by three administrations—the Roosevelt, the Taft, and the Wilson administrations—with comments.

The SPEAKER. To publish all the treaties, or treaties on certain subjects?

Mr. SHERWOOD. International treaties.

The SPEAKER. Does the gentleman desire all the treaties to be published with his remarks?

Mr. SHERWOOD. No; not to print the text of the treaties, but to give a list of those negotiated.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by inserting a list of treaties, and so forth. Is there objection?

There was no objection.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 4581. An act for the relief of Victor A. Ermerins; to the Committee on Claims.

ADJOURNMENT.

Mr. BORLAND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned, pursuant to the order previously made, until to-morrow, Saturday, April 29, 1916, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (H. R. 14822) to prevent and punish the desecration, mutilation, or improper use, within the District of Columbia, of the flag of the United States of America, reported the same with amendment, accompanied by a report (No. 613), which said bill and report were referred to the House Calendar.

Mr. DILLON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 14823) permitting the Savage Bridge Co. to construct, maintain, and operate a bridge across the Yellowstone River, in the State of Montana, reported the same with amendment, accompanied by a report (No. 614), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 14483) to authorize the construction of a bridge across the Missouri River at or near the city of Williston, N. Dak., reported the same without amendment, accompanied by a report (No. 615), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 11927) granting a pension to Mary F. Hess, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and a resolution were introduced and severally referred as follows:

By Mr. McCLINTIC: A bill (H. R. 15156) granting public lands to the State of Oklahoma; to the Committee on the Public Lands.

By Mr. HOUSTON: A bill (H. R. 15157) to confer additional authority upon the President of the United States in the construction and operation of the Alaskan Railroad, and for other purposes; to the Committee on the Territories.

By Mr. WEBB: A bill (H. R. 15158) to amend the Judicial Code; to fix the time when the annual term of the Supreme Court shall commence; and further to define the jurisdiction of that court; to the Committee on the Judiciary.

By Mr. WATSON of Pennsylvania: A bill (H. R. 15159) for the extension, alteration, and repairs, post-office building, Norristown, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. SHERWOOD: Concurrent resolution (H. Con. Res. 35) to provide for the settlement of international disputes by arbitration; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 15160) granting a pension to Anna Claxton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15161) granting a pension to Mary Ann Weiker; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 15162) granting a pension to James Green; to the Committee on Pensions.

Also, a bill (H. R. 15163) granting an increase of pension to Marvin W. Bennett; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 15164) granting a pension to Mrs. M. E. Martin, widow of Col. S. M. Archer; to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 15165) for the relief of the estate of John J. Wester; to the Committee on Claims.

By Mr. COADY: A bill (H. R. 15166) granting a pension to Sophia Bacon; to the Committee on Invalid Pensions.

By Mr. FARR: A bill (H. R. 15167) granting a pension to Elizabeth Murcer; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 15168) granting a pension to Susan Jane Hildebrand; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 15169) granting a pension to Lily D. Murphy; to the Committee on Pensions.

By Mr. FIELDS: A bill (H. R. 15170) for the relief of William Holbrook; to the Committee on Military Affairs.

By Mr. FITZGERALD: A bill (H. R. 15171) for the relief of Adolph Fenton; to the Committee on Claims.

By Mr. GOULD: A bill (H. R. 15172) granting a pension to Mrs. Lucinda P. Berry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15173) granting an increase of pension to William A. Bennett; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 15174) granting a pension to Margaret E. Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15175) granting an increase of pension to Mary Russell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15176) granting an increase of pension to John H. White; to the Committee on Invalid Pensions.

By Mr. HILLIARD: A bill (H. R. 15177) for the relief of Leander Parker; to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 15178) for the relief of Anastasios Argyros; to the Committee on Claims.

Also, a bill (H. R. 15179) for the relief of the family of Nicholas J. Marinos; to the Committee on Claims.

By Mr. OLNEY: A bill (H. R. 15180) for the relief of James D. Leatherbee; to the Committee on Claims.

By Mr. OVERMYER: A bill (H. R. 15181) granting a pension to Christine E. Geiger; to the Committee on Pensions.

Also, a bill (H. R. 15182) granting an increase of pension to George W. Brown; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 15183) granting an increase of pension to Nicholas Scholl; to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 15184) for the relief of Maurice Edgar Rose, late assistant surgeon, United States Navy; to the Committee on Naval Affairs.

By Mr. SEARS: A bill (H. R. 15185) for the relief of Marcus Conant; to the Committee on Claims.

By Mr. SCOTT of Pennsylvania: A bill (H. R. 15186) granting an increase of pension to Dallas Mills; to the Committee on Pensions.

By Mr. SHERLEY: A bill (H. R. 15187) granting an increase of pension to Mrs. Mary O. Horton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15188) for the relief of the legal representatives of Messrs. Lyman Randall, J. E. Sarrazin, and James Williams; to the Committee on War Claims.

By Mr. SHERWOOD: A bill (H. R. 15189) granting an increase of pension to Antoine Conia; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15190) granting an increase of pension to William Murphy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15191) granting an increase of pension to Annie E. Welch; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 15192) granting an increase of pension to John Nay; to the Committee on Invalid Pensions.

By Mr. WM. ELZA WILLIAMS: A bill (H. R. 15193) for the relief of Henry Marxmiller, alias Henry Miller; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of American women of German descent, protesting against action of British Government relative to Red Cross supplies; to the Committee on Foreign Affairs.

By Mr. ALLEN: Petition of United Commercial Travelers of America, favoring an investigation of the dairies; to the Committee on Rules.

By Mr. BAILEY: Memorial of officers and delegates of Altoona Branch, German-American Central Alliance, against a break with Germany; to the Committee on Foreign Affairs.

By Mr. BROWNING: Petition of citizens of Atco, Camden County, N. J., opposing House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of Agnes P. Sisson, of Modus, Conn., and Frances G. Buchanan, M. D., of Washington, D. C., urging report of suffrage amendment; to the Committee on the Judiciary.

Also, petition of Walter B. Grant, of Boston Mass., favoring House bill 11323, for additional United States judge for Texas; to the Committee on the Judiciary.

Also, petition of the Newton Co., of New York, against war; to the Committee on Foreign Affairs.

Also, petition of men and women voters of Tucson, Ariz., favoring woman-suffrage amendment; to the Committee on the Judiciary.

Also, petition of executive council of United Board of Business Agents of Greater New York and Long Island Building Trades, against reduction of present wage scale in Canal Zone; to the Committee on Appropriations.

Also, petition of the Manufacturers and Business Men's Association of New York, against Tavenner bill, H. R. 8665; to the Committee on Labor.

By Mr. DANFORTH: Petition of Mrs. B. Mack Smith and 15 others, of Rochester, N. Y., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. DILLON: Petition of citizens of Parkston, S. Dak., against war; to the Committee on Foreign Affairs.

By Mr. DUNN: Petition for the Sims-Kenyon bill to prohibit the interstate transmissions of race-track gambling odds and bets; to the Committee on Interstate and Foreign Commerce.

Also, petition of Grace Methodist Episcopal Church, of Rochester, N. Y., favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Grace Methodist Episcopal Church, of Rochester, N. Y., against sending liquor advertisements through the mails; to the Committee on the Post Office and Post Roads.

Also, petition of Grace Methodist Episcopal Church, of Rochester, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Sylvester P. Carroll and others, of Rochester, N. Y., against the Taylor system in Government workshops; to the Committee on Labor.

Also, petition of Grace Methodist Episcopal Church, of Rochester, N. Y., favoring amendment to prohibit appropriation for sectarian institutions; to the Committee on the Judiciary.

Also, petition of Grace Methodist Episcopal Church, of Rochester, N. Y., favoring bill to prohibit interstate transportation of obscene motion-picture films; to the Committee on Interstate and Foreign Commerce.

Also, petition of Grace Methodist Episcopal Church, of Rochester, N. Y., favoring bill for Federal motion-picture commission; to the Committee on Education.

By Mr. EMERSON: Petition of citizens of Willoughby, Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Reformed Churches of Cleveland, Ohio, against war with Germany; to the Committee on Foreign Affairs.

By Mr. ESCH: Memorial of St. John's Evangelical Lutheran Congregation, against war with Germany; to the Committee on Foreign Affairs.

By Mr. FLYNN: Memorial of executive council of the United Boards of Business Agents of Greater New York and Long Island Building Trades, against reduction of wage scale of American employees on Canal Zone; to the Committee on Appropriations.

By Mr. FOCHT: Evidence in support of House bill 13019, for the relief of A. M. Harner; to the Committee on Invalid Pensions.

Also, petitions of citizens of Waynesboro, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, evidence in support of House bill 10605, for the relief of Peter Beichler; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of sundry citizens of Rockford, Ill., relative to the administration of the migratory-bird law; to the Committee on Agriculture.

Also, petition of sundry citizens of Streator, Ill., for House bill 8665 and in opposition to the Taylor system of shop management in United States Government shops; to the Committee on Labor.

By Mr. GRIFFIN: Memorial of the Merchants' Association of New York and the Cotton Goods Export Association of New York, in re the Philippine bill; to the Committee on Insular Affairs.

Also, memorial of United Boards of Business Agents of Greater New York and Long Island Building Trades and the District Council of Greater New York and vicinity, United Brotherhood of Carpenters and Joiners of America, in re labor conditions in the Canal Zone; to the Committee on Labor.

Also, memorial of the Merchants' Association of New York, in re postal service in New York City; to the Committee on the Post Office and Post Roads.

Also, petition of Prof. Ross G. Harrison, of New Haven, Conn., in re Red Cross work in Europe; to the Committee on Foreign Affairs.

By Mr. GOULD: Petition of sundry citizens of central New York, favoring House bills 270 and 712; to the Committee on Ways and Means.

By Mr. GRAY of Indiana: Letters and telegrams by Raymer Gwin, C. E. Cooper, George McConkey, Harmon Hasecoster, John Weist, Rudolph Smithmeyer, George Mesker, L. E. Bruce, Fred Morgenroth, Henry Wieghorst, Chris Fulle, Herman Anaus, C. W. Addleman, Joseph H. C. Smithmeyer, Henry Helmich, John Rithert, H. Meerhoff, J. G. Kaurch, Albert F. Mayer, William N. Cook, W. C. Lantz, Adam Boes, Fred Noekler, Henry Eggert, William C. Kamper, Oscar T. Auer, jr., Fred G. Mayer, Oscar T. Auer, Edward Wolbard, Thomas E. Jones, Frank K. Ehlenbribk, jr., Frank Libbert, William H. Dunning, Fred Hackman, C. W. Jessup, Joe Groves, Raymond H. Daning, D. Bertsch, Will Schutte, Raymond H. Duning, J. Henry E. Bode, Fred Hackman, Joe F. Groves, M. Grunzke, Will Schutte, Joseph Schuwaizer, H. Elstro, Frank Libber, Charles H. Hackman, Matt Vonpein, William H. Duning, C. W. Jessop, D. Bertsch, H. Elstro, Frank Kehlenbrink, jr., E. E. Brumfiel, M. Grunzke, Joseph Schweizer, Matt Vonpein, Charles H. Hackman, Hans N. Koll, Michael Bosser, James L. Vail, W. W. Dafler, Henry E. Bode, and John M. Lantz, of Richmond, Ind., and G. A. Spring, of Brookville, Ind.; Holy Family Monastery, Oldenburg; Peter Wilhelm, Brookville; William B. Davis, Morristown; H. C. Walter, Mooreland; T. B. Deem, Knightstown; H. R. Muller, Cedar Grove; Mahlon L. Gebhart, Hagerstown; Rev. Andrew Shaof, Brookville; Louis Pfleging, sr., Connersville; Lee Joseph, Brookville; J. O. Breitenbach, Connersville; Louis Dietzel, John Dietzel, Gust Diller, George Simmermyer, Charles C. Hill, Charles Irrgang, and George Herra, of Brookville, all in the State of Indiana, urging warning to American citizens against taking passage on armed belligerent vessels and filed as a protest against a breach of peace relations and war with Germany; to the Committee on Foreign Affairs.

Also, letters and telegrams by Frank Kehlenbrink, jr.; A. J. Blickwedel; Ernest Bode; Fred Hackman; Henry Neuchter; John Bager; John Zwissler; Harmon Hasecoster; H. N. Koll; William S. Dunning; Richmond Mannerchor, 150 members; William J. Schneider, president, Edward Issen, secretary; South Side Improvement Association, 450 members, A. W. Blickwedel, president, Hans N. Koll, secretary; A. J. Ball, all of Richmond, in the State of Indiana; George Smith, of College Corner, Ohio; M. A. Jacob, of Brookville, Ind.; John Dorn, of Fortville, Ind.; and T. B. Deem, of Knightstown, Ind., protesting against a breach of peace relations and war with German; to the Committee on Foreign Affairs.

By Mr. HASTINGS: Petition of First Baptist Church of Porum, Okla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HINDS: Memorial of Methodist Episcopal Sunday School of South Berwick, Me., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HOPWOOD: Memorial of Dunbar Grange, No. 1022, on "postalizing the wires"; to the Committee on the Post Office and Post Roads.

By Mr. JAMES: Petitions of sundry citizens and organizations of the State of Michigan, favoring national prohibition; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: Petition of 56 citizens of Tacoma, Wash., opposing House bill 13048; to the Committee on the Judiciary.

Also, petition of 105 citizens of Tacoma, Wash., opposing House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of 43 citizens of Tacoma, Wash., opposing House bill 652; to the Committee on the District of Columbia.

Also, petition of 59 citizens of Hoquiam, Wash., opposing House bills 491, 6468, and 13778; to the Committee on the Post Office and Post Roads.

Also, petition of Health Officers' Association of Los Angeles County, J. H. Pomeroy, M. D., secretary-treasurer, favoring House bill 8353 and Senate bill 3202, Federal aid for indigent persons afflicted with tuberculosis, etc.; to the Committee on Ways and Means.

Also, petition of Lasker Lodge No. 370, I. O. B. B., I. T. Davidson, president, San Diego, Cal, protesting against Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of board of directors of Automobile Club of Southern California, favoring Federal aid in the construction of road to Mount Whitney; to the Committee on Roads.

Also, petition of Mrs. George F. Otto, George F. Otto, and Amy F. Beardsley, all of San Diego, Cal., favoring strict neutrality for United States in European war; to the Committee on Foreign Affairs.

Also, petition of Albert A. Daniels and 64 other residents of La Mesa, Cal., favoring Ashbrook widows' pension bill; to the Committee on Invalid Pensions.

Also, petition of E. B. Kendall, jr., S. R. Hemingway, Sarah G. Hemingway, A. M. Sargent, Fred V. Sinclair, E. L. Taylor, Walter B. Johnson, and F. P. Morrison, all of Redlands, Cal., and Miss M. E. Lathrope, of South Pasadena, Cal., favoring adequate national defense; to the Committee on Military Affairs.

Also, petition of H. W. Scheld and one other of San Diego, and Laura R. Kluge and six others of San Diego, Cal., protesting against the compulsory Sunday observance bill, Senate bill 645; to the Committee on the District of Columbia.

Also, petition of George W. Vogler, Ocean Beach; E. H. Mills, of San Diego, and 7 others; Mrs. Ida B. Bell, of San Diego, and 12 others; H. W. Scheld, of San Diego, and 10 others; Mrs. M. Perkins, of San Diego, and 10 others; Mrs. J. B. Ewer, of San Diego, and 12 others; Mrs. Ida E. Jewell, of East San Diego, and 12 others; Mrs. V. J. Thompson, of East San Diego, and 12 others; A. M. Greer, of San Diego, and 10 others; Selma Poehler, of San Diego, and 13 others; W. R. Young, of San

Diego, and 34 others; Herbert Sawyer, of San Ysidro, and 47 others; Mrs. Ella Bound and 31 others, of Los Angeles, all in the State of California, protesting against House bills 6468 and 491, to amend postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Herbert B. Frisbie, of San Diego, and 55 others; Miss Carlotta C. Pratt, of San Diego, and 55 others; Frederic William Goulding, of San Diego, and 55 others, protesting against House bill 491, to amend postal laws; to the Committee on the Post Office and Post Roads.

Also, petition against a bill to permit the erection of a monument in Arlington National Cemetery to the nuns who served as nurses in the Civil War; to the Committee on Military Affairs.

Also, petition of Herbert P. Sawyer, of San Ysidro, and 47 others, and Mrs. Ella Bound, of Los Angeles, and 31 others, against a bill to make October 12, Columbus Day, a legal holiday in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Central Christian Church, San Diego, John Fleming, president official board, Mrs. Anna L. Riley, Needles, and 4 others, favoring Webb-Smith national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Anna M. Galbraith, of San Diego, and 70 others, favoring a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, petition of Epworth League of Taylor Methodist Church, San Diego, A. Ray Neptune, president, favoring House bill 10924, prohibition of rum exports to Africa; to the Committee on Alcoholic Liquor Traffic.

By Mr. LITTLEPAGE: Petitions of sundry citizens and organizations of West Virginia, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LLOYD: Petition of citizens of Hannibal, Mo., favoring passage of House bill 8665; to the Committee on Labor.

By Mr. LONDON: Petition indorsing the Nolan $3-a-day minimum-wage bill for Federal Government employees, from 194 employees in Watertown Arsenal, Watertown, Mass.; to the Committee on Labor.

By Mr. McKENZIE: Petition of Young Peoples' Society Christian Endeavor, Rock Grove, Ill., against sale, etc., of intoxicating liquors in Porto Rico; to the Committee on Insular Affairs.

By Mr. MORIN: Petition of Chiropody Society of Pennsylvania, Philadelphia, Pa., in favor of House bill 13717; to the Committee on the District of Columbia.

Also, petition of C. J. Holden, of Pittsburgh, Pa., protesting against House resolution 7624; to the Committee on Patents.

Also, petitions of Frank X. Ecke, jr., Max Peetz, Robert S. Cuthbert, Dr. L. C. Gabriel, Joseph Kinz, William Adrian, H. J. Blum, John Stoebner, jr., Ferdinand Kaufman, L. C. Wingele, F. W. Ernst, C. E. Beschel, F. H. Haslage, Emily Yohing, T. H. James, Frank S. Steele, J. M. Zimmerman, F. J. Schenana, B. Luby, J. J. Dornberger, John Wetzel, Fred A. C. Schumann, John Welcher, Charles Lanny, W. F. Simendinger, Fred Knopf, E. G. Stoebner, George G. Koepp, S. Cohen, Charles Trueg, Charles B. Arent, E. O. Adams, J. Mantel, Henry J. Thier, John J. McCaig, Charles E. Allanesius, E. C. Kraft, Frank M. Kern, Charles Siedle, A. A. Berchel, Robert J. Holt, J. W. Ehmann, Leo Sauermilch, Philip Zecker, Henry Iffert, August Schwan, George Frick, G. Golden, and Const. Waldvogel, all of Pittsburgh, Pa., opposed to the United States becoming embroiled in European war; to the Committee on Foreign Affairs.

By Mr. PRATT: Petition of sundry merchants of Trumansburg, Owego, Ithaca, Candor, Berkshire, Freeville, Newark Valley, Dryden, and Groton, all in New York State, favoring House bills 270 and 712, to tax persons, firms, or corporations doing an interstate mail-order business; to the Committee on Ways and Means.

Also, petition of Jim Osborn, N. Bernt, John H. Baumann, F. M. Drake, Albert F. Doran, D. M. Rose, Joseph Nitsche, J. P. Cook, Charles Russell, Thomas F. O'Connor, of Corning; J. R. Wilder, J. D. MacMullin, George L. McIntyre, D. Burt Quigley, William E. Smith, Levi Wade, B. C. Bassett, Thomas W. Bailey, of Painted Post; and Roland Huggins, of Ithaca, all in the State of New York, favoring peace; to the Committee on Foreign Affairs.

Also, petition of New York State Retail Jewelers' Association, favoring Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. ROWE: Petition of George A. Frederick, of Brooklyn, N. Y., opposing the Shields water-power bill; to the Committee on the Public Lands.

Also, petition of the Merchants' Association of New York, against the Clarke amendment to the Philippine bill; to the Committee on Insular Affairs.

Also, memorial of United Retail Grocers' Association of Brooklyn, N. Y., for Stevens-Ashurst bill; to the Committee on Interstate and Foreign Commerce.

By Mr. SCOTT of Michigan: Petition of sundry citizens of Mackinaw, Mich., against compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SMITH of Michigan: Papers to accompany House bill 15086, for the relief of Lydia M. McGowan; to the Committee on Invalid Pensions.

By Mr. SNELL: Memorial of Albert M. Graham, of Lisbon, N. Y.; Andrew J. Veitch, of Waddington, N. Y.; Joseph Porter, J. R. Middleton, G. H. Sanborn, and George H. Dilcox, of Lisbon, N. Y., protesting against the Fitzgerald and Siegel postal bills; to the Committee on the Post Office and Post Roads.

Also, memorial of C. M. Scott, of Lisbon, N. Y.; H. W. Clark, G H. Sanborn, A. M. Graham, and George H. Dilcox, of Ogdensburg, N. Y., protesting against the passage of the Fitzgerald and Siegel postal bills, House bills 6468 and 491; to the Committee on the Post Offices and Post Roads.

By Mr. SNYDER: Petition of Homestead Aid Association of Utica, N. Y., favoring House joint resolution 55, relative to act to increase internal revenue; to the Committee on Ways and Means.

Also, petition of sundry citizens of the thirty-third New York district, favoring tax on mail-order houses; to the Committee on Ways and Means.

SENATE.

SATURDAY, *April 29, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we have come to know ourselves only in the light of the revelation that Thou dost give to us of Thyself. All our devotion to mankind, our interest in man in his social and organized life, arises out of his kinship with God. Because we are so near to Thee and are the objects of Thy care we are the objects of the care of each other. A day in Thy court is better than a thousand. The impression that we get out of the vision of Thy face brings to us a realization of the importance of every event of life. We pray that we may learn out of our vision of God the real meaning and purpose of the life we are living and consecrate our lives to the advancement of man's spiritual and eternal interests. For Christ's sake. Amen.

The Journal of the proceedings of the legislative day of Thursday, April 27, 1916, was read and approved.

RECLAMATION PROJECTS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 1st instant, certain data regarding reclamation projects. The communication and accompanying papers will be printed in full in the RECORD and referred to the Committee on Irrigation and Reclamation of Arid Lands.

The communication is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 26, 1916.

The PRESIDENT OF THE SENATE.

SIR: An attested copy of Senate resolution of April 1, 1916, has been received, requesting certain data regarding reclamation projects.

These data are given in the inclosed table and the location of the projects is shown on the accompanying map.

The resolution requests the number of projects completed and under way. In this connection it is well to note the fallacies involved in the common use of these terms as applicable to large reclamation projects. Irrigation may begin with the completion of the first portion of the canal system, while the construction of the remainder may extend over a number of years and yet keep well in advance of settlement and development of the irrigable lands. A better knowledge of the water supply gained during those years may warrant additions to the canal system or the development of the community may advance values so as to justify further expense to increase or conserve the water supply, permitting additional land to be served.

Thus in many cases the project as a whole becomes a growing thing and is not to be compared to a single definite piece of construction, such as a dam or office building, but is more like a town or railroad system that in a sense may be regarded as never complete. The transfer of the works to the water users does not alter this condition, but merely shifts the responsibilities to new hands.

On many of the projects work was first undertaken on a definite unit, having in mind some broader conception of the ultimate possibilities. Each step in the development, through the knowledge and experience gained, affects this conception of what the project may finally be and this suffers radical changes with the surveys of additional canal lines and irrigable areas and the accumulation of information regarding water supply, soil quality, and other factors.

There is also constant demand in connection with most of the projects to take in additional lands or units not previously regarded as part of

the plan. Thus a project may be regarded as almost complete on one day, while on the next some extension may be adopted involving one or more seasons' additional work.

In the attached table an effort has been made to express the degree of completion of the various projects in percentage, basing this on the present conception of the projects and showing the ratio of present expenditures to estimated total cost. As indicated above, such figures are subject to many changes, and a report made some years ago would have shown complete, or nearly so, projects now listed as lacking 20 or 30 per cent of completion.

In the figures as given of 26 projects 6 are shown as complete, or practically so, and 20 in varying degrees of completion, from 35 to 95 per cent. This counts separately the two large divisions and separate areas of land irrigable from the Yakima project, Washington. This project involves in addition a series of reservoirs, forming a storage unit that is now estimated as about 35 per cent complete. The development of the storage system is timed according to requirements, depending on the rapidity with which the irrigated lands are brought into cultivation.

In the last six columns of the table is shown the present status as to ownership of the lands ultimately irrigable from each project; that is, when completed as now planned. The term "private land" is here used in the sense adopted in the statistics and publications of the Reclamation Service, i. e., it comprises lands to which title has passed from the United States and lands on which entry has been made or other right initiated prior to withdrawal for the reclamation project, eliminating the lands from the effect of such withdrawal and making them subject to the reclamation law only at the option of the entrymen or holders. Thus the figures for private land include considerable areas upon which entries have been made, but for which patent has not issued, and to which title therefore remains in the United States.

The data brought together in the attached table will be found in more detail in the Fourteenth Annual Report of the Reclamation Service rendered to Congress in accordance with section 2 of the reclamation act (32 Stat., 388).

Respectfully,

FRANKLIN K. LANE,
Secretary.

Data regarding reclamation projects called for by Senate resolution 157.

State.	Project.	Per cent completed Mar. 31, 1916.	Areas in acres.							
			Season of 1915.		Present status of land irrigable when project is completed as now planned.					
			Irrigable.	Irrigated.	United States public land.	State land.	Indian land.	Railroad land.	Other private land.	Total.
Arizona	Salt River	100	191,754	175,111	14,339	11,030	.....	.....	166,385	191,754
Arizona-California	Yuma (Arizona and California)	60	72,440	27,857	43,951	7,138	.....	.....	61,041	127,257
					5,160	.....	8,130	.....	1,837	
California	Orland	96	20,320	8,928	4	.....	.....	.....	20,316	20,320
Colorado	Grand Valley	60	.....	.....	30,070	.....	.....	.....	22,930	53,000
Do	Uncompahgre Valley	69	69,500	45,963	38,252	.....	.....	.....	101,748	140,000
Idaho	Boise	88	230,000	97,127	74,205	18,500	.....	.....	162,295	255,000
Do	Minidoka	97	120,000	83,488	98,100	19,900	.....	.....	2,100	120,100
Kansas	Garden City	97	10,677	.....	.....	.....	.....	.....	10,677	10,677
Montana	Huntley	78	30,813	18,207	28,880	.....	.....	.....	3,997	32,877
Do	Milk River	54	22,200	4,192	71,629	9,266	30,000	120	108,542	219,557
Do	Sun River	35	16,326	4,261	85,214	12,559	.....	.....	76,252	174,025
Montana-North Dakota	Lower Yellowstone (Montana and North Dakota)	88	42,329	12,656	9,331	1,514	.....	3,839	25,267	60,116
					7,956	145	.....	.....	12,064	
Nebraska-Wyoming	North Platte (Nebraska and Wyoming)	60	137,764	78,057	95,819	8,277	.....	.....	50,146	229,684
					47,054	3,861	.....	.....	24,527	
Nevada	Truckee-Carson	67	65,000	46,918	123,520	180	4,640	26,900	50,760	206,000
New Mexico	Carlsbad	70	24,796	13,470	.....	923	.....	.....	23,873	24,796
Do	Hondo	77	3,330	1,294	240	.....	.....	.....	9,760	10,000
New Mexico-Texas	Rio Grande (New Mexico and Texas)	64	102,000	33,876	4,635	2,813	.....	.....	102,552	155,000
					.....	.....	.....	360	44,640	
North Dakota	North Dakota Pumping	64	12,239	.....	2,812	178	.....	.....	23,324	26,314
Oregon	Umatilla	78	17,000	5,306	7,770	.....	.....	3,342	25,188	36,300
Oregon-California	Klamath (Oregon and California)	58	38,000	27,254	1,413	.....	.....	.....	77,270	144,430
					65,187	.....	.....	.....	560	
South Dakota	Belle Fourche	94	78,591	44,067	51,081	5,000	.....	.....	41,835	97,916
Utah	Strawberry Valley	87	50,000	8,900	3,500	.....	.....	.....	46,500	50,000
Washington	Okanogan	100	10,099	7,800	.....	.....	.....	.....	10,099	10,099
Do	Yakima-Sunnyside Unit	84	82,757	66,607	2,604	1,158	.....	.....	107,066	110,828
Do	Yakima-Tieton Unit	99	34,000	22,000	2,154	2,274	.....	329	28,844	33,601
Wyoming	Shoshone	50	42,816	25,753	139,882	6,346	.....	.....	3,132	149,360
Total		.....	1,524,751	859,092	1,054,762	111,062	42,770	34,890	1,445,527	2,689,011

April 7, 1916.

JOHN A. HENDRIX AGAINST UNITED STATES (S. DOC. NO. 423).

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion filed by the court in the cause of John A. Hendrix against the United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Sons of the Revolution in the District of Columbia, praying for an appropriation for the construction of a national archives building, which was referred to the Committee on Appropriations.

He also presented a memorial of the Chamber of Commerce of Seattle, Wash., remonstrating against independence of the Filipinos, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Philadelphia, Pa., and Metuchen, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a petition of the Christian Endeavor Society of the First United Presbyterian Church of Los Angeles, Cal., praying for prohibition in the Island of Porto Rico, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the National Society of New England Women, praying that Congress designate the Star Spangled Banner as the national anthem, which was referred to the Committee on the Library.

He also presented a petition of the forty-ninth annual encampment of the Grand Army of the Republic, department of Vermont; and a petition of the governor and Company of Massachusetts Bay in New England, praying for an increase in armaments, which were ordered to lie on the table.

He also presented a petition of Local Union No. 103, Typographical Union, of Newark, N. J., praying for Government ownership of telegraph and telephone systems, which was referred to the Committee on Post Offices and Post Roads.

Mr. TOWNSEND presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of 443 farmers in the State of Michigan, remonstrating against the enactment of legislation to prohibit interstate commerce in convict-made goods, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Detroit, Monroe, and Pigeon, all in the State of Michigan, praying that the United States remain at peace, which were referred to the Committee on Foreign Relations.

Mr. PITTMAN presented petitions of sundry citizens of Nevada, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. GRONNA presented petitions of sundry citizens of North Dakota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Heaton, N. Dak., remonstrating against the proposed creation of a juvenile court in the District of Columbia, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of North Dakota, remonstrating against certain existing conditions in the tenth division of the Railway Mail Service, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Hampdin, N. Dak., remonstrating against any change being made in the parcel post law, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Flasher, N. Dak., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of Colonel James S. Pettit Camp, No. 5, Department of the District of Columbia, United Spanish War Veterans, of Washington, D. C., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

Mr. SHERMAN presented petitions of sundry citizens of Illinois, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Chicago, Ill., remonstrating against appropriations for sectarian purposes, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Chicago, Ill., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Chicago, Ill., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Chicago, Pinckneyville, Mount Vernon, and Petersburg, all in the State of Illinois, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Whitehall, Rockford, and East St. Louis, all in the State of Illinois, remonstrating against certain provisions of the so-called migratory bird law, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. SAULSBURY presented petitions of sundry citizens of Delaware, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

Mr. LANE presented petitions of sundry citizens of Oregon, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. NORRIS presented a memorial of sundry citizens of Beaver City, Nebr., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. BURLEIGH presented a petition of sundry citizens of Parkman, Me., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. WILLIAMS presented petitions of sundry citizens of Mississippi, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a memorial of Enterprise Grange, Patrons of Husbandry, of Salem Depot, N. H., remonstrating against any change being made in the parcel post law, which was referred to the Committee on Post Offices and Post Roads.

Mr. POINDEXTER presented the petition of Mrs. Lillian M. Small and sundry other citizens of Seattle, Wash., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

He also presented a petition of George Washington Chapter, Sons of the American Revolution, of North Yakima, Wash., praying for an increase in armaments, which was ordered to lie on the table.

He also presented a petition of George Washington Chapter, Sons of the American Revolution, of North Yakima, Wash., praying for an appropriation for the construction of a national archives building, which was referred to the Committee on Appropriations.

Mr. LODGE presented a petition of the Retail Grocers' Association of Boston, Mass., praying for the establishment of a tariff commission, which was referred to the Committee on Finance.

He also presented a memorial of the Italian-American Citizens' Club of Massachusetts, of Boston, Mass., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Danvers and Ayer, in the State of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHEPPARD. I present a telegram, in the nature of a memorial, from W. F. Marquart, of Houston, Tex., against war. I ask that the telegram be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the telegram was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

[Telegram.]

HOUSTON, TEX.

Hon. MORRIS SHEPPARD,
United States Senate, Washington, D. C.:

Your constituents joining me in sending this message are deeply alarmed by rumors that this country is near to being plunged into the European war. You know your constituents want peace, and we emphatically urge that you so express our sentiments. I know we can depend on you.

W. F. MARQUART,
1710 Hooper Street.

PENSIONS AND INCREASE OF PENSIONS.

Mr. JOHNSON of Maine, from the Committee on Pensions, to which was referred the bill (H. R. 14484) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 407) thereon.

MISSOURI RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 10750) permitting the Mondak Bridge Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana (S. Rept. 406). I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THOMAS:

A bill (S. 5795) granting a pension to William H. Emery (with accompanying papers); to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 5796) to authorize the Director of the Bureau of the Census, under certain conditions, to prepare and distribute blank ballots, and to receive and count marked ballots and report to Congress the result of an advisory vote; to the Committee on the Census.

By Mr. BORAH:

A bill (S. 5797) making an appropriation for the equipment of the United States sheep experiment station; to the Committee on Agriculture and Forestry.

By Mr. SMOOT:

A bill (S. 5798) granting an increase of pension to John W. Yount (with accompanying papers); to the Committee on Pensions.

By Mr. PITTMAN:

A bill (S. 5799) for the encouragement of the production of better horses for agricultural and military purposes; to the Committee on Agriculture and Forestry.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CULBERSON submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SMOOT submitted an amendment proposing to appropriate $25,000 to investigate the existence of artesian water and other underground water supplies suitable for irrigation in the arid and semiarid portions of southern Utah, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $25,000 to investigate the existence of artesian water and other underground water supplies suitable for irrigation in the arid and semiarid portions of southern Utah, intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. BRANDEGEE submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

MAINTENANCE OF ROADS.

Mr. NELSON submitted an amendment proposing to appropriate $1,000,000 for the fiscal year ending June 30, 1917, for the survey, construction, and maintenance of roads and trails within or partly within the national forests, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

VOLUNTEER OFFICERS' RETIRED LIST.

Mr. NELSON submitted an amendment intended to be proposed by him to the bill (S. 392) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes, which was ordered to lie on the table and be printed.

HOMESTEAD ENTRIES.

Mr. BORAH submitted an amendment intended to be proposed by him to the bill (S. 5379) validating certain homestead entries, which was referred to the Committee on Public Lands and ordered to be printed.

SPEECH OF SENATOR SIMMONS (S. DOC. NO. 424).

Mr. OVERMAN. Mr. President, I ask that the speech of my colleague, Mr. SIMMONS, as temporary chairman of the North Carolina Democratic State convention, held at Raleigh, N. C., April 27, 1916, be printed as a public document.

The VICE PRESIDENT. Without objection, it is so ordered.

LEGISLATIVE, ETC., APPROPRIATIONS (S. DOC. NO. 422).

Mr. MARTIN of Virginia. I submit a report of the committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes.

Mr. SMOOT. I ask the Senator if he will not agree to have the report go over and be printed.

Mr. MARTIN of Virginia. I understand that some Senators desire time to examine it, so that I am perfectly willing, at their instance, that it shall be printed. I shall call it up later.

The report was ordered to be printed and to be printed in the RECORD, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 22, 23, 29, 43, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 67, 73, 74, 75, 82, 83, 84, 87, 90, 94, 96, 97, 103, 106, 107, 108, 109, 110, 114, 115, 119, 121, 123, 124, 125, 126, 129, 133, 134, 136, 138, 139, 142, 147, 154, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 175, 177, 187, 191, 194, 195, 205, 206, 211, 212, 215, 216, 219, 221, 222, 224, and 225.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, 31, 32, 35, 36, 37, 38, 39, 40, 41, 42, 48, 65, 66, 70, 71, 72, 76, 77, 85, 86, 91, 92, 93, 98, 99, 100, 101, 102, 104, 105, 111, 112, 113, 116, 127, 128, 131, 132, 135, 137, 141, 144, 145, 146, 149, 150, 152, 153, 155, 172, 173, 174, 176, 178, 179, 180, 181, 182, 183, 184, 185, 186, 188, 189, 190, 192, 196, 197, 198, 199, 200, 201, 202, 204, 207, 210, 213, 217, 218, 220, 226, 227, and 228, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Transpose the matter inserted by said amendment to follow the word "each," in line 18, page 2 of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80,445"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "traveling expenses and per diem in lieu of subsistence of the superintendent and his assistants not to exceed $200"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-eight"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the number proposed insert "thirty-nine"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$285,730"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows: In lieu of the matter stricken out by said amendment insert the following:

"For the following further additional force: Officers to aid in important drafting work—one $4,500, one $2,500, to be appointed by the Secretary; assistant solicitor of the department, to be appointed by the Secretary, $2,500; law clerks—two at $2,250 each, one $2,000, to be appointed by the Secretary; clerks—8 of class 4, 7 of class 3, 10 of class 2, 10 of class 1; messenger; 2 assistant messengers; 3 laborers, at $600 each; 5 female laborers, at $240 each; in all, $72,880.

"No money appropriated by any other act shall be used during the fiscal year 1917 for employment and payment of personal service in the Department of State, at Washington, D. C."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$4,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "71,250"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment, as follows: In lieu of the number proposed insert "fourteen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows: In lieu of the number proposed insert "seventeen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$139,430"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "For the employment of temporary clerical help in the office of the Commissioner of Internal Revenue at rates to be fixed by the commissioner with the approval of the Secretary, $10,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$1,700,000, and authority is hereby given to use $40,000 of said sum for the employment in the District of Columbia of necessary clerical and other personal services and the purchase of such supplies, equipment, mechanical devices, and other articles as may be necessary for use in the District of Columbia"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Hereafter the Commissioner of Internal Revenue shall determine and designate the posts of duty of all employees of the Internal-Revenue Service engaged in field work or traveling on official business outside of the District of Columbia, and when ordered from their designated posts of duty all internal-revenue agents appointed under section 3152, Revised Statutes, as amended, and cotton-futures attorneys, may be granted per diem in lieu of subsistence not exceeding $4, and, when ordered from their designated posts of duty, income-tax agents and inspectors, special gaugers, and special employees may be granted a per diem in lieu of subsistence not exceeding $3, the per diem in lieu of subsistence to be fixed by the Commissioner of Internal Revenue, subject to the approval of the Secretary of the Treasury"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$145,840"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,800"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For purchase of two motor cycles, at $250 each, and for the upkeep of same at $144 each, $788"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$36,879"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$81,740"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$53,150"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$62,150"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the number proposed insert "eleven"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$121,990"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$179,340"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 203, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "including exchange on official checks, $125,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$37,780"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 209, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$24,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$311,720"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: ": *Provided*, That the Secretary of Labor may renew for the fiscal year 1917 a lease of the premises now occupied by the Department of Labor at an annual rental not exceeding $24,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 229, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 6. That unless otherwise specially authorized by law no money appropriated by this or any other act shall be available for payment to any person receiving more than one salary when the combined amount of said salaries exceeds the sum of $2,000 per annum, but this shall not apply to retired officers of the Army, Navy, or Marine Corps whenever they may be appointed or elected to public office or whenever the President shall appoint them to office, by and with the advice and consent of the Senate, or to officers and enlisted men of the Organized Militia and Naval Militia in the several States, Territories, and the District of Columbia."

And the Senate agree to the same.

THOMAS S. MARTIN,
LEE S. OVERMAN,
REED SMOOT,
Managers on the part of the Senate.

JOSEPH W. BYRNS,
T. U. SISSON,
JAMES W. GOOD,
Managers on the part of the House.

RURAL CREDITS.

The VICE PRESIDENT. Morning business is closed.

Mr. HOLLIS. I ask that the unfinished business, Senate bill 2986, be laid before the Senate.

Mr. GRONNA. Mr. President——

Mr. HOLLIS. I yield.

Mr. GRONNA. I hope the Senator from New Hampshire will permit us to go on with the calendar for a short time. There are certain bills which have been on the calendar during the entire session. There is one in particular, the bill (H. R. 407) to provide for stock-raising homesteads, and for other purposes, which ought to be disposed of. As the Senator from New Hampshire knows, I do not wish to delay the rural-credits bill, but I do hope that some of these matters that are on the calendar will be taken up, considered, and passed. It will take only a short time.

Mr. HOLLIS. I should like to ask the Senator if it is his impression that there will be a contest over that bill? My impression is that this being Saturday it will probably be very difficult to keep a quorum here, and I did not intend to come to a vote on the rural-credits bill, but to proceed with it as far as we may without differences of opinion, and then if it is evident that we can not keep a quorum to adjourn. However, early next week, on Monday or Tuesday, I will be perfectly willing to go on with the calendar. I do not think we will make progress on account of other matters if we undertake to do it to-day.

Mr. GRONNA. I do not wish to take up the entire morning hour on any particular bill, and if it should so happen that there is objection to the bill which I have named, the stock-raising homestead bill, of course I would not ask to have it pressed to a vote this morning. I do not know that there is any opposition to the bill or that there will be any lengthy discussion on it. It ought to be passed. The people in the western country demand that some legislation of this kind be had, and we have no right to defer such matters unnecessarily.

Mr. HOLLIS. It is merely on the ground, I will say to the Senator from North Dakota, that we probably can not make progress with controverted bills that I can not consent to that this morning. If the Senator would like to press the bill long enough to ascertain whether it is to be objected to, I will not object to that course. At this time, however, as the Senator from Kansas [Mr. THOMPSON] has given notice that he would address the Senate on the rural-credits bill, and pending some determination of the Senator from North Dakota, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Martin, Va.	Simmons
Beckham	Harding	Martine, N. J.	Smoot
Borah	Hardwick	Myers	Sterling
Brandegee	Hitchcock	Nelson	Sutherland
Broussard	Hollis	Norris	Swanson
Burleigh	Hughes	Overman	Thomas
Chamberlain	Husting	Page	Thompson
Clark, Wyo.	Johnson, Me.	Pittman	Tillman
Colt	Johnson, S. Dak.	Poindexter	Townsend
Culberson	Jones	Pomerene	Vardaman
Cummins	Kenyon	Robinson	Walsh
Curtis	Kern	Saulsbury	Warren
Dillingham	La Follette	Shafroth	Williams
du Pont	Lane	Sheppard	
Gallinger	Lodge	Sherman	

Mr. WALSH. I wish to state that the Senator from Missouri [Mr. REED] is absent from the Senate by reason of illness. I ask that this announcement may stand for the day.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. TAGGART]. I also desire to announce the absence on official business of the senior Senator from Florida [Mr. FLETCHER]; and also the unavoidable absence on account of illness of the junior Senator from Illinois [Mr. LEWIS]. This announcement may stand for the day.

Mr. BECKHAM. I wish to announce the unavoidable absence of the Senator from Tennessee [Mr. SHIELDS].

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll call. There is a quorum present. The Senator from New Hampshire asks that the unfinished business be laid before the Senate. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes.

Mr. THOMPSON. Mr. President, this is one of the most important bills ever presented to Congress for consideration. It meets the demand of more people, perhaps, than any other bill we could pass. This legislation has been more often promised and longer delayed than any other. The farmer is the most numerous and most essential class of our citizens, and yet he has been the most neglected when it comes to legislation for his benefit. At the last census our rural population was 49,348,883, more than one-half the entire population of the Union. The farmer produces more of the necessities of life, pays more taxes and gets less benefits from it than any other class of citizens.

Without the indomitable courage, unceasing toil, and proverbial grit, and "stick-to-itiveness" of the farmer, Kansas would still be indicated on the map as the "Great American Desert." The farmer has made Kansas one of the greatest, if not the greatest, agricultural State in the Union. He has converted a desert into a veritable garden. In the combined production of wheat and corn for the last decade Kansas has led all of the States of the Union. Kansas coins wealth from farm products and live stock at the rate of over $600,000,000 every year. In 1915 these items aggregated in value $652,217,081, while our manufacturing products amounted to only about one-half this sum, or $325,000,000. In 1910 there were 177,841 farms in Kansas, of which 49,249 were mortgaged.

At the last census, in 1910, there were 6,361,502 farms in the United States, containing 878,798,000 acres, somewhat less than one-half the total land area of the country, of which 54.4 per cent was improved land, and in all, represented a total value of $34,801,125,697. At that time there were 3,948,722 farms operated by their owners, of which number 111,108 were in Kansas. In 1890 there were only 886,957 mortgaged farms. These figures gradually increased until the mortgaged farms in 1900 numbered 1,127,749, and in 1910, 1,327,439. In 1890 28.2 per cent of the farms were mortgaged; in 1900, 31 per cent; and in 1910, 33.6 per cent. In 1910 the mortgage debt on the farm homes of the United States amounted to the enormous sum of $1,726,172,851.

The total amount of money in the United States is only about $4,000,000,000, while the loans by the banks and loan companies amount to over $16,000,000,000 annually. We therefore loan each year about four times as much money as we have. This clearly demonstrates the absolute necessity for large financial credit in all business transactions. The banks of the country have furnished the necessary accommodations for ordinary commercial transactions, but there has been no place for the farmer to go to meet his actual requirements. The farmer needs long-time loans at a low rate of interest with amortization payments. This bill is designed to furnish all these requirements in a very simple, businesslike, and efficient manner.

The rates of interest on loans to farmers, including the fees and commissions usually charged, are extremely exorbitant, considering the fact that the farmer furnishes the very best security possible to be given. Productive land is admitted to be the best credit basis in the world. Dr. C. W. Thompson, in his testimony at the hearings in the consideration of this bill, stated that the average rate of interest on farm loans varies from 5.3 per cent in New Hampshire to 10 per cent in certain Southern and Western States. No man can pay 10 per cent interest and last long financially.

Other testimony before the Banking and Currency Committees of the Senate and House in 1914 gave the maximum rate as high as 25 per cent, including fees and commissions. It is therefore clear without argument that any system which can secure for the farmer his necessary loans at a rate as low as 5 or 6 per cent, including all charges, would be a great benefit to him in every section of the United States. This is exactly what the pending bill proposes to do.

The whole system is directly under Government supervision and control, through a nonpartisan Federal farm-loan board. This board is to consist of the Secretary of the Treasury and four members appointed by the President, to be paid from the Public Treasury. Twelve or more banks, called Federal land banks, are to be established, with a capital of not less than $500,000 each, in Federal land-bank districts apportioned with due regard to the farm-loan needs of the country. The Government furnishes this money at the outset, provided it is not subscribed from private sources.

After the land banks are firmly established, ample provision is made for returning the Government subscription; which results simply in the Government loaning its credit in the beginning to encourage and establish the loan business for the farmer. Intimate touch with the borrowers is secured by providing that the land bank shall make loans to farmers through local associations of borrowers, called national farm-loan associations. These local associations are formed by 10 or more farmers who desire to borrow and who are the owners or about to become the owners of productive farm land. They elect a board of directors of not less than five members, who elect a president and vice president, a secretary-treasurer, and a loan committee of three members. The directors and loan committee pass on the value of the security and the character of the borrower. Every borrower takes stock in the farm-loan association to the amount of 5 per cent of the face value of his loan. The association subscribes this amount to the stock of the land bank, thus providing for a capital proportionate to the amount of loans, approximately 1 to 20. This creates a fund to take care of any losses which may occur. Farm-loan associations may be of limited or unlimited liability. In the former, each member is liable for the debts of the association in an amount equal to the face of his subscribed stock; in the latter, a member undertakes unlimited liability for all the debts of the association. All loans are indorsed by the association, of which the borrower is a member. In any loan transaction, therefore, we have a mortgage secured by productive farm land, indorsed by the farm-loan association. The land bank then makes the loan, and the local details of the transaction are attended to by the local association.

To secure a constant flow of a fresh supply of money, when the land bank has $50,000 of mortgages on hand it may then issue a like amount of farm-loan bonds, based on the mortgages as collateral security, to the extent of 20 times its capital stock and surplus. Every Federal land bank guarantees the payment of every bond and coupon issued by every other Federal land bank. The land banks may charge borrowers 1 per cent more for interest than they pay bondholders; that is, if the bonds bear 4 per cent, the bank may charge not to exceed 5 per cent to the farmers who borrow. This margin of 1 per cent is available to the bank for its expense and earnings; but when the system is in actual operation it is expected that this amount will be largely reduced.

The profits go to the local associations in the form of dividends on stock of the land bank, held by the associations, and reach the borrowers in the form of dividends on stock held by them in the associations. Thus the cooperative character of the system is assured to the borrowers and their interest again reduced by the profits received from their investment.

Reasonable and safe restrictions are made on mortgages. Every mortgage deposited as security is on the amortization plan, so that part of the principal is paid every six months or annually, and the amortization period may extend from five to thirty-six years. The money must be borrowed for productive purposes, for the purchase of a farm home, or to liquidate existing indebtedness, and no loan shall exceed 50 per cent of the appraised value of the mortgaged land, and the borrower must engage in the cultivation of the farm mortgaged. The maximum loan to one borrower is limited to $10,000. Every application is passed upon by the loan committee of the local association. The directors and the loan committee must approve the loan before it is recommended to the land bank. Land bank appraisers are appointed by the Federal farm-loan board for each district, and these appraisers pass upon the applications and reports of the loan committee. Thus, every application passes through the hands of the local loan committee, the local board of directors, the land bank appraisers, and the land bank directors, which should make perfectly safe security for any bonds which may be issued on the mortgages as collateral. Bonds thus secured and indorsed by all of the twelve or more land banks should find a ready market at a low rate of interest. These bonds are made more attractive by being exempt, together with the mortgages which secure them, from all Federal, State, and local taxation. This makes the system absolutely safe, and at the same time gives to the farmer every reasonable opportunity to pay his debt and save his home without scarcely knowing that he has had a mortgage on it.

Provision is also made for the organization of privately owned joint-stock land banks of not less than $250,000 capital, the stockholders in such banks assuming double liability. They are permitted to make loans and to issue farm-loan bonds under the supervision of the farm-loan board. These joint-stock land banks where established will perform the same functions as

are performed by the National Farm Loan Association and the Federal land banks.

The principal objection urged against this bill is the claim by its opponents on the Republican side that it is not practicable and will not work. It will be remembered that this is the same objection which was raised by the Republican opposition to the Federal reserve banking system. It was said then that the system would not work because the banks would refuse absolutely to go into it, just as it is said now by the opponents of this bill that the farmers will not become interested in the system. However, no sooner was the Federal reserve banking system established than all the national banks in the country literally tumbled over each other to get into the system first. Many of the banks did not wait to even write, but the moment the bill was passed, wired to the Secretary of the Treasury their desire to enter the system.

I have already received many communications from farmers and people interested in the farm-loan business making inquiry as to this system and expressing a wish to enter into it as soon as this bill becomes a law; and I have no doubt that we will have the same experience with this law that we had with the law establishing the Federal reserve banking system, which is now admitted by all to be the best banking system ever devised in this or any other country. This bill does for the farmer what the Federal reserve system does for the banker and business man. The Federal reserve system supplied the urgent need of the banker and business man, and the rural credit system created by this bill will meet the crying need of the farmer.

Our farms are our great food storehouses, without which our people would starve. Here we find the homes of our most independent, law-abiding citizenship, unequaled for loyalty to government by any other people on earth. While this is true, it is a significant fact that whereas between 1900 and 1910 the total population of the United States increased 21 per cent, the urban population increased 34.8 per cent, and the rural population only 11.2 per cent. This has long been the subject of serious alarm by our people. The rapidly increasing city population, which become consumers, and the rapidly decreasing rural population lessening our producers is admitted to be one of the principal causes for the "high cost of living," which problem we are all endeavoring to solve. As one step toward this solution we must turn the tide of population from the cities to the country, and to do so we must offer the farmer an equal opportunity with the banker and business man. Above all else we must help him to secure his necessary financial credit. The alarm has long been sounded and the demand is imperative. The quicker the remedy is secured and applied the better. I therefore trust that this bill will be speedily passed and another pledge of this administration to the people of the country thereby faithfully fulfilled.

Mr. HOLLIS. Mr. President, if no other Senator cares to address the Senate at this time, I ask that the reading of the bill for committee amendments be continued.

The reading of the bill was resumed. The next amendment of the Committee on Banking and Currency was, under the head of "Exemption from taxation," line 16, after the word "State," to insert the word "municipal," so as to read:

SEC. 29. That every Federal land bank and every national farm-loan association, including the capital stock and reserve or surplus therein and the income derived therefrom, shall be exempt from Federal, State, municipal, and local taxation.

Mr. SMOOT. Mr. President, I have been trying very hard to bring myself to a position where I could vote for this bill, and with section 29 eliminated I could do so; but it seems to me that it would be very unjust to allow that provision to remain in the bill, as it would have the effect of driving out of business many State banks, and particularly savings banks and trust companies making loans similar to those provided for in this bill.

I am not going into the question as to whether or not the provision of section 29 is constitutional. I am going to speak of the effect it will have upon the banking business of the country, particularly the State banks and the trust companies.

Mr. President, consider, for instance, the bank situation in my own State. The banks are assessed on the basis of three-fourths of their capital stock, surplus, and undivided profits. The rate of assessment in Salt Lake City is a little over 4 per cent; in Provo, the third city of the State, it is a little over 4 per cent; in Ogden and Logan the rate is about the same; and I may say the rate of taxation is practically the same in all the cities of the State. That comes about, Mr. President, because we have so small a portion of lands within the State in individual ownership upon which taxation can be imposed. The Government of the United States owns most of the land within the State, and under the present law and practice will continue to do so, and that being true the State can not secure revenue by taxation from the greater percentage of the landed area of the State. Therefore the taxes in the State are exceedingly high, and now to have the Government establish banks in competition with the State banks, which have to pay nearly 4 per cent taxation upon their capital, surplus, and undivided profits, and to exempt the proposed land banks from taxation of every name and nature, will bring about such a condition that anyone can plainly see what the result will be. It is unfair; it is unjust; and it is not what the people of the United States expect of the Government in establishing these banks. I believe, Mr. President, that section 29 will bring more harm to the people of the State as they own the stock of those banks than it can possibly do good.

I do not see why the framers of the bill want to exempt from taxation the property which the land banks hold within the State. No one can tell how many mortgages are to be foreclosed; no one can tell how much property the land banks will hold under such foreclosures, and is it possible that the States are to be deprived of all revenue from that class of property? It was never intended by the Constitution that they should be so deprived, and if the people of this country understood that that would be the effect of the passage of the bill they would never approve it.

Mr. President, I want to refer now to sections 11 and 13 of the bill. Those are the sections that prescribe the powers of national farm-loan associations; and I want to call the attention of the Senate, by reference to those sections, to just what those powers are, and to what extent section 29 could be carried, and the exemptions that could be made under this bill.

Section 11 says:

That every national farm-loan association shall have power:

First. To indorse, and thereby become liable for the payment of, mortgages taken from its shareholders by the Federal land bank of its district.

Second. To receive from the Federal land bank of its district funds advanced by said land bank, and to deliver said funds to its shareholders on receipt of first mortgages qualified under section 12 of this act.

Section 12 enumerates the conditions under which the first mortgages can be taken.

Third. To acquire and dispose of such property, real or personal, as may be necessary or convenient for the transaction of its business.

In other words, they can buy one of the most costly corners in a city; they can erect upon that corner a building costing $500,000 or more; they can take other property that they may see fit or think is convenient for the transaction of their business; and they can hold that property, and the city in which the property is located, the county in which the property is located, the State in which the property is located, can not impose one cent of taxation upon it.

Mr. HOLLIS. Mr. President, the Senator has fallen into error about that. Nothing that belongs to the association is exempt from taxation except the mortgages—and this loan association will never hold any mortgages—and the farm-loan bonds—it will never hold any farm-loan bonds—and the capital stock; not the real estate nor the other property.

Mr. SMOOT. Let me read section 29 and see if it does not refer to real estate. Section 29 as amended now would read in this way:

That every Federal land bank and every national farm-loan association, including the capital stock and reserve or surplus therein and the income derived therefrom, shall be exempt from Federal, State, municipal, and local taxation, except taxes upon real estate held, purchased, or taken by said bank or association under the provisions of section 11 and section 13 of this act.

Mr. HOLLIS. It is expressly exempted.

Mr. SMOOT. Yes; the third paragraph of section 11 would be exempt from the provisions of section 29, but the fourth paragraph of that section says:

Fourth. Against deposits of current funds, to issue certificates in any amount, bearing interest at not to exceed 4 per cent per annum after six days from date, convertible into farm-loan bonds when presented at the Federal land bank of the district in any multiple of $25. Such deposits, when received, shall be forthwith transmitted to said land bank, and be invested by it in the purchase of farm-loan bonds or in first mortgages as defined by this act. The mortgages thus taken may be hypothecated with the farm-loan registrar of the district against an issuance of farm-loan bonds as provided for in section 22 and section 24 of this act, but such bonds when received either by purchase or for issuance shall not be delivered or issued except in exchange for and upon the presentation for redemption and cancellation of an equal amount of convertible certificates issued by a farm-loan association, any difference under $25 in such exchange being adjusted in cash. When thus redeemed and canceled, such certificates shall be returned to the farm-loan association which issued them.

Mr. President, does the Senator hold that if a piece of property is given as security for a loan, and the bank forecloses the mortgage and holds the property under foreclosure that property then would be taxable?

Mr. HOLLIS. It certainly would be, under the plain provision of the bill which the Senator has just read. It says:

Except taxes upon real estate held, purchased, or taken by said bank or association under the provisions of section 11 and section 13 of this act.

That means exactly foreclosed real estate. If it does not, I will have it amended so that it will. The Senator should bear in mind that the farm-loan association will never own any mortgages. Its members borrow from the land bank. The land bank holds all the mortgages, and if any foreclosure is done it is done by the land bank. Under section 13 it is allowed to foreclose, and under express reference from section 29 all land taken by the loan association for its purposes or by the land bank for its purposes or for the purpose of foreclosure is to be taxed.

Mr. CURTIS. Mr. President——

Mr. HOLLIS. I yield to the Senator from Kansas.

Mr. CURTIS. Would not the association, in order to protect itself if there were a foreclosure, have to buy the property in case it would sell for less than the mortgage?

Mr. HOLLIS. It would be very likely to do so. If so, then it must pay taxes on it.

Mr. SMOOT. Well, that is a doubtful question in my mind.

Mr. HOLLIS. It can not be a matter of doubt, because it is expressed in the plainest possible language.

Mr. SMOOT. I now call the Senator's attention to and the reason why I asked him the question.

Mr. HOLLIS. I shall be delighted to have my attention called to anything which would let that escape, because that would certainly be an error.

Mr. SMOOT. Section 29 exempts from taxation the capital stock, reserve or surplus, and any income derived from the capital stock or the surplus.

Mr. HOLLIS. Any other property is taxable, and that is for this reason: The Government of the United States, in order to help the farmers of Utah, is going to contribute the capital to start these land banks; and it is not reasonable that the Government should furnish half a million dollars capital to a land bank and allow that capital to be taxed.

Mr. SMOOT. Mr. President, it seems to me that if the capital stock of the bank is not assessed, and the surplus is not assessed, and the undivided profits are not assessed—which are virtually a reserve—there will be a great discrimination. Every State in the Union taxes not only the capital stock but the surplus and undivided profits of its banks. It seems to me that if these banks are established to do business in competition with State banks and doing a similar business, and the latter has to pay 4 per cent taxes upon its capital, surplus, and its undivided profits, and the former is entirely exempt from taxation, there is a discrimination there so great that there can be but one result, and that would be to drive out of business the State institutions. An injustice in the imposition of taxes upon the State bank gives the land bank doing business in the same district at least 4 per cent advantage; and I can not see why that should be.

Mr. HOLLIS. Mr. President, I am very glad to have the Senator apply this bill to the farmers of Utah. I am well acquainted with the farmers of Utah. I lived in that great State for nearly a year. There is not a more industrious, sober, thrifty class of people in the world than the farmers of Utah. But the farmers of Utah are charged 9 per cent for the money they borrow on their land. That is their average rate. We have had it investigated, and have the figures from a special investigation which show that the farmers of Utah pay an average interest on their farm mortgages of 8.6 per cent, and then an average annual commission of four-tenths of 1 per cent, making a total of 9 per cent.

The reason is found in just what the distinguished Senator said here on the floor. It is because the taxes on those mortgages are 4 per cent, and the farmers have to pay them. It always works out in that way. The United States Senate would be very foolish to pass an act and spend the Government money to help the farmers of Utah, and then allow the State of Utah to impose a tax of 4 per cent on that capital, that assistance extended to the farmers. We could not give the farmers of Utah cheap money if we allowed the State of Utah to tax these instrumentalities 4 per cent.

Mr. SMOOT. The State of Utah does not tax mortgages at present, but it does tax the capital, surplus, and undivided profits of the banks. I do not know where the Senator got his figures from as to the amount of interest the farmers are paying on loans in the State of Utah.

Mr. HOLLIS. That is printed in the report.

Mr. SMOOT. I say, I do not know who prepared the figures.

Mr. HOLLIS. I was telling the Senator. In the report there is a table furnished by the expert in the Agricultural Department who especially investigated the subject in every State in the Union. The testimony taken before our committee indicated that the rate was rather higher than that; but that figure is the result of this investigation of which I have spoken.

Mr. SMOOT. I know that on a small loan of twenty-five or fifty or one hundred dollars the rate perhaps would be as high as stated; but the Senator knows, if he has made an investigation, that with good security the banks in Utah are loaning money to-day at from 6 to 7 per cent. The banks in Salt Lake City or Provo consider a loan of 7 per cent to-day, amply secured, a good loan; and that I know to be a fact.

Mr. HOLLIS. How can a bank loan money at 6 and 7 per cent and pay 4 per cent taxes on it?

Mr. SMOOT. As I stated, the Senator was mistaken in saying that they paid a tax of 4 per cent on loans.

Mr. HOLLIS. Then no injustice is done.

Mr. SMOOT. What I said was that they paid 4 per cent upon their capital, surplus, and undivided profits. That does not mean that every mortgage in the State pays a tax of 4 per cent.

Mr. HOLLIS. Why? Is it because they evade it?

Mr. SMOOT. It is supposed to be included in the personal tax return. It used to be——

Mr. HOLLIS. They would evade this, then; and I think it is much more respectable to exempt it than to go into the evading business.

Mr. SMOOT. I was going to state to the Senator Utah's experience in taxing mortgages. Some 10 years ago the Legislature of Utah passed a law taxing mortgages. The result of it was that some of the citizens of the State who loaned money on mortgages made arrangements with persons in Omaha or somewhere else to make loans for them in their names, and then indorsed the notes to said citizens of Utah, and they collected the interest on the mortgage and the mortgage itself. The State received scarcely any taxes from mortgages, and that law was repealed. I think, myself, as the Senator says, that it is very much better not to tax mortgages if the tax is to be evaded.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator whether mortgages and deeds of trust at the present time are taxable in the State of Utah?

Mr. SMOOT. They are not, as such.

Mr. SHAFROTH. The State of Colorado had somewhat the same experience that the Senator says the State of Utah had, and they have passed a law, and it has been in force for a number of years, saying that no note secured by deed of trust shall be subject to taxation. That is upon the theory that the debtor himself ultimately has to pay it if the tax is collected.

Mr. SMOOT. That is necessarily so, if it is collected; but, as I say, at least nine-tenths—oh, yes; a larger percentage than that—evaded the tax. I know the man who had the most money to loan in the State of Utah, and as soon as the law was passed taxing mortgages he made arrangements with a person in Omaha, and all of his mortgages were made out in the name of the person in Omaha and appeared as if the money came from Omaha; it never was Omaha money, but it was money owned by the person I refer to. That was a clear case of evasion; but that is not what I object to in this bill. That is not a part of the objection.

The objection I raise is this: If a bank has a capital stock of $500,000 and a reserve of $500,000 and undivided profits of $250,000, the bank is taxed upon the $500,000 capital, the $500,000 reserve, and the $250,000 of undivided profits. Now, suppose there is a land bank established in the same city, and its capital is $500,000 and its reserve is $500,000. One is taxed, if in my State, nearly 4 per cent and the other will not be taxed at all. This gives every advantage to the Federal land bank. I can see only one result, and that would be the driving out of business of the State bank.

Mr. HOLLIS. Mr. President, there are two kinds of land banks provided under this bill. One is the Federal land bank, to which the Government subscribes capital; the other is the joint-stock land bank. The joint-stock land bank is to be taxable as to its capital and surplus, just like any other State institution. There is no doubt about that. It is only the Federal land banks that are exempted under the provisions of this paragraph. But it certainly looks very inconsistent for the Government of the United States to establish 12 Federal land banks, and furnish them each half a million dollars capital, and allow that capital to be taxed by the States. I think that would be so—a good argument could be made for it—even if we did not expressly exempt them, because in the old days, when the Government borrowed money, instead of issuing bonds it issued what we called stock, and that Government stock was always exempt from taxation without any express provision to that effect; and where that Government stock was held as part

of the capital of a bank, that part of the capital was exempt from taxation. The cases so hold.

As to the point that bothers the Senator, all the capital that will come into these banks—and before I get through I am going to offer an amendment that no private person can subscribe to the stock; I think it should be that way—must be furnished either by the Government of the United States or by the 5 per cent that is taken from the borrower when he borrows the money. That is the fellow we are trying to help. If we can help him and give him cheap money, we shall accomplish the purpose of the bill. If we can not do it cheaper than existing banks do it, we can not help him. In so far as we furnish it cheaper than existing banks, we do help him, and to that extent we hurt the existing banks.

There are very few banks that I know about in the United States that do purely a mortgage business.

If there are any such, they will undoubtedly become incorporated under this bill to get the benefit of it; and I hope they will, because the idea is to have a national system, so that all farm-loan mortgages will be treated alike and so that the farmers in every State can have a fair chance. That is the intention of the bill.

If anyone conceives that it is not a Government function to help the farmers in that way, if he thinks we ought not to do it, he should not vote for the bill, and I should not ask him or persuade him to do so. But it is the view of those who are in favor of the bill that the farmer is entitled to this form of help; and if it has the result of hurting the profits of some State bank, it will be just the same result that the postal savings bank has had, and that has demonstrated its entire usefulness.

Mr. SMOOT. In answer to the Senator I wish to say that, taking the banks he has referred to with a capital of $1,000,000, I do not believe the Senator quite understood what I said or I did not make myself plain. It would not be 4 per cent upon all mortgages. The Senator knows, of course, that banks having a million dollars of capital would have mortgages of perhaps fifteen or twenty times the amount of the capital; and unless they do have more loans than capital there would be no profit in the business. So it is with State banks and trust companies. While they are assessed 4 per cent on their capital, undivided profits, and reserve fund, the capital, profits, and reserve combined would perhaps not amount to more than one-tenth of the amount of their loans. Therefore the discrimination would not be the percentage of taxes paid upon the capital, surplus, and undivided profits, but it would be whatever percentage the capital, reserve, and undivided profits were of the loans made.

Everyone knows that if banks loaned only their capital and surplus and were taxed 4 per cent upon them, the borrower ultimately would have to pay the 4 per cent or no business could be done. But where the deposits in a bank are five, ten, or twenty times the amount of its capital and surplus, the tax, of course, does not amount to more than one-tenth or one-twentieth of the amount of 4 per cent. I thought the percentage would be so small upon the amount of loans expected under this bill and that it would make so very little difference in the rate of interest to be charged to the farmer by the exemption of taxation upon the capital stock that it should not be made a part of the bill.

Mr. HOLLIS. The small difference the Senator demonstrated is, I think, entirely right. It will not hurt the other banks much. It will be very small, indeed.

Mr. SMOOT. If the loans are five times the amount of the capital and surplus, then it would be one-fifth of 4 per cent, and it would be that much discrimination. It seems to me the Government of the United States should never undertake to place itself in competition with the business concerns of any State and claim the right to do its business on a different basis than the institutions of the State.

Mr. HOLLIS. Now, we are getting to a fundamental principle where the Senator and I may well differ. When we get there we differ. But in so far as what the Senator says as to profits, because they loan five, ten, or twenty times the capital, that is very true. That is the essence of all banking. In so far as whatever tax levied is divided up among the different loans, it is very small; I agree with the Senator, and therefore I think the State institutions would not be much hurt. But in so far as he expects the Government of the United States to contribute $6,000,000 to help the farmers and then allow it to be taxed, I think he is proceeding upon a very unwise program.

Mr. SMOOT. If the Government of the United States gave the farmers the money, what the Senator says would be true. The Government of the United States does not give the farmers the money. The Government of the United States lends the money to the farmer, and he has to pay interest upon it, and he has to pay all the expenses attending the loan, and he has to ultimately pay the principle, every cent of it, or else his property will be sold to satisfy the Government's claim.

Mr. HOLLIS. The Senator does not understand me. I am now talking about capital stock. I say it is very poor policy for the Government to furnish $6,000,000 to the capital stock of 12 land banks and allow the State to tax them. If the Senator will confine himself to that, then we get to an issue and may reach an agreement, but as long as he talks about loans and I am talking about capital we can not have any useful debate.

Mr. SMOOT. If there is a bad loan made and a foreclosure takes place and the property does not sell for the amount of the loan made by the Government, that impairs the capital stock.

Mr. HOLLIS. Suppose it is then taxed; when foreclosed and taken out of the capital, then so much of the capital becomes taxed, and there is no injustice done.

Mr. LODGE. Mr. President, let me ask the Senator from Utah a question, if I may. Does the Senator really think that if any of the borrowers in these banks failed to pay their loans the Government would ever recover it or enforce the loan as a private concern would do? He does not really suppose that that will ever be done?

Mr. SMOOT. If I look back at history and judge the future by the past I would say it will never be done. But that is not the intention of this bill.

Mr. HOLLIS. The Senator is now discussing the McCumber bill and the Norris bill. The Government does not loan the money to the farmer under this bill. I hope the Senator did not think that.

Mr. LODGE. I did not say that.

Mr. HOLLIS. Then I misunderstood the Senator; I thought he might mislead some one who has great confidence in his judgment, because I understood the Senator to ask the Senator from Utah whether he believed that the Government would ever foreclose a loan against the farmer. If that is so, that would be a misinterpretation of this bill. It contemplates no such thing.

Mr. LODGE. I think the Government puts in $6,000,000.

Mr. HOLLIS. That is put in merely to start the bank as capital, but not to loan to the farmer. As the farmers come in and take their loans and contribute capital that is to be returned to the Government.

Mr. LODGE. What is the use of $6,000,000 if the Government is not going to lend it?

Mr. HOLLIS. I say that is to start the bank, and, like capital in any other bank, in the first place, it will be loaned to the farmers; but after the farmers come in and make their contribution it will be returned. There is no doubt about that.

Mr. LODGE. The $6,000,000, then, has no financial object whatever except to give the public confidence.

Mr. HOLLIS. It has. You can not start a bank without capital. This is for that purpose.

Mr. LODGE. But is this capital that the Government puts in not liable for debts or losses?

Mr. HOLLIS. Certainly it is liable; but the point is the Government does not loan it to the farmer.

Mr. LODGE. That is the whole point. This $6,000,000 then can be used. It is liable for losses.

Mr. HOLLIS. But the Government does not loan it to the farmer. It is the land bank that loans to the farmer.

Mr. LODGE. I was aware of that.

Mr. HOLLIS. I am very glad the Senator is. He did not give that indication.

Mr. LODGE. But my point is, if the Government money in any way finds its channel into the form of loans to anybody and is lost or is a bad loan, I asked the Senator from Utah whether he thought any effort seriously would be made to recover it?

Mr. HOLLIS. So far as that goes that is perfectly correct. I think it would.

Mr. SMOOT. Mr. President, I am in favor of cheap money for the farmer, and I have been and am in favor of a measure the object of which is to furnish that money; but I want, whatever bill we pass, to accomplish that purpose, and I want also in accomplishing that purpose to see that the Government runs no risk. I also feel that the Government should do its business upon the same basis of taxation as individuals or corporations doing business with the people. If exemption of taxation was not provided in section 29, in my opinion, the Government would be entering business upon the same basis, and then if the State banks could not compete with the Government they and their stockholders would have to suffer.

But I do believe that it is unfair after the banks have been established, after they have been doing business in the community for years, to legislate the Government into competition

with them and give the Government, by legislation, every advantage over the State banks.

It is for that reason that I am opposed to section 29. With that exempted I would be very glad indeed to vote for the provisions of the bill, because I am in favor of the idea of allowing the Government of the United States to assist the farmers of the country in securing money at a low rate of interest.

Mr. President, I suppose there will be an amendment offered striking out section 29, and if no other Senator offers such an amendment I will. I am opposed to section 29 for the reasons I have stated.

Mr. STERLING. Mr. President, it may seem like an extreme position to take in regard to section 29, but my impression is that even without the exemption provided for by this section the mortgages taken by the farm-land bank under this system would be exempt from taxation as instrumentalities of the Government.

Mr. SMOOT. I will say to the Senator, as far as my State is concerned, mortgages would be, but that is not my complaint in respect to section 29. The capital stock would not be.

Mr. STERLING. No; but I am calling particular attention to the exemption of mortgages and the relation of mortgages to the system. I think the title of the bill itself will show the purpose of the act, and the provisions of the act throughout are consistent with and germane to the title of the bill. It is "a bill to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents of the United States, and for other purposes."

I think the purposes last named in the title are subsidiary and are incidental to the main purpose of the bill, which is to provide a means whereby the farmers throughout the United States, not in any one State, not in any one particular section of the Union, but the farmers generally throughout the country, may procure loans on farm lands at lower rates of interest than they are now obliged to pay and for longer periods of time than they can now readily or conveniently secure such loans.

That is the purpose, and there can be no question but the Federal land bank created under this bill is a Federal instrumentality. It must be if it is within the power of the Federal Government to provide for the creation and the organization of Federal land banks for a purpose like this.

If the Federal land bank is an instrumentality of the Federal Government for the purpose of benefiting this great class of people, it seems to me that to impose a tax upon the mortgage, which is the very basis of the whole structure itself, would be to impose a tax on an instrumentality or, which is the same thing, upon the prime and essential operations of that instrumentality.

That being so, I hardly think that section 29, although out of abundance of caution it perhaps ought to be in the bill, is, after all, really necessary, because in any litigated case the court would take into consideration the purposes of the act, which are to provide for agricultural development and create a standard form of investment based upon farm mortgages. The court would say, "This bank thus created for the purpose of making these loans and taking these mortgages and issuing bonds upon them at a lower rate of interest, and thus securing the lower rate of interest to the farmer, is an instrumentality of the Government." If it is, how can you tax a mortgage which is the basis of the whole scheme and plan? It is upon the security of the mortgages that the bonds which constitute the "standard form of investment" are based. On this theory neither mortgages nor bonds are or should be taxable.

I was very much interested, Mr. President, in some of the discussion yesterday where the exemptions claimed in certain cases by railroad companies were referred to. But the railroad company is a private corporation existing for the primary purpose of carrying freight and passengers for hire. It owns its property, real estate and rolling stock, for that purpose and operates its trains for that purpose. Of course, the railroad company is serving no governmental function in doing that, but it is carrying on its private business; and we may not exempt from State taxation the property owned and used in that business.

So far as taxation or regulation of any kind, however, would interfere with the railroad company in the carrying of the mails, or performing other governmental functions, or be a regulation of interstate commerce, it would be illegal. No State could impose a tax or prescribe a regulation that would interfere with operations of that kind.

In the colloquy with the Senator from New Hampshire [Mr. HOLLIS] reference was made to the individual who acts as an agent, or as the term was used yesterday in the discussion, as an "agency" of the Government, some official, for example, of the State or of the Federal Government. The question was asked the Senator whether such an official was exempt from taxation because he was a governmental agency. We need not doubt for a moment that in his private or individual capacity he is subject to all the laws relative to the taxation of persons and of property in the State or in the Nation, but no State may interfere with him as a governmental agency in any way, as, for example, his salary may not be attached or garnisheed in actions brought by private suitors, and for the simple reason that to thus deprive him of his salary might interfere with him in the discharge of his duty as a Government agent or official. It is contrary to public policy to permit a process of law that may lead to such result. That is all, and there is no parallel, as I can see it, between a case of that kind and a case like that presented by this bill.

So, Mr. President, without reference now to the justice of the matter, for I am not quite saying but that it may in some instances deprive a State of one source of revenue to exempt mortgages from taxation; and yet, after all, I can not help but think that there is little to fear on that score. In my own State, for example, mortgages or the debts of which they are the evidence, are listed as moneys and credits, not as mortgages, as a species of intangible personal property. Under the rule in regard to that the situs of personal property for the purpose of taxation follows the residence of the owner, and the residence of the owner of money or of mortgages on property in the State of South Dakota may be elsewhere than in the State of South Dakota. You may say that they thus escape taxation.

But consider the purposes of this bill. Stated in terms, as we gather from the provisions of the bill, those purposes are to put the farming class upon an equal footing as a business class with the other business classes of the country. The purpose is in a way to make available and to make liquid the farmers' assets, which consist in farm lands, so that he may procure money for his business at something like the same rate of interest at which other businesses secure their money. That being true, it occurs to me as a reasonable proposition that the mortgage which the farmer gives for the purpose of securing a lower rate of interest which he may procure should be exempt from taxation. After all, it comes back to this: Is the taking of the mortgage itself one of the operations of this admittedly Federal instrumentality, namely, the Federal land bank?

Mr. POMERENE. May I suggest to the Senator this further reason?

Mr. STERLING. I yield to the Senator from Ohio.

Mr. POMERENE. There can not be a tax upon a mortgage unless it results in double taxation. You have, first, a tax on the farm, and when you place a tax upon the mortgage you are thereby increasing the burden which the farmer is obliged to pay. After all, it comes out of the farmer. Unfortunately, in Ohio we have that very system, which many of us have been trying to get rid of for years. Mortgages and all credits are taxed. When that is done you have double taxation, so that a farm that is worth $1,000, if it has a mortgage on it amounting to $800, if mortgages are not exempt, you have a tax upon $1,800, which is paid by the farm that is in reality only worth $1,000.

Mr. STERLING. I thank the Senator from Ohio for what he has said. I appreciate it fully, and I think it accords exactly with our everyday experience in matters of this kind.

Mr. President, without saying anything further on this point, I am going to take the time briefly to speak of another proposition involved in the bill. I may perhaps a little later in the discussion speak more at length.

I have gone over this bill quite thoroughly with a view to seeing whether or not it could not be simplified. There is a great deal of machinery provided for in the bill. There is, first, the Federal farm-loan board, consisting of five members, four of whom are to get a salary of $10,000 a year each; there is, second, the 12 Federal farm-land banks; and there is, third, any number of national farm-loan associations.

I have wondered whether or not some of these instrumentalities or parts of this machinery might not be dispensed with, and yet have a complete system that would be of as much benefit to the farmer as would be the present proposed system; whether we could not dispense with some of the expenses that would be necessarily incurred by so much machinery, and make the provisions of the bill more readily understood by everybody. Hence in a scheme that I have somewhat tentatively in mind but not yet fully developed I would provide for the elimination of the national farm-loan association, so that the farmer, becoming a stockholder in the Federal land bank, might apply either directly or through some other agency, recognized in the bill itself,

to the Federal farm-land bank for his loan. All the rest of the machinery, all the restrictions provided for in the bill could still be kept and retained in the bill, and everything be safeguarded.

Under such a plan it would be reasonable to increase the number of Federal banks. The bill provides for simply 12 within 12 districts for the whole United States. Dispensing with the farm-loan associations and in order to make the land bank a little more accessible to the farmer, we might provide for 24 land banks, or it might not be unreasonable to say one for each and every State in the Union. Then that Federal farm-land bank could, as it is permitted in the bill, in the absence of the organization of farm-loan associations, use the present banks, State or National or mortgage companies, anywhere in the United States, through which the farmer could make his application to the Federal farm-land bank for his loan.

Without saying anything further upon that proposition now, I merely leave it for consideration to those who hear me in connection with what I may desire to say later on.

Mr. NELSON obtained the floor.

Mr. HOLLIS. Mr. President, will the Senator from Minnesota, before he begins his address to the Senate, allow me to make a short reply, merely in a few words, to the Senator from South Dakota [Mr. STERLING]?

Mr. NELSON. Certainly.

Mr. HOLLIS. We are all familiar with the attainments and the learning of the distinguished Senator from South Dakota in the field of constitutional law, and I wish to thank him for what he has said this morning. The constitutional features of the bill have given me great concern. There are several that have not yet been mentioned, such as the investment in United States bonds, which would be an instrumentality in helping the Government to borrow money. There is a feature authorizing postal savings to be invested in the farm-loan bonds. In that way the law might come under the post offices and post roads clause of the Constitution.

I wish to say to all the friends of the bill who believe in rural credits that the Democratic, Republican, and Progressive national conventions declared for rural credits. Therefore we must do the best we can. If any friend of the bill can think of any other feature that should be added to it to make the bill surely constitutional, I would very gladly welcome it. I hope the Senator from South Dakota and other friends of the measure will address themselves to that matter, and if they find anything further will inform the Senate.

Mr. STERLING. Mr. President, if the Senator from Minnesota [Mr. NELSON] will permit me, I want to call the attention of the Senator from New Hampshire [Mr. HOLLIS] to a suggestion that was made awhile ago in the course of the discussion—I think by the Senator from Massachusetts [Mr. LODGE], and perhaps also by the Senator from Utah [Mr. SMOOT]—in regard to the Government's contribution to this project, to begin with. It was stated that it was $6,000,000. I do not see that in the bill, and I do not believe that it means that the Government shall contribute $6,000,000 at the outstart to these Federal land banks; but the Government may become a subscriber to the stock of the Federal land banks, and it may be that nearly all of the $6,000,000—which means the capital stock of 12 Federal land banks, at $500,000 each—would be subscribed by individuals and other associations and other corporations, so far as that is concerned.

Mr. HOLLIS. Mr. President, as I stated this morning, I am going to offer an amendment on my own initiative not permitting private subscribers to come in. I think the right to subscribe should be confined entirely to the Government and those who borrow. Perhaps the Senate will not agree to that, but that is my view.

Mr. STERLING. I might not agree to that, Mr. President.

Mr. NELSON. Mr. President, I do not intend to take up the time of the Senate at any great length in discussing this bill. We are embarking in this country for the first time, through the medium of this legislation, upon a new enterprise, as it were, upon something which has been practically untried in this country. I realize fully that the Senator in charge of the bill, the Senator from New Hampshire [Mr. HOLLIS], and others associated with him in the main work of formulating this legislation deserve a great deal of credit for the work which they have done. It is no easy matter to formulate legislation of this kind, and in some respects the only guide they had came from what I may call foreign models, from systems which had been in operation in other countries under conditions somewhat dissimilar from those obtaining in this country.

While the purposes of the bill are in the right direction I think that, in respect to some of its provisions, it will prove to a large extent impracticable. The Senator from South Dakota [Mr. STERLING] has just made a suggestion which I think is worthy of great consideration. I do not apprehend that in the part of the country in which I live any great use will be made of the provisions of this bill, for several reasons: First of all, because money can now be obtained by farmers in Minnesota at as low a rate and with much less difficulty than will be the case under the provisions of this bill.

In Minnesota the interest rates on good farm loans run from 5 to 7 per cent. In the southern part of the State, the older-settled portion, farmers can obtain money at 5 per cent; in the middle part of the State, the section in which I live, the farmers can obtain money at 6 per cent; while in the extreme northern part of the State, the newer part of it, where farmers are, as it were, beginners and where the country is not as much developed as it is further south, they have to pay about 7 per cent.

There are several objectionable features in this bill which I think will work as a handicap in many portions of the country. I have no idea that the provisions of the bill will be availed of in New England, because the farmers in the New England States can secure money on lower and better and easier terms than they will be able to do under the provisions of this bill. I very much doubt whether in the territory north of the Ohio River, from the eastern seaboard to the Mississippi River, and beyond to the borders of the Missouri River, there will be much advantage taken of this proposed legislation or that to any great extent the farmers will avail themselves of its provisions.

I am about to call attention to some defects in the bill, which I think militate against its usefulness and adaptability to the portion of the country to which I have referred, namely, the Northwest; and for that purpose, Mr. President, I ask to have read a statement which I have received from a prominent real estate dealer in the city of Minneapolis. I do not mean to say that I indorse everything he says, but there are some objections pointed out in the statement which are worthy of consideration, and which I shall use as a text as I proceed.

The PRESIDING OFFICER (Mr. BRADY in the chair). Without objection, the Secretary will read as requested.

The Secretary read as follows:

A bill (S. 2986; H. R. 6838) to provide capital for agricultural development, etc.

I.

Section 9: It will hamper the introduction of the measure to require every borrower to pay 5 per cent of his loan in cash, as many borrowers will dislike to disburse their money unless the loan is granted, and may not be able to disburse it without having to borrow for the purpose. By inserting in line 8, after the word "cash," the words "or by order upon the proceeds of his loan," this difficulty will be met.

II.

Section 12, subsection 8: To prohibit land rented to tenants from being used as security under the act, removes from the benefit of the act a large proportion of the farms of the United States. This is unjust, as many rented farms are rented by sons whose father retains title to the land. Why should such sons, or such fathers, be discriminated against?

Furthermore, I own and am operating a farm to-day, which is managed by hired help at my expense. I propose next year to give my hired man a lift by making him a renter, and selling him the stock and implements on time. Why should the act prevent me from giving this man this boost? So long as he is my hired man on wages I can borrow; the minute I rent it to him I can not. This clause of the act may discourage tenancy, but it will also to the same extent encourage the still more objectionable form of farming with hired hands.

The agricultural laborer of England is an abject and deplorable creature compared with the American renter. The American renter should in no way be discriminated against, even though it is done with the best of intentions.

III.

In the same clause the power to declare the loan due merely because the farm is sold seems of doubtful value. It will tend to hinder the free transfer of property so mortgaged. It will make a farm with such a loan against it worth less to sell than a farm with a straight, unhampered loan against it. It may make buyers hesitate, and may discriminate unjustly against the farmer who for perfectly honorable reasons wants to sell his farm. It may also be made a means of oppression against a new neighbor that comes into a community, in case he happens to displease some of the other members of the Farm Loan Association, and has not procured this consent in advance when he purchased.

After all, the loan is made on the land and not on the owners personality, and if it is thought necessary to put in a clause of this kind it ought to read that in case of waste or serious depreciation in the value of the property the loan can be declared due by giving one year's notice.

IV.

Section 12, subsection 9: The maximum amount of loan it seems to me might well be increased from $10,000 to $32,000. A half section in Illinois is worth $64,000. Large loans mixed in with the others will strengthen and improve the whole pudding.

V.

The loans of the joint-stock banks and the farm-loan associations are equally exempt from taxes. The capital is not. This, on the face of it, may seem fair, and yet there are considerations against it. The object of the act is to help farmers, and the capital of joint-stock banks also is held merely as a guarantee of the solvency of the loans. It is important to have this guarantee capital large. It is necessary for the success of a joint-stock bank, in marketing its bonds, that the capital must be large. At present the capital of persons contemplating going into this business is held for instance in mortgages that are justly exempt from taxation—either actual, or by

being concealed from the assessor—and they should be so exempt, seeing that the land, of which it is only an undivided part, is taxed for its full value. If I organize a joint-stock bank and go to the holder of such a mortgage and ask him to devote his capital to guaranteeing the loans of others, and help the American farmers get loans at lower rates, it would seem unjust to penalize him for doing this with a heavy State tax, merely because he exchanges his mortgage for shares of stock in the bank.

After all, the tax on the capital of the bank is shifted eventually onto its borrowers or onto its bondholders. Why not, then, exempt the capital from taxes similar to the capital of the farm-loan association and of the Federal land banks?

In conclusion, I seriously question if this clause would not be held unconstitutional, as being unequal or class legislation.

VI.

The clause limiting the profits of a joint-stock bank should be increased to 2 per cent. After all, it is merely a limit, and the joint-stock banks will have to compete, in the open market of loans and bonds both, with the Federal land banks. To tempt capital into this business from the beginning, 1 per cent is too little inducement. It is difficult to determine what is 1 per cent difference, seeing that the bonds fluctuate in the market, and will often have to be issued at less than par. Furthermore this clause might be evaded by means of commissions payable by the borrowers to agents or by not disbursing the full amount of the loan, and it will therefore be better to leave the joint-stock banks a larger margin or profit so that they can pay their agents straight commissions rather than letting the agents get these from the borrower or deducting them from the proceeds of the loans.

Any joint-stock bank starting in this business will find the first years heavy and expensive sledding, until the totality of its loans approximates 15 per cent of its capital, and to impose a clause that will compel them to operate at a loss for several years after they start would seem unreasonable and unfair and unnecessary.

There are furthermore districts of the West where the Federal land banks may not wish to establish farm-loan associations—districts where risks are great, owing to frosts, droughts, etc.—that might properly be served by joint-stock banks, which would not care to enter these districts unless a larger profit over and above operating expenses be allowed, to insure against eventual losses.

VII.

I would like to see the act provide for the establishment of small joint-stock banks, restricted in their operation to not exceeding 10 counties, with a capital of from $10,000 up—capital and mortgages of such banks to be exempt from taxation—to act as feeders for, and furnish loans to, the larger joint-stock banks. The Wisconsin or Massachusetts act might be followed. This is important if the joint-stock banks are to be a success. These small banks should perhaps not have power to issue bonds, but should have power to guarantee mortgages and to sell them both to joint-stock banks and others. This will make the joint-stock side of the business more democratic than as the bill stands at present. The joint-stock bank with a capital of only $250,000 can not hope for a successful market for its bonds, and any joint-stock bank incorporated with from two to ten million dollars, under the present act, would be more of an octopus than if it had a smaller capital and depended upon smaller local banks to furnish it with a part of its loans. The local banks should have the power to subscribe stock in the larger joint-stock banks.

VIII.

The Secretary of the Treasury would not have sufficient time to give to this important and complicated business, and with only five members on the committee it would seem too bad if any of the five should be so occupied that he could only give perfunctory attention to this business. It might therefore be better to provide that the Secretary of the Treasury shall have access to the meetings of the board, without voting, and to have the board consist of five members besides the Secretary, as contemplated by the first draft, or, if there are political reasons against having three of one party and two of another so appointed, the act might provide that two members from each party shall be appointed, the four to select a fifth, subject to the President's approval.

DITLEW M. FREDERIKSEN.

MINNEAPOLIS, *April 25, 1916.*

Mr. NELSON. Mr. President, I have asked to have this communication read because, as I stated before, while I do not indorse all of its statements, there are some matters in it that I regard as of great importance.

I want to call attention particularly, in connection with the communication that has just been read, to section 12, paragraph 8:

No such loan shall be made to any person who is not at the time, or who does not in his application promise shortly to become, engaged in the cultivation of the farm mortgaged.

This provision was amended, if I am not mistaken, by striking out the word "promise" and inserting the word "intention." Am I not correct?

Mr. HOLLIS. The exact words are "who does not state his intention."

Mr. NELSON. The gentleman whose communication was read raises the question whether a man who owns a farm and has rented it to a tenant could come in and get a loan under this law. He is not actually farming it himself; it is not his intention to farm it, but he rents the land to a tenant. This is a very important matter, not so much in my section as it would be in certain sections of the South.

If a man were not occupying the land or farming it himself, but lived in town and rented it to a tenant, could he obtain a loan under the provisions of this bill?

Mr. HOLLIS. No; he could not.

Mr. NELSON. Then, as to many of the cotton planters down South who live in towns and rent their land to tenants, large and small, they would be utterly unable to avail themselves of the benefit of this law and to obtain loans.

Mr. HOLLIS. That is true. Would the Senator like to have me explain the reasons for that so that he may discuss them?

Mr. NELSON. I can understand the reasons, but of course I yield to the Senator to explain them.

Mr. HOLLIS. I should like to state them briefly, and then the Senator can address himself to them.

This bill is intended to help people own their farms or to acquire them for homes. If a man could borrow money on his farm just as well if he operated it by a tenant there would be no inducement to dispose of the farm to the tenant. Under this bill as it is drawn the tenant would have every inducement to make some arrangement with the owner by which he could buy it, and then he would be engaged in the cultivation of it. That is what we want. If we permit men who are not engaged in cultivating farms to borrow under the system it will encourage speculation—something that we fear might be detrimental.

The third thing I wish to say is this: If this system goes into effect, and money is loaned to the owners of farms in a given section, it will undoubtedly have the result of lowering farm-loan interest rates in that section, so that the man who does not choose to cultivate his farm himself will be able to get his money cheaper.

Mr. NELSON. Without any reference to the reasons, if I am correct in my statement that a man who owns a farm and does not occupy and actually farm it himself, but farms it through tenants, can not get a loan under this bill, it seems to me that in the Southern States, where most of the cotton planters have large farms and farm them largely by colored tenant farmers with a mule or two and a plow, however good the farm might be as security, and however responsible the men might be, those men would not be able to secure a loan under this law.

What follows from that? The tenant farmers can not get any money, because they have no land to mortgage. The owner of the farm, who lives in town and rents it to the tenants, can not borrow money, and his recourse then is to go and borrow it wherever he can, as he does now. Now, can the Senator from New Hampshire see where this will be of any help or advantage to such cotton planters as those to whom I have referred?

Mr. HOLLIS. If the cotton planter does not choose to bring himself under the terms of the act, it does not make any difference to me what part of the country he is in. If the reasons are sound which have moved us to adopt this provision, it does not make any difference whether he is a cotton planter or who he is. If they are not sound, the bill should be amended.

The joint committee felt unanimously that the loans should be restricted in this way. The provision is subject to the criticism the Senator makes, and I have given the answer to that criticism so far as I can. If the reasons I have given in my answer do not commend themselves to the Senate, the Senate ought to amend the provision.

Mr. NELSON. If the Senator will excuse me, I have called attention to the application of this proposed law to conditions in the South. I will now call attention to its application to conditions in the North.

In the State of Minnesota, for instance, we have many prosperous, thrifty farmers who took their lands when they were in the wilds, who started 40 or 50 years ago, took homesteads, have developed the land, and have made it into good, nice farms. Old age is upon them; they are unable to work the farm any longer; they have a number of children, a number of boys; they are very anxious to keep that farm in the family; none of the boys has means enough or is able to buy out the interest of the other children; the father is anxious to quit working the farm, but he wants to live on it; he would like to have one or two of his boys run it; and so it is quite customary in my part of the country for old farmers to rent their farms for a number of years to one or two of their sons in order to give them a start; and if they prove successful as renters and make a little money, by and by they buy out the other heirs and get the land; and yet you cut off those farmers in such instances from securing loans under this bill.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Nebraska?

Mr. NELSON. In just a moment. I want the Senator from Nebraska to understand that the Senator from New Hampshire does not disagree with me about one thing, and that is, that no matter how good a farm may be, no matter where it is situated, no matter what its value is, if the owner does not live on the farm and cultivate it himself, but rents it to a tenant, he can not borrow money on it under this law.

Mr. NORRIS. I wanted to ask the Senator if he thought, in the case he put, to take his own illustration, that such a farmer needs a loan from anybody?

Mr. NELSON. Oh, they do oftentimes. I can tell you why they need loans. I have many instances in mind. They desire a loan on the farm because they need the money to divide up; for those old men, when they come to the point where they want to quit farming operations and turn over the farm to their children, are generally anxious to make a fair division among the children; and in order to raise the necessary money and pay off, for instance, the girls in the family, or to pay off the younger boys, they mortgage the land. They want to mortgage the land in order to pay those portions; and then the single son or the two sons who buy the farm take it subject to that mortgage. That is the way it operates, practically, in our part of the country.

Mr. VARDAMAN. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Mississippi?

Mr. NELSON. Certainly.

Mr. VARDAMAN. Do I understand the Senator from Minnesota to say that the Senator from New Hampshire stated that a man owning and living upon a farm which was worked by hired labor or tenants could not secure a loan under the terms of this bill?

Mr. NELSON. Oh, no; the Senator misapprehended me. That was not what I said nor what the Senator from New Hampshire concurred in. It was this, if the Senator will pardon me: I said that if a cotton planter or cotton farmer down South owned a farm and lived in town or lived off the farm and farmed it through tenants, he could not borrow any money under this law; he could not borrow money unless he lived on the farm and ran it himself. If he lived off the farm—in town, for instance—and had the farm operated by a number of tenants, as is frequently the case down South—colored men—it would be utterly impossible under the provisions of this bill for him to borrow any money on the farm.

Mr. VARDAMAN. Of course, most of the "planters," as they are called in the South, live on their plantations, which are worked by laborers who rent the land either for money or for a part of the crop. Now, there is nothing in this bill to prohibit a loan from being secured upon the farm under those circumstances, is there?

Mr. NELSON. If the farm is farmed by renters, I do not think a loan could be secured. If the owner lives on the farm and farms it with hired help—as all farmers have to do, more or less—of course he can borrow on it. But if he lives on the farm and works it entirely by renters and does not work it himself, I do not think he could get money under the provisions of this bill.

Mr. VARDAMAN. And he could only secure a loan on the farm if he lived on it? He could not secure a loan on an adjoing farm, for instance; a man who owns two or three farms and lives on one of them?

Mr. NELSON. No; of course he could not.

Mr. VARDAMAN. He could not get a loan on that?

Mr. NELSON. No.

Mr. HOLLIS. Mr. President, the definition is "engaged in the cultivation." If he lives on one farm and farms another, he is cultivating that other.

I want to say here that it is very doubtful whether this condition should be imposed in the bill. It may be that none of these conditions should be imposed. I am not hostile to the amendment the Senator may offer. I want the Senate, when the time comes, to decide on this matter. It is one of the things I hope it will decide on. Up to date, I rather think that this will encourage men to become owners of farms for homes. I hope it will.

Mr. NELSON. I simply call attention to the fact that this bill under the provisions of it as it is to-day will be of little value to the cotton planters of the South and little value to the farmers of the North who farm through tenants.

Mr. VARDAMAN. Mr. President, I share very thoroughly the opinion expressed by the Senator from New Hampshire a moment ago that one of the great accomplishments of the bill would be to make people own their farms, to create landlords. I think the future of this Republic rests very largely upon the country homes. But if the Senator from Minnesota interprets the bill correctly I think it would be very well to amend it so as to cover the case of a man who lives on his farm and who may have an adjoining farm or two or three little farms around him. My reading of the bill did not impress me with the fact at the time that he would be precluded from getting money under the terms of the bill on farms that might adjoin the farm on which he lived.

Mr. NELSON. I have called attention——

Mr. NORRIS. Will the Senator yield to me for a moment?

Mr. NELSON. I yield.

Mr. NORRIS. The Senator from Mississippi [Mr. VARDAMAN] said something that suggests to my mind that we ought to be very careful in framing the bill so as not to prevent a man from getting several loans, when living on one farm and farming it from getting a loan on some other farm. He is prohibited as I read the bill from doing that.

Mr. HOLLIS. Not if he cultivates it himself.

Mr. NORRIS. Probably not if he cultivates it, but if we did not prevent operations of that kind, then men could get a dozen loans from the Government and own a whole community. It is one of the objects of the bill to help men to secure farm loans for themselves.

As the Senator from Mississippi so well said, the model condition in any country is to have the soil tilled by men who own it rather than through tenants.

Mr. NELSON. I call attention to this to the end that I think this provision ought to be broadened and improved; otherwise the bill will not accomplish the purposes which a good many people think it ought to accomplish. In the next place, I call attention to the following provision in the same paragraph and section of the bill:

> In case of the sale of the mortgaged land, the farm-loan association may, in its discretion, declare the mortgage thereon due and payable, or permit said mortgage to be assumed by the purchaser.

This, as stated in the communication which I read, is very objectionable to people in the Northwest. Land passes from hand to hand and this provision amounts to this: If I own a farm and live on it and cultivate it and give a mortgage on it to one of these land banks and want to sell that farm long before the mortgage is due, it may be within six months or three months after the mortgage has been executed, the bank has a right to declare the mortgage due and enforce it, or it may permit the man who buys the land of me to assume the mortgage. It is in a state of uncertainty. It retards the transfer and sale of the land. A man comes to me and wants to buy my farm. It has a mortgage on it in one of these land banks.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Will the Senator from Minnesota yield to the Senator from Nebraska?

Mr. NELSON. I have not finished my statement. A man comes to me and wants to buy my farm. It has a mortgage in one of these land banks. If I sell it to him I run the risk of having the mortgage declared due; he runs the same risk, too; and it interferes with the free transfer of land, as that gentleman said in the communication that was read.

In our part of the country land passes from hand to hand, and whoever buys the lands buys it subject to the mortgage. If I sell my farm to A with a $500 mortgage on it, he takes the land subject to that charge, and as long as he pays up the interest and pays the taxes that mortgage remains in force. He need not go to the owner of the mortgage and ask for an extension of time or make any arrangement. The land is transferred to him, and after he gets the land, which is the principal security, it is his business to see that the interest and taxes are paid and that the debt is paid at maturity. If he does not he loses the land and the mortgage is foreclosed.

This provision utterly interferes with free transaction in land. It is an embarrassment to the man who wants to sell and it is a handicap and an embarrassment to the man who wants to purchase.

Now, here is another feature of the bill in the same paragraph that is very objectionable:

> In case of the death of the mortgagor, the mortgagee may, on default and if necessary to protect the loan, declare the mortgage due and payable and take all steps necessary for its collection.

Mr. GRONNA. Before the Senator leaves the other paragraph that he read I wish to ask him a question. As the Senator will perhaps remember it is one of the paragraphs to which I objected.

Mr. NELSON. Yes.

Mr. GRONNA. Suppose a mortgage is made for a thousand dollars. It runs one or two years. Coupon notes are made out for 36 years for the full time that the mortgage is to run. In the course of two years the farmer sells his farm. Now, what amount will be due and payable if the association or the farm-loan board declares his mortgage due?

Mr. NELSON. The whole debt will be due.

Mr. GRONNA. It will be not only the thousand dollars, but it will be all the interest for the 36 years, will it not?

Mr. NELSON. I am inclined to think so.

Mr. HOLLIS. No; that would not be reasonable. It is all subject to rules and regulations to be made by the representatives of the borrowers. The borrowers are not going to have such a rule and regulation as that.

Mr. GRONNA. I will say to the Senator from New Hampshire I am somewhat familiar with the loaning of money, especially in our part of the country, and it is the general practice that the whole amount of interest as well as the principal will be due and must be paid.

Mr. HOLLIS. That is a pretty poor community to live in, Mr. President.

Mr. GRONNA. I will say that is the practice if not the law not only in my State but in the Senator's State.

Mr. HOLLIS. This system will be owned and controlled by the borrowers themselves, and I can not think it possible that they will not provide that it is sufficient in case a loan is in default when a man pays up his principal and the amount of interest that has accrued. If the Senator feels that there is any danger of that sort he ought to offer an amendment that would cure it.

Mr. GRONNA. I certainly do feel there is danger that it may be done, because I have had experience on this subject.

Mr. HOLLIS. Not under a system that was owned by borrowers, because they would have to rob themselves to that extent.

Mr. GRONNA. The Senator will admit, I suppose, that it is possible to carry provisions of that sort into effect.

Mr. HOLLIS. I do not believe it is possible.

Mr. GRONNA. There is nothing in the bill that would prohibit it.

Mr. HOLLIS. I do not believe it is possible. I do not think any court in the world would enforce a law evidently so unjust and inequitable and contrary to all principles of law, and it could not be done.

Mr. NORRIS. As a matter of fact, in the case mentioned it would be usury, and be subject to the laws of the State in regard to usury.

Mr. NELSON. But here I want to say to the Senator from Nebraska that the moment a man transfers it without the consent of the loan bank the bank has the right to declare the mortgage due.

Mr. NORRIS. Yes; but I was speaking in answer to the question of the Senator from North Dakota. If they undertook to declare, after a mortgage had been running for six months or a year or two, that all the interest that would be accruing on that mortgage for 36 years should be paid, it would make a rate of interest that would be far in excess of the legal rate, and they would be subject to the law against usury.

Mr. GRONNA. May I ask the Senator from Nebraska a question? What would the Senator say as to the practice now in vogue, not only in my State but in every State of the Union? A loan is made for five years for, we will say, $1,000 at a rate of 6 per cent interest. The first interest becomes due and is not paid. The principal and the interest are declared due and the mortgage is foreclosed. What would the Senator from Nebraska say would be the amount that the land mortgaged was subject to?

Mr. NORRIS. It would be subject to the $1,000 mortgage, with interest on it at the rate provided in the mortgage up to the time when the declaration was made that declared it due.

Mr. GRONNA. Provided it was the decree.

Mr. NORRIS. No; but he could not get a decree for any larger amount. In the case the Senator puts a $1,000 mortgage, drawing 6 per cent interest, would be such an amount that it would exceed the legal rate of interest in any State in the Union, I presume.

Mr. GRONNA. Will the Senator say that if there was a provision in the mortgage stipulating that in case a default is made the whole amount shall be due, that it could not be collected?

Mr. NORRIS. No; it is perfectly proper to put in the mortgage a statement that upon a failure of one of the conditions named in the mortgage the mortgagee shall have a right to declare it due; but by declaring it due he can not collect something that, as a matter of fact, would be illegal. In the case the Senator puts there is no difficulty about it. A mortgage for a thousand dollars, running for five years, has run the first six months; the interest is due, and the mortgagee has declared it due. The amount he can collect on that mortgage would be the thousand dollars plus the interest at 6 per cent up to the time he makes the declaration, and that is all he could get.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from South Dakota?

Mr. NELSON. I yield to the Senator.

Mr. STERLING. I merely wish to suggest that in the case referred to by the Senator from North Dakota [Mr. GRONNA] it must be a matter of contract between the mortgagor and the mortgagee, the contract being to the effect that in case any installment of interest is not paid when due the whole will become due at the election or option of the mortgagee; but it can not be the law surely in the State of North Dakota or, I think, in any other State that the interest becoming due and not paid, then the principal thereof shall become due. I hardly think that is the law in any State.

Mr. NELSON. Mr. President, while this is very interesting, it is collateral to the main point I intended to make on the provision that I read. I will quote it again:

> In case of the sale of the mortgaged land the farm-loan association may, in its discretion, declare the mortgage thereon due and payable or permit said mortgage to be assumed by the purchaser.

The objection, as I said, is that it interferes with the free exchange and transfer of land that prevails in our part of the country. It amounts practically to this, Mr. President: If I own a farm that is mortgaged to the land bank and sell that farm, the land bank has an opportunity to declare that my mortgage is due instantly.

Mr. HOLLIS. Mr. President, of course it would be like a case in the ordinary bank. If the Senator had his farm mortgaged to the bank, he would find out in advance whether it would be agreeable to the bank to get permission, and then it would be done. The reason for it is this: The one to whom the Senator wanted to sell it might be an objectionable person; he might be intemperate; he might be some one they did not want in the farm-loan association; and this is to give them a chance to say that they will not admit such a man into membership That is all it is for. If he is the right kind of a man, if he is solvent and temperate and industrious, it would be perfectly easy to get permission. The discretion has to be somewhere.

Mr. NELSON. The reply to that is that the security on these loans, as a rule, is not made upon the quality of the person who owns the land.

Mr. HOLLIS. They are in this case.

Mr. NELSON. They are made upon the quality and character of the land that is offered as security. That is the main security. If the man who buys the land subject to a mortgage fails to pay the mortgage or to pay the taxes and interest, the land bank can go on and foreclose it and get the land. Besides, they have their personal obligation against the man who gave the original mortgage.

Mr. HOLLIS. Mr. President, in consideration of the Government aid in this system and the low rate at which loans are to be made, there is more expected of a borrower than in the ordinary case of a mortgage. He assumes individual liability, and the value of that depends, of course, on what he has and who he is, and he also assumes certain duties in connection with the farm-loan association in the way of appraising loans and helping collect. For that reason the character of the borrower plays a considerable part in his desirability as a member of the system.

Mr. NELSON. In the first place, the bill does not relieve the man who sells from his personal obligation.

Mr. HOLLIS. That is perfectly true.

Mr. NELSON. And the question whether the loan will be extended or whether it will be continued will depend on whether the buyer, in addition, will make a personal assumption of the loan. All this goes—and that is the objectionable feature—to check and hinder the sale and transfer of land, which is frequent in our part of the country. Men mortgage their lands, and many of them borrow from land and insurances companies and from eastern money institutions. They borrow on a definite time, 5 or 10 years, and they never have to consult an insurance company, the man, or the concern that furnish the money as to whether they have a right to sell. They can sell that land to whomsoever they please, and the bank loaning the money, the mortgagee, does not think of declaring the debt due. He has not the right to declare it due. Millions of money are loaned in the West by insurance companies to our farmers, and in none of them is there any provision that in case the original borrower transfers or sells that land the mortgagee can declare the debt due, and that it is a question whether it shall be continued or not, whether the man who buys the land will personally assume the mortgage or not.

I will not take up more of the time of the Senate on that provision, but I call attention to the other provision which I read a moment ago, before I was interrupted.

> In case of the death of the mortgagor the mortgagee may, on default and if necessary to protect the loan, declare the mortgage due and payable and take all steps necessary for its collection.

There, again, you have something that works a great and unnecessary hardship. In our part of the country under the system of mortgages that prevail there the death of the mortgagor does not make the mortgage due. All our mortgages contain a power of sale authorizing the property to be sold at public sale in case there is a default in payment of interest or principal. That is a power coupled with an interest, and it does not end with the death of the mortgagor who gave the mortgage; it follows the land. Hence in our part of the country I have never heard of such an awful doctrine as is embodied in this provision, that in case a man dies and leaves a widow and minor children, therefore because of his death the mortgage can be declared due and payable and be foreclosed. There are many instances in my part of the country, and I can recall some, where a farmer with a mortgage of, say, $500 on a farm perhaps worth $1,000 dies and leaves a widow and minor children, who take up the task and struggle heroically to pay the interest on the mortgage and the taxes on the land so as to save the land. Under the provisions of this proposed law the farm-loan bank, the moment such a farmer dies, can declare the debt due and foreclose the mortgage, without any rhyme or reason in many cases, where the poor widow and children would not be able to furnish such personal security as the loan association might desire. In our part of the country a mortgage never becomes due because of the fact that the mortgagor dies.

Mr. HOLLIS. Mr. President——

Mr. NELSON. I yield to the Senator. I have never before heard of such a doctrine as is formulated in this bill and as was announced by the Senator from New Hampshire.

Mr. HOLLIS. The Senator is evidently against the bill, and he may not thank me for any suggestion.

Mr. NELSON. I am against this provision of the bill.

Mr. HOLLIS. I wanted to tell him that while I agree heartily with what he is saying, that provision was stricken out of the bill three days ago.

Mr. NELSON. This entire provision?

Mr. HOLLIS. Yes.

Mr. NELSON. I am glad of it. Was there not a substitute? Was not the amendment in italics adopted?

Mr. HOLLIS. No.

Mr. NELSON. I call attention to another feature of the bill, and that is the provision contained on page 26, at the end of section 9:

If membership is refused—

Now, remember, before a farmer can obtain a loan he must first join one of these associations, either a limited liability or an unlimited liability association. He must make application for a loan, and on his application he must be prepared to pay $5 in cash for every hundred dollars of the loan which he seeks. If it happens that the man is unfortunate, either that there is some little hitch in the title or the appraisers do not think the land is good enough when he has paid in his $5 a hundred for the loan, you would naturally think the poor fellow ought to get his money back if he can not get the loan, and that the farm-loan bank ought to stand whatever expenses were involved, but this provides:

If membership is refused to any applicant under this section, or if the loan applied for is for any reason rejected, the sum deposited by him shall be returned—

That means the $5 a hundred that he must deposit—

less such deductions as may be authorized by regulations of the Federal farm-loan board.

So when the poor fellow who makes an application for a loan and deposits his money for the loan at the rate of $5 for every hundred dollars, goes to the registrar's office and secures an abstract of title, pays for it, has his papers made out, and all that, if for any reason the farm-loan board see fit to reject his application, he can not get his money back, and they may absorb the whole of it under the provisions of this bill.

Mr. HOLLIS. In the first place, the farm-loan board makes general rules and regulations to cover such cases. They may provide that the poor fellow the Senator depicts may get all his money back. He ought, if it is not his fault. But if he has a poor title and the land bank goes to the expense of looking up the title and then finds he has a bad title, to give all the money back would be robbing all the other poor fellows in the system. It is assumed that the farm-loan board will do what is equitable.

Mr. NELSON. It would depend very much——

Mr. HOLLIS. I do not know which can speak the louder, but if the Senator yields and wants an answer, let me say it is for the farm-loan board after it has had experience to make equitable rules for that purpose, so that all the poor fellows in the system will get the same treatment.

Mr. NELSON. At all events, he is absolutely at the mercy of the regulations they may establish.

Mr. HOLLIS. Certainly, if he does not like them——

Mr. NELSON. They may make such regulations that he will never get a cent of his money back.

Mr. HOLLIS. If he does not like the rules and regulations, he has no business to apply for a loan.

Mr. NELSON. Exactly.

Mr. HOLLIS. He can go somewhere else.

Mr. NELSON. And that will be the result. The same provision is found on page 28:

If membership—

The provision which I just read pertains to national farm-loan associations limited under division A. This provision is substantially the same. It relates to farm-loan associations unlimited under division B:

If membership is refused to any applicant under this section, or if the loan applied for is for any reason rejected, the sum deposited by him shall be returned, less such deductions as may be authorized by regulations of the Federal farm-loan board.

So in all these cases under the provisions of the bill, a man who applies for a loan of $500, say, is required to deposit $25 in cash. If it turns out that there is some little technical defect in the title, so that the farm-loan association will not accept the loan, he could not get that money back, or, at all events, he is at the mercy of the rules and regulations of the farm-loan board as to whether he will get any of it back; and, if so, how much.

In addition to this, for the purposes of anchoring this bill to the Constitution, it contains certain provisions, and, while they are to me very objectionable, I think they are probably necessary in the bill. The first provision relates to making the farm-loan banks depositaries of public funds generally, putting them practically in the same condition as our national banks. I think it is very unsafe and assuming a great risk to make these banks depositaries. They are of an experimental character, and there is great uncertainty as to whether they will succeed or not.

Under the Postal Savings System, which we adopted some years ago, we provided for the deposit of the savings of people who prefer to deal with the Government, instead of with our banks; we also provided for the investment of a part of those savings in Government bonds, and for deposits in the banks in the vicinity where the postal savings deposits are made.

Under the provisions of this bill a part of the postal savings may be invested in the bonds of the farm-loan banks. The Post Office Department was, from first to last, utterly opposed to this provision of the bill, and I believe it should not have been inserted. It would have been sufficient to have anchored the bill on constitutional grounds to have adhered to the first provision to which I have referred, that of making these banks depositaries generally of Government funds.

I was somewhat surprised at the answer—perhaps I misunderstood it—of the Senator from New Hampshire to the question propounded by the Senator from Massachusetts. The capital of $500,000 advanced by the Government to these farm-loan banks does not lie idle. The first man who comes in and makes application for a loan to a farm-loan association and deposits his money will get a part of that money. There is nothing in the proposed law that contemplates that that advance money of the Government shall lie idle. That money will be used, like the other money of the farm-loan association, to furnish money for these farm loans. In the nature of the case it can not be otherwise. I think the Senator from New Hampshire did not really intend to convey the idea which his remarks implied.

Mr. HOLLIS. Mr. President, I did not say that. What I said was that the Government did not loan any money to the farmers, and the Government does not. It is the Federal loan bank that is controlled by the borrowers that loans.

Mr. NELSON. But let me ask the Senator a question. The farm-loan banks would use that $500,000 advance?

Mr. HOLLIS. Of course they would. They would not have the money to loan and to get mortgages unless they did use it, and until they get mortgages they can not borrow any money. Of course the money is given for the express purpose of loaning it. What I meant to say was that the Government did not loan to the farmer, but that the land bank does that.

Mr. NELSON. But, Mr. President, not only must the Government advance this $500,000 to each of the 12 banks in the first instance, but there is a provision in the bill, section 34, which in its effect and operation will authorize these banks every year to draw an equal amount from the Federal Treasury. Let me read the section:

SEC. 34. That the Secretary of the Treasury is authorized and directed—

I call your attention to the fact that the Secretary is not merely "authorized," but that he is "directed"—

That the Secretary of the Treasury is authorized and directed, upon the request of the Federal farm-loan board, to make advances or deposits for the temporary use of any Federal land bank, out of any money in the

Treasury not otherwise appropriated. Such Federal land bank shall issue to the Secretary of the Treasury a certificate of indebtedness for any such advance or deposit, bearing interest at the rate of 2 per cent per annum, to be secured by farm-loan bonds or other collateral, to the satisfaction of the Secretary of the Treasury. Any such certificate shall be redeemed and paid by such land bank at the direction of the Federal farm-loan board.

I call especial attention to this, Mr. President:

The aggregate of all sums so advanced or deposited by the Secretary of the Treasury in any fiscal year shall not exceed the sum of $6,000,000 at any one time.

In other words, under this section if the farm-loan board makes a demand upon the Secretary of the Treasury for $6,000,000 in any fiscal year, it is made obligatory upon the Secretary of the Treasury to furnish it. So if these banks, starting with $500,000 Government money in the first instance, do not get along very well, do not make much headway, every year through the farm-loan board they can call in the aggregate for as much as $6,000,000 more, and the language is mandatory, for it reads that "The Secretary of the Treasury is authorized and directed."

If we had left out the word "directed," it would not have been quite so bad; some option would have been left with the Secretary of the Treasury; but now if the farm-loan board makes a demand to the extent in any fiscal year of $6,000,000 for these land banks, the Secretary of the Treasury is required to advance it.

Mr. President, I have called attention to what I regard as some of the glaring defects of this bill in some respects. I am satisfied that the machinery provided for is of such a cumberous and intricate character that I do not think it will be availed of in the State of Minnesota. While I think the bill is subject to these criticisms, I have made up my mind to vote for it. There are some portions of this country, in the South and West, where the idea prevails that they will get great relief from this bill. I know they need relief in one respect; that is, they have to pay a higher rate of interest than do we in the North and the Northwest. I know they need cheaper money than they are now getting, and I am willing to give them an opportunity to secure it. While I do not believe that the bill will be of any practical use or value in States like Iowa, Illinois, Wisconsin, or Minnesota, or in any of the New England States, there are portions of the country where it may furnish some relief. For that reason, Mr. President, I am willing to support the bill.

I realize the fact that the planters of the Southern States, owing to labor conditions, owing to the character of the soil there, and owing to various other conditions, are handicapped to a greater extent than are the farmers of the North and the Northwest. Money is not so plentiful in that section of the country, banks are not so numerous, and it is more difficult for them to borrow money. I think in many instances the farmers have had to pay usurious and unlawful rates of interest. Therefore I have always felt kindly toward the Southern States and am anxious to help them and to build them up. In view of the fact that this bill may possibly be of some help to them and may enable them to get money at a lower rate of interest than they can do to-day, I am willing, as I have said, to vote for the bill, although, I repeat, I believe it will be of no earthly value or good in the State which I have the honor in part to represent.

Mr. HOLLIS. Mr. President, I am very much pleased to learn that the Senator from Minnesota intends to vote for the bill. I feared from the temper of his remarks that he thought it was irretrievably bad and that it ought not to be passed.

I want to say to the Senate that the views of the distinguished Senator from Minnesota were very carefully weighed by the committee and that it was due almost entirely to his opposition that the savings department provision, one in which I had great faith, was stricken out.

Mr. NELSON. Mr. President, if the Senator from New Hampshire will allow me, I meant to have congratulated him on his wisdom in having the savings-bank department provision eliminated from the bill. In the main, I want to congratulate the Senator from New Hampshire on the great work he has done in connection with this bill. It was no easy task to frame a bill of this character, and he has certainly accomplished a great work. I fully realize that it is much easier to criticize a piece of legislation than it is to formulate it in the first instance. What I have said in reference to the bill has not been for the purpose of criticizing the Senator from New Hampshire, but rather for the purpose of pointing out certain features that will interfere with the successful operation of the law in the part of the country where I reside and which I have the honor in part to represent.

Mr. HOLLIS. Mr. President, the first few criticisms which were made by the Senator from Minnesota of the bill are on debatable subjects. It is very likely that the Senator from Minnesota is right about them. They relate to the restrictions on the mortgage loans, and I shall be very glad, indeed, if the Senator from Minnesota or some other Senator will offer an amendment, so that when we get to voting we may test the sentiment of the Senate in those particulars.

On the last proposition which the Senator from Minnesota has stated I think I ought to make a little explanation; that is, on the subject of the Government deposits, as provided for in section 34. It is true that that section is inserted for the purpose of tiding one or more land banks over a hard place. If they get in a hard place and interest is not paid on mortgages on account of drought or short crops, then the land bank may apply to the Federal Treasury for relief, just exactly as do national banks when they need extra funds for any purpose; but the Secretary of the Treasury——

Mr. NELSON. Will the Senator from New Hampshire allow an interruption?

Mr. HOLLIS. Yes.

Mr. NELSON. I want to suggest in that connection that, while I have no objection to their applying to the Secretary of the Treasury, yet I would not make it mandatory, as it is now proposed to do. In respect to the national banks applying for Federal money, it is optional with the Secretary of the Treasury as to whether or not the application shall be granted. I would also leave it optional with the Treasury Department in the case of these banks, and would not make it mandatory. I would strike out the word "directed," and would simply authorize the Secretary of the Treasury, as is done in the case of national banks, to furnish the money if he deems it proper and wise to do so.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. HOLLIS. I do.

Mr. THOMAS. I dislike very much to criticize any amendments proposed by the committee to this bill, because I know they have been considered very carefully by the committee; but I am in entire sympathy with the criticism just offered to this section by the Senator from Minnesota [Mr. NELSON]. It seems to me to be well founded.

In that connection, I venture to suggest to the Senator having charge of the bill the propriety of substituting on lines 2 and 3 of the succeeding page in place of the words "Federal farm-loan board," the words "Secretary of the Treasury." The Secretary of the Treasury is the constitutional officer in charge of the Treasury Department, and all funds of the Government are subject to his control. I think it is rather—I will not say questionable—but it is a new departure to provide that the certificates for these deposits shall be redeemed at the direction of the Federal farm-loan board rather than by the direction of the Secretary of the Treasury. It is true that the Secretary of the Treasury is a member of the board. He is, however, but one such member, and his vote would only count as such, and might be opposed by the votes of the other four members. That seems to me to be depriving the Secretary of the Treasury of authority and control over national funds that is not wise in itself and which may become an extremely dangerous precedent.

Mr. HOLLIS. Mr. President, the last suggestion offered by the Senator from Minnesota [Mr. NELSON] shows the value of debate in the Senate. I gained the impression from his remarks that he was totally opposed to this section. I now find that he is not, and I am very glad that he is not. I wish to direct his attention——

Mr. NELSON. I would not be opposed to the section, if the Senator will excuse me for interrupting him, if it were left discretionary with the Secretary of the Treasury; but to make it mandatory, to make him obey the orders of the Federal farm-loan board whenever they say to him "You must dish out the money"—to that I object. If you will leave it discretionary with the Secretary of the Treasury that will be a different matter. Then he could look after the welfare of the Government and the condition of the Treasury and furnish the money required as he saw fit.

Mr. HOLLIS. I wish to direct the attention of the Senator to the fact that it is now practically under his control, because the security furnished, the farm-loan bonds or other collateral, must be to the satisfaction of the Secretary of the Treasury; and, with that provision, it seemed to the committee that there would be sufficient safeguards; but I shall be very glad to accept the suggestion of the Senator from Minnesota [Mr. NELSON] and also the suggestion of the Senator from Colorado [Mr. THOMAS].

It seemed to me personally that the farm-loan board would have a much better knowledge of the actual conditions of the

land banks than would the Secretary of the Treasury. The Secretary of the Treasury is an official whose time is very fully occupied and who might require payments to be made at a time that would embarrass the banks, so that the deposit would in the end do more injury than good. However, I think there is force in what the Senator from Colorado says, and I will therefore ask unanimous consent, on page 74, line 18, after the word "authorized," to amend the committee amendment by striking out the words "and directed"; and at the top of page 75, lines 2 and 3, by striking out the words "Federal farm-loan board" and inserting in lieu thereof the words "Secretary of the Treasury."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. THOMAS. Mr. President, yesterday the Senator from Montana [Mr. WALSH] called the attention of the Senator from New Hampshire to a phrase occurring in line 12, on page 40, and suggested its elimination. I refer to the words in that line, "some peculiar local conditions." I think it would improve the expression if the word "some" was eliminated from the provision.

Mr. HOLLIS. I ask unanimous consent to strike out the word "some," in line 12, on page 40.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. HOLLIS. Mr. President, I desire to say further that so far as the postal-savings funds are concerned, and the provision of the bill which permits them to be invested in farm-loan bonds, that provision is purely permissive; it does not require the trustees of the Postal Savings System to invest in them; and I feel myself that that would be a very valuable provision of the bill, and one which might properly be availed of. Although I know that the Post Office Department is opposed to it, I think the Post Office Department is wrong as to that.

Mr. CURTIS. Mr. President, I should like to call the attention of the Senator in charge of the bill to page 33. I was away when an amendment on that page was agreed to if, indeed, it was agreed to.

Mr. HOLLIS. To what amendment does the Senator refer?

Mr. CURTIS. To the amendment between lines 12 and 20. I wish to suggest that after the word "taxes" the words "liens and judgments" be inserted. It seems to me that the property ought to be properly cleared of liens and judgments.

Mr. HOLLIS. Well, a lien is in many States a personal lien, and judgments frequently have nothing to do with a mortgage, and, in my opinion, "taxes or assessments" cover the ground fully.

Mr. CURTIS. Liens in our State are liens for improvements. If a man erects a building and fails to pay for material or construction charges, a mechanic's lien is filed against the property, which applies to all the land upon which the building is erected.

Mr. HOLLIS. There must be all sorts of liens in the Senator's State, such as a bailor's lien or a boarding-house keeper's lien. The word "lien" must cover a great many things that we do not want in this bill.

Mr. CURTIS. What I had reference to was liens on real estate.

Mr. HOLLIS. Yes; but the Senator did not state that in his suggestion. I think the addition of the words suggested would uselessly encumber the varbiage, without adding anything to it. I think "taxes and assessments" cover it.

Mr. CURTIS. I doubt that very much; but, if the Senator in charge of the bill is satisfied, I have no objection.

Mr. CLAPP. Mr. President, I think there are States where, under the statute, a material man's lien or a mechanic's lien takes precedence of a mortgage.

Mr. THOMAS. Upon the land or upon the structure?

Mr. CLAPP. Upon the land, of course.

Mr. SMOOT. And upon the structure. So far as my State is concerned, it covers both.

Mr. HOLLIS. There is no doubt about that.

Mr. CLAPP. It seems to me that it goes without any question that there should be a safeguard as to liens of that kind.

Mr. HOLLIS. Then, it should be better stated than merely by the use of the word "liens," because "liens" might include something that would not run against the land.

Mr. CLAPP. Well, a lien upon the property can not include anything that is not a claim against the property, and it seems to me anything that could ripen into a claim against the property ought to be provided for.

Mr. THOMAS. Mr. President, there might be inserted, before the word "taxes," the words "liens against the land," so as to read "liens against the land, taxes, or assessments not paid when due."

Mr. HOLLIS. I get the idea, and if that may be passed now I will draft a provision which I think will cover it.

Mr. CLAPP. Very well.

Mr. HOLLIS. Now that the Senator from Kansas [Mr. CURTIS] is here, I desire to call his attention to the provision on page 22, at the end of line 22, concerning which I told him I would suggest an amendment. I move, Mr. President, that there be inserted on page 22, at the end of line 22, after the word "refused," the words "and the cash accompanying the application shall be returned to the applicants without deduction." I think that is what the Senator had in mind.

Mr. CURTIS. That is the amendment which I suggested.

Mr. HOLLIS. I move the adoption of the amendment.

The PRESIDING OFFICER. In the absence of objection, the amendment is agreed to.

Mr. CURTIS. Mr. President, I did not know that the other two amendments in the same connection had been agreed to. It seems to me that they ought to be treated in the same way, as suggested by the Senator from Minnesota [Mr. NELSON]. The money ought to be returned if the applicant for a mortgage fails to secure it. In the case of loan companies, if an application is turned down they do not retain anything from him. He must furnish his own abstracts. There is provision in this bill for the employment of lawyers to examine abstracts; they are to be paid so much a year; they are not to be paid so much for each abstract they examine; and if the loan is turned down, surely the 5 per cent advanced by the applicant should be returned to him without any deductions whatever. Therefore, I think the same amendment which has just now been agreed to should be agreed to in other parts of the bill.

Mr. NELSON. Mr. President, I suggest that it should be provided that the money could be returned to the applicant unconditionally.

Mr. HOLLIS. Mr. President, unfortunately Senators are treating this bill as if there were some fund somewhere that did not belong to anyone which could be dipped into and turned over to some intended borrower so that he would not have to pay anything. Every dollar that is paid out in that way has to come out of somebody, and the rules and regulations should be such that a man who has expense incurred for his benefit should pay for it. Assume the case of a man who has a bad title to his land and who wants to get that title cleared. He wants the opinion of a lawyer on it, and he comes up and makes a gamble at the expense of the association, so that they will look it up for him and he will pay nothing for it. Sometimes it costs $100 or $200 to clear a title, and if a man has a title of that sort he ought to pay for clearing it up himself. For myself I can not accept the amendment, but it will have to be voted on at some time when it comes up. I do not think we ought to try to vote on anything this afternoon, because so few are present.

Mr. CURTIS. Mr. President, in answer to what the Senator has said, I wish to say that there is a leeway of 1 per cent paid into the fund that is to be used to pay all these expenses. The term "expenses" includes the employment of lawyers by the year; and if they are paid out of this general fund of 1 per cent, why should the owner of the property be compelled to pay such expense?

Mr. HOLLIS. Because that fund of 1 per cent——

Mr. CURTIS. Then, another thing. It is not reasonable to suppose that a man would apply for a loan simply to have his abstract of title passed upon by this association. If he applies for a loan under this bill, he applies for it in good faith; he wants it so as to buy a piece of property, or he wants it to make improvements upon a farm which he owns and upon which he lives and which he is going to cultivate, and, therefore, there can be nothing in the suggestion of the Senator that a man is simply doing it to get his title perfected. If he had a bad title he would not apply, because he would know that an application would be useless.

Mr. HOLLIS. He would not if he had to pay for having it looked up, but if he thought it might be good he would take the chance if somebody else had to pay it.

This 1 per cent is not lying around loose so that people may have certain expenses paid out of it if they are not entitled to that privilege. This 1 per cent is there for the benefit of the members of the system; and if one man gets more than his share of it, there is so much less for all the rest. The man for whose benefit it becomes necessary to spend the money is the man who should pay it.

Mr. CURTIS. I agree with the Senator that the 1 per cent is not lying around loose. None of it is, and none of it should be; but the trouble with this measure is going to be that the 1 per cent will not come within one-tenth of paying the expenses.

Mr. HOLLIS. That is a very alarming statement. If it is going to cost 10 per cent a year to carry on this system, I sin-

cerely hope, if the Senator has that idea, that he will not vote for the bill; and I suspect he will not. Certainly I should not if I thought it was going to cost 2 per cent.

Mr. CURTIS. You have allowed in this bill $100,000 for organization expenses, which is much less than the cost of establishing the Federal reserve banking system, and yet the report shows that it cost to put in operation the Federal reserve banks $493,960.

Mr. HOLLIS. Mr. President, will the Senator tell me where he got those figures? My information is that it cost very much less than that, and I think the Senator must have obtained the wrong figures.

Mr. CURTIS. I have the official report of the board giving these figures.

Mr. HOLLIS. Well, what does it say about the figures?

Mr. CURTIS. It says the organization expenses amounted to $493,960.

Mr. HOLLIS. Covering what period?

Mr. CURTIS. The organization of the system.

Mr. HOLLIS. Well, covering what period? They are still organizing.

Mr. CURTIS. The 12 Federal reserve banks are already organized, and have been organized since November, 1914.

Mr. HOLLIS. But that must cover the full period, for they have not yet finished their organization.

Mr. CURTIS. Let me give you the remainder of the figures; that is the point to which I want to call the Senator's attention.

Mr. HOLLIS. That has no bearing on this case. There were 7,500 banks which had to be coordinated and brought together, while all the farm-loan board has got to do is to establish 12 land banks. If the Senator does not think the amount is high enough, I hope he will move to amend it and make it higher, and I will accept the amendment; but it is not going to cost any $400,000 to launch this system.

Mr. CURTIS. Let us go a little further and see what it will cost. There is provision for an issue of bonds greater in amount than the currency issued under the Federal Reserve System, and yet the issuing of the Federal-reserve-bank notes cost $804,705. The furniture and equipment for the 12 banks cost $284,600; the salaries of the officers and employees of the Federal Reserve Board alone cost $108,650 last year.

Mr. HOLLIS. The trouble is that the Senator is talking about something else than the matter in hand. He is referring to a system calling for larger salaries and a greater personnel; but all that has no reference to starting 12 land banks. That has to do with——

Mr. CURTIS. Mr. President——

Mr. HOLLIS. Either the Senator yields to me or he does not. If he does not, I will sit down.

Mr. CURTIS. I yield to the Senator.

Mr. HOLLIS. The figures the Senator has given deal with 7,500 national banking associations and the expense of coordinating them and getting them together under 12 great Federal reserve banks. That has no relation whatsoever to the plan proposed under the pending bill.

Mr. CURTIS. I venture to say there will be more people employed in the city of Washington under the farm-loan board than are employed under the Federal Reserve Bank Board for secretaries, stenographers, and other help in the office here in Washington.

Mr. NELSON. Mr. President——

Mr. CURTIS. I yield.

Mr. NELSON. I will call the Senator's attention, if he will allow me, to the fact that this bill provides for an independent new bureau in the Treasury Department in addition to the officials who will be required by the land banks.

Mr. CURTIS. And with salaries for members of the board to start with at $10,000 each, or $40,000 in all. Then, in addition, there will be bank examiners, and you will have 10 examiners under this bill where there is one under the Federal Reserve Banking System. The bank examiners last year were paid under the Federal Reserve System $396,000, and the ordinary expenses of the 12 Federal reserve banks last year were $1,677,639, making the total expense from November, 1914, to December 31, 1915, $3,765,544. The earnings of these banks since their organization have been $2,130,610. Now, there is provided by this bill an organization that will exceed beyond description the organization under the reserve banks; there will be lawyers galore for every bank and every neighborhood, to examine abstracts and pass upon titles. There will be examiners to be sent out, as the bill provides that one or two may be sent out. Then you provide for an examination by three commissioners. They must be paid, and when you pay the expense—talk about money lying around! There will not be any of it lying around.

Mr. HOLLIS. Mr. President, the Senator is entirely mistaken. The Senator has either read some other bill or he has a nightmare, because the things he describes are not in this bill. He started to discuss the Federal Reserve Board. That did not throw very much light on the subject; but now he is discussing something else that is not in the bill at all.

Mr. CURTIS. Mr. President, I have read this bill line for line, and if the Senator says that what I say is not contained in this bill he had better take it home and read it.

Mr. HOLLIS. I will tell him that it is not in the bill, and I have read the bill and drafted most of it, and I know what is in it. There is no provision in it to have three commissioners paid for appraising the land. It is done by the local loan committee, and those men serve without pay.

Mr. CURTIS. The three examiners serve without pay?

Mr. HOLLIS. There are no three examiners in the bill. There is an appraisal committee, a loan committee, and they serve without pay.

Mr. CURTIS. The three must sign?

Mr. HOLLIS. Yes; they must.

Mr. CURTIS. When they send in their application, signed by those three, then the board must send an examiner to examine that land, and the board may send two examiners.

Mr. HOLLIS. That is not three commissioners who are obliged to examine the land and be paid. That is what I called the Senator's attention to.

Mr. CURTIS. I do not believe, or did not believe—of course, I take the Senator's word for it——

Mr. HOLLIS. Well, I will show him in the bill.

Mr. CURTIS (continuing). That these commissioners were required to serve without pay. I read the provision that they must sign the report, and I called the attention of the Senate to it two or three days ago; and, also, I think, in answer to a question from the Senator from Iowa, called attention to the fact that the examiners appointed by the board, one or two, must go out and examine this property. Surely they do not go for nothing.

Mr. HOLLIS. They are paid—one of them.

Mr. CURTIS. They are paid?

Mr. HOLLIS. One is sent, and one report is made. It may be referred to one or more, but in most cases it would be referred to one. That is found on page 48. The three members of the loan committee serve without pay.

Mr. CURTIS. Mr. President, I just happened to turn to page 5 accidentally:

> The Federal farm loan board shall be authorized and empowered to employ such attorneys, experts, assistants, clerks, laborers, and other employees as it may deem necessary to conduct the business of said board.

I referred to those people. They must be paid, and if they do the work you will not get along with as few as the Federal Reserve Board now gets along with.

Mr. HOLLIS. That is the Senator's opinion. He is evidently hostile to the bill, and he will undoubtedly do as Gov. Herrick did—conjure up all the nightmares he can. It was a very common thing, when the Federal reserve act was under consideration here, to have it criticized in that way on that side of the Chamber; but I want to call the Senator's attention to the fact that the earnings of the Federal reserve banks have absolutely no relation to their value. When they are not needed, their earnings will be small; when they are needed, their earnings will be large. They are to act as reserve banks for the safety of the country's financial policies, and not for the purpose of earning profits for anybody. They were not so intended.

Mr. CURTIS. Mr. President, I know they were not so intended; and in order to give that expensive system to the people you wiped out the Vreeland-Aldrich Act, which has been used by this administration to prevent at least two panics, and which has more than paid its expenses. The tax levied upon the issue of currency under that act returned to the Treasury over a million dollars profit; and now you have put in operation this Federal reserve act, which has cost the Government more than it has brought in.

Mr. HOLLIS. Mr. President, the Vreeland-Aldrich Act was absolutely impracticable. It could not be used and never was used until the Democratic administration amended it so that it was practicable. It was only used because the Federal reserve act had not gotten into operation, and it was necessary to use it temporarily until it got into operation. If the Senator thinks the Republican Party performed any service to the country in passing the Vreeland-Aldrich Act, I call his attention to the fact that we never used it until the Democratic administration amended it.

Mr. CURTIS. Because there was no need to use it. The condition of the Government was such that it was not required. If we had some good Republican legislation upon the statute books to-day, it would not be required now and would not have been since it was passed. The first time it was needed was in 1913, when the awful effects of the new tariff bill were being felt by this country; and that measure was used, as I said, by the Secretary of the Treasury to relieve the conditions, and he said it did relieve the conditions. Then, when the war broke out, it was used again, and currency was issued under it and by reason of it after the Federal reserve bank law was written into law and after it had been put in operation. In other words, currency was issued under the Vreeland-Aldrich Act until February, 1915.

Mr. HOLLIS. Mr. President, the Senator is entirely mistaken. I was a member of the Banking and Currency Committee. I was present when the act was amended. I know why it was amended, and I can give him the dates. There was never any effort to issue any currency under the Vreeland-Aldrich Act until the war broke out in Europe on the 1st of August, 1914. On the 4th day of August, 1914, the act was amended so as to make it workable, and currency was then issued under it. At that time the Federal reserve banks had not been formed. They were not formed until December 1 following, and it was therefore necessary to fix up the Vreeland-Aldrich Act so as to make it efficacious. There never will be any occasion to use it again, because the Federal reserve act is now in full force.

Mr. CURTIS. Mr. President, the Secretary of the Treasury says, in his report for 1913, that there was danger of a panic, and in order to relieve the situation he issued $500,000,000 of currency under that act.

Mr. HOLLIS. Does the Senator really believe that?

Mr. CURTIS. It is true.

Mr. HOLLIS. The Senator was never more mistaken in his life. That currency was engraved and printed, but not a dollar of it was issued.

Mr. CURTIS. Well, that is what I am going to say. He says he notified the banks that it was ready, and then he closes by saying that the very fact that he made the announcement that the $500,000,000 was ready for issue restored confidence in the country. The Secretary says, in his report for 1913, that "so completely effective was this action that none of the $500,000,000 of currency was applied for by the banks." That is what the Secretary of the Treasury says in his report for 1913.

Mr. HOLLIS. They must have been very foolish bankers, because none of them ever applied for a dollar of it until it was made possible to do it—never.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. CURTIS. Certainly.

Mr. SMOOT. I am a little surprised that the Senator from New Hampshire should make the statement he has. There was no occasion to use the Vreeland-Aldrich currency that had been printed and was in the vaults of the Treasury of the United States until the breaking out of the war. It is true that the act was amended. It was amended so as to extend the life of the act; and if the war had not broken out, or if the country had not gotten into financial difficulties that required the use of emergency currency from some other cause, it never would have been used at the time that it was. But nobody can deny that the Vreeland-Aldrich Act did prevent the greatest panic in this country that could possibly have happened; and if the Vreeland-Aldrich Act had not been on the statute books at the time there would have been the greatest panic in this country that this country had ever experienced.

Mr. HOLLIS. Mr. President, the Senator from Utah has fallen into just the error that he has been led into by the Senator from Kansas.

Mr. SMOOT. No; I have not fallen into any error.

Mr. HOLLIS. The Vreeland-Aldrich Act was absolutely useless, and not a dollar's worth of currency was taken out under it until it was amended on August 4, 1914; and our bankers said they never would take out any currency under it under the terms of the original act. It had to be amended and revamped and made practicable by the same men who wrote the Federal reserve act.

Mr. THOMAS. It was an emergency act.

Mr. SMOOT. I want to say that a certain rate of interest was lowered, and that, with the extension of the life of the act, were the only changes that were made in the act. The change of interest rate made in the act amounted to little.

Mr. THOMAS. Is not that enough?

Mr. SMOOT. No; I will say that was not enough. I want to say to the Senator from Colorado that if the interest had remained exactly as it was originally provided in the Vreeland-Aldrich Act, it would have been used during the time that it was used. The rate of interest which was in the act at the time it was passed—6 per cent per annum on certain deferred payments—was imposed to prevent emergency currency remaining in circulation long. The interest was not changed for the use of the money for the first few months. The interest was changed for the use of the money after it had been in circulation longer than an emergency would require; and I believe that that should have been the case except in extraordinary circumstances, such as happened in 1914.

Mr. CURTIS. Mr. President, I want to ask the chairman of the committee if he denies that the Secretary of the Treasury in 1913 notified the banks that he had issued $500,000,000 of that currency, and it was ready for them if they needed it?

Mr. HOLLIS. I do, absolutely.

Mr. CURTIS. I shall ask consent to print in the RECORD extracts from his report of the department.

Mr. HOLLIS. Why, I called the attention of the Senator to his error. That money was never issued. It was engraved and ready to be issued if anyone called for it; but money is not issued until it is sent out and put into circulation, and not a dollar of that money was sent out and put into circulation until the act was amended. The Senator need not print anything. As quickly as he uses or understands a banking term, we will come to an understanding.

Mr. CURTIS. Mr. President, the Senators both say that the Secretary of the Treasury did not issue it. I agree with them as to the expression, and I doubted it at the time I read it; and so, to be exact, I quoted from the report of the department, and he says he did issue it.

Mr. HOLLIS. Then he was mistaken. We need not have anything put in the RECORD.

Mr. CURTIS. Well, I have quoted what was said. It would have been more exact had the expression "ready for issue" been used.

Mr. HOLLIS. If he said it, he was mistaken. I do not think he said it, but he may have done so. If the Senator says so, he did; but he did not mean it in the sense that the Senator probably meant it.

Mr. SMOOT. I want to say to the Senator that I think this is what happened: The Treasurer took the printed currency, unsigned, from the vaults of the Treasury, and sent it to the different banks in the United States for which the currency was printed. In other words, if there was a First National Bank at Helena, Mont., the currency was printed for that bank, but it is not issued until it is signed. It is not issued until it is put into circulation. But I do think that is what the Secretary of the Treasury did. At that early time he did send the engraved currency, unsigned, to the different banks for which it had been engraved.

Mr. THOMAS. Mr. President, my recollection of the Vreeland-Aldrich bill is that preliminary to the issuance of circulation under it the national banks throughout the country were required to form local organizations for the purpose of marshaling their securities, so to speak, under the terms of the bill and obtaining the circulation in their collective capacity to be used for such distribution, and that very few, if any, of those associations were ever formed. But my recollection is that at the time to which the Senators refer—I speak now of the 4th of August, 1914; my recollection does not permit me to speak with reference to the subject of the controversy between the Senator from Kansas and the Senator from New Hampshire—immediately upon the outbreak of the war, and I think on the day of the declaration of war between Germany and England, the 4th day of August, 1914, the conditions were such, not only in the United States but all over the world, as to require prompt action for the purpose of averting a possible financial catastrophe. As a result the Committee on Banking and Currency reported and the Senate immediately took up and enacted the measure reducing the rates of interest required for this emergency currency, shortly after which it became available, and did meet and overcome the conditions which were then so very ominous and which needed immediate attention.

That is my recollection about it.

Mr. SMOOT. The Senator from Colorado is right as to the organization of these local associations. After the country was divided into district associations the bankers of those particular districts did not think it was necessary to organize at once. Under the law they could do it quickly at any time an occasion arose, and they simply waited until there was an occasion. It is true that after the war broke out these local or district associations were effected, and the application for the emergency currency was made.

Mr. THOMAS. Precisely.

Mr. CUMMINS. Mr. President, is the rural-credits bill still before the Senate?

The PRESIDING OFFICER. It is supposed to be.

Mr. CUMMINS. If it is, I should like to ask the Senator from New Hampshire a question with regard to section 34, concerning which a good deal has been said recently. I do not understand the last sentence, which reads:

The aggregate of all sums so advanced or deposited by the Secretary of the Treasury in any fiscal year shall not exceed the sum of $6,000,000 at any one time.

Just what will that enable the Secretary of the Treasury to do?

Mr. HOLLIS. It will permit the Secretary of the Treasury to advance sums which at any one time total not exceeding $6,000,000. That is, he may advance it and have it repaid, and then advance it again. He can do that so long as the aggregate of the sums advanced at any one time in any year does not exceed $6,000,000.

Mr. CUMMINS. But he can continue that until he has one hundred millions in the land banks, if he so desires?

Mr. HOLLIS. Not to exceed six millions in any one year; yes.

Mr. SMOOT. But collectively up to one hundred millions.

Mr. HOLLIS. That might be; if he loaned six millions and took it back this month, and then loaned six millions and took it back next month, that would be seventy-two millions in a year; but the aggregate amount issued at any one time in any one year could not exceed $6,000,000.

Mr. CUMMINS. That seems to me not so clear. It is perfectly clear that he can not advance the sum of more than $6,000,000 at any one time; but I can not in my own mind determine just what effect the words "in any fiscal year" have as they relate to the words "at any one time."

Mr. HOLLIS. Is the Senator trying to get my idea, or is he trying to point out the infirmity in the language?

Mr. CUMMINS. I want to know what the Senator from New Hampshire is really trying to accomplish.

Mr. HOLLIS. I assumed that was so.

Mr. CUMMINS. Yes.

Mr. HOLLIS. I am trying to give to the Secretary of the Treasury authority to grant relief in any fiscal year up to the amount of $6,000,000 at any one time, including all the different land banks—that it shall not exceed $6,000,000 for any one year. Does the Senator get my idea now?

Mr. CUMMINS. I get it, I think. May I repeat it, to be sure?

Mr. HOLLIS. Then, if the Senator gets the idea, to what does he object in the language employed?

Mr. CUMMINS. As I understand, the Senator wants to give the Secretary of the Treasury authority to advance not more than $6,000,000 to all the land banks in any fiscal year.

Mr. HOLLIS. That is it.

Mr. CUMMINS. And, of course, he can advance the same amount the next year, even though the former amount be not paid.

Mr. HOLLIS. Yes.

Mr. CUMMINS. I am not, of course, criticizing that policy. I only say, in response to the explanation of the Senator from New Hampshire—for I understand him perfectly—that I do not believe his bill so provides.

Mr. HOLLIS. That was why I asked the Senator the question. You see, if you leave out "at any one time," the Secretary might have advanced five million and had it paid back, and then advance five million more, and that would be in the aggregate ten million that had been outstanding; but the words "at any one time" fix it as the total amount outstanding at any one time.

Mr. CUMMINS. The Senator means that the amounts which are owing from the land banks to the Treasury, and which are advanced in any one fiscal year, shall not exceed $6,000,000?

Mr. HOLLIS. Yes.

Mr. CUMMINS. I understand the view of the Senator, but I do not believe the bill so provides.

Mr. HOLLIS. Now, may I ask the Senator what he thought it meant? I should like to know what the distinguished Senator thought, from reading the words, that they did mean.

Mr. CUMMINS. I could not understand what the words "at any one time" meant or what they qualified.

Mr. HOLLIS. Will the Senator suggest some amendment that will make it clear? I very much desire to make that thought clear in the bill.

Mr. CUMMINS. I shall be glad to do so at some future time. I have not attempted to modify the text of the bill.

Mr. SMOOT. Mr. President, let me ask the Senator a question. Do I understand from this amendment that it is the intention of the committee that at no time shall there be more than $6,000,000 advanced by the Treasury of the United States?

Mr. HOLLIS. Not at all. It means that there shall not be more than $6,000,000 advanced at any one time, outstanding at any one time, in any fiscal year. There may be $6,000,000 each year.

Mr. SMOOT. And the second year there could be $12,000,000, and the third year there may be $18,000,000, and so on?

Mr. HOLLIS. Yes.

Mr. SMOOT. Then it seems to me that striking out the words "at any one time" would make the meaning a great deal plainer; the provision would then read in this way:

The aggregate of all sums so advanced or deposited by the Secretary of the Treasury in any fiscal year shall not exceed the sum of $6,000,000.

Mr. HOLLIS. The trouble with that, as I have said, is that if he advances $6,000,000 in January and it is paid back in February, then if he should loan $6,000,000 in March the aggregate would be the sum of the $6,000,000 advanced in January and the $6,000,000 advanced in March, and it would be $12,000,000, and would not be permitted unless you had the words "at any one time" to qualify it.

On this particular clause, like all other clauses of the bill, I have no pride of opinion. I am willing to put in anything to make it clear, especially to so learned a Senator as the Senator from Iowa. When he does not see at a glance what it means, I feel that it should be redrafted; and I hope that the Senator from Iowa and the Senator from Utah will try their hands at that. I tried my hand at it a long while, and this was the result.

I ask that the further reading of the bill be continued.

The PRESIDING OFFICER. The Secretary will state the pending amendment.

The SECRETARY. On page 66, line 16, after the word "State," it is proposed to insert the word "municipal," so as to read:

That every Federal land bank and every national farm-loan association, including the capital stock and reserve or surplus therein and the income derived therefrom, shall be exempt from Federal, State, municipal, and local taxation, except taxes upon real estate held, purchased, or taken by said bank or association under the provisions of section 11 and section 13 of this act.

The amendment was agreed to.

The SECRETARY. On page 66, line 20, after the word "banks" and the comma, it is proposed to insert "and farm-loan bonds issued," so as to read:

First mortgages executed to Federal land banks, or to joint-stock land banks, and farm-loan bonds issued under the provisions of this act, shall be deemed and held to be instrumentalities of the Government of the United States.

The amendment was agreed to.

The SECRETARY. On page 66, line 25, after the word "State," it is proposed to insert a comma and the word "municipal," so as to read:

And as such they and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation.

Mr. CUMMINS. Mr. President, I have in mind proposing an amendment striking out section 29; and I rise now to ask whether the adoption of these amendments in the section and the passing of the section will prevent me, at some future time, from making a motion of that kind?

Mr. HOLLIS. Mr. President, it is the understanding that we are now reading the bill to adopt the committee amendments, but after that is done the bill will be open to amendment in any particular by any Senator. I shall not try to raise any point of order. I think that is so. Probably the committee amendments ought to be perfected before they are adopted, and I have tried to do that in each instance; but, so far as I am concerned, I shall not raise any point of order. I should be sorry to have the Senator offer his amendment this afternoon, because there are so few Senators present. We shall have some votes on this bill next week.

Mr. CUMMINS. I intend to accompany my amendment with some suggestions, and I should be very sorry to be compelled to do it this afternoon.

Mr. HOLLIS. I think the Senator will have every opportunity next week.

Mr. SMOOT. So that there may be no question about it. I will ask that after the committee amendments are adopted we may pass the section as not being agreed to.

Mr. HOLLIS. That is all right.

The PRESIDING OFFICER. The question is on agreeing to the pending amendment.

The amendment was agreed to.

The next amendment was, at the top of page 67, to strike out:

Farm-loan bonds issued under the provisions of this act and the income derived therefrom shall be exempt from Federal, State, and local taxation.

The amendment was agreed to.

The next amendment was, under the subhead "Investment in farm-loan bonds," on page 67, line 5, to change the number of the section from 31 to 30.

The amendment was agreed to.

The next amendment was, on page 67, line 9, before the word "bank," to strike out "member," so as to read:

Any bank of the Federal Reserve System may buy or sell farm-loan bonds issued under the authority of this act.

The amendment was agreed to.

Mr. HOLLIS. Mr. President, at that point it has been suggested—and I have no doubt the Senate will concur in the suggestion—that the investment in these farm-loan bonds of fiduciary and trust funds should be limited to farm-loan bonds issued by the cooperative banks, the Federal land banks. I therefore move that, on page 67, lines 6 and 7, the words "or joint-stock land banks" be stricken out.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 67, lines 6 and 7, it is proposed to strike out the words "or joint-stock land banks," so that if amended it will read:

That farm-loan bonds issued under the provisions of this act by Federal land banks shall be a lawful investment for all fiduciary and trust funds, and may be accepted as security for all public deposits.

The amendment was agreed to.

Mr. HOLLIS. Then, on line 10, after the word "issued," I move to insert "by Federal land banks."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 67, line 10, after the word "issued," it is proposed to insert "by Federal land banks," so that, if amended, it will read:

Any bank of the Federal Reserve System may buy or sell farm-loan bonds issued by Federal land banks under the authority of this act.

Mr. SMOOT. Mr. President, would not that be a contradiction of the line just before it, where it says "any bank of the Federal Reserve System"?

Mr. HOLLIS. That means the national banks and Federal reserve banks—not of this system but of the Federal Reserve System. It merely gives them authority to invest in these bonds.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 67, line 11, after the word "act," to insert a semicolon and the following words: "any member bank of said system may accept time drafts against a deposit of such bonds as security; acceptances of a member bank thus made, or the direct obligations of such bank maturing within 60 days, when accompanied by farm-loan bonds as collateral security not less in face value than the amount of such direct obligation, shall be eligible for discount by the Federal reserve bank of its district."

Mr. HOLLIS. There, again, on line 15, after the word "by," I move to insert the word "such," so as to carry on the class indicated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 67, line 15, after the word "by," it is proposed to insert the word "such," so as to read:

Any member bank of said system may accept time drafts against a deposit of such bonds as security; acceptances of a member bank thus made, or the direct obligations of such bank maturing within 60 days, when accompanied by such farm-loan bonds as collateral security not less in face value than the amount of such direct obligation, shall be eligible for discount by the Federal reserve bank of its district.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 67, after line 18, to insert:

Section 9 of the act of June 25, 1910, entitled "An act to establish postal savings depositaries for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes" (36 U. S. Stat. L., 814), shall be, and the same is hereby, amended by adding a new paragraph at the close of said section, to read as follows: "Federal farm-loan bonds authorized by the Federal farm-loan board and issued by any Federal land bank may be purchased by the trustees, in lieu of United States bonds or other securities, for the purpose of investing postal savings deposits under the provisions of this section. Whenever funds shall be withdrawn from postal savings depositaries for investment, the trustees are hereby authorized to purchase Federal farm-loan bonds in the open market or from any Federal land bank authorized to issue the same: *Provided*, That in no case shall such farm-loan bonds be purchased at more than par nor shall more than 30 per cent of the postal savings deposits be invested at any one time in farm-loan bonds as herein provided."

Mr. HOLLIS. The amendment includes postal savings and undoubtedly will be controverted. I ask that it be passed over.

The PRESIDING OFFICER. It will be passed over.

The next amendment was, under the subhead "State legislation," on page 68, line 16, to change the number of the section from "32" to "31."

The amendment was agreed to.

The next amendment was, under the subhead "Examinations," on page 69, line 23, to change the number of the section from "33" to "32."

The amendment was agreed to.

The next amendment was under the subhead "Penalties," on page 70, line 15, to change the number of the section from "34" to "33."

The amendment was agreed to.

The reading was continued to line 22 on page 73.

Mr. HOLLIS. In order to complete the meaning, in line 9, page 73, after the word "credits," I move to insert the word "thereof," so as to read:

Or willfully misapplies any moneys, funds, or credits thereof.

The amendment was agreed to.

Mr. HOLLIS. After the word "decree," in line 11, page 73, I move to insert the word "thereof," so as to read:

Mortgage, judgment, or decree thereof.

The amendment was agreed to.

The next amendment was, on page 74, after line 15, to insert:

GOVERNMENT DEPOSITS.

SEC. 34. That the Secretary of the Treasury is authorized, upon the request of the Federal farm-loan board, to make advances or deposits for the temporary use of any Federal land bank, out of any money in the Treasury not otherwise appropriated. Such Federal land bank shall issue to the Secretary of the Treasury a certificate of indebtedness for any such advance or deposit, bearing interest at the rate of 2 per cent per annum, to be secured by farm-loan bonds or other collateral, to the satisfaction of the Secretary of the Treasury. Any such certificate shall be redeemed and paid by such land bank at the direction of the Secretary of the Treasury. The aggregate of all sums so advanced or deposited by the Secretary of the Treasury in any fiscal year shall not exceed the sum of $6,000,000 at any one time.

The amendment as amended was agreed to.

The next amendment was, under the subhead "Dissolution and appointment of receivers," on page 75, line 9, after the word "section," to strike out "twenty-nine" and insert "twenty-eight," so as to read:

SEC. 35. That upon becoming satisfied that any national farm-loan association has refused to make good defaulted mortgages, as required by section 28 of this act, or upon receiving satisfactory evidence that any such association has failed to meet its outstanding obligations of any description whatever when due, and is in default, the Federal farm-loan board may forthwith declare such association insolvent and appoint a receiver and require of him such bond and security as it deems proper.

The amendment was agreed to.

The Secretary resumed and concluded the reading of the bill.

Mr. POMERENE. I send to the desk an amendment. I do not think there will be any objection to it.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 51, after line 6, insert:

To exercise general supervisory authority over the Federal land bank in national farm-loan associations and the joint-stock land banks herein provided for.

Mr. POMERENE. That is a provision similar to the provision of the Federal reserve act, giving to the board general supervisory power.

Mr. SMOOT. I see no objection to it.

The amendment was agreed to.

Mr. POMERENE. On page 46, line 6, I move to strike out the words "and paid in cash" and to insert in lieu thereof:

One-half thereof paid in cash and the balance subject to call by the board of directors.

I will state the reason for this amendment. These are not banks of deposits and they probably would not be able to invest all their funds at once. It would, it seems to me, be a very unwise policy to have all this amount of money on hand without being able to invest it. So my thought was that if one-half was paid in cash and the balance subject to call, it would meet all the requirements of safety and it would avoid the necessity of having so much money on hand uninvested.

Mr. SMOOT. I think the principle of the Senator's amendment is absolutely correct; but, as I understand it, the capital required being only $250,000, the committee thought with that small amount of capital they ought to have it all. Would it not be better, I will ask the Senator, if his amendment is adopted, to have the capital stock increased to $500,000, and then 50 per cent of it could be paid and they would have $250,000 on hand?

Mr. POMERENE. I think this might be said in answer to the Senator from Utah. These banks established in a State with

a population exceeding 2,000,000 are required to have $500,000 of capital. My thought was that in smaller States, probably in smaller communities, it might be desired to organize some of the smaller banks; and as they do not have the means of making money that the ordinary banking institution has we ought not to require them to have too much money on hand.

Mr. SMOOT. Only $125,000 to begin with in a large district would be a very little amount.

Mr. POMERENE. I have no objection to increasing the capital stock to $500,000.

Mr. SMOOT. I ask the Senator from New Hampshire if he does not think if this amendment is agreed to the capital stock ought to be increased to $500,000?

Mr. HOLLIS. I feel that this is a matter of considerable importance, and if the Senator from Ohio will agree to that course, we will defer it.

Mr. POMERENE. I have no objection. I am going to offer the following amendment as supplementary to what I have presented. It is to provide that in the event of the adoption of this amendment none of these joint-stock banks shall be authorized to issue any bonds at all until their entire capital stock is paid up. I think that should be done.

Mr. SMOOT. Let that be printed and lie on the table.

Mr. POMERENE. I ask that the amendment I send to the desk may follow on line 10, page 46.

Mr. SMOOT. Let it be read.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 46, after line 10, insert "No joint-stock land bank shall issue or sell any farm-loan bonds until after the capital stock shall be fully paid up."

Mr. HOLLIS. In view of the fact that the Senate has finished the reading of the bill for action on the committee amendments and that no other Senator is prepared to speak this afternoon, I will move that the Senate adjourn.

Mr. GRONNA. Will the Senator withhold his motion for a moment?

Mr. HOLLIS. I yield to the Senator from North Dakota.

INDIAN APPROPRIATIONS (S. DOC. NO. 421).

Mr. GRONNA. For the Senator from Arizona [Mr. ASHURST], the chairman of the Committee on Indian Affairs, I submit the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917, and I ask that it be printed and printed in the RECORD.

The VICE PRESIDENT. That action will be taken.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 6, 8, 11, 12, 15, 23, 30, 31, 32, 38, 40, 43, 44, 45, 49, 69, 73, 77, 88, 91, 92, 100, 108, 117, 118, 119, 120, 123, 133, 135, 147, 149, and 157.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 9, 13, 16, 17, 18, 19, 20, 21, 22, 24, 25, 27, 28, 29, 33, 39, 46, 48, 50, 51, 52, 53, 54, 56, 58, 60, 61, 62, 63, 64, 65, 66, 67, 68, 70, 71, 76, 80, 81, 85, 86, 89, 90, 93, 94, 96, 98, 99, 101, 103, 104, 106, 107, 109, 111, 112, 114, 115, 121, 122, 125, 126, 128, 130, 131, 134, 136, 138, 139, 140, 141, 143, 144, 145, 148, 150, 151, 152, 153, 154, and 155, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In line 7 of said amendment strike out the word "the" and insert in lieu thereof the word "Indian" and in line 8 of said amendment, strike out the word "the" and insert in lieu thereof the word "such"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the word "to" and insert in lieu thereof the following: "$5,000 of which shall"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "*Provided further*, That not more than $200,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "two permanent warehouses"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the words "which has been," and in line 2 of said amendment strike out the words "heretofore or"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For beginning the construction by the Indian Service, of a dam with a bridge superstructure and the necessary controlling works for diverting water from the Gila River for the irrigation of Indian land and Indian allotments on the Gila River Indian Reservation, Ariz., as recommended by the Board of Engineers of the United States Army in paragraph 217 of its report to the Secretary of War of February 14, 1914 (H. Doc. No. 791), $75,000, to be immediately available and to remain available until expended, reimbursable as provided in section 2 of the act of August 24, 1912 (37 Stat. L., p. 522), the total cost not to exceed $200,000."

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For beginning the construction by the Indian Service of a diversion dam and necessary controlling works for diverting water from the Gila River at a site above Florence, Ariz., as estimated by the Board of Engineer Officers of the United States Army in paragraph 138 of its report to the Secretary of War of February 14, 1914 (H. Doc. No. 791), $75,000, to remain available until expended, the total cost not to exceed $175,000: *Provided*, That said dam shall be constructed as a part of a project for the irrigation from the natural flow of the Gila River of Indian lands on the Gila River Indian Reservation and private and public lands in Pinal County, Ariz.: *And provided further*, That the water diverted from the Gila River by said diversion dam shall be distributed by the Secretary of the Interior to the Indian lands of said reservation and to the private and public lands in said county in accordance with the respective rights and priorities of such lands to the beneficial use of said water as may be determined by agreement of the owners thereof with the Secretary of the Interior or by a court of competent jurisdiction: *And provided further*, That the construction charge for the actual cost of said diversion dam and other works and rights shall be divided equitably by the Secretary of the Interior between the Indian lands and the private and public lands in said county; and said cost as fixed for said Indian lands shall be reimbursable as provided in section 2 of the act of August 24, 1912 (37 Stat. L., p. 522); but the construction charge as fixed for the private and public lands in said county shall be paid by the owner or entryman in accordance with the terms of an act extending the period of payment under reclamation projects, approved August 13, 1914 (38 Stat. L., p. 686): *And provided further*, That said project shall only be undertaken if the Secretary of the Interior shall be able to make or provide for what he shall deem to be satisfactory adjustments of the rights to the water to be diverted by said diversion dam or carried in canals, and satisfactory arrangements for the inclusion of lands within said project and the purchase of property rights which he shall deem necessary to be acquired, and shall determine and declare said project to be feasible."

And the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For extension of the Ganado irrigation project on the Navajo Indian Reservation in Arizona for the irrigation of approximately 600 acres of land in addition to the area to be irrigated by said project, as authorized in section 2 of the act of August 24, 1912, $20,000; and for maintenance and operation of the project, $3,000; in all, $23,000, reimbursable and to remain available until expended."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In line 16 of said amendment, strike out the figures "$15,000" and insert in lieu thereof the following: "10,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For support and education of 100 Indian pupils at the Greenville Indian School, California, including pay of superintendent, $18,400; for general repairs and improvements, including purchase of additional land for school farm, $8,000; in all, $26,400."

And the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For the improvement and construction of roads and bridges on the Yuma Indian Reservation in California, $10,000, to be immediately available, reimbursable to the United States by the Indians having tribal rights on said reservation."

And the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That the Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $10,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Potawatomi Indians in the State of Kansas, and to be expended under his direction for the construction of bridges across the Big Soldier Creek and Little Soldier Creek, within the Potawatomi Indian Reservation, Jackson County, Kans.: *Provided*, That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the county of Jackson satisfactory guaranties of the payment by the said county of Jackson of at least one-half of the cost of said bridges, and that the said proper authorities of the said county of Jackson shall assume full responsibility for and will at all times maintain and repair said bridges: *And provided further*, That any and all expenses above the amount herein named in connection with the building and maintaining of said bridges shall be borne by the said county of Jackson: *And provided further*, That this appropriation shall not become effective until approved by an Indian council to be called for that purpose."

And the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement of the Senate numbered 55, and agree to the same with an amendment as follows: Strike out the following language of the amendment: "Hereafter on ceded lands in the State of Minnesota embraced within the provisions of the law entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889, the minerals in and mineral rights pertaining to any of the lands, the cession of which was provided for in said act, and for which the United States has not conveyed title, shall be and remain in and are reserved for the use and benefit of the Chippewa Indians in the State of Minnesota"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In line 6 of said amendment strike out the following: "at Keewaton Academy, Wisconsin," and the comma; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In line 1 of said amendment, after the word "balance," insert the following: "of $3,436.03"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In line 2 of said amendment, strike out the figures "$50,000" and insert in lieu thereof "$25,000"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter proposed, insert the following:

"The work to be done with the amounts herein appropriated for the completion of the Blackfeet, Flathead, and Fort Peck projects may be done by the Reclamation Service on plans and estimates furnished by that service and approved by the Commissioner of Indian Affairs: *Provided*, That not to exceed $15,000 of applicable appropriations made for the Flathead, Blackfeet, and Fort Peck irrigation projects shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for official use upon the aforesaid irrigation projects: *Provided further*, That not to exceed $7,500 may be used for the purchase of horse-drawn passenger-carrying vehicles, and that not to exceed $1,500 may be used for the purchase of motor-propelled passenger-carrying vehicles."

And the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to announce, at such time as in his opinion seems proper, the charge for construction of irrigation systems on the Blackfeet, Flathead, and Fort Peck Indian Reservations in Montana, which shall be made against each acre of land irrigable by the systems on each of said reservations. Such charges shall be assessed against the land irrigable by the systems on each said reservation in the proportion of the total construction cost which each acre of such land bears to the whole area of irrigable land thereunder.

"On the 1st day of December after the announcement by the Secretary of the Interior of the construction charge the allottee, entryman, purchaser, or owner of such irrigable land which might have been furnished water for irrigation during the whole of the preceding irrigation season, from ditches actually constructed, shall pay to the superintendent of the reservation where the land is located, for deposit to the credit of the United States as a reimbursement of the appropriations made or to be made for construction of said irrigation systems, 5 per cent of the construction charge fixed for his land, as an initial installment, and shall pay the balance of the charge in 15 annual installments, the first 5 of which shall each be 5 per cent of the construction charge and the remainder shall each be 7 per cent of the construction charge. The first of the annual installments shall become due and payable on December 1 of the fifth calendar year after the initial installment: *Provided*, That any allottee, entryman, purchaser, or owner may, if he so elects, pay the whole or any part of the construction charges within any shorter period: *Provided further*, That the Secretary of the Interior may, in his discretion, grant such extension of the time for payments herein required from Indian allottees or their heirs as he may determine proper and necessary, so long as such land remains in Indian title.

"That the tribal funds heretofore covered into the Treasury of the United States in partial reimbursement of appropriations made for constructing irrigation systems on said reservations shall be placed to the credit of the tribe and be available for such expenditure for the benefit of the tribe as Congress may hereafter direct.

"The cost of constructing the irrigation systems to irrigate allotted lands of the Indians on these reservations shall be reimbursed to the United States as hereinbefore provided, and no further reimbursements from the tribal funds shall be made on account of said irrigation works except that all charges against Indian allottees or their heirs herein authorized, unless otherwise paid, may be paid from the individual shares in the tribal funds, when the same is available for distribution, in the discretion of the Secretary of the Interior.

"That in addition to the construction charges every allottee, entryman, purchaser, or owner shall pay to the superintendent of the reservation a maintenance and operation charge based upon the total cost of maintenance and operation of the systems on the several reservations, and the Secretary of the Interior is hereby authorized to fix such maintenance and operation charge upon such basis as shall be equitable to the owners of the irrigable land. Such charges when collected shall be available for expenditure in the maintenance and operation of the systems on the reservation where collected: *Provided*, That delivery of water to any tract of land may be refused on account of nonpayment of any charges herein authorized, and the same may, in the discretion of the Secretary of the Interior, be collected by a suit for money owed: *Provided further*, That the rights of the United States heretofore acquired to water for Indian lands referred to in the foregoing provision, namely, the Blackfeet, Fort Peck, and Flathead Reservation land, shall be

continued in full force and effect until the Indian title to such land is extinguished.

"That the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules and regulations and issue such notices as may be necessary to carry into effect the provisions of this act, and he is hereby authorized and directed to determine the area of land on each reservation which may be irrigated from constructed ditches and to determine what allowance, if any, shall be made for ditches constructed by individuals for the diversion and distribution of a partial or total water supply for allotted or surplus unallotted land: *Provided*, That if water be available prior to the announcement of the charge herein authorized, the Secretary of the Interior may furnish water to land under the systems on the said reservations, making a reasonable charge therefor, and such charges when collected may be used for construction or maintenance of the systems through which such water shall have been furnished."

And the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "for the purpose of making necessary repairs on the Government bridge across the Niobrara River near Niobrara, Nebr.; also to reconstruct one span of 90 feet over the back channel of the Niobrara River at the same point, the sum of $6,500; said sum to be expended under the direction of the Secretary of the Interior"; and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$91,100"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For support and education of 290 Indian pupils at the Indian school at Carson City, Nev., including pay of superintendent, $50,430; for general repairs and improvements, $8,000; for irrigating school farm, $4,000; in all, $62,430."

And the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In line 4 of the amendment, after the figures "$15,000," strike out the period and insert a colon and the following: "*Provided*, That no part of this appropriation shall be expended for mileage, salaries, or expenses of employees"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In line 2 of the amendment strike out the following: "and to remain available until expended"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For support and education of 350 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $59,550; for general repairs and improvements, $6,000; for water supply, $1,600; for the construction of an assembly hall and gymnasium, $25,000; in all, $92,150."

And the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "for support and education of 220 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $38,540; for general repairs and improvements, $5,000; for new school building, $20,000; in all, $63,540"; and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: Strike out all of said amendment and insert the following: "To enable the Secretary of the Interior to redeem a mortgage on the allotment selection of Starr McGillis, a Turtle Mountain Chippewa Indian, described as the northwest quarter of section thirty-four, township one hundred and sixty-four north, range seventy west of the fifth principal meridian, North Dakota, $1,500, or so much thereof as may be necessary."

And the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That the unexpended balance of $9,533.38 is hereby reappropriated and made available for continuing the relief and settlement of the Apache Indians formerly confined as prisoners of war on the Fort Sill Military Reservation, Okla., for the purchase of allotments in Oklahoma, as provided for in the act of June 30, 1913 (38 Stat. L., p. 77), for the three adult heads of families who have not heretofore received allotments."

And the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "except that the Secretary of the Interior is hereby authorized within 30 days after the passage of this act, to investigate claims not to exceed $1,950 growing out of contracts alleged to be in existence between John Calvin Gray, William T. Lancaster, Arthur Jennings, and Clyde Jennings, as enrolled members of the Choctaw or Chickasaw Nations, and Henry W. Blair, Kappler and Merillat, James K. Jones, Charles M. Fechheimer, and Eugene Hamilton, as attorneys, and in case such claims are found to be valid and the contracts approved in accordance with existing law, the said Secretary of the Interior may, in his discretion, apply any amounts that may be found due under this paragraph to the aforesaid enrolled members of the Choctaw or Chickasaw Nations to the payment of such fee, but the amounts due hereunder to other enrolled members of the Choctaw and Chickasaw Nations shall not be held in abeyance to this claim but shall be paid promptly without reference to same"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000"; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "$12,000; for remodeling sewer system, $5,000; for three high-pressure steam boilers, $7,200: *Provided*, That the unused balance of $9,830 of the amount appropriated by the act of August 1, 1914 (38 Stat. L., p. 602), and an additional amount of $2,500 may be expended for an addition to the assembly hall; in all, $128,700"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $3,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Klamath Indians of the State of Oregon, and use the same for the construction of a bridge across the Williamson River on the Klamath Indian Reservation, Oreg., under such rules and regulations as he may prescribe."

And the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "$67,500: *Provided*, That the unexpended balance of $1,607.44 appropriated by the act approved August 1, 1914, for repairing buildings and replacing equipment destroyed or damaged by the tornado of June 10, 1914, at Flandreau Indian School, S. Dak., is hereby reappropriated and made immediately available for the purchase and installation of a water tank and the purchase of dairy cattle for said school"; and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The Secretary of the Interior is hereby authorized and directed to cause investigation to be made as to the probable cost of providing on the various Sioux Indian Reservations adequate school facilities for the children of the Sioux Tribes who are now without Government or public-school facilities on the respective reservations, and to make a report thereof to Congress on or before the first Monday in January, 1917, together with a complete and detailed statement of the per capita cost per annum, including mileage paid, now expended for the education of the Sioux Indian children in all the schools, whether on or off

the respective reservations, and there is hereby appropriated for the expense of such investigation and report the sum of $1,000, or so much thereof as may be necessary, to be immediately available."

And the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In line 7 of said amendment, after the word "highway," insert a comma and the following: "reimbursable out of any funds now or hereafter placed to the credit of said Indians in the Treasury of the United States"; and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $1,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Uintah Tribe of Indians, in the State of Utah, and to use the same to protect the north abutment of the Government bridge at Myton, Utah, under such rules and regulations as he may prescribe, said sum to be immediately available."

And the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That the Secretary of the Interior be, and he hereby is, authorized to sell and dispose of not to exceed 20 acres of that portion of the lands situated on the north side of and within the limits of the abandoned Fort Spokane Military Reservation, State of Washington, not necessary for hospital purposes, as provided for in the act approved August 1, 1914 (38 Stat. L., p. 584), at not less than the appraised value thereof, and to place the proceeds thereof in the Treasury of the United States to the credit of the Spokane Indians in said State."

And the Senate agree to the same.

Amendment numbered 142: That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000"; and the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That without bias or prejudice to the rights or interests of any party to the litigation now pending, the Secretary of the Interior be, and he hereby is, authorized to sell the timber on the so-called 'school lands' and 'swamp lands' within the boundaries of the Bad River and Lac du Flambeau Indian Reservations in Wisconsin, and to which the State of Wisconsin has asserted a claim; to keep a separate account of the proceeds of such sale with each legal subdivision of such land and to deposit the said proceeds at interest in a national bank, bonded for the safe-keeping of individual Indian moneys, to be paid over, together with the interest thereon, to the party or parties who shall finally be adjudged to be entitled to such fund: *Provided*, That the consent of the State or parties claiming title therefrom be obtained before any such sale shall be made."

And the Senate agree to the same.

Amendment numbered 156: That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"SEC. 27. On the first Monday in December, 1917, and annually thereafter, the Secretary of the Treasury shall transmit to the Speaker of the House of Representatives estimates of the amounts of the receipts to and expenditures which the Secretary of the Interior recommends to be made for the benefit of the Indians from, all tribal funds of Indians for the ensuing fiscal year; and such statement shall show (first) the total amounts estimated to be received from any and all sources whatsoever, which will be placed to the credit of each tribe of Indians, in trust or otherwise, at the close of the ensuing fiscal year, (second) an analysis showing the amounts which the Federal Government is directed and required by treaty stipulations and agreements to expend from each of said funds or from the Federal Treasury, giving references to the existing treaty or agreement or statute, (third) the amounts which the Secretary of the Interior recommends to be spent from each of the tribal funds held in trust or otherwise, and the purpose for which said amounts are to be expended, and said statement shall show the amounts which he recommends to be disbursed (a) for per capita payments in money to the Indians, (b) for salaries or compensation of officers and employees (c) for compensation of counsel and attorney fees, and (d) for support and civilization: *Provided*, That hereafter no money shall be expended from Indian tribal funds without specific appropriation by Congress except as follows: equalization of allotments, education of Indian children in accordance with existing law, per capita and other payments, all of which are hereby continued in full force and effect: *Provided further*, That this shall not change existing law with reference to the Five Civilized Tribes."

And the Senate agree to the same.

HENRY F. ASHURST,
H. L. MYERS,
MOSES E. CLAPP,
Managers on the part of the Senate.

C. D. CARTER,
THOS. F. KONOP,
CARL HAYDEN,
P. P. CAMPBELL,
P. D. NORTON,
Managers on the part of the House.

Mr. HOLLIS. I move that the Senate adjourn.

The motion was agreed to, and (at 3 o'clock and 46 minutes p. m.) the Senate adjourned until Monday, May 1, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 29, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God, our heavenly Father, let the light of heaven shine in upon our souls, that our minds may be clarified, our hearts strengthened, and our way made clear, that we may quit ourselves like men in all the trying circumstances of life and wear the seal of approval upon our hearts. To-day, to-morrow, and all through the journey of life is the day of salvation. Thus may we keep to the high-water mark of Christian manhood day by day, in the spirit of Him who came that we might have life and that we might have it more abundantly. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORGANIZED LABOR AND MILITARY PREPAREDNESS.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD regarding the attitude of organized labor in my district with respect to military preparedness.

The SPEAKER. The gentleman from Pennsylvania [Mr. BAILEY] asks unanimous consent to extend his remarks in the RECORD on the attitude of organized labor in his district toward the question of preparedness. Is there objection?

There was no objection.

LEAVE TO WITHDRAW PAPERS.

Mr. KINCHELOE, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the pension case of George Price (H. R. 5779, 63d Cong.), no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RAKER, for this day, on account of illness.

To Mr. WILLIAMS of Ohio, indefinitely, on account of illness in his family.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill.

The SPEAKER. Under the rule the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill (H. R. 12717), with Mr. HAMLIN in the chair.

Mr. ANDERSON. Mr. Chairman, I move to strike out all after the word "that" in the pending amendment and insert the matter which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk began the reading of the amendment.

During the reading,

Mr. GREEN of Iowa. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GREEN of Iowa. How far has the Clerk read?

The CHAIRMAN. The Clerk has read to about the middle of section 6.

Mr. GREEN of Iowa. I ask unanimous consent to dispense with the reading after the Clerk has finished section 7, because the remainder of the amendment of the gentleman from Minnesota simply applies to changes made to conform——

Mr. ANDERSON. If the Clerk will read to the end of section 7, I will then ask unanimous consent to have the remainder of the amendment printed in the RECORD.

The CHAIRMAN. When the Clerk finishes section 7, if either gentleman desires to do so he may ask unanimous consent to dispense with the further reading. The Clerk will continue to read, to the end of section 7.

The Clerk read to the end of section 7.

Mr. ANDERSON. I ask unanimous consent to dispense with the further reading of the amendment, and that it be printed in the RECORD.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to dispense with the further reading of the amendment and that the whole amendment be printed in the RECORD. Is there objection?

There was no objection.

The amendment is as follows:

Strike out all after the word "that" in the pending amendment and insert the following:

"This act shall be known by the short title of the 'United States grain-grades act.'

"SEC. 2. That the Secretary of Agriculture is hereby authorized to investigate the handling, grading, and transportation of grain and to fix and establish as soon as may be after the enactment hereof standards of quality and condition for corn (maize), wheat, rye, oats, barley, flaxseed, and such other grains as in his judgment the usages of the trade may warrant and permit, and the Secretary of Agriculture shall have power to alter or modify such standards whenever the necessities of the trade may require. In promulgating the standards, or any alteration or modification of such standards, the Secretary shall specify the date or dates when the same shall become effective, and shall give public notice, not less than 60 days in advance of such date or dates, by such means as he deems proper.

"SEC. 3. That the standards so fixed and established shall be known as the official grain standards of the United States.

"SEC. 3½. Whenever, by reason of climatic or other conditions, any large quantity of grain shall be ineligible to grade under the standards fixed pursuant to section 2 the Secretary may establish supplemental or commercial grades for such grain, and such supplemental or commercial grades may be promulgated upon such notice as the Secretary shall deem proper.

"SEC. 4. That whenever standards shall have been fixed and established under this act for any grain no person thereafter shall ship or deliver for shipment from any State, Territory, or District to or through any other State, Territory, or District, or to any foreign country, any such grain which is sold or offered for sale by grade unless the grain shall have been inspected and graded under this act and the grade by which it is sold or offered for sale be one of the grades fixed therefor in the official grain standards of the United States: *Provided*, That any such grain not sold or offered for sale by grade may be sold, offered for sale, shipped, or delivered for shipment in interstate and foreign commerce by sample or by type, or under any name, description, or designation which is not false or misleading, and which name, description, or designation does not include in whole or in part the terms of any official grain standard of the United States: *Provided further*, That any such grain sold or offered for sale by one of the grades fixed therefor in the official grain standards may be shipped to or through any place at which an inspector is located, subject, under such rules and regulations as the Secretary of Agriculture shall prescribe, to be inspected at the place to which shipped, or at the place through which shipped for inspection, and subject, further, to the right of appeal from such inspection, as provided in section 6 of this act: *And provided further*, That any such grain sold or offered for sale by any of the grades fixed therefor in the official grain standards may, upon compliance with the rules and regulations prescribed by the Secretary of Agriculture, be shipped without inspection from a place at which there is no inspector to a place at which there is no such inspector, subject to the right of either party to refer any dispute as to the grade of the grain to the Secretary of Agriculture, who may determine and certify the true grade thereof. No person shall in any certificate or in any contract or agreement of sale or agreement to sell by grade, either oral or written, involving, or in any invoice or bill of lading or other shipping document relating to, the shipment or delivery for shipment in interstate or foreign commerce of any grain for which standards shall have been fixed and established under this act describe or in any way refer to any of such grain as being of any grade other than a grade fixed therefor in the official grain standards of the United States.

"SEC. 5. That no person shall represent that any grain shipped or delivered for shipment in interstate or foreign commerce is of a grade fixed in the official grain standards other than as shown by a certificate therefor issued in compliance with this act; and the Secretary of Agriculture is authorized to cause examinations to be made of any grain for which standards shall have been fixed and established under this act and which has been certified to conform to any grade fixed therefor in such official grain standards or which has been shipped or delivered for shipment in interstate or foreign commerce. Whenever, after opportunity for hearing is given to the owner or shipper of the grain involved and to the inspector thereof, if the same has been inspected, it is determined by the Secretary that any quantity of grain has been incorrectly represented to conform to a specified grade or has been sold or offered for sale under any name, description, or designation which is false or misleading he may publish his findings.

"SEC. 6. That whenever standards shall have been fixed and established under this act for any grain and any quantity of such grain which has been sold, offered for sale, shipped, or delivered for shipment in interstate or foreign commerce shall have been inspected and a dispute arises as to whether the grade as determined by such inspection of any such grain in fact conforms to the standard of the specified grade, any interested party may appeal the question to the Secretary of Agriculture, and the Secretary of Agriculture is authorized to cause such investigation to be made and such tests to be applied as he may deem necessary and to determine the true grade: *Provided*, That any appeal from such inspection to the Secretary of Agriculture shall be taken before the grain leaves the place where the inspection appealed from was made and before the identity of the grain has been lost, under such rules and regulations as the Secretary of Agriculture shall prescribe. In every such case the Secretary of Agriculture shall charge and assess, and cause to be collected, a reasonable fee in amount to be fixed by him, which fee shall be refunded if the appeal is sustained. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts. The findings of the Secretary of Agriculture as to grade, made after the parties in interest have had opportunity to be heard, shall be accepted in the courts of the United States in all suits between such parties, or their privies, as prima facie evidence of the true grade of the grain determined by him at the time and place specified in the findings."

Strike out all of section 7 and in lieu thereof insert the following:

"That whenever standards shall have been fixed and established under this act for any grain no inspector shall certify that any grain which has been shipped or delivered for shipment in interstate or foreign commerce is of any grade, unless said grade be one of the grades fixed in the United States official grain standards, nor shall any such inspector use any other standard than that established under this act to determine such grade.

"Whenever, after opportunity for hearing has been given, the Secretary shall determine that any inspector is incompetent or has knowingly or carelessly graded grain improperly or by any other standard than is authorized by this act, when such standard has been fixed and established, or has issued any false certificate of inspection, or has accepted any money or other consideration directly or indirectly for any neglect or improper performance of duty, or has knowingly violated any provision of this act or of the rules and regulations made hereunder, the Secretary may issue an order prohibiting such inspector thereafter from inspecting or grading grain for interstate or foreign commerce and from issuing any certificate of inspection thereon.

"Every certificate of grade issued by an inspector under this act shall state that the grain to which it refers has been inspected and graded in accordance with the United States official grain standard."

SEC. 8. That the Secretary of Agriculture shall, from time to time, make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this act.

SEC. 9. That any person who shall violate any of the provisions of sections 4 or 7 of this act, or any inspector licensed under this act who shall knowingly or carelessly inspect or grade improperly any grain which has been shipped or delivered for shipment in interstate or foreign commerce, or shall knowingly or carelessly give any false certificate of inspection or grade, or shall accept money or other consideration, directly or indirectly, for any neglect or improper performance of duty, and any person who shall improperly influence or attempt to improperly influence any such inspector in the performance of his duty, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $1,000, or be imprisoned not more than one year, or be punished by both fine and imprisonment.

"SEC. 10. That every person who forcibly assaults, resists, impedes, or interferes with any officer or employee of the United States Department of Agriculture in the execution of any duties authorized to be performed by this act or the rules and regulations made hereunder shall, upon conviction thereof, be fined not more than $1,000 or be imprisoned not more than one year, or be punished by both fine and imprisonment.

"SEC. 11. That the word 'person' wherever used in this act shall be construed to import the plural or singular, as the case demands, and shall include individuals, corporations, companies, societies, and associations. When construing and enforcing the provisions of this act the act, omission, or failure of any official, agent, or other person acting for or employed by any corporation, company, society, or association within the scope of his employment or office shall in every case also be deemed the act, omission, or failure of such corporation, company, society, or association, as well as that of the person.

"SEC. 11½. The term 'inspector' as used in this act shall mean a person authorized or employed by a State, county, city, town, board of trade, chamber of commerce, corporation, society, or association to inspect or grade grain.

"SEC. 12. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $125,000, which shall be available until expended, for the expenses of carrying into effect the provisions of this act, including rent and the employment of such persons as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere."

The CHAIRMAN. Does the gentleman from Minnesota desire recognition on his amendment?

Mr. ANDERSON. I desire recognition, but I understand that the gentleman from Missouri [Mr. RUBEY] desires to make a request for unanimous consent.

Mr. RUBEY. Mr. Chairman, I renew the request I made yesterday for unanimous consent, that the remainder of the time for debate under the five-minute rule on this amendment be devided, and that the gentleman from Minnesota [Mr. ANDERSON] who is a member of the subcommittee, may control half of the remaining time for that side and that I may control half the remaining time on this side.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the remainder of the time for debate under the five-minute rule on this amendment, which is 80 minutes, be

controlled one-half by himself and one-half by the gentleman from Minnesota [Mr. ANDERSON]. Is there objection?

Mr. LINTHICUM. Mr. Chairman, reserving the right to object, I should like to have at least seven minutes on this amendment in opposition to it.

Mr. ANDERSON. Of course, I am perfectly willing to yield to the gentleman. I presume, however, that the gentleman from Missouri [Mr. RUBEY] will have no objection to yielding to him.

Mr. LINTHICUM. I am opposed to the amendment. I will take time from either side. I have no objection.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota [Mr. ANDERSON] is recognized for 40 minutes.

Mr. ANDERSON. Mr. Chairman, I desire to be notified when I have occupied 10 minutes, if I occupy that much time.

The amendment which I have offered goes only to section 7 of the amendment, which authorizes the Secretary of Agriculture to license persons who may be found competent to grade and classify grain under this act.

There are in the country now a number of grain-inspection systems in the different States. These systems may be divided into two general classes. One of these classes is that in which the inspectors of grain are appointed by the boards of trade or grain associations representing the buyers of grain. The other is what is known as the State inspection system, such as exists in the State which I have the honor to represent in part, in the State of Washington, in the State of Oklahoma, in the State of Missouri, and in several other States.

These State systems have grown up through the years, the one in my State having been in operation some thirty-odd years. The fundamental difference between the State system and the board of trade system is this: Under the State system the inspector represents the State. He neither represents the buyer nor the seller. He is a State officer, and the certificate which he issues is a State certificate. In the case of the board of trade inspection the inspector represents the board of trade, and the board of trade represents the buyer. The purpose of the State system is to separate the inspection from the interest of the buyer, the seller, the elevator man, or any other person interested in the grading or standardization of the grain and put the inspection squarely under the disinterested authority of the State.

Now, the grading of grain is a very technical subject. Perhaps it would not be out of place for me to take five minutes to outline the system that exists in Minnesota and other States for grain inspection.

At the terminals in Minneapolis and Duluth there are hundreds of cars of grain arriving during the day and night. Sometimes at the yard there are as many as a thousand cars of grain to be inspected during a single day. These cars are run onto special tracks, and as soon as it is daylight the samplers, who represent the State and are State officers, bonded to the State, come into the yard to take samples from the cars of grain. Ahead of them go the State sealers. They break the seals, take the number of the car, and the number of the seal, which is reported to the State grain-inspection department. After the sealer has broken the seals the sampler who represents the State goes into the car, and, with an instrument known as a probe—a long, brass tube—he takes at least seven probes in the car, and these are mixed together on a cloth provided for that purpose and then placed in a sack, and constitute the sample upon which the State grain-inspection service determines the grade. Into the sack goes a little card, upon which is the number of the car, the date, and the name of the sampler. There is absolutely nothing on the card to indicate from what point the grain came or who its owner may be.

These sacks are taken to a large room, where the State inspectors do their work. Each one of the inspectors has a large table set up against a large window, having the character of a skylight, and there, by means of certain mechanical appliances, together with his judgment of grain, he determines the grade of that grain. He places on the card the grade, and if it falls below No. 1 or is rejected or is classed as no grade, the reason why it is so classed and the amount of dirt in the grain per bushel or dockage.

If the shipper or purchaser is dissatisfied with the grade fixed by the inspector, he may ask for a reinspection. If he asks for a reinspection, the sample is reinspected by the chief inspector or his deputy. After the chief inspector or his deputy reinspects the grain, if the purchaser or seller is still dissatisfied, he may appeal to the State board of grain appeals. This board consists of three members appointed by the governor, and they have the final say as to the grade of the grain and the amount of the dockage.

Now, under this bill no provision is made for sealers—men who may unseal the car and seal it up again under the authority of the Federal Government. No provision is made for taking any sample of any kind. The men appointed and licensed under this act are in no sense Federal employees. They must be either the employees of the State or the employees of the board of trade.

Mr. MOSS of Indiana. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. MOSS of Indiana. Why not explain to the House just how these inspectors are appointed?

Mr. ANDERSON. The inspectors under this bill are appointed by the State, by the board of trade, or possibly by the Federal Government. But the provision to which I have referred authorizes the Secretary of Agriculture to license these inspectors, and his control over them, of course, is established by his power to license, to refuse to license, or to revoke the license.

Mr. MOSS of Indiana. Will the gentleman yield again?

Mr. ANDERSON. Yes.

Mr. MOSS of Indiana. Under this bill, as presented by the committee, would there be any change whatever in Minnesota, so far as the inspectors are concerned?

Mr. ANDERSON. I hope not, but I fear there will be. This bill authorizes the Secretary of Agriculture to license any person as inspector. Suppose he licenses somebody not authorized as an inspector by the State of Minnesota? That person may under this act inspect grain for interstate commerce, and we will have a conflict of authority and of certificates.

Mr. MOSS of Indiana. The gentleman wants to be perfectly fair, and he is well acquainted with this bill. Isn't it true that the Secretary of Agriculture under this bill has no right whatever, under any circumstances, to appoint any man to make a primary inspection of grain?

Mr. ANDERSON. I do not think so. I think under the language of this section, for which I have offered a substitute, the Secretary of Agriculture may license anybody who is competent to inspect grain.

Mr. MOSS of Indiana. That is true.

Mr. ANDERSON. Whether he is authorized under the laws of the State or not. If a license means anything, it means the authority to do an act which is otherwise unlawful.

The CHAIRMAN. The gentleman from Minnesota has used 10 minutes.

Mr. MADDEN. Will the gentleman yield to me for a question?

Mr. ANDERSON. For a question.

Mr. MADDEN. Does the gentleman know that the inspectors of States are all under bond, and if they grade grain at one place and it turns out at the destination that it is another grade that inspector is liable under his bond for the difference between the two standards?

Mr. ANDERSON. I know that. I know that every employee is bonded to the State for the faithful performance of his duty. In Minnesota all of the inspectors have been in the service more than 10 years and half of them more than 20 years.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. McKENZIE. While it is true that this bill provides that anyone who is competent may be appointed as an inspector, is it not also true that the preference shall be given to State inspectors already in the service?

Mr. ANDERSON. That is true; a preference is given to the State inspectors; but we must judge this law not from what we hope the Agricultural Department will do under it but by what it may do under it, and it may wipe out the State systems by the appointment of inspectors who are not authorized under the State laws.

Mr. STEENERSON. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. I can not yield any further. I want to explain the amendment that I have offered. If later on I can get more time I shall be glad to yield. The situation which is now presented illustrates more forcibly than anything I can say the absolute absurdity of attempting to pass a bill of this kind under the circumstances under which we are now legislating. There is not one man in a hundred in this House who knows anything about the technical conditions to which this bill is to be applied. No man can legislate with any degree of intelligence upon any subject who does not know the technical conditions to which the bill when it finally becomes a law must of necessity be applied, and yet we can not get time to answer the legitimate questions which may be asked. The amendment which I have offered goes this far: It authorizes the Federal Government to fix a standard for grain. It leaves the State systems as they are, but provides that if

an inspector under a State system fails to perform his duties in accordance with the law or to grade in accordance with the standard fixed by the Federal Government the Secretary of Agriculture may prohibit him thereafter from inspecting grain for interstate and foreign commerce. It simply provides that the inspectors under the State must grade grain to conform to the United States standard when that is once fixed, and if they fail to apply that standard fairly the Secretary of Agriculture may issue an order prohibiting them from inspecting grain for interstate and foreign commerce. The question may arise as to whether we have the power to do that. If we have the power to license, I think we have the power to prohibit in the form which I propose in my amendment.

Mr. CHIPERFIELD. Mr. Chairman, I would like to ask the gentleman a question, and in fact I would like to have a little time.

Mr. ANDERSON. Mr. Chairman, I will ask the gentleman from Missouri to use some of his time now.

Mr. RUBEY. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. Moss].

Mr. MOSS of Indiana. Mr. Chairman, I shall not attempt to discuss the technical details of the bill, but I shall give notice to those present that I will, when I can get consent, place in the RECORD a speech that I had the honor to deliver before the National Grain Dealers' Association, at Peoria, Ill., in which I attempted a careful analysis of this bill.

Mr. MADDEN. Mr. Chairman, I suggest that the gentleman ask that permission now.

Mr. MOSS of Indiana. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing in connection therewith a speech that I delivered before the National Grain Dealers' Association of Peoria, Ill.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, I do not intend to object to all of these requests to extend, but I believe I did yesterday object to two or three for the purpose of showing the enormity committed by the majority in attempting to dispose of such important matters without consideration. I shall withdraw the objection I made yesterday and I will not object now.

The CHAIRMAN. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, inasmuch as the gentleman from Illinois [Mr. MANN] objected to my extending yesterday, I will not object to it to-day.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOSS of Indiana. Mr. Chairman, this bill recognizes that there are two functions in grain inspection. One is purely State and the other is national in its scope and purpose. No man can pretend that the National Government has the power to go into a State and inspect grain intended purely for State commerce. Hence there must be a purely State system of inspection, but there should also be an inspection of grain which goes into interstate commerce. These two functions are separate and distinct, because each is exercised under a separate sovereignty. If it is insisted that no cooperation shall take place between State and Nation, then we must organize and maintain two distinct systems. This bill seeks to take those two systems and place them in harmony with each other. It does so by recognizing that the State shall appoint all of the inspectors and shall conduct absolutely and without any restriction whatsoever all primary inspection of grain, exactly as it is done to-day. Illinois will inspect all grain, just as that State conducts such inspection to-day, and so will Minnesota and every other State in the Nation.

The Secretary of Agriculture does not now have the power to interfere in any way with the primary inspection of grain, and he is not given that power in this bill. In every State system there is a provision for appeals from inspection to be made, and this bill seeks to take over all appellate power so far as it relates to grain in interstate commerce and vests that power exclusively in the Secretary of Agriculture. If the bill be enacted into law, this is what will happen: The States will control primary inspection, precisely as they do to-day, for all State inspection and purposes whatsoever, but with that grain which enters into interstate commerce, or which is offered for sale to enter interstate commerce, if a dispute shall arise between the buyer and seller as to the true grade of the grain that dispute will be referred to the Secretary of Agriculture for determination. That is all there is in the bill one way or the other. Permit me to say that this bill has the indorsement of the grain trade in all parts of the United States. It has been indorsed by the National Millers' Federation and by the National Grain Dealers' Association; it has been indorsed by every prominent chamber of commerce in the United States. It has the indorsement of every paper in the United States that is devoted to the grain trade. It has been indorsed by every State grain association in the United States. It has the indorsement of the Secretary of Agriculture and of all the experts in the Department of Agriculture. It has the indorsement of two subcommittees that have been appointed from the Committee on Agriculture, representing the great grain States of this Union. It has received at least two unanimous votes of the Committee on Agriculture and it has passed this House on a roll-call vote by a very much larger than two to one vote.

Mr. STEENERSON. Mr. Chairman, will the gentleman yield?

Mr. MOSS of Indiana. Yes.

Mr. STEENERSON. Has it the support of the farmers' associations?

Mr. MOSS of Indiana. I can not state that definitely. If it has their opposition, I do not know it; but I do know this, that I have letters from some of the most prominent members of the farmers' associations in the Northwest in which they tell me that this bill takes a long step forward in the direction which they want to go. I will be fair with the gentleman and say that most of the farmers of the United States, through their associations, want absolute national inspection instead of national supervision, and the only difference in opinion between the farmers of the United States and those who framed this bill is that they—the farmers—want to go to a system of absolute national inspection, while the authors of this bill know that it is impossible to get such a bill through Congress. Every farmer who wants national inspection, however, is in favor of national supervision if he can not get the more radical step.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

The Peoria address is as follows:

PROPOSED LEGISLATION PROVIDING FOR FEDERAL SUPERVISION AND INSPECTION OF GRAIN IN INTERSTATE AND FOREIGN COMMERCE.

[Address of RALPH W. MOSS before the National Grain Dealers' Association, Peoria, Ill., Oct. 12, 1915.]

"Mr. President and gentlemen, men who control large business enterprises are apprehensive when legislation is proposed which affects their interests. In America, this feeling is more marked than in older countries, because her individual initiative has been given greater freedom. The best public opinion of to-day, however, is demanding that closer governmental supervision be given business activities, not in way of hostile repression, but rather of helpful organization and of friendly supervision. I am glad that your powerful association has invited so eminent authority as Senator SHERMAN to discuss this subject for your benefit. The farmer is the producer of a large share of the wealth of this great Nation. He does produce nearly all the prime necessities of life. Any condition which affects the interests of the farmer is of vital interest to all people of our Republic, because their food supply comes from the farm. Unfortunately, the farmers are the poorest organized of any of our wealth-producing classes and have, perhaps, the lowest individual initiative. It is but natural that we should seek to give to this great industrial calling the benefits of Federal supervision in the marketing of their principal products. But while I welcome this extension of Federal power and activity, I deplore the zeal which has led the Bureau of Chemistry to attempt to apply the terms of the national pure-food law to the commerce of our principal grain crops. All thoughtful men will quickly agree that legislation which is to apply to any line of commerce should be carefully considered in full and free conference with those whose business is to be affected by it. The extension of the terms of any statute so as to include scope which was not originally intended by the framers of the law has rarely given beneficial results; and I believe that I am on safe grounds when I assert that in the instance under consideration the results have been mischievous if not actually pernicious to the legitimate grain trade. Your experience with the regulations framed under this law ought to prompt your membership to earnest zeal in securing a fair statute which shall be framed especially to meet the necessities of the grain trade and which will be administered by experts chosen expressly because of their knowledge and experience in the grain trade. It is only by this method that you can secure relief from attempts to apply the pure-food law to the control of interstate commerce in grain.

"There is a well-organized and intelligently directed movement, having for its purpose the demand that the National Government shall take cognizance of the grain trade. It is desired that uniform standards of quality and condition for the principal commercial grains shall be established and declared and their integrity be guaranteed by general supervision of our interstate and foreign grain commerce. This agitation has led

to extended hearings by committees of both Houses of Congress, the preparation of many bills dealing with this subject, and the passage in the House during the late session by practically a unanimous vote of House bill No. 17971, known as the Moss bill. Later this bill was favorably reported to the Senate and its passage was prevented only by the lateness of the session.

"This bill has the favorable indorsement of the Secretary of Agriculture, the representatives of your own association, of the National Millers' Federation, the Indiana Grain Dealers' Association, the principal chambers of commerce and boards of trade, national farmers' organizations, that portion of the American press which is particularly devoted to the grain trade, and of general public opinion, so far as any authorized and definite expression can be secured.

"To this general statement there must be noted two exceptions which comprise the opposition to the bill, so far as such opposition has come to my knowledge. First, the opposition of the exporters of Baltimore, New York, and Boston, so far as their organizations have spoken; and second, that very influential body of men, particularly among grain producers, who favor the more radical proposal of Government inspection as against the method of supervision which is proposed in the bill. It is to be noted that the Gulf exporters support the bill. It may also be said that many among those whose first preference is for Government inspection are heartily supporting the bill, both as a matter of expediency and also because it is a long step forward in the direction which they wish the Nation to travel. Excepting the position of the grain exporters referred to, I have observed no expression of opinion which was not to the effect that the bill would have a most salutary effect on the grain trade and will meet the criticisms which are generally directed against it at the present moment.

"There can be no hazard in the statement that legislation will be enacted speedily on this subject; and because of its position of advantage—because of the definite expressions of approval from powerful bodies among grain men—I can confidently predict that the bill which I have the honor to have introduced in Congress will be made the basis of such legislation. I feel, therefore, that an analysis of the proposals contained in the bill will be more profitable at this moment than any argument which I might be able to present in support of the bill. I feel sure that among the membership of your association the fact that the bill has been able to command the indorsement of your very able legislative representatives, Mr. Reynolds and his associates, will be accepted as conclusive that its provisions are not inimicable to your interests as a trade body. In this connection, I beg to express my personal indebtedness to Mr. Reynolds and to members of the grain trade generally for their generous cooperation in the preparation of this measure. In their various appearances before our committee and in the many private conferences which were held during the course of the bill's preparation, your representative men used their intimate knowledge of the grain trade with such courtesy and tact as to impart information freely without any appearance of dictation; and it is not much to say that the bill in its present form is much influenced by this generous cooperation among the representative grain men of the Nation. This result is a refutation of the charge that legislation affecting large business interests can not be perfected without undue antagonism from those who will be affected by its restrictions and provisions.

"The legislative proposals contained in the bill may be roughly divided into three parts. The preparation and publication of uniform standards of quality and condition of grain by the National Government; the coordination of all existing systems for grain inspection with the newly-created Federal system, and the establishment of a general supervision by the Federal Government over all grain moving in interstate and foreign commerce for the detection and publication of all fraudulent practices.

"The first proposal is to authorize and direct the Secretary of Agriculture to investigate the handling, grading, and transportation of grain and to fix and establish standards of quality and condition for corn (maize), wheat, rye, oats, barley, flaxseed, and such other grains as, in his judgment, the usages of the trade may warrant. There is no opposition to this proposal so far as it has come to my knowledge. It is universally conceded that we ought to have uniform standards in the grain trade and that we can secure them only through the action of the Federal Government. National standards can be established and enforced only by national power. Congress has been appropriating large sums annually for some years to enable the Secretary of Agriculture to investigate these related questions and ultimately to establish such standards. It will be recalled that standards of corn have been published by the department; but the Government has no power to enforce such standards after they have been prepared and published. The fact that corn standards have not been universally adopted demonstrates the fact that mere publication or promulgation of grades by any authority, however eminent, will not work reform without effective supervision by the National Government.

"It is not necessary to question the ability or the honesty of State inspection officials. Their authority can not extend beyond State lines, and it is manifestly impossible to secure uniform grain-inspection service or the adoption and use of uniform standards by an appeal to the action of 48 independent State governments. Grain moves so freely in interstate commerce that it presents a national question and must be dealt with by the National Government. The bill vests the power of supervision in the National Government through control of interstate commerce. This power is ample and is not questioned. Personally, I have no doubt that Congress, through its grant of power to fix the standards of weights and measures, can legislate to fix standards of quality for grains; but it has been thought best to work through the interstate clause of the Constitution and thus avoid any new interpretation of constitutional powers.

"The bill seeks to control only the sale of grain when made or offered by grade. The liberty to buy and sell by sample or by type is left unabridged; sales may also be negotiated under any name or designation which is not false or misleading and which name or designation in whole or in part does not include the terms of any official grain standard. No grain can legally be sold by grade except the grade be one of the official grades designated by the Secretary of Agriculture, and the grain actually conforms to the requirement of the grade specified. We must agree that these are ideal conditions—that the seller must deliver exactly that which he contracts to deliver, and that the buyer will thus be given that which he has purchased. The Secretary of Agriculture is given broad administrative powers to enforce these ideal conditions and thus secure their general adoption.

"The bill does not vest the Federal Government with the power to make primary inspection of grain or to appoint grain inspectors. It seeks to establish practical cooperation between State and Nation in the work of first inspection and takes over to the National Government exclusively the determination of all appeals from the first inspection. The general work of primary inspection is left with local authorities as now constituted. This means that in those States where State inspection is now authorized by law, the State authorities will continue to appoint inspectors and to control the work of inspection. If the boards of trade and chambers of commerce appoint the inspectors, these trade bodies will continue to exercise such powers. The inspection service is left precisely where it is now vested by State law. Even if this were not desirable as a matter of expediency in securing the enactment of this legislation it would suggest itself as a matter of desirable economy in administration of intrastate and interstate commerce in grain. It is evident that the National Government can not take over the work of inspecting grain designed wholly for intrastate shipment. If there is to be no cooperation between national and local authorities in this necessary work of grain inspection, it follows that there must be maintained two separate and complete systems of grain inspection—one maintained by the State for State purposes and one by the National Government for interstate commerce.

"This would be a duplication of service and expense which can not be justified on any other grounds than that of actual necessity. If practical cooperation can be organized, good business judgment will confirm its adoption. The bill seeks to perfect such practical cooperation by authorizing the Secretary of Agriculture to issue licenses to competent persons to inspect grain for interstate shipment. If the local authorities appoint a duly licensed inspector, then such inspector would have the authority to make inspection for both State and interstate commerce. In effect, the State authorities would be compelled to appoint from the eligible list prepared by the Secretary of Agriculture or else deny to the grain in their territory—when sold by grade—entrance into interstate commerce or compel its inspection at some point where such licensed inspectors are employed. Such license is revocable by the Secretary for failure to grade grain correctly in accordance with the official grain standards of the United States or for any corruption of official integrity. Under this provision, if cooperation was maintained, each local grain inspector's authority would depend upon the joint approval of State and National authority. The State authority would appoint and the national authority would license with power to revoke.

"This license feature has met with strong opposition from the friends of State inspection. It is one of the exasperating small details which vex the preparation for any measure which con-

cerns the employment of salaried men. The friends of those who now enjoy positions wish to make assurance doubly sure that no discrimination is possible against their friends, while others are afraid that loopholes will be constructed which can be taken advantage of by the unscrupulous. Doubtless the fears of each group of partisans are groundless. I can not believe that any State would knowingly tolerate the employment of incompetent or corrupt graders, and I am perfectly confident that with the other administrative features of this bill in operation, even without the license feature, that such incompetence or corruption would be detected and exposed by the supervisory force of Government experts. In the end a State, even if it can be conceded that it is possible for the low standards of efficiency or honesty to find favor with any State, such a State would be driven to raise its standard to the common level of national service. On the other hand, under the high administrative methods sure to be sanctioned by the National Government hostile discrimination against individuals or States would be impossible, and those now in the employ of local authorities who are competent and worthy would doubtless be licensed by the National Government so that the service might benefit by their continued employment. Practical cooperation is always based on the assumption of honest, good-faith effort on part of all cooperators, and I know of no reason to challenge such an attitude on part of either State or National Government in an effort to improve and perfect the grain-inspection service.

"Uniformity in this service is further guaranteed by the provision that all certificates, written or oral contracts, invoices, and bills of lading relating to any shipment or offer for shipment of grain in interstate or foreign commerce shall not refer to such grain as being of any other grade than one of the official grades of the United States. As grain can be legally sold by sample or by type or by special trade designation, this provision is necessary in order to give that class of sales which the bill is designed to encourage that advantage which the judgment of third parties not interested in the terms of the trade always confers. It also makes it practically impossible to negotiate trade on credit instruments except that such trades be made by grade. It is one of the strong features of the bill, viewed from an administrative standpoint, and I am gratified to find so little objection to its adoption. Taken in connection with the licensing feature, it will go far toward strengthening the administration of all local inspection service.

"We may sum up the provisions of the bill so far as they relate to the ordinary routine of sale and delivery in interstate commerce: The Secretary of Agriculture is authorized to fix uniform standards for all commercial grains, which standards must be used in all trading in grain where the sales are made by grade. Grain may be sold by sample or by type without reference to the terms of the bill. Sales may be made by name or designation, if such name or designation is not false or misleading, and which name or designation does not include in whole or in part the terms of any official grain standard. All grain inspectors are appointed by local authority, after such persons have passed a successful examination before the Secretary of Agriculture. Provision is made whereby grain can be shipped from a point where no licensed inspector is stationed to a point or through a point where such licensed inspector is stationed, subject to inspection at such points. All grain which is sold by grade must be sold under one of the official grades, and the grain must conform to the requirements of the grade under which it is sold. All certificates, invoices, contracts of sales, and agreements to sell, relating to the shipment or delivery for shipment in interstate or foreign commerce, must refer to the grain as being one of the official grades as fixed by the Secretary of Agriculture.

APPEALS.

"After grain has entered interstate or foreign commerce, or has been offered for such shipment, and the grain shall have been inspected, any dispute as to the fact that the grain actually conforms to the standard of the grade specified in the contract of sale may be referred to the Secretary of Agriculture for settlement by either party in interest. This provision of the bill takes away from State authority all appellate power in the grain-inspection service in interstate commerce and lodges that jurisdiction with the Secretary of Agriculture. The findings of the Secretary as to the grade is made prima facie evidence in any United States court of the true grade of the grain at the time and place specified by the Secretary in his findings. No objection has appeared prominently to this grant of power to the Secretary, but a sharp difference of opinion exists as to the manner in which this right to appeal should be exercised. This is one of those apparently irreconcilable differences which grow out of the natural conflict of interest between buyer and seller. The position of the seller is that the right of appeal should be limited to the time and place of delivery or offer of delivery; the buyer prefers to prolong his right of appeal to include the moment when he receives his grain at the point of final destination. The bill seeks to harmonize this natural difference in interest by providing that the appeal must be taken before the grain leaves the place where the inspection appealed from was made, and before the identity of the grain is lost. As grain may be shipped to any point where a licensed inspector is stationed, subject to inspection at that point, it follows that by contract it is possible for any buyer of grain to designate the point where he may wish to receive the grain. The appeal can thus be taken at the point where he has elected to receive his grain. The general principle recognized by the bill is that the owner of the grain must accept all hazard as to the grain going out of condition. This risk is usually calculated by the seller in naming price and terms. This is the best business procedure and it was accepted in framing the bill. If grain is sold for Chicago delivery, then the inspection and appeal, if one is taken, must be in Chicago. If delivery is specified to be Buffalo, then these processes are deferred until the grain actually arrives in Buffalo; and this is true of every sale, regardless of the origin of the grain. The point of delivery controls the right of appeal and designates the time and place where the party feeling aggrieved must exercise that right.

"The administrative policy contemplated by the bill is the establishment of grain laboratories at all the principal grain markets and to employ a corps of competent grain experts, who will compose the boards of appeal. These men will be appointed by the Secretary of Agriculture and be solely responsible to him. The bill thus offers the grain trade an official arbitrative tribunal absolutely removed from all trade influences and responsible alone to the majority of the voters of the United States. In this sense the bill provides for Government inspection, because it is possible under its terms for any given lot of grain to be graded directly by the Government officials. The result is secured without in any way impairing existing local systems of grain inspection or by duplicating existing inspection officials. In fact, the local inspection will be strengthened because of Federal examination, supervision, and the adoption of uniform standards. Thus we will secure better grading for strictly intrastate grain commerce and establish an effective system for interstate and foreign commerce.

"The Secretary is also vested with the power to examine grain passing in interstate and foreign commerce by whatever method the sale may have been negotiated. Whenever, after opportunity for a hearing is given to the owner of the grain and to the inspector thereof, if the same has been inspected, it is determined by the Secretary that the grain has been incorrectly graded or has been sold under a name or designation which is false or misleading, he may publish his findings. This provision gives the Secretary power to detect fraudulent practices in the grain trade and to give publicity to fact of their existence. It will tend to standardize the grading at the various market centers and will assist in detecting incompetent or corrupt inspectors, if such should be employed by any local authority.

"The only other important feature of the bill which has provoked serious discussion is that of the permanency of the grades when once established by the Secretary. No question is more vital to the efficiency and to the integrity of the proposed system than this one. I have the greatest regard for the honesty of opinion which this controversy has provoked. It is a moot question and perhaps no man is qualified to say the last word in the argument. There is always a possibility of a mistake being made when the original grade has been established. It is impossible to eliminate the element of human error in the application of the standards when they shall have been declared. The work of grading grain can never be reduced to a mathematical demonstration of accuracy. It is well known that the prevailing quality of grain grown in any locality will vary with the seasons. These are the general reasons which are usually assigned by those who desire flexibility in the grades.

"Canada has settled this vexed question by fixing permanent grades by statute and then permitting the administrative officers to establish commercial grades which may be changed from season to season and for the different provinces. It is apparently the purpose in permitting the formation of commercial grades to facilitate the sale of grain to the best possible advantage. The commercial grades in Canada are in reality sales by sample or by type and can be made under the provisions of the bill, except that the sales would be negotiated between buyer and seller without the advantage of governmental regulation and supervision, other than that of supervision to prevent fraudulent representation. The bill seeks to accommodate the element of error by permitting variations from the official standards under rules and regulations by the Secretary of Agri-

culture. I have been pressed by students of the bill to define exactly the latitude which this language will permit. Unfortunately, this can not be done. It is an administrative liberty of discretion which only the individual officer will determine. It is not the purpose of those who framed the bill and chose the language to permit a greater variation than will exist between the margins of successive grades in any series. Certainly, there was no intention to confer authority on the Secretary of Agriculture to change standards when once published. The authority to make such changes or to authorize them to be made would reside exclusively in Congress. I am strongly opposed to vesting in executive officials large powers which of right should be exercised by the representatives of the people. The functions of executive officials should be that of administration and their influence on the legislative branch should be limited to the making of recommendations when important changes should be made in our legal code.

"It was my hope and ambition to present a bill under the operations of which any grain grower in the United States could offer his product with well-founded confidence that he would receive the ruling market quotation for the particular quality which he had actually produced; and, likewise, that any buyer of grain could place his order for any particular quality obtainable in the markets with reasonable assurance that he would receive that quality for which he had contracted. If these ends were accomplished, then it would be impossible for the present practices, which I am convinced do obtain at times in certain markets where wheat is purchased as a low grade and the identical wheat resold as of a higher grade. Such profits are not legitimate; such practices are not honest. The Government of the United States owes it to her citizens to promote honesty in commercial channels and to encourage legitimate commercial methods by fearlessly searching out fraudulent transactions and exposing them and their authors before the world.

"I do not have special reference to the practice of recleaning, drying, and other like operations, whereby the actual condition of the grain is improved, and hence its rightful commercial grade has been raised. Such operations may be entirely legitimate and of great economic importance. This fact was fully established during the present abnormal season. There is here, as in many other details of actual commercial transaction, a twilight zone in which honesty can be merged into dishonesty, where reputable practices may be displaced by disreputable ones. The grain trade, through the operations of this bill, will be permitted to offer their grains for sale at the actual grade which they bear at the moment of delivery, and will receive quittance for all time from imputations and direct charges of questionable manipulation to the disadvantage of both the producer and the ultimate consumer.

"The provisions of this bill have been subjected to the most crucial tests of criticism. I do not present it with the extravagant claims that it is a perfect bill, but I do claim that it has received the most universal support of any bill on this subject which has ever been presented to Congress. There is not a critic of the bill which will not admit that it will better existing conditions and will remove most of the evils which are known to exist at the present time in the grain trade. It is a distinct step forward in the path which every student wishes to travel. It may not be exactly in all its details as you wish to frame it. That may be said of every important measure. Legislation, as is well known, is a matter of compromise, and good legislation is usually a matter of honest compromise. This bill was framed in the open. The committee hearings were extended and patient. No man can truthfully say that he was not accorded a hearing, and I believe that no man will say that he was not accorded a courteous and patient hearing.

"Legislation will be accomplished at the coming session of Congress. It is possible to secure the enactment of this bill without substantial change if the grain trade will continue to give it undivided support. It is my intention to reintroduce it in its present form the first day of the next session of Congress and to press for an early vote. So far as my present conviction goes, I shall favor no substantial change in its text. I deeply appreciate the generous support which the officers and membership of your association have given me in my efforts to perfect this bill and to secure its approval by Congress. I also wish to express my deep sense of obligation for the honor which the opportunity to make this address conveys."

Mr. RUBEY. Mr. Chairman, I yield now to the gentleman from New York [Mr. HULBERT].

Mr. HULBERT. Mr. Chairman, if I had succeeded in getting the recognition that I asked for yesterday I would perhaps have been better able to present the argument which I have to submit than now because of the cold which I have contracted in the meantime. This may even prevent me from using the time allotted to me, but I desire at the conclusion to offer an amendment, the purpose of which is to strike out those provisions of this grain-grade act so that the inspection will not be applicable to foreign commerce.

I do that because, as I understand it, the real purpose of this bill is aimed at the operation of grain inspection with regard to the exportation of corn, and there is no community in this country which is more affected by the enactment of this amendment than the city of New York, from which port I believe a greater amount of grain has been exported than from any other port in the United States.

And yet, Mr. Chairman and gentlemen, I make protest now that while a measure of this character was under consideration by a committee of this House, affecting, as it does, such a substantial interest in the commercial development of the city of New York and the greatest port of this Nation, the people of that city were not afforded an opportunity to attend before this committee and to give expression to their opposition to this measure.

Mr. MOSS of Indiana. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Indiana?

Mr. HULBERT. I do.

Mr. MOSS of Indiana. I would like to say that the gentleman is entirely mistaken in his statement about this question. I happened to be on the committee at the time the original bill was framed, and I know of my own knowledge that representatives of the interests concerned in New York appeared before the committee and were given every opportunity to enforce their objections to this bill.

Mr. HULBERT. Mr. Chairman, I will say in answer to the gentleman that I hold in my hand a copy of the hearings of the Committee on Agriculture on the bill H. R. 10405, which is substantially this same measure, and there is not a word in there showing that an opportunity was offered to the representatives of the grain or produce exchanges in New York City to be heard on this matter.

Mr. RUBEY. Mr. Chairman, will the gentleman yield?

Mr. HULBERT. Yes.

Mr. RUBEY. Does not the gentleman know that in April, May, and June, 1914, we had extensive hearings on this bill, and that all the principal representatives of these exchanges in New York and Boston and Philadelphia were present and were heard?

Mr. HULBERT. Can the gentleman give me the names of any members of the New York Produce Exchange who were heard before this committee?

Mr. RUBEY. I can not give the names, but I know that they were heard.

Mr. HULBERT. I dispute that, and will read a letter which I have in my hand from the New York Produce Exchange, through which practically all the grain that is exported from the port of New York passes. I read:

NEW YORK PRODUCE EXCHANGE,
New York, February 25, 1916.

Hon. MURRAY HULBERT,
House of Representatives, Washington, D. C.

DEAR SIR: I beg to confirm my telegram of February 23, as follows: "Your letter of 22d concerning H. R. one naught four naught five, grain-grades act received. In May, nineteen fourteen, we were notified of hearing before Agriculture Committee of House, to be held on a Monday, and New York Produce Exchange delegates were present but were not heard, others taking precedence. Hearing was continued following Wednesday, when our delegates were again present and unable to obtain a hearing. At that time the committee granted us the privilege of filing a brief, which was in effect about the same as memorandum forwarded to you last week. Will write more fully."

Then in that letter, confirming this telegram, the chairman of the committee on grain of the New York Produce Exchange continues:

To go into more minute detail, I would say that on examination of the record of the proceedings before the House Committee on Agriculture, in April, May, and June, 1914, we find that 36 witnesses appeared before the committee, of whom 3 represented Government departments, 24 represented the West and Middle West, 1 represented New Orleans, 4 represented Baltimore, 1 Boston, and 1 Philadelphia. NOT A SINGLE REPRESENTATIVE FROM NEW YORK WAS HEARD, ALTHOUGH TWO GENTLEMEN WERE PRESENT ON MONDAY, APRIL 27, AND ON WEDNESDAY, APRIL 29. On the latter date the committee granted our representatives the privilege of filing a brief with the committee. Such brief was forwarded to the committee on May 9, 1914, and was printed in the record of the committee hearings.

We are prepared to send to Washington one of our members who is thoroughly familiar with all the features of the grain business, if you think it would be of any advantage to have him confer with you and other members of the New York City delegation in Congress. If so, will you kindly indicate what day will be convenient to you and most opportune for such a conference?

Yours, very truly,

A. C. FIELD,
Chairman Committee on Grain.

Now, Mr. Chairman, since the New York Produce Exchange did not secure an opportunity to be heard, under the unanimous

consent which has been given me to extend my remarks, I desire to submit, and have incorporated in the RECORD, a statement of their attitude in the matter.

MEMORANDUM SETTING FORTH REASONS WHY H. R. 10405, INTRODUCED BY MR. RUBEY AND KNOWN AS THE GRAIN GRADES ACT, SHOULD BE DEFEATED.

The New York Produce Exchange is an organization made up of some 1,800 members, a large percentage of whom are engaged in the handling of grain in both the domestic and export trade.

The purpose of the produce exchange, as stated by its charter, granted by the State of New York April 19, 1862, is, among other things, "to inculcate just and equitable principles in trade, to establish and maintain uniformity in commercial usages, to acquire, preserve, and disseminate valuable business information, and to adjust controversies and misunderstandings between persons engaged in business." Its by-laws and rules provide means by which business between its members, or between its members and nonmembers, may be conducted with the least amount of friction, and fixes the manner of settlement for any breach of contract or failure to conform to the existing rules and regulations. Under these very proper rules applied and enforced by the elective officers of the exchange, who are chosen for such offices because of the confidence reposed in them by their associate members, the New York Produce Exchange has acquired the reputation here and abroad of maintaining only honorable and equitable principles in trade in all the relations of its members with one another and with nonmembers, whether these latter are in America or abroad.

As a part of its machinery the New York Produce Exchange maintains a grain-inspection department, at the head of which is an inspectors in chief, assisted by a deputy inspector in chief, and many inspectors, weighers, car examiners, samplers, helpers, etc., all of whom, through the inspector in chief, are subject to the supervision of a committee on grain, representing varied interests, and elected to their position by the board of managers because of their standing in the trade, and because of special fitness for such committee work. The salaries of the inspectors and other employees are paid by the New York Produce Exchange, and their employment is assured as long as their work is faithful, efficient, and honest. The inspector in chief has occupied his present position for 25 years, and previously was a deputy inspector. The deputy inspector in chief has been in the department 42 years. Many other inspectors have been with the department over a long series of years, their services being retained during dull periods in order to have them on hand when movement of grain is in greater volume. Competent and trustworthy inspectors are difficult to obtain, and so it has been the practice of the department, having once obtained their inspectors, to retain their services by paying liberal salaries with assurance of continued employment. Inspectors do not come in contact with shippers or receivers, and take their orders only from the inspector in chief.

The grades of grain established by the committee on grain, and approved always by the grain trade of the New York Produce Exchange, are such as are suggested by the experience of years. Be it remembered at this point that those members of the New York Produce Exchange who constitute the grain trade of the exchange do not represent any single interest of the grain trade. Some are brokers representing the western sellers and interested in only those things which facilitate the business of the western seller and himself as broker. Some are buyers from western sellers, direct or through brokers, these buyers differing from each other as to the outlet they seek for the disposition of their purchases. Other members of the exchange purchase in New York and either export or sell for export or sell into domestic distribution. Still others are buyers on the exchange for their own use in milling or otherwise manufacturing or feeding. Even foreign houses have direct representatives in the exchange membership or employ brokers, and the views of these brokers are naturally in agreement with those of the foreign house employing them. Thus in the establishment of grain grades by the grain trade of the New York Produce Exchange the grades are fixed to accommodate the requirements of buyers and sellers, producers and consumers. In Europe the qualities of our various grades are well known, and have been well known for years through an uninterrupted commerce in grain with the United States. These qualities are familiar to buyers not only in the great European seaboard markets but as well in every inland hamlet of the United Kingdom or Continent. That these grades and qualities are in general satisfactory to buyers and consumers is evidenced by the fact that export business has continued uninterruptedly throughout all these years on basis of those grades, and is now being done in all grades whenever the supplies in this country are large enough to permit an export movement. These grades, too, are such qualities as come into competition with grain from Argentina, Russia, and the Danubian countries. The New York Produce Exchange grain-inspection department having gained an enviable reputation because of the integrity of its inspection, and buyers and sellers everywhere, especially foreign buyers, having become accustomed to our grades and qualities, the members of the New York Produce Exchange not only desire to retain these grades so long existing, but as well to protest against any enforced legislation that will disturb the orderly methods that have prevailed for years between the members of the New York Produce Exchange and their customers. By advancing the requirements of the grades in question (corn), as is proposed by the Agriculture Department, competition with foreign export countries for the export grain business to consuming countries becomes the more and more difficult.

The New York Produce Exchange, then, does most earnestly and respectfully protest against the passage of the so-called Rubey bill No. 10405, or any other bill (1) which would make effective any grain grades not established by the grain trade itself, (2) which would make effective any methods of inspection not reasonable and practicable, and (3) which would establish fixed standards at this time on only one kind of grain (corn), leaving all the other grains and seeds for future consideration.

(1) In the first place, the New York Produce Exchange is of the opinion that grain grades should be fixed by those who are practical grain handlers, and that the requirements of each of the several grades should be such as are suggested by the years of experience of these practical grain men. The grades of corn of the Agricultural Department (grades of other grain not yet considered) are not those under which the grain trade has been working nor were they satisfactory to the grain trade (see proceedings of New Orleans convention in October, 1913); but have been put out as what, in the opinion of the Agricultural Department's chemists, these grades ought to be and what will be enforced eventually. Our grades of grain are now well known abroad in every large as well as every small market. To raise requirements as these new corn grades do is to, in effect, introduce entirely new methods, and this means to be obliged to familiarize the thousands of foreign buyers with the changed conditions and new requirements. This is not a matter of months but rather of years, so well known and strongly introduced are the present grades and so generally satisfactory are the present methods of doing business.

(2) In the second place the New York Produce Exchange protests against any legislation that makes effective any method of inspection not reasonable and practicable. Those proposed by the Agricultural Department the New York Produce Exchange claims are neither reasonable nor practicable, the moisture-testing apparatus of Mr. Duval, together with the accompanying scales being too complicated and delicate to permit of rapid work, or at least as rapid as is necessary, for at times the movement of grain is heavy and thus to apply these mechanical devices to every car of grain becomes physically impossible. It would probably be impossible to apply them at times to corn alone, but when other grains are included eventually, as now contemplated, the task becomes indeed hopeless.

Furthermore, the sample (about a handful) from which a moisture test is made is too small to be a basis on which a whole car is graded. Two of these small samples drawn from a carload or from a larger sample, also drawn from a carload, may when tested differ in percentage of moisture one-fourth to one-half of 1 per cent or more, enough to class the two samples in two different grades. In such case, which governs? The Agricultural Department's grade for No. 3 corn is 17½ per cent moisture, 6 per cent damaged corn (not including mahogany), 2 per cent dirt and finely broken corn, and 4 per cent cracked corn.

To ascertain percentage of damaged corn, the sample must be first weighed on these delicately adjusted chemists' scales and then weighed again after the damaged corn has been counted out or separated from the good.

The same process follows to ascertain percentage of dirt.

The same process follows to ascertain percentage of cracked corn.

If one of these factors fall below the prescribed percentages named, the grain must be inspected of a lower grade irrespective of the fact that the other three factors may be above the percentages required. The rule of fair averages may not be applied. In other words, no inspector, however well qualified, is permitted in any way to exercise his intelligence or common sense in the grading of grain, but must fix his grades entirely on result of these involved and impracticable Government tests—tests which may be applicable to drugs and chemicals but not to grain in its natural state.

It is only necessary to bear in mind the several processes required to establish, according to Agricultural Department's methods, the four factors named in the grades to know that any such method as to every car of grain is physically impossible. But, of course, such methods must be applied to every car under the bill proposed, otherwise the certificate of inspection of that car or cars is not what it purports to be; in other words, it would be fraudulent. All the other proposed grades require similar or even more complicated procedure to fix the actual grade.

(3) The New York Produce Exchange protests against any legislation which would establish fixed standards on only one kind of grain (corn). If the standard on one grain is to be fixed, then the standard on all should be fixed at the same sime. Much confusion and complaint would follow having a Government standard for corn and a non-Government standard for wheat and all other grains. If Government standardization is to apply at all, it should apply at one and the same time to all grains, and not to one only.

The New York Produce Exchange respectfully submits, furthermore, that if the bill is approved it should be under an amendment relieving from its provisions grain to be exported. For example, because of climatic and other conditions it is not feasible to establish one standard for corn applicable at all points. The existing Atlantic grades are suitable for the European demand and should not be disturbed, as this bill proposes, otherwise competition with Argentina, Russia, and Danubian countries for the export trade to consuming countries in similar qualities will be made more difficult than before.

The principle of Government supervision is commended—supervision of grades established by grain handlers. We most earnestly protest, however, against giving the Agricultural Department or any bureau of that department power to arbitrarily fix grades at this time and forever after; not only to fix grades, but also to prescribe such impossible methods of inspection as those which have been promulgated by that department.

We further believe that much of the support given the bill does not reflect the free, frank opinion of the western sections, but comes much from fear that should this bill fail of passage greater ills would befall the trade through the workings of the pure-food law. Just what we mean is shown by the following editorial extract from the Price Current Grain Reporter of April 29, 1914:

"The Toledo correspondent of the Price Current Grain Reporter informs his readers that President Paddock, of the produce exchange (of Toledo) has been informed by Secretary Houston, in substance, though not specifically so, perhaps, that those shippers who do not after July 1 next conform their business in corn to the standard corn grades, but ignore them, will come into conflict with the pure-food inspectors, and that all the uncertainties of trade will again obtain in the grain trade."

If the Agricultural Department has conveyed such an impression to the president of the Toledo Produce Exchange, is it not possible that other western interests have been similarly informed and through such information led to support the bill, which, in absence of this information, would not have received such support?

NEW YORK, *February 18, 1916.*

I have no special interest in presenting the claim of the New York Produce Exchange alone, but I am interested in any measure which comes before this House for consideration that enhances or diminishes the commercial development of the port of New York.

It has been stated that the real object of the grain-grades act is to protect the foreign consumer of our domestic grains produced for export. This, it seems to me, is an indictment of our exporters and the commercial bodies under whose rules and regulations their business is fostered and carried on. I, for one, favor legislation which will prevent fraudulent imposition and help establish American ideals of the highest standard in our foreign as well as in our interstate commerce, but to my mind it is un-American and hypocritical that we should enact legislation concededly designed to meet a situa-

tion which must necessarily have arisen because of the complaint of the foreign importer without at least giving the American exporter an opportunity to be heard in his own behalf and to present the other side of what seems to me to be a very serious question. Members of this House do not seem to realize the fact that legislation of this character is bound to prove detrimental to the commercial interests of what is after all not the local port of New York but the commercial center of this hemisphere.

On April 4 I called the attention of this House to the fact that two-thirds of the entire customs receipts of the country—42 per cent of the individual income tax and 25 per cent of the corporation income tax—was paid into the Treasury of the United States from the port of New York; and the exports from the port of New York for the week ending March 11, 1915, totaled in value twice that of the corresponding week for 1914 and were three times as great for the week ending March 11, 1916. How could this committee disregard interests of such vast importance, and how can this House ratify such indifference and justify it before the people of our country?

Fifty-one years ago to-day Jefferson Davis said to the people of the North, "All we ask is to be let alone," and on this anniversary I repeat that all we want in the administration of our affairs is to be let alone; but, if it is considered to be a matter in which the interests of the country as a whole are involved, do not attempt to enact legislation which will stifle and strangle our commercial prosperity and advancement without at least giving us an opportunity to appear before the committee and present for consideration arguments in support of those sacred American rights which we hear so much about.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HULBERT. I ask leave, Mr. Chairman, to extend my remarks and to submit an amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments offered by the gentleman from New York.

The Clerk read as follows:

Mr. HULBERT submits the following amendments:
Page 23, line 13, strike out the words "and foreign"; page 24, line 15, strike out the words "or foreign"; page 24, line 21, strike out the words "or foreign"; page 25, line 16, strike out the words "or foreign"; page 26, line 20, strike out the words "and foreign"; page 26, line 25, strike out the words "or foreign."

Mr. RUBEY. Mr. Chairman, I yield one minute to the gentleman from Indiana [Mr. Moss].

The CHAIRMAN. The gentleman from Indiana [Mr. Moss] is recognized for one minute.

Mr. MOSS of Indiana. Mr. Chairman, in connection with what the gentleman from New York [Mr. HULBERT] has just been saying, that the New York exporters were not given opportunity to be heard, I beg to say that I was chairman of the subcommittee before which these hearings were held. The committee was in session an entire week, and the exporters and representatives of all exchanges were heard fully. No man or section was denied a hearing. The New York men attended some of the sessions. They declared that they could not afford to lose their time and attend all of our sessions. They finally stated they would be very glad to submit their views by brief rather than wait their turn to appear before the committee. This arrangement was suggested by them and at that time was satisfactory to them.

But I want to say here, and will produce the telegraphic correspondence if it is deemed to be necessary to settle the matter of veracity in this case, that the New York exporters were given opportunity to be heard in person and they voluntarily filed a brief.

Mr. HULBERT. I do not question the gentleman's veracity, but is it not true that the representatives of the New York Produce Exchange were here on the two days specified during the week when, as the gentleman stated, the hearings were continued?

Mr. MOSS of Indiana. All gentlemen appeared before the committee in the order in which they notified the committee of their appearance in the city, unless the witnesses themselves waived this order.

Mr. HULBERT. The gentleman has not answered my question.

The CHAIRMAN. The time of the gentleman from Indiana has expired. The gentleman from Minnesota [Mr. ANDERSON] is recognized.

Mr. ANDERSON. I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] is recognized for five minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, is it in order for me to offer an amendment at this time?

The CHAIRMAN. Yes.

Mr. MOORE of Pennsylvania. Then I offer as an amendment the motion to strike out section 6.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Mr. MOORE of Pennsylvania moves to amend the amendment No. 2 by striking out section 6, beginning on page 25.

Mr. MOORE of Pennsylvania. Mr. Chairman, I was very much interested in the statement of the gentleman from Indiana [Mr. Moss], who speaks with authority for the farmers of the country, being a practical farmer himself; and I observe that he said that most of the exchanges, boards of trade, and so forth, were interested in this bill and desired to see it pass.

I wish to say that the Commercial Exchange of Philadelphia does not desire to see this bill passed. On yesterday I undertook to put into the RECORD a memorial from that body setting forth their reasons. It was published in the RECORD of this morning as extensively as I could get the time to read it into the RECORD. But while the gentleman from Indiana [Mr. Moss] was talking, it occurred to me that he was fortifying the argument I desire to make with respect to this section 6, which I think should be eliminated from the bill. Under section 6 it is proposed that whenever there is a dispute after an inspection of the grain, any "interested party" may appeal the question to the Secretary of Agriculture. And looking the gentleman from Indiana, as a farmer, in the face, it occurred to me to ask, "Where does the small farmer with a single carload of grain get off on that proposition?" There is a Government inspector who looks over his grain, and a dispute arises, and "an interested party," one person, can throw the whole carload into demurrage, sidetrack it until the poor farmer for whom my friends on the other side so often plead, is obliged to obtain counsel, or otherwise to get through the red tape necessary to reach the Secretary of Agriculture at Washington to have a rehearing. He must do that for a single carload of grain, everything the man has got to send to market.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. I yield.

Mr. MADDEN. The gentleman must be mistaken about that, because the farmer gets his money for his grain the very moment he turns it over to the buyer.

Mr. MOORE of Pennsylvania. I am not sure about that. Even so, the farmer never wants to get money under false pretenses, and that would be the situation if he accepted money for a carload of grain which he did not deliver.

Mr. HELGESEN. A single carload of grain that the gentleman speaks of is inspected under this law the same as it was inspected before, and an appeal can be taken only if the seller or the buyer desires it.

Mr. MOORE of Pennsylvania. I do not care a cent about that. The gentleman represents just as large interests in the grain-growing section of the country as he sometimes accuses other gentlemen from the cities of representing in an industrial line, and the poor farmer is not in it under this bill.

Mr. HELGESEN. He is, absolutely.

Mr. MOORE of Pennsylvania. I say he is not, for any interested person, any schemer who does not agree with the farmer, any man with whom he has had a quarrel, any blackmailer, can hold up his carload of grain until he gets through the minutiæ and the details and the red tape of reaching his august majesty, the Secretary of Agriculture at Washington. Will the gentleman deny that for a moment?

Mr. HELGESEN. I certainly do.

Mr. RUBEY. I yield five minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, this measure for the uniform grading of grain is of very far-reaching importance to this country. It does not prevent any sales of grain under the system at present in vogue, but it provides an additional safeguard which I believe will be of great advantage to the producers of grain and to the dealers in grain. It furnishes uniform standards fixed by the Federal Government, common throughout the country in all of the great grain markets of the United States, as well as the export cities of the countries, upon the basis of which uniform standard the owner of the grain, whether he be the original producer or a buyer of grain, may know the market value of the grain that he has in his hand.

At present we have a system of State inspection of grain. Each State is entitled to have its own State inspection, and

necessarily a lack of uniformity grows out of that system, no matter how carefully and conscientiously it is followed, because the grain-inspection system of Kansas is under one control and the grain-inspection system of Missouri is under another control. Their grades do not always conform.

Now, as a matter of fact, the State inspections, limited as they are, are a great safeguard to the man who raises the grain and the man who sells the grain. If it were not so, grain bought in the large markets would be largely in the condition of cotton bought in the large markets. It would be bought almost on a standard price that would represent the lowest grade; but as it is now the owner of grain has a means on which to fix the market value as reported from the market centers of the product that he is offering on the market. The State inspections have been of great benefit, and the fact that they have continued for 30 years in the great grain-growing States shows that they have been of benefit. This system is additional, and extends that uniformity and Government control to a wider field. I do not believe that it is going to affect adversely the exporters of grain.

Mr. FESS. Will the gentleman yield?

Mr. BORLAND. Yes, briefly.

Mr. FESS. I voted for this measure a year ago, but at that time I wondered whether national legislation was absolutely necessary, and if the States could not take care of it.

Mr. BORLAND. I think it is necessary, and I will tell the gentleman why. The very fact that there are conflicting State inspections and also private inspections by boards of trade and other organizations, so that there is a variation in the grading of the same grain, has weakened the force of the inspection system, and now in some of the great grain markets with which I am familiar more grain is sold on sample than is sold on certificate of inspection. That ought not to be true, and I think a great deal of that will be obviated by a national system to which all parties can appeal.

I was about to say, about the exporting of grain, it does seem to me that if our buyers abroad know that there is a standard grade of grain in this country, that No. 2 red wheat means a certain thing and that No. 1 hard northern means a certain thing, definite in its character and fixed by the Federal Government, by a bureau of inspection of the Federal Government, the price of grain as shown by the export quotations will reflect truly the value of that grain. On the other hand, if we are allowed to ship grain abroad and quote the prices on the basis of grain that has been gathered from all parts of this country, and possibly also from Canada, so that nobody can tell whether the export price represents his kind of grain that was sold on the Liverpool market for a certain price on a certain day, or some other man's grain, then the buyer is perfectly helpless on these market quotations; but the existence of a standard in this country will give our grain a stability of price abroad that every farmer will be able to count on in this country. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON. Mr. Chairman, I yield five minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 27, line 4, after the word "agriculture," strike out the remainder of line 4 and all of lines 5, 6, 7, 8, and the first word in line 9, and insert in lieu thereof the following:

"*Provided*, That in States which have State grain inspection established by law the Secretary of Agriculture may, in his discretion, issue licenses to persons duly authorized and employed to inspect grain under the laws of that State."

Mr. SLOAN. Mr. Chairman, having been a member of the subcommittee that originally drafted this legislation, and which passed the House a year ago or more, I am interested in its passage. I was greatly interested in the statement of the chairman of the Committee on Agriculture, who said that this bill in substance passed the House by a two to one majority more than a year ago.

I regret to see that one of the most important and fundamental features of the present bill, over which a contest was waged in that subcommittee and the full committee, is present and radically differs from the bill which passed the House. If this bill passes the House it will be because the House has been informed in this debate that it was fully considered a year ago and passed by a large majority.

The feature that I call attention to is this: If the Federal authorities are to take cognizance of grain inspection or the supervision of grain inspection they ought to have the power to do the things they are expected to do, and this provision in this bill absolutely prevents that. The trouble in this country that inspired this legislation is the fact that in the great primary markets like Chicago, Omaha, Kansas City, Duluth, and other markets there have been inspections where No. 2 corn at one point would be No. 3 elsewhere. Corn classed as No. 2 would strike a primary market on falling prices and would be graded as No. 3, so that the farmer and the shipper could not be sure as to what grade he would obtain regardless of the grade he actually shipped. So, having confidence in supervision by the Government, this legislation was proposed.

The important part of the legislation is not in its passage, not as it will be read on the statute book, but in its administration at the primary market, and those who will administer it should be men selected by him having the power of appointment or license without being unduly hampered by State authorities, boards of trade, or any other organization which up to this time have furnished the cause of the mischief that we now desire to remedy.

I call the attention of the members of the committee to page 27, as this bill reads, and which my amendment seeks to change.

Mr. HAUGEN. Will the gentleman yield?

Mr. SLOAN. For a brief question.

Mr. HAUGEN. If the inspection is to be done as provided by States, why have this legislation? That is the very thing we are trying to get away from; that is where the complaint is. The inspections are made by inspectors appointed through politics and controlled by the manipulators of our markets. Why not strike out the whole amendment?

Mr. SLOAN. The provision in the bill which passed this House relating to licensing inspectors is now before the House in the form of my amendment. You will note that my amendment shows the right—this is the change that has been made, and it is fundamental:

Provided, That in any State which has State grain inspection established by law the Secretary of Agriculture shall, in issuing licenses, give preference to persons duly authorized and employed to inspect and grade grain under the laws of such State.

That gives preference to those authorized by the States, not those competent, those who hold their position under State authority shall be preferred over anybody the Secretary of Agriculture may see fit to select.

My amendment is in the language of the bill which passed the House. It preserves to the Secretary the right to license anyone who is competent. If appointees of the State are satisfactory, he may license them. But under the bill as it is they can claim their places as a matter of right and if the Secretary should for good cause remove one or cancel his license he would, in selecting his successor, be compelled to prefer another State employee.

If the States were doing this work of grading interstate shipments of grain satisfactorily to the outside States, then there was no legitimate demand for this legislation. If they were not satisfying the interstate-grain trade, then what abject folly to pass a law placing the supervision in the hands of the Federal authorities and then leaving the primary selection of list of possible licensees in the absolute control of the State authorities.

It will give us legislation reasonably high sounding and somewhat ornamental but of practically no force and effect. The chicken fancier who placed a fat, well-flavored capon in his yard, expecting to thus improve his breed of poultry, may have furnished the suggestions for the sponsors of this bill in its present form, so far as section 7 is concerned.

I do not believe the farmers and country shippers will long fail to see how the great central markets of which they have long complained have been given this important advantage over them.

It will also be an impressive lesson in the fine art of legislating by "rule and rider," recently coming into vogue in this House. Because the difference between the views of those favoring a provision like that set forth in my amendment and those in the present bill were discussed from the beginning of the grain-grading investigation, and no one had the nerve to propose a change of the bill when it was being considered at length in the House in the form of an amendment commanding the Secretary to give preference to the State appointees.

Mr. RUBEY. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, the grain merchants of Baltimore have by their industry and fair dealing built up a splendid export trade. They have done it by properly grading the export grain and sending it to European ports. They have established a tremendous trade, which redounds to the benefit of those exporting men of my city.

Throughout the entire European countries the Baltimore grading of grain is known. It has taken years to establish a reputation for the grading, fair dealing, and energy of the grain merchants of the port of Baltimore, which has made them known

throughout the countries of the world as having their own grades of grain and as conducting a fair, honest, and energetic business.

We feel that to adopt this amendment and incorporate it into the Agriculture bill under a special rule and as a rider upon that appropriation bill is not only unfair to the grain merchants of Baltimore and other export cities but it deprives them of the benefits which they have been earning and receiving after years of toil and work in establishing a special business for the port of Baltimore in the grain trade of the world.

Mr. HAUGEN. Will the gentleman yield?

Mr. LINTHICUM. I can not yield. I have only five minutes. If I have any time remaining, I will yield to the gentleman.

The gentleman from New York has said that New York was the largest export grain center of America. That may have been for last year by a small margin, but we shall certainly eclipse New York this year. I do not think there is any doubt about that, although New York has a tremendous and profitable trade. I am not saying anything in disparagement of its business, but merely to show the rapid strides which Baltimore has made in the last few years.

Baltimore's grain receipts for 10 months of the year 1915, including October, were: Wheat, 40,062,976 bushels; corn, 22,159,361 bushels; oats, 45,549,559 bushels; rye, 12,798,619 bushels; barley, 2,952,641 bushels; malt, 407,881 bushels; buckwheat, 45,838 bushels; making a grand total of 123,976,875 bushels, of which 110,230,396 bushels were exported, together with 1,280,869 barrels of flour, a record of achievement hard to eclipse.

Baltimore city ought not to be deprived of the splendid trade and commerce that has come to her and her merchants by reason of the reputation that the export grain merchants have established for the grading of grain and for the large business they have done. Their grading and fair dealing is their trade-mark in the European world.

We believe that everything is fully covered by the present method of exporting grain, that the people of Europe are satisfied with the grades which we are sending them, and we are therefore opposed to this amendment.

The trade which Baltimore is doing in the grain business is limited alone by the ability to ship and the capacity of the boats. There is constant and heavy demands from European markets for our grain, and our people are conducting a business as heretofore, using the same grades and satisfying their customers to the full extent.

The passage of this amendment creating a law for the grading of grain at this time will absolutely disrupt the grain export business, cause heavy loss to our merchants, and be of no benefit whatever to the grain merchants of our country.

Now I will yield to the gentleman from Iowa [Mr. HAUGEN].

Mr. HAUGEN. Mr. Chairman, I desire to ask this question: Is it not a fact that the practice of the operators to whom the gentleman has referred has so demoralized our markets that even at the present time the people from the coast who appeared before the committee have recently passed a resolution indorsing this bill? I refer now to the exchange at Boston.

Mr. LINTHICUM. I do not know to what people the gentleman refers, but I know that the people of Baltimore, who have established this reputation for the grading of grain and who are doing this immense business of 110,000,000 bushels in 10 months, have not passed any such resolution.

Mr. HAUGEN. If the gentleman is not familiar with the practice, I can point out to him the practice. The practice has been to buy grain in Chicago at one grade and to ship it to Baltimore and advance the grade, and forward it under a supposed Chicago grade, and thus demoralize the market, whereby the grain of the United States can not be sold in foreign markets.

Mr. LINTHICUM. Certainly the trade from Baltimore city has not been demoralized, because it has been on the steady increase, and this year we are going to do the largest business we have ever done, in spite of the fact that last year we did a business in foreign markets of 110,000,000 bushels in 10 months, secondly only, perhaps, to New York, and this year we are going to eclipse New York, even though she is going to do a great business. Certainly as to Baltimore city and its grading, there has been no demoralization of the grain trade.

Mr. REILLY. Is it not a fact that one reason for voting for this bill is the protest of the foreign buyers which has been against the grading of the special men like those to whom the gentleman refers in Baltimore?

Mr. LINTHICUM. I know there has been no protest against the grading of Baltimore. I do not know of any other people to whom the gentleman refers.

Mr. HELGESEN. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. HELGESEN. Does the gentleman know that the men who represented his city before the Agriculture Committee objected to this bill because they said that it would deprive them of the privilege of shipping Nos. 3 and 4 corn as No. 2 to Europe; that that was their objection and that that certainly is a fraud?

Mr. LINTHICUM. The gentleman is mistaken about that. He knows that the question of moisture, proposed grades to be established by the bill, grades already established by exporters, and other questions were under discussion. I say the gentleman is mistaken in his deduction, for certainly there was no intimation of a desire to defraud.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. LINTHICUM. I have not time to answer the question more fully.

Mr. SLOAN. The gentleman is not mistaken. That is what they said before the committee.

Mr. RUBEY. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. DOOLITTLE.]

Mr. DOOLITTLE. Mr. Chairman, I have listened to the statement of the gentleman from Baltimore [Mr. LINTHICUM] regarding large exports from that port and other ports along our seaboard for the last year, and his predictions that the exports for the present year will even eclipse those of the last, and I hope he is correct in his predictions. I suggest to the gentleman and all others who are interested in exportations—the outlet for our products—that the thing which has probably prevented Baltimore now from even eclipsing all former records is the fact that we have not got the ships in which to ship the grain.

We passed the administration ship purchase bill last Congress, but a filibuster in the Senate killed it. I want to address may remarks, Mr. Chairman, particularly to the plan of this bill which provides for the uniform grading of grain all over the country. The present practice is that every State or every board of trade or every concern that is interested in the grading of the product will use its own rules or its own laws. That causes consternation and confusion among the sellers and also among the buyers. A farmer who sells his grain will sell it under the system of grading used at the place where the sale is made, and nine times out of ten he has to rely entirely on the buyer's judgment as to grade, with the possible chances of inaccuracy, even deceit and fraud. When the grain gets to another market it may be graded higher. The commission man at the primary market or the big center will be sure to grade it high enough so that he will make a profit. The producer is entitled to know exactly what the grade and quality are, therefore the true value of his grain, at his home and at every other market. It is proposed by this amendment to this agricultural appropriation bill to make it possible for people in the United States to sell and to buy on uniform grades, and I especially call the attention of the gentlemen on the other side of this aisle who yesterday so vehemently opposed the adoption of the rule which made it possible for us to consider this bill, the Federal warehouse bill, and the cotton-futures act now, that if we had not adopted that rule they would not have been able to consider these important bills at this time and possibly not during this entire session. In my opinion, Mr. Chairman, the rule which was adopted yesterday by the House is the best rule that has ever been brought into the House. It gave me great pleasure to vote for a rule which expedited the consideration and the passage of such excellent measures as these. The country wants Congress to complete its business and quit; it does not want endless talk, filibuster, and obstruction. I am not now going to attempt to go into the details of this grain-grades bill. I had the pleasure and honor of sitting on the subcommittee two years ago that drafted the original grain-grading bill. It was carefully considered by that committee after extensive hearings, at which all interests were represented, and witnesses came from every section of the country. It was approved by the full Committee on Agriculture and it passed this House then by a stupendous majority, and it will pass to-day by the same splendid vote. The measure is in the interests of honest dealings between seller and buyer. It hits no one but the dishonest speculator and manipulator, but it smashes him hard.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. ANDERSON. Mr. Chairman, I yield four minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Chairman, an inspection of this bill will show that there is practically only one section that is in controversy. I think there is no man, at least I have heard of no man, who could not see the benefit of establishing uniform standards of grain throughout the United States. If there is any person who would so claim, I venture to say that that position can not successfully be maintained. It is almost self-

evidently a benefit to this country. The controversy arises over the provision in regard to the manner of inspection, and I can very easily see how that may be legitimately the subject of a great deal of divergence of opinion. In my opinion it would have been better to omit section 7 of the original bill entirely. I think it would have been very much better to have left the entire question of the enforcement of the provision for the standardization with the Secretary of Agriculture under the provisions of section 8 alone without restriction, so that he might better avail himself of every possible method of securing an efficient inspection, than to have attempted to regulate inspection by limitations, as is attempted in section 7. In my judgment, upon a hasty consideration of the question I think the amendment of the gentleman from Minnesota [Mr. ANDERSON] is preferable under the circumstances to the provisions of section 7 of the bill, and I shall support his amendment. However, I think it would be better both to vote down that amendment and then to strike out the provisions of section 7 of the bill and allow the Secretary of Agriculture to establish such methods of enforcement of the law as may be by him deemed best.

Mr. Chairman, I presume that those who have but little knowledge of the grain business, at its home, on the farm, can not understand the enormities of the present system. I could not help but be amused by the statement of my friend from Pennsylvania [Mr. MOORE], that the farmer would not be benefited by this measure. The farmer, above all other men, will be benefited by the establishment of uniform standards, because now grain dealers in the little towns in Iowa make arrangements with those who purchase grain at the various cities by which they are promised that their grain will be given a certain grade if sent to that particular market. In other words, grain standards are manipulated to secure business. Grades are promised not on merit but as inducements to secure business. The favored ones are given good grades; the unfortunate ones suffer, no matter how good their grain. In the same territory where grain is sold one man receives one standard and another man receives another standard. All that is primarily to the detriment of the man who sends his grain from the farm to be shipped to market. It is he who is the victim. He is compelled to accept the grade made by the buyer, who may sell it at a different and higher grade.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. ANDERSON. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Minnesota [Mr. ANDERSON] has 12 minutes and the gentleman from Missouri [Mr. RUBEY] has 14 minutes.

Mr. RUBEY. Mr. Chairman, I yield two minutes to the gentleman from Maryland [Mr. COADY].

The CHAIRMAN. The gentleman from Maryland [Mr. COADY] is recognized for two minutes.

Mr. COADY. Mr. Chairman, I am in favor of the amendment proposed by the gentleman from New York [Mr. HULBERT] striking out the word "foreign" wherever it appears in the amendment.

These gentlemen here to-day seem to be unduly solicitous about the foreign purchasers of our grain. We have had very few complaints from the consignees on the other side of the ocean. Why, then, all this solicitude about the foreigner? I think back of this solicitude is a desire to create more offices; and that, in my judgment, is one of the controlling desires of some of the Members who are pushing this bill.

Mr. RUBEY. Mr. Chairman, will the gentleman yield?

Mr. COADY. Yes.

Mr. RUBEY. The gentleman speaks of protests. If the gentleman will examine these papers he will find many protests from foreign consignees.

Mr. COADY. The gentleman may have protests, and I have numerous protests against the passage of this bill in its present shape; protests from grain merchants along the Atlantic seaboard; protests from men who have been in this business for the last 30 or 40 years, and who have had very few complaints from men on the other side of the ocean.

From 1906 to 1913 Baltimore city alone shipped across the ocean 86,000,000 bushels of corn, with but very few complaints. Is not that evidence of the justice and the fairness and the equity of the rules that govern the inspection and shipment of grain from the port of Baltimore? I would like to read to the committee and put into the RECORD a letter I have here from the Baltimore Chamber of Commerce.

BALTIMORE CHAMBER OF COMMERCE,
Baltimore, December 27, 1915.

Hon. CHARLES P. COADY,
House of Representatives, Washington, D. C.

DEAR SIR: House bill 4646 has been introduced in the House of Representatives. This chamber is strongly opposed to the provisions of this bill, and we feel if it is enacted into law it would be injurious, not only to the grain interests throughout the country but to the producer as well.

Baltimore, as you know, is one of the leading ports on the Atlantic seaboard, and grain is one of the principal articles exported. Would it not be reasonable to suppose that our inspectors must perform their duties conscientiously and efficiently, and our rules for the grading of grain are satisfactory to the shipper to this market and to the foreign buyer, when you consider the large volume of grain received and exported at this port for many years past.

It is our opinion that those engaged in the grain trade are in a better position to solve this problem, and any interference from other sources or unwise legislation may be followed by serious results. We would therefore earnestly request your support in defeating such bill.

Very respectfully,

THOMAS C. CRAFT, *President.*

This letter, as you observed from its reading, refers to House bill 4646, which was introduced and fathered by the gentleman from Indiana [Mr. Moss], but it is similar in nearly all respects to the pending measure, H. R. 10405, known as the Rubey bill.

I am opposed to this bill because it is an unnecessary piece of legislation. The grain men have rules formulated by themselves which are fair, equitable, and just to everyone. The city of Baltimore, which I have the honor in part to represent, is one of the greatest grain-shipping ports in the United States. As my colleague Mr. LINTHICUM pointed out to you, we shipped in the last 10 months 123,000,000 bushels of grain.

Striking evidence of the fact that our present system of inspection in Baltimore is eminently satisfactory to everyone is found in the largely increasing shipments of grain from the port of Baltimore. This surely would not be the case if the complaints were many or well founded. Foreign purchasers would not continue to deal with us if they lacked confidence in our method of inspection. Let me explain to you as briefly as I can how grain is inspected at the port of Baltimore.

When grain arrives at Baltimore, either by cars or by small boats, the grain inspector gets into the car or boat and by means of a machine called a "tryer" he obtains a sample of the grain from all parts of the shipment. He then carefully goes over the sample which he has drawn and grades the grain according to the rules laid down by the Baltimore Chamber of Commerce. If either the buyer or seller does not think the grain has been graded according to the rules laid down by the chamber of commerce, he has the right to appeal to a committee of five merchants, known as the appeal committee, and their judgment in the matter is final. These five merchants are selected because of their knowledge of the kind of grain which may be before them on appeal. Not one inspection out of five hundred is appealed to these committees.

After the grain has been inspected it is unloaded from the car or boat into the bin of the railroad-owned elevators, and placed in these bins according to the grade, without regard to the ownership of the grain. This is done for the purpose of preventing favoritism, as some merchant might think that his lot was better than some other merchant's, although of the same grade. When the grain in these bins is ordered out for export or to some local miller or consumer it is reinspected, not for the purpose of changing the grade, but to see that no deterioration has occurred while the grain was on storage. And again at this point, if the receiver of the grain by personal inspection at the time of loading does not think the grain tendered to him is up to the average, he may again appeal, for the Baltimore Chamber of Commerce has a rule which reads:

No outward certificate of inspection shall be issued for grain which is not equal in every respect to the average of the stock in the elevators of the same grade as that for which the certificate is issued.

The rules laid down by the Baltimore Chamber of Commerce for the inspection of grain do not contain any stipulation as to the moisture contents, and the amount of moisture in the grade is considered by the inspector as one of the important characteristics of the grain, but not the only one. By his long experience he is aware that corn containing 19 per cent of moisture is perfectly safe to export to Europe during the months of December, January, and February; he knows that corn with 19 per cent moisture will not be safe to ship to Europe during the months of April and May, for during these months the change in climatic conditions makes the corn of as high moisture as 19 per cent go through a chemical change which of itself puts the corn out of condition.

Under a hard-and-fast rule for the grading of corn, it would be necessary, in order to comply with standards, to ship during December, January, and February corn of not less than 16 per cent moisture, instead of 19 per cent as at present, and thus the farmers would lose the 3 per cent of weight and obtain less money for their corn, in order simply to meet the requirements of a rule.

The climatic changes in grain, especially in corn, are occasioned by corn being placed in a car at one temperature and going through several other temperatures on its way to its

destination. Thus, corn loaded into a car in Nebraska at a time when the temperature was 10° above zero might arrive at Baltimore at a time when the temperature was as high as 70°. This climatic change would of itself have a tendency to put the corn out of condition. Corn that arrives at Baltimore during the active part of the year, say from the middle of November to the middle of February, contains from 18 per cent to 24 per cent moisture.

The farmers would be the first to feel the injurious effects of such inspection, because the rigid standards that would be set would apply alike to all markets and all sections of the country. I know this bill is detrimental to the interests of the big grain shippers along the Atlantic seaboard, and its effects on the farmer would be similarly injurious, and I hope, therefore, that it will be defeated.

Mr. RUBEY. Mr. Chairman, I yield one minute to the gentleman from Tennessee [Mr. BYRNS].

The CHAIRMAN. The gentleman from Tennessee is recognized for one minute.

Mr. BYRNS of Tennessee. Mr. Chairman, I desire to offer an amendment to section 6, on page 29, line 3, to strike out the word "and" and substitute the word "or."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee [Mr. BYRNS].

The Clerk read as follows:

Amend, on page 26, line 3, by striking out the word "and" and inserting the word "or."

Mr. BYRNS of Tennessee. Mr. Chairman, I presume that this particular clause is inserted to protect and safeguard the shipper in the matter of the preservation of the identity of the grain. The committee will observe from this section that any appeal that may be taken from the inspector to the Secretary of Agriculture must be taken before the grain leaves the place where the inspection appealed from was made, and before the identity of the grain has been lost. The effect of that would be to require the milling interests all over this country to keep a private representative or agent in all the various markets where they purchase grain in order to check up any possible error and be sure that the inspection was proper and in their interest as well as in the interest of those from whom it was purchased. For instance, if a miller at Nashville, Tenn., should buy grain by grade in St. Louis or Chicago, as is frequently done, and the grain was inspected, under the proposed law there would be no practical method of checking the inspection so as to appeal from it, if necessary, without maintaining a private inspector or representative at whatever market the wheat was bought in.

Of course, that is impossible both as to a matter of cost and expense as well as expediency. If this amendment is adopted, it will simply provide that the appeal may be taken either before the grain leaves the place where the inspection was made or before the identity of the grain has been lost; in other words, before the grain has been unloaded from the cars in which it is shipped.

Who can object to that? Why should not a reasonable opportunity be given the consignee to appeal from the inspection after he has had an opportunity to examine the grain when it reaches its destination and before it has lost its identity or has been unloaded from the cars? How can he protect his rights otherwise? Under the proposed system the buyer would have the insurance incident to Federal inspection, but he would have no practical method of correcting an error which occurred at the point of shipment, since the right of appeal would be lost after the shipment had left the place where the inspection was made. It seems to me that there can be no possible good reason why the buyer's interest should not also be safeguarded, and I hope the amendment will be adopted.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. ANDERSON. Mr. Chairman, I yield three minutes to the gentleman from Iowa [Mr. GREEN].

The CHAIRMAN. The gentleman from Iowa [Mr. GREEN] is recognized for three minutes.

Mr. GREEN of Iowa. Mr. Chairman, I voted against the rule providing for the submission of this bill not because I was opposed to the bill, but because I was opposed to the rule, for the reasons already stated in this House by many Members.

I am clearly of the opinion and abundantly satisfied that this bill is in the interest of the grain producers of the country, and I was considerably entertained by the remarks of my friend from Pennsylvania [Mr. MOORE] and the plea that he made on behalf of the farmer. But it is quite evident that he, like other residents of that benighted and proverbially sleepy city which he so ably represents, does not understand at all the manner in which grain is marketed and sold; otherwise he would have known that the objection he is making is not valid.

Appeal can be taken now against the inspection. It can be taken under this bill, but only by the buyer or seller, the parties interested, and there is no opportunity for this to operate against the farmer. I can understand well, also, how the gentleman from Pennsylvania and the gentleman from Maryland [Mr. LINTHICUM], representing these exporters, object to the provisions of this bill. This bill does interfere with the manner in which the export trade has been carried on, and it ought to interfere with it. The exporters have been buying grain at one grade and exporting it at another grade. They have not fooled the foreign buyer by so doing, but they have lowered the price on that particular grade to the injury of the producer, the farmer who raised the grain, and they have so demoralized the export grain trade that before the European war broke out complaints were continual and universal about this practice.

The method has been simply this, Mr. Chairman: Grain was bought by these exporters, say, at No. 3 grade. When it got to Baltimore or New York it was cold weather, and they proceeded arbitrarily under their private system to put it at No. 2, and sold it for that grade.

Mr. LINTHICUM. I think a gentleman who will make a charge of that kind ought to yield for a question.

Mr. GREEN of Iowa. I am making that charge on the authority of the hearings which were had before the committee, and it has been made before by the ranking member of the committee on the Republican side [Mr. HAUGEN].

Mr. LINTHICUM. That can be easily answered, if you will allow it to be answered.

Mr. GREEN of Iowa. I have no control of the time. I am stating a well-known fact.

The price of corn is controlled by the export price on the No. 2 grade, and the price of this grade is controlled by the export price. When the exporter sells No. 3 corn as No. 2, he lowers the market on the last-named grade, and the farmer's price is lowered accordingly. Of course we have almost no No. 2 corn, but it remains the standard and anything that tends to lower its price hurts the farmer to the amount of the reduction.

Mr. COADY. Will the gentleman yield?

Mr. GREEN of Iowa. I am unable to yield out of my time.

Mr. COADY. I would like an opportunity to disprove that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUBEY. I yield to the gentleman from Texas [Mr. SUMNERS] five minutes.

Mr. SUMNERS. Mr. Chairman, I have been taking a little time on this bill, but I do not speak often in the House, and I would not do so now were this not a matter in which I am especially interested, and one in regard to which I believe I have some knowledge.

I am glad to see the House of Representatives undertaking to deal with one of the most important and long-neglected problems of agriculture. You have dealt with the problems of production and preservation of soil fertility, and now you are undertaking an intelligent grapple with the great problem of sale and distribution. The man who produces grain is now far removed from the man who consumes it. It no longer goes to the little custom mill to be ground there. These gentlemen who control the great export markets and who object to this legislation—I say, with due respect to them—do not have the same standing here that the producer and consumer have. They are between these two classes as agents for both, performing an economic service for which they are entitled to receive fair pay, but they have no right to say that their conduct shall not be supervised in behalf of those in whose interest they are working.

It is true, and the gentlemen who represent the export market can not deny, nobody can deny, that there has been much abuse and injury here. The investigation of the transactions of one elevator showed that in one year nearly a million bushels of "no-grade" wheat went into it and not one bushel of "no-grade" wheat went out of that elevator as such. Of course, it went out, but out under grade, which they would not give it when it came in.

Mr. COADY. Will the gentleman yield?

Mr. SUMNERS. I can not yield now. I am making a statement that is sustained by the record. That sort of practice has had a depressing influence on the price of American grain, and it is in the record, gentlemen, that the European buyers will not buy American wheat when they can get wheat from Argentina or Russia, or anywhere else, because of the uncertainty, to say the least of it, of our grading, and the American farmer suffers in the price he gets. [Applause.] What we need in this country is a universal trade language, so that a

trade term will mean the same thing everywhere, and we need national inspection, so that men far separated may safely trade with each other. "No. 1" wheat ought to mean the same thing in every State and every market of this country, and that is what we undertake to accomplish here. I do not see how anybody can object to it. How can the man who is performing an economic service and doing it honestly object to such standards and to the measurement with them by a disinterested agency of the commodity sold? I do not mean to reflect upon my friends who are in the great export markets, but it is a suspicious fact when men engaged in exporting are not willing that the Federal Government, which represents all the people, shall establish standards and exercise the degree of supervision necessary to see that those standards are complied with.

Mr. COADY. Will the gentleman yield?

Mr. SUMNERS. I yield, yes; for a very brief question.

Mr. COADY. Does not the gentleman think it is much better to have private agencies do these things, when they do them satisfactorily, rather than have a governmental agency, which is frequently a burden on the people in the way of taxation, to perform that service?

Mr. SUMNERS. The private agency does it satisfactorily to the employer of the private agency. There is the difficulty.

Mr. DAVIS of Texas. Sure.

Mr. COADY. I think I can disprove that statement.

Mr. SUMNERS. If they do not do it satisfactorily even to the people who have them hired, certainly they can not do it satisfactorily for anybody else. [Applause.]

I do not think this bill goes far enough. I say to you, gentlemen of this Agricultural Committee, you ought to have nerve enough to establish a clearing house of information and a real produce exchange in this country, where men who buy and sell produce can trade, so that every farmer in this country who has a thing to sell that may be standardized or sold by sample may sell through that agency.

This is the greatest opportunity for constructive work which the Agricultural Committee has. Modern conditions demand it. I know that the pressure of these conditions will become compelling before long and we had as well get ready for it.

Mr. ANDERSON. I yield one minute to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Chairman, I desire within the minute allotted to me just to call attention to the amendment that has been offered by the gentleman from Tennessee [Mr. BYRNS], which is to strike out the word "and" and insert the word "or" in the appeal provision of section 6.

The purpose of that is to enable the shipper to have some chance for a real appeal, other than by having to keep at the terminal market a man to inspect on his behalf, in order to see whether an appeal is necessary. Under the provision as it is written the only place where an appeal can be taken is the place where the inspection appealed from was made, and before the identity of the grain has been lost. Now, the result of that is that a man must have his own agent at the terminal markets in order to avail himself of the right of appeal. The change that is suggested would give him the right to take the appeal at any place, under rules to be made by the department, where the identity of the grain has not been lost, and there does not seem to be any reason why that should not be done.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON. I yield four minutes to the gentleman from North Dakota [Mr. YOUNG].

Mr. YOUNG of North Dakota. Mr. Chairman, does the time taken to read an amendment come out of the time for debate?

The CHAIRMAN. It does not.

Mr. YOUNG of North Dakota. I desire to offer an amendment.

The CHAIRMAN. The gentleman from North Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. YOUNG of North Dakota: Page 24, line 2, after the word "act," insert:

"*And provided further*, That such grain shall not be reinspected except as provided in section 6 of this act."

[Mr. YOUNG of North Dakota addressed the committee. See Appendix.]

Mr. ANDERSON. Mr. Chairman, I yield the balance of my time to the gentleman from Iowa [Mr. HAUGEN].

Mr. HAUGEN. Mr. Chairman, I regret that we can not have time to discuss this important proposition. I regret that I have to take issue with my colleague from Kansas [Mr. DOOLITTLE]. We are confronted with this situation: The committee has spent a large part of the time for the last two or three years in preparing this important bill, and members of this committee now, under this gag rule, can not have even five minutes in which to discuss it. In the limited time that I have, it will be impossible to go into the details of the bill. I shall content myself by saying that if ever a bill came up for consideration in this House that was entitled to the loyal support of this House it certainly is this bill. Give it your hearty support; do not allow it to be defeated by these amendments. The committee has given it careful and faithful consideration for the past two years. I believe it is safe to trust to the judgment of the committee and that the bill is as perfect in purpose as it can be made. It may not be perfect in all of its details, but in adopting any amendment one is taking a chance.

In reply to the gentleman from Minnesota [Mr. STEENERSON] and the gentleman from New York [Mr. HULBERT] I call attention to the fact that this bill comes to you backed up by the unanimous report of the committee, by representatives of the Department of Agriculture, by representatives of legislative committees of the Grain Dealers' Mutual Association, the Farmers' Cooperative Association, and of elevator companies, who appeared before the committee and advocated the passage of the bill; by publishers, millers, and representatives of the boards of trade, chambers of commerce, and grain exchanges of Chicago, Louisville, Ky., Buffalo, Indianapolis, Peoria, Minneapolis, Duluth, Toledo, Omaha, Boston, St. Louis, Kansas City, Milwaukee, Baltimore, and others who appeared before the committee; representatives of the warehouse commission of Missouri and the Illinois State Public Utility Commission testified before the committee in favor of the bill. Mr. Stuher, specialist and barley expert, speaking, I believe, for the brewers, indorsed it; in fact, everybody expressed themselves in favor of the bill, except, as has been stated, a few exporters.

As I have stated before, even those people who appeared before the committee in opposition to the bill have realized that our foreign market had been demoralized, they have recognized the importance in passing the bill, and have recently passed resolutions indorsing the passage of the bill.

Mr. Chairman, in view of the universal indorsement and demand for this legislation, coming not only from the farmer, the cooperative associations, elevator men, but representatives of the brewers, of the millers, and the exchanges throughout the country, it seems to me there should be no opposition to this bill. Here is an opportunity to redeem party platform pledges and make good the many expressions of admiration for the farmer made upon this floor, and at the same time insure justice and assistance to all concerned.

Mr. Chairman, I regret that it was found necessary to resort to gag rule in passing this bill. It seems to me that it should have been taken up in the regular way, giving ample time for discussion and amendments, but after two years of striving to have the bill passed it is better to have it come up in this way than not at all, though I shall continue to insist and believe that gag rule and riders on appropriation bills are unwise. Having said this, I shall content myself in asking leave to extend my remarks in the RECORD by inserting in the RECORD my remarks of January 4, 1915, upon the bill.

[Mr. HAUGEN had leave to extend his remarks in the RECORD.]

The remarks of January 4, 1915, are as follows:

The proposed bill provides for the standardization of grain for a uniform application of Government standards in determining the real grade of grain for which standards have been established and promulgated by the Secretary of Agriculture. It authorizes the Secretary of Agriculture to fix, establish, and promulgate standards of quality and condition of corn, wheat, rye, oats, and other grains. The Secretary of Agriculture may issue license to a person competent to inspect and grade grain; that such license may, in the discretion of the Secretary, be suspended or revoked whenever the Secretary is satisfied that the licensed inspector has failed to grade grain correctly in accordance with the official standard or has violated any provision of this act or if the license has been used for any improper purpose whatsoever; also, that no person shall certify that any grain which has been inspected or graded by him is one of the official grades unless he holds an unsuspended and unrevoked license issued by the Secretary of Agriculture authorizing him to inspect and grade grain for interstate and foreign commerce. Whenever standards shall have been fixed, established, and promulgated no person thereafter shall ship or deliver for shipment, sell or offer for sale, in interstate and foreign commerce any such grain by grade unless the grade by which it is sold or offered for sale be one of the grades fixed therefor and the grain shall have been inspected and graded by an inspector licensed under this act and the grade conformed to the standard fixed for the specific grade.

The practice of selling by sample, by type, or under name, description, or designation, may be continued, provided such name, description, or designation is not false or misleading

It provides further that whenever standardized grain has been inspected and a dispute arises as to whether the grain determined by such inspector of any such grain in fact conforms to the standards any interested party may appeal the question to the Secretary of Agriculture; if so, the Secretary of Agriculture is authorized to cause investigation to be made and to determine the true grade thereof, to charge and collect a reasonable fee in amounts to be fixed by him. In the absence of private agreement the appeal from such inspector to the Secretary shall be taken at the initial point and before the identity of the grade has been lost. The findings of the Secretary shall be accepted in the courts as prima facie evidence of the true grade. It also authorizes the Secretary to cause examination to be made of any grain for which standards have been established, which has been certified, or which has been sold or offered for sale in interstate and foreign commerce under any name, description, or designation, he may publish his findings. Heavy penalties are to be imposed for violation of the provisions of the act. The bill carries an appropriation of $375,000 to enable the Secretary to carry into effect the provisions of it.

As has been stated, the bill does not provide for Federal inspection and grading at first hand. It does provide for Federal supervision of the grading and final determination of the grade by the Secretary of Agriculture which, in fact, amounts to Federal inspection in the end. That is, if in case the inspection and grading by the licensed inspector is not satisfactory and an appeal is taken, the only difference then is that under the proposed bill the grain will in the first instance be inspected by inspectors authorized by the States, exchanges, or municipalities and licensed by the Federal Government, and if said inspection is not satisfactory either party interested may appeal and procure Federal inspection and determination, while with Federal inspection the grain would be inspected by a Federal inspector at first hand; but in case where an appeal is taken under either system the final inspection will be by one and the same, hence in the end, if an appeal is taken, we will have Federal inspection under either system.

The contention is that at present the inspectors are controlled and under the influence of the exchanges and interested parties employing them, and therefore Congress should provide for Federal inspection and thus remove the inspectors from the influences surrounding them, such as the operators of exchanges, State politics, and interested parties who control their appointment. Undoubtedly inspectors are influenced and great injustice has been done to the shipper and buyer in inspecting and grading grain below its real grade when coming in and grading it above its real grade when going out for the benefit of the operators, manipulators, and jugglers of grading on the various exchanges; but when the inspector and those interested are made to understand that unless they do the right thing, that unless they grade grain correctly, appeals will be taken, fraud will be disclosed, licenses will be suspended and revoked, and publicity given to every evil practice of the kind. That, I believe, will have a powerful influence over the inspectors, States, exchanges, and those interested in maintaining the grain business at their market, and if the law is enforced and taken advantage of, no market can continue the evil practice of incorrect grading. If it does, it is sure to lose its business. If so, it will be up to every State and market to maintain an honest inspection and grading of grain or lose its grain business. Certainly no board of trade or market can afford to have numerous appeals taken and reversed, licenses suspended, and such facts published to the world. Under the bill, as a business proposition it will be to their interest to give a square deal. Be that as it may, whatever course they may pursue, the farmer, the miller, the brewer, the shipper, and the buyer are protected in their right to an appeal and thus have the true grade determined. Why this legislation? The answer is, simply to do away with the present fraudulent practice in grading of grain, to protect the farmers, the elevator men, the millers, the brewers, the shippers, and the buyers against fraud, deception, to insure an honest grading, to do away with the manipulations of grades, and insure a square deal.

The farmer has long suffered from the fraudulent practice; his grain all these years has been undergraded. We find that his grain when it reaches the market is graded below its true grade, and, as the grade determines the price on grain, he receives a lower price as a result. Take, for instance, barley: If you would turn to the hearings, you will find Mr. Stuher's testimony. Mr. Stuher is a crop specialist and a barley expert, with many years' experience as a shipper and as an operator on the board of trade. His statement is that——

> There is something absolutely wrong with the present system of inspection and grading of grain.

He cites one case where the farmer sold his barley at Wahpeton, N. Dak. His barley was graded No. 2 feed barley, subject to 2 pounds dockage, and sold at Wahpeton at 40 cents a bushel. The barley was shipped to Minneapolis—commission, freight, weighing and inspection charges, 7½ cents. The barley sold at Minneapolis at 58 cents, not by grade but by sample, with a No. 2 feed barley certificate stain on it, even grading and certifying it as feed barley, when in fact it should have been certified as malting barley. Mr. Stuher's statement is that—

> Barley coming to Duluth and Minneapolis is generally inspected by the inspection department as feed barley in order to correspond with the inspection and grade given the farmer; that the terminal men, under the existing laws, have to send the certificate back to the country points, and the farmer is shown the certificate in order to pacify him who is under the impression that his barley was malting barley.

Thus the farmer is deceived and defrauded of the difference in value of No. 2 feed barley and malting barley, which generally runs from 5 to 15 cents a bushel. Mr. Stuher stated to the committee that he collected and sent 30 or 40 samples of barley, all graded at Minneapolis as feed barley, to Pabst Brewing Co., to have them analyzed, and that every one of them, according to the analytical report, showed them to be malting barley. In other words, 30 or 40 samples, representing that many carloads, graded feed barley at the initial point and graded malting barley at the analysis, such being the general practice. Has not the farmer a right to ask for relief?

How about the miller, the brewer, and the buyer? Under the present system of grading, grain coming in is graded low in order to defraud the farmer and the shipper; in going out it is graded high in order to defraud the miller and the buyer. The operator gets the farmer and the shipper coming and the miller, the brewer, and buyer going. A number of years ago a bankers' association of North Dakota investigated the inspection and grading of grain in the Northwest. In going over the records of the grain-inspection department of Minnesota it found that a single terminal elevator in a period of three months had advanced the grade on 435,618 bushels of wheat. Out of its total receipt of 890,245 bushels, evidently, most of the grain handled was either undergraded coming in or graded too high going out. The records showed that 59,742 bushels had been graded rejected, 16,021 no grade, 201,267 as No. 4, and not a bushel graded such going out. All were converted into higher grades, every bushel of it going out as 1, 2, and 3 northern. According to the report, only 513,213 bushels was graded Nos. 1, 2, and 3 coming in, and 890,245 bushels graded Nos. 1, 2, and 3 going out. It is clear that the manipulation of grading was for some purpose and that whatever the elevator operator gained must have been some one's loss, and of course came out of either the shipper or the buyer, and in the end largely, if not all, out of the producer. The shipper and buyer often lose, but most of the time they can protect themselves against losses by fixing prices accordingly. If malting barley, when graded as such, is worth 50 cents and its selling price is reduced to 40 cents by reason of false grading, necessarily he pays that much less. If the brewer and the miller buy grain graded higher than its true grade, they have something to say in fixing the price, and fix the price according to its real value. With the producer it is quite different. If the price of grain is lowered by reason of manipulation of grade, he is helpless. He simply has to take what he gets. So, while the manipulation of grades is greatly to the disadvantage of the shipper and buyer, the injustice and loss falls most heavily on the producer.

How about selling and buying for future delivery? We have the testimony of Mr. Stuher, who sold 100,000 bushels of oats by sample for January delivery. He bought 100,000 bushels of standard oats which, by a purifying process, was to be made into fancy oats. He was buying the standard oats against what he had sold, and of course needed the quality of oats contracted for, namely, the standard oats. On December 2, 100,000 bushels of oats were tendered under certificate as standard oats. He had 10 or 20 cars of the oats tendered as standard inspected by a board of trade private inspector, who graded them as No. 4 white oats. He complained and took the matter up with the appeals commission. It passed on the oats as if standard oats. He served notice that he would take the oats under protest; that he would bring it into court and expose the rotten system. He was then told that the oats would be passed as standard in the East; but that did not help matters out, as he had bought oats to be made into fancy, and No. 4 oats could not be improved upon in grade to that extent and did not answer his purpose. What next? The firm financing him came to the rescue of the exchange by serving notice upon Stuher to stop; if not, it would break up the Chicago Board of Trade. If he did not stop they would stop financing him. Of course he stopped, as there was nothing else for him to do. Others testified before the committee, and all to the fact that

grading and certification of grain has become so unreliable and false that millers and buyers of grain no longer do or care to accept grain on contracts certified by the terminal elevators; that they are compelled to sell their hedges for anything they can get and buy grain elsewhere for their use. Their experience has been the same as that of Mr. Stuher; that their hedges are worthless except as an insurance, and as an insurance they have become very expensive by reason of the manipulation of grades.

It would seem that the statement made by those experienced, practical, and well-informed men who appeared before the committee—recorded in 588 pages of printed hearings before the House committee and 260 pages before the Senate committee—would be sufficient to convince anybody that there is something radically wrong somewhere. I believe that anyone who will investigate will agree that there is absolutely something wrong with the present system of grading grain, and that there is a pressing demand and just cause for the proposed legislation; that the farmers and shippers have sustained heavy losses by reason of this unfair grading and manipulation of grades; that our foreign trade in grain has suffered; that our markets have been demoralized by the incorrect grading; that it is due the farmer and shipper that Congress should prevent further wrongdoing through this incorrect and unjust grading system; and that it should protect him against fraud and further demoralization of his markets.

It would seem that in this Congress, its Members professing so much interest in the farmer and so much concern about his welfare, a Congress so enthusiastic in its laudation for the farmer, coupling this with the unceasing flow of eloquence recorded in several hundred pages of the CONGRESSIONAL RECORD, all indicating a desire to help the farmer in every way possible, and with the promises in the platforms of all parties so loudly proclaimed from the stump, I take it that there will be no difficulty in passing this meritorious bill which means so much to the farmer and shipper.

Mr. MOORE. Will the gentleman from Iowa tell the House whether he holds the same opinion—he being the ranking Republican on the committee—that is held by the gentleman from Indiana [Mr. MOSS], that this act will not apply to Canadian grain in bond intended for export?

Mr. HAUGEN. In my opinion it does not apply to grain shipped in bond from Canada for export.

Mr. MOORE. I thank the gentleman for that statement.

Mr. HAUGEN. But it applies to grain entering into interstate and foreign commerce.

Mr. SUMNERS. Are you in favor of the bill?

Mr. HAUGEN. I am in favor of the bill; yes.

In availing myself of the privilege granted me to extend my remarks in the RECORD, in order that the RECORD may show the existing conditions, I offer extracts from the report as printed in Senate Document No. 116, page 17:

REPORT OF INVESTIGATION BY NORTH DAKOTA BANKERS' ASSOCIATION MADE NOVEMBER 23, 1906.

To Members North Dakota Bankers' Association:

Your committee appointed to investigate the subject of grain inspection and grading, as affecting the interests of North Dakota shippers, met according to arrangement at Superior, Wis., on the morning of September 27, and, after a preliminary discussion as to the scope of the investigation, proceeded to visit some of the terminal elevators in order to familiarize themselves with the methods of handling grain as it comes from the shipper. We found that grain is inspected, graded, and the dockage fixed by the State inspector under the rules of the Minnesota grain inspection board. The grain is then ordered into one of the terminal elevators and after being unloaded is elevated to the top of the elevator where it is weighed. During the process of elevating all grain is subjected to a suction draft in order to keep the building free from dust (?). This is an injustice to the shipper, as, in our judgment, all grain should be weighed immediately upon being unloaded and nothing should be taken from it before it is weighed. The amount of light grain and dirt taken out under the present method simply depends upon the force of the suction draft.

We obtained a statement showing the grain of various grades shipped in and shipped out from one of the large elevators during a period of three months.

* * * * * * *

We find that eastern millers want the grain as it comes from the farmer, and it is an injustice to the shipper and to the miller to prevent this, as is now done. The shipper must accept the inspection, rules, and customs which have been forced upon him by the powerful combination of elevator and railway interests, and the miller must take the grain is offered him by the "grain trust," so called, and not in the condition as to mixing that he wants it.

In examining the report, above referred to, of grain received and grain shipped out of the terminal elevator we were able to get a report from, we found that during the three months covered the report showed the following grain received and shipped out:

RECEIPTS.	Bushels.
No. 1 northern	99,711.40
No. 2 northern	141,455.10
No. 3 northern	272,047.20
No. 4	201,267.20
No grade	116,021.10
Rejected	59,742.30
	890,245.10

SHIPPED OUT.	Bushels.
No. 1 northern	196,288.30
No. 2 northern	467,764.00
No. 3	213,459.30
No. 4	None.
No grade	None.
Rejected	None.
	877,512.00
On hand, estimated	12,733.10
	890,245.10

* * * * * * *

What an eloquent story is told by the above figures. The fact that nearly 100,000 bushels more of No. 1 northern, the highest grade taken in, was shipped out than was received speaks so loud against the present system and rules of inspection that it is simply unnecessary to go on down the line and call your attention to the fact that nothing lower than No. 3 wheat was shipped out.

The profit in mixing the receipts of this elevator for the three months, as shown by their report, was $83,720.69. In order to arrive at the probable profits of the terminal elevators there should be added to the above the amount realized from the screenings, the charges for handling the grain, and the proceeds of the sale of wheat and other grain taken from the screenings, for we found that all screenings are carefully cleaned over and all good grain taken out, and that the good grain taken from the screenings is shipped out as screenings in order to avoid inspection and appearing in the amount of grain shipped out of the elevator. We are of the opinion that grain hospitals, either independent or in connection with terminal elevators, should be established, where shippers could have "off-grade" grain cleaned or scoured at a reasonable cost before it is offered for sale, the shipper to pay this expense and receive the benefit resulting from such treatment of his grain needing treatment in a hospital elevator. We also favor the amending of existing laws governing the handling of grain by terminal elevators so as to allow no more grain of a given grade to be shipped out than is taken in.

Your committee found much to criticize by visiting the freight yards, in the careless manner in which cars are handled by the railroad companies and the very poor class of grain doors used. The amount of grain lost by leakage from cars and by the careless shunting and switching of cars in the yards is very large.

All the foregoing are, of course, matters of minor importance as compared with the apparent combination of the railroad and elevator interests in forcing all grain received at terminal points to be inspected under Minnesota inspection rules. A competitive market was established under Wisconsin inspection at Superior. The Wisconsin law provides that the grain and warehouse commission shall consist of three members—one from Wisconsin, one from New York, and one from North Dakota. Under this law the shipper in this State has a representative on the board, and the influence of this representative can be of great benefit to our shippers if his duties are conscientiously performed.

This board appoints all inspectors and weighers and can see to it that inspection and weighing is honestly and properly done. Our shippers were undoubtedly greatly benefited during the time the Wisconsin inspection was in force, but by the apparent combined efforts of the interests above named this Wisconsin inspection is inoperative and all grain received at the head of the Lakes must be inspected by Minnesota inspectors under Minnesota rules.

The story of how the Wisconsin law was made absolutely inoperative is an interesting one. The Duluth Board of Trade made a rule that no member of the Duluth Board of Trade could hold membership in a similar organization within a hundred miles of Duluth. This was done to compel all grain men doing business at the head of the Lakes to confine their business to Duluth. Then all terminal elevators located in Superior suddenly were closed as public elevators and became private elevators, operated by individuals holding leases. As private elevators they were able to discriminate in the business offered them, and this discrimination took the form of refusing to receive grain inspected under Wisconsin rules and by Wisconsin inspectors. It does not require anything further to show you how Wisconsin inspection was put "down and out" and why all of our grain must now be graded, inspected, and weighed under Minnesota inspection rules.

Your committee attempted to have a hearing with the Duluth Board of Trade and met with some of the officers and members of that board for this purpose.

* * * * * * *

Your committee is of the opinion that the reforms outlined will be of material benefit to the grain growers of the State and will be a stepping-stone to a better system of inspection, viz:

Federal inspection, which would do away entirely with the many conflicting inspections established in the various States.

Respectfully submitted.

JOHN L. CASHEL,
GEORGE M. YOUNG,
F. W. CATHRO,
M. F. MURPHY,
W. C. MACFADDEN,
Committee.

Also, page 231, hearings before the Senate committee in 1908, a report from the chief inspector of the grain and warehouse commission of the State of Minnesota, which show the receipts and shipments for the year ending August 31, 1901, to be as follows:

	Receipts.	Shipments.
	Bushels.	*Bushels.*
No. 1 hard	341,567	1,000,438
No. 1 northern	10,070,414	16,900,917
No. 2 northern	7,341,594	3,978,311
No. 3 spring	1,335,830	444,041
Rejected	256,063	134,471
No grade	1,335,531	344,823

It will be observed that for the year 1902 about 5,000,000 bushels of the No. 2 northern was converted into No. 1, and that

of the 19,693,454 bushels graded No. 2, 7,035,133 bushels No. 3 northern, 892,241 bushels were rejected, and 2,561,595 bushels, no grade; when coming in very little of it shipped out as such, the major portion of the lower grade going out at a high grade. The statement and reports tell the story. Comments seem unnecessary.

Another table, taken from the records of the weighing department of the State of Minnesota, shows the amount of each grade weighed in at, and the amount weighed out of, the elevator at Duluth during the years 1902, 1903, and 1904—found on page 207, Hearings before the Committee on Agriculture and Forestry, United States Senate, April 4, 1908.

The table is as follows:

Wheat.

[From annual reports Minnesota chief grain inspector for years named, Duluth weighing department.]

Grade.	Year ending August 31—					
	1902		1903		1904	
	Received.	Shipped.	Received.	Shipped.	Received.	Shipped.
No. 1 hard.....	599,606	648,607	1,628,681	1,746,712	90,543	109,528
No. 1 northern..	15,187,012	19,886,137	21,905,842	23,606,721	12,401,897	18,217,789
No. 2 northern..	19,693,454	15,178,999	11,625,037	7,638,201	10,295,172	6,723,732
No. 3 northern..	7,035,133	1,971,355	1,300,553	297,794	[1] 2,616,065	[1] 283,299
Rejected.....	892,241	94,626	1,890,093	77,624	2,350,302	314,139
No grade.....	2,561,595	468,922	966,170	112,840	2,586,843	256,943

[1] Spring.

The following is a letter written by Robert A. Patterson, chairman of the European international committee on American grain certificates. He is an English miller and also president of the Corn Exchange of Great Britain and continental Europe. It is dated the 15th of February, 1908, and written from London to the President. It reads:

LONDON CORN TRADE ASSOCIATION,
EXCHANGE CHAMBERS, 28 ST. MARY AXE,
London, E. C., February 15, 1908.

MR. PRESIDENT: I am instructed by the European international committee on American grain certificates to communicate to you the following facts:

There has been for some years past a general consensus of opinion among European buyers of grain that the operation of the present system of certificating grain for export is increasingly unsatisfactory and that whatever may be its merits for the purposes of domestic trading, it no longer gives to European buyers the confidence and protection which is necessary in a trade where the only guaranty for reliable quality and condition in exchange for buyer's money is a paper certificate. Formerly buyers in buying from the United States of America were able, as they still are in their dealings in grain with other exporting countries, to recover from shippers any damage they sustained owing to defects in quality or condition; but since the introduction of the certificating system this is no longer possible. Even after its introduction, indeed until comparatively recent times, it was seldom found that any serious abuses arose, and trusting to their belief in the reliability of the grading system, buyers were willing to continue trading with America on less favorable terms than they demanded elsewhere; but whether from the increase of individual competition, or, what is probably more important, the rivalry between the older ports and their smaller and more recently established competitors, there seems little doubt but that the standard of grading has been lowered, either temporarily or, in some cases, permanently, in order to attract business from interior points; and we in Europe feel that the burden of such departure from the more reliable and stricter method in force formerly has been borne chiefly by European importers, who, being far away, have no power of protecting themselves against errors, or worse, in the grading methods of recent years. The result is that American grain suffers as regards price when in competition with grain from other countries. The increasing dissatisfaction culminated some 12 months ago in a general request from the principal European grain centers that a conference should be summoned by the London Corn Trade Association to consider the best measures to adopt in order to remedy the defects of the present system of dealing in grain from the United States of America.

The conference was held in London on the 8th of November, 1907, and was attended by delegates from all European importing countries. It was unanimously resolved that a committee be appointed, consisting of seven members from the United Kingdom and an equal number from other European countries (the latter being represented as follows: Belgium, 1; France, 1; Germany, 3; Holland, 1; and Scandinavia, 1), to suggest necessary improvements and to negotiate with American grain trade for their adoption.

This committee met and drew up a scheme (a copy of which I have the honor to append), which was submitted to the principal grain associations of the United States of America, but which, I regret to say, did not only prove unacceptable to the American exchanges, but even failed to draw any counter proposals from them. Indeed, the way in which this subject has been treated by some of the leading grain associations, there would almost seem to indicate that there is no desire to recognize the undoubted fact that serious faults have arisen or that there is any need to amend a system which is responsible for abuses of which European importers universally complain.

Traders here generally recognize that a reliable system of inspection and certificating presents many advantages, but that to be thoroughly reliable it must depend not only upon the expert knowledge, integrity, and independence of the inspection officials, but that the rules for grading by which these officials are bound must be uniform, applying equally to every port, and should be generally known not only in the various American but also in the principal European grain centers, and that wherever possible, from time to time, type samples should be sent to our leading grain associations.

This is the system adopted by the agricultural department of His Majesty's Government in the Dominion of Canada, and has hitherto proved generally satisfactory.

My committee observed with great satisfaction your reference to this improtant matter in your last presidential message, and that there is before your Senate and House of Representatives at the present time a bill embodying some of the above suggestions. While they would, of course, have preferred to get their own suggestions accepted by American traders, they wish to be permitted to offer you their sincere congratulations and thanks for the steps you are taking to remedy an undoubted evil, and to assure you of the warm support of the European grain trade in your efforts.

I have the honor to be, your most humble and obedient servant,

ROBERT A. PATTERSON,
Chairman European International Committee on American Grain Certificates.

The PRESIDENT,
White House, United States of America,
Washington, U. S. A.

In a letter to Senator MCCUMBER, under date of February 15, 1908, he stated:

I believe that great efforts are being made to persuade your Senators and House of Representatives that the proposed change is not only unnecessary but not generally desired, but I can assure you that unless some such change is made, and that shortly, your export trade will suffer severely.

European buyers have lost confidence in the reliability of United States certificates, and American grain consequently suffers in price, buyers giving a preference whenever possible to other grain, and only buying yours when compelled to do so, or at a reduction in price sufficient, in their opinion, to compensate them for risks they run in buying certificate final.

Another letter from Holland and one from our consul at Marseille, which is also a very strong letter. The Holland letter reads as follows:

P. J. MCCUMBER, Esq.,
United States Senate, Washington, D. C.:

During the last Berlin grain conference, held January 29 and 30 of this year by delegates of the German, Holland, and Scandinavian grain trade, the McCumber bill and the other bills of similar character introduced into Congress were one of the chief subjects on the program.

The question of American grain inspection has been a very important one these latter years, and its having been a subject of the conference program induces us to assure you of the sympathy that the proposed change in the inspection system has among the members of this association.

During many years already the American grain-inspection certificates have been very unsatisfactory, and immense losses were caused to the buyers on this side by the careless inspection of American grain shipped for export. It has been said by American opponents of the bills mentioned above that the fixing of grades on better and higher standards would injure the export trade, and that the European buyers will not buy anything but the grades which have always been shipped and to which they are accustomed.

We want to energetically deny that anything like this is the case or may be expected when Government grain inspection will have been introduced. On the contrary, we think that a more reliable inspection will greatly benefit the American export trade.

Many important firms in the importing centers on this side have absolutely given up importing American corn, taught by the experience of several years, when a single parcel of this article, certified No. 2 mixed, sail mixed, etc., and still showing 30 to 90 per cent damage on arrival, caused a loss greater than the small gain made on many shipments together. They preferred to buy from Argentina, Russia, and the Danube. A better inspection, however, and certificates which give sufficient guaranty that the grade has really been given in accordance with the grain's quality and condition will induce these firms to take up the import of American corn again.

We don't object to the export of inferio: grain, but to the fact that the grades are not given according to the condition of the grain, so that the certificates are entirely unreliable. Perhaps some buyers on this side want the inferior grain, but those who deal in the better qualities want to be sure that when they pay a better price for the higher grade the certificate gives them the guaranty to get this grade. Up till now this has not been the case, and it is quite evident that a more satisfactory inspection will be of great benefit to the trade.

As soon as grades all over the United States are uniform, and as soon as certificates of inspection will be reliable, the import of American grain will certainly increase again after the sharp decline which it has experienced.

Uniform Government inspection will bring a higher standard of export grain, induce the European importer to buy American grain more freely again, and consequently greatly benefit the honest American exporter at the cost of his dishonest competitor. It will greatly purify the trade and make an end to an unbearable situation.

HET COMITÉ VAN GRAANHANDELAREN TE ROTTERDAM
(ROTTERDAM CORN TRADE ASSOCIATION),
A. COANEST, *President.*
H. VON RANDERYTH, *Secretary.*

ROTTERDAM, *February 20, 1908.*

The letter from the United States consul at Marseille is, in part, as follows:

GRAIN-INSPECTION METHODS.

It is highly desirable that certain facts in regard to American grain-selling methods be given immediate and wide circulation, and that something be done, either by action of Congress or by the concerted action of American commercial bodies, to reform or rather standardize the system under which the great cereal-exporting business has been created.

There is little popular knowledge in the United States in regard to the fact that wheat, corn, grease, and similar products of American origin are not now sold abroad by sample, but by nominal grade. The European buyer knows nothing of the merchandise whatever before it reaches his possession. He imports and resells various classes of merchandise the quality or grade of which is certified to him, not by the merchant who has sold him the article, but by the official inspector of a

board of trade or other equivalent body at the port of shipment. He pays for the goods before he receives them, and when the exporter in the United States delivers to him a certificate of inspection declaring the goods to be of a given grade he has no alternative but to honor the drafts. The bargain is absolutely final upon the production to him of this certificate of inspection

Although no two ports in the United States may absolutely agree as to the descriptive terms to be applied to a given grade of wheat, although previous shipments may have been of obviously different quality, if the certificate delivered conforms to the grade ordered, the buyer must accept delivery. These are "American conditions." The fact that for many years we have exported nearly all our surplus agricultural products under these conditions speaks well for American business methods, and the fact that these methods are generally acceptable is of advantage to the people of the United States.

Of late years the murmurs against this system have been increasing in Europe, and whereas a short time ago they took the form of isolated private complaints that goods did not always conform to the certified grade they now take the form of organized protests. I have before me not merely private correspondence running through a number of years, but the recent proceedings of the London Corn Trade Association and the proceedings of a delegate conference held on December 12 at the Berlin Bourse, the general tenor of which is that foreign importers are vexed with prevailing conditions in the United States and are determined to force an improvement. At these two conferences a great many harsh things were said in regard to American certificates, and specific instances of irregularities were mentioned which I need not now repeat. The vital point which it will be well to separate from so much context is this:

"Mr. FRIEDBERG (Hamburg). It is perfectly clear that if an American inspector certifies we have no right to doubt, or if we do we are asked, 'Why do you go on buying?' I may assure this meeting that a good many of us are not going on buying. We have none of this trouble in South America. For the general trade I think that there are respectable people enough in America, and I am wondering why they do not stop the glaring abuses that are complained of."

It was the fact that not many years ago the vast bulk of our grain exportations went forward from New York, and that every year standard samples of cereals were sent out to European buyers bearing the seal of the New York commercial bodies which issued certificates of inspection. Under such circumstances, when European buyers received a certificate from New York stating that a certain cargo afloat was of X quality, they could refer to their sample of this X grain, and there was at least a moral guaranty that sample and cargo would be alike. The practice of sending out standard samples is no longer followed, while grain is being shipped under certificates of inspection from Duluth, New York, Baltimore, New Orleans, Galveston, and probably elsewhere. In each port or place a commercial organization assumes the right to issue certificates of grade, and yet no two ports or places have agreed upon the text of the terms which they use to describe the standard grades, let alone upon the grain itself. Nor is this all. I quote from the printed rules of a great board of trade:

"The committee on grain shall have full power and authority to establish grades of grains and to alter and amend the same as may be deemed necessary or expedient."

This instability is naturally one of the conditions of American business that is least acceptable to foreign importers, and what with rivalry between ports for export business it has created not only bitter feeling abroad but definite differences in the prices at which grain of the same nominal grade is offered for sale at the different ports of shipment. There are "easy ports" and "good ports," and sometimes the "easy ports" are penalized, as thus explained in a recent letter from an importer to an officer of an American commercial organization:

"As you know, at present exporters have great difficulty selling on certificates, but where quality is reasonably assured they are willing to pay a premium over lower inspections. Newport News and Norfolk were excluded on the London and Liverpool contracts because of last year's No. 2 corn shipments, while, as you know, your inspection maintained a premium all last season over the Atlantic."

No wheat importers desire to pay a premium here, or to exact a penalty there, based upon their appreciation of inspection methods. Wheat will fix its own price readily enough, and what the importer wishes to know, and has a right to know with as much certainty as attaches to any human transaction, is that No. 1 white winter wheat, for example, is the same kind of grain, whether it be inspected at Duluth or New Orleans. The importer insists that if the American Government, commercial bodies, and individual exporters have not agreed upon the qualifications of various grains necessary that they may receive specific gradings, it is the result of their own negligence, very possibly encouraged in certain quarters by those who profit by this unsatisfactory state of affairs.

The remedy sought is so easy of application and the demand for its application is so entirely reasonable that to the importer protracted resistance is incomprehensible. The proper remedy may be applied either by our Government or by the cooperation of our trade bodies. The starting point of the reform would be, naturally, the establishment of standard descriptions by law. This done, if the Government were charged with the issuance of inspection certificates, the service would be removed from local influences, and our so-called official certificates would be rehabilitated. If this very rational proposition be objected to, the surest means of effectively combating it would be the holding of a conference of American grain-inspecting bodies for the adoption of grain standards and for the adoption of ways and means of drawing standard samples, to be deposited in American consulates at great European ports or to be issued upon demand to importers, and to provide for a board of inspectors, the members thereof to be transferred at intervals and liberated from every form of local pressure.

ROBERT P. SKINNER,
Consul General.

MARSEILLE, *December 8, 1906.*

Also, in order that the RECORD may show how the manipulation of grades affect our foreign markets, I will include correspondence printed in Senate Document No. 116 and hearings before the Senate committee.

Mr. Tedford, State grain inspector of Kansas, testified that the standard of grades going out of elevators was the minimum or lowest character of grade, while others testified that of the grain as it went into elevator the lowest grade in the car was the standard.

On pages 788, 789, Mr. Bevan testified as to the custom of "car plugging," and gave instances of where from 150 to 200 cars were so plugged, and described the plugging system as follows:

"Q. What is the practice of plugging cars?"

Mr. Bevan answered:

"It is putting a poor grade on the bottom and covering it with good stuff, so the inspector can not get at it. They have what is called 'trier' to push into the car. If it does not go deep enough, he does not know the poor stuff is there."

On page 790 Mr. Forsaith testified to his knowledge of the plugging of wheat going to public elevators, as follows:

"They would run up tailings, bin-burned wheat, stumpy wheat—all inferior grades of wheat they had in the house—in one spot and run contract wheat in the others. They would get a string of cars in and give me the capacities and tell me how much to drop, as they call it, of the 'dope.' I would drop it, and when I got that dropped I would drop contract on top of it."

"GRAIN-TRADE COMPLAINTS AS REPORTED BY AMERICAN CONSULS, AND CONSEQUENT LOSS TO AMERICAN PRODUCER.

"Consul Thomas R. Wallace, in a report from Crefeld, says that the grain dealers in northern and western Europe have been holding meetings, the principal purpose of which seems to be to take united action with regard to a change in the rules and methods of transacting business with the United States in their line and to correct abuses now existing in the same. The consul continues:

"'The grain trade from the United States with this district has been declining for some time, and if such dissatisfaction becomes general throughout Europe the losses to the people of America in this important branch of their export trade will be enormous. To gain some idea of the causes of the complaints regarding the grain exported from the United States I have made personal inquiry among the millers and dealers in these products, and am told that the conditions complained of here are the same all over Europe.

"'The dealers say they have suffered excessive losses through the purchase of grain from America by its not grading up to the standard given in the inspector's certificate in kind, quality, or condition when received. Wheat sold as good winter wheat and so certified to by the inspector, is very often found to be new wheat mixed with old and often wormy wheat. Grain often arrives in very bad condition. Wheat purchased as new is found weevilly—very good wheat with badly damaged grain mixed with it.

"'They say, further, that the American shippers well know these facts, but of late years refuse to take these precautions, and because of the rule that the inspector's certificate is final the purchaser is compelled to suffer the loss arising from this negligence of the shipper. If the purchaser presents a claim for loss caused by grain received in bad condition, or of inferior quality from that certified to by the inspector, he receives no satisfaction from the shipper.

"'UNITED STATES ALONE TO BLAME.

"'I am informed that such conditions have become worse; that the purchaser here does not receive what he buys, and that no reliance can be placed on the inspector's certificate. The result is the miller has ceased to buy American grain for his mill and the farmer for his stock. It is further said that grain received from South America, Russia, or Roumania arrives in good condition, that received from the United States alone being bad.

"A general meeting of those engaged in the grain trade was held in 1905 by representatives from Holland and Germany. A meeting was held in London in November last, in which appeared representatives from Germany, France, Holland, Belgium, Denmark, Italy, and England, Ireland, and Scotland, and still another meeting was held on December 12 at Berlin. At all of these assemblies the principal topic for discussion was methods to correct the alleged abuses in the grain trade with the United States.

"COERCIVE MEASURES THREATENED.

"The dealers having radical or extreme views do not believe that an amicable settlement of the matter can be made with the shippers unless coercive measures are used, and this is one of the reasons of the international character of these assemblies. It is said by them that some of the same conditions prevailed in the grain trade with Russia some time ago. The Russian dealers were invited to Berlin to a conference, but treated the action with indifference, whereupon the German dealers refused to buy any Russian grain, and in a short time Russia asked for a meeting.

"The seriousness of this movement, threatening the loss of trade in this important branch of American exports, should not be underestimated. It is general in its character and covers the countries buying about all of the surplus crops of the United States.

"The unanimity of sentiment expressed at these meetings indicates there must be good cause for complaint, and as representatives of nearly all the nations of Europe are taking part in these assemblies and the meetings have become international in character, it is time the American people, who are interested in this great and important branch of the Nation's industries and commerce, should take some action to preserve it from further losses."

FRANCE.

FAULTY AMERICAN GRAIN-INSPECTION METHODS.

Counsul General Robert P. Skinner, of Marseille, thinks it is highly desirable that certain facts in regard to American grain-selling methods be given immediate and wide circulation, and that something be done either by action of Congress or by the concerted action of American commercial bodies to reform or, rather, standardize the system under which the great cereal-exporting business has been created. Mr. Skinner writes:

"There is little popular knowledge in the United States in regard to the fact that wheat, corn, grease, and similar products of American origin are not now sold abroad by sample, but by nominal grade. The European buyer knows nothing of the merchandise whatever before it reaches his possession. He imports and resells various classes of merchandise the quality or grade of which is certified to him, not by the merchant who has sold him the article, but by the official inspector of a board of trade or other equivalent body at the port of shipment. He pays for the goods before he receives them, and when the exporter in the United States delivers to him a certificate of inspection, declaring the goods to be of a given grade, he has no alternative but to honor the drafts. The bargain is absolutely final upon the production to him of this certificate of inspection.

"STRENUOUS OBJECTIONS.

"Of late years the murmurs against this system have been increasing in Europe, and whereas a short time ago they took the form of isolated private complaints that goods did not always conform to the certified grade, they now take the form of organized protests. I have before me not merely private correspondence running through a number of years, but the recent proceedings of the London Corn Trade Association and the proceedings of a delegate conference held on December 12 at the Berlin Bourse, the general tenor of which is that foreign importers are vexed with prevailing conditions in the United States and are determined to force an improvement. At these two conferences a great many harsh things were said in regard to American certificates and specific instances of irregularities were mentioned. The vital point, which it will be well to separate from so much context, is this:

"'Mr. Friedberg (Hamburg) stated: "It is perfectly clear that if an American inspector certifies we have no right to doubt, or if we do we are asked, Why do you go on buying?" I may assure this meeting that a good many of us are not going on buying. We have none of this trouble in South America. For the general trade I think that there are respectable people enough in America, and I am wondering why they do not stop the glaring abuses that are complained of.'

"This instability is naturally one of the conditions of American business that is least acceptable to foreign importers, and, what with rivalry between ports for export business, it has created not only bitter feeling abroad, but definite differences in the prices at which grain of the same nominal grade is offered for sale at the different ports of shipment. There are 'easy ports' and 'good ports,' and sometimes the 'easy ports' are penalized, as thus explained in a recent letter from an importer to an officer of an American commercial organization:

"'As you know, at present importers have great difficulty selling on certificates, but where quality is reasonably assured they are willing to pay a premium over lower inspections. Newport News and Norfolk were excluded on the London and Liverpool contracts because of last year's (1905) No. 2 corn shipments, while, as you know, your inspection maintained a premium all last season over the Atlantic.'

"SIMPLE REMEDY PROPOSED.

"The remedy sought is so easy of application and the demand for its application is so entirely reasonable that to the importer protracted resistance is incomprehensible. The proper remedy may be applied either by the American Government or by the cooperation of American trade bodies. The starting point of the reform would be, naturally, the establishment of standard descriptions by law. This done, if the Government were charged with the issuance of inspection certificates the service would be removed from local influences and the so-called official American certificates would be rehabilitated. If this very rational proposition be objected to, the surest means of effectively combating it would be the holding of a conference of American grain-inspecting bodies for the adoption of grain standards and for the adoption of ways and means of drawing standard samples, to be deposited in American consulates at great European ports or to be issued upon demand to importers, and to provide for a board of inspectors, the members thereof to be transferred at intervals and liberated from every form of local pressure."

Consul General Skinner, of Marseille, France, under date of January 10, 1907, writes as follows:

"In continuation of my report dated December 18, 1906, I wish to say that my attention had been called to a report presented to the Syndical Chamber of Grain and Flour, at Paris, by George Lefebvre, delegate to the International Reunion, organized by the London Corn Trade Association. This report has been sent to me by a prominent Marseille miller, and I take it that it is a résumé of the sentiments of the trade in this city, which has not acted upon the subject as yet in an official manner, although at this port the great bulk of American hard-wheat exportations are received. The report of M. Lefebvre is quite long, and I translate merely the salient passages, as follows:

"'I have the honor to render an account of my mission as your representative at the conference of November 8, organized by the Londone Corn Trade Association for the purpose of considering final certificates covering grain exportations from America. The conference was attended by not less than 45 members, whose opinions were unanimous as to the necessity of reforming the actual system. Some wished to ameliorate it and others to abolish it. Complaints were made of a detailed nature, which I have no need here to repeat, except as to two cases, which deserve to be set forth.

"'Complaint was made in regard to the delivery of hard winter wheat No. 2, in which not only the old and the new crops were mixed, but in which there was to be found also a considerable quantity of seriously damaged wheat. From the American inspectors who delivered the certificates, the only answer received was this: "We consider our principal duty is to secure the consumption of our crop."

"'Corn certified as No. 2 or "sail grade" (the quality capable of supporting a voyage in sailing ships) and which should have been able to endure a long voyage, arrived in a completely bad condition after a rather short journey. The complaint made was met by the reply that "It is the fault of the buyers who purchase during the months when corn germinates."

"'Mr. Montgomery, of Liverpool, speaking first, declared that the inspection service was badly established in the United States; that the European buyer renouncing any right of appeal as to quality when an inspector has delivered a certificate, thus constitutes the inspector an arbiter between the seller in America and the receiver in Europe.

"'The abuses concerning which complaints arise from all parts of Europe prove that the buyers must come to an understanding, in order to determine the methods by which this business should be handled between America and the Old World. This conference is probably the first effort along these lines between the interested countries.

"'First of all, what is it that is called an "official" certificate of inspection as to quality? This is a very broad definition. There is not in the trade any definition of the word "official," and in consequence every certificate of an inspector who holds an official position must be accepted by the buyer.'"

CANADA.

The following Associated Press dispatch is corroborated by the Agricultural Department:

"GRASS SEED IS BEING DOPED WITH ADULTERATIONS FROM CANADA.

"WASHINGTON, *February 13, 1907.*

"The Department of Agriculture has issued a circular relative to the investigation of the adulteration of orchard grass, bluegrass, clover, and alfalfa seed. The department gathered seed from all parts of the United States, buying in the open market, and of the seed examined about one-third was found adulterated. The degrees of adulteration varied from 10 per cent to 75 per cent. The names of upward of a hundred firms which the department alleges are selling adulterated seeds are printed in the circular. It is estimated that 700,000 pounds of Canadian bluegrass seed are annually imported into the United States and mixed with Kentucky bluegrass seed and sold as the latter. A similar amount of trefoil is imported from England, mixed with alfalfa seeds, and sold at a corresponding advance, says the circular."

SCOTLAND.

AMERICAN FLOUR HURT BY MISBRANDING.

Consul R. W. Austin, of Glasgow, writes that the friends of American flour in Scotland are elated over the passage by Congress of "the food and drugs act of June 30, 1906," and are predicting that with the enforcement of the law mentioned the American flour will regain its old-time reputation and be restored to the head of the list which it occupied in Great Britain prior to 1904. Mr. Austin continues:

"At that time no flour—home or foreign—equaled the American article, which had grown in popular favor to such an extent that it had no real competitor.

"The American wheat crop of 1904 being short, enabled the continental mills to introduce their flour into Scotland, many of them not hesitating to use popular American labels. This scheme was worked successfully for some time, to the injury of the American trade and the excellent reputation of its flour. Finally a vigorous protest under the British 'sale-of-goods act' was made, and this practice of the millers of the Continent discontinued. While this afforded relief, American flour is, and has been for several years, seriously injured in Great Britain by its being misbranded or labeled before leaving America, and this unfair method, it is hoped, will be discontinued by an observance of the 'food and drugs act.'"

Mr. RUBEY. Mr. Chairman and gentlemen of the House, I want to say that I appreciate the splendid statement that has just been made by the gentleman from Iowa [Mr. HAUGEN], who is the ranking member of the Republican side of the Committee on Agriculture. I want to emphasize what he has said in his remarks, namely, that this bill has had the careful consideration of the Committee on Agriculture not only in this Congress but also in the last Congress. In the last Congress we held extensive hearings to which were invited the grain men, representatives of the State departments where they have State grain inspection, grain dealers, farmers' elevator people, millers, and all who were in any way connected with the grain industry either as producers or distributors. The bill was prepared, introduced, and passed through the House at the last session of Congress. It was taken up again during this session by the Committee on Agriculture, and we have gone over in detail every paragraph of this bill time after time. I have not the time to take up separately each amendment which has been offered here. I desire to state that almost every amendment that is pending here before this committee was discussed at length in the Committee on Agriculture, and each one of these amendments was rejected by the committee. I wish I had the time to take up each one of the amendments in detail. I desire especially to discuss the amendment offered by the gentleman from Tennessee [Mr. BYRNS], which proposes to strike out the word "and" in section 6 and substitute therefor the word "or." I want to explain to you just what that means. Under the bill as now written it carries a provision that the appeal from the inspection of a car of grain shall be made at the point of inspection, before the grain leaves the point where inspected and before it loses its identity. If you strike out that word "and" and insert the word "or," it will mean that you must follow every carload of grain from the place where it is inspected, it may be, clear across the continent to its destination, and, perchance, clear across the Atlantic Ocean to the foreign port where it is destined, and give opportunity for appeal from inspection after it reaches its destination.

If the grain has deteriorated in transit or if the price has fallen, the purchaser can take advantage of that fact to appeal in the hope that he may thus avoid loss by a change in condition or in price. We went over that situation in committee last year and also this year. We thrashed it out and looked at it from every viewpoint, and it is the concensus of opinion of everybody who has had to do with this legislation that the law as now written in this bill should stand. The millers of the country came before our committee and asked that they be given the privilege of inspecting the grain after it reached their mills and before it was unloaded; but after they failed to get that concession they have acquisced in the bill as it is now written, and the milling concerns of the country are heartily in favor of this legislation. Section 7, which the gentleman from Minnesota [Mr. ANDERSON] desires to strike out of the bill, is a very important section; and if you take that section out of the bill, or if you adopt his substitute, you may just as well abandon this legislation. It is not intended by this legislation to interfere with State grain inspection. It is not the desire of the Department of Agriculture to in any way cripple the States in their inspection of grain, but, on the other hand, to most heartily cooperate with them. I hope, when it comes to voting upon the amendments offered to this bill, that you will take into consideration the fact that this bill has had the careful consideration of the subcommittee and of the full committee, and that you will

vote down all amendments. This bill comes to you indorsed by the farmers' organizations of the country, by the representatives of the farmers' elevators, 4,000 in number; by the grain trade, by the millers, and, in fact, by everybody who has to do with grain, from the farmer who produces it to the miller who grinds it into flour. It is opposed by exporters of grain, and by only a few of them. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. All time has expired. The question is on the first amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. McLAUGHLIN. Mr. Chairman, I ask unanimous consent that each amendment as it is reached be read.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that each amendment as it is reached shall be again reported. Is there objection?

Mr. FOSTER. Mr. Chairman, I shall have to object to that.

The CHAIRMAN. Objection is heard.

Mr. FOSTER. I would not object to the reading of the short amendments, but I think the gentleman understands that there is one very long amendment pending.

Mr. HEFLIN. Mr. Chairman, I demand the regular order.

Mr. McLAUGHLIN. Mr. Chairman, one of the amendments is very long, it is true, and is pretty well understood, and I will except that from my request and ask that the request be again put.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that all amendments excepting the substitute offered by the gentleman from Minnesota, which is very long, be again reported before the vote is taken upon them. Is there objection?

Mr. DOOLITTLE. Mr. Chairman, reserving the right to object, can not the Members who want the particular amendments read ask that privilege when the particular amendment is reached for voting. Let the request be made at that time. I object.

The CHAIRMAN. The gentleman from Kansas objects. The question is on the amendment offered by the gentleman from North Dakota [Mr. HELGESEN].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New York [Mr. HULBERT].

Mr. HULBERT. Mr. Chairman, I ask unanimous consent that that amendment be again reported.

Mr. BENNET. Mr. Chairman, I make the same request.

The CHAIRMAN. Without objection, it will be again reported.

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. HULBERT) there were—ayes 46, noes 80.

So the amendment was rejected.

The CHAIRMAN. The question is now on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The amendment was rejected.

The CHAIRMAN. The question is now on the amendment offered by the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman, I ask unanimous consent that the amendment be again reported. This is a part of the original bill that I am trying to put back into the bill.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent that the amendment be again reported. Is there objection?

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

The question was taken; and on a division (demanded by Mr. SLOAN) there were—ayes 53, noes 74.

So the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Is there objection?

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from North Dakota [Mr. YOUNG].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the substitute offered by the gentleman from Minnesota [Mr. ANDERSON].

Mr. ANDERSON. Mr. Chairman, I ask that section 7 only be read of the amendment.

The CHAIRMAN. The gentleman from Minnesota [Mr. ANDERSON] asks that section 7 only be read of the amendment. Is there objection?

There was no objection; and the Clerk again reported section 7 of the amendment.

The CHAIRMAN. The question is on agreeing to the substitute offered by the gentleman from Minnesota.

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from Missouri [Mr. RUBEY].

The question was taken, and the amendment was agreed to.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. The gentleman from Tennessee——

Mr. HEFLIN. Mr. Chairman, I ask for a division.

The CHAIRMAN. The Chair thinks it a little late to call for a division after the Chair has recognized the gentleman from Tennessee for another purpose. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BENNET. Mr. Chairman, the reasons against the grain-grades act are given in the following, from the New York Produce Exchange:

NEW YORK PRODUCE EXCHANGE,
New York, April 28, 1916.

Hon. WILLIAM S. BENNET,
House of Representatives, Washington, D. C.

DEAR SIR: The New York Produce Exchange has been opposing vigorously H. R. 10405, the grain-grades act, and now learns that resort has been had to the highly objectionable practice of tacking the grain-grades act onto the Agricultural appropriation bill in the hope of passing in this way a measure that has been pending in the House through almost the entire session without favorable action, and is apparently doomed to defeat if the regular procedure is followed.

In view of the public disapproval of previous attempts at such practice, we doubt if the proposed amendment, even if adopted by the House, would be enacted into law.

However, the members of the New York Produce Exchange are unalterably opposed to the grain-grades act in whatever manner it may be presented for enactment, and we ask that you will not permit the approval by the Committee on Rules of House resolution 213 that would afford an opportunity to pass the grain-grades act in the House as an amendment to the Agricultural appropriation bill.

Yours, very truly,

JAS. WARD WARNER,
President.

—

NEW YORK PRODUCE EXCHANGE,
New York, April 15, 1916.

DEAR SIR: I am directed by the New York Produce Exchange to call your attention to House bill No. 10405, Union Calendar No. 38, which our members consider detrimental to the interests of the New York Produce Exchange as well as the interests of the port of New York.

This measure has been opposed by this organization, and the reasons for such action set forth in briefs that are embodied in previous records before Congress.

Your interest in opposition to the measure is solicited upon those same grounds, briefly:

First. While nominally termed "supervision of grades" the bill in reality, through the medium of authority for regulation given to the Department of Agriculture, creates practically a system of Federal inspection of grain.

Second. The New York Produce Exchange has established and maintained standards of grain, particularly for export, through the medium of an inspection department organized in 1875, and through its control maintained the integrity of those standards in its commercial transactions. The suggested licensing of a corps of inspectors by the Federal

Government under Federal supervision and regulations of the Agricultural Department would take away from the New York Produce Exchange the control, so long established and to such good purpose, of such inspectors.

Third. The measure seems to be designed for the benefit of an interior movement of grain locally and such regulations should be separate and apart from the standards of the larger shipping centers for export purposes. Our foreign trade requires entirely different regulations which will in no way hamper its continued development.

Fourth. Members of the New York Produce Exchange are not opposed to Federal supervision, but believe that standards that would be established by the Department of Agriculture along the lines of chemical analysis would not be practicable for the grain trade, as has been proven by the standards established for corn, to which the export trade has so far been unable to adapt its trading.

Yours, very truly. JAS. WARD WARNER, *President.*

Mr. RUBEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HAYDEN. Mr. Chairman, I make the same request.

Mr. SLOAN. And I, Mr. Chairman, make the same request.

Mr. HELGESEN. I make the same request, Mr. Chairman.

Mr. ANDERSON. I make the same request, Mr. Chairman.

Mr. KINKAID. And I make the same request.

Mr. DOOLITTLE. Mr. Chairman, I also ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to these several requests?

There was no objection.

Mr. LEVER. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk, amendment No. 3.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

That this act shall be known by the short title of "United States warehouse act."

SEC. 2. That the term "warehouse" as used in this act shall be deemed to mean every building, structure, or other protected inclosure in which any agricultural product is or may be stored. The term "agricultural product" wherever used in this act shall be deemed to mean any staple and nonperishable agricultural product. The Secretary of Agriculture is directed as soon as practicable to determine, and from time to time to designate, what articles are agricultural products within the meaning of this act. As used in this act, "person" includes a corporation or partnership or two or more persons having a joint or common interest; "warehouseman" means a person lawfully engaged in the business of storing agricultural products; and "receipt" means a warehouse receipt.

SEC. 3. That the Secretary of Agriculture is authorized to investigate the storage, warehousing, classifying according to grade and otherwise, weighing, and certification of agricultural products; upon application to him by any person applying for license to conduct a warehouse under this act, to inspect such warehouse or cause it to be inspected; at any time, with or without application to him, to inspect or cause to be inspected all warehouses licensed under this act; to determine whether warehouses for which licenses are applied for or have been issued under this act are suitable for the proper storage of any agricultural product or products; to classify warehouses in accordance with their ownership, location, surroundings, capacity, condition, and other qualities, and as to the kinds of licenses issued or that may be issued for them pursuant to this act; and to prescribe, within the limitations of this act, the duties of the warehousemen conducting warehouses licensed under this act with respect to their care of and responsibility for agricultural products stored therein.

SEC. 4. That the Secretary of Agriculture is authorized, upon application to him, to issue to any warehouseman a license for the conduct of a warehouse or warehouses in accordance with this act and such rules and regulations as may be made hereunder: *Provided*, That each such warehouse be found suitable for the proper storage of the particular agricultural product or products for which a license is applied for, and that such warehouseman agree, as a condition to the granting of the license, to comply with and abide by all the terms of this act and the rules and regulations prescribed hereunder.

SEC. 5. That each license issued under sections 4 and 9 of this act shall be issued for a period not exceeding one year and shall specify the date upon which it is to terminate, and upon showing satisfactory to the Secretary of Agriculture may from time to time be renewed or extended by a written instrument, which shall specify the date of its termination.

SEC. 6. That each warehouseman applying for a license to conduct a warehouse in accordance with this act shall, as a condition to the granting thereof, execute and file with the Secretary of Agriculture a good and sufficient bond other than personal security to the United States to secure the faithful performance of his obligations as a warehouseman under the laws of the State, District, or Territory in which he is conducting such warehouse, as well as under the terms of this act and the rules and regulations prescribed hereunder, and of such additional obligations as a warehouseman as may be assumed by him under contracts with the respective depositors of agricultural products in such warehouse. Said bond shall be in such form and amount, shall have such surety or sureties, subject to service of process in suits on the bond within the State, District, or Territory in which the warehouse is located, and shall contain such terms and conditions as the Secretary of Agriculture may prescribe to carry out the purposes of this act. Whenever the Secretary of Agriculture shall determine that a bond approved by him is, or for any cause has become, insufficient, he may require an additional bond or bonds to be given by the warehouseman concerned, conforming with the requirements of this section, and unless the same be given within the time fixed by a written demand therefor the license of such warehouseman may be suspended or revoked.

SEC. 7. That any person injured by the breach of any obligation to secure which a bond is given, under the provisions of sections 6 or 9, shall be entitled to sue on the bond in his own name in any court of competent jurisdiction to recover the damages he may have sustained by such breach.

SEC. 8. That upon the filing with and approval by the Secretary of Agriculture of a bond, in compliance with this act, for the conduct of a warehouse, such warehouse shall be designated as bonded hereunder; but no warehouse shall be designated as bonded under this act, and no name or description conveying the impression that it is so bonded, shall be used until a bond, such as provided for in section 6, has been filed with and approved by the Secretary of Agriculture, nor unless the license issued under this act for the conduct of such warehouse remains unsuspended and unrevoked.

SEC. 9. That the Secretary of Agriculture may, under such rules and regulations as he shall prescribe, issue a license to any person not a warehouseman to accept the custody of agricultural products and to store the same in a warehouse or warehouses owned, operated, or leased by any State, upon condition that such person agree to comply with and abide by the terms of this act and the rules and regulations prescribed hereunder. Each person so licensed shall issue receipts for the agricultural products placed in his custody, and shall give bond, in accordance with the provisions of this act and the rules and regulations hereunder affecting warehousemen licensed under this act, and shall otherwise be subject to this act and such rules and regulations to the same extent as is provided for warehousemen licensed hereunder.

SEC. 10. That the Secretary of Agriculture shall charge, assess, and cause to be collected a reasonable fee for every examination or inspection of a warehouse under this act when such examination or inspection is made upon application of a warehouseman, and a fee not exceeding $2 per annum for each license or renewal thereof issued to a warehouseman under this act. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts.

SEC. 11. That the Secretary of Agriculture may, upon presentation of satisfactory proof of competency, issue to any person a license to classify any agricultural product or products, stored or to be stored in a warehouse licensed under this act, according to grade or otherwise, and to certificate the grade or other class thereof, or to weigh the same and certificate the weight thereof, or both to classify and weigh the same and to certificate the grade or other class and the weight thereof, upon condition that such person agree to comply with and abide by the terms of this act and of the rules and regulations prescribed hereunder so far as the same relate to him.

SEC. 12. That any license issued to any person to classify or to weigh any agricultural product or products under this act may be suspended or revoked by the Secretary of Agriculture whenever he is satisfied, after opportunity afforded to the licensee concerned for a hearing, that such licensee has failed to classify or to weigh any agricultural product or products correctly, or has violated any of the provisions of this act or of the rules and regulations prescribed hereunder, so far as the same may relate to him, or that he has used his license or allowed it to be used for any improper purpose whatsoever. Pending investigation, the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing.

SEC. 13. That every warehouseman conducting a warehouse licensed under this act shall receive for storage therein, so far as its capacity permits, any agricultural product of the kind customarily stored therein by him which may be tendered to him in a suitable condition for warehousing, in the usual manner in the ordinary and usual course of business, without making any discrimination between persons desiring to avail themselves of warehouse facilities.

SEC. 14. That any person who deposits agricultural products for storage in a warehouse licensed under this act shall be deemed to have deposited the same subject to the terms of this act and the rules and regulations prescribed hereunder.

SEC. 15. That grain, flaxseed, or any other fungible agricultural product received for storage in a warehouse licensed under this act shall be inspected and graded by a person duly licensed to grade the same under this act.

SEC. 16. That every warehouseman conducting a warehouse licensed under this act shall keep the agricultural products therein of one depositor so far separate from agricultural products of other depositors, and from other agricultural products of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and redelivery of the agricultural products deposited; but if authorized by agreement or by custom, a warehouseman may mingle fungible agricultural products with other agricultural products of the same kind and grade, and shall be severally liable to each depositor for the care and redelivery of his share of such mass, to the same extent and under the same circumstances as if the agricultural products had been kept separate, but he shall at no time while they are in his custody mix fungible agricultural products of different grades.

SEC. 17. That for all agricultural products stored in a warehouse licensed under this act original receipts shall be issued by the warehouseman conducting the same, but no receipts shall be issued except for agricultural products actually stored in the warehouse at the time of the issuance thereof.

SEC. 18. That every receipt issued for agricultural products stored in a warehouse licensed under this act shall embody within its written or printed terms (a) the location of the warehouse in which the agricultural products are stored; (b) the date of issue of the receipt; (c) the consecutive number of the receipt; (d) a statement whether the agricultural products received will be delivered to the bearer, to a specified person, or to a specified person or his order; (e) the rate of storage charges; (f) a description of the agricultural products received, showing the quantity thereof, or, in case of agricultural products customarily put up in bales or packages, a description of such bales or packages by marks, numbers, or other means of identification and the weight of such bales or packages; (g) the grade or other class of the agricultural products received and the standard or description in accordance with which such classification has been made: *Provided*, That such grade or other class shall be stated according to the official standard of the United States applicable to such agricultural products as the same may be fixed and promulgated under authority of law: *Provided further*, That until such official standards of the United States for any agricultural product or products have been fixed and promulgated, the grade or other class thereof may be stated in accordance with any recognized standard or in accordance with such rules and regulations not inconsistent herewith as may be prescribed by the Secretary of Agriculture; (h) a statement that the receipt is issued subject to the United States warehouse act and the rules and regulations prescribed thereunder; (i) if the receipt be issued for agricultural products of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership; (j) a statement of the amount of advances made and of liabilities incurred for which

the warehouseman claims a lien: *Provided*, That if the precise amount of such advances made or of such liabilities incurred be at the time of the issue of the receipt unknown to the warehouseman or his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof shall be sufficient; (k) such other terms and conditions within the limitations of this act as may be required by the Secretary of Agriculture; and (l) the signature of the warehouseman, which may be made by his authorized agent: *Provided*, That unless otherwise required by the law of the State in which the warehouse is located, when requested by the depositor of other than fungible agricultural products, a receipt omitting compliance with subdivision (g) of this section may be issued if it have plainly and conspicuously embodied in its written or printed terms a provision that such receipt is not negotiable.

SEC. 19. That the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards for agricultural products in this act defined by which their quality or value may be judged or determined: *Provided*, That the standards for any agricultural products which have been, or which in future may be, established by or under authority of any other act of Congress shall be, and are hereby, adopted for the purposes of this act as the official standards of the United States for the agricultural products to which they relate.

SEC. 20. That while an original receipt issued under this act is outstanding and uncanceled by the warehouseman issuing the same no other or further receipt shall be issued for the agricultural product covered thereby or for any part thereof, except that in the case of a lost or destroyed receipt a new receipt, upon the same terms and subject to the same conditions and bearing on its face the number and date of the receipt in lieu of which it is issued, may be issued upon compliance with the statutes of the United States applicable thereto in places under the exclusive jurisdiction of the United States or upon compliance with the laws of any State applicable thereto in any place not under the exclusive jurisdiction of the United States: *Provided*, That if there be in such case no statute of the United States or law of a State applicable thereto such new receipts may be issued upon the giving of satisfactory security in compliance with the rules and regulations made pursuant to this act.

SEC. 21. That a warehouseman conducting a warehouse licensed under this act, in the absence of some lawful excuse, shall, without unnecessary delay, deliver the agricultural products stored therein upon a demand made either by the holder of a receipt for such agricultural products or by the depositor thereof if such demand be accompanied with (a) an offer to satisfy the warehouseman's lien; (b) an offer to surrender the receipt, if negotiable, with such indorsements as would be necessary for the negotiation of the receipt; and (c) a readiness and willingness to sign, when the products are delivered, an acknowledgment that they have been delivered if such signature is requested by the warehouseman.

SEC. 22. That a warehouseman conducting a warehouse licensed under this act shall cancel each receipt returned to him upon the delivery by him of the agricultural products for which the receipt was issued.

SEC. 23. That every warehouseman conducting a warehouse licensed under this act shall keep in a place of safety complete and correct records of all agricultural products stored therein and withdrawn therefrom, of all warehouse receipts issued by him, and of the receipts returned to and canceled by him, shall make reports to the Secretary of Agriculture concerning such warehouse and the condition, contents, operation, and business thereof in such form and at such times as he may require, and shall conduct said warehouse in all other respects in compliance with this act and the rules and regulations made hereunder.

SEC. 24. That the Secretary of Agriculture is authorized to cause examinations to be made of any agricultural product stored in any warehouse licensed under this act. Whenever, after opportunity for hearing is given to the warehouseman conducting such warehouse, it is determined that he is not performing fully the duties imposed on him by this act and the rules and regulations made hereunder, the Secretary may publish his findings.

SEC. 25. That the Secretary of Agriculture may, after opportunity for hearing has been afforded to the licensee concerned, suspend or revoke any license issued to any warehouseman conducting a warehouse under this act, for any violation of or failure to comply with any provision of this act or of the rules and regulations made hereunder or upon the ground that unreasonable or exorbitant charges have been made for services rendered. Pending investigation, the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing.

SEC. 26. That the Secretary of Agriculture from time to time may publish the results of any investigations made under section 3 of this act; and he shall publish the names and locations of warehouses licensed and bonded and the names and addresses of persons licensed under this act and lists of all licenses terminated under this act and the causes therefor.

SEC. 27. That the Secretary of Agriculture is authorized, through officials, employees, or agents of the Department of Agriculture designated by him, to examine all books, records, papers, and accounts of warehouses licensed under this act and of the warehousemen conducting such warehouses relating thereto.

SEC. 28. That the Secretary of Agriculture shall from time to time make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this act.

SEC. 29. That nothing in this act shall be construed to conflict with, or to authorize any conflict with, or in any way to impair or limit the effect or operation of the laws of any State relating to warehouses, warehousemen, weighers, graders, or classifiers; but the Secretary of Agriculture is authorized to cooperate with such officials as are charged with the enforcement of such State laws in such States and through such cooperation to secure the enforcement of the provisions of this act; nor shall this act be construed so as to limit the operation of any statute of the United States relating to warehouses or warehousemen, weighers, graders, or classifiers now in force in the District of Columbia or in any Territory or other place under the exclusive jurisdiction of the United States.

SEC. 30. That every person who shall forge, alter, counterfeit, simulate, or falsely represent, or shall without proper authority use, any license issued by the Secretary of Agriculture under this act, or who shall violate or fail to comply with any provision of section 8 of this act, or who shall issue or utter a false or fraudulent receipt or certificate, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $500 or imprisoned not more than six months, or both, in the discretion of the court.

SEC. 31. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, available until expended, for the expenses of carrying into effect the provisions of this act, including the payment of such rent and the employment of such persons and means as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere, and he is authorized, in his discretion, to employ qualified persons not regularly in the service of the United States for temporary assistance in carrying out the purposes of this act, and out of the moneys appropriated by this act to pay the salaries and expenses thereof.

SEC. 32. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SEC. 33. That the right to amend, alter, or repeal this act is hereby expressly reserved.

Mr. LEVER. Mr. Chairman, if I may have the attention of the gentleman from Iowa [Mr. HAUGEN], I ask unanimous consent that the time—one hour and a half—be divided between and controlled equally by the gentleman from Iowa and myself.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the time allotted, 1 hour and 30 minutes, be divided equally between the gentleman himself and the gentleman from Iowa and controlled by them as requested. Is there objection?

There was no objection.

Mr. YOUNG of North Dakota. Reserving the right to object, Mr. Chairman, I want to say this——

Mr. MANN. If the gentleman wants time, he will have no difficulty in obtaining it on this side.

Mr. YOUNG of North Dakota. I want to say that while the former amendment was under discussion, the State producing the largest amount of wheat and the largest amount of flax in the United States was given only four minutes. I do not think that was fair. But I withdraw the objection.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN. The gentleman from South Carolina is recognized for 45 minutes.

Mr. LEVER. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. YOUNG].

The CHAIRMAN. The gentleman from Texas [Mr. YOUNG] is recognized for five minutes.

[Mr. YOUNG of Texas addressed the committee. See Appendix.]

Mr. LEVER. I will ask the gentleman from Iowa [Mr. HAUGEN] to use a little of his time.

Mr. HAUGEN. I yield five minutes to the gentleman from New York [Mr. BENNET].

The CHAIRMAN (Mr. CRISP). The gentleman from New York is recognized for five minutes.

Mr. BENNET. Mr. Chairman, I move to amend the bill by inserting, in line 22, page 30, after the word "warehouses," the words "licensed or applying for a license."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. BENNET].

The Clerk read as follows:

Page 30, line 22, after the word "warehouses," insert the words "licensed or applying for a license."

Mr. BENNET. Mr. Chairman, without these words the independent phrase which I seek to amend will read as follows:

That the Secretary of Agriculture is authorized * * * to classify warehouses in accordance with their ownership, location, surroundings, capacity, conditions, and other qualities, and as to the kinds of licenses issued or that may be issued for them pursuant to this act.

That is, this language confers upon the Secretary of Agriculture, a Federal official, the right to come within the boundaries of any one of the 48 States, to go into any man's building, to inspect that building, and then, under another provision of the act, he is required to publish the results of that inspection.

Mr. Chairman, I am aware that the Democratic Party, by action if not by words, have absolutely repudiated their old-time doctrine of State rights, which had certain merits; but if there ever was a sample of Federal aggression sanctioned by law this is it. Under the old common law every man's house is his castle, and, as Pitt said:

The poorest man may in his cottage bid defiance to all the force of the Crown. It may be frail, its roof may shake, the wind may blow through it, the storms may enter, the rain may enter, but the King of England can not enter! All his forces dare not cross the threshold of the ruined tenement.

Now, what do we purpose to do in this Democratic Congress? We purpose to put on the statute book a provision under which the Secretary of Agriculture can send into any structure or any inclosure sufficient to hold cotton, wool, flax, tobacco, or grain, anybody whom he desires to send, and publish a report as to the conditions and surroundings. That is bad enough——

Mr. HELM. Will the gentleman yield?

Mr. BENNET. For a question.

Mr. HELM. What is the material difference between the right to inspect a public warehouse and the right to inspect a national bank by a bank examiner?

Mr. MADDEN. But the national bank was created by the Government.

Mr. BENNET. I will answer the gentleman's question directly. I have no objection whatever to the Secretary of Agriculture sending his inspectors either into a licensed warehouse or a warehouse which is applying for a license.

Mr. HELM. Is not that what is provided for in this bill—a licensed warehouse?

Mr. BENNET. No; and that is just where the gentleman is going to vote for my amendment, if he will listen. I propose to insert on page 30, in line 22, after the word "warehouses," the words "licensed or applying for a license," because this is optional. A man does not have to go into the Federal warehouse system unless he wishes to do so, and I propose that the Federal power shall only apply to a warehouse which is either licensed or is applying for a license. Why, in my State of New York there are 70 miles of warehouses standing side by side upon the piers and wharves of New York City.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. McLAUGHLIN. Does the gentleman notice that it is provided, beginning in line 22, on page 29—

That the term "warehouse" as used in this act shall be deemed to mean every building, structure—

And so on.

Mr. BENNET. Every building.

Mr. McLAUGHLIN. Licensed——

Mr. BENNET. It does not say that.

Mr. McLAUGHLIN. For interstate or foreign commerce.

Mr. BENNET. I will read it correctly:

SEC. 2. That the term "warehouse" as used in this act shall be deemed to mean every building, structure, or other protected inclosure in which any agricultural product is or may be stored for interstate or foreign commerce.

Mr. McLAUGHLIN. Under this act it would only be in case the license was issued that the Government would have any authority.

Mr. BENNET. The gentleman from Michigan ought to read this language. The gentleman is stating this act as it ought to be and as it will be if my amendment is adopted; but here is the language, in lines 11 and 12, on page 30:

That the Secretary of Agriculture is authorized—

And now, in line 22—

to classify warehouses—

Not licensed warehouses.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. I ask the gentleman from Iowa if he will yield me some more time?

Mr. HAUGEN. How much time?

Mr. BENNET. Five minutes.

Mr. HAUGEN. I am afraid I can not give the gentleman five. I will give him three.

The CHAIRMAN. The gentleman from New York is recognized for three minutes.

Mr. HELM. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. HELM. What is the meaning of section 4, page 31?

Mr. BENNET. That is in accordance with the scheme of the bill. That is all very proper. That is that the Secretary of Agriculture is authorized to issue licenses to any warehouseman when he finds the warehouse suitable and proper.

Mr. HELM. Is not that what you are advocating, a license?

Mr. BENNET. I am objecting to power being conferred upon the Secretary of Agriculture to go into a warehouse that does not desire to be licensed, that is not licensed, that has not applied for a license, and inspecting that warehouse under the power which is given by the language in this bill.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. BENNET. I yield to the gentleman from South Carolina.

Mr. BYRNES of South Carolina. Does the gentleman hold that the language he has read gives the Secretary of Agriculture the power to inspect a warehouse?

Mr. BENNET. Yes.

Mr. BYRNES of South Carolina. Where?

Mr. BENNET (reading lines 11 and 12, together with line 22)—

That the Secretary of Agriculture is authorized * * * to classify warehouses in accordance with their ownership, location, surroundings, capacity, conditions, and other qualities.

Now, the gentleman from South Carolina is one of the best lawyers in the House.

Mr. BYRNES of South Carolina. The gentleman flatters me.

Mr. BENNET. I do not. I tell the truth about the gentleman. Now, will the gentleman answer me a question? I have no purpose to serve except to make the law what I think it ought to be, and what the intention was to make it. Would not my language really clarify the section if you add, after the word "warehouses," the words "licensed or applying for a license"; because that is what it is intended to apply to, is it not?

Mr. BYRNES of South Carolina. I do not think anyone would construe the language of the section as having that meaning.

Mr. BENNET. Will the gentleman then say why is it that this is the only place in the bill where, under similar circumstances, the word "license" is omitted. Then I call the gentleman's attention to this—what do the words "may be issued," in line 25 mean if this language does not apply to warehouses other than licensed warehouses?

Mr. BYRNES of South Carolina. My construction of it was that by that very language it was limited to warehouses to which licenses were issued. They could not be issued unless they applied for a license.

Mr. BENNET. Why not say so in explicit words, that a man's property within the boundaries of a State—and the gentleman is a Democrat and ought to agree with me—ought to be protected from the Federal Government unless he puts himself in the way of the inspection. [Applause.]

Mr. LEVER. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky [Mr. HELM].

Mr. HELM. Mr. Chairman, on the 6th day of December, 1915, I introduced a bill (H. R. 432) authorizing the Secretary of Agriculture to license tobacco warehouses, and for other purposes. The bill before the House enlarges upon the scope of that bill introduced by me and includes not only tobacco but cotton, wool, grain, and flaxseed. I consider this a very wholesome piece of legislation and am most heartily in accord with it and in favor of it, and am especially gratified to see the principles of my bill, in its amplified and enlarged form, so soon enacted into law.

I was led to introduce the bill I introduced by the lesson I learned in my State from observing the operation of the bonded distiller's warehouse. I have in mind certain gentlemen who operate very extensive distilling businesses, and these men have a part of the time, but not all the time, been bankrupt; and yet during the time they were bankrupt they were able to conduct a business that amounts to perhaps half a million or three-quarters of a million dollars a year.

I was curious to understand how it was that men could conduct such an extensive business and be so weak financially. I reached the conclusion that it was a system of credits. The Government issues to distillers what is known as a bonded warehouse receipt. This piece of paper is a bankable piece of paper, like a bank note, and passes upon delivery. It is a prime, commercial, bankable piece of paper that you can take to any bank in the United States and it will be accepted as gilt-edged collateral. All the banker was interested in when the receipt was presented to him was to know that it represented a barrel of distilled spirits in a United States bonded warehouse.

Mr. MADDEN. Will the gentleman yield?

Mr. HELM. Yes.

Mr. MADDEN. Does not the gentleman think the same thing applies to the warehouses under State control?

Mr. HELM. Every State has different rules and regulations and practices. The object of this bill is to establish uniformity and regularity in order to insure commercial stability. More especially does the export trade, the export business, which in a large measure controls the domestic price, depend largely upon one established and accepted system of grading, classification, and standardization. If there is one standard of grading or classification in one State and a different standard in another State you get your wires crossed and get into complications. If there is uniformity throughout the United States the banks say "Yes; that is acceptable paper we are glad to accommodate you, glad to handle it."

Mr. MADDEN. Do not they handle it now?

Mr. HELM. They do; but not with the alacrity and willingness that they will under this standardization and uniform operation. As I was attempting to say, when the United States bonded warehouse certificate is presented to the banker he knows that security is under Uncle Sam's care and under his watchful eye, and when the time comes that it will be paid, because the collateral on which it was issued will be on hand.

The features of the bill and its different sections are admirably set forth and explained in the report of the committee

accompanying the bill. Under leave of the House I shall add this report as an appendix and extension of my remarks.

The report is as follows:

This bill provides for the inauguration of a uniform system of warehousing, under Federal supervision, for staple and nonperishable agricultural products.

The outbreak of the European war emphasized the fact that the farm marketing machinery of this country is seriously weak, insufficient, and inadequate—a condition which already had been more or less recognized by students of farm economics. From a very thorough study of our system of marketing there will appear: (1) A lack of adequate storage facilities; (2) a lack of proper control and regulation of such storage systems as exist; (3) an absence of uniformity in their methods of operation and the form of receipts issued; (4) a multiplicity of standards for grading and classification, or in some cases an entire absence of such standards for grading and classification; (5) a lack of disinterested graders, classifiers, and weighers; (6) a lack of proper relationship between the storage and banking systems of the country.

The inauguration under this bill of a permissive system of warehouses licensed and bonded under authority of the Federal Government for the storage of staple and nonperishable agricultural products upon which uniform receipts may be issued, the weights and grades of the products specified therein having been previously determined by licensed weighers and graders in accordance with Government standards, would go far in the direction of standardizing warehouse construction, storage conditions, insurance, accounting, financing, and the handling and marketing of farm products.

The essential purpose of this bill is to provide machinery by which farm products may be brought into the most intimate contact with the commercial and investment banking world. Farm products of staple and nonperishable character, such as cotton, grain, wool, tobacco, and the like, undoubtedly furnish the very best security for procuring credit, for these products are the most accurate and unvarying barometers of the country's prosperity as well as indispensable factors in its physical existence and activity. Notwithstanding this fact, collateral based upon farm products affords only a most indifferent basis of credit, being rated, as it were, as of secondary strength. The result is that the farmer with perfectly sound security finds himself at the mercy of those who have come to look upon that security with a degree of suspicion as to its soundness as a basis for loans. That this situation should exist—and all agree that it does exist—is due, not to any inherent weakness in the security, but to the nonliquid and otherwise unattractive form of the collateral which it secures. We are seeking in this bill to put farm products in such position that they may assert their full value and strength, and this can be done only through a system which assures to the investor their quality, quantity, and safekeeping, and at the same time affords him an investment which is readily negotiable.

A study of the provisions of the bill will show that great care has been taken for the protection of the integrity of the receipt issuing from the warehouses proposed to be licensed, for a warehouse receipt, to be of the fullest strength as collateral and as readily negotiable as possible in the financial markets of the country, must be a receipt of unquestioned character. We are trying to enable the farmer to mobilize the greatest possible part of the value of his annual farm yields by the use of a warehouse receipt of such undoubted integrity that it will flow into the general system of securities and become realizable upon at any time in the general market. We hope to make the warehouse receipt serve the same purpose with respect to the products of the land that the bond in a rural-credit system serves with respect to the land itself.

The Federal Reserve Board has ruled that farm notes secured by proper warehouse receipts are rediscountable. It will be observed, however, that such notes must be secured by proper warehouse receipts before they may be rediscounted, and, of course, the stronger the receipt the greater its negotiability and, within the limits of the law of supply and demand, the lower the rate of interest upon the note which it secures. It is absolutely essential to the prosperity of the farmer that every facility should be offered him to take advantage of the liberal provisions of the Federal reserve act, and your committee believes that the enactment of this bill into law would go further toward the accomplishment of this purpose than any proposal heretofore advanced for your consideration.

Your committee has already directed attention to the absence of uniformity in methods of storing and caring for agricultural products, in the standards for grading and classification, and in the form of receipts issued by warehouses. The advantages to be derived from such uniformity are too patent to admit of argument, and the bill proposes, by providing for such uniformity to bring all parts of the country into the closest commercial and financial relationship.

Your committee wishes to emphasize the fact that the provisions of this bill are permissive and in no sense compulsory. It can in no wise interfere with warehouse systems organized under State or local authority, but provision is made for cooperative action between the Federal Government and the States in which warehouses are organized under State legislation.

The following is a brief summary by sections of the various provisions of the bill:

Section 1 gives the title of the bill.

Section 2 defines the terms "warehouse," "agricultural product," "person," and "receipt."

Section 3 authorizes the Secretary of Agriculture to investigate the storage, warehousing, classifying, weighing, and certification of agricultural products; to license persons to conduct warehouses and to inspect such warehouses; to determine whether warehouses for which licenses have been applied for or have been issued under the act are suitable for the proper storage of agricultural products; to classify warehouses; and to prescribe, within the limitations of the act, the duties of warehousemen conducting warehouses licensed under the act.

SEC. 4. The Secretary of Agriculture is authorized upon application to him to issue to any warehouseman a license for the conduct of a warehouse, in accordance with the terms of the act and under such rules and regulations as may be made under the act. This section contains a proviso that each warehouse shall be suitable for the proper storage of the particular agricultural product for which a license is granted and also that such warehouseman agrees, as a condition to the granting of the license, that he will comply with and abide by all the terms of this act and the rules and regulations prescribed thereunder.

Section 5 limits the term of a license to one year and specifies that the date upon which the license terminates shall be stated in the license, but permits renewal of licenses from time to time upon showing satisfactory to the Secretary of Agriculture.

Section 6 provides that each warehouseman applying for a license shall execute and file with the Secretary of Agriculture a bond to the United States in order to secure the performance of his obligations as a warehouseman under the laws of the State, District, or Territory in which he is conducting such warehouse, as well as under the terms of this act and the rules and regulations prescribed thereunder, and of such additional obligations as the warehouseman may assume under contract with the respective depositors of agricultural products in such warehouse.

Section 7 permits any person injured by the breach of any obligation under the bond given under the provisions of sections 6 or 9 to sue on the bond in his own name in any court of competent jurisdiction to recover any damages that may have been sustained by such breach.

Section 8 permits a warehouse which has filed a bond which has received the approval of the Secretary of Agriculture, to be designated as "bonded under the United States warehouse act," and denies this privilege to other warehouses not so bonded.

Section 9 empowers the Secretary of Agriculture to license any person not a warehouseman to accept the custody of agricultural products and to store them in a warehouse upon the condition that such person comply with and abide by the terms of this act and the rules and regulations prescribed thereunder. It directs such person so licensed to issue receipts for agricultural products placed in his custody and requires that he shall give bond in accordance with the provisions of the act and the rules and regulations made thereunder affecting warehousemen licensed under the act, and further specifies that he shall be subject to the act and the rules and regulations thereunder to the same extent as is provided for warehousemen licensed under the act.

Section 10 directs that the Secretary of Agriculture shall charge a reasonable fee for every examination or inspection of a warehouse licensed under the act when such examination or inspection is made upon the application of a warehouseman, and a fee not exceeding $2 per annum for each license or renewal thereof issued to a warehouseman.

Section 11 gives the Secretary of Agriculture authority in his discretion to issue to any person a license to classify any agricultural product stored, or to be stored, in a warehouse licensed under this act and to certificate its grade or class, or to weigh the same and to certificate its weight upon condition that such person agree to comply with and abide by the terms of this act and the rules and regulations prescribed thereunder.

Section 12 authorizes the Secretary of Agriculture to suspend or revoke for cause licenses issued under authority of this act.

Section 13 prohibits discrimination on the part of licensed warehousemen against persons desiring to avail themselves of warehouse facilities.

Section 14 specifies that any person who deposits agricultural products for storage in a warehouse licensed under this act shall be deemed to have deposited the same subject to the terms of the act and the rules and regulations made thereunder.

Section 15 makes mandatory that grain, flaxseed, or other fungible agricultural products received for storage in a warehouse licensed under this act shall be inspected and graded by a person duly licensed to grade the same.

Section 16 requires that every warehouseman licensed under this act shall keep separate the agricultural products of one depositor from those of another so as to permit at all times the identification and redelivery of the agricultural products deposited; but permits a warehouseman to mingle or mix fungible agricultural products of the same grade.

Section 17 directs that receipts shall be issued by a warehouseman for all agricultural products stored in such warehouse and specifies that receipts shall not be issued except for agricultural products that are actually stored at the time of the issuance of the receipt.

Section 18 specifies the terms of the receipt that shall be issued for agricultural products stored in licensed warehouses. These specifications are as follows: (a) Location of the warehouse. (b) Date of issue of the receipt. (c) Consecutive number of the receipt. (d) A statement whether the agricultural products received will be delivered to the bearer, to a specified person, or to a specified person or his order. (e) The rate of storage charges. (f) A description of the agricultural products received showing the quantity thereof, or, in case of agricultural products customarily put up in bales or packages, a description of such bales or packages by marks, numbers, or other means of identification, and the weight of such bales or packages. (g) The grade or class of the agricultural products received and the standard in accordance with which such classification has been made. The proviso is made that the official standards of the United States shall be used in stating the grade or class of agricultural products stored. It is provided further that until official standards for any agricultural product have been fixed and promulgated, the grade or class of such agricultural product may be stated in accordance with any recognized standard, or in accordance with such rules and regulations not inconsistent with this act as may be prescribed by the Secretary of Agriculture. (h) A statement that the receipt is issued subject to the United States warehouse act and the rules and regulations prescribed thereunder. (i) If the receipt be issued for agricultural products of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership. (j) A statement of the amount of advances made and the liabilities incurred for which a warehouseman claims a lien. (k) Such other terms and conditions within the limitations of this act as may be required by the Secretary of Agriculture. (l) The signature of the warehouseman which may be made by his authorized agent.

These terms must be incorporated in every receipt. It is provided that upon request by the depositor of other than fungible agricultural products a receipt omitting compliance with subdivision (*g*) of this section may be issued if it be conspicuously stated in its terms that such receipt is nonnegotiable.

Section 19 authorizes the Secretary of Agriculture to establish and promulgate standards for agricultural products for the purposes of this act.

Section 20 specifies the conditions under which a duplicate receipt may be issued. These terms are (1) in places under the exclusive jurisdiction of the United States, compliance with the statutes of the United States applicable thereto; (2) in any place not under the exclusive jurisdiction of the United States, compliance with the laws of any State applicable thereto; (3) if there be no such statute of the United States or law of a State applicable thereto, a new receipt may be issued

after giving satisfactory security in compliance with the rules and regulations made by the Secretary of Agriculture pursuant to this act.

Section 21 requires a licensed warehouse or a warehouseman conducting a warehouse licensed under the act to deliver the agricultural products stored therein upon a demand made either by the holder of a receipt or by the depositor thereof, if such demand be accompanied with (*a*) an offer to satisfy the warehouseman's lien; (*b*) an offer to surrender the receipt, if negotiable, with such indorsements as would be necessary for the negotiation of the receipt; and (*c*) a readiness and willingness to sign when the products are delivered an acknowledgment that they have been delivered if such signature is requested by the warehouseman.

Section 22 makes it mandatory upon the warehouseman conducting a warehouse under this act to cancel each receipt returned to him upon the delivery by him of the agricultural products for which the receipt was issued.

Section 23 requires that every warehouseman under this act shall keep complete records of agricultural products stored within his warehouse and withdrawn therefrom, and of all warehouse receipts issued by him, and of the receipts returned and canceled. A warehouseman is required to make such reports as may be required by the Secretary of Agriculture and to conduct his warehouse in all respects in compliance with the terms of this act and the rules and regulations made thereunder.

Section 24 gives authority to the Secretary of Agriculture to cause examinations to be made of agricultural products stored in warehouses licensed under this act. The Secretary of Agriculture may publish his findings in case he discovers that a warehouseman is not performing fully the duties imposed upon him by this act.

Section 25 gives the Secretary of Agriculture power to suspend or revoke for cause and after hearing any license issued under the authority of this act.

Section 26 authorizes the Secretary of Agriculture to publish the results of any investigations made under section 3 of this act and makes it mandatory that he publish the names and locations of warehouses licensed and bonded, and the names of persons licensed under this act, and a list of all licenses terminated under this act, and the causes therefor.

Section 27 authorizes the Secretary of Agriculture to examine all books, records, papers, and accounts of warehouses licensed under this act.

Section 28 gives the Secretary of Agriculture authority to make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this act.

Section 29 provides that this act shall not be construed to conflict with the laws of any State relating to warehouses, warehousemen, weighers, graders, or classifiers, but authorizes the Secretary of Agriculture to cooperate with the officials of such States and through such cooperation to secure the enforcement of this act. The section also provides that the act shall not be construed so as to limit the operation of any statute of the United States relating to warehouses or warehousemen, weighers, graders, or classifiers now in force in any place under the exclusive jurisdiction of the United States.

Section 30 makes the violation of the terms of the act a misdemeanor and fixes the punishment at a fine not exceeding $500 or imprisonment for not more than six months, or both, in the discretion of the court.

Section 31 appropriates $50,000 for carrying out the provisions of the act.

Section 32 states that in case any court shall declare any portion of this act to be invalid such judgment shall not impair or invalidate the remainder of the act.

Section 33 expressly reserves the right to amend, alter, or repeal this act.

Mr. HAUGEN. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. MCLAUGHLIN].

Mr. McLAUGHLIN. I offer the following amendments.

The Clerk read as follows:

Page 30, line 2, after the word "product," insert the words "or interstate or foreign commerce"; page 30, line 5, after the word "they," at the end of the sentence, insert the words "intended for interstate or foreign commerce."

Mr. McLAUGHLIN. Mr. Chairman, it seems to me necessary to have this amendment adopted in order to make the bill what it was intended to be, so there will be no misunderstanding as to its meaning. and in order that if the bill becomes a law it will be less objectionable than it is now.

On line 25, page 29, we find the words "for interstate and foreign commerce" as used in defining the word "warehouse." The bill as originally prepared and for a time considered in the committee did not contain those words. It was proposed by the author of the bill and those who supported it to have Federal inspection, Federal licensing, and Federal control over all warehouses, whether they were used or intended for storing of products in interstate or foreign commerce and whether or not there were any interstate or foreign commerce feature about them. Upon the insistent demand of some who did not believe in that kind of legislation these words in line 25 were inserted. I believe they were inserted with the consent of the chairman of the committee, Mr. LEVER, with the idea that they would control the entire bill; that is, that they would relate to and define "products" wherever the word appears, the same as if the words "interstate and foreign commerce" were used wherever the word "products" appears in the law.

In my opinion the better way, the safer way, if the idea of the Committee on Agriculture is to be carried out, is to have the words "interstate and foreign commerce" inserted as I have suggested in my amendment in keeping with the idea the committee had in mind when it put the words in line 25.

I trust that the gentleman from South Carolina, in looking over this amendment and weighing what I have said, will agree to it and permit the amendment to be made to the bill.

Now, Mr. Chairman, I have approved of the other amendments offered by the chairman of the Committee on Agriculture, the cotton-future act and the grain-standardization act, but I think this act is faulty, that it goes too far, and am not able to give it my support. The purpose of this act, the House ought to know, is to provide for Government warehouses, inspection of warehouses, the issuing of receipts on products stored in these warehouses with the idea that receipts so issued can and will be made the basis for the issue of currency under the Federal reserve act. That is at the basis of this entire proposition. If it were not for that, this bill would not be here. Unless we approve that idea, we ought not to support this measure. Unless we believe that the Federal reserve act, with such construction as may be put upon it, as it now appears on the books or as it later may be amended at the demand of those who have been insistent in securing the passage of this bill, should permit the issuance of currency based on these warehouse receipts we ought not to support this measure. This bill, if it becomes law, is to be the foundation for what we call a "commodity currency" instead of an "asset currency," as provided by the Federal reserve act, which represents actual business activities and actual business transactions throughout the country, a safe basis, in the opinion of those who ought to know and as proved by business and banking and currency experience. If this bill becomes law, an effort will be made to amend the currency act, so as to permit the issuing of "commodity" currency, based on warehouse receipts. That practice or that system of currency will be unwise and will result in improper and dangerous inflation of the volume of currency, and, besides, the basis of currency so issued will be wrong.

Mr. BOOHER. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. BOOHER. Let me call the attention of the gentleman to lines 24 and 25, on page 29, section 2. Does the gentleman not think the language in the last line there covers the point that he is making?

Mr. McLAUGHLIN. I know what the gentleman has in mind. I am familiar with the bill, and I will say to the gentleman, no, they have no relation whatever to it. They are simply describing what a warehouse is and what it must be. I am talking of the purpose behind this bill, why it was introduced, what use is to be made of it, and what these receipts are expected to do—play a part in the banking and currency system of the country.

Mr. BOOHER. Mr. Chairman, will the gentleman yield further?

Mr. McLAUGHLIN. Yes.

Mr. BOOHER. I do not call the attention of the gentleman to this in connection with the argument that he is making now, but with that part of his argument where the words "interstate or foreign commerce" ought to be inserted.

Mr. McLAUGHLIN. Mr. Chairman, I will say to the gentleman that the words in line 25—I have stated that before, evidently the gentleman not being in the room—"or interstate or foreign commerce" were inserted with the idea that they would influence and control the entire bill; but, in my judgment, in order to be sure of that, the words I have suggested by way of amendment should be inserted in line 2 and also in line 5. Congress can regulate and control interstate commerce and the products entering into interstate commerce, but Congress has no authority, nor should it seek authority, over products which are not in and which are not intended to be put into interstate commerce. Nor should Congress assume jurisdiction over places in which such products are stored.

Mr. Chairman, I have further objection to this bill. I do not like the idea of the Federal Government taking over so much, undertaking so much work. I do not like the idea of the people asking the Federal Government to do so much and take such part and so intimately in the business the people are carrying on. I do not believe that it is a proper function of the Federal Government, and I wish to say that I think the tendency of recent legislation is wrong and dangerous as the Federal Government extends its activities, reaching out in all directions for all kinds of purposes, taking upon itself one line and another of work, and employing men for one purpose and another, going into the States in all these different ways, interfering with and taking part in the business of the people of the States, influencing, controlling, and directing them in one way and another; overruning the States with Federal employees, to say nothing of the political effect of the employment and the presence in the States of this vast number of men. Section 4 of the bill provides that the Secretary of Agriculture is authorized on application to him to issue a license to any warehouseman; that is, to anyone who may apply who has a building, a shed, an inclosure, anything in which he is carrying or can carry

on the business of storing products, no matter how insignificant it may be. This language in section 4 shows how far-reaching the activities of the Federal Government are to be.

Section 24 provides that the Secretary of Agriculture shall "cause examinations to be made" of agricultural products stored in warehouses, and section 27 provides that the Secretary of Agriculture is authorized, through officials, employees, or agents of his department designated by him, "to examine all books, records, papers, and accounts of warehouses licensed under this act and of the warehousemen conducting such warehouses relating thereto." The language of these sections give us an idea of the extent to which this law will carry us, of the vast number of men to be employed to make examinations of all the licensed warehouses in the country, and from time to time to examine and inspect all the products of these warehouses and to examine the books, records, papers, and accounts of everybody doing a warehouse business. We may well ask, When and where will the activities of the Federal Government end? How far is the Government to go in "investigating," "inspecting," and "controlling" private business? How far should the Government go in assisting the people in carrying on their business and in aiding them to do what they can and ought to do for themselves? This bill, in my judgment, carries the work of the Government too far. It provides for or will permit the employment of too many men to go out among the people for the purpose of taking part in, directing, and influencing the course of private business. And in my judgment there is no demand for it, except in the South, where the people ask and accept assistance in many matters which in other parts of the country the people do and insist on taking care of for themselves. There is no need of such a law as this anywhere, and there is no demand for it except, as I have said, for the purpose of making warehouse receipts the basis of issues of currency. If the bill under any circumstances or for any reason is to be passed, the amendments which I offer for the purpose of limiting its operation to products in "interstate or foreign commerce" ought to be adopted.

Mr. LEVER. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. Mr. Chairman, I do not think there is a more important provision relating to agricultural welfare than this warehouse amendment to the bill which we are now considering. I believe that it is one of the several real constructive measures that this Committee on Agriculture has brought before the House. During the argument and consideration of this bill we have heard a good deal said upon the question of production, and that it is quite an important problem there can be no doubt. The rapidly increasing population of the country and the decrease in the fertility of the soil brings this matter forcibly to our attention. For half a century we have been a Nation of unexampled resources, a country of "milk and honey," so to speak. Our country has been one of unrivaled resources in soil, climate, mine, and forest. But we have "skimmed the cream," and it is now our duty to turn our attention to the question of increasing the productivity of our soils and learning how to make two blades of grass grow where only one grew before.

But quite as important as the question of production is the question of marketing, because if we do not give attention to scientific and business methods of marketing our production will frequently become top-heavy and result in an actual loss instead of a benefit. Therefore the question of a proper marketing system is one that demands the serious attention of the Nation, and no such system can be complete and efficient without an effective warehouse system, especially as to our nonperishable agricultural products; and no system of warehousing can be comprehensive and efficient unless it is national in its scope and activities. This is the reason why I favor this warehouse amendment which Mr. LEVER has offered. The excellent results of a warehouse law are well illustrated in the case of the State of Texas, which I have the honor to represent in part. In 1914 the South raised over 16,000,000 bales of cotton, and as my colleague, Mr. YOUNG, has told you in his able speech this afternoon, during that year the State of Texas raised about four million and a half bales of that crop. The European war came on just as we were about ready to start to gather and market the crop, and what was the result? The country was panic stricken, business was paralyzed, the bottom of the market fell out, and the price of the South's great staple dropped in a few days from 12 and 13 cents a pound to 6 and 7 cents a pound. The result was disastrous both to the farmers and the business interests throughout the South. It has been many a day since the South was struck such a terrific blow. We had no warehouse laws that were adequate to meet the situation and no means arranged to systematically finance this crop during the period of its greatest distress. Our State legislature immediately met in extra session, and we enacted an emergency warehouse law which was a most excellent measure for the limited time that the legislature had in which to consider its provisions.

THE PRACTICAL WORKINGS OF THIS WAREHOUSE LAW.

Warehouses were quickly erected in many communities in Texas and placed themselves under the operation of the law, and while it is true that many farmers were unable because of financial reasons to warehouse and hold their cotton, it is also true that many farmers and business men did avail themselves of its provisions and profited well thereby. I do not speak alone from hearsay, but give testimony from actual experience as to the beneficial workings of this law. The business firm of which I am a member, a wholesale grocery company at Clarksville, in the spring and summer of 1914 had been liberal in its extension of credit to retail merchants, and when the disastrous drop in cotton prices came, and cotton was selling at 6 and 7 cents per pound, the conditions looked bad. We went to many of our merchant customers and told them to buy cotton from farmers who owed them, and wanted to sell, at 8 cents per pound, rather than to have them sell it on the open market at 6 and 7 cents per pound, and that we would permit them to turn it in to us at 8 cents per pound on their accounts, and we would warehouse it and hold it and take the risk of the price advancing to where we would come out on it without a loss.

Quite a number of our merchant customers took advantage of this offer, and bought the cotton from their farmer customers at this price, and we put it in a bonded warehouse, kept it there until the price of cotton advanced to where we could sell for a price that repaid us for the original price paid, plus insurance and carrying charges.

If we had continued to hold the cotton two months longer, we would have made a profit of $5 per bale on all we had bought.

As it was, we did not suffer any loss. I merely mention this personal instance as a practical illustration of the advantages of a warehouse system. It is no hearsay testimony. Many other wholesale and retail merchants in Texas did the same thing.

In addition to this, I know of a number of farmers who used the warehouses at Clarksville, where I live, that year of 1914, and made anywhere from $5 to $10 per bale by doing so.

TEXAS PERMANENT WAREHOUSE LAW.

When the regular session of the Texas Legislature met in 1915 they enacted our permanent warehouse law, under which we are now operating in our State. I shall not take up the time of the House in enumerating the good points of this law, except to say that it is managed by a board of supervisors composed of the governor, the commissioner of agriculture, and the commissioner of insurance and banking, and they in turn select the active management of the system. These warehouses must under bond grade or classify each bale of cotton offered for storage, giving a receipt showing, among other things, the elevation above sea level of the warehouse, and that the warehouse company guarantees the weight, class, and grade "within approximate limits" at the time of the issuance of the receipt.

The receipt must also contain a description of the bale, the rate of storage, and a statement that the cotton will be delivered to the bearer, a specified person, or to a specified person or his order, as the party storing may desire.

In addition to these provisions on the face of the receipt, there is a blank on the back of it for showing whether the cotton is free from incumbrances or liens of any kind, and if there are any liens this fact must be clearly set out.

This, in brief, is a statement of the provisions of the Texas permanent warehouse law, except that portion which relates to ginners; and inasmuch as the Lever warehouse amendment, which we are now discussing, has no application to gins or ginners I shall not take time to discuss that feature of the Texas warehouse law. It would not be pertinent to any provision of the bill which we are now discussing.

LEVER AMENDMENT DOES NOT IMPAIR OR LIMIT TEXAS WAREHOUSE LAW.

Section 29 of the amendment which we are now discussing provides—

That nothing in this act shall be construed to conflict with or to authorize any conflict with, or in any way to impair or limit the effect or operation of the laws of any State relating to warehouses, warehousemen, weighers, graders, or classifiers; but the Secretary of Agriculture is authorized to cooperate with such officials as are charged with the enforcement of such laws in such States and through such cooperation to secure the enforcement of the provisions of this act.

The advantages of this act are that it is national in its scope and will secure a uniform system of licensing warehouses and issuing receipts for these nonperishable products, which will be readily receivable as commodity paper at the Federal reserve banks and will enable the wheat farmer and cotton farmer, if he desires to do so, to borrow money on his product at a low rate of interest and hold it for a better price than that which obtains

at the time he makes the loan. A practical illustration of what can be done along this line is seen in the marketing of the 1915 cotton crop. At the opening of the marketing season for that year there was every indication that prices would again be very unsatisfactory. The European war had enlarged its scope of activities, and all shipments of cotton to Germany and Austria had ceased, by reason of England's contraband order in August, 1915. These adverse conditions were being taken advantage of to the fullest extent by those whose interest it was to Bear the market. In the midst of this condition Secretary of the Treasury McAdoo arranged for the deposit of $30,000,000 in gold of public funds in the Federal reserve banks at Atlanta, Dallas, and Richmond for the purpose of being used to rediscount loans made by national banks, as member banks, on cotton secured by warehouse receipts.

Ten days after this announcement on the part of Secretary McAdoo that he would deposit these Government funds in the South the Federal Reserve Board contributed greatly to the relief of the cotton situation by the adaptation and promulgation, on September 3, 1915, of regulations concerning commodity paper. Under these regulations all national banks and State banks which are members of the Federal reserve system may loan money to farmers or others on notes secured by nonperishable staple agricultural products properly warehoused and insured, and if the member banks charge the farmer or borrower on such "commodity paper" a rate of interest, including commissions, not exceeding 6 per cent per annum, they may rediscount such notes with the Federal reserve bank of their district at an interest rate of 3 per cent per annum. This gives the member bank an opportunity to make loans on commodity paper at an interest rate not exceeding 6 per cent per annum, and to rediscount or sell the same loan, if desired, to the Federal reserve bank in their respective districts at 3 per cent interest per annum, thus giving the borrower credit accommodations at a low rate of interest, the member bank a fair margin of profit on such loans, and the Federal reserve bank a reasonable compensation for the use of the money.

These regulations do not apply to cotton alone, but cover as well all nonperishable staple commodities in all parts of the country and, like credit facilities, are available to producers in any part of the United States. Did the deposit of these public funds in the South by Secretary McAdoo and the promulgation by the Federal Reserve Board of its commodity paper-rate regulations help the cotton market? I think any fair-minded man who is at all familiar with conditions that obtained will not hesitate for a moment to say that it did.

The local banks for the most part evidenced a splendid spirit of cooperation in the movement, and I am pleased to state that many of the banks in the district which I have the honor to represent took hold of this matter and made these loans on warehoused cotton at 6 per cent, and quite a number of them went down as low as 5 per cent on their rate. The effect of this show of confidence in the value of cotton as security was to stabilize the cotton market and give it a firm foundation, and cotton advanced from 8 and 9 cents per pound to 11 and 12 cents per pound in a very short space of time. Of course, I would not be extravagant enough to say that all of this advance resulted from the causes which I have enumerated, because I realize that decreased production was an important factor; but the fact remains that this advance in the price of cotton was worth more than $100,000,000 to the people of the South, and I think it is only justice to say that a substantial part of this amount was due to the definite and positive arrangements to finance cotton while it yet remained in the hands of the producer. There has never anything happened in the South which taught a better lesson than this to us all of the value of cooperation between the banker, the business man, and the farmer, and I hope that it is a good omen of the spirit of mutual cooperation which will obtain in the future. I have no patience with class hatred or prejudice. I detest the demagogue who continually preaches it. In every walk of life, whether on the farm or in the marts of trade, whether in the pulpit or the forum, the Nation needs men—

Men whom the spoils of office can not buy,
Men whom the lust of power will not kill,
Men who are honest, men who will not lie,
Men who can stand before a demagogue
And down his treacherous flattery without winking;
Tall men, sun-crowned, who live above the fog
In public duty and in private thinking.

CONCLUSION.

The Democratic administration, under the able leadership of President Wilson, has been one of record achievement. Its definite purpose has been the promotion of the welfare of all the people and not that of any special class. Its product has been a group of constructive laws that challenge the admiration of the Nation. I call the roll of some of them. There is the Underwood tariff law, which fulfilled the Democratic pledges of a tariff for revenue instead of protection for the favored few. There is the income-tax law, which makes wealth bear its just share of the burden of taxation. There is the Federal reserve act, which freed the country from the dangerous domination of the financial supremacy of one small section of the Nation and mobilizes our banking resources for the benefit of all the people. There is the cotton futures act, the grain graders' act, and this warehouse law, all enacted for the benefit of our great agricultural interests; and, as the crowning achievement of it all, this Democratic administration will soon give the people of the United States a rural-credits law, which will do more for the farming interests of the Nation than any law which has ever been placed upon the statute books.

Adam Smith, when he came to write his Wealth of Nations in 1776, remarked upon it as a truism that the policy of all great nations since the downfall of the Roman Empire "has been more favorable to arts, manufacture, and commerce, the industry of towns, than to agriculture, the industry of the country."

No one who has read history carefully can doubt that the great philosopher was right. But the present Democratic administration can not be justly subjected to this criticism.

To use the expression of President Wilson, we have seen the dawn of a "new freedom"—the liberation of the spirit of Democracy, which teaches that those only are great things which tend to render life more happy, peace more secure, and pave the way for a state of future prosperity more permanent and enduring.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. ANDERSON].

Mr. ANDERSON. Mr. Chairman, I offer the following amendment by way of substitute which I send to the desk and ask to have read.

The Clerk read as follows:

Page 29, strike out all after the word "that," in line 17, and insert in lieu thereof the following:

"This act shall be known by the short title of 'United States warehouse act.'

"SEC. 2. That the term 'warehouse' as used in this act shall be deemed to mean every building, structure, or other protected inclosure situated on the line or at the terminal of a common carrier engaged in the transportation of agricultural products in interstate or foreign commerce in which any agricultural product is or may be stored for hire, but shall include such warehouses operated by a State or by cooperative associations for the benefit of their own members. The term 'agricultural product' wherever used in this act shall be deemed to mean grain, flaxseed, cotton, wool, and tobacco. As used in this act 'person' includes a corporation or partnership or two or more persons having a joint or common interest; 'warehouseman' means a person lawfully engaged in the business of storing agricultural products, and 'receipt' means a warehouse receipt.

"SEC. 3. That the Secretary of Agriculture is authorized to investigate the storage, warehousing, classifying according to grade and otherwise, weighing, and certification of agricultural products; upon application to him by any person applying for license to conduct a warehouse under this act, to inspect such warehouse or cause it to be inspected; at any time, with or without application to him, to inspect or cause to be inspected all warehouses licensed under this act; to determine whether warehouses for which licenses are applied for or have been issued under this act are suitable for the proper storage of any agricultural product or products; to classify warehouses according to their ownership, location, surroundings, capacity, condition, and other qualities, and as to the kinds of licenses issued or that may be issued for them pursuant to this act.

"SEC. 4. That the Secretary of Agriculture is authorized, upon application to him, to issue to any warehouseman a license for the conduct of a warehouse or warehouses in accordance with this act and such rules and regulations as may be made hereunder: *Provided*, That each such warehouse be found suitable for the proper storage of the particular agricultural product or products for which a license is applied for, and that a bond shall have been filed and approved as required by this act.

"SEC. 5. That each license issued under sections 4 and 9 of this act shall be issued for a period not exceeding one year and shall specify the date upon which it is to terminate, and that it is issued under the terms of this act.

"SEC. 6. That each warehouseman applying for a license to conduct a warehouse in accordance with this act shall, prior to the granting thereof, execute and file with the Secretary of Agriculture a good and sufficient bond other than personal security to the United States to secure the faithful performance of his obligations as a warehouseman under the laws of the State, District, or Territory in which he is conducting such warehouse, as well as under the terms of this act and the rules and regulations prescribed hereunder, and of such additional obligations as a warehouseman as may be assumed by him under contracts with the respective depositors of agricultural products in such warehouse. Said bond shall be in such form and amount, shall have such surety or sureties, subject to service of process in suits on the bond within the State, District, or Territory in which the warehouse is located, and shall contain such terms and conditions as the Secretary of Agriculture may prescribe to carry out the purposes of this act. Whenever the Secretary of Agriculture shall determine that a bond approved by him is or for any cause has become insufficient, he may require an additional bond or bonds to be given by the warehouseman concerned, conforming with the requirements of this section, and unless the same be given within the time fixed by a written demand therefor the license of such warehouseman may be suspended or revoked.

"SEC. 7. That any person injured by the breach of any obligation to secure which a bond is given, under the provisions of this act, shall be entitled to sue on the bond in his own name in any court of com-

petent jurisdiction to recover the damages he may have sustained by such breach.

"SEC. 8. That it shall be unlawful for any person to designate any warehouse owned or operated by him as bonded or licensed under this act, or to use any name or description in any receipt issued by him, conveying the impression that it is so bonded or licensed, or otherwise convey such impression, unless said warehouse is licensed under this act.

"SEC. 9. That the Secretary of Agriculture shall charge, assess, and cause to be collected a reasonable fee for every examination or inspection of a warehouse under this act when such examination or inspection is made upon application of a warehouseman, and a fee not exceeding $2 per annum for each license or renewal thereof issued to a warehouseman under this act. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts.

"SEC. 10. That the Secretary of Agriculture may, upon presentation of satisfactory proof of competency, issue to any person authorized under the laws of any State to grade or weigh agricultural products a license to classify any agricultural product or products, stored or to be stored in a warehouse licensed under this act, according to grade or otherwise, and to certificate the grade or other class thereof, or to weigh the same and certificate the weight thereof, or both to weigh and classify the same and to certificate the weight and the grade or other class thereof, upon condition that such person agree to comply with and abide by the terms of this act and of the rules and regulations prescribed hereunder so far as the same relate to him.

"SEC. 11. That it shall be unlawful for any person to certify the class, grade, weight, or condition of any agricultural product stored or to be stored in any warehouse licensed under this act, or to use any name or description conveying the impression that he is authorized to issue such a certificate under this act, unless such person is licensed under this act.

"SEC. 12. That any license issued to any person to classify or to weigh any agricultural product or products under this act may be suspended or revoked by the Secretary of Agriculture whenever he is satisfied, after opportunity afforded to the licensee concerned for a hearing, that such licensee has failed to classify or to weigh any agricultural product or products correctly, or has violated any of the provisions of this act or of the rules and regulations prescribed hereunder, so far as the same may relate to him, or that he has used his license or allowed it to be used for any improper purpose whatsoever. Pending investigation, the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing.

"SEC. 13. That every warehouseman conducting a warehouse licensed under this act shall receive for storage therein, so far as its capacity permits, any agricultural product of the kind customarily stored therein by him which may be tendered to him in a suitable condition for warehousing, in the usual manner in the ordinary and usual course of business, without making any discrimination between persons desiring to avail themselves of warehouse facilities.

"SEC. 14. That grain, flaxseed, or any other fungible agricultural product received for storage in a warehouse licensed under this act shall be inspected and graded by a person duly licensed to grade the same under this act.

"SEC. 15. That every warehouseman conducting a warehouse licensed under this act shall keep the agricultural products therein of one depositor so far separate from agricultural products of other depositors, and from other agricultural products of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and redelivery of the agricultural products deposited; but if authorized by agreement or by custom, a warehouseman may mingle fungible agricultural products with other agricultural products of the same kind and grade, and shall be severally liable to each depositor for the care and redelivery of his share of such mass, to the same extent and under the same circumstances as if the agricultural products had been kept separate, but he shall at no time while they are in his custody mix fungible agricultural products of different grades.

"SEC. 16. That for all agricultural products stored in a warehouse licensed under this act original receipts shall be issued by the warehouseman conducting the same, but no receipts shall be issued except for agricultural products actually stored in the warehouse at the time of the issuance thereof.

"SEC. 17. That every receipt issued for agricultural products stored in a warehouse licensed under this act shall embody within its written or printed terms (a) the location of the warehouse in which the agricultural products are stored; (b) the date of issue of the receipt; (c) the consecutive number of the receipt; (d) a statement whether the agricultural products received will be delivered to the bearer, to a specified person, or to a specified person or his order; (e) the rate of storage charges; (f) a description of the agricultural products received, showing the quantity thereof, or, in case of agricultural products customarily put up in bales or packages, a description of such bales or packages by marks, numbers, or other means of identification, and the weight of such bales or packages; (g) the grade or other class of the agricultural products received and the standard or description in accordance with which such classification has been made: *Provided*, That such grade or other class shall be stated according to the official standard of the United States applicable to such agricultural products as the same may be fixed and promulgated under authority of law: *Provided further*, That until such official standards of the United States for any agricultural product or products have been fixed and promulgated, the grade or other class thereof may be stated in accordance with any recognized standard or in accordance with such rules and regulations not inconsistent herewith as may be prescribed by the Secretary of Agriculture; (h) a statement that the receipt is issued subject to the United States warehouse act and the rules and regulations prescribed thereunder; (i) if the receipt be issued for agricultural products of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership; (j) a statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien: *Provided*, That if the precise amount of such advances made or of such liabilities incurred be at the time of the issue of the receipt unknown to the warehouseman or his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof shall be sufficient; (k) such other terms and conditions within the limitations of this act as may be required by the Secretary of Agriculture; and (l) the signature of the warehouseman, which may be made by his authorized agent: *Provided*, That unless otherwise required by the law of the State in which the warehouse is located, when requested by the depositor of other than fungible agricultural products, a receipt omitting compliance with subdivision (g) of this section may be issued if it have plainly and conspicuously embodied in its written or printed terms a provision that such receipt is not negotiable.

"SEC. 18. That the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards for agricultural products in this act defined by which their quality or value may be judged or determined: *Provided*, That the standards for any agricultural products which have been, or which in future may be, established by or under authority of any other act of Congress shall be, and are hereby, adopted for the purposes of this act as the official standards of the United States for the agricultural products to which they relate.

"SEC. 19. That while an original receipt issued under this act is outstanding and uncanceled by the warehouseman issuing the same no other or further receipt shall be issued for the agricultural products covered thereby or for any part thereof, except that in the case of a lost or destroyed receipt a new receipt, upon the same terms and subject to the same conditions and bearing on its face the number and date of the receipt in lieu of which it is issued, may be issued upon compliance with the statutes of the United States applicable thereto in places under the exclusive jurisdiction of the United States or upon compliance with the laws of any State applicable thereto in any place not under the exclusive jurisdiction of the United States: *Provided*, That if there be in such case no statute of the United States or law of a State applicable thereto such new receipts may be issued upon the giving of satisfactory security in compliance with the rules and regulations made pursuant to this act.

"SEC. 20. That a warehouseman conducting a warehouse licensed under this act, in the absence of some lawful excuse, shall, without unnecessary delay, deliver the agricultural products stored therein upon a demand made either by the holder of a receipt for such agricultural products or by the depositor thereof if such demand be accompanied with (a) an offer to satisfy the warehouseman's lien; (b) an offer to surrender the receipt, if negotiable, with such indorsements as would be necessary for the negotiation of the receipt; and (c) a readiness and willingness to sign, when the products are delivered, an acknowledgment that they have been delivered if such signature is requested by the warehouseman.

"SEC. 21. That a warehouseman conducting a warehouse licensed under this act shall cancel each receipt returned to him upon the delivery by him of the agricultural products for which the receipt was issued.

"SEC. 22. That every warehouseman conducting a warehouse licensed under this act shall keep in a place of safety complete and correct records of all agricultural products stored therein and withdrawn therefrom, of all warehouse receipts issued by him, and of the receipts returned to and canceled by him, shall make reports to the Secretary of Agriculture concerning such warehouse and the condition, contents, operation, and business thereof in such form and at such times as he may require, and shall conduct said warehouse in all respects in compliance with this act and the rules and regulations made hereunder.

"SEC. 23. That the Secretary of Agriculture is authorized to cause examinations to be made of any agricultural product stored in any warehouse licensed under this act. Whenever, after opportunity for hearing is given to the warehouseman conducting such warehouse, it is determined that he is not performing fully the duties imposed on him by this act and the rules and regulations made hereunder, the Secretary may publish his findings.

"SEC. 24. That the Secretary of Agriculture may, after opportunity for hearing has been afforded to the licensee concerned, suspend or revoke any license issued to any warehouseman conducting a warehouse under this act, for any violation of or failure to comply with any provision of this act or of the rules and regulations made hereunder or upon the ground that unreasonable or exorbitant charges have been made for services rendered. Pending investigation, the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing.

"SEC. 25. That the Secretary of Agriculture from time to time may publish the results of any investigations made under section 3 of this act; and he shall publish the names and locations of warehouses licensed and bonded and the names and addresses of persons licensed under this act and lists of all licenses terminated under this act and the causes therefor.

"SEC. 26. That the Secretary of Agriculture shall from time to time make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this act.

"SEC. 27. That nothing in this act shall be construed to conflict with, or to authorize any conflict with, or in any way to impair or limit the effect or operation of the laws of any State relating to warehouses, warehousemen, weighers, graders, or classifiers; but the Secretary of Agriculture is authorized to cooperate with such officials as are charged with the enforcement of such State laws in such States and through such cooperation to secure the enforcement of the provisions of this act; nor shall this act be construed so as to limit the operation of any statute of the United States relating to warehouses or warehousemen, weighers, graders, or classifiers now in force in the District of Columbia or in any Territory or other place under the exclusive jurisdiction of the United States.

"SEC. 28. That every person who shall forge, alter, counterfeit, simulate, or falsely represent, or shall without proper authority use, any license issued by the Secretary of Agriculture under this act, or who shall violate or fail to comply with any provision of section 8 of this act, or who shall issue or utter a false or fraudulent receipt or certificate, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $500 or imprisoned not more than six months, or both, in the discretion of the court.

"SEC. 29. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, available until expended, for the expenses of carrying into effect the provisions of this act, including the payment of such rent and the employment of such persons and means as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere; and he is authorized, in his discretion, to employ qualified persons not regularly in the service of the United States for temporary assistance in carrying out the purposes of this act, and out of the moneys appropriated by this act to pay the salaries and expenses thereof.

"SEC. 30. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

"SEC. 31. That the right to amend, alter, or repeal this act is hereby expressly reserved."

Mr. ANDERSON. Mr. Chairman, I have not offered this amendment with any hope that it will be adopted. I offer it in order that the House and the country may be informed of my notion of what this bill ought to provide.

The CHAIRMAN. May the Chair interrupt the gentleman to inquire how much time he wishes to take?

Mr. ANDERSON. Yes; five minutes. I realize the utter futility of offering an amendment which attempts to deal with this proposition on any basis different from that proposed in the amendment now under consideration.

In the circumstances under which we are legislating we are able to get only five minutes in which to discuss the fundamental propositions involved in this amendment. We can not get a vote at the end of the argument, but as a result of the rule adopted the vote on such amendments as are proposed will be determined by men who are not on the floor now, who do not hear the arguments, and who consequently can know nothing of the merits or demerits of the respective propositions advanced.

The amendment under consideration as it was originally reported to the House dealt with warehouses, whether those warehouses were engaged in the storage of grain, cotton, wool, or other agricultural products, in interstate and foreign commerce or in intrastate commerce. I attempted in the committee to have adopted amendments which would bring this proposition clearly within the constitutional power of the Congress. The committee having failed to take my view of the question, I prepared a speech, outlining my position and the constitutional objections to the bill as it was originally reported; but the committee had a change of heart on that subject, and after the bill was reported inserted in it amendments limiting its scope to warehouses engaged in the storage of grain in interstate and foreign commerce only, thereby accepting the position which I had taken on the bill.

I suppose I should be satisfied that the committee has accepted my view of the situation, but I can not but regret that the committee has deprived me of an opportunity to deliver a very good speech on the floor of this House. [Applause.]

Mr. MANN. That is for the speech. [Laughter.]

Mr. ANDERSON. I do not think the House ought to be deprived of the opportunity of reading the speech, and I therefore ask unanimous consent that I may insert it in the RECORD at the end of my remarks to-day. [Applause.]

The CHAIRMAN. The gentleman from Minnesota [Mr. ANDERSON] asks unanimous consent to insert in the RECORD the speech indicated. Is there objection?

There was no objection.

Mr. ANDERSON. The amendment as it is now presented deals with warehouses on the theory that Congress has the right to regulate warehouses receiving grain shipped or intended for shipment in interstate and foreign commerce. Its jurisdiction rests upon the proposition that the grain stored in these elevators has moved or will move in interstate and foreign commerce.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. ANDERSON. Mr. Chairman, may I have three or four minutes more?

Mr. HAUGEN. Mr. Chairman, I will yield to the gentleman two minutes more.

The CHAIRMAN. The gentleman from Minnesota is recognized for two minutes more.

Mr. ANDERSON. Mr. Chairman, the amendment that I have offered deals with the elevator as an instrumentality of interstate and foriegn commerce and is consequently much broader than the amendment offered by the committee. In addition, the amendment which I have offered eliminates from the bill the provisions for an inspection service which I believe will seriously interfere with the State systems as they now exist. The bill of the committee, as originally reported, was wholly permissive, and the obligations of the warehouseman rested entirely upon his agreement to be bound by the regulations issued by the Department of Agriculture. The amendment which I have offered imposes those obligations not by virtue of any agreement which the warehouseman may make with the Secretary of Agriculture, but upon the power of Congress to regulate warehouses or warehousemen engaged in operating warehouses as instrumentalities of interstate and foreign commerce; and in that respect I think it improves the pending amendment.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

The speech referred to is as follows:

"The pending bill is the result of a great emergency.

"During the season of 1914 the South raised the largest crop of cotton in its history. The European war destroyed the market for a large part of this crop, and the South found itself with some 2,000,000 bales of cotton which it must carry over to the succeeding year.

"A survey of the situation showed that the warehouse facilities of the South were absolutely inadequate for the storage of this vast quantity of cotton until the next season and that the Southern States were for the most part entirely without adequate laws for the regulation of such warehouses as actually existed or might be established.

"Warehouse receipts issued under these circumstances were not liquid and loans could be made upon them only in a comparatively limited market. The bill under consideration was originally introduced to meet this situation, to provide facilities for the storage of the cotton and at the same time such regulation as would stabilize the receipts issued by the institutions licensed under the act and make them available as a basis for the issue of currency by the Federal reserve banks.

"For several years there has been in the grain-growing sections of the country a feeling that the State inspection and warehousing systems operated in the interest of the large users and speculators in grain. A great many people in these grain-growing sections believed that Federal control of warehousing and grain-inspection systems was necessary in the interest of the producer. They saw in the cotton-warehouse bill a vehicle for the passage of Federal legislation for the regulation of grain warehousing and grain inspection. They sought to take advantage of the emergency confronting the South to bring about certain legislative results which they thought desirable. The consequence of this situation was the coupling of the supposed interests of the cotton sections of the South with the grain-growing sections of the North in the warehouse bill which is now under consideration.

"The bill proposes, if it accomplishes what I understand to be its ideal, to do in a different way for the warehouses of the country what the national-bank law did for national banks—to make a warehouse as safe a depository for agricultural products as the national bank is for money; to make a certificate of storage issued by a warehouse as stable, as negotiable, as liquid as a certificate issued by a bank. These purposes are desirable. My objection to the bill is not that it will accomplish these results, but that it will not accomplish them.

"The bill, as a whole, is of such doubtful constitutionality, so uncertain in its terms, and so unenforceable in its regulations as to defeat the purposes for which it is proposed to be enacted.

"When I say the bill is unconstitutional, I do not wish to be understood as questioning the power of Congress to regulate the warehousing of agricultural products so far as the warehousing may be incidental or appropriate to the transportation of these products in interstate or foreign commerce. I merely assert that we have not the power to regulate the warehousing of agricultural products in the way and to the extent which it is proposed by this bill to regulate it.

"It is significant that the report of the committee makes no attempt to establish a constitutional basis for the bill. The chairman of the Committee on Agriculture is one of the ablest and most adroit men in this House. He is at the same time the kindliest and most amiable. But I have too high a regard for his wisdom to suppose that the failure to establish a constitutional basis for the bill was the result of inadvertence. I suspect that this omission was the result of a desire on the part of the Chairman to make it present as small a target as possible.

"It is obvious from the definition of the term "warehouse" in the second section of the bill, which controls the operation of the bill and which reads as follows:

"That the term 'warehouse' as used in this act shall be deemed to mean every building, structure, or other protected inclosure in which any agricultural product is or may be stored.

"That its provisions apply to warehouses doing a strictly intrastate business. There are no provisions in the bill which can possibly be construed in such a way as to limit the operation of the bill to warehouses whose operation is incidental or appropriate to the transportation of agricultural products in interstate or foreign commerce. In the absence of language limiting the operation of the act to such warehouses as are operated incidentally or appropriately to the transportation of agricultural products in interstate or foreign commerce, it is apparent that the constitutionality of the bill can not be sustained under the decisions of the United States Supreme Court in the Trade-Mark cases—One hundredth United States Reports, page 82—and the Employers' Liability cases—Two hundred and seventh United States Reports, page 463.

"In both of these cases it was decided that where no language was contained in the act restricting its operation to subjects legitimately within the scope of the interstate-commerce clause, the court could not, and would not, write in such words for the purpose of sustaining the constitutionality of the act.

"In the Trade-Mark cases the court said, page 99 (207 U. S., p. 502):

"If we should, in the case before us, undertake to make by judicial construction a law which Congress did not make, it is quite probable we should do what, if the matter were now before that body, it would be unwilling to do, namely, make a trade-mark law which is only partial in its operation, and which would complicate the rights which parties would hold, in some instances under the act of Congress and in others under State law.

"This language is quoted with approval and the principle stated sustained in the Employers' Liability cases referred to.

"In the Employers' Liability cases the constitutionality of the employers' liability act approved June 11, 1906, was in question. The act, by its terms and by the construction of the court, applied to the employees of all common carriers engaged in interstate and foreign commerce, whether these employees were at the time of the injury or death actually engaged in interstate commerce or not. The court said, page 504:

"Concluding, as we do, that the statute, whilst it embraces subjects within the authority of Congress to regulate commerce, also includes subjects not within its constitutional power, and that the two are so interblended in the statute that they are incapable of separation, we are of the opinion that the courts below rightly held the statute to be repugnant to the Constitution and nonenforceable.

"The decisions in these cases are unquestionably applicable to the bill under consideration, and undoubtedly prohibit the possibility that the court would sustain the constitutionality of this bill under the interstate-commerce clause.

"If the bill can not be sustained by the interstate-commerce clause of the Constitution, I assert that it can not be sustained at all. The proponents of the bill assert that it may be sustained under the so-called 'general-welfare clause' of the Constitution, which provides:

"That Congress shall have power to levy taxes, duties, imposts, and excises; to pay the debts; and provide for the common defense and general welfare of the United States.

"The bare statement of this proposition is its own refutation. So far as I know, this is the first time it has ever been asserted that under this clause Congress might pass legislation affecting the substantive rights of individuals or invade the domain of the powers reserved to the States.

"It has uniformly been held by law writers and by the courts that the power conveyed to the Congress by the language 'to provide for the general welfare' was the power to appropriate money for the general welfare. It is not contended that this power is confined to the appropriation of money for the purposes specified in the remaining paragraphs of section 8 of the Constitution. Congress may appropriate for whatever in its judgment conduces to the general welfare, but this does not mean that Congress may, under the guise of appropriation, legislate upon upon every field of human activity, or that it can, under this clause of the Constitution, define the rights or liabilities of individuals or exercise a police power with respect to the domestic concerns of a State.

"I quote from Mr. Jefferson in his opinion on the power of Congress to establish a Bank of the United States, as it is found on page 390, Volume I, of Watson on the Constitution, as follows:

"To lay taxes to provide for the general welfare of the United States; that is to say, 'to lay taxes for the purpose of providing for the general welfare.' For the laying of taxes is the power and the general welfare the purpose for which the power is to be exercised. Congress are not to pay taxes ad libitum for any purpose they please, but only to pay the debts or provide for the welfare of the Union. In like manner they are not to do anything they please to provide for the general welfare, but only to lay taxes for that purpose. To consider the latter phrase not as describing the purpose of the first but as giving a distinct and independent power to do any act they please which might be for the good of the Union would render all the preceding and subsequent enumerations of power completely useless. It would reduce the whole instrument to a single phrase—that of instituting a Congress with power to do whatever would be for the good of the United States; and as they would be the sole judges of the good or evil, it would also be a power to do whatever evil they pleased. It is an established rule of construction, where a phrase will bear either of two meanings, to give it that which will allow some meaning to the other parts of the instrument and not that which will render all the others useless. Certainly no such universal power was meant to be given them. It was intended to lace them up strictly within the enumerated powers, and those without which, as means, these powers could not be carried into effect. It is known that the very power now proposed as a means was rejected as an end by the Convention which formed the Constitution."

"And from President Monroe's message to Congress of May 4, 1822, on the bill for the preservation and repair of the Cumberland Road, as found on pages 393 and following of the same volume of Watson on the Constitution, he says:

"That the second part of this grant—i. e., to provide for the general welfare—gives the right to appropriate the public money and nothing more is evident from the following considerations: First, if the right of appropriation is not given by this clause, it is not given at all. * * *

"In the second, because if the clause in question is not construed merely as an authority to appropriate the public money, it must be obvious that it conveys a power of indefinite and unlimited extent; that there would have been no use for the special powers to raise and support Armies and a Navy, to regulate commerce, to call forth the militia, or even to lay and collect taxes, duties, imposts, and excises. An unqualified power to pay the debts and provide for the general welfare and the common defense, as the second part of this clause would be if considered as a distinct and separate grant, would extend to every object in which the public could be interested. A power to provide for the common defense would give to Congress the command of the whole force and of all the resources of the Union, but a right to provide for the general welfare would go much further. It would, in effect, break down all the barriers between the States and the General Government and consolidate the whole under the latter."

"Again, on page 396, same volume:

"I have dwelt thus long on this part of the subject from an earnest desire to fix in a clear and satisfactory manner the import of the second part of this grant, well knowing from the generality of the terms used their tendency to lead into error. I indulge a strong hope that the view herein presented will not be without effect, but will tend to satisfy the unprejudiced and impartial that nothing more was granted by that part than a power to appropriate the public money raised under the other part."

"I quote from Watson on the Constitution, page 398, the second paragraph, as follows:

"We have seen that such eminent constitutional critics and commentators as Jefferson, Hamilton, Monroe, St. George Tucker, and Judge Story have given strong reasons in support of the view that the words 'to lay and collect taxes, duties, imposts, and excises' did not confer upon Congress an unlimited power to lay taxes, but that the proper construction of these words connected them with those which immediately follow, namely, to 'pay the debts and provide for the general welfare of the United States,' and that they were limited by such words to levying taxes for the purpose of paying the debts and providing for the common defense and general welfare of the country. This view has been generally accepted as correct, and the controversy upon the subject may be regarded as settled.

"It thus appears that the powers granted by the first paragraph of section 8, namely, 'The power to levy taxes and provide for the common defense and the general welfare,' are in no way different from the powers granted in the other paragraphs of the same section. In other words, the power to levy taxes, provide for the common defense and the general welfare, is not a general power, but a specific power.

"The power to provide for the general welfare is not the general power to legislate upon everything which concerns the general welfare, but is the power to provide the funds; in other words, to appropriate money for the general welfare. It is the power to appropriate, not the power to regulate. That power exists only under the interstate-commerce clause of the Constitution.

"If it be established, as I think it is, that the power granted by the language 'To provide for the general welfare' is that of appropriating money, the question arises as to how far it extends and what its limits are.

"It has already been established that this power does not differ in kind from the other powers granted in the Constitution. It is an enumerated and specific power. Therefore the rules which apply to the construction or interpretation of the other enumerated and specific powers granted by section 8 ought to be and are the rules to be applied to the paragraph in question. One of these rules is found in the final paragraph of section 8, which reads as follows:

"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

"The leading case interpreting the section just quoted is the opinion of Chief Justice Marshall in the case of McCulloch *v.* Maryland (4 Wheat., p. 421), which defines the incidental power of Congress in this language:

"If the end be legitimate and within the scope of the Constitution, all the means which are appropriate, which are plainly adapted to that end, and which are not prohibited, may be constitutionally employed to carry it into effect.

"Applying this statement to the clause which empowers Congress to provide for the general welfare—in other words, to appropriate money for the general welfare—we find that Congress may employ 'all the means which are appropriate and which are plainly adapted' to carry into effect the power to appropriate money for the general welfare.

"The second rule which limits this power is found in Article X of the Constitution, which reads as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

"These paragraphs are just as much limitations upon the power to appropriate money as they are upon any other power granted by the Constitution, and limit the power to appropriate money to such laws as are 'necessary and proper' to carry

that power into effect. They prohibit the invasion of the field of legislation reserved to the States under the power to appropriate money as much and to the same extent as they prohibit such invasion under any other power.

"The rule, then, is that such means may be used or laws passed under the power to appropriate money as are appropriate or applicable to the appropriation of money, and such as do not by their terms invade the domestic jurisdiction or police power of the States.

"The immediate question is whether the provisions of this bill are such as are appropriate or applicable to the appropriation of money. In order to determine this question recourse must be had to the terms of the bill itself. I confine myself to such sections as are clearly regulatory and which invade the police power of the State.

"Section 3 authorizes the Secretary of Agriculture, among other things, to prescribe the duties of the warehousemen conducting warehouses licensed under the act with respect to the care of and responsibility for agricultural products stored therein.

"Section 4 authorizes the Secretary of Agriculture to issue a license for the conduct of the warehouse, providing the warehouseman shall agree to comply with the rules and regulations prescribed by the Secretary and by the terms of the act.

"Section 6 requires the warehouseman to file a bond to secure the faithful performance of his obligations and his compliance with the act and the rules prescribed.

"Section 7 authorizes any person injured by breach of the obligations of the bond to sue thereon.

"Section 11 authorizes the Secretary of Agriculture to appoint persons to inspect, grade, and classify products which may be stored in warehouses licensed under this act, whether such products are stored in the course of interstate or intrastate commerce.

"Section 13 requires the warehouseman to receive agricultural products without discrimination.

"Section 14 provides that every person who stores grain in a licensed warehouse shall be deemed to have deposited the same subject to the provisions of the act and the rules made thereunder.

"Sections 16, 17, and 18 make applicable to warehouses licensed under the act the so-called uniform warehouse-receipts law.

"Section 23 requires the warehouseman to keep books and records.

"Section 24 authorizes the Secretary of Agriculture to cause examination to be made of agricultural products stored in warehouses licensed under the act, and to publish his findings if it is determined that the warehouseman is not performing the duties imposed upon him by the act.

"Section 25 authorizes the Secretary to suspend or revoke the license of a warehouseman for failure to comply with the act or rules, or for making unreasonable charges.

"Section 27 authorizes the Secretary to inspect and examine all books, records, papers, and accounts of warehouses and warehousemen licensed under the act.

"Section 28 is a blanket provision authorizing the Secretary of Agriculture to make rules and regulations.

"Section 30 is a penal section designed to protect the genuineness of certificates of grade or of storage issued under the act.

"These provisions are clearly regulatory. Any and all of them might be imposed by a State under its police power. No power is anywhere given to Congress to regulate the internal affairs of the States, and such regulatory power as it possesses exists only as to interstate and foreign commerce.

"Can it be said that the power to appropriate money is the power to fix the duties and responsibilities of warehousemen in transactions wholly within a State; to require a warehouseman to give a bond for the performance of his duties; to fix his liabilities under that bond as they relate to a citizen of a State; to require every person who stores agricultural products in such a licensed warehouse to comply with the rules and regulations of the Secretary of Agriculture, and to fix the rights of such person as against the warehouseman, whether the transaction is one in interstate or intrastate commerce; to require the receipts to be in certain form; to make it a penal offense subject to fine and imprisonment for a person to falsely simulate, counterfeit, forge, or alter a fraudulent receipt or certificate of weight or grade, or to violate the provisions of the act?

"These provisions do not relate to the appropriation of money. They have nothing to do with the appropriation of money. They in no proper sense control or limit the appropriation of money or its use when appropriated. They are purely regulatory. They regulate and determine the rights and obligations of individuals in both intrastate and interstate transactions. In every line they invade the domestic field of State legislation.

"It is claimed that if this bill can not be sustained under the general-welfare clause of the Constitution, then it is not possible to sustain the act creating the Department of Agriculture, the Federal Reserve System, the reclamation acts, and the agricultural-extension acts.

"Each of these acts is distinguishable from the bill under consideration and rests upon wholly different provisions of the Constitution. The Federal Government is itself one of the enumerated powers. The Agricultural Department and the Federal reserve banks are agencies of the Federal Government, and as such it is within the power of Congress to create them and to appropriate money for their maintenance and support.

"The reclamation act applies to public land over which the Federal Government may exercise the same control as a private individual might exercise; if it is desirable to improve these lands in order to enhance the price at which they may be sold, the Federal Government, as a private owner, may appropriate money to improve them.

"No attempt was made in the Lever Act, or has been made in any other act resting upon the power of Congress to appropriate money, to fix or determine the rights of individuals or invade the exclusive domain of the States. The conditions imposed were conditions upon the departments of the Government in expending the money, and not regulations upon the individuals who received the benefits of the appropriation.

"The regulation of warehouses, the fixing of the responsibilities of warehousemen, the enactment of police ordinances for the protection of the public in dealing with such warehouses are powers exclusively within the domain of the States, except in so far as the warehouses may be instrumentalities in the transportation of goods in interstate or foreign commerce or the operations of the warehouses incidental to commerce between the States or with foreign countries. In so far as the operation of such a warehouse is intrastate, it can not be regulated by Congress under the general-welfare clause or any other, except as such regulation might be incidental to its regulation as an instrument of interstate or foreign commerce under the commerce clause, where its intrastate business could not be separated from its interstate business.

"The bill is obviously unconstitutional in that it attempts to regulate purely intrastate transactions and to fix the rights and liabilities of persons within the States with respect to such transactions. The proponents of the bill, however, claim that the regulatory provisions are valid because they are permissive only; that is, they apply only to such persons as apply for licenses and agree to be bound by them. I do not think this position is tenable.

"Whatever power Congress possesses it gets from the Constitution. The power is plenary and absolute, but it is not unlimited. If we have the power to regulate the business of warehouses at all, and to the extent that we have the power to regulate it, we may regulate it without the consent or agreement of the persons to be regulated. Their consent or agreement neither validates nor invalidates the law or any regulations made under it. In other words, the power to make a permissive law is the power to make a compulsory law, for the power to make the law at all is the sovereignty of the Government and not the will of the class to be regulated. If the regulations are invalid or unenforceable without the consent or agreement of those regulated, they are invalid and unenforceable with such consent or agreement.

"I have pointed out that this bill seeks to regulate intrastate transactions. Is it possible, if the Constitution gives us no authority to regulate those transactions, that we may acquire that power by the consent of the persons to be regulated? The powers of the States can not be enlarged or diminished by the Federal Government, nor can the powers of the Federal Government be enlarged or diminished by the States. How much less can they be enlarged or diminished by the consent or agrement of individuals?

"In the case of Pollard's Lessee *v.* Hagan et al. (3 Howard's Reports, p. 212), the court said (p. 224):

"And all constitutional laws are binding on the people, in the new States and the old ones, whether they consent to be bound by them or not. Every constitutional act of Congress is passed by the will of the people of the United States, expressed through their Representatives, on the subject matter of the enactment; and when so passed it becomes the supreme law of the land, and operates by its own force on the subject matter, in whatever State or Territory it may happen to be.

"This case involved the rights of the State of Alabama to the land between the high and low water marks in navigable streams, and the respective power of the Federal Government and the States to grant these lands or regulate their sale. On the particular question in controversy, the court said (p. 229):

"Then to Alabama belong the navigable waters, and soils under them, in controversy in this case, subject to the rights surrendered by

the Constitution of the United States; and no compact that might be made between her and the United States could diminish or enlarge these rights.

"In the Passenger cases (7 Howard's Reports, p. 399), the court used this language:

"But the argument is, that a State acting in a subordinate capacity wholly inconsistent with its sovereignty, may regulate foreign commerce until Congress shall act on the same subject; and that the State must then yield to the paramount authority. A jealousy of the Federal powers has often been expressed, and an apprehension entertained that they would impair the sovereignty of the States. But this argument degrades the States by making their legislation, to the extent stated, subject to the will of Congress. State powers do not rest upon this basis. Congress can in no respect restrict or enlarge State powers, though they may adopt a State law. State powers are at all times and under all circumstances exercised independently of the General Government, and are never declared void or inoperative except when they transcend State jurisdiction. And on the same principle, the Federal authority is void when exercised beyond its constitutional limits.

"In the Chinese-exclusion case (130 U. S. Repts., p. 581), the court held:

"That the power of the legislative department of the Government to exclude aliens from the United States is an incident of sovereignty, which can not be surrendered by the treaty-making power.

"And that—

"The act * * * excluding Chinese laborers * * * so far as it conflicted with existing treaties between the United States and China, operated to abrogate the treaties as a part of the municipal law of the United States.

"In that case the court said (p. 609):

"The power of exclusion of foreigners being an incident of sovereignty belonging to the Government of the United States, as a part of those sovereign powers delegated by the Constitution, the right to its exercise at any time when, in the judgment of the Government, the interests of the country require it, can not be granted away or restrained on behalf of any one. The powers of government are delegated in trust to the United States, and are incapable of transfer to any other parties. They can not be abandoned or surrendered. Nor can their exercise be hampered, when needed for the public good, by any considerations of private interest. The exercise of these public trusts is not the subject of barter or contract.

"In the case of In re Rahrer (140 U. S. Repts, p. 545), which involved the constitutionality of an act making shipments of liquors subject to the police power of the State upon its arrival within the State, whether introduced in original packages or otherwise, it was held a valid exercise of the police power of the States, and not a regulation of interstate commerce. In that case the court said (p. 554):

"The power of the State to impose restraints and burdens upon persons and property in conservation and promotion of the public health, good order, and prosperity is a power originally and always belonging to the States, not surrendered by them to the General Government nor directly restrained by the Constitution of the United States, and essentially exclusive.

"On page 560 the court said:

"Nor can Congress transfer legislative powers to a State nor sanction a State law in violation of the Constitution; and if it can adopt a State law as its own, it must be one that it would be competent for it to enact itself, and not a law passed in the exercise of the police power.

"On page 564 the court said:

"Congress did not use terms of permission to the State to act, but simply removed an impediment to the enforcement of the State laws in respect to imported packages in their original condition, created by the absence of a specific utterance on its part; It imparted no power to the State not then possessed, but allowed imported property to fall at once upon arrival within the local jurisdiction.

"I now wish to direct attention specifically to one of the so-called 'permissive' sections of the bill—section 4:

"That the Secretary of Agriculture is authorized, upon application to him, to issue to any warehouseman a license for the conduct of a warehouse or warehouses in accordance with this act and such rules and regulations as may be made hereunder: *Provided*, That each such warehouse be found suitable for the proper storage of the particular agricultural product or products for which a license is applied for, and that such warehouseman agree, as a condition to the granting of the license, to comply with and abide by all the terms of this act and the rules and regulations prescribed hereunder.

"The meaning of the term 'license' as it is used in this section is well defined in law. Briefly, it is the permission to do something which would otherwise be unlawful.

"The bill does not make it unlawful to operate a warehouse without a license. It is just as lawful to operate a warehouse without a license as with a license, and therefore the question of applying for a license will be determined on the part of the warehouseman by the character of the regulations to which he must agree. He will not apply for a license unless the regulations proposed are less onerous than those imposed by the States.

"The rules and regulations, therefore, will not be made in the interest of the general welfare, with an eye single to the public interest, but will be the subject of a bargain between the Secretary of Agriculture and the warehouseman.

"Do the proponents of this bill think that we shall stabilize warehouse receipts and improve the warehouse business by imposing less stringent regulations than are now imposed by the States, or regulations which can only be imposed so long as the warehouseman wishes to be bound by them? He may at any time refuse to be bound by the regulations of the department or the provisions of the act; and if he does so, no penalty is provided except the revocation of his license, which he did not require in the first place and which he himself has doubtless determined is of no value to him.

"It does not seem to me that such regulations can be valid or binding upon the warehouseman, but assuming that they are, how can they be binding upon those who do business with the warehouseman? How can we by contract fix the rights of persons who are not parties to the contract?

"Section 14 of the bill declares—

"That any person who deposits agricultural products for storage in a warehouse licensed under this act shall be deemed to have deposited the same subject to the terms of this act and the rules and regulations prescribed hereunder.

"This provision certainly does not rest upon any contractual relation which may be established between the Government and the warehouseman. If it has any force at all, it has force because Congress has the power to say what the rights of a person who stores agricultural products in a warehouse may be.

"As I shall show later, a public warehouse is affected with a public use, and there arises from that public use a right on the part of any person to employ the services of the warehouse in the storage of his grain. The privileges, benefits, and responsibilities arising from this right can neither be increased or diminished by a contract entered into between the Government and the warehouseman, nor can they be affected by any action of Congress, so far as they may be exercised in or may be incidental to a purely intrastate transaction.

"It is possible, I think probable, that we have the power to fix those rights with respect to grain stored in the course of interstate or foreign commerce, but we certainly have no power to fix the rights of such persons with respect to purely intrastate transactions.

"There are four decisions of the United States Supreme Court which bear directly upon the power of the States and of the Federal Government to regulate warehouses and warehousemen. These decisions are: Munn *v.* Illinois (94 U. S., 113); Budd *v.* New York (143 U. S., 517); Brass *v.* North Dakota, ex rel. Stoeser (153 U. S., 391); W. W. Cargill Co. *v.* Minnesota (180 U. S., 452).

"The case of Munn *v.* Illinois is the leading case, establishing the basic doctrine of the power of the States to regulate warehouses, and is approved and followed in the other three.

"In the case of Munn *v.* Illinois several fundamental propositions are decided. They are:

"First. When the owner of property devotes it to a use in which the public has an interest he in effect grants to the public an interest in such use, and must to the extent of that interest submit to be controlled by the public for the common good so long as he maintains that use.

"Second. That a warehouse engaged in storing, shipping, or handling grain for the public is affected with the public use and is subject to the police power of the State.

"Third. That regulations requiring such warehouses to be licensed and fixing the maximum charges for storage are properly within the police power of the State, and do not amount to a regulation of interstate commerce.

"In that case the court said (p. 135):

"The warehouses of these plaintiffs in error are situated and their business carried on exclusively within the limits of the State of Illinois. They are used as instruments by those engaged in State as well as those engaged in interstate commerce, but they are no more necessarily a part of commerce itself than the dray or the cart by which, but for them, grain would be transferred from one railroad station to another. Incidentally they may become connected with interstate comerce, but not necessarily so. Their regulation is a thing of domestic concern, and certainly, until Congress acts in reference to their interstate relations, the State may exercise all the powers of government over them, even though in so doing it may indirectly operate outside its immediate jurisdiction.

"It may be pointed out in this connection that there is no suggestion on the part of the court that the Federal Government might regulate other than the interstate relations of warehouses.

"In the case of Brass *v.* Stoeser the State of North Dakota undertook to regulate every warehouse erected and operated 'for the purpose of buying, selling, storing, shipping, or handling grain for profit,' and required such warehouses to give bond for the faithful performance of their duty, fixing the rates of storage, and required them to keep insured for the benefit of the owners of grain stored therein.

"The Supreme Court held all of these regulations to be a valid exercise of the police power of the State.

"In the case of W. W. Cargill *v.* Minnesota, in which case I may say the facts arose in the town in which I have the pleas-

ure of making my home, the State of Minnesota declared all warehouses 'in which grain is received, stored, shipped, or handled' to be public warehouses. The law required such warehouses to procure a license from the State as a condition precedent to doing business; made such warehouses subject to the regulations of the railroad and warehouse commission; required the making of reports, the keeping of proper books of account; regulated the form and issuance of receipts; and prohibited discrimination.

"In this case the court held that the regulations were a proper and valid exercise of the police power and did not infringe upon interstate commerce, notwithstanding that all of the grain purchased by the warehouse company was immediately shipped to points outside of the State. If these regulations constitute a valid exercise of the police power of the State, it is apparent that the imposition of such regulations by the Federal Government in regard to transactions which do not relate to interstate commerce, and which constitute domestic or intrastate transactions, are not within the power of the Federal Government. To hold otherwise would be to break down absolutely the line of demarcation now established between the powers of the Federal and State governments.

"The act contained the following provision, almost identical in terms with section 4 of the bill under consideration:

"Such license shall confer upon the licensee full authority to operate such warehouse or elevator in accordance with the laws of this State and the rules and regulations prescribed by said commission, and every person, company, or corporation receiving such license shall be held to have accepted the provisions of this act and thereby to have agreed to comply with the same.

"Touching this provision, the court said (p. 468):

"The defendant, however, insists that some of the provisions of the statute are in violation of the Constitution of the United States, and if it obtained the required license it would be held to have accepted all of its provisions, and (in the same words of the statute) 'thereby to have agreed to comply with the same' (p. 1). The answer to this suggestion is that the acceptance of a license, in whatever form, will not impose upon the licensee an obligation to respect or to comply with any provisions of the statute or with any regulations prescribed by the State railroad and warehouse commission that are repugnant to the Constitution of the United States.

"This language effectually disposes of the contention that the regulations imposed by this bill, if otherwise invalid, are validated or made enforceable by the consent or agreement of those applying for a license under it.

"If the language which has just been quoted means anything, it means that the acceptance of a license or the agreement to be bound by rules or regulations, can apply only to such regulations as are in themselves valid and which the legislature or the commission to whom the power is delegated has the constitutional power to make.

"In other words, if the regulations are not such as Congress, either acting itself or through a department of the Government, has the constitutional power to impose, they will not be validated by the agreement of the person regulated to be bound by them or his acceptance of a license under the terms of the act.

"Again, it is claimed that the relation created between the Government and the warehouseman is one of contract, and that it is possible to do by such contract that which might not have been done by law.

"To state the proposition again in other words, that these regulations may be enforced as a part of a contract between the Government and the warehouseman, though they would not be enforceable if imposed as a matter of law, by regulation. This position is wholly unsound.

"If the State can do that by contract which it has not the power to do by law, or that which it is prohibited from doing by the fundamental law of the State, there would be no further need of constitutions, and the Federal Government might invade by contract, any right or power reserved to the State; the State might invade by contract any right granted to the Federal Government; and the State and Federal Governments might each invade the rights guaranteed to the people by the Federal Constitution.

"I revert now again to the substantive purposes of the bill as distinguished from its constitutionality.

"That purpose is fundamentally to make warehouse receipts a more stable, liquid, and negotiable security. A warehouse receipt can be no better than the law which authorizes it to be issued and which regulates its issuance and the responsibility of the warehouseman issuing it.

"What confidence will be placed in a receipt issued upon articles stored in a warehouse which may consist of a piece of ground surrounded by a barb-wire fence, 50 miles from a railroad, by a warehouseman who may, whenever he elects, refuse to be bound by the regulations and rules and the law under which the receipt was supposedly issued.

"The purpose is to make a warehouse receipt as negotiable, as representative of value in New York or San Francisco, as it may be in the place where it is issued, and where all the circumstances surrounding its issue and the character and responsibility of the warehouseman issuing it are known. This can only be accomplished where the law which governs its issuance is certain in its terms, obviously within the power of the Government to enact, and the regulations issued under it so certainly enforceable as to leave no doubt whatever as to its validity and enforceability.

"The bill under consideration utterly fails in all of these respects. It can only serve to throw a blanket of uncertainty over the entire field of warehousing and warehousemen's receipts. Instead of making definite and certain the validity, stability, and negotiability of warehouse receipts, it will render them the legitimate object of suspicion, doubt, and distrust.

"I repeat again, that I believe that all that we can legitimately hope to be accomplished by the Federal Government in the regulation of warehouses and warehouse receipts, in the grading, classifying, and weighing of grain, is within the power of Congress to accomplish under the commerce clause, but this only emphasizes the utter futility of an attempt to accomplish it under a paragraph of the Constitution which confers no authority whatever except to appropriate money for the general welfare.

"I have drawn amendments to this bill, bringing it within the interstate-commerce clause of the Constitution, and which I believe will make its provisions valid and enforceable. These amendments I shall offer when the bill is read under the five-minute rule.

"I have also incorporated these amendments into a new bill, which I will offer as a substitute for the bill now pending."

Mr. LEE. Mr. Chairman, I yield five minutes to the gentleman from South Carolina [Mr. BYRNES].

The CHAIRMAN. The gentleman from South Carolina [Mr. BYRNES] is recognized for five minutes.

Mr. BYRNES of South Carolina. Mr. Chairman, as I understand it, the substitute offered by the gentleman from Minnesota [Mr. ANDERSON] would limit the provisions of this act to the terminal stations and to the warehouses located along the lines of interstate carriers. To do that would, in my opinion, defeat the very purposes of the bill.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Minnesota?

Mr. BYRNES of South Carolina. Yes.

Mr. ANDERSON. I will say that the amendment under consideration restricts it very much more than that.

Mr. BYRNES of South Carolina. I differ with the gentleman. I think the amendment pending, offered by the gentleman from South Carolina [Mr. LEVER], restricting the provisions of the bill to warehouses in which are stored products intended for interstate shipment, would make it possible for nearly all warehouses to come under the provisions of the act.

The gentleman from Minnesota [Mr. ANDERSON] and the gentleman from Michigan [Mr. MCLAUGHLIN] have both referred to the bills as they were framed and acted upon in the last Congress. At that time the only opposition to this warehouse bill was based upon its alleged unconstitutionality. By the amendment agreed to all doubt of the constitutionality of the bill is removed, according to the gentleman from Wisconsin [Mr. LENROOT], who made the strongest argument against the bill in the last Congress, and others who have spoken on the subject.

Now, the gentleman from Michigan opposes it on the ground that it is no function of the Federal Government, but should be left entirely with the States. That might well be said of rural-credit legislation. Each State has the right to enact rural-credit legislation. They could provide land-mortgage banks for the marketing of farm mortgages, and certainly it would be an improvement over the existing conditions, and yet the great majority of this House is in favor of some form of rural-credit legislation by Congress and not by the States. The Members differ only as to the scope of such legislation and as to the extent of governmental aid.

The same argument that applies as to the necessity for rural-credit legislation by this Congress applies to this warehouse proposition. The bill seeks not only to provide a protection against the elements, but it also seeks to revolutionize the marketing of agricultural products by enabling the farmer to distribute that marketing over 12 months, instead of limiting the marketing of a product like cotton, for instance, to 60 or 90 days.

The gentleman from Michigan [Mr. MCLAUGHLIN] says that the purpose of the bill is to enable the farmer to take ad-

vantage of the rediscount section of the Federal reserve act. He is right. That is one purpose of it, or should be, and it is a most laudable purpose. No rural-credit legislation brought in at this session of Congress will provide for personal credit; but the Federal reserve act under the section giving to these Federal reserve banks the power to rediscount notes secured by agricultural products furnishes ample and sufficient personal credit if the farmers will only take advantage of it. In order to take advantage of it, the passage of this bill is essential. It does not conflict with State warehouses, for the reason that it is permissive. My own opinion is that it will supplant them, for any sane man must realize the advantage of a warehouse receipt showing upon its face the grade and the weight of cotton certified to by a man licensed by the Department of Agriculture, and he will realize that that receipt will have a wider and a better market than the warehouse receipt of a warehouse system organized by and under the control of any State or of a private corporation.

The cotton crop of the South is marketed during two or three months by reason of the credit system under which the making of the crop is financed and his inability to hold his cotton. All debts of the cotton farmer fall due within a period of 60 days in the fall of the year. The banks and the lien merchants call upon him to pay his debts, and the farmer is forced to sell in order to meet his obligation, even though the price at that time may be depressed to the point where he will receive no profit for his year's work. He may be satisfied that he will receive less than the average price paid during the entire year, and he may be satisfied that if he could hold his cotton for even 60 days he would receive a higher price. But he must sell in order to meet the obligation and because he has no opportunity to warehouse his cotton and borrow money on it at a rate of interest which, together with the storage charges, will leave him any profit. Even where cotton has been stored in private warehouses, the investing public has been slow to lend money upon warehouse receipts for cotton, because there was no guaranty of the reliability of the warehouseman; no certainty that should the farmer not pay the loan and the lender endeavor to secure the cotton that he would find it there; no certainty that if he did find it there that it would be in good condition or that the weight of the bale would be as represented in the warehouse receipt; and no certainty that it would be of the grade represented in the receipt. Of all of these things the farmer might be certain because of his knowledge of the warehouseman and of the cotton, but the banker in New York would have no such knowledge and would therefore refuse to lend money to the local bank upon the receipt, and this refusal would cause the local bank to refuse to lend to the farmer.

To remedy this condition, a number of States, including South Carolina, have established a State warehouse system. They have been and will continue to be of great assistance in making negotiable warehouse receipts for cotton, but the State warehouse system naturally has its limitations. A receipt issued by the warehouse system in South Carolina may differ from a receipt issued by the warehouse system of the State of Texas, and this lack of uniformity will detract from the negotiability of this receipt. Again, the value of the receipt will depend in great measure upon the honesty of the weigher of the cotton and of the ability of the man who grades it. In the absence of some civil-service provision, by which the most competent men would be secured for the duty of grading and weighing the cotton, the investing public would fear the effect of political influence upon the local system.

The warehouse system provided for in this bill will eliminate all these objections. The warehouse would have to be constructed in accordance with plans approved by the Department of Agriculture, which would insure cheap insurance for the cotton stored in it. The warehouseman would have to give bond to the Department of Agriculture for the faithful discharge of his duties. The cotton weigher and the cotton grader would have to be licensed by the Department of Agriculture, assuring both competency and honesty, and their license would be revoked whenever they failed to properly discharge their duties. It would not be compulsory for any warehouse to come under the terms of this act. It is entirely optional with a warehouse in the State of South Carolina to come under the terms of this act or not, as it may please, but it is certain that the advantages offered to the farmer who stored his cotton in a warehouse bonded by the Government would result in warehouses all over the South complying with the terms of this act. Now, what are the advantages? Under the Federal reserve act passed by Congress a year or two ago, the Federal reserve banks were authorized to rediscount agricultural paper having a maturity of not more than six months. This meant that the Federal reserve bank at Richmond could lend money to any local national bank in any county in South Carolina that would offer as security the note of a farmer secured by agricultural products, wherever the security was ample to protect the loan. In the exercise of the power thus given to them the Federal Reserve Board on September 3 of last year authorized the lending of money to local banks at a low rate of interest on notes secured by warehouse receipts for marketable nonperishable staples, properly insured, but this privilege was granted only where the local bank could show that the rate of interest charged the farmer did not exceed 6 per cent. Under this privilege nearly every national bank in South Carolina loaned large sums of money to the farmers, secured by warehouse receipts for cotton, charging only 6 per cent interest. It was the first time the farmer had ever been able to borrow money at 6 per cent. Unfortunately there are in the rural communities but few national banks, and therefore the great majority of farmers were unable to secure the benefit of this legislation. But as it becomes generally known that national banks can borrow money upon such terms as will enable them to lend it to the farmer at 6 per cent, and yet make a profit, more national banks will be established in the rural districts, so that this relief will be furnished to a greater number of those who wish it. It is stated that some national banks refrained from availing themselves of this privilege on the ground that they did not care to lend money at 6 per cent on cotton when they were charging 8 per cent and more on other securities. But this short-sighted policy will not continue very long. The customers of a bank will demand that they be given an opportunity to borrow money at 6 per cent when other banks are lending at that figure, or else they will transfer their business.

The Federal reserve bank is able to lend money to local banks upon notes secured by warehouse cotton receipts, because they in turn can borrow from the Federal reserve bank in New York or elsewhere upon the receipt in case it is necessary for them to do so. The more valuable the warehouse receipt is the more easily can it be negotiated in the financial markets of the country, and, consequently, the more money they will be able to lend to the farmers at the rate of 6 per cent. It does not require much consideration on the part of any man to come to the conclusion that the receipt of a warehouse, bonded by the United States and containing the grade and weight placed in the receipt by a man licensed by the Department of Agriculture, will be more acceptable in the financial world than a receipt issued by a private warehouseman or even a State warehouseman.

In this connection it is interesting to note the statement of Hon. W. P. G. Harding, a member of the Federal Reserve Board, that—

> The proposed warehouse act, in my opinion, will tend to make cotton stored at interior points available as collateral for loans without the intermediation of local banks and will broaden very materially the market for loans secured by warehouse receipts for cotton.

This must be the goal for those who hope to secure money for the farmers at a lower rate of interest. If the banks fail to join the Federal Reserve Association, and thus place themselves in position to secure money, which they can loan at 6 per cent interest on cotton warehouse receipts, then some plan must be devised whereby this receipt can be marketed without the intermediation of local banks. I believe this warehouse bill must be adopted if we are to give to the farmer the relief provided for in the Federal reserve act. As I have on several occasions been asked for information as to the manner in which the section of the act providing for the rediscount of agricultural paper was adopted, I ask permission to insert in the RECORD as a part of my remarks a letter from the Hon. Robert J. Buckley, of Ohio, at that time a member of the Banking and Currency Committee, who with Representative GLASS was in charge of the bill on the floor of the House, and whose activities in behalf of rural credits is so well remembered in this House.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON BANKING AND CURRENCY,
Washington, D. C., June 29, 1914.

Hon. JAMES F. BYRNES,
House of Representatives, Washington, D. C.

MY DEAR COLLEAGUE: Responding to your favor of June 27, my recollection about the rediscount section of the currency bill in the Democratic caucus last August is as follows:

There was an agitation in favor of allowing certain privileges by way of rediscount to notes secured by agricultural products. Certain Members representing agricultural communities did not believe that agricultural papers should be allowed any special privileges, yet were of the opinion that the bill as presented to the caucus by the committee would in practice result in a discrimination against agricultural interests. There seemed to be an irreconcilable difference of opinion between the committee and those advocating extreme and ill-considered amendments.

This difference was very embarrassing to those who held more moderate opinions, and threatened a serious breach in the Democratic Party.

At this juncture you and certain other Members representing agricultural communities, among them I recall especially Mr. HARRISON, of Mississippi, and Mr. KITCHIN, of North Carolina, expressed to me and the other members of our committee the suggestion that some compromise ought to be made, and proposed the form of a compromise.

I told you that I would endeavor to secure the acceptance of a reasonable compromise by the committee, and for two or three days the language was discussed without any definite conclusion. Finally, while the caucus was in session, and just before the vote was to be taken on the rediscount section, Mr. GLASS and the other ranking members of the Banking and Currency Committee being on the floor in charge of the debate, I met you and others in the corridor and presented to you a slight modification of your own language and told you that with that modification your amendment would be acceptable to the committee. You stated that you could accept and support the amendment as modified provided that the time for which agricultural notes could be rediscounted should be increased from 60 days, as provided in the bill, to 6 months. I stated that the committee would not agree to that, but that I would undertake to go on the floor of the House and secure their consent to some increase in the rediscount period. I then secured their agreement to increase the period to 90 days and induced Mr. GLASS to offer your amendment as a committee amendment. You agreed to this arrangement and did valuable work in rallying the agricultural Representatives to the support of the committee. Your efforts restored harmony in the caucus and secured the adoption by the committee of an amendment favorable to the farmers.

It is my judgment that even if the Senate had so amended the bill as to allow six months rediscount period for agricultural paper it would have been impossible for the Senate conferees to secure the agreement of the House conferees to this proposition if you had not induced the House leaders to increase the time to 90 days before the bill was passed by the House.

Sincerely, yours,

(Signed) ROBT. J. BULKLEY.

The rural-credits bill, which is being considered by the Banking and Currency Committee and which I hope will pass at this session of Congress, seeks to provide a method by which loans can be made to farmers for long periods when such loans are secured by farm mortgages, but it does not provide any means whereby the farmer can secure money for short periods at a reasonable rate of interest. It will be difficult to devise a plan more comprehensive than that provided for in the section of the Federal reserve act, referred to by Mr. Bulkley. This is demonstrated by the hundreds of thousands of dollars loaned to the farmers of my State by the national banks at 6 per cent interest last winter. But what is now necessary is to provide means whereby national banks will be formed in rural communities in order to avail themselves of this privilege, or, failing in this, some plan whereby the warehouse receipt can be marketed without the intermediation of the national banks. In either event this legislation is essential in order that the farmer of the South can place the only security he has, his cotton, in such shape that a warehouse receipt for it will be regarded as gilt-edge collateral in the financial markets of the world.

Mr. HAUGEN. I yield five minutes to the gentleman from North Dakota [Mr. HELGESEN].

Mr. LEE. I also yield five minutes to the gentleman.

The CHAIRMAN (Mr. HAMLIN). The gentleman from Iowa [Mr. HAUGEN] yields 5 minutes and the gentleman from Georgia [Mr. LEE] yields 5 minutes to the gentleman from North Dakota [Mr. HELGESEN], who is recognized for 10 minutes.

Mr. HELGESEN. Mr. Chairman, when this amendment, which was originally drawn as a separate bill, was drafted, it was intended to cover cotton alone; but it seemed to me that if we were to have a Federal warehouse bill, we ought to have one broad enough in its scope to cover more than one or two agricultural products, and that it ought to take in the principal nonperishable farm products of the country. After discussing it with my colleagues on the committee they were intelligent enough and fair enough to admit that that was the only proper thing to do. So, instead of having two warehouse bills—one covering the products of the South and the other the products of the North—we have only one bill, covering the entire country.

Now, Mr. Chairman, the people in that section of country from which I come have been very much dissatisfied with the markets that they have been compelled to patronize, because there have been so many evils creeping into the market situation as to completely demoralize it. Particularly are they dissatisfied with the export situation.

A number of gentlemen on the floor of the House to-day have attempted to defend the exporters of the Atlantic coast, and they say that this bill will deprive them of what the exporters call a climatic advantage, the benefits of which in their export business they claim they are entitled to. Why, Mr. Chairman, according to their own testimony they do not conduct a legitimate business.

In the hearings before the Agricultural Committee in 1914, when they came before that committee to protest against the bill known as the United States grain-grades act, after stating that that bill would take away from them their climatic advantage, and they were asked to explain what that was, they said that corn particularly, and most other grains, came to the Atlantic coast for export so late in the season that the weather was very cold and that at that time of the year it was possible for them because of their "climatic advantage" to ship No. 3, and even No. 4, corn to Europe as No. 2. They also ship other grains with more moisture in them at that season of the year than the rules for grading grain in this country permit, and as a result American grain has been discredited in Europe to such an extent that European buyers before the war got together and agreed not to buy any grain from this country until they have first secured all that the rest of the world had to offer. And, as I said yesterday, there is now a claim for some 30,000,000 bushels, involving millions of dollars, before the State Department for grain that has been shipped to Europe under a grade far above its actual value. What is the result of that? If you ship No. 3 or No. 4 corn to Europe as No. 2, you are not dealing with fools over there and the European buyer pays for that corn just what it is worth as No. 3 or No. 4, but it is quoted in the market over there as American No. 2. It is called by the exporters either export No. 2 or seaboard No. 2.

These exporters admitted before our committee that the grain that was shipped abroad, whether the quantity was great or small, usually established the price of the grain that is consumed in this country. Now, that being so, if you will go and ask any grain dealer in this country what corn is worth, you will find that as the contract grade is No. 2 they will quote you No. 2.

Now, if they ship No. 3 or No. 4 grain to Europe as No. 2 as they are doing and have been doing for years, they are thereby depreciating the value of the No. 2 in Europe from one to two grades, and as the price of the real No. 2 here is based on the Liverpool false No. 2, our grain here is undergraded, not only No. 2 but all the other grades in the same proportion, as the price of all other grades are based on No. 2. If you will stop to consider the fact that we are raising 5,000,000,000 bushels of grain in this country, and if they only undervalue that grain one single grade, and the price reduced thereby is 3 cents a bushel, it takes $150,000,000 out of the farmers of this country every year.

So, Mr. Chairman, it seems to me that something should be done to stop this very illegitimate business. How are we going to do it? In my State they have been talking about building State elevators, but they have had no local inspection system, and if they tried to establish one it would be difficult to establish one that would be accepted in the markets of the world. Under this warehouse bill, if the State of North Dakota builds warehouses or elevators at the outlets of the State sufficiently large to handle cargoes of grain, the Federal Government will inspect it for them and issue certificates of inspection, giving the proper grades, and then if they ship even a small amount, say 5,000,000 or 10,000,000 bushels out of a 100,000,000-bushel crop, what they ship to Europe will establish the price in Europe for real northwestern No. 2 wheat. And then, when Liverpool prices are quoted by our home markets they will give the Liverpool price on the real No. 2 instead of giving it as they do now upon the exporters' fictitious No. 2, and the result will be, even though the amount exported may not be great, to raise the value of all the grades of grain in this country at least one grade.

If it does that, it will result in a greater saving to the farmers of this counry than has ever been brought about by any law ever passed by this or any other Congress; it will result in saving hundreds of millions of dollars. I believe this bill will make such a saving possibe. Under these two bills I think we are going to bring about a change that is going to benefit both the producer and consumer.

It is quite a common thing to find that Congressmen representing cities will look upon every bill that is called an agricultural bill as being wholy in the interest of the producers, whereas they are just as much in the interest of the consumer as they are in the interest of the producer, for anything that tends to increase production or prevent economic waste should benefit both producers and consumers. Two years ago when I made a speech on the tariff question I went into the markets of Washington and Baltimore to try and find out what the consumers were paying for farm products. I found that the spread between what the farmers received and what the consumers were paying was 140 per cent on flour, the lowest, up to 800 and 900 and 1,000 per cent when it got to such things as breakfast food. [Applause.] It is therefore evident that there is an ample opportunity to increase the price to the producer and decrease the cost to the consumer and still have a sufficient margin to cover all the legitimate costs of distribution.

Mr. LEE. Mr. Chairman, I yield two minutes to the gentleman from Pennsylvania [Mr. MILLER].

Mr. MILLER of Pennsylvania. Mr. Chairman, I asked for a few minutes in order to commend the Committee on Rules and the majority of this House for bringing this resolution before the House as they have. If they had not done so, the House would have spent a week on the passage of these three amendments. I have heard some complaint here by Members because very few Members were present to hear the debate, and therefore when the amendments offered to the bill were brought to a vote many of those who vote on them would not have heard the debate and would not know how to vote. Well, Mr. Chairman, that is not the fault of the committee that brought in the rule. I think the Members who are not here do not want to hear debate, that they have heard so much talk, talk, talk, that they have got tired of it, and they prefer some place where they can rest without listening to it.

The majority in the House should, after reasonable discussion, be permitted to transact business and bring measures to a vote. The country will hold them responsible if the legislation is bad. If the legislation is good, we should all help to pass it.

For the reasons above stated I voted for the resolution submitted by the Committee on Rules. I voted for the resolution also because of the provisions limiting debate on the three amendments provided for in the resolution to four hours. Certainly four hours' debate is ample, particularly when the debate will not change the vote of any Member. Allowing five minutes to each person taking part in the debate, it will permit 48 Members—as many as are now in the House—to be heard. That is the average number present when the House is in committee.

I would like to see the majority bring in every bill that is likely to be unreasonably discussed under a rule to limit debate. If this is done in the future, I shall vote for such a rule when the time allowed for debate is as liberal as here.

I am willing to remain here until December if it is necessary to do so to enact all necessary legislation; I am not anxious to remain that long to have the opportunity to be a listener to a "talkfest."

In saying what I have said I criticize no Member. If I made any criticism it would be that the majority does not take the bull by the horns, limit debate on all bills, do business, get through, and adjourn.

We are here not alone to talk and hear talk, but to do business, and if the majority had the sand they ought to have they would do business, and the only way to do it is to gag the Members who are determined to talk all the time. I am in favor of stopping the talk. [Laughter and applause.]

Mr. LEE. Mr. Chairman, I yield three minutes to the gentleman from Illinois [Mr. WM. ELZA WILLIAMS].

Mr. WM. ELZA WILLIAMS. Mr. Chairman, I do not want to talk upon this amendment, but I do want to correct myself in the RECORD. In the RECORD of April 24 there was a little controversy over the migratory-bird law, and I undertook to interrupt the gentleman from South Carolina [Mr. LEVER], who declined to be interrupted. By some chance the language spoken by the gentleman from South Carolina was attributed to me. It does me an injustice in this: I was in favor of the motion to strike out that section providing for the appropriation for the bird law. He was for the appropriation and against the motion to strike out, and he made an argument in favor of enforcing the law, directly against the position that I took.

It does me an injustice in another respect. The gentleman from South Carolina [Mr. LEVER] said in the course of those remarks that he was not a lawyer and that he did not know very much about law. I want to assure the gentlemen of the House that I never made any such admission. [Laughter.] A number of my associates and colleagues expressed surprise, especially my associates on the Judiciary Committee, of which I have the honor to be a member, that I had come to the House here and admitted that I was not a lawyer and did not know very much about law. [Laughter.] It may be true, but I am not admitting it. [Laughter.]

Therefore at this time I wanted to square myself in the RECORD for the benefit of my numerous sportsmen constituents in Illinois who desire to defeat the operation of the migratory-bird law. I am opposed not to the law, but to the rules promulgated by the bureau of the Agricultural Department which discriminates against my section of the country and prohibits the killing of migratory birds in my State while the privilege is extended both north and south, to our neighbors below Memphis and to those above Minneapolis. [Applause.]

Mr. HAUGEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 36, line 5, after the word "stored" strike out the words "for interstate or foreign commerce or in any supplies under the exclusive jurisdiction of the United States."

Mr. HAUGEN. Mr. Chairman, section 13 provides—

That every warehouseman conducting a warehouse licensed under this act shall receive for storage therein, so far as its capacity permits, any agricultural product of the kind customarily stored therein by him which may be tendered to him in a suitable condition for warehousing, in the usual manner in the ordinary and usual course of business, without making any discrimination between persons desiring to avail themselves of warehouse facilities.

It makes no distinction between interstate and foreign commerce and intrastate commerce.

Section 15 provides—

That grain, flaxseed, or any other fungible agricultural product received for storage in a warehouse licensed under this act shall be inspected and graded by a person duly licensed to grade the same under this act.

Here only inspection is provided for grain stored for interstate commerce. I submit that if we provide for the inspection in part we should provide for the inspection of all of it; or, if the amendment offered by the gentleman from Michigan [Mr. MCLAUGHLIN] is adopted, that will restrict the storing of grain to that offered for interstate and foreign commerce. If so, then there would be no need for this amendment, as the storing of grain in licensed warehouses will then be restricted to grain offered for interstate and foreign commerce; but in the event that his amendment is defeated, I offer this amendment, so that all stored grain, including that in intrastate commerce, may be inspected by a licensed inspector. It seems to me that if it is necessary to provide for the storing and inspection of grain offered for interstate and foreign commerce we should also provide for the storing and inspection of grain in intrastate commerce. I see no reason for making the distinction, or why we should legislate in favor of one engaged in storing and shipping across the State line against one confining his operations within the State. As we know, little, if any, grain will be stored for interstate commerce. Warehouses do not receive grain in one State and move the grain into another. The farmer stores his grain in the warehouse. Later he either sells it or withdraws it for seed, for feed, or for shipment. The shipment may be to some point within the State or without. The same applies to grain stored by the miller and speculator. Certainly what is withdrawn for seed for consumption or shipment within the State is not an article in interstate commerce, but the question of constitutionality has been raised. It is contended that authority is not given by the Constitution to legislate giving the Secretary authority to enter into an agreement with the warehousemen to inspect, or for a licensed inspector to inspect grain not in interstate commerce; if so, where is the authority to legislate authorizing the Secretary to peddle free of charge hog-cholera serum and veterinary service? Hogs treated are not articles in interstate commerce, and many never become articles of interstate commerce. The same applies to numerous other activities of the department. Be that as it may, one word in explanation of the bill.

The object of the proposed bill is obvious. It hardly seems necessary to discuss it. It is simply to license responsible warehousemen to store cotton, tobacco, grains, and flaxseed in suitable warehouses, as before stated. It provides for the standardization and inspection of such farm products. The Secretary is authorized to cause examination as to the responsibility of the warehousemen, and whether the warehouse is suitable for the proper storage. Upon examination, if in his opinion, the warehouse and the warehouseman come within the provisions of this act, he shall issue a license and accept a bond for the faithful performance of the obligation. If the bond approved by him is found insufficient he may require additional bond. If not given, he may suspend or revoke the license. It will readily be seen that the object of the proposed bill is to protect the farmer or anybody who may have any of the products to offer for storage, not only against loss incurred through storage with unresponsible warehousemen, but it also provides for the establishment and promulgation of standards, and that grain offered for interstate and foreign commerce shall be graded in accordance and to conform to the standards established by the Secretary.

It would be observed that the bill is not obligatory but permissive, that it is optional with the warehouseman whether he will come in under the provisions of the bill, therefore no hardship is imposed upon anyone. If he comes in, it must be voluntarily upon his part. If he does come in, he must give bond for the faithful performance of his contract and must conduct his business in accordance with the provisions of the act which gives to the farmer or anybody who may store products, in a

large degree, protection against loss or improper grading. I might add that the bill as originally drawn provided for the storage of staple and unperishable agricultural products. It is believed by many that it would give greater power to the Secretary than should be given him. That the term might be interpretated to include practically all farm products. Therefore it was deemed best to specify, and to limit the authority to cotton, tobacco, grains, and flaxseed. The department has already fixed the standards for cotton and corn. It is well along in establishing a standard for wheat. It will take years to fix a standard for the other items enumerated, which are believed to be the most important. When the standards are fixed for the products included, if then deemed advisable, Congress can authorize the standardization of additional products.

The chairman was authorized to offer amendment limiting the authority to the products referred to, and with that amendment, the bill has the approval of the Committee of Agriculture, I believe, with the exception of one of the members of the committee.

I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEE. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. HELFIN].

Mr. HEFLIN. Mr. Chairman, I am heartily in favor of this bill. I think it will be beneficial to the farmers of the South and of the West to have a uniform warehouse system. The producer of cotton needs a place to store his cotton so that he can take his warehouse receipt and borrow money upon it, and this bill is the greatest step, in my judgment, that has been taken toward helping the producer, the grain growers of the West and the cotton producers of the South. Cotton is our principal product. The gentleman from Wisconsin [Mr. LENROOT] seems to oppose anything that will help the cotton farmer, and I want to say to him that when he does so he strikes a blow at the farmers of his own section. Whenever you western Republicans injure the cotton producer you cut down his purchasing power, and when you do that you injure the farmer of the West, because the producer of cotton in the South buys grain from the grain grower of the West and he buys stock from the stock producer of the West; and if gentlemen want to help the farmers of the West, let them help the cotton producer in getting a good price for his cotton. [Applause.] When he has plenty of money he buys freely from you and he pays you a good price. Let me illustrate. When cotton prices are good he pays you $200 and $250 for your mules, and when cotton sells at 6 cents a pound he can not pay as much as $125. So when gentlemen on that side injure the producer of cotton they are injuring the farmers of their own section. [Applause.]

Mr. Chairman, cotton is in greater demand to-day and is being put to more uses than ever before in the history of the world. The automobile factories of the United States last month sold 28,600 carloads of automobiles, a gain of 11,400 carloads over March of last year. If the present record continues, the Washington Post says, there will be at the end of the year 3,500,000 automobiles in the United States. The average gain of the automobile industry has been about 40 per cent a year, and vast quantities of cotton are being consumed in making automobile cushions, tops, and tires.

The cement industry is one of the greatest in our country, and hundreds of thousands of cotton sacks are used in handling cement.

The paper-making industry in the United States is a tremendous one, and it is now confronted with an exhausted supply of the usual paper-making material; and now this industry is buying inferior cotton, cotton waste, and linters to be used in making paper. So acute is this situation, Mr. Chairman, that the paper-making industry is buying all of the old cotton rags that can be obtained, and it is paying 2½ cents a pound for them. Old cotton awning is being used for this purpose and selling at 4 cents per pound, and the paper-making industry is paying from 5 to 8 cents per pound for old cotton towels and napkins. More cotton is being consumed in surgical lint, gauze, and medicated cotton than ever before. Great quantities of cotton are being consumed in the manufacture of gunpowder and explosive shells. The cotton mills and powder factories of the United States are consuming at the present rate 10,000,000 bales of cotton a year; and bear in mind that we produced only 11,000,000 bales last year. Now, then, with the rapid increase in the consumptive demand for cotton and with the small and fast-diminishing supply, what is there to prevent cotton from going to 15 cents and maybe more in June and July? [Applause.]

Let us now take into account the prospects for the cotton crop of 1916. Muriate of potash is a very necessary ingredient to the production of cotton in three-fourths of the cotton-growing States. A serious situation confronts us in the South. Potash can not be had at any price. It sold in 1913 for $39 a ton, and it is now selling for $500 a ton. The lack of acid phosphates and potash formerly used in abundance in the production of cotton means nothing else but a small cotton crop this year. In many States it will take 4 acres to produce as much cotton as was produced on 1 acre when these fertilizers were freely used. The cotton acreage of the South will be no larger than it was last year; and India, the largest cotton-producing country in the Old World, has again reduced her acreage. Last year she planted 23,000,000 acres in cotton, and this year she has reduced her cotton acreage to 17,000,000 acres. Russia has reduced her acreage again, and in both countries this was done for the purpose of producing food supplies for the allied armies.

Mr. Chairman, our failure to obtain fertilizers, which foretells a very small cotton crop, the very small cotton supply, and the increasing demand and consumption show a condition in the cotton world which at an early date will approach close unto a cotton famine. Supply, demand, consumption, and every statistical fact warrant higher prices for our cotton. Our cotton-goods trade was never better, and cotton goods of every character are bringing good prices, and the price is constantly increasing. The price of cotton goods and linters justifies 20 cents a pound for cotton. Those who now have cotton are determined to get a fair price for it, and they will hold some of the crop of 1915 and reduce their acreage this year. If a cold spell should come, as has been the case, just when the tender plant is coming up and kills it, or if we should have a long wet spell and the seed should rot in the ground, as has been the case, the South is going to be confronted with a serious problem. There will not be seed enough to replant. Cottonseed oil, meal, and linters were in such great demand and bringing such a good price last fall that the farmers sold every seed that they could possibly spare, and complaint is now being made that seed for planting purposes are not plentiful. The Farmers' Union of Texas, and, in fact, all over the South, the Union is urging reduction of cotton acreage.

Mr. Chairman, by a long and bitter experience the cotton farmer has learned that he can get more money for a 10,000,000-bale crop than he can for a 15,000,000-bale crop, and his common sense has told him that if he will produce more food supplies and less cotton that he will be better off in every way. [Applause.] The cotton mills of Italy, Russia, France, and England must have a great deal of cotton in the next three months, and there are not 2,000,000 bales of spinnable cotton in all Europe. The war is raging in all its fury, and the powder factories must be kept supplied with cotton; and if our people will hold fast to what cotton they have, refuse to sell until the price suits them, they will reap the reward of good prices that are bound to come. As I said before, supply and demand, the high price of linters and cotton goods, all justify far better prices than we are receiving to-day. But for the conspiracy among bear operators on the New York Cotton Exchange we would have received 15 cents for cotton some time ago. The daily conduct of that exchange shows clearly that there is market manipulation carried on there. I am convinced, and have been for some time, that there is concerted action among the bears to depress the price of cotton. Let me show you why I say that. Time and again we have seen the spot market in the South 12 cents and the future market in New York about 13 cents, and our farmers would often ask, "Why is it that you are paying only 12 cents for cotton here and it is bringing 13 cents in New York?" Then he was told that the difference in favor of the New York price was accounted for in freight charges from the southern market to New York. And that was true. Now, then, I ask why is it that the spot market in the South is higher than the future market in New York? And the reason for that is the law of supply and demand is not so easily suspended in the spot market as it is in the New York Cotton Exchange.

Mr. Chairman, I contend that when the contract price in New York is lower than the spot price in the South it is proof positive that a conspiracy exists on that exchange and that these prices are manipulated by bear speculators. [Applause.]

I have introduced a resolution calling for a full and complete investigation of the conduct of the New York Cotton Exchange, and I am anxious to have that investigation made as soon as possible. Let us see just what is going on and how the exchange is being conducted. If there is no conspiracy, the investigation will do no harm; and if there is a conspiracy, we are entitled to know it. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Page 44, line 12, after the word "thereof," insert the following: "The Secretary of Agriculture shall report to Congress before July 1, 1916, the names of all persons appointed by him to carry out the purposes of this act, the duties of such appointees, and the salaries paid to them."

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not know that I shall have time to discuss this amendment adequately. The gentleman from North Dakota [Mr. HELGESEN] made some reference to the activity of exporters in opposing this bill. I have not been very close to the exporters of this country, because I believe in American conditions and American trade, but if it helps the farmers of the country to have their grain exported to foreign countries when a great war prevails and they have a splendid market for it, I do not object, except to a certain extent, in that it keeps up the prices that the American consumer has to pay. I wish gentlemen would bear this in mind when they assume that those of us who are discussing this bill are doing it for a selfish purpose. The American farmer must depend very largely upon the eastern trade, and he must depend upon the exporter. So far as there being any impropriety in the shipment of goods abroad, I think it fair to observe that if grain goes abroad in improper condition, if it gets overheated, if it is rejected in a foreign market, the responsibility is not altogether with the exporter. We have found in numerous other instances in the great cities that the farmers sometimes send us some stuff that is not wholly pure. Eggs sometimes come to us in a rotten condition, and grain has sometimes been on the track too long and is not any good. Let me read just a line or two from the memorial of the Philadelphia Exchange which I read yesterday:

Another important factor that should be considered in connection with the proposed grain-grades act is that grain graded at western primary points frequently deteriorates in quality while in transit between the western shipping point and the eastern terminus. If the western exporter has sold such grain to the foreign buyer on western certificates of inspection, the question arises as to the attitude of the Government in case the grain arrives at the seaboard out of condition. Will it stop the shipment and compel the exporter to put the grain in good condition, or will the shipment be permitted to continue on its way across the ocean regardless of its condition?

I can not dwell at any great length upon this, but I would like the American farmer to know that sometimes the grain he sends out of the West comes into the East in bad condition, and if the individual farmer is to have his car tied up on the track while he has to go to the Secretary of Agriculture, in Washington, to find out about the inspection, there may be more of it coming into the East in bad condition than has been the case heretofore.

I have offered an amendment, however, which I shall try to discuss in the time that remains to me. Some gentlemen rail at those of us who oppose rider legislation. They rail at the thought that we should object to legislation being driven through this House by a rule. Some gentlemen complain who sit about reading the newspapers and getting their remarks into print occasionally by lecturing other Members of the House who are attending to their business here. Some gentlemen would like to pass by rule these three amendments to this bill, one proposing to start out a new bureau, expending $150,000 on experts and inspectors; another proposing to expend $125,000 to employ other experts and inspectors; and still another proposing to spend $50,000 to employ still other experts and inspectors, a total of nearly $325,000. Gentlemen from the rural districts want to pass this bill by a rule and fasten upon the Government three new systems of inquisition and inspection, which the farmer, in the long run, will have to pay for.

Let the gentlemen who like legislation by rule put that in their pipes and smoke it, and go back, when the time comes, and explain it to the poor, "downtrodden farmer," in whose behalf they vociferate so extensively in this House. Some of the loudest talkers that I have ever heard here or elsewhere are those who do not want much debate here. Their sonorous tones are not so attractive here as they are when they get back to the stump and tell the people at home what they did not do in the House of Representaives when they had a chance.

Pass this legislation by a gag rule, if you please. Carry it even over the mountains of Pennsylvania, and far beyond, and then let the people determine for this House whether they want this procedure or not. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. HAUGEN. Mr. Chairman, I promised to yield to the gentleman from North Dakota [Mr. YOUNG], but I do not see him here now. I will yield five minutes to the gentleman from Illinois [Mr. MADDEN].

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] is recognized for five minutes.

Mr. MADDEN. Mr. Chairman, I am opposed to this amendment, because I believe the warehouse system as controlled by the States is adequate to meet the situation. I do not believe the Government of the United States ought to enter into that realm of activity.

Under this bill every farmer that has a barn can become a warehouseman and issue certificates. He can make application to the Secretary of Agriculture to get a license to run a warehouse in which he has the oats of a 5-acre lot stored, and there will be an inspector appointed to look after his warehouse; and who is going to tell whether the receipt issued by that warehouse is worth anything or not?

That is true. But they say this bill is being passed for the purpose of making the certificate issued by the warehouseman the foundation for the issue of currency. Well, last year, you know the House tried to pass a law to compel the Secretary of the Treasury to advance several hundred million dollars, without reference to whether they had any warehousemen or not, and then it was proposed to compel the Government to accumulate a lot of money in a lot of banks in a certain number of States to be loaned by the bankers, under compulsion, at a certain rate of interest. Now it is proposed to license farmers to establish warehouses and give them authority to issue certificates, and all for nothing.

It is ridiculous, outrageous, unjustifiable, and it has not any business in the House. It is ruinous to the country. [Applause on the Republican side.]

Mr. COX. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. COX. It seems the gentleman is opposed to this bill. [Laughter.]

Mr. MADDEN. Yes; I think I am opposed to the bill.

Mr. BYRNES of South Carolina. In other respects the bill is all right? [Laughter.]

Mr. MADDEN. After you have enumerated all the iniquities I have described and a hundred other, the bill is all right. [Laughter.]

Mr. GALLAGHER. The gentleman thinks the whole thing ought to be eliminated?

Mr. MADDEN. There is no doubt about it. In all the great business centers and in all the smaller business centers of the country and on all the lines of communication, by rail or by water, we have warehouses to burn, and they are under State control, and they are properly managed and properly supervised, and the certificates that are issued by those warehousemen have the backing of the States behind them. There is no reason why we should now add the Secretary of Agriculture.

You are taking away every function of every State in the Union every time you get a chance, if there is a possibility, when you do that, of getting a job for somebody attached to it.

Mr. COX. These inspectors are all to be under civil service.

Mr. MADDEN. Oh, no. They are all to be worked into the service first, then covered by civil service afterwards.

Mr. COX. I am glad to hear the gentleman say that. [Laughter.]

Mr. MADDEN. I hope the gentleman may get some of them.

Mr. GALLAGHER. Does the gentleman not think this amendment jeopardizes the passage of the Agricultural bill?

Mr. MADDEN. Yes. The Agricultural bill in itself is one of the best bills in the House. Everybody in the House is in favor of encouraging agriculture and in favor of allowing liberal appropriations to maintain and develop agriculture. But you come here with a rule and you force down the throats of Members of the House all kinds of iniquitous legislation and attach it as a rider on the Agricultural appropriation bill, and the result is that a great many men of the House who are very friendly to agriculture will be forced to oppose these riders. When this bill goes over to the other side, it may be that arrangements have been made to add some clause to this warehouse bill to amend the Federal bank act, so that every bale of cotton and every bushel of corn and every bale of hay will be stored away in a warehouse, now in the barn of some farmer, and certificates issued against that and currency issued against that; and we shall have an expansion of currency that will create havoc all over the country. [Applause on the Republican side.].

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. LEVER. Mr. Chairman, I yield to the gentleman from Missouri [Mr. RUBEY].

The CHAIRMAN. The gentleman from Missouri [Mr. RUBEY] is recognized.

Mr. RUBEY. Mr. Chairman, the United States grain-grades act, which I have offered to-day as an amendment to the Agricultural appropriation bill, is, in my humble opinion, one of the most important and far-reaching measures that will come before this Congress for its consideration. A measure of such vast importance, affecting as it does the great agricultural interests of the whole country, should be approached with great care and much deliberation. No steps should be taken without first being sure of our ground and certain that good will come as a result. I beg to assure the Members of the House that great care has been taken in the preparation of this bill, and that it represents the very best thought of those who have devoted years of study and investigation to the subject. For a number of years the Department of Agriculture, by direction of Congress, has been making extensive investigations of the handling, grading, and transportation of grain, and the fixing of definite grades therefor. In January, 1914, the grades for corn were fixed and promulgated to take effect July 1, 1914; and while they were permissive and not compulsory, yet they have been adopted by the principal grain markets of the country and are now being very generally used. The work of determining the grades of wheat is nearing completion, and the grades for other grain will be fixed and promulgated from time to time. This act authorizes the Secretary of Agriculture not only to fix, establish, and promulgate grades for grain, but compels their use wherever grain is shipped in interstate or foreign commerce and sold by grade.

During the last Congress the Committee on Agriculture held extensive hearings upon the subject of uniform grades for grain and upon the question of Federal supervision of the grading of grain. As a result of those hearings, the committee prepared and unanimously reported a bill upon that subject. That bill was passed by the House, but, owing to the lateness of the session, failed of consideration in the Senate. The bill which I present here to-day is, for all practical purposes, identical with the bill which passed this body two years ago. It has been given the most careful consideration not only by the subcommittee of the Committee on Agriculture, of which I have the honor to be chairman, but also by the full committee, and comes before you with the unanimous report of that committee.

IMPORTANCE OF THE LEGISLATION.

Some idea of the importance of this subject is gained when I say to you that the farm value of the grain crop of the United States in 1915 amounted to three and a half billion dollars. The provisions of this act will apply only to grain which is shipped in interstate and foreign commerce. A very large part of the grain of the country is shipped in interstate commerce, and to give you some idea of the volume of the grain to which this act will apply, I submit the following statement of the grain which is handled in the important grain markets of the country:

Summary of total grain receipts of the 33 important grain markets in the United States, the receipts being expressed in the nearest million. The averages are based on a period of several years in the majority of cases.

	Bushels.
Chicago	284,000,000
Minneapolis	177,000,000
Buffalo	152,000,000
Duluth	81,000,000
New York	74,000,000
St. Louis	72,000,000
Kansas City (Mo.)	67,000,000
Omaha	52,000,000
Milwaukee	51,000,000
Baltimore	36,000,000
Newport News, including Norfolk	35,000,000
Philadelphia	29,000,000
Galveston	25,000,000
Indianapolis	22,000,000
Cincinnati	21,000,000
Portland (Oreg.)	20,000,000
Louisville	20,000,000
Boston	20,000,000
Nashville	19,000,000
San Francisco	17,000,000
New Orleans	17,000,000
Seattle	15,000,000
Cleveland	15,000,000
Tacoma	14,000,000
Toledo	14,000,000
Wichita	14,000,000
Memphis	12,000,000
St. Joseph	10,000,000
Detroit	9,000,000
Portland (Me.)	8,000,000
Fort Worth	5,000,000
Little Rock	5,000,000
Mobile	4,000,000
Spokane	2,000,000
Total	1,418,000,000

The average quantity of grain shipped out of these various markets, which carries an outinspection certificate, is equivalent to approximately 60 per cent of the total receipts, making a combined volume of grain by inspection both in and out of these various markets of approximately 2,268,000,000 bushels.

This is not a new subject of legislation; bills similar to this one and seeking practically the same results have been before Congress for a number of years. The question of a uniform system for the grading of grain applicable to the entire country has long been discussed. Such a system has been advocated by every Secretary since the establishment of the Department of Agriculture.

STATES PIONEERS IN GRAIN-GRADES LEGISLATION.

Years ago there developed in the trade centers of the country exchanges and boards of trade, and speculation and manipulation became a great and growing evil. Gambling in futures became prevalent. Grain, the fruit of the honest toil of the farmers of my country, became the basis of exchange manipulations whereby prices were raised and lowered at will to meet the whim of the speculator and to satiate his greed for gain. Manipulation of the grading of grain early became one of the prevalent practices in many of the large grain markets. Grain purchased was inspected into the elevator at a low grade and when sold was inspected out and graded at a higher grade. Some of the States in the grain-producing sections of the country became the pioneers in combating these evils. They enacted comprehensive measures and inaugurated systems of grain inspection, which have been successfully managed and from which great good has come. These States deserve great credit for what they have accomplished; the State grain-inspection departments have stood as a great bulwark between the producer of grain on the farm and the manipulator of grain grades in the great central markets. State systems of grain inspection, however efficient and well managed they may be, will not accomplish the results desired or bring about uniformity in grain grading, so necessary for the complete perfection of a system throughout the entire country. The grain crops of the various States are not sold or consumed within the borders of the respective States in which they are grown and harvested. On the contrary, it is an established fact that from 75 to 90 per cent of the grain crop is shipped out of the State in which harvested and is sold and consumed in other States or in foreign countries.

LACK OF UNIFORMITY UNDER PRESENT METHODS.

Where we have State grain inspection regulated by law no one can say that grain inspected and graded under such a system, when honestly administered, is not truly and fairly graded; but we must bear in mind that such a system applies only to the State itself, and that when the grain leaves the borders of that State there is no authority anywhere to compel the acceptance of those grades, and it is practically as if the grain had never been graded. Let us see how the matter works out in actual everyday practice. A farmer in my State—Missouri—has raised and harvested a large crop of grain. It has been raised on the same farm, on the same kind of land, and is uniform in quality. He ships two carloads of it, one to Kansas City and the other to the St. Louis market. Missouri, having a system of State grain inspection, applied honestly and uniformly, the result is that he receives the same grade upon his grain in each of these markets. But suppose he ships his grain to markets outside of Missouri—a carload to Chicago, another to Minneapolis, and a third to some eastern market. Each of these markets is under a different system of inspection. In each of these markets there is some variation of the standards established; and as a result his grain, though of a uniform character and quality, may, and in all likelihood will, be graded differently in each of the three markets. It is an established fact that grain identical in quality, and which ought to be graded the same in every market in the country, under present methods of grading and inspection is graded differently in the different markets. Under national grain supervision, as provided in this bill, the Department of Agriculture will in no way interfere with the various State departments, but, on the contrary, will seek to cooperate with them, will unify their work by giving to each State a uniform standard, and will aid them in applying that standard equitably and uniformly, so that grain of like quality graded in one State will bear the same grade in every other State.

ONE STANDARD—UNIFORM GRADING.

There are two important things sought to be accomplished by this bill: First, the establishment of uniform standards of grades for grain, so that the same quality of wheat, or corn, or oats, or any other grain in any market in any State in the Union will be given the same grade. It is uniformly agreed

that the only agency that can fix and establish a satisfactory standard for the grading of grain is the Government itself. The second object to be accomplished is to secure an honest, efficient, and uniform application of these standards in the inspection and grading of grain, and this can and will be accomplished by rigid Government supervision, as provided in this bill. There are those who would go much further than this bill goes. They would not only have the Government fix and establish the standards, but they would have the Government do all of the inspecting and the grading of the grain which goes into interstate and foreign commerce. Bills providing for the establishment of Government standards and for Government grading of grain have been introduced in preceding Congresses, and strong efforts have been made to pass those bills, but without avail. The principal objection to Government grading and inspection is the fact that it will destroy State grain inspection in the States which now have such inspection provided for by law. Again, Government inspection has been opposed because of the enormous expense attached to such a system, and again it has been opposed because even with Government inspection it would be absolutely necessary to have some kind of general Government supervision over all the various Government inspectors grading the grain at the various markets of the country, in order to insure that the grading be done uniformly and that the standards adopted be applied everywhere uniformly and honestly. It is believed that with rigid Government supervision of the grading of grain in the principal markets of the country an honest, efficient, and uniform application of the Government standards will be secured.

This bill does not seek to abolish the systems of inspection now in operation in some of the States, nor does it seek to abolish the systems of inspection under boards of trade or chambers of commerce, but it does seek to establish uniform standards for the various grains, and by Government supervision insures the uniform application of those standards in the grading of grain by the States, by boards of trade, chambers of commerce, and by other agencies.

There are those who oppose this bill on the ground that it places too much power in the hands of the Secretary of Agriculture, that he might be arbitrary in the establishment of the grades, and that grades established by him might be impractical and unsatisfactory to the grain trade of the country. Congress in 1913 authorized the Secretary of Agriculture to fix and promulgate grades for grain. The standards for corn have been fixed and promulgated. Let us see what course the Secretary of Agriculture pursued in arriving at a just and equitable system of grades for corn, and whether or not these grades have been satisfactory, and if he pursued a just and equitable course in the fixing of the corn grades and these grades have been satisfactory, may we not expect that he will pursue a similar course in the fixing of grades for wheat and other grains, and may we not with equal certainty predict that these grades will be acceptable and satisfactory to the grain trade?

CORN GRADES FIXED AND PROMULGATED.

On January 3, 1914, the Secretary of Agriculture fixed and promulgated standards for the grading of corn, to become effective July 1 of the same year. While these were only permissive standards, there being no authority to compel their adoption and use, they have been adopted by all of the States having State grain-inspection departments, and by the grain exchanges of all of the important grain centers of the United States except Boston, New York, Philadelphia, and Baltimore on the Atlantic seaboard, where most of the opposition to this measure is concentrated. During this time the grain interests of the country have handled one of the best corn crops which we have produced for years, that of 1914, and likewise one of the poorest crops that we have had for years, that of 1915.

Prior to the fixing of these standards the Secretary of Agriculture announced in August, 1913, tentative standards which were submitted to the grain interests of the country for consideration and criticism. The data on which the standards were ultimately fixed were discussed in detail by representatives of the department at an open meeting of the Grain Dealers' National Association, held in New Orleans in the early part of October, 1913. A similar presentation was made at a special meeting in Des Moines, Iowa, called for this purpose by the National Council of Farmers' Cooperative Companies; further opportunity was given to the grain interests of the country to attend a third meeting of this same character held in Washington on October 22, 1913, the day preceding the time set for hearings on the grades before the honorable Secretary of Agriculture. After a full hearing on these grades before the Secretary of Agriculture on October 23, 1913, full opportunity was given to all interests for a discussion of various factors set forth in the tentative grade rules. The arguments presented were given most careful consideration by the Department of Agriculture and the tentative grades were modified in some respect in order to meet the objections presented where there was a unanimity of opinion for such modification. There is every reason to believe that there will be the same fair and careful consideration in connection with the fixing of standards for other grains, as provided for in this bill, and that such standards when fixed will be equally fair to the producer, the dealer, and the consumer.

PRACTICABILITY OF GOVERNMENT GRADES.

The following is taken from an address of Jesse Simpson, manager of the Farmers' Elevator Co., of Danvers, Ill., before the twelfth annual convention of the Farmers' Grain Dealers' Association of Illinois, Bloomington, Ill., February 17, 1915, on the subject "New corn grades."

Now, as to the practical working of the new grades it may be a little too soon to pass final judgment as they have been in effect only a little more than seven months. However, some of the worst things prophesied regarding the working of these grades have not happened. When they went into effect last July it created scarcely a ripple in the usual course of the grain trade. Corn graded about as usual, except that we occasionally had a car of No. 5 or 6 corn which would have been no grade under the old style, but it brought nearer its actual value. The farmer was just as willing to contract his new crop of corn on a basis of No. 4 as he was in the past to sell No. 3. And the funny part of it was that just as soon as he found the new crop was of such good quality he wanted to sell No. 3. And he did it too at an advance of about 1 cent per bushel over the No. 4. Now, if I remember, one of the arguments most used against the adoption of the new grades was: How are you going to educate the farmer to the new grades? How are you going to explain to him that No. 4 corn, new grade, is about the same as No. 3 under the old? That No. 3 corn is a higher grade and he won't have any of it in the wintertime? That we had just got him educated to the moisture test, and if we changed the grade again now it would demoralize the trade for years. Results show that this was borrowed trouble. The farmer is educated. He knew when he had No. 3 corn, demanded and got the price for it. * * *

To sum up, I think the new grades have been decidedly beneficial all along the line in spite of the fact that there has been no way to enforce them or any supervision. The farmer is benefited because he gets nearer the actual value of his corn; the dealer because he has a more uniform grade, and the consumer because he gets a more uniform quality.

DEMAND FOR UNIFORM GRADES AND FEDERAL REGULATION.

The following is a list of the associations or organizations which have declared themselves in favor of a uniform system of grain inspection under standards fixed by the Federal Government, with authority to regulate the application of such standards vested in the Department of Agriculture. The majority of these associations favor a system of supervision by the Federal Government, although others are much more radical in their views and believe that the Federal Government should take over the entire system of inspecting and grading of grain.

Grain Dealers' National Association.

This association has a direct membership of approximately 1,000, about 85 per cent of which represents grain firms, the remainder being individuals.

Ohio Grain Dealers' Association.
Indiana Grain Dealers' Association.
Illinois Grain Dealers' Association.
Missouri Grain Dealers' Association.
Kansas Grain Dealers' Association.
Texas Grain Dealers' Association.
Western Grain Dealers' Association.

This association includes the regular grain dealers of the States of Iowa, Nebraska, and South Dakota.

Council of Grain Exchanges.

At the time action was taken by the Council of Grain Exchanges there were some dissenting votes, but a rising vote was not called for so there is no record of the exchanges or boards of trade opposed to the legislation, although generally conceded as being confined to those of the Atlantic seaboard as practically all of the other exchanges have taken action favoring standardization and supervision. The only grain exchanges opposing this legislation, as shown in the hearings before the committee, or in other available records, are the New York Produce Exchange, the Philadelphia Commercial Exchange, and the Baltimore Chamber of Commerce.

Millers' National Federation.

Ex officio: Central Kentucky Millers' Association; Indiana Millers' Association; Kansas City Millers' Club; Michigan State Millers' Association; Millers' Club of Minneapolis; Ohio Millers' State Association; St. Louis Millers' Club; Southeastern Millers' Association; Southern Illinois Millers' Association; Southwestern Millers' League; Southwestern Missouri Millers' Club.

American Feed Manufacturers' Association.
Corn Millers' Information Bureau.
Miami Valley Grain Dealers' Association.
Tristate Grain Dealers' Association.

This association comprises parts of Ohio, Indiana, and Michigan.

Norfolk Chamber of Commerce.
Louisville Board of Trade.
Indianapolis Board of Trade.
New Orleans Board of Trade.
Minneapolis Chamber of Commerce.
Omaha Grain Exchange.
Duluth Board of Trade.
Kansas City Board of Trade.
Boston Chamber of Commerce.
St. Louis Merchants' Exchange.
Providence Chamber of Commerce.
National Council of Farmers' Cooperative Associations.
National Association of Farmers' Cooperative Companies.
Minnesota Farmers Grain Dealers' Association.
North Dakota Farmers Grain Dealers' Association.
Iowa Farmers Grain Dealers' Association.
Nebraska Farmers' Cooperative Grain and Live Stock Shipping Association.
Kansas Farmers Grain Dealers' Association.
Ohio Farmers Grain Dealers' Association.
Indiana Farmers Grain Dealers' Association.

At the nineteenth annual meeting of the Grain Dealers' National Association, held in Peoria, Ill., October 11, 1915, the following resolution was adopted:

Whereas the bill introduced in Congress by Representative Moss and known as the grain-grades act, failed of enactment: Therefore be it

Resolved, That we indorse Representative Moss in his declared intention to reintroduce this measure, without material change, immediately after the Sixty-fourth Congress convenes; that we reaffirm in all respects the indorsements given this measure by this association at its Kansas City convention and that every honorable effort be put forth by the members of this association to secure its enactment into law.

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[Telegram.]

GRAIN DEALERS' NATIONAL ASSOCIATION,
Crawfordsville, Ind., January 21, 1916.

Hon. ASBURY LEVER, M. C.,
Washington, D. C.:

The grain trade is anxiously watching progress of the grain-grades act. If you can do anything to forward the interests of this bill, you will perform a great service to the grain producers, handlers, and consumers. The small opposition coming from State departments that have State inspection should bear very little weight. Each State department has inspection rules of their own, differing entirely from all others. This causes great confusion and gives room for manipulation of grades of grain that is highly detrimental to the best interests of the country. May we depend on your influence in favor of this bill?

A. E. REYNOLDS,
Chairman Legislation Committee
Grain Dealers' National Association.

—

BOSTON CHAMBER OF COMMERCE,
March 25, 1916.

Hon. THOMAS L. RUBEY,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN RUBEY: I have already notified you by day letter of the vote of the grain board indorsing the Rubey grain grades act. The board of directors of the chamber, at their meeting on March 23, unanimously adopted the report of the grain board and voted to inform the New England Senators and Congressmen of the action taken. For your information, I might say that the action taken by the grain board on the Rubey Act is perhaps the most representative and decisive vote which has been taken on any legislation providing for uniform grading of grain and Government supervision of inspection.

In its report to the board of directors, the grain board stated that "there has for many years been urgent need for some such legislation," and gave their reasons for favoring the passage of the grain grades act at this time. These may be summarized as follows:

(1) At the present time each market has a different standard of quality for similar grades in name.

(2) Inspection of identical lots of grain has differed widely, based on their ownership and destination, and not on their actual quality.

(3) On account of the present unscientific method of grading, there is a wide variation in quality permissible in each of the established grades in the same market. For example, No. 1 Northern spring wheat has sold on the present crop at the same time and in the same place at a difference of from 8 cents to 16 cents per bushel, which is wholly a quality difference; and when it is considered that a fraction of a cent per bushel affects a trade in grain, the importance of such loose methods of grading is readily appreciated.

(4) Manipulation of grades with intent to defraud or deceive are not infrequently resorted to by unscrupulous dealers. For example, in the case of oats, a change in grade may be effected by the addition of moisture in the oats or their adulteration by mixing them with lower-priced grain or other foreign material. Such practices have resulted in seizures and confiscation by the Federal authorities of numerous car lots of such oats.

Further evidence of the deception and manipulation under present methods of grading and inspection is offered in the following case: Advance sales of No. 2 Hard and No. 2 Red Winter wheat were freely made to foreign buyers prior to harvest for shipment during the summer and fall of 1915. Unfavorable weather conditions resulted in badly damaging the crop, and receipts of the above-mentioned grades in the principal markets when the new crop moved were inconsiderable. Nevertheless certificates were issued grading very inferior wheat as No. 2 Hard and No. 2 Red Winter, and shipments were made to apply against these foreign sales, and buyers paid for their purchases based on the certificates, which are final as to evidence of quality on such contracts, only to find on receipt of shipments abroad that much of the grain was worthless, or of very inferior quality, as compared with their understanding of what the grain should be. These transactions have resulted in protests being lodged with our ambassadors for transmission to the Department of State.

(5) The proposed legislation has the support of the Grain Dealers' National Association, a body of 3,300 members, dealers in grain, representing practically every State in the Union; the Millers' National Federation, embracing thousands of flour millers; and many of the principal grain-trade organizations in the large grain centers of the country.

The board of directors of this chamber, appreciating the far-reaching effect which the proposed legislation would have on New England alone, which buys annually of outside sections not less than 50,000,000 bushels of oats and 100,000,000 bushels of corn, unanimously voted to adopt the report of the grain board and to urge the New England Congressmen to favor its passage.

Very truly, yours,

JAMES A. MCKIBBEN,
Secretary.

—

ILLINOIS GRAIN DEALERS' ASSOCIATION,
Champaign, Ill., March 28, 1916.

Hon. THOMAS L. RUBEY,
House Office Building, Washington, D. C.

DEAR SIR: I am directed to inform you that the board of directors of the Illinois Grain Dealers' Association, at a meeting held in Chicago March 24, gave hearty indorsement to your act for the uniform grading of grain known as House bill 10405. All grain dealers of the country are vitally concerned in this legislation and are anxious to see it passed. It will be of great benefit to shippers and also to producers.

* * * * * * *

Cordially,

E. B. HITCHCOCK, *Secretary.*

The Kansas Grain Dealers' Association, at their meeting May 26, 1914, adopted a resolution favoring Federal supervision of grain inspection, according to the Lever bill as amended by the Grain Dealers' National Association.

[Telegram.]

KANSAS CITY BOARD OF TRADE,
Kansas City, Mo., January 14, 1916.

Hon. THOMAS L. RUBEY,
Washington, D. C.:

The Kansas City Board of Trade strongly indorse the Moss grain bill, and respectfully but earnestly solicit your best efforts toward its adoption this session.

B. C. MOORE, *President.*
E. D. BIGELOW, *Secretary.*

—

[Telegram.]

THE KANSAS CITY MILLERS' CLUB,
Kansas City, Mo., January 14, 1916.

Hon. THOMAS L. RUBEY,
House of Representatives, Washington, D. C.:

We respectfully urge you to do all that is possible to secure enactment of the Moss grain-grades bill during the present session of Congress. The proper Federal supervision of grain inspection is of the utmost importance to the milling industry and the grain trade of the United States and further to defer enactment of this important legislation will merely delay much needed relief.

THE KANSAS CITY MILLERS' CLUB,
R. E. STERLING, *Secretary.*

The Michigan Hay and Grain Dealers' Association, at their annual meeting, August 5, 1915, adopted the following resolution:

Resolved, By the Michigan Hay and Grain Association, at its annual convention in Jackson, Mich., on August 5, 1915, that we heartily approve of the provisions contained in the "grain-grades act," and that we urge its introduction and passage early in the next, the Sixty-fourth, Congress without amendment.

—

MISSOURI GRAIN DEALERS' ASSOCIATION,
Mexico, Mo., December 20, 1915.

Hon. THOMAS L. RUBEY,
Representative in Congress, Washington, D. C.

DEAR SIR: I have been advised that Congressman R. W. Moss of Indiana has introduced a bill in the House of Representatives under No. H. R. 4646, which provides that the United States Department of Agriculture shall establish a uniform standard of grades on all cereals entering into interstate and export commerce, and further provides for the supervision of such inspection.

This bill is not a new one to yourself or the grain trade, as it was introduced at the last session of Congress and passed the House by a large majority, but owing to the short session was not acted upon by the Senate.

The grain and milling trade has considered and discussed this bill thoroughly and have given it practically their unanimous indorsement. In the State of Missouri it has been unanimously indorsed by the Missouri Grain Dealers' Association, the Kansas City Board of Trade, and the St. Louis Merchants' Exchange.

Being a Representative of one of the largest grain-producing States, I trust you will give this bill your earnest support and urge it to be enacted at an early date, as it is of great importance to all grain-producing States. I should be pleased to give you any information you desire in regard to the grain trade of Missouri.

Sincerely, yours,

J. A. GUNNELL, *Secretary.*

—

[Telegram.]

MISSOURI GRAIN DEALERS' ASSOCIATION,
St. Louis, Mo., January 27, 1916.

Hon. THOS. L. RUBEY,
Representative in Congress, Washington, D. C.:

The Missouri Grain Dealers' Association, assembled in annual convention at St. Louis, Mo., January 27, unanimously indorsed the Gore bill now pending in the Senate, and the Moss bill now pending in the House, relating to uniform grading of grain, and desire to thank you for your sincere and constant efforts put forth in behalf of the grain trade.

MISSOURI GRAIN DEALERS' ASSOCIATION,
By J. A. GUNNELL, *Secretary.*

[Telegram.]

NEW YORK STATE MILLERS' ASSOCIATION,
Buffalo, N. Y., January 27, 1916.

THOS. L. RUBEY, *M. C.,*
Washington:

The millers of New York State, as assembled at their annual dinner last night at Buffalo, again express their strong hope that they might have immediate relief from possible grain-inspection abuses as would be provided by bill H. R. 4646. They hope that your committee may have already reported the bill favorable, or, if not, may do so as soon as may be possible, and that this may be followed by prompt, favorable action of the House and Senate. If we can be of any service please command us.

NEW YORK STATE MILLERS' ASSOCIATION,
By W. V. HAMILTON, *President.*

—

NEW YORK STATE MILLERS' ASSOCIATION,
CHAMBER OF COMMERCE,
Buffalo, April 18, 1916.

To the honorable Members of Committee on Agriculture,
United States House of Representatives, Washington, D. C.

DEAR SIR: Referring to the many indorsements of Federal supervision as proposed by the grain-grades bills now before Congress, and especially to the recent indorsement of the Boston Chamber of Commerce, which so outlines the imperative necessity for this legislation, we desire to say that we concur in their statement:

"We are in favor of Government supervision of grain inspection for the same reason that the honest shippers of the country favored the abolition of the rebate."

We believe that the grain-grades bills now before Congress would abolish favoritism shown a few at the expense of the many, and would largely abolish grain-inspection abuses as practices in our domestic markets, and as have been so bitterly complained of in recent years by foreign purchasers of American grain. This last situation we believe may now be called an international disgrace as practiced, especially during the current crop year.

We trust this legislation may have your active support.

Very respectfully, yours,

NEW YORK STATE MILLERS' ASSN.,
W. V. HAMILTON, *President.*

—

THE PROVIDENCE CHAMBER OF COMMERCE,
March 21, 1916.

Hon. THOMAS L. RUBEY,
Chairman House Subcommittee Re
Uniform Grading of Grain, etc.,
The Capitol, Washington, D. C.

HONORABLE AND DEAR SIR: In accordance with the instructions therein contained, I am hereby respectfully conveying to you copy of a resolution unanimously adopted by the board of directors of the Providence Chamber of Commerce on Monday, March 20, 1916, and which follows:

"*Resolved*, That this Providence Chamber of Commerce favor the passage of House bill 10405, relating to the grading of grain, etc., preventing deception in transactions in grain, and regulating tariff therein, and that the general secretary of the Providence Chamber of Commerce be, and he is hereby, instructed to forward a copy of this resolution to THOMAS L. RUBEY, chairman of the House subcommittee in charge of the bill and to the Senators and Representatives from the State of Rhode Island in the Congress of the United States."

Respectfully, yours,

CLARENCE A. COTTON,
General Secretary.

—

[Telegram.]

ST. LOUIS MERCHANTS' EXCHANGE,
St. Louis, Mo., January 14, 1916.

Hon. THOMAS L. RUBEY,
Washington:

On behalf of officers and members Merchants' Exchange of St. Louis urge you to use your best efforts to secure immediate reporting of Moss grain-grades bill by committee. Moss bill of great importance to grain and milling interests.

EUGENE SMITH,
Secretary.

The executive committee of the Texas Grain Dealers' Association, in session April 22, 1916, passed a resolution instructing the secretary to take up with the Senators and Congressmen from Texas the matter of urging the passage of the Rubey bill or the grain-grades act at this session of Congress.

At the annual convention of the Western Grain Dealers' Association, held at Cedar Rapids, Iowa, April 14–15, 1916, O. K. Morrison, of South English, Iowa, read an instructive paper on country grain-trade efficiency, in which he said:

Grain should be bought by grade, the same as it is sold. Paying the same price for all kinds of oats or other grains is one of the most damaging influences against the work that is being done to have better grain raised and to have better care after it is raised. Don't be too hasty in naming the grade on the grain. You can't do it by glancing at it. That is nothing more than guesswork, and guesswork is often very expensive. It would seem that there is considerable guesswork in the terminal markets, from the frequent notices we get that the grade has been raised or lowered. It is true that many times carloads can not be properly graded on account of being too full or some other good reason, but I can see no good reason why the grain can not be properly graded when delivered in wagons to the elevators.

The membership of the Western Grain Dealers' Association includes the regular grain dealers of the States of Iowa, Nebraska, and South Dakota.

At the annual convention of the Western Grain Dealers' Association, held at Cedar Rapids, Iowa, April 14–15, 1916, the following resolution was adopted:

Whereas there is pending before Congress the Rubey bill, which bill is substantially the same as that known to the trade as the Moss bill, or grain-grades act; and

Whereas this association has heretofore gone on record as favoring the Moss bill, which is designed to bring about supervision of grain inspection by the Federal Government:

Resolved, That we reaffirm our position with reference to this bill, which has been favorably reported by the House Committee on Agriculture and is now on the calendar awaiting action.

The membership of the Western Grain Dealers' Association includes the regular grain dealers of the States of Iowa, Nebraska, and South Dakota.

The National Council of Farmers' Cooperative Associations made the following recommendations to the Secretary of Agriculture concerning the inspection of grain:

We, the National Council of Farmers' Cooperative Associations, in special session, Chicago, December 10, 1913, having duly considered the wishes of our constituents in several States as expressed by them in letters and in personal interview, respectfully submit the following recommendations to the Secretary of the Department of Agriculture of the United States of America: We recommend that a law be enacted by Congress of the United States providing—

First. That the inspection of grain entering into interstate commerce shall be made by the Federal Government.

Second. That the chief and all other inspectors shall be appointed under civil-service rules.

Third. That the rules of the pure food and drugs act shall not be applied to grain in its natural state.

NATIONAL COUNCIL FARMERS' COOPERATIVE ASSOCIATIONS.
J. W. SHORTHILL, *President.*
H. W. DANFORTH, *Vice President.*
W. J. RAY, *Secretary.*

The National Council of Farmers' Cooperative Associations is composed of State associations of farmers' elevator companies in Illinois, Iowa, Minnesota, South Dakota, and Kansas.

Mr. H. W. Danforth, president of the National Council of Farmers' Cooperative Associations, in his address at the third annual meeting on November 29 to December 2, 1915, of the National Conference on Marketing and Farm Credits in joint program with the National Council of Farmers' Cooperative Associations, made the following statement relative to grain-standardization legislation:

The farmers' cooperative elevator companies have long demanded the standardization of grades for all grain, and Federal inspection of same. About a year ago corn grades were adopted and standardized by the United States Government, and they have worked a remarkable change in the handling of this commodity. Any manager of a farmers' elevator company can readily place a sample of corn in its right grade with the assurance that if he has done his work carefully it will correspond with the grading by the inspectors at the terminal point.

Mr. Danforth also stated that—

At the present time there are in Illinois 305 farmers' elevator companies; in Iowa, 394; Minnesota, 345; South Dakota, 435; Kansas, 242; and Nebraska, 271. The total membership in these seven States is approximately 275,000 to 300,000 farmers. Many farmers' elevator companies have been organized in Michigan, Montana, Washington, Ohio, Oklahoma, Wisconsin, Missouri, Indiana, and Texas; in all, about 347 companies.

At the time of Mr. Danforth's address the last-named group of States had not yet organized State associations, but since that date the farmers' companies of the States of Ohio and Indiana have organized very active State associations, with considerable increase in the membership of the companies.

In a report of the National Association of Farmers' Cooperative Companies, held at Sioux City, Iowa, May 7–8, 1914, the following resolutions were read and adopted:

To the officers and members of the National Managers' Association now assembled, we, your committee on resolutions, beg to submit the following for your consideration and approval:

"*Resolved*, That we approve of a Federal standardization of grades for grain, and favor the Government taking such steps as will bring this about.

"*Resolved*, That we favor Federal supervision of grades."

The National Farmers' Association, at a convention held in Kansas City, February 21–23, 1916, adopted a resolution asking for a system of inspection, weighing and grading grain, hay, cotton, and other farm products that shall be uniform and under Federal control.

Farmers' Grain Dealers Association of Illinois, in the report of the secretary, A. N. Steinhart, to their convention, which met February 16–18, 1915, says:

The new corn grades have been established, and no one has been hurt. Grade alone can not change values on the same class of grain, no matter by what number or name designated. The new grades have, however, brought a concerted effort on the part of grain growers to market a better and cleaner corn. This will tend to keep the market clear of a glut of dirty, low-grade stuff. Everybody will benefit, a great loss and waste will be eliminated, and the general price will be better. What we now need is Federal inspection to determine the grades in all cases, a method which will place men in charge of this work that need not necessarily be residents of the cities in which terminals are located; men who are free from all local influence and who are beholden only to your Uncle Samuel for their places and their action, such men as we have in the postal and revenue service. When this sort of inspection is in vogue there will be a chance that pure grain will go into the public warehouse under the same grade at which it goes out, and also that the grade will be as nearly uniform at all markets as human judgment can determine. Your association, through the national council, is working for this sort of inspection. They are going to get it for you, too.

The association adopted the following resolution:

That we favor the Federal inspection of grain that we may have uniform inspection of grain throughout the country.

The Farmers' Grain Dealers' Association of Illinois in their meeting held February, 1915, adopted the following resolution:

Resolved, That we favor the Federal inspection of grain that we may have uniform inspection of grain throughout the country.

Iowa Farmers' Grain Dealers' Association at their convention held at Waterloo, February, 1914, adopted the following resolution:

Resolved, That we recommend to the national council to take up the question of inspection of grain with our Senators and Representatives and urge them to do all within their power to secure a law providing for the Federal inspection of all grains handled in interstate commerce.

Iowa Farmers' Grain Dealers' Association at their annual meeting held at Mason City February 9 to 11, 1915, adopted the following resolution:

Resolved, That we are most emphatically in favor of Federal inspection of grain.

The Farmers' Grain Dealers' Association of Iowa at their 1916 convention held in Des Moines on February 15, 16, and 17 adopted the following resolution:

Be it resolved by the Farmers' Grain Dealers' Association of Iowa, representing 40,000 members as follows:

"That as the Government has established uniform grain grades, which have proven practical;

"Therefore this convention strongly indorses an efficient law for the grading of grain."

Kansas Farmers' Cooperative Grain Dealers' Association, at a meeting of the managers of the Kansas Farmers' Cooperative Grain Dealers' Association at Turan, Kans., May, 1914, adopted the following resolution:

Resolved, That the Farmers' Cooperative Grain Dealers' Association of Kansas in convention assembled hereby express themselves as urging Federal grades and inspection of grain on all interstate shipments, and that all appointments of grain inspectors be made on competitive examination under the civil service.

Kansas Farmers' Cooperative Grain Dealers' Association at their meeting held March, 1915, adopted the following resolution:

Whereas we believe that Federal inspection of grain will guarantee uniformity of grain and would protect the producer, distributer, and consumers in all markets: Therefore be it

Resolved, That we indorse Federal inspection under civil service.

Minnesota Farmers' Grain Dealers' Association at their annual meting held in Minneapolis, February, 1914, adopted the following resolution:

Whereas there is a wide difference in the results of grain inspection at different times in each year in the same markets which are unfair to the shippers of grain: Therefore be it

Resolved, That we request that the Federal Government establish uniform inspection for all grains in all markets.

South Dakota Farmers' Cooperative Association at their annual convention held in Aberdeen, December, 1914, adopted the following resolution:

That we firmly believe in the justice of our claim when we demand full Federal inspection and grading of grain and seeds at terminal markets.

South Dakota Farmers' Cooperative Association, at a meeting held in December, 1913, adopted the following resolution:

Whereas conditions surrounding the inspection of grain entering into interstate commerce are open to severe criticism because of the local influence that manifests itself, and the charges of a rigid inspection in, and an easy inspection out, that in the absence of standard grades inspection is permitted at any and all grain centers, thereby subjecting shipments to the judgment of different inspectors while in transit from the shipper and producer to the seller or consumer. That cars grading No. 1 at one point may grade No. 2 and even No. 3 before reaching its destination. This has a demoralizing effect on the grain trade, and confusing to the shipper until the shipper is unable to establish a grade on his shipment with any degree of accuracy; and

Whereas a uniform grade established for the entire country, and inspected by a board appointed by the Federal Government under the civil-service rules, would tend to reestablish confidence in the entire grain trade, and form a basis upon which to adjust differences between shipper and seller or buyer: Therefore be it

Resolved, That a law be enacted by the United States Congress providing for Federal inspection, standardization of grades, and weighing of grain entering into interstate commerce.

THE FARMERS' COOPERATIVE ASSOCIATION OF NORTHWESTERN OHIO,
Malinta, Ohio, April 11, 1916.

Hon. THOMAS L. RUBEY,
Washington, D. C.

DEAR SIR: At a meeting of the Farmers Grain Dealers' Association of Ohio, held in the city of Toledo, Ohio, March 13, 1916, nearly 200 delegates from 65 farmer elevator companies, representing about 15,000 farmers of this State, adopted the following resolutions:

"We, the representatives of the cooperative grain dealers' movement in Ohio, in convention assembled, partially express our sentiments in the following resolutions, to wit:

"That we urge the passage by both the House and the Senate of the United States House bill No. 10405, known as the 'United States grain-grades act,' introduced by Congressman THOMAS L. RUBEY, of Missouri." * * *

EUROPEAN COMPLAINTS OF AMERICAN INSPECTION.

For nearly a score of years the Agricultural and other Federal departments have been receiving complaints from Europe relative to the unsatisfactory quality of grain received from the United States. These complaints are not isolated cases, but are of such numbers and from such sources as to indicate clearly that the dissatisfaction and lack of confidence on the part of European receivers of American grain is quite general. The complaints are from the principal markets in England, Scotland, Denmark, Germany, Holland, Belgium, France, and Italy.

In this connection it is important to note that practically all of the grain exported from our Atlantic and Gulf ports is under a contract of "American certificate final." In this respect the United States occupies a unique position, as all other countries exporting grain to Europe are obliged to sell on a contract that in substance guarantees delivery in good condition. Under a contract of "American certificate final" the European buyer is without redress. It would appear that when forced to buy under such a contract the European importer would have just cause for complaint if the certificate of inspection called for a No. 2 corn and at time of discharge the cargo were found to consist of No. 3 or No. 4, it having been admitted by one of the large exporters in the hearings on this bill that No. 3 and sometimes No. 4 corn was bought in the West and exported as No. 2, the grade being raised at the seaboard. It is claimed by many that the price of grain in the United States is based upon the price paid in the Liverpool market, the great commercial center of the grain trade of the world. If this be true, and but few doubt it, then, indeed, the pernicious practice of shipping inferior grain to Europe and selling it as of a high grade has resulted in the loss of millions of dollars to the grain farmers of America.

In a letter from the Agricultural Department under date of March 4, 1916, in response to a request for information relative to complaints of European buyers with American grain certificates, the situation is covered in the following statement:

So far as this department has been able to make an investigation of the grain-export situation, the results show that the complaints of European grain exchanges, grain dealers' associations, and individuals have been well founded. It is a matter of much regret that our export grain has been below the quality required for a similar grade of grain for domestic commerce, and that a high percentage of the export cargoes, especially of corn, has arrived in Europe with at least a portion of the grain in a sour and heat damaged condition throughout, notwithstanding the fact that the corn was shipped under certificates of "No. 2 sail grade" or "prime sail," which is the highest grade of corn that the European buyers can purchase in the United States.

While it is true that some of this deterioration is directly traceable to improper stowage rather than to a too liberal inspection, there can be no doubt but that after repeated experiences of this nature European importers will not and do not bid as high a price for grain covered by certificates in which there is such a widespread lack of confidence as they would be willing to bid for the same grade of grain if they had due assurance of receiving grain of the quality called for by the certificates under existing published grade rules. It is likewise clearly evident that this lack of confidence in the American certificates must revert to our grain producers in that the price received by our farmers for their grain is in a large measure, under normal conditions, governed by quotations from Liverpool. In other words, the price for which our surplus grain can be disposed of affects the price of the whole.

The serious nature of the foreign complaints, as well as the situation governing certificates issued at an interior market, can be remedied only through some central Federal authority, such as is provided for in the United States grain-grades bill now under consideration or through a measure of similar character.

Excerpts from a few of the more recent complaints will serve to show the widespread dissatisfaction and the lack of confidence in Europe with American grain certificates.

One of the most recent complaints, under date of March 8, 1916, reads, in part, as follows:

The Italian embassy begs to inform the State Department that in the last few months there have arrived in Italy from the United States quite a number of shipments of wheat which were found to be in a very poor condition, largely unfit for consumption, notwithstanding the fact that they were accompanied by regular inspection certificates. * * * These occurrences have created a most unfavorable impression in Italian commercial circles, where it is felt that some American exporters of wheat have not been dealing with that degree of correctness customary in commercial transactions.

In September, 1915, the Secretary of the Liverpool Corn Trade Association, in a complaint to the Agricultural Department, stated:

My directors are of opinion that a serious mistake has been made; that the wheat has been given a wrong description, the same being entirely soft; furthermore, the condition, being warm, stiff, and mildewed, shows that it was not merchantable before shipment, even under the most superficial examination. The grading certificates are consequently valueless, and I am instructed to ask if your department could bring its influence to bear with a view to protecting buyers on this side, as, if such shipments are allowed to be made, buyers may be ultimately compelled to decline to accept * * * inspection.

In this connection it might be mentioned that as early as 1906 the dissatisfaction became so great that European buyers

for a limited period refused to accept grain covered by inspection certificates from two export markets on the Atlantic seaboard. Again, in 1911, similar action was taken against another market on the Atlantic seaboard.

Under date of October 15, 1913, the Secretary of the Hull Corn Trade Association wrote:

My committee are of the opinion that the step you have taken is one that will place business upon a proper footing; and, so long as the grades are fixed, and are not altered without due and proper notice, we can trade with a certain amount of confidence. My committee hope that when the grades are finally adopted that they will apply to domestic as well as export business. Since December, 1911, there have been practically no arrivals of American maize at Hull, one of the reasons being that buyers here do not care to take the risk of condition.

THE INCORPORATED CORN TRADE ASSOCIATION OF LEITH,
Leith, May 21, 1914.

The SECRETARY UNITED STATES DEPARTMENT OF AGRICULTURE,
Bureau of Plant Industry, Washington, D. C., U. S. A.

SIR: I am instructed by the executive committee of this association to express its strong support of the contention of the London Corn Trade Association as to the necessity of obtaining Government official inspection certificates in respect of quality and moisture content of maize shipped from the United States to this country.

I am further to add that my committee is of the opinion that these are the only terms upon which this business can be done in future.

I am, sir, your obedient servant,

THOMAS W. ———, *Hon. Sec.*

While no complaints have been received from Germany during the past two years, owing to failure to receive grain from the United States as a result of war conditions, excerpts from complaints prior to the opening of hostilities will show the dissatisfaction of continental buyers.

October, 1913, Bremen wrote:

We received your letter of September 23, addressed to the president of the Bremen Grain Exchange, concerning grain standardization, especially grading of corn.

First of all, we express our extreme satisfaction that the United States Department of Agriculture takes such steps as to fix definite standards of grain to the purpose to make an end to the uncertainty now existing and to remove the want of reliance in the certificates now in use at the American shipping places. The certificates of the inspectors of the grain exchanges of the United States shipping places (New York, Baltimore, and others) are considered on our side with the greatest possible distrust, as they are giving not the slightest security for the good condition of the grain shipped.

Hamburg Association, in June, 1911, wrote:

The private certificates you mention were accepted here, because importers are left in the dark as to which certificates deserve to be called official or trustworthy, which latter would be still more important in buyer's interest. Receivers over here have had such very bad experience with official Philadelphia, Baltimore, etc., inspectors that it comes pretty much to the same by whom the certificates have been issued.

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EXTRACTS FROM A DETAILED REPORT OF THE LONDON CORN TRADE ASSOCIATION, THE LIVERPOOL CORN TRADE ASSOCIATION, AND THE NATIONAL ASSOCIATION OF BRITISH AND IRISH MILLERS, UNDER DATE OF NOVEMBER 29, 1915, RELATING TO THE DISSATISFACTION ON THE PART OF EUROPEAN GRAIN DEALERS AND MILLERS WITH AMERICAN GRAIN CERTIFICATES.

For many years European buyers of United States grain have expressed grave dissatisfaction with the conditions of trading in respect of the quality of grain exported on certificate. Matters have now reached a climax.

An ordinary buyer of goods is in a position not only to claim delivery of that which he had bought but to refuse acceptance of the article if the seller tenders him something which he had not bought, but the system of grading and selling on "certificate final" as practiced at present in the United States does not appear to proceed on these principles of elementary justice, for European buyers have to accept delivery. Furthermore, so far as this point of principle is concerned, a still more glaring case occurred a few years ago when German buyers had to accept in execution of contracts for oats a mixture consisting of 70 per cent oats and 30 per cent barley at a time when barley was worth in Germany 50 shillings per ton less than oats; for some certificating authorities in the United States had thought fit, without consulting anybody on this side of the Atlantic, to suddenly make alterations in their grading rules, permitting such admixture. The impropriety of such actions on the part of sellers would be minimized if monetary compensation were payable to the aggrieved parties, but under the prevailing system of trading such redress has been and is refused. Nor is the evil confined to the injury done. The most urgent representations from this side have hitherto failed to provide a remedy. On the contrary, when an international committee representing European receivers of grain brought their case to the notice of many American authorities issuing certificates as to quality of grain, the chairman of one replied: "He considered their first duty was to move their crop."

Prior to 1912 serious complaints were made against Canadian grading, but the Dominion grain act of 1912 and the administrative arrangements ancillary thereto, have effected very great improvements, so that all European buyers have now confidence in Canadian certificates, and though a great number prefer trading on sample or on standard, they acquiesce in the system of grading and its concomitant "certificate final," as established by Canadian law and carried out by Canadian practice. One very important fact which has greatly enhanced the reputation of Canadian grading is this. Both in the United States and Canada a large proportion of the crop is sold before it is reaped. The buyer should be in a position to rely upon the grading rules current at the time the deals are made; in other words, the grain, when it is reaped, should be graded on its intrinsic merits according to rules which should not be changed from season to season. Canadian law and practice embody this principle. When the weather has been bad during harvest in Canada, and the quality of the crop has therefore been depreciated, the statutory grades have nevertheless not been changed, and buyers have obtained grain of the quality they expected and had a right to expect. The London Corn Trade Association has received so many complaints concerning American grading that it called a conference "to consider what improvements are advisable in the present methods of working American business, to which conference delegates from all interested parts of Europe" were invited. It was held in London on November 8, 1906. There was a large attendance of delegates from many British, Irish, and continental associations. The following associations and organizations were represented:

London Corn Trade Association; Liverpool Corn Trade Association; National Association of British and Irish Millers; Hull Corn Trade Association; Bristol Channel and West of England Corn Trade Association; Incorporated Corn Trade Association, Leith; Glasgow Corn Trade Association; Belfast Merchants; Sligo Merchants; Dublin Merchants; Irish Flour Millers' Association; Chambre Syndicale des Grains, Graines, et Farines, Paris; Association Syndicale et de Conciliation des Grains et Graines de la Region du Nord, Lille; Chambre Syndicale et de Conciliation des Grains et Graines, Dunkerque; Chambre de Commerce du Havre; Chamber of Commerce, Antwerp; Chambre Arbitrale, Antwerp; Associazione del Commercio dei Cereali e Semi, Genoa; Verein der Getreidehändler der Hamburger Börse; Hamburg Merchants and Millers; Börsenvorstand der Borse zu Köln; Verein Rheinisch-Westfälischer Getreide-Importeure; Commissie voor den Graanhandel, Amsterdam; Het Comite van Graanhandelaren te Roteerdam; Nederlandsche Vereeniging van Meelfabrikanten, Rijswijk; Foreningen af Korn & Foderstof Handlers paa Kkebenhavns Bors; Foreningen af Korn-og Foderstof-Importorer I. Jylland og Fyn. Aarhus; Mannheimer Produkten Börse.

An international committee was set up consisting of 14 members, 7 nominated by the principal associations of the United Kingdom and 7 by continental associations. This international committee held several meetings, some in London, one at Antwerp. Its first efforts were directed to the establishment of uniform rules for grading of grain at all United States ports and grain centers, and to providing, under conditions designed to exclude all small and frivolous claims, machinery for arbitration in cases of misgrading, accidental or intentional. Among the resolutions carried at the meeting held on January 24, 1907, are the following:

"That this European international committee calls upon the boards of trade and commercial exchanges of the United States of America and Canada issuing certificates to draw up uniform rules for the grading of grain for export at all their various ports and grain centers. Further, that the said certificating bodies are requested to send to this committee for agreement such rules properly authenticated. When mutually agreed upon those rules are not to be altered, unless by mutual consent.

"That the certificate of any railroad, elevator, or private trading company or person shall not be recognized."

The committee then entered into communications with many American bodies issuing certificates as to quality of grain.

The Baltimore Chamber of Commerce wrote:

"Our board has already advised Europe that we courted full investigation as to our system, but as this chamber can not control the grading in other markets, we are not able to enforce uniform grading as applied to other United States markets."

The New Orleans Board of Trade wrote:

"The feasibility of establishing some system of uniformity in the grading of grain at exporting centers can not be questioned. The export grain exchanges, as well as the exporters themselves, should favor the taking of some action which would result in the protection of their interests and trade."

The New York Produce Exchange in February, 1907, wrote:

"It is known to you and all interested in the American grain business that at the last convention of the National Grain Dealers' Association, held at Chicago in December last, at which were gathered representatives from some 35 American commercial exchanges and boards of trade, also a representative from the Agricultural Department at Washington, it was unanimously resolved by the delegates there present to urge the adoption by all the American markets, both inland and seaboard, of uniform grades for grain both as to phraseology and quality requirements, and also the further adoption of methods to insure the appointment and supervision of properly qualified inspectors. To all the above the committee on grain of the New York Produce Exchange has given its hearty approval. Through the convention's subcommittee a tentative list of grades with quality requirements was submitted, and this tentative list as a basis is now before the various exchanges for their consideration."

The merits or demerits of a system of grading are not ascertained on a crop harvested under favorable conditions. Between the crops of 1908 and 1914 trade with European buyers in United States grain languished. Then came the very favorable harvest of 1914 and an exceedingly large trade in United States grain, due, among other causes, to the fine quality of the hard winter wheat. Even then there was cause for complaint as to irregularities in grading, but on the whole the buyers were satisfied.

In that state of mind they made large purchases of the 1915 crop, and it is important to note that the first arrivals of that wheat were satisfactory. Such wheat would to-day command a ready sale on our markets, for millers in the United Kingdom much desire to keep such wheats in their current mixtures, and doubtless the quality of these early arrivals induced buyers on this side to greatly increase their purchases. By the later export of grossly inferior and improperly graded wheat some United States shippers have secured an immediate advantage, for the system of grading and trading on "certificate final" appears to protect them from loss of monetary advantage on contracts then existing, but the loss of good repute is serious and deplorable. Buyers can not be fleeced with impunity. A buyer suspicious and unwilling can not be a satisfactory source of profit to the seller. For years past Canadian wheat has realized substantially higher prices in European markets than the corresponding grades of United States wheat, and the climax has now been reached in this further sense, that European buyers are restricting their present purchases of graded wheats almost exclusively to Canadian produce. It is indisputable that in normal times, when the harvests in the producing countries are favorable, the state of affairs which has led to the present complaints will militate strongly against American certificated wheat obtaining its proper intrinsic value in competition with those of other countries. It is hard to believe that even those sellers who are dominated by consideration of merely personal advantage can be satisfied with this state of affairs, and it must be in the highest degree unsatisfactory to honorable traders in the States who have to suffer for the misdeeds of the unscrupulous ones.

The want of uniformity in a system of grading must result in a lowering of the value of the whole crop, for buyers naturally base their

price on the poorest quality they may receive. Separate grading by different ports tends to the lowering of the grades in the endeavor to secure trade.

The chief point we desire to emphasize is that grain should be graded on its intrinsic merits according to standards which should not vary from season to season. Uniformity of treatment should be accorded to domestic and foreign buyers.

NATIONAL ASSOCIATION OF BRITISH AND IRISH MILLERS.

A. B. GRIPPER, Esq.,
London Corn Trade Association, 28 St. Mary Axe, E. C.

DEAR SIR: Your letter of the 12th instant, with reference to complaints of many shipments of No. 2 hard winter wheat from United Kingdom and continental buyers was considered by the council of this association at their meeting held yesterday, and the following resolution was passed:

"That the London Corn Trade Association be requested to interview the American ambassador, bringing through him to the notice of the United States Government the serious irregularities in recent deliveries of United States certificated wheat and the desirability of establishing the Federal grading of wheat."

Yours, faithfully,

ARTHUR E. HAWKER, *Secretary.*

OCTOBER 28, 1915.

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JOSEPH RANK (LTD.), BALTIC HOUSE,
Leadenhall Street, London E. C., November 11, 1915.

A. B. GRIPPER, Esq.,
Secretary London Corn Trade Association,
28 St. Mary Axe, E. C.

DEAR SIR: We send herewith a delivery sample of so-called No. 2 hard winter wheat, inspection ex the steamship *Milwaukee.* This was delivered to us this week under the official certificate.

We may say that the sample, on account of being out of bulk some time, has cooled off, and probably improved in other respects, but we think that the quality shown by it is sufficient to prove that the wheat is in a shocking condition. It is sour, hot, full of heated corns, as well as being very badly grown, and we think that as this delivery is not an isolated experience some steps should be taken by your association to protect receivers in the United Kingdom against a repetition of deliveries of this nature.

We can not protest too strongly with regard to this delivery, as, seeing we buy on certificate final, we naturally put ourselves in (their) hands, * * * and if they treat the buyers in this country in this way by grading wheat as No. 2 hard * * * which is of the description given it is time receivers refused to accept their certificates. * * *

Yours, truly,

JOSEPH RANK (LTD.).

—

ROTTERDAM.

To the SECRETARY OF THE LONDON CORN TRADE ASSOCIATION,
Exchange Chambers, 28 St. Mary Axe, London E. C.

DEAR SIRS: The Nederlandsche Vereenining van Meelfabrikantan and Het Comite van Graanhandelaren te Rotterdam received a similar letter from you dated 12th October about complaints of many shipments of No. 2 hard winter wheat, and we being the only receivers of all the wheat coming into Holland during the war for account of the Dutch Government they put the question to our hands to deal with.

We are sending you to-day different samples of No. 2 hard winter wheat, representing all the hard winter wheat we received from America up till now from the crop 1915. The samples are taken from the following steamers when discharged: Steamship *Gorredijk* and steamship *Rotterdam.* We had many complaints about the wheat ex steamers *Beekbergen, Costerdijk, Westerdijk, Rijndam, Maartensdijk, Amsteldijk,* and *Veendijk.* The complaints are not only to the bad smell but also to the mixture of other kinds of wheat, so that we can not rely upon the certificates, as we used to before the war.

Yours, faithfully,

VAN STOLK'S COMMISSIEHANDEL.

OCTOBER 19, 1915.

(Extract from letter received from Van Stolk's Commissiehandel, Rotterdam.)

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NEW NO. 2 HARD WINTER WHEAT.

160 HIGH STREET,
Hull, October 27, 1915.

The SECRETARY HULL CORN TRADE ASSOCIATION (Ltd.),
Hull.

DEAR SIR: We beg to inclose certificates for 8,000 bushels per *Marengo,* one sample herewith; 16,000 bushels per *Mendip Range,* one sample herewith; 16,000 bushels per *Bassano Range,* two samples herewith.

These shipments arrived in wretched condition and we understand the whole question of such shipments is being taken up by your association.

We have got into great trouble with our buyers, allowances of 4/– per qr. on the two first-named shipments and 5/– per qr. on the other being claimed. All the parcels contained a heavy percentage of sprouted as well as heated grain; the *Bassano* was badly heated throughout and more than half the bulk is quite useless for milling purposes.

Yours, truly,

KEIGHLEY, MAXSTED & CO.

—

BERGEN, *October 14, 1915.*

Messrs. GILL & FISHER,
Baltimore.

DEAR SIRS: As you will have seen from our different cables regarding the hard winter wheat received per steamship *Fram,* the receivers are "terror struck" by the quality and condition of the wheat, and we must admit they are right to feel so. The wheat in steamship *Fram* was heated to the extent that they were obliged to pick and carve it out with packers and spades, and it can absolutely not be used for human food as it is now, and it is a question whether it can be used after being dried and washed—even mixing only a small portion with good wheat. It is incomprehensible to us how your authorities can give certificates for such wheat for hard winter No. 2, and our buyers want samples sent to the London Corn Trade Association and have the question settled there if you should not be willing to settle same amicably. The captain of steamer *Fram* has told here that the wheat was warm already on loading in Baltimore. Is this possible?

Yours, faithfully,

A/S MOHR & SONS EFTF.,
JENS. F. KONOW.

Continuing, the report of the London Trade Association says:

The system of selling wheat on the basis of "certificate final" is peculiar to the Atlantic coast of North America.

In Russia a seller of grain for export sells on a sample which is sealed and remains available for use as a basis for comparison when the goods are delivered and for arbitration when the buyer claims that the delivery is inferior to the sealed selling sample.

In Argentina grain is sold on the basis of a guaranteed natural weight per bushel, and allowances are paid on a definite scale should the wheat delivered be inferior to the natural weight sold. An average of each kind of grain shipped from different districts during different months is made up in London, and the buyer is entitled to find the quality of his delivery, after taking into consideration any allowances he may have had in connection with natural weight, to be equal to that of the average of other grain shipped from the same district during the same period.

In India wheat is sold on the basis of analysis, and, after the wheat has been analyzed on arrival in this country, the buyer is paid for any admixture of dirt or foreign matter. Fair average quality samples are made up just as in the case of Argentina, and buyers are entitled to claim if they consider their deliveries are inferior to those of the average shipped.

In Australia standard samples are made up in each colony at the beginning of the season, representing the average of the wheat which they will ship. These samples are sent to London and sales are made on the basis of these samples. A buyer is entitled to claim for an allowance at arbitration if he considers his delivery is inferior to the standard sample sent by the chamber of commerce of the port or State from which his wheat was shipped.

It is noteworthy that in California and Oregon, United States of America, competent authorities make up standard samples of current grades and the buyer is entitled to claim an allowance for inferiority of quality at arbitration, just as in the case of Australia.

Although the countries above mentioned do not use the "certificate final" method of selling their wheat, it is generally agreed that the "certificate final" method, if properly carried out, is the most convenient and altogether the most simple method of all; but the inspection must be absolutely impartial and buyers must have implicit confidence in the integrity and skill of the grading authorities.

A careful study of the foregoing complaints coming, not from one but from every great European country, should convince any fair-minded man of the necessity of prompt and effective legislation by this Congress to the end that these abuses may be speedily corrected. The European market is the great world market upon which our farmers must depend for the sale of their surplus products. The passage of the pending bill will, I am satisfied, correct these abuses in our export trade, and with the grain of our country inspected and graded under Government supervision the markets of Europe will again be open to us under the most favorable conditions. Our producers will be able to meet the producers of other countries on fair and equal terms, and that is all they ask.

In our own fair land the passage of this act will be hailed with delight by the farmers who produce the grain, by every honest grain dealer and elevator man who purchases direct from the farmer at first hand, by every miller, and by every exchange and board of trade composed of men who seek to do an honorable and legitimate business in the grain trade.

Mr. LEVER. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from South Carolina has five minutes and the gentleman from Iowa [Mr. HAUGEN] has three minutes.

Mr. HAUGEN. I yield the balance of my time to the gentleman from New York [Mr. SANFORD].

Mr. SANFORD. Mr. Chairman, I offer the following amendment: On page 40, in line 24, after the word "shall," insert the word "plainly." On page 41, line 1, after the word "him," where it first appears, insert the words "upon the face thereof."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 40, by inserting after the word "shall" in line 24 the word "plainly"; and on page 41, after the word "him," in line 1, insert the words "upon the face thereof."

Mr. SANFORD. Mr. Chairman, I should like to persuade the chairman of the committee [Mr. LEVER] to accept this amendment. I will tell him my reason. Not long ago I had in my office while I was a district attorney some million dollars' worth of splendid looking negotiable bills of lading issued by one of the greatest railroads in this country. I had them for a long time locked up in my safe. I was not at all nervous about them. They were perfectly regular, negotiable bills of lading upon their face, but they were not worth the paper they were written upon. It happened in this wise: The freight agent of that great railroad got very friendly with the greatest shipper in our section of the country. Whenever the great grain-shipping firm became a little low in funds they would go over to the freight agent and he would give them a few hundred thousand dollars' worth of fine, yellow bills of lading, and they took them over to our biggest

bank, which advanced money upon them. They were old accomplished bills of lading negligently left lying around uncanceled. The bank lost vast sums of money loaned on the faith of these worthless papers, and there was a great scandal there in my town. The history of that affair taught me that the point where legislators should be careful is that these documents, which are the foundation of a great part of the finance of this country, should be guarded as pure gold.

Mr. LEVER. Will the gentleman yield?

Mr. SANFORD. Yes; I yield.

Mr. LEVER. I think the gentleman and I may get together on this amendment. I think the gentleman's amendment probably is not stated as accurately as it might be. Let me call his attention to this suggestion: In line 24 make it read, "shall plainly cancel," and then take the words which the gentleman has sought to insert on the other page—

shall plainly cancel upon the face thereof each receipt.

I have no objection to that.

Mr. SANFORD. I will take it either way.

Mr. LEVER. Suppose the gentleman withdraws his amendment and offers it in the other form.

Mr. SANFORD. I think my wording is just as good. I looked at it carefully, but I will take yours if you will accept the amendment.

Mr. LEVER. I will accept it.

Mr. HAMILTON of Michigan. I should like to ask the gentleman if he got his money back on his bills of lading?

Mr. SANFORD. I am glad to tell the gentleman that I had no personal interest in all those bills of lading in my safe, and one day the bank sent up for them, and I found about half of them. The other half had been scattered. We finally got most of them together. They wanted them as tokens.

The CHAIRMAN. The clerk will report the modified amendment.

The Clerk read as follows:

Amendment by Mr. SANFORD as modified: On page 41, in line 24, after the word "shall," insert the word "plainly," and after the word "cancel," insert the words "upon the face thereof."

Mr. LEVER. I will say to my friend that I have no objection to the amendment.

The CHAIRMAN. Under the rule the vote on the amendment will be taken at the conclusion of the debate.

Mr. LEVER. Mr. Chairman, I yield to the gentleman from California [Mr. CHURCH].

[Mr. CHURCH addressed the committee. See Appendix.]

Mr. LEVER. Mr. Chairman, this bill undertakes to do three things: First, it seeks to standardize warehouses in this country with a view to reduce as much as possible the insurance rates upon such warehouses and upon the products stored therein. There is a great divergence of insurance rates on warehouses in this country, due largely to the fact that there is no proper standardization.

It undertakes, in the second place, to standardize the methods of grading farm products with a view to give most impartial and accurate grade to all agricultural products. The system of grading in this country is likewise absolutely understandardized, with the result that agricultural products are suffering greatly because of it. We are undertaking here to have a system of grading for the same kind of product in every community in which that product is raised.

In the third place, it undertakes to standardize warehouse receipts on agricultural products so as to give them collateral value for borrowing money, for taking advantage of the Federal reserve act which they do not now possess.

There is no reason in the world why there should not grow up in this country a system of warehouses uniform in their character, uniform in their methods, with receipts uniform in all sections of the country for the same class of agricultural products. When that warehouse receipt issues on 10 bales of cotton in Lexington, S. C., it will be just as negotiable in Texas or New York as it would be if it was issued from a warehouse on 10 bales of cotton in Texas. Under the present hodgepodge system, which is no system at all, the farmer has no method of knowing the means by which he can take these products, store them, and in the end have some voice as to the price at which he is willing to part with them. That is the great fundamental purpose of this warehouse bill. It is an effort upon the part of Congress, upon the part of the Agricultural Committee, to give as far as we can greater strength, more uniformity, and greater negotiability to farm collateral paper, so men may borrow money upon easier terms, so the receipts may be standardized and interest may be cheaper and credit easier. So much for that.

I have no special objection, Mr. Chairman, to the amendment offered by the gentleman from New York [Mr. BENNET] and I have no special objection to the amendment offered by the gentleman from New York [Mr. SANFORD], but the other amendments I trust will be voted down.

The CHAIRMAN. All time for debate has expired and the question is upon the amendment offered by the gentleman from New York [Mr. BENNET].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The next amendment is the amendment of the gentleman from Michigan [Mr. MCLAUGHLIN].

The question was taken; and on a division (demanded by Mr. MCLAUGHLIN) there were 30 ayes and 38 noes.

So the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Iowa [Mr. HAUGEN].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New York [Mr. SANFORD].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is on the substitute offered by the gentleman from Minnesota [Mr. ANDERSON].

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from South Carolina.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. When the committee arose the other evening there was an amendment pending offered by the gentleman from Oklahoma [Mr. FERRIS] and the Chair thinks there was a point of order pending.

Mr. LEVER. I had reserved the point of order. I would like to ask the gentleman from Texas if he can make a statement in five minutes?

Mr. SMITH of Texas. I think so.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SMITH of Texas. Mr. Chairman, this amendment was offered by the gentleman from Oklahoma [Mr. FERRIS] at my request. Unfortunately I was sick at home at the time and could not be here. I regret very much that the gentleman from South Carolina has shown a disposition to make a point of order against this amendment, because I regard it as one of the most important to the arid and semiarid and subhumid sections of our country. This is an appropriation that has been made continuously for several years—I do not remember how long, but certainly for the last four or five years. I have not looked it up prior to that time.

This is an International Dry Farming Congress, to be held in the city of El Paso, Tex. That congress is made up or will be of delegates from all over the western arid section of our country and perhaps from foreign countries. There will be discussion of the processes of dry farming from a scientific standpoint. There will be many papers read and speeches made, no doubt, dealing with this scientific question in all of its phases, and it is very important and useful that the department, as heretofore, shall be permitted to make an exhibit of the investigations and processes that have been discovered by the Agricultural Department upon this very important question.

I doubt if $20,000, the amount asked for in this amendment, could be better expended than for this purpose. I hope the gentleman from South Carolina will be as generous as he has been on occasions heretofore and not make the point of order against this item.

In this connection I ask unanimous consent to extend my remarks in the RECORD by inserting at this place a memorandum which has been furnished me by the Agricultural Department showing how that appropriation will be expended, if made, and for what purpose it will be used.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection?

The memorandum referred to is as follows:

[Memorandum.]

APRIL 28, 1916.

The appropriation is expended under letters of authorization from the Secretary specifying how it is to be used.

Used to collect and prepare exhibits illustrating the more important work of the bureaus and independent offices of the department of interest to farmers in regions where dry farming is practiced.

To collect and prepare for display data relating to methods practiced at the dry-farming stations of the department, photographs of stations and crops, and crop samples. In order to carry out the intent of the law as fully as possible, material and data showing the work and results secured at some of the State experiment stations along dry-farming lines is selected through personal interviews, adding much to the value of the exhibit.

The principal expenses are those incurred in collecting and preparing and installing the exhibits and making the necessary display cases and fixtures for showing them.

The transportation of the exhibits and of the necessary experts who install and demonstrate them forms another large but very necessary item of expense.

Summary of expenditures by the Department of Agriculture under the appropriation "International Dry Land Congress, Tulsa, Okla., 1913–14."

Salaries (covering the employment of carpenters, cabinet-makers, model makers, additional clerical assistance, and labor of all kinds necessary in the collection and preparation of material)		$5,708.96
Travel, station, and field expenses (covering the transportation of persons collecting and preparing the exhibits and that of persons accompanying the exhibits to assist in their installation and demonstration)		4,265.00
Freight and drayage		1,919.09
Express		275.73
Equipment:		
Apparatus	$55.85	
Furniture, office equipment, etc	748.62	
Miscellaneous	1,400.25	
		2,204.72
Rent of building in which to prepare material		20.00
Lumber, hardware, and other mechanics' supplies		1,158.49
Miscellaneous supplies		2,154.25
Miscellaneous services (principally assistance to agents in the field)		1,414.07
Total expenditures		19,120.31

Mr. MONDELL. Mr. Chairman, I hope that the gentleman from South Carolina [Mr. LEVER] will see his way clear to allow this item to be considered upon its merits and not insist upon the point of order. We have for the past five years, I think, been appropriating for Government exhibits at the International Dry Farming Congresses. Four years ago the congress was held in western Canada. Three years ago I think it was held in the State of Washington, two years ago at Wichita, Kans., last year in Denver, and this year the congress is to be held at El Paso, Tex. This is the most important agricultural meeting in all the West, if not in the country as a whole. The Dry Farming Congress, as its name indicates, has to do with the science of farming the lands of little rain. Very great success has been made in this line of endeavor, and this congress is devoted to the teaching of the scientific methods under which profitable crops may be grown on land which has a minimum of moisture. The funds which Congress grants are used for the purpose of exhibiting the dry-grown products of the State and Federal experiment stations in the semiarid regions, in the fabrication of cases and models, clearly illustrating the work of the Department of Agriculture of all sorts and kinds having to do with the growing of crops in the semiarid regions. I said a few days ago in the discussion of this bill that our hope for the future as a cereal-growing people was largely in the semiarid lands. We have already conquered, I think, from fifty to sixty millions of acres from the semidesert and made of them profitable farming lands. There are at least one hundred if not one hundred and fifty million acres which a few years ago were believed to be valuable only for pasture purposes, which by thorough and scientific methods of farming can be made to produce profitable crops. Dry farming increases the productive value of those lands from a range value of 50 cents per acre per annum, at the outside, to a productive value of from ten to twenty dollars per acre per annum, and in doing that it is as though we added that much to the domain of the country.

This Congress is organized to carry on the work of teaching how this conquest of the desert may be accomplished. They teach scientific methods of agriculture that conserve the moisture and the fertility and enable the farmer to produce from a soil that under ordinary conditions would be of little agricultural value a crop that is profitable and certain.

Mr. CLINE. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. CLINE. In whose hands is the expenditure of this money placed?

Mr. MONDELL. In the hands of the Secretary of Agriculture. He makes the exhibit.

The CHAIRMAN. The time of the gentleman from Wyoming has expired. Does the gentleman insist upon the point of order?

Mr. LEVER. Mr. Chairman, I regret very much that I must insist upon the point of order.

The CHAIRMAN. The point of order is sustained and the Clerk will read.

The Clerk read as follows:

Experiments and demonstrations in live-stock production in the cane-sugar and cotton districts of the United States: To enable the Secretary of Agriculture, in cooperation with the authorities of the States concerned, or with individuals, to make such investigations and demonstrations as may be necessary in connection with the development of live-stock production in the cane-sugar and cotton districts of the United States, including the erection of barns and other necessary buildings, and the employment of persons and means in the city of Washington and elsewhere, $60,000.

Mr. BENNET. Mr. Chairman, I reserve the point of order on that.

The CHAIRMAN. The gentleman from New York reserves the point of order.

Mr. DOWELL. Mr. Chairman, a few days ago when the question was before the committee on the paragraph in the bill making appropriation for the control and eradication of hog cholera, some criticisms were offered to that provision of the bill, and some reference was made to this disease in Dallas County, Iowa, as well as in other counties of the State.

Since that discussion I have received a communication directly on this question which is so concise that I desire to read a few paragraphs of the letter to the House. This letter was written by W. L. Van Meter, president of the Dallas County Anti Hog Cholera Association, was dated April 25, 1916, and the paragraphs I refer to are as follows:

As president of the Dallas County Anti Hog Cholera Association for the past two years, I have been closely associated with the men in charge of this work in Dallas County, and I want to inform you of the beneficial results of this work. I am informed that the cost of the work in Dallas County has been less than $20,000 annually, and I know that the benefits to the farmers of Dallas County alone have been many times greater than this amount.

The influence of the work in Dallas County has not been confined to this particular locality, but has been far-reaching. I feel it would be disastrous to the swine industry of Iowa should this work be handicapped by a lack of appropriation to support it. My judgment is that an appropriation should be made that would permit of the extension of the work over a large area in order that the territory now practically free of cholera may be further protected.

To my personal knowledge the automobiles furnished for this work have been used in a most scrupulous manner, and any criticism along this line is very unjust and unfair to the Government men at this station who have given such valuable service to the farmers of this county. They have given earnest, conscientious, and efficient service in the face of many adverse conditions, with surprising and encouraging results.

During 1912 the year before any Government assistance was given, 23.4 per cent of all hogs raised in Dallas County were lost from cholera. Since the inauguration of the campaign to demonstrate the best method for the control of cholera the losses have been rapidly reduced, until in 1915 only 1.5 per cent of all hogs raised were lost.

Mr. BENNET. Mr. Chairman, I have reserved the point of order on this paragraph for the purpose of asking the gentleman from South Carolina for an explanation, and in particular why it is that this appropriation of $60,000 is limited to those sections of the United States which grow cane sugar and cotton?

Mr. LEVER. Mr. Chairman, the history of that is something like this: About two or three years ago a recommendation came from the Secretary of Agriculture for the establishment of an experimental farm in the sugar-cane and cotton districts, with the view of developing the live-stock industry in that section. When the appropriation was brought on the floor of the House the point of order was made to some portions of it, and it went out. It was offered in a little different form, and the gentleman from Louisiana, Mr. RANSDELL, now one of the Senators from Louisiana, made a very strong argument in favor of the retention of this item. It was retained in the bill. I think probably the original purpose of the undertaking has been somewhat extended, and I think it should be extended if we are going to carry it on at all. I may say this, that there is a large area in the sugar-cane and cotton districts of this country where there is a very great deal of fine, valuable forage that from year to year goes to waste.

We have made no extensive Government tests as to the value of that forage. Now, this item proposes to let the Government experiment in the use of native forage in the feeding of cattle and horses. Then they are conducting some experiments here and there in connection with the growing of hogs. They are doing that on a little farm of 500 acres which the State of Louisiana has furnished for the work. They have erected some buildings there, the exact cost of which I do not recall. In addition to that a portion of this fund is being used in what would ordinarily be known as live-stock demonstrations in cooperation with individual farmers in the State of Louisiana and in poultry work, hog and pig raising work, mule-colt work, and things of that kind. It is really a very important little item, and is on all fours with the station in North Dakota, where we are experimenting with trees and dry-land crops and things of that kind.

Mr. BENNET. Mr. Chairman, I will say to the gentleman that I am in sympathy with the purpose of this item, but I want to call the gentleman's attention to what seems to be a practical difficulty in the language. It reminds me of a situation that arose in the State of New York where they attempted to put a somewhat similar definition of law into the excise law. The language here is: "In the cane-sugar and cotton districts of the United States."

For instance, take the State of Missouri. The gentleman from Missouri [Mr. RUBEY] announced this afternoon, somewhat to my surprise, that Missouri was a cotton-growing State, and demonstrated to his own satisfaction, in a very charming way, that it was. Under this language could this appropriation be expended in any part of the State of Missouri, because in part of the State of Missouri they raise cotton?

Mr. LEVER. I will say to the gentleman very frankly that while there might be authority here to do it, I think the Committee on Agriculture would look very severely upon any part of this appropriation being expended there.

Mr. BENNET. Would it not be better to drop out the words "in the cane-sugar and cotton districts of the United States" and give the Secretary of Agriculture the authority to use this $60,000 in making general investigations?

I want to call the attention of the gentleman from South Carolina to the fact that there is no part of the country more interested in having live stock increased than the great cities, where the price of meat is always a very burning and a serious question to thousands of families. I am perfectly willing to go along with the gentleman and broaden this item in the way I have suggested.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LEVER. Mr. Chairman, I will say to the gentleman from New York that that is a very pertinent question. I suspect—although I do not recall the exact reason for this language—that the reason it was put in there was because in the estimates which carried this item first there was also an estimate for similar work to be done in the dry-land section of the country in North and South Dakota; and the location of that work was specified, just as the location of this work is specified in this language. I understand that the gentleman from South Dakota [Mr. GANDY] is about to offer an amendment couched in somewhat similar language, locating the work, however, in a definite section of the country.

Mr. BENNET. That could be avoided, if those qualifying words were stricken out.

Mr. LEVER. That is true; but I think, if you are going to have a few of these stations, you had better have them identified, for the benefit of the Department of Agriculture and for the benefit of Congress.

Mr. BENNET. The matter is very important. I am in favor of developing the live-stock industry in the South, in that particular section of the country where, I understand, 242,000,000 acres of land adapted to agriculture could be utilized. I am willing to do anything I can to develop it. I withdraw my point of order, Mr. Chairman.

Mr. LEVER. I am glad of that, because there is no section of the country that promises so much for live-stock raising on the farm as that section.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. FESS. Is the live-stock raising rather to be a by-product of the cane-sugar activity?

Mr. LEVER. I would say not. I would say to the gentleman from Ohio that this work here is really an additional agricultural experiment station, devoting its activities and energies to the development of the live-stock industry of that section of the country. That is frankly what this is.

Mr. FESS. There is a by-product very prominent in beet-sugar making, is there not?

Mr. LEVER. Yes. There is also a by-product in sugar cane, and they are making experiments as to the value of it for feeding cattle and stock.

Mr. SLOAN. Mr. Chairman, reserving a point of order, I would like to ask the gentleman a question.

Mr. LEVER. Very well.

Mr. SLOAN. When was this first passed; was it not in the year 1914?

Mr. LEVER. I understand what the gentleman is driving at, and I will say to him frankly that it was right after the Underwood tariff law went into effect. That will save all discussion about it. [Laughter.]

Mr. SLOAN. Was it not passed originally as "first aid to the injured," following the enactment of the Underwood tariff law, as applied to the sugar-cane industry in Louisiana?

Mr. LEVER. I remember that was the gentleman's opinion at that time.

Mr. SLOAN. Was it not the opinion of the House?

Mr. LEVER. I can not testify as to the opinion of the House, but I remember the gentleman said so at the time.

Mr. SLOAN. The opinion of the chairman might be satisfactory on that point.

The CHAIRMAN. The chair is not authorized to express opinions that are not germane to this discussion. [Laughter.]

Mr. SLOAN. Then, we will assume, from the gentleman's attitude, and his failure to answer, considered with his means of answering, that it was for that purpose. Now, since that feature of the Underwood tariff law has been repealed, does not the gentleman think, the mischief having been removed, this appropriation should be discontinued?

Mr. LEVER. I think the gentleman's suggestion argues that if it argues anything. But after all, in all seriousness, the main purpose of the establishment of this work was to determine whether in that section of the country, which has an area covering a large section, we could really develop a live-stock industry.

Mr. SLOAN. But it was expected to make it a successor to the sugar-cane industry, which was expected to be destroyed.

Mr. LEVER. I do not know about that. I do not think that is correct.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Chairman, I have no desire to prolong the discussion of the bill, especially at this late hour. However, I feel that this item should not be passed without at least referring to it, in order that the House may know for what purpose it was inserted. Exactly as the gentleman from Nebraska [Mr. SLOAN] has stated, it was for the purpose of relieving the distressed condition in the South caused by the passage of the Underwood bill. A Representative from the South, now a United States Senator, was open and frank in his statement. He came before the committee and called its attention to the distressed condition under the free-sugar provision of the Underwood bill. For that reason this item was inserted in the Agricultural appropriation bill. Now that the tariff on sugar has been restored, it does not seem to me that it is fair to continue this appropriation. As has been stated here, we appropriate money for the State experiment stations, for the cotton boll weevil, for vocational education, for the extension work, for the demonstration work, and for other purpses, and much of that money is available. Why, we have several hundred thousand dollars in this bill available for the very thing that is covered in this item; we already have duplication of work and waste of money in many paragraphs of the bill. Let us cut out at least one little item of $60,000.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. HAUGEN. I yield to the gentleman from Connecticut.

Mr. TILSON. I should like to ask the gentleman how the cotton districts were brought in as a by-product, or what by-product of cotton raising could be used in raising live stock?

Mr. HAUGEN. I know of no other reason than just to mislead, that is all. The gentleman who brought it to our attention based his claim on the destruction of the sugar industry of the South, and some one added the word "cotton." I do not know why it was added.

My colleague, Mr. GOOD, has called attention to seven employees from the department in the vicinity of this station hiring two automobiles, driving, I believe, 20 miles into the country, and there addressing a distinguished audience, not of farmers, but each other. If the people in that vicinity do not turn out to hear seven experts from Washington, is it not fair to assume that they will not go to this farm or be benefited by the experiments and demonstrations in live-stock production carried on in the cane-sugar districts. If not, why erect barns, purchase stock, and employ more persons, especially as another station is being maintained in the State, and where evidently but little interest is taken in the work done by the department.

Mr. TILSON. Will the gentleman yield to me to allow me to ask a question of the chairman of the committee?

Mr. HAUGEN. Yes.

Mr. LEVER. I am very glad to be able to state to the gentleman that one of the most valuable by-products of cotton is cottonseed meal, which is fed to cattle in large quantities.

Mr. TILSON. But that had been used for years.

Mr. LEVER. They are experimenting with that right now, and there are some very great problems which have to be worked out.

Mr. TILSON. That is, some new experiments, since the passage of this bill, in the use of cotton seed?

Mr. LEVER. Oh, yes; they are experimenting now on the use of cottonseed meal for feeding live stock.

Mr. MOORE of Pennsylvania. Will the gentleman yield?
Mr. HAUGEN. Yes.
Mr. MOORE of Pennsylvania. We have certain barns down there, have we not?
Mr. HAUGEN. Yes.
Mr. MOORE of Pennsylvania. And we have some live stock?
Mr. HAUGEN. Yes.
Mr. MOORE of Pennsylvania. The situation is this, that if we withdraw the appropriation of $60,000 we lose our interest in the barns, I suppose?
Mr. HAUGEN. Oh, the thing to do is to dispose of them, sell them, get rid of them, just as any business man would do.
Mr. MOORE of Pennsylvania. Is it worth $60,000 to hold on to our interest in the barns?
Mr. HAUGEN. Here is another illustration of the fact that once an appropriation is made there is no way of stopping it. Here is an appropriation made to meet a certain emergency existing at that time, but which does not exist to-day. As we all know, the tariff on sugar has been restored, which carries with it the restoration of the sugar industry of this country. Still we are asked to continue this appropriation.
Mr. MOORE of Pennsylvania. What shall we do with our interest in the barns?
Mr. HAUGEN. Mr. Chairman, I move to strike out the section.
The CHAIRMAN. The gentleman from Iowa moves to strike out the paragraph.
Mr. CULLOP. Mr. Chairman, I want to offer an amendment, in line 9, to strike out the words "in the cane-sugar and cotton districts of the United States."
The CHAIRMAN. The Clerk will first report the amendment offered by the gentleman from Iowa.
The Clerk read as follows:

Amendment offered by Mr. HAUGEN: On page 77 strike out the paragraph from lines 3 to 13, inclusive.

The CHAIRMAN. The Clerk will now report the amendment offered by the gentleman from Indiana [Mr. CULLOP].
The Clerk read as follows:

Amendment offered by Mr. CULLOP: Page 77, lines 9 and 10, after the word "production," strike out the words "in the cane-sugar and cotton districts of the United States."

Mr. CULLOP. Mr. Chairman, I am in favor of this paragraph. I think it ought to be amended so that this appropriation will apply to the whole country. The stock-raising industry is a diversified one and can be conducted in every State and Territory in the Union. Now, if it is important to encourage this industry in the cotton-growing districts and the sugar-cane growing districts, it is important to encourage it in every other section of the country. It is an industry which the country is very much interested to see that it be made as flourishing as possible.
Mr. HAUGEN. Mr. Chairman, will the gentleman yield?
Mr. CULLOP. Certainly.
Mr. HAUGEN. We now have an experiment station in every State in the Union. Does the gentleman believe it is necessary to establish another station and to duplicate the work that is being done by the station already established, which has been supported all these years? Why have two stations in a State? Is not one sufficient?
Mr. CULLOP. It is sufficient in my judgment.
Mr. HAUGEN. We have about a dozen items here which could cover this. Now we propose to add another one. We have a station in every State, and now we propose to add another one. If so, some one may suggest another one next year, and so on until we have two or more in each of the 48 States.
Mr. CULLOP. It is not compulsory under this provision that the work shall be duplicated. If there is a station in every State, as the gentleman from Iowa says, then we do not need this provision for the cotton-growing and the cane-growing districts.
Mr. HAUGEN. Therefore I say, strike it out.
Mr. CULLOP. I do not see why an exception should be made in favor of the sugar and cotton districts of the United States over the other sections of the country. I want to see no section preferred over another. If once inaugurated it would prove before long to be a dangerous policy and in the end a very harmful one.
Either the amendment I have offered ought to be adopted or the section ought to be stricken out on the motion of the gentleman from Iowa. It is just as important to grow stock in one section of the Union as it is in another. The stock-growing business ought to be encouraged, and I hope it will be, and the Department of Agriculture, as I believe, is the proper department to assist it. In view of the statement of the gentleman from Iowa, I shall vote for his amendment. I am glad that it is expanding its usefulness by entering new fields of work, investigating conditions, and assisting the farmer in his work so that it will become more profitable and bring larger returns to those engaged in this important branch of industry, but I do not want to see one section have benefits which are denied to others. All should be treated alike.
Mr. CANNON. Mr. Chairman, there is much in this bill as it is amended that I do not understand, and yet I have had some knowledge of the growth of the agricultural appropriation bill. It is wonderful; we have adopted amendments here which might well have been considered by other committees, but we have agreed to them, and I suppose the bill will be passed with the amendments that we have adopted.
Nobody cares about being said to be against the farmers. The farmers are to be cared for. I represent an agricultural district, and I want to say to you—and I speak whereof I know, and I believe it will extend to a considerable portion of the States south of Mason and Dixon's line and north of the line—that the farmers do not need any guardian. [Applause.] And yet we have had trust busting; we have had all kinds of friendship and care extended to the farmer. I grew up in a farming country, I represented a farming country for 40 years, and if you think the farmers are a set of idiots or ignoramuses you are badly mistaken. They are amply able to take care of themselves. [Applause.]
Long before there was much work done on this Agricultural appropriation bill, and much that has been done I agree ought to be done, where sufficient knowledge is not had in the various communities, something new, I believe, it ought to be looked after, and it is well enough to look after it from the standpoint of Government appropriation. And yet long before this policy was thought of we knew how to raise cattle, we knew how to raise hogs, we knew how to grow corn, we knew how to grow wheat, we knew how to grow potatoes, and we knew how to cultivate strawberries. There were not as many lemons then as there are now; they have increased in quantity.
The truth of the matter is, in my judgment, understanding it to be true what the gentleman from Iowa has stated, that there is a score of appropriations here that may be utilized for the purpose that this appropriation is to be utilized, and for the purpose that any one of the score might be used in the service from the other 19 appropriations, assuming that there are 20 of them.
Now, query, how much of this appropriation is to be used in increasing the army of Government employees? But you do not have any monopoly I will say to you, my Democratic friends, of increasing the public service from the standpoint of public employment and employment of the numbers of people who are our respective constituents, and yet while we Republicans drifted along that way, you have seen us, you have called us, and you have multiplied it by 3 or 4 all in the name of economy. [Laughter and applause on the Republican side.]
Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this paragraph and amendments thereto close in 10 minutes. I see several Members over there who are signaling for time, but I hope gentlemen will not press me too hard, for I have been as patient, I think, as any little man can be. [Laughter and applause.] There must be a limit some time, and I want to get this bill into the House this afternoon. If gentlemen want to strike this item out, I shall not shed any tears over it. It is well known what it is; the gentleman from Wyoming was here when it was put in the bill. I am ready to vote. I will ask unanimous consent, Mr. Chairman, that debate close in 10 minutes on this paragraph and all amendments thereto.
The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?
There was no objection.
Mr. MONDELL. Mr. Chairman, this item illustrates a number of things. First, it illustrates the fact that an appropriation once made and work started under it, there is no possibility, apparently—although I hope this will be an exception—of stopping it, even though the purpose or the excuse under which it was originally adopted has passed away. This item was a sop to the Democratic brethren of Louisiana, whose industry was threatened by a foolish provision inserted in the Underwood tariff bill. That error has been rectified, not because the gentlemen on the other side have learned anything, but because they have been confronted by the stern necessity of securing funds with which to run the Federal Government.
It illustrates another thing; it illustrates how the evil effects of Democratic blunders go on forever, or at least for a lamentable length of time, even when the blunder has been belatedly rectified. My Democratic brethren set about to destroy a great American industry, and they legislated in a way to do it very

effectively. Something had to be done. Some pretense of effort must be made in order to give the brethren of Louisiana who still desired to remain faithful an excuse to do so, and they made this appropriation.

Now, the free-sugar error has been rectified, not by any virtue on the part of our friends on the other side, but by the logic of necessity, and yet the reason or excuse for the appropriation having passed away, this waste of public money following that Democratic folly seems destined to go on indefinitely.

Unless we strike it out to-day this appropriation will stand in this bill as a monument to Democratic economic folly. They say that somewhere in eastern Russia there stands a tall grenadier on guard in an open field, and yet for a hundred years there has been nothing there to guard. He stands there as a monument of a former need or necessity of a hundred years ago, and so this will, I suppose, stand prominently as a monument to Democratic folly unless we strike it out.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FESS was recognized.

Mr. LEVER. I wonder if the gentleman from Ohio would give me two minutes of his time.

Mr. FESS. I will.

Mr. LEVER. I thank the gentleman.

Mr. FESS. Mr. Chairman, I think it is a well-established principle that a diversity of industry is one of the most essential principles of prosperity in any community, and any community that is limited to one industry alone must of necessity suffer not only from the dangers of a failure now and then but from the lack of diversified life. From the very time the southern country limited its production to cotton to the exclusion of other production it became more or less dependent. That section needs most a greater variety of production from the farm. The trend in the greater variety has set in and is promising. It is one of the things that I have ever insisted upon, not as a man who knows from personal observation anything of the situation, but as I read it from reports that are made. Uniformity of production compels dependence for consumption upon other sections. For that reason I hope that there will be an increase of diversity in that section, not only in the addition of live stock, but other production of the farm, as well as a stimulation of all lines of industries. I wanted the time to simply say that it does not seem to me that that function belongs to the National Government, but that ought to be left to the people of the States. If it should receive any governmental aid, it should be the State immediately affected. We ought not to spend money from the standpoint of the General Government to diversify the industry in any section. I am not averse to an expenditure of public funds to open up arid lands or reclaim waste country, but I am averse to this proposal. I do not believe it is a good policy for the Government to enact a law destroying an industry, such as the cane-sugar industry of the South destroyed by the Underwood bill, and then, as a recompense, come in and pass an appropriation of $60,000, as herein proposed, to discover whether live stock can be substituted for what was destroyed. Live stock is a legitimate industry of the South, and should be encouraged, but it is not wise to destroy another equally legitimate industry in order to vote out of the Treasury this sum of money. I do not think this is necessary, and therefore shall vote to strike out the item.

Mr. Chairman, this legislation is but another and striking example of Democratic management of the Government. It also displays the striking inconsistency of Democratic theory. Less than two years ago the country was warned that the Republican tariff on sugar was not only unconstitutional but was a vicious tax upon the commonest article of consumption. The titular head of Democracy ordered it upon the free list. He declared that his tariff-for-revenue theory was to be tested with sugar and wool. In spite of protest, on the free list it went. The sugar producer, including the farmer who grew the cane and beets, as well as the refiner, demonstrated the certain destruction of that important industry. To those protests the only reply was that sugar was not a legitimate American product and it would be replaced by some other that was legitimate. To the South, so loyal to Democracy, no matter how treated by the party, it was promised to give Government aid to develop a substitute. Live stock was to be that substitute. However, while the Democracy was knee-deep in the National Treasury for cash to discover a substitute for Louisiana sugar it was thought well to enlarge upon the war and include with cane-sugar land cotton land; hence this item. Notice its wording:

Experiments and demonstrations in live-stock production in the cane-sugar and cotton districts of the United States: To enable the Secretary of Agriculture, in cooperation with the authorities of the States concerned, or with individuals, to make such investigations and demonstrations as may be necessary in connection with the development of live-stock production in the cane-sugar and cotton districts of the United States, including the erection of barns and other necessary buildings, and the employment of persons and means in the city of Washington and elsewhere, $60,000.

Here is a clear idea of Democratic policy. In the interest of a free-trade plank an industry is destroyed. To sop the injured section money is asked for that section to find something else they can grow. It will be noticed that nothing was appropriated for the beet-sugar States to appease the injured for their loss. These States are not in the Democratic column; why, therefore, need there be any such recompense?

Another item in this legislation that must not be overlooked is the reversion of the Democratic policy on sugar by a suspension of the Underwood law on the free-sugar item—a proposition that repudiates not only the Democratic free-trade theory but which obviates the necessity of this item to find a substitute for sugar in Louisiana. Notwithstanding this complete reversal of a Democratic President and Congress, this same Congress insists upon its demand for this item when its grounds have been removed by an act of this very Congress not a week ago. True, the party leaders put their reasons to the war. We do not object. If Republican policies must be resorted to because of the war, we demand that degree of political honesty that will admit it. We fully recognize the attempt of Democracy to embrace Republican policies and at the same time attempt to becloud the public by claiming that it is temporary and emergent, due to the war.

A catalogue of recent utterances by Democratic responsibles is timely. The Republicans denounced this administration for its free-sugar plank. The Democrats passed it, and then repealed it. The Republicans demanded an antidumping clause in the Underwood bill. The Democrats laughed to scorn the mere mention and voted down the amendment. They now come and propose the wise interdiction against Europe dumping surplus goods on our shores. The only humor in this episode is the suggestion of Secretary Redfield to punish a foreign seller who dares to sell here cheaper than there. The Republicans established a Tariff Board against the most united and vociferous opposition of the Democrats. The Democrats strangled it to death by refusing to appropriate for its continuance, and now comes this administration, headed by the President, to say why they have changed their minds. The Republicans demanded a protection upon the dye industry to develop a most needed item of daily use. At first the proposal was laughed out of court. Even still we hear the threadbare statement that there is no need of such stimulus at the very moment when the leaders are exhausting their resources to find a way to protect it without calling it protection.

The Republicans have stood for an adequate defense and maintained our first and second line at least in second rank. The Democrats denounced it, and when they came in power permitted the Nation to lapse back to fourth rank. To-day the President demands what he calls "preparedness" because, as he says, "sparks are flying all around us."

The Republicans demanded a change in our currency laws, appointed a Monetary Commission, and upon its findings introduced a bill which was bitterly opposed by the Democrats. The Democrats took the recommendations of the Republican commission, the Republican bill, as a model, and by a fiction of law pretended to organize what they called "regional banks" as distinguished from a central bank, but with the powers and functions of the latter. The only features of value in this measure were borrowed from the former bill of the Republican administration.

The Republicans under Roosevelt and Taft enforced the Sherman law and promised to make it effective against illegal combinations. The Democrats attempted to fulfill Republican promises, and gave as its remedy the makeshift of the Clayton bill—a bill designed to keep a promise without embarrassing anything except legitimate business.

The Republicans, following the line of their policy on the interstate-commerce legislation, proposed an Interstate Trade Commission. The Democrats, following their conduct in opposition to a tariff commission, warned the country against the danger of commissions. This administration seized upon Republican ideas and undertook a trade commission.

This administration displays the most wonderful agility to make the turn. The platform upon which it was elected should be studied as an index of what it has not done. Note the tolls issue, the free-sugar issue, the tariff-commission issue, the antidumping issue, the civil-service issue, the national-defense issue, the economy issue. These are but suggestions.

The country will not fail to note the instability of such leadership. The Mexican episode of driving Huerta from power because he was a revolutionist and recognizing Carranza for the same reason will not be overlooked.

The climax of the folly of this administration is reached in the determination to abandon the Philippines. Here is a proposal unwise as an economic policy, discreditable as an international step, dishonorable as a policy of scuttle, and cowardly for a dignified Nation. While the Democrats have played hide and seek with their promise and performance and have attempted to embrace Republican policies under the guise of necessity occasioned by the war, this vacillation, which extends to Mexico and the world war, reveals the real character, and this last proposal toward the Philippines too truly tells the story of the future. The people of this country await the opportunity to pronounce the verdict.

This entire program is in keeping with the attitude of the majority in this Congress in their refusal to strike out this item, destroy cane sugar by the Underwood bill, spend $60,000 to find a substitute, repeal the sugar clause, but continue to appropriate money for a substitute; that is Democracy as now led.

Mr. LEVER. Mr. Chairman, I trust that the amendment of the gentleman from Iowa will not prevail. We have been undertaking this work for three years now. We have well-established experiments under way on a 500-acre farm. No tangible results have come as yet, but we are expecting them at any time. This is an investigation, it is experimental research work, and we do not expect the result to come in a day or even in a year or two years, but it is a valuable piece of work, and it is the only kind of work of this description that is being done in that entire section. Louisiana has been the worst hit in all of the Southern States by the boll weevil, and it may be true as some friends insist that it was hit very hard by the free-sugar weevil. I do not know about that and I do not care, I am not concerned with that. I do know that the agriculture of that State has suffered very severely from the boll weevil. This item is intended to help those people diversify their industries. It seems to me it would be wise, since we have already expended $120,000, to continue to carry on these experiments for a few more years, for five or six I should say. They estimate it will take that length of time to determine whether or not that is a live-stock country. That is all there is to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana to the amendment offered by the gentleman from Iowa.

The amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Iowa to strike out the paragraph.

The question was taken; and on a division (demanded by Mr. MOORE of Pennsylvania) there were—ayes 37, noes 46.

Mr. HAUGEN. Mr. Chairman, I demand tellers.

The CHAIRMAN. All in favor of ordering tellers will rise and stand until counted. [After counting.] Fifteen, not a sufficient number, and tellers are refused.

So the amendment was rejected.

Mr. GANDY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. GANDY: Page 17, after line 13, insert the following as a new paragraph:

"Experiments in dairying and live-stock production in semiarid and irrigated districts of the western United States: To enable the Secretary of Agriculture to conduct investigations and experiments in problems connected with the establishment of dairying and meat-production enterprises on the semiarid and irrigated lands of the western United States, including the purchase of live stock, the erection of barns and other necessary buildings, and the employment of necessary persons and means in the city of Washington and elsewhere, $40,000."

Mr. LEVER. Mr. Chairman, I reserve the point of order on that. Before the gentleman from South Dakota proceeds, let me say this: This item which is proposed by the gentleman is practically on all fours with the item that we have just voted upon. I wish to say—and I want the committee to know it—that I do not feel disposed to press the point of order, but I reserve it so that any gentleman who wishes to make it may make it.

Mr. MADDEN. Mr. Chairman, I make the point of order.

Mr. GANDY. Mr. Chairman, I desire to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from South Dakota on the point of order.

Mr. GANDY. Mr. Chairman, the organic act which created the Department of Agriculture provides as follows:

There shall be at the seat of Government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants.

Mr. Chairman, Volume IV, paragraph 3615, Hinds' Precedents, discloses this precedent:

A department being created for the declared purpose of investigation, an appropriation for the instrumentalities of such investigation was held to be within the rule.

There are several other precedents along that line to the effect that where an investigation is in order under the law or where there is provision of law for an investigation, the instrumentalities of that investigation are within the rule. I submit that on this question, and I will be pleased to cite the Chair to other precedents, the point of order is not well taken against this paragraph for the reason that the Department of Agriculture is authorized to conduct the investigation and to diffuse the information gained by that investigation. Therefore the instrumentalities of conducting the investigation are necessarily in order and within the rule.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard upon the point of order?

Mr. MADDEN. No. I do not desire to be heard. I make the point of order.

The CHAIRMAN. The Chair thinks that the argument of the gentleman from South Dakota is not sound. While the organic act gives the Agricultural Department the right to make these investigations, we can not infer from that that it would give it the right to establish stations wherever that department may be disposed to establish them in order to conduct these investigations. It may be possible to conduct them just as well from Washington or anywhere else, and the Chair can not assume it is necessary to establish these stations in order that it may carry out the requirements of the organic act. It seems to the Chair that it would be going into something new and unauthorized.

Mr. GANDY. Allow me to say this to the Chair before he concludes his ruling: That this item does not contemplate the establishment of any new stations, but contemplates some further and new work at stations already established.

Mr. ESTOPINAL. Experiments.

Mr. GANDY. Yes; that is all. Further demonstrations and experiments at stations already established.

The CHAIRMAN. If the gentleman is correct about that, then the Chair misunderstood the amendment. The amendment reads:

To enable the Secretary of Agriculture to conduct investigations and experiments in problems connected with the establishment of dairying and meat production enterprises on the semiarid and irrigated lands of the western United States, including the purchase of live stock, the erection of barns and other necessary buildings, and the employment of necessary persons and means in the city of Washington and elsewhere, $40,000.

The Chair would naturally conclude from that that it provided for the establishment of a new experiment station and new paraphernalia entirely.

Mr. GANDY. I may say that the department has nine stations now in existence within the territory bounded as follows: On the east by the ninety-eighth meridian, on the west by the Rockies, on the south by the Rio Grande, and on the north by the Canadian border. The hearings and the estimates of the department disclose the fact that the department contemplates doing this work at different stations that are already established.

Mr. FINLEY. Mr. Chairman, will the gentleman yield for a question?

Mr. GANDY. Yes.

Mr. FINLEY. It is not contemplated by this amendment, as I understand, to establish any permanent stations here, and it is only for the purpose of making experiments. When the experiments are ended, the work will be completed and finished. It is not a permanent matter at all.

Mr. GANDY. The Government already has stations established there.

Mr. FINLEY. I understand; but for the purposes of this appropriation it is not permanent?

Mr. GANDY. It is just to broaden the work.

Mr. FINLEY. Whenever the experiments covered by the gentleman's amendment are completed, that branch of the work will be ended?

Mr. GANDY. Yes.

Mr. FINLEY. It is not to continue them indefinitely?

Mr. GANDY. Certainly not. That will be ended when the experiments are completed.

Mr. ANDERSON. Mr. Chairman, I have no objection to the carrying on of the work provided by the gentleman's amendment. But the questions raised by a point of order are always incidental to the merits of the question. It is important that the

Chair should rule correctly with respect to parliamentary questions, without regard to the merits of the amendments proposed.

The amendment of the gentleman from South Dakota [Mr. GANDY] provides not only for the carrying on of the work which is within the purview of the act creating the department, but it also provides for the construction of buildings, a matter which is not authorized by law. These buildings can not be constructed without a specific authorization of law, and there is no authority, so far as I am informed, which authorizes the construction of the buildings contemplated by the amendment proposed by the gentleman from South Dakota. It seems to me there can be no question but that it is not in order.

Mr. LEVER. Mr. Chairman, if the Chair will permit, while I may have my personal views as to the advisability of undertaking this work, I am satisfied that the point of order should be sustained by the Chair. The Chair will recall that in the item before, when it was first proposed on the floor of the House, it was in almost identical language with the language proposed by the gentleman from South Dakota in his amendment now, and the present occupant of the Chair, when the point was made, sustained the point of order in line with the reasoning of the gentleman from Minnesota [Mr. ANDERSON], that there is no authority to erect buildings.

The CHAIRMAN. The Chair was just about to complete his ruling when the gentleman from South Dakota interrupted. The Chair is absolutely sure that similar provisions have been held to be out of order by Chairmen of the Committee of the Whole. Of course, the present occupant of the chair would be inclined to follow those rulings if he had no other reason. But the Chair will call attention to the fact that on February 18, 1896, there was a proposition to appropriate money for compiling tests of dairy cows at an exposition, and it was held not to be authorized as an expenditure by the general law giving to the Secretary of Agriculture authority to acquire and diffuse information pertaining to agriculture. A point of order was made against the provision, but the proponent of that proposition invoked the same provision of the organic act which the gentleman from South Dakota has suggested to the Chair. The then Chairman of the committee, the late Hon. Sereno E. Payne, held, as I say, that the provision was not included or contemplated in the organic provision establishing the Department of Agriculture which the gentleman read. The present occupant of the chair thinks that has been the uniform ruling of the Chairmen of the different Committees of the Whole on these appropriation bills on similar questions, and therefore sustains the point of order.

Mr. GANDY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from South Dakota.

The Clerk read as follows:

Amendment offered by Mr. GANDY: Page 77, after line 13, insert the following new paragraph:

"Experiments in dairying and live-stock production in semiarid and irrigated districts of the western United States: To enable the Secretary of Agriculture to conduct investigations and experiments in problems connected with the establishment of dairying and meat-production enterprises on the semiarid and irrigated lands of the western United States, including the purchase of live stock and the employment of necessary persons and means in the city of Washington and elsewhere, $40,000."

Mr. MADDEN. Mr. Chairman, I make the point of order against that.

Mr. GANDY. Will the Chair rule?

The CHAIRMAN. The Chair sustains the point of order.

Mr. GANDY. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GANDY: Page 77, after line 13, insert the following new paragraph:

"Experiments in dairying and live-stock production in semiarid and irrigated districts of the western United States: To enable the Secretary of Agriculture to conduct investigations and experiments in problems connected with the establishment of dairying and meat-production enterprises on the semiarid and irrigated lands of the western United States, and the employment of necessary persons and means in the city of Washington and elsewhere, $40,000."

Mr. MADDEN. Mr. Chairman, I make a point of order against that.

Mr. GANDY. Mr. Chairman, certainly the amendment just read is not subject to a point of order.

The CHAIRMAN. In what respect does it differ from the last one?

Mr. GANDY. The provision with relation to the erection of buildings and the purchase of live stock has been eliminated, and it only authorizes the conducting of live-stock investigations in the semiarid and irrigated districts of the West.

Mr. ANDERSON. Mr. Chairman, I do not think that amendment is subject to a point of order. It seems to me to be clearly within the purview of the act authorizing the creation of the Department of Agriculture and the Bureau of Animal Industry. It does not provide for the construction of any building, nor does it provide for the purchase of live stock. It provides a method of doing that which is authorized by law. It merely provides for the carrying on of experiments along lines upon which the Department of Agriculture and the Bureau of Animal Industry are clearly authorized to proceed. I think it would be a great misfortune if the Chair should rule that this amendment is not in order, particularly in view of the recent ruling of the Chair with respect to amendments offered by the chairman of the committee. It would greatly curtail and restrict not only the House but the committee in reporting legislation extending and expanding the department if the Chair were to rule that amendments merely carrying on the work of the department along lines which are clearly authorized by the act creating the department were held out of order.

Mr. LEVER. Mr. Chairman, if the Chair will permit me, I will call his attention to the act of May 29, 1884, establishing the Bureau of Animal Industry:

That the Commissioner of Agriculture shall organize in his department a Bureau of Animal Industry, and shall appoint a chief thereof, who shall be a competent veterinary surgeon, and whose duty it shall be to investigate and report upon the condition of the domestic animals of the United States, their protection and use, and also inquire into and report the causes of contagious, infectious, and communicable diseases among them and the means for the prevention and cure of the same, and to collect such information on these subjects as shall be valuable to the agricultural and commercial interests of the country.

Now, I agree with my colleague on the committee. I feel that this is a rather important ruling that the Chair is called upon to make, because it may form the basis of a precedent in the future. I would remind the Chair that the language here is exceedingly broad, and certainly the language offered by the gentleman from South Dakota [Mr. GANDY] is no more broad than the language which I have read. So I would call the attention of the Chair to the Chair's own former ruling on this proposition and the item above. The same objections were made to that item that have been made to the gentleman's item, and when the item was finally revised it struck out the authorization to buy animals and to erect barns, and then the Chair held it to be in order under the act creating the Bureau of Animal Industry. That is my recollection of the situation at that time.

The CHAIRMAN. To what item does the gentleman refer?

Mr. LEVER. I am referring to the item that we have just passed, to enable the Secretary of Agriculture, in cooperation with the authorities of the States concerned, or with individuals, to make investigations, and so on—the item relating to live-stock production in the cane-sugar and cotton districts.

Mr. BENNET. I withdrew the point of order to that.

Mr. LEVER. I am referring to the time when it was offered two years ago.

Mr. MADDEN. There was no point of order made to it.

Mr. LEVER. There was no point of order made to-day. I am refreshing the memory of the Chair, and I am quite sure that the point of order was made against that item when it was first offered to the Agricultural appropriation bill two years ago, and the point of order was sustained on the ground that the item provided for the erection of barns and other necessary buildings, and my recollection is that it provided also for the purchase of stock. Now, when that point of order was sustained, as the chairman of the committee in charge of the bill, I offered an amendment which struck out the authorization for the erection of barns and buildings, and probably the authorization for the purchase of stock was withdrawn voluntarily, and then the Chair held it to be in order. That is my recollection.

Mr. MADDEN. My recollection is that there was no point of order made against it, and that it was put in the bill by some sort of an agreement under which no point of order should be made.

Mr. LEVER. I am just giving my recollection. The gentleman may be right.

Mr. MADDEN. I was on the floor at the time the amendment was offered to the bill, and it was done as a result of conferences on the floor and agreements entered into under which no objection was made to it; and I maintain now, Mr. Chairman, that the language of this amendment offered by the gentleman from South Dakota [Mr. GANDY] goes much further and is fundamentally different from the purposes contemplated in the law read by the gentleman from South Carolina [Mr. LEVER].

Mr. FESS. It does not follow that because the point of order was sustained as to certain items it would be sustained as to all.

Mr. MADDEN. I know, but my recollection is that there was no point of order made at that time.

Mr. BENNET. Mr. Chairman, it seems to me that if this amendment simply provides for an investigation along the lines indicated by the prior amendment, without the objectionable features relating to buildings and live stock, it is in order, and I will cite the Chair to a precedent. In the first session of the Sixty-first Congress, when Mr. James Breck Perkins, one of the ablest men we ever had in the House, presided over the Committee of the Whole House on the state of the Union during the consideration of the Army bill, he overruled a point of order to an amendment which added the words "other vehicles" to the methods of transporting the Army. The Chair will not find his decision in Hinds' Precedents, because it was rendered subsequent to the publication of Hinds' Precedents. Mr. Perkins's reasoning was this, that where a department of the Government is authorized to do a particular thing, the doing of that thing becomes a work in progress, and that the Congress may from time to time change the method of doing the work.

Now, as I understand the amendment offered by the gentleman from South Dakota, it simply proposes to insert in the bill for this coming year a new method of doing something which the Department of Agriculture has done for many years; and if my understanding of the amendment is correct, it seems to me that under the precedents which were collated at that time by Mr. Perkins the amendment is absolutely in order. I have no particular zeal for the amendment, but I have a zeal for preserving the integrity of the decisions in this House; and up until the close of the Sixty-first Congress, at least, that was the line of decisions; and if the amendment offered—of which I have not heard the words—is as has been indicated to me, it seems to me it is clearly in order.

Mr. MONDELL. Mr. Chairman, it seems to me there can be no doubt about the amendment being in order. If the Department of Agriculture can not carry on investigations and experiments in connection with the live-stock industry and the dairying industry, there is very little that the department can do in connection with live stock in this country. Clearly the organic law of the department authorizes the department to do work of this character. This amendment is widely different from the amendment which has been ruled out of order, in that it provides for no purchase of animals and does not provide for the erection of buildings. Those were the features of the previous amendments that made them subject to the point of order. As a matter of fact, under various items of appropriation in the bill some work is being done similar to that contemplated by this amendment.

This is an amendment clearly designating the character of the work in connection with the live-stock industry that is to be carried on and performed, and it clearly within the purview of the work of the Agricultural Department.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in 10 minutes.

Mr. DILLON. I would like a few minutes.

Mr. LEVER. I will take one minute of my five and give the gentleman four.

Mr. DILLON. That is a fair division. [Laughter.]

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. GANDY. Mr. Chairman, right now I want to state that the item covered by the amendment which I have just offered was regularly estimated for and recommended by the honorable Secretary of Agriculture in his estimates to this Congress for the coming fiscal year. Before discussing the item I want to express my very high regard for the members of the Committee on Agriculture and especially for the chairman of the committee, Mr. LEVER, for the committee has worked hard in an effort to bring into the House a bill which has for its aim the rendering of the greatest possible service to agricultural, horticultural, and live-stock industries of this Nation. However, no provision was made in the bill for equipping the Federal experimental farms in the semiarid West with live stock, and perhaps we may excuse the omission by the statement that the problems of the farmer and the ranchers on the high, dry prairies are scarcely known and but little understood by those who reside in the more favored sections of the country. The committee held extended hearings on the various items estimated for by the department, and from these hearings, Mr. Chairman, and my personal knowledge of conditions in the semiarid and irrigated sections of the West, I hope to impress you with the urgent necessity of adopting this amendment. The Agricultural Department estimated for $87,500 for live stock on experimental farms in the semiarid and irrigated sections of the West, and I am sincerely of the opinion that that sum was not a cent too large for the work desired to be done. I realize that if the item should pass for a less amount the plans would have to be revised and less work done, yet, in order that some live-stock work may be carried on on these high prairies where for the most part only forage feeds are raised, I have introduced the amendment carrying less than half the departmental estimate and feel sure that the House will agree to that amount.

This item was included in the estimates presented to the last Congress but then, the same as now, it was not included in the bill. Never was any estimate given more careful attention by the Bureau of Plant Industry, the Bureau of Animal Industry, and the Secretary of Agriculture, than was the item of $87,500, to provide general live stock and dairying demonstrations in connection with semiarid and irrigated experimental stations. This work will be of material assistance to the strip of country from the ninety-eighth meridian on the east to the Rockies on the west and from the Canadian border on the north to the Mexican border on the south, or considerable more than two-thirds of the territory included in the Louisiana Purchase. The department has nothing "up its sleeve," but, on the contrary, has spent much time and study on this proposition.

When this live-stock work in the semiarid West was first considered the Secretary of Agriculture appointed a committee composed of representatives of the Bureau of Plant Industry and the Bureau of Animal Industry to thoroughly investigate the proposition and the necessity for the work, and I desire to read you the report of that interbureau committee:

During recent years it has become increasingly obvious that the permanence of agriculture and the prosperity of the settlers in many sections of the Great Plains area and on most of the irrigation projects depend upon the establishment of live-stock industries. It is certain also that these industries must be established on an entirely different basis from that on which they were conducted under the old range system.

Under existing conditions, if settlers are to introduce live stock into their agriculture, they must correlate the animal industries with the production of crops on relatively small farms. Farm feeding of live stock must displace largely the use of the open range. Dairy farming must be introduced in many sections which heretofore have limited their live-stock industries to the production of beef through the extensive use of the range. It will be necessary for communities of farmers to work together in utilizing the available free range, in correlating the use of the range with the disposal of farm crops in live-stock industries, and in marketing their products.

To do these things will necessitate profound readjustments in the regions under consideration. Commercial grain production has proven unprofitable on much of the new land of the West, but, on the other hand, these lands are well suited to the production of forage. Different breeds of live stock must be introduced in many sections, as, for example, where dairy cattle are to take the place of beef cattle, and much prejudice on the part of older settlers must be overcome. In brief, the agriculture must in many respects be entirely reorganized, and one of the chief features of this reorganization will be the development of methods for the disposal of crops through the production of live stock.

In the matter of developing and demonstrating methods of crop disposal through the production of live stock in the region under consideration, the department is not well supplied either with the necessary information or the facilities for securing it.

In connection with the dairy industry, for example, there is urgent need for definite information regarding such problems as the most desirable pasture crops, pasturing methods, feeds to use to supplement alfalfa and pasture, and efficient and economical means for maintaining and improving dairy herds on the irrigated lands and in the dry-land sections. Some of these problems have already been attacked on the plant industry field stations; but with the equipment now available on these stations the investigations have been necessarily one-sided. For example, several pasture-grass mixtures are being grown on some of the irrigated field stations, but it has not been possible to determine the relative value and efficiency of these crops and the best methods of their utilization, because the necessary cows have not been available. It has been proved by the investigations of the department that the only practicable way of raising any of the small grains in the Great Plains is in rotation with forage crops, but unless the forage crops can be fed to live stock at a profit, neither the small grains nor the forage crops will yield a profit. While a number of these forage crops are being grown on the field stations, the necessary facilities for properly testing their feeding values are lacking.

It is frequently the case that low prices and high freight rates make the small grains unprofitable when sold on the local market. This is especially true when the quality of the grain has been reduced by unfavorable weather conditions, so frequent in semiarid regions. This low-priced grain could undoubtedly be fed at a profit if the farm system were organized on a live-stock basis.

A large number of settlers, both on the dry lands and on the irrigation projects, are very skeptical as to the practicability of dairying, particularly where the farm units are small and where abundant free range is not available. We believe that many of the irrigation projects are admirably suited to dairy farming and that dairying can be made profitable on the dry lands in many sections; but it is certain that before the dairy industry can be successfully established in those localities a great many problems now confronting the settlers will have to be solved, as the information now available regarding these problems is wholly inadequate.

The situation is similar to this with respect to the hog industry, the sheep industry, and the beef industry as it relates to the economic utilization of the crops produced on irrigated and dry-land farms under the present conditions. The information which has been secured during the past two years at the Scottsbluff, Huntley, and Bellefourche field stations relative to the possibilities of utilizing irrigated alfalfa as pasture for hogs and to the practice of hoggingdown corn has aroused a great deal of interest and is of considerable value to the farmers located in sections where the conditions are similar to those at the three field stations named. These hogging experiments, however, have been conducted

on a very small scale, in connection with the crop-rotation experiments, and have done little more than indicate possibilities and emphasize the need for more comprehensive investigation. It has not been possible to conduct any comparative tests for the purpose of determining the most efficient and economical methods. Information on these points is urgently needed.

No work whatever has been done on our field stations with respect to sheep farming on the irrigated lands or on the dry lands. There is urgent need for information regarding desirable breeds, feeding methods, pasturing practices, and methods of correlating the small sheep-farm enterprises with the large range-sheep enterprises of the West. In connection with this last-named point, there is need for information regarding the best methods whereby a community of irrigation farmers or dry-land farmers can correlate their meat-production activities with those of the stock growers, who depend on the extensive use of the open range. It seems certain that if the matter is adequately investigated it will be possible to establish mutually profitable relations between the small sheep and beef producers and the extensive grower, but at the present time there is little, if any, activity in this direction.

In cases, therefore, where it may seem desirable to endeavor to establish meat-producing enterprises on reclamation projects or in dry-land sections, it will be necessary not only to have information with respect to the best methods to be pursued by individual farmers, but also to have definite knowledge as to the best way in which a community of farmers can deal with the question in a comprehensive manner from the community standpoint.

The need for information on the points mentioned above is particularly acute at the present time in connection with the demonstration work which has been inaugurated on the reclamation projects. In this demonstration work particular emphasis necessarily will be placed on the establishment of various live-stock industries. To make this demonstration work as effective as it should be information which is not at present available must be secured.

The more the conditions on the reclamation projects are studied the clearer appears the necessity for inaugurating as soon as possible animal-industry investigational work so that the results of this work may be made available to the demonstration organization.

The need of the farmers in many of the dry-land districts is no less acute. Repeated failures of small-grain crops where forage crops have succeeded have demonstrated that dry farming without live stock to consume the crops is a failure. This lack of knowledged of which kind of stock to buy and how to handle it profitably on a small dry-land farm has caused many farmers to give up in despair who might have stayed, built homes, and become prosperous producers of live-stock products, for which there is a constantly increasing demand.

Steadily the agricultural frontier has moved westward. With each series of moist years the people have gone farther out onto the high semiarid prairies, and, while each succeeding series of dry years has driven the settlers back a part of the way, yet not all the way, nevertheless each movement, if we may call it that, has resulted in a net expansion of the field of agriculture. It has been my observation that practically every homesteader on the public domain, having gone there during a series of moist years, has the idea that that particular locality is a farming section and will produce crops that will measure up with the old-established agricultural community from whence he came. The experience of thousands of these settlers has been a costly one to them. They may have been successful farmers in their former locations, but on the high dry prairies the problems of agriculture were so new to them and the weather conditions sometimes so adverse that failure was almost inevitable. We have come to realize as never before that the settler in the semiarid districts of the West faces a problem in the successful solution of which the Nation very generally is interested. Even in the irrigated districts of the West we now understand that it takes more than soil and water to make a success, for, first, those crops must be produced for which the climate is adapted, and, second, the settler must have an opportunity to either market or feed that which he is able to raise. The fact that the markets of large cities are, in practically every case, situated at great distances, and western freight rates being exceptionally high, makes it necessary that the products of the farm be utilized at home.

The Department of Agriculture, under an item that has been in previous appropriation bills and is included in this one, has, on a number of stations in the West, been conducting crop-raising experiments. This work has been of inestimable benefit to the people of the West, for definite data is now available as to the possibilities and limitations of grain and forage feeds in these semiarid districts. These stations have been conducted solely for production, and now, Mr. Chairman, we know that it is absolutely essential to also conduct them along the lines of the utilization of the products that have been raised.

Let me cite you a specific example. At Ardmore, in the district which I have the honor to represent in the House, there is located one of the stations conducted by the office of dry-land agriculture of the Bureau of Plant Industry. Late last fall I visited that station and was greatly pleased to see that the superintendent in charge, Mr. F. L. Kelso, had raised last year a very large amount of various forage feeds. He had some wheat, oats, and rye which gave fair yields of grain and made a considerable amount of straw. Then there was corn, sudan grass, alfalfa, sweet clover, and a variety of the sorghums, including feterita and kiolang, which have been recently introduced in this country. In all, I am of the opinion that there were from 300 to 375 tons of very excellent forage feed properly stacked on that farm. The farm has no live stock except four work horses, and there is no provision of law to either sell or give away this large quantity of forage feed. The only way that it will be disposed of will be when it is burned up late in the spring to make room for that which will be harvested next fall. Not a man on this floor will for one moment attempt to justify that condition, which is typical of conditions on other experimental farms in the West, and yet Congress is responsible for that waste of feed and for the setting of this bad example, because no funds have ever been provided to equip these stations with live stock. As a business proposition, I submit, gentlemen of the House, the addition of a proper amount of live stock on these farms will go a long way toward eventually making them self-sustaining.

Mr. MADDEN. Will the gentleman yield?

Mr. GANDY. Yes.

Mr. MADDEN. Does the gentleman want the House to understand that where there is a vast amount of feed raised they can not find the way to feed it—that somebody from the Agricultural Department must tell them how to dispose of it?

Mr. GANDY. There was no law by which the feed could be sold or given away.

Mr. MADDEN. Could not you get cattle to eat it?

Mr. GANDY. They had no live stock.

Mr. MADDEN. They do not have to have the agricultural stations tell them how to do that, do they?

Mr. GANDY. There was no live stock, no authority to get any.

If you will turn to the agricultural bulletin list you will find that no bulletins are available for the settler in the semiarid regions of the West that will give him definite information as to the relative feeding values of these forage feeds that are being raised in those high altitudes with scant rainfall as compared with the humid regions. Mr. F. D. Farrell, agriculturist in charge of the demonstrations on reclamation projects of the Bureau of Plant Industry, stated the issue plainly when he said at the hearings:

> It is not a matter of telling a man how to feed his cow, but it is a matter of telling him how best to feed her with the resources he has; how he can add more resources to those he already has; and how he can establish himself in live-stock industries under these new conditions.

Then along the same line Dr. William A. Taylor, the chief of the Bureau of Plant Industry, said:

> The crop-production feature has been taken care of, but we do find a lack of ability to say to the farmer, "Do so-and-so in your dairy under these conditions," as they are able to do in the older sections.

The high prairie section of the West a few years ago was given over to the open-range theory of live-stock production. The public lands were simply used by stockmen and, while in the aggregate, the number of stock was large, yet in proportion to the vast acreage it was exceptionally small. The coming of the homesteader broke up the old open-range condition, and within a limited area the settler must succeed or fail. I wish it were possible for you to thoroughly understand this situation and to know and appreciate the struggle these homesteaders have made to succeed where, from the first, nature has apparently dealt harshly with those who sought to change the old conditions. Disappointments and privations have kept company with them and, although many have grown faint-hearted and given up, yet, as I said before, the agricultural frontier has been moved westward and thousands are fighting the fight with a determination to win.

That you may fully realize that the problem there is entirely different from the agricultural and live-stock problems with which Members of this House are, for the most part, familiar, I want to call your attention to the following table showing the altitude and the average rainfall at the places where are located independent Federal experimental farms, and then the altitude and the average rainfall at several places in the humid regions where Members generally are familiar with conditions:

List giving the independent stations under the Office of Dry Land Agriculture, Bureau of Plant Industry, with their respective altitudes and average rainfalls.

	Altitude.	Average annual rainfall.
	Feet.	*Inches.*
Mandan, N. Dak	1,644	17.64
Ardmore, S. Dak	3,557	13.50
Sheridan, Wyo	3,790	14.48
Akron, Colo	4,650	19.25
Dalhart, Tex	3,998	16.82
Big Spring, Tex	2,396	18.03
Lawton, Okla	1,111	31.19
Woodward, Okla	1,900	21.18
Tucumcari, M. Mex	4,194	16.89

List of points east of the Great Plains region, with their respective altitudes and average annual rainfalls.

	Altitude.	Average annual rainfall.
	Feet.	*Inches.*
Morehead, Minn	935	25.89
Yankton, S. Dak	1,234	25.43
Omaha, Nebr	1,103	30.66
Lincoln, Nebr	1,189	27.51
Des Moines, Iowa	861	32.45
Springfield, Ill	644	36.96
Fort Wayne, Ind	856	37.20

There is now no live-stock work being carried on by the Government in the Great Plains region of the West. A few of the States are doing live-stock work at some of their demonstration farms, but, Mr. Chairman, those farms are not located where the prevailing conditions are similar to those on the high prairies. The experiment stations of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas are all located in the eastern and humid portion of the respective States, that of North Dakota being at Fargo; of South Dakota, at Brookings; of Nebraska, at Lincoln; of Kansas, at Manhattan; of Oklahoma, at Stillwater; and of Texas, near Bryan. The experiment stations of Montana, Wyoming, Colorado, and New Mexico are located in irrigated valleys along the foothills of the Rocky Mountains; that of Montana being at Bozeman; of Wyoming, at Laramie; Colorado, at Fort Collins; and of New Mexico, near Las Cruces. The Office of the Dry Land Agriculture of the Bureau of Plant Industry has nine independent stations, located at Mandan, N. Dak.; Ardmore, S. Dak.; Sheridan, Wyo.; Akron, Colo.; Dalhart and Big Spring, Tex.; Woodward and Lawton, Okla.; and Tucumcari, N. Mex. It cooperates at 10 State substations—Edgeley, Hettinger, Dickinson, and Williston, N. Dak.; Havre and Moccasin, Mont.; North Platte, Nebr.; and Hays, Colby, and Garden City, Kans. It cooperates with the Office of Western Irrigation Agriculture at Huntley, Mont.; Newell, S. Dak.; and Scottsbluff, Nebr.; and with the Office of Cereal Investigations at Archer, Wyo., and Amarillo, Tex. The Office of Western Irrigation Agriculture maintains stations and is carrying on investigations in irrigation at Huntley, Mont.; Newell, S. Dak.; and Scottsbluff, Nebr. The Office of Cereal Investigations maintains stations at Amarillo, Tex., and Archer, Wyo., and cooperates to a greater or less extent at nearly all of the State substations and departmental stations already mentioned.

The department proposes to equip several of these experimental stations for live-stock demonstration work. At Scottsbluff, Nebr., on the North Platte irrigation project, it desires to conduct investigations with hogs, sheep, and beef cattle; at Dalhart, Tex., a dry-land station, to conduct investigations with beef cattle and with hogs, supplementing the dairy work; at Ardmore, S. Dak., which is also a dry-land station, to do work with beef cattle and hogs, supplementing the dairy work; at Newell, S. Dak., with hogs, beef cattle, and sheep; and at Huntley, Mont., where the farms are extremely small, with hogs, lambs, poultry, and possibly also beef cattle. That, in a broad, general way, is the plan that the department has in mind in regard to the investigations in animal husbandry.

Mr Chairman, the hearings disclose that the honorable Secretary of Agriculture felt so keenly about the need of this work that he personally appeared before the committee, and from his remarks at the hearings I quote you the following:

> This year, as in previous years, I have been especially concerned with the meat supply of the Nation. All the members of the committee are more or less familiar with the situation. You know that within the last 15 years, while the population of the Nation increased 24,000,000, the number of beef animals decreased over 6,000,000 and the number of sheep nearly 11,000,000.
>
> The request that we make again this year for an appropriation of $87,500 for experiments in dairying and live-stock production in the semiarid and irrigated districts of the western United States, seems to me to deserve favorable consideration. Intensive agriculture requires near-by markets, or it means the perfection of marketing machinery. The farmers in the western sections are not in touch with large markets. A serious problem confronting them is how to market their products. To reach the market at a profit these must possess high value in proportion to their bulk. Apparently the farmers must utilize their products through live stock. Comparatively little has been done along this line. Only recently have the agricultural problems of the reclamation projects been carefully studied. The marketing problem is especially acute. I should like to see this appropriation favorably considered, so that we may attempt to furnish assistance.

For several days I have listened to the discussions of the various items in this appropriation bill, and I know that the Committee on Agriculture and the Members of the House generally have a desire that the Federal Government assist in the building up of the agricultural and live-stock industries of the Nation. This item, if adopted, will be of material assistance to the farmers and stockmen in the territory from the Rio Grande to the Canadian line and varying in width from 200 to 400 miles. The appropriation asked for in the amendment for all this great territory is $20,000 less than has been provided for similar live-stock demonstration work at one station in the cane and cotton regions of the South. It is justified by the report of the committee appointed two years ago by the honorable Secretary of Agriculture to investigate the proposition, and by the Agricultural Department estimates for this appropriation bill, as well as the one of last year. The greatest justification comes in the demand for reliable information as to the feeding values of such feeds as can be raised in the semiarid and irrigated districts of the West.

Mr. HAUGEN. Will the gentleman yield?

Mr. GANDY. Yes.

Mr. HAUGEN. We have the relative values in other States. In what respect does the value of forage feeds differ from other States?

Mr. GANDY. The forage feeds that are being raised are very largely different from that in other States.

Mr. HAUGEN. They are identically the same, are they not?

Mr. GANDY. No.

Mr. HAUGEN. You raise alfalfa?

Mr. GANDY. That is true; we raise a little, but we are raising fetereta and kiolang and soudan grass and other crops that have been brought in and developed within the past few years.

Mr. HAUGEN. They grow them in other States and relative food values is given.

Mr. GANDY. Not that I know of.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. GANDY. Mr. Chairman, I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

Mr. MADDEN. I object to any extension of remarks under this rule.

Mr. LEVER. Mr. Chairman, I yield one minute to the gentleman from Colorado [Mr. TIMBERLAKE].

Mr. TIMBERLAKE. Mr. Chairman, I am glad, indeed, that the point of order did not lie against the amendment, because the amendment will be of great benefit to the semiarid regions of the Northwest. In my district we have one Federal experiment station, one that is coordinate with the State. I am well acquainted with the operation and with the activities of these two stations, and I know that a great waste is now manifest by reason of the fact that they have no provision of law whereby their activities can be directed to stock raising and dairying.

In the short time I have I want to read one or two telegrams from the manager of the feed station of Colorado in reply to my question as to whether or not an amendment to the Agricultural bill contemplated would be beneficial to the West.

The telegrams are as follows:

FORT COLLINS, COLO., *April 27, 1916.*

CHAS. B. TIMBERLAKE, M. C.,
Washington, D. C.:

We are very much in favor of live stock for experiment stations in semiarid regions. Present practice wasteful and tends to operate stations at very low efficiency. United States Department of Agriculture can not afford to set such a bad example of wastefulness.

CHAS. A. LORY,
President Agricultural College.

AKRON, COLO., *April 27, 1916.*

C. B. TIMBERLAKE,
House of Representatives, Washington, D. C.:

We are in need of fund for live-stock experiments. Semiarid region is best adapted to diversified farming. Stock as essential as grain. Akron is central station in semiarid region and can do the largest amount of live-stock work for Great Plains, as it is representative of large area.

O. J. GRACE.

Mr. DILLON. Mr. Chairman, I hope that this amendment will be adopted. Whenever the farmer has gone into these semiarid belts and undertaken to raise oats, corn, and wheat he has made a failure. These countries must succeed, if at all, through the live-stock industries. A few years ago the Danish farmer found himself unable to produce much crops, and he was in an unfortunate situation until he took up the live-stock industry, and through cooperative associations the Danish farmers have made great success in the live-stock industry. Ninety-five per cent of the farmers belong to these associations, and 85 per cent of them are owning their own farms. This prosperity has been developed largely through the live-stock industry, and that country now is selling to English customers $1,000,000 worth of butter each week.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. DILLON. Yes.

Mr. MADDEN. Then they do not need information from the Agricultural Department if they have learned how to do it themselves.

Mr. DILLON. I am speaking about the prosperity of the Danish farmer. The instruction from the Agricultural Department going around to these demonstration bureaus and places will give them information as to how to keep away disease, how to keep their stock, how to develop this industry; and you will never develop the semiarid regions unless you develop them through the live-stock industry. I hope the amendment will prevail.

Mr. LEVER. Mr. Chairman, this item was estimated for by the Secretary of Agriculture except that the appropriation was $87,000. The committee considered the matter very carefully and after careful consideration did not feel it wise at this time to inaugurate this line of work. The committee realized that there may be some merit in the proposition, but we thought that a delay would not be fatal to the work, and, therefore, did not allow the appropriation.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Dakota.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

That not to exceed $70,000 of the lump-sum appropriations herein made for the Department of Agriculture shall be available for the purchase, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles and motor boats necessary in the conduct of the field work of the Department of Agriculture outside the District of Columbia: *Provided*, That not to exceed $10,000 of this amount shall be expended for the purchase of such vehicles and boats, and that such vehicles and boats shall be used only for official service outside the District of Columbia, but this shall not prevent the continued use for official service of motor trucks in the District of Columbia: *Provided further*, That the Secretary of Agriculture shall, on the first day of each regular session of Congress, make a report to Congress showing the amount expended under the provisions of this paragraph during the preceding fiscal year.

Mr. BROWNE. Mr. Chairman, I move to strike out the last word.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in 20 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto close in 20 minutes. Is there objection?

There was no objection.

Mr. BROWNE. Mr. Chairman, on April 14 when we were discussing this bill in regard to the forest-products laboratory located in the city of Madison, Wis., the question was brought up in regard to the manufacture of vegetable alcohol, and I discussed that proposition and the feasibility of using the by-products of sawmills for the manufacture of alcohol. Since that time I have written to the forest-products laboratory and have received a letter from them in regard to the practicability of manufacturing alcohol from the by-products of a sawmill, and I desire now to read that letter, and I ask unanimous consent to insert with it a statement by S. W. Kressmann.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BROWNE. Mr. Chairman, that letter and statement are as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Madison, Wis., April 18, 1916.

Hon. EDWARD E. BROWNE,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN BROWNE: Your letter of April 13 is received.

In view of the fact that the design of plants for the manufacture of ethyl alcohol has not been standardized, and many improvements in machinery and methods have been made since the present plant at Georgetown, S. C., was built, it is difficult to make any really accurate estimates of the cost of building a plant which would embody all of these improvements in its design. However, I believe that you will find the following esstimates reasonable and reliable. They are based largely on statements which have been made to us concerning the first and present reproduction costs of the two plants at Georgetown, S. C., and Fullerton, La., and on statements upon the present cost of producing alcohol at the former plant.

It has been pretty well established that, in a properly designed plant, at least 20 gallons of 190-proof alcohol can be produced from a ton of dry pine. A cord of pine contains about a ton of dry wood, so we may assume that for every cord of waste available at Neopit, 20 gallons of 190-proof alcohol may be produced. Assuming an average operation at this mill, without any disposal of waste for fuel or other purposes outside of the mill itself, we may figure on about one-half cord of waste for every 1,000 feet sawed. The remainder of the waste produced would be needed for fuel in the furnaces of the sawmill boilers.

Assuming, then, that for every 1,000 feet cut at Neopit, 10 gallons of 190-proof alcohol can be produced, the annual production which could be attained would be 200,000 gallons. Assuming, further, an operating period of 330 days per year, the capacity of the plant would be just about 600 gallons per day. This is considerably smaller than either the Georgetown or the Fullerton plant, and it is a question whether or not it could be operated as efficiently as a larger unit.

We estimate that a plant of a capacity from 2,500 to 3,000 gallons per day would cost about $100 per gallon capacity. If we assume that the smaller plant would cost just the same per unit of capacity, the Neopit plant would cost $60,000 erected.

We were slightly misquoted concerning the cost per gallon of producing the alcohol. We simply estimate that this cost will be from 13 cents upward, and do not claim that ethyl alcohol has ever been made from wood at this price. In fact, we are told that the best that has been done so far is about 21 cents per gallon of 190 proof spirit.

Accompanying this letter is a mimeographed copy of a very recent report on ethyl alcohol, prepared by Mr. Kressmann, of this laboratory, who has been conducting our experiments upon its production, and in this report you will find detailed estimates of the cost of production.

We are anxious to be of as much assistance as possible in this matter, and if you so desire we may be able to arrange a conference between yourself and Mr. Kressmann, in which the whole subject could be gone over in detail.

Awaiting your further commands, I am,

Very sincerely, yours,

BERNARD F. WEISS, *Director.*

(Enclosure: Report.)

ETHYL ALCOHOL FROM WOOD.

[By F. W. Kressmann, chemist in forest products, Forest Products Laboratory, Madison, Wis.]

OUTLINE OF PROCESSES.

The processes used for the production of ethyl alcohol from wood may be grouped into two general classes: First, the hydrolysis or conversion of the wood into fermentable sugars by the use of dilute mineral acid as a catalyst; and, second, solution processes in which the wood is dissolved from concentrated acid with a subsequent hydrolysis or conversion of the diluted solution.

Processes of the second class involving the use of concentrated sulphuric acid in which the wood is actually dissolved have not received commercial attention because the amounts of acid used have been so large compared to the processes in which the acid is used merely as a catalytic agent that the large initial and recovery cost for acid have prevented commercial development.

The first process of producing ethyl alcohol from wood consists in general of digesting the sawdust, or hogged and shredded waste, with dilute sulphuric acid at a steam pressure of 60 pounds or more for a short time. This is done in rotary digesters which will thoroughly mix the acid and wood. These digesters are of steel boiler plates with an acid-proof lining. A part of the wood is converted into a mixture of sugars, some of which are fermentable. The digester material is next transferred to a diffusion battery similar to that used in the extraction of sugar from sugar beets or dyes from dyewood, and here the sugar and other water-soluble material is extracted with hot water from the digested sawdust. The acidity of the extract is then neutralized with lime or limestone, and the sludge formed by the calcium sulphate and some of the dust carried in the extract is allowed to settle out, which requires ordinarily from 15 to 20 hours. The clear solutions are then drained off and cooled to the proper temperature for fermentation. The fermentation, distillation, and rectification of the alcohol are accomplished in the usual manner very similar to the production of alcohol from molasses.

PLANT.

The essential parts of a plant necessary to produce ethyl alcohol from wood, considered in the order of their use, are the following:

1. Adequate sawdust storage.
2. Disintegrating equipment: Hogs, screens, and shredders.
3. Sawdust storage above digesters: Acid storage.
4. Digesters.
5. Diffusion battery.
6. Neutralizing and settling tanks.
7. Coolers.
8. Fermenters and yeast equipment. (This item must be under U. S. Internal-Revenue Department approval and supervision.)
9. Beer still. (This item must be under U. S. Internal-Revenue Department approval and supervision.)
10. Rectifying still. (This item must be under U. S. Internal-Revenue Department approval and supervision.)
11. Bonded warehouse. (This item must be under U. S. Internal-Revenue Department approval and supervision.)
12. Boilers and engines.
13. Laboratory and office.

SAWDUST STORAGE.

Adequate sawdust storage will vary with the location and continuity of operation, the sawmill, and the character of the logging operation. The operation of the alcohol plant and distillery must be continuous. The storage must be sufficient to permit compliance with the necessary regulations of the Internal-Revenue Department regarding the operating of distilleries. The latter are surveyed as to their output and must produce daily the amount required in this survey or else are penalized with the tax on such a quantity of alcohol as is necessary to make up the survey. In general, therefore, the alcohol plant should have at least a 15-days' supply of wood on hand, and where logging operations are such as to require frequent shutdowns, the alcohol plant should have sufficient material in storage to last twice as long as the usual shutdowns. The waste can be stored and handled easiest in the condition ready to use—that is, hogged and shredded. Protection from the rain is sufficient, and any type of open-walled but covered building would answer the purpose. Belt conveyers can be used to handle the material, and a long, open, covered shed with an inclined bottom sloping into a trough, similar to those used for the storage of sugar beets, would answer the purpose.

DISINTEGRATING EQUIPMENT.

This would consist of hogs or shippers and shredders and screens. A chip one-half an inch long with the grain will be penetrated thoroughly with acid, but the ease with which the sugar can be leached out is a problem that would require attention. However, since the residual digested sawdust or waste left after extraction is ample for power production, and all engine exhaust steam can be used for heating and distillation purposes, the extra power required to chip down a three-sixteenth or one-fourth inch chip would not be prohibitive, and the greater efficiency of extraction would probably make it very desirable. After screening and reshedding the screenings the fine stuff would go by belt to the loading bins over the digester.

SAWDUST AND ACID STORAGE.

The loading bins should be of sufficient size to act as an intermediate storage for the material as it comes from the screen on its way to the digester. They should hold four or five digesters full each, and should be placed over the digester and tapered down so that the material can flow directly into the digester similar to those in use in chemical pulp plants.

The acid would come to the plant in concentrated form so as to permit tank-car shipment and storage in steel tanks. The concentrated acid would be pumped into a lead-lined tank above the digester and diluted so that the dilute acid could flow into the digester along with the sawdust. If rotating digesters are used, no special mixing apparatus will be necessary; at least we have never found evidence of appreciable quantities of uncooked material when handled in this way.

THE DIGESTERS.

The digesters should be rotating, and may be spherical or short and cylindrical with dished ends. If the latter type is used, the diameter should be double the length of the cylindrical section, so that it may be filled as completely as possible. A number of satisfactory acid-proof linings are obtainable at present. During cooking the mass shrinks in volume and settles so that the final volume is only about two-thirds the original volume and leaves ample room for thorough mixing during cooking.

The size of the digesters will be governed by the daily capacity of the plant, the heating period, and the time of the complete cycle per digester. If the heating period is 15 minutes out of a total of 1 hour for each cook, 4 digesters, or multiples of 4, should be used, whereas if the heating period is 20 minutes out of a total of 1 hour only 3 or multiples of 3 should be used. In this way the steam load on the boilers will be as uniform as possible and the boiler capacity will be dictated largely by this load, since the rest of the load for power and distillation purposes will be generally constant. In addition, the hogging, shredding, and digester capacity of the plant should be such that it will give sufficient digested sawdust in 18 or 20 hours to run the rest of the plant 24 hours, thereby giving time for repairs and breakdowns.

The cooked sawdust can be discharged merely by rotating the digester, and falls into a bin which receives the cooked material from all the digesters and from which it goes by a mechanical conveyer to the different cells of the diffusion battery.

DIFFUSION BATTERY.

Closed cells, similar to those used for the extraction of sugar beets or dyewood chips, can be used. These should be lined so as to be acid resistent like the digesters and the top and bottom should be arranged so that charging and discharging can be readily accomplished. Cells of this type can be obtained in which the extracted material will empty itself after a release of the bottom of the cell. The temperature of the extracting water should be from 75° to 90° C., since this will give not only a greater solubility than colder water but will also sterilize it and keep the juice sterile while it is settling after neutralization.

The size of the cells and the number of cells in the battery and the amount of water per cell will be governed by the size of the plant and the size of the material that is cooked, since sawdust, for instance, will extract more readily than larger material. As our leaching experiments have shown, seven or eight extractions seemed to be necessary; this would require eight or nine cells in the battery, since one is being discharged and filled all the time. Since the sugars are readily soluble, only a short extraction period is necessary—that is, of from 50 to 75 minutes. This time, however, will be governed in part by the length of time that it takes the water to drain through each cell, which in turn depends on the size of the cell. The cells should not be too large, or the extracting water will not pass through the material easily, and the amount of water used should be such that the resulting extract is of the proper concentration for fermentation, which is from 11° to 12° Brix. The Brix. will go up another degree on neutralization.

Just as in the case of laboratory extractions or washing of precipitates, a large number of extractions or washings with small amounts of liquid will give a better extraction or more thorough washing and a more concentrated extract than fewer extractions with larger amounts of extracting water for each extraction.

NEUTRALIZATION AND SETTLING.

After extraction, the acid extract is nearly neutralized with solid or milk lime or a high-grade limestone (a magnesia stone is undesirable) and is then allowed to stand so as to settle out the sludge of calcium sulphate. This usually requires from 15 to 18 hours, so that adequate tank capacity is required here.

COOLERS.

The clear juice is then drawn off and passed through coolers to reduce its temperature to about 27° C., from which it goes into the fermenting tanks. The coolers should be of copper and their size will depend upon the temperature of the water supply available.

FERMENTATION, DISTILLATION, ETC.

A 90-hour fermentation period is permitted, so that a 4-day fermenter capacity is required. The size of the individual fermenter will be dictated largely by local conditions, such as mean temperature, and the other equipment is the standard distillery equipment in use at present in grain or molasses distilleries.

POWER REQUIREMENTS.

The steam load of the plant will be distributed about as follows:

	Per cent.
Pumps (boiler, fire, general water supply, beer, alcohol)	20
Digesters	30
Hogs and shredders	20
General power for driving conveyers, digesters, etc	15
Distillation and rectification (including all exhaust steam not used for heating boiler feed and extraction water. If large quantities of exhaust are not available, distillation and rectification may require as high as 40 per cent of the total load)	15

A large supply of pure, cool water is necessary. It should be pure for boiler and extraction use, and should be cool for use in cooling and condensing. The disposal of the beer still slops requires attention, because of the large amount of pentose carbohydrate, and also of dead yeast which is highly nitrogenous and which would lead to rapid putrefaction.

COSTS.

The production of alcohol by this process up to the present time in this country, with one exception, has not been a commercial success. The reasons for these failures have been: (1) General development of the process which includes acquisition of the necessary experience in working out a problem of this kind to large-scale operation; (2) promotional difficulties (at least one plant was built in this country by promoters ignorant of the requirements of an operation of this type); and (3) lack of technical experts in this field who have had the necessary chemical, engineering, and bacteriological skill to develop the operation.

With new developments at the Forest Products Laboratory, allowing the necessary manufacturing losses involved in extraction, in the sludge of the settled juice, and in distillation and rectification losses, which combined should not be 20 per cent of the total yields, a yield of over 20 gallons per dry ton has been obtained. Assuming this yield and a location where the supply of waste is uniform and constant for a period of 20 years and where plenty of good water may be had, and where there is a fairly close supply of sulphuric acid and lime, the cost of alcohol from wood in a properly designed and constructed plant of 2,500 or 3,000 gallons per day capacity, is estimated per gallon of 190 proof as follows:

Yeast nutrients (this item may go as high as $0.035 in some sections since the war; also rapidly advancing prices of iron, steel, and copper, particularly the latter, will require some increases in the estimate, which were figures for market conditions existing over a year ago)	$0.015 to	$0.020
Repairs and materials (exclusive of fuel and wood)	.030 to	.040
Labor	.015 to	.030
Wood and fuel	.020 to	.020
Interest at 7 per cent	.019 to	.020
Depreciation at 10 per cent	.023 to	.035
Overhead, taxes, etc	.015 to	.030
Total	.137 to	.195

In the above table wood has been valued at $0.40 per cord of 1,800 pounds of dry wood per cord. This should consist of sawdust and hogged refuse, but should not contain over 10 per cent of bark, since the yield of sugars and alcohol from bark is very low. A large quantity of bark would mean running a large volume of inert material through the alcohol plant at considerable expense without return, and in the case of most barks would add large quantities of undesirable tannin to the solution to be fermented.

A successful operation for the production of alcohol from wood in addition requires a sufficient daily supply of wood to produce about 1,500 gallons of 95 per cent alcohol or more per day. This means 75 tons of dry wood (or its equivalent in the air-dry or green condition), comparatively free from bark, or 100 tons per day of mixed sawmill waste. A plant smaller than this would increase the distillation and rectification costs to a questionable figure, because continuous operation would no longer be possible in standard types of apparatus. A plant of the above size would cost from $200,000 to $250,000, and a plant of 3,000 gallons per day would cost around $300,000.

Before the war alcohol for denaturing purposes could be obtained in quantity for $0.30 per 188 to 190 proof gallon; at present the market value is $0.50 to $0.55 per gallon for small lots, with no doubt appreciable shading for contracts in quantity. The price, however, has gone up from 33⅓ to 50 per cent, and as long as the war continues no appreciable decrease in price seems probable because of the demands for grain and molasses for other purposes and because of the enormous amounts of alcohol being used. Before the war from 10,000,000 to 11,000,000 gallons of denatured alcohol were being produced annually. This production has now increased to over 30,000,000 gallons.

Under normal operating conditions most mills, particularly the large ones, produce waste in excess of their own power requirements, and in large mills equipped with efficient power plants this excess will be from 50 to 65 per cent of the total produced. The disposal of this waste by means of a burner is therefore almost invariably necessary. The cost of burning this waste varies widely with the size and efficiency of the mill, but from figures gathered by this laboratory this expense ranges from $0.50 to $0.66 per cord, or from $0.11 to $0.22 per thousand feet on all of the lumber cut, and means that the present cost of waste disposal amounts to about $8,000,000 annually, in addition to the value of the wood so burned. All waste therefore that could be disposed of for the production of alcohol would not only net the sawmill about $0.40 per cord but would also relieve them of the charge of burning, which, as given above, ranges from $0.30 to $0.66 per cord, and which therefore practically doubles the above realization to the sawmill. In other words, an operation of this kind in conjunction with the sawmill would add from $0.22 to $0.45 per thousand to the value of all lumber cut. This applied particularly to mills cutting coniferous species to which the above alcohol yield and waste-disposal figures apply. From work going on at present it seems that the yields from some of the hardwoods will not be as great as those obtained from the coniferous species.

In conclusion, the successful production of ethyl alcohol from sawdust seems to depend upon the proper design, equipment, and management of the plant, in addition to its chemical and fermentological features. Large volumes of low-grade materials must be handled quickly and efficiently under unusual technical conditions. The perfection of the necessary acid-resisting pieces of apparatus along with the experience of the plants that have been built, together with the utilization of material whose mere removal at present is an expense, justifies a serious consideration of the future of this industry.

Mr. GANDY. Mr. Chairman, I renew my request to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota that he be permitted to extend his remarks in the RECORD?

There was no objection.

Mr. MCKELLAR. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the subject of the Army bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DAVIS of Texas. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the Agricultural appropriation bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a memorandum issued by the Department of State in relation to armed belligerent vessels.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by printing the matter indicated. Is there objection?

There was no objection.

Mr. KEATING. Mr. Chairman, I desire to call attention to the fact that the memorandum concerning armed ships was inserted in the RECORD of this morning in the Senate.

The CHAIRMAN. The memorandum has already been acted upon by the committee.

Mr. BENNET. Mr. Chairman, if it was inserted this morning I ask unanimous consent to withdraw my request.

The CHAIRMAN. Without objection, the request of the gentleman from New York will be withdrawn.

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Add, at the end of line 6, page 78, the following as an extension of the paragraph:

"The Secretary of Agriculture is hereby directed to report to Congress on or before July 1, 1916, a complete list of the names and occupational assignments of all persons employed in the department as scientists, experts, specialists, or otherwise, not provided for on the statutory roll, together with the amounts paid to them per annum or for such special services as they may render; and in reporting such list the Secretary of Agriculture shall designate the subdivisions of the Department of Agriculture to which such employees are assigned, and he shall also indicate whether the appointment of such employees was by Executive order or otherwise, the date of appointment to be given in each case."

Mr. LEVER. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from South Carolina reserves a point of order on the paragraph.

Mr. LEVER. I would rather make the point of order outright. It is subject to a point of order. I think we can finish this afternoon.

Mr. MOORE of Pennsylvania. On what ground does the gentleman from South Carolina contend that it is subject to a point of order?

Mr. LEVER. On the ground that it is not germane to this paragraph, Mr. Chairman.

Mr. MOORE of Pennsylvania. I can offer it, then, as a new paragraph.

Mr. LEVER. The gentleman can do that, but he has now offered it as an amendment to this paragraph. It is new legislation, in addition to that.

Mr. MOORE of Pennsylvania. Mr. Chairman, if the Chair holds that it is out of order at the present time, I shall offer it as a new paragraph. It is near adjourning time, and I want to save time, not take up time.

The CHAIRMAN. Does the gentleman from Pennsylvania withdraw his amendment at this time?

Mr. MOORE of Pennsylvania. I will do that by unanimous consent and offer it again as a separate paragraph. I ask the privilege of introducing it as a new paragraph at the proper time.

The CHAIRMAN. The gentleman from Pennsylvania withdraws his amendment.

Mr. DAVENPORT. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] has the floor.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer it as a new paragraph. Am I recognized now?

Mr. LEVER. Mr. Chairman, I reserve a point of order on the amendment as a new paragraph also.

The CHAIRMAN. The gentleman from South Carolina reserves a point of order on the amendment as a new paragraph.

Mr. MOORE of Pennsylvania. The gentleman does not object to my stating why I offer this amendment?

Mr. LEVER. No. Let the gentleman go ahead.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have undertaken to offer an amendment substantially in this language to each one of the three amendments that were forced through the House under the rule, because it seemed to me that in the matter of lump-sum appropriations the House should be advised as to the amount of salaries paid, as to the number of offices filled, and as to the duties performed. Now I offer my amendment to the Agricultural bill itself, for reasons which I shall endeavor to explain.

All through the many pages of this Agricultural appropriation bill, consideration of which is now approaching a close, there will be found lump-sum appropriations for demonstration work, for experimental work, for field work, with nothing whatever about the number of employees engaged in that kind of work, and nothing of the method of employment or of appointment, and nothing of the salaries, such as we require with respect to other departments of the Government Why should we not occasionally have a report from the Secretary of Agriculture with respect to the people employed under these lump-sum appropriations?

Let me illustrate by referring to that feature of the Agricultural Department work which may be called the migratory bird law bureau. The department is there undertaking to enforce a law which has been declared unconstitutional by the United States courts. I find, on page 7898 of the RECORD, that the gentleman from Iowa [Mr. HAUGEN] inserted from some report a statement as to the number of people employed and the purpose for which they are employed on the enforcement of the migratory-bird law, which has been declared unconstitutional. Provision is made there for no less than 220 wardens at the very strange sum of $1 per month, and some of them at $1 per annum; five game protectors, I believe, at $1 per annum each. What does this mean? There may be a reason for it. Perhaps the chairman of the committee will explain.

Mr. LEVER. I will say to the gentleman that——

Mr. MOORE of Pennsylvania. I have asked the gentleman to explain, but I have not the time to yield to him now. Apart from these nebulous appointments of game wardens and game protectors there are at least 22 administrative officers, mostly inspectors, employed at anywhere from $1,500 per annum up to $2,500 per annum. I think $2,500 is the highest salary given here. Now, the total that was used for 1915, apparently for salaries alone, was in excess of $38,000 for enforcing a law which was not enforced. But what else was done with the money? More than $16,000 of it went into traveling expenses. Do the game wardens come in here? Do the game protectors come in here? The amount for traveling expenses is almost half the amount for salaries.

Now, what the department desires for 1917 is $56,000 for salaries, and for traveling expenses it asks for $37,000. Do the wardens come in on this? And if all this is to be done in the administration of a law which is nugatory and which has been declared unconstitutional and is not enforced, why should not Congress be informed as to the method of selecting the men who perform this alleged service?

There has been talk about "graft" in connection with other departments. I make no such insinuation here, but it seems to me that if we put 22 inspectors on the force and have 220 game wardens and protectors, with salaries and with traveling expenses, it would be well for the Secretary of Agriculture to report about them once in a while to the House. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. LEVER. Mr. Chairman, I am going to withdraw the point of order and let the House vote on it, although I think it is subject to a point of order. It is my purpose presently to offer the following amendment:

The Secretary of Agriculture, for the fiscal year 1918, and annually thereafter, shall transmit to the Secretary of the Treasury for submission to Congress in the Book of Estimates detailed estimates for all executive officers, clerks, and employees below the grade of clerk, indicating the salary or compensation of each, necessary to be employed by the various bureaus, offices, and divisions of the Department of Agriculture, and shall include with such estimates a statement of all executive officers, clerks, and employees below the grade of clerk, who may have been employed during the last completed fiscal year on any lump-fund appropriation for the department and the salary or compensation of each.

We shall undertake in that amendment—and in the drawing of it I have had the cooperation of the gentleman from Minnesota [Mr. ANDERSON]—to relieve ourselves of some of the criticism which has been directed against this bill.

Now, the amendment of the gentleman from Pennsylvania [Mr. MOORE] undertakes to require a complete statement to be made as to the scientists and experts and others employed elsewhere than on the statutory roll. I want to call the attention of members of the committee to the fact that in the Book of Estimates now the Secretary of Agriculture is required to furnish a list of employees that are paid out of the lump fund, and that list in the Book of Estimates is always before the Committee on Agriculture.

Mr. MAPES. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Michigan?

Mr. LEVER. I yield for a question.

Mr. MAPES. I would like to ask the gentleman if the various employees that are provided for under this appropriation bill

and in the amendments which we have adopted or which the committee has voted for to-day—the grain-grading bill and the cotton-futures bill and the warehouse bill—are appointed according to and under the regulations of the Civil Service Commission?

Mr. LEVER. They are; yes. I stated that pretty fully in the discussion of this bill.

Mr. MAPES. The experts and all?

Mr. LEVER. Yes; every one of them is appointed under the civil-service law.

Take, for instance, the general expenses of the Office of Markets and Rural Organization. We have here several pages in which the number of persons employed under lump funds is set out. I think the only additional requirement of the gentleman's amendment is to ask that the names of the persons employed be inserted. Now, we have the number and the salaries which they are drawing set forth in the Book of Estimates. I think some criticism was made of the Forestry Service because of the high cost of bookkeeping—and it is high as compared to private business, I confess—and this is true of other departments also. Yet we are requiring more reports year after year from heads of departments to be made to Congress, reports which nobody ever looks at, as a matter of fact. It seems to me it is a waste of time and waste of public money to keep on asking the departments to furnish report after report and detail after detail which very few, if any, of us ever look at.

Now, we have here a list——

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. LEVER. I yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. I want to say to the gentleman that my purpose in offering these amendments was as much to relieve the committee of the odium of passing improper appropriations, or being accused of it, as anything else; but I did want to ask the gentleman whether the game wardens, foresters, game protectors, specialists, and so forth, were all appointed under the civil service? I think the gentleman made rather a comprehensive answer to the question.

Mr. LEVER. I understood the gentleman's question to apply to the scientific force of the Department of Agriculture. I take it that the collaborator that the gentleman refers to, the game warden at $1 a year, would not be appointed under the civil service. I do not know about that; but I do know that the scientific force of the Department of Agriculture and the clerks of the Department of Agriculture are all appointed under the civil service.

Mr. MOORE of Pennsylvania. They all start that way, do they, as the gentleman understands it?

Mr. LEVER. Oh, I know they do, except occasionally when some person may be employed temporarily because there is no one eligible for the appointment on the civil-service register, as I have stated before.

Mr. BOOHER. Is it not a fact that there is a list furnished now by the Agricultural Department of all the employees and the different bureaus in which they are employed and their salaries?

Mr. LEVER. Of course. The chief clerk of the department has all that information.

Mr. BOOHER. I remember that in the Sixty-first Congress I was on the Committee on Expenditures in the Department of Agriculture, and there were three of those books printed, which were duplicates, and the committee reported in favor of abolishing two of them, and they were abolished.

Mr. LEVER. I am very glad the gentleman has called attention to that. Some years ago this committee itself abolished two of the three reports that we had been requiring from the Department of Agriculture, because they were absolutely worthless. Nobody read them, nobody cared anything about them, and it was simply an expense to the Government to collect and publish them.

Mr. BOOHER. There is one of those books printed now that contains the name of every employee, the bureau in which he is employed, and the salary paid.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. I ask unanimous consent to continue for a few minutes.

The CHAIRMAN. The committee has fixed the time.

Mr. MADDEN. Mr. Chairman, you know we can change that by unanimous consent.

Mr. HUMPHREY of Washington. The committee did not fix the time.

Mr. MADDEN. I desire to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Illinois desire recognition?

Mr. MADDEN. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MADDEN. Mr. Chairman, I wish to ask the gentleman from South Carolina a question because of a statement that he has just made. He said the number of reports that we were requiring the Department of Agriculture to make added to the expense of the department. Now, if that be true, then a good many of the items in this bill ought to be eliminated, because nearly every item in the bill provides for an additional report on some activity of the agricultural business of the country. What does the gentleman say to that?

Mr. LEVER. The gentleman misunderstood what I said. I meant to say that the continued calling upon the department to give to Congress in the minutest details reports of what it was doing from time to time, how many people it had—of course, the department keeps that anyhow—where they had been, and how long they talked at this place or that, and many other minute details, were a burden upon the department and a waste of money.

Now, the reports to which the gentleman refers are scientific facts that are gathered for the purpose of dissemination.

Mr. MADDEN. Is not the other information worth while?

Mr. LEVER. We think so; yes. If we did not, we would not vote for this bill.

Mr. HAUGEN. Mr. Chairman, it is true, as the gentleman has stated, that the department does furnish a list of employees.

Mr. LEVER. Yes.

Mr. HAUGEN. And also estimates for the number of employees?

Mr. LEVER. Yes.

Mr. HAUGEN. And also for a lump-sum appropriation.

Mr. LEVER. That is true.

Mr. HAUGEN. Which is available for the payment of salaries.

Mr. LEVER. And that lump sum is appropriated here every year.

Mr. HAUGEN. The criticism is this: The department should estimate every salary, and the committee should carry it into the law.

Mr. LEVER. Congress passed on that two years ago. The gentleman from North Carolina raised the question, and we had a vote on it. I withdrew the point of order on it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The amendment was rejected.

Mr. MADDEN. Mr. Chairman, we have had a strenuous week——

Mr. LEVER. Mr. Chairman, I will say to the gentleman from Illinois that I wish to offer one more amendment, which will take only a moment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 78, after line 6, insert a new paragraph, as follows:

"The Secretary of Agriculture, for the fiscal year 1918, and annually thereafter, shall transmit to the Secretary of the Treasury for submission to Congress in the Book of Estimates detailed estimates for all executive officers, clerks, and employees, below the grade of clerk, indicating the salary or compensation of each, necessary to be employed by the various bureaus, offices, and departments of the Department of Agriculture, and shall include with such estimate a statement of all executive officers, clerks, and employees below the grade of clerk who may have been employed during the last completed fiscal year on any lump-fund appropriation for the department, and the salary or compensation of each."

Mr. LEVER. Mr. Chairman, I ask for a vote on the amendment.

The amendment was agreed to.

Mr. RUBEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the warehouse bill.

The CHAIRMAN. The gentleman from Missouri [Mr. RUBEY] asks unanimous consent to extend his remarks in the RECORD on the warehouse bill. Is there objection?

There was no objection.

Mr. DAVENPORT. Mr. Chairman, I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. WILSON of Illinois. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a report of the commanding general of the Philippine Islands pertaining to the Philippine Scouts.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the Gandy amendment to the pending bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FESS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the variety of industries in the country.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CARAWAY and Mr. BLACK, by unanimous consent, were given leave to extend remarks in the RECORD.

Mr. MADDEN. Mr. Chairman, the Members of the House have been very industrious during this week. It is Saturday night, and it is evident that we can not pass this bill to-night, and I make the point of no quorum.

Mr. LEVER. Will the gentleman reserve that point for a moment?

Mr. MADDEN. I will.

Mr. LEVER. Let us see if we can not agree on a time to discuss the paragraph on the foot-and-mouth disease. The gentleman from Iowa [Mr. HULL] and the gentleman from Illinois [Mr. KING] have been most earnest in their talk with me, and I would like to see if we can not agree.

Mr. MANN. Does not the gentleman see if the point of order was made and sustained to the present paragraph that we could not agree on time to debate an amendment not offered. I do not know whether one will be offered. I think there will be no difficulty as to time if it is offered.

Mr. LEVER. I would like to agree on a time when we shall vote on the bill, or on any amendment offered to the paragraph or otherwise.

Mr. KING. What does the gentleman say to eight hours?

Mr. LEVER. That would be more time than I think the gentleman can consume.

Mr. KING. But there are other gentlemen who would like some time.

Mr. LEVER. I am willing to agree on a reasonable time.

Mr. KING. Say four hours.

Mr. LEVER. That is entirely too much. Let us get down to business.

Mr. KING. There are a number of gentlemen who desire to be heard. I think in view of the fact that this is a very important question and there is going to be a convention in a week or two of all the stock raisers in the country on this particular subject, that we should have time to debate it.

Mr. LEVER. Let me ask the gentleman a question. Is the gentleman going to move to strike it out, or make any substantial amendment to it? The question of talk is one thing and I am willing to give a liberal time. If there is a general proposition to strike out or increase, that is one thing.

Mr. KING. I have three amendments that I want to offer in good faith, and the gentleman from Iowa [Mr. HULL] can speak for himself.

Mr. MADDEN. I also have an amendment.

Mr. HULL of Iowa. I have a point of order and three amendments to make.

Mr. LEVER. It will not take long on the point of order, for I know what it is. How would one hour on a side do on the paragraph relating to the foot-and-mouth disease?

Mr. KING. Well, I think an hour on a side will be all right.

Mr. MOORE of Pennsylvania. I have an amendment to that paragraph that I want to offer.

Mr. LEVER. Mr. Chairman, I think I have got a line on what will be acceptable to both sides.

Mr. MANN. So far as the gentleman now knows, does he expect to proceed with this bill on Monday?

Mr. LEVER. I do not know what the program is on Monday, but I am going to try to proceed.

Mr. MANN. The gentleman made an agreement the other day about it; the gentleman stated that he would not endeavor to bring up the Agricultural bill as against the Philippine bill, if it was brought before the House.

Mr. LEVER. That is true. Mr. Chairman, I ask unanimous consent that all debate on the paragraph relating to the foot-and-mouth disease, and all amendments relating thereto, or new paragraphs relating thereto, be confined to two hours, one half to be controlled by myself and the other half by the gentleman from Iowa [Mr. HULL].

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on the paragraph relating to foot-and-mouth disease and all amendments relating thereto conclude in two hours, one half to be controlled by himself and the other half by the gentleman from Iowa [Mr. HULL]. Is there objection?

Mr. FESS. Mr. Chairman, reserving the right to object, Ohio was wonderfully stricken last year. Will time be given to speak for the situation over there?

Mr. LEVER. Yes; I will take care of the gentleman.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill 12717, the Agricultural appropriation bill, and had come to no resolution thereon.

INDIAN APPROPRIATION BILL.

Mr. CARTER of Oklahoma presented a conference report on the Indian appropriation bill (H. R. 10385) for printing in the RECORD under the rule, as follows:

CONFERENCE REPORT (NO. 618).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 6, 8, 11, 12, 15, 23, 30, 31, 32, 38, 40, 43, 44, 45, 49, 69, 73, 77, 88, 91, 92, 100, 108, 117, 118, 119, 120, 123, 133, 135, 147, 149, and 157.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 9, 13, 16, 17, 18, 19, 20, 21, 22, 24, 25, 27, 28, 29, 33, 39, 46, 48, 50, 51, 52, 53, 54, 56, 58, 60, 61, 62, 63, 64, 65, 66, 67, 68, 70, 71, 76, 80, 81, 85, 86, 89, 90, 93, 94, 96, 98, 99, 101, 103, 104, 106, 107, 109, 111, 112, 114, 115, 121, 122, 125, 126, 128, 130, 131, 134, 136, 138, 139, 140, 141, 143, 144, 145, 148, 150, 151, 152, 153, 154, and 155, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In line 7 of said amendment, strike out the word "the" and insert in lieu thereof the word "Indian," and in line 8 of said amendment, strike out the word "the" and insert in lieu thereof the word "such"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In line 1 of said amendment, strike out the word "to" and insert in lieu thereof the following: "$5,000 of which shall"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"*Provided further*, That not more than $200,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools:"

And the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "two permanent warehouses"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the words "which has been," and in line 2 of said amendment strike out the words "heretofore or"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For beginning the construction by the Indian Service of a dam with a bridge superstructure and the necessary controlling works for diverting water from the Gila River for the irrigation of Indian land and Indian allotments on the Gila River Indian Reservation, Ariz., as recommended by the Board of Engineers of the United States Army in paragraph 217 of its report to

the Secretary of War of February 14, 1914 (H. Doc. No. 791), $75,000, to be immediately available and to remain available until expended, reimbursable as provided in section 2 of the act of August 24, 1912 (37 Stat. L., p. 522), the total cost not to exceed $200,000."

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For beginning the construction by the Indian Service of a diversion dam and necessary controlling works for diverting water from the Gila River at a site above Florence, Ariz., as estimated by the Board of Engineer Officers of the United States Army in paragraph 138 of its report to the Secretary of War of February 14, 1914 (H. Doc. No. 791), $75,000, to remain available until expended, the total cost not to exceed $175,000: *Provided*, That said dam shall be constructed as a part of a project for the irrigation from the natural flow of the Gila River of Indian lands on the Gila River Indian Reservation and private and public lands in Pinal County, Ariz.: *And provided further*, That the water diverted from the Gila River by said diversion dam shall be distributed by the Secretary of the Interior to the Indian lands of said reservation and to the private and public lands in said county in accordance with the respective rights and priorities of such lands to the beneficial use of said water as may be determined by agreement of the owners thereof with the Secretary of the Interior or by a court of competent jurisdiction: *And provided further*, That the construction charge for the actual cost of said diversion dam and other works and rights shall be divided equitably by the Secretary of the Interior between the Indian lands and the private and public lands in said county; and said cost as fixed for said Indian lands shall be reimbursable as provided in section 2 of the act of August 24, 1912 (37 Stat. L., p. 522); but the construction charge as fixed for the private and public lands in said county shall be paid by the owner or entryman in accordance with the terms of an act extending the period of payment under reclamation projects, approved August 13, 1914 (38 Stat. L., p. 686): *And provided further*, That said project shall only be undertaken if the Secretary of the Interior shall be able to make or provide for what he shall deem to be satisfactory adjustments of the rights to the water to be diverted by said diversion dam or carried in canals, and satisfactory arrangements for the inclusion of lands within said project and the purchase of property rights which he shall deem necessary to be acquired, and shall determine and declare said project to be feasible."

And the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For extension of the Ganado irrigation project on the Navajo Indian Reservation in Arizona for the irrigation of approximately 600 acres of land in addition to the area to be irrigated by said project, as authorized in section 2 of the act of August 24, 1912, $20,000; and for maintenance and operation of the project, $3,000; in all, $23,000, reimbursable and to remain available until expended."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In line 16 of said amendment strike out the figures "$15,000" and insert in lieu thereof the following: "$10,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For support and education of 100 Indian pupils at the Greenville Indian School, California, including pay of superintendent, $18,400; for general repairs and improvements, including purchase of additional land for school farm, $8,000; in all, $26,400."

And the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For the improvement and construction of roads and bridges on the Yuma Indian Reservation in California, $10,000, to be immediately available, reimbursable to the United States by the Indians having tribal rights on said reservation."

And the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That the Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $10,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Potawatomi Indians in the State of Kansas, and to be expended under his direction for the construction of bridges across the Big Soldier Creek and Little Soldier Creek, within the Potawatomi Indian Reservation, Jackson County, Kans.: *Provided*, That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the county of Jackson satisfactory guaranties of the payment by the said county of Jackson of at least one-half of the cost of said bridges, and that the said proper authorities of the said county of Jackson shall assume full responsibility for and will at all times maintain and repair said bridges: *And provided further*, That any and all expenses above the amount herein named in connection with the building and maintaining of said bridges shall be borne by the said county of Jackson: *And provided further*, That this appropriation shall not become effective until approved by an Indian council to be called for that purpose."

And the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: Strike out the following langunge of the amendment:

"Hereafter on ceded lands in the State of Minnesota embraced within the provisions of the law entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889, the minerals in and mineral rights pertaining to any of the lands, the cession of which was provided for in said act, and for which the United States has not conveyed title, shall be and remain in and are reserved for the use and benefit of the Chippewa Indians in the State of Minnesota."

And the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In line 6 of said amendment strike out the following: "at Keewaton Academy, Wisconsin" and the comma; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In line 1 of said amendment, after the word "balance," insert the following: "of $3,436.03"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In line 2 of said amendment, strike out the figures "$50,000" and insert in lieu thereof "$25,000"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The work to be done with the amounts herein appropriated for the completion of the Blackfeet, Flathead, and Fort Peck projects may be done by the Reclamation Service on plans and estimates furnished by that service and approved by the Commissioner of Indian Affairs: *Provided*, That not to exceed $15,000 of applicable appropriations made for the Flathead, Blackfeet, and Fort Peck irrigation projects shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for official use upon the aforesaid irrigation projects: *Provided further*, That not to exceed $7,500 may be used for the purchase of horse-drawn passenger-carrying vehicles, and that not to exceed $1,500 may be used for the purchase of motor-propelled passenger-carrying vehicles."

And the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to announce, at such time as in his opinion seems proper, the charge for construction of irrigation systems on the Blackfeet, Flathead, and Fort Peck Indian Reservations in Montana, which shall be made against each acre of land irrigable by the systems on each of said reservations. Such charges shall be assessed against the land irrigable

by the systems on each said reservation in the proportion of the total construction cost which each acre of such land bears to the whole area of irrigable land thereunder.

"On the first day of December after the announcement by the Secretary of the Interior of the construction charge the allottee, entryman, purchaser, or owner of such irrigable land which might have been furnished water for irrigation during the whole of the preceding irrigation season, from ditches actually constructed, shall pay to the superintendent of the reservation where the land is located, for deposit to the credit of the United States as a reimbursement of the appropriations made or to be made for construction of said irrigation systems, 5 per cent of the construction charge fixed for his land, as an initial installment, and shall pay the balance of the charge in 15 annual installments, the first 5 of which shall each be 5 per cent of the construction charge and the remainder shall each be 7 per cent of the construction charge. The first of the annual installments shall become due and payable on December 1 of the fifth calendar year after the initial installment: *Provided*, That any allottee, entryman, purchaser, or owner may, if he so elects, pay the whole or any part of the construction charges within any shorter period: *Provided further*, That the Secretary of the Interior may, in his discretion, grant such extension of the time for payments herein required from Indian allottees or their heirs as he may determine proper and necessary, so long as such land remains in Indian title.

"That the tribal funds heretofore covered into the Treasury of the United States in partial reimbursement of appropriations made for constructing irrigation systems on said reservations shall be placed to the credit of the tribe and be available for such expenditure for the benefit of the tribe as Congress may hereafter direct.

"The cost of constructing the irrigation systems to irrigate allotted lands of the Indians on these reservations shall be reimbursed to the United States as hereinbefore provided, and no further reimbursements from the tribal funds shall be made on account of said irrigation works except that all charges against Indian allottees or their heirs herein authorized, unless otherwise paid, may be paid from the individual shares in the tribal funds, when the same is available for distribution, in the discretion of the Secretary of the Interior.

"That in addition to the construction charges every allottee, entryman, purchaser, or owner shall pay to the superintendent of the reservation a maintenance and operation charge based upon the total cost of maintenance and operation of the systems on the several reservations, and the Secretary of the Interior is hereby authorized to fix such maintenance and operation charge upon such basis as shall be equitable to the owners of the irrigable land. Such charges when collected shall be available for expenditure in the maintenance and operation of the systems on the reservation where collected: *Provided*, That delivery of water to any tract of land may be refused on account of nonpayment of any charges herein authorized, and the same may, in the discretion of the Secretary of the Interior, be collected by a suit for money owed: *Provided further*, That the rights of the United States heretofore acquired, to water for Indian lands referred to in the foregoing provision, namely, the Blackfeet, Fort Peck, and Flathead Reservation land, shall be continued in full force and effect until the Indian title to such land is extinguished.

"That the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules and regulations and issue such notices as may be necessary to carry into effect the provisions of this act, and he is hereby authorized and directed to determine the area of land on each reservation which may be irrigated from constructed ditches and to determine what allowance, if any, shall be made for ditches constructed by individuals for the diversion and distribution of a partial or total water supply for allotted or surplus unallotted land: *Provided*, That if water be available prior to the announcement of the charge herein authorized, the Secretary of the Interior may furnish water to land under the systems on the said reservations, making a reasonable charge therefor, and such charges when collected may be used for construction or maintenance of the systems through which such water shall have been furnished."

And the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "for the purpose of making necessary repairs on the Government bridge across the Niobrara River near Niobrara, Nebr.; also to reconstruct one span of 90 feet over the back channel of the Niobrara River at the same point, the sum of $6,500; said sum to be expended under the direction of the Secretary of the Interior"; and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$91,100"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For support and education of 290 Indian pupils at the Indian School at Carson City, Nev., including pay of superintendent, $50,430; for general repairs and improvements, $8,000; for irrigating school farm, $4,000; in all, $62,430."

And the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In line 4 of the amendment, after the figures "$15,000" strike out the period, insert a colon and the following: "*Provided*, That no part of this appropriation shall be expended for mileage, salaries or expenses of employees"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In line 2 of the amendment strike out the following: "And to remain available until expended"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For support and education of 350 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $59,550; for general repairs and improvements, $6,000; for water supply, $1,600; for the construction of an assembly hall and gymnasium, $25,000; in all, $92,150."

And the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For support and education of 220 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $38,540; for general repairs and improvements, $5,000; for new school building, $20,000; in all, $63,540."

And the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: Strike out all of said amendment and insert the following: "To enable the Secretary of the Interior to redeem a mortgage on the allotment selection of Starr McGillis, a Turtle Mountain Chippewa Indian, described as the northwest quarter of section 34, township 164 north, range 70 west of the fifth principal meridian, North Dakota, $1,500, or so much thereof as may be necessary"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That the unexpended balance of $9,533.38 is hereby reappropriated and made available for continuing the relief and settlement of the Apache Indians formerly confined as prisoners of war on the Fort Sill Military Reservation, Okla., for the purchase of allotments in Oklahoma, as provided for in the act of June 30, 1913 (38 Stat. L., p. 77), for the three adult heads of families who have not heretofore received allotments."

And the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "except that the Secretary of the Interior is hereby authorized, within 30 days after the passage of this act, to investigate claims not to exceed $1,950 growing out of contracts alleged to be in existence between John Calvin Gray, William T. Lancaster, Arthur Jennings, and Clyde Jennings, as enrolled members of the Choctaw or Chickasaw Nations, and Henry W. Blair, Kappler & Merillat, James K. Jones, Charles M. Fechheimer, and Eugene Hamilton, as attorneys, and in case such claims are found to be valid and the contracts approved in accordance with existing law, the said Secretary of the Interior may, in his discretion, apply any amounts that may be found due under this paragraph to the

aforesaid enrolled members of the Choctaw or Chickasaw Nations to the payment of such fee, but the amounts due hereunder to other enrolled members of the Choctaw and Chickasaw Nations shall not be held in abeyance to this claim but shall be paid promptly without reference to same; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000"; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment, as follows: In lieu of the matter proposed insert the following: "$12,000; for remodeling sewer system, $5,000; for three high-pressure steam boilers, $7,200: *Provided*, That the unused balance of $9,830 of the amount appropriated by the act of August 1, 1914 (38 Stat. L., p. 602), and an additional amount of $2,500 may be expended for an addition to the assembly hall; in all $128,700"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $3,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Klamath Indians of the State of Oregon, and use the same for the construction of a bridge across the Williamson River, on the Klamath Indian Reservation, Oreg., under such rules and regulations as he may prescribe."

And the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "$67,500: *Provided*, That the unexpended balance of $1,607.44 appropriated by the act approved August 1, 1914, for repairing buildings and replacing equipment destroyed or damaged by the tornado of June 10, 1914, at Flandreau Indian School, S. Dak., is hereby reappropriated and made immediately available for the purchase and installation of a water tank and the purchase of dairy cattle for said school"; and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The Secretary of the Interior is hereby authorized and directed to cause investigation to be made as to the probable cost of providing on the various Sioux Indian reservations, adequate school facilities for the children of the Sioux tribes who are now without Government or public-school facilities on the respective reservations; and to make a report thereof to Congress on or before the first Monday in January, 1917, together with a complete and detailed statement of the per capita cost per annum, including mileage paid, now expended for the education of the Sioux Indian children in all the schools, whether on or off the respective reservations, and there is hereby appropriated for the expense of such investigation and report the sum of $1,000, or so much thereof as may be necessary, to be immediately available."

And the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In line 7 of said amendment, after the word "highway," insert a comma and the following: "reimbursable out of any funds now or hereafter placed to the credit of said Indians in the Treasury of the United States"; and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $1,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Uintah Tribe of Indians, in the State of Utah, and to use the same to protect the north abutment of the Government bridge at Myton, Utah, under such rules and regulations as he may prescribe, said sum to be immediately available."

And the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That the Secretary of the Interior be, and he hereby is, authorized to sell and dispose of not to exceed 20 acres of that portion of the lands situated on the north side of and within the limits of the abandoned Fort Spokane Military Reservation, State of Washington, not necessary for hospital purposes, as provided for in the act approved August 1, 1914 (38 Stat. L., 584), at not less than the appraised value thereof, and to place the proceeds thereof in the Treasury of the United States to the credit of the Spokane Indians in said State."

And the Senate agree to the same.

Amendment numbered 142: That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000"; and the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That without bias or prejudice to the rights or interests of any party to the litigation now pending, the Secretary of the Interior be, and he hereby is, authorized to sell the timber on the so-called 'school lands' and 'swamp lands' within the boundaries of the Bad River and Lac du Flambeau Indian Reservations, in Wisconsin, and to which the State of Wisconsin has asserted a claim; to keep a separate account of the proceeds of such sale with each legal subdivision of such land; and to deposit the said proceeds at interest in a national bank, bonded for the safe-keeping of individual Indian moneys, to be paid over, together with the interest thereon, to the party or parties who shall finally be adjudged to be entitled to such fund: *Provided*, That the consent of the State or parties claiming title therefrom be obtained before any such sale shall be made."

And the Senate agree to the same.

Amendment numbered 156: That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"SEC. 27. On the first Monday in December, 1917, and annually thereafter, the Secretary of the Treasury shall transmit to the Speaker of the House of Representatives estimates of the amounts of the receipts to, and expenditures which the Secretary of the Interior recommends to be made for the benefit of the Indians from all tribal funds of Indians for the ensuing fiscal year; and such statement shall show (first) the total amounts estimated to be received from any and all sources whatsoever, which will be placed to the credit of each tribe of Indians, in trust or otherwise, at the close of the ensuing fiscal year, (second) an analysis showing the amounts which the Federal Government is directed and required by treaty stipulations and agreements to expend from each of said funds or from the Federal Treasury, giving references to the existing treaty or agreement or statute, (third) the amounts which the Secretary of the Interior recommends to be spent from each of the tribal funds held in trust or otherwise, and the purpose for which said amounts are to be expended, and said statement shall show the amounts which he recommends to be disbursed (a) for per capita payments in money to the Indians, (b) for salaries or compensation of officers and employees, (c) for compensation of counsel and attorney fees, and (d) for support and civilization: *Provided*, That hereafter no money shall be expended from Indian tribal funds without specific appropriation by Congress except as follows: equalization of allotments, education of Indian children in accordance with existing law, per capita and other payments, all of which are hereby continued in full force and effect: *Provided further*, That this shall not change existing law with reference to the Five Civilized Tribes."

And the Senate agree to the same.

C. D. CARTER,
THOS. F. KONOP,
CARL HAYDEN,
P. P. CAMPBELL,
P. D. NORTON,
Managers on the part of the House.

HENRY F. ASHURST,
H. L. MYERS,
MOSES E. CLAPP,
Managers on the part of the Senate.

STATEMENT.

The effect of the recession of the House conferees on the amendments on which they have unqualifiedly receded is as follows:

No. 1. Makes the reimbursable appropriation for repair and maintenance of irrigation ditches available until expended.

No. 5. Increases limit of cost of hospitals from $15,000 to $17,500 which are now under construction.

No. 9. Strikes out the word "and" and inserts the word "or," to include blind children so they can receive the benefit of the fund to educate Indian children.

No. 13. Provides that hereafter Indian farmers must hold and file a certificate of competency from some college recognized before employment in the service.

No. 16. Increases the reimbursable appropriation for determining heirs of deceased Indian allottees $10,000.

No. 17. Permits the use of $25,000 of the reimbursable appropriation for determining heirs of deceased Indian allottees for employment of clerks in the Indian Office here.

No. 18. Corrects total in accordance with amendment 16.

No. 19. Strikes out the word "heir" and inserts "heirs."

No. 20. Places a limit of value of $250 or more upon an heirship in order to charge the fee for determining the heirs.

No. 21. Permits the partition of an allotment of a deceased Indian regardless of competency of heirs.

No. 22. Permits extension of trust period specified in patent to incompetent heirs if necessary.

No. 24. When an Indian allottee by reason of old age or incapability can not personally occupy their allotment that is susceptible of irrigation, the Secretary of the Interior may, in his discretion, lease said allotment for a term not to exceed 10 years for benefit of said Indian.

No. 25. Any Indian who is mentally or physically incapable of managing his or her affairs may apply to the Secretary of the Interior, who may, in his discretion, withdraw from the Treasury any part of said Indian's pro rata share of funds to their credit and use for their benefit.

No. 27. An appropriation of $2,000 to pay Charles J. Kappler for compiling, annotating, and indexing the third volume of Indian Laws and Treaties.

No. 28. Provides that all bidders for supplies for goods furnished the Indian Service may deposit a certified check or approved bond to guarantee the fulfillment of contract instead of the money in amounts exceeding $5,000.

No. 29. Increases the appropriation $3,500 for the purchase of additional land adjacent to the Phoenix (Ariz.) Indian School.

No. 33. Strikes out the words "to remain available until expended."

No. 39. Makes an appropriation of $3,000 for preservation and repair of prehistoric pueblo ruins and cliff dwellings in Arizona, under supervision of the Smithsonian Institution.

No. 46. Provides for an appropriation of $8,000 for erection of a barn at Haskell Institute, Lawrence, Kans.

No. 48. For traveling and incidental expenses amounting to $250, to Joseph Bradley for appearing before Congress in behalf of Indians in Michigan.

No. 50. An appropriation of $3,000 to improve road and to blast out and deepen the ditch and creek leading to the Pipestone Indian School in Minnesota.

No. 51. Provides that not to exceed $60,000 of the $185,000 withdrawn from the trust funds of the Chippewas in Minnesota, and one-fourth of the interest on said tribal funds, may be used for school purposes and compensation of employees, and that $10,000 may be used for road improvements; and that $10,000 may be used for the installation of an electric light plant at White Earth Agency, provided the residents pay a proportionate share.

No. 52. Provides sale and conveyance at not less than appraised value of certain lands to Independent school district 1, of Mahnomen County, Minn.

No. 53. Provides for the issuance of a fee patent to 40 acres of land on the Nett Lake Indian Reservation in Minnesota to the Methodist Episcopal Church.

No. 54. Appropriates not to exceed $25,000 from amounts derived from sale of timber of the Chippewa Indians in Minnesota, for payment of scalers and check scalers.

No. 56. Appropriates $6,000 out of tribal funds of the Chippewa Indians to pay expenses of general council of said tribe to meet in July, 1916.

No. 58. Amends the act of June 30, 1913 (38 Stat. L., p. 89), by appointing an Assistant Attorney General instead of a selection to be made by the Attorney General.

No. 60. Provides for the completion of the enrollment of allottees within the White Earth Reservation in Minnesota, and appropriates $5,000 for that purpose.

No. 61. Provides for the establishment and administration of a forest reserve and for sale of timber within the Red Lake Indian Reservation in Minnesota.

No. 62. That lands within said Red Lake Indian Forest Reserve not covered with merchantable timber and suited for agricultural purposes, and that front lake shores, may be allotted to individual Red Lake Indians under certain conditions.

No. 63. Authorizes the Secretary of the Interior to issue permits or grant leases on such lands in said forest reserve covered in amendment 61, for a limited time.

No. 64. Authorizes the Secretary of the Interior to select not exceeding 200 acres in sections 20, 21, 28, and 29 for town-sites purpose, and to be held subject to future legislation of Congress.

No. 65. Provides for sale of timber on lands of the Red Lake Indian Reservation outside of the forest reserve created by amendment No. 61.

No. 66. Authorizes investigation of condition of Indians living in Mississippi and appropriates $1,000 for that purpose.

No. 67. Corrects section number.

No. 68. Increases appropriation for civilization of Indians at Flathead Agency, Mont., from $14,000 to $20,000, and limits amount to be expended in salaries to not exceeding $4,500.

No. 70. Appropriates $750,000 (reimbursable) for continuing construction of the irrigation system on the Flathead Indian Reservation, Mont.

No. 71. Appropriates $100,000 (reimbursable) for continuing construction of the irrigation systems on the Fort Peck Indian Reservation, Mont.

No. 76. Corrects section number.

No. 80. Is a reimbursable appropriation of $30,000 to pay drainage assessments and grant right of way for location of drainage ditches on lands belonging to Omaha and Winnebago Indians in Dixon, Wayne, and Thurston Counties, Nebr.

No. 81. Corrects section number.

No. 85. Corrects section number.

No. 86. Adds the words "in the vicinity of," so that additional land, either adjoining or in the vicinity of, may be purchased as a school farm for the Indian school at Albuquerque, N. Mex.

No. 89. Corrects section number.

No. 90. Corrects section number.

No. 93. Corrects section number.

No. 94. Makes the appropriation of $4,000 for sinking wells and improving the water system at the Fort Totten Indian School, N. Dak., immediately available.

No. 96. Authorizes the Secretary of the Interior from time to time, within his discretion, to withdraw from the Treasury money derived from sale of surplus lands and any interest thereon accrued belonging to the Fort Berthold Indians in North Dakota and distribute same per capita, or where any Indian is incompetent said share may be withheld and deposited in some bank and used for benefit of said incompetent Indian.

No. 98. Is an appropriation of $1,497.44 to reimburse Benson County, N. Dak., for caring for certain insane Indians.

No. 99. An appropriation of $100 for the erection of a headstone to mark the grave of Scarlet Crow, a Sioux Indian chief.

No. 101. Corrects section number.

No. 103. Corrects section number.

No. 104. An increase of $10,000 for expenses and administration of affairs of the Five Civilized Tribes and makes it immediately available.

No. 106. Authorizes the Secretary of the Interior to make a per capita payment of $300 to each Seminole Indian in Oklahoma, same to be paid out of their tribal or trust funds.

No. 107. An appropriation of $275,000 for the benefit and aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations and the Quapaw Agency in Oklahoma.

No. 109. Authorizes the Secretary of the Interior to use tribal funds of the Choctaws, Chickasaws, Creeks, and Seminoles, Oklahoma, for school purposes.

No. 111. Authorizes a settlement of a compromise of a suit between the United States and E. Dowden in regard to the Tuttle town site, Oklahoma.

No. 112. Corrects section number.

No. 114. Provides that the money derived from sale of lands belonging to Indians on the Siletz Indian Reservation, in Oregon, may be paid out to said Indians share and share alike.

No. 115. Permits the withdrawal of not exceeding $1,000 from tribal funds of the Klamath Indians, in Oregon, to pay the expenses of two delegates elected by their council to come to Washington.

No. 121. Corrects section number.

No. 122. Corrects section number.

No. 125. Strikes out the word "boiler" and inserts the word "boilers," to be installed at the Indian School, Pierre, S. Dak.

No. 126. Increases the appropriation $5,000 for the construction of a barn at the Indian School, Pierre, S. Dak., and corrects total.

No. 128. Corrects section number.

No. 130. An appropriation of $1,684 to reimburse the board of education of Box Elder County, State of Utah, for education of 23 Indian pupils during the years 1913 and 1914, and for the education of 21 pupils during the years 1914 and 1915.

No. 131. An appropriation of $832 for the education of 22 Indian pupils at Washakie, Box Elder County, Utah, for the years 1915 and 1916.

No. 134. Corrects section number.

No. 136. A reimbursable appropriation of $100,000 to pay the third installment for water supply of 40 acres of each Indian allotment on the Yakima Indian Reservation in the State of Washington.

No. 138. Authorizes the Secretary of the Interior to lease for mining purposes the unallotted mineral lands on the diminished Spokane Reservation in Washington.

No. 139. An appropriation, reimbursable, of $95,000, and authorizes the Secretary of the Interior to negotiate and pay for water rights for lands heretofore allotted to Indians situated within the boundaries of the West Okanogan Valley irrigation district, Okanogan County, Wash.

No. 140. Corrects section number.

No. 141. This amendment is intended to provide an appropriation to pay certain members of the Stockbridge and Munsee Tribe of Indians enrolled under the act of March 3, 1893 (37 Stat. L., 744), the amount of payments made prior to their respective enrollments. Section 6 of the act of February 6, 1871, provided for the determination of the persons who were members of the Stockbridge and Munsee Tribe and their future relations to the Government. Two rolls were prepared, one containing Indians who it was thought desired to separate their relations from the tribe and become citizens, and the other those who desired to retain their tribal character and remain under the guardianship of the Government. It subsequently appeared that some of those Indians who were placed on the first roll did not desire to sever their relations with the tribe, and they were again enrolled under the provisions of the act of March 3, 1893 (37 Stat. L., 744-745).

No. 143. In order to train Indians in the use and handling of money, not exceeding $25,000 of the appropriation allowed may be paid them per capita or deposited in some bank for their use and benefit under such rules as the department may prescribe.

No. 144. That no lands of the Menominee Indians in Wisconsin shall be cleared for agricultural purposes, excepting such lands as have been heretofore completely cut over.

No. 145. Amends the act of March 28, 1908, by permitting the Secretary of the Interior to sell lumber, laths, shingles, crating, ties, piles, poles, posts, bolts, logs, bark, pulp, and other materials under such rules as he may prescribe, and deposit the money in the Treasury for the benefit of the Menominee Indians in Wisconsin.

No. 148. Provides for the granting of flowage rights over unallotted Indian lands under rules and regulations prescribed by the Secretary of the Interior and consent of Indians, and the leasing of the allotted lands with consent of allottee for flowage and storage reservoir purposes, and allottee to determine, subject to approval of Secretary of the Interior, as to consideration therefor.

No. 150. A reimbursable appropriation of $6,500 for the completion of a road on the Red Cliff Reservation in Wisconsin.

No. 151. Corrects section number.

No. 152. Reduces the appropriation 66 cents for repairs at the abandoned military post of Fort Washakie, Wyo.

No. 153. To enable the Secretary of the Interior to prepare and submit to Congress plans and estimates of cost for completing the irrigation of all irrigable lands in the Shoshone or Wind River Reservation in Wyoming, to also include in the estimates for the ceded lands within said reservations.

No. 154. Places the appropriation back to amount allowed by the House, to $3,000.

No. 155. For payment of salary and expenses of Joseph H. Norris as supervisor of Indian schools from October 21 to November 11, 1912, $257.

On the following amendments the House conferees receded with modifying or substitute amendments, to wit:

No. 2. Makes the provisions of sections 2140 and 2141, Revised Statutes, apply to beer as an intoxicating liquor, and the possession of intoxicating liquor in an Indian country prima facie evidence of unlawful introduction.

No. 7. Makes $5,000 of the appropriation for maintenance of the sanatoria for the Choctaw and Chickasaw Indians immediately available.

No. 10. Provides that $200,000 of the appropriation for day and industrial schools may be expended for tuition of Indian pupils in public schools.

No. 14. Provides for two permanent warehouses for use of Indian Service.

No. 26. Is an appropriation of $100,000 to reimburse Indians for live stock that may be hereafter destroyed on account of dourine.

No. 34. For beginning the construction of a dam with bridge superstructure for diverting the water of the Gila River in Arizona for irrigating Indian lands on the Gila River Indian Reservation. Reduces appropriation from $200,000 to $75,000 and limits the cost of said work to $200,000.

No. 35. For beginning the construction of a diversion dam and necessary canals in Pinal County, Ariz., at or near Florence, for irrigation of Indian lands. Reduces amount appropriated from $175,000 to $75,000 and limits cost of work to $175,000.

No. 36. For extension of the Ganado irrigation project in Arizona, and makes it reimbursable.

No. 37. An appropriation of $10,000 for the purpose of making investigation, survey, and cost of practicable means of holding the Gila River in its channel in Graham County, Ariz.

No. 41. Increases the number of pupils, also appropriation for care of said increase allowed, and permits the purchase of additional land for school farm at the Indian school in Greenville, Cal.

No. 42. Makes the appropriation for improvement and construction of roads on the Yuma Indian Reservation in California reimbursable.

No. 47. Authorizes the Secretary of the Interior to withdraw from the tribal funds on deposit in the Treasury to the credit of the Potawatomi Indians the sum of $10,000 for the construction of a bridge across the Big and Little Soldier Creeks on their said reservation.

No. 55. Strikes from the bill the entire paragraph.

No. 57. Strikes from the bill the words "Keewaton Academy, Wisconsin."

No. 59. Makes the unexpended balance of $3,436.03 available for payment of expenses incurred in preparing a roll of the Indians within the White Earth Reservation, Minn.

No. 72. Decreases the reimbursable appropriation for continuing construction of the irrigation system on the Blackfeet Indian Reservation, Mont., from $50,000 to $25,000.

No. 74. The work to be done on the irrigation projects on the Blackfeet, Flathead, and Fort Peck Indian Reservations, Mont., may be done by the Reclamation Service, with plans approved by Indian Bureau, and authority is also given that a limited amount of said appropriations may be used for purchase of motor vehicles, horses, and horse-drawn vehicles.

No. 75. That the Secretary of the Interior shall assess the charge for cost of irrigation projects as mentioned in amendment No. 74 against the persons who own the land and receiving benefit of said system.

No. 78. An appropriation of $6,500 for repairs on the Government bridge across the Niobrara River in Nebraska.

No. 79. Corrects total.

No. 82. Increases the number of pupils at the Indian school, Carson City, Nev., and provides for their care.

No. 83. An appropriation of $15,000 to purchase homes, farm sites, water rights, and aid to nonreservation Indians in Nevada; also provides that no part of said appropriation shall be used for payment of salaries, mileage, or expenses of employees.

No. 84. Strikes out the words "to remain available until expended" in the appropriation for support and civilization and purchase of land and water rights for the Washoe Indians in Nevada.

No. 87. Increases the amount for repairs and improvements and for the construction of an assembly hall at the Indian school, Santa Fe, N. Mex.

No. 95. Increases the number of pupils and provides for their care at the Wahpeton Indian School, Wahpeton, N. Dak.; decreases appropriation for repairs and improvements from $8,000 to $5,000; and provides for the construction of a new building to cost $20,000.

No. 97. Makes an appropriation of $1,500 to redeem a mortgage on the allotment selection of Starr McGillis, a Turtle Mountain Chippewa Indian.

No. 102. Making the unexpended balance of $9,533.38 available for the purpose of continuing the relief of the Apache Indians and for the purchase of lands in Oklahoma.

No. 105. Authorizes the Secretary of the Interior to adjudicate and, if he deem it proper, to apply the per capita payment, or any part of the same herein authorized to be made, to John Calvin Gray, Williams T. Lancaster, Arthur Jennings, and Clyde Jennings, enrolled members of the Choctaw and Chicka-

saw Nations, in the settlement of attorney fees for services rendered said Indians in being restored to the rolls.

No. 110. An appropriation of $15,000 for the salaries and the expenses of six oil and gas inspectors to supervise the oil, gas, and mining operations in the Five Civilized Tribes.

No. 113. Appropriates $7,200 for the purchase and the installation of boilers at the Indian school at Salem, Oreg., and makes available an unexpended balance of $9,830 and an additional amount of $2,500 for an addition to the assembly hall.

No. 116. Permits the Secretary of the Interior to withdraw from the Treasury $3,000 out of the tribal funds belonging to the Klamath Indians, in Oregon, to construct a bridge across the Williamson River.

No. 124. Corrects the total and also makes available an unexpended balance of $1,670 out of a $10,000 appropriation, approved August 1, 1914, for the installation of a water tank and the purchase of dairy cattle.

No. 127. Is an appropriation of $1,000, and authorizes the Secretary of the Interior to make an investigation as to the school facilities among the different Sioux tribes of Indians and to report to Congress on or before January 1, 1917.

No. 129. Makes the appropriation of $9,000 to pay a proportionate share for the construction of a highway or wagon road through the Kaibab Indian Reservation, Utah, reimbursable.

No. 132. Authorizes the Secretary of the Interior to withdraw $1,000 from the tribal funds now in the Treasury to the credit of Indians in Utah and use the same to protect abutment of the bridge at Myton, Utah.

No. 137. Authorizes the Secretary of the Interior to sell not to exceed 20 acres of land on the north side and within the limits of the abandoned Fort Spokane Military Reservation, Wash., that will not be needed for hospital purposes and place the proceeds in the Treasury to the credit of the Spokane Indians.

No. 142. An appropriation of $5,000 to purchase dairy cattle for the Indian school at Oneida, Wis.

No. 146. Provides that the Secretary of the Interior may sell the timber on the so-called "school lands" and "swamp lands" within the Bad River and Lac du Flambeau Indian Reservation in Wisconsin, and to which there is a disputed claim, and to hold the money derived therefrom until it is ascertained to whom it belongs.

No. 156. Requires the Secretary of the Interior to submit annually to Congress a certain detailed statement as to appropriations and disbursements of tribal funds belonging to Indians.

The following table shows the amounts carried in the bill as it passed the House and the Senate and as agreed to by your conferees, and is exclusive of amounts appropriated out of trust funds belonging to the Indians:

Item.	Passed House.	Passed Senate.	Agreed in conference.
Surveying and allotting Indian reservations, reimbursable	$100,000.00	$100,000.00	$100,000.00
Irrigation, Indian reservations, reimbursable	244,700.00	244,700.00	244,700.00
Suppressing liquor traffic among Indians, gratuity	150,000.00	150,000.00	150,000.00
Relieving distress and prevention of diseases, etc., gratuity	350,000.00	400,000.00	350,000.00
Indian schools, support, gratuity	1,550,000.00	1,550,000.00	1,550,000.00
Indian school and agency buildings, gratuity	400,000.00	400,000.00	400,000.00
Indian school transportation, gratuity	72,000.00	72,000.00	72,000.00
Industrial work and care of timber, gratuity	425,000.00	500,000.00	425,000.00
Purchase and transportation of Indian supplies, gratuity	300,000.00	300,000.00	300,000.00
Telegraphing and telephoning, Indian Service, gratuity	10,000.00	10,000.00	10,000.00
Court costs, etc., gratuity	1,000.00	1,000.00	1,000.00
Expenses, Board of Indian Commissioners, gratuity	10,000.00	10,000.00	10,000.00
Pay of Indian police, gratuity	200,000.00	200,000.00	200,000.00
Pay of judges, Indian courts, gratuity	8,000.00	10,000.00	8,000.00
General expenses, Indian Service, gratuity	135,000.00	135,000.00	135,000.00
Inspectors, Indian Service, gratuity	30,000.00	30,000.00	30,000.00
Determining heirs of deceased Indian allottees, gratuity	90,000.00	100,000.00	100,000.00
Industry among Indians, reimbursable	300,000.00	400,000.00	300,000.00
Payment to heirs of Farmer John, gratuity	20.00	20.00	20.00
Suppressing contagious diseases among live stock, gratuity	.....	100,000.00	100,000.00
Payment to Charles J. Kappler, gratuity	.....	2,000.00	2,000.00
ARIZONA AND NEW MEXICO.			
Support of Indians in Arizona and New Mexico, gratuity	330,000.00	330,000.00	330,000.00
Indian school, Fort Mojave, Ariz., gratuity	42,900.00	42,900.00	42,900.00
ARIZONA AND NEW MEXICO—continued.			
Indian school, Phoenix, Ariz., gratuity	$131,900.00	$135,400.00	$135,400.00
Indian school, Truxton Canyon, Ariz., gratuity	21,200.00	21,200.00	21,200.00
Maintenance irrigation system, Pima Indian lands, reimbursable	20,000.00	25,000.00	20,000.00
Irrigation system, Colorado River Reservation, reimbursable	15,000.00	15,000.00	15,000.00
Water supply, Papago Indian villages, gratuity	20,000.00	20,000.00	20,000.00
Fulfilling treaties with Navajos, schools, treaty	100,000.00	100,000.00	100,000.00
Water supply, Navajo Indians, Arizona, reimbursable	25,000.00	25,000.00	25,000.00
Construction dam, Gila River Reservation, reimbursable	.....	200,000.00	75,000.00
Payment for water, Salt River allottees, reimbursable	20,000.00	20,000.00	20,000.00
Construction diversion dam, Gila River Reservation, above Florence, Ariz., reimbursable	.....	175,000.00	75,000.00
Ganado irrigation project, reimbursable	3,000.00	23,000.00	23,000.00
Investigation, Gila River, erosion, etc., gratuity	.....	15,000.00	10,000.00
Bridge across Little Colorado River, reimbursable	15,000.00	15,000.00	15,000.00
Construction additional spans, Gila River, gratuity	17,000.00	17,000.00	17,000.00
Preservation and repair, pueblo ruins, gratuity	.....	3,000.00	3,000.00
CALIFORNIA.			
Support of Indians in California, gratuity	42,000.00	42,000.00	42,000.00
Purchase of lands for landless Indians, gratuity	10,000.00	30,000.00	10,000.00
Indian school, Riverside, Cal., gratuity	129,500.00	129,500.00	129,500.00
Irrigating allotments, Yuma Reservation, reimbursable	10,000.00	10,000.00	10,000.00
Indian school, Fort Bidwell, Cal., gratuity	21,800.00	21,800.00	21,800.00
Indian school, Greenville, Cal., gratuity	21,630.00	34,400.00	26,400.00
Roads and bridges, Yuma Reservation, Cal., reimbursable	.....	10,000.00	10,000.00
FLORIDA.			
Support of Seminoles in Florida, reimbursable	8,000.00	5,000.00	8,000.00
IDAHO.			
Support of Indians, Fort Hall Reservation, Idaho, gratuity	30,000.00	30,000.00	30,000.00
Maintenance, etc., Fort Hall irrigation system, reimbursable	25,000.00	35,000.00	25,000.00
Fulfilling treaties with Bannocks, Idaho, treaty	5,000.00	5,000.00	5,000.00
Fulfilling treaties with Coeur d'Alenes, treaty	3,000.00	3,000.00	3,000.00
KANSAS.			
Indian school, Lawrence, Kans., gratuity	140,250.00	148,250.00	148,250.00
Indian school, Kickapoo Reservation, Kans., gratuity	16,860.00	16,860.00	16,860.00
Bridges, Pottawatomi Reservation, Kans., gratuity	.....	10,000.00	(1)
LOUISIANA.			
Purchase of lands for Chettimanchi Indians, gratuity	1,500.00	1,500.00	1,500.00
MICHIGAN.			
Indian school, Mount Pleasant, Mich., gratuity	73,450.00	73,450.00	73,450.00
Reimbursement Joseph Bradley, gratuity	.....	250.00	250.00
MINNESOTA.			
Indian school, Pipestone, Minn., gratuity	61,675.00	64,675.00	64,675.00
Support of Chippewas of the Mississippi, Minn., treaty	4,000.00	4,000.00	4,000.00
Enrollment White Earth allottees, gratuity	.....	5,000.00	5,000.00
MISSISSIPPI.			
Investigation condition Mississippi Indians, gratuity	.....	1,000.00	1,000.00
MONTANA.			
Support of Indians of Fort Belknap Reservation, Mont., gratuity	20,000.00	20,000.00	20,000.00
Support of Indians of Flathead Agency, Mont., gratuity	14,000.00	20,000.00	20,000.00
Support of Indians of Fort Peck Agency, Mont., gratuity	30,000.00	30,000.00	30,000.00

[1] Paid out of tribal funds.

Item.	Passed House.	Passed Senate.	Agreed in conference.
MONTANA—continued.			
Support of Indians of Blackfeet Agency, Mont., gratuity	$25,000.00	$25,000.00	$25,000.00
Irrigation, Fort Belknap Reservation, reimbursable	20,000.00	20,000.00	20,000.00
Fulfilling treaties with Crows, Montana, treaty	6,000.00	6,000.00	6,000.00
Support of Northern Cheyennes and Arapahoes, treaty	80,000.00	80,000.00	80,000.00
Line riders, Northern Cheyenne Reservation, gratuity	1,500.00	1,500.00	1,500.00
Support Rocky Boys Band, gratuity	5,000.00	10,000.00	5,000.00
Purchase of land, Flathead Agency, reimbursable	320.00	320.00	320.00
Irrigation system, Flathead Agency, Mont., reimbursable		750,000.00	750,000.00
Irrigation system, Fort Peck Agency, Mont., reimbursable		100,000.00	100,000.00
Irrigation system, Blackfeet Agency, Mont., reimbursable		50,000.00	25,000.00
NEBRASKA.			
Indian school, Genoa, Nebr., gratuity	84,600.00	103,100.00	91,100.00
Assessment Omaha and Winnebago allotments, reimbursable		30,000.00	30,000.00
NEVADA.			
Support of Indians in Nevada, gratuity	18,500.00	18,500.00	18,500.00
Indian school, Carson City, Nev., gratuity	60,760.00	89,100.00	62,430.00
Home and farm sites, Nevada Indians, gratuity		15,000.00	15,000.00
Irrigation, Pyramid Lake Reservation, reimbursable	30,000.00	30,000.00	30,000.00
Land and water rights, Washoe Indians, gratuity	15,000.00	15,000.00	15,000.00
NEW MEXICO.			
Indian school, Albuquerque, N. Mex., gratuity	97,400.00	97,400.00	97,400.00
Indian school, Santa Fe., N. Mex., gratuity	67,150.00	103,650.00	92,150.00
Counsel for Pueblo Indians of New Mexico, gratuity	2,000.00	2,000.00	2,000.00
Highway, Mesa Verde National Park to Gallup, N. Mex., gratuity	15,000.00	54,000.00	15,000.00
NEW YORK.			
Fulfilling treaties with Senecas, New York, treaty	6,000.00	6,000.00	6,000.00
Fulfilling treaties with Six Nations, New York, treaty	4,500.00	4,500.00	4,500.00
NORTH CAROLINA.			
Indian school, Cherokee, N. C., gratuity	36,000.00	36,000.00	36,000.00
Bridge, Ocona Lufty River, gratuity		15,000.00	(1)
School for North Carolina Indians, gratuity		50,000.00	(1)
Maintenance, school for North Carolina Indians, gratuity		10,000.00	(1)
NORTH DAKOTA.			
Support of Sioux of Devils Lake, N. Dak., gratuity	5,000.00	5,000.00	5,000.00
Support of Indians, Fort Berthold Agency, N. Dak., gratuity	15,000.00	15,000.00	15,000.00
Support of Chippewas, Turtle Mountain Band, gratuity	11,000.00	11,000.00	11,000.00
Indian school, Bismarck, N. Dak., gratuity	56,175.00	56,175.00	56,175.00
Indian school, Fort Totten, N. Dak., gratuity	82,500.00	82,500.00	82,500.00
Indian school, Wahpeton, N. Dak., gratuity	40,200.00	66,540.00	63,540.00
Redemption mortgage, Starr McGillis, reimbursable		1,500.00	1,500.00
Reimbursing Benson County (insane Indians), gratuity		1,497.44	1,497.44
Headstone, Scarlet Crow, gratuity		100.00	100.00
OKLAHOMA.			
Support of Wichitas and affiliated bands, gratuity	5,000.00	5,000.00	5,000.00
Support of Cheyennes and Arapahoes, Oklahoma, gratuity	35,000.00	35,000.00	35,000.00
Support of Kansas Indians, gratuity	1,500.00	1,500.00	1,500.00
Support of Kickapoo Indians, gratuity	2,000.00	2,000.00	2,000.00
Support of Poncas, gratuity	8,000.00	8,000.00	8,000.00
Indian school, Chilocco, Okla., gratuity	93,250.00	93,250.00	93,250.00
Fulfilling treaties with Pawnees, treaty	47,100.00	47,100.00	47,100.00
Support of Quapaws, treaty	1,500.00	1,500.00	1,500.00
Purchase land for Fort Sill Apaches, gratuity		40,000.00	(2)

[1] Senate receded.
[2] Unexpended balance made available.

Item.	Passed House.	Passed Senate.	Agreed in conference.
FIVE CIVILIZED TRIBES.			
Administration affairs of Five Civilized Tribes, gratuity	$175,000.00	$185,000.00	$185,000.00
Probate attorneys, Five Civilized Tribes, gratuity	85,000.00	85,000.00	85,000.00
Cherokee Orphan Training School, gratuity	40,000.00	40,000.00	40,000.00
Indian schools, Five Civilized Tribes, gratuity		275,000.00	275,000.00
Fulfilling treaties with Choctaws, treaty	10,520.00	10,520.00	10,520.00
Oil and gas inspectors, Five Civilized Tribes, gratuity		25,000.00	15,000.00
Compromise suits, U. S. v. Dowden et al., reimbursable		57,500.00	57,500.00
OREGON.			
Support of Indians, Klamath Agency, Oreg., gratuity	6,000.00	6,000.00	6,000.00
Support of Indians, Warm Springs Agency, gratuity	4,000.00	4,000.00	4,000.00
Support of Indians, Umatilla Agency, gratuity	3,000.00	3,000.00	3,000.00
Indian school, Salem, Oreg., gratuity	119,000.00	135,500.00	128,700.00
Support of Indians, Grande Ronde and Siletz Agencies, Oreg., gratuity	4,000.00	4,000.00	4,000.00
Maintenance and operation Modoc Point irrigation system, reimbursable	20,000.00	20,000.00	20,000.00
Bridges, Umatilla Reservation, reimbursable	18,666.00	14,000.00	18,666.00
PENNSYLVANIA.			
Indian school, Carlisle, Pa., gratuity	152,000.00	152,000.00	152,000.00
SOUTH DAKOTA.			
Indian school, Flandreau, S. Dak., gratuity	67,500.00	68,955.00	67,500.00
Indian school, Pierre, S. Dak., gratuity	55,750.00	60,750.00	60,750.00
Indian school, Rapid City, S. Dak., gratuity	83,500.00	83,500.00	83,500.00
Support of Sioux of different tribes, etc., treaty	307,000.00	307,000.00	307,000.00
Education, Sioux Nation, treaty	200,000.00	200,000.00	200,000.00
School facilities, Sioux Indian country, gratuity		250,000.00	1,000.00
Support of Sioux, Yankton Tribe, gratuity	14,000.00	14,000.00	14,000.00
Asylum for insane Indians, Canton, S. Dak., gratuity	45,000.00	45,000.00	45,000.00
Highway, Standing Rock Reservation, reimbursable	5,000.00	5,000.00	5,000.00
UTAH.			
Support of Confederated Bands of Utes, treaty	53,740.00	53,740.00	53,740.00
Support of Indians in Utah, gratuity	10,000.00	10,000.00	10,000.00
Support of Confederated Bands of Utes, seeds and implements, treaty	10,000.00	10,000.00	10,000.00
Highway, Kaibab Reservation, reimbursable		9,000.00	9,000.00
Irrigation, Uintah Reservation, reimbursable	40,000.00	40,000.00	40,000.00
Reimbursement Box Elder County, Utah, gratuity		1,684.00	1,684.00
Education, Indian pupils, Washakie School, gratuity		832.00	832.00
Protection bridge, Myton, Utah, gratuity		1,000.00	(1)
WASHINGTON.			
Support of D'Wamish and other allied tribes, gratuity	7,000.00	7,000.00	7,000.00
Support of Makahs, gratuity	2,000.00	2,000.00	2,000.00
Support of Quinnaielts and Quillehutes, gratuity	1,000.00	1,000.00	1,000.00
Support of Yakima Indians, gratuity	3,000.00	3,000.00	3,000.00
Support of Colville and certain other Indians, gratuity	13,000.00	15,000.00	13,000.00
Support of Spokanes, treaty	1,000.00	1,000.00	1,000.00
Irrigation system, Yakima Reservation, reimbursable	15,000.00	15,000.00	15,000.00
Indian school, Tacoma, Wash., gratuity	50,000.00	50,000.00	50,000.00
Dam across Yakima River, reimbursable	200,000.00	200,000.00	200,000.00
Payment third installment for water, Yakima, gratuity		100,000.00	100,000.00
Acquisition water rights, Indians, Okanogan County, reimbursable		95,000.00	95,000.00
WISCONSIN.			
Indian school, Hayward, Wis., gratuity	51,550.00	51,550.00	51,550.00
Indian school, Tomah, Wis., gratuity	56,125.00	56,125.00	56,125.00
Support of Chippewas of Lake Superior, Wis., gratuity	7,000.00	7,000.00	7,000.00
Support of Pottawatomi in Wisconsin, gratuity	7,000.00	7,000.00	7,000.00
Payment to Stockbridge and Munsee Tribe, gratuity		95,000.00	95,000.00
Purchase of cattle, Oneida School, gratuity		10,000.00	5,000.00
Support of Wisconsin Band of Pottawatomies, Wisconsin and Michigan, reimbursable	100,000.00	100,000.00	100,000.00

[1] Drawn from tribal funds.

Item.	Passed House.	Passed Senate.	Agreed in conference.
WISCONSIN—continued.			
Sidewalks, village of Odanah, Band River Reservation, reimbursable		$1,000.00	(1)
Completion road, Red Cliff Reservation, reimbursable		6,500.00	$6,500.00
WYOMING.			
Support of Shoshones in Wyoming, gratuity	$15,000.00	15,000.00	15,000.00
Indian school, Shoshone Reservation, Wyo., gratuity	36,025.00	36,025.00	36,025.00
Support of Shoshones in Wyoming, treaty	6,000.00	6,000.00	6,000.00
Repairs, Fort Washakie, gratuity	1,721.66	1,721.00	1,721.00
Irrigation system, Wind River Reservation, reimbursable	50,000.00	50,000.00	50,000.00
Plans and estimates for completing irrigation, Shoshone or Wind River Reservation, gratuity	3,000.00	5,000.00	5,000.00
Roads and bridges, diminished Shoshone Reservation, reimbursable	25,000.00	25,000.00	25,000.00
Payment to Joseph H. Norris, gratuity		257.00	257.00
New bookkeeping system, Indian Bureau, gratuity		12,000.00	(1)
Total	8,961,437.66	11,993,796.44	10,966,037.44

[1] Senate receded.

C. D. CARTER,
THOS. F. KONOP,
CARL HAYDEN,
P. P. CAMPBELL,
P. D. NORTON,
Managers on the part of the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4876) to provide for an increase in the number of cadets at the United States Military Academy.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4760. An act to authorize the change of name of the steamer *Normania* to *William F. Stifel.*

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 8067. An act to quiet the title to certain lands in possession of G. B. Dickson, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 4876. An act to provide for an increase in the number of cadets at the United States Military Academy;

S. 3769. An act to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907;

S. 2290. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Elsie McCaulley from Glenwood Cemetery, District of Columbia, to Philadelphia, Pa.; and

S. J. Res. 63. Joint resolution authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial fountain to Alfred Noble.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolution:

H. R. 28. An act to amend an act entitled "An act granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs," approved March 1, 1907;

H. R. 177. An act authorizing the Secretary of the Interior to accept the relinquishment of the State of Wyoming to certain lands heretofore certified to said State, and the State of Wyoming to select other lands in lieu of the lands thus relinquished;

H. R. 384. An act to amend the act of June 23, 1910, entitled "An act providing that entrymen for homesteads within the reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act";

H. R. 2235. An act for the relief of the widow and heirs at law of Patrick J. Fitzgerald, deceased;

H. R. 4746. An act granting to the city of Portland, Oreg., the right to purchase certain lands for public park purposes;

H. R. 4881. An act to reimburse the postmaster at Kegg, Pa., for money and stamps taken by burglars;

H. R. 6442. An act to provide for the exchange of the present Federal building site in Newark, Del.;

H. R. 7239. An act for the relief of Philip H. Heberer; and

H. J. Res. 79. Joint resolution authorizing the Secretary of Labor to permit the South Carolina Naval Militia to use the Charleston immigration station and dock connected therewith.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4760. An act to authorize the change of name of the steamer *Normania* to *William F. Stifel;* to the Committee on the Merchant Marine and Fisheries.

THE PHILIPPINES.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that immediately after reading the Journal on Monday the Senate bill known as the Philippine bill be taken up and considered.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that next Monday, immediately after the reading of the Journal and clearing up of business on the Speaker's table, the Philippine bill be taken up for consideration. Is there objection?

Mr. MANN. Reserving the right to object, the gentleman from Iowa [Mr. TOWNER] this morning thought it ought not to be done by unanimous consent. Whether he has changed his mind or not I do not know. I do not see him present.

Mr. KITCHIN. I hope the gentleman has changed his mind, for if we take it up by unanimous consent it will save an hour discussing a rule, and I think we can finish it probably on Monday. Some Members on that side and some on this side would like to get away Tuesday in order to get to their conventions.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

RECLAMATION EXTENSION.

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the House bill 6057, disagree to the Senate amendment, and ask for a conference.

Mr. MANN. What is the bill?

Mr. SMITH of Texas. Mr. Speaker, it is a bill to allow further time for settlers to accept the provisions of the reclamation act.

The SPEAKER. The gentleman from Texas asks unanimous consent that the bill (H. R. 6057) to amend section 14 of the reclamation-extension act, approved August 13, 1904, be taken from the Speaker's table, the Senate amendments thereto disagreed to, and a conference asked. Is there objection?

There was no objection, and the Chair announced the following conferees: Mr. SMITH of Texas, Mr. TAYLOR of Colorado, and Mr. KINKAID.

G. B. DICKSON.

Mr. CARAWAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8067) to quiet title in G. B. Dickson, and concur in a Senate amendment thereto.

Mr. MANN. Oh, not to-night.

The SPEAKER. The gentleman from Illinois objects.

NATIONAL DEFENSE.

Mr. DYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of national defense.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until Monday, May 1, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Edward

J. Austin *v.* The United States (H. Doc. No. 1062); to the Committee on War Claims and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Arthur M. Sherman *v.* The United States (H. Doc. No. 1063); to the Committee on War Claims and ordered to be printed.

3. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John J. Carter *v.* The United States (H. Doc. No. 1064); to the Committee on War Claims and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William G. Drake *v.* The United States (H. Doc. No. 1065); to the Committee on War Claims and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Samuel S. Irwin *v.* The United States (H. Doc. No. 1066); to the Committee on War Claims and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William F. Ruby *v.* The United States (H. Doc. No. 1067); to the Committee on War Claims and ordered to be printed.

7. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Margaret Beamenderfer, widow of John H. Beamenderfer, *v.* The United States (H. Doc. No. 1068); to the Committee on War Claims and ordered to be printed.

8. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William J. Cameron *v.* The United States (H. Doc. No. 1069); to the Committee on War Claims and ordered to be printed.

9. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Ethel I. Corby, daughter of Wesley B. Corby, deceased, *v.* The United States (H. Doc. No. 1070); to the Committee on War Claims and ordered to be printed.

10. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary C. Huston, widow of Cunningham Huston, deceased, *v.* The United States (H. Doc. No. 1071); to the Committee on War Claims and ordered to be printed.

11. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of James B. Jewett *v.* The United States (H. Doc. No. 1072); to the Committee on War Claims and ordered to be printed.

12. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Adolph Dobke, son of Adolphus Dobke, *v.* The United States (H. Doc. No. 1073); to the Committee on War Claims and ordered to be printed.

13. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Emma H. Fish, widow of Arthur H. Fish, *v.* The United States (H. Doc No. 1074); to the Committee on War Claims and ordered to be printed.

14. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Isaac R. Sherwood *v.* The United States (H. Doc. No. 1075); to the Committee on War Claims and ordered to be printed.

15. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Postmaster General submitting estimates of appropriations for the service of the Post Office Department and for the Postal Service, payable from the postal revenues, being for the fiscal year ending June 30, 1916, and for prior years (H. Doc. No. 1076); to the Committee on Appropriations and ordered to be printed.

16. A letter from the chairman of the Public Utilities Commission of the District of Columbia, transmitting balance sheets of public-utilities corporations for the year ending December 31, 1915, which were received by the commission subsequent to February 1, 1916; also affidavits of the Washington & Maryland Railway Co. and the Washington Interurban Railway Co. certifying that they were unable to furnish the required report within the time fixed by law (H. Doc. No. 646); to the Committee on the District of Columbia and ordered to be printed.

17. A letter from the Secretary of Commerce, transmitting information regarding estimate of appropriations for the Coast and Goedetic Survey for the fiscal year ending June 30, 1917 (H. Doc. No. 1077); to the Committee on Appropriations and ordered to be printed.

18. A letter from the Acting Secretary of the Treasury, submitting a tentative draft of legislation, to enable the department to increase the limit of number of delivered sheets of customs stamps, checks, drafts, and miscellaneous work to be executed by the Bureau of Engraving and Printing during the present fiscal year (H. Doc. No. 962, pt. 2); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HUMPHREYS of Mississippi, from the Committee on Flood Control, to which was referred the bill (H. R. 14777) to provide for the control of the floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes, reported the same without amendment, accompanied by a report (No. 616), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 14386) granting an increase of pension to Mary R. Bacon, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills were introduced and severally referred as follows:

By Mr. CLARK of Florida: A bill (H. R. 15194) to confer jurisdiction upon the Court of Claims to hear, try, and determine claims for the refund of money paid for taxes on cotton under the acts of Congress approved, respectively, on July 1, 1862; March 7, 1864; July 13, 1866; and March 2, 1867, and to grant to either party the right to enter appeal or prosecute writ of error to the Supreme Court of the United States from the decision of the said Court of Claims; to the Committee on War Claims.

By Mr. CARTER of Oklahoma: A bill (H. R. 15195) to create the joint commission to investigate Indian affairs; to the Committee on Indian Affairs.

By Mr. OVERMYER: A bill (H. R. 15196) to provide for the erection of a public building at Norwalk, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. BROWNE: A bill (H. R. 15197) to establish a fish hatchery in the State of Wisconsin or the northern peninsula of Michigan; to the Committee on the Merchant Marine and Fisheries.

By Mr. HOUSTON: A bill (H. R. 15198) to confer additional authority upon the President of the United States in the construction and operation of the Alaskan Railroad, and for other purposes; to the Committee on the Territories.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 15199) granting an increase of pension to Lilly Ann Newberry; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 15200) granting an increase of pension to John Shadinger; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 15201) granting an increase of pension to Elizabeth Botimer; to the Committee on Invalid Pensions.

By Mr. CONRY: A bill (H. R. 15202) granting a pension to James Shortell; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 15203) granting an increase of pension to William F. Wolvin; to the Committee on Invalid Pensions.

By Mr. DILL: A bill (H. R. 15204) granting an increase of pension to Chancey A. Mead; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 15205) granting an increase of pension to W. Epps; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 15206) granting an increase of pension to John I. Bovee; to the Committee on Invalid Pensions.

By Mr. HELVERING: A bill (H. R. 15207) granting a pension to Asa C. Wood; to the Committee on Pensions.

By Mr. HILLIARD: A bill (H. R. 15208) for the relief of J. M. Essington; to the Committee on Military Affairs.

By Mr. LAZARO: A bill (H. R. 15209) for the relief of the heirs or legal representative of Eugene Sennette, deceased; to the Committee on War Claims.

By Mr. McCULLOCH: A bill (H. R. 15210) for the relief of David B. Turnipseed; to the Committee on Military Affairs.

By Mr. OAKEY: A bill (H. R. 15211) granting an increase of pension to Eliza N. Oliver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15212) granting an increase of pension to Mary A. Parsons; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 15213) granting a pension to Mary Burkhart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15214) granting an increase of pension to Dillon Collett; to the Committee on Pensions.

Also, a bill (H. R. 15215) granting an increase of pension to Columbus C. Logan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15216) granting a pension to Walter G. Abner; to the Committee on Pensions.

Also, a bill (H. R. 15217) granting a pension to Stephen Standafer; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 15218) granting an increase of pension to Mary Chadwick; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 15219) granting an increase in pension to Albert P. Jackson; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 15220) granting an increase of pension to St. Clair Fechner; to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 15221) granting a pension to Samuel W. Williams; to the Committee on Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 15222) granting an increase of pension to Patrick F. Corron; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 15223) granting an increase of pension to Joseph Wardle; to the Committee on Invalid Pensions.

By Mr. TILLMAN: A bill (H. R. 15224) granting a pension to Clarence Matchett, alias Harry J. Reed; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Sons of the Revolution in the District of Columbia, favoring erection of building to hold archives of the Federal Government; to the Committee on Public Buildings and Grounds.

Also (by request), memorial of Commercial Club of Kansas City, favoring a permanent nonpartisan tariff commission; to the Committee on Ways and Means.

By Mr. ANTHONY: Letters signed by Rev. C. A. Aldeen, G. Lagerborg, C. G. Carlson, John Martinson, S. Olson, Fred Johnson, Fred Carlson, and J. A. Lundgren, all of Topeka, Kans., favoring an embargo on shipment of munitions to European belligerents; to the Committee on Foreign Affairs.

By Mr. BAILEY: Petitions from the following citizens of New York, Pennsylvania, Missouri, Maryland, New Jersey, Connecticut, Delaware, and West Virginia: Herbert Quick, Berkeley Springs, W. Va.; P. J. Gernsey, 821 Melrose Avenue, Pittsburgh, Pa.; F. W. Schomacker, 3836 California Avenue, N. S.; P. R. Williams, 2128 Pierport Avenue, Pittsburgh, Pa.; John Salmon, 2502 East Erdman Avenue, Baltimore, Md.; Morris Shuger, 135 South Patterson Street, Baltimore, Md.; E. Wright Taylor, 709 Scaritt Building, Kansas City, Mo.; Joseph A. Trist, 709 Scaritt Building, Kansas City, Mo.; John P. Gilerm, 709 Scaritt Building, Kansas City, Mo.; C. Randall Sparks, 709 Scaritt Building, Kansas City, Mo.; William Troff, 709 Scaritt Building, Kansas City, Mo.; F. J. Engleman, 718 K. C. Life Building, Kansas City, Mo.; F. A. Smith, 821 Lathrop Building, Kansas City, Mo.; Benjamin Lubscez, 200 Reliance Building, Kansas City, Mo.; Charles A. Summer, 3110 Olive Street, Kansas City, Mo.; H. O. Learyond, 2600 Charlotte, Kansas City, Mo.; H. V. Dewee, Kansas City Star, Kansas City, Mo.; H. S. Haskell, Kansas City Star, Kansas City, Mo.; A. F. Wilcox, 502 Dwight Building, Kansas City, Mo.; Solomon Choen, 1525 Walnut Street, Philadelphia, Pa.; C. F. Taylor, 1520 Chestnut Street, Philadelphia, Pa.; Edwin F. Potter, Arden, Del.; Earl L. Broadbent, Arden, Del.; Mabel T. Priestman, Arden, Del.; Albert Priestman, Arden, Del.; Elnor G. Stevent, Arden, Del.; Cora L. Potter, Arden, Del.; Margaret Broadbent, Arden, Del.; L. B. Ware, Arden, Del.; L. S. Stephens, Arden, Del.; Percey Russell, Arden, Del.; H. M. Ware, Arden, Del.; Ferdinand Roth, 69 Wall Street, New York; Alfred Taylor, Mount Cuba, Del.; A. R. Taylor, 415 Shipley Street, Wilmington, Del.; B. du Pont, Greenville, Del.; F. Jay Manrada, 5214 Race, Philadelphia, Pa.; Ralph G. Miller, Audubon, N. J.; Edward F. Miller, Audubon, N. J.; R. Carl Aichl, 2960 Bailey Street, Philadelphia, Pa.; Horace D. Newson, 122 East Seventy-sixth Street, New York; George E. Mathews, 122 East Seventy-sixth Street, New York; J. L. Ward, 122 East Seventy-sixth Street, New York; B. S. Merrell, 118 Bryant Street, Rahway, N. J.; C. Lengel, 1356 University Avenue, city; Le Mayne F. Cox, 603 West One hundred and thirty-eighth Street, city; V. E. Williams, 501 West One hundred and twenty-fourth Street, city; J. V. B. Parkes, 117 Verona Avenue, Newark, N. J.; Frederick Sleaster, 60 Wall Street, New York; B. S. Williams Manufacturing Co., 118 South Sixth Street, Philadelphia, Pa.; F. G. Garrigues, 6806 West Eleventh Street, Philadelphia; and J. F. Hogeland, Wyncote, Pa., asking for the speedy passage of House bill 13281, which provides for amending the tariff so as to admit free the products of any American country which will admit our products free; to the Committee on Ways and Means.

By Mr. BURKE: Memorial of St. Paul's Church, of Elkhart Lake, and 80 citizens of Beechwood and Boltonville, Washington County, and citizens of Silver Creek, Sheboygan County, all in the State of Wisconsin, against United States entering the European war; to the Committee on Foreign Affairs.

By Mr. CHARLES: Petition of 1,160 citizens of the thirtieth New York congressional district upholding the policy of the President as set forth in his last note to Germany; to the Committee on Foreign Affairs.

Also, petitions of sundry citizens of the thirtieth district of New York against war with Germany on the submarine issue; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Memorial of Friends of Peace of Essex County in re foreign relations; to the Committee on Foreign Affairs.

Also, memorial of Central Labor Union of Brooklyn, N. Y., indorsing Senate bill 3081 and House bill 6915; to the Committee on the Post Office and Post Roads.

Also, memorial of United Association of Plumbers and Steam Fitters in re labor conditions in the Canal Zone; to the Committee on Labor.

Also, memorial of "Plattdeutscher Volksfest-Verein" of New York, opposing war with Germany; to the Committee on Foreign Affairs.

By Mr. DAVIS of Texas: Memorial of the Progressive Farmer in re rural credits; to the Committee on Agriculture.

By Mr. ESCH: Petition of the Christ Congregation of Burr Oak and Fred E. Luetke and 85 others of Norwalk, Wis., protesting against a break in diplomatic relations with Germany; to the Committee on Foreign Affairs.

By Mr. FLYNN: Memorial of General Jacob H. Smith Post No. 83, Veterans of Foreign Wars of the United States, relative to salaries of headquarters and quartermaster clerks; to the Committee on Military Affairs.

By Mr. HILL: Memorial of board of education of New Haven, Conn., in favor of the Smith-Hughes vocational educational bill; to the Committee on Education.

By Mr. HILLIARD: Petition of Charles A. Jackson and 33 others of Denver, Colo., favoring preparedness; to the Committee on Military Affairs.

By Mr. KELLEY: Petition of sundry citizens and organizations of the State of Michigan, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 327 citizens of the sixth congressional district of Michigan, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LOUD: Petition of C. H. Anschutz and 26 other citizens of Tawas City, Mich., protesting against any declaration of war with Germany; to the Committee on Foreign Affairs.

By Mr. MAPES: Petitions of sundry citizens and organizations of the State of Michigan, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MILLER of Pennsylvania: Petition of 57 citizens of Oil City, Pa., against passage of the juvenile court bill, House bill 13048; to the Committee on the District of Columbia.

By Mr. MORIN: Petition of Edward Rynealson, of Pittsburgh, Pa., in favor of appropriation for United States Bureau of Education; to the Committee on Education.

Also, petition of John Grey Council, No. 249, O. of I. A., of Pittsburgh, Pa., in favor of increasing the strength of the Army and Navy; to the Committee on Military Affairs.

Also, petition of Herrmann, Aukam & Co., of Lebanon, Pa., opposed to congressional legislation for purpose of barring use of stop watches, etc., in Government plants and Government work; to the Committee on Labor.

Also, petition of Eugene S. Reilly, president Real Estate Board of Pittsburgh, Pa., in favor of reconsideration of bill

granting permission to build proposed power plant in close proximity to Mall, in the District of Columbia, and selection of a site having the approval of Fine Arts Commission; to the Committee on the District of Columbia.

Also, petition of Philanthropic Committee of Philadelphia Yearly Meeting of Friends, Philadelphia, Pa., protesting against any increase in the military and naval forces of the United States; to the Committee on Military Affairs.

Also, petition of Committee on Provision for the Feeble-Minded, Philadelphia, Pa., in favor of House bill 13666; to the Committee on the District of Columbia.

Also, petition of Union League Club, of Chicago, Ill., in favor of adequate preparedness of Army and Navy; to the Committee on Military Affairs.

Also, petition of Baird Holberstadt, of Pottsville, Pa., in favor of House bill 10615; to the Committee on Naval Affairs.

Also, petition of the International Council for Patriotic Service, New York City, favoring constitutional amendment forbidding polygamy in the States and Territories of the Union; to the Committee on the Judiciary.

By Mr. OAKEY: Memorial of Sons of Veterans of United States Army in encampment September, 1915, indorsed by the C. A. Stedman Camp, of Hartford, Conn., favoring adequate national defense; to the Committee on Military Affairs.

Also (by request), memorial of District of Connecticut of the North American Gymnastic Union in annual convention, to preserve peace in United States; to the Committee on Foreign Affairs.

By Mr. OVERMYER: Petitions of 75 merchants of the thirteenth Ohio district, favoring bills taxing mail-order houses; to the Committee on Ways and Means.

By Mr. RAINEY: Petition of F. J. Trunnells and others, of White Hall, Ill., relative to migratory-bird law; to the Committee on Agriculture.

Also, petition of Ellen L. Rupert and others, of Rockport, Ill., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of W. F. Broeker and others, of Beardstown, Ill., against the Taylor system; to the Committee on Labor.

By Mr. RANDALL: Petition of Methodist Episcopal Church of Whittier, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SLAYDEN: Petition of citizens of Texas, protesting against tendency to involve the United States in war; to the Committee on Foreign Affairs.

By Mr. SMALL: Petition of 33 people of Washington, Presbyterian Church of Washington, Ladies' Aid Society of Washington, and 33 people of Washington, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Idaho: Papers to accompany House bill 14902, to provide for the erection of a Federal building at Bonners Ferry, Idaho; to the Committee on Public Buildings and Grounds.

Also, papers to accompany House bill 15148, granting an increase of pension to Nelson Hart; to the Committee on Invalid Pensions.

By Mr. SMITH of Minnesota: Petition of Oliver & Leasure Lumber Co., H. W. Ross Lumber Co., Boyd Transfer & Storage Co., Morgan Gerrish Co., W. B. & W. G. Jordan Co., Hutchinson Dry Goods Co., S. G. Palmer Co., Northwestern Fur & Hide Co., and other leading business men, all of Minneapolis, Minn., urging equalization of postal rates; to the Committee on the Post Office and Post Roads.

By Mr. STINESS: Petition of Pomona Grange, of Washington County, R. I., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of German-American Alliance of Rhode Island, favoring resolutions to compel right to send Red Cross supplies to belligerents; to the Committee on Foreign Affairs.

Also, petition of Pomona Grange, of Washington County, R. I., favoring Government ownership of telephone and radio means of communication; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Petition of the board of education of New Haven, Conn., urging passage of House bill 11250, vocational education bill; to the Committee on Education.

By Mr. TIMBERLAKE: Petition of citizens of Boulder County, Colo., against compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of citizens of Boulder County, Colo., against certain bills pending before the Committee on the Post Office and Post Roads; to the Committee on the Post Office and Post Roads.

SENATE.

MONDAY, *May 1, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee as seekers after truth in the midst of a struggle for the supremacy of the truth. Thou hast put this passion within us, and Thy sanction makes it dearer to us than life itself. No institutions shall tempt us from this path. No lure of this world, whether it is voiced by expediency or otherwise, shall rob us of that oneness of purpose that looks for the establishment of truth on earth.

Our Lord, who is the Prince of Peace, is the King of Truth. We come to pray that Thou wilt increase within us ever this passion so that we may follow after God's great plan, knowing that at the end if we are true to the revelations of Thy changeless will we shall establish order and happiness and bring blessing to our fellow men. Help us in our divine enterprise. For Christ's sake. Amen.

The Journal of the proceedings of Saturday last was read and approved.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Nelson	Smoot
Bankhead	Gronna	Norris	Sterling
Beckham	Harding	Oliver	Stone
Brady	Hollis	Overman	Sutherland
Brandegee	Husting	Page	Swanson
Broussard	James	Pittman	Taggart
Chamberlain	Johnson, Me.	Poindexter	Tillman
Chilton	Johnson, S. Dak.	Pomerene	Underwood
Clapp	Jones	Ransdell	Vardaman
Clark, Wyo.	Kenyon	Robinson	Wadsworth
Colt	Kern	Saulsbury	Walsh
Culberson	La Follette	Shafroth	Warren
Cummins	Lane	Sheppard	Williams
Curtis	Lee, Md.	Sherman	Works
Dillingham	Lodge	Simmons	
du Pont	Martine, N. J.	Smith, Ariz.	
Fall	Myers	Smith, Ga.	

Mr. SHAFROTH. I desire to announce the necessary absence to-day of my colleague [Mr. THOMAS].

Mr. CHILTON. I wish to announce the absence of my colleague [Mr. GOFF] on account of illness. I will let this announcement stand for the day.

Mr. MARTINE of New Jersey. I desire to announce the unavoidable absence on public business of my colleague [Mr. HUGHES], and also to announce the unavoidable absence of the Senator from Kansas [Mr. THOMPSON].

Mr. KERN. I wish to announce the unavoidable absence on official business of the senior Senator from Florida [Mr. FLETCHER], and also the unavoidable absence, on account of illness, of the junior Senator from Illinois [Mr. LEWIS]. This announcement may stand for the day.

The VICE PRESIDENT. Sixty-five Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 4856) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 15048) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 2290. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Elsie McCaulley from Glenwood Cemetery, District of Columbia, to Philadelphia, Pa.;

S. 3769. An act to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907;

S. 4876. An act to provide for an increase in the number of cadets at the United States Military Academy; and

S. J. Res. 63. Joint resolution authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial fountain to Alfred Noble.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of Typographical Union No. 13, of Boston, Mass., praying for Government ownership of telephone and telegraph systems, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Chamber of Commerce of Honolulu, Hawaii, praying for the establishment of experimental stations in engineering and in other branches of mechanic arts in connection with the colleges established in the several States and Territories, which was referred to the Committee on Education and Labor.

He also presented a memorial of the W. F. Assau Canning Co., of Baltimore, Md., remonstrating against war talk, which was referred to the Committee on Foreign Relations.

Mr. SHAFROTH. I have a petition here from the East Side Woman's Christian Temperance Union, of Colorado Springs, Colo., which I ask to be read at the desk.

There being no objection, the petition was read and ordered to lie on the table, as follows:

Hon. JOHN F. SHAFROTH.

DEAR SIR: We, the women of the East Side Woman's Christian Temperance Union, of Colorado Springs, Colo., ask you to have the following resolutions read into the records of the Senate:

"*Resolved*, That we, the East Side Woman's Christian Temperance Union, of Colorado Springs, urge Congress to pass immediately on to the State legislatures for ratification the Sutherland-Mondell woman-suffrage amendment.

"We urge this as citizens who enjoy political freedom and who appreciate the value of being voting citizens in a Republic.

"We urge this because we have come to see that it is one of our first duties to rise above claims of partisanship and use all our political power to raise the women of our country to a plane of equality with ourselves."

Mrs. ANNA MITCHELL, *President*.
Mrs. HUGH SHILLADY, *Secretary*.

Mr. GALLINGER presented the petition of Elizabeth Reidell, of Manchester, N. H., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

He also presented the petitions of J. M. Johnston, of Rochester, N. Y., and the petition of Charles W. Whitcomb, of New York City, N. Y., praying for an investigation into the practice of vivisection, which were referred to the Committee on Agriculture and Forestry.

Mr. STERLING presented petitions of sundry citizens of South Dakota, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. OLIVER presented a petition of the Chiropody Society of Pennsylvania, of Philadelphia, Pa., praying for the enactment of legislation to regulate the practice of podiatry or chiropody in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Allegheny County Grand Army Association, of Pittsburgh, Pa., remonstrating against the enactment of legislation to provide homes for Confederate veterans of the Civil War, which was referred to the Committee on Military Affairs.

He also presented a petition of General Henry W. Lawton Post, No. 2, Veterans of Foreign Wars of the United States, of Philadelphia, Pa., praying for the enactment of legislation to grant pensions to widows and children of veterans of the Spanish-American War, which was ordered to lie on the table.

He also presented memorials of sundry granges of Pennsylvania, remonstrating against an increase in armaments, which were ordered to lie on the table.

He also presented petitions of sundry granges of Pennsylvania, praying for Government ownership of telephone and telegraph systems, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry patriotic societies of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Mercer and Crawford Counties, in the State of Pennsylvania, praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

Mr. WADSWORTH presented a petition of the Merchants' Association of New York City, N. Y., praying for an appropriation for the maintenance and extension of the pneumatic-tube mail-delivery system, which was referred to the Committee on Post Offices and Post Roads.

Mr. HARDING presented a memorial of the Greater Dayton Association, of Dayton, Ohio, remonstrating against the proposed location of a power plant in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Cincinnati, Ohio, praying for an appropriation for the extension and development of the Bureau of Foreign and Domestic Commerce, which was referred to the Committee on Appropriations.

Mr. DU PONT presented petitions of sundry citizens of Harrington, Del., praying for prohibition in the District of Columbia, which were ordered to lie on the table.

Mr. JONES presented a memorial of sundry citizens of Wapato, Wash., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PHELAN presented a petition of Captain Charles Young Camp, No. 6, Department of Columbia, United Spanish War Veterans, of Vallejo, Cal., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

He also presented a petition of Local Union No. 144, Typographical Union, of Fresno, Cal., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Veterans' Home, Cal., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Pedic Society of the State of California, praying for the enactment of legislation to regulate the practice of podiatry and chiropody in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. WADSWORTH presented petitions of sundry citizens of New York, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of New York, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of New York, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Rochester, N. Y., praying for the enactment of legislation to prohibit the sending of advertisements of intoxicating liquor through the mails, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Rochester, N. Y., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Rochester, N. Y., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Rochester, N. Y., praying for the enactment of legislation to prohibit appropriations for sectarian purposes, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Rochester, N. Y., praying for the enactment of legislation to prohibit the interstate transportation of obsence motion-picture films, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Rochester, N. Y., praying for the enactment of legislation to prohibit interstate transmission of race-track gambling odds and bets, which was referred to the Committee on Interstate Commerce.

THE DISTRICT JUVENILE COURT.

Mr. CULBERSON, from the Committee on the Judiciary, to which was referred the bill (H. R. 8348) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia," and for other purposes, asked to be discharged from its further consideration and that it be referred to the Committee on the District of Columbia; which was agreed to.

ASSIGNMENT OF RITTMAN PATENT.

Mr. JAMES. I report back favorably without amendment from the Committee on Patents the joint resolution (S. J. Res. 125) to authorize the Secretary of the Interior to accept assignment of patent for improvements in the manufacture of gasoline, and for other purposes, and I ask for its present consideration.

Mr. SMOOT. Let it be read.

The VICE PRESIDENT. The Secretary will read the joint resolution.

The Secretary read the joint resolution as follows:

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized to accept as trustee for the use and benefit of the people of the United States assignment from Walter F. Rittman of his entire right and title, or of any lesser interest, in, to, and under any letters patent of the United States which may be granted to said Rittman under applications Nos. 29019 and 29020 for patents for certain improvements in the manufacture of gasoline, benzene, toluene, etc., in so far as said applications or the letters patent issued thereunder cover and embrace the manufacture of such products from materials produced and manufactured within the United States, and the said Secretary of the Interior, or his successors, is hereby authorized to grant such licenses and take such steps as may be necessary to make such processes available to the people of the United States: *Provided*, That the Secretary of the Interior shall also be authorized to accept the assignment of any right, title, or interest in or to any patent issued upon any device, improvement, process, equipment, apparatus, or other matter or thing developed by any licensee in the use of the said Rittman processes.

SEC. 2. That the Secretary of the Interior is authorized to perform any and all acts and to make such rules and regulations as may be necessary to carry this resolution into effect.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. JAMES. I ask unanimous consent to have incorporated in the RECORD as explanatory of the joint resolution a letter addressed to me from the Secretary of the Interior, Mr. Lane; also a letter addressed to me from the Commissioner of Patents, Mr. Thomas Ewing; together with a letter from the Director of the Bureau of Mines, Mr. Manning, giving an explanation of the application of the law and inclosing copies of the assignment of the patent by Dr. Rittman and of the license issued by the department.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 21, 1916.

Hon. OLLIE M. JAMES,
Chairman Committee on Patents, United States Senate.

MY DEAR SENATOR: In accordance with your oral request to Mr. Manning, I am sending you herewith a proposed joint resolution which this department desires to have passed, and a justification therefor. The resolution is for the purpose of vesting in the Secretary of the Interior, as trustee for the people of the United States, all rights and interest in any patents which may be secured by Dr. Walter F. Rittman under applications Nos. 22019 and 22020, for patents for certain improvements in the manufacture of gasoline, benzene, and toluene, etc.

The Rittman processes for the production of gasoline, and of benzene and toluene, have been proven commercially practicable, but in the further commercial development of these processes improvements will undoubtedly be made. It is quite possible that some of these improvements may render still more successful and economical the operation of the processes, and if any concern making use of the processes is to be allowed to patent in its own name the improvements that may be developed the result may be the establishment of a virtual monopoly in the hands of the concern securing such patents.

Dr. Rittman, prior to his resignation from the service of the Bureau of Mines on March 31 last, assigned to the Secretary of the Interior all his patent rights in these processes. If Congress is willing, through the joint resolution referred to, to authorize the Secretary of the Interior to accept this assignment of the Rittman processes patents, the public welfare can be adequately protected through a condition imposed upon licenses of the processes, requiring that all improvements developed in their operation shall be patented in the name of the Secretary of the Interior. Unless the authority asked for in this resolution is given to the Secretary of the Interior, he can not accept the assignment of the Rittman patent rights, and these rights may revert to Dr. Rittman or to the private parties or corporations to whom he may assign them.

In view of the serious situation in regard to gasoline and the promise in the Rittman processes of an increased production, it seems to me that early congressional action along the lines of this resolution is highly desirable.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

DEPARTMENT OF THE INTERIOR,
UNITED STATES PATENT OFFICE,
Washington, D. C., April 21, 1916.

Hon. OLLIE M. JAMES,
United States Senate.

DEAR SIR: Hon. Van. H. Manning, Director of the Bureau of Mines, has transmitted to me your request that I advise you as to my views on the proposed joint resolution to authorize the Secretary of the Interior to accept assignment of patent for improvements in the manufacture of gasoline, and for other purposes, arising out of the question of proper handling of the Rittman patents.

I approve the resolution as submitted, and hope it may pass.

Respectfully,

THOMAS EWING, *Commissioner.*

DEPARTMENT OF THE INTERIOR,
BUREAU OF MINES,
Washington, April 29, 1916.

Hon. OLLIE M. JAMES,
Chairman Committee on Patents,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In connection with Senate joint resolution 125, "to authorize the Secretary of the Interior to accept assignment of patent for improvements in the manufacture of gasoline, and for other purposes," I am sending you herewith certain supplemental information. In order that the justification furnished you for the resolution and Secretary Lane's letter may not convey the impression that Dr. Rittman is to assign all right and title in his processes to the Secretary of the Interior, I am writing you to say that Dr. Rittman is to assign all right and title in his inventions in so far as the same may apply to oils produced in the United States, but will retain all foreign rights and the right to use his processes on oils imported into the United States. I am inclosing a substitute copy of the justification, which has been modified (p. 1, par. 2) in this particular; also copy of the assignment executed by Dr. Rittman.

As stated in the justification and in Secretary Lane's letter to you, the Rittman processes promise to be of great value to the people of the United States. For example, the gasoline process seems certain greatly to increase the gasoline yield of the oil supply of the United States. The crude oils produced in this country have a normal gasoline content of from 5 to 25 per cent with ordinary refining processes. The average gasoline yield of United States oils is somewhere in the neighborhood of 15 per cent. The Rittman cracking process will increase this yield to 45 per cent by running the residuum through the still once, and by taking the remaining products heavier than gasoline and running them back through the still until no more gasoline can be obtained the total gasoline yield can be increased to 75 per cent. The importance of thus increasing the gasoline yield of the average oil of the United States 400 per cent above the yield by ordinary refining processes can hardly be overstated.

The desire of the petroleum industry to use this gasoline process has been so great and so many applications have been received for permission to use the process without waiting for the issuance of a patent that the department has issued a number of licenses for such use pending the granting of the patent and the assignment of the patent rights to the Secretary. I inclose a license form similar to those which have been issued. The list of licensees is as follows:

1. Germania Refining Co., Oil City, Pa.
2. Pure Oil Co., Minneapolis, Minn.
3. Pittsburgh Oil Refining Co., Coraopolis, Pa.
4. Indian Refining Co., Lawrenceville, Ill.
5. Midwest Refining Co., Casper, Wyo.
6. American Oilfields Co. of California, I. W. Fuqua, Fellows, Cal.
7. J. C. McDowell, 1321 Farmers' Bank Building, Pittsburgh, Pa.
8. Associated Oil Co., San Francisco, Cal. (Sharon Building).
9. Benolite Co., Pittsburgh, Pa.
10. Premier Oil Co., T. Spellacy, Los Angeles, Cal.

In addition to these, applications for licenses are pending and some further licenses are about to be issued.

If there is any further information which I can furnish you in connection with this matter, I should consider it a privilege to do so.

Very truly, yours,

VAN. H. MANNING, *Director.*

JUSTIFICATION FOR PROPOSED JOINT RESOLUTION TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ACCEPT ASSIGNMENT OF PATENTS FOR IMPROVEMENTS IN THE MANUFACTURE OF GASOLINE, AND FOR OTHER PURPOSES.

Dr. Walter F. Rittman, an employee of the Bureau of Mines, invented processes for the production of gasoline, benzene, and toluene from crude or other oils. These processes, properly developed, seem certain to prove of immense value to the people of the United States. How shall the patents be handled in order to insure maximum benefit to the public? Shall they be held in the name of the public or in the name of some public officer acting as trustee for the public, with power to protect the public's interests?

Dr. Rittman desires that the benefit of his inventions, so far as they may be applied to oils produced in the United States, shall inure to the people of the United States, and, in general, discoveries made in the course of employment by the United States should be the property of the United States, except, perhaps, as to foreign rights.

The suggestion that the patents be held in the name of the general public is subject to a serious objection. It does not insure that improvements upon the processes shall also be the property of the public. Where a patentable process or device is of such a nature that improvements are not likely to be made upon it or apparatus need not be devised for its use, the patent may well be placed in the name of the public, and this course has been followed by the Bureau of Mines with regard to certain inventions by its employees. However, in a matter so complex as the refining of petroleum, the further development of a process or of an apparatus for its carrying on may be almost, if not quite, as important as the original invention itself. It is conceivable, for example, that if the Rittman processes were assigned to the general public some one might devise improvements upon them or upon the apparatus for their operation, and by patenting these improvements deprive the public of the major benefits which might otherwise flow from the Rittman inventions.

Thus it seems wisest to have the Rittman patents so held that some trustee for the people shall have authority to issue licenses for the use of the processes under terms which will give a maximum of protection to the public. For example, it is the plan with regard to these patents to authorize their use only upon condition that the details of the commercial working out of the processes shall be available to the Bureau of Mines for publication whenever desirable; that the bureau shall be informed of improvements in the processes or in plant or apparatus for their operation; and that all such improvements which are patentable shall be assigned to the trustee for the people in the same manner as the original processes.

The Secretary of the Interior, as the head of the department in which the processes were developed and in which the administration of the patents should be carried on, is the most logical trustee for the people. Dr. Rittman, who has resigned from the Bureau of Mines, has executed an assignment of his patents to the Secretary of the Interior, and the proposed joint resolution would authorize the Secretary to accept this assignment. It is important that the joint resolution be passed, since the assignment, by its own terms, becomes void if the Secretary of the Interior remains without legal authority to accept it. Thus, if the Secretary has not authority to accept an assignment of these patents, all rights in them will revert to Dr. Rittman, and the public will be deprived of the maximum benefits from these important inventions.

Whereas Walter F. Rittman, residing in the State, county, and city of New York, having invented certain improvements in the manufacture of gasoline, benzol, and toluene, and being desirous of obtaining full, exact, and scientific data, and data required for the adaptation of his improvement to commercial purposes, prior to carrying out his intention of dedicating to the people of the United States the enjoyment and use of said improvements, he entered the employment of the Bureau of Mines of the Department of the Interior; and

Whereas the said Walter F. Rittman has filed applications for letters patent of the United States as follows: For the manufacture of benzene, toluene, etc., filed May 18, 1915, Serial No. 29019; and for the manufacture of gasoline, filed May 18, 1915, Serial No. 29020; and is now desirous of carrying out his original intention of dedicating the improvements described in said applications to the people of the United States for their use and benefit except as hereinafter specified.

Now these presents witness, for and in consideration of the sum of $1, to him in hand paid, the receipt of which is hereby acknowledged, the said Walter F. Rittman has sold, assigned, and transferred, and does hereby sell, assign, and transfer to Franklin K. Lane, Secretary of the Interior, and his successors in office, as trustee or trustees in trust for the use and benefit of the people of the United States, all his right, title, and interest in and to the invention described and claimed in said applications, Serial Nos. 29019 and 29020, and in, to, and under any letters patent of the United States which may be granted on said applications, except as hereinafter provided, to own and control said patents and to grant licenses under said patents when issued to such party or parties and upon such terms as said trustee or trustees may deem proper, save and except as to the use of the inventions aforesaid for the treatment of hydrocarbon materials imported into the United States, to prevent the use of the inventions described and claimed in said patents, or either of them, by parties other than the licensees, by bringing suit or suits for infringement against any and all unlicensed users of such inventions, and to do all acts that said trustee or trustees may deem proper in carrying out the intention of said Walter F. Rittman, to encourage the proper practice of the inventions described and claimed in said applications.

The said Walter F. Rittman expressly reserves to himself and to his heirs, legal representatives, and assigns the right to use the inventions described in said applications without liability in any manner whatsoever on his part, or on the part of his heirs, legal representatives, or assigns, for infringement of letters patent granted on said applications, and the right to prosecute said pending applications, Serial Nos. 29019 and 29020, to the issue of letters patent thereon, and the right to apply for, obtain, and control and own letters patent in countries other than the United States. And further, the said Walter F. Rittman, his heirs, legal representatives, and assigns, shall have the right to bring suit in the name of the trustee for infringement of patents granted on said applications, or either of them, against any party or parties employing the inventions described in said applications in the treatment of hydrocarbon materials imported into the United States, and the acceptance of this assignment by the said Franklin K. Lane as trustee shall confer upon the said Rittman, his heirs, legal representatives, and assigns, the right to use the name of the said Franklin K. Lane, and his successors in office, as trustee or trustees for such purpose.

In case the said Franklin K. Lane, or his successors in office, is not empowered to execute the trust herein provided, and the same shall lapse for lack of authority so to execute, this assignment shall become null and void, and the entire right, title, and interest in and to the inventions described in said applications, and in, to, and under any letters patent granted on said applications shall vest in the said Walter F. Rittman, his heirs, legal representatives, and assigns.

In case licenses are granted under patents issued on said applications, or either of them, subject to the payment of royalties or other considerations, such royalties or considerations shall be payable to the said Walter F. Rittman or his assigns.

The Commissioner of Patents is hereby authorized and requested to issue letters patent on said applications, Serial Nos. 29019 and 29020, to the said Walter F. Rittman, in his name, the title to said patents to vest immediately on issue in said Franklin K. Lane, Secretary of the Interior, and his successors, in trust for the benefit of the people of the United States, subject to terms and conditions hereinbefore specified.

In testimony whereof the said Walter F. Rittman has hereunto set his hand this 29th day of March, 1916.

WALTER F. RITTMAN.

Signed in the presence of—
CLARENCE B. DUTTON,
DARWIN S. WOLCOTT.

STATE OF NEW YORK, *County of New York, ss:*

On this 30th day of March, 1916, before me personally appeared Walter F. Rittman, to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same.

[SEAL.] THOS. M. APPLEGARTH,
Notary Public No. 67, New York County,
New York Registered No. 7021.

My commission expires March 30, 1917.

LICENSE FOR USE OF THE RITTMAN PROCESS—NONEXCLUSIVE—WITHOUT ROYALTY.

This agreement, made and entered into in duplicate this — day of ——, A. D. 191—, between the Department of the Interior, acting in this behalf by Franklin K. Lane, Secretary of the Interior, hereinafter called the first party, and ——— ———, hereinafter called the second party, witnesseth that—

Whereas Walter F. Rittman, a chemical engineer in the employ of the first party, has discovered a new and valuable process for the manufacture of ——— from heavy liquid hydrocarbons (hereinafter referred to as the process); and

Whereas the second discovery is covered by pending application for letters patent; and

Whereas the second party is desirous of employing such process in advance of the issuance of a patent:

Now, therefore, the said first and second parties do hereby agree as follows:

1. The first party, in consideration of the covenants and agreements hereinafter contained to be observed and performed by the second party, hereby licenses and empowers the second party to use the said process, subject to the conditions hereinafter named, at ——— ——— factory in ——— ——— and in no other places.

2. The second party agrees that all devices, improvements, processes, equipment, apparatus, or development, or any matter or thing which may be necessary or desirable to be used in connection with the said process, originated by the second party, or by its agents or employees, during the life of this agreement shall be promptly and fully communicated to the first party, in order that letters patent thereon may be applied for in the discretion of the first party, the cost of obtaining such letters patent, including the Patent Office fees, to be paid by the second party.

3. The second party further agrees to transfer and assign, or cause to be transferred and assigned, to the Secretary of the Interior, as trustee for the public, all the right, title, and interest of said second party or its agents or employees in and to the aforesaid devices, improvements, processes, equipment, apparatus, development, matters, or things as regards the United States, and further agrees to assign and transfer, or cause to be transferred and assigned, all right, title, and interest, as aforesaid, as regards all countries or places outside of the United States to the said Walter F. Rittman, his heirs or assigns.

4. The second party further agrees not to make public in any way any details of the process which may be communicated to it or which it may learn by reason of the employment of such process without the prior obtained consent of the first party.

5. The second party further agrees to furnish the first party, upon request, with complete working plans and specifications of plant construction, equipment, apparatus, machinery, improvements, and devices of whatsoever nature or character used in the practice of or in connection with the aforesaid process, and furnish such party with such other pertinent information and records appertaining to the same as it may from time to time request.

6. The second party lastly agrees that the process aforesaid shall be used only in the treatment of liquid hydrocarbons produced in the United States of America: *Provided*, That the process may be employed in the treatment of foreign-produced oils in the United States upon payment to Walter F. Rittman, his heirs, or assigns, of a reasonable royalty to be mutually agreed upon between the said Rittman, his heirs, or assigns, and the second party.

7. The first party shall be at liberty to make public, from time to time, all such information concerning the development and use of the process in the aforesaid factory of the second party as it may consider of public benefit and essential to the working of the process by the people of the United States. No publication shall be made of any information acquired regarding the business and trade secrets of the second party other than as hereinabove provided.

8. The first party agrees to grant to the second party, upon the issuance of letters patents covering the aforesaid process, a license to employ such process in the treatment of petroleum oils or other liquid hydrocarbons produced in the United States, upon the same terms and conditions as the process may be permitted to be employed by any and all other persons in the United States.

9. It is further mutually understood and agreed that the first party, in its discretion, shall have the right to terminate this agreement for the use of said process upon violation of any of the substantial terms or conditions hereof or for nonuser for a period of not exceeding six calendar months. Waiver of any specific cause of forfeiture shall not be construed to prevent forfeiture for any other or like cause occurring thereafter.

In witness whereof, on the day and year first hereinbefore written, the parties hereto have subscribed their names and affixed their seals.

[SEAL.] ——— ———,
Secretary of the Interior.

[SEAL.] ——— ———.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HOLLIS:

A bill (S. 5800) to provide for the use of public-school buildings in the District of Columbia as community forums, and for other purposes; to the Committee on the District of Columbia.

By Mr. SMITH of Michigan:

A bill (S. 5801) granting an increase of pension to Delia Buel Lydecker; to the Committee on Pensions.

By Mr. JAMES:

A bill (S. 5802) to amend an act approved June 8, 1906, entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901"; to the Committee on the District of Columbia.

By Mr. WADSWORTH:

A bill (S. 5803) for the relief of Albert E. Keily; to the Committee on Claims.

A bill (S. 5804) granting an increase of pension to John Unferfate (with accompanying papers); to the Committee on Pensions.

By Mr. WALSH:

A bill (S. 5805) permitting the Riverview Ferry Co. to construct, maintain, and operate a bridge across the Yellowstone River, in the State of Montana; to the Committee on Commerce.

By Mr. RANSDELL (for Mr. SHIELDS):

A bill (S. 5806) granting a pension to Thomas Smith;

A bill (S. 5807) granting a pension to William D. Davis (with accompanying papers); and

A bill (S. 5808) granting a pension to Minta Jones (with accompanying papers); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 5809) granting an increase of pension to James D. Harris (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 5810) to regulate and control the manufacture, sale, and use of weights and measures, and to be known as the weights and measures act; to the Committee on Standards, Weights, and Measures.

By Mr. TAGGART:

A bill (S. 5811) granting a pension to Evalena Sharp;

A bill (S. 5812) granting an increase of pension to George R. Gibney;

A bill (S. 5813) granting an increase of pension to James Dunn;

A bill (S. 5814) granting an increase of pension to Richard M. Clark;

A bill (S. 5815) granting an increase of pension to John W. Johnston;

A bill (S. 5816) granting an increase of pension to Richard Scanland;

A bill (S. 5817) granting an increase of pension to Levi A. Walkle;

A bill (S. 5818) granting an increase of pension to Harvey Martin; and

A bill (S. 5819) granting an increase of pension to Lorenzo D. Ferguson; to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 5820) granting a pension to Charles H. Clay (with accompanying papers); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 5821) granting an increase of pension to Emil Schincke (with accompanying papers); and

A bill (S. 5822) granting an increase of pension to John F. Nichols (with accompanying papers); to the Committee on Pensions.

RURAL CREDITS.

Mr. STERLING submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes, which was ordered to lie on the table and be printed.

GOOD ROADS.

Mr. WALSH submitted an amendment intended to be proposed by him to the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter, which was ordered to lie on the table and be printed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. VARDAMAN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

TABLE OF IMPORTS.

Mr. GALLINGER. Mr. President, I beg to present a document, being a very carefully prepared table showing the increase of imports under the Underwood-Simmons tariff law in war times as compared with the imports under the Payne-Aldrich tariff law in times of peace.

It is a significant showing, and absolutely sets at rest the contention that the industrial interests of the country are as safe in the hands of the Democratic Party as the Republican Party. The truth is that had not the war in Europe occurred the imports would have been even greater than they have been during the period of the European conflict. But as it is the increase has been great enough to alarm the business interests of the country, and to serve as a warning of what will doubtless take place when the European war comes to a close. From present indications when that time arrives the Republican Party will again be in power, and a revision of the tariff that will adequately protect the interests of all classes of our people will be among the first acts of the new administration. The figures that I give are taken from official sources and are absolutely correct in every particular, and I ask unanimous consent that they be inserted in the RECORD without reading.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The table referred to is as follows:

Imports of merchandise and agricultural products from Oct. 1, 1913, to Oct. 1, 1914, the first year under the operation of the Underwood tariff law, compared with the same period in 1912–13, under the Payne tariff law.

Products.	1913–14 values.	1912–13 values.	Increase.	Per cent.
Aluminum, manufactures of	$1,489,917	$916,183	$573,734	.....
Automobiles, parts of	947,749	289,236	658,513	.....
Cotton cloths	12,265,109	7,768,668	4,496,441	.....
Cutlery	2,910,555	2,011,690	898,865	.....
Clocks and parts of	1,086,366	982,409	103,957	.....
Enameled ware	796,749	692,211	104,538	.....
Films and plates	2,931,599	1,571,111	1,360,488	.....
Fruit and nuts	$52,411,642	$45,487,177	$6,924,465	.....
Glassware, less plate glass	7,183,660	6,321,399	862,261	.....
Glass (plate)	716,079	349,354	366,725	.....
Handkerchiefs (linen)	2,767,912	2,077,860	690,052	.....
Knit goods, less stockings	2,991,373	368,602	2,622,771	.....
Lace and lace articles	18,007,255	17,088,856	918,399	.....
Leather gloves	8,547,238	8,103,757	443,481	.....
Leather and tanned skins	15,068,735	8,667,888	6,400,847	.....
Nets and nettings	1,651,147	1,139,387	511,760	.....
Oilcloth and linoleum	2,048,318	1,690,002	358,316	.....
Paper and manufactures of	27,748,723	22,998,292	4,750,431	.....
Perfumery and toilet articles	2,357,285	1,923,856	433,429	.....
Shingles	2,613,360	1,297,841	1,315,519	.....
Silks, manufactures of	31,803,346	30,314,388	1,488,958	.....
Silk (artificial)	4,090,413	3,486,936	603,477	.....
Stockings	2,865,542	2,632,803	232,739	.....
Tin plate	1,321,802	1,202,408	119,394	.....
Watches and parts of	3,226,346	2,688,170	538,176	.....
Wood pulp	18,384,084	16,038,513	2,345,571	.....
Wool, classes 1, 2, 3	60,231,067	29,170,902	31,060,165	.....
Wool, manufactures of	39,499,194	16,460,797	23,038,397	.....
Yarns (linen)	928,524	708,383	220,141	.....
Breadstuffs	38,921,710	16,282,133	22,639,577	.....
Eggs	1,143,068	None.	1,143,068	.....
Fish	19,431,492	15,839,344	3,592,148	.....
Meat and dairy products	48,270,117	15,406,174	32,863,943	.....
Seeds	14,380,878	8,672,350	5,708,528	.....
Vegetables	15,141,106	10,667,371	4,473,735	.....
Total	466,179,460	301,316,451	164,863,009	54.7

Imports of merchandise and agricultural products from Oct. 1, 1913, to Oct. 1, 1914, etc.—Continued.

Imports of merchandise for month of October, 1914, compared with October, 1913, showing increase and decrease in amount and percentage, both months being under the Underwood law; also imports of the same products, giving the total, in October, 1912, under the Payne law.

Products.	1914 values.	1913 values.	Difference.	Per cent.
			Increase.	
Aluminum scrap	$448,704	$194,838	$253,866	130
Automobiles, parts of	85,564	50,595	34,969	69
Cotton cloths	610,646	526,414	84,232	16
Films and plates	238,663	194,947	43,716	22
Leather and tanned skins	1,144,376	885,753	258,623	29
Shingles	290,387	137,981	152,406	110
Silks, manufactures of	2,450,607	2,289,673	160,934	7
Silk, artificial	311,592	274,841	36,751	13
Tin plate	15,114	11,930	3,184	26
Wood pulp	2,125,163	1,267,090	858,073	67
Wool, classes 1, 2, 3	2,485,600	1,414,850	1,070,750	75
Wool, manufactures of	3,110,576	1,256,099	1,854,477	147
Yarns, linen	75,935	43,549	32,386	74
Eggs	20,454	5,322	15,132	284
Fish	2,365,875	2,100,589	265,286	12
Meat and dairy products	4,311,175	2,042,338	2,268,837	101
Seeds	2,192,898	1,695,352	497,546	29
Total, 17 products	22,283,329	14,392,161	7,891,168	54
			Decrease.	
Aluminum, manufactures of	52,614	106,780	54,166	50
Cutlery	216,365	373,726	157,361	42
Clocks and parts of	63,443	98,068	34,625	35
Enameled ware	44,238	65,677	21,439	32
Fruits and nuts	2,896,458	3,195,563	299,105	9
Glassware, less plate glass	300,227	647,222	346,995	53
Glass, plate	7,856	68,481	60,625	88
Handkerchiefs, linen	338,205	383,554	45,349	11
Knit goods, less stockings	172,979	177,355	4,376	2
Lace and lace articles	983,197	1,210,391	227,194	18
Leather gloves	945,914	1,132,707	186,793	16
Nets and nettings	59,797	123,819	64,022	51
Oilcloth and linoleum	143,162	182,900	39,738	21
Paper and manufactures of	2,277,128	2,409,481	132,353	5
Perfumery and toilet articles	213,321	232,329	19,008	8
Stockings, cotton	75,789	197,779	121,990	61
Watches and parts of	246,339	346,342	100,003	28
Vegetables	753,631	1,140,898	387,267	33
Total, 18 products	9,790,663	12,692,972	2,302,309	20

Imports of merchandise and agricultural products in November, 1914, compared with November, 1913; both months under the Underwood law.

Products.	1914 values.	1913 values.	Difference.	Per cent.
			Increase.	
Clocks, and parts of	$84,232	$78,417	$5,815	.....
Knit goods, less stockings	400,097	207,748	192,349	.....
Leather gloves	1,025,326	938,759	86,567	.....
Leather and tan skins	1,162,543	1,100,716	61,827	.....
Oilcloth and linoleum	133,121	125,159	7,962	.....
Paper, and manufactures of	2,397,755	2,252,015	145,740	.....
Perfumery and toilet articles	286,791	209,912	76,879	.....
Tin plate	26,803	17,870	8,933	.....
Wood pulp	2,333,399	1,210,653	1,122,746	.....
Wool, manufactures of	2,386,441	989,020	1,397,421	.....
Eggs	38,340	36,500	1,840	.....
Meat and dairy products	3,609,888	2,977,861	632,027	.....
Total, 12 products	13,884,736	10,144,630	3,740,106	36.8

Imports of merchandise and agricultural products in November, 1914, compared with November, 1913, etc.—Continued.

Products.	1914 values.	1913 values.	Difference.	Per cent.
			Decrease.	
Aluminum scrap	$139,836	$190,188	$50,352	
Aluminum, manufactures of	47,853	101,101	53,248	
Automobiles, parts of	62,809	67,420	4,611	
Cotton cloths	593,144	1,016,019	422,875	
Cuttlery	234,298	265,523	31,225	
Enameled ware	70,004	88,383	18,379	
Films and plates	152,566	184,583	32,017	
Fruits and nuts	5,072,560	6,072,957	1,000,397	
Glassware, less plate glass	426,340	598,029	171,689	
Plate glass	4,393	80,675	76,282	
Handkerchiefs (linen)	289,718	341,115	51,397	
Lace and lace articles	831,124	1,447,861	616,737	
Nets and nettings	23,524	130,186	106,662	
Shingles	219,687	228,424	8,737	
Silks, manufactures of	2,101,218	2,295,465	194,247	
Silk, artificial	297,647	330,526	32,879	
Stockings	137,022	205,979	68,957	
Watches, and parts of	252,238	314,258	62,020	
Wool, classes 1, 2, and 3	1,086,938	1,548,970	462,032	
Yarns, linen	49,805	56,265	6,460	
Breadstuffs	1,517,070	4,822,958	3,305,888	
Fish	2,172,005	2,516,623	344,618	
Seeds	1,677,091	2,152,925	475,834	
Vegetables	921,486	1,736,269	814,783	
Total, 24 products	18,380,376	26,792,702	8,412,326	35.1

Imports of merchandise and agricultural products in December, 1914, compared with similar imports in December, 1913, under the Underwood law, and December, 1912, under the Payne law, showing increase and decrease in December, 1914, over 1913.

Products.	1914 values.	1913 values.	Difference.	1912 Payne law.
			Increase.	
Clocks, and parts of	$85,848	$84,464	$1,384	$62,387
Knit goods, less stockings	326,312	233,764	92,548	20,722
Wool, manufactures of	2,196,555	2,184,464	12,091	1,454,706
Meat and dairy products	4,032,112	3,574,835	457,277	1,343,148
Fruit and nuts	852,104	787,593	64,511	3,193,662
Shingles	209,151	193,171	15,980	146,701
Watches, and parts of	447,351	354,415	92,936	237,062
Yarns, linen	103,923	94,428	9,495	75,674
Total, 8 products	8,253,356	7,507,134	746,222	6,534,062
			Decrease.	
Leather gloves	738,455	786,345	47,890	531,543
Leather and tanned skins	714,887	1,095,271	380,384	818,096
Oil cloth and linoleum	96,572	197,146	100,574	132,455
Paper, and manufactures of	501,966	568,708	66,742	549,224
Perfumery, toilet articles	202,110	260,356	58,246	154,985
Tin plate	27,276	314,898	287,622	21,914
Wood pulp	249,570	308,949	59,379	343,530
Eggs	87,963	334,315	246,352	None.
Aluminum scrap	177,708	224,278	46,570	653,401
Aluminum, manufactures of	56,643	131,110	74,467	57,409
Automobiles, parts of	119,300	138,487	19,187	12,694
Cotton cloths	772,109	1,737,412	965,303	992,331
Cutlery	192,673	198,054	5,381	165,440
Enameled ware	47,497	68,446	20,949	41,283
Films and plates	87,690	285,080	197,390	119,340
Glass, less plate glass	428,154	719,863	291,709	485,043
Plate glass	1,472	91,285	89,813	27,445
Handkerchiefs, linen	138,563	176,699	38,136	142,497
Lace and lace articles	712,440	2,501,257	1,788,817	547,731
Net and nettings	29,381	181,974	152,593	88,339
Silks, manufactures of	1,599,691	3,415,901	1,816,210	2,237,378
Silk, artificial	316,899	343,956	27,057	333,309
Stockings	108,295	239,051	130,756	192,341
Wool, classes 1, 2, and 3	523,010	4,288,435	3,765,425	2,584,201
Breadstuffs	1,277,281	5,860,999	4,583,718	374,629
Fish	2,039,523	2,311,716	272,193	1,593,688
Seeds	1,790,061	3,234,089	1,444,028	1,557,636
Vegetables	773,175	2,780,390	2,007,215	1,194,836
Total, 28 products	13,810,364	32,794,470	18,984,106	15,952,718
Total, increase list	8,253,356	7,507,134	746,222	6,534,062
Total, 36 products	22,063,720	40,301,604	18,237,884	22,486,780

Imports of merchandise and agricultural products in January, 1915, compared with January, 1914, under the Underwood law, and January, 1913, under the Payne law, showing increase and decrease in January, 1915, over 1914.

Products.	1915 values.	1914 values.	Difference.	1913 Payne law.
			Increase.	
Meat and dairy products	$4,517,468	$3,189,085	$1,328,383	$1,104,552
Clocks and parts	104,529	53,422	51,107	62,495
Knit goods	324,033	282,998	41,035	31,810
Shingles	157,951	99,845	58,106	67,097
Watches and parts	266,675	227,223	39,452	192,853
Gloves, leather	765,174	704,338	60,836	620,226

Imports of merchandise and agricultural products in January, 1915, compared with January, 1914, under the Underwood law, etc.—Continued.

Products.	1915 values.	1914 values.	Difference.	1913 Payne law.
			Increase.	
Perfumery, etc	$165,904	$129,385	$36,519	$113,889
Wood pulp	2,346,982	1,418,792	928,190	1,269,774
Aluminum scrap	219,372	208,576	10,796	576,074
Autos, parts	69,149	42,192	26,957	37,668
Enameled ware	63,134	60,800	2,334	89,392
Stockings	302,865	261,385	41,480	209,010
Fish	1,592,067	1,518,635	73,432	1,233,800
Total, 13 products	10,895,303	8,196,676	2,698,627	5,599,631
			Decrease.	
Wool, manufactures of	2,188,832	4,668,349	2,479,517	1,468,228
Fruits and nuts	2,074,729	2,924,166	849,437	2,562,175
Yarns, linen	82,879	96,753	13,874	69,911
Leather, tanned skins	948,129	1,542,056	593,927	778,681
Oilcloth and linoleum	68,604	210,309	141,615	146,359
Paper, manufactures of	2,116,212	2,337,676	221,464	1,759,711
Tin plate	104,802	245,619	140,817	31,458
Eggs	67,990	236,662	168,672	None.
Aluminum, manufactures of	61,569	113,220	51,651	66,925
Cotton cloths	700,934	1,682,785	981,851	958,097
Cutlery	194,534	201,854	7,320	143,561
Films and plates	81,360	281,752	200,392	169,006
Glass, less plate glass	137,768	598,048	460,280	485,605
Plate glass	2,124	84,584	82,460	31,810
Handkerchiefs, linen	91,210	118,360	27,150	72,869
Lace and lace articles	1,024,494	2,268,911	1,244,417	2,304,873
Net and nettings	61,953	149,687	87,734	60,525
Silks, manufactures of	1,745,069	3,406,160	1,661,091	2,466,623
Silk, artificial	215,792	323,014	107,222	359,785
Wool, classes 1, 2, and 3	2,364,706	5,443,418	3,078,712	3,545,669
Breadstuffs	1,155,107	5,144,399	3,989,292	1,483,343
Seeds	1,560,854	2,119,972	559,118	2,084,481
Vegetables	802,806	1,577,764	774,958	1,066,035
Total, 23 products	17,852,547	35,775,518	17,922,971	22,105,700
Total, increase list	10,895,303	8,196,676	2,698,627	5,599,631
Total, 36 products	28,747,850	43,972,194	15,224,344	27,705,331

Imports of merchandise and agricultural products in February, 1915, compared with February, 1914, under the Underwood law, and February, 1913, under the Payne law, showing increase and decrease in imports between February, 1915, and February, 1914, using for the comparison the same 36 products that have been used in our monthly comparisons since the Underwood law became operative in October, 1913.

Products.	1915 values.	1914 values.	Difference.	1913 Payne law.
			Increase.	
Clocks and parts	$57,020	$46,799	$10,221	$50,369
Watches and parts	263,065	250,018	13,047	182,237
Shingles	169,578	134,000	35,578	51,157
Perfumery, etc	160,284	127,737	32,547	112,563
Wood pulp	1,654,607	1,304,146	350,461	1,623,362
Seeds	2,011,966	1,727,942	284,024	1,569,228
Total, 6 products	4,316,520	3,590,642	725,878	3,588,907
			Decrease.	
Aluminum scrap	96,016	204,057	108,041	291,776
Aluminum manufactures	15,887	136,873	120,986	78,373
Breadstuffs	1,111,720	2,553,830	1,442,110	1,141,588
Automobile parts	29,958	42,018	12,060	17,483
Cotton cloths	619,771	1,454,439	834,668	727,121
Lace and lace articles	874,642	1,703,055	828,413	1,561,418
Nets and nettings	56,511	188,478	131,967	78,071
Stockings (cotton)	164,582	372,741	208,159	265,169
All other knit goods	226,266	340,637	114,371	43,825
Eggs	55,944	87,374	31,430	
Handkerchiefs (linen)	106,872	142,252	35,380	102,415
Fish	1,296,739	1,334,030	37,291	1,155,691
Fruits and nuts	2,233,639	3,265,583	1,031,944	2,523,651
Glass, less plate glass	292,182	503,852	211,670	444,344
Plate glass	2,115	57,568	55,453	19,603
Cutlery	172,411	212,356	39,945	157,658
Tin plate	20,922	209,938	189,016	27,979
Leather and tanned skins	775,529	1,357,428	581,899	755,549
Leather gloves	525,192	850,933	325,741	782,973
Oilcloth and linoleum	103,143	164,661	61,518	158,531
Meat and dairy products	2,104,431	2,970,416	865,985	933,065
Paper and manufactures	1,948,217	1,998,835	50,618	1,581,723
Films and plates	67,075	175,789	108,714	126,963
Silks, manufactures	1,657,688	2,810,532	1,152,844	2,009,108
Silk, artificial	309,844	315,560	5,716	248,156
Vegetables	757,556	1,222,778	465,222	848,235
Wool, classes 1, 2, and 3	4,590,629	6,779,801	2,189,172	3,651,823
Wool, manufactures	1,654,197	3,795,442	2,141,245	1,352,542
Enameled ware	44,059	90,546	46,447	63,353
Yarns (linen)	55,765	88,806	33,041	62,287
Total, 30 products	21,969,542	35,430,608	13,461,066	21,213,493
Total, increase list	4,316,520	3,590,642	725,878	3,588,907
Total, 36 products	26,286,062	39,021,250	12,735,188	24,799,400

Imports of merchandise and agricultural products in March, 1915 and 1914, under the Underwood law, and March, 1913, under the Payne law, using for comparison products having severe foreign competition.

Products.	1915 values.	1914 values.	Difference.	1913 Payne law.
			Increase.	
Wool, classes 1, 2, and 3	$13,405,340	$7,936,087	$5,469,253	$4,262,694
Handkerchiefs	158,975	138,243	20,732	101,474
Shingles	244,100	195,987	48,113	60,732
Total, 3 products	13,808,415	8,270,317	5,538,098	4,424,900
			Decrease.	
Aluminum scrap	129,759	241,079	111,320	305,451
Aluminum manufactures	18,616	168,000	149,384	60,767
Breadstuffs	1,340,194	3,119,507	1,779,313	1,314,298
Automobiles and parts	101,407	106,795	5,388	119,950
Clocks and parts	56,639	73,769	17,130	55,827
Watches and parts	261,080	317,329	56,249	205,280
Cotton cloths	628,566	1,402,071	773,505	721,902
Lace and lace articles	860,407	1,858,184	997,777	1,370,713
Nets and nettings	88,638	171,855	83,217	104,091
Stockings	172,575	417,473	244,898	241,455
Other knit goods	348,865	366,251	17,386	44,675
Eggs	24,746	119,925	95,179	
Linen yarns	79,020	95,248	16,228	55,958
Fish	1,010,480	1,230,422	219,942	969,993
Fruits and nuts	3,215,664	4,012,244	796,580	3,088,108
Plate glass	1,476	92,996	91,520	27,735
Other glass	412,315	675,353	263,038	470,939
Cutlery	153,560	272,460	118,900	146,979
Enameled ware	46,232	80,058	33,826	64,362
Tin plate	8,575	185,130	176,555	28,298
Leather and tanned skins	831,969	1,556,342	724,373	635,669
Leather gloves	711,965	990,977	279,012	755,242
Meat and dairy products	2,931,545	4,384,545	1,453,000	1,121,931
Oilcloth and linoleum	100,879	181,293	80,414	187,430
Paper and manufactures	2,109,826	2,529,933	420,107	1,783,048
Perfumeries, etc	221,659	252,705	31,046	177,529
Films and plates	97,542	387,411	289,869	145,019
Seeds	1,775,208	2,222,801	447,593	1,194,231
Silk manufactures	2,332,822	3,294,046	961,224	2,437,253
Artificial silk	323,877	401,929	78,052	257,355
Vegetables	1,062,969	1,423,939	360,970	960,857
Wood pulp	1,519,121	1,749,791	230,670	1,268,567
Wool manufactures	2,020,791	3,884,796	1,864,005	1,127,488
Total, 33 products	24,998,987	38,266,657	13,267,670	21,443,400
Total, increase list	13,808,415	8,270,317	5,538,098	4,424,900
Total, 36 products	38,807,402	46,536,974	7,729,572	25,868,300

Imports of merchandise and agricultural products in April, 1915 and 1914, under the Underwood law, and April, 1913, under the Payne law, using for the comparison the 36 products on which our monthly comparisons have been based since the Underwood law became operative in October, 1913.

[These are the latest complete import figures available.]

Products.	1915 values.	1914 values.	Difference.	1913 Payne law.
			Increase.	
Automobiles and parts	$123,549	$119,447	$1,102	$131,065
Handkerchiefs	123,176	108,018	15,158	76,532
Seeds	1,585,012	1,138,868	446,144	558,754
Shingles and laths	456,294	331,099	125,195	228,146
Wool, classes 1, 2, and 3	12,978,767	8,840,000	4,138,767	2,843,112
Total, 5 products	15,266,798	10,537,432	4,729,366	3,837,609
			Decrease.	
Aluminum scrap	50,139	227,153	177,014	586,857
Aluminum manufactures	8,317	120,981	112,664	102,472
Breadstuffs	2,105,526	2,340,099	234,573	1,443,851
Clocks and parts	20,421	73,552	53,131	62,601
Watches and parts	224,202	289,185	64,983	225,165
Cotton cloths	453,367	1,003,548	550,181	690,083
Lace and lace articles	833,225	1,178,332	345,107	1,027,188
Nets and nettings	85,874	117,666	31,792	97,793
Stockings (cotton)	70,999	353,825	282,826	239,674
Other knit goods (cotton)	144,335	340,434	196,099	41,690
Eggs	28,113	129,820	101,707	
Yarns (linen)	62,744	98,278	35,534	62,216
Fish	906,386	1,000,221	93,835	746,895
Fruits and nuts	3,567,753	4,726,536	1,158,783	3,851,220
Plate glass	538	60,940	60,402	33,865
All other glass manufactures	226,037	624,245	398,208	544,336
Cutlery	83,431	262,242	178,811	136,157
Enameled ware	23,566	92,067	68,501	60,731
Tin plate	5,947	13,719	7,772	30,092
Leather, tanned skins	764,075	1,632,597	868,522	759,737
Leather gloves	353,259	537,791	184,532	427,036
Meat and dairy products	2,594,047	4,691,562	2,097,515	1,179,020
Oilcloth and linoleum	82,761	216,729	133,968	138,871
Paper and manufactures	1,832,541	2,250,180	417,639	1,795,320
Perfumeries, etc	191,801	207,076	15,275	194,984
Films and plates	150,122	232,378	82,256	184,132
Silk manufactures	1,783,979	2,425,989	642,010	2,008,567
Artificial silk	207,782	414,010	206,228	201,374
Vegetables	937,375	1,262,044	324,669	738,414
Wood pulp	833,004	1,378,652	545,648	1,189,688
Wool manufactures	1,367,136	3,333,527	1,966,391	991,382
Total, 31 products	19,998,802	31,635,378	11,636,576	19,794,411
Total, increase list	15,266,798	10,537,432	4,729,366	3,837,609
Total, 36 products	35,265,600	42,172,810	6,907,210	23,632,020

Imports of merchandise and agricultural products in May, 1915 and 1914, under the Underwood law, and May, 1913, under the Payne law, using for the comparison the 36 products on which our monthly comparisons have been based since the Underwood law became operative in October, 1913.

[These are the latest complete import figures available.]

Products.	1915 values.	1914 values.	Difference.	1913 Payne law.
			Increase.	
Automobiles	$47,968	$18,912	$29,056	$113,737
Leather gloves	266,834	251,609	15,225	227,487
Nets and nettings	83,283	73,533	9,750	69,993
Perfumery, etc	254,308	214,202	40,106	125,936
Seeds	2,303,129	1,879,508	423,621	1,381,785
Shingles and laths	527,841	373,220	154,621	254,859
Wool, classes 1, 2, and 3	10,895,246	6,789,264	4,105,982	1,821,287
Total, 7 products	14,378,609	9,600,248	4,778,361	3,995,084
			Decrease.	
Aluminum scrap	71,062	195,768	124,706	397,424
Aluminum manufactures	19,981	150,056	130,075	92,641
Breadstuffs	1,613,897	3,170,499	1,556,602	1,306,279
Cotton cloths	482,656	749,032	266,378	532,028
Clocks and parts	30,200	78,273	48,073	61,039
Cutlery	156,277	242,444	86,167	126,008
Eggs	10,638	59,380	48,742	
Fish	741,953	1,018,839	276,886	910,080
Fruit and nuts	3,557,636	5,190,454	1,632,818	4,194,537
Handkerchiefs (linen)	104,543	122,151	17,608	73,101
Enameled ware	42,786	67,460	24,674	54,733
Films and plates	121,891	281,805	159,914	106,207
Lace and lace articles	719,776	990,626	270,850	751,357
Leather and tanned skins	590,881	1,485,372	894,491	718,931
Other knit goods	81,508	252,305	170,797	29,833
Oilcloth and linoleum	44,505	132,502	87,997	121,668
Meat and dairy products	1,771,523	5,152,643	3,381,120	1,250,143
Plate glass	658	49,704	49,046	33,203
All other glass manufactures	225,059	658,731	433,672	486,878
Paper and manufactures	1,936,656	2,384,166	447,510	1,849,434
Stockings (cotton)	81,396	301,968	220,572	223,739
Silk manufactures	2,067,404	2,080,764	13,360	1,831,976
Silk, artificial	287,927	326,166	38,239	192,485
Tin plate	3,687	173,717	170,030	194,966
Vegetables	557,309	990,637	433,328	578,498
Watches and parts	266,244	272,193	5,949	204,705
Wood pulp	927,892	1,373,856	445,964	1,367,794
Wool manufactures	1,136,224	3,434,637	2,298,413	1,045,014
Yarns, linen	56,584	76,063	19,479	51,094
Total, 29 products	17,708,753	31,462,211	13,753,458	18,785,795
Increase list	14,378,609	9,600,248	4,778,361	3,995,084
Total, 36 products	32,087,362	41,062,459	8,975,097	22,780,879

Imports of merchandise and agricultural products in June, 1915 and 1914, under the Underwood law, and June, 1913, under the Payne law, using for comparison 36 products on which our monthly comparisons have been based since the Underwood law became operative in October, 1913.

Products.	1915 values.	1914 values.	Difference.	1913 Payne law.
			Increase.	
Aluminum, crude	$305,993	$178,804	$127,189	$296,766
Perfumeries, etc	238,260	187,877	50,383	128,981
Seeds	2,771,717	1,386,950	1,384,767	745,625
Laths and shingles	514,513	446,104	68,409	295,907
Wool, classes 1, 2, and 3	6,681,197	5,460,395	1,220,802	1,203,235
Total, 5 products	10,511,680	7,660,130	2,851,550	1,670,515
			Decrease.	
Aluminum manufactures	58,040	148,301	90,261	85,223
Breadstuffs	1,491,934	2,707,002	1,215,068	1,595,330
Automobiles and parts	115,579	128,485	12,906	117,512
Clocks and parts of	16,705	77,243	60,538	56,652
Watches and parts of	243,561	286,487	42,926	215,313
Cotton cloths	487,143	753,205	266,062	492,252
Lace and lace articles	707,550	964,063	256,513	711,846
Stockings (cotton)	57,225	189,308	132,083	189,230
Other knit goods (cotton)	81,110	242,740	161,630	22,000
Eggs	21,096	50,334	29,238	
Handkerchiefs (linen)	203,795	233,901	30,106	131,538
Nets and nettings	98,015	104,745	6,730	101,833
Yarns (linen)	55,417	73,143	17,726	50,615
Fish	1,198,254	1,327,434	129,180	1,288,981
Fruits and nuts	4,894,334	5,284,183	389,849	4,565,765
Plate glass		52,307	52,307	35,052
All other glass manufactures	211,113	658,805	447,692	484,683
Cutlery	39,610	247,765	208,155	139,220
Tin plate	9,009	20,732	11,723	538,239
Enameled ware	36,835	77,799	40,964	55,180
Leather and tanned skins	705,026	1,175,893	470,867	583,196
Gloves (leather)	273,580	285,962	12,382	182,224
Meat and dairy products	3,340,120	5,453,291	2,113,171	1,307,876
Oilcloth and linoleum	70,551	105,553	35,002	127,992
Paper and manufactures	2,083,709	2,312,222	228,513	1,839,763
Films and plates	106,756	242,941	136,185	105,037
Silk manufactures	1,980,824	2,467,765	486,941	2,053,212
Silk, artificial	232,929	277,530	44,601	216,259
Vegetables	543,481	786,165	242,684	593,423
Wool manufactures	1,497,557	5,057,229	3,559,672	1,246,515
Wood pulp	1,058,444	1,644,927	586,483	1,063,158
Total, 31 products	21,919,302	33,437,460	11,518,158	20,223,313
Increase list	10,511,680	7,660,130	2,851,550	1,670,515
Total, 36 products	32,430,982	41,097,590	8,666,608	21,893,828

Imports of merchandise and agricultural products for fiscal years ending June 30, 1915 and 1914, under the Underwood tariff law, and 1913 under the Payne tariff law, using for comparison 36 products which we have used monthly since the Underwood law became operative, and as these 36 products are the ones exposed to the most severe foreign competition, they show the injury done to our home industries by the Underwood low-tariff law.

Products.	1915 values.	1914 values.	Difference.	1913 Payne law.
			Increase.	
Knit goods, less hose	$2,652,646	$2,527,218	$125,428	$385,567
Handkerchiefs (linen)	2,558,676	2,535,054	23,622	2,067,412
Meat and dairy products	43,046,850	38,760,989	4,285,861	14,596,017
Perfumery, etc	2,473,144	2,309,027	164,117	1,873,585
Seeds	23,054,820	20,084,184	2,970,636	17,425,533
Laths and shingles	5,020,912	3,803,756	1,217,156	3,305,055
Wool and angora hair	68,242,568	53,190,767	15,051,801	35,579,823
Wood pulp	19,881,111	17,023,338	2,857,773	16,165,316
Total, 8 products	166,930,727	140,234,333	26,696,394	91,398,258
			Decrease.	
Aluminum scrap	2,346,287	2,707,066	360,779	4,315,233
Aluminum manufactures	653,015	1,441,253	788,238	739,777
Breadstuffs	20,256,791	36,541,157	16,284,366	16,821,646
Automobiles and parts	1,372,412	1,432,576	60,164	2,023,207
Clocks and parts	705,555	905,421	199,866	809,715
Watches and parts	3,039,651	3,386,738	347,087	2,615,744
Cotton cloths	7,286,321	11,845,801	4,559,480	7,757,928
Lace and lace articles	11,431,428	18,667,616	7,236,188	16,981,019
Nets and nettings	996,180	1,659,387	663,207	900,532
Stockings (cotton)	1,496,781	3,144,645	1,647,864	2,703,844
Eggs	438,760	1,059,592	620,832	
Yarns (linen)	832,063	871,715	39,652	775,727
Fish	18,398,249	18,758,143	359,894	15,330,280
Fruits and nuts	43,901,195	53,421,258	9,520,063	42,622,653
Plate glass	98,171	727,889	629,718	321,605
Other glass	4,494,188	7,463,944	2,969,756	6,215,688
Cutlery	2,077,290	2,860,519	783,229	2,026,564
Enameled ware	523,904	872,690	348,786	667,486
Tin plate	353,474	1,481,458	1,127,984	971,820
Leather and tanned skins	10,874,722	13,810,347	2,935,625	8,908,237
Gloves (leather)	7,673,516	9,487,969	1,814,453	7,691,927
Oilcloth and linoleum	1,199,662	1,829,596	629,934	1,840,878
Paper and manufactures	25,818,920	27,563,840	1,744,920	21,538,645
Films and plates	1,768,488	2,626,268	857,780	1,663,336
Silk manufactures	25,042,670	35,454,786	10,412,116	27,590,478
Silk, artificial	3,587,170	4,081,830	494,660	3,277,784
Vegetables	9,329,732	15,133,535	5,803,803	11,358,761
Wool manufactures	29,791,356	34,294,204	4,502,848	16,318,141
Total, 28 products	235,787,951	313,531,243	77,743,292	224,788,655
Increase list	166,930,727	140,234,333	26,696,394	91,398,258
Total, 36 products	402,718,678	453,765,576	51,046,898	316,186,913

Imports of merchandise and agricultural products in July, 1915 and 1914, under the Underwood law, and July, 1913, under the Payne law, using for the comparison 37 products on which our monthly comparisons have been based since the Underwood law became operative in October, 1913. These are the latest complete import figures available.

Products.	1915 values.	1914 values.	Difference.	1913 Payne law.
			Increase.	
Perfumeries, etc	$237,638	$187,539	$50,099	$149,043
Seeds	2,833,426	1,777,818	1,055,608	687,032
Wool and angora hair	7,041,722	4,822,334	2,219,388	1,175,664
Vegetables	1,062,674	839,796	222,878	687,032
Shingles	331,963	270,555	61,408	189,706
Nets and nettings	131,134	100,050	31,084	138,402
Total, 6 products	11,638,557	7,998,092	3,640,465	3,026,879
			Decrease.	
Aluminum scrap	126,925	243,940	117,015	446,830
Aluminum manufactures	18,877	120,552	101,775	80,037
Breadstuffs	1,156,881	2,519,364	1,362,483	1,246,376
Automobiles and parts	54,010	146,392	92,382	99,188
Clocks and parts	9,245	100,698	91,453	67,728
Watches and parts	254,061	278,921	24,860	217,757
Cotton cloths	322,862	571,650	248,788	464,482
Lace and lace articles	785,642	1,943,866	1,158,224	1,508,905
Stockings (cotton)	3,891	219,552	215,661	151,105
Other knit goods (cotton)	22,225	377,014	354,789	16,977
Eggs	21,220	30,349	9,129	
Handkerchiefs (linen)	197,333	275,255	77,922	193,308
Yarns (linen)	54,109	73,659	19,550	45,886
Fish	1,315,157	1,515,329	200,172	1,374,644
Fruits and nuts	3,490,511	4,638,733	1,148,222	4,244,691
Plate glass	288	28,149	27,861	18,454
Other glass	170,966	723,747	552,781	580,130
Cutlery	62,340	318,087	255,747	168,724
Enameled ware	4,048	63,869	59,821	69,432
Tin plate	11,608	24,619	13,011	249,410
Leather and tanned skins	554,000	1,268,073	714,073	638,345
Gloves (leather)	401,351	783,253	381,902	601,285
Meat and dairy products	1,208,901	6,108,936	4,900,035	1,378,740
Oilcloth and linoleum	74,187	129,169	54,982	89,510
Paper and manufactures	1,780,738	2,981,765	1,201,027	1,933,874
Films and plates	95,644	200,304	104,660	88,756
Silk manufactures	2,048,941	2,958,744	909,803	3,127,340
Silk manufactures (artificial)	201,779	347,921	146,142	339,243
Laths	218,672	222,212	3,540	189,706
Wool, manufactures	1,375,514	5,065,294	3,689,780	1,638,902
Wood pulp	1,203,593	2,025,938	822,345	1,261,860
Total, 31 products	17,245,519	36,305,754	19,060,235	22,534,624
Increase list	11,638,557	7,998,092	3,640,465	3,026,879
Total, 37 products	28,884,076	44,303,846	15,419,770	25,561,503

Imports of merchandise and agricultural products in August, 1915, and 1914, under the Underwood law, and August, 1913, under the Payne law, using for comparison products which, in our opinion, are subject to the most severe foreign competition.

Products.	1915 values.	1914 values.	Difference.	1913 Payne law.
			Increase.	
Automobiles and parts	$63,088	$51,031	$12,057	$79,674
Watches and parts	255,432	160,694	94,738	210,846
Embroideries	565,631	298,378	267,253	790,018
Linen yarns	57,478	52,509	4,969	49,676
Enameled ware	31,550	21,956	9,594	47,874
Perfumery, etc	227,101	152,039	75,062	132,010
Seeds	2,114,803	1,481,435	633,368	770,950
Silk, manufactures	2,318,851	1,945,975	372,876	3,476,786
Vegetables	920,301	772,535	147,766	695,461
Shingles	303,148	274,706	28,442	134,520
Wool and Angora hair	4,643,373	3,956,163	687,210	1,485,247
Total, 11 products	11,501,356	9,167,421	2,333,935	7,873,062
			Decrease.	
Aluminum, crude	90,092	244,144	154,052	256,893
Aluminum manufactures	21,183	100,303	79,120	84,491
Breadstuffs	2,136,450	2,393,593	257,143	1,203,275
Clocks and parts	7,345	60,295	52,950	74,537
Cotton cloths	415,874	547,696	131,822	455,172
Lace and lace articles	740,342	917,884	177,542	1,529,115
Nets or nettings	109,237	140,260	31,023	121,122
Stockings, cotton	7,830	91,285	83,455	234,646
Other knit goods	44,784	149,442	104,658	32,454
Eggs	4,699	29,030	24,331	
Handkerchiefs, linen	186,215	239,471	53,256	222,572
Fish	1,366,021	1,500,152	134,131	1,320,605
Fruits and nuts	2,121,090	2,943,061	821,971	3,070,001
Plate glass		27,263	27,263	27,130
Other glass	143,920	480,894	336,974	567,030
Cutlery	35,499	160,538	125,039	173,075
Tin plates	8,939	93,890	84,951	18,161
Leather and tanned skins	649,858	953,318	303,460	1,728,521
Gloves, leather	403,176	604,917	201,741	935,489
Meat and dairy products	1,796,815	4,191,136	2,394,321	1,256,240
Oilcloth and linoleum	53,449	112,045	58,596	93,596
Paper and manufactures	1,893,796	1,952,005	58,209	2,112,715
Films and plates	101,054	168,739	67,685	129,928
Silk, artificial	219,778	253,686	33,908	389,220
Laths	246,430	275,025	28,595	171,629
Wool, manufactures of	1,202,446	4,023,422	2,760,976	1,947,922
Total, 26 products	14,066,322	22,653,494	8,587,172	18,146,539
Increase list	11,501,356	9,167,421	2,333,935	7,873,062
Total, 37 products	25,567,678	31,820,915	6,253,237	26,019,601

Imports of merchandise and agricultural products in September, 1915 and 1914, under the Underwood law, and September, 1913, under the Payne law, using for comparison products which, in our opinion, are subject to the most severe foreign competition.

Products.	1915 values.	1914 values.	Difference.	1913 Payne law.
			Increase.	
Breadstuffs	$2,096,567	$1,583,553	$513,014	$1,665,613
Watches and parts	229,459	129,281	100,178	300,685
Embroideries	516,224	474,216	42,008	971,030
Knit goods, less stockings	380,836	20,685	360,151	33,555
Yarns (linen)	86,995	79,823	7,172	53,620
Perfumery, etc	208,082	199,128	8,954	206,395
Seeds	2,242,181	2,127,631	114,550	1,067,795
Vegetables	667,262	607,613	59,649	925,686
Laths and shingles	643,726	569,143	74,583	343,146
Wool and Angora hair	4,651,247	3,230,165	1,421,082	1,469,111
Total, 10 products	11,722,579	9,021,238	2,701,341	7,036,636
			Decrease.	
Aluminum, crude	187,520	219,614	32,094	138,602
Aluminum manufactures	30,885	92,540	61,655	100,303
Automobiles and parts	37,081	159,743	122,662	109,184
Clocks and parts	15,448	25,525	10,077	99,149
Laces and lace articles	831,213	1,022,823	191,610	1,506,916
Nets and nettings	91,481	168,894	77,413	157,920
Cotton cloths	409,877	818,639	408,762	601,222
Stockings (cotton)	14,806	14,896	90	219,385
Eggs	8,285	24,097	15,812	
Handkerchiefs (linen)	233,719	488,893	255,174	354,881
Fish	1,684,308	2,059,486	375,178	1,704,385
Fruits and nuts	2,405,552	2,534,994	129,442	3,811,726
Plate glass	21	22,127	22,106	43,765
Other glass	138,495	296,265	157,770	632,636
Cutlery	42,704	155,506	112,802	242,296
Enameled ware	7,434	19,688	12,254	64,148
Tin plate	5,612	12,740	7,128	20,334
Leather and tanned skins	614,600	1,015,916	401,316	683,609
Gloves (leather)	563,439	679,647	116,208	1,471,775
Meat and dairy products	1,786,488	3,534,469	1,747,981	1,689,433
Oilcloth and linoleum	39,772	115,060	75,288	130,238
Paper and manufactures	1,889,903	1,906,250	16,347	2,608,548
Silk manufactures	2,180,072	2,418,649	238,577	4,364,365
Silk, artificial	236,288	481,274	244,986	345,835
Wood pulp	1,314,828	1,477,273	162,445	1,951,646
Wool manufactures	1,127,810	3,144,308	2,016,498	2,103,817
Films and plates	138,589	295,780	157,191	149,808
Total, 27 products	16,036,230	23,205,096	7,168,866	25,296,926
Increase list	11,722,579	9,021,238	2,701,341	7,036,636
Total, 37 products	27,758,809	32,226,334	4,467,525	32,333,562

Imports of merchandise and agricultural products in October, 1915 and 1914, under the Underwood law, and October, 1912, under the Payne law, using for comparison products which are subject to the most severe competition.

Products.	1915 values.	1914 values.	Difference.	1912 Payne law.
			Increase.	
Breadstuffs	$3,848,777	$2,252,120	$1,596,657	$1,202,184
Clocks, and parts	63,842	63,443	399	92,088
Watches, and parts	277,896	246,339	31,557	253,691
Nets and nettings	101,386	59,797	41,589	46,250
Hides and skins	13,401,077	7,300,310	6,100,767	9,490,044
Perfumeries, etc	245,716	213,321	32,395	194,174
Seeds	2,273,330	2,192,898	80,432	895,785
Artificial silk	488,605	311,592	177,013	301,439
Vegetables	910,674	753,631	157,043	1,288,724
Laths and shingles	601,286	505,597	95,689	377,213
Wool and Angora hair	7,827,542	2,657,360	5,170,182	2,989,736
Total, 11 products	30,040,131	16,556,408	13,483,723	17,131,328
			Decrease.	
Aluminum scrap	37,295	448,704	411,409	302,899
Aluminum manufactures	40,589	52,614	12,025	61,527
Automobiles, and parts	59,349	165,040	105,691	188,938
Cotton cloths	586,822	610,646	23,824	535,820
Embroideries	339,491	595,174	255,683	1,235,294
Lace and lace articles	876,527	983,197	106,670	1,396,265
Stockings (cotton)	14,558	75,789	61,231	271,141
All other knit goods	118,690	172,979	54,289	36,663
Eggs	8,854	20,454	11,600	None.
Handkerchiefs (linen)	286,223	338,205	51,982	353,434
Yarns (linen)	41,181	75,935	34,754	77,830
Fish	1,964,846	2,365,875	401,029	1,722,639
Fruits and nuts	3,416,563	5,200,163	1,783,600	4,770,559
Plate glass	None.	7,856	7,856	20,966
Other glass	242,063	300,227	58,164	609,850
Cutlery	48,153	216,365	168,212	230,312
Enameled ware	25,251	44,238	18,987	46,405
Tin plate	2,606	15,114	12,508	32,472
Leather and tanned skins	849,750	1,144,376	294,626	842,678
Gloves (leather)	500,722	945,914	445,192	955,618
Meat and dairy products	2,423,374	4,311,175	1,887,801	1,388,641
Oilcloth and linoleum	45,993	143,162	97,169	192,628
Paper, and manufactures	2,274,220	2,277,128	2,908	1,985,514
Films and plates	112,977	238,663	125,686	140,222
Silk manufactures	2,033,456	2,450,607	417,151	2,271,533
Wood pulp	1,402,111	2,123,382	721,271	1,502,190
Wool manufactures	1,120,196	3,110,599	1,990,403	1,713,383
Total, 27 products	18,871,860	28,433,581	9,561,721	22,885,421
Increase list	30,040,131	16,556,408	13,483,723	17,131,328
Total, 38 products	48,911,991	44,989,989	3,922,002	40,016,749

Imports of merchandise and agricultural products in November, 1915 and 1914, under the Underwood law, and November, 1912, under the Payne law, using for comparison products having severe foreign competition.

Products.	1915 values.	1914 values.	Difference.	1912 Payne law.
			Increase.	
Breadstuffs	$2,250,286	$1,517,070	$733,216	$1,192,221
Watches and parts	355,617	252,238	103,379	242,546
Cotton cloths	863,091	593,144	269,947	598,148
Embroideries	1,078,495	722,004	356,491	1,291,319
Lace and lace articles	967,285	831,124	136,161	1,378,170
Nets and nettings	134,912	23,524	111,388	72,018
Yarns (linen)	82,766	49,805	32,961	53,616
Fruits and nuts	5,091,779	5,072,560	19,219	5,610,082
Hides and skins	10,524,516	6,357,865	4,166,651	11,570,033
Perfumery, etc	318,770	286,791	31,979	233,376
Films and plates	179,620	152,566	27,054	124,693
Seeds	3,294,279	1,677,091	1,617,188	1,197,936
Silk manufactures	2,628,691	2,101,218	527,473	2,030,217
Artificial silk manufactures	341,298	297,647	43,651	269,485
Laths and shingles	579,494	354,917	224,577	329,036
Wool and angora hair	6,999,352	1,258,339	5,741,013	2,139,123
Total, 16 products	35,690,251	21,547,903	14,142,348	28,332,019
			Decrease.	
Aluminum scrap	39,661	139,836	100,175	608,906
Aluminum manufactures	5,976	47,853	41,877	46,009
Automobiles and parts	73,834	144,456	70,622	220,214
Clocks and parts	45,378	84,232	38,854	66,165
Stockings (cotton)	9,597	137,022	127,425	195,908
Other knit goods (cotton)	65,584	400,097	334,613	14,398
Eggs	8,899	38,340	29,441	
Handkerchiefs (linen)	183,900	289,718	105,818	253,239
Fish	2,033,559	2,172,005	138,446	1,817,943
Plate glass	85	4,393	4,308	30,326
Other glassware	180,932	426,340	245,408	529,938
Cutlery	68,284	234,298	166,014	182,190
Enameled ware	361	70,004	69,643	44,318
Tin plate	7,227	26,903	19,576	14,085
Leather and tanned skins	990,055	1,162,543	163,488	796,432
Gloves (leather)	598,182	1,025,326	427,144	612,860
Meat and dairy products	2,910,218	3,609,888	699,670	1,453,385
Oilcloth and linoleum	29,352	133,121	103,769	170,804
Paper and manufactures	2,375,488	2,397,755	22,267	2,038,353
Vegetables	869,628	921,486	51,858	1,185,708
Wood pulp	1,529,977	2,333,399	803,422	1,244,743
Wool manufactures	1,266,868	2,386,441	1,119,573	1,108,119
Total, 22 products	13,302,045	18,185,456	4,883,411	12,634,043
Increase list	35,690,251	21,547,903	14,142,348	28,332,019
Total, 38 products	48,992,296	39,733,359	9,258,937	40,966,062

Imports of merchandise and agricultural products in December, 1915 and 1914, under the Underwood law, and December, 1912, under the Payne law, using for comparison products having severe foreign competition.

Products.	1915 values.	1914 values.	Difference.	1912 Payne law.
			Increase.	
Breadstuffs	$1,973,547	$1,277,681	$695,866	$1,487,775
Embroideries	794,282	725,714	68,568	1,441,117
Lace and lace articles	1,008,827	712,440	296,387	2,042,090
Nets and nettings	129,500	29,381	100,119	88,339
Handkerchiefs	220,121	138,563	81,558	142,497
Yarns (linen)	108,867	103,923	4,944	75,674
Fruits and nuts	4,366,214	3,979,370	386,844	3,193,662
Hides and skins	13,080,180	5,160,332	7,919,848	10,370,883
Leather and tanned skins	1,337,963	714,887	623,076	818,096
Perfumery	230,465	202,110	28,355	154,985
Films and plates	140,990	87,690	53,300	119,340
Seeds	2,795,869	1,790,061	1,005,808	1,558,106
Silk manufactures	2,362,046	1,599,691	762,355	2,237,378
Artificial silk	374,457	316,899	57,558	333,309
Vegetables	810,965	773,175	37,790	1,194,836
Laths and shingles	488,122	282,440	205,682	259,594
Wool and angora hair	12,199,856	638,658	11,561,198	2,584,201
Total, 17 products	42,422,271	18,533,015	23,889,256	28,101,832
			Decrease.	
Aluminum scrap	158,154	177,708	19,554	653,401
Aluminum manufactures	1,943	56,643	54,700	57,409
Automobiles and parts	64,386	157,872	93,486	240,346
Clocks and parts	27,710	85,848	58,138	62,387
Watches and parts	241,559	447,351	205,792	237,062
Cotton cloths	665,370	772,109	106,739	992,331
Stockings (cotton)	9,118	108,295	99,177	192,341
Other knit goods (cotton)	113,887	326,312	212,425	20,722
Eggs	9,586	87,963	78,377	
Fish	1,752,269	2,039,523	287,254	1,593,688
Plate glass		1,472	1,472	27,445
Other glassware	182,774	428,154	245,380	485,043
Cutlery	99,324	192,673	93,349	165,440
Enameled ware	28,318	47,497	19,179	41,283
Tin plate	7,304	27,276	19,972	21,914
Gloves (leather)	382,999	738,455	355,456	531,543
Meat and dairy products	1,893,948	4,032,112	2,138,164	1,343,148
Oilcloth and linoleum	35,295	96,572	61,277	132,455
Paper and manufactures	2,224,388	2,276,856	52,468	549,224
Wood pulp	1,625,457	2,005,846	380,389	1,371,549
Wool manufactures	1,307,823	2,196,555	888,732	1,454,706
Total, 21 products	10,831,612	16,303,092	5,471,480	10,173,437
Increase list	42,422,271	18,533,015	23,889,256	28,101,832
Total, 38 products	53,253,883	34,836,107	18,417,776	38,275,269

Imports of merchandise and agricultural products in January, 1916 and 1915, under the Underwood law, and January, 1913, under the Payne law, using for comparison products having the most severe foreign competition.

Products.	1916 values.	1915 values.	Difference.	1913 Payne law.
			Increase.	
Breadstuffs	$1,683,097	$1,155,139	$527,958	$1,483,343
Automobiles and parts	235,714	96,162	139,552	37,668
Watches and parts	278,262	266,675	11,587	192,853
Cotton cloths	753,588	700,934	52,654	958,097
Lace and lace articles	1,053,537	1,024,494	29,043	2,304,873
Nets or nettings	159,914	51,953	97,961	60,525
Handkerchiefs (linen)	97,981	91,210	6,771	72,869
Yarns (linen)	84,099	82,879	1,220	69,911
Fruits and nuts	3,301,947	2,063,288	1,238,659	2,562,175
Hides and skins	12,347,851	8,965,090	3,382,761	1,003,232
Leather and tanned skins	1,372,335	948,129	424,206	778,681
Perfumery, etc	238,959	165,904	73,055	113,880
Seeds	2,486,646	1,560,854	925,792	2,084,481
Silk manufactures	2,460,161	1,745,069	715,092	2,466,623
Silk, artificial	263,409	215,792	47,617	399,785
Vegetables	1,225,280	802,806	422,474	1,066,005
Laths and shingles	263,718	206,357	57,361	142,191
Wool and angora hair	23,329,560	2,448,259	20,881,301	3,645,662
Total, 18 products	51,636,058	22,600,994	29,035,064	19,302,854
			Decrease.	
Aluminum, crude	163,270	219,372	56,102	576,074
Aluminum manufactures	5,958	61,569	55,611	66,925
Clocks and parts	17,643	104,529	86,886	62,493
Embroideries (cotton)	523,514	801,317	277,803	1,165,054
Stockings (cotton)	6,850	302,865	296,015	209,010
Other knit goods (cotton)	52,915	324,033	271,118	31,810
Eggs	3,357	67,990	64,633	
Fish	1,476,513	1,592,067	115,554	1,233,800
Plate glass		2,124	2,124	31,810
Other glass	180,322	467,328	287,006	485,605
Cutlery	58,544	194,534	135,990	143,561
Enameled ware	16,463	63,134	46,671	80,392
Tin plate	10,242	104,802	94,560	31,458
Gloves (leather)	257,278	765,174	507,896	620,226
Meat and dairy products	2,480,228	4,517,468	2,037,240	1,104,552
Oil cloth and linoleum	31,771	68,694	36,923	146,359
Paper and manufactures	2,029,881	2,116,212	86,331	1,759,711
Films and plates	77,893	81,360	3,467	106,006
Wood pulp	1,414,883	2,346,982	932,099	1,269,774
Wool manufactures	1,378,803	2,188,832	810,029	1,468,228
Total, 20 products	10,186,328	16,390,386	6,204,058	10,646,850
Increase list	51,636,058	22,600,994	29,035,064	19,302,854
Total, 38 products	61,822,386	38,991,380	22,831,006	29,949,704

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on this day approved and signed the following act and joint resolution:

S. 5415. An act to authorize the construction of a bridge across the Fox River at Geneva, Ill.; and

S. J. Res. 121. Joint resolution authorizing the appointment of a representative of the United States Government to appear at the celebration of the landing of Sir Francis Drake on the coast of California.

POTOMAC RIVER BRIDGE.

The VICE PRESIDENT. Morning business is closed.

Mr. SWANSON. I move that the Senate proceed to the consideration of House bill 759.

Mr. OLIVER. What is the bill?

The VICE PRESIDENT. It will be read by title.

The SECRETARY. A bill (H. R. 759) to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof.

The VICE PRESIDENT. The question is on the motion of the Senator from Virginia to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, page 1, line 7, after the word "cost," to insert "for the bridge and the necessary approaches thereto," so as make the section read:

That the Secretary of War be, and he is hereby, authorized and directed to cause to be constructed a bridge across the Potomac River at or near what is now known as the Aqueduct Bridge, replacing said bridge with a substantial structure, at a cost for the bridge and the necessary approaches thereto of not more than $1,000,000.

The amendment was agreed to.

The next amendment was to strike out section 3, as follows:

SEC. 3. That the Secretary of War is further authorized to make such contract for the removal of the present bridge and for the sale thereof as in his discretion may be proper, and to cover the proceeds of such sale, if any, into the Treasury of the United States.

The amendment was agreed to.

The next amendment was, in section 4, line 21, after the word "property," to insert "necessary in the construction of said bridge," so as to read:

SEC. 4. That the sum of $150,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of securing proper plans and for the payment of any lands, easements, rights, or property necessary in the construction of said bridge.

The amendment was agreed to.

Mr. SWANSON. Mr. President, the Committee on Commerce adopted an amendment to the bill which they failed to report. I now send the amendment to the desk and ask that it may be inserted in the bill.

The VICE PRESIDENT. The amendment submitted by the Senator from Virginia on behalf of the Committee on Commerce will be stated.

The SECRETARY. In section 4, page 3, line 1, after the word "herein," it is proposed to insert:

The Secretary of War shall advise with the Commission of Fine Arts in regard to the location, plan, and specifications of said bridge and approaches.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, in section 5, page 3, line 9, after the word "cables," to insert "and interurban railroads," so as to read:

That the said bridge shall be used as a highway for traffic, and for gas and water mains, power, telegraph and telephone wires or cables, and interurban railroads, upon such conditions and for such compensation as may from time to time be prescribed by the Secretary of War.

The amendment was agreed to.

The next amendment was, in section 5, page 4, line 4, after the word "bridge," to insert "and the double track above described," and in line 8, after the word "railways," to insert "including the Washington & Old Dominion Railway," so as to read:

And provided further, That any electric railway shall have the right to use said new bridge and the double track above described upon terms determined by the Secretary of War, who is hereby authorized and directed to hear the interested parties and to fix the terms of joint trackage. And all electric railways, including the Washington & Old Dominion Railway, using said new bridge shall, in addition to taxes and other charges, pay monthly into the Treasury of the United States the sum of one-half of 1 cent for each passenger transported each way over said new bridge, and just and reasonable rates or charges on all freight transported thereon, and of these sums, when paid into the Treasury, one-half shall be credited to the District of Columbia.

The amendment was agreed to.

Mr. SUTHERLAND. Mr. President, in section 2, page 2, line 5, after the words "as may be," I move to strike out the word "desired" and to insert in its place the word "necessary," so that it will read:

As may be necessary for the construction of said bridge and the approaches thereto.

Mr. SWANSON. I accept the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

GOOD ROADS.

Mr. BANKHEAD. I move that the Senate proceed to the consideration of House bill 7617, commonly called the good-roads bill.

Mr. HOLLIS. Mr. President, it had been my intention to ask that the rural-credits bill be taken up at the close of the routine morning business this morning. Several Senators have spoken to me about wishing to discuss the paragraph which deals with exemptions from taxation, but I find that one of the Senators on the other side is ill, and therefore can not discuss that matter to-day. While I had hoped to get a vote on the bill to-day, I have agreed that Senators may discuss the section of the bill to which I refer to-morrow, and I shall not attempt to get a vote to-day. I therefore do not insist upon taking up the rural-credits bill until 2 o'clock.

The VICE PRESIDENT. The question is on the motion of the Senator from Alabama [Mr. BANKHEAD].

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

The VICE PRESIDENT. The pending amendment is that offered by the Senator from Ohio [Mr. POMERENE], which will be stated.

The SECRETARY. On page 11, line 13, it is proposed to amend the committee amendment by adding after the word "require," on line 13, the following:

Provided, however, That the Secretary of Agriculture shall approve only such projects as may be permanent in character, and the expenditure of funds hereby authorized shall be applied only to such improvements.

Mr. BANKHEAD. Mr. President, I very much hope that this amendment will not be adopted in the form in which it is submitted. This amendment, if adopted, in my judgment, would preclude the expenditure of any of the money intended to be appropriated to the building of post roads, because there can be no such thing, Mr. President, as a permanent road. There has never been a permanent road built, and there never can be. So, if the Secretary of Agriculture should literally construe the language included in the amendment, it would, in my opinion, absolutely preclude the building of any road under the provisions of this bill.

I am as anxious, Mr. President, as is the Senator from Ohio or any other Senator that this money shall be wisely and judiciously used and that we shall get value received for every dollar that is expended; I am just as anxious as is the Senator from Ohio or any other Senator that the money that we propose to appropriate for the building of post roads shall result in the building of good post roads and highways; and I should like to ask the Senator if he would not be satisfied and if he would not consent to an amendment such as this: Strike out in his amendment all after the word "may" and insert the words "call for the construction of good post roads and highways." It seems to me, Mr. President, that is as far as we can safely go.

Mr. POMERENE. Mr. President, may I ask the Senator to restate his proposed amendment? I did not catch it.

Mr. BANKHEAD. It might be that an amendment reading in this way would suit the Senator:

That the Secretary of Agriculture shall approve only such projects as may be good in character.

My original suggestion was to strike out all after the word "may" in his amendment and to add the words "call for the construction of good post roads and highways."

Mr. SHAFROTH. Mr. President, I should like to ask the Senator whether or not, inasmuch as the States and localities must pass upon these matters, they are not better judges as to

what kind of a road ought to be built, and would it not be better to leave the discretion in them rather than to prescribe that authorities here in Washington, 2,000 miles away from my State and varying distances away from other States, shall prescribe the exact character of roads supposed to be suited to a particular locality?

Mr. SMITH of Arizona. Particularly when the States spend ten times as much on roads as the Government does.

Mr. SHAFROTH. And inasmuch, no doubt, as the States will put up fully as much as the National Government, and, I presume, much more than the National Government, it seems to me they ought to determine the character of the roads to be built, instead of prescribing absolutely here in Washington what shall be done.

Mr. BANKHEAD. Mr. President, I thoroughly agree with the Senator from Colorado. I have stated on the floor repeatedly that, in my opinion, this question should be left to the State highway commissions and the Secretary of Agriculture to work out such plans and to construct such roads as would in their judgment give value received and carry out the purpose of the act, that being to construct good post roads and highways. I made the suggestion with the hope that the Senator from Ohio might be willing to accede to it, inasmuch as I am informed by the best highway engineers in the country that to confine the Secretary of Agriculture to the construction of "permanent" roads is out of the question and impossible. I hope the Senator from Ohio will accept my suggestion. If not, then I must ask the Senate to reject the amendment.

Mr. POMERENE obtained the floor.

Mr. VARDAMAN. Will the Senator yield to me for a moment?

Mr. POMERENE. Certainly.

Mr. VARDAMAN. Would it be objectionable to the chairman of the committee to insert the word "durable" in place of the word "permanent"?

Mr. BANKHEAD. Mr. President, the highway commissions and the engineers all agree that the word "durable" means brick or concrete, or roads of similar character.

Mr. VARDAMAN. I did not know that the word had a technical meaning, and if the Senator from Alabama is correct in his understanding of the meaning of the word it would not be prudent to insert it.

Mr. POMERENE. May I ask the Senator who are the engineers to whom he has referred?

Mr. BANKHEAD. Mr. President, roads of that character are only needed where commerce and travel converge around the big cities; they are not needed in the country.

Mr. POMERENE. Mr. President, may I ask the chairman of the committee who the engineers are that define "permanent" as meaning brick roads or concrete roads or macadam roads?

Mr. BANKHEAD. Well, Mr. President, I do not object to telling who my authority is on that subject, so far as that is concerned, because it is no secret. Mr. Logan Page, of the Good Roads Division of the Agricultural Department, states that positively.

Mr. GALLINGER. Mr. President, if the Senator from Ohio will permit me——

Mr. POMERENE. I will.

Mr. GALLINGER. It occurs to me that there is one other word that would accomplish the purpose of the Senator and obviate the difficulty of defining the word "permanent," and that is the word "substantial"—that the road shall be substantial in character.

Mr. POMERENE. Mr. President, I will take up each of these suggestions as they have been made. I do not think that any one of them meets exactly what I had in mind when I used the word "permanent."

It was not meant, and this amendment does not say, that these roads must be permanent. The phrase is "permanent in character." The Senator from Alabama [Mr. BANKHEAD] would substitute the words "good in character." I do not know how he is going to define a "good road" any more than I can define specifically a road "permanent in character"; and I have not attempted to define it. That phrase would be better, however, than the language of the bill as it was presented without any amendment.

My friend the Senator from Mississippi [Mr. VARDAMAN] suggests the word "durable." That is better than the word "good," in my judgment; but it is not as good as the word "permanent."

Mr. VARDAMAN. Mr. President——

Mr. POMERENE. Pardon me just a moment. The Senator from New Hampshire [Mr. GALLINGER] suggests the word "substantial." I think that is better than the word "durable," and I would much prefer it to having no provision of this character in the bill.

Mr. VARDAMAN. Mr. President, will the Senator allow me to interrupt him?

Mr. POMERENE. If the Senator will pardon me just a moment until I have answered the suggestion made by the Senator from Colorado [Mr. SHAFROTH], I will yield to him.

I do not think the Senator from Colorado fairly states this proposition. It is not a question of somebody here in Washington determining what shall be done. The bill itself provides that the projects, the plans, the specifications, the material, shall be first suggested by the State highway commission or by the governor. Afterwards, the projects, plans, specifications, and material shall be submitted to the Agricultural Department here; and, if approved by the Agricultural Department, then this expenditure can be made.

Let me suggest further while on this point, that it is said that the States, of their own volition, are expending for roads vastly more money through their own administrative authorities than is provided to be contributed by the Federal Government. That is true unquestionably.

Now let us see what the situation here is with regard to Colorado. Under the provisions of this bill Colorado would get out of the $5,000,000 appropriation $86,800. By the terms of this bill, before that State would be permitted to receive this amount of money, it must appropriate at least a like sum, namely, $86,800, out of its own treasury; in other words, it would require a total expenditure of twice $86,800 to be invested in the construction of permanent roads. I dare say that in the State of Colorado to-day there is more money expended for permanent roads which would meet the requirements of the language of my amendment, than can be built in any one year for twice $86,800. Assuming that to be so, then Colorado is in a position where she can get this Federal aid, and I want her to have it; but I do not want this money to be frittered away, as much of it will be, in my judgment, if there is no limitation whatsoever placed upon the road upon which this money may be expended.

Now, looking at it from the standpoint of the State, it is just as broad as it is long, because if this Federal money is put in what we might all agree was a permanent roadway, then she can divert her funds to making these temporary roadways, if I may use that term, and the State will lose nothing by it. My belief is that if we are going to take this money and expend it in each of the several States in mere temporary road building, a mere grading up of the earth and the clay into the center of the highway, it may be, and making a gutter along each side, we will have nothing at the end of the year to show for the expenditure of the Federal funds. This proposition is so enormous, so tremendous, with 2,300,000 miles of highway in the country, that if we are going to attempt in any degree to make these temporary highways in the way that I have indicated, it is going to discourage rather than to encourage permanent road building.

With all due respect to the commissioner of highways, when he attempts to make the statement that the word "permanent" includes only a brick road, a macadam road, or a concrete road, I am in a position where I have either to question his intelligence or to question my own.

Mr. SHAFROTH. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. POMERENE. I do.

Mr. SHAFROTH. The reference which I made as to prescribing here the kind of road that should be built in the States applies not to what the Secretary of Agriculture might do, but to the very thing that the Senator is prescribing in this amendment. When a State, as is the case in my State, has a highway commission, composed in my State of three members, a board of engineers, all of them of the highest degree of skill that can be had, and when those men are willing to put up the money—and they will put up not only half, but two-thirds to three-fourths of the amount—it seems to me that we ought to leave it to them.

Mr. POMERENE. May I ask the Senator from Colorado a question?

Mr. SHAFROTH. Certainly.

Mr. POMERENE. What kind of roadways does the Senator anticipate the State of Colorado will build under this appropriation, if it is made?

Mr. SHAFROTH. I think the chances are that most of them will be roads with a rock surface—not a rock surface entirely, but disintegrated granite. That is something that is very good in our State, and that is what we build mostly.

Mr. POMERENE. Does not the Senator believe that a road of that character would meet the requirements of the language of my amendment?

Mr. SHAFROTH. I do not know whether it will or not, because at times it washes—there is no doubt about that—and yet it is quite a durable road.

Mr. POMERENE. Certainly; and there might be an earthquake out there that would disturb any kind of a road that might be built.

Mr. SHAFROTH. Oh, no. The heavy storms will, to a certain extent, damage them; but unquestionably, when you compare the cost of that with the cost of a concrete road or a road that is built of brick, the latter is so much greater that, if it were insisted upon, you could not have any construction at all to speak of. You would not have a hundred miles of road a year constructed under this bill if that were the case.

Not only that, but so far as my State is concerned, we have a tax which raises $600,000 every year. That goes to the construction of roads. That is a State tax, and they require counties to put up and they require individuals to put up.

Mr. POMERENE. May I ask to what class of roads that applies?

Mr. SHAFROTH. It applies generally to what are called the State roads.

Mr. POMERENE. But to what character of improvements?

Mr. SHAFROTH. Generally surfacing them with disintegrated granite or small rock. We have in the State of Colorado a great quantity of disintegrated granite. It is not exactly pulverized, but nearly so. It is a surface that wears splendidly, and it is the character of road that is most used and most built. I do not know whether that would come under this language or not.

Mr. POMERENE. Mr. President, I think there can be no question but that the construction which will be placed upon this language by the Agricultural Department will be practically final. It would have to be a gross abuse of discretion before any court would attempt to interfere in what was purely an administrative function. A mere difference of opinion as between man and man would not be regarded as sufficient justification for the court to disturb an administrative act.

The language here is that the Secretary of Agriculture shall approve only such projects as may be permanent in character. He is the judge—not a court, not any other official; and my belief is that there would be less abuse of the spirit of congressional action here by aiding the department in determining the character of roads which may be built under these appropriations than by leaving the matter wholly to his discretion; and my thought is this, too: If there be no limitation placed upon this appropriation, and the discretion of the department be abused, as I believe it will be, by attempting to make these temporary repairs, there will be a revulsion of feeling against legislation of this character that will, later on, defeat Federal aid, which I would very much regret.

Mr. BANKHEAD and Mr. SWANSON addressed the Chair.

The VICE PRESIDENT. Does the Senator from Ohio yield, and to whom?

Mr. POMERENE. I yield to the chairman of the committee.

Mr. BANKHEAD. Mr. President, I am sure the Senator from Ohio wants to keep the record straight. I did not say, as he seems to think I said, that permanent roads were made out of brick or concrete. I said there was no such thing as a permanent road, and none could be built. I said that durable roads, under the definition of the engineers, were built out of brick, cement, and such material—durable roads, not permanent roads.

Mr. POMERENE. But, Mr. President, I think we must give a reasonable construction to all language, and I think Senators generally understand what we mean when we speak of a road that is permanent in character. We mean something in contradistinction to a road that is only temporary in character.

Mr. VARDAMAN. Mr. President, will the Senator from Ohio yield to me for a moment?

Mr. POMERENE. Yes; I yield to the Senator from Mississippi.

Mr. VARDAMAN. I was just going to ask the Senator if the words "permanent" and "durable," as stated by the chairman of the committee, have a technical meaning in road building? For instance, if a durable road is a road built of such material as brick, concrete, and material of that character, the enactment of a law, with the use of those words, would leave no discretion to the Secretary of Agriculture in construing them. He would be compelled to give them the technical meaning, which is usual in treating the subject of road building. There is no room for question on that point.

I can not agree with the Senator from Ohio that there is any danger of the Secretary of Agriculture and the authorities of the State permitting an improper or worthless road to be constructed; but if the Senator wants to throw around it more safeguards than the bill already provides, I think the suggestion of the Senator from New Hampshire [Mr. GALLINGER] would meet all requirements by employing the word "substantial." It is not so strong a term as "durable," and it does not go so far as the word "permanent." It means a substantial, lasting construction.

Mr. GALLINGER. Mr. President, if the Senator from Mississippi will permit me, I will read three or four definitions of the word "substantial" in a very few words.

Mr. VARDAMAN. I have nothing further to say, except to call the attention of the Senator from Ohio to the fact that I do not think any probable or possible abuse would occur under the terms of the bill at all, but certainly not if his amendment should be adopted and the word "substantial" should be substituted for "permanent."

Now I yield the floor to the Senator from New Hampshire.

Mr. GALLINGER. Among the definitions of the word "substantial" are these:

> Having an essential value; genuine; sound; sterling. Having firm or good material; strong; stout; solid; real; or true in the main or for the most part. Vital; important. That which has real practical value.

It seems to me that that is a word which covers the case very completely, without using a word that is very difficult of definition, unless we go to the extreme of good-road building.

Mr. POMERENE. Mr. President, I am obliged to the Senator for giving us the benefit of that definition; but I have been furnished with a definition of the word "permanent" as contained in the Century Dictionary, and I want to read it:

> Lasting or intended to last indefinitely; fixed or enduring in character, condition, state, position, occupation, use, or the like; remaining or intended to remain unchanged or unremoved; not temporary or subject to change; abiding; as a permanent building; permanent colors, permanent employment; permanent possession.

And according to the able engineer who has been quoted here as authority by the chairman of this committee, there could be no permanent building, because a building does not last forever.

Mr. SMITH of Georgia. Mr. President, will the Senator allow me to ask him a question?

Mr. POMERENE. Yes.

Mr. SMITH of Georgia. Under the definition "lasting indefinitely, not subject to change," would not the Senator hold that an asphalt road, which we know wears out in five or six years, would not be a permanent road?

Mr. POMERENE. No; I could not agree with the Senator upon that definition at all. It is permanent in character, just as much as this building is permanent in character, just as much as any house is permanent in character.

Mr. SMITH of Georgia. Is not this building a building of indefinite permanency, that might last for many, many years, and we do not know when it would wear out, while we know that an asphalt road will give out in 10 years? I have never seen one last more than 5 or 6 years.

Mr. POMERENE. Mr. President, I recognize the fact that any character of road we may build is not going to be permanent, according to the engineer, Mr. Page; but if an asphalt pavement is temporary in character, how much less permanent in character and substantiality is a mere road which is graded up to the center with nothing but the ordinary earth in that vicinity!

I take it that any Secretary of Agriculture who may be in office is going to be a reasonable man and take notice of all of the facts connected with a given proposition. I take it that he is going to have in mind the kind of material that there may be in the several States or localities where this material could be used in economical road building. All those things will be borne in mind. But if you are going to have a road simply temporary in character, what is going to be the situation? You are going to have some gentleman constantly waiting upon the Department of Agriculture and upon the highway commissions to press this proposition, that proposition, or the other proposition. There is going to be, in my judgment, more laxness in the methods of road building, and there will be more extravagance in the expenditure of the money. It is that which I want to prevent.

The Senator from New Hampshire [Mr. GALLINGER] and the Senator from Mississippi [Mr. VARDAMAN], I think, have each given pretty good suggestions. I would myself prefer the word "permanent"; but if that is not going to be accepted, I certainly do hope that one or the other of the suggested amendments will be accepted. I do not know of any road commissioner, State or

National, who should be given carte blanche to say to what jobs he shall devote the public funds.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. POMERENE. I yield.

Mr. GALLINGER. I move an amendment to the amendment submitted by the Senator from Ohio to strike out the word "permanent" and insert "substantial."

Mr. SMITH of Georgia. I could not hear the Senator from New Hampshire. What does he propose to strike out?

Mr. GALLINGER. The Secretary will state it.

The VICE PRESIDENT. The amendment to the amendment will be stated from the desk.

The SECRETARY. In the amendment offered by the Senator from Ohio [Mr. POMERENE] it is proposed to strike out the word "permanent" and in lieu thereof to insert the word "substantial."

Mr. SWANSON. Mr. President, I hope the amendment of the Senator from Ohio [Mr. POMERENE] will not be adopted. It would simply tend to bring about the expenditure of all this money around the large cities, where they will have macadam and permanent roads. One of the purposes of this bill is to aid the rural communities, where there are not sufficient funds to have permanent roads of the character that the Senator from Ohio wants constructed.

There is no objection to the amendment offered by the Senator from New Hampshire [Mr. GALLINGER], but the Senator said that this bill permits waste of Federal money. Those of us who were on the subcommittee reporting this bill to the full committee considered this matter. There is no chance of the Federal money being thrown away under this bill. If it is a sand-clay road, or a gravel road, or even if it is a dirt road, it has to be, under this bill, put in good condition. After it is put in good condition then the Federal Government pays its half or third. Then the State must agree to keep the road substantially in the same condition that it was in when the Federal Government paid its money. Consequently, whatever the character of that road, for all time to come that road must be kept in that condition, so the money can not be wasted or lost. If it is not kept in that condition the State then fails to receive any money in the future.

We considered all that phase of the question, and no bill has been introduced here that provides more safely and completely against the waste of money by the Federal Government than this.

I have no objection to the amendment offered by the Senator from New Hampshire [Mr. GALLINGER]; but if you put in the word "permanent," that word has been construed generally by State highway commissions not to include sand-clay roads or gravel roads. It is usually construed as a macadam or brick road, or a permanent road of that kind or character.

It seems to me there is no danger of having any trifling roads under this bill. You can not repair roads under the bill. You can rebuild them; you can construct them; but the temporary repairs that the Senator imagines will occur could not be made under the provisions of this bill. Consequently, I can not see why it would not be better to let the bill stand as it is; but I have no objection to the amendment offered by the Senator from New Hampshire, which would permit sand-clay roads, gravel roads, and roads of that character to be built under the provisions of the bill.

Mr. CURTIS rose.

Mr. SWANSON. Does the Senator from Kansas wish to interrupt me?

Mr. CURTIS. I was going to suggest that the substitution of the words "modern in construction" for "permanent in character" might answer the objection.

Mr. SWANSON. The State highway departments would differ as to what is a permanent road. If you want to spend this money to build roads around large cities, simply building a macadam road, and giving the rural district no benefit of it, put in the word "permanent." That is what it means. It means that the rural sections would have to pay half the expense ultimately in the construction of roads costing $15,000 or $20,000 a mile. I do not think that is right. I think that will destroy one great purpose of the bill.

Mr. POMERENE. Surely the Senator from Virginia does not mean to say that if this amendment is adopted permanent roads would only include those that would cost $15,000 or $20,000 a mile.

Mr. SWANSON. I mean this: If the department should construe this language to mean that only macadam, brick, or rock roads are included in permanent roads, a sand and clay road could not be built, a gravel road could not be built, and the effect would be that this money would be spent entirely around large cities. To the word "substantial" I do not believe the chairman of the committee will object, but I would prefer the language of the bill.

As I said before, there can be no waste of Federal money under the bill. Take the imagined case the Senator from Ohio put. They could put the dirt road in a good condition and pay $200 a mile to do it under the provisions of the bill. They could drag it and drain it and make a dirt road. What is the result? Under the provisions of the bill the State will have to agree for all time to come that that road shall be kept in substantially the condition that it was when it was completed, and if that is not done no money under the provisions of the bill shall accrue to the State. If you could get all the dirt roads kept for all time in that condition, it would be a great deal gained. The bill has been drawn carefully to prevent any waste of Federal money. I do not see how any waste of Federal money can accrue if the bill is honestly and fairly executed.

Mr. SHAFROTH. Mr. President, the Senator from Ohio has said that we would never have a Secretary of Agriculture who would construe the word "permanent" to mean a brick or a macadam road, and that therefore there is no danger in putting in this amendment. If such a condition as he describes is bound to exist, why can you not trust the Secretary of Agriculture to determine under the general provisions of the bill? Why prescribe a limit on what he can do by the indefinite provision which is proposed here by the Senator from Ohio? The amendment reads as follows:

Provided, however, That the Secretary of Agriculture shall approve only such projects as may be permanent in character, and the expenditure of funds hereby authorized shall be applied only to such improvements.

Now, why is it necessary to curtail his power? If it means nothing, if the Secretary is going to have the leeway of determining what is permanent and what is not permanent in the kind of road to be used, what is the use of making that provision? Section 6 prescribes as follows:

SEC. 6. That any State desiring to avail itself of the benefits of this act shall, by its State highway department, submit to the Secretary of Agriculture project statements setting forth proposed construction of any rural post road or roads therein. If the Secretary of Agriculture approve a project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require.

Mr. President, it takes the approval of the Secretary. Why limit him and curb him by a distinct provision with respect to this particular matter?

The Senator thinks there will be a great waste of money. I deny that, Mr. President. I do not believe there will be. I do not believe it, because I believe that the expenditures which have been made in the last 8 or 10 years in various States of the Union have demonstrated that the State highway departments are as anxious for good roads as any Federal officer possibly can be. I know that in our State we are very careful. We are making splendid roads, and we are spending a great deal of money upon them. We spent $2,600,000 last year for this purpose. Here is a provision that is going to be availed of, I believe, by the States, so that the National Government will not have to put up more than one-fourth. It says not exceeding one-half. I am satisfied that will be the case, inasmuch as experience has shown in my State that the individuals and the counties are willing to put up the majority of the money in any case. You will find that they will do it with relation to the Federal fund and in order to make it build as much road as possible. Here is a proposition to curb and restrict by a direct command the Secretary of Agriculture with respect to the character of roads, when, as a matter of fact, they will be putting up twice or three times as much money as the Federal Government.

I am opposed to any restriction. I am opposed to any limitation. I believe we can rely upon the general good character of the Secretary of Agriculture when the proposition comes up. If it is very bad he will condemn it; if it is not very bad he will find that the highway department of the State is going to be the one that will determine what is for the best interest of the community in which the road will be built.

Mr. COLT. Mr. President, in determining this particular question it seems to me that it turns upon this proposition: Has the word "permanent" in the road-building art a fixed meaning? If the word "permanent" in this art has come by usage to mean a macadam road or a brick road, then in all probability if this word was before the court they would construe it according to its meaning in the art. This is a very familiar rule of construction in dealing with customs cases. We take the meaning of a word as used in the trades.

Further, if it is doubtful whether the word "permanent" has a fixed meaning or has not a fixed meaning, then it would

be well not to use that word, for fear that a court or the Secretary of Agriculture would construe it in its limited, technical sense.

I do not know, myself, whether the word "permanent" in the road-building art has come to have a fixed meaning such as has been indicated. If it has, then that word ought not to be left in the statute unless we desire that it shall be construed to be limited to roads of a certain class.

Mr. LANE. Mr. President, I do not understand the amendment. There are no permanent roads. No permanent roads have ever been built. There must be repairs to all roads. What makes a good road in one country makes an inferior one in another. In California by rolling and draining and covering dirt roads with oil and keeping it in repair they have good roads, suitable for ordinary traffic, but they will not stand heavy traffic without cutting. There is no road except one made of basaltic Belgian blocks that will last 15 years without repairs or rebuilding. The life of an asphaltum road is from 10 to 12 years. If you do not travel at all on such a road it rots out in most countries and loses its binding quality of holding the road material together in that length of time. Any bitumen will make a good road when faced with a rock surface, or "metal," as it is called. Its life, however, is but about 12 years under ordinary weather and traffic if well laid, and it is too expensive.

The so-called crushed rock or macadam road wears away rapidly and has to be resurfaced often. If you keep after it all the time, a well-made clay road, well rolled and well drained, will keep up for many years with the light traffic of the country such as farmers driving over it with their produce if kept in repair.

There is no road which is permanent and there is no particular road that is suited for all and differing localities. The term that they must construct a permanent road means that they shall do something which nobody has approached yet except the Romans. The Romans built a road that had a fairly permanent foundation, and in France and all through Europe they are resurfacing the old Roman roads and using them to-day. They stand upon a foundation that you can call permanent for a road, but it is constructed at a heavy first cost. It must be properly drained; it must have large culverts; draining is the secret of such a road if it is in a watered country. Water destroys a road. Attrition also destroys its surface. The surface should be of hard stone or metal, as it is called, well laid, and the day will come in this country when they will use steel for "tracking" the vehicles, and when we do that we will have a road that will last for years, but not until we do so. Nothing is "permanent" but the Almighty; not even the mountains, for they are being leveled by attrition.

The bill should be so drawn that it will meet differing conditions in keeping up the roads of different sections and compelling repairs to be made, building roads suitable to the traffic in the community in which the road is constructed. You can not go farther than that.

Mr. STERLING. Mr. President, I sincerely hope the proposed amendment of the Senator from Ohio will not prevail, for this reason: The words "permanent in character" might be so construed by the Secretary of Agriculture as to preclude my own State especially, and I may say I speak with some special knowledge, and I think other States as well somewhat similarly situated, from sharing in the benefits of the bill. In South Dakota we could not build roads with crushed rock or stone as a basis with concrete or asphalt upon the top of that. We could not think of doing a thing of that kind. We could not build a macadamized road of any length in South Dakota because of the tremendous expense it would be to us. We could not build a brick road, if a brick road is to be construed as a permanent road under the language of this amendment.

With this Government aid, however, we might be able to do this. We could construct with care and with some attention to scientific construction a good dirt road and we could surface that road, perhaps, with gravel or in certain sections of the State of South Dakota, and it is true likewise in North Dakota, we could surface such a road so constructed with lignite, which may be obtained in large quantities in certain parts of the State.

Mr. President, I appreciate what was said by the Senator from Rhode Island [Mr. COLT] in regard to the meaning that may be given by usage or custom to the word "permanent." Perhaps the term has been used too long in connection with macadamized roads or with rock-built roads or with brick roads to mean in the mind of the Secretary of Agriculture anything else than roads of that kind, and he would say, "Your proposed dirt road, constructed in a State where you have not this material or where it was too costly for you to procure it, does not come within the meaning of the term 'permanent in character' as used in the bill."

Mr. President, we can not build roads that cost so much in their construction as they do in certain parts of the United States, but we shall construct under the bill more miles of reasonably good, substantial roads, and the provisions of the bill will be of great benefit to us because it will enable us to do that. Here is our great State, much of it—that portion west of the Missouri River sparsely settled, but in which good roads are needed nevertheless—in which the settlers are new and who feel too much the burden of constructing such roads as could be constructed with the aid of the Government under the bill.

Mr. GALLINGER. Mr. President, we all appreciate the difficulties that certain sections of the country have in the construction of so-called good roads. I have listened to the Senator's explanation of what may be expected in South Dakota. The Senator says they can construct good, substantial roads. I have offered an amendment to strike out "permanent in character" and insert "substantial in character." Would the Senator object to that? Could not his State meet that requirement?

Mr. STERLING. I will say in answer to the Senator from New Hampshire that I think it probably could if there be a reasonable construction put upon the word "substantial" by the Secretary of Agriculture; but I can hardly see the necessity of even that word under the safeguards provided in the bill. Is it likely that the State highway commission will present to the Secretary of Agriculture an unreasonable project in regard to the building of a road in any particular State? I do not believe it will.

Then, again, Mr. President, after the care and attention that the highway commission will give to the subject in presenting any project to the Secretary of Agriculture, there will be the supervision of the Secretary of Agriculture himself through his inspection and study of the proposed project.

It seems to me that there is every possible safeguard thrown around the bill against any wasteful expenditure of Government appropriations. I hope the bill will stand as it is written without this amendment.

Mr. NORRIS. I wish to ask the Senator from South Dakota a question. Does the Senator believe that the word "permanent" would exclude the kind of road that he describes in his State?

Mr. STERLING. I was just indicating, I will say to the Senator from Nebraska, my theory in that regard. I say that roads built of brick, of macadam, or of concrete, with ground rock as the basis, and so forth, would probably be deemed as being permanent roads—they have always been so considered—and the Secretary of Agriculture might say, in view of this, that no other road is a permanent road under the meaning of this amendment.

Mr. NORRIS. Of course, technically, as has already been said, there never has been a road built that is permanent, if you are going to use that technical definition of it. I would not want to cut out the kind of roads the Senator has described. At the same time, it seems to me that this word "permanent" would not do that. If it would cut out that kind of a road because it would not last long enough, then for the same identical reason it seems to me it would cut out a brick road, because that will not last forever. The word ought to be in the bill, it seems to me, in order to distinguish the road from a temporary affair, from a makeshift. It ought to be a real road.

Mr. STERLING. The Senator from Ohio has frequently used the word "temporary." I do not know what he means by "temporary," unless he means a road that would have to be built under conditions as they exist in my own State and in many other States. That is what I think he must mean by a temporary road; and his idea of a permanent road is a road constructed of other material than dirt.

Mr. LODGE. If the Senator will allow me, I think it is perfectly easy to state what is meant by temporary. In all parts of the country a large part of the roads are of that character. They are roads which are repaired in the spring, and after the winter is past they are repaired again in the spring.

As I understand the object of the bill as it now is, it is to allow the Government money to be spent on repairs of precisely that character. I do not want to do anything to stop the easy flow of the appropriation to needy places, but I do not think we ought to spend the Government money on temporary repairs of that kind.

Mr. STERLING. Mr. President, I think the Senator from Massachusetts labors under a misapprehension in that regard. The work of which he speaks is not road construction.

Mr. LODGE. Oh, yes; it is.

Mr. STERLING. That is maintenance of the road. The road having once been built, although it be a dirt road, graded up, and graded up scientifically, as it should be done, the matter of keeping it maintained or in repair thereafter will rest with the State authorities, the local authorities. It is the construction of roads, miles and miles in length, in the first place, that makes the hardship in my State and in many other States similarly situated. Then, with a road like that, comes the somewhat burdensome task, too, of afterwards keeping it in repair by the local authorities, and the local authorities are required, under the provisions of the bill, to keep it in repair.

Mr. TOWNSEND. Mr. President, there may be some doubt about the proposition that the Federal Government should engage in aid of constructing State roads; there may be some ground for debate on the question as to how much aid the Government should furnish the State; there may be some question as to whether now is the time to furnish such aid; those are debatable questions; but, I submit, Mr. President, that the provision for good roads, as contained in this bill, is not or cannot be one for serious debate.

The bill provides for good roads for all of the States in the Union to the extent of the Federal aid provided therein. It recognizes the fact that in some places it is, perhaps, better to use cement, concrete, or brick, and that in other places that is impracticable and can not be done. We safeguard the Government appropriation with every means that is reasonable or that could be required in safely investing the Federal funds. Each State has to contribute the peoples' money of that State for building every rod of road that is aided by the Federal Government, and in most of the States the construction of good roads has come to be almost an exact science. The State officials are not going to waste their peoples' money in the construction of dirt roads that are only temporary in character. If they did so, they could never draw another dollar of Federal money in the construction of roads thereafter.

Mr. LODGE. Let me ask the Senator there, why not?

Mr. TOWNSEND. If the Senator from Massachusetts will wait, I will tell him. I was just coming to the discussion of that point. The bill provides that the roads and the plan for their construction shall be first presented to the Secretary of Agriculture by the State, and that he shall approve them; that they shall be roads which shall be maintained in the condition in which they were built for at least 10 years, according to an amendment that has been introduced, but without the amendment they must be maintained in good condition for all time or else no further money can be drawn from the Federal Treasury. That is the provision of the bill.

Mr. LODGE. I know that that is the provision of the bill; but what protection have you as to the original character of the roads, which is the standard?

Mr. TOWNSEND. We have the protection, first, of the common sense and patriotism of the various officials of the States, who will not spend money out of the Federal Treasury for building bad roads. The States are interested not alone in the first year's appropriation, but are even more interested in subsequent years.

Mr. LODGE. I am not troubled about the officials of the States.

Mr. TOWNSEND. We have the further protection that the Secretary of Agriculture, knowing that this is a bill passed for the purpose of constructing good roads, will not spend a dollar or allow a dollar to be spent for bad roads.

Mr. LODGE. Not even on the eve of an election?

Mr. TOWNSEND. I do not think so. I have no fear of that.

Mr. President, I think we have surrounded this bill with every safeguard that could be reasonably required. I realize, of course, that Senators who represent States which have stone roads, and a large number of them, which have built their roads to a great extent, and are to be commended for having done so, that these Senators understand good roads to mean such as those States have built, and do not understand that equally satisfactory roads can be built of other material in other States. These States are to be commended on what they have done. They have had the money and they have used it for good purposes. But they should not set up their standard for the rest of the States to follow, for it might not be possible to follow it in other States.

I can see no possible objection to the amendment offered by the Senator from New Hampshire. I think that what his amendment provides is the intention of the bill. I do not think any other kind of roads should be constructed. I also claim that the roads will be properly constructed if that amendment does not obtain. The States are as greatly and as intelligently interested in good roads as the Congress. The roads must be built as nearly permanent as possible, considering the material and the conditions of the country of the locality where the roads are to be constructed. That is to be the standard; that is to be the guide. The committee which framed this bill has tried to safeguard the Federal appropriation against misappropriation, and I believe this bill does it in a proper and practicable manner.

This bill, it seems to me, is very much better than the bill that came over to us from the other House. It certainly means more to me along the line of permanent good roads than does that bill; and I am, therefore, very anxious that it should be passed. I do not want any provision inserted in the bill which will make it impossible to spend money in States where the material is such that, under the possible standardized definition of permanent roads, they can not build roads at all. In other words, I want it applicable to every State in the Union.

Mr. SMITH of Georgia. Mr. President, if we take the definition of the word "permanent," as given us by the Senator from Ohio [Mr. POMERENE], there could be practically no roads built except those built of Belgian blocks and brick. The Senator read from the dictionary the definition "lasting, or intended to last indefinitely; not subject to change"; that is to say, a character of road which, when built, lasts so indefinitely into the future that you have not any conception of the period of time when it will wear out. That is the meaning of the word "permanent," as defined by the dictionary.

I do not understand that the term has so gone into road building as to give it a definite status; I do not understand that the term has been extended clearly and unmistakably to macadam roads and to asphalt roads. I know in my section how long a macadam roads lasts; I know how long an asphalt road lasts. In my section the only two roads that we have built that have not a recognized definite limitation of their life are the heavy granite blocks, Belgian blocks we call them, and brick. None of us desire any such limitation. The bill would be objectionable if it were so. Those are not the kind of roads of which we are thinking or that we want.

There are some parts of the southeastern section with which I am especially familiar where the best road is made from macadam. There is another part of that section where the best road is not made from macadam, but where a splendid road is built by taking clay and a peculiar phosphate gravel, which binds and makes a beautiful road. Well drained and reasonably cared for, such a road can be used for automobiles and gives splendid service. It would not stand very heavy wagon hauling continuously, such as the heavy hauling in our streets, but for the hauling to which those sections are subjected, it makes a perfect road.

There are sections in which I have seen a road built from a peculiar top soil and a clay base. I have seen such a road connected with a macadam road and subjected to the same wear, and I have seen it outlast the macadam road. So, Mr. President, we can not for a moment think, it seems to me, of using the word "permanent."

What is the plan of this bill? It is that the representatives of the States interested in the development of good roads shall prepare a list of roads and the plans for their improvement. They are interested, deeply interested, in what they are doing, and the State authorities are to put up at least half the money. Surely we can feel that they would not be engaged in wasting the money of their own people. Then the Secretary of Agriculture by his officers goes over the project, and it must meet his approval before the project is accepted.

I think that the bill, as the Senator from Michigan [Mr. TOWNSEND] has said, is very much the best proposition that has been submitted to us, and that it is properly safeguarded. I think it would be a serious injury to the bill and a handicap to the purposes we have if such language as that suggested by the amendment of the Senator from Ohio were adopted. It would eliminate from the benefits of the legislation one-half of the State in which I live, for in half of the State we make no macadam roads, and yet we have beautiful roads. We build them with clay and the prosphate gravel to which I have referred, and they bind together. Nobody has yet analyzed that particular gravel and explained why it does so well. Our State chemist has not been able to give a definite description of the material contained in the gravel to enable him to account for its binding force and its resistance to autos and its substantial value. Still the great value exists.

The conditions vary all over the country, and I think the bill is in just about as good shape, so far as its language is concerned, as we can make it, and it would almost destroy its value in many sections if the language proposed by the Senator from Ohio were used.

Mr. MARTINE of New Jersey. Mr. President, I should regret very much to see the word "permanent" incorporated in the bill. To my mind it is a misnomer; there is in reality no such thing as a permanent roadway. A brick road would be considered in ordinary parlance a permanent road; yet it is a fact that I have seen bricks of the finest character brought from Akron, Ohio, laid in New Jersey on a prepared base, worn into ruts, so that they had to be removed and other brick pavements laid down. Within the short span of my own life I have seen so-called permanent roadways ground into ruts. What I want, and what I believe we all want, is good roads, and I believe that insistence upon the incorporation in the bill of the language proposed by the Senator from Ohio will make it practically impossible to have good roads as a result of this proposed legislation.

In my own State we have constructed many macadam roads; we have constructed many brick roads; and we have constructed many of what are called Amesite roads, which consist of ground rock, with asphaltum, laid in different layers and firmly rolled. By that process there is obtained a fine, splendid, and reasonably permanent surface; but so far as actual permanency is concerned, it is a physical impossibility to attain it. There are miles of road in the State of New Jersey, particularly in the southern portion of the State, where the climate is very much milder than it is in the northern portion, where the frost does not disintegrate and tear up the road. That is one of the great destroyers of roads—the disintegration and tearing up of the road by frost—and in the southern part of the State that difficulty is reduced to a minimum. So that it would be really a waste of money in the great stretches, running through Atlantic and Cumberland Counties along the sea, to lay brick roads or to lay Telford pavements or to lay macadam. It would be necessary to carry the cracked stone across from the spurs of the Blue Ridge Mountains, which traverse the State in its more northerly and westerly portions, and all this would involve an expense and an extravagance, if not, indeed, a waste of the public money. When a reasonably fine road can be made in that section of the State by using the native clay foundation, with the shore pebbles, which are close at hand and which bind quite well, provided the road is shaped up and well drained. As the Senator from Oregon [Mr. LANE] has said, the drainage factor is very important. It is necessary to shape up the road well, so that there may be good drainage, so that there may be a "dry footing," as the engineers say. When the road is thus shaped and drained, it is rolled with heavy steam rollers until there is a compact and firm foundation upon which is put the dressing of 4 or 6 or 8 inches, as the case may be, of clay and then gravel. By this process a superb road is obtained. Then, if possible—and, of course, in practically all sections it is quite possible—the roads should be oiled.

I have laid across a section of my farm, three-quarters of a mile in length, a Telford paving road, consisting of big rocks, then topped with finer grades of stone, which is gradually worked in, and then a layer of crushed stone put on. I have seen the surface of that road disintegrate in time, and in most sections such a road will disintegrate under heavy wear and great travel, so that it has to be taken up and resurfaced. If, however, such a road can be covered with heavy oil the road will be saved from disintegration, the water will be kept out of it, and it will last almost forever. The oiling twice a year of a macadamized road with heavy oil will keep the road in fairly good condition.

Under the provisions of the bill as it now is, in my State—and I believe the conditions in my State are no different from the conditions in parts of New York State and parts of Pennsylvania and other States which I have seen, such as Georgia and South Carolina—you will have roads of infinitely good quality and roads which will be lasting, but without the thought of permanency. To burden the measure by adding the word "permanent" will make it a practical impossibility for the bill to have any effect in the suburbs and in the outskirts of the cities and populous centers, and will practically shut out good roads for all time. I think the word "substantial" would be a reasonably safe term.

Mr. BANKHEAD obtained the floor.

Mr. SMITH of Arizona. Mr. President, will the Senator yield to me? I will only take a moment.

The PRESIDING OFFICER (Mr. WALSH in the chair). Does the Senator from Alabama yield to the Senator from Arizona?

Mr. BANKHEAD. I do.

Mr. POMERENE. Mr. President, will the Senator from Arizona yield to me to ask a question?

Mr. SMITH of Arizona. I will only take a moment.

Mr. POMERENE. I thought I possibly might shorten the discussion somewhat, but I will not insist.

Mr. SMITH of Arizona. Mr. President, I have not said a word on the good-roads bill, much as I am interested in it; but I can say one thing as to permanency, and that is, if any roads proposed to be constructed under this bill will last as long as the debate on it seems destined to last there will be no use splitting hairs as to what the word "permanent" means. We seem to take up one word and discuss it here for days at a time, when we all know that the character of roads in one section of the country, although they are the best that can be made for that particular section, may not be at all appropriate in another section.

Take Oregon, with its enormous rainfall, and the State of the honored Senator [Mr. WALSH] who now occupies the chair, and the condition in the two States are just as different as though one were at the North Pole and the other in a torrid region. So it is simply a question of good roads for the various localities. However, I arose to resent particularly the assumption that Congress is honest and the people dishonest, and so anxious are the people to throw away the public money that they will throw away $10 of their own to $1 of the Government in order to accomplish this beneficent purpose; that the State that spends $10 will throw it away in order to get the beautiful opportunity of throwing away $1 of public money with it.

The safest way to leave it is with the communities that have to use it. That is not only the safest place but that is the most sensible place to leave it. To tell me that the Secretary of Agriculture, 2,000 miles from my home and more, will know more about it than the engineers and the people who are attempting to construct this road strikes me as simply ridiculous.

I have nothing more to say. I shall say nothing more on the bill, for I am afraid that I myself have already added too much to a tireless and endless debate.

Mr. POMERENE. Mr. President, if I may have the attention of the chairman of the committee for a moment, do I understand that the Senator from Alabama would be willing to accept my amendment with the word "permanent" changed to "substantial"?

Mr. BANKHEAD. After consulting with different members of the Committee on Post Offices and Post Roads, while we feel that the amendment is entirely unnecessary, at the same time, to satisfy the Senator from Ohio and to help the bill along toward a vote, we will accept that amendment.

Mr. POMERENE. Mr. President, I want to be perfectly frank about this. I am not satisfied with that amendment at all, but I should very much prefer it to the bill as it was originally drawn. I recognize that these are largely matters of compromise, and I am not questioning the good faith of anyone else. I would much prefer to have the amendment as I originally presented it, but I also feel that in the present mood of the Senate perhaps they would not accept the amendment with the word "permanent" in it. Therefore, if the chairman and the members of the committee are willing to accept the amendment with the word "substantial" substituted for the word "permanent," I am willing to let the matter rest there.

The PRESIDING OFFICER. The Chair understands that the Senator from Ohio modifies his amendment to the amendment of the committee by substituting the word "substantial" for the word "permanent."

Mr. TOWNSEND. He accepts the amendment of the Senator from New Hampshire.

The PRESIDING OFFICER. The question now is upon the amendment to the amendment as thus modified.

Mr. SMOOT. Let it be stated as modified.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 11, line 13, after the word "require," it is proposed to insert:

Provided, however, That the Secretary of Agriculture shall approve only such projects as may be substantial in character, and the expenditure of funds hereby authorized shall be applied only to such improvements.

Mr. STERLING. Mr. President, I understand now that the situation really is this: The Senator from Ohio accepts the amendment to his amendment offered by the Senator from New Hampshire substituting the word "substantial" for the word "permanent."

Mr. POMERENE. That is correct.

The PRESIDING OFFICER. The Senator from Ohio adopts the amendment of the Senator from New Hampshire, and it thus becomes his own amendment, and he has a right, without any action of the Senate, thus to modify his amendment. The question is upon the amendment of the Senator from Ohio, as modified, to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. SMOOT. Mr. President, I desire to ask the Senator in charge of the bill if it is to be laid aside at 2 o'clock and the rural-credits bill taken up?

Mr. BANKHEAD. That is the necessity of the case, I understand.

Mr. SMOOT. I understood it was.

Mr. TOWNSEND. Mr. President, I was wondering, in view of the statement made by the Senator from New Hampshire that he was not going to press for any vote to-day, but would do so to-morrow, why we could not go on with the good-roads bill this afternoon.

Mr. HOLLIS. Because there are so many amendments to be presented to the rural-credits bill that I wanted very much to get it in shape for voting to-morrow. That is the reason.

Mr. JONES. Mr. President, I desire to offer an amendment. After the amendment adopted at the close of section 1, I move to insert the matter which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. At the end of section 1, and following the amendment already agreed to at that place, it is proposed to insert:

Nor shall any road constructed under this act be connected directly with any toll road.

Mr. BANKHEAD. I have no objection to that. What does the Senator mean by "toll road," though? We already have a provision in the bill that none of these roads shall charge tolls.

Mr. JONES. Yes; I understand that; but there are toll roads out here in some of the States, and you might build a road directly connected with that, leading off somewhere. I do not want to have that done. I do not want to have any road constructed with Government funds that is directly connected with a toll road.

Mr. BANKHEAD. It seems to me that is a very unusual and unnatural amendment, Mr. President.

Mr. JONES. It may be true that it is very unusual; but it is very unusual that there should be these toll roads in some of the States. In many of the States there are no toll roads at all, and they ought to be done away with.

Mr. BANKHEAD. That is true.

Mr. JONES. And we ought not to use the Government money in the construction of a road connecting directly with a toll road in any State in the country.

Mr. BANKHEAD. Does the Senator mean crossing a toll road? What does he mean by "connected with a toll road"?

Mr. JONES. I mean going out from it directly.

Mr. TOWNSEND. Does the Senator mean an extension?

Mr. JONES. Yes; a feeder, or an extension of it. That is what I mean. Of course, if it runs across it, I do not mean that.

Mr. BANKHEAD. Suppose one of these roads that carries the rural mails goes out from a little town that has a toll road running through it?

Mr. JONES. It would not connect with the toll road, would it?

Mr. BANKHEAD. There is no connection.

Mr. JONES. If there is not any connection, this amendment would not apply.

Mr. BANKHEAD. What does the Senator mean by "connected"?

Mr. JONES. Going out from it or being an extension of it—a branch or feeder or something of that sort. That is what I mean by "connected directly with it."

Mr. BANKHEAD. I hope the amendment will not be agreed to.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator from Washington a question.

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Colorado?

Mr. JONES. Yes.

Mr. SHAFROTH. Suppose there is a toll road already in existence, and it goes on to a main road, and the investment has been made, and the people who constructed it are trying to get a return there, is it possible that you would not build the main road at all, under this act, in order to prevent a connection with the toll road?

Mr. JONES. If the main road is already there, it does not need to be constructed under this bill.

Mr. SHAFROTH. Yes; but it may be that it is not improved; it is not constructed as it should be.

Mr. JONES. I would not construct such a road with Government money. The State can construct it if it wants to; but I would not construct, with the money of the United States, a road making connections with or an extension of a toll road.

Mr. SHAFROTH. I think the object is good, to do away with toll roads; but to say that we will not build a road because there happens to be a cross road coming in there which already collects toll, and which probably has its investment there solely and purely by virtue of the fact that it does collect tolls, it seems to me would not be fair.

Mr. JONES. Does the Senator think it will be very difficult to find, in any State of the Union, desirable road building to the extent of the amount of money that the National Government will provide under this bill, without connecting the roads so constructed in any way with toll roads? This is only a drop in the bucket.

Mr. SHAFROTH. But it may be an important road. It may be one of the best roads there are. We have very few toll roads in the State of Colorado, and yet we have some up in the mountains where road building costs a very large amount of money. The county probably would not put up the money, and individuals undertook it, and it was a great benefit to the people who used it, and they were willing to pay the toll. Of course we would like to have those toll roads taken over by the public in some way; but to say that simply because a toll road is collecting money, where the investment is already made, a road connecting with it shall not be built by the Government, seems to me to be going pretty far.

Mr. JONES. Does the Senator think that where road construction must be carried on under the circumstances and difficulties he has just suggested we are going to go into that territory under this bill for the construction of roads?

Mr. SHAFROTH. But the toll road may be the difficult part of the country to go through, while the other may be the road that could be constructed at very reasonable expense.

Mr. JONES. The sole purpose of this amendment is to prevent the use of Federal money in the construction of roads that will connect with or be extensions of these toll roads. I am not in favor of connecting with these roads, or extending them, with the Government money. If the Senator is in favor of doing that, of course he will vote against the amendment.

Mr. SHAFROTH. No; if you are going to build a road, under this bill, for the very purpose of having a new toll road constructed beyond it, I think probably that would be bad, although I believe in State control of these matters. I believe the State authorities are the persons who will best solve the individual problems, and for that reason I believe it is best to leave the matter to them. As the Senator knows, there is a provision in the bill that all roads constructed under its provisions shall be free from tolls of all kinds.

Mr. JONES. Oh, yes.

Mr. SHAFROTH. Now, that is good; and probably if the road we construct is to be a part of the main road, a feeder to it, as it were, there might be a limitation of that kind; but to say they can not connect with a toll road when they have made their investment is going to deprive that part of the State of any benefit under this act.

Mr. JONES. Why, Mr. President, the amount provided in this bill is a mere drop in the bucket. So far as the money is concerned that will be invested in the building of roads, the amount of road that is built under this bill will be a mere drop in the bucket. I have here a statement showing that in 1914 the amount of money spent in the different States for road building was over $249,000,000. If there are roads needed that may go out from a toll road, or connect with a toll road, the States can take care of that without any trouble at all.

Mr. BANKHEAD. They would not get any of the Government money, however.

Mr. JONES. Why, certainly not; but they could do it without Government money. We are not providing this Government money for the building of all roads that are needed anywhere and everywhere in the States. As I said before, what will be done under this bill will be a mere drop in the bucket; and, as has been said many times in this debate, the States and counties and townships will do most of the road building.

There are over 2,000,000 miles of road in the different States now. We are not going either to reconstruct them or to construct anything like that amount of road. There are toll roads in the different States. I do not say they are not a good thing, for they probably are; but it certainly is very desirable that these roads should be gotten rid of as soon as possible. At any rate, in my judgment, the National Government ought not to use its money in the construction of these roads to connect with or be extensions of toll roads.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER (Mr. LEE of Maryland in the chair). Does the Senator from Washington yield to the Senator from South Dakota?

Mr. JONES. Certainly.

Mr. STERLING. I was just going to ask the Senator if it might not be that a road within a State for which there was the greatest demand and the greatest necessity would connect with a toll road?

Mr. JONES. Why, you can imagine all sorts of extreme things.

Mr. STERLING. In such a case, under the Senator's amendment, the Government would be precluded from aiding in building that necessary road, for which there was such great demand, simply because it connected with a toll road.

Mr. JONES. Well, it would not do any very great harm to get rid of that toll road. Furthermore, the State might use part of the money that it is going to expend on independent roads to put the necessary road in there.

Take the State of Washington, for instance. We are going to appropriate lots of money for the building of roads that will not get one dollar of this Federal money. If a situation should develop such as the Senator has suggested, we would use our money in the building of that necessary road, and we would put this other road where it was desirable and necessary. Nobody will assume that we are going to use this money in the building of unnecessary or undesirable roads; and we certainly will be able to find necessary and desirable roads that have no toll roads connected with them.

Mr. MARTINE of New Jersey. Mr. President, I feel very much in sympathy with the object and purpose of the amendment proposed by the Senator from Washington [Mr. JONES]. I do not want to aid in any possible way the perpetuation of toll roads. They seem to me to be a relic of barbarism, and they ought to be dispensed with as rapidly as possible.

I fear, however, that if the Senator's amendment were added to this bill we would be punishing great sections of the country that really have no control over or authorship of these toll roads. I should like some method—I do not know just what to suggest—whereby we could get around it without penalizing the communities that happen to be so unfortunate as to have these toll roads. They have been entirely abolished in our State, and I presume in most other States. I did not suppose there were half a dozen toll roads left in the United States.

I am in sympathy with the object of the Senator's amendment, and yet I do not want to interfere with or penalize the communities that are unfortunate enough to have these roads, and prevent them from securing the great blessings and benefits that will accrue from the passage of this road bill.

Mr. LANE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Oregon?

Mr. MARTINE of New Jersey. I yield.

Mr. LANE. I do not understand the viewpoint of the Senator from New Jersey. It would not be penalizing them. On the other hand, it would be the prevention of paying them a premium and giving them an inducement to continue these toll roads. If we bring a good road to them we add to their business, and the tendency would be to make these toll roads permanent. If you do not render them that aid, they themselves must help to keep up their approaches; and the sooner they quit doing that the sooner the people will take over the toll roads.

Mr. MARTINE of New Jersey. But the Senator can imagine a situation where there was a toll road, and the State authorities might deem it wise to tap that toll road.

Mr. LANE. Yes.

Mr. MARTINE of New Jersey. The amendment of the Senator from Washington would make it impossible to tap that road, so that the community would be deprived of the advantages and blessings of this great good-roads movement.

Mr. LANE. If the Senator will permit me, last summer I was over a road, the mountainous part of which was in a remote region and had been a toll road, and the lower part of the road, the approach to it, was through a boggy country where it was very expensive to maintain roads. The county had maintained that part of it for years at an enormous expense, while the easily kept up portion of the road had been in the hands of a private owner who made the larger profit, the expense of keeping up the approaches being borne by the counties.

Mr. MARTINE of New Jersey. I wish the Senator from Washington might devise some way whereby I could vote for his amendment, for I am in sympathy with the idea, but I fear that in its operation it would be a detriment to the great communities that may be afflicted with the toll-road system.

Mr. JONES. Mr. President, will the Senator permit me to ask him what reason exists that would prevent the State from putting in such a road as the Senator refers to?

Mr. MARTINE of New Jersey. Does the Senator mean appropriating enough to buy up the toll road?

Mr. JONES. No. If a road were needed in connection with this toll road, what would prevent the State from putting one in?

Mr. MARTINE of New Jersey. There would be no objection. It would cost a little more money perhaps and necessitate a little larger appropriation, but still, on general principles, I am so much opposed to that old relic of barbarism in the United States that I think I shall vote for the amendment. I do not care for toll roads.

Mr. COLT. Mr. President, I think the objection to this amendment is the indefiniteness of the meaning of the word "connected." It does not seem to me that we ought to embarrass the Secretary of Agriculture with the insertion of any amendment of this character. This bill may contemplate the building of national roads several hundred miles in length. At the end of 100 miles such a road might connect with a toll road. There is nothing which would so embarrass a court or the Secretary of Agriculture as the insertion of an indefinite word like this in this bill.

In the body of the bill there is an expression of the policy of Congress against toll roads. To my mind it should be left there, and I would not overload the bill with an indefinite and ambiguous expression which would very much embarrass any governmental department which had charge of the enforcement of this act.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Washington [Mr. JONES].

The amendment was rejected.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 2986.

Mr. SMOOT. Mr. President, I know there are a number of Senators who expect to offer amendments who are not in the Chamber; and in order that they reach here in time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Nelson	Smoot
Bankhead	Gronna	Norris	Stone
Borah	Harding	Oliver	Sutherland
Brady	Hollis	Overman	Swanson
Chamberlain	Husting	Page	Taggart
Chilton	Johnson, Me.	Pittman	Tillman
Clapp	Jones	Poindexter	Townsend
Clarke, Ark.	Kenyon	Ransdell	Vardaman
Colt	La Follette	Saulsbury	Wadsworth
Curtis	Lane	Shafroth	Walsh
Dillingham	Lee, Md.	Sheppard	Warren
du Pont	Lodge	Sherman	Williams
Fall	Martine, N. J.	Smith, Ariz.	
Gallinger	Myers	Smith, Ga.	

Mr. CURTIS. I wish to announce that the Senator from Maine [Mr. BURLEIGH] is unavoidably detained from the Chamber on account of illness in his family.

The PRESIDING OFFICER (Mr. VARDAMAN in the chair). Fifty-four Senators have answered to their names. There is a quorum present.

PENSIONS AND INCREASE OF PENSIONS.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 4856) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. JOHNSON of Maine. I move that the Senate disagree to the amendments and request a conference with the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Presiding Officer appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT conferees on the part of the Senate.

RURAL CREDITS.

Mr. HOLLIS. I ask that the unfinished business be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes.

Mr. LODGE. Mr. President, I ask leave to have printed in the RECORD in connection with the consideration of the rural-credits bill a memorandum which I have had prepared in regard to the savings-bank features of the bill.

The VICE PRESIDENT. Without objection, that order will be made.

The memorandum referred to is as follows:

GOVERNMENT SAVINGS-BANK FEATURES OF THE HOLLIS BILL.

The capital stock of each Federal land bank shall be divided into shares of $5, and may be subscribed for and held by any individual, firm, or corporation, or by the Government of any State or of the United States. (Sec. 5, par. 2.)

The Federal farm-loan board is authorized to prescribe the times and conditions of the payment of subscriptions to capital stock. (Sec. 5, par. 1.)

Each farm-loan association and the Government of the United States shall be entitled to one vote for each share of stock held by it * * * and no other shareholder shall be permitted to vote. (Sec. 5, par. 2.)

Any shares except those held by national farm-loan associations, may be transferred or hypothecated. (Sec. 5.)

All stock of a Federal land bank held by the United States is subject to withdrawal. (Sec. 5, p. 16, line 17.)

Stock held by national farm-loan associations may be withdrawn, but only at discretion of the Federal land bank's directors. (Sec. 7, p. 23, line 17.)

Withdrawal may be allowed to other shareholders of a Federal land bank. This results from a fair interpretation of the powers of the Federal farm-loan board (secs. 3 and 20) and of the Federal land banks. (Secs. 4 and 5.)

Any number of shares may be held by the same shareholder of a Federal land bank. (Sec. 5, par. 2.)

Every Federal land bank may accept deposits of current funds from any holder of one of its shares. If the shareholder be not a national farm-loan association, the deposits may be payable upon demand. (Sec. 14, par. 1.)

Interest at any rate may be allowed by a Federal land bank, except interest shall not be paid on deposits from national farm-loan associations. (Sec. 13, p. 36, line 8.) The reason for this exception is that the Federal land bank is to act as bailee of the associations.

Shares issued by the national farm-loan associations shall be withdrawable and only $5 apiece. Any number may be issued to the same member. (Sec. 8, p. 24.)

Every national farm-loan association may accept deposits of current funds in any amount from either members or outsiders. Nothing prevents the Federal farm-loan board from authorizing or directing national farm-loan associations to pay interest. If an association wishes, it may issue 4 per cent certificates against the deposits. (Sec. 11, p. 28, line 24.)

All deposits, whether representing certificates or not, must be forthwith transmitted by the associations to their Federal land bank. (Sec. 11, p. 29, line 4.)

National farm-loan associations must invest in the stock of their Federal land bank all the proceeds of obligatory shares of borrowers. (Sec. 7, p. 23, line 9.) But such investment may be withdrawn only at the discretion of such land bank's directors. (Id., line 17.)

All receipts from loans must be transmitted by an association to its Federal land bank. (Sec. 25, p. 62, line 1.) As a stockholder, the association may also deposit all other funds in such bank. The Federal farm-loan board may direct this. (Sec. 20, g and h; also sec. 3, line 5.)

The Federal land banks may use any of their funds for buying "qualified" mortgages from joint-stock banks or from other agents authorized by the Federal farm-loan board. (Sec. 14, p. 37, line 6.) Consequently the free or cheap money supplied by the Secretary of the Treasury, the proceeds of the sale of bonds issued through public functionaries, and all other funds of the Federal land banks may be used for financing institutions conducted solely for gain.

Farm mortgages are not required as a security for farm-loan bonds. The registrar may accept United States bonds as collateral. (Sec. 21, p. 51, line 19.)

Farm mortgages are not an obligatory investment for any funds of the Federal land banks. Amortization or other payments on loans may be used for purchasing bonds of the United States Government or converted into money. (Sec. 25, p. 62, d, e.)

The terms "equipment" and "improvement" are to be defined by the Federal farm-loan board. (Sec. 12, p. 31, line 15.) Consequently it would be possible for loans to be made for any short or long term purpose, and the board may define the term "first mortgage." (Sec. 2.)

All current funds may be deposited at interest and subject to check in member banks of the Federal reserve system. (Sec. 13, p. 36, line 4.)

Federal land banks may devote all their funds, resources, and business to buying and selling United States bonds. (Id., line 15.)

Federal land banks may borrow money, give security, and pay interest thereon, and use this power for dealing in bonds of the United States Government. (Id., line 11.)

Joint-stock land banks may use all resources in dealing in bonds of the United States Government. (Sec. 18, p. 45, line 11.)

The issuance of certificates, convertible into bonds of the Federal land banks, and the redemption in cash of such bonds upon cancellation of the certificates permit the current funds and credit of national farm-loan associations to be used in buying United States bonds. (Sec. 11, pp. 28 and 29.)

The effect of these clauses, fairly construed, is to give general powers to the Federal land banks to accept savings and ordinary deposits from any source, public or private, without regard to amount. Another effect also is to permit the Federal land banks to abandon farm mortgaging, and devote all their credit, resources, and activities in finding money for any undertaking upon which the United States Government might decide to embark.

The proposed system would be a Government system. The clauses from which this results are:

The system shall be established and directed by the Secretary of the Treasury and four other appointees of the President and Senate of the United States. Secs. 3, 4, and 20.)

This Federal farm-loan board shall select the first directors of all Federal land banks. (Sec. 4, p. 8, line 23.) Two-fifths of the board of each Federal land bank shall always consist of representatives of the United States. (Id., p. 12, line 1.)

The three-fifths of each such board shall be elected by national farm-loan associations, if any are formed. (Id., p. 11, line 23.) But such associations can be formed only by a Federal land bank and with the consent of the Federal farm-loan board. (Sec. 7, p. 22, line 14.)

Such national farm-loan associations can not exercise any of their functions except under regulations prescribed by the Federal farm-loan board (secs. 2, 3, and 20), nor make any loans except those approved by Federal appraisers and by their Federal land bank. (Sec. 19, pp. 47–49.)

The Federal land banks shall be depositaries and financial agents of the United States Government. (Sec. 6.) Their bonds and collateral shall be instrumentalities of the Government of the United States. (Sec. 29.)

Total tax exemption is to be accorded to the bonds and mortgages of both Federal land banks and joint-stock land banks and in every other respect to the Federal land banks and national farm-loan associations. (Id.)

In view of these clauses, the Federal land banks would be Government banks for savings and deposits, while their entire resources may be used in financing Government projects instead of in farm mortgaging.

The total tax exemptions, together with the free or cheap money supplied in cash by the Secretary of the Treasury or through the issue of 5-per cent bonds or any other kind of credit instrument would place building and loan associations, mutual savings banks, life insurance companies, and every other kind of existing lending, savings, or thrift association and all other moneyed corporations at a disadvantage with the new institutions to be formed, unless the States also should enact laws exempting all money and credits from taxation.

Mr. LODGE. I also present a resolution adopted by the American Federation of Labor in convention at San Francisco, which I ask may be read.

The VICE PRESIDENT. Without objection, the Secretary will read as requested. The Chair hears none.

The Secretary read as follows:

Resolution on rural credits adopted by the American Federation of Labor in convention at San Francisco.

We believe that national conditions vary so widely with the several sections of the country that it would be unfair, if not actually dangerous, to undertake to prescribe one system or plan for the guidance and control of all.

We would, therefore, recommend that the matter of rural credits, aside from the enactment of a general law to govern the fundamentals, be left to the determination of the different sections or States for the carrying out of the matter in detail, until such time as experience shall have determined what, if any, is the better course to pursue to insure the rights and properly safeguard the interests of all.

Mr. HOLLIS. Mr. President, I believe the pending amendment is one offered by the Senator from Ohio [Mr. POMERENE], but he is absent from the Senate at this moment. He will be in a little later. I ask that that amendment may be temporarily passed over.

There have been several committee amendments passed over for one reason and another. One of them is the provision as to exemption from taxation. I shall ask to have that disposed of to-morrow when the senior Senator from Iowa will be present to discuss it.

I should like at this time to have the Senate deal with the postal-savings amendment, which is found on page 67. It has not been read, so the Secretary may read it now, and I ask for action upon it.

The PRESIDING OFFICER (Mr. VARDAMAN in the chair). The amendment will be read:

The SECRETARY. On page 67, after line 18, the Committee on Banking and Currency proposes to insert:

Section 9 of the act of June 25, 1910, entitled "An act to establish postal-savings depositaries for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes" (36 U. S. Stat. L., 814), shall be, and the same is hereby, amended by adding a new paragraph at the close of said section, to read as follows:

"Federal farm-loan bonds authorized by the Federal farm-loan board and issued by any Federal land bank may be purchased by the trustees, in lieu of United States bonds or other securities, for the purpose of investing postal-savings deposits under the provisions of this section. Whenever funds shall be withdrawn from postal-savings depositaries for investment, the trustees are hereby authorized to purchase Federal farm-loan bonds in the open market or from any Federal land bank authorized to issue the same: *Provided*, That in no case shall such farm-loan bonds be purchased at more than par nor shall more than 30 per cent of the postal-savings deposits be invested at any one time in farm-loan bonds as herein provided."

Mr. HOLLIS. Mr. President, I will state for the information of the Senate the position that is taken on the two sides of this question. No suggestion has been more strongly urged from various parts of the country than the one that the postal-savings fund should form a very natural source from which to obtain farm loans for farmers, and that would be a very natural thing to do. The objections to it are these: In the first place, the Post Office Department is strongly opposed to it. It says that the postal savings are made in nearly all cases, at least in the larger amounts in the larger cities, so that they are not funds that come from the farming communities and therefore they ought not to be invested in farming communities. The Post Office Department says, further, that these postal savings are on deposit on demand, so that they are likely to be called for at any time, and that the average period for which a savings deposit is made in postal-savings banks is something like three years—I think the department makes the statement that they are all withdrawn once in three years—so that they ought not to be invested in long-term loans or bonds.

The other side of it is this, that although each individual deposit may be withdrawn from the postal-savings department in three years, the aggregate of the postal savings steadily and constantly increases, so that there has never been a time when they have actually diminished, and when a crisis or panic comes

for any reason the postal savings instead of decreasing, as they do in some banks, actually increase. The tendency is for foreigners or men who are rather ignorant in financial matters to take their savings out of State institutions and put them in the hands of the Government in a time of panic, so that really the aggregate of postal savings is not diminished, and if the savings were invested in bonds they would not be called upon for quick realization.

The chief reason why I wanted this clause in the act is a constitutional one. I have felt that if the constitutionality of the act were attacked and there were nothing else on which to base it, it might be based on this section, because this would be an instrumentality for carrying out the postal system, offering through the postal-savings banks an instrumentality of the Government for a safe form of investment.

I should like to call the attention of the Senate to the fact that this section is not obligatory at all; it is merely permissive. The trustees of the postal-savings fund are allowed to invest not more than 30 per cent of the postal-savings deposits in farm-loan bonds. On the whole I am inclined to think the section ought to be retained on the ground that it may be vital to the constitutionality of the act, and it certainly can do no harm.

Mr. SMOOT. Mr. President, at the time Congress established the Postal Savings Bank System and entered into that line of business—for I call it a business—every precaution was taken to preserve the money so deposited against any possible loss. I suppose no Senator will doubt the statement that where long-time loans are made the money so loaned should not be upon call. The greatest difficulty that banks have experienced in the past, and some of the greatest losses that the banks have sustained, and many of the greatest failures of the banks of the country come by lending money for long periods upon real estate. The loans were amply secured and perfectly good, providing the bank making such loans had not been called upon for unforeseen demands requiring ready money, but it is well understood in banking circles that real estate loans can not be called like other loans made upon securities that can be sold readily in all parts of the country and in all money markets. Of late, when a real estate loan is made by a bank it is usually made by savings banks and trust companies, such banks having little demand made upon them by their depositors, and their deposits generally are increasing every year rather than decreasing.

Mr. President, conditions could arise in this country where the Government of the United States would be called upon for the postal savings funds deposited in the different parts of the country, and I doubt the wisdom of extending the power to the postal savings bank to use the postal funds to purchase long-time mortgage loans on real estate. Yet I recognize that what the Senator from New Hampshire says there is some ground for. We are in hopes that the postal savings fund will increase year by year, but if the bill as it passed the Senate increasing the amount of deposits allowed by one individual becomes a law, it is very doubtful in my mind whether that will be the case; and if it is the case, then there is the greater danger from the withdrawal of postal funds than there is under the law to-day.

If we allow an individual to deposit $2,000, as the bill provided as it passed the Senate, it seems to me that the individual who would have that amount of money on deposit would simply put it there temporarily and for safety, and the first good chance he had for investment he would withdraw his deposit and invest the money at a higher rate of interest. That is natural. We need expect nothing else. If the postal fund is built up with that kind of deposits and the demands made upon the Government of $2,000 at a time from all parts of the country, I am fearful that there might or could arise conditions that would bring trouble to the Government.

There are many securities that can be purchased by the postal savings fund. There is no necessity at all for extending the list so as to allow the fund to be invested in mortgage bonds. If there was any lack of ability upon the part of the officials of our Government to invest the postal savings fund in first-class securities, where there can be no loss, and in securities that the Congress of the United States specifically provided for when the system was created, then I can see plainly why this amendment should be adopted and become a part of the bill.

But, Mr. President, I myself think this is going too far. I do not believe the acceptance of the amendment is going to assist the bill as far as any question of constitutionality is concerned. I do not believe that the constitutionality of the bill is going to rest upon this amendment. If I did, I would be fearful indeed of the whole bill failing.

Mr. President, we are entering here upon a new endeavor on the part of our Government to extend aid to the farmers of the country. Let us confine ourselves in this bill to that end, and that only. This amendment is not going to help or increase any advantage that may come to the farmer. This amendment is not going to make the mortgage on the farmer's land sell any more readily or at any greater price, and it should not be so.

I believe the postal-savings fund should be invested in such security as can be realized upon at the very shortest possible notice. In creating the Postal Savings System I think Congress went just as far as it ought to go in providing what class of securities should be invested in. If Senators were present, and if we would go into this question thoroughly and the Senators were interested enough to look up the question carefully and to know really what it meant, I believe the Senate would not vote for this amendment. I believe that the bill would be better without it.

In saying that I do not want in any way to cast doubt upon the act or upon the good that it would bring to the farmers of the country if it is passed in a proper form, but I do not want to interfere with the funds of the people that are deposited in the postal savings banks and bring about any sort of condition that would in any way make it impossible for the depositors of postal-savings funds to get their money when they made application for it.

This amendment is contrary to good banking principles. Mr. President, a commercial bank that has large deposits doing an active commercial business must keep on hand a greater percentage of its deposits than a savings bank with the same amount of deposits; and every State law recognizes this principle. Our national laws recognize it. Scarcely any commercial bank loans for longer than 90 days. It is true that some loans are made for six months, but taking the most of the loans the limit is 90 days. There will be no loans under this bill unless the loan is made for years, not months. If it was otherwise, the measure would not benefit the farmers of the country.

So, Mr. President, I hope the Senate will not agree to this amendment, because I believe there is no good in it and a great deal of harm can come from it.

Mr. HOLLIS. Mr. President, the Senator from Utah has announced some very sound banking principles, and with nearly all of them I heartily concur. I wish to call his attention, first, to the fact that the trustees of the postal-savings fund are not permitted to invest any of the funds in mortgages on real estate. There would not be anything unusual about that. The Senator has himself directed attention to the fact that the savings banks are the proper institutions to make loans on real estate. Nearly every savings bank in the country loans more than 30 per cent of its funds on mortgages, and we provide that not more than 30 per cent of this fund can be invested, not in mortgage loans but in farm-loan bonds.

It is the very purpose of this bill to make the security of the farms mobile, to get them in a shape where they will pass current, where they will be quickly salable on the market. Therefore we authorize the trustees of the postal savings bank to invest in long-term mortgages and in a bond which is quickly salable on the market.

No matter what happens to these farm-loan bonds, no depositor in a postal savings bank is going to suffer. He is not obliged to have recourse to the security. The Government pays him. Of course if the Government makes a bad investment the Government will lose it, but it is not the idea of the Government to be permitted to make a bad investment; it is the idea of the Government to be permitted to make an absolutely safe investment, and one much more profitable. At present postal-bank funds are deposited in the local banks, bearing 2 per cent interest. Under this bill the deposit will carry 4 per cent, and the Government can afford to run a little risk for the sake of getting that additional income. They would very soon, out of the increased income they would get on this investment, have a reserve fund there that would make them absolutely safe.

Mr. NORRIS. Mr. President——

Mr. HOLLIS. I yield to the Senator from Nebraska.

Mr. NORRIS. I should like to ask the Senator from New Hampshire what per cent of savings deposits in his State are permitted under the laws of the State to be invested in farm mortgages?

Mr. HOLLIS. There is no limit; that is left to the judgment of the bank. They are authorized to invest their funds in certain securities, among them being farm mortgages, and it is left to them to say what the percentage shall be.

Mr. NORRIS. What has been the practice?

Mr. HOLLIS. The practice is to loan about 30 per cent, I think. I have a statement here of one of the largest savings banks in New Hampshire, with which I was connected as trustee for 15 years. Their statement shows that, out of total assets of $14,493,000, they have loaned on New Hampshire real estate

$1,800,000, which would be about 12 per cent. Their loans on other real estate have been $2,981,000, which would be about 15 per cent. The total amount they have loaned on real estate mortgages is $4,800,000 out of $14,493,000. So it appears to be about that ratio which is considered a perfectly safe amount to have invested in real estate loans. If I thought that a man who deposited in a postal savings bank would run the slightest risk of losing his funds, I would not advocate this measure.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Utah?

Mr. HOLLIS. Yes.

Mr. SMOOT. The Senator, I hope, does not think that I made the statement that the depositor would lose his funds?

Mr. HOLLIS. The Senator from Utah expressed grave concern for the poor man who deposited his money in postal-savings banks and could not get it. There is not any such man as that.

Mr. SMOOT. No. I think, if the Senator will pardon me, I said I never wanted to see the time come when a depositor could not get his money upon demand; but if this provision were put into the law, it might bring about a condition where he could not do so. I am fully aware that the depositor ultimately will not lose his money. I hope the Senator does not think that I entertained such an idea for a moment. It is only a question of compelling the depositor to wait for a longer period for what he expected, and had a right to expect, he could get upon a certain day. That is all I wanted to call the Senator's attention to.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Minnesota?

Mr. HOLLIS. I yield.

Mr. CLAPP. If the Senator from New Hampshire will pardon me, I do not think the Senator from Utah now quite means what he says, because the depositor would not look to the use the Government might make of the deposits, but would look directly to the Government for the deposits.

Mr. SMOOT. Yes; I am aware of that, Mr. President; but if the Government, as to the particular fund, has put all of the money into mortgage bonds and has not the money to pay the depositor from that particular fund, then the depositor could not get his money on demand.

Mr. CLAPP. Not at all, Mr. President, unless the Government has put itself in such a position, without reference to this particular fund, that it has not money on hand, and can not get it promptly enough from any source to pay the depositor. The Government would never take the position that it should not pay the postal-bank depositors, simply because the money from that particular fund was not promptly available.

Mr. SMOOT. There is no law, Mr. President, under which the Government of the United States or any official of the Government of the United States can take money from one fund to reimburse another fund, and so money could not be taken from another fund to pay the depositors in the postal-savings banks. If they have not the money, they can not pay it until Congress acts or securities are sold. I know, of course, that the depositors would ultimately get their money. The only question is as to whether they will get it under the provisions of the law according to the arrangements made when they made the deposit.

Mr. CLAPP. Mr. President, according to that theory, no matter what the Government does with the money received from the postal-savings deposits, the depositor must wait until the Government realizes from those deposits. It may have placed the money in banks supposedly perfectly good and ultimately absolutely solvent, and yet it might not be able to immediately respond to a demand for the money. It would be a strange position for the Government to assume, after taking a man's money, as the recipient of a deposit, to say to that man, "Well, we can not pay you until we have traced this fund through its devious course, and get this particular fund back." If that is the law—I do not so understand it—then the postal-savings law should be amended at once. This Government receiving the deposit of a washerwoman ought not to be obliged to say to that woman "We put your money with so and so, and when we get your money back we will return you your deposit." It has been some years since we passed that law, and I am not sufficiently familiar with its terms to either challenge or to accede to the statement of the Senator from Utah.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Utah?

Mr. HOLLIS. I do.

Mr. SMOOT. I do not want to cut the Senator from Minnesota [Mr. CLAPP] off from what he was going to say.

Mr. CLAPP. No.

Mr. SMOOT. I was simply going to say to the Senator from Minnesota that under ordinary circumstances the Government of the United States always keeps postal-savings funds enough on hand to meet all demands made upon it, precisely the same as does a successful bank.

Mr. CLAPP. Of course.

Mr. SMOOT. But as to the fund that is invested in bonds provided for in this bill, it would take time to convert them; and if the demand were made upon the postal-savings funds for deposits invested in these bonds, it would be impossible for the Government to meet the demand, not being convertible into ready cash at once.

This bill extends the right of investing the money in mortgage bonds. That was not provided for in the act creating the Postal Savings System. If 30 per cent of all of the money of the savings banks should be invested in this class of bonds, unless there was a ready market for those bonds, or if it should happen that a failure resulted, the money could not be secured if the demand were made upon the Government for payment. It may never happen; and I will say to the Senator from New Hampshire and to the Senator from Minnesota that I hope a condition in this country never will arise where such an occurrence could happen; but I want to say it might happen; and this is only extending, as I say, the authority of investing the postal-savings funds in another class of securities.

Mr. CLAPP. Yes; but, Mr. President, I do not think the Senator is yet correct. It would require an absolute provision of law to permit the recipient of a deposit or of funds in its possession from any source, unless they were trust funds, to say to the depositor, "We will not pay you until we realize out of this particular fund." Unless there is some such provision in the law it would be the declared duty of the Government, as it would be the duty of the recipient of any deposit, to make good the deposit without reference to what the recipient had done with the proceeds of that particular deposit.

I do not now recall the language of the law. If the Senator from Utah, with his care, says there is any such express provision in the law, I will yield to his recollection.

Mr. SMOOT. I assure the Senator that that is the only way that postal-fund deposits can be paid—by the money belonging to that fund that the Government has on hand, or the money that the Government receives from the sale of the securities that it has purchased with money belonging to the fund.

Mr. CLAPP. Then it must be because of the provisions of the law itself.

Mr. SMOOT. Certainly it is.

Mr. CLAPP. And if that be true, it is misleading to the people of this country, because they believe that when they put a dollar into a postal-savings bank the United States is there to respond to a call for it.

Mr. SMOOT. And it is.

Mr. CLAPP. Not if the United States can say to the individual, "You must wait until we realize out of the proceeds of that deposit."

Mr. SMOOT. There is no question but that the United States will have to do that.

Mr. CLAPP. Then, the sooner that law is amended the better.

Mr. SMOOT. This provision of the bill, if it becomes a law, only takes another step and grants to the postal officials the right to purchase additional securities, a right that was not provided for in the original act; or, in other words, if this amendment is adopted, then the postal-savings department can invest in these land-mortgage bonds.

Mr. CLAPP. Undoubtedly; but authorizing a representative of the Government to invest in a particular security the surplus funds of the Government would not relieve the Government from its ordinary liability to respond to a claim upon it.

Mr. SMOOT. It is not a Government fund; it is the postal-savings fund, and that fund belongs to the people who deposit the money. The Government only acts, as it were, like a banker. The Government handles the funds which Congress has authorized it to do.

Mr. CLAPP. Does the Senator from Utah mean to say that we have passed a law under which the Government may take the money of a depositor in a postal-savings bank, turn that money over to a national bank, and that bank finally and irretrievably becoming insolvent, the Government does not still owe those depositors?

Mr. SMOOT. Oh, no; not at all.

Mr. CLAPP. That is the whole thing.

Mr. SMOOT. No; the Senator from Minnesota is mistaken as to what I have said.

Mr. CLAPP. It is either one alternative or the other; it has got to be.

Mr. SMOOT. No; what I said was that the savings-deposit fund is not the Government's money; that it is the money of the people who deposit the fund with the Government, but that Congress had passed a law authorizing that particular fund to be invested in certain securities.

Mr. CLAPP. Certainly. As I said before, if that is the extent of the provision upon which the Senator from Utah hinges his argument then his argument falls, because merely authorizing a Government official to place funds in a certain position would not relieve the Government from its responsibility to pay over the fund.

Mr. SMOOT. I hope the Senator from Minnesota does not think that I for one moment intimated that the Government would be relieved of the responsibility of paying such depositors. It is impossible for the Government to be relieved of that responsibility.

Mr. CLAPP. That is what I have been contending for, that no matter what becomes of the deposits or the investment the Government is still liable.

Mr. SMOOT. There is no doubt of that, but that is not what this amendment provides.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield further to the Senator from Minnesota?

Mr. HOLLIS. I do.

Mr. CLAPP. Now, having settled that it is a question between the Government and the depositor, I want to suggest that the only question left is as to the wisdom of the Government, which bears the relation of being the recipient of the deposit, and is ultimately liable for it, investing any of that money in these bonds. It strikes me that, outside of a Government bond, it would be difficult to get a better security than these bonds; and, so far as the Government being embarrassed by a demand on the part of the depositors in the postal savings banks is concerned, if there ever comes a time when this country is embarrassed and there should be a financial panic the one place to which the citizen of this country will go with his funds, the one place from which he will not withdraw his funds, the one place where he will want his funds kept, will be with the Government of the United States through the Postal Savings System. It seems to me it relieves the situation of that contingency. The banks in a community in which postal savings funds may have been deposited might be embarrassed, and the people in that community might want their money; but the one recipient of deposits that never will be called upon in the time of the greatest panic and stringency is the Government itself.

Mr. HOLLIS. Mr. President, I thank the Senator for his very clear——

Mr. CLAPP. I want to thank the Senator for his patience in permitting the interruption.

Mr. HOLLIS. I want to thank the Senator for his very clear presentation of the subject. What the Senator says is borne out by the experience of the State savings banks. The State savings banks opposed increasing the amount that any individual might deposit in a postal savings bank, for the very reason, as they said, that "when the time comes when there is a panic the people want to draw their money out of our institutions and put it in the Government savings bank, and that will cripple us. Therefore limit the deposits to $500."

Now, I wish to apply the principles of sound banking to this proposition. There is no doubt that when the Government undertook to accept postal savings it went into the savings-bank business. No banker can do business if he keeps all of his deposits on hand all the time. The commercial banks have ordinarily to keep 15 per cent of their deposits in cash on hand. A savings bank has not the need to keep as much on hand as the commercial bank, and 30 per cent is a very reasonable amount to allow them to invest, even if it were permanently invested; and the Government of the United States can run that risk better than can any financial institution, because they have greater resources back of them; and, therefore, it seems to me entirely reasonable that, in accordance with sound banking principles, this investment should be permitted.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. HOLLIS. Now, Mr. President, I should like to direct attention to page 33. The Senator from Kansas [Mr. CURTIS] on Saturday last wanted inserted, in line 15, on page 33, if I recall aright, the words "liens, judgments," so that it would read "taxes, liens, judgments, or assessments."

Mr. CLAPP. On what line is that?

Mr. HOLLIS. Line 15, page 33. I offer that amendment, and hope it will be adopted.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 33, line 15, after the word "taxes," it is proposed to insert "liens, judgments," so that it will read "taxes, liens, judgments, or assessments."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HOLLIS. In line 17, I move the same amendment, after the word "taxes."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 33, line 17, after the word "taxes," it is proposed to insert "liens, judgments."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. HOLLIS. Mr. President, on page 35, the Senator from Montana [Mr. WALSH] questioned the accuracy of the language to express the thought; and, in order to make that entirely clear, I suggest this amendment: On page 35, line 22, after the word "security," insert "where default has occurred and" and then strike out "(c)," so that it will read:

Parcels of land mortgaged to it as security where default has occurred, and parcels of land acquired in satisfaction of debts or purchased at sales under judgments, decrees, or mortgages held by it. But no such bank shall hold title and possession of any real estate—

Here insert "mortgaged," so as to read—

mortgaged, purchased, or acquired to secure any debt due to it, for a longer period than five years.

I think that will require all land taken in satisfaction of debt to be sold within five years, and that it will cover the point the Senator from Montana raised. I should like to inquire of the Senator from Montana whether, in his judgment, that will be satisfactory?

Mr. WALSH. Mr. President, I shall not make any objection to the proposed amendment; but I am very sure that the Senator will agree with me, if he reflects on the matter, that that is an unwise provision, and gives every bank an opportunity to speculate in the land upon which it holds mortgages. It is a most unwise power, it seems to me, to repose in the bank. I see no reason whatever for subdivision (b), because under subdivision (c) the bank is entitled to acquire land in "satisfaction of debts or purchased at sales under judgments, decrees, or mortgages held by it."

You will observe the provision says:

Parcels of land acquired in satisfaction of debt or purchased at sales under judgments, decrees, or mortgages—

And so on.

Now, in addition to all that, in addition to land acquired in satisfaction of debts, or land purchased or acquired under judgments, executions, decrees, and that kind of thing, there is still the power given the land bank to purchase land upon which it holds a mortgage. Of course, if the mortgagor wants to sell to the bank and the bank wants to buy, it is a very easy thing to allow the interest to lapse, and then the bank may purchase and stimulate speculation in land with the moneys of the bank.

Mr. HOLLIS. Let me suggest this to the Senator: Assume a case where the owner of the land wants to get rid of it to the bank, all he has to do is to default on an interest payment, and the bank at once may foreclose. All we do here is to say that in such a case as that, when there is default, the bank may acquire the property without foreclosure proceedings, as a great many mortgages permit.

Mr. WALSH. We do say that, I will say to the Senator, by the provisions of subdivision (c), because there it is provided that the bank may acquire parcels of land in satisfaction of debts.

Mr. HOLLIS. But, I ask the Senator, what possible case should be covered, in his judgment, that subdivision (c) does not cover?

Mr. WALSH. There is not any; that is the point I make.

Mr. HOLLIS. Then subdivision (b) does not do any harm, and satisfies those who think that the provision in subdivision (b) is necessary to cover the situation existing in their States, where title passes to the mortgagee, subject to having the conditions of the mortgage fulfilled.

Mr. WALSH. I suggest to the Senator that if that is the case, and if that is the case intended to be covered, some appropriate language ought to be used, and to that I will not object at all.

Mr. HOLLIS. Why is not this language appropriate?—

Parcels of land mortgaged to it as security where default has occurred.

The bank would certainly have a right to foreclose where default has occurred, and why should it not be allowed to acquire in some other way than by foreclosure if it is allowed to take peaceable possession?

Mr. WALSH. I will say to the Senator that I think very clearly under subdivision (c) the land mortgaged may be acquired in satisfaction of the debt; that is, the mortgagor may say to the land bank "I will give you a deed to the land and you give me back my note and mortgage." They acquire the land then in satisfaction of the debt; but under the provisions of subdivision (b) they are entitled to buy the land upon any terms that they agree upon, and the bank may not only satisfy the mortgage and discharge the obligation, but may likewise agree to pay $1,000, $2,000, or $10,000 for the property. The language of subdivision (b), it seems to me, is not appropriate at all to the case that the Senator from New Hampshire has in mind.

I appreciate the situation. The title passes under some statutes by the mere occasion of the default; but it does not seem to me that you need to make any provision in this bill at all for that kind of a case, because the land may be acquired in satisfaction of the debt under the provisions of subdivision (b) without any other steps whatever.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. LEE of Maryland in the chair). Does the Senator from New Hampshire yield to the Senator from Utah?

Mr. HOLLIS. Certainly.

Mr. SMOOT. Mr. President, I want to say to the Senator from New Hampshire that I believe the Senator from Montana is correct in the position which he has taken. I can not see why subsection (b) should be in the bill at all. It certainly will allow officials of the bank, if they so desire, to speculate in real estate, and there may be other abuses that might arise under the provisions of the subsection. I believe that subsection (c) gives all the authority, all the right, and all the power that the bank ought to have in acquiring real estate.

Mr. HOLLIS. Mr. President, it would be a very unreasonable man who would not agree with the Senator from Montana and the Senator from Utah when they agree; and I am going to set a good example to the Senate by trying to make it unanimous.

I therefore ask unanimous consent that line 22 be stricken out, and that the letter "(c)" in line 23 be changed to "(b)."

It is fair for me to say that the exact situation which the Senator from Montana has presented had not occurred to me, that the bank might pay more than the mortgage debt, and I do not think that would be desirable.

Mr. WALSH. I was going to say that if the Senator felt that the apprehensions of those gentlemen who insisted upon the language going in to meet the condition of which the Senator has spoken might operate in any way to retard or defeat the bill, I would suggest language such as this:

Parcels of land falling to it upon default in the mortgage thereon held by the bank.

Mr. HOLLIS. Mr. President, I think it would answer every purpose to strike out line 22. I am convinced of that, and therefore I ask unanimous consent that that be done, and I withdraw the amendment which I first offered changing the language in line 23.

The PRESIDING OFFICER. The first amendment proposed by the Senator from New Hampshire is withdrawn. The Secretary will state the amendment now offered by the Senator from New Hampshire.

The SECRETARY. On page 35, line 22, it is proposed to strike out:

(b) Parcels of land mortgaged to it as security where default has occurred.

And change the letter in parentheses in line 23 from "(c)" to "(b)."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. HOLLIS. On page 32, the Secretary informs me that the word "shortly" has not been eliminated from the bill, as was intended by an amendment made last week. The intention was that paragraph 8 as amended should read:

No such loan shall be made to any person who is not at the time, or who does not in his application state his intention to become within six months, engaged in the cultivation of the farm mortgaged.

I ask which word was not stricken out the other day? Was it the word "promise" or the word "shortly"?

The PRESIDING OFFICER. The word "shortly" was not stricken out, the Chair is informed.

Mr. HOLLIS. Then, I ask that the word "shortly" be stricken out.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 32, line 16, it is proposed to strike out the word "shortly," so as to read:

In his application stated his intention to become engaged in the cultivation, etc.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. WALSH. I ask that the sentence now be read as it stands.

The Secretary read as follows:

No such loan shall be made to any person who is not at the time, or who does not in his application state his intention to become, engaged in the cultivation of the farm mortgaged.

Mr. HOLLIS. The words "within six months" should follow the word "become." That was amended the other day. After the word "become" insert the words "within six months."

Mr. SMOOT. That was agreed to the other day.

Mr. HOLLIS. Yes; but if there is any doubt about it, I will make that motion now in order to be sure.

Mr. SMOOT. I do not think there is any doubt about it.

Mr. HOLLIS. I do not think there is. I have it so marked in my copy of the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 32, line 16, after the word "become," insert the words "within six months."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. HOLLIS. Mr. President, the only other amendments passed over and not acted upon are one relating to exemption from taxation, which I am willing to have go over until to-morrow, and one on page 3, as to the constitution of the Federal board. I should like to have that one disposed of this afternoon.

Mr. STERLING. Mr. President, I should like to call the Senator's attention to the second paragraph on page 59, lines 6, 7, 8, and 9, which provide:

Every Federal land bank shall by appropriate action of its board of directors, duly recorded in its minutes, obligate itself to become liable on farm-loan bonds as provided in this section.

Mr. President, does not the Senator think that the language preceding that in the section is sufficient in itself? They are made liable under the law, and might it not lead to some complication to provide in the bill that they shall obligate themselves in their minutes? Suppose, for example, that they did not so obligate themselves; might not a question then arise as to whether or not they were under any obligation under the law?

Mr. HOLLIS. Mr. President, the provision to which the Senator directs attention was adopted on the earnest recommendation of men who were accustomed to investment bonds. They said it was usual, in a statute of this kind, not only to provide by statute that the company guaranteeing shall be liable, but that they shall be required to state that in writing, and to take appropriate action on it, so that they will have voluntarily agreed to it. Certainly it can do no harm, and it might get around the point that these bond men suggested. I do not see how it could do any harm, and it might be of value in certain sorts of proceedings to have a contract as well as to have the law so provide.

Mr. STERLING. I appreciate the suggestion made by the Senator as a reason for this language; but it simply occurred to me that liability under the terms of the law was sufficient, without trying to have them obligate themselves by statements in the minutes of the board.

Mr. HOLLIS. I should like to amplify that a little. As the Senator knows, the capital of each of these 12 land banks is distinct from that of all the other banks. Some one might raise the question that we have not the right to impose by law on 11 other institutions the requirement that they shall be primarily liable with the twelfth institution. I think, under the first part of this section, they would not be allowed to interpose that defense; but if it is drawn to their attention—if they do, when they start out in business, put that in their minutes—they never could be heard to say that they did not understand it that way; and I feel myself that it strengthens the section. I do not feel that the results of the section would be necessarily defeated if it were not here, but I should like to have it remain.

Mr. WALSH. Mr. President, I should like to say to the Senator from South Dakota, in addition to what has been suggested by the Senator from New Hampshire, that by the language immediately following it is provided that certain things shall be recited in the bonds, namely, that they are issued under the authority of the Federal farm-loan act, that they have the approval of the Federal farm-loan board, that they are not taxable by national, State, or municipal authority, and so on.

None of those things need be put in the bond, and it does not really help anybody to have them there; but they help to draw attention to the fact and thus make the bonds more salable.

I apprehend that the provision to which the Senator has directed our attention is inserted in the bill, not because it adds any strength at all to it or increases the liability or makes it more certain, but simply for the purpose of making the bonds more salable.

Mr. HOLLIS. Mr. President, I ask now that the amendment passed over, beginning on page 2, be read.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. The committee amendment proposes to strike out lines 9 to 21, both inclusive, on page 2, and in lieu thereof to insert:

SEC. 3. That there shall be established at the seat of government in the Department of the Treasury a bureau charged with the execution of this act and of all acts amendatory thereof, to be known as the Federal farm-loan bureau, under the general supervision of a Federal farm-loan board.

Said Federal farm-loan board shall consist of five members, including the Secretary of the Treasury, who shall be a member ex officio, and four members to be appointed by the President of the United States, by and with the advice and consent of the Senate. Of the four members to be appointed by the President, not more than two shall be appointed from one political party, and all four of said members shall be citizens of the United States and shall devote their entire time to the business of the Federal farm-loan board; they shall receive an annual salary of $10,000, payable monthly, together with actual necessary traveling expenses.

Mr. SMOOT. Mr. President, it is almost useless to take up the time of the Senate in discussing a proposition with so very few Senators present; but I am going to offer an amendment on page 3, line 3, to strike out the last word in the line, "five," and to insert "three"; and I will follow that with other amendments, to make not only the paragraph just read conform to the first amendment but also the following paragraph.

In order that the Senators who are present may know just how it would read if amended, I will now read the two paragraphs as they will ultimately be if the amendments are adopted:

Said Federal farm loan board shall consist of three members, including the Secretary of the Treasury, who shall be a member ex officio, and two members to be appointed by the President of the United States, by and with the advice and consent of the Senate. Of the two members to be appointed by the President not more than one shall be appointed from one political party, and the two of said members shall be citizens of the United States and shall devote their entire time to the business of the Federal farm loan board; they shall receive an annual salary of $7,500, payable monthly, together with actual necessary traveling expenses.

One of the members to be appointed by the President shall be designated by him to serve for four years, one for six years, and thereafter each member so appointed shall serve for the term of six years, unless sooner removed for cause by the President. One of the members shall be designated by the President as the farm loan commissioner, who shall be the chairman and the active executive officer of said board. Each member of the Federal farm loan board shall within 15 days after notice of his appointment take and subscribe to the oath of office.

If the amendment that I have just offered, reducing the number of members of the board from five to three, should be adopted, I shall then offer all of the other amendments en bloc, with the exception of the one as to the annual salary, and then both paragraphs would conform to the first amendment that I have offered.

Mr. President, I suppose this question has been carefully considered by the members of the committee; I take it for granted that it has been, but as I study the bill it seems to me that if enacted into law there is going to be too much expense attached to the operation and enforcement of the same. It is top-heavy. I believe the board should consist of three good men—two besides the Secretary of the Treasury—and, with the Secretary, they can attend to all of the business that there will be for years to come. I have no doubt, either, that you can get men to serve as members of the board for $7,500 per annum.

The other day I called attention to the fact that some of the best servants the Government has, the commissioners of many of the great departments of the Government, are getting only $5,000 per annum. Some of the men serving in those positions, I am quite sure, could make each year two or three times the amount they are receiving. They consider the position one of honor. They consider that they are doing special service for their country; and I believe that a member of the proposed board will be willing to so serve, and if he fills the position with credit to himself and credit to the Government he, too, will be given great credit by the people.

I believe the time has come when we ought at least to avoid paying unnecessary salaries to Government officials. Under my proposed amendment members of the board will receive the salary that a Senator of the United States receives. I do not think any person acting as a member of the proposed board should receive any more salary than a Senator of the United States. I do not think he will be of a higher type or class of man. Furthermore, I find that it is very easy to increase salaries, but it is next to impossible to decrease them. Whenever a salary is established by law or a position is created in an appropriation bill, it is scarcely ever eliminated. The amount paid is never decreased. The members of the Senate Committee on Appropriations are always fighting to keep salaries reasonable. There is not one department of the Government—and I say this advisedly—whose representatives do not appear before the Appropriations Committee of the Senate begging for an increased number of employees and increased salaries for a percentage of the employees already in the service.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. SMOOT. Certainly.

Mr. CLAPP. I will ask the Senator if it is not a fact that most of these requests for increases are based upon the fact that in some particular case of legislation, like that pending, we go far above the average salary, and then, quite naturally, these other people come before the Senator's committee and insist on the increase, not so much because of the necessity of the increase, but more as a matter of justice?

Mr. SMOOT. In answer to the Senator from Minnesota I am going to say something that I would not have said if he had not asked the question.

Mr. CLAPP. Then, I am glad I asked the question.

Mr. SMOOT. I am going to state that not only what the Senator has intimated is true, but an increase can not be made in the salary of any employee of this Government in any department without every employee occupying a similar position in every other department immediately becoming dissatisfied, and Members of Congress are asked to see that the injustice is corrected and that his salary is increased accordingly, basing his demand upon the fact that that one particular salary was increased by the committee the preceding year.

Again, it too often happens that some Member of Congress, through constant importuning, becomes interested in the increase of salary of some particular friend, and he pleads with the committees of the House or the Senate for the increase asked for, and in some cases insists that it be made; and if the committee yields and the increase is made it opens the door for every other person with similar duties in every department of the Government service to make a similar demand.

Mr. CLAPP. Mr. President, if the Senator will yield further——

Mr. SMOOT. Certainly.

Mr. CLAPP. I think a great many of the employees of the Government are working at salaries far less than they are entitled to receive; and I think in some cases it is hard, perhaps, for Congress, in the tribunal of a just conscience, to avoid the criticism that it is contributing at least to temptation in the meager salaries that are paid to those holding many of the subordinate positions. If we would try to equalize those salaries and give more heed to them and give less increases to these officers that we are creating, we would not only be fairer and more just, but I believe we would escape what sometimes almost seems like responsibility for temptation on account of the very meager salaries which we do pay in many instances.

Mr. SMOOT. There is altogether too much truth in what the Senator has just stated. I agree with him that many of the salaries that are paid the employees of the Government are ridiculously low; and it seems that every year increases the difference between the employees getting a low compensation and the employees that get the exceedingly high salaries. The difference is becoming greater and greater as the years go by.

I do not know how it is with other Senators, but I am constantly importuned—not so much by people from my own State, although I have had a few requests from them—for positions in the Government service. I never hesitate to write to a person in my State making application for a position in the Government service that if he simply wants employment it would be better for him to remain where he is and enter one of the many fields of labor opened to the energetic men of the West.

I find in the service of the United States to-day bright men direct from college and entering into the service because they feel that they want to get a little money ahead before they undertake to launch out into their life profession, and my observation leads me to believe that every year they remain in the Government service they become less inclined to rely on their own resources and ability to make a living. To the young men that I bring to Washington to work in my office I always say, "Just as soon as you secure your college education I want you to leave Washington. I want you to begin at once the practice of your chosen profession, and the earlier you begin the

better it will be for you. Never mind the starvation period; meet it like a man."

I have no doubt there are many men in the departments who have been working for 10, 15, or some 30 years at an annual salary just large enough to comfortably provide for themselves and family and who if they had at first entered upon the practice of their profession would have been a hundred times better off than they are to-day.

So, Mr. President, I think that whenever we are considering the creation of another bureau, or creating more positions in the Government service, we ought to take these things into consideration; and I believe that now is just as good a time as we shall ever have to begin to consider what is best for the interest of the Government.

In offering these amendments I do not want it understood that I am doing so in hostility to the bill. If I thought that three members of the board were not sufficient, or that having only three would jeopardize in any way the successful carrying out of the provisions of this bill, if it becomes a law, I would not offer the amendments. I believe, however, that three members are sufficient, and I know that an annual salary of $7,500 is ample.

As I say, Mr. President, if the first amendment is agreed to I will then offer en bloc all of the balance of the amendments, so as to make the two paragraphs conform to the amendment under consideration, and I will ask for one vote upon them all.

Mr. POMERENE. Mr. President, may I ask the Senator a question?

Mr. SMOOT. Certainly.

Mr. POMERENE. I am not sure that I understood the Senator. Does he mean three members, including the Secretary of the Treasury?

Mr. SMOOT. Including the Secretary of the Treasury, making the membership of the board three instead of five. I do not know whether or not the Senator was in the Chamber when I stated just how this provision of the bill would read if the amendments that I shall offer were agreed to.

Mr. POMERENE. Possibly I was here, but my attention was otherwise engaged.

Mr. SMOOT. I shall not, however, take the time to read it again; but if this amendment is agreed to, then, as I say, I will offer all the other amendments en bloc and read the paragraphs as they will be.

Mr. CURTIS. Mr. President, I intend to vote for the amendment suggested by the Senator from Utah, but I would a great deal rather vote for an amendment to place this measure and its operation in the hands of a bureau in the department.

I agree with the Senator from Utah that the difficulty with this bill is that it is topheavy. There are too many people already employed under it. I think in its operation it will be found, if it should become a law as it is now written, that there *is so much* red tape that very few farmers will take advantage of it.

Mr. HOLLIS. Mr. President, it is a pretty poor plan to allow an important bill to be amended by its enemies. This bill has been prepared by men who are friends of the measure. They are very anxious to see it succeed. The Senator from Utah [Mr. SMOOT] is quite frankly opposed to the measure. He has given his reasons, and they are reasons that are apparently satisfactory to him. He has made a very eloquent argument here for keeping good men out of the employment of the Government, and that is his purpose under his amendment. He says that he advises bright young men not to work for the Government, but to go out and practice their professions. Evidently he does not want the Government to have the services of first-class men. He wants it to be served by the broken-down and unsuccessful men, who have to be supported at Government expense in some way, and therefore he proposes to bring them in here and give them small salaries.

I do not want the administration of this bill to be put in the hands of incompetent and broken-down and discouraged men. I want the salaries to be high enough so that they will be attractive. I want enough men, so that the work will be well performed.

I agree with the Senator's economy program, but I do not agree that the economy should start with this farmers' measure. It is a matter that will involve billions of money, a matter that requires the very best talent the Government can command. Now, we have any quantity of commissions and boards that do not do any work, but that get high pay. There is the International Boundary Commission, whose members receive $10,000 a year, and have practically nothing to do. Those men do not spend a month in the year on their jobs.

The Senator says he would not pay these men more than Senators are paid—$7,500 a year. The Senator knows that if the Senate had that to handle the salaries of the Senators would be higher than $7,500. It is because if they are increased the salaries of the Members of the House will have to be increased, and it will involve a very large expense.

But there is another difference. The men who serve on the farm-loan board are not allowed to do any other work. They have to devote all their time to it. Senators are free a large part of the time. They used to be freer than they are now; but any Senator can carry on his law business in conjunction with his duties here, or he can carry on his banking business, or whatever other business he has; and most Senators do have some other income besides their salaries.

The functions of the farm-loan board will be tremendously important, and there should be enough men so that diverse elements may be represented. In the first place, there should be on the farm-loan board one actual farmer who understands farm needs. Then there should be a man who has studied rural credits—I should think one of the men who went abroad with the United States and American commissions and who studied this whole question in Europe. Then there should be at least two men—one from the vicinity of New York and the other from the vicinity of Chicago—in whom financial men have confidence, so that the bonds can be floated. The success of this whole system depends upon the ability of the farm-loan board to get these bonds marketed at a low rate; and two men who might be selected out of the departments, as has been suggested, to be on this farm-loan board with the Secretary of the Treasury, are not the sort of men we need. We must have the salary high enough to attract at least two first-class financial men in whom the moneyed institutions of the country have confidence.

Mr. CURTIS. Mr. President——

Mr. HOLLIS. I yield to the Senator.

Mr. CURTIS. Does not the Senator believe that a bond issued by the Secretary of the Treasury or a bureau officer of his department would not meet with favor?

Mr. HOLLIS. No; I do not, because if the Secretary of the Treasury does his duty he has to fight the financial interests all the time. It is fight, fight, fight with the Treasury Department unless the Treasury Department is subservient to the financial interests.

Mr. CURTIS. The Senator will admit, will he not, that bonds issued by the Government have no trouble in finding a market?

Mr. HOLLIS. I do, but that is because the bonds have already a settled market. Everyone knows what the bond is. The trouble with floating farm-loan bonds is that the people are not used to them; they must have them explained to them; and the only way to float them in the first instance is to get heavy financiers interested and float a large block of them and distribute them to commercial men. There will not be any trouble after the people get used to them; then they can be sold.

We have established two systems comparable to this since I have been in the Senate. The first was a Federal Reserve Board. No one suggested that those gentlemen should serve for the salary of a United States Senator. No one suggested that they should have less than $12,000 a year, and they receive that amount. There are five of them besides the Comptroller of the Currency and the Secretary of the Treasury. The Federal Trade Commission consists of five men at $10,000 each, and that sum was given to them without any criticism. But when it comes to the farming measure, the farm-loan act of the country, for the purpose of helping the farmers, where the very best financial talent is needed on the board, then is the time to economize and to give the farmers a peanut. I do not believe the farming interests of the country will approve of this. They do not want to pay large salaries, but they do want to pay salaries that are commensurate with other boards that have to handle similar matters.

I wish to draw attention to the fact that a joint committee, made up of the members of the Banking and Currency Committees of the two Houses and the Agricultural Committees of the two Houses, reported in favor of five members at a salary of $12,000 a year. That would carry $60,000 a year. The Senate Banking and Currency Committee cut that down to four members at an annual salary of $10,000 a year; that is, it cut it down one-third. I sincerely hope that the amendment offered by the Senator from Utah will not be adopted.

Mr. CLAPP. Mr. President, I had nothing to do with the law creating the Federal reserve bank except to submit to it. I felt then that it was in many respects a mistake, and I believe the time will come when we will find that those fears were well grounded. I did think the salary of the members of the board was too high.

I was a member of the conference on the Trade Commission bill and I think those salaries were too high. I tried to get

them reduced, but I failed to do so. I fear it will be equally futile in this instance.

In this particular instance the principal work that requires a coordination of mentalities fairly in an equation will be the division of the country into the districts. The real work will be done by subordinates entirely with that exception. All the work of looking after the securities, passing upon titles, verifying accounts, keeping accounts, will not be done by these commissioners, but it will be done by subordinates.

It does seem to me that it is absolutely unnecessary to have five commissioners, and I do not believe because we have made salaries too high in the past that that should be any reason for making them too high now. Nor do I exactly believe in the justice of the Senator's suggestion that while we permitted these other institutions to become top-heavy in numbers sometimes and with excessive salaries, it is any reflection upon or any spirit of hostility to the farmers if we seek to keep this matter down to a reasonable limit.

The farmers are vitally interested in this bill. They are interested in the reception of the measure; they are interested in the working of the measure; and the more complete the commission, the more we can make it in harmony with the spirit of the country as to its reception—the more we will serve the farmers. I do not believe the farmer will feel that he is particularly the subject of extraordinary solicitude because we put unnecessary salaries in the bill. I believe $7,500 is an ample salary for anyone who may be selected as a member of this board. If I could have my way I would make it about $6,000 a year, and I would take the difference, small as it is, as the basis of an equitable distribution of salaries for those who are employed by the Government.

Mr. JONES. Mr. President, when this amendment came up the other day I asked that it might go over, and I also offered an amendment striking out the word "five" and inserting "one," but the bill is framed, of course, with the idea of having the whole number, and an amendment of that character, if it should be adopted, would require practically the entire overhauling of the bill. So I see there is no chance at all to get an amendment of that sort agreed to, not only because of the opposition to having a chief of bureau control this matter but also because of the fact that it would require almost a rearrangement of the entire bill. So I withdraw that amendment. I shall not press it.

I shall support the amendment, however, of the Senator from Utah. I am going to support that amendment not as an enemy of the bill. I think I shall vote for the bill when it comes to its final passage. I shall probably vote for some amendments to it. I do not think that the bill will meet with the sentiment of the country that it is intended to meet. So far as I have heard from the farmers of my State they are strongly against the bill. They do not believe that it will serve them very well. They express themselves as being in favor of another bill that has been introduced in Congress, but they have been advised by different Members of Congress that there is no chance for the passage of that measure, and so they have suggested some very important amendments to this bill, expressly stating that they do not give up their opposition to the measure but being impressed with the fact that there is no chance for the passage of the other measure they want this bill amended in certain lines.

Mr. POMERENE. Mr. President——

Mr. JONES. I yield to the Senator.

Mr. POMERENE. May I ask the Senator to what bill he refers?

Mr. JONES. They call it the Morgan bill. I think it is a bill introduced by Representative MORGAN, of Oklahoma, in the House of Representatives.

As I said, Mr. President, I am not favoring the amendment of the Senator from Utah [Mr. SMOOT] as an enemy of the bill. I shall probably vote for the bill in the hope that some good will come from it, and that probably with the experience we will gain in a short while we will make whatever amendments experience may show to be necessary in order to make it accomplish what all of us would like to have it accomplish.

Right here I want to say that I do not think too much credit can be given to the Senator from New Hampshire [Mr. HOLLIS], who has had charge of this measure. I have been myself very greatly impressed with the splendid manner in which he has handled the measure and the breadth of the information that he has evidently acquired in studying this question. It seems to me that no man has demonstrated more his industry and breadth of knowledge, with reference to this subject, than the Senator from New Hampshire, and that he is entitled to very great credit for not only the preparation of the measure but the splendid way in which he has handled it here on the floor of the Senate, and he is entitled to that credit, no matter what we may think as to what the ultimate effect of the measure may be. I am in hopes that much more good will come from it than I really look for, but I believe that some good will come from it.

As I said a while ago, experience will show what we need and we can amend it in the necessary particulars. I am glad that it has been treated in an entirely nonpartisan way. Of course, the Senator from New Hampshire, being in the majority, naturally is in charge of it, but it has been treated, I think, not only in the committee but upon the floor of the Senate absolutely free from partisanship, and I am glad of it.

I remember when the parcel-post measure was pending in the Senate that all sorts of predictions were made and all sorts of prophecies uttered as to the inefficiency of that measure. There were predictions that it would not accomplish what those who pressed it hoped that it would accomplish. All sorts of legal and technical objections were presented to it. Now, no one seems to be inclined in any way to repeal that measure and very few changes even are suggested to it. I am in hopes that we will have about the same result from the operation of this bill, that those of us even on this side who have seen so many objections to it and who fear that it will accomplish so little will be agreeably disappointed in its operation, and that as those prophecies were shown to be false so the prophecies made with reference to this measure will also be shown to be false.

Now, with reference to this particular amendment, I think that a board of three good men is amply sufficient. I believe that the salaries are higher than they ought to be. Like the Senator from Minnesota [Mr. CLAPP], I thought that the salaries of the members of the Federal Reserve Board and of the Federal Trade Commission were too high. I do not remember now whether an amendment was offered on the floor of the Senate to diminish those salaries; but whether that was done or not, I do know that I thought they were too high.

Just what the Senator from Utah [Mr. SMOOT] suggested a moment ago occurs here. Whenever we pass a proposition of this kind it becomes a precedent for another. So while the salaries of the members of the other boards are high and while those of us who are opposed to these high salaries here were opposed to it then, the action of Congress in fixing those salaries is now urged as a precedent for these salaries. However, I can see much force in the suggestion of the Senator from New Hampshire with reference to the character of the men and the training that may be required of them to take charge of this measure. I think his judgment in that respect is better than my own. Yet I am still unconvinced of the necessity of having a board of five and paying them this large salary. As the Senator from Minnesota stated, I do not think that the farmers would feel offended in the least.

The farmers, I think, in my section do not expect very much from this measure. They do not think that it will accomplish what they hoped to have accomplished, and they are not worried about the salaries that these men get. I do not think that they are especially objecting even to the high salaries paid here. So far as I am concerned, I am not basing my opposition upon any suggestions that have come to me from the farmers of my State with reference to these salaries. I am simply basing my opposition on my idea that this large board is not necessary, and that these salaries are too high for the duties these men will have to perform.

As the Senator from Minnesota suggested, there are no important judicial functions to be performed by the members of this board. After the organizations are perfected their duties and responsibilities will be largely perfunctory. The real substantial work will be done by the local organizations. What these men here in Washington City will have to do will be largely of a supervisory character.

So, Mr. President, I shall vote for the smaller board with the smaller salary.

Mr. POMERENE. Mr. President, I do not think there can be very much difference of opinion among Senators when it comes to a question of economy. We would all like to be as economical in the administration of public affairs as possible, but economy should not control efficiency. This is a new system which is being adopted, and I am sure that both the friends and the opponents of the bill, if it be adopted, will be extremely anxious to make it a success. That we want above everything.

There are very few people outside of some specialists in this country who have given a vast deal of attention to the working of this system. This great country is to be divided into districts and these various banks are to be organized. Various national farm-loan associations, scattered throughout 48 different States, are to be organized to accommodate the farmers of this country. Necessarily up to the time they will be put upon a permanent

working basis there is going to be a tremendous amount of detail work to be done. Under the amendment of the Senator from Utah this work would be substantially confined to the two members of the board, the Secretary of the Treasury being only an ex officio member, and we know how much he is engrossed with the affairs of his own office.

While I am very much delighted with the bill, I recognize the fact that it is pioneer legislation in this country. The general farm-loan systems have proven a very great success in nearly all the countries of Europe and in some of the South American countries. I marvel sometimes that we have not had heretofore something similar to this system in this country, but here it is pioneer legislation.

No doubt after the board has had an opportunity to thoroughly investigate the subject suggested amendments will be offered which may improve the measure. If it can be improved, we all hope it will be improved. I would much prefer to have the combined judgment of four capable, efficient men—and I do not think anyone else will be named on this board—for the first few years. If our experience during those few years demonstrates that it is not necessary to have four members, and that two members can do the work as thoroughly, as efficiently, and as progressively as four, we can change the law then; but I believe it would be very much better to leave the bill as it has been framed by the committee.

Mr. SMOOT. Mr. President, just a word. I wish, in the first place, to say to the Senator from New Hampshire that I am not antagonistic to legislation of this kind, and I frankly say that if section 29 of the bill were eliminated I would be glad to vote for it. So what I have said was never said in any spirit of antagonism to the principle of the bill, although, of course, I myself believe that it could be drawn so that it would not be so expensive in its operation.

The two members of the board, other than the Secretary of the Treasury, will not be called upon to do the work of districting the country nor will they plan the working details of the legislation. There will be hundreds of employees under the bill. I do not believe that the two members who will be appointed, if my amendment is agreed to making the board to consist of but three, will work out even the details of the organization. The men who will be appointed will no doubt be business men who have had a great deal of business experience, and particularly administrative experience. The man who will work out the detail workings of the bill is already more than likely an employee of the Government, and no doubt has been interested in the framing of it, just the same as we find public men interested in the detail work of almost every important piece of legislation presented to Congress.

So, Mr. President, I do not think it will make any difference whatever as to the working of the bill whether there be three or whether there be five members of the board. The only difference will be that there will be less expense to the Government, less offices to maintain, less employees all around, if the board is limited to three; and I think that ought to be taken into consideration.

Of course I believe it would be an improvement if the amendment were adopted. If I were responsible for the successful working of it, I would very much prefer to have two first-class business men at its head who had had experience in the administration of business, and, with their labor given to this work, an organization formed under their supervision, if you please, would be more likely to make a success of the measure than if we began to pick a man from this part of the country and a man from another part of the country or a man who has been interested in this class of work and a man interested in another class of work. This is a banking proposition, a business proposition.

It seems to me, Mr. President, with the Secretary of the Treasury—and I admit that he will have very little to do with the detail working of the measure—and such men as I have named, if the bill can possibly be made a success it will be brought about through the appointment of such men as I have named, and two of such are enough.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Utah [Mr. SMOOT] to the amendment.

Mr. SMOOT. May we have the yeas and nays?

The yeas and nays were ordered.

Mr. LODGE. I desire to take this opportunity to state that my colleague [Mr. WEEKS] is unavoidably absent from the city. He has a pair with the Senator from Kentucky [Mr. JAMES].

The Secretary proceeded to call the roll.

Mr. SAULSBURY (when his name was called). I transfer my general pair with the junior Senator from Rhode Island [Mr. COLT] to the senior Senator from Tennessee [Mr. LEA] and vote "nay."

Mr. SMITH of Georgia (when his name was called). I desire to announce the necessary absence of my colleague [Mr. HARDWICK] and to state that he is paired with the junior Senator from Kansas [Mr. CURTIS].

Mr. TILLMAN (when his name was called). Transferring my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Kansas [Mr. THOMPSON], I vote "nay."

Mr. UNDERWOOD (when his name was called). I desire to inquire whether the junior Senator from Ohio [Mr. HARDING] has voted?

The VICE PRESIDENT. He has not voted.

Mr. UNDERWOOD. I have a general pair with the junior Senator from Ohio. He being absent, I transfer the pair to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Virginia [Mr. MARTIN] and vote "nay."

The roll call was concluded.

Mr. MYERS. I desire to inquire if the Senator from Connecticut [Mr. MCLEAN] has voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a pair with that Senator, but I transfer that pair to the Senator from Colorado [Mr. SHAFROTH] and vote "nay."

Mr. REED. I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from South Carolina [Mr. SMITH] and vote "nay."

Mr. CLARK of Wyoming. I desire to ask if the senior Senator from Missouri [Mr. STONE] has voted?

The VICE PRESIDENT. He has not.

Mr. CLARK of Wyoming. I have a general pair with that Senator, which I transfer to the Senator from South Dakota [Mr. STERLING], and vote "yea."

Mr. CLAPP (after having voted in the affirmative). I have voted. I now observe the absence of the senior Senator from North Carolina [Mr. SIMMONS], with whom I have a pair. I transfer that pair to the senior Senator from California [Mr. WORKS] and will allow my vote to stand.

Mr. CURTIS (after having voted in the affirmative). I have a pair with the junior Senator from Georgia [Mr. HARDWICK]. I transfer that pair to the senior Senator from Iowa [Mr. CUMMINS] and will permit my vote to stand.

Mr. FALL. I have a general pair with the senior Senator from West Virginia [Mr. CHILTON]. In his absence I withhold my vote.

Mr. TOWNSEND (after having voted in the affirmative). I have a general pair with the Senator from Florida [Mr. BRYAN], but I transfer that pair to the senior Senator from Minnesota [Mr. NELSON] and will allow my vote to stand.

Mr. MARTINE of New Jersey. I desire to announce the unavoidable absence of my colleague [Mr. HUGHES] on official business. As to how he would vote on this question, I do not know.

Mr. FALL. In the absence of my pair, I desire to make a transfer to the Senator from South Dakota [Mr. STERLING] and to vote. I vote "yea."

Mr. CLARK of Wyoming. The Senator from Missouri [Mr. STONE], with whom I am paired, having returned to the Chamber and voted, I withdraw the exchange of pairs.

Mr. CURTIS. Mr. President, I am requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Nebraska [Mr. HITCHCOCK];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Rhode Island [Mr. LIPPITT] with the Senator from Montana [Mr. WALSH];

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Colorado [Mr. THOMAS];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from New Hampshire [Mr. GALLINGER] with the Senator from New York [Mr. O'GORMAN]; and

The Senator from Idaho [Mr. BRADY] with the Senator from Florida [Mr. FLETCHER].

The result was announced—yeas 22, nays 29, as follows:

YEAS—22.

Borah	Fall	Lodge	Smoot
Brandegee	Gore	Norris	Townsend
Clapp	Gronna	Oliver	Wadsworth
Clark, Wyo.	Jones	Page	Warren
Curtis	Kenyon	Poindexter	
du Pont	Lane	Sherman	

NAYS—29.

Ashurst	Kern	Pomerene	Taggart
Bankhead	La Follette	Reed	Tillman
Beckham	Lee, Md.	Saulsbury	Underwood
Broussard	Martine, N. J.	Sheppard	Vardaman
Chamberlain	Myers	Smith, Ariz.	Williams
Hollis	Newlands	Smith, Ga.	
Husting	Phelan	Stone	
Johnson, Me.	Pittman	Swanson	

NOT VOTING—45.

Brady	Goff	Martin, Va.	Smith, Mich.
Bryan	Harding	Nelson	Smith, S. C.
Burleigh	Hardwick	O'Gorman	Sterling
Catron	Hitchcock	Overman	Sutherland
Chilton	Hughes	Owen	Thomas
Clarke, Ark.	James	Penrose	Thompson
Colt	Johnson, S. Dak.	Ransdell	Walsh
Culberson	Lea, Tenn.	Robinson	Weeks
Cummins	Lewis	Shafroth	Works
Dillingham	Lippitt	Shields	
Fletcher	McCumber	Simmons	
Gallinger	McLean	Smith, Md.	

So Mr. SMOOT's amendment to the amendment was rejected.

Mr. SMOOT. Mr. President, I offer the following amendment to the amendment of the committee: On page 3, line 12, I move to strike out "$10,000" and to insert "$7,500," so that it will read:

They shall receive an annual salary of $7,500, payable monthly, together with actual necessary traveling expenses.

Upon that amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). Making the same announcement as before as to the transfer of my pair to the senior Senator from California [Mr. WORKS], I vote "yea."

Mr. CURTIS (when his name was called). I transfer my pair with the junior Senator from Georgia [Mr. HARDWICK] to the senior Senator from Iowa [Mr. CUMMINS] and vote "yea."

Mr. FALL (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. CHILTON] to the Senator from South Dakota [Mr. STERLING] and vote "yea."

Mr. MYERS (when his name was called). Announcing the same transfer of pairs that I announced on the last vote, I vote "nay."

Mr. REED (when his name was called). I make the same announcement as to my pair and transfer as before and vote "nay."

Mr. SAULSBURY (when his name was called). Making the same announcement as before relative to my pair and its transfer, I vote "nay."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). My colleague [Mr. SMITH of Michigan], who is absent, is paired with the junior Senator from Missouri [Mr. REED]. Announcing my pair and its transfer as before, I vote "yea."

Mr. LODGE (when the name of Mr. WEEKS was called). I desire to make the same announcement in regard to my colleague [Mr. WEEKS] that I made on the former roll call. He is unavoidably absent. He stands paired with the Senator from Kentucky [Mr. JAMES]. I will let this announcement stand for the day.

Mr. WILLIAMS (when his name was called). Repeating the same announcement which I made a moment ago as to the transfer of my pair, I vote "nay."

The roll call was concluded.

Mr. CLAPP (after having voted in the affirmative). The senior Senator from California [Mr. WORKS] having entered the Chamber and voted, I shall have to withdraw the transfer which I made and also withdraw my vote.

Mr. SUTHERLAND (after having voted in the affirmative). I now learn that the Senator from Arkansas [Mr. CLARKE], with whom I have a pair, has not voted. For that reason I withdraw my vote.

Mr. CURTIS. Mr. President, I am requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Florida [Mr. FLETCHER];

The Senator from Maine [Mr. BURLEIGH] with the Senator from Nebraska [Mr. HITCHCOCK];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from New Hampshire [Mr. GALLINGER] with the Senator from New York [Mr. O'GORMAN];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN]; and

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES].

Mr. WALSH. Having a general pair with the Senator from Rhode Island [Mr. LIPPITT], I transfer that pair to the Senator from Tennessee [Mr. SHIELDS] and vote "nay."

The result was announced—yeas 26, nays 25, as follows:

YEAS—26.

Beckham	Gronna	Norris	Townsend
Borah	Harding	Oliver	Vardaman
Brandegee	Jones	Overman	Wadsworth
Clark, Wyo.	Kenyon	Page	Warren
Curtis	Kern	Poindexter	Works
du Pont	Lane	Sherman	
Fall	Lodge	Smoot	

NAYS—25.

Ashurst	Johnson, Me.	Reed	Taggart
Bankhead	La Follette	Saulsbury	Underwood
Broussard	Lee, Md.	Sheppard	Walsh
Chamberlain	Martine, N. J.	Smith, Ariz.	Williams
Gore	Myers	Smith, Ga.	
Hollis	Phelan	Stone	
Husting	Pittman	Swanson	

NOT VOTING—45.

Brady	Gallinger	Martin, Va.	Smith, Md.
Bryan	Goff	Nelson	Smith, Mich.
Burleigh	Hardwick	Newlands	Smith, S. C.
Catron	Hitchcock	O'Gorman	Sterling
Chilton	Hughes	Owen	Sutherland
Clapp	James	Penrose	Thomas
Clarke, Ark.	Johnson, S. Dak.	Pomerene	Thompson
Colt	Lea, Tenn.	Ransdell	Tillman
Culberson	Lewis	Robinson	Weeks
Cummins	Lippitt	Shafroth	
Dillingham	McCumber	Shields	
Fletcher	McLean	Simmons	

So Mr. SMOOT's amendment to the amendment of the committee was agreed to.

Mr. NORRIS. On page 3, line 7, after the word "Senate," in the committee amendment, I move to strike out "of the four members to be appointed by the President not more than two shall be appointed from one political party."

Mr. President, if that amendment is adopted, it will necessitate another formal amendment to make the other language conform to the amendment.

I confess that I have but little hope of seeing the amendment adopted. I confess also that those who favor this kind of a provision in the law are moved by the very highest motives and the best of faith; but if I believed that such a provision would work out in the way that those who favor it believe it will work out, instead of being opposed to the language I would favor it.

I am moved to offer the amendment, even though it is apparent that it can not be adopted, from the fact that in the discussion on the amendment in regard to the salaries which has just been adopted, Senators reminded the Senate of other cases and other bills which have been pending, which provided for large salaries, where no Senator made a motion to strike them out; the salaries, for instance, of the members of the Federal Reserve Board, which were fixed at $12,000 per annum, as I now remember, and also the salaries of the Federal Trade Commission, which were fixed at $10,000 per annum. Particularly with reference to the salaries of the members of the Trade Commission, I felt at the time that those salaries ought to have been cut down. I offered no amendment, or, if I did, I have forgotten now that I did so, because I knew that it would be defeated, and there were so many other amendments in which I was deeply interested, most of which were defeated, that it became quite apparent that it was useless to offer such an amendment.

I want to offer this amendment now, so that if at any time in the future, under different conditions, the same amendment should be offered or supported by me, I shall be able to show in my own defense that I stood for this amendment, and believed in it at a time when the party opposing the one to which I give allegiance was in power and would name all of the officials provided for in the proposed law.

The object of the language is to create a board that is nonpartisan. If that language brought about that object, I would be the last one to move that it be stricken out, and would be one of the first to support keeping it in. As a matter of fact, it never brings about anything of the kind.

I remember that early in the present administration, a question came up in the Senate in regard to the Civil Service Commission, complaint having been made that the law was not being properly enforced, when the charge was made that under the preceding administration the law had not been enforced. To the statement that the law provided that the members of the Civil Service Commission must belong to different political parties and that not more than two could be taken from one party, the answer came—and I am not sure but that it was perfectly well founded—that the man who was appointed to rep-

resent the Democrats by a Republican President did not represent the Democrats; that he was a bolter from the Democratic Party; and that he was appointed as a reward for his support of Palmer and Buckner. I am not sure but that that was right, and, without criticizing the man who was appointed, because, so far as I know, he performed his duties absolutely without regard to party and in the best of faith, at the same time naturally he could not be above suspicion on the part of members of the Democratic Party, for the reason that just before he was appointed he took part in a political campaign, where his energies and his efforts, no matter what he might believe in, could have had but one effect, and that was to assist in bringing about the defeat of the Democratic Party. Such charges are frequently made, and we know that oftentimes they are true; that the man appointed to represent one party in reality supported another party. So we do not have nonpartisan boards; but, if the officials are appointed in good faith, instead of having nonpartisan boards, we have bipartisan boards, which are worse than partisan boards. If the man appointed a member of a board is a Democrat, he feels as though he was appointed because of being a Democrat and that in his official position he represents the Democratic Party; and, on the other hand, the man who is appointed because he is a Republican, feels the same in relation to the Republican Party. So you have, evening it up with both parties represented, an absolutely partisan board.

If the same men were appointed and the law did not provide that they must be appointed from a party, they would feel a different obligation; the party obligation would disappear, and they would come nearer being nonpartisan than though they were appointed to represent a political party.

So far as I am concerned, if this bill becomes a law, and the President wants to do so, I would not criticize him if he should appoint all the members of the Federal farm-loan board from one political party. If they are good men, if they will perform their duties properly, without regard to politics, the President can appoint all Democrats, if he so desires, or he can appoint all Republicans, all Progressive, or all Socialists, or divide them up as he pleases; but I am opposed to saying to the President, "You must appoint so many Republicans and so many Democrats, in order that when they are assembled together they will constitute a nonpartisan board." That is inconsistent, and in practice it has never worked out well.

The board provided for in this bill ought to be nonpartisan; there is no doubt about that. Every board ought to be. I can not conceive of any board that ought to be partisan; but just as soon as we say to the appointing power, "You must divide this board up between the political parties," you make a partisan board of it; and if the President in good faith appoints as members of the board men who belong to the opposite party to which he owes allegiance, he immediately casts suspicion, in some quarters at least, as to those men, because in times past Presidents and other appointing powers have taken advantage of a provision of this kind to appoint men of the opposite party, who at least are not politically in good standing, although it may be that the very best men who could be selected in the country would be men who were not politically in good standing.

I am not saying that such men might not be absolutely the best. Take, as an illustration, the Trade Commission or the Federal Reserve Board. Criticism was made of some of the appointees on the Federal Trade Commission because they did not fairly represent the party from which, under the law, they should be chosen. Criticism was made of the President as to at least one of those appointees, because it was said "This man does not fairly represent the party from which, as the law provides, he should be taken." I am not saying that that criticism was wrong, but I do believe that in that particular case—and it is likely to happen in any case—the man who did not fairly represent the party was the best man that could be selected for the particular office. If, however, you leave this kind of a provision in the law, the President, if he wants to escape criticism in making the appointments, must select partisans, men who are such partisans that nobody will doubt that they will have uppermost on all occasions the welfare of their party. He will be criticized if he does not do that, and perhaps that is the spirit of the law, but I think we ought to avoid it in this instance, particularly in view of the character of work to be performed by the farm-loan board.

Under the bill before us the members of the board will have no more to do with party, if they do their duty, than the flowers that bloom in the springtime. Therefore we ought to make it possible for the President to appoint, without criticism, the best men possible, irrespective of party. I do not believe that this language ought to go into a law of any kind.

I believe, first, that it is recognized by the Senate and the House of Representatives that the work of this board will be nonpartisan. If we start with that as a fact, then we ought to say nothing about the political qualifications of the men who will compose the board, as to what political party they shall give allegiance, or from what political party they shall be selected.

If the work of the board is nonpartisan, as the work of all such bodies ought to be, then why should it not be possible to appoint a man who perhaps gives allegiance to no political party, but who may have made a life study of this subject? Under this bill if you appoint such a man he will have to be charged against some political party, but no political party will be willing to take him, and he will be unwilling to be classified as a member of a political party. Some of the best students along the lines of the work that will have to be done, for instance, by the Federal Trade Commission do not care anything about political parties; they have never taken any part in political contests, and yet they may have spent years of their lives in careful and calm study of the questions over which that board will have control. I can easily see that in the particular case before us the same thing might be possible, but the President is practically by this provision of the bill precluded from appointing such a man. It will be no answer, so far as he is concerned, to say that if you strike out that provision the President will appoint all the members of the board from one party. If the President wants to do that, he can practically do it. He can get enough Republicans who supported the Democratic candidates in the last election and reward them with this kind of an office.

So you will not accomplish anything if you want to prevent that being done. It can not be prevented if the President wants to do it. On the other hand, if the President wants to act in good faith, and appoint the best men he can select for the positions, he will not consider politics. If you leave in this provision, you compel him to consider politics. Therefore it seems to me it ought to be eliminated.

Mr. FALL. Mr. President, will the Senator from Nebraska yield for a question?

Mr. NORRIS. Yes.

Mr. FALL. Does not the Senator think that this entire Government is at the present time a Government by party, except where it may have become in recent years a Government by one individual? Is not the Government itself a party Government?

Mr. NORRIS. A great deal so; yes.

Mr. FALL. Then, where the legislative department creates a board or a commission, does not the Senator think it would be well enough to provide that both parties shall be represented upon that board or commission, and then if the President wants to violate the law leave it to him to violate it?

Mr. NORRIS. No. In answer to the question I will say that I do not think the Legislature ought to do that. The fact that we have political parties in this country is no sufficient reason, in my judgment, why the members of a board of this kind should be selected because of their party qualifications any more than we would select a judge on account of his political qualifications.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Wyoming?

Mr. NORRIS. In just a moment I will yield to the Senator.

Why should we not say when two judges are to be appointed, whom everybody concedes ought to be nonpartisan, that not more than one of them shall belong to any one political party, and thus put upon the bench a representative of a party?

It is true that we have parties, and to a great extent the country is governed by parties; but every day we are trying, State legislatures are trying, and municipal governments are trying, to get away from the evil of partisanship. There is no official duty for this board to perform—there can be none—that in any way is partisan. If you want to make it nonpartisan, then do not provide by law that one of the qualifications of a member shall be that he is a partisan.

I now yield to the Senator from Wyoming.

Mr. CLARK of Wyoming. Mr. President, the Senator is anxious to have this board made nonpartisan. Does the Senator believe that appointing all the members of the board from one political party tends to make the board nonpartisan? Or would it not be more apt to be nonpartisan if both or all parties were represented on the board?

Mr. NORRIS. No; I have gone over that to some extent. I will say, in answer to the Senator from Wyoming, that when you appoint members of a board of this kind under a law that says there shall be so many members of one party—that is practically

what we say—and so many members of another party on the board, you thereby, by the law, make it a partisan board.

Mr. CLARK of Wyoming. I suppose it would be almost impossible, notwithstanding the view of the Senator, formerly expressed, to appoint any member upon this board or any like board who is not a partisan in the sense that he is a member of some political party; that is, that he votes, or has voted, with some particular political party. He need not be a partisan in the sense of being an active party worker or organizer; but I imagine that any man who was sufficiently well qualified, or qualified at all, to sit upon this board, would be a man who would have some views upon political questions, and would have expressed by his vote his notion as to which views were best. In that sense he would be a partisan; but I do not understand that that is what the Senator means.

Mr. NORRIS. In what sense?

Mr. CLARK of Wyoming. I do not suppose the Senator meant to imply that we would be likely to get a man upon this board who did not have some political affiliations.

Mr. NORRIS. We probably would not; but we might. If we leave in this language, and the President wants to escape criticism, then it is certain that we will not get anybody on the board who is not the strongest kind of a partisan.

Mr. CLARK of Wyoming. Well, possibly the Senator is correct. I wanted to get his view.

Mr. COLT. Mr. President, may I ask the Senator a question?

Mr. NORRIS. In just a moment. I should like to refer first to what the Senator from Wyoming has said.

There are four members to be appointed. The language that I seek to strike out by my amendment provides that not more than two of them shall be members of any one party. That will mean that there will be two Democrats, let us say. Suppose the President went out into Wyoming and found there a prominent Democrat who had been supporting the Senator from Wyoming in all the contests he had ever had. There are Democrats like that in Wyoming—pretty good fellows, too.

Mr. CLARK of Wyoming. There are not enough of them.

Mr. NORRIS. Suppose the President appointed one of them as representing the Democratic Party, what would Senators over here say? Why, they would say, "That man does not represent the Democratic Party." The Senator from Wyoming could answer and say, "Why, he is a qualified man. He has made a life study of this subject and knows more about it than anybody else." "That does not make any difference; he is not a good Democrat. We do not care about his qualifications. He is not a Democrat, and the law provided that he should be a Democrat."

Suppose, on the other hand, instead of doing that—and this is more probable than what I have suggested—the President, in selecting a Republican, should go into New Hampshire and he should find there a Republican, registered as a Republican, who could prove by the records that he was a Republican, and who perhaps had been running for office on the Republican ticket, but who had supported the Senator from New Hampshire [Mr. HOLLIS]. There are such Republicans up there; otherwise, the Senator would not be here. He had to have the votes of a good many of them to get here. Suppose he should appoint one of those, what would happen over here? Republicans would say, "Why, here, the President is not carrying out this law in good faith. He has appointed a man who has not been true to the Republican Party. He has appointed a man who bolted the Republican Party and supported the Democratic candidate for Senator." He would be criticized for it; and it would not be any answer if the President or those who supported him in his action could say and could prove: "Why, this man whom the President has appointed as representing the Republican Party in New Hampshire is the best man in the country for this position. He knows more about the duties of the position than the men who passed the bill and the President who signed it. He is peculiarly adapted to carry out the provisions of this law." The Republicans would answer and say, "Why did you not appoint him as a Democrat?" But the man himself claimed to be a Republican. He had supported one Democrat, maybe two, maybe a whole ticket at one election.

This language makes it impossible for the President, unless he is subject to severe criticism, and perhaps violates the law, to appoint any such man to this board. He could not do it. What would the President have to do if he wanted to escape criticism? He would have to get some two Democrats who were able to show that from the time they were old enough to vote they had never scratched a ticket; they had always voted for the Democrat, yellow dog and all; and then he would have to come over on the Republican side, to prevent being criticized there, and appoint a man who had always been a bitter partisan in favor of the Republican Party, who had never supported anybody but a Republican, who felt himself bound to support a candidate for road overseer even if he had just gotten out of the penitentiary, provided he was on the Republican ticket, in preference to the best man in the county running against him on the Democratic ticket. To demonstrate his fitness for this position he would have to have a record as being the bitterest kind of a partisan. That is what the President would have to do.

If this language is stricken out, as proposed by my amendment, the President will have absolutely no limitation. He can pick the best men he can get regardless of their politics. If he does his duty, he will do it.

I now yield to the Senator from Rhode Island.

Mr. COLT. I was simply going to ask the Senator if he does not think that the reason for this provision is that the two parties represent certain tendencies with respect to the government of the country, and that it is deemed a little better on that account that the members composing that board should be men who belong to both of those parties? Might I ask the Senator, further, if he does not recall that when the circuit court of appeals was established there was an agreement that a certain number of Democratic judges should be appointed, there being a large number of judges to be appointed?

The underlying reason is simply this: There always will be two parties; and in order to avoid crticism, it is believed to be a little better to have representatives of both parties upon any board.

I might say further that I think this whole question of partisanship is a great deal overestimated and exaggerated, for the reason that any man when he has taken his position upon this board will, I believe, be entirely free from such partisanship.

Mr. NORRIS. With the last statement made by the Senator I most fully agree—that any man who takes such a position, unless you inject politics into it and give him a political obligation as well as an official obligation, will be absolutely free from political influence of every kind, and will so act; and that is what we ought to have.

I can see how, if we were passing a law here, we might say that a certain position, that of a judge, was established and the President was authorized to appoint some one to the position, and then say in the law, "The President must appoint a Republican." Suppose the President appointed the Senator from Rhode Island. The Senator from Rhode Island would feel—and it is perfectly natural that he should—that he had a double obligation, because the law said he must be a Republican, and the President in good faith in trying to carry out that law, before he appointed him, called in the Republicans, the leading Republicans—whatever that may mean, and it means a good deal sometimes.

Mr. CLARK of Wyoming. The most conspicuous ones.

Mr. NORRIS. And suppose he got advice from those Republicans, and they advised him to appoint the Senator from Rhode Island, and he appointed him not because he wanted the Senator from Rhode Island but because the members of the political party whom he consulted wanted him. Would you say that the Senator from Rhode Island, when he took the office, would be entirely free from political obligation? Why, he would owe his very official existence, under the circumstances, to members of a political party, because of his political affiliations and not because of his qualifications; and he would not be as nonpartisan then as he would be if he had been appointed under a law that said nothing about politics.

Why, Mr. President, the theory is just as the Senator from Rhode Island says it is. The theory is that, there being political parties, we ought to divide this up, and then we will not be so apt to have a partisan board. The practice, when you come to carry it into practice, is just the reverse. If we want to get a nonpartisan board, we want to let the appointing power be absolutely free to select men who are not partisans, but who are nonpartisans, and not put an obligation on him that he must go into his particular party to select the men. It would be just as unreasonable, to my mind, to say that he should appoint on this board two men who were bald headed. He might get just as good men, but the danger would be that they would be prejudiced in favor of bald-headed men; and the danger here is that if he must appoint a man because he is a Republican, feeling that he is on that board representing not only the country but the Republican Party, he will be inclined to be partisan; and that is true of the Democrat who is put on there. In this case, if the President did not want to honor any member of the Republican Party with the appointment, he could appoint two Democrats and one Socialist and somebody belonging to the

Progressive Party. He could leave the Republican Party out, if he wanted to do so. I am in favor of giving the President the power to leave it out if he wanted to; but wherever he went, under this provision, he would go there on account of partisanship. Under the law he could not help it. So, by the very curtailment that we put upon the power of the President we make it impracticable to bring about the real thing we are trying to accomplish.

Mr. HOLLIS. Mr. President, I have much sympathy with the views expressed by the Senator from Nebraska [Mr. NORRIS]. I think it frequently works out in the way he says.

Take the Federal Reserve Board, for instance. There were five members upon it. One of them had been an organization Democrat for many years. The other four had never taken any part in politics. Nobody knew what their qualifications were. Later it was charged that they were all Democrats. I do not think there was one of the four that any of us in this Chamber would call a Democrat. He had not been prominent enough so that anybody really knew what his politics were.

This provision, however, was inserted out of deference to the Republicans in Congress, with the idea that they would like it better if it were a nonpartisan board, and for the purpose of making it as nearly a nonpartisan board as we can. I do not know how the Senate will vote on it. So far as I am personally concerned, it does not make much difference.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Nebraska to the amendment of the committee.

Mr. NORRIS. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRADY (when his name was called). I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. As he is absent from the Chamber, I withhold my vote.

Mr. CURTIS (when his name was called). Making the same announcement that I made on the former roll call, I vote "nay."

Mr. FALL (when his name was called). I make the same announcement as before and vote "nay."

Mr. OLIVER (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. CHAMBERLAIN] and therefore withhold my vote.

Mr. SUTHERLAND (when his name was called). On account of my pair with the senior Senator from Arkansas [Mr. CLARKE], who is absent, I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the senior Senator from Kansas [Mr. THOMPSON] and will vote. I vote "nay."

Mr. TOWNSEND (when his name was called). I have a general pair with the junior Senator from Florida [Mr. BRYAN]. Not being able to transfer that pair, I withhold my vote. If at liberty to vote, I would vote "nay."

Mr. WILLIAMS (when his name was called). Repeating the announcement made on the last roll call, I vote "nay."

The roll call was concluded.

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from New Jersey [Mr. HUGHES] and will vote. I vote "nay."

Mr. TAGGART. My colleague [Mr. KERN] is unavoidably absent.

Mr. LIPPITT. I wish to inquire if the junior Senator from Montana [Mr. WALSH] has voted?

The VICE PRESIDENT. He has not.

Mr. LIPPITT. Then I withhold my vote, he being absent.

Mr. MYERS. Announcing the same transfer of my pair that I announced on the last roll call, I vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Nebraska [Mr. HITCHCOCK];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from New Hampshire [Mr. GALLINGER] with the Senator from New York [Mr. O'GORMAN];

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Colorado [Mr. THOMAS];

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED]; and

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES].

The result was announced—yeas 5, nays 45, as follows:

YEAS—5.

Borah	Jones	Kenyon	Norris
Clapp			

NAYS—45.

Ashurst	Harding	Overman	Swanson
Bankhead	Hollis	Page	Taggart
Beckham	Husting	Poindexter	Tillman
Brandegee	Johnson, Me.	Pomerene	Underwood
Broussard	Johnson, S. Dak.	Saulsbury	Vardaman
Clark, Wyo.	La Follette	Sheppard	Wadsworth
Colt	Lane	Sherman	Warren
Curtis	Lee, Md.	Simmons	Williams
du Pont	Lodge	Smith, Ariz.	Works
Fall	Martine, N. J.	Smith, Ga.	
Gore	Myers	Smoot	
Gronna	Nelson	Stone	

NOT VOTING—46.

Brady	Goff	Newlands	Smith, Md.
Bryan	Hardwick	O'Gorman	Smith, Mich.
Burleigh	Hitchcock	Oliver	Smith, S. C.
Catron	Hughes	Owen	Sterling
Chamberlain	James	Penrose	Sutherland
Chilton	Kern	Phelan	Thomas
Clarke, Ark.	Lea, Tenn.	Pittman	Thompson
Culberson	Lewis	Ransdell	Townsend
Cummins	Lippitt	Reed	Walsh
Dillingham	McCumber	Robinson	Weeks
Fletcher	McLean	Shafroth	
Gallinger	Martin, Va.	Shields	

So Mr. NORRIS's amendment to the amendment of the committee was rejected.

Mr. HOLLIS. Mr. President, it has been brought to my attention that on the vote on the motion of the Senator from Utah [Mr. SMOOT] to reduce the salaries of the members of the farm-loan board from $10,000 to $7,500 the Senator from Ohio [Mr. POMERENE] voted "nay," and his vote was not recorded. If his vote had been recorded, the result would have been a tie.

Without troubling the Senate to go through the necessary parliamentary stages to have this set right, I merely reserve the right, when the bill gets in the Senate, to have a vote on the amendment offered by the Senator from Utah in that respect. I reserve the right to have a vote on that motion.

The VICE PRESIDENT. The question is on the amendment of the committee as amended.

The amendment as amended was agreed to.

Mr. CURTIS. Mr. President, I should like to ask the attention of the chairman of the committee to section 35 of the bill. I desire to know whether a change has been made in that section. I see that it provides:

> That upon becoming satisfied that any national farm-loan association has refused to make good defaulted mortgages, as required by section 28 of this act, or upon receiving satisfactory evidence that any such association has failed to meet its outstanding obligations of any description whatever when due, and is in default, the Federal farm-loan board may forthwith declare such association insolvent and appoint a receiver—

And so forth. Is not that an extraordinary power to give to the board—to appoint a receiver for an institution of this kind? Ought not that to be done by the courts?

Mr. HOLLIS. I can not tell the Senator whether there is any precedent for that or not. Does the Senator care to offer an amendment to cover that point?

Mr. CURTIS. I think it is so important that it would pay to take it up to-morrow and have an amendment to the effect that they may go into court and ask for a receiver. I doubt very much our power to give to a board the authority to appoint a receiver. Of course we could provide that upon default they might ask for a receiver at the hands of the court.

Mr. HOLLIS. I will consider that and will be able to give the Senator an answer in the morning.

Mr. NORRIS. Mr. President, in view of the fact that there was such an enormous vote obtained in favor of my amendment seeking to make this law nonpartisan and keep this board out of politics, and feeling encouraged by reason of such an enormous vote, I offer another amendment along the same line.

On page 5, line 21, I move to strike out, beginning after the period, all the balance of that page and the first five lines on page 6. The language I seek to strike out reads as follows:

> All such attorneys, experts, assistants, clerks, laborers, and other employees, and all registrars and appraisers, shall be appointed without regard to the provisions of the act of January 16, 1883 (vol. 22, U. S. Stats. L., p. 403), and amendments thereto, or any rule or regulation made in pursuance thereof: *Provided*, That nothing herein shall prevent the President from placing said employees in the classified service.

Mr. President, the language which I have read and which I seek to strike out by this amendment provides, in substance, that the appointments to be made by this board shall be made without regard to the civil-service law. In other words, it is a provision in the bill which if retained will take the appointments entirely out from under the protection of the civil-service law. The law referred to in this language is the one which provides for the civil service and the appointment of clerks and officials in accordance with the provisions of that law.

It sems to me that there will be necessarily a very large number of these appointments, and that they ought to be made in accordance with the provisions of the civil-service law. In other words, since you have now decided that the board itself shall be partisan and that a part of its membership shall represent the Democratic Party, and a part of its membership shall represent the Republican Party or some other party, you ought at least to provide that when they come to make the hundreds, perhaps the thousands, of appointments that they will make they shall do so in accordance with the law passed by Congress providing for the Civil Service Commission. If you do not, it is a partisan board that we have provided for, and it will do as perhaps it will be justified in doing, it will divide them up according to political parties, and after dividing up the offices according to political parties and going off into separate caucuses and deciding what political appointees shall be made to represent that political party, immediately when the appointments are made the proviso that I also seek to strike out will make it possible for the President by an order to put all of these partisan employees under the civil service, so that although they will be appointed because of partisanship as soon as they are appointed, if the President acts on this proviso, they can not be removed. In other words, the partisanship with which we have started, commencing with the board, will run clear down to and include the janitor.

It is provided "that nothing herein shall prevent the President from placing said employees in the classified service." So you take them for partisan reasons and give them these offices in disregard of the law, in disregard of the Civil Service Commission and the work that it was intended to perform, and as soon as these partisan political appointments are made the President by an order can put them under the protection of the law and they are there during the balance of their lives.

Mr. JONES. Mr. President——

Mr. NORRIS. I yield to the Senator from Washington.

Mr. JONES. While we have provided in the law that the President can not appoint more than three from any one political party, and, of course, the other is a Cabinet officer and belongs to the party of the President, does not the Senator think, as a matter of fact, the majority of the board will fill from their own party at least all the substantial offices?

Mr. NORRIS. They could do that under this law, no doubt.

Mr. JONES. Does not the Senator think they are very likely to do it?

Mr. NORRIS. I do not know. In view of the fact that the Senate has decided they shall divide up the important offices, practically giving the Democrats the major part, and saying we will give you a few from these other parties——

Mr. JONES. We have not put any limit on their action. We have not said that they shall act in a nonpartisan way.

Mr. NORRIS. No; we have not said that.

Mr. JONES. Has it not been the Senator's observation that such a board will do that after they are appointed?

Mr. NORRIS. Personally, I may say that I have known instances where such commissions have divided them up, and in other cases where they have taken them all out of one party.

But, Senators, the real point is that a whole lot of clerks and a whole lot of appointments can be made by a board, the jurisdiction of which extends all over the United States. Thousands of positions are to be filled, in my judgment, and the board even decides whether there shall be positions or not, and then decides who shall fill them by appointment without regard to the civil-service law. If our civil-service law means anything, then it ought to begin at the inception. What use have you for the civil-service law if you have this kind of a provision in the law? You say to a political party in power, get your henchmen into office and after they are in we will through this authority granted to the President protect them for life. The theory of the civil-service law is that men will be appointed without regard to politics; and by the way, that law was in accordance with the argument I made a while ago. It does not provide that one man shall be a Democrat, and the next a Republican, and the next a Socialist, and the next what not, and then go through again and enforce it in good faith, but it means that political and party considerations shall have no place in the selection of officials. It means that they shall be appointed absolutely without regard to their political affiliations.

But what are we seeking to do here? We are providing that that law shall not apply to these appointments, and then we say in the same breath, as soon as you have selected these partisan appointees we will have the President issue an order that will put them under the classified service. Men who get into the classified service on merit because of their qualifications will be put side by side with these appointees, appointed because of their political qualifications. Yet the tenure of office, if the President exercises the authority given him in this proviso, will be the same in both cases. It is a nullification of the civil-service law on its face. It is contrary to its letter and it is contrary to its spirit.

Mr. President, when President Taft issued an order putting the fourth-class postmasters under civil service, something he had the legal right to do, a great cry went up that he had put into permanent office a whole lot of fellows who were appointed because of their political qualifications, and I always felt that there was some justification for that charge. Then, as I remember, when President Wilson came in he rescinded that order and provided that they should be examined first, and I thought that that was a good thing. It seemed to me that that ought to have been in the first order, although I know that Presidents from the beginning of the enactment of the civil-service law have made that kind of an order putting under the civil service a large number of employees. The effect of it has been to gradually extend the civil service further, and perhaps often justifiably, without taking the politics of the men into consideration. President Taft simply extended it. It may not be the best way to extend it, but it is the way the law provided it could be extended; and I would not blame the President if after all these fellows were put into office he would issue such an order. I think it is intended he should. Then he would include these men in the civil service.

But why do not the Democrats say now what they said about fourth-class postmasters, that it is not right to put them all in the classified service by a blanket order, because they were selected for political partisan reasons? Why not now practice what you preached? Why do you not do now what you claimed the Republican President ought to have done when he made that order? It seems to me that here is the opportunity to put into practice the very claim that you made then that that was not fair.

Mr. President, I am not making this motion, and I do not believe that any man who knows me will charge it, because we happen to have a Democratic President who will appoint a majority of Democrats on this board. I do not care, so far as I am concerned, if every one he appoints is a Democrat, provided he gets good men; but I do not want this board, being Democratic, as it will be very likely, to go all over the country and put this great system into operation by the use of political methods. How will these men get their jobs? They will get them because Senators and Representatives and committeemen will make recommendations to a board that, in the first place, is partisan. Does any member, at least, of the Democratic Party who is a Member of the Senate or of the House or is a member of the Democratic committee, think that he will not be importuned by friends to get them positions under this board, and does any man doubt but that this board, a partisan board to begin with, will not give heed to that kind of recommendation?

If you strike it out, what will happen? If my motion prevails, in the first place, you will be relieved of that duty; and you have had experience enough now since President Wilson has been in office and the Democratic Party has been in power to know that it is not a very pleasant duty. I have had too many Members of the Senate and House say to me in conversation, and I have heard them say even in public, that it is an unpleasant duty. It is an unpleasant duty, a duty that you can not perform even to the satisfaction of your own conscience. I know that from experience. Yet the obligation will be yours. You can not get away from it. If the law is passed in this form, no one will expect you to get away from it, and you will not try to get away from it. It ought not to take up your time to investigate, if you want to be fair with the board, and see whether these men are properly qualified or not. You ought not to be compelled to shoulder that responsibility. It is not just to you and it is not fair to the country. If it is made a party obligation, the first thing that will be necessary for every applicant will be to show that he is a good Democrat, and sometimes in showing that they will forget all his other qualifications. I would do just the same. I do not say it because he is a Democrat; it would be just the same if the Republican Party or any other party was in power.

If you make a party obligation of it, if you make a party machine of it, then no man can get an appointment as a janitor or as a clerk unless he establishes to the satisfaction of the political machine in control that he gives strict allegiance to that party and is faithful always to the party demands. That will be the first qualification, and if it happens after that that he

has other qualifications to fulfill the office, and that he can perform his duty properly, well and good. If he does not it will be a bad precedent.

Now, what will happen if my amendment prevails? Then these appointments would be made for this board from lists certified to them under the civil-service law by the Civil Service Commission. Is not that fair? If it is not fair then we ought to repeal the civil-service law. If we are going to create new offices and provide in the law where we create them that they shall be appointed without regard to the civil-service law and then after they get in that they shall be put under the saving influences and control of the civil-service law, then we are going back to the old rule that "to the victor belongs the spoils," and going to it with a vengeance.

Mr. BRANDEGEE. Mr. President, I suggest to the Senator that it is worse than that rule. The old rule never protected the spoilsmen.

Mr. NORRIS. I was going to say that. I thank the Senator for the suggestion. If we had no civil-service law, and these men were appointed as a reward for partisanship or political work, when their party went out and the other party came in they would go out. But here you have a provision contained in the bill that notwithstanding the fact that they are going to be appointed on account of partisanship they shall retain their positions for life. In common justice it seems to me we ought not to do that. President Wilson revoked the order of President Taft putting the fourth-class postmasters under the civil service, and I thought he improved the order. It struck me as being fair. All the Democrats at least claimed that was fair. Now, if you are true to that faith, if you believe what you said, it seems to me that you must then vote for this amendment to put these appointments on the same basis and on the same plane that you demanded fourth-class postmasters should be put on.

Mr. President, it all reduces itself down, it seems to me, as to whether we are going to uphold the civil-service law, and in offering this amendment and in saying what I have said I cast no reflection upon the committee. I know it is said that when you begin a great institution of this kind you can get along better by giving everybody a free hand and let the appointments be made without regard to the Civil Service Commission, and that it is difficult sometimes to get the Civil Service Commission to furnish a list for some offices. But, Mr. President, the Civil Service Commission, in my judgment, are better qualified to select any officer, any attorney, and any judicial officer, however high, than the chairmen of political committees or bosses of political machines through the instrumentalities of Members of the Senate and Members of the House, who necessarily, if they often made recommendations, would not and could not under the very condition of things know personally all of the things that anyone ought to know in passing on an applicant for some of the more important positions that will be included in this law.

Therefore, Mr. President, in the very best faith and in the belief that it is only common ordinary justice and a square deal that this should be eliminated, I have offered this amendment, and I hope the Senate will vote in favor of it and that this language may be stricken from the bill.

Mr. CLARK of Wyoming. Mr. President, I am certainly in favor of the amendment proposed by the Senator from Nebraska or, at least, of some modification of the section as it now appears, because I can see no justification whatever for the section as written. I can see where some of these officials probably ought not in their selection to be limited to the civil-service list. I can see where, perhaps, in the case of attorneys and experts they should be allowed a free hand to go out and search the field over and get the best they can, but why the merest laborer or clerk or typewriter or any of the minor employees should not come from the civil-service list I am unable to comprehend.

But that is not the worst feature of the bill as it stands. The bill as it stands provides an avenue or a channel by the use of all these minor appointments by which the work of the Civil Service Commission may be absolutely overthrown.

These people once under the civil service, as I understand the law, may be exchanged to do other kinds of governmental service. For instance, under the civil service, employees of the Treasury Department, if I understand the operation of the law aright, are eligible to be exchanged to the Post Office Department or to other departments of the Government. This bill, by this very section, provides an avenue by which every clerk to be hereafter selected and put into the service of the Government, or every laborer or janitor or elevator man or any employee in those classes, may be passed through this avenue into the civil service of any one of the departments without the necessity of civil-service examination or of a civil-service rating.

I have not been very will satisfied of late years as to the virtue of the Civil Service Bureau, because I have seen how easy it is to avoid the law. It has become a byword. Nobody needs to flatter himself, because he is an eligible on the civil-service list that that gives him any advantage whatever in securing a governmental appointment.

The Senator from Nebraska speaks of the new rule which has been inaugurated in regard to the appointment of fourth-class postmasters. Under the present administration fourth-class postmasters are selected from the civil-service list; but if there has been a fourth-class Republican postmaster appointed under this administration it has been a mighty rare case.

Mr. HOLLIS. I know of a great many such appointments in my State, where there have been more Republicans appointed fourth-class postmasters under this administration than there have been Democrats—a great many more of them.

Mr. CLARK of Wyoming. I am glad to get that testimonial from the Senator from New Hampshire. It is indeed a relief, but I venture to say what I personally know is true in many instances, and that is, that a civil-service appointment is not given to the man or the woman who from the examination shows best upon the list. I do not think that at least will be disputed. The one best qualified, according to the records of the civil service, is seldom the one to get the appointment; and is never the one to get the appointment if he or she belongs to the opposite political party.

It does not, however, do any good to enter into that discussion here; it is not relevant to the matter; but I do not believe it is right to make this section of the bill an avenue or a channel through which there can be filtered into the Treasury Department or the Post Office Department or the Interior Department clerks, laborers, and others who but for the operation of this bill would have to be chosen from the civil-service list. I want to ask the Senator from New Hampshire if there was any particular purpose in that part of the section which provides that "nothing herein shall prevent the President from placing said employees in the classified service"?

Mr. HOLLIS. I will explain that at length when I get the floor. I had rather not answer the question in the Senator's time.

Mr. CLARK of Wyoming. Of course I can understand, as I said in starting, how experts and attorneys, perhaps, and the higher officers who may be employed ought not to be dependent upon the certified list of the Civil Service Commission; but I am absolutely unable to comprehend why the others should not be subject to civil-service examination. I am still less able to comprehend why it is that, having been once appointed without the civil-service examination, they should be immediately transferred into the civil service and be eligible to appointment under any other branch of the Government where the civil service prevails.

Mr. HOLLIS. Mr. President, answering the last proposition of the distinguished Senator from Wyoming first, I will say that it is not a fact that men can be appointed from the unclassified service into the classified service. I know that to be the operation of the law.

Mr. CLARK of Wyoming. Mr. President——

Mr. HOLLIS. I will explain that to the Senator. Under the appointments which were made in the Internal-Revenue Service under recent legislation, deputy internal-revenue collectors were appointed outside the civil-service law under provisions similar to the one now pending. None of those men has been transferred into the classified service of any of the departments of the Government. The departments have repeatedly refused to make such transfers. Some of the men who were appointed in New Hampshire wanted to be so transferred, but, on inquiry, I found that they could not be, and they have not been.

Mr. CLARK of Wyoming. Let me ask the Senator from New Hampshire a question. He is entirely conversant with the operations of the civil-service law——

Mr. HOLLIS. I tried very earnestly to get some of those men into the classified service, and I could not do it.

Mr. CLARK of Wyoming. Suppose this circumstance should occur: A clerk is appointed or a laborer is appointed who otherwise would have to be taken from the civil-service list, and his appointment should carry him in without examination. Having been passed under the civil service, could he not be transferred to a like office or like employment in other departments of the Government?

Mr. HOLLIS. My understanding is that he could not, unless he was in the classified service in one of the departments. If

he got into the classified service in one of the departments, then he might be transferred; but otherwise he could not be.

Mr. CLARK of Wyoming. Of course, but he gets into the classified service by appointment?

Mr. HOLLIS. Yes.

Mr. CLARK of Wyoming. By appointment under this act. Then, being in the classified service, he could at once be transferred to another department?

Mr. HOLLIS. That is exactly so.

Mr. CLARK of Wyoming. And in his place a man could be appointed without the classified service, and could take his place in that service?

Mr. HOLLIS. Not at all; because he could not be put under the classified service, for all future appointments would have to be made under the civil service.

Mr. CLARK of Wyoming. I am glad to learn of that situation.

Mr. HOLLIS. That is perfectly straight and perfectly right, because you take 90 per cent of the classified places under the Government now, and they have all been through exactly this process; we have created a department and we have created its force at the same time, and then the employees were put into the classified service. You can not do it properly in any other way. There is nothing original in it. We went through the whole thing in the Federal reserve act for the very same reason. Surely the Senator from Wyoming has not forgotten that?

Mr. CLARK of Wyoming. The Senator from Wyoming has not forgotten a great many things that he did not approve of that are now law.

Mr. HOLLIS. That is true; but every time we put a bill through we go all over these different things again.

Mr. CLARK of Wyoming. I would be glad if the Senator, or some other Senator, in bringing these great bills into the Senate, would present them in such a way that in doing it they would not violate the civil-service act, if Senators profess any loyalty to the civil-service cause; but I have known what the Senator says, that there is a precedent for this. I had hoped, however, that the practice would be finally abandoned.

Mr. HOLLIS. Mr. President, the distinguished Senator from Wyoming is now addressing his remarks to one Democratic Senator who believes thoroughly in civil service, who has always supported it, who has never asked to have any of its rules violated, and who always votes for it in proper cases. Now, there is a most excellent reason why these places should not be filled under the civil-service regulations; and I am coming to that.

The matter that has been called before the Senate by the Senator from Nebraska [Mr. NORRIS] is one of the things as to which we do not have to rely on speculation or prophecy. We know just what will happen, because we know just what has happened within the past two years under the Federal reserve act; and I will tell the Senate just what happened under that act. Take the first one appointed, the secretary of the board. He is a man who has always been a Republican; he was secretary of the Aldrich Monetary Commission. Take the lawyers who were appointed. I have not the slightest idea as to their politics; but no one would ask to have the Civil Service Commission recommend lawyers to serve on this board or any other board. Take the experts to whom the Senator has referred. When they are all appointed, there will not be many of them; there will be a few assistants and stenographers here in Washington under the farm-loan board. The only others who will be appointed by them will be the farm-loan registrars, one for each district, who should be men of the highest financial standing, and who ought not to be appointed under civil-service rules. Then there are the examiners and land appraisers. Those examiners and land appraisers should be appointed exactly as the bank examiners are appointed now, and not under civil-service rules. You do not want to select men of that type from a list that is furnished by the Civil Service Commission.

Mr. CLARK of Wyoming. Exactly so. Then, while appointing as many land-bank appraisers as may be thought necessary—there is no limit to the number—why should they be put under the civil service?

Mr. HOLLIS. They would not be put under the civil service.

Mr. CLARK of Wyoming. But authority is given to put them under the civil service.

Mr. HOLLIS. Certainly, and there is authority now to put bank examiners and everybody else under the civil service.

Mr. CLARK of Wyoming. If that authority now exists, why is it necessary to reiterate that authority under this bill? Simply to offend somebody's sensibilities?

Mr. HOLLIS. Not in the slightest, but because it has been found necessary to do so. Whenever a new department has been created the President has had to have authority to put the officers of a certain class in that particular department under the civil service. In the first place, a general law would pass permitting him to put certain employees under civil service. That would apply all right to the departments then in existence, but when you create a new board, a new department, you must have additional legislation in order to permit that to be done.

Mr. CLARK of Wyoming. The Senator's reasoning is not entirely convincing.

Mr. HOLLIS. I am not reasoning; I am stating facts, as I understand them. If I am wrong I should be delighted to have some Senator correct me.

Mr. CLARK of Wyoming. The Senator is a lawyer, and a good one, and he is an expert in the writing of statute law, but does the Senator think it is good legislation to write into a law a thing that is unnecessary?

Mr. HOLLIS. I think it is necessary; otherwise I should not favor putting it in here. When you create a new department, in regard to which existing law can not act because the department was not in existence at the time the law was passed, then you have to apply the law to it.

Mr. CLARK of Wyoming. But the Senator does not understand the point to which I am referring. Suppose the employees provided for by this bill are appointed. The Senator says there is no need of further legislation, because the President already has the power to put those employees under the civil service.

Mr. HOLLIS. I say he has not such power without this authority.

Mr. CLARK of Wyoming. Does the Senator think this authority is necessary for the minor employees?

Mr. HOLLIS. Certainly; otherwise I should not have put the provision in the bill.

Let me tell the Senator what has happened under the Federal reserve act. After they had organized and filled the important places, such as attorneys and experts, then they applied to the Civil Service Commission to give them lists of stenographers, clerks, and assistants, and they appointed such employees from the civil-service list furnished by the commission. There has been absolutely no complaint of any political appointments made by the Federal Reserve Board—not the slightest. No member of the Senate Banking and Currency Committee was able to get anyone appointed under that board. Some of the members of the committee tried to do so, and some of them complained because they failed. That is the way the Federal Reserve Board acted, and I should expect that the President would, when the farm-loan board is working fully and completely, cover into the civil service all proper employees; but we can not state in advance which ones should be so covered in. We can not tell who they will be; no one can until experience has been had.

The Federal reserve act has worked perfectly under an identical provision. The provision in this bill is copied directly from the Federal reserve act, as found in section 11. No one has criticized it; neither the Senator from Nebraska nor the Senator from Wisconsin, nor anyone who is a friend of the civil service will criticize the manner in which that has worked. So I say that, whatever else our critics may say about this bill, here is one part of it that has been worked out under exactly this language to the utmost satisfaction of Democrats and Republicans alike, with no criticism. I wish the other provisions of the bill had such good precedents and such good authority.

Mr. CURTIS rose.

Mr. HOLLIS. I yield to the Senator.

Mr. CURTIS. I do not desire to interrupt the Senator.

Mr. HOLLIS. The Senator looked as if he wanted to express some objection, or perhaps he is convinced and is ready to vote my way.

Mr. CURTIS. The Senator from Kansas is ready to adjourn.

Mr. HOLLIS. Mr. President, in view of the lateness of the hour and the fact that some Senators have gone who have expressed a desire to speak on this matter, I move that the Senate adjourn.

The VICE PRESIDENT. Just a moment. The Chair lays before the Senate a House bill for reference.

HOUSE BILL REFERRED.

H. R. 15048. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was read twice by its title and referred to the Committee on Pensions.

Mr. HOLLIS. I renew my motion that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 2, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 1, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, help us to realize that Thou art the supremest truth, the profoundest fact, in all the universe; that Thy will is good will, and therefore inflexible; that though we may deceive our fellow men, our hearts are as an open book to Thee. Help us to keep them free from guile; and though Thou dost lay upon us heavy burdens grievous to be borne, may we be able in the spirit of the Master to say, "Nevertheless, not my will but Thine be done," that we may be strong, courageous, and full of good works. Amen.

The Journal of the proceedings of Saturday, April 29, 1916, was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RAKER, for one day, on account of illness.

To Mr. HAWLEY, for one day, on account of illness.

To Mr. CONRY, indefinitely, on account of illness.

To Mr. PORTER, indefinitely, on account of sickness in his family.

G. B. DICKSON.

Mr. CARAWAY. Mr. Speaker, I call up from the Speaker's table the bill H. R. 8067, to quiet the title to certain lands in the possession of G. B. Dickson, and for other purposes, with a Senate amendment thereto, and move to concur in the Senate amendment.

The Senate amendment was read.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 10750. An act permitting the Mondak Bridge Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana.

CONTESTED ELECTION—GAYLORD V. CARY.

Mr. MORGAN of Louisiana. Mr. Speaker, by direction of the Committee on Elections No. 3, I present a unanimous report of that committee in the case of Winfield R. Gaylord against William J. Cary.

Mr. MANN. Mr. Speaker, as this is a unanimous report I suggest that we dispose of it at this time.

The SPEAKER. Does the gentleman desire to dispose of it now?

Mr. MORGAN of Louisiana. Yes; I would like to call it up now.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution 220 (H. Rept. 619).

Resolved, That Winfield R. Gaylord was not elected a Representative to the Sixty-fourth Congress from the fourth congressional district of Wisconsin and is not entitled to a seat therein.

Resolved, That WILLIAM J. CARY was elected a Representative to the Sixty-fourth Congress from the fourth congressional district of Wisconsin and is entitled to retain his seat therein.

The SPEAKER. The question is on agreeing to the resolutions.

The resolutions were agreed to.

THE PHILIPPINES.

Mr. JONES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill (S. 381) to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands, and pending that motion I desire to ask the gentleman from Iowa [Mr. TOWNER], who is the ranking member of the minority of the committee that reported the bill, what time he thinks we ought to have for general debate?

Mr. TOWNER. Mr. Speaker, I will say to the gentleman from Virginia that I have had a great many requests for time from this side of the House. I think we could use 5 hours on this side. Let me suggest to the gentleman also that that was the time we used when the bill was up for discussion before. We had an agreement at that time for 2 hours on the rule and 8 hours for general discussion, which made 10 hours of general debate upon the bill. It seems to me that we ought to have at least that much time now for the discussion of the bill.

Mr. JONES. Mr. Speaker, that would mean, of course, that we would not complete the consideration of the bill to-day. I am told that the disposition of certain members of the House is to get through with the consideration of this bill to-day. I realize that there are a great many gentlemen on both sides of the House who desire to speak on the bill, and it is not my disposition to so limit the time as to prevent anybody who really desires to speak on the bill from speaking on it, but I do not believe that we will be able to get unanimous consent for as long debate as 10 hours.

Mr. TOWNER. Mr. Chairman, I want to make this suggestion: I know that there are some gentlemen who are very impatient to dispose of this bill peremptorily. Let me suggest to those gentlemen that it seems to me that the House can not justify itself in passing or jamming through this bill under any such program as that suggested. This bill, when it was before the House last year, was considered for about 3 or 4 weeks. After general debate, including the various sessions, I think there were 11 or 12 different sessions of the Congress devoted to the consideration of the bill.

This very bill was considered in the Senate for nearly two months and thoroughly discussed, and now when gentlemen suggest that this House ought to take up this great and important measure and dispose of it in one day's time it occurs to me that is asking altogether too much. I do not think it could be justified before the country.

Mr. KITCHIN. Mr. Speaker, would not the gentleman think that three hours on a side devoted to general debate would be sufficient, and then when we get down to the portions of the bill that are in contention we could agree on time for the discussion of that under the five-minute rule?

Mr. TOWNER. I will say to the gentleman that while, of course, I do not think that would be enough time to satisfy our people, if the gentleman modifies the suggestion to four hours on a side I will accept it.

Mr. KITCHIN. How about it under the five-minute rule? Would that cover the five-minute rule; that is, would we then hold strictly to the five-minute rule when we get down to the reading of the bill?

Mr. TOWNER. I understand it is now asked to limit general debate only, without consideration of what may follow.

Mr. MILLER of Minnesota. Mr. Speaker, I would like to ask the gentleman from North Carolina a question. Is it the purpose of the gentleman in making this request which he now suggests to so arrange matters as to finish the bill before we adjourn to-day?

Mr. KITCHIN. I think we can do it, as I understand there is no real opposition except to two portions of the bill—the prohibition and the Clarke amendment portion—and a great many gentlemen on this side and on your side would like to finish it to-night if they could. But we can not jam it through.

Mr. MILLER of Minnesota. Could it not be that unanimous consent be arranged on those features to-day and not try to pass the entire bill?

Mr. JONES. I think we can arrange that when we get to it. I am going to ask, Mr. Speaker, that eight hours' general debate be permitted on the bill, the debate to be confined to the bill, one-half to be controlled by the gentleman from Iowa [Mr. TOWNER] and one-half by myself.

Mr. MANN. I would like to make one suggestion to the gentleman from Virginia, and that is that we give general leave to print for 10 days.

Mr. JONES. I shall be glad to add to that request, Mr. Speaker, that all gentlemen who speak on the bill——

Mr. MANN. All gentlemen.

Mr. JONES. That everybody who desires to do so shall have leave to print within 10 days on the bill.

The SPEAKER. The gentleman from Virginia [Mr. JONES] asks unanimous consent that general debate on this bill be limited to eight hours, four hours to be controlled by himself and four hours by the gentleman from Iowa [Mr. TOWNER], and the debate shall be on the bill itself, and that all Members shall be permitted to print remarks for 10 legislative days on the bill. Is there objection?

Mr. AUSTIN. Reserving the right to object, I wish to ask the gentleman from Virginia if it is his purpose to hold a night session so that we can dispose of this bill to-night?

Mr. JONES. It is the desire to conclude the bill to-night. I do not know whether we will be able to do it or not. I hope so, but we would not like to enter into a hard-and-fast agreement that we would conclude the bill to-night, because nobody

can say in advance how much time will be taken up under the five-minute rule.

Mr. AUSTIN. We will be here a week on this bill if we have the five-minute rule.

Mr. BRUMBAUGH. Mr. Speaker, reserving the right to object, we are now about to consider one of the most important bills that has been before this body in the last 25 or 50 years; a bill that affects the future of eight and one-half million people; a bill that likewise affects the future Government of the United States very materially. It does not seem to me, gentlemen, that it is in keeping with the great amount of time that we have given to other measures in this House that we try to dispose of a bill of such immense magnitude, not only to the Philippine people but to the people of the United States, as this great measure, in one day.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. BRUMBAUGH. I will.

Mr. HUMPHREY of Washington. I would like to suggest to the gentleman that I think upon this side of the House we are largely ready to vote, and on that side you debated it a good many hours in caucus, and it seems to me you have about thrashed it out, and why can we not vote?

Mr. BRUMBAUGH. Very well. If the leaders on both sides of this Chamber have some sort of an agreement whereby some other bill is to be substituted for the bill now under consideration, then we might as well take the vote immediately; but if we are to have a straight-out fight to the finish and register the sentiment of this Congress upon this bill, then we need more time than one day to consider such a bill as a bill dealing with the independence of the Philippine people. We can not properly present the argument and discussion on this bill in one day. If the gentlemen simply want to vote on certain provisions, we might as well take the vote at once upon those propositions, and then take a reasonable amount of time to properly consider a bill of such magnitude as the bill now before the House.

Mr. JONES. Mr. Speaker, I hope my friend from Ohio will not object to this request. I desire to remind him that when this bill, or a similar bill, for Philippine independence was before the House two years ago eight hours was all that was used in general debate, and I think I can also assure the gentleman that when we reach the last section of the bill, which is the one to which there is so much controversy, the five-minute rule will not be strictly enforced, and gentlemen who have no opportunity to speak in the general debate will have some opportunity then to speak upon that section. I hope my friend will not insist upon his objection.

Mr. BRUMBAUGH. Mr. Speaker, I do not intend to object, and neither am I asking for any special time, but I want this bill to have the proper amount of time if we intend to discuss it in a way that its importance demands.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, I would like to ask the gentleman from Virginia whether he intends to press for a vote to-night? If you give eight hours for general debate, that means 7 o'clock this evening.

Mr. JONES. Mr. Speaker, all I can say in reply to that is that if we reach the end of the bill at a reasonable hour this evening, I shall ask for a vote; but if we find when we get under the five-minute rule that is impossible, then, of course, I shall not ask that the bill be disposed of to-day.

Mr. MANN. Mr. Speaker, for the convenience of the House, it is very evident to me that if that length of time is agreed upon for general debate, you will get to no final vote to-night. I think everybody in the House wants to have an opportunity to vote on this bill. It may be practicable during the day at least to make some arrangement as to when the vote shall be taken.

Mr. JONES. I will give the gentlemen notice so that they will be here.

Mr. MANN. So that everybody will be informed.

Mr. JONES. I think that is a good idea, and I shall be very glad to further any such proposition as that.

Mr. MOORE of Pennsylvania. Mr. Speaker, I would like to say to the leaders upon both sides that it is fair to the Members of this House not to keep them here until 7, or 8, or 9 o'clock to-night on an indefinite proposition.

If they knew that they were going to have an opportunity to vote they would wait. If they know they are not going to vote to-night you might have a very slim attendance when the time comes to vote.

The SPEAKER. Is the gentleman through?

Mr. MOORE of Pennsylvania. I am through. I have submitted it to the leaders that we ought to have a time fixed for a vote.

The SPEAKER. Is there objection?

Mr. GALLAGHER. Reserving the right to object, Mr. Speaker, I would like to ask the chairman of the Committee on Insular Affairs if the time is already parceled out on this side of the House?

Mr. JONES. It is not on this side. I can not say for the other side. There have already been a great many requests for time from more gentlemen, I am sorry to say, than I am able to oblige.

Mr. GALLAGHER. Another inquiry: I would like to know if the people who are opposed to the Clarke amendment can get time from the other side?

Mr. JONES. It seems to me that is reasonable and just.

Mr. GALLAGHER. I want the House to know the way the matter is handled.

Mr. GARRETT. Mr. Speaker, I would like to make this suggestion, that we proceed now under the agreement for eight hours' general debate, so that if we can in the next two or three hours reach an agreement as to how much time there will be under the five-minute rule, the committee can rise in a moment and enter into that agreement, so that perhaps, if we see we can reach a vote by 9 or 10 o'clock to-night, it can be announced by the middle of the afternoon. I happen to know that there are gentlemen on that side of the House, as well as on this, who are anxious that a vote should be reached to-night.

Mr. MANN. It is perfectly evident that we can not reach a vote to-night.

Mr. GARRETT. It was my suggestion that we proceed with the general debate, under the agreement, for eight hours, with the understanding that later on, if we can reach an agreement as to a time for voting, the committee can then rise and ratify that agreement, if we choose to do so, and announce by the middle of the afternoon whether we can reach the vote to-night.

Mr. MANN. I think we could do that.

Mr. FITZGERALD. Mr. Speaker, these agreements about fixing time ought to be made now. It will not be convenient for Members to be in the House every minute watching to find out if a request is to be made to guarantee in some way the rights of Members under the five-minute rule. I think it is very apparent, with a bill of 34 pages, if we are to have eight hours' general debate, you can not suppress the Members under the five-minute rule sufficient to vote at once, to get through by the time indicated. Gentlemen might as well understand that.

Mr. MANN. There is no reason that I can see why we should not proceed and complete this bill in Committee of the Whole clear through, or at least up to the last section, and possibly have the previous question ordered on the bill, and have an arrangement made as to when the final vote shall be had on the bill and a motion to recommit, possibly fixing it in advance so as to accommodate all the Members of the House.

Mr. KITCHIN. I suggest, Mr. Speaker, that we can do that a little later.

Mr. MANN. I think we can do that later in the afternoon.

Mr. KITCHIN. A little later, when we find out how the matter progresses.

The SPEAKER. Is there objection?

Mr. HUMPHREY of Washington. Reserving the right to object, Mr. Speaker, why can not the time be fixed now for a vote? I was asking the question, Mr. Speaker, reserving the right to object, why we could not fix the time to vote, while the Members are here. We would like to know.

The SPEAKER. Will the gentleman from North Carolina [Mr. KITCHIN] and the gentleman from Virginia [Mr. JONES] give heed to the gentleman from Washington?

Mr. HUMPHREY of Washington. Why can we not fix the time to vote now, so that Members can know?

Mr. JONES. I do not think it is possible, Mr. Speaker, to say now when we will close the consideration of this bill and take a vote. The amendment which will be more earnestly debated than any other is the last provision in the bill, and an arrangement of that sort might cut out absolutely every consideration of that amendment. The time might be taken up on the unimportant amendments, and when you reached that amendment under a hard-and-fast understanding there would not be an opportunity to say a word on the provision of the bill that gentlemen on both sides regard as the vital and most important proposition in the bill.

Mr. TOWNER. Mr. Speaker, what does the gentleman say to this proposition: Of course everybody understands that the critically contested point in the bill is the thirty-fourth section of the Senate act, which is the Clarke amendment. What does the gentleman say to taking that matter up first and disposing of it?

Mr. JONES. Well, so far as I am concerned, if the gentleman will ask unanimous consent that when the bill is read under the five-minute rule the first section to be considered shall be the thirty-fourth section, I will make no objection.

Mr. TOWNER. I will make that request, Mr. Speaker.

Mr. MADDEN. I suggest, Mr. Speaker, if I may, that we agree to vote upon this bill immediately after the reading of the Journal next Thursday.

Mr. JONES. That suggestion of the gentleman from Iowa would mean, Mr. Speaker, that we will vote on the bill this evening, certain.

Mr. MADDEN. Does it mean that?

Mr. JONES. I think we will vote on the bill this evening, if that request is granted.

Mr. KITCHIN. And I should think, too, that in the general debate most of the debate will be on the thirty-fourth section, anyway. The whole general debate will turn around that section, and if we vote on that first it will not take any time on that under the five-minute rule, because we are going to debate that under the general debate.

Mr. JONES. That will unquestionably prolong the general debate, which follows immediately.

The SPEAKER. The gentleman from Iowa [Mr. TOWNER] suggests adding to this request the further request that when the bill is read under the five-minute rule to begin at the end of it instead of at the top of it, and discuss section 34 first.

Mr. KITCHIN. And vote on that first?

Mr. SHERWOOD. Consider it.

The SPEAKER. Vote on it and discuss it, too. Is there objection to the request of the gentleman from Virginia [Mr. JONES], as modified by the suggestion of the gentleman from Iowa [Mr. TOWNER]?

Mr. PARKER of New Jersey. May I ask whether that includes the right of the committee to rise and take a vote in the House on the Clarke amendment the moment that is determined, so that we can get through with this business?

SEVERAL MEMBERS. Oh, no!

The SPEAKER. The way to get a vote on the Clarke amendment is to move to strike it out in the committee.

Mr. FESS. Mr. Speaker, reserving the right to object, there is a new feature introduced in this bill which has never been discussed in the House, and the suggestion of eight hours seems to me astonishingly short for a modification of such policy. My experience is that when we have general debate nobody stays here, and there is no chance to change anybody's opinion. So far as I am concerned, I am willing to stay here from now until we vote. However, I think it is exceedingly important that there be a full discussion, but not to empty seats.

Mr. JONES. Mr. Speaker, we on this side can not hear the gentleman.

The SPEAKER. And nobody else can. All gentlemen will refrain from conversation. The gentleman from Virginia [Mr. JONES] asks unanimous consent, pending his motion to go into the Committee of the Whole House on the state of the Union, that general debate on this bill be limited to eight hours, four hours to be controlled by himself and four hours by the gentleman from Iowa [Mr. TOWNER]; that the debate shall be on the bill itself——

Mr. MANN. With general leave to print for 10 days.

The SPEAKER. And that everybody shall have the right to print a speech in the RECORD for 10 legislative days; and the gentleman from Iowa [Mr. TOWNER] adds to that the suggestion that when the bill is read for amendment section 34, the last section, be considered and voted on first. Is there objection?

Mr. FESS. Reserving the right to object——

SEVERAL MEMBERS. Oh, no!

Mr. FITZGERALD. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is, Is there objection?

There was no objection.

On motion of Mr. JONES, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 381) to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands, with Mr. BYRNS of Tennessee in the chair.

Mr. JONES. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. Under the rule adopted by the House the general debate is limited to eight hours. The gentleman from Virginia [Mr. JONES] is recognized for four hours.

Mr. JONES. Mr. Chairman, it is just 18 years ago to-day since Admiral Dewey, at the head of an American squadron, triumphantly entered Manila Bay, destroyed the fleet under the command of Admiral Montejo, and sounded forever the death knell of Spanish dominion in the Philippine Islands. [Applause.]

It will be just 14 years on the 1st day of July next since President Roosevelt affixed his signature to the act of Congress under which the Philippine Islands have been governed from that day to this.

That act, described in its title as a temporary measure, was designed as a substitute for the autocratic military government under which the Filipinos had been theretofore governed. It was never intended by its sponsors to serve as a permanent form of government, and it has long since outlived its usefulness.

The bill now under consideration by this House has a twofold purpose. It gives the Filipino people a more liberal and autonomous government, thus conferring upon them larger control of their public and political affairs than they are now permitted to exercise. The life of this government, however, is to expire so soon as American sovereignty shall cease to exist over the islands, which, the bill declares, shall occur in not less than two nor more than four years after its passage, provided that the President, by proclamation, may extend the time to the date of the final adjournment of the session of Congress which shall convene next after the date of the expiration of the said period of four years, in the event that the condition in respect to the stability or efficiency of the external or internal affairs of the Philippines shall warrant him in so doing.

The necessity for the enactment by Congress of a new organic law for the Philippines is not questioned by anybody. It is stated in the views of the minority members of the Committee on Insular Affairs that—

> The minority entirely agree with the majority that the Philippines should be given a new fundamental law, granting to the people a larger measure of self-government.

And the fact that the only section of this bill to which any reference is made by the minority is that which relates to the independence of the islands amply justifies the conclusion that the provisional government provided for is not unsatisfactory to them.

The justice for the demand that the Filipino people be immediately given a larger measure of self-government being conceded, and no objection having been raised to the governmental features of the bill, it would be a waste of the time of this House to enter upon any detailed discussion of the changes which it effects in the present organic law. I shall therefore only direct the attention of the House to one or two of the more important changes. The most important of these is that which establishes a Philippine legislature to be composed of two houses, one the senate and the other the house of representatives.

The senate is designed to take the place of the present Philippine Commission, an appointive body composed of nine members. As is well known, this commission now constitutes the upper branch of the Philippine Legislature, and also exercises exclusive legislative and other jurisdiction over all the non-Christian and noncivilized peoples of the islands. The archipelago is divided into 12 senatorial districts, each of which is to be represented by two senators. One of these districts embraces the territory inhabited by the non-Christian and noncivilized tribes, and its two senators are to be appointed by the Governor General. The representatives of the other 11 senatorial districts are to be elected by the qualified voters of those districts.

The house of representatives is to be composed of 90 members, 81 of whom shall be elected in the districts now provided by law; the remaining 9 are to be appointed by the Governor General, and they will represent the noncivilized and non-Christianized territory.

The President of the United States is authorized to appoint a Governor General, a vice governor, an auditor and a deputy auditor, a director of civil service, and the chief justice and associate justices of the supreme court. All other officers are to be appointed by the Governor General with the approval of the Philippine Senate. The Governor General is given a qualified veto power.

One other important change which this bill makes in the present organic law is that which relates to the suffrage. The present educational qualification requires that all voters must be able to read and write either Spanish or English. This bill provides that they must be able to read and write either Spanish, English, or a native language. This will necessarily greatly enlarge the present electorate. Its justice is so obvious as to leave no room for discussion. There are many thousand literate Filipinos who speak neither English nor Spanish. Many of these are at least as well qualified to exercise the right of suffrage as the nonnative inhabitants who only speak a foreign language.

When the bill is read for amendment under the five-minute rule, I shall take pleasure in explaining the provisions of the bill more in detail, in the event that explanation is desired. I shall now proceed to discuss, as briefly as I may, that section which withdraws the sovereignty of the United States over the Philippines and confers upon them full and complete independence after a specified period.

This section is known as the Clarke amendment. It is the only section over which there has been any controversy, the only one that has proven a stumbling block to our friends of the minority.

Some misapprehension seems to exist as to the history as well as the scope and meaning of the Clarke amendment. The impression seems to prevail in some quarters that the Clarke amendment was substituted in the Senate for the preamble to the bill which passed this House by an overwhelming majority in the Sixty-third Congress. Senate bill 381, now the subject of consideration, as introduced in that body did not contain the House bill preamble, which declared that the Philippines should be granted their independence as soon as a stable government was established therein. The preamble of the Senate bill, as introduced, declared it to be the purpose of the United States to grant independence to the people of the Philippine Islands when, in the judgment of the United States, they "shall have shown themselves to be fitted therefor." As reported to the Senate, this language was so changed as to read that independence should be granted when "it will be to the permanent interest of the people of the Philippine Islands." To say to the Philippine people that they shall be granted their independence when they have shown themselves to be fitted therefor would be to offer a gratuitous insult to an intelligent, brave, and sensitive people. To tell them that independence shall be theirs when, in the judgment of the United States, it will be to their permanent interest would be a cruel mockery. Such a declaration of purpose ignores completely the interest of the American people. It might result—and, in the opinion of many people, would result—in compelling the United States to retain possession of the Philippine Islands forever. No matter what the cost in blood or in treasure, it would bind the United States to hold and protect them through all time. It would destroy the dearest hope and the loftiest aspirations of the Filipino people and plunge them into blackest gloom and despair. It would add immeasurably to the difficulties of American administration of their affairs, and if it did not eventually lead to revolution it would at least kindle the fires of distrust and hatred of the American people in the heart of every patriotic Filipino.

It was this declaration of purpose in the bill which we are now considering for which the Clarke amendment was substituted. It was not a question between the promise of independence so soon as a stable government should be established in the Philippine Islands, as contained in the House preamble, and the promise of independence at a specified period, as set forth in the Clarke amendment, that the Senate was called upon to vote. The choice presented to the Senate was between a vague, indefinite, meaningless, and almost inconceivable proposition and an honest effort to redeem the solemn promises which the Democratic Party, at least, have been making the Philippine people for the past decade and a half.

The Clarke amendment is much broader in scope and more comprehensive in meaning than is admitted by its critics. A systematic, well-organized, and persistent effort has been made to create the impression that it ignores American and other foreign interests in the Philippines. On the contrary, it specifically clothes the President of the United States with the power and authority to make such orders and to enter into such negotiations with the authorities of the Philippines as may be necessary to finally settle and adjust all property rights and other relations as between the United States and the Philippines, to cause to be acknowledged, respected, and safeguarded all of the personal and property rights of citizens or corporations of the United States and of other countries resident or engaged in business in the islands or having property interests therein.

The President is thus invested with full power to take every step that is possible to protect and safeguard every American or other foreign interest in the islands; and, to my mind, it would be difficult to make the language which is employed in the bill more binding upon the Chief Executive of the United States or more comprehensive in its scope.

But our friends of the minority insist that the authority thus conferred upon the President to settle and adjust personal and property rights between citizens of the United States and the Philippines is not broad enough to cover certain Philippine bonds issued under authority of Congress. They argue that any promise or guaranty given by the Philippine government either as to property rights or the rights of the holders of Philippine bonds, which they distinguish from property rights, would be worthless. My reply to this is that no President of the United States would ever draw so nice a distinction as this, thus discriminating between different classes of American investors in the Philippines. I may say further, however, for the benefit of holders of Philippine bonds who honestly hold this opinion, that I have assurances that the administration will ask Congress to remove all doubt that could possibly exist upon this subject by specifically clothing the President with the power and authority to safeguard, as far as it is possible to do so, the interests of every holder of Philippine bonds. That it would not be possible for the President to do this, I do not believe for one moment, and therefore I feel that every American investment in the islands will be as safe under Philippine sovereignty as under the sovereignty of this country.

It is not contended that the United States is in any way legally responsible for the payment of these Philippine bonds, which amount, in the aggregate, to $16,125,000. It is claimed, because they were issued and sold under authority conferred by Congress upon the Philippine government, that some moral obligation rests on the United States to see to their payment. It is true that the average price at which they sold was something over 6 per cent above par. They all bear 4 per cent interest, and are exempt from all taxation in the United States as well as in the Philippines, and had they been guaranteed by the United States they would probably have sold for 20 per cent, or even more, above par. They are now selling for less than par; but if Congress were to guarantee their payment, their price would at once advance to something like 12 per cent above par. However, I have assurances from representatives of the American Banking Association that if Congress will specifically authorize the President to take such steps as may be possible to safeguard the payment of these bonds, such action will be satisfactory. I feel sure, as I have indicated, that this will be done, and I trust that when it is done it will put at ease all holders of Philippine bonds.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. JONES. Just for a question.

Mr. MADDEN. I want to know whether, if the sovereignty of the Philippine Islands was turned over to the Philippine people, they would not be able to repudiate the bonds which were issued, and which are guaranteed by the Philippine government as it stands to-day, for the construction of that railroad.

Mr. JONES. No; I think not, if the President of the United States carries out in good faith—as I believe will be done—the authority conferred upon him in this bill. [Applause.] However, I will say again that I have assurances from representatives of the American Banking Association that if Congress will specifically authorize the President to take such steps as may be possible to safeguard the payment of these bonds, such action will be satisfactory. I feel sure, as I have indicated, that this will be done, and I trust that when it is done it will put at ease all holders of Philippine bonds.

Mr. AUSTIN. Will the gentleman yield?

Mr. JONES. I yield just for a question.

Mr. AUSTIN. Will the bankers accept the security of the Philippine government and their guaranty or the guaranty of our Government?

Mr. JONES. I am assured by representatives of the American Banking Association that if specific authority is conferred upon the President of the United States to make such arrangements with the Philippine government that is to be set up in the islands in the event of independence, as it is possible for him to make, it will be satisfactory to that important association.

Mr. AUSTIN. Suppose the Government should fail——

Mr. JONES. I can not enter into a discussion of that supposition with the gentleman. He starts out with suppose this and suppose that.

The Philippine government has also guaranteed the payment of interest for a limited term of years upon certain railway bonds, the proceeds of which may have been used in constructing railroads in the islands. The holders of the interest-guaranteed bonds of the Manila Railway Co. do not appear to be disturbed over the Clarke amendment. That corporation, for reasons upon which I do not care to enter at this time, appears to be in a bad way financially, and negotiations are pending by which the Philippine government will in all probability take over its property. The President of the Philippine Railway Co., however, appears to be greatly perturbed in mind lest Philippine independence may result in loss to the holders of the interest-guaranteed bonds of his corporation; and, in response to a circular letter sent out by him to the holders of these bonds, Mem-

bers of Congress are being deluged with letters calling upon them to vote against the Clarke amendment unless some provision is made by which these bonds shall be protected. It is not claimed that the moral obligation of the United States to meet the interest and provide for the ultimate redemption of these bonds is quite so strong as that which exists in the case of the Philippine bonds; but it is stated in the views of the minority that subscriptions for these bonds were received by the Bureau of Insular Affairs. I do not know upon what authority this statement is made, but I do know that it is absolutely groundless. It is true that in an advertisement of an issue of these bonds in 1908 it was stated that the subscription would be opened simultaneously by certain financial institutions and the Bureau of Insular Affairs; but no subscriptions were ever received by that bureau, and such communications as were received were at once transmitted to William Salomon & Co., bankers, of New York City, who signed this advertisement. The first advertisement of these bonds did not name the Bureau of Insular Affairs as one of the places where subscriptions would be received, but inasmuch as the bids received were disappointing to the syndicate underwiting these railroad obligations its purpose in including the Bureau of Insular Affairs in the subsequent advertisement was evidently to induce the public to pay a higher price for them. These bonds were publicly sold as low at 86 cents on the dollar, and I am informed that at private sales they sold for as low as 60 cents on the dollar. They are now selling for something like 46 cents on the dollar. Should the Government of the United States guarantee their payment, their present value would be more than doubled, and their holders would thus pocket several million dollars. It is only necessary to state these facts in order to make it plain that no Member of this House would have the temerity, if he had the desire, to vote to make the United States responsible for these railroad bonds, which the act of Congress which authorized the Philippine government to guarantee their interest expressly declared should not be sold for less than par. By what legerdemain they were actually sold for less than par is another story. So much for the argument that the Philippines should not be granted their independence so long as their bonded indebtedness is not in some way guaranteed by the United States.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. JONES. I yield to the gentleman for a question.

Mr. HILL. The Philippine bonds are exempted from taxation in the United States. What becomes of that exemption if we surrender sovereignty in the Philippine Islands?

Mr. JONES. That exemption stands, and these bonds will never be subject to taxation in the United States.

Mr. HILL. They will be in the position of bonds of a foreign country exempted from taxation by our own people.

Mr. JONES. That is true; but it will have been done under very peculiar circumstances, and inasmuch as these bonds are held for the most part by American citizens I do not think the gentleman would vote to remove that exemption.

Mr. HILL. I do not know. I want to find out what the result of this bill is.

Mr. COADY. At what price did the gentleman say these bonds sold?

Mr. JONES. They sold on the market for as low as 86 cents on the dollar, and I understand they are selling now for about 45 cents on the dollar.

Mr. COADY. I would like to correct the gentleman, if he will permit me.

Mr. JONES. I hope the gentleman will do it in his own time, because these figures are absolutely correct. I have them from the War Department. [Applause.]

Mr. COADY. I have documents here from one of the savings banks of Baltimore city, which shows that they were bought at 95.

Mr. JONES. Some of them were sold at 95, but I said in my remarks that others were sold at public auction for as low as 86. I did not undertake to say what the highest price was, but none ever sold as high as par, and Congress provided in the act which authorized their issue that not one dollar should be sold for less than par. [Applause.]

Mr. CANNON. Will the gentleman yield for a question?

Mr. JONES. With pleasure.

Mr. CANNON. Assuming that the bill passes and four years elapse; you have that independence on paper in the Philippines and the 4 per cent bonds—I am not speaking of the railway bonds—are exempt from taxation in the United States and have not been paid, and that we have in the Philippines the conditions that we have substantially now in Mexico, what would be the attitude of the Government of the United States? [Applause on the Republican side.]

Mr. JONES. In the first place I shall not assume that we will ever have in the Philippines such conditions as prevail in the Republic of Mexico to-day. [Applause on the Democratic side.] I do not think that any gentleman who understands the difference between the character of the inhabitants of Mexico and that of the inhabitants of the Philippine Islands would for one moment suggest a comparison between the two. [Applause.]

The manufacturers of certain American products, for which they have been finding a market in the Philippines, have also been busy in urging Members of Congress to vote against the Clarke amendment upon the ground that the alienation of the Philippines would mean to them the loss of that market. A manufacturer of cotton goods, claiming to represent 13 such concerns, recently strove to convince me that the Clarke amendment should not be adopted because it would mean an annual loss to the cotton manufacturers of a trade approximating $5,000,000 in value. He made the astounding statement, too, that the manufacturers' profit on these goods did not exceed 5 per cent of their value. In other words, according to this manufacturer of cotton goods, it is the duty of the United States to retain possession of the Philippines indefinitely in order that he and his associates may put into their pockets the sum of $250,000 annually. Thus the altruistic arguments for retaining possession of the Philippines, so eloquently voiced by McKinley, Taft, and other Republican leaders, are now giving place to those of commercialism. The mask of altruism, heretofore concealing the real purposes and designs of the imperialistic advocates of colonialism, has at last been cast aside, and we are now given to see that the real, animating purpose of those who would retain possession of the Philippines forever, in utter disregard of the cost and danger involved in such a course to the United States, and in cruel indifference to the God-given rights of the Filipino people, is based in commercial greed. [Applause.] Precious little, if anything, is now heard of the high-sounding doctrine "The Philippines for the Filipinos." It has ceased to be the party cry of those who oppose Philippine independence. They are now openly and shamelessly appealing to the forces of selfishness and greed, heedless of the fact that it was President McKinley who said, "The Philippines are not ours to exploit, but to develop, to civilize, to educate, to train in the science of self-government." [Applause.]

Mr. MADDEN. Will the gentleman yield?

Mr. JONES. No; not just now, if the gentleman will excuse me.

The minority ask, "If we 'Mexicanize' the Philippines, what will become of the property and lives of the Americans there." They would create the impression that if the Philippines are granted independence the lives and property of American residents of those islands would be as unsafe as they are in Mexico. This is a baseless and wholly unwarranted assumption. There is not the slightest similitude between the character, temperament, and disposition of the inhabitants of the Philippines and those of Mexico. Their peoples are so totally dissimilar in every important particular that no comparison between them is possible. The contrast is as light to darkness.

The Mexicans number 15,000,000, 80 per cent of whom are peons or savages, and of those only 2 per cent can read and write. So densely ignorant are the masses in Mexico and so utterly devoid of civic virtue that there were less than 20,000 votes cast when Madero was chosen President of the Republic. The great bulk of the Mexicans are turbulent, lawless, vengeful, treacherous, cruel, without respect for constituted authority, and utterly callous to all human rights. They entertain no regard for law and order and are amenable only to superior force. How about the Filipino people? More than half of them are literate and more than 90 per cent civilized and christianized. Although the Mexicans outnumber them as two to one and despite the fact that under the educational qualification which obtains in the Philippines and which limits that class of the electorate to those who can read and write either English or Spanish, considerably more than 200,000 votes are polled at their elections. The Moros, who constitute the only disturbing element in the whole Archipelago, number less than 4 per cent of the entire population, whilst in Mexico 40 per cent, or 6,000,000, of its population are pure-blood Indian savages. The Filipinos are an intelligent, docile, kindly, generous, peace-loving, Christian, law-abiding people, and their whole history belies the unjust imputation that they are to be compared to the desperadoes who infest Mexico and render property rights and even human life insecure. Nowhere is there to be found a higher type of the educated, refined, and cultured citizen than is to be found in the Philippines, and nothing is farther from the truth than the statement so often upon the lips of those who would hold the Filipinos in perpetual bondage that they are an illiterate and

densely ignorant people. There are those among them who have won distinction in every branch of higher learning—in medicine and in law, in literature and in philosophy, in science and in art. And there are about 500,000 Filipino children attending public schools and being taught in English. It is true that this does not embrace all the Filipino children of school age, but let us not forget that there are a number of States in our American Union where from 35 to 45 per cent of children of school age have never entered a schoolhouse.

Mr. MILLER of Minnesota. Can the gentleman cite those States?

Mr. JONES. I will furnish the gentleman with their names, but I can not do it offhand. I have examined the United States census and these figures are absolutely correct. I might feel some delicacy in giving the names of these States out of regard for my friend from Minnesota, for it may be that his is one of those States.

Mr. MILLER of Minnesota. Will the gentleman yield again?

Mr. JONES. Yes.

Mr. MILLER of Minnesota. I will state that 98 per cent of the people in Minnesota above the age of 8 years can read and write. I will ask the gentleman if the States that he mentions are not south of Mason and Dixon's line?

Mr. JONES. No; that is not true.

Even in the department of Mindanao and Sulu, where civil authority has with such marked success been substituted for military, many primary schools are now in successful operation, where Moros and Filipinos are being instructed side by side in the English language. These schools are not locally maintained, the funds therefor being largely provided out of the insular treasury, thus annihilating the oft-repeated slander that such a feeling of hatred exists between the Filipinos and the Moros that the former can not be intrusted with the government of the latter.

If the question of the future political status of the Philippine people is to be determined upon the basis of dollars and cents rather than that of justice and right, the sooner they are granted independence the better it will be for the American taxpayer. [Applause.]

The Philippines are costing the United States annually a larger sum than their total bonded obligations added to the total value of the cotton manufactures imported from the United States, about which Members of Congress are hearing so much these days. As a purely financial proposition, therefore, the American people could well afford, if relieved from the cost of holding the Philippines, to pay off every bond for which the Philippine Government is responsible, and to make the cotton manufacturers the gift of a sum equal to the total value of their exports to the Philippines. [Applause.]

It has not until recently been seriously claimed by any one familiar with the situation that the Philippines would ever prove commercially valuable to the United States. Mr. Taft and others have repeatedly admitted they never would, but the advocates of retention point to the fact that since the beginning of the European war the trade between the United States and the Philippines has greatly increased, and they argue therefrom that if it continues to increase in the same proportion it will, in a few years, justify from a commercial standpoint the indefinite retention of the islands. They apparently forget that the European war can not last forever, and they utterly ignore the fact that if it shall be decided to hold the Filipinos indefinitely they must be included in any program for national defense which Congress may adopt.

There may be room for difference of opinion as to what constitutes ample provision for national defense, but there can be none as to the obligation of the United States to defend every foot of territory over which the American flag floats, and the obligation to defend the Philippines against foreign attack, if they are to be held indefinitely, will be all the stronger, since they are held against the will of their people.

Many of those who favor the retention of the Philippines are among the most extreme advocates of what is called national preparedness. Do they realize what it would mean to the taxpayers of America to fortify and defend the Philippines on land and on sea? Already more than $10,000,000 have been expended in fortifying the entrance to the Bay of Manila. Who can say what it will cost to fortify all of the important ports of the entire Archipelago? There are now only 12,000 American soldiers in the islands. Who believes that 200,000 will be sufficient to garrison the forts that must be constructed and to defend the islands in the event of attack by some powerful nation? But it will require more than strong fortifications and large armies to successfully defend the Philippines against foreign invasion. To do so with any hope of success will necessitate the constant presence in the Orient of an American fleet at least equal in strength to that of any naval power which may attempt to seize the islands; and yet, whatever may be the cost in blood and in treasure of defending them, we shall be bound by every consideration of justice, honor, and national pride to undertake to do so, if it shall be determined to hold them permanently. I do not hesitate to express the opinion that it would be impossible to successfully defend them against any first-class military and naval power. Without the loyal and united support and cooperation of the Philippine people it would not be possible, in my judgment, for the United States to hold and defend the islands against foreign aggression. Notwithstanding that Spain conferred upon the Philippines the inestimable blessing of the Christian religion, so deep was the desire for liberty implanted in the hearts of the Filipino that they hailed with delight the advent of the soldiers of America, and eagerly joined with them in driving out the Spaniards; and if whilst holding them in subjection we shall become involved in some great conflict, may we not, with reason, expect that history will repeat itself?

I dismiss as unworthy of serious consideration the absurd and utterly untenable argument so frequently advanced that the Philippine people are incapable of maintaining their independence, and, if given it, must sooner or later become the prey of some stronger power, for this may be truthfully said of most of the nations of the earth. It is true as to Norway, Sweden, Denmark, Holland, Switzerland, and other countries of Europe. It is true of each and all of the Republics of South and Central America, and the halls of this Chamber have echoed for months with dismal forebodings as to the present ability of our own great Nation to successfully maintain itself against foreign attack. Even an international guaranty of the independence of poor, stricken Belgium did not save that gallant little nation from the horrible fate which has overtaken it. If, therefore, the Philippines are not to be given their independence until they are capable of maintaining it in arms, then they are doomed to everlasting political servitude.

Another of the stock arguments of the opponents of Philippine independence is that the Filipinos lack a common language. When the real facts are considered in the light of the history of the world, it will be seen that this argument, too, is entitled to little respect.

Half of the Philippine people speak either Visayan or Tagalog, and more speak English than any other tongue; so that with more than half a million children being daily taught in English, the day is not far distant when English will be the common medium of intercommunication throughout the archipelago.

But, Mr. Chairman, is it true that national spirit and national unity can not exist in the absence of a common language? Within the narrow limits of the British Isles Welsh, Cornish, Gaelic, and Scotch are spoken, and the names of the different languages spoken throughout the British colonies are legion. In Quebec, for instance, although for more than a hundred years under British dominion, French is universally spoken. There are four different languages spoken in Switzerland, and I shall not venture to give the number of those in Austria-Hungary. It has recently been ascertained that there are 41 languages and 51 dialects spoken in Mexico, and yet the wretched condition into which the unhappy country has sunk has never, I think, been attributed to the multiplicity of its languages.

Of the many indefensible arguments advanced by the imperialists against granting Philippine independence about the most absurd and groundless is that the Filipinos themselves do not desire it. I shall not be surprised if, during the course of this debate, some one does not have the temerity to make this claim and even to undertake to establish it by the production of a petition signed by a score or more Filipinos protesting against the passage of this bill. Then, too, it is highly probable that we shall be told that the Democratic Party in the Philippines has adopted resolutions protesting against the passage of this bill.

It may be true that there are a few Filipinos who are willing to sell their birthright for a mess of pottage, but there is no Democratic Party in the Philippines. Four years ago, as now, a few Americans domiciled in Manila got together and adopted a set of resolutions, and actually undertook to accredit delegates to the Baltimore convention, but that convention very promptly, and very properly, refused to accept their credentials or to permit them to participate in its deliberations.

It ought not to be denied by anybody that the Filipinos as a whole desire independence. This is abundantly testified to by the sacrifices they have made and the blood they have shed in their efforts to secure it. The desire for freedom is universal. It is confined to no class or condition of men, and it pervades every part of the civilized and Christianized portions of the islands.

The fires of liberty, kindled in the hearts of the Filipinos by such patriots as the martyred Rizal, have never died out and they will never cease to burn so long as the spirit of freedom shall continue to animate mankind.

The minority undertake to support their contention that it is unwise to fix a definite date for Philippine independence by quoting the opinions upon this subject expressed years ago by ex-Presidents Roosevelt and Taft. Instead of informing us as to the views held in the past by former President Roosevelt it would have been more to the point to have been told what are the present views of that Republican statesman. In his book entitled "Fear God and Take Your Own Part," recently published, Mr. Roosevelt comes out squarely and unequivocally for Philippine independence. He says:

> We have promised the Filipinos independence in terms which were inevitably understood to be independence in the immediate future.

And he adds:

> Let us, then, as speedily as possible, leave the Philippines; and as the Philippines desire us to leave we would be quit of all moral obligations for them, and would under no circumstances be obliged to defend them from other nations.

Realizing, as every other intelligent American must, the difficulty, if not the impossibility, of defending a group of islands extending over a wide area and 7,000 miles distant from our shores, Mr. Roosevelt declares that "Alaska, Hawaii, our own coasts, and the Panama Canal and its approaches" constitute "the military problem with which we should grapple." In view of the fact that Mr. Roosevelt will in likelihood be the next presidential candidate of the Republican Party, I commend his latest and most unequivocal utterances in respect to the future political status of the Philippines to my Republican friends who may be contemplating voting against this bill, and who yet feel a lively interest in the outcome of the approaching Chicago convention.

I may add that if Mr. Roosevelt succeeds in making himself the Republican candidate and in having himself elected, he may not wait for a Republican Congress to set the Philippines free, but may, of his own volition, withdraw the American troops, pull down the American flag, and grant the Filipinos their freedom. [Applause.]

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. JONES. Yes.

Mr. SMITH of Michigan. Why does not the Democratic President pull down the flag and withdraw the troops?

Mr. JONES. Because there is no authority under the Constitution for such action. It was Mr. Roosevelt, who, in the absence of constitutional authority, took the Isthmus of Panama. No Democratic President ever did such a thing. [Applause on the Democratic side.]

Mr. SNYDER. He did not pull down the United States flag.

Mr. JONES. No; he did not pull down the United States flag, but he pulled down the flag of a friendly nation—the flag of Colombia.

Mr. AUSTIN. Will the gentleman state what Democratic President it was that pulled down the flag of Hawaii?

Mr. JONES. It is preposterous to say that the Filipinos are ignorant as to the provisions of this bill. It has been published in full in the Philippines in both English and Spanish and in at least one of the principal native languages of the islands. It has been published too in pamphlet form in Tagalog, and I am informed by an American friend in Manila that one native bookstore sold within a short period more than 100,000 copies of this publication. It has the support of all the political parties in the Philippines, and Gov. Gen. Harrison has cabled his approval and expressed the earnest hope that it may be speedily enacted into law. In the face of such testimony as this how vain it is for Members to assert upon this floor that the Filipinos do not desire their freedom.

Mr. MILLER of Minnesota. Does the gentleman refer to Senate bill 381?

Mr. JONES. Yes.

Mr. MILLER of Minnesota. Does the gentleman mean to say that the Senate bill 381 has ever been published in the Philippine Islands?

Mr. JONES. I do.

Mr. MILLER of Minnesota. I think the gentleman is the only man in the world who thinks so.

Mr. JONES. I am so informed, and I have in my possession a pamphlet in which this bill is translated into Tagalog, and I shall be glad to hand it to the gentleman for his enlightenment. [Laughter and applause on the Democratic side.]

Mr. MILLER of Minnesota. Is it not a fact that all political parties have approved the Jones bill for two years?

Mr. JONES. Yes; and it is also a fact that they all approved the Senate bill.

Mr. MILLER of Minnesota. Do they approve any kind of a bill?

Mr. JONES. Any bill that is an advance over the previous bill; any bill that will give them their freedom and independence a year sooner than another bill will do it.

Mr. Chairman, that great Virginian, Thomas Jefferson, is best known to the world as the author of the Declaration of Independence, and yet it may be truthfully affirmed of him that his highest title to fame rests upon a broader and firmer foundation than even the authorship of that immortal document.

He was the greatest apostle of human liberty that the world has ever produced—the most courageous as he was the ablest champion of free popular government known to ancient or modern history. The political aphorisms of Thomas Jefferson are so universally true as to be applicable to all the peoples of the earth, to the inhabitants of the Eastern as well as those of the Western Hemisphere. If they could be read and understood by every patriotic American citizen there would be no Philippine problem to vex our minds and disturb our peace.

When Thomas Jefferson asserted that "Every man and every body of men on earth possesses the right to self-government," he did not intend to be understood as limiting that axiomatic declaration to the people who constituted the American colonists then struggling for their independence.

In his first inaugural address, that great document in which are formulated with matchless perspicuity and force the essential principles of democracy, these words are to be found:

> Sometimes it is said that man can not be trusted with the government of himself. Can he then be trusted with the government of others? Or have we found angels in the form of kings to govern him? Let history answer this question.

But nowhere, and at no time, has the imperishable truth that self-government is a right inherent in all men been so clearly and so strikingly set forth as in these words of the Declaration of Independence:

> We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

[Applause on the Democratic side.]

Mr. Chairman, the principles enunciated by Thomas Jefferson have never been repudiated by the party which he founded. The Democratic Party stands to-day precisely were it stood a century ago. In one form or another it has reaffirmed its fealty to the principles laid down by its great founder in every platform which it has ever adopted. In every national platform which it has promulgated since the Philippine Islands were ceded to the United States it has solemnly declared itself in favor of the independence of those islands, and my faith in the integrity of the party to which I have given the adherence of a lifetime is so unfaltering that I can never believe it will be guilty of the political perfidy and cowardice of proclaiming itself as favoring a policy which it is not willing to defend and enforce. [Applause on the Democratic side.]

It has seemed to me, Mr. Chairman, that in discussing a measure designed to carry into effect Democratic promises of independence for the Philippines, it was not inappropriate that I should invoke the power and authority of the mighty name of the greatest of all Democrats to the end that the Democratic Party, now that it is clothed with full legislative and executive power, shall not falter in what I hold to be its highest duty. For I can not if I would disguise the fact that there are those who, professing to believe in its principles, are nevertheless endeavoring to prevent the consummation of the lofty and patriotic purposes to which it is so solmenly committed. They would, upon one pretext or another, have the Democratic Party, now that it has been given the opportunity to redeem its promises, abandon its position in respect to the Philippines and cravenly acquiesce in a policy which Democrats for a decade and a half have denounced with one accord as prompted by commercial greed, as unconstitutional, unpatriotic, and cruelly unjust both to the American and Filipino people—a disgraceful policy of criminal aggression which, if persisted in, must result in the destruction of the free principles upon which this Republic was founded. [Applause on the Democratic side.]

I would not, of course, be understood as intimating that all who hold that the time has not come when the Filipinos can be safely intrusted with their freedom are inspired by commercial greed or any other unworthy motive; but, whatever may be their incentives, Democrats at least are strangely unmindful of the teachings of Jefferson, and either ignorant of or indifferent to their party's position upon this great, burning, living issue.

I do not minimize in the least the influences of a commercial and business character that are being exerted to defeat Philippine independence, and I know, too, that there are still other powerful influences at work with the same end in view, but my faith in the patriotism and sense of justice and fair dealing of the membership of this body is such that I do not permit myself to doubt what the issue will be.

Mr. Chairman, permit me to say, in conclusion, that fervently believing with that great apostle of human liberty, Thomas Jefferson, "that the people of every country are the only safe guardians of their own rights," my prayer is that the day is not far distant when we shall see arise in the Far East a free and independent Christian nation, to be known throughout the world as the "Republic of the Philippine Islands." [Prolonged applause on the Democratic side.]

The CHAIRMAN. The gentleman from Iowa is recognized for four hours. [Applause on the Republican side.]

Mr. TOWNER. Mr. Chairman, this is a great anniversary. On this date, May 1, 1898, occurred the battle and victory of Manila Bay, one of the honor days, one of the heroic days, one of the immortal days, of American history. As long as the Republic lives and her children gather to read the story of her birth and growth so long will they thrill with pride as they read the story of Dewey's victory on that day. [Applause on the Republican side.] With the *Olympia* leading, in the obscurity of the early dawn, past the frowning fortress of Corregidor, past the belching batteries of El Fraile, past the bursting mines strewn in the uncharted channel, out into the unknown waters of Manila Bay steamed the American fleet. To meet the little squadron there were drawn up in a long crescent-shaped line of battle seven Spanish ships of war, supported by the land batteries of Cavite. A few minutes after 5 there floated from the signal mast of the *Olympia* the order, "Prepare for general action," and instantly in response on all the American ships the Stars and Stripes floated on the breeze. The Spaniards at once opened fire from ship and shore. Steaming slowly ahead Commodore Dewey and his flag officer, Capt. Gridley, stood on the bridge of the *Olympia*, tranquilly observing the shell fire of the enemy, which lashed the waters about them into yellow foam Presently the commodore, turning quietly to his companion, remarked in a casual tone, "You may fire when you are ready, Gridley." In seven hours time, the Spanish fleet was annihilated, the Battle of Manila Bay had been fought and won, and the United States became a world power.

In this country popular enthusiasm was unbounded. No victory ever achieved by American valor had so stirred the patriotic fervor of the Nation. Nor was praise and admiration confined to the United States. The London Times declared:

> The destruction of the Spanish fleet was as complete as any achievement in naval annals. Dewey showed himself worthy alike of the finest traditions of the United States Navy and of his kinship with the race which produced Nelson.

The Kaiser, when the news was reported to him, said:

> There is evidently something besides smartness and commercialism in the Yankee blood! Those fellows at Cavite fought like veterans.

It was a proud day for America. It will ever remain a "red-letter" day in our history.

As a celebration of that great event it is proposed on this eighteenth anniversary to say to the historians, "Wipe out that chapter of our history, it was a mistake"; to say to our own people, "We need the money for other things, the Philippines are costing us too much"; to say to the nations of the world, "We are afraid to try to keep the islands our sailors and soldiers fought for. If any of you want them, take them; we are too proud to fight." [Applause on the Republican side.]

ARE THE ISLANDS A SOURCE OF WEAKNESS?

Mr. Chairman, I do not agree with the gentleman from Virginia that the Philippines are a source of weakness and that we ought to get rid of them. That argument is strained and weak and is based on a singlar inconsistency. On the one hand, it is urged that the Filipinos are amply able to take care of themselves and should be given their independence. On the other hand, it is urged that with the assistance of the United States they would be defenseless and easy victims of any predatory nation. The Filipinos alone would be invincible, but with the assistance of the American Army and Navy they would be helpless! That implies the utter incapacity of American arms. The argument then proceeds to claim that the United States would be stronger without the help of nine or ten million of Filipinos fighting with us to protect their homes than it would be with such help. That assumes the utter worthlessness of the Filipinos.

Neither of these assumptions are justified. The Filipinos are a brave, courageous people and make good soldiers. Gen. "Chinese" Gordon, as he is called, was one of the most illustrious officers who ever led English soldiers. He said of the Philippine troops who formed part of his forces in the China war:

> They are a fine, sturdy body of fellows, faithful and long-suffering, bearing hardships without murmurs, plucky, and never losing heart in defeat, and considerably superior to the Japanese.

We have more than 5,000 Philippine Scouts now in the islands, and have made them a part of the American Army. They are well trained, armed, and equipped, and remarkably efficient. We have also over 5,000 Philippine Constabulary, trained by United States officers, and thoroughly competent for any military service. These forces can be increased to any number thought necessary when sufficient revenues can be secured to maintain them. A force of 200,000 men could be secured for the defense of the islands if there was money to pay them.

The land forces of the Philippines can be increased as increasing revenue will permit, and can be trained under our own officers to become a strong and sufficient army for the defense of the islands. But with the American withdrawal and the consequent loss of revenue, without arms, ammunition, or training or officers, the Filipinos would be helpless.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes; for a question.

Mr. GORDON. Does the gentleman propose to tax the American people to raise 195,000 additional men to defend the Philippines?

Mr. TOWNER. The gentleman heard me imperfectly, I think. I said the Philippines were not able now to support a defensive force, but as they become economically stronger with the development of the islands under American supervision their forces could be increased from their own establishment and paid for from their own revenues.

Mr. GORDON. Suppose you could not increase them?

Mr. TOWNER. I can not yield any further on that line, I regret to say.

But that is only one phase of the question. If it be admitted that the islands are a source of weakness in so far as military operations by land forces are concerned, the case is far different from a naval standpoint. We have determined to become for our own protection either the first or the second naval power of the world, and to keep that place. It is now apparent that we must control the Pacific for our own self-preservation. That means a fleet on the Pacific strong enough to protect every American coast that borders on its shores. If we are unable to defend the Philippines, we are unable to defend Guam, we are unable to defend Samoa, we are unable to defend the Hawaiian Islands [applause on the Republican side], we are unable to defend Alaska, we are unable to defend the Pacific coast of our own country, and we are unable to defend the Canal Zone. All of these are vulnerable without a commanding navy. If we are to surrender the Philippines because of their military weakness, we should also surrender Guam, Samoa, the Hawaiians, Alaska, and the Canal Zone. This it is not suggested we should do, and with a Navy sufficient to protect these we can not only protect the Philippines, but it will strengthen our Navy to have them as a base.

Naval bases and coaling stations are as necessary for extensive fleet operations as are ships and sailors. But it is said we can retain a naval base and coaling station there and let the islands go. When we dissociate our interests from the Filipinos we make our occupancy in their territory impossible and unsafe. United we can both easily stand; divided we would most certainly fall. Besides, with the islands in the possession of Germany or Japan we could not protect and preserve a coaling station or naval base.

If Japan should send an army to invade and occupy the Philippines it would have to maintain it there. Without the control of the seas, its only line of communication, it could not do so. The control of the seas is our defense of the Philippines, as it is of our other Pacific possessions. Having the mastery of the Pacific, as we must have to protect our other Pacific territory, the possession of the Philippines is not only an advantage, it is indispensable.

It is strange that while every other great nation considers the Philippines a source of strength, there are so many in the United States who consider them a source of weakness. Gentlemen who consider the Philippines, so far from our shores and so near Japan, a source of military weakness might ask themselves if they would consider the occupancy of Magdalena Bay in Mexico a source of military weakness to Japan. Yet this Government, as everybody knows, would go to war with Japan before it would allow such action to be taken. When a Japanese cruiser, chasing a German war vessel, ran aground in Turtle Bay and other Japanese ships went to her relief, the whole Pacific coast

was panic-stricken because it was asserted Japan was preparing to acquire a source of "military weakness" on the Mexican coast. If a settlement by a European power in Mexico, or the Caribbean Sea, or in South America would weaken rather than strengthen a European power, we ought, as an act of preparedness, to encourage rather than protest. Our Monroe doctrine is based on the theory that such possession would be a source of strength to them and a menace to us.

It is the counsel of fear rather than of reason that favors the relinquishment of the Philippines. Unless we have the power to hold the Philippines we might as well surrender in advance the control of the Pacific. A power so dreaded as to compel our surrender of the Philippines can drive our commerce from the Pacific, take our other insular possessions, dispossess us of the Panama Canal, and dictate on what terms we may trade with the Orient. Gentlemen who so believe and advise are not in accord with the traditions and spirit of true Americanism.

The gentleman from Virginia with great care cites some statements from Mr. Roosevelt, recently made, that as the Democratic Party has promised independence, and the Philippines can not easily be defended, we might as well let them go. This late conversion of that gentleman to the Democratic position so pleases the gentleman from Virginia that he nominates his convert as the Republican candidate for the Presidency. I noticed that all the applause given that nomination was on the Democratic side of the House. Not a single handclap was heard on the Republican side. The exceeding popularity of that gentleman's candidacy with the entire Democratic Party does not sufficiently recommend it to Republicans to induce them to accept it, in my opinion. [Applause on the Republican side.]

Mr. FERRIS. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. FERRIS. I wonder if the mention of the name of either of the living ex-Presidents would bring much more applause?

Mr. MADDEN. Does the gentleman think the mention of the name of the President would bring much applause?

Mr. TOWNER. I presume sincere expressions of approval would be difficult to obtain at this time.

WHAT THE FILIPINOS WANT.

The Philippine Islands are now self-supporting. The total revenue of the Government is about $17,000,000 annually. It is almost wholly derived from customs and internal revenues. Under powers given it in this bill their resources can be materially increased. The greatest potential wealth of the islands lies in their agricultural resources, the public lands, timber, mines, and water power. To develop and at the same time conserve these will furnish ample and continually increasing revenue for the islands. The Philippines are at present the richest undeveloped region in the world.

For such development capital is the first essential, and capital will not be invested unless there is a reasonable certainty of security. The American withdrawal now, making worthless American investments in the islands, would make it almost certain no foreign capital would go into the islands except for a sinister purpose. Indeed it is difficult to see how the islands can obtain funds to maintain a separate government. Certainly they could not raise and maintain an army. They could not build a navy. They could not borrow money unless they placed themselves under obligations to some nation desirous of controlling or absorbing them. Indeed I can not believe there is any real desire among Filipinos of responsibility for independence unguaranteed.

I remember that only a few months ago that distinguished representative of the Philippines, that brilliant gentleman whom we so admire, said that what they wanted was their independence with an American protectorate.

Mr. QUEZON. Is the gentleman referring to me?

Mr. TOWNER. Certainly.

Mr. QUEZON. I never made that statement.

Mr. TOWNER. You did not?

Mr. QUEZON. Never.

Mr. TOWNER. You are quoted as having made it.

Mr. QUEZON. I never made the statement.

Mr. TOWNER. The New York Evening Post, which ought to be considered by you as very good authority, for it is very strongly in favor of Philippine independence, quotes you as saying:

> I have found, after talking with both politicians and these men in the Philippines that they consider a United States protectorate as a more efficient guaranty of the integrity of the Philippines and less liable to produce friction which might result in the absorption of the Philippines by other nations. Speaker Osmena believes with me.

Mr. QUEZON. I want to say that the statement is absolutely incorrect.

Mr. TOWNER. And you were not alone in being so reported. Your colleague, Mr. EARNSHAW, is reported as saying in an interview never repudiated:

> That the United States should, for a period, exercise a protectorate over us until we are able to walk alone among the nations of the earth is a plan which I feel certain meets the approval of all patriotic Filipinos.

The Democratic Party of the Philippines recently assembled to select delegates to the forthcoming Democratic national convention. They adopted resolutions which declared:

> We denounce and repudiate as un-American, un-Democratic, and cruelly unjust to the Filipino people any policy which would cast this people adrift in the dangerous sea of international politics without adequate financial resources and no protection or guaranty of their national integrity.

Instances could be multiplied to show that the people of the islands who want independence desire that the United States shall guarantee their independence until they can take care of themselves.

DEMOCRATIC PROMISES.

Those Democrats of the Philippines have a right to appeal to the Democrats of the United States that no action be taken that casts them adrift without protection. The Democratic Party have always demanded independence for the islands, and have always promised to guarantee it. Now, when they have the power and are called upon to fulfill their promises they propose to get rid of the islands and let them shift for themselves. They are willing to give them their independence, but are unwilling to keep their equally binding pledge to guarantee them against domestic insurrection or foreign invasion.

In their last national platform, adopted in 1912, the Democratic Party declared:

> We favor an immediate declaration of the Nation's purpose to recognize the independence of the Philippine Islands as soon as a stable government can be established, such independence to be guaranteed by us until the neutralization of the islands can be secured by treaty with other powers.

The party representatives are ready now to give the Filipinos their independence without waiting until a stable government can be established, and they utterly repudiate their promise to guarantee such independence. For years the Democratic Party has called upon Republicans to fulfill what they are pleased to assert was an implied promise. Now we press upon Democrats the observance not of an implied promise but of an express promise—one to the American people that we would not release the Philippines until a stable government had been or could be established; the other to the Filipinos that they should not be cast adrift without protection. Both of these promises the majority will break if it adopts the Clarke amendment.

THE CLARKE AMENDMENT.

The history of the Clarke amendment is not creditable to its sponsors. What is known as the Jones bill was introduced in the Sixty-third Congress and passed the House October 14, 1914, by a large majority. It failed of consideration by the Senate. It was introduced in the Sixty-fourth Congress in the Senate by Senator HITCHCOCK, chairman of the Senate committee, and reintroduced in the House by Mr. JONES, chairman of the House committee. The Senate took up the consideration of the bill before the House, and during the discussion of the preamble, regarding which there was great diversity of opinion among Senators, Senator CLARKE of Arkansas introduced as a substitute for all suggested preambles his provision, which is now section 34 of the pending bill. The preamble originally reported with the Senate bill declared the purpose of the United States to be that independence should be granted "when in the judgment of the United States it will be to the permanent interest of the people of the Philippine Islands." The House bill provided that the United States would recognize the independence of the islands "as soon as a stable government can be established," the House preamble being in exact conformity to the party platform declaration.

The Clarke substitute abandoned both preambles and declared the United States would withdraw from the Philippines in not less than two nor more than four years. It was not believed that such an amendment would receive any considerable support, but when the vote was taken there were 41 yeas and 41 nays; the Vice President voted "yea," and the amendment was adopted. Five Republicans voted for it, and 11 Democrats voted against it.

As a substantive piece of legislation, I do not hesitate to characterize it as discreditable and absurd. It is utterly out of harmony with every other provision of the bill. The bill as a whole provides for a new constitution of government which shall supersede the present system. If adopted, it will require a complete reorganization of the existing establishment. An

elective senate is created, new officers must be elected, and a greatly enlarged electorate is provided. Under existing law the present electorate is about 275,000. Under the new law it will be increased to between 800,000 and 900,000. To these new voters, who never cast a ballot before because of lack of educational qualifications, will be intrusted the formation of a new government, the installation of a new nation.

And this new government, which is to last only two or three years and is then to be cast aside for the new republic, or whatever they shall create, can be of no possible value to anybody. It can do nothing the existing government could not do and do far better than the new government created by the bill. In other words, if the Clarke amendment is adopted, all the rest of the bill is worse than useless. It will only put upon an excited, distracted, disorganized people a costly burden and cast upon an electorate, two-thirds of which never voted before upon any proposition, the most intricate and difficult task any people are ever called upon to perform. If the Clarke amendment is to prevail, then the Senate bill and the Jones bill should both be abandoned, for under such circumstances they are unnecessary, unwise, and dangerous.

It is generally supposed that the United States has the power under the provisions of the Clarke amendment to delay the separation four or five years. That is a mistake. The Filipinos have that power, but not the United States. Full power to take steps to institute their new independent government is given them as soon as their provisional government is instituted. It can not be consummated in less than two years, but if they have their new independent government ready for recognition at the end of two years, and desire us to recognize it—whatever it is, republic, monarchy, or what not—we bind our ourselves by the Clarke amendment to withdraw and recognize its independence.

If in its substance this Clarke amendment is absurd, in purpose it is dishonorable and cowardly. It is dishonorable because by abandoning the islands in a fit of petulance we are falsifying every statement of purpose we have made to the Filipinos and to the world during the 18 years of our occupancy. We have promised to educate them, to develop them, to elevate them, to give them from time to time larger measures of self-government until they would be able to take care of themselves, if at that time they should decide to ask for separation. Men may differ as to when that time shall come, but very few, indeed, claim that it had now arrived.

Mr. FERRIS. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. FERRIS. The gentleman is debating a feature of this matter in which I am very much interested. What time would the gentleman suggest as the time when we might properly withdraw?

Mr. TOWNER. That question can be decided when we come to the time, when it is really debatable. My position is that it is not even debatable now. I think the gentleman will hardly contend that at the present time or that within two years the people of the Philippines could take care of themselves.

Mr. FERRIS. Oh, I do not agree with the gentleman at all, although I do not pretend to know.

Mr. TOWNER. I agree with the gentleman that we do not any of us know when the time shall come when we can safely grant independence to the Philippines. We ought not to speak dogmatically about it, and certainly we ought not to act precipitately about it. What we should do should be governed by a sense of duty and obligation and responsibility, and not from pique, impatience, or a desire to get rid of what might be considered an unpleasant duty.

Mr. McKELLAR. I agree with the gentleman on that; but I want to ask him this question: Did the gentleman vote in favor of returning Cuba to the Cubans?

Mr. TOWNER. I was not in Congress then.

Mr. McKELLAR. Would the gentleman have favored such action?

Mr. TOWNER. I will say to the gentleman very frankly that I would.

Mr. McKELLAR. There are not so many literate Cubans as there are literate Filipinos. Is not that so?

Mr. TOWNER. Perhaps so, but the proportion is greater.

Mr. McKELLAR. Why make one rule for the Cubans and another rule for the Filipinos?

Mr. TOWNER. That is very easy to answer, for before we entered the War with Spain to free Cuba we promised solemnly to the world that we would not stay in Cuba.

Mr. McKELLAR. Ah, but is not our implied promise to the Filipinos just exactly what our express promise was to the Cubans? [Applause.]

Mr. TOWNER. I will say to my friend that there has not at any time been any suggestion even of an implied promise to fix any definite date for independence. Your party promised independence when a stable government could be established, and when your committee reported a bill fixing the time for independence at 1921, your party leaders repudiated it and forced its withdrawal. Since then you have never dared to fix a date.

Mr. McKELLAR. We are fixing a time now.

Mr. TOWNER. No; you have not done so yet.

Mr. McKELLAR. We are trying to.

Mr. TOWNER. You are trying now to pass a bill that was not formed by the Democratic committee of either the Senate or House, which was disapproved by your Bureau of Insular Affairs, by your Secretary of War, and by your President until he has again changed his mind and asked you to do so, too. [Applause on the Republican side.]

Mr. KELLEY. In the case of Cuba did not this Government go back a second time and establish order there?

Mr. TOWNER. Yes, indeed.

Mr. KELLEY. Is there anything in this bill which would require us to do that?

Mr. TOWNER. No. In the case of Cuba we reserved that right in the treaty and afterwards exercised it.

Besides we should remember that we are under obligation, because of the Monroe doctrine, to protect Cuba in any event. We did not extend that doctrine when we guaranteed Cuban independence. But we have not extended the Monroe doctrine to the Philippines. We would not be under any obligation, unless we expressly agreed to do so, to protect them, or to prevent any nation from subjugating them and absorbing them after our withdrawal. In the case of Cuba we were only acting in accordance with the traditional policy of the country, in accordance with that doctrine which no party in the United States has ever dared repudiate.

Mr. McKELLAR. Will the gentleman permit me again?

Mr. TOWNER. Just another question.

Mr. McKELLAR. The gentleman said, "in accordance with our traditional policy." Is it in accordance with our traditional policy to govern a foreign people without their consent?

Mr. TOWNER. I will say to the gentleman that we have governed foreign people without their consent from the very commencement of the Republic. There has never been an hour that we have not done so. We did so when we purchased Florida, when we acquired Louisiana, when we secured California, when we bought Alaska, when we annexed Hawaii. We have governed the Indians, an alien race, without their consent from the beginning, and do so now. We even to this day preserve the fiction of treating them as foreign powers and making treaties with them.

Mr. GALLAGHER. Will the gentleman yield for a question?

Mr. TOWNER. I yield to the gentleman.

Mr. GALLAGHER. I would like to ask the gentleman if the provisions of the Clarke amendment were submitted to the Filipino people for ratification, by referendum, what does the gentleman think the result would be?

Mr. TOWNER. I will say to the gentleman, frankly, that I think they would vote for it.

Mr. FESS. Will the gentleman permit an interruption?

Mr. TOWNER. Yes.

Mr. FESS. Replying to the gentleman from Tennessee [Mr. McKELLAR], is it not true that Jefferson, the great apostle of self-government, purchased Louisiana and governed its people without their consent?

Mr. TOWNER. For years; for decades.

Now, let me say, further, the gentleman from Illinois [Mr. GALLAGHER] asked me what would be the opinion of the Filipinos regarding the Clarke amendment. I think the Filipino people generally have the idea that independence is the most desirable thing on earth. Many of them do not understand what it means. I believe the more intelligent and educated do not desire it without a guaranty. They know that unprotected independence to them would be a vain and idle thing which they might lose within 24 hours.

Mr. GALLAGHER. But the Clarke amendment provides that the United States shall cut away from them entirely.

Mr. TOWNER. Yes; it wipes it all out. It proceeds upon the theory that we are under no further obligation to them.

Mr. GALLAGHER. That was the idea of my question. What would they do if they really understood it?

Mr. TOWNER. It is hard to say. They have been so long clamoring for independence that they might still demand it on any terms and take the chances.

But that would not lessen our responsibility nor relieve us from the full performance of our duty. If we believe it probable

that the Filipino people are not now prepared to assume the full responsibility of nationality, if we believe that domestic insurrection would follow our withdrawal, if we believe that they would soon fall a victim to some foreign power, then, no matter what a few politicos may demand, we should not yield to their clamor.

THE AMERICAN OCCUPANCY.

No matter what shall hereafter occur, the record of accomplishment during the American occupancy of the Philippines can never be obliterated. The results may be lost by vain desire and overconfidence, but the history of the last 18 years is the most splendid example of unselfish devotion and unparalleled accomplishment to be found under like conditions in all the annals of the past.

In 14 years an educational system has been established in many respects better than any other ever established either in the Orient or in the Tropics. It is better than that in operation in many of the great civilized nations of the world. During that brief period it has touched 8,000,000 people and has been extended to the remotest regions of the archipelago. More than 600,000 pupils have been enrolled in the public schools, and more than 400,000 are in attendance. One-half of the children of school age are still without facilities, but that is because there are not as yet available funds to build the required schoolhouses and secure the requisite additional teachers.

At the very beginning of the American occupancy, while yet the only established authority was military rule, the American Army opened a school as soon as they had established a post. Before Manila was taken a school had been established on the island of Corregidor, which guards the entrance to Manila Bay. A few weeks after the surrender of Manila four or five thousand children were in attendance in the city schools. As soon as districts were brought under the control of American arms soldiers were detailed to open schools, and the American system of education was begun. As the Hon. Frank L. Crone, the efficient director of education in the Philippines, says:

> It can be truthfully said that the Army traveled with a musket in one hand and a schoolbook in the other.

Upon such a foundation a most carefully organized system has been put in operation adjusted to the needs of the people and consonant with their character and development. A balanced curriculum, from primary to university, embracing academic instruction, industrial and vocational education, and physical training has been established. Courses in farming, domestic science, commercial subjects, and trades are offered with a view to fitting the Filipinos to follow these trades when they leave school. As Dr. Crone declares:

> In working out this plan we have conceived it to be the function of the public-school system to prepare every boy and girl for the happiest, freest, and most efficient life in the sphere to which his activities will probably be confined.

The department of agriculture had been for some time vainly endeavoring to interest the farmers of the islands in raising corn. A corn campaign was finally inaugurated in the schools, which now enroll 50,000 boys, as a result of which the production of corn in the islands was doubled and the Philippines are $4,000,000 a year richer.

The introduction of physical training and American athletics in the schools has had a three-fold beneficial effect. It has increased the health and strength of the children. It has driven out vicious amusements, such as cock fighting, and substituted baseball and basket ball and other American outdoor sports. The rivalries for supremacy in these American games have brought the different parts of the islands, with their various tribes, languages, and customs, into a broader knowledge of each other and a greater harmony of interests. It has been said that in no other instance has the civilizing influence and political value of baseball been so fully exemplified.

Much remains to be done. Only about one-half of the children are now in the schools. New schoolhouses must be built. More teachers must be secured. The system must be extended and strengthened and firmly established. It is self-evident that this must be done under American supervision. Gen. McIntyre, in his official report as the result of a special investigation made last summer, says that more American teachers are necessary to maintain the efficiency of the system, and "any effort to increase the numbers of schools and teachers without obtaining a supply of teachers from the outside would be probably more harmful than beneficial."

Again he says:

> A material increase in the number of schools or the number of pupils would only be justified in case the number of teachers from the United States could be correspondingly increased. I am convinced that any effort to economize in the number of competent American teachers is a mistake, and that steady progress demands that the number of American teachers be not decreased from the maximum of the past five years.

American teachers will remain only during the American occupancy. When that ends, with the American soldier will go the American teacher. Haul down the American flag from the schoolhouses of the islands, and with it will fall the most promising and successful educational work that has been accomplished since man studied the printed book. No American superintendent or teacher who has had any experience in the islands but will say that it is absolutely impossible now for the Filipinos unaided to carry on a general system of public instruction.

Some few believe that after the present system has been extended to all the people and has become well established the Filipinos unaided can carry it on, but not now.

Closely allied to the question of education is that of language. In the Philippines there is no people—there are peoples. In the islands there are scores of languages and hundreds of dialect variations. There are at least 50 linguistic groups differing from one another as much as Spanish and Italian, while many are as different as German and French. Catechisms have been printed in more than 50 of these languages and dialects. No two of these are mutually intelligible. The Tagalog, Visayan, and Ilocano languages are as different from each other as are English, French, and German.

The Filipinos are of Malayan stock, but they come from widely separated sources. The pigmy race of Negritos are, as far as can be ascertained, the only aborigines of the islands. The seafaring Malays came from their widely scattered homes in Java, Sumatra, Borneo, and the hundreds of other sources where the Malays had settled. They came a few at a time, settled on different islands, and built up separate establishments. There were 3,000 islands among which to choose a home, and they were not compelled to fight for a place. The fighting came later. These small and independent migrations, isolated both in time and place of origin, were numerous and extended over a period of several centuries. The linguistic diversity which followed was the natural result of such settlement. Added to these were the later migrations to the islands of the Mohammedan Malays, the Moros, as they were called from the race of Moslems which overran Spain, the Moors. These warlike people were rapidly overrunning the islands and bade fair to exterminate the other and less warlike tribes when their progress was arrested by the advent of the Spaniards.

According to Prof. C. Everett Conant, formerly Government translator and interpreter in Manila, from whom most of these facts are derived, the chief languages of the Philippines are the Visayan, spoken by about 3,250,000; Tagalog, by 1,500,000; Ilocano, by 800,000; Bicol, by 500,000; Pangasinan, by 350,000; Pampanga, by 300,000; Igorot, by 200,000; Ibanog, by 150,000; Moros, 275,000.

There is not now and never has been any common language of the people. They can not now, and never could understand each other. There is not now and never has been any common literature. During the 350 years of Spanish control, the governing body and the specially educated spoke Spanish. But they were few in number. It was the policy of the Spanish Government to teach the language only to the native officials and the wealthier classes. The people who were taught anything were given only a rudimentary training in their own tongues.

The teaching of English in the schools is the first attempt to secure a common medium of communication that has given any promise of success. As a result English is already more widely spoken than is Spanish or any other common tongue. It is absolutely essential to the unity and cohesion of the islands that this establishment of a common medium of communication be continued until it is well disseminated and generally accepted. A unified and common public school system is impossible without it. Reforms in Government, the preservation of a free press, and free speech is dependent upon it. Under existing conditions the continued extension and final establishment of self-government is dependent upon it.

The teaching of English in the schools would be abandoned in less than a year following an American withdrawal. Already its use is challenged and disapproved by political leaders and the national press. The benefit of a common language has never been understood by the people, and from the first they have clamored for instruction in their own languages. With the disappearance of the American language from the schools and from official use will begin the disappearance of American institutions from the islands. We will have worked and sacrificed in vain if we now abandon our trust.

The American Nation must not now, having done so much, give up its duty.

> And when your goal is nearest,
> The end for others sought,
> Watch Sloth and heathen Folly
> Bring all your hope to nought.

No work undertaken by Americans has so excited the admiration and wonder of specialists as the results secured in health and sanitary reform in the Philippines. Until the Americans appeared such work was unknown in the Orient. It was said there was not a sewer east of Suez. The native populations wallowed in the accumulated filth of centuries. For ages smallpox, cholera, bubonic plague, beriberi, leprosy, and many other diseases were considered part of the established order of things. In an article which appeared recently in a leading American magazine reviewing the work of Dr. Heizer, from which many of the facts now stated were taken, it is related that when the doctor visited the principal cities of the Orient and stated his purpose to clean up the Philippines they discouraged him, saying, "No, no, Doctor; let the beggars alone—they'll be much happier and like you better. Go back and sanitate the United States; don't try to clean up the Philippines."

But the doctor did not go back, and he did not give up. He went to work. As a result, Manila, from being recognized as one of the plague spots of the world, is now the cleanest and most beautiful city in the Orient, and one of the healthiest on the globe. The Philippine Islands in less than a score of years have made more progress in stamping out disease and in sanitary reforms than any other nation in the world, civilized or savage.

At the commencement of the American occupancy smallpox carried off 40,000 people annually. The year the Americans began their work there were noted 128,000 cases of cholera. That plague on previous visitations had caused the death of 1,000 persons a day in Manila alone. More than 6,000 lepers roamed the islands, spreading contamination wherever they went. Bubonic plague had raged for centuries. Beriberi destroyed thousands of lives every year. Malaria, amebic dysentery, and tuberculosis were everywhere distributed. It is stated that 70 per cent of the people were tubercular.

Sanitary conditions were such as can not be described. In the cities and villages the homes, built of bamboo and palm on stilts 3 or 4 feet above the ground, were built close together without streets or order. They consisted for the most part of a single room. The floor was made of planks with wide interstices through which the family refuse was thrown into the area below, where the family animals were kept. In such homes as these nine-tenths of the people lived. Pure water was not to be found. Medical attendance could not be secured, and surgery was practically unknown.

In a remarkably short time conditions have changed completely in all of the cities and most of the villages. Pure water is secured from well-protected sources and from artesian wells. Smallpox has been practically exterminated. Dr. Heizer and his associates vaccinated 10,000,000 of Filipinos without a fatality. Manila, where thousands died every year, has not had a single death from smallpox since 1906.

Dr. Heizer gathered the lepers together in the beautiful island of Culion; established a village with well-built houses, streets, a sewer system, water supply, town hall, school buildings, warehouses, dining halls, hospitals, electric lights, a post office, stores, and a theater. Here have been gathered more than 8,000 lepers, and the spread of the disease is stopped. More than all, Dr. Heizer has discovered a cure for leprosy. At the Mohonk conference last October he reported that the year previous four had been actually cured, that 23 had been pronounced cured last year, and that several hundred others were well on the road to recovery.

Up to 1906 the Philippines had annual visitations of the dreaded bubonic plague. The plague has not visited the islands since that date. Two cases appeared in Manila a few years ago and the city was in a panic. But the spread of the scourge was prevented, and with the continuance of strict quarantine regulations its reappearance is practically impossible.

The cause of beriberi has been discovered, and measures are being taken to prevent its prevalence. Already the mortality from that disease has been greatly reduced.

The visitations of cholera have never been entirely prevented, but great progress has been made and the loss reduced to a minimum. Gen. McIntyre reports that the general health conditions of the islands are much better than in any of the neighboring oriental countries. Indeed the East is learning from America in the Philippines and profiting by her example. Japan, Hongkong, Indo-China, the Straits Settlements, Java, India, Australia, Ceylon, and Siam are introducing Heizer methods everywhere. We have taught the world that health can be maintained in the Tropics, and that even the Orient can be "cleaned up."

Is it the sober belief of thoughtful men that when the American withdrawal is accomplished this work will be or can be continued? It is probable that an honest and determined effort will be made by Filipinos who realize what the loss of these results would mean to preserve and carry on the work. But without the stimulus of American ambition for accomplishment and without the benefit of the unselfish devotion of American physicians and scientists working under the American flag not only for the good of the Filipinos but for the honor and glory of their country—without such incentive hope of further progress is small. Against the accumulated ignorance and prejudice of centuries even the unexampled triumphs of 15 years can not expect to stand unless supported by continual reinforcements from the brain and heart of America.

It took France 80 years—from 1790 to 1870—to establish a Republic. Three times it was overturned by her own people, three times by the army, three times by foreign invaders.

It took the United States 150 years to secure, through colonial experience, the knowledge and strength to achieve independence.

It took a century for the South American Republics to establish stable governments, and some of them are far from secure even now. A century ago the revolutions in what are now known as the South American Republics started. One by one they threw off the yoke of Spain. They achieved their independence. But they did not by that means bring to their people peace, prosperity, or stable government. For 50 years revolution succeeded revolution.

Practically every one of them suffered conditions such as now and for many years have existed in Mexico. Their history is one long record of bloodshed, rapine, assassination, and disaster. Their revolutions were so frequent that the historians wearied in recounting them. No period of rest was secured until in effect the Monroe doctrine was established and intrigues ceased and sedition slowly died out. The world will never know and the South American Republics will never acknowledge the debt of gratitude due this country not only for saving them from conquest and absorption by European powers, but for saving them as well from internal revolutions and domestic insurrections. Diaz arrested for a generation the Mexican revolt, but with his abdication revolution broke out anew. Such is liberty without restraint. Such is independence unguarded.

With such instances as these to consider, is it not foolish for anyone to expect that a collection of tribes only yesterday gathered together with a semblance of unity can be made into a self-governing nation able to guarantee life and liberty to its people and protect itself against the world, with but 18 years' preparation and experience?

I have hoped—I still hope—that with the aid and protection of the United States the Philippines will develop into a great, self-governing commonwealth, maintaining some such relation to us as do Canada and Australia to Great Britain. The tie that binds those countries to the mother country is not force, for it has been acknowledged by Great Britain for years that if they should ask for independence Great Britain would not coerce their retention as part of the Empire. They remain associated with the mother country both because of sentiment and self-interest. They are self-governing and self-developing. They live their own lives and work out their own destiny; but knowing they can go, they remain, and it is manifestly better for both that they remain. Such may be and such, I hope, will be the relation between the United States and the Philippines. It is so apparently to the mutual advantage of both that it is difficult to see how either can desire at this time to separate. I hope to so bind the people of the Philippines to us by our service to them, by their love for our institutions, by self-interest, by mutual protection against foreign aggression, that they will not desire separation. We would not and we should not refuse their independence when the day shall come when they can maintain it if they shall desire it. But I hope that they may have an opportunity at least to consider it, and to consider it with intelligence and good judgment.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. COOPER of Wisconsin. I heard a moment ago an interruption and a suggestion later by the gentleman from Ohio [Mr. FESS] about our having governed Louisiana without its consent. I think there ought to be incorporated in the gentleman's remarks the term of the cession of Louisiana to us. Article 3 of the treaty says:

> The inhabitants of said Territory shall be incorporated in the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of the Constitution of the United States.

And then the first law that Congress passed in pursuance of that treaty which guaranteed their rights extended the Constitution of the United States over Louisiana.

> No law shall be valid that is inconsistent with the Constitution and laws of the United States.

Practically they were guaranteed what Cooley says was always considered a guaranty of territory that we took—to in due time be made into States. Do you intend that for the Filipinos?

Mr. TOWNER. The gentleman from Ohio will be able to take care of himself. I will say, however, that because the Constitution has not been extended to the Philippines is because it would have been to their disadvantage to have done so. The duties which are collected in the islands and which now go to support their separate government would have been necessarily converted into the Treasury of the United States if they had been organized under the Constitution. This they themselves do not desire. All this the gentleman very well knows, because he was chairman of the committee when such laws were enacted.

Mr. COOPER of Wisconsin. All I wanted to interrupt the gentleman for was because the gentleman from Ohio said that we had always governed people at one time or another without their consent, and I wished to distinguish between the Filipinos and the people of Louisiana.

Mr. McKELLAR. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. McKELLAR. I want to ask does the gentleman believe now that we should have extended the Constitution and laws of the United States to the Philippine Islands and made them an integral part of our Nation?

Mr. TOWNER. No; we could not do so.

Mr. McKELLAR. I am glad the gentleman does not believe that.

Mr. TOWNER. There are many reasons why they can not be incorporated as a State into the Union. However, in the Jones bill, the substance of which I approve, we grant them practically every constitutional privilege that we ourselves enjoy. Neither the Philippines nor Porto Rico could maintain themselves if they were organized under the Constitution.

Mr. McKELLAR. The gentleman does not believe in extending the Constitution and laws to the Philippines, but does believe in ruling them indefinitely as colonies?

Mr. TOWNER. Oh, no; not as the gentleman implies. The word "colonies" in its significance to an American means subjection, and colonists in that view are subjects. That idea is of course obnoxious to us. But no Territory under the American flag is so governed. I am in favor, as I hope we all are, of giving the Filipinos the largest measure of self-government which they are capable of using. I would grant to the islands the same right of local self-government, the same guaranty of constitutional liberty that we have in this country, and that is what we have done so far as we can.

HAULING DOWN THE FLAG.

Gentlemen, in no mere desire to rid ourselves of a burden, and in no panic of fear should we haul down the American flag in the Philippines. I know there are some who are anxious to relieve the country of what they consider an unprofitable undertaking. There are some who believe that as a measure of preparedness we should draw in our territorial possessions. But to cast the islands away at this time would be like loosing a lamb among wolves. To do so would be an act of unspeakable cruelty and of unpardonable selfishness.

To release the islands for fear that we might not be able to defend them would be to abdicate our position as one of the great nations of the world. It would be a confession of weakness. It would be an abject surrender that would forfeit the respect of all mankind.

Mr. FERRIS. Will the gentleman yield? I know that he is making a good speech and is familiar with the subject. The gentleman thinks it would be a disgrace to haul down our flag in the Philippines. The gentleman does not think that we were disgraced in hauling down the flag in Cuba, does he?

Mr. TOWNER. We never hauled down the flag in Cuba. [Applause on the Republican side.]

Mr. FERRIS. We gave them their independence.

Mr. TOWNER. Yes; and we promised to do that before we ever went into the war.

Mr. FERRIS. And we promised it in this instance also.

Mr. TOWNER. Oh, no; we never did. The gentleman can find no such promise anywhere. In the case of Cuba both Houses of Congress passed an act which the President signed which declared our purpose with regard to Cuba. But no such act, nor any other official act, can be found which promised or guaranteed independence to the Philippines at any time.

Mr. FERRIS. The gentleman is making precisely the same technical subterfuge that his party made when they promised to revise the tariff and did not do so; and I think the gentleman's party will receive the same rebuke at the next election as it did at that time.

Mr. TOWNER. Oh, I presume the gentleman would like to change the discussion of this question to a tariff discussion, and so would I, but duty compels me to stick to the question of Philippine independence at this time. [Applause on the Republican side.]

There has been much loose talk about promises of independence to the Filipinos. There could be no person or power authorized to so promise except Congress. That certainly must be clear. Even the Democratic Party in its platform declarations never declared for immediate independence. Nor did it ever fix a date. It declared our purpose should be to grant them independence when a stable government could be established, and left the determination of when that time had arrived to the American Congress. Even then independence was to be guaranteed by the United States.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. HARDY. Is not the gentleman by being in favor of the Jones bill as he was, and is, in favor of now making a promise to the Philippines of ultimate independence?

Mr. TOWNER. That was the declaration of the preamble, and not of the bill.

Mr. HARDY. But the gentleman now is in favor of the preamble?

Mr. TOWNER. No; I am not in favor of the preamble. I voted against it, and I do not think it wise at this time to make such a declaration. I will say this, however, as between the Jones preamble and the Clarke amendment I should certainly support the Jones preamble.

Mr. HARDY. The question I wish to ask is whether the gentleman is now of the opinion that we ought to make a promise to grant them at some time in the future their independence?

Mr. TOWNER. I will say to the gentleman frankly that I do not so believe.

Mr. HARDY. Then the gentleman is not in favor of ever granting them their independence?

Mr. TOWNER. I would not make any such statement as that. I do not know what the future may bring to us or to them. If when they are prepared for and capable of maintaining their independence it shall seem best to grant it, I would not for any selfish reason refuse it. I would not now or ever dim the luster of our splendid record of altruistic work in the islands by any ignoble or unjust act. Neither would I for any selfish reason desert them now when they need our help and protection more than ever before.

And that is what I mean by hauling down the flag. No party can be justified, in the opinion of the people of this country, in hauling down our flag except for grave, imperative, overwhelming reasons. An experiment of that kind was made once before which may be instructive to recall.

A revolution in the beautiful Hawaiian group of islands had succeeded in overthrowing an intolerable despotism and had established an independent republic. The republic desired to be annexed to the United States, and had sent a commission here to negotiate a treaty. Mr. Cleveland withdrew the treaty "for the purpose of reexamination," and sent a personal representative to Hawaii to investigate and report. President Dole, of the provisional government, in anticipation of what he hoped would follow, had hoisted the American flag over the government building at Honolulu, and the commander of the U. S. warship *Boston* had sent a detachment as a guard of honor. Cleveland's commissioner on the day after his arrival ordered the American flag lowered and directed the marines to return to their ship.

A flood of patriotic resentment swept over the country. Mr. Cleveland's effort to restore the Hawaiian monarchy had to be abandoned, and in a short time the administration was compelled to formally recognize the republic. Annexation followed, and now no President proposes to haul down the American flag in that splendid addition to American territory, in that matchless key to the control of the Pacific.

In the congressional and presidential campaigns that followed every Republican orator rang the changes on this unnecessary, unwise, and unpatriotic act. Our flag will never cease to float over the Hawaiian group, because it stands there, as it does everywhere, for justice and liberty and the welfare and happiness of the people. [Applause on the Republican side.] That is what it stands for to-day in the Philippines, and in the coming campaign, when gentlemen on the other side go out to defend the many indefensible acts of this administration, I suggest that they do not add to them this other utterly indefensible proposition. [Applause on the Republican side.]

Mr. JONES. Mr. Chairman, I yield 20 minutes to the gentleman from Missouri [Mr. RUSSELL].

Mr. RUSSELL of Missouri. Mr. Chairman, the Committee on Insular Affairs, of which I am a member, in the last Congress considered and reported to the House a bill the purpose of which was to give to the people of the Philippine Islands more control over their own affairs than they now have, and by a preamble to that bill promised to withdraw the sovereignty of the United States over those islands and to recognize their independence as soon as a stable government could be established therein. That bill passed the House, but failed in the Senate. The same bill as it passed the House in the last Congress, with some minor changes, was at this session introduced in the Senate and reintroduced in the House by the gentleman from Virginia, Mr. JONES, chairman of the Insular Affairs Committee. It was considered for days and weeks by the Senate, and after being amended in some important particulars was passed. Our committee has reported the bill as amended by the Senate to this House without amendment, and that bill is before you to-day.

The chief difference between the bill now under consideration and the bill passed by the House in the last Congress is this: The former bill promised that the United States would withdraw their sovereignty over the Philippine Islands and recognize their independence as soon as a stable government could be established therein, which was indefinite as to time. The bill now before us, containing what is known as the Clarke amendment, is more definite as to the time fixed, and proposes to give to them their independence in not less than two nor more than four years after the passage and approval of this act, provided that the President for certain reasons may by proclamation extend the time to and including the day of final adjournment of the session of Congress which shall convene next after the date of the expiration of said period of four years. So that if this bill should pass and be approved at this session of Congress the last possible date to which independence under it could be delayed would be the 4th day of March, 1921.

So far as I am concerned, and speaking for myself alone, I am for the definite proposal of independence within a fixed and a reasonable time as provided in this bill, and I desire in the time at my command to give the reasons that have led me to the opinion I entertain.

This bill contains one provision not in the House or the Jones bill that I heartily indorse. It contains some others that as independent propositions I perhaps would not favor, but recognizing the fact well known to all experienced legislators that all important legislation is and must be the result of compromises, I am willing to yield to the legislative will of the Senate in matters that I consider of minor importance in order to secure if possible that which I consider vital and of more importance, namely, the early independence of the Philippine Islands. If this bill passes the House as it is, it will become a law, but if amended in any particular it may not, in my opinion it probably will not, become a law at this session of Congress.

We acquired these islands as the result of the War with Spain, a most unfortunate acquisition, and the misfortune will, in my opinion, continue and grow in magnitude and gravity as long as we continue to hold them. For about 17 years we have had possession of these islands, and during that time they have cost this Government many millions of dollars. The exact amount can not be determined. The late distinguished ex-Senator Hoar, of Massachusetts, about 14 years ago declared that the expenses incident to the control of these islands had been $600,000,000, and as near as I can ascertain the cost since that time has been at least $50,000,000 per year, which would make a total of $1,300,000,000. I am sure that I am within safe limits when I state that the cost to this Government incident to the possession and control of these islands has been more than $1,000,000,000. This amount of money would have built good roads, costing $5,000 per mile, for 200,000 miles, equal to 50 gravel roads across this continent from the Atlantic to the Pacific, or an equal distance elsewhere in the United States as Congress might have determined, or it would have completed the improvements that are now urged for every navigable inland waterway of the United States and furnished adequate and complete protection to the entire country from the floods that have heretofore been so frequent and so destructive to life and property. That amount of money, if properly expended in any of the important lines of internal improvement, would have brought to the American people innumerable conveniences, comfort, and blessings.

But the enormous amount of money that our Government has expended while controlling these far-away islands is not the only sacrifice we have made. Hundreds of our American boys have lost their lives or their health while serving in that distant land. Some of them returned, but some did not. I personally knew a number of friends from my district who went to the Philippines young, strong, healthy, and perfect specimens of American manhood; I saw them when they returned, pale, emaciated, and in some cases physical and mental wrecks. After I came to Congress, now nearly 10 years ago, I was called upon by a lady constituent, Mrs. Ferguson, the mother of a boy who lost his life while in the service of his country in the Philippine Islands. She desired his remains brought back to her so that she might have the sad privilege of looking upon his face again. Through the courtesy of the authorities in the War Department his body was brought back, and he is now buried in the National Cemetery at Jefferson Barracks, in my home State. Another prominent citizen, who formerly resided in my district, Col. Newton Morrison, whose former home, however, is now in the district represented by the gentleman from Missouri [Mr. HENSLEY], also lost his life in the Philippine Islands, now sleeps in the beautiful National Cemetery at Arlington Heights, in view of this Capitol. His heartbroken widow soon followed him to the grave, and we laid her to rest by his side. These are but two of many whose lives have been lost or whose health has been permanently wrecked in these far-away islands.

I believe that the control of these islands on the other side of the globe, a distance of 8,000 miles from our shores, is a menace to our peace, and will be as long as we exercise sovereignty over them.

Preparedness is the one question more discussed at this time than any other and largely increased appropriations are urged as necessary to properly prepare for national defense in case of possible invasion by a foreign foe. I am advised that some of the experts testified before the Naval Committee at the present session that a large percentage of the amount desired for the maintenance of the Navy is made necessary by reason of our possession of the Philippine Islands, and that if our control over them should cease the appropriation could be decreased many millions of dollars.

The Monroe doctrine in effect declares to all the world that no foreign hostile nation in the Eastern Hemisphere shall set foot upon the soil of the Western Hemisphere or lay the weight of their hands upon our people. So long as we maintain and uphold that doctrine consistency suggests that we should keep our hands off territory in the Eastern Hemisphere. If we continue to hold these islands I fear they will sooner or later involve us in disputes and war with some other nation. [Applause.]

I am for peace, with its comforts and blessings, rather than for war, with its privations and horrors. I sincerely hope and shall devoutly pray that war with any nation will never come to us; but if it should unfortunately come, may it be only when necessary to defend the honor of our country and its flag. I trust we will never be forced to fight to sustain our sovereignty over the people of the Philippine Islands while ruling over them without their consent and in violation of the basic principles upon which our own independence was won and established. [Applause.]

I am for independence for the Philippines because it is and has been advocated and promised by the great political party to which I belong. In four national platforms that party has promised independence to them as early as they are prepared for it, or as early as a stable government of their own can be established. I am in favor of making good this promise that we have for 16 years held out to them, and I feel that every Democrat in this House owes it to himself and to his party as well as to his country to vote for the passage of this bill.

I further favor the passage of this bill because I believe it is based upon the time-honored principles upon which our own Government was established and has stood for 140 years. The Revolutionary patriots who by the sacrifice of their lives and blood gave to us the independence that we to-day enjoy and that we intend to preserve and to hand down to those who shall come after us, denied the doctrine that England or any other country on earth had a right to rule over us without our consent. I am committed to the faith of our fathers, and glad that I am now in this, the House of Representatives of the American Congress, permitted to defend the principles for which they contended, fought, and died. We are ruling over the people of the Philippine Islands to-day without their consent, and while they are asking for independence, to deny their demands is to repudiate the justice and the right of the cause for which George Washington and his compatriots in arms fought and won in the Revolutionary War.

We were told by the gentleman who has just spoken [Mr. TOWNER] that we must not haul down the American flag, and I agree that wherever our flag has been unfurled in any land it must not be hauled down by unfriendly hands; but whenever raised in any foreign land over a people held in subjection against their consent, if we can take it down and give to them the same independence and freedom we have claimed for our-

selves, then, in my opinion, there would be more honor to us as a Nation in voluntarily taking it down than there would be to continue to have it float by force over the heads of an unwilling people, who are pleading for independence and liberty. [Applause.]

There are some of our citizens who, no doubt in perfectly good faith, say that they are opposed to this bill, because the inhabitants of the islands are not sufficiently prepared by education and training to govern themselves. The same apprehension, I understand, was expressed by the people of England of the American Colonies in 1776. I have never had the privilege of visiting the Philippine Islands and can not speak from personal contact with the people there, but I understand that a large percentage of the inhabitants are educated, intelligent, and self-reliant. I am advised that in 1886 more than 10 years before our occupation of the islands there were more than 21,000 public schools in the islands and a number of colleges and universities. Since that time the number of public schools and other institutions of learning have very greatly increased. There is one thing that I do know, that one of the Delegates from the Philippine Islands, Mr. QUEZON, has one of the brightest minds of any Representative who occupies a seat in this Chamber, and I think it is reasonable to assume that the people whom he represents and who send him here are not without intelligence and appreciation of their public duties as citizens. This able Representative believes that his constituents are qualified for self-government and favors the passage of this bill. [Applause.]

Ex-President Taft is, in my opinion, one of the most competent witnesses upon the question of the competency of the Filipinos for self-government, as he was Governor General in the islands for several years. He is universally respected by the American people, and his opinion upon that question should have great weight. When before the committee in its hearings upon this subject in 1914, he was asked by the chairman of the committee this question:

The CHAIRMAN. Could you not go further, Mr. Taft, and say that they are better equipped for self-government than the Cubans?
Mr. TAFT. Yes.

He then gave a long explanation of his reasons for so believing.

By general consent, and I think with practically the universal approval of the American people, we gave independence to the Cubans, and if true, as stated by ex-President Taft, as I have no doubt it is, that the Filipinos are better qualified for independence, I can see no good reason or just cause for withholding independence from them, and, in my opinion, no good reason has been or can be given by any Representative upon this floor.

Mr. MEEKER. Will the gentleman yield for a moment?

Mr. RUSSELL of Missouri. For only a short question. My time is limited.

Mr. MEEKER. Did the ex-President in the same hearing advise letting them go in two years?

Mr. RUSSELL of Missouri. Ex-President Taft was not at that time in favor of giving them independence, but he said they were better qualified for it than the Cubans, and we had already given them their independence. But the gentleman from Iowa [Mr. TOWNER] says to us to-day that we promised it to the Cubans. Yes, we did; and we did it because it was right, and if right to give freedom to the Cubans so is it right to give freedom to the Filipinos. Another thing, when war was declared against Spain we announced it was not for the purpose of acquisition of territory or self-aggrandizement. This generous spirit of the American people was applauded the world over, and we ought to stand by the promises made at that time.

Some say that the islands still have some uncivilized tribes that are not fit to take part in the control of a government of their own, but that argument could have been urged against this country as well when we were given our independence, as this country was at that time inhabited by many thousands of uncivilized Indian tribes. Less than 10 per cent of the 8,000,000 inhabitants of the islands are classed as uncivilized, and time will, no doubt, correct this unfortunate condition under their own government as well as if continued to be controlled by the United States.

Some say that polygamy still exists there, and for that reason they should not be given independence, but only a few years ago the same could have been truthfully said of the United States. That evil has been corrected in our country, and in due time will, no doubt, be corrected in the Philippine Islands.

Some say that slavery still exists in the islands, and I understand does still prevail to some small extent, but only a few years ago it prevailed in our own highly civilized country. I am not very old and have not lived very long, but I have lived long enough to remember seeing a negro man placed upon an old-fashioned log stile block and sold to the highest bidder, bringing $900 in gold. This was a crime against humanity and a stain upon our civilization, but, thank God, it has been corrected by our own people and slavery in the United States has been blotted out forever.

There are some who contend that the Filipinos themselves, or majority of them, do not desire the passage of this bill, but would prefer to be permanently under the American flag and controlled by the United States. The Philippine Legislature recently, by unanimous vote, passed a resolution favoring the passage of this bill as it passed the Senate, containing the so-called Clarke amendment. This resolution, unanimously passed by that body, is by me, and ought to be by everyone, accepted as conclusive of their wishes. I also understand from the Delegates representing the Philippine Islands in this House, while admitting that some provisions of this bill do not meet with their approval, still they strongly favor the bill as a whole and are anxious to have it passed by this House.

There are some who insist that the passage of this bill giving independence to the people of the islands will be detrimental to the interests of Americans who have made investments there and for that reason are opposed to it. I do not want to lay violent hands upon the property rights of any man, and especially our American investors. Capital in all legitimate lines is entitled to its proper protection, but every American citizen who invested in the Archipelago did so knowing full well that the Democratic Party for the past 16 years has been promising independence, and they should have given that party credit for being honest in their declared purposes. I do not concede that independence will jeopardize the interests of American investors in the islands, but even if it should our people who have gone there to make investments have done so with their eyes open, and were fully advised as to the position of the Democratic Party upon that question and assumed their own risk. In passing upon this question I am not disposed to draw fine distinctions between the rights of money and the rights of men, as they are not of equal importance. I am opposed to the idea of weighing in the balance the question of commercial profits against the rights of citizens, or of fostering human greed at the expense of human liberty.

In conclusion I will summarize in these words: To continue to govern the Filipinos against their consent will continue to add to the burdens of the American people millions of dollars in costs annually and the sacrifice of many lives of our American boys. So far as I am concerned, I would not give the life of one American boy for the privilege of controlling for all time to come all the islands in Asiatic waters. To continue to control these islands will, in my opinion, be a continuing menace to the peace of our country that is so generally desired by our people. It will be a repudiation of our declared purposes when war was declared against Spain, and when we purchased the islands. It will be a positive violation of four national platforms of the Democratic Party, and it will be a grievous departure from the teachings of Jefferson and the fundamental doctrine of our countrymen as written in the Declaration of Independence. We then announced to the world the doctrine that "all men are created equal."

Upon the other hand, the passage of this bill will carry with it the announcement to all the world that this Government, true to its traditions and history, does not stand for an imperialistic colonial policy in violation of the principles upon which it was founded, and it will carry to the hearts and minds of the Filipino people the conviction that we, the people of this Republic, are true to the faith of our fathers, and still believe that liberty is the natural God-given right of man, and that all Governments derive their just powers from the consent of the governed. [Loud applause.]

Mr. MILLER of Minnesota. May I suggest that the gentleman from Iowa [Mr. TOWNER] is not present just now, and that the gentleman from Virginia [Mr. JONES] have one more speech?

Mr. JONES. We have used more time than you have on that side, and I think the gentlemen ought to use some time now.

Mr. O'SHAUNESSY. Mr. Chairman, I ask the gentleman from Iowa [Mr. TOWNER] for 30 minutes. Before I speak, I would like to get it clear on the record whether I exempted myself from the rule of the caucus. I sent Judge SAUNDERS a telegram which said I had made declarations that would exempt me from the rule of the caucus.

Mr. MILLER of Minnesota. How much time does the gentleman desire?

Mr. O'SHAUNESSY. I want 30 minutes, and the chances are that I will yield back considerable of it.

Mr. MANN. Mr. Chairman, I yield 20 minutes to the gentleman from Rhode Island [Mr. O'SHAUNESSY].

Mr. O'SHAUNESSY. Mr. Chairman and gentlemen of the committee, I disagree with my party upon the stand it is taking to-day relative to the Philippine question. If I were to characterize the bill as it stands to-day, I would say that it was a sample of crossroads legislation. It looks to me as if it were a bullheaded attempt to bring about peace and comfort, not to the Philippine Islands, but to bring peace and comfort to the minds of some men who are disturbed by the Philippine question and want to rid themselves of an obligation.

I do not believe that I can open my remarks with better emphasis than to quote President McKinley as to what should be done with the Philippine Islands. He said:

It is imperative upon us that as victors we should be governed only by motives which will exalt our Nation. Territorial expansion should be our least concern; that we shall not shirk the moral obligations of our victory is the greatest.

I have a sympathy with those who oppose colonialism. I do not believe that it was ever intended by those who gave us this Republic that we should colonize. But here is a proposition that comes to us as an incident of war. They did not invite us; we went in there; and it looks to me as if, in passing legislation of this kind, we brand ourselves as cowards in running away from a plain, imperative obligation. [Applause.]

I looked in vain for the compelling reason for the Clarke amendment until I got hold of one of the reports. I was trying to figure out what was the great reason for rushing the Philippines into independence, and in studying the progress of the legislation I find that in the Senate, where the matter was amply considered in committee, the bill as reported agreed with the Jones bill that was passed by the House at the last session. But in some way, after it had been approved by the committee of the Senate, after they had said that a greater measure of self-government should be given to the Filipinos, there was catapulted into the bill from the Senate floor the much-talked-of Clarke amendment.

Now, Mr. Chairman, I think this is something every man in this House should consider seriously. The vote was 41 to 41, and the tie was broken by the vote of Vice President Marshall.

But in trying to find out the reasons that actuated the Senate and the compelling motive of the statesman from Arkansas—and I must accept that as an underlying reason for this sudden desire to free the Filipinos—I get this from the gentleman from Arkansas. In explaining his act he said—and I want every man here to dwell upon the reasons underlying this bill—

I had no particular reason in introducing this amendment except that no one else would do it. * * * Either I or some one else had to do it. I am getting as much salary as anybody else, and doing about as little, and I did not know but that I had better get busy right along that line.

And that is the statesman-like reason underlying the Clarke amendment, submitted to you for your earnest consideration. [Laughter.]

I believe there is no better way for the House of Representatives to advertise itself as listening to shallow reasoning than to base their action upon those few lines in the minority report as outlining the reasons given by the Senator from Arkansas. I had a great deal of respect, and have to-day a great deal of respect, for Lindley M. Garrison, who until lately was Secretary of War. I consider it a privilege to embody in my remarks the reason assigned by him as to why he did not approve the Clarke amendment. He says:

I consider the principle embodied in the Clarke amendment an abandonment of the duty of this Nation and a breach of trust toward the Filipinos. So believing, I can not accept it or acquiesce in its acceptance.

This may be the easiest way for the United States to rid itself of an obligation. This may be the easiest way out of what is considered to be a difficulty. This may be the easiest way for ridding ourselves of the bogey of the East. But I wish to ask you what would you think of a man who had grown tired of supporting his wife and said, "I want to be through with you forever; you are too expensive for me"? What would you think of a parent who frowned upon a child and said, "I do not want to have anything more to do with you; your expenses are eating up my income"? What would you think of the guardian who ruthlessly throws his ward aside? There is not any question in the world but that that is the easiest way to get rid of a burden. But, my friends—and I say it with all reservation and in all seriousness—it is not the most honorable way to get rid of an obligation. [Applause on the Republican side.]

I can not understand the sudden transition which characterized the gentleman from Virginia, the author of the Jones bill. A little while ago he had a vision of Filipino independence in 1921. Then, listening to the objections raised by some men in his own party, he framed a bill declaratory of the purpose of the United States Government to recognize the right of these people to govern themselves without putting any arbitrary date or limit upon the time. Now he gleefully accepts this Clarke amendment.

I feel that I am strictly in accord with Democratic promise and that I am living up to everything enunciated in the Democratic platform when I cast my vote against the Clarke amendment. The Democratic platform declared that we would be for the independence of the islands when the islands would have a stable government.

Now, the question is, Have they got a stable government there to-day? And we here, acting as representatives of the American people, acting as guardians of those Filipinos, must of necessity turn to men better qualified from their experience in telling us whether or not these people are ready for independence and self-government. I know of no man better qualified to speak upon that subject than a man who has grown in national importance vastly since leaving the position of Chief Executive of this Nation. I refer to the honored citizen of this Republic, William Howard Taft. [Applause on the Republican side.] He has given it as his opinion that it will be two generations before a controlling proportion of the population of the Philippine Islands will be prepared to decide for themselves what their political status shall be. As he well says:

Preparation does not mean the organization of a Philippine oligarchy or aristocracy competent to administer government and then turn the government over to it. The capacity of the great body of the people must be considered if we expect to establish a government of the people.

What truer words were ever said about government and the right of a people to self-government than those wise words from a wise statesman? Gather, if you please, a handful of men, perhaps self-seeking, not unconscious of the opportunities it brings to their personal doors; educated, if you will; versed in government, if you will; but the great majority of people that they are to govern, uneducated and unfit for government; and I presume that nobody will challenge the statement that when we went in their 18 years ago 80 per cent of the natives were illiterate. And to-day, by the way, is the eighteenth anniversary of the day that Admiral George Dewey sailed into Manila Harbor and brought a thrill of joy to the American people, not because he was conquering some foreign territory, but because he was proving the prowess of the American Navy and showing the world that we were capable and fit to fight. [Applause.]

Now we have the redoubtable Roosevelt, of whom we read in the public prints once in awhile. [Laughter] A few years ago this virile American—and nobody challenges or questions his Americanism, although some of us believe that he is not averse to a little of the limelight and some of the things that go with it—a few years ago ex-President Roosevelt said:

I trust that within a generation the time will arrive when the Filipinos can decide for themselves whether it is well for them to become independent or to continue under the protection of a strong and disinterested power, able to guarantee to the islands order at home and protection from foreign invasion; but no one can prophecy the exact date when it will be wise to consider independence as a fixed and definite policy.

Now, against the opinion and the expressed judgment of ex-President Taft—and no one will challenge the statement that he is a man of varied experience, knowing a great deal about the government of the Philippine Islands—and against the judgment of Theodore Roosevelt, who has had some experience—all that and more is to be cast into the discard in favor of the unsupported opinion practically of the gentleman from Arkansas, Senator CLARKE, who says he wants to do something to earn his salary; and that is the reason for the Clarke amendment, and for our being here to-day to consider it.

Mr. AUSTIN. Will the gentleman yield?

Mr. O'SHAUNESSY. I have not the time.

Mr. AUSTIN. We will give the gentleman the time.

Mr. O'SHAUNESSY. I yield to the gentleman.

Mr. AUSTIN. I want to state to the gentleman that Gen. Luke Wright, who lives in the city represented by our beloved colleague Mr. KELLAR, was the Governor General of the Philippine Islands. He is a Democrat and an ex-Confederate soldier. His views coincide with those of ex-President Taft on this subject.

Mr. O'SHAUNESSY. I do not think it will be hard to gather a great many splendid testimonials to the wisdom of ex-Presidents Taft and Roosevelt in their judgment as to what should be done with the Philippine Islands. It is an easy thing to go out on the stump and say, "I voted to make the Filipinos free; I voted to make them an independent nation." That is the easiest thing in the world, and I suppose a thing that would get the readiest plaudits; but there is something beyond the plaudits that greet the stump orator. There is something more than

giving honeyed phrases to the crowd. There is a duty imposed upon the people here, and I believe that the real, true friends of the Filipinos are not the people who will throw them into the maelstrom of the world's politics in a phrase saying, "In not less than two or more than four years you shall be free and independent"; but I take it that the real friends of the Filipinos are those who would continue the liberalizing policy of the American Government and the spirit of education in those islands. [Applause.] We have every reason to be proud of our record there. Education has gone on in wonderful strides. They are learning the art of self-government. They are proud of their connection with us, and I fully and honestly believe that there is no man in the American Congress who feels that he wants to lay a restraining hand upon the Filipinos for all time. It is only a question as to what is best to do for the Filipinos. They are progressive, they are making wonderful strides, a people who were under Spanish domination for hundreds of years, and we go in saying, "We are going to save you and make a great people of you." And lo and behold! we say that by the alchemy of 18 years' domination we are going to take this composite people of eight or nine million, speaking varied languages, many dialects, and embracing all stages of advancement, from the savage to the most highly cultivated, intellectual, and intelligent citizens, and by the alchemy of a few lines written by the gentleman from Arkansas, Senator CLARKE, we will make them a free and independent nation worthy of the respect of the world. It is fallacy. It is more than fallacy. It is humbug. [Applause.]

I agree with this minority report. Great progress, unparalleled progress, has been made. Of that both Americans and Filipinos have a right to be proud. It is a reason why we should now grant a larger measure of self-government to the Filipinos and why we should continue such grant until absolute self-government is secured. What is the underlying reason beside this peculiar wording of the gentleman from Arkansas, Senator CLARKE? I will tell you what it is. It is an un-American policy. It is an un-American thing lying at the bottom of this majority report, written in letters so large I feel ashamed to say it. It is fear on the part of the American Nation. [Applause on the Republican side.] They say, "We fear to further guard and protect you. We fear further to educate you. We fear further to conduct you along the path of progress and civilization to the day when you shall be fit for government, because we are afraid that if we keep you we will get into trouble ourselves." I, for one, do wish to say emphatically here to-day that I have no sympathy with that reason. I am willing that this great country of ours should shoulder the responsibility and maintain it; that it should keep on as it has, in spite of any power in the world. Let us say: "These are our wards. We are ready to protect them. We are ready to guard them. We are ready to lead them along the pathway of civilization and progress. Lay a hand on them, if you dare!" [Applause.]

Mr. GARRETT. On behalf of the chairman of the committee, I yield 10 minutes to the gentleman from Kentucky [Mr. HELM].

Mr. HELM. Mr. Chairman, during my entire service in Congress I have been a member of the Committee on Insular Affairs of the House of Representatives. I hope the time has now arrived when the work that has been so consistently and persistently engaged in by that committee will reach its full culmination. In the world-wide tragedy that is now being enacted I think I learn a lesson. I see in Europe the great British Government drawing support and aid from its colonies like Canada and Australia; all people of kindred races and tongues. They are a distinctive asset to the British Government to-day. In fact, judging from reports, they are doing about all of the British fighting. On the other hand, the weak spots, the danger zone to Great Britain to-day are her colonies of India and Arabia and Egypt, because they are wholly unlike her either in race, customs, manners, or religion, as well as climatic conditions.

It is a reasonable conclusion that the great bulk of British soldiers are required to hold India, Arabia, Egypt, and her possessions in that quarter of the globe in subjection. Large numbers of her soldiery are necessary to safeguard the Suez Canal. Her soldiers are in Persia and in Turkey. What is the argument? We are forcing a government on an unwilling people—the Filipinos. They are not bone of our bone or flesh of our flesh, they do not fraternize with us, they have nothing in common with the English-speaking people, due largely to climatic conditions. The government we are forcing upon them is obnoxious, odious, and objectionable to them.

Now, what is my argument? You can not mix oil and water. The people of the United States are as distinct and separate in race, in manner, in customs, in religion from the Philippine Islands as are the people of India, Persia, Arabia, and Egypt from that of Great Britain. If the day should ever come when trouble arises, I entertain the most serious doubts whether we would find the Filipino an ally ready to aid, help, and assist us, or whether we would discover them to be a distinct liability.

Now, I believe that the feeling to-day, encouraged by the prospect of independence in the near future, creates in the hearts of the Filipinos a decidedly friendly disposition toward our Government. But let it be once distinctly understood, as some of you Members state, and as the Republican Party advocates, never to give them their independence, I doubt whether that cordial, fraternal feeling that exists there now will continue to exist.

I learned a further lesson from the Spanish-American War. It was absolutely impossible for Spain to defend Cuba, just off our coast, against the United States, as it will be for the United States to defend the Philippine Islands from any country in the world, any world-power country that is close to the Philippine Islands as Cuba is to the United States. We could not send an Army to defend the Philippine Islands—in the first place we have not it, and in the second place you have not a sufficient or adequate Navy for that purpose. In God's name, if we have not the instruments and means of defending our continent, what have we to send 7,000 miles across the ocean to defend the Philippine Islands?

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. HELM. Yes.

Mr. MILLER of Minnesota. The military experts say that Alaska would be infinitely harder to defend than the Philippine Islands. Would the gentleman suggest a withdrawal from Alaska? They also say that Hawaii is harder to defend than either Alaska or the Philippines. Would the gentleman withdraw from all three?

Mr. HELM. No; because I do not believe, in the first place, that Alaska or Hawaii are harder to defend than the Philippines; and, second, the possession of the latter does not strengthen but weakens our defense of both Alaska and Hawaii.

Mr. MILLER of Minnesota. Then, where does cowardice cease and bravery begin?

Mr. HELM. When you talk about cowardice and bravery, when you pat yourselves on the back and poke out your chest and talk about how game you are, how brave you are, how capable you are, the best thing is to have ample means of defense and protection when it comes to a showdown—what can we do to defend these islands, and what have we to do it with? [Laughter.] It is all right to brag, boast, and strut around until somebody calls your hand. We Americans are a mighty chesty Nation of people. We take a great deal of stock in ourselves, and I am glad of it. We are good on claiming, but I doubt whether we are very long on performance.

Mr. MEEKER. Will the gentleman yield?

Mr. HELM. Yes.

Mr. MEEKER. Will the gentleman enumerate the times when the Americans failed to perform on a showdown with any nation until now? [Laughter and applause on the Republican side.]

Mr. HELM. We never want that time to come, and that is one reason why I think that this is the opportunity to prove our good common sense and not lay ourselves wide open so that the time may never come when we can not perform successfully when we have to perform. [Applause on the Democratic side.]

I am far from being a disciple of that man who once made Republican history and is still molding the policies of that party, Ex-President Roosevelt, but for the benefit and edification of those who are his disciples I submit an extract from a chapter in his recent autobiography on this, the question of Philippine independence, which is as follows:

> I do not believe that America has any special beneficial interest in retaining the Philippines. Our work there has benefited us only as an efficiently done work performed for the benefit of others does incidentally help the character of those who do it. The people of the Islands have never developed so rapidly from every standpoint as during the years of American occupation. The time will come when it will be wise to take their own judgment as to whether they wish to continue their association with America or not. There is, however, one consideration upon which we should insist: Either we should retain complete control of the islands or absolve ourselves from all responsibility for them. Any half-and-half course will be both foolish and disastrous. We are now governing and have been governing the islands in the interest of the Filipinos themselves. If, after due time, the Filipinos themselves decide that they do not wish to be thus governed, then I trust that we will leave; and when we do leave it must be distinctly understood that we retain no protectorate—and, above all, that we take part in no joint protectorate—over the islands, and give them no guaranty of neutrality or otherwise; that, in short, we are absolutely quit of responsibility for them of every kind and description.

If it should result that he is to be the Republican nominee for President, it would be fit and proper for the Republican convention, to be held at Chicago, to place a plank in its platform

indorsing the bill now under consideration, and it will be amusing to see those who are now violently assailing this bill advocating it on the stump as one of the reasons why the Republican Party should be restored to power.

Mr. FESS. Mr. Chairman, in the absence of the gentleman from Iowa, Mr. TOWNER, I yield 30 minutes to Mr. MILLER from Minnesota.

Mr. MILLER of Minnesota. Mr. Chairman, adequately to debate so tremendously an important subject as Philippine independence within the limits of a single session is, of course, impossible, as such limited time is wholly inadequate for so great a purpose. Nevertheless, as it seems to be the purpose of gentlemen on both sides of the aisle to vote to-day, we are confined to the limits of a few hours, and in them but a few phases of the question can be discussed.

Mr. Chairman, I am not afraid to meet the vote in a moment, in a week, or a year's time. The question of Philippine independence is one that affects vitally 8,000,000 of people of those islands, but in no less a degree it affects the honor, the glory, and the national aspirations of the hundred millions of American citizens on this continent. [Applause.]

I listened to-day for the first time, and I hope, Mr. Chairman, for the last time, to the Members of this House asking that we go back upon history, that we turn our backs upon civilization, upon our plain duty once magnificently assumed, that we throw away the glory Dewey won with his guns at Manila Bay 18 years ago because we, as Americans, are too cowardly to assume and discharge our national duty. If, Mr. Chairman, there is anything concerning the American people that should receive our undivided support, it is that Americanism and nationality are the watchwords of the hour. Our national passion is at high heat, and our people will to be just, honorable, and great as they will our Nation to be strong. But Americanism and nationality are the same yesterday and to-day. The duty assumed at Manila Bay is still America's duty; the American opportunity that opened up with Dewey's victory is still before us. The movement to greatness and to glorious achievement is real and living to-day, and we of to-day should give it our full measure of undying devotion. If we are Americans, robust and strong, confident of a great mission before our people, we should triumphantly bear our national responsibilities, and especially when they lead directly to our own strength and greatness. Cowards do not deserve to grow, and grow they do not; nor do they perform their allotted share of civilization duty.

While, indeed, perhaps it would be more congenial to me were I to discuss this subject entirely from the standpoint of American interests, yet I now feel that I should direct the attention of the Members of the House to the thoughts and the feelings and the ideas of the Filipino people themselves. Oh, I know it was said by the gentleman from Virginia [Mr. JONES]—and he rolled the words over and over with an unction that made me think they were sweet morsels to his tongue—that the Filipino people to-day ask that this Clarke amendment and this bill be passed. I want his attention when I say that they ask no such thing. It is true that by lip service some individuals in the Philippine Islands in political power have sent to him word that they want this bill passed. Whether that lip service speaks the conviction of their hearts I know not, but I do know that the heart throbs of the people of the islands to-day beg that you vote against the Clarke amendment and the bill. [Applause on the Republican side.] It may be you think I am not fortified in what I say. Let me direct your attention as serious-minded men who really want to do the right thing, men who have sworn to let their conscience and their judgment and the interest of their Nation guide their vote—let me direct your attention for a moment to what has been said lately by some of the Filipino people. There is in the islands a paper which is the official organ of one of the leading parties there, La Democracia. It is not the organ of the party represented by the gentleman from the Islands [Mr. QUEZON]. He represents the Nationalistic Party. La Democracia represents the Progresisto Party, which, with his party, has taken a position on the question of independence. In an editorial appearing in that paper just after the Clarke amendment passed the Senate I find the following:

> The present epoch in the history of the islands is the most critical in all their history. It can not be overlooked that, left to their own efforts, the Filipinos are unable to repel foreign aggression of powerful people like Japan, nor would they be able to withstand the peaceful aggression of immigration that even China with all her power, was unable to resist.

That is but a beginning, and that is but a start in the expression of the people of the islands. There is a gentleman in the islands named Vicente Soto, who has had a notable career. It is sufficient to say that he has recently been permitted to return to the islands. My friend Mr. QUEZON will bear me out when I say that of all the Filipinos who have ever lived he is probably the most anti-American of them all, also one of the most steadfast champions of Philippine independence from the early days of Aguinaldo until now. He came back to Manila and is now publishing a newspaper. In that paper recently appeared this article:

> In our patriotic zeal we must not forget that Japan is our neighbor. We must not trust in the delusive hope of diplomacy. Our security in the future lies in our strength. Our prayer to keep out foreign invasion will not avail.

To-day, looking far to the east in early morn the Filipino beholds the rising sun, and against it the American Statue of Liberty, in uplifted hand the beacon light of liberty, an emblem of eternal hope and benediction. Remove this sovereignty and in the place of that view the Filipino will behold another sunburst, emblazoned across it in letters of blood, "Banzai."

And listen to these words, freighted and charged with potential meaning:

> If it is the intention of the people of the United States to give us complete independence within four years, could we protect ourselves from foreign invasion and have the respect of the rest of the world? With our present economic situation it would require a return a thousand times greater than our present revenue in order for the Government to organize within the short space of four years a force of sufficient strength to preserve and maintain our national integrity and honor.

Mr. POWERS. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. For a brief question.

Mr. POWERS. Mr. Chairman, I think I shall vote the way the gentleman does upon this bill, but does he advance as an argument that they should not have their independence the fact that they could not repel a foreign invasion?

Mr. MILLER of Minnesota. I do not place it alone upon that ground. I am simply giving the position of the Filipino as he manifests an opinion to-day toward the Clarke amendment. It would require a commercial prosperity and an economic advancement a thousand times greater than that which they themselves say they possess in order to carry out and maintain this fatuous independence it is proposed to give. That leads us naturally to inquire what is their present economic condition? We might indulge ad libitum here in discussion pro and con as to the intellectual attainments of the Filipino. Let us just forget that subject for a moment. Let us address ourselves to a practical question upon which there can be no difference of opinion. There is a system in the islands enabling us to determine exactly who is doing the business in the archipelago. It is required that every man transacting business, wholesale or retail, shall secure a certificate and pay a tax upon his business. This gives us reliable and complete statistics. Those statistics show that 95 per cent of all of the business done in the islands is performed by foreigners. Ninety-five per cent of the business in the islands is in the hands of foreigners. There are in the islands about 40,000 Chinese, and there are about 8,000,000 inhabitants altogether, but these 40,000 Chinese to-day are paying 72 per cent of all of the taxes in the islands. Forty thousand aliens pay 72 per cent and 7,960,000 pay about 28 per cent of all of the taxes.

Of the 7,960,000, by far the greater part of the taxes is paid by the European and American foreigners. Thus we see that the Filipino as yet does little of his own business and pays only a small fraction of the taxes necessary to run his government. The Filipinos must yet develop an industrial and merchant class throughout the islands. There is invested in the islands to-day $300,000,000 of Spanish capital. Pause for a moment to reflect upon our duty toward that capital. In the treaty that we made at the conclusion of the war with Spain we guaranteed two things. We guaranteed, first, to protect religion in the islands. We guaranteed that there should be freedom of religious worship in the islands as we have decreed it here within the United States. We pledged our sacred word to the people of Spain that we would maintain absolute freedom of religion for all the people there, especially the Spanish people. Should we haul down the flag now and relinquish our sovereignty, who for a moment dare stand up and say that there will be freedom of religious worship in all the islands? Here is an obligation we can not throw if we are to retain a decent respect from the Christian nations of the world. We guaranteed something more practical, too. We guaranteed to the subjects of Spain that there should be given protection to their property. We have no right to complain of the assertion that treaties are but "scraps of paper" unless we live up to our own treaty obligations. [Applause on the Republican side.] If we pass this bill as it stands we repudiate as solemn an obligation and treaty as was ever assumed by any nation since the stars first began to shine. No one can pretend that conditions throughout the islands are now such that if we withdraw life and property will be protected and absolute freedom of religion shall exist.

We should not lose sight of the fact that the Filipinos are the only Christians among all the hundreds of millions in the Orient. Surrounded, as they are, by more than half the human race, all pagans, our duty as a strong, protecting Christian Nation becomes clear.

Let me digress, Mr. Chairman, long enough to observe that idle words we sometimes hear, to the effect that the Filipinos are aliens and can have nothing in common with us. This is wide of the mark. The 6,000,000 Christian Filipinos have had 300 years of Christian influences at work upon them. All their civilization Spain gave to them; therefore it is European, not oriental. No greater affront to these sensitive people could be given than to suggest that they are like the Japanese race, and we may as well let the Japs have them. Filipino history still tells of martyred missionaries who went from the Filipinos to Japan and were put to death with fierce cruelty. The Filipinos are not Japs. The two peoples are aliens in race, religion, and civilization.

There are $300,000,000 of Spanish capital invested in the islands. Should we withdraw our sovereignty under the conditions now existing, betray the confidence Spain reposed in us when we entered into the treaty with her, who can say what awful responsibilities will come thick upon us in the years to come? Nations can not break their plighted word with impunity even in these days of the world's woe. We made this straight contract with Spain to protect Spanish capital, and stand by it we must. Not only that, but our own citizens have now invested American money in the islands to the extent of $125,000,000. Unless our Government protects this investment, it is unworthy the name of a Nation and not fit to be called great.

Mr. GORDON. Will the gentleman yield?

Mr. MILLER of Minnesota. If I can conclude the main course of my remarks in time, I shall be pleased to yield.

Mr. GARRETT. I would like to interrogate the gentleman upon that particular point.

Mr. MILLER of Minnesota. I do not know what actuates or could actuate the thought of any man who looks upon his fellow citizen with disfavor because he has gone beneath the American flag, under American sovereignty, and invested capital for the welfare not only of himself but also of the people among whom he has invested the money. So if we are going to refuse our protection to American property under the American flag, let us renounce our nationality and surrender for all time all claims to a sovereign State.

My good friends, I do not believe the American people ever indorsed or ever will indorse the statement that has been made that American business men who have gone into Mexico should be left to their own peril. I am one of those who believes that wherever, legitimately and according to the laws of the country, American capital goes and finds investment it should be protected to the last flutter of our flag. [Applause.]

How much greater our duty to give adequate protection to this capital that has been invested under our flag in the Philippine Islands! Do not for a moment let yourself be beguiled into thinking that this capital has not been welcomed by the Filipinos. It has. They are sitting up nights now praying for more capital to come in. They realize their economic dependence. They are asking that money come from the United States to relieve their necessities and help them develop their industries and their country. Let us answer that call by giving full and complete protection to American capital that already is invested there; otherwise that capital and all the foreign capital will struggle to get out, precipitating a condition in the islands I shudder to contemplate. And let us give heed to their call when they say that they know they are not in a position to handle independence at the present time. There is not only American capital and Spanish, but about $60,000,000 of English capital, $15,000,000 of German capital, $15,000,000 of Swiss capital, and $5,000,000 of French capital invested there. Practically all the business of the islands is supported at this hour by foreign capital. We believe capital will demand protection. If not received by the United States, under which it shall be beneficent, it will be received under some foreign flag that will know not the rights of man. [Applause.]

I am not limited to newspaper comment as expressing the hope and the wishes of the people. Shortly after the passage of the Clarke amendment in the Senate I received a cablegram signed by an ex-member of the Philippine Assembly, Señor Ramon Lopez, in which he said that the farmers of the Philippine Islands, more particularly in the great islands of Negros and Panay, begged that Congress not enact the Clarke amendment into law. I replied that I wanted petitions to that effect, signed by the most substantial and capable men that could be found. About two weeks ago I received the first petition. I am going to read it to you. I will have to read the translation, because the original is in Spanish. This translation was made by the Bureau of Insular Affairs. It reads, and I ask you to listen:

We, the undersigned residents and property holders of the islands of Panay and Negros, P. I., and all Filipino citizens, respectfully state that it is our opinion that the passage of the Jones bill in the form that it was passed by the Senate of the United States would be fatal to social progress, to the development of the commerce, industry, and agriculture, and to the political well-being of all the inhabitants of the Philippine Islands;

Therefore we earnestly beg the Congress and the United States Government and its citizens that they suspend all action on the Jones bill, and that the question of the political independence of the Philippine Islands be definitely suspended for a period of 20 years, and that when this period arrives that no action as to the independence of the Philippine Islands be taken without the vote of the Filipino people.

Iloilo, Province of Iloilo, P. I., this day, the 1st of March, of the year 1916 A. D.

Will you listen to these earnest people, words coming from men who are not engaged in the political exploitation of their islands, asking you to protect their homes, their property, their civil and political rights, and their very islands from an unconscionable, from a contemptible, from a humiliating withdrawal of sovereignty and stable government and the abandonment of our duties once heroically assumed.

My good friends, it seems to me that the voice of the Filipino people should be heard. This petition is signed by 92 men. They have been checked over by those who are best acquainted with the islands. I am informed that they represent the farming industry in value exceeding $20,000,000; that they are the most substantial men of the entire central group of islands. It is certain these signers are men each representing a big sentiment in his own locality. This one petition is overwhelming in what it represents and in the request it makes. But I was informed when this came that other petitions would follow.

Ah, Mr. Chairman, another came this very morning, and still another, making three in all, and altogether representing the farmers of the islands. These petitions are to the same effect, but in a little different language. One is signed by 125 men, the other by 95, who, I am informed, represent the best in thought, and best in business, and best in earnestness, and best in all that goes to make up the life of the Filipino people.

Mr. KEATING. Will the gentleman yield?

Mr. MILLER of Minnesota. Certainly, for a question.

Mr. KEATING. I will ask the gentleman if he does not think that Lord North, in 1776, might have secured a similar petition signed by substantial property owners in the American Colonies protesting against the Declaration of Independence?

Mr. MILLER of Minnesota. I do not know, and I do not care anything about what Lord North might have done. I know that this is a voluntary petition, and sent without political glare, to represent the sentiment of the Filipino people. Maybe the gentleman will close his ears and shut his eyes to it, because he does not want its truth to sink into his soul; but I believe a majority of the men in this House will have a nobler conception of their duty here to-day. [Applause.]

Mr. KEATING. Will the gentleman yield?

Mr. MILLER of Minnesota. I can not yield further.

We all have in mind the words of the great Secretary of War, who resigned a few weeks ago, a Democrat of Democrats, and who resigned because he would not be a party to such an iniquitous measure as it was proposed to pass. He said this:

I consider the principle embodied in the Clarke amendment an abandonment of the duty of this Nation and a breach of trust toward the Filipinos. So believing, I can not accept it or acquiesce in its acceptance.

There is a Democratic gentleman whom I know very well, with whom I have talked many times relative to things concerning the Philippine Islands, but with whom I have found but little opportunity to agree. I find, however, that he and I are agreed to-day. He is the arch apostle of Democracy relative to all things Philippine. He it was who became the first great champion of Democratic principles for the islands, and has continued such down to this hour. He went over as a soldier from the State of Georgia. He bears a distinguished name. He remained there to serve as a judge. He has now resided in this country for some years, devoting himself largely to the study of Philippine questions. I refer to Judge Blount, the author of The American Occupation of the Philippines, and this is his position:

I am wholly unable to understand the intellectual processes of an honest and patriotic American who will vote on foreign or quasi-foreign affairs for party reasons. We are all in the same boat, all Americans, and, to use a familiar colloquialism, it is like rocking the boat. If I were in the House now, I would vote with my party on domestic affairs, such as the tariff, the currency, and so forth, with all the fidelity of a Tammany sachem; but on a question that concerned the national honor of my country, like this Clarke amendment with the neutralization cut out, I would feel ashamed to vote any way but against it, because, as Senator STONE said, the whole world would look upon throwing the Philippines overboard in any such way with

amazement, and we would fall under the just condemnation of mankind.

So far as I have been able to determine—and I have endeavored with the utmost industry to ascertain the facts—there is not a single Democrat charged with the administration of Philippine affairs, directly concerned with them or conversant with the present conditions in the Philippine Islands, who favors the passage of the Clarke amendment. It is repugnant, in my judgment, to the opinions of any man, regardless of politics, who views with concern his Nation's honor.

Mr. Chairman, we might spend hours in discussing what it means to the Philippine people should we at this hour withdraw our sovereignty. To the great mass of the people that flag flying there has meant the same that it has meant to the boys of America. It has meant opportunity to them all. I was informed a few weeks ago that an Army officer living in the Philippines was asked by one of the servants of his house this question: "Sir, I am told the United States is going to give independence to the Philippines and that the Americans are going to leave." He said, "That is what I hear from America." The young man departed. In an hour's time this officer had occasion to go into another part of the house, and there he found five, all of his Filipino servants, together in tears, and he asked them why. The reply was, "The Americans are going to leave us in the hands of the politicos, and we, the poor people, know what that means."

That has been duplicated, according to my information, time out of mind in the Philippine Islands during the past two months. When I say that the people of the islands ask that this bill be defeated in its present form, I know I am expressing their heart convictions. I know the distinguished and lovable gentleman, my friend, Señor QUEZON, in a few moments will tell you about his party, the Nacionalistas, and their party propaganda, and the Progresistas and their party program and the Partido Tercera and their party program—I know he will say these things, because he ought to say them. But while he speaks for the political parties of the islands, I speak for the Filipino people, and I know what they want.

Should it be desired to inquire what may be the attitude of the non-Christian peoples, permit me in a word to tell you that they are to the last soul, 1,200,000 of them, not only begging but demanding that our sovereignty remain. Thus far I have devoted myself exclusively to the area occupied by the Christian Filipinos. A consideration of prime importance to us should be the wishes and the welfare of the non-Christian people. In the passing of time all these peoples will become fused together, cemented into a nation, but only if American sovereignty remains many years yet. I have journeyed among all these wild people, the head hunters of the north, the Moros of the south, and many tribes between, and from their own lips received the unvarying request that the American Government remain, and if it does not there will be trouble. The hauling down of our flag will be the signal for the struggle to commence. These peoples—the Christian and the non-Christian—have not yet learned to know and trust each other. It must be remembered that the American sovereignty is the only one that has ever existed over all the non-Christian area, about one-half of the entire area of the islands. Our plain duty to these people, who now trust us implicitly and believe in us devotedly, is to continue that opportunity the coming of our flag brought to them.

More than 1,000 American boys—our soldier dead—lie buried in the Philippines—they died that stable government, free institutions, and opportunity for all might come to these people. Shall we to-day defile their memory and shall the angels on high tell them they died in vain? No; a thousand times no! Their achievement shall be perpetuated, and the world shall know that we who act to-day are worthy to come after such heroic souls.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. GARRETT. Mr. Chairman, how does the time stand now?

The CHAIRMAN. The gentleman from Virginia has used 1 hour and 35 minutes. The gentleman from Iowa [Mr. TOWNER] has consumed an hour and 43 minutes.

Mr. GARRETT. Mr. Chairman, I yield 15 minutes to the gentleman from Kansas [Mr. HELVERING].

The CHAIRMAN. The gentleman from Kansas [Mr. HELVERING] is recognized for 15 minutes.

Mr. HELVERING. Mr. Chairman, opportunities such as to-day confront this House are seldom given to a legislative body. We have the privilege of extending to a race of people numbering nearly 10,000,000 inhabitants the rights, privileges, and enjoyment of a free and self-regulated form of government.

Every boy when he reads the early history of our own country is convinced of the great justice and the righteousness of the cause in which our struggling Colonies fought for eight long years for just that status which we now attempt to give to the Philippine people by the enactment of this legislation now before the House.

This should not in any sense be a partisan question, for there is glory enough for all parties if upon this occasion the great measure now before us is enacted into law. The Republican Party was the agent of our Government in freeing the islands from Spanish rule and establishing a form of government there looking to the future independence of the islands, and the Democratic Party was and now is our Government's agent in perfecting the preparation for self-government and fixing a time when that self-government will become operative.

There is one cardinal principle which should not be lost sight of when we are considering this measure, and that is the great precept that all just powers of government are derived from the consent of the governed.

Do the Filipino people consent to our continuation as the molders of their destiny? Their representative here says no. It is readily comprehensible that the people of these islands would trust us when we first made representations to them that ultimately they were to be free, because our history, our ideals of liberty, and our actions have always bespoken our attitude. On these assumptions they trusted us, and now we should not belie that trust.

Those people had been studying our history and had dreams of the days to come when they, too, would be blessed by the virtues of liberty and self-government. Do not be deluded into the thought that we are now continuing our sovereignty over the islands of the Philippines for their own good. Throughout the ages of history you will find repeated the arguments that will be heard on this question at this time, namely, that we are reserving our control over the Philippine Islands for their own good. No people can be helped nor can they thrive properly when weighed down with the thraldom of usurped power.

In my opinion our mission has been a benevolent one, and one that has been appreciated by the people of those islands. I also firmly believe that we have almost completed our justifiable mission, and should now keep our promise and set an example to the world of justice to our fellow men without resorting to force, coercion, and subjugation.

After having given the people of the Philippines the assurance of ultimate independence the question naturally arises, Is this the proper time to give them self-government; and if not, when will that time arrive? When this same question was before the House during the Sixty-third Congress I was anxious to secure information first-hand, and I therefore wrote to one of my close personal friends residing in the Philippines and who is dean of the law school at Manila.

Mr. Chairman, it is not my purpose to discuss the relative merits of the Clarke amendment with the original Jones bill, but I have asked for this time more especially to read some questions which I submitted to the dean of the law school of Manila, who, by the way, is not of my political party, and his answers to those questions, for the enlightenment, it may be, of the gentlemen of this House, and especially of those of his political party.

This gentleman was for a number of years an assistant attorney general in the Philippine Islands, and is now the dean of the law school in the Philippine Islands. I know him very well, and therefore I submitted to him these 10 special questions and asked for his answers in detail. I have before me his answers, and I am going at this time to read what he has to say in answer to those questions which I deemed pertinent. He prefaces his remarks with this sentence:

> At the beginning I must warn you that on a subject on which there are as many varying opinions as there are debaters, the viewpoint from which the person starts is most important. Both Filipinos and Americans in the Philippines can be roughly divided into three classes: First, there are those who fawn on the people of the opposite race for personal advancement; second, those who, through ignorance or prejudice, have bitter racial feelings; and lastly, those who recognize both the good and the bad characteristics of the Filipinos and Americans, respectively, and treat each other courteously and fairly as men. I am glad to bear testimony to the fact that the large majority of Americans and Filipinos fall within the last division.
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> It is also true that if an American publicly advocates immediate Philippine independence some of his countrymen are sure to scoff and jeer at him as a hair-brained Filipinista and theorist, while if a Filipino publicly advocates permanent or indefinite joinder with the United States he is looked upon by his fellows as a heretic and a traitor. I am certain, nevertheless, that there are a respectable number of Americans who conscientiously favor independence for the Philippines within the next few years, and a corresponding number of Filipinos who would dislike to see their country absolutely independent within the same period. The problem is therefore primarily not one of race but of actual existing conditions.

It is further true, I am sorry to say, that the environment, avocation, or training of the speaker or writer is largely or entirely responsible for his conclusions. Whether done consciously or unconsciously, it has the same result. A merchant will naturally think in terms of business and the effect on commerce; a churchman in terms of religion and the effect on his church; a soldier in terms of war and the chances for conquest or glory; a Government official as to how the outcome affects his position; an outsider who spends two or three weeks in the islands and considers that he knows the country, from prejudiced, theoretical principles; a Moro with the sole interests of his people and religion in mind; a Filipino from natural patriotic instinct, without possibly taking into account future consequences, and so on ad infinitum.

Personally I can only state that I have, during more than seven years in the Philippines, spent in different educational and legal positions, with somewhat extended travel throughout the islands, seen and become acquainted with different conditions of people. I shall in my abrupt statements herein, containing not alone by own views but the perspective of others, try to disassociate myself from personal motive as much as is humanly possible. You state in the concluding paragraph of your letter, "I am writing to you because I would like to get an honest opinion from one who is on the ground floor. I want to do what is right by my own people and by the people there, and for that reason I would appreciate it if you would write me an extended brief covering your views." I shall endeavor not to disappoint you, although it is not for me to say whether I approach the criterion laid down by Resident Commissioner QUEZON in his speech before the House of Representatives on February 13, 1913, when he said, "To know a people you must not only live with them for a number of years, but share their feelings, possess a sympathy for their aspirations, and, most important of all, be broad-minded enough to abandon race prejudice and fixed views on the superiority of one civilization over another."

I follow the order of questions as stated by you:

(I) "Does the policy now in vogue in the Philippine Islands hamper the development of the Filipinos?"

I note the word "now." I answer categorically "No." Every branch of the Government is progressing rapidly toward Philippine self-government. Commercial intercourse, internal improvements, sanitary betterment, and educational advancement are going forward as rapidly as the finances permit. Omitting the mooted point of independence, I think all intelligent Filipinos and all impartial observers will admit that this is true. While I differ from you and Gov. Harrison politically, it is only fair to say that the Governor General is carefully and persistently advancing these ideas.

(II) "Could the Filipinos take entire charge of the government of the islands and make a success of it?"

The bearing of time is here most important. They could not tomorrow, as would likewise be impossible for any people by such a sudden change. The Filipinos could take entire charge of the legislative and judicial departments. In the legislative department the Philippine Assembly, composed entirely of Filipinos, has been most remarkably successful. Critics are inclined to make fun of it because of the foolish bills introduced, forgetting that the same is true of any legislative body. The members of the Philippine Commission, composed of a majority of Filipinos, has also proceeded cautiously and conservatively in its work. The members of the judiciary have likewise proved their integrity and judicious bearing alongside of American judges. In many executive positions, however, the Filipinos need American assistance and supervision. It is only common sense to promote capable Filipinos from one position to the position next higher. It is foolish to thrust one into an important office without previous training and experience. This does not mean that there are not many Filipinos who have filled high executive positions with entire success. For example, Araneta, Villamor, Palma, Tinio, Monreal, Kalaw, Nieva, and others could be mentioned. But in many technical positions, such as engineering, education, accounting, and so forth, Americans will be needed until the requisite number of Filipinos can be trained. When this result shall be reached, and it can be accomplished in a much shorter period than is generally believed, then I think that the Filipinos could take charge of the government and make as great a success of it as one could reasonably expect under the particular and grave conditions in which placed.

(III) "If not, are there any departments that they could conduct as efficiently as they are now conducted?"

This question is practically answered under No. II.

(IV) "Could all the peoples of the different islands be brought to recognize a civil government conducted by their own people?"

There is no doubt in my mind that, excepting the Moros, all the people of the other islands would recognize and support a government conducted by themselves. The Moro problem is one on which I am not capable of expressing an opinion. I do know, however, that the proverbial statement that there is jealousy and hatred between the so-called tribes and that if given self-government they would fight among themselves "like cats and dogs" is more fanciful than real. It is not nearly as evident as is the same feeling between races in other countries. I have yet to hear a native boasting of himself as a Visayan, a Tagalog, or an Ilocano, but always speaking of himself as a "Filipino." I have never noticed such a division in the schools, in the Philippine Assembly, or elsewhere.

(V) "Would the inhabitants of Manila and the immediate vicinity in any way control the entire government?"

The facts easily bear out the negative. There are, it is true, and naturally also, I think, able men in public life who reside either in Manila or the surrounding country. There are, for example, Chief Justice Arellano, Commissioner Quezon, Acting Secretary of Public Instruction Palma, Commissioner Illustre, Assemblyman Corpus (a leader of the assembly), Mr. Ortigas, of the code committee, and many others. On the other hand, from the southern islands, are such men as the speaker of the assembly, Mr. Osmeña, possibly the most influential Filipino; the only secretary of an executive department, Mr. Mapa; a Filipino commissioner, Mr. de Veyra; the leader of the assembly, Mr. Adriatico, and others. From the northern Provinces, Attorney General Villamor, Commissioner Singson, the director of lands, Mr. Tinio, and others. The inhabitants of the city of Manila would bear the same relation to the government of the Philippine Islands as the capital or metropolis of any State or country bears to that State or country, and no more.

(VI) "Would you recommend that the United States Government place the government there entirely in the hands of the natives or only partially?"

If it were given to me to recommend, I would say that the government should be placed only partially in the hands of the Filipinos now, entirely, unless in isolated instances by the express desire of the Filipinos themselves, in the near future. The changes in the judiciary will work out gradually as Americans resign. The next step in the legislative department should be the creation of a Philippine senate. The legislature, composed of the assembly and the senate, should then be given jurisdiction over all of the Philippine Islands, unless it be the Moro Province, as to which I express no opinion. The Governor General should then be given the veto power with an appeal from his veto by a two-thirds vote of each house, to the President of the United States. Administratively, the Governor General can, in pursuance of his present policy, Filipinize that division of the government.

(VII) "In what pursuits and occupations do the Filipinos excel?"

First, in law, preeminently. There are as great lawyers among the Filipinos as will be found anywhere. Chief Justice Arellano, Secretary of Finance and Justice Mapa, Attorney General Villamor, Justice Torres, Judge Araullo; Messrs. del Pan and Ortigas, of the code committee; Mr. Agoncillo, president of the bar association; ex-Secretary Araneta; and a long list of others will bear comparison with the bar and judiciary of any country. In medicine also there being not only a number of older Filipino physicians, such as Dr. Calderon, Dr. Singian, and Dr. Bautista, but other skillful ones among the younger generation. In business, there being among the merchants of the islands MANUEL EARNSHAW, the Resident Commissioner; Teodoro R. Yangco, the great Filipino philanthropist; the Fernandez brothers; Mr. Mauro Prieto; and others. In literature, science and art, Dr. Pardo de Tavera; Luna and Hidalgo, now deceased; not to mention the great Filipino patriot, Dr. José Rizal. There are, further, capable pharmacists, artisans, and farmers.

(VIII) "What influence will the generation now growing to manhood and womanhood exert on the civilization of the entire people?"

While I do not underestimate the inherent capability of the Filipinos and the influence of Spain on their civilization, possibly I am an extremist and enthusiast in emphasizing the national good which the American Nation has accomplished in its work with the Filipino youth. Although in some instances it must be conceded the American Government has tried to force a western civilization on an eastern people, and in other instances it may not have taken into account the prejudices and desires of the people of the islands, it has, nevertheless, given a chance for education to the lower and middle classes formerly debarred from such opportunities. It has trained students in democratic ideals, in practical pursuits, and in the elements of good government. It has elevated the Filipino women, opening to them useful pursuits, such as nursing, teaching, stenography, and household industries. It has, moreover, conducted this training in the English language, for, whatever may now be the viewpoint, it must eventually be conceded that it was well to ingraft a common method of communication which happens to be the great commercial language of the world. There are, of course, small jealousies on the part of some of the older people or on the part of some of the "ilustrado" class trained in the private schools according to Spanish methods, and, on the other hand, small jealousies on the part of some of the students trained in the public schools. In the main, and leaving these minor matters out of consideration, the influence of the generation now passing into manhood and womanhood, or which within the next 50 years will do so, will be found to be so extensive and so diverse as to be the leading factor in a progress which will give the Filipinos the same standing as Japan without a monarchial form of government.

(IX) "How could the functions of government be more economically administered?"

The Philippines have had from the beginning of American administration a most scientific system of government. If this system had any defect, it was in being too elaborate and top-heavy. The present administration is remedying these defects by making the government more simple and elastic. It is also cutting out unnecessary positions and Filipinizing the service wherever possible. I think this point can well be left to the best judgment of the present Governor General.

(X) "The main question is: Are the Filipinos ready for independence; and if not, how soon will they be likely to be ready? I am satisfied that the people of this country are looking forward to the time when the Filipinos will be free; but is it to be to-morrow, next year, or many years hence?"

As you state, this is the main question. It is a question on which no two persons can hardly agree. It would appear foolish, therefore, for me to rush in where so many have trod before. I offer my suggestions with some diffidence.

I do not believe any of your possibilities fit the case. The Filipinos should not be made free to-morrow; they should not be made free next year; they should not be made to wait many years. I consider there is a safe medium between "next year" and "many years hence."

The conclusion on such a point should be reached from a nonpartisan standpoint. It is not and should not be a matter for political controversy. It is a subject which should rise above Republican, Democratic, or Progressive platforms. It should be decided from the high altitude of what is best for the Filipino people and what is best for the American people. It should be the considerate dealing of a great and powerful nation with another nation less fortunate.

I say that the Filipinos should not be made free to-morrow or next year. They lack, and it is no reflection on them as a people, many of the characteristics and safeguards which are needed for a free and independent country.

I say also that it is not necessary to wait many years or many generations. One point which many Americans miss, either voluntarily or through lack of investigation, is that the Filipinos have had these aspirations and training not simply since American occupation, but through hundreds of years previous thereto. There was developed in the islands a civilization of their own. The church and the kingdom of Spain added to this from time to time. I fail to see how, if the Filipinos can not be made independent within a respectable period, they would be in any better position if they await the coming of generations yet unborn.

I would therefore think it only fair both to the United States and the Philippines that a resolution be adopted by Congress formally asserting the intention of the United States to make the Philippines free and independent on a given date, say in 1925. In the meantime, by administrative action, the Filipinos can be prepared for this event. In the meantime, also, and up to that specific date the sovereignty of the United States is supreme. Thereafter the United States would have no further obligations, moral or otherwise, and would have withdrawn itself from a dangerous position in the politics of the Orient. The United States should only have retained in the islands the island of Corregidor, on which it has expended so large an amount of money, and the necessary coaling station for its fleet.

GEORGE A. MALCOLM,
Dean, College of Law.

I will say that this letter was written before the last bill which has been reported here, which provides for a Philippine senate, was passed by the Senate of the United States.

Mr. CHIPERFIELD. Will the gentleman kindly tell us from whom he is quoting?

Mr. HELVERING. Mr. George A. Malcolm, dean of the law school of the Philippine Islands.

Mr. YOUNG of North Dakota. What is the date of the letter?

Mr. HELVERING. It was written when the Jones bill was up for consideration in the previous Congress, November 20, 1913. For the information of the House I will say that Mr. Malcolm has been in the Philippines for nine years. He has been Assistant Attorney General in the office of the Attorney General, and is now, as I stated, the dean of the law school of the islands; and I submit his letter, not in support of the Clarke amendment to the present bill, but in support of the general proposition that we should at this time give some definite assurance of ultimate independence to the Philippine Islands. [Applause.]

Mr. TOWNER. I yield 30 minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman and gentlemen, when we were trying to reach an agreement at 11 o'clock, under my right to reserve a point of order I wanted to suggest that we confine our discussion to the one point in dispute, the amendment that gives the Filipinos independence, and thus reduce the time so that we might reach a vote to-day. I did it because of what I knew would take place—that if general debate was the order, the House would empty and the speeches be delivered largely to vacant seats. I do not think that to discuss an issue involving such a change of policy as this amendment involves—in the House of Representatives, of 435 Members—and to discuss it with the House largely empty is very creditable either to those who speak or to the House itself. It does not speak very well for our interest in great public questions. That is the reason I wanted that suggestion made.

I have no pride in my opinion, and I am not here to criticize unduly any leader or any political party for this proposed legislation; but it does seem to me that it involves enough so that the membership of this House should be here when it is discussed.

I made a somewhat careful examination of the issues involved in this issue of independence; but, under leave to extend, I propose to insert that statement, cut loose here, and speak my mind as it is now stirred by the speeches made by the friends of this Senate policy.

Eighteen years ago the American flag went up in the Orient, figuratively speaking, for it was then that Dewey went through that dangerous channel into Manila Bay, when the command "Keep cool and steam ahead" became famous.

It is now to be determined to-day by the vote of this House whether we will haul down the American flag 18 years after it went up. It seems to me that the scuttle policy involved in that proposition ought at least to enlist the attention—if it does not of the American people, as I know it will—of every Member responsible for his vote to-day.

I have listened to this debate. I have analyzed the objections to a further continuance of the United States in those islands. I have listened to the argument that we should now get out. I notice that certain gentlemen put it upon the basis of fear. Fear, my fellow countrymen, in a time of crisis, when the honor of the Nation is involved, was never spoken of the American soul, and it is too late to do it now. [Applause.] They say that the Philippine situation is a military weakness, and therefore we should turn tail, recognize our inability, dishonor our past history, haul down our flag, and take to the woods. That does not appeal to me, and I feel sure it will not appeal to the American people. [Applause.]

Another line of argument is that it is based upon economy; that it has been costing too much. And in estimating the cost we have heard counted the cost of the establishment of the Army there. My fellow countrymen, should we to-day cut loose from the Philippines, we will not disorganize the Army. We will still keep somewhere in the world that establishment that is expensive to us. And that argument has no meaning to me, because the economy of it will be disrespected as soon as we take the vote, no matter how the vote goes. The fact is the islands can and will become self-supporting in time. They now support the constabulary while we support the Army, Navy, and harbors.

I have heard upon this floor that it is our duty to the Filipinos as well as to ourselves. There I differ from the author of those utterances. I do not believe that it is our duty, after inaugurating in the greatest laboratory for civilization that the world has ever known the work of training and disciplining people for self-government, and then right at the beginning of the promise of future ability to govern themselves, to scuttle the ship and run away, allow them to revert to the original type, which is absolutely sure to happen when we leave them. [Applause on the Republican side.] In the language of Abraham Lincoln in 1858, could we tell where we are and whither we are drifting we could better tell what to do and how to do it. In this discussion it is pertinent to ask the question "Where are we?" For 18 years we have been in the Philippine Islands.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. FESS. I think I will have to yield to my friend.

Mr. BORLAND. The gentleman has made three very forcible points. I wanted to ask him whether he was willing to recognize the logic of his position and say that the time would never come when we would agree to withdraw from the Philippines?

Mr. FESS. I would not take that position. I have voted and I will continue to vote to pursue the policy inaugurated by President McKinley and followed by Roosevelt and Taft. [Applause on the Republican side.] If you will keep out of your bill the mischievous promise in your preamble, which would mean nothing simply because it might mean anything, and of course the Clarke amendment of this Senate bill, which is a complete abandonment of our duty, I will vote for your bill. I have not taken the position that the United States shall never consult the time for withdrawal, but I am opposed to making any promise that future events may compel us to break; for you can not tell what is in the future, and no wise policy would commit you to some proposition that you might not be able to follow. You can not give self-government; it is not a gift; all we can do is to give opportunity to develop self-government. The Philippines are not ours by choice. We are not there by choice. We are there by the result of war the results of which we could not control. And now, when we get out, we must get out only when we are convinced that our duty to these people is fully performed, and not in the beginning of the performance of that duty that can not be effectively performed before conditions are attained that will make self-government possible. To do so would be a willing abandonment of a work the wonder of the Orient, to permit it to lapse back to former conditions. This will be a repudiation of an honor as well as duty that will invite the condemnation of the world and compel an admission on our own part of a miserable, craven spirit of cowardice.

Mr. JONES. Will the gentleman yield?

Mr. FESS. I will yield to the chairman.

Mr. JONES. Did the gentleman not sign the minority report?

Mr. FESS. I did.

Mr. JONES. Does not the minority report say that you gentlemen would be willing to accept the House bill, preamble and all?

Mr. FESS. Preferentially, as between two evils, I will accept the lesser, of course, and so would other people. Eighteen years ago we started upon the solution of a problem that came to us not from our wish. That problem was to inaugurate a system of government of the best that we could do in the far Orient among a people unused to the modern spirit of enterprise. Some people said, "Get out and let them go to shift for themselves." Others said, "Convey them to another country." Having destroyed one government me must substitute another. Consequently still others said, "Let us stay and do the work for the Filipino, with no special regard to the selfish view of our own interests, and when we have put them in position to become what we hope some day they will be, a country of themselves, then we will let them pass, if such would seem to be the wise policy of mutual benefit to all concerned, but not until that time." That time must be determined by this Government, and not by Filipino agitators.

Now, you propose to do it in 18 years. A nation can not be built by the calendar. Nation building is not the result of a coming and going of the seasons. Nation building is the result of generations of careful preparatory education which must begin with the childhood of the nation and end with the full stature of its manhood. When the child that is in the primary grade of the school to-day in the Philippines becomes a man of 25 of 30 under American discipline and such training of the people that we will continue to require by that time, I doubt not we will be able to set a day to let them go. But you can not do it in a year or in a score of years; it is a thing to be done in generations.

Now, I waive aside all of the considerations mentioned except the one for the Filipino. I say nothing about the very important items of a commercial or material character involved in this bill. Others have done and will do that. I am not going to spend a moment upon the Philippines in reference to ourselves, but only as to our duty to these people, and what we have done.

Will you hear me and believe that there is a thousand times more in formation of character than in reformation? We begin with the child, believing that if you want to clean up a boy you do not begin with his body but with his mind. If you want to better the next generation, you begin on the minds of the children of this generation. That, in McKinley's mind, was fundamental. The first thing he did was to call the country's experts and to inaugurate a system of education, and among some of the men he sent there were some of my own personal friends. Here is a letter from one of the brainiest and best-informed men in America, the present president of Colgate University, a former head of the education department in the Philippines, and well versed on the subject. I wrote him, and said, "Give me your honest opinion." Here is what he said:

HAMILTON, N. Y., *April 24, 1916.*

Hon. S. D. FESS,
Washington, D. C.

DEAR SIR: It would be a mistaken policy for the United States to give independence to the Philippines within a quarter of a century.

First. It would be an injustice to the Filipinos themselves. They need and deserve the tutoring and the defense which the United States has started so well.

Second. It would be an injustice to the United States, because (a) in our present standing internationally to give up the Philippines would add decidedly to the feeling already held by many nations that we are hopelessly weak and vacillating in our policies; (b) to give up the Philippines at this time would mean that the money and lives that have been spent in this service would have been spent in vain.

Third. It would be a mistake from the standpoint of the larger civilization. I am told by a recent careful observer that the American school system in the Philippines, and the American ideas and ideals as exemplified there, are becoming very rapidly the standards for the entire Orient, especially China.

Sincerely,

E. B. BRYAN,
Sometime Commissioner of Education in the Philippine Islands.

Another capable gentleman, now a member of the faculty of the Miami University, in Ohio, wrote me as follows:

DAYTON, OHIO, *April 25, 1916.*

MY DEAR DR. FESS: Your favor of the 21st has just reached me, and I hasten to write you a few words on the Philippine question, for I, too, am opposed to trying to give the Filipinos their independence. I use the word "trying" advisedly and with a purpose, for no matter how much we might desire to give the Filipinos independence at this time, it would be an impossibility. If we cut loose from over there we will be turning the government over to the half-cast caciques, the "shoe hombres," who will only impose upon the 90 per cent of ignorant Filipinos. It is easy enough for men like QUEZON to make smooth speeches here in America about the way they will conduct the government for the good of all if they are only given an opportunity, but everyone who knows the islands intimately knows just what treatment the Filipino tao (common man) will receive at their hands. By all that is good and right and just, I beg of you and your coworkers to save the Filipinos from this untimely fate.

I was in the islands from July, 1909, to October, 1913, as one of the 35 or 36 division superintendents of schools. I was a graduate of Indiana University before going out there, and had during my college course taken more than an average interest in the Philippine question. I was firmly convinced that it was wrong to hold them in subjection, and had often warmly supported that side of the question in debate. But four years, three of which were spent in Samar and on Panay among the real Filipinos and away from the political storm center at Manila, then one year in Manila seeing that side of their life, fully convinced me of my error and showed me just how foolish I had been in my former position.

The Filipinos have made splendid progress under the control and guidance of their strong foster father. Instead of 40 to 60 meager dialects and so many isolated, warring tribes, they have been given one good language, with a literature that is unexcelled. They have been "scrambled" and brought to know each other, and this has led to respect. Only a few days ago I clipped an item from a Manila paper by a Moro boy who had been educated in Silliman Institute up in Negros. He said he had become acquainted with the Filipinos in the school and he was inviting them to come to Mindanao and take up claims in the rich lands down there. The full significance of this only dawns upon you when you recall all those troublesome years of Spanish rule, when the Moros were forever out among the islands on their pirate expeditions, pouncing down upon a town, killing the men, carrying away the women, rice, cattle, etc. Also, you remember that the Moros served notice on Gov. Forbes, Secretary Dickinson, and others that they will never submit to Filipino rule. But a few generations of American schools and they will be mixed up with all tribes, intermarriage will have taken place, they will have a common language, and race prejudices will be forgotten.

Another thing: There is a stable government now in the islands, and every Filipino knows that if he grows rice, sugar cane, hemp, or some other crop, or if he has horses, caraboo or cattle, they will not be taken away from him without his consent. A Filipino one time called my attention to an item in a Manila paper in regard to the unsettled conditions then prevailing in Cuba, particularly to the fact that wandering bands of ladrones had destroyed crops and carried away live stock. Then he remarked, "I am very glad for the Stars and Stripes here, only I don't dare to say so out loud." I then asked him how many of the Filipinos felt as he did and he told me at least 90 to 95 per cent of them.

Another thing: The Filipinos are for the most part just children. They are doing splendidly under the guiding hand of Uncle Sam, and are some day going to be grown up, if we give them a chance. It is up to us. They may occasionally need the strong hand—most children do—and the sooner we come to recognize this the better off both will be. I could give you incidents by the score to show you what I mean by saying they are just children. I will bother you with but one: One evening, while living in San Jose, word was received that a merchant vessel had gone down on the west coast of Panay early that morning and that the masts were still visible. My sister and I got our ponies and rode up along the coast to take a look. The ship had run head-in into a small, rocky island off the shore. The only explanation given for the accident by those who escaped was that the steering gear had got out of order and they could not control the ship. But the Americans present, and the Filipino provincial treasurer, too, who was a very intelligent Chinese-Italian-Filipino, knew what had happened—the crew had gone to sleep.

Not long after this I was returning from a division superintendents' convention in Manila and had to change steamers at Iloilo for San Jose. The steamer on which I embarked from Iloilo was manned entirely by Filipinos of at least average, or possibly above the average, in intelligence on the part of the captain, chief engineer, first officer, and others of the crew.

We left Iloilo at 10 p. m. and were due around at San Jose at 5 a. m. the next day. I slept on a bench on the upper deck that night, for one never knew what might happen. About daylight the next morning I awoke and found everyone aboard asleep and the boat drifting 25 miles out of its course without a wheel turning. The fire was out in the boiler and the only indication of life anywhere on the boat was that manifest among the fighting cocks, which were beginning to awake and crow.

I aroused the chief engineer and told him to get up steam, then called the captain and helped him get up a big sail so we might steer away from the rocks which were near. We reached port 10 or 12 hours later.

The only explanation the captain and other officers had to offer for going to sleep was that they were sleepy. And I suppose that is excuse enough for children. But until the time comes when they can feel a greater responsibility than they do now it will be sheer folly to try to turn the government over to them.

There are almost no Filipino business men; they have not a score of men who could lead if they were given a place among the nations of the world; their whole government revenue for a year, if I am correctly informed, would not pay for one modern warship; and the fact that the Filipinos now are as independent as the citizens of Ohio, these and further facts indicate very clearly that the United States ought to continue the same policies which were in effect until October 7, 1913, when Francis Burton Harrison landed there.

If the above is anything like what you wanted I am glad for this opportunity to say a word in behalf of the 90 to 95 per cent of Filipinos among whom I lived and worked for four years and who treated me with the greatest kindness and consideration during the entire time.

Use any of this you choose. If convenient I would be glad to have copies of the CONGRESSIONAL RECORD containing the speeches made on the Philippine Islands question, both in the House and Senate.

Yours, very truly,

GEORGE E. CARROTHERS, *Oxford, Ohio.*

Hon. S. D. FESS,
House of Representatives United States.

If we will but continue this system of education where these 500,000 children now in the schools are studying the English language and continue the policy for a generation or two, the people who now speak the English language will be greatly multiplied, and the English language will in due time become the universal language in the islands. [Applause.] And with this as the universal language, we will develop a national spirit in the islands. Without a universal communication the national spirit is impossible. This is the greatest problem that confronts us.

Now the question is, If we take away these requirements, what will these people do? Their unrest, their fretfulness now under the present régime but indicates that they would take the first opportunity to revert back to the dialects of their own people and their own habits. This is self-evident. It must be the work of generations, not of years.

The child in the ash heap loves the ash heap for years after you take it into the new environment and will continue to love it until through education you change his ideas and his ideals. It will get back. When the Dutch people who first came here, among them the father and mother of one of the most famous men that ever sang in America, lived on the outskirts of this Capital City, that mother fretted for months and years for a place back home where she could wear the wooden shoes, dress in the simple garments, and live in the simple way. Our conditions were not indigenous to her country and she could not accept them. There is no truth more apparent in the law of biology than that of Herbert Spencer, that when original types develop, evolving a new type under new conditions, it will revert to the old type as soon as you remove the environment under which the new type was developed. That is not only true in biology, it is true in every form of life, and is especially true in nation building. Are we ready to say that our presence in the islands and our work in the schools are nationally unjustified and to be condemned and that we will withdraw now and let it all be lost? If you keep those directions for another generation then it will continue, I think, to be the law of the islands.

That is not all. Out of this system of education has come the most marvelous campaign for sanitation that is known to man. The results of sanitation expressed in outward form is the hospital system of Manila and the marine work, especially in Manila and other places in the islands. The immediate results of science under this direction is to eliminate all smallpox, all bubonic plague, and all cholera. No greater work was ever done than that in Habana by Col. Gorgas, equaled only by that done in the Panama Zone by the same distinguished surgeon, unless it has been done in Manila and throughout the islands. Are you going to lose by leaving too soon the fruits of that

remarkable achievement? Not only do you have it in sanitation but you have it in industrial education all through the islands, better industries under vocational training, better methods of dressing, clothing—the clothing of primitive life giving way to the modern methods.

If these things are wrong, then civilization is wrong. Men say to me, "You have no right to fasten upon the Filipinos our ideas." Then, if that be true, you have no right to interfere with slavery there; you have no right to interfere with peonage there; you have no right to interfere with polygamy there; you have no right to interfere with any of the things that have grown up under 300 years of domination by one of the countries of Europe. I say that we have a right, not because it helps us, but because we are developing the finest flower of civilization yet to be under our dominance yonder in the Orient that the oriental life knows. [Applause on the Republican side.] I was present at some of the hearings, and I have studied them carefully. The information is here. Not a man is recorded in these hearings who spoke for independence within the next two years—not one. They spoke for the preamble, a thing that I think is unwise; but, my God, the preamble does not hold a candle in its vicious criminalities to this Clarke amendment, for it is entirely different. The Clarke amendment is scuttle, and do it quickly. It is craven; it is cowardly; it is dishonorable; it is discreditable; it is shameful at this hour. [Applause on the Republican side.]

We have a suggestion of how the Filipinos regard modern methods in the building of the schoolhouses. It was objected to—or was, at least, in the hearings—and when it was asked why, they said, because they are too good; they are made of concrete. They wanted to go back to the ancient, primitive bamboo shack. There was too much expense connected with the building of the schoolhouse that would withstand the typhoons and the erosion of nature and stand forever; and that suggestion of opposition to the present régime indicates what they will do when restraints are removed. Back they will go to the ash heap—to the primitive life. We have built roads there, and the roads are objected to because they are too good. They say they are too expensive. In other words, they say they prefer to hold to the trail that perambulates from place to place; they want to take their time and not be hurried over a road that is built for all time.

The Chinaman originally objected to the first street cars that were built in China, and they literally upset the cars and said the reason was that they landed you at your destination too soon; that you did not have time to rest on the way. I am not giving you fiction; I am giving you what occurred in China, and to-day, under the American régime, in which the highest type of altruism ever displayed in the world is seen, and under the keenest and most discriminating leadership in nation building the world has ever known, these people are becoming modern, under a discipline that produces fretfulness, and when restraints are removed original customs will be resumed. Modern schoolhouses are being provided for them; they are becoming modern in education, modern in sanitation, modern in sewage, modern in pure water, modern in railroads, modern in roads, modern in the post office and in the postal savings banks and in telephones and telegraphs. As early as in 1907 more than 90 places were connected with Manila by telephone and telegraph. We are modernizing these people at an expense that they fret under a little, but which we believe pays, because it is not wholly for their convenience, but is for the next generation; and this fretfulness suggests to me what will take place when we remove the restraints of the American Government. The result is inevitable and is at once an act of enormity.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. FESS. For a question.

Mr. BARKLEY. Is it not true that many American communities might be found where if some foreign power came in and undertook to improve according to their methods and make the American native pay for it there would be resentment and restlessness?

Mr. FESS. Oh, yes; there are a good many things in our country that we ought not to have here and which we would like to improve.

Mr. BARKLEY. Is that any argument why we ought not to have the right to govern ourselves?

Mr. FESS. It is an argument, yes, because there are certain things existent that you believe we ought to remove. I know the gentleman does, because I know his standards, and the gentleman would not say that because it is a habit of theirs that has grown up in 300 years of a certain form of government that we should not change the habit, even though they do not want it changed.

Mr. BARKLEY. That is an argument against the gentleman's position, that no nation in the world can superimpose its standard of civilization on any other people in an entirely different climate and of an entirely different race.

Mr. FESS. The standard of civilization would be in regard to the form of government, the customs of the people, and so on. We have a right to see that no form of government that is for and by the few as against the many can exist under our rule. I would not say that we should superimpose any form of religion or anything of that kind any more than would the gentleman. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GARRETT. Mr. Chairman, on behalf of the gentleman from Virginia [Mr. JONES] I yield seven minutes to the gentleman from Missouri, Judge DICKINSON.

Mr. DICKINSON. Mr. Chairman, 18 years ago the American flag went up in Manila. Eighteen years ago the American flag went up in Cuba, and came down, according to American promise. The Filipino people look to this country to perform its promise made to them that independence should be given them, as it was given to Cuba. Four times in the Democratic platforms in national convention the party to which I belong has pledged itself to give independence to these people, and these people, nearly 10,000,000 in population, look to-day for the fulfillment of that pledge. The Clarke amendment is complained of, which promises independence in four years, and yet in the Senate every Democrat voting on the passage of the bill finally voted for the Clarke amendment in the bill as it came from the Senate to the House, together with a number of Republican Senators—such is the record in the Senate on this bill. It is true some Senators of both parties failed to vote, and such is the record on the passage of every bill. This bill passed the Senate by a vote of more than two to one.

It comes here to-day with the Clarke amendment in it, and the Filipino people ask to-day for the fulfillment of that promise, and have indorsed this bill in its present shape, with the Clarke amendment in it.

On April 20, 1898, the Congress of the United States, by joint resolution, declared—

> That the people of the island of Cuba are, and of right ought to be, free and independent—

And further resolved—

> That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

Mark the language of the resolution relating to Cuba—occupation of Cuba merely for the purpose of pacification thereof. Our Republic has been opposed to a colonization policy. You would merely pacify Cuba. You would own and dominate and govern for all time the Philippine Islands, an alien people far remote, more numerous, and more intelligent and far more capable of self-government than the Cubans are.

If selfish business interests were not urging continued and permanent control of the Philippine Islands this bill would pass beyond any question. I will not impugn the motives of any Member here in this House. I know that many of you believe that we should extend our business relations everywhere. I believe in friendly commerce with all people, but I do not believe, with our ideals before us, that we should exploit any nation to the detriment of its people. Continue our control and refuse now to fix the date for independence for these people, and business reasons will grow stronger and stronger until, if they can have their way, those islands and lands will be exploited, and all that is worth anything in those islands will be in the possession and under the control of a foreign people. The aspirations and hopes of those people are the same kind of aspirations and hopes and love for freedom and desire for liberty and for independence that has been the heart throb and in the breast of every people since time began. It was in the breast of a majority of the people in the days of Greece when she was in the ascendency, and when in my youth I read Grecian history, my heart went out to those who begged for equality of opportunity, the same kind of equality of opportunity that you pleaded so strongly for years and was extended to the black people in this country.

I believe that even Mexico long ago would have been a splendid Republic and her people would have had a liberal government had it not been for the domination of foreign power in the past and the control by special interests and of the huge concessions to the few as against the wishes and prosperity of the many. [Applause.] The same heart throbs that have been in the breasts of the Irish people for four centuries against the

domination by England are in the hearts of the Filipino people, who have the same natural desire for liberty and independence and who had been oppressed for four centuries by the cruel rule of Spain. [Applause.]

The Filipinos are not ours to own; their lands are not our possessions for permanent control. Those islands belong to them. The Philippine Islands are entitled to be independent of foreign control, the Filipino people to their freedom from foreign domination.

Nation building comes not from oppression nor by foreign control. Japan has grown great and strong without foreign domination. Let the Filipinos have the same opportunity to rise to high estate, unfettered by repressive influences from abroad. Let us keep our promises so often made by official and public utterances to grant to this people their independence when a stable government was established, now not denied. Why not fix a time for performance on our part? Let us not longer subject ourselves to the criticism of want of good faith in further postponing compliance with our plighted word.

You of the opposition party of all men should not stand in the way of freedom for this people. Freedom for the black race in this country gave birth to your party, and you rose to power and control of this Government by crying aloud against slavery of the black race. I will not unduly attack your motives now. But separate yourselves entirely from selfish interests and those who would exploit those lands and people for selfish purposes and quickly the faith of this Nation will be kept.

The Filipinos are a brave, courageous people, and make good soldiers. Gen. "Chinese" Gordon, as he was called, said of the Philippine troops who formed part of his forces in the Chinese war:

> They are a fine, sturdy body of fellows, faithful and long-suffering, bearing hardships without murmurs; plucky, and never losing heart in defeat, and considerably superior to the Japanese.

It is said that the Philippines are at present the richest undeveloped region in the world. Greedy commercialism seeks to exploit these islands and rob these people of their own blessed heritage. They have earned what they fought for in their struggle for independence.

The large majority of the American people desire that which the Filipinos hope and pray for and demand as their right. Keep the promise made. Will the Republican Party cease to proclaim that it is the champion of human rights and of equal opportunity for all men and people in its desire now to do the bidding of selfish greed, so that a few exploiters may reap great profits at the expense of a people appealing for independence and at the expense of the American people? It has been oft said in this debate that already there has been expended more than $700,000,000 in our control of these islands.

Senator Hoar, of Massachusetts, one of the ablest Senators that ever sat in that great body, an eminent Republican, who opposed the acquisition of the Philippine Islands bitterly and vigorously, declared more than 10 years ago that the United States had expended up to that time the enormous sum of $600,000,000, and we have kept constantly on the islands a standing army of United States soldiers at great expense to our country. Shall this expense continue forever, and shall the hope of these people for independence be destroyed in order that the greed of commercial interests may indefinitely exploit those islands, or shall we fix an early and definite date for their independence, as provided in the Clarke amendment, so earnestly desired by those people?

Does the Republican minority here, representing a great party, that has always claimed to be especial champions of liberty for all people and all classes, and came into power by reason of its advocacy of freedom for the slaves of the South—will it lend its efforts now to defeat this resolution at the instance of special interests, who want to defeat independence for selfish reasons? How any Democrat can join the Republican minority in this effort is passing strange. For the time being he violates the most sacred principles of Democracy, which believes that no people, however enlightened, are good enough to govern another people without their consent.

You say this is mere sentiment and should be set aside for business reasons. In reply I will say that sentiment based upon common honesty between men and nations should rule the world, as against that kind of greed for power and conquest that involves the world in war and misery.

What becomes of our famous Monroe doctrine, whereby we seek to prevent the acquisition of additional territory on this continent by foreign nations, and yet we seek to retain possessions in the far-away Orient, in another hemisphere, against the protest of those people.

I have hoped this resolution would pass as it came from the Senate, and thus evidence to the world that love of liberty and justice was stronger with us than selfish greed, and that the exploitation of a helpless people by force would not be laid at our door by other nations, who are controlled by the doctrine of force and the hunger for other possessions.

The people of this country will draw the distinction sharply between the Democratic Party, standing for human rights everywhere, as against any party controlled by special interests; between the party that openly declares with honest purpose its intention to keep its plighted faith and promise for independence of these people as against the party that seeks to postpone indefinitely, for so-called business reasons, the time when the ambitions of these people may be realized, under the claim that the Filipinos are not yet capable of self-government.

If we should hold on to these lands, what a mistake we made when we failed to acquire permanently the island of Cuba, so near to our shores and so close to the Panama Canal, which we must and will protect. Much more logical to have sought permanent domination over Cuba, title to which we could have acquired and held, with better purpose than to have purchased from Spain title to her possessions in the Philippines for $20,000,000, which she owed Cuba and could not pay and which we assumed and paid in exchange for a title in the Philippines, which she could no longer defend.

The Filipinos had about won their fight against Spain. It was assured when Admiral Dewey sailed into Manila Bay and destroyed the Spanish fleet. It was the end of Spanish power in those islands. The Filipinos would soon have acquired that title by force of arms in their fight for freedom and independence against Spanish thralldom that had lasted for centuries. The twenty millions paid by the United States for Spain's title to her possessions in those islands was a mere gratuity to Spain, and we have taken the place of Spain and continue to our detriment to hold those islands and people as our possessions on the idea that they are not capable of self-government, when all high authorities familiar with both people admit they are far more intelligent and capable than the Cubans are.

What the American people desire, what the Filipinos by one voice ask for, what Francis Burton Harrison, Governor General of the Philippines, and President Woodrow Wilson both urge, should be done. What has been done by the American Senate by a vote of more than two to one should be done now by this House.

Far better take all the West Indies and round off our territory, as advocated by Thomas Jefferson; far better take Mexico and Central America, lying adjacent and south of us, and extend our dominion to the Panama Canal for the benefit of stable government in those countries and for business and other reasons, than to exploit under claims of right the Philippine Islands, in the far-away Orient, 8,000 miles away from our shores. We have more business interests in nearby Mexico, crying out for protection, than in the Philippines, and we are not seeking to extend our dominion over the countries south of us.

Let us be consistent. Let us be honest in purpose and keep faith with the American doctrine against the holding of colonies by this Republic. We have not held to the idea of acquiring additional territory without the ultimate purpose of granting statehood to the people thereof. Nobody expects or desires that the Philippine Islands shall ever become States of this Republic. Let us stay with our ideals. Let foreign nations hold to their ancient views of colonial possessions. They will break down in time and lose their colonies, as imperial governments in all the past have done. Such was the history of Greece and Rome. Such was the history of Spain. Lift the veil of the future, and such will be the fate of Great Britain and of Germany or any other imperial government that seeks to perpetuate its life by the domination of foreign lands and alien people. Let us not follow in the paths of those imperial governments, that in their eager desire to extend their power over foreign lands have destroyed not only the liberty of alien people but have brought ultimate injury and permanent loss to their own country. Let us not by any act of ours withhold independence from any friendly and foreign people on earth.

Let not human liberty and the spirit of independence be crushed or destroyed by the acts of this, the greatest of all Republics, but let the beacon light of a liberty-loving people blaze out so it can be seen as a living example to all the world, so that the people of every clime and country may look with admiration upon and behold with glad eyes the Republic of the United States standing as a strong man, with honest purpose, battling for the right and for justice and for liberty and for independence and the right of each distinct people to control their own affairs and to govern themselves. Stand for this high purpose and the Statue of Liberty, erected at the entrance to New York Harbor, crowned with a beacon light of liberty and bidding all to look and come to a country loving and standing

for freedom and independence. Stand for these things and that great statue, with its beacon light of liberty enlightening the world, will not have been raised in vain.

Mr. GARRETT. Mr. Chairman, I yield to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Chairman and gentlemen of the committee, the campaign that will be conducted this fall is going to be quite different from that of any campaign conducted in recent years. The American people are going to hold their public servants to strict account, and they are going to inquire just what their position is and has been upon issues that vitally affect the well-being of this Republic. They are going to want to know have you voted to remove dangers that threaten international complications and war, or have you voted for policies that sow dragon's teeth in the path of the Republic. To-day you have the opportunity to render signal service to this Nation. Are you for America and her highest and best interest or are you on the side of Shylock and his Philippine bonds? Choose ye this day whom you will serve. [Applause.] The Philippine Islands is our danger point. It hangs like a millstone about the neck of the Nation, and it means trouble and war some day for our people.

Whenever we think of a future foreign war in which we might be engaged we think of the Philippine Islands, and we say if we ever have war with any foreign power it will be caused by our occupancy of the Philippine Islands. It was a mistake to take the Philippine Islands in the first place, and now, since we realize that, our holding on to something that we ought not to have is a menace and a danger to our peace and happiness, it is right and the part of wisdom to do as we did in Cuba, give freedom to the Filipinos and withdraw from the field of conquest and imperialism. [Applause.] Do you believe that the patriots of America want you to vote against fixing a time when we can be rid of the dangers that threaten us on account of the Philippine Islands, 8,000 miles away? In spite of the fact that the Filipino 18 years ago was as well qualified for self-government as the Cuban, we have expended over there $900,000,000. That is money enough to build a wide road, a boulevard, across the Republic from east to west and another from the northern boundary line to the southern, and pay for our river and harbor appropriations for this Congress, and pay for carrying out our preparedness program for both the Army and the Navy, and then have money left. [Applause.] Every intelligent man admits that our occupancy of the Philippine Islands is the thing that invites attack and that it is the thing that annoys and worries our people, who are not willing to spend American money and sacrifice American lives to hold something that we do not need and should not have. But gentlemen on that side talk about not taking down the flag when once we have planted it on foreign soil. God grant that we may never lack for courage and patriotism to take it down if it be the righteous and honorable thing to do. [Applause.] No right-thinking, patriotic American is willing to commit us to the unpatriotic and un-American policy of remaining in the Philippine Islands when to do so may involve us in a foreign war at any time. Our occupancy of the islands is a source of annoyance and embarrassment to the President now. These are critical times. We are told that if we should be drawn into war with any foreign power that Japan would engage us in an effort to take the Philippine Islands; that Japan says, "the Filipino is a yellow race, as we are, and the Philippines is a tropical country, the home of the dark and the yellow race," and we know that climatic conditions are such that the white man can not live there any great length of time and retain his health. Diseases common to that country and climate have carried hundreds of our soldiers into insane asylums and to untimely graves. The great God of Nature and of the eternal fitness of things is showing us by these unmistakable signs that the Philippines is not a white man's country.

Mr. Chairman, what an opportunity is ours to-day. When the armies of kings and emperors are fighting to the death in the Old World, here is an opportunity for the head servant in the household of nations in the New World to remove the only danger that threatens her peace, prosperity, and happiness, and at the same time give freedom to the Filipino and bring into existence the Philippine republic. [Applause.] The percentage of illiteracy in the Philippine Islands is less than that of the Republic of Chile; less than that of Brazil. The chief justice of the Supreme Court of the Philippine Islands is a Filipino, and hundreds of Filipinos who hold office in the Philippine Islands got their places through the civil service. There are 500,000 Filipino children in the schools, and yet you talk about the people there not being capable of self-government. I am in favor of giving them their freedom, of coming out of the Philippine Islands and staying out. The immortal founders of this Government never intended that it should be so perverted from the ends of its institution as to fasten it on to a policy that would jeopardize its best interest and endanger the Republic. [Applause.] We can not defend the Monroe doctrine and say to foreign countries, "You shall not acquire territory and set up your authority on this continent" and at the same time go 8,000 miles into the Pacific Ocean, acquire territory, and set up American authority in the Philippine Islands.

Mr. Chairman, we have come to the parting of the ways. We must decide whether we will give the Filipinos their independence and withdraw from the islands and stand by the Monroe doctrine and keep foreign powers out of territory on this continent or abandon the Monroe doctrine and by doing so tear down the mightiest bulwark of our liberties, and for the privilege of acquiring and holding territory abroad barter to foreign powers the privilege of acquiring and holding territory adjacent to us. This is the mighty problem involved in the proceedings here to-day. [Applause.]

But some gentlemen take the position that some Americans own Philippine bonds and others say that some of their constituents have invested money in the Philippine Islands.

I do not want to see any American lose a dollar on the Philippine bonds and I do not want to see any citizen of this country lose his investments in the Philippine Islands, but I am not willing, on account of a few men who went on their own accord and made these investments, to fasten upon a hundred millions of American people the colonial policy back of these gentlemen who oppose this measure to-day. In the four years between now and the time for granting independence to the Filipinos arrangements can be made about the bonds and Americans desiring to do so can arrange to leave the islands or stay, as they choose. I for one am for doing the wisest and best thing for the American people.

I am willing for the American boy to fight and, if need be, to die in protecting that flag and in defense of our country, but I am not willing to see a single American soldier sacrificed upon the unholy altar of the Philippine policy that un-American interests are calling for here to-day. [Applause.] The Democratic platform has declared time and again for the independence of the islands.

Speaking of these Americans who own Philippine bonds. Do you know what happened when the bonds were sold? The act of Congress required that they should not sell them under par, but they did it, anyhow. Did you know that they asked Mr. Taft and Mr. Root to guarantee those bonds and that both of them refused? Did you know that Mr. Taft and Admiral Dewey both said that the Filipinos were as well prepared for self-government as the Cubans? And you do know that we gave freedom to the Cubans and, strange to say, refused to give it to the Filipinos. Mr. Chairman, 18 years have gone; $900,000,000 have been expended; our soldiers are still on guard in the islands; and under our watchful care the Filipino is far better prepared for self-government than when Mr. Taft said that he was more capable of self-government than the Cuban. But Americans who have money invested in the islands and those who own Philippine bonds inspire more enthusiasm among Republicans than does giving liberty to the Filipino and providing for the safety and well-being of the Republic. You Republicans make speeches on that side and talk about Lincoln whenever you want to put over a deal for sinister interests. If Lincoln lived to-day he would certainly be for the freedom of the Philippine Islands. [Applause.] He believed in putting the man above the dollar, and you Republicans are voting to-day to put the dollar above human liberty and above the best interest of your own country.

You are voting against America's best interest and in the interest of Philippine bondholders, and I predict that for every Democrat that we lose to-day we will gain one in place of a Republican in the election this fall. Mark that prediction. Nine hundred million dollars have gone; $40,000,000 of American money a year spent in the Philippine Islands. Do you believe that the American people are willing to be taxed $40,000,000 a year in order to protect and safeguard $17,000,000 worth of Filipino railroad bonds?

I predict that in the next Congress we will have Democrats enough here from the great West and Northwest to register the judgment of the people on this question. [Laughter and applause.] "Who laughs last laughs best." Our time to laugh will come in November, when the voice of the people will be heard above that of the bondholders of the Philippine Islands. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHEELER. If all the predictions that you have made in the last three or four months come true, do you think we will have as many as two Members on this side of the House next fall?

Mr. HEFLIN. Well, if we do reduce the number to two Republicans, I shall be delighted to see my good friend here as one of them. [Applause.]

Mr. GARRETT. How much time is there remaining?

The CHAIRMAN. The gentleman from Tennessee has consumed 2 hours and 5 minutes and the gentleman from Iowa 2 hours and 13 minutes.

Mr. GARRETT. I do not desire to use time now.

Mr. TOWNER. Mr. Chairman, I yield 30 minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Chairman, 18 years ago to-day our great hero, Admiral Dewey, made history for the Republic. His victory in the harbor of Manila made us a world power. Congress is going to make history again on the 1st day of May for the United States. We are going to make it by the solid votes of the Republican Members and 30 splendid, red-blooded, American Democrats on the other side of the House. [Applause on the Republican side.] We are going to have a patriotic union here to defeat a bill the title of which should be changed to that of "the scuttle bill" [applause], a measure to present to Japan, our commercial and naval rival in the Pacific, an empire in the Orient, with a population of 8,000,000, and in extent as large as all New England and the Empire State (New York) combined, or larger than Italy, and nearly as large as England, Scotland, Ireland, and Wales. We have been denouncing in the public press and in speeches the violation of the treaty guaranteeing the neutrality of Belgium, but this movement here to-day on the part of the administration is to make absolutely worthless a sacred and binding treaty we negotiated with the Government of Spain.

We promised under the terms of that treaty we would guarantee religious freedom in the Philippine Islands and the protection of the property of the Spanish subjects in the islands.

Mr. GORDON. Mr. Chairman, will the gentleman yield at this point?

Mr. AUSTIN. No.

The CHAIRMAN. The gentleman declines to yield.

Mr. GORDON. I would like to have you tell us how we violate that treaty?

Mr. AUSTIN. We promised under the terms of that treaty we would guarantee religious freedom in the Philippine Islands and the protection of the property of the Spanish subjects in the islands.

It is a treaty binding upon the honor and the conscience of honest people and upon an honest Government.

You are attempting to transfer a treaty obligation to a new government, a native government, and yet you dare not guarantee the integrity of the proposed government, although you promised to do so four times in your party platform. Many Members wish to turn these islands adrift because they are afraid. I would rather be dead than a coward. [Applause.] And the nation too cowardly to stand up for its rights, for its people, and its honestly acquired territory is not worth fighting for, living for, or dying for. [Applause.]

The following Democrats voted against the Clarke amendment in the Senate: Messrs. HITCHCOCK, LEE, LEWIS, MYERS, O'GORMAN, PHELAN, POMERENE, RANSDELL, REED, SAULSBURY, and WALSH. [Applause on the Republican side.]

President Taft, the first Governor General of the Philippine Islands; Gov. Gen. W. Cameron Forbes, of Massachusetts; and Gov. Gen. Luke E. Wright, of Tennessee, all assure us the Filipinos are not ready for self-government and that this bill should be defeated. Gen. Luke Wright is a citizen of the State I represent in part. He is as high a type of an American citizen as can be found in any State of the Union, while President Taft and Gov. Forbes also enjoy the respect and confidence of the American people. Prof. Thomas L. Blayney, of Houston, Tex., spent some time visiting the islands last year, and he corroborates the statements of the gentlemen I have mentioned, who presided over the Philippine government for a number of years with credit and honor. I challenge any Member of the Texas delegation to say that Prof. Blayney is not worthy of belief. We have a reliable Democratic witness from Florida in the person of Judge Arthur F. Odlin, of Arcadia, who served on the bench in the Philippine Islands. In a recent letter published in the New York Times he states the Filipinos are not prepared to conduct stable government. Our colleague, Mr. CLARK, tells me Judge Odlin stands high in Florida. President Wilson, the highest Democratic authority, has this to say about the Clarke amendment:

It is my judgment that the action embodied in the Clarke amendment in the bill, extending further self-government to the Philippines, is unwise at this time.

Are you going to attempt to commit the Democratic Party to legislation when the head of that organization, over his own signature, stated it was "unwise at this time"?

Mr. GALLAGHER. What document is that, I will ask the gentleman?

Mr. AUSTIN. It is an extract from a letter, written by President Wilson to his late Secretary of War, Mr. Garrison.

Mr. GALLAGHER. When was it written?

Mr. AUSTIN. On February 10, 1916. In that correspondence Secretary Garrison stated:

I consider the principle embodied in the Clarke amendment an abandonment of the duty of this Nation and a breach of trust toward the Filipinos; so believing, I can not accept it or acquiesce in its acceptance.

In addition to the views of the distinguished Republicans and Democrats I have quoted, it would not be out of order to state that the Republican and Democratic Parties in the Philippine Islands, composed exclusively of Americans, in convention assembled to send delegates to the Republican and Democratic national conventions next month, have passed resolutions condemning the pending bill, and protesting against its passage. The Merchants' Association of Manila, composed of American merchants and business men, and being the strongest organization of the kind in the Orient, has sent a vigorous protest to Congress against the Clarke amendment.

The American Cotton Manufacturers' Association, in its recent convention in the city of Atlanta, passed a resolution against this iniquitous bill and its members followed up that action by signing and transmitting to Congress a petition of protest bearing the names of the leading cotton manufacturers of the Southern States.

My good friend Mr. HEFLIN, of Alabama, says we are spending $40,000,000 a year there. The fact is, the islands are now practically self-sustaining. The gentleman from Alabama only missed it by about $33,000,000. The expense to our Government at this time is almost entirely in transporting the Army to and from the Philippine Islands.

Mr. HEFLIN. Mr. Chairman, will the gentleman yield there?

Mr. AUSTIN. Yes.

Mr. HEFLIN. How much is the cost?

Mr. AUSTIN. The testimony as shown in the discussion in the Senate on this bill is that the annual cost is from six and one-half to seven million dollars. If we take the Army out of the islands and turn all military work over to the native constabulary and scouts, we can maintain law and order and save this expense. But we have been keeping our Army over there not only to preserve order in the Philippine Islands, but to care for our interests in China and keep a watchful eye on Japan. [Applause.] If the Philippine people are prepared at this time to run an orderly, safe, and stable government, why doesn't President Wilson withdraw the Army now and use it in Mexico?

Now, let us see about some other matters. There are about 7,000 Americans in the Philippine Islands, hundreds of whom went there as soldiers, many of them from my own State. They fought to maintain our sovereignty and to plant our flag over the historic walls of Manila. The Supreme Court of the United States has decided that the Philippine Islands are American territory. So these Americans went there in good faith, 18 years ago, and built or purchased new homes and became interested in various business enterprises. They established wholesale and retail houses, opened mines and lumber camps, constructed mills and factories. Members of this House almost weep and cry over the Filipinos, but forget all about their own kith and kin, fellow Americans, in the Philippine Islands.

They would withdraw the Army and Navy; they would turn over the lives and property to the care and keeping of the natives without a pang and without hesitation. They would take the chances of giving the world another Mexico, Haiti, or San Domingo.

If the Members of this House could go there and meet those splendid Americans, they would be proud of them. They are longingly looking to Washington City for friendship, for protection, for justice from a country they have served in peace and in war. They have carried $150,000,000 there under an invitation of our Government and invested it and made these islands the marvel and the admiration of the world.

Their money, talent, energy, pluck, and courage have wrought wonders in the far-off Orient—higher wages, increased trade and commerce, countless blessings and opportunity, prosperity, progress, education, and happiness for the Filipinos.

American capital was used to build sewers and waterworks, to drive out Asiatic cholera and the plague, to give the natives health and strength. And now that these honest, courageous, and patriotic Americans, with their hard-earned American dollars, have gone there to build up, improve, and develop the islands;

to bring to the natives health and modern sanitary conditions; to construct railroads and public utilities, you say, "Oh, let the bondholders go." Yet these very bonds were sold to men, women, and children in the United States. What will you do with the Tennessee soldier who went over as a member of the First Tennessee Regiment, which immortalized itself under the flag, who now has his little boot and shoe store in Manila? What will you do with Judge Ingersoll, from my State, who has his last dollar invested in a mining proposition? What will you do with the southern man from Georgia who has his every cent invested in a lumber enterprise? What will become of the other Americans, hailing from every State in the Union? Will you create another Mexico for them? Oh, no, my countrymen. Is there no sentiment, is there no sense of justice in the hearts of the Members of this House, that we can forget and desert our good, true, and tried Americans in the far Orient?

Mr. Chairman, I would feel disgraced, dishonored, to cast adrift the 7,000 Americans in the Philippines. If we do it, we will regret it the rest of our lives. Our children will blush for us long after we are gone. Are we wholly indifferent to the welfare, safety, and happiness of our fellow Americans in the Philippine Islands?

Something has been said about trade. When the Philippine Islands were under the Spanish Government we exported to the islands 8 per cent of all their imports. Just prior to the European war we exported to them 51 per cent of all they bought. Under the Spanish Government we sold American goods to the value of $120,000. In 1914 we sold them $27,000,000. We sold to them under the Spanish Government $325 worth of American cotton goods. Last year we sold them $6,900,000, very largely from the cotton mills of the South. Practically one-sixth of all the cotton goods exported from America to-day are sold in the Philippine Islands—five times more than we sell annually to the 400,000,000 people of China. We sold to our insular possessions—Porto Rico, the Philippine Islands, and the Hawaiian Islands—$7,500,000 under foreign flags. We sold $85,000,000 under the American flag in 1914. [Applause.]

Our sales in the Philippines for 1914 exceeded our exports to China for the same period, and was equal to half of the amount we disposed of in Japan and greater by $2,000,000 than the amount we shipped to all of the following countries in South America during 1914: Venezuela, Peru, Colombia, Uruguay, Bolivia, and Paraguay. Our trade in Chile and Peru combined fell a million and a half dollars behind the Philippine orders in 1914. Comparing our trade in the islands with some of our exports to European markets, we have the following: Our Philippine trade in 1914 exceeded by $3,000,000 all we sold to Greece, Portugal, Switzerland, and Turkey in Europe, and fell short only $3,000,000 in equaling our exports to Russia.

Raise the American flag, give Congress the right to pass trade and tariff laws, and we will increase our trade, which means work in the workshops, in the mills, and in the factories to the great army of deserving American wage earners. Are we going to abandon the Orient, when Manila can be America's Hongkong for the awakening trade of more than half the population of the entire world? The Philippine Islands are the richest, most fertile undeveloped islands in the world, and in a short time under our flag we can increase our trade there $200,000,000 a year. No, my countrymen. Let us go forward and not backward. Let us go on and not retreat. Let it never be written in the annals of American history that we are too cowardly to stand for our flag and to defend our possessions. [Applause.]

The chairman of the committee, Mr. JONES, says they are going to make some provision for the bondholders. What are you going to do about the merchants, the manufacturers, mine operators, and so forth? What are you going to do about the lawyers and professional men in Manila and elsewhere? What are you going to do with the Americans engaged in the wholesale and retail jobbing business? What are you going to do with the American business men in the hemp, coconut, and sugar industries, in the lumber and mining business? Are you going to single out the bankers and guarantee them against loss? Yet you forget the plain man, you forget the Spanish-American soldier, who has made Manila his home for the past 18 years. Where is his guaranty; his security? What would the guaranty given to the bondholder amount to, executed by a native government, where more than 80 per cent of the adults can neither read nor write, with a population of 8,000,000, of 800,000 non-Christian tribes, speaking 15 or 20 dialects, and with a total government income of less than $15,000,000, not enough to purchase a modern battleship. Such a guaranty would not be worth the paper it was written upon. It would be a gold-brick proposition, pure and simple. What else? Here is the only country in the Orient with a Christian religion. What is going to become of it if turned adrift? If this bill becomes a law, Japan will, in a short time, own these islands. Here is a San Francisco paper, with interviews with returning Americans, who tell how Japanese are buying up the public utilities, sugar lands, and so forth, and getting ready to take these islands over. Are you going to turn adrift, abandon the American missionaries with their churches, schools, and hospitals? Every one of them has appealed to Congress not to do this foolish thing. Catholics, Baptists, Presbyterians, Methodists, Episcopalians, all sects enter their protests against this unwise legislation.

I know there has been some criticism of certain Democratic Members of Congress because they oppose this bill. I have criticized Tammany myself as a partisan Republican, but I say all honor to the representatives of Tammany Hall and their Democratic colleagues who have the courage to stand up in a Democratic Congress and fight for America. [Applause.]

I send to the Clerk's desk an article from a Manila paper containing an interview with one of the Filipino graduates from the University of the Philippines. I know the native public officeholders and native editors and politicians in the Philippine Islands are for this Clarke amendment. But you finish the educational training of the Filipino until he becomes a voter, and he would rather taken poison than have the United States withdraw its Army and Navy.

The Clerk read as follows:

The feet of the young men are leading them toward political office nowadays. A number of them are contestants in the race for membership of the municipal board, under the new city charter, and among these is Bienvenido A. Tan, a graduate of the University of the Philippines. He was interviewed by the Free Press as to his platform, and we make no apology for reproducing certain passages from the statement which he furnished. Said this young man:

"I have observed that most of the people do not understand the real situation in regard to the Jones bill. The politicians of the 'old school' tell the people, either intentionally or from ignorance, only about the advantages to be gotten from the Jones bill, but not the responsibilities that go with it. They tell the people that with the Jones bill we shall be a free people, have less taxation, and no worry about anything. Some of the people believe that with independence taxes will be abolished. This is the opinion I heard among representative people in my own Province. I explained to them that just the contrary will happen—that taxes will be doubled, for the expenses then will be greater.

"Most of the leading Filipino leaders do not understand the real truth; if they do, they are careful not to tell the people about it. * * *

"* * * I am not opposed to independence, but I do not want the premature independence promised now. I believe in stable, real independence; not the independence of one or two years, but a permanent independence based on economic independence. When I believe my country is ready, I shall be the first man to cry for independence. When the country is ready, I believe independence will fall like ripe fruit—you won't need to ask for it. To-day were a vote taken among the young men of the Manila High School on the Jones bill, I believe 90 per cent of them would vote against it. And they are just as good patriots as Osmena and QUEZON and Palma or anybody else." (Manila Free Press.)

Mr. AUSTIN. In conclusion, I challenge any man on that side of the House to name a single Democratic daily paper in the United States which has indorsed the Clarke amendment. From one end of this land to the other the daily press of this country, Republican, Independent, and Democratic, are opposed to that amendment. There are no editorials stronger against this "scuttle bill" than those contained in the New York World, an administration paper, and the strongest was published in that paper to-day. Public sentiment is against this unpatriotic measure. If this question could be submitted to a vote of the Democratic Party, that party would decide against it at the November election. It is not the pledge guaranteed in the Democratic national platform. You promised protection and that you would guarantee their independence until a neutrality treaty could be made. If you cut them adrift, if you scuttle them, if you withdraw the strong protecting arm of the American Army and Navy, if you lower our flag, you could not do a greater wrong or perpetrate a more lasting disaster upon the Filipino people than by the passage of the pending bill. [Applause.]

Grover Cleveland lowered our flag and deserted Americans in the Hawaiian Islands, and for the offense was punished at the first election. A similar political fate awaits Woodrow Wilson if he repeats the performance in the Philippine Islands.

I am a southern man. I have been in the Philippine Islands, and I say, without reflecting upon the Philippine people, who deserve credit and have made wonderful progress, that the American colored man is better qualified and better equipped for self-government to-day than are the Philippine people. And yet the men on the floor of this House who are advocating the so-called independence of the Filipinos, putting them over the Americans in the islands, would not dare vote to give the colored people in many of the Southern States the right of franchise.

Mr. BARKLEY. Will the gentleman yield there?

Mr. AUSTIN. Yes.

Mr. BARKLEY. Does the gentleman mean to convey the impression that he will never vote to grant independence to the Filipinos, or that he does not desire that result?

Mr. AUSTIN. I am too good an American to see the flag of my country lowered in a land that we purchased with American money and the blood of American soldiers. If you will educate these people, they will know the value of being protected by a strong Government like our own, and the very fact that they want to turn themselves adrift is the best evidence that they are not prepared for self-government. Besides, there is always ample independence, liberty, and justice beneath our flag and on our territory.

Mr. BARKLEY. Then the gentleman is not in favor of granting independence to Cuba, because it was purchased by American blood?

Mr. AUSTIN. We made a great mistake when we failed to hold Cuba. We have been sending our Army to Cuba to restore order, at our own expense, since she set up a government of her own. The United States ought to have Cuba and Mexico and on down to the Panama Canal. [Applause.]

Mr. HILL. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. HILL. Does not the bill give the Filipinos every right and privilege that Canada now enjoys?

Mr. AUSTIN. As much liberty and freedom and as much government as the British give to Canada, as the United States has given to any American territory, and far more than the people of Washington City and the District of Columbia enjoy. [Applause.]

Mr. JONES. Mr. Chairman, I yield 30 minutes to the gentleman from the Philippine Islands [Mr. QUEZON].

[Mr. QUEZON addressed the committee. See Appendix.]

Mr. GARRETT. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. FERRIS].

The CHAIRMAN. The gentleman from Tennessee yields five minutes to the gentleman from Oklahoma.

Mr. FERRIS. Mr. Chairman, it is almost trite that one who knows so little of the Philippine Islands should speak immediately after the Resident Commissioner of the islands, Mr. QUEZON, who knows so much of his own people and his own land and is so capable of presenting it here. [Applause.] If any doubt had ever lurked in my mind regarding our duty of granting independence to the Philippines, the speech of the Resident Commissioner, just delivered, has forever dissipated it. [Applause.] Each time as interruptions by the different Members were made, I almost held my breath to know if the Resident Commissioner would be able to so acquit himself that his speech and his conduct would commend both him and his people to us on this most important day; but as the replies fell from his lips I found him thoughtful, careful, and painstaking in diplomacy, capable, able, fearless, and courageous. I can not but pause and wonder if the speech of the gentleman just concluded does not for the moment break through the barriers of partisanship and tug at the heartstrings of the Republican Party, which is to-day, in unison and accord, standing in the pathway as an obstruction to Philippine independence, the thing these people most desire. [Applause on the Democratic side.]

Ten million Filipino people, 10,000 miles away, occupying 3,000 islands of the sea, are through their accredited representatives in Congress this day asking for independence. I am proud of my party to-day as I have never been before, that it is striving to give them their one wish—that of independence.

It was 18 years ago to-day when Admiral Dewey triumphantly entered Manila Bay and forever banished Spanish rule from the Philippine Islands. It was a glorious victory then for our Navy, it was even a greater victory for the Philippines; and my only hope is that those two righteous victories may this day ripen into a more genuine one, that of liberty and freedom and home rule for these people. [Applause on the Democratic side.] Our Government then, and at every intervening moment since then, has been well meaning and helpful to the Filipino people; but as every utterance and every brief and every understanding, both express and implied, has been toward the ultimate independence of the Philippine Islands, the time is now upon us to take a firm and positive stand and to actually fix the day at which our withdrawal may be expected and actually had. The great political party of which I am an humble member has not during the 18 years of Philippine occupancy been silent on this great question. The last four national conventions, beginning with 1900, again in 1904, again in 1908, and again in 1912, all promised plainly, emphatically, and without equivocation their intention to ultimately withdraw and deliver full independence to the Philippine Islands. Their several provisions dealing with this subject are as follows:

DEMOCRATIC PLATFORM—1900.

We condemn and denounce the Philippine policy of the present administration. It has involved the Republic in unnecessary war, sacrificed the lives of many of our noblest sons, and placed the United States, previously known and applauded throughout the world as the champion of freedom, in the false and un-American position of crushing with military force the efforts of our former allies to achieve liberty and self-government. The Filipinos can not be citizens without endangering our civilization; they can not be subjects without imperiling our form of government; and as we are not willing to surrender our civilization nor to convert the Republic into an empire, we favor an immediate declaration of the Nation's purpose to give the Filipinos, first, a stable form of government; second, independence; and, third, protection from outside interference, such as has been given for nearly a century to the Republics of Central and South America.

The greedy commercialism which dictated the Philippine policy of the Republican administration attempts to justify it with the plea that it will pay, but even this sordid and unworthy plea fails when brought to the test of facts. The war of criminal aggression against the Filipinos, entailing an annual expense of many millions, has already cost more than any possible profit that could accrue from the entire Philippine trade for years to come. Furthermore, when trade is extended at the expense of liberty, the price is always too high.

DEMOCRATIC PLATFORM—1904.

We insist that we ought to do for the Filipinos what we have done already for the Cubans, and it is our duty to make that promise now and upon suitable guarantees of protection to citizens of our own and other countries resident there at the time of our withdrawal, set the Filipino people upon their feet, free and independent, to work out their own destiny.

The endeavor of the Secretary of War, by pledging the Government's indorsement for "promoters" in the Philippine Islands, to make the United States a partner in speculative legislation of the Archipelago, which was only temporarily held up by the opposition of the Democratic Senators in the last session will, if successful lead to entanglements from which it will be difficult to escape.

DEMOCRATIC PLATFORM—1908.

We condemn the experiment in imperialism as an inexcusable blunder which has involved us in enormous expenses, brought us weakness instead of strength, and laid our Nation open to the charge of abandoning a fundamental doctrine of self-government. We favor an immediate declaration of the Nation's purpose to recognize the independence of the Philippine Islands as soon as a stable government can be established, such independence to be guaranteed by us as we guarantee the independence of Cuba, until the neutralization of the islands can be secured by treaty with other powers. In recognizing the independence of the Philippines our Government should retain such land as may be necessary for coaling stations and naval bases.

DEMOCRATIC PLATFORM—1912.

We reaffirm the position thrice announced by the Democracy in national convention assembled against a policy of imperialism and colonial exploitation in the Philippines or elsewhere. We condemn the experiment in imperialism as an inexcusable blunder, which has involved us in enormous expenses, brought us weakness instead of strength, and laid our Nation open to the charge of abandonment of the fundamental doctrine of self-government. We favor an immediate declaration of the Nation's purpose to recognize the independence of the Philippine Islands as soon as a stable government can be established, such independence to be guaranteed by us until the neutralization of the islands can be secured by treaty with other powers.

In recognizing the independence of the Philippines our Government should retain such land as may be necessary for coaling stations and naval bases.

So far as I may speak for myself, so far as I am permitted to speak for my district, in the limited way that I may speak for my party, I hope on this eighteenth anniversary we will proceed to do the actual thing in office that we have promised to do while securing office. No member of the Democratic Party at all mindful of his platform pledge can read or hear read the planks in the platforms just presented without feeling and knowing and understanding that his full duty is to-day to vote for the Philippine independence bill and do it without equivocation, mental reservation, or purposes of evasion.

Every member of the Republican Party who has spoken on this subject to-day is opposed to even naming a day in the future at which they would promise to have our Government withdraw and grant independence to these people. Nearly, if not quite, all of the speakers on the Republican side have been interrogated on the subject, and each and every one of them has refused to name a day, however distant that may be. Can the Republican Party longer travel in the realm of hyprocrisy and assert that they are or ever will be for Philippine independence? Can the remnant of the Republican Party, that have in Illinois descended from Lincoln to Lorimer, in Ohio from McKinley to Taft, and who are still on the toboggan, longer even feign friendship for these people or hold out any hope looking toward the independence of a people who, first, have been promised it; second, are asking for it; and, third, who prize it as their one hope and desire?

We are told around the cloakrooms and corridors that some 28 or 30 Tammany Hall Democrats from New York will to-day join hands with the Republican Party and defeat the Philippine independence bill. I hope this may not be true; but if the Philippine independence bill must die this day, let it be well known and

well understood that it was the combination and coalition of a solid Republican Party plus Tammany of which it was born.

Vague charges have been made that the pending bill does not protect capital invested in the islands. On this I enter an emphatic denial of fact; but if it were a fact, I shall not allow the greed of the dollar mark to interfere with or interrupt my efforts and the efforts of my party toward doing full-handed justice and granting full independence to a people whose one wish by day and by night is liberty, freedom, independence, and life. [Applause on the Democratic side.]

The opponents of the bill—and I may add, with one exception, in the debate to-day, have all appeared from the Republican side of the Chamber—are saying that they are for independence and freedom for the Philippines "as soon as they are fit for it." This answer was the answer of King George to the American colonists in 1776 when they craved more liberty than they were allowed, when they asked more than they received. Such an answer is the answer that every monarch in power has made since time began to those without power. It shall not be my answer, nor the answer of my party on the eighteenth anniversary of the freedom of the islands from Spanish rule. To make such an answer as the opponents of Philippine independence make here to-day is a hollow mockery and a sham, is an insult to intelligence, is unworthy to be made in behalf of any great political party. To make such an answer is but to blight the glory of a Republic by resorting to stock phrases and practices of monarchies long since banished and destroyed.

We are told that a remnant of the party of Jefferson will to-day join the solid phalanx of the Republican Party and aid in the blasting of promises made and further break faith with a people unable to enforce justice at our hands, but I hope it is not true. We are told that certain of our party will turn deaf ears to the teachings of Jefferson and Lincoln and go groping with strange gods on strange missions in strange lands, but I am hoping that the Democratic Party will to-day on this occasion suffer no such disaster.

We are told by the opponents of Philippine independence from that side of the Chamber "that we shall not haul down the American flag." This is another stock phrase of standpatism borrowed from the monarchs of old and conceived by them, and intended to convey an idea of cowardice, lack of patriotism, or retrenchment from the position of a brave, courageous Republic. I resent such imputations and assert them to be as untrue as they are unfounded, that the Democratic Party or any part of it is lacking in patriotism, courage, bravery, or admiration of the American flag. To lower the flag in cases like this is in the interest of liberty, of justice, of freedom, and of generosity is as honorable as it is courageous. To leave aloft the flag in a foreign land 10,000 miles from the seat of this Government, 7,000 miles from our nearest seaport, to rule over a people unwilling to be governed by us, means imperialism and unwelcome aggression that ought to be unknown and unheard of in a Republic like ours. To allow the flag to remain up longer, after 18 years of earnest, solemn promises that we would withdraw is but the submarining of a Republic, the debauchment of our Constitution, and the derailment of earnest and honest intentions to fulfill every requirement of a republic. You opponents of the bill on the Republican side of the Chamber say, "It shall not be, it will not be; we will not haul down the flag." I answer you that we did haul down the flag in Cuba, and ask is there this day friend or foe who will gainsay the righteousness of our act in so doing?

I present here five brief letters between this Government and Cuba at the time we last "hauled down the flag":

FROM PRESIDENT ROOSEVELT TO PRESIDENT PALMA.

WHITE HOUSE,
Washington, D. C., May 10, 1902.

To the PRESIDENT AND CONGRESS OF THE REPUBLIC OF CUBA.

SIRS: On the 20th of this month the military governor of Cuba will, by my direction, transfer to you the control and government of the island of Cuba, to be thenceforth exercised under the provisions of the constitution adopted by your constitutional convention as on that day promulgated; and he will thereupon declare the occupation of Cuba by the United States to be at an end.

At the same time I desire to express to you the sincere friendship and good wishes of the United States and our most earnest hopes for the stability and success of your Government, for the blessings of peace, justice, prosperity, and ordered freedom among your people, and for enduring friendship between the Republic of the United States and the Republic of Cuba.

THEODORE ROOSEVELT,
President of the United States.

ACCEPTANCE OF THE GOVERNMENT BY PRESIDENT PALMA.

HABANA, *May 20, 1902.*

Hon. Gen. LEONARD WOOD.

SIR: As President of the Republic of Cuba, I hereby receive the government of the island of Cuba, which you transfer to me in compliance with orders communicated to you by the President of the United States, and take note that by this act the military occupation of Cuba ceases.

I take this solemn occasion, which marks the fulfillment of the honored promise of the Government and people of the United States in regard to the island of Cuba, and in which our country is made a ruling nation, to express to you, the worthy representative of that grand people, the immense gratitude which the people of Cuba feel toward the American Nation, toward its illustrious President, Theodore Roosevelt, and toward you for the efforts you have put forth for the successful accomplishment of such a precious ideal.

T. ESTRADA PALMA.

MESSAGE OF GRATITUDE FROM PRESIDENT PALMA TO PRESIDENT ROOSEVELT.

HABANA, *May 20, 1902.*

THEODORE ROOSEVELT,
President, Washington:

The government of the island having been just transferred, I, as Chief Magistrate of the Republic, faithfully interpreting the sentiments of the whole people of Cuba, have the honor to send you and the American people testimony of our profound gratitude and the assurance of an enduring friendship, with wishes and prayers to the Almighty for the welfare and prosperity of the United States.

T. ESTRADA PALMA.

FROM SECRETARY ROOT TO PRESIDENT PALMA.

WASHINGTON, *May 20, 1902.*

PRESIDENT OF THE REPUBLIC OF CUBA:

Believe in my heartfelt congratulations upon the inauguration of the Republic which the people of Cuba and the people of the United States have fought and labored together to establish. With confidence in your unselfish patriotism and courage and in the substantial civic virtues of your people, I bid you God-speed, and on this happy day wish for Cuba for all time liberty and order, peace and prosperity.

ELIHU ROOT, *Secretary of War.*

FROM PRESIDENT PALMA TO SECRETARY ROOT.

HABANA, *May 21, 1902.*

ELIHU ROOT,
Secretary of War, Washington:

I am deeply moved by your heartfelt message of congratulation on the inauguration of the Republic of Cuba, to the birth of which the people and the Government of the United States have contributed their blood and treasure. Rest assured that the Cuban people can never forget the debt of gratitude they owe the great Republic, with which we will always cultivate the closest relations of friendship and for the prosperity of which we pray to the Almighty.

T. ESTRADA PALMA.

I pause and ask here, Is there an American with soul so dead who can not and will not appreciate this brave record of magnanimity toward the Cubans and Cuba? Can the prattling words of mad imperialists, speaking for an imperialistic standpat party, dim the glory so justly earned in our brave dealings with Cuba? What glory would we deserve that we would not receive if we treated the Philippines, 10,000 miles away, as we treated Cuba, only a few miles away? What great change has been wrought that would make it a virtue and imperishable glory to haul down the flag in Cuba in 1902 that would make it hypocrisy, pusillanimous, and lacking in patriotism to haul it down in the Philippines to-day? [Applause.]

Again, we are told by you spokesmen of the Republican Party who are to-day fighting with all your might Philippine independence "that we will have another Mexico on our hands," but in all fairness and in all justice there can be no comparison and no analogy between the two. In Mexico less than 2 per cent of the population can read or write and more than 50 per cent are peons and savages, while in the Philippines more than 90 per cent are Christianized and civilized and more than 50 per cent are literate and educated. Between two such countries, I assert, there can be no comparison; between two such countries there can be no analogy. Perhaps an even better way to establish the dissimilarity may be found in the exercise of suffrage. In the Philippine Islands, with less than 10,000,000 people, there were cast at the last election 200,000 votes, while in Mexico, with 15,000,000 people, less than 20,000 votes were cast at the most popular election ever held, when the late Madero was elected President of the Republic of Mexico.

In the Philippines 500,000 children attend the public schools and are being taught the English language. Does that entitle them to be compared with Mexico? Does conduct like this banish their hopes to escape perpetual bondage? Will the Republican Party again turn its back on a people like this? Will you again go on the rocks of standpatism, reaction, and a hovering of big business and the interests? The burdens of conducting a great Government like ours during a world war have been fraught with care and responsibility. This has occasioned many, if not quite all, of the progressives to return to the Republican Party. Still, not waiting for their complete return under your banner, you are again to-day in solid phalanx, fighting liberty, fighting freedom, breaking promises, blasting hopes, and underminnig the most sacred principles of liberty, freedom, and independence of the Republic founded by our forefathers. Why so soon a return to standpatism; why so willing to again begin your efforts of plunder? Is it because your last President's name is seldom if ever spoken, and your preceeding President has even found it necessary to abdicate himself from the party whose commission you now hold? Patriotism, love of country, or duty to country, never was, is not now, or never shall be measured in dollars. Still, it is certainly worthy of a

passing glance to observe it as an element in the economic side of this question. The Philippines have already cost this Government the snug sum of $900,000,000 and is costing us annually $50,000,000 more to maintain and uphold. For me and mine, this is the time and place to stop. The Philippines are asking it, and for my part they shall receive it. We have promised them independence for 16 years. I am in favor of doing in office what we promised to do while securing office.

You opponents of Philippine independence may quibble and construe, may falter and object, but I am in favor of doing something tangible, something real, and the passage of this bill through the House to-day, with a President willing to sign it, is an opportunity to really do the exact thing we promised to do. A vote for the Philippine independence bill to-day just as it stands will deliver to the Philippines their independence, the thing that they most desire, and will relieve us of further burdens, a thing the Republic most deserves.

It has been loosely, and I may say lavishly, asserted on this floor and elsewhere that the Philippines themselves do not desire independence. I can not for my own part think such an unfounded statement can be worthy of much serious argument in reply. Everywhere the proof of the falsity of this is so abundant. From the eloquent words of the Resident Commissioner of the islands, whose speech has just electrified this Chamber; from the pen and words of Gov. Gen. Francis Burton Harrison, now governor of the islands, and long an honored Member here; from the words, resolutions, and solemn actions of the Philippine Legislature, all in unison and accord asking for Philippine independence. All this, for my part, seems so sufficient, so convincing, that further comment upon it would seem unnecessary. But above and beyond any words that can be written or spoken stands the life's blood of the approximately 100,000 Filipinos who consecrated their hopes and ambitions and life's blood on the battle field for independence. The proof of their uniform desire for independence is everywhere abundant, is everywhere sufficient, and no Member of this House today can hide behind the flimsy wall of misinformation about it. No one class in the Philippines holds any monopoly of this one stalwart and unswerving desire. It is everywhere present, everywhere earnest, everywhere persistent. I repeat, the Philippines are 10,000 miles from our seat of Government and 7,000 miles from our nearest shore; they are not our kind of people; they are on the other side of the globe from us; their hopes and ambitions are not like ours. Annexation would never be feasible for a country so remotely situated; independence is their earnest desire; it is my opinion that the great bulk of the American people desire them to be independent, and alongside of that they desire to be free from the burden of protecting a country so unlike our own. Let us this day take the last step. Let us break down the last barrier. Let us once and for all do away with this mad quest for territorial aggrandizement and devote our attention to the problems of the Republic that confront us in America.

The opponents of Philippine independence have here to-day and elsewhere asserted that if we did withdraw we would have to maintain a watchful eye over them. I assert that inasmuch as our going would be at their request and solicitation, no longer would watchful care over them be due or expected from us. We could well and in good conscience withdraw our 12,500 soldiers from the islands and bring them home and set them about the task of our coast defense, Alaska, Hawaii, the Panama Canal, and any other problems that do or may confront us. These latter tasks are, for my part, the ones of first importance.

With a world war raging among all the first powers save our own, it is our abundant duty to sweep away the cobwebs of misunderstanding, of doubt, and of danger, and proceed along the same lines as did our fathers, who founded a greater Republic than they knew.

We are told that when the final vote will be taken to-day that every member of the Republican Party on this floor will cast his vote against this Philippine independence bill. We are even told that some 28 or 30 Democrats from New York will join hands with them and aid in the overthrow of the most sacred provision of the Declaration of Independence, wherein it says:

> We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

The remnant of the once proud party of Lincoln may pursue this course to-day; the Tammany Hall Congressmen may turn their backs on their party and its teachings and perform this act of perfidy; but as one whose faith is so unbounded in the party of Jefferson and Wilson, I can not believe it will to-day lend aid and comfort to a policy that is against the first tenets of our Government; that is uneconomic, un-American, unwise; and that does not do even-handed justice from a strong Government to a weaker one! [Applause on the Democratic side.]

Mr. TOWNER. I yield 10 minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, whether one is mistaken or not on such a question as this, justice to himself and justice to those who listen might well require more than 10 minutes. After all, however, at this stage of the session, with that which is in front of us, with a program that somebody outside of this House in the main lays down for this House, I am quite willing to rest on 10 minutes to refer to a few things—progress, the location of the Philippines, the population of the Philippines, the religion of the Philippines, the development of the Philippines.

I have no doubt that there are many bright men in the Philippines. I think the gentleman who has just addressed the House [Mr. QUEZON] is perhaps one of the brightest. If they could all be like him, and then if they had two parties there to watch each other, and an intelligent public opinion, I suppose they could get along; but I was down in the Hawaiian Islands about a year ago now, with many gentlemen upon that side and upon this side. Do you recollect what we saw down there in the convict camps? The specimens of the Filipinos that they had there? I have no doubt that there are some good Filipinos there, but what a chance they had if they had remained at home. They were not regarded as a success outside of a convict camp. I am not speaking disrespectfully of them. You recollect it, my Democratic friends who were there.

Gentlemen, I must simply touch and go. Let me reminisce a little bit touching this question. I was a Member of this House, with the present honored Speaker, when the war began, as was said, for the freedom of Cuba; and after it was over the present honored Speaker of this House said, "We Democrats took you Republicans by the scruff of the neck and the seat of the breeches and threw you into that war." [Laughter.] There you are! There was a public sentiment that you could not restrain. As McKinley said and as Reed said when the war commenced, no man could tell the end thereof. But the end came.

Now what happened? Oh, when the treaty of Paris was made and came up for ratification in the Senate of the United States, who ratified it? The Republicans did not have the necessary votes in the Senate. We lacked two of a majority. It took two-thirds to ratify the treaty. What happened? Well, Mr. William Jennings Bryan came to Washington in January, 1899, and secured the Democratic, Populist, and silver votes necessary to ratify that treaty. I will put the vote in the RECORD.

Mr. Gorman (for Mr. Vest) proposed the following amendments to the treaty:

> Article 3, strike out the words "cedes to the United States" and insert in lieu thereof the words "relinquishes all claim of sovereignty over and title to."
>
> Add at the end of article 3 the following:
>
> "The United States, desiring that the people of the Archipelago shall be enabled to establish a form of free government suitable to their condition and securing the rights of life, liberty, and property and the preservation of order and equal rights therein, assumes for the time being and to end aforesaid the control of the Archipelago, so far as such control shall be needful for the purposes above stated, and will provide that the privileges accorded to Spain by articles 4 and 5 of this treaty shall be enjoyed."

Those who voted in the affirmative were: Messrs. Bacon, Bate, Berry, Caffery, Chilton, Clay, Cockrell, Daniel, Gorman, Hale, Heitfeld, Hoar, Jones of Arkansas, Jones of Nevada, Kenney, McLaurin, Martin, Mills, Mitchell, Money, Murphy, Pasco, Pettigrew, Rawlins, Roach, Smith, Tillman, Turley, Turner, and Vest.

Those who voted in the negative were: Messrs. Aldrich Allen, Allison, Baker, Burrows, Butler, Carter, Chandler, Clark, Cullom, Davis, Deboe, Elkins, Fairbanks, Faulkner, Foraker, Frye, Gallinger, Gear, Gray, Hanna, Hansbrough, Harris, Hawley, Kyle, Lindsay, Lodge, McBride, McEnery, McMillan, Mantle, Mason, Morgan, Nelson, Penrose, Perkins, Pettus, Platt of Connecticut, Platt of New York, Pritchard, Quay, Ross, Sewell, Shoup, Simon, Spooner, Stewart, Sullivan, Teller, Thurston, Warren, Wellington, and Wolcott.

The vote on the ratification of the treaty was as follows:

Yeas: Messrs. Aldrich, Allen, Allison, Baker, Burrows, Butler, Carter, Chandler, Clark, Clay, Cullom, Davis, Deboe, Elkins, Fairbanks, Faulkner, Foraker, Frye, Gallinger, Gear, Gray, Hanna, Hansbrough, Harris, Hawley, Jones of Nevada, Kenney, Kyle, Lindsay, Lodge, McBride, McEnery, McLaurin, McMillan, Mantle, Mason, Morgan, Nelson, Penrose, Perkins, Pettus, Platt of Connecticut, Platt of New York, Pritchard, Quay, Ross, Sewell, Shoup, Simon, Spooner, Stewart, Sullivan, Teller, Thurston, Warren, Wellington, and Wolcott.

Nays: Bacon, Bate, Berry, Caffery, Chilton, Cockrell, Daniel, Gorman, Hale, Heitfeld, Hoar, Jones of Arkansas, Mallory,

Martin, Mills, Mitchell, Money, Murphy, Pascoe, Pettigrew, Rawlins, Roach, Smith, Tillman, Turley, Turner, and Vest.

On neither vote did the Republicans have a majority of those voting. Thirty-nine Republicans, 8 Democrats, and 6 Populists and Silver Senators defeated the Vest amendment; 39 Republicans, 10 Democrats, and 8 Populists and Silver Senators ratified the treaty.

Senator Hoar and Senator Hale voted against it from beginning to end.

The Philippines were ceded to the United States. Porto Rico was ceded to the United States. The Treasury paid $20,000,000, and this Government made certain guaranties as to what it would do for the Philippines—the protection of property, freedom of religion, and so forth. When Senator Vest offered his amendment, which I put in the RECORD, he said, "We want you to relinquish," and that amendment to the treaty was to relinquish the Philippines, just as Spain relinquished Cuba. But Spain ceded the Philippines, and the United States paid Spain $20,000,000. We paid, not because we thought we were getting something valuable. We knew then that from the Equator up to 20° north of the Equator there were a people who were not homogeneous. We knew that they had slavery. We knew that they had polygamy. We knew that the Moro was there, and the Moro in cruelty and perhaps in fixity of character can give the Filipinos cards and spades and then win.

Well, there they are. What progress have they made? Our teachers went there. Our people of various churches went there. The United States sent the Army there. We sent our money there that we appropriated. We gave assistance from every standpoint, and I put it here and now to you gentlemen who have been in the Philippine Islands that there has been greater progress—you boast of your progress in education—there has been greater progress from a material standpoint in the development of the Philippines, in the building of roads and railroads, in commerce, and in production in 18 years since we acquired the Philippines than there had been in any previous century. If I recollect aright, Spain had possession there for nearly three centuries. Well, what are you kicking about? The lives of hundreds and thousands of men in our Army were sacrificed before we could get a chance to have a start. Was not Aguinaldo quite the equal of my friend Mr. QUEZON, the gentleman who made this eloquent speech a little while ago? I guess so. Some of his followers fought and fought and fought. I will ask my friend, and he may answer in his own time, or somebody for him, are you not glad that Aguinaldo was overthrown? Are you not glad that this progress has been made?

Well, but they say we want to go now. We want to go! Liberty, liberty, liberty! These words are misleading until you have a population that is so educated as to be capable of self-government; it takes several generations to obtain in an undeveloped country an average population that understands what liberty is. We have heard the same cry in Mexico—Liberty, liberty, liberty! Why, we can produce from Mexico, from Cuba, from the South American Republics—aye, I was going to say from Haiti—just as eloquent appeals for liberty. I suspect that Toussaint L'Ouverture——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Oh, Mr. Chairman, that was a very short 10 minutes.

Mr. TOWNER. How much time would the gentleman like?

Mr. CANNON. I do not want to take time from anybody else.

Mr. TOWNER. I will yield to the gentleman five minutes more.

Mr. CANNON. Mr. Bryan furnished the votes to ratify the treaty. What did he do then? That was in 1900. He wanted an issue, and he got it—imperialism. Twenty million dollars furnished the issue. Then he came out and wrote it into the platform—imperialism. Take your last platform of 1912. I wish you would read it. I will put it in the RECORD, for you have forgotten it, and if your cheeks do not mantle with shame when you propose to play scuttle in the Philippines, I will give you a certificate of hardened conscience. [Laughter and applause.]

DEMOCRATIC PLATFORM, 1912.

THE PHILIPPINES.

We reaffirm the position thrice announced by the Democracy in national convention assembled against a policy of imperialism and colonial exploitation in the Philippines or elsewhere. We condemn the experiment in imperialism as an inexcusable blunder which has involved us in enormous expenses, brought us weakness instead of strength, and laid our Nation open to the charge of abandonment of the fundamental doctrine of self-government. We favor an immediate declaration of the Nation's purpose to recognize the independence of the Philippine Islands as soon as a stable government can be established, such independence to be guaranteed by us until the neutralization of the islands can be secured by treaty with other powers.

In recognizing the independence of the Philippines our Government should retain such land as may be necessary for coaling stations and naval bases.

I understood the commissioner to say that a Republic could not be successful in colonization. Well, we have done pretty well in this country. We have stretched across from one ocean to another, from 3,000,000 people to 100,000,000 people. We stretch from the northern boundary down to the Gulf, and we have half of the railway mileage of the world. We think we amount to considerable.

Say, are you braver and more intelligent on the average than the American Indian? The American Indians were brave people; some with Indian blood in their veins are now Members of this House. Are you more intelligent or braver than they? And yet failure, failure, failure. Great heavens, if bravery and intelligence were all that was necessary, the American Indian would be here yet occupying this country and we would not be here. [Laughter and applause.] Ajax defied the lightning. Well, if Ajax ever lived, he is dead. [Laughter.] The vocal cords contract and words come forth and then that side of the House cheers. [Laughter.]

Oh, gentlemen, do you propose to organize a republic? Does my friend from the Philippine Islands have ambition to be a monarch? If he has not, there are some other people that live in the Philippines that have. Does he want a privileged class? You have never had any in your political government until the United States went there. What progress did you make for three centuries? You had the disadvantage of being under the Tropics, not as good a place to develop and maintain a civilization as a republic 20° north has in the North and South Temperate Zones. And yet you say you want to cut loose.

There is one little clause here in the Clarke amendment, and what did you put it there for?

In any such settlement or adjustment so made in respect to the rights and property of the United States as against the said Philippines the President may reserve or acquire such lands and rights and privileges appurtenant thereto as may, in his judgment, be required by the United States for naval bases and coaling stations within the territory of said Philippines.

Does "may" mean "shall"? Let me turn to our own people, and by our own people I mean citizens of this Republic. Does it mean "shall": do you want it to mean "shall"? I would ask the Commissioner, representing, as he does so ably, the Philippine Islands. Does he approve of it? Do you want a great and powerful Republic with a naval station there? [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GARRETT. Mr. Chairman, in the absence of the chairman of the committee, I yield 10 minutes to the gentleman from Oklahoma [Mr. DAVENPORT].

[Mr. DAVENPORT addressed the committee. See Appendix.]

Mr. GARRETT. Mr. Chairman, I now yield on behalf of the gentleman from Virginia [Mr. JONES] to the gentleman from Tennessee [Mr. MCKELLAR].

Mr. MCKELLAR. Mr. Chairman, I am heartily in favor of this bill, including the Clarke amendment. Indeed, I have but one objection to the bill, and that is, that it does not provide for the immediate freedom of the Philippine Islands. If I had the power I would provide for the withdrawal of our sovereignty without a day's delay longer than is necessary to effect all the formalities. However, we can not all get just what we want in legislation, and inasmuch as this bill does fix a definite time for our withdrawal, I cordially approve it.

In my view we ought never to have taken over the islands. We ought never to have governed them as a colony, and we ought long ago to have given them their independence. Their retention as colonies is a blot upon our national history—a blot that has been mitigated by a benevolent rule, but a blot nevertheless, because our government of them without their consent is violative of the most sacred traditions of this country, and at the same time it is violative of every right of the Filipinos themselves.

SELF-GOVERNMENT.

Our Declaration of Independence provides, among other things:

That to secure these rights (the rights of life, liberty, and the pursuit of happiness) governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends it is the right of the people to alter or abolish it, and to institute new government.

We established this right of self-government by the sword in our war for independence. We put it in our Constitution. We have enacted it into all our laws, and during a period of more than a hundred years of our history this principle of self-government was considered by all our people to be the most

sacred right of civilized man. It has been the polestar, the guiding light of all our governmental institutions. It separated us from monarchy and the divine right of kings. It has been the watchword of our freedom. But for it we never would have become a great Nation. This principle of self-government, established by our forefathers, has given to humanity everywhere a new faith and a new hope. Other great nations have taken it up from time to time, and the principle has grown throughout the world. It ought never to die because it is right. Under the influence of this principle our country grew from a very few scattering colonies into one of the greatest nations of the earth. We committed an error in taking these islands. We committed an error in making a colony of them contrary to our principles and traditions. We made an error in keeping them as long as we have kept them; but let us correct now the error by restoring to them their freedom, and thus remove from our country's history that stain that has been placed upon it by their subjugation and retention.

HISTORY.

The resolution declaring war with Spain passed Congress on April 20, 1898. On April 16 Senator Teller, from Colorado, offered an amendment to the resolution, which was afterwards adopted, which amendment is as follows:

The United States hereby disclaims any disposition or inclination to exercise sovereignty, jurisdiction, or control over said island—Cuba—except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the islands to its people.

At that time Congress was overwhelmingly Republican in both branches. Senator Teller was a Republican from Colorado. Of course, at that time it was not dreamed that the Philippine Islands and Porto Rico would be separated from Spain in the same manner that we separated Cuba, but the fortunes of war brought that about, and when the treaty of peace was finally adopted on February 6, 1899, and finally ratified by both Governments on April 11, 1899, Spain ceded Cuba, the Philippine Islands, and Porto Rico to the United States. A comparatively nominal sum paid for all three was $20,000,000. The consideration is only mentioned in the Philippine article, but everyone knows that Spain had no money, and the $20,000,000 in gold secured the whole treaty. We got the same title to Cuba that we got to the Philippines and to Porto Rico. The consideration was the same. We had to pacify all of the islands. As soon as Cuba was pacified, we restored it, because of the Teller resolution, but immediately the Republican Party took the position that the Philippines stood in a different attitude. Of course, everybody knows that the principle was exactly the same, and no one can doubt that if Congress had believed that the Philippines would fall into our hands as the result of the war, they, too, would have been included in the Teller resolution. Our taking possession of the Philippines was not peaceful. After Spain had yielded her sovereignty over the islands we found a revolution already going on. They had been fighting against Spain for some time for their independence, and they continued to fight us after the Spanish treaty, and it took several years for our troops to subjugate the islands.

The Philippines were at first governed by the military power of the United States. In the meantime a great controversy had arisen in this country over the disposition of the Philippines. The Democratic Party declared in favor of giving them their independence. The Republican Party opposed this proposition. The treaty of peace with Spain, by which we acquired the Philippines, was secured by the Republican Party with the help of eight Democrats. The Senate was overwhelmingly Republican, and the treaty received the votes of 49 Republicans and 8 Democrats. The noes were 24 Democrats and 3 Republicans. The reason for the position of the Democrats was they did not believe in taking over the Philippines. The fight became so warm that the Republican Party was unwilling to proclaim boldly its intention of permanently holding the islands. They wanted to do then just what they desire to do now, to postpone the matter with the hope of permanently retaining them without committing their party to that policy. Not long after the war closed a resolution of intention was passed the Republican Senate, thus committing the Republican Party in the Senate to such resolution. The resolution is as follows:

That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands in the citizenship of the United States, nor does it intend permanently to annex said islands as an integral part of the territory of the United States; but it is the intention of the United States to establish on said islands a government suitable to the needs and conditions of the inhabitants of said islands and to prepare them for local self-government, and in due time to make such disposition of said islands as will best promote the interest of the citizens of the United States and the inhabitants of said islands.

This resolution passed the Senate on February 14, 1899, but did not pass in the House. The Democrats in the Senate tried in vain to amend the above resolution so that the said islands should not be governed against the will of the people thereof, but all amendments were voted down by the Republicans, and the resolution passed the Senate as above stated.

On April 7, 1900, President McKinley appointed the Philippine Commission, consisting of five members. Mr. Taft was made the president of this commission, and Gen. Luke E. Wright, of Memphis, my warm personal friend, and one of the ablest men in the country, was one of the commissioners. When this commission first went to the Philippines its powers and authority was somewhat vague, the military power claiming precedence; but afterwards Mr. Taft was appointed civil governor and Gen. Wright vice governor, and the commission actually governed the island. Later on Filipinos were appointed on the commission, and during the administration of President Wilson changes in the commission have been made, so that now a majority of the commission are Filipinos. However, the Governor General is still an American and really rules for the United States. From time to time the Filipinos have been given larger powers in their own government. Congress gave them the right to have their own general assembly, and provided that the commission above named should be the higher branch of the Philippine Legislature, the commission, the Congress, and the President having the right of veto. Our Government has at all times kept a considerable body of troops, ordinarily ranging from 12,000 to 18,000, in the islands to protect them. In addition to the United States troops, Congress has established an organization known as the Philippine Scouts, amounting to about 5,700 in number, commanded for the most part by American officers, but the enlisted men made up of Filipinos, and all paid for by the United States.

From time to time Congress has authorized the issuance of bonds by the Philippine government, and it also authorized the Philippine government to guarantee certain railroad bonds for the building of certain railroads in the islands. All these bonds, I am informed, amount in the aggregate to $16,125,000. Many of these bonds are held in this country.

We derive no taxes from the Philippine Islands. We have spent many millions of dollars in fortifying their coasts and improving their harbors. We pay our soldiers, officers, and men large sums—20 per cent, as extra pay for services in those islands.

OUR RULE KINDLY AND BENEFICIAL TO THE FILIPINOS.

I am wholly opposed to the retention of the Philippine Islands, as I have before stated; but it is fair to say that for the most part our rule in the islands has been beneficent. We have been peculiarly fortunate in the selection of American commissioners to rule over the islands. Mr. Taft was first, and made much of his great reputation there as Governor General. Gen. Luke E. Wright was the second, and Americans and Filipinos still remember with pleasure and pride his firm but splendid rule in the islands. Much of our success in the control of the islands has been due to his kindly but firm, able and masterly conduct of our affairs there. Lately we have had as Governor General of the islands one of our former distinguished Members of this House, an able and delightful gentleman, the Hon. Burton Harrison.

During the 16 years we have held the islands we have restored order among them. We have given them a good government and an honest government. We have aided them in securing better methods of agriculture. We have aided them in building up their railroads and roads. We have aided them in building public buildings. We have aided them in building public schools. We have aided them in building public schoolhouses, and furnishing additional educational facilities. We have given them a good banking and currency system, and in a thousand different ways have added to the prosperity and happiness of the people of those islands. We have treated them well. We have treated them as the wards of the Nation, but still we have not given them their freedom. The Constitution does not follow our flag there. The right of local self-government is denied them. They do not have the right to govern themselves, and they want to be free and independent—just as we are—and I believe they are entitled to be free and independent.

ATTITUDE OF THE REPUBLICAN PARTY.

The attitude of the Republican Party toward the islands has remained the same throughout. That party was in power when the United States took over the islands, subjugated them, and furnished them with a form of government that was not territorial but provincial. In other words, the Republican Party has governed them as a colony. In doing this it disregarded the principle of self-government, for which our forefathers fought

and in which most Americans believe now. It has never taken a straight-out stand on this question. The heretofore-quoted resolution of the Senate was a subterfuge. It meant nothing and was not intended to mean anything. In its national platform of 1900 it provided that the Philippines should be given—

The just measure of self-government consistent with their welfare and our duties shall be secured to them by law.

In 1904 it laid down as one of the achievements of the party that it had taken possession of the Philippines and established law and order and had given a "large measure" of self-government to the people of these islands. In its platform of 1908 it provided:

The Philippine insurrection has been suppressed, law established, and life and property made secure. Education and practical experience are there advancing the capacity of the people for government, and the policy of McKinley and Roosevelt is leading the inhabitants step by step to an ever-increasing home rule.

In 1912 the Republican Party platform ratified its previous utterances on that subject. In other words, even the Republican Party has never declared in terms in favor of holding these islands and governing them as a colony. If we judge from the resolution of the Senate above referred to, the utterances of its leaders, and the platform of that party, its object has been at all times to prepare the Filipinos for self-government and give it to them, whenever they were capable of using it. That is that party's professed attitude. Its real attitude is to hold the islands indefinitely as colonies, and the only reason it does not come out and say so is because it fears the American people.

ATTITUDE OF THE DEMOCRATIC PARTY.

On the other hand, the Democratic Party has consistently stood for our historic traditions and principles. It has stood for the Constitution. It fought the taking over of the islands. It has opposed the keeping of the Philippines as a colony. It was opposed to the ratification of the treaty taking them over. It fought in vain to commit our Government to stand by the principles of local self-government in dealing with the islands. It opposed the bill which provided originally for their government, and even this bill, passed by a Republican House and a Republican Senate and signed by a Republican President, shows on its face that it was a "temporary" only. In its platform of 1900 it denounced the Philippine policy of the then Republican administration. It declared:

The Filipinos can not be citizens without endangering our civilization; they can not be subjects without imperiling our own form of government, and as we are not willing to surrender our civilization nor to convert the Republic into an Empire, we favor the immediate declaration of the Nation's purpose to give the Filipinos, first, a stable form of government; second, independence; and, third, protection from outside interference.

In the Democratic platform of 1904 it again declared that—

We ought to do for the Philippines what we have already done for the Cubans and set the Filipino people upon their feet, free and independent to work out their own destiny.

In 1908 this position was again set forth. In 1912 it is provided in the Democratic platform:

We favor the immediate declaration of the Nation's purpose to recognize the independence of the Philippine Islands as soon as a stable government can be established, such independence to be guaranteed by us until the neutralization of the islands can be secured by treaty with other powers.

It will be thus seen that the attitude of the Democratic Party has always been, and still is, that we should make those islands free and allow them to govern themselves, just as Cuba governs itself.

Mr. Chairman, the time has come when we can establish a stable form of government in those islands. Every fair-minded man knows that. Those people are not a barbarous people. They are capable of governing themselves. It is time to quit our subterfuges. The Democratic Party at all events has made an agreement with the people of the United States to give the Filipinos their freedom. It is our solemn duty to carry out that agreement. We write ourselves down as insincere if we do not do it. For 16 or more years we have been charging our Republican friends with saying one thing and meaning another on this subject, and I believe our charges are true. But now that we are in power if we do not carry out our solemn pledges we put our own party in the same attitude as the Republican Party now sustains.

ARE THEY CAPABLE OF SELF-GOVERNMENT?

I have never been to the Philippines. Therefore I can not speak of my personal knowledge. The only ones that I know are those who have come over here, and I must say that these are very intelligent men. According to the census of 1903 the population of the islands was about 7,600,000. Of these, 6,900,000 were classified as civilized. In other words, there were a little less than 4 per cent of them savages. Of the civilized tribes more than 50 per cent of them above 10 years of age could read and write. In the Tagalog Provinces it is claimed that literacy is highest, and that there is something over 70 per cent of the population above 10 years of age who could read and write before the American occupation, and, of course, this percentage has been largely increased.

The University of St. Joseph and the University of St. Thomas, both in Manila, are universities of a high order, with a large number of students. As far back as 1866 the Spanish school statistics show there had been established 1,674 Government schools which were attended by over 230,000 boy and girl students. In that year there were 1,681 matriculates at the University of St. Thomas alone. Even then there were five colleges devoted to the education of women. There was an agricultural college, and a nautical college, and a school of painting, sculpture, and engraving, and a military academy, together with nine other colleges, and six high-grade latin schools located in various parts of the islands. Since the American occupation there has been a wonderful increase in educational facilities and in school attendance. For 10 years there has been a public-school enrollment of about 500,000. In 1911 this ran up to over 600,000. The total number of public schools last year was about 4,500 with over 9,000 teachers, of whom 8,400, or 92 per cent, were Filipinos.

It will thus be seen that from a standpoint of learning that these people are certainly capable of self-government. There is a wrong notion in the public mind over here in reference to this. We are wont to believe that they are a people, none of whom are more than partially civilized, and most of whom are barbarous. This is entirely incorrect.

While the Filipinos have been ruled as a subject people for more than 300 years by Spain, and since that time have been ruled by the United States, still, that of itself does not mean that they can not conduct their own affairs. There were Filipino representatives in the Spanish Cortes. There have been Filipino delegates to the American Congress, and surely these have conducted themselves in an able manner to the knowledge of us all. A majority of the present Philippine Commission is composed of Filipinos. The lower house of the Legislature of the Philippine government is composed mostly of Filipinos. Their judges, the heads of their municipalities, are mostly Filipinos. The fact that they have always been ruled as a province is no reason that they are not capable of ruling themselves. Who would say that Canada or Australia could not rule themselves, and yet they have been subject provinces for hundreds of years.

AMERICA FIRST.

But whatever our duties and responsibilities toward the Filipinos may be, our first duty is toward America. We have built up the greatest Government in the world, and we have the most remarkable people under the sun. We have strengthened our Government and increased the happiness and prosperity of our people by clinging with a death-like grip to certain immortal principles. One of these is the right of self-government. We won our independence on this principle from a nation that held us just like we now hold the Philippines. Ever since that eventful day when we secured our freedom the word "colony" has had a hateful meaning to us. It still has that meaning. Though the Republican Party took over the islands and has ruled them as a colony, still it has never defended the principle of colonization in its platforms. It has never dared to declare against local self-government. In the laws which they have put on the statute books about these people they have declared on the face of such laws that they were merely "temporary." All of which goes to show that, irrespective of party, the American people are opposed to colonies. Of course the Democratic Party has at all times opposed the making of colonies out of the Philippines. The Philippine Islands were taken by accident. The war was fought on account of Cuba. We took Cuba over, just like we did the Philippines. The Philippines were taken over merely as an incident to taking over Cuba. We gave Cuba her freedom after the formation of a stable government there, and we ought to have long ago done the same thing for the Philippines. I take it, however, that the only reason the Republican Party ever parted with Cuba was because of the celebrated resolution of Senator Teller, above referred to. Senator Teller was an independent Republican. By his resolution our country was pledged to restore Cuba to the Cubans. The pledge did not in words cover the Philippines, and though the principle was the same, the Republican Party held on to the Philippines. I doubt if there is a man in this country who would openly proclaim that he was in favor of forever keeping the Philippines. Many who are interested, directly or indirectly, say that they are in favor of holding them until such a time as they shall be ready for their freedom, and they are the judges as to when they will

be ready. This is not living up to the American ideals and American traditions. Do not let us ever go back on these ideals and traditions. They have made us what we are. Let us stand by them in good faith. Already we have deferred the matter too long. We ought to act at the earliest possible moment, and the earlier the better.

COST TO THE AMERICAN PEOPLE.

But leaving aside the questions of a policy of colonies, contrary to American traditions and ideals and human rights, let us look to the business side of this proposition.

What do they cost us, and what do we make out of them? Since we took the islands over our trade has increased with them. Prior to 1898 we did not sell to the Philippines much over $100,000 worth of goods per year. Since we took them we have largely increased our sales. The figures for the last 11 years are as follows:

1905	$6,000,000
1906	5,000,000
1907	8,000,000
1908	11,000,000
1909	11,000,000
1910	16,000,000
1911	19,000,000
1912	23,000,000
1913	25,000,000
1914	27,000,000
1915	24,000,000

Generally speaking, our imports from the islands were about the same.

Prior to 1898 our imports were about half what they have been since we took them over. I append the exact figures on this matter as a part of my remarks.

The profits on these goods could hardly be in excess of 10 per cent. In other words, the amount that the people of the United States make is $2,500,000 per year at the present time. However, taking the last 16 years that we have owned the islands, the amount would be much smaller and not average over a million dollars in profits per year. This is the credit side of the balance. What is the debit side?

It is hard to estimate. In 1902 Senator Hoar estimated that the islands had cost us up to that time something like $600,000,000 in all. My recollection is he produced a report from the Secretary of War, Mr. Root, showing that the cost in his department alone then amounted to some $132,000,000. So that the House may understand just what they cost us, I am going to mention a few items. The first is, we keep on the islands an average of 15,000 soldiers, officers and men. This amounts to about $18,000,000 a year, because, on an average, it costs a million dollars per thousand soldiers per year, and then 20 per cent increase for Philippine service. The appropriations for fortifications on the islands cost us about $1,000,000 per year. We have 5,700 Filipino troops over there, which is about $6,000,000 more. It is generally assumed that the cost of that part of our Naval Establishment used for the protection of the islands is equally as great or greater than the cost of our Army over there.

If these estimates are correct, the islands cost not a cent less than $50,000,000 a year. If Senator Hoar was correct in 1902 in his estimate of the cost at $600,000,000, and they have cost us $50,000,000 a year since that time, the islands up to this time have cost us $1,300,000,000 and have paid us not exceeding $16,000,000. The cost on the one side of the balance sheet, Mr. Chairman, is thirteen hundred million of dollars and on the credit side of the sheet only sixteen million—a ratio of 16 to 1,300. What a travesty on business. And yet our Republican friends say they only are business men. The result is, this is certainly a bad proposition we have got into and we ought to turn it loose at the earliest possible moment.

Let us take that $50,000,000 a year, and, if necessary, increase our Navy for our own protection at home, or build up roads, or build up the agricultural interests of our country.

Again, it is not believed by anyone that our trade will decrease a dollar because of our giving them their independence. The chances are that we will trade with them more than we have ever before. England does not own them, and yet England's trade with the Philippines amounts vastly to more than ours. We could expend this $50,000,000 a year much better by building a merchant marine to do business with them than we could by throwing it away upon governing them as colonies. With this $50,000,000 used in our own country we could do any one of several things that would be of vast interest to all our people.

First, we might build up a merchant marine. My recollection is Secretary McAdoo did not ask for this much in the merchant-marine bill that was offered last year.

Or, in the next place, we could establish a rural-credits system with Government aid through which the farmers could get their money at not exceeding 5 per cent.

Or, in the next place, we could build up a great system of highways. The bill that we have just passed in the House provides for only $25,000,000. We would be enabled to double that sum without an extra dollar of expense.

Or, in the next place, we could double the amount now appropriated for agriculture. The present Agricultural bill carries about $25,000,000. We could double that sum for the lasting good of the farmers of our country.

Or, with that sum we could build up a splendid system of national colleges by which the boys of our country could be given military training or vocational training to fit them for the needs of defense of our country and to fit them for the ordinary affairs of life.

Or, with one-third of that sum we could build a Government nitrate plant which would reduce the cost of fertilizer to all of our farmers.

A LIABILITY.

But the greatest objection to keeping the Philippines is that they are a constant menace to us. They are 8,000 miles away. They are so situated as to be an easy prey to any first-class country that we happened to get into trouble with. I do not mean to say that any first-class country could take them and keep them, for I do not believe that any nation under the sun could take them away from us and keep them unless we agree to it; and I for one would never be willing to let any nation take them away from us; but it would cost countless thousands of millions of dollars to regain them if they were taken, and, of course, every red-blooded American would fight to hold them, and then we would have a liability on our hands, just as we have now. They are the kind of people that could never become amalgamated with ours. They are not satisfied with our government, and in justice to them and in justice to ourselves we ought to pass this bill and give them their freedom.

THIS BILL.

This bill is, in short, a reenactment of our Constitution and the best of our laws for the benefit of the islands. They already have a legislative body like ours. This will enable them to have a senate like ours, and later on an executive like ours, and all of their own choosing. When we shall have passed this bill we will have done our full duty by the islands. We have established a stable government for them. We have educated them in a larger measure than they have been educated before. We have given them the advantages of American ideals and American institutions. We have shown them how to govern themselves. If they do it wisely and well, as I believe that they will, they have the opportunity of building up a great nation in these far-off islands. There is no reason why they should not do so, and, at any rate, we ought to give them the opportunity and bid them Godspeed.

Fifty years ago no man dreamed that the Japanese people would build up a great empire in that little islands off the coast of Asia, but when the came in contact with European and western civilization they came to themselves and have built up a great civilization of their own and a great empire of their own. The Filipinos are largely of the same stock, and there is no reason why, if given the opportunity, they can not do for themselves just what Japan has done for herself, and I sincerely hope they will.

EXPORTATION OF COTTON GOODS FROM UNITED STATES TO THE PHILIPPINES.

But it is argued that our cotton-goods trade would be injured by our withdrawal from the islands. The statistics show we have exported cotton goods to the islands for the past five years, as follows:

1911	$4,195,665
1912	6,613,682
1913	7,481,456
1914	6,481,734
1915	8,135,809

This is a considerable item, of course, but why should we lose any of this trade? Indeed, it should be added to rather than subtracted from by giving them their freedom. They would be all the more desirous of trading with us.

EXPORTATION OF COTTON GOODS FROM ENGLAND TO THE PHILIPPINES.

England sold cotton goods to the Philippines in the following amounts:

1909	$3,500,000
1910	3,500,000
1911	3,500,000
1912	2,300,000
1913	2,335,000
1914	2,325,000

These figures show that American exportation of cotton goods to the islands has increased and England has fallen off. Why? Not because of our sovereignty, but because the tariff was taken off of American cotton goods. If these islands were given their freedom, it would not interfere with this tariff law; but if the islands enacted a tariff law it will operate against England just as it will operate against this country. If they have no tariff on cotton goods, Americans will continue to sell the islands their cotton goods. It is a question of tariff and not a question of sovereignty.

ARMY AND NAVY COST.

But it is claimed that we ought not to consider the additional cost of Army and Navy because we would have and bear that cost any way. Of course this reasoning is fallacious. We only have need for an Army for defense. If the 15,000 soldiers now in the Philippines were here in the United States and did not have to defend the Philippine Islands, we would have just that much less need for increasing our Army. Indeed, we could get along with a much smaller Army because the Philippines is where we have the largest need for a standing army.

And so about our Navy. As long as we are obliged to keep a part of our Navy around the Philippine Islands to defend them we have just that much less Navy to defend our own country. The power of a Navy is its ability to mobilize quickly. So that, if it were possible to have all our Navy along the Atlantic coast and the Pacific coast, where we could get through the Panama Canal from the one side to the other, our power on the seas would be much greater. As long as it is divided, one part in one hemisphere and a part in another hemisphere, we are vastly weakened. Nothing could add to the strength of our Navy like our having it around our own country.

BONDS.

It is claimed, however, that the government in the Philippines has been allowed to issue about $16,000,000 worth of bonds, and Americans have bought many of these bonds, and if the islands are turned loose the value of the bonds will be depreciated. In the first place, these bonds were bought by the investors with the statute staring them in the face that the government that issued them was "temporary." In the next place, I am informed that these bonds were bought, some of them, as low as 60 cents on the dollar. All our Government did was to guarantee the interest. There is a provision in the bill under which these matters can be adjusted, and no doubt they will be adjusted. Surely, however, these kinds of claims should not keep our Government from doing the right thing, the thing it is bound in honor to do, namely, to give the Filipinos their independence. It would be better for the United States Government to pay all of these bonds rather than to pay $49,000,000 expenses for keeping the islands. Of course the bondholders can not expect this Government to pay these bonds, but the Government ought to make the bondholders whole, and I have no doubt it will do so.

We made an express pledge to the Cubans and gave them their freedom, though only about 25 per cent of them were able to read and write when we gave them their government, and when they were not by nature as capable of government as the Filipinos. Our implied pledge to the Filipinos is just as strong. Let us carry it out like Americans. It will be best for Americans and best for the Filipinos.

NEUTRALIZATION OF THE ISLANDS.

Before these islands are turned over by the President I feel absolutely sure that treaties will be entered into with at least Japan, Great Britain, France, Germany, and Russia guaranteeing the integrity of the islands. That is a matter for the treaty-making powers, and I have full confidence that it will be done. With this done and the good start we have already given them, there is no reason why these people should not soon become one of the great nations of the East.

Mr. TOWNER. Mr. Chairman, I yield 10 minutes to the gentleman from Oregon [Mr. MCARTHUR].

Mr. MCARTHUR. Mr. Chairman, I have already addressed the House upon this subject some few weeks ago, but being the only member of the Committee on Insular Affairs from the Pacific coast and knowing the feeling of the people of that section of the country, I feel that I would be remiss in my duty if I let this debate go by without raising my voice in protest against this Clarke amendment. That is the question that is before us, and in connection with this matter I wish to read into the RECORD a letter from Mr. Zera Snow, a distinguished attorney of my city, one of the leading members of the Oregon bar, and a lifelong Democrat—a man for whose opinion I have very great respect. Mr. Snow spent several months in the Orient last year, and I wrote him a few months ago asking his opinion on the question of Philippine independence. This is his reply:

PORTLAND, OREG., *January 25, 1916.*

DEAR MR. MCARTHUR: You have asked me to state my views on the Philippine question, including the proposition now before Congress to confer independence upon the Filipino people.

Whatever I may say on this question should be prefaced with the statement that personally I am and always have been in favor of abandoning the islands to the people of the Philippines, giving them absolute and uncontrolled sway, regardless of whether or not they made a success of the venture in self-government, whenever it can be known for a certainty that the majority of the people as a whole desire this. By the Filipino people I mean, of course, all the people inhabiting the islands—not alone the Tagalog race. The difficulty, of course, and this is the most serious question of the problem, is to determine whether a majority of the people desire such independence. One swallow never made a summer, and therefore because there may be among the people a desire to undertake the problem of self-government it does not follow by any means that a majority of the people desire this.

I visited the islands last September for pleasure and spent approximately one week at Manila. Both going and coming from the islands and while there I talked with anybody and everybody who would talk upon the question, but more particularly I talked with the American contingent, which it may be said is almost a unit against independence.

Mr. YOUNG of North Dakota. Mr. Chairman, may I interrupt the gentleman?

Mr. MCARTHUR. Certainly.

Mr. YOUNG of North Dakota. From whom is the gentleman quoting? I was not present when he began to read.

Mr. MCARTHUR. I am quoting Mr. Zera Snow, one of the leading Democratic lawyers of Oregon. His letter continues:

I do not hesitate to say that, in my opinion, the Filipino people are, on the whole, unable of successfully maintaining self-government in the islands, and I have very grave doubts whether the more educated classes, as a whole, really desire independence, nor have they very distinct views upon the question, or what independence may mean to them. I have no doubt that prior to the present European war there was quite a local sentiment among the people—I do not mean to say, by any means, a majority—for independence, but, in my opinion, the results of the European war have very greatly shaken their faith in the proposition for independence. In my opinion the people are much better off under the present system of government than they would be with the burden of self-government. When Mr. ——— remarked to me what his people wanted was more liberty, I stated to him that the people were having all the liberty which I had in my Territorial days, and unquestionably they have. If I were a Member of Congress called upon to vote upon this question to-day, I should unhesitatingly vote against independence, though whenever I became satisfied that the majority of the people desired it, I should give it to them; but at the present time I can not see that this is their desire, and for this reason I would not force it upon them. Independence would be an easy method of getting rid of a bad bargain, but at the same time a most shameful one under the present conditions.

I found great dissatisfaction existing with the course of the present local administration of the islands, arising in part, no doubt, by the unsettled condition of affairs which the project of possible independence has engendered, and in part by what is supposed to have been mistakes of Gov. Gen. Harrison. I did not learn the details of these supposed mistakes, but I attribute them very largely to the factional feeling arising between Republicans and Democrats. I can well understand how a new man in the islands might make mistakes. I would not visit the mistake, however, with the condemnation which I found the local American sentiment was inclined to impose upon the governor.

In closing I may say that the uncertainty of whether independence is or is not to be conferred is most injurious to the prosperity of the islands. The question should be settled once and for all immediately, and, being settled, should not be opened up again.

I am,

Very cordially, yours,

ZERA SNOW.

Hon. CLIFTON N. MCARTHUR,
House of Representatives, Washington, D. C.

Mr. Chairman, it is interesting to note that the President has recently reversed his position on the question of Philippine independence. In a lecture on "Constitutional government in the United States," delivered before the students of Columbia University in 1908, Mr. Wilson said:

Self-government is not a mere form of institutions, to be had when desired if only proper pains be taken. It is a form of character. It follows upon the long discipline which gives a people self-possession, self-mastery, the habit of order and peace and common counsel, and a reverence for law which will not fail when they themselves become the makers of law—the steadiness and self-control of political maturity. And these things can not be had without long discipline.

We can give the Filipinos constitutional government, a government which they may count upon to be just, a government based upon some clear and equitable understanding, intended for their good and not for our aggrandizement; but we must for the present ourselves supply that government. * * * But we can not give them self-government. Self-government is not a thing that can be "given" to any people, because it is a form of character and not a form of constitution. No people can be "given" the self-control of maturity. Only a long apprenticeship of obedience can secure them the precious possession, a thing no more to be bought than given. * * *

We of all people in the world should know these fundamental things and should act upon them, if only to illustrate the mastery in politics which belongs to us of hereditary right. To ignore them would be not only to fail and fail miserably, but to fail ridiculously and to belie ourselves.

Mr. Chairman, the people of the Pacific coast are not in favor of this policy of scuttle as proposed by the Clarke amendment.

When the Spanish-American War broke out our regiments went to the Philippines and many of our soldiers were killed in battle. We have paid for the Philippines with our money and the blood of our soldiers, and I say that to turn them over to their own destruction now would be a course of national infamy. [Applause on the Republican side.]

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back five minutes.

Mr. TOWNER. Mr. Chairman, I yield half a minute of time to the gentleman from New Jersey [Mr. BROWNING].

Mr. BROWNING. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by publishing an address made by my colleague from Pennsylvania [Mr. MOORE] on the unveiling of a tablet at Trenton, N. J., marking the site of the seventh capital of the United States.

The CHAIRMAN (Mr. WATSON). The gentleman from New Jersey asks unanimous consent to extend his remarks in the RECORD by publishing an address delivered by the gentleman from Pennsylvania [Mr. MOORE] on the occasion referred to. Is there objection?

There was no objection.

Mr. TOWNER. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. HAYES].

Mr. HAYES. Mr. Chairman, I regard the Clarke amendment in exactly the same light that I would regard a proposition to give the Filipinos immediate independence. It is inconceivable that in two years' time, and especially after this legislation has become a law, the condition of the Philippine Islands will be seriously changed from what it is to-day. Even in four years' time I conceive that there will be no great difference in the conditions from what they are to-day. And so I shall consider this proposition as though it were a proposition for immediate independence.

Mr. Chairman, the United States of America acquired sovereignty over the Philippine Islands from the highest and most altruistic motives. Our war with Spain having destroyed the last vestige of the power of that country to protect or indeed to govern the islands, their helpless and unprotected condition so appealed to the big-hearted McKinley that by his special direction their cession to this country was provided for in the treaty of peace between this country and Spain.

It has never been the policy of this country to seize and hold conquered territory after a war without compensation. It was therefore agreed in the treaty that we should pay to Spain $20,000,000 for these islands. When the treaty with the bill providing for the appropriation of this money came up it was debated earnestly in both Houses of Congress, and the issue was by no means certain until William J. Bryan, then the undisputed leader of the Democratic Party, came to Washington and joined his voice with that of the immortal McKinley. Then by nonpartisan action of both Houses the islands were taken over and the $20,000,000 paid. Since then we have spent vast sums for the pacification and improvement of the islands, though for the past 10 years they have cost us nothing. In fact, during that time we have gotten more out of them than we have put into them. We have, therefore, a princely sum invested in these islands.

Mr. GORDON. Will the gentleman yield at that point?

Mr. HAYES. I will.

Mr. GORDON. Why do you say they cost us nothing in the past 10 years?

Mr. HAYES. Because it is true.

Mr. GORDON. How much do you figure the islands have cost us since we have had them?

Mr. HAYES. Nobody knows.

Mr. McKELLAR. Does the gentleman know that Senator Hoar, of Massachusetts, estimated the cost of the Philippine Islands, up to and including 1902, at $600,000,000?

Mr. HAYES. I do.

Mr. McKELLAR. And does he remember that Secretary Root, who was Secretary of war at that time, estimated the cost of the War Department alone was $132,000,000?

Mr. HAYES. He estimated the entire cost of the maintenance of the soldiers there, and that is not a fair basis of estimate. I will say to the gentleman from Tennessee that we have a princely investment, and the gentleman wants to throw it away.

Mr. McKELLAR. On the contrary, we want to prevent these losses by getting out of there.

Mr. HAYES. There are no losses. For the last 10 years the Philippine Islands have cost us nothing.

Mr. McKELLAR. Does not the gentleman know that we paid $5,700,000 for the Philippine Scouts alone?

Mr. HAYES. I presume the gentleman is correct. Even if the gentleman is correct in his statement, I still maintain they are costing us nothing, because the trade we are getting from those islands more than compensates for the expenditure, and it has done so for some years.

It should be said that neither when they were acquired nor at any time since has there been any thought of their exploitation. It has been the thought of everybody connected with the Government—the thought, indeed, of the American people—that these islands were to be governed, developed, and managed primarily for the benefit of the Filipino people. It has been so governed, developed, and managed. It was the desire of McKinley, as it has been and still is of many lovers of their kind in this country, to see established right at the doors of oriental despotism an object lesson in liberty and free government that might come to light the whole of the great East. To see in time established in those islands justice, equality, intelligence, and liberty under law that would demonstrate to the world what the beneficent institutions of this country will accomplish for any people, no matter what their race or inheritance.

In the pursuit of this humane and exalted purpose we have sent some of our best blood to those islands to help them on the road that we laid out for them. These men have established there equality and justice. Peace, law, and order reign in the whole archipelago for the first time in its history. New schools were established and those there greatly enlarged, and teachers sent to them by the thousands to start their new educational system. Laws were passed to revive their slumbering industries. And to all of our efforts the Filipino people have responded nobly. They have made great strides in education. Their commerce, domestic and foreign, has doubled and trebled in the last 15 years. The heretofore savage aborigines have felt the civilizing influence of our domination and have ceased their head-hunting and their constant warfare and for the first time in their history have settled down to the arts of peace and are living in amity with their neighbors.

The Democratic Party can not claim that we have failed in the Philippine Islands and offer that as an excuse for now scuttling the ship and running away and leaving it to its fate. Our success there is the wonder and admiration of the world. And yet, in the light of that success, it is now proposed to throw away the millions that our Government has invested there; to run away from a duty to the Filipino people and to the world which we solemnly and voluntarily assumed when we took over the islands; to bring to naught all our efforts for the education and elevation of these people; to make it certain that the peace, order, and security which they now enjoy shall be in a few months succeeded by internecine warfare, bloodshed, and anarchy such as Mexico is now enjoying, and this sure soon to be followed by the domination of some powerful alien nation which will exploit them for the benefit of the people of such alien nation.

Now what excuse is offered for the perpetration of this crime?

1. It is claimed that it is costing us much money to keep them. Nothing could be further from the truth. The Philippines are costing us nothing, and for 10 years have cost us nothing. The people of the islands are paying and for some years have paid all the expenses of the government of the islands. We are paying the Filipino Scouts. It has been said that we pay for keeping the 10,000 or 15,000 soldiers who are quartered there. We do; but if they were not quartered there we would be paying for quartering them somewhere in this country, and I have no doubt they can be kept there cheaper than they can here. I have heard no one claiming that when we leave the islands we should reduce our present standing army by the number we now have there. There is absolutely nothing in the expense argument.

2. But it is said that the United States of America should not have colonies nor possessions and should not be trying to govern alien peoples without their consent. We have had the Declaration of Independence, Thomas Jefferson and all the changes on both rung in this debate ad nauseam. I do not hear these same shouters for the right of self-government, whether the people are capable of it or not, demanding the independence of Porto Rico. Indeed, I have not seen them making any great haste to give the right of self-government to the 400,000 of our own countrymen living in the District of Columbia or to bestow such right upon the people of Alaska.

The truth of the matter is that no people are entitled to self-government until they are capable of exercising it, and no people incapable of exercising it will have that right long as the world is to-day. I desire to impugn no man's motives or honesty in his attitude on this legislation, but I undertake to say that much, if not most, of this talk about the expense of maintaining our sovereignty over the Filipinos and the sacred rights of every people to govern themselves is pure cant and hypocrisy, and is intended to cover the real motive that lies behind this legislation. That motive is plain physical, ignoble cowardice.

It is claimed that if we keep the Philippine Islands it will be the cause of a war with some nation unnamed; or, should we be embroiled in war, that those islands will be a source of weakness, strategically, to us; and that, therefore, before they are taken away from us it is the part of wisdom to give them away and withdraw our claim of authority over them. In a few words, this seems to be the last argument of all, or nearly all, the proponents of this measure.

Could anything be more craven or more destructive of self-respect, or the respect of the world for our country, than a course so weak and ignoble as this? We are asked to throw away our vast investment in the Philippine Islands and the vast advantage they will be to us in maintaining ourselves commercially in the Pacific Ocean; asked to throw overboard those people who are depending upon us for protection, whether they realize it or not; asked to violate our obligations to the world as well as to the Filipinos, because, forsooth, we are afraid that some time in the future they are going to be a source of trouble to us.

In our national childhood, when we numbered 3,000,000—a poor and struggling people—we wrested our independence from the British Empire. Thirty years later, when we had 10,000,000 and had come to a vigorous youth, we again defied the British Empire. Can it be possible that from such a vigorous childhood and virile youth we have descended to be a lazy, rich, fat, overgrown, cowardly lubber that is making haste to give away his possessions lest somebody fall upon him and take them away from him? If it is true that we have descended to this condition of fear and weakness, the only cause for it that I can think of is the recent advent of the Democratic Party as the dominant party in this country. But, like the fears of nearly all cowards, these fears exist only in the fervid imagination of those who entertain them.

The Philippine Islands could never be a weakness to this country; on the contrary, in any emergency they would be a strength.

We have spent many millions of dollars already in fortifying a naval base there to which our ships can go for supplies and for repair and relief in case of attack, which will give us a hold in the Pacific more valuable than can be estimated in dollars. Should war come and the Philippine Islands be attacked, whatever energy the enemy bestows on the subjugation of the islands will not be bestowed upon us; and if we extend to them the rights and bestow upon them the blessings that I know all our people expect to extend and bestow as fast as they are capable of receiving them, it is inconceivable that they would not defend themselves and their homes against the common enemy to the very limit of their ability.

Many people said before the beginning of the present war in Europe that India would be a source of weakness to England. On the contrary, it is one of her great elements of strength, and the people of India are astonishingly loyal to Great Britain, and stand ready to fight not only for their own protection but have even joined the English upon the European front.

There is, therefore, nothing in this argument that the Philippine Islands are or ever will be a source of weakness to this country. At this time no country is objecting to our sovereignty over them. The whole world is entirely satisfied with the present status quo. Why, therefore, this sudden haste to pull down the Stars and Stripes where they have brought such blessings, enlightenment, and prosperity to make way for anarchy, internecine strife, and bloodshed? To even propose it is a dastardly, inexcusable, monstrous, cowardly crime. [Applause.]

Mr. TOWNER. Mr. Chairman, I yield five minutes to the gentleman from Delaware [Mr. MILLER].

Mr. MILLER of Delaware. Mr. Chairman, the first election after the Spanish-American War—that is, presidential election—was held in the year 1900, and at that time President McKinley was running for reelection on the Republican ticket; and on the Democratic ticket Mr. Bryan, of Nebraska, was running. In the Democratic platform was this clause as to the Philippine policy:

> We condemn and denounce the Philippine policy of the present administration

President McKinley went before the country that year and was elected by an electoral vote of 292 to 155. In 1904 and 1908 the Democratic platform had similar planks, as well as in 1912. But we see the majority Members of this House, in spite of the fact that the gentleman from Nebraska was repudiated, a few days ago permitting that gentleman to ride them through the House, because in 1900 when the issue first came before the country as to what we should do with the Philippines it was settled in a very conclusive manner by the electorate of the country.

Mr. GORDON. Will the gentleman yield?

Mr. MILLER of Delaware. I can not yield in five minutes.

We have been told here that to hold the Philippine Islands is holding the people in bondage and oppressing them. Do you call it holding them in bondage when we went our there and cleaned out the pesthouse that existed in the Philippine Islands prior to 1898? Do you call it holding them in bondage by improving their public works, by doing everything that we would do for our own people in our own country? If that is the way the majority side of the House look at it, I must say that they have completely lost their vision.

It has been said to-day that those of us on this side who vote against the Clarke amendment are doomed to political annihilation next year. I disagree with the gentleman from Alabama [Mr. HEFLIN], and I thoroughly believe that if you put this bill through the House to-day it will take Democratic Members out of their seats and not Republicans. And if I was actuated by base political motives, I would like to see this bill go through, and then the gentleman could see how far his prediction would go.

But, gentlemen of the House, I am not actuated by those motives. I want to see the Clarke amendment voted out of the bill first, because, in my opinion, that is one of the most vicious amendments that has ever come on a bill from the Senate. Look what its author said in the Senate when he proposed it. He was not a member of the committee that reported out the bill. He said:

> I had no particular reason in introducing this amendment except that no one else would do it. * * * Either I or some one else had to do it. I am getting as much salary as anybody else and doing about as little.

With all due respect to that gentleman, he is a man of big deeds, but in my opinion this is one of the smallest things he ever did. I continue; he says:

> And I did not know but that I had better get busy right along that line.

That amendment was voted into the bill by a tie vote, which was broken by the vote of the Vice President. Eleven Democratic Senators voted against that amendment, and the 28 Democrats in this House who are going to stand with the minority party in upholding American rights to-day deserve every credit that the country can give them, together with the minority party in this House, that is furnishing the bulk of the vote, and we are proud to vote this amendment out of the bill.

The gentleman from the Philippine Islands [Mr. QUEZON] completely demolished, in my opinion, some of the strongest arguments that some of the Democrats on the other side have made about the Japanese bugbear in the Far East. As I listened to the Philippine Resident Commissioner in his argument, although I did not agree with him in what he said, I could not help but plainly see how his argument on this Japanese bugbear absolutely demolished the argument that his colleagues on the Democratic side have made on the floor of the House to-day on this question.

What if it does bring us into international complications with Japan? So long as that question has been raised, is that any reason why we should scuttle the ship of state and leave it? We understand that there is a submarine controversy going on with another Government to-day. I say that there is a controversy going on here in this House to-day in which we see one party trying to torpedo the ship of state in the Philippines, and a minority of the Democratic Party combining with the Republican minority of the House trying to save the interests of the country to-day.

Vote this amendment out of the bill, and let the House pass a Philippine bill which gives to the Philippines home rule under the control and protection of the United States. Without that they would not have existed since 1898. Without that May 1, 1898, would not be a day to be proud of in our history; and had we not gone into there 18 years ago to-day the Filipinos and the Philippine Islands would be undergoing the domination of Spain or else that of some other monarchial form of government which, as results have shown, did not work to the benefit of the people when it came to colonization.

Therefore, on the eighteenth anniversary of one of the greatest days in American history, we confidently hope on this side—and we are proud of it— that before adjournment comes to-day you will see this vicious Clarke amendment voted out of the bill, and then there will be some chance of passing a bill that will give some form of home rule to the Philippine Islands under this great Government. [Applause.]

Mr. Chairman, if I have any time remaining, I yield it back.

The CHAIRMAN. The gentleman's time has expired.

Mr. JONES. We have only one other speaker on this side.

The CHAIRMAN. If there is further debate, the Clerk will read.

Mr. TOWNER. Mr. Chairman, I yield seven minutes to the gentleman from New York [Mr. FITZGERALD]. That is all the time that I have.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] is recognized for seven minutes.

Mr. FITZGERALD. Mr. Chairman, in the brief time allotted to me I am unable to discuss the pending bill with that thoroughness which I desire. It will be possible, however, to justify the action of those of my Democratic colleagues who, like myself, are unable to support the bill in its present shape.

I am unalterably opposed to section 34 of this bill, which is known as the Clarke amendment. In my opinion, it is a plain violation of the pledges made by the Democratic Party in its national platform; it is inconsistent with the action taken by the Democratic House in the last Congress; it is contrary to the position upon which I made my campaign for Congress in the congressional election for 1914; and it has not the approval of the great mass of the people.

The Democratic national platform of 1912 contained this declaration:

We favor an immediate declaration of the Nation's purpose to recognize the independence of the Philippines as soon as a stable government can be established, such independence to be guaranteed by us as we guarantee the independence of Cuba, until the neutralization of the islands can be secured by treaty with other powers.

Such a provision was contained in the Jones bill of 1902, and the attitude of the Democratic Party since that time has practically been unchanged.

My position regarding this question is not new nor of recent origin. In October, 1914, I had the distinction to preside at the Lake Mohonk conference on the Indian and other dependent peoples.

Among the prominent men who participated in that conference were the following: Rev. Ernst H. Abbott, The Outlook; Rev. Joseph Anderson, D. D., Woodmont, Conn.; Rev. E. Ashley, LL. D., general missionary, Episcopal Church, Aberdeen, S. Dak.; Rt. Rev. George Biller, jr., Sioux Falls, S. Dak.; S. M. Brosius, Indian Rights Association, 908 G Street NW., Washington, D. C.; Rev. Arthur J. Brown, D. D., 156 Fifth Avenue, New York; Elmer E. Brown, LL. D., New York University, New York; Rev. James M. Bruce, 201 West Fifty-fifth Street, New York; Rev. Thomas Chalmers, D. D., Manchester, N. H.; Rev. W. I. Chamberlain, Ph. D., secretary Board of Foreign Missions of Reformed Church, 25 East Twenty-second Street, New York; Rev. William B. Cooke, First Presbyterian Church, Manila, P. I.; Rev. Charles C. Creegan, D. D., Fargo College, Fargo, N. Dak.; Paul De Schweinitz, D. D., secretary of Missions of the Moravian Church in America, Bethlehem, Pa.; Edwin C. Dinwiddie, superintendent National Temperance Bureau, 30–33 Bliss Building, Washington, D. C.; H. Paul Douglass, D. D., American Missionary Association, 287 Fourth Avenue, New York; Rev. A. E. Dunning, D. D., The Congregationalist, Boston, Mass.; Rev. Carl E. Grammar, 1024 Spruce Street, Philadelphia, Pa.; Rev. R. D. Hall, secretary for Indian Work of International Committee of Young Men's Christian Association, 124 East Twenty-eighth Street, New York; James P. Lichtenberger, professor of Sociology University of Pennsylvania, Philadelphia, Pa.; Dr. Henry M. MacCracken, University Heights, New York, N. Y.; Mrs. E. E. Marean, The Christian Register, 272 Congress Street, Boston, Mass.; Charles F. Meserve, LL. D., Shaw University, Raleigh, N. C.; Rev. Thomas C. Moffett, D. D., 156 Fifth Avenue, New York; Delavan L. Pierson, The Missionary Review of the World, 354 Fourth Avenue, New York; Francis H. Rowley, D. D., 45 Milk Street, Boston, Mass; Doremus Scudder, M. D., D. D., editor The Friend, minister of Central Union Church, 910 Prospect Street, Honolulu, Hawaii; Charles L. Thompson, D. D., secretary Presbyterian Board of Home Missions, 156 Fifth Avenue, New York, N. Y.; Rt. Rev. Theodore Payne Thurston, D. D., bishop of eastern Oklahoma, 734 Terrace Boulevard, Muskogee, Okla.; Fennell P. Turner, general secretary Student Volunteer Movement, 25 Madison Avenue, New York, N. Y.; Rev. N. H. Van Arsdale, D. D., The Christian Intelligence, 149 Church Street, New York; Miss Lina J. Walk, The Christian Work, New York, N. Y.; Rev. G. A. Watermulder, Winnebago, Nebr.; Rev. Charles R. Watson, D. D., corresponding secretary United Presbyterian Board of Foreign Missions, Reformed Church Building, Philadelphia, Pa.; Rev. Arthur P. Wedge, traveling lecturer for the Propagating the Gospel among the Indians, Poughkeepsie, N. Y.; Rev. Charles L. White, D. D., associate corresponding secretary of American Baptist Home Mission Society, 23 East Twenty-sixth Street, New York, N. Y.; Rt. Rev. Frederick F. Johnson, St. Louis, Mo.

Those gentlemen represented every phase of religious thought in this country. In discussing at that conference the Jones bill, which was then under consideration and had just passed the House of Representatives, I made this statement:

Perhaps the provision in the previous bill which aroused the greatest antagonism was that one which provided that at the expiration of eight years the Filipinos should be granted their absolute independence. I for one was very gravely in doubt as to the wisdom of such a provision. With others, I did not believe it was wise or expedient for the United States to determine eight years in advance that the Filipinos would be ready for their independence, nor that the conditions would be such that the United States would be justified in granting their independence to them. And so, as the result of many conferences and much discussion, that provision was eliminated from the bill.

I also made this statement:

The desire of all, regardless of partisan considerations, is to have the Philippine people have a government which will be most conducive to their happiness and prosperity. The policy which is being carried out was formulated under the direct supervision of President Wilson. I am sure that no one believes that he has any desire to exploit the islands or to bring to the people discomfort or distress; and I am certain that the work, which heretofore with great difficulty and very successfully and with credit to the American people has been carried on, will continue to be done equally successfully, until eventually there is practically an agreement among our people that the time has arrived when the independence of the Philippine people should be granted. When that time comes independence will be granted in such a way that the civilized nations of the world will know that the United States is not casting them adrift to be the prey of some ambitious nation, but that it intends that their independence shall be maintained by all the power and resources of the United States.

The Hon. MANUEL L. QUEZON, the Resident Commissioner from the Philippines, speaking on the same occasion of the Jones bill, said:

One important end is accomplished by this bill. It will settle in the only practical and possible way the controversy regarding the capacity of the Filipino people for self-government. The bill is so framed that, while the Filipinos will have ample opportunity to demonstrate their wisdom and patriotism, the powers reserved to the United States are sufficient to prevent, in case of failure in this test, any serious harm to the people of the islands themselves or to the United States. For this reason alone, if for no other, this bill should have the unanimous support of every American who in good faith believes that no governmental powers should be withheld from the Filipinos that they can properly exercise; and in like manner those who assert that we are incapable of governing ourselves ought to welcome the proposed test as much as we who allege that we are fully capable of self-government, because it will show at once who is right. If they are correct in their views, the fact will be plainly demonstrated and the control of the Philippine government will be transferred to wiser men. If we are correct, a wrong which has already lasted too long will be righted.

That conference adopted, as had been the practice in former conferences, a declaration of principles or a platform, and upon the question of the Philippine Islands the following declaration was made:

The American people, having accepted the privilege and responsibility of fitting the inhabitants of the Philippine Islands for self-government, their undertaking should be prosecuted with conviction and fidelity by Government officials, by teachers in the schools, and by teachers of religion, in order that a moral basis may be secured on which a stable government can rest. The desire for self-government on the part of the Filipino people is a legitimate and praiseworthy ambition. It should not only be encouraged but it should be coupled with the endeavor to cultivate the essential virtues of a self-governing people. The object of our Government should be, not so much to hasten the time when it may be freed from responsibilities as to advance the time when the Philippine people shall be so fused in common purposes, a common language, common sentiments, and ideas and character, that they shall be clearly competent to determine their future relations with the United States. It appears from the Jones bill, now under discussion, that in view of the present Congress, as thus far indicated, a definite time can not yet be fixed when this momentous question of the status of the Philippines shall be finally decided. *It is a view with which this conference is in full accord.*

That gathering of representative men from all parts of the United States, typifying every phase of religious, political, and commercial thought, was unanimously in accord with the action of the Democratic House of Representatives, which had just passed a bill extending to a very large extent the control of their Government to the Philippine people, but refusing to declare any definite time at which they should be fitted for independence.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman permit a question?

Mr. FITZGERALD. I have a very limited time.

Mr. COOPER of Wisconsin. I wanted to ask if that was the bill that had the preamble?

Mr. FITZGERALD. The Jones bill had a preamble, which I regret is not in this bill.

That preamble was as follows:

Whereas it was never the intention of the people of the United States in the incipiency of the War with Spain to make it a war of conquest or for territorial aggrandizement; and

Whereas it is, as it has always been, the purpose of the people of the United States to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein; and

Whereas for the speedy accomplishment of such purpose it is desirable to place in the hands of the people of the Philippines as large

a control of their domestic affairs as can be given them without, in the meantime, impairing the exercise of the rights of sovereignty by the people of the United States, in order that by the use and exercise of popular franchise and governmental powers, they may be the better prepared to fully assume the responsibilities and enjoy all the privileges of complete independence.

That is an expression of what I believe to be practically the universal opinion of the people of the United States—that it is not the intention of the United States to hold the Filipinos forever in subjection, but that when, by reason of the opportunities afforded, they shall have demonstrated their capacity by the exercise of the powers of government not only to establish but to maintain and conduct a government that will secure the rights of life, liberty, and the pursuit of happiness to all of the Filipinos and be able to maintain their position as an independent people among the nations of the world, then the United States intends to give them their independence. But it also proposes, Mr. Chairman, according to my belief, that the islands shall not be cast adrift with the statement that they are free, and left, unaided and unsupported, to make the best of their opportunities. When they are freed it ought to be with the knowledge conveyed in unmistaken tones to the world that the United States intends to stand by them and to aid and to assist them to maintain the government that is established until they have attained a position which will enable them to stand alone. [Applause.] This bill, in my judgment, does not do what I believe the American people demand. It does not conform to the declaration upon which the Democratic Party appealed to the country in 1912 and again in 1914.

The so-called Clarke amendment, section 34 of the bill, is as follows:

SEC. 34. The President is hereby authorized and directed to withdraw and surrender all right of possession, supervision, jurisdiction, control, or sovereignty now existing and exercised by the United States in and over the territory and people of the Philippines, and he shall on behalf of the United States fully recognize the independence of the said Philippines as a separate and self-governing nation and acknowledge the authority and control over the same of the government instituted by the people thereof, and full power to take the several steps necessary to institute such government is hereby conferred upon the said Philippines acting by and through governmental agencies created by this act. This transfer of possession, sovereignty, and governmental control shall be completed and become absolute not less than two years nor more than four years from the date of the approval of this act, under the terms and in the manner hereinafter prescribed: *Provided*, That if the President, prior to the expiration of the said period of four years, shall find that the condition of the internal or external affairs of said Philippines in respect to the stability or efficiency of the proposed government thereof is such as to warrant him in so doing, he is hereby further authorized, by proclamation duly made and published, to extend the said time to and including the date of the final adjournment of the session of Congress which shall convene next after the date of the expiration of the said period of four years, and thus afford the Congress an opportunity in its discretion to further consider the situation in the said Philippines; but any such extension of time by the President shall not otherwise suspend or nullify the operative force of this act, unless the Congress shall hereafter so direct. For the purpose of a complete and prompt compliance with this direction, the President is hereby invested with full power and authority to make such orders and regulations and to enter into such negotiations with the authorities of said Philippines or others as may be necessary to finally settle and adjust all property rights and other relations as between the United States and the said Philippines, and to cause to be acknowledged, respected, and safeguarded all of the personal and property rights of citizens or corporations of the United States and of other countries resident or engaged in business in said Philippines or having property interests therein. In any such settlement or adjustment so made in respect to the rights and property of the United States as against the said Philippines the President may reserve or acquire such lands and rights and privileges appurtenant thereto as may, in his judgment, be required by the United States for naval bases and coaling stations within the territory of said Philippines.

The effect of that provision is to cast the Filipinos adrift, not less than two nor more than four years and a fraction from the approval of the bill. They are to be turned loose without ample opportunity to demonstrate their capacity to conduct and to maintain a stable government. There is to be no guaranty by the United States of their independence. They will have no right to look to us for the help and aid and encouragement to which they are entitled. There is to be no assurance that they will be protected from the designs of grasping and hostile powers. They are not to be secured by any declaration of protection by the United States pending the negotiation and ratification of treaties with the civilized powers that their independence will be recognized and protected.

I shall not criticize nor condemn those who advocate such a course. Sincere, able, conscientious, and patriotic men favor such action. I do not. I can not be a party to it. I shall not give my support to a measure to bring about such results.

The Jones bill passed the House of Representatives in 1914 by a vote of 211 to 59. That vote was representative of the matured public opinion of the country. That bill should be passed again by this House. It confers large powers of government upon the Philippine people. It will give them the opportunity to demonstrate their capacity for self-government. It will hasten rather than retard their independence. It conforms to the declaration of the Democratic Party contained in the national platform and expressed in legislative action. It harmonizes with my convictions, and it is in accord with the declarations upon which I appealed to my constituents in the last congressional campaign. [Applause.]

Under the leave to print, I append the address which I made in October, 1914, at the Lake Mohonk conference and from which I have quoted briefly during these remarks.

THE CONTENT OF THE JONES BILL.

[Address by Hon. JOHN J. FITZGERALD, M. C.]

There has been some discussion during the conference as to the advisability of the adoption of what might be designated as an American policy in dealing with the Philippine Islands. The purpose evidently is to have the United States initiate a policy for the control of the islands that shall not be discussed from a purely partisan standpoint, but that shall represent practically the sentiment of the people regardless of politics. During the present week the House of Representatives passed a bill that had been under consideration for several weeks. It is known as the Jones bill. Perhaps some misunderstanding has been occasioned because of the title of the bill and the fact that in a previous Congress proposed legislation bearing the same title was in many respects radically different from the bill considered at the present session by the House. Perhaps the provision in the previous bill which aroused the greatest antagonism was that one which provided that at the expiration of a period, if I recall correctly, of eight years, the Filipinos should be granted their absolute independence. I, for one, was very gravely in doubt as to the wisdom of such a provision. With many others, I did not believe that it was either wise or expedient for the United States to determine eight years in advance that the Filipinos would be ready for their independence, or that the conditions would be such that the United States would be justified in granting independence to them. And so, as the result of many conferences and much discussion, that provision was eliminated from the bill. The bill as passed by the House represents the matured policy of the present administration; it has the indorsement of the present administration. From the result in the House of Representatives I believe that it can be safely said that it expresses as nearly as can be expressed the American policy of dealing with the Philippine Islands in the future. Upon a recorded vote, taken upon the passage of the bill, 211 Representatives voted in favor of the bill and 59 in opposition to it. Any bill which passes the House of Representatives after extended controversy by a vote of practically 4 to 1 will come as nearly to representing the sentiment of the American people as any legislation that can be enacted. The portion of the bill which excited the greatest controversy and the most partisan contest, strange to say, was the preamble. The preamble is not a legislative act in the sense that is a law, but it is a method used of making a solemn declaration of the purpose by the Government in its future actions.

It is a declaration of policy upon the part of the Government. It is a declaration that was demanded by a very large and influential element of the Philippine people, and it is a declaration which is in complete accord with the platform of the dominant party now in the control of the Nation. I hope I may without offense to anyone present dissent from the view expressed here that in the language of olden days political platforms are "not meant to stand on, but to get in on." No public official can afford to assume any such position. A candidate for office or a political party which seeks power upon a declaration of principles and policies can not, after having invited and received the support of a majority of the electorate, assume that the policies favored and to be carried out in the event of success may be regarded as certain treaties, and be considered merely as "scraps of paper" to be disregarded when it was opportune for the party in power.

The Democratic platform, upon which the party was put in control of the executive and legislative branches of the Government, contains this very important and essential paragraph:

We condemn the experiment in imperialism as an inexcusable blunder which has involved us in enormous expenses, brought weakness instead of strength, and laid our Nation open to the charge of abandoning a fundamental doctrine of self-government. We favor an immediate declaration of the Nation's purpose to recognize the independence of the Philippines as soon as a stable government can be established, such independence to be guaranteed by us as we guarantee the independence of Cuba, until the neutralization of the islands can be secured by treaty with other powers.

The preamble of the Jones bill is a very mild declaration of that provision of the platform, but it is not the declaration of the policy of the Democratic Party alone. It is merely putting into concrete expression the policy that has been enunciated and has been contemplated by the Republican Party in the years

in which it was in control of the government of the Philippine Islands. I undertake to say that no influential group of men or no substantial body of men at any time in the United States has ever taken any other position than that the purpose of the United States is ultimately to grant to the Philippine people their independence. The only question upon which there has been any difference of opinion is the question as to the time when the Philippine people would be fitted to establish and to maintain an independent government. In 1908 Mr. Taft, as Secretary of War, was sent to the Philippine Islands, and upon his return he made a most voluminous report. In that report he called attention to the fact that many Filipinos desired that the American people should declare a definite policy as to the Philippines, so that they might be informed as to what that policy was to be. He said he did not believe any more definite statement of policy could be enunciated than the policy declared by President McKinley in his instructions to Secretary Root for the guidance of the Philippine Commission. It was practically incorporated in the organic act. "That policy," he said "is declared to be the extension of self-government to the Philippine Islands by gradual steps from time to time as the people of the islands shall show themselves fit to receive the additional responsibility."

It "necessarily involves in its ultimate conclusion, as the steps toward self-government become greater and greater, the ultimate independence of the islands."

In another portion of his report the Secretary, outlining the policy of the United States toward the Philippine Islands, said:

> Shortly stated, the national policy is to govern the Philippine Islands for the benefit and welfare and uplift of the people of the islands, and gradually to extend to them, as they shall show themselves fit to exercise it, a greater and greater measure of self-government.

And he added:

> When the Filipino people as a whole show themselves reasonably fit to conduct a popular self-government, maintaining law and order, and offering equal protection of the laws and civil rights to rich and poor, and desire complete independence of the United States, they shall be given it.

So that the preamble of the Jones bill merely puts in a formal way the uniform policy of the Government and the one intended from the very beginning by the American people, as expressed by the action and attitude of administrations of two opposite political parties. A stable government can not mean any other government than such a government as can maintain law and order, and can extend equal protection of the law to the rich and to the poor.

The treaty with Spain, by which the United States acquired the Philippine Islands, was ratified on the 11th of April, 1899. Until July 1, 1902, all military and civil power was exercised in the Philippine Islands by the President of the United States through such military and civil officers as he appointed. On the 1st of July, 1902, the organic act was enacted by Congress, and it was designated as an act for the temporary government of the Philippine Islands, which act has now been in force for 12 years, and the proposed law is designed to extend to the Filipinos a much larger measure of control and management in their own affairs. In contemplating the capacity of the Philippine people for self-government it must not be forgotten that more than a hundred years ago Filipino representatives sat in the Spanish Cortes in Spain, and at one time as many as 17 representatives of the Philippine people were members of the Spanish Parliament. Before Harvard existed the University of St. Joseph had been established at Manila, where the Filipino youth were educated in the higher branches of learning, in medicine and in law, in literature and philosophy, in science and in art, and an organized system of public schools existed throughout the islands, while for more than 300 years they have had the civilizing effects of the Christian religion. Three years ago more than one-half of the Christian inhabitants, constituting as they do more than nine-tenths of the total population of the Philippines, had learned to speak the English language, and to-day the proportion of those who speak English is much larger, since for several years past the annual attendance in the public schools of about 600,000 Philippine children, taught by about 9,000 teachers, at least 92 per cent of whom are Filipinos, has made possible the acquisition of the English language and the spread of learning to an extent we hardly appreciate. Since 1907 the Filipino Legislature has consisted of an appointive commission and an elective body—a commission of nine members appointed by the President of the United States, one of whom is the Governor General, an assembly composed of Filipinos, elected by the Filipinos themselves. Impartial observers express the belief that this assembly has done remarkable work in demonstrating the capacity of the people for self-government. Everyone does not agree with everything they do, but when we consider how much acrimonious controversy there is over the actions of the United States Congress and of our State legislatures, we can not expect that perfection of work from the Filipino Assembly that would result in complete acquiescence on the part of everyone in all of their actions. Under the present government the commission has equal authority with the Philippine Assembly in legislative matters over the Christian peoples of the Philippine Islands. It has exclusive executive power and exclusive control of legislation over the non-Christian portions of the islands. The result has been that the commission, responsible not to the Philippine people but to the President of the United States, has taken moneys raised by taxation from the Christian people and spent it at will in the non-Christian Provinces. One of the grievous complaints that the Philippine people have had has been the manner in which the commission has disbursed the public funds in the non-Christian portions of the territory. One of them was the expenditure of many millions of public revenues in the construction, maintenance, and upkeep of the Benguet automobile road in non-Christian territory, which has aroused the indignation of the Philippine people, and is a striking illustration of the necessity for the abolition of the Philippine Commission. This short road, some 22 miles in length, has already cost the Filipinos more than $100,000 a mile. Until recently the majority of the Filipino Commission have been Americans. President Wilson, however, inaugurated a new policy by appointing a majority of Filipinos. The effect was immediately noticeable. Although the commission and the assembly for three years were deadlocked upon the appropriation bill, and it was impossible to have the appropriation bill enacted in three meetings of the legislature, at the last session of the legislature, with a majority of Filipinos in the Philippine Commission, the appropriation bill was passed by a unanimous vote in both bodies—not only the Filipinos but the Americans united in supporting it. This is a somewhat striking illustration of their capacity to govern.

The Jones bill declares, first, who are and who may be citizens of the Philippine Islands. It enacts the Bill of Rights, substantially the personal and property guarantees of the Constitution of the United States. It provides that all the expenses incurred by the Philippine Government be defrayed by moneys raised by taxation in the Philippine Islands; that all the powers that are now conferred upon the Philippine Legislature and the Philippine Commission be exercised by the Philippine Legislature; it continues the laws that are now in force until they are changed by the new legislature or by Congress; transfers all the public domain to the Philippine government to be administered for the benefit of the Philippine people; empowers the legislature, in addition to the usual powers, to legislate on tariff, currency, and coinage, but all laws affecting these subjects as well as timber, public lands, and mines must be approved by the President of the United States before they become effective. It retains in Congress the control of the trade relations between the United States and the Philippine Islands; it creates a legislature of two bodies—a senate and house of representatives. The islands are to be divided into 12 senate districts and 90 representative districts, each senate district to elect two senators, each representative district one representative. The Governor General of the islands, without restriction upon residence, is empowered to appoint the two senators and nine representatives from the non-Christian portions of the islands. One senate district is comprised of those Provinces which are not now organized. But the other 22 Senators and 81 representatives are to be elected by the people of the Philippine Islands themselves. The right of suffrage is extended to all who can read and write in any native language. At present it is restricted to those who can read or write in English or Spanish. The Governor General is to be appointed by the President of the United States, as are the justices of the supreme court. The Governor General is to appoint all of the officials in the islands, subject to confirmation by the Philippine senate. The Governor General has a qualified veto over the legislation enacted by the legislature. His veto can be overruled by two-thirds vote of both houses, but if such action be taken the bill must be transmitted to the President of the United States, and unless he approves it it will not become a law. The right is reserved to the Congress of the United States to annul any legislative action taken by the Philippine Legislature.

That is a comprehensive outline of the provisions of the bill. Its purpose is to give to the Philippine people the fullest measure of control over their own affairs, and to retain at the same time such control in the President and in the Congress as will insure protection against hasty, ill-advised, or unjustifiable legislation. There has been some criticism of the present administration of the Philippine Islands. It has not been voiced

at this conference, and I do not believe it is justified when the facts are actually known. The present administration has been "Philippinizing"—to use a word that has recently come into vogue—by placing Filipinos in positions which heretofore have been occupied by American citizens. There has been considerable criticism of such action on the part of the American citizens who have lost the lucrative positions which they have been occupying for some time. And yet it must be apparent to everyone that if the Filipinos are ever to administer their own affairs, they must be placed in control of them. Action has not been taken at random, but changes have been made with care and deliberation in compliance with the civil-service laws, and wholly in the interest of the public service. As the result of this Philippinizing of the Philippine service the Philippine government has reduced its expenditures a million dollars in a year, and it is now arranged to curtail those expenditures $2,500,000 more. The present administration under Gov. Gen. Harrison has repealed the law which permitted the sale of friar lands in excess of the area fixed in the organic act. It has created a public-utilities commission to prevent the exploitation of the islands and to protect the people against exorbitant charges. It has enacted a pure food and drugs act, in line with the progressive sentiment of this country. The judiciary has been reorganized in order more quickly and efficiently to punish offenders against the law. It has substituted civil officials for military in the Moro Province, and despite the fears of those who looked upon such action with alarm there is order, peace, intelligent and progressive work being done in the Moro Province under the civilian officials. The bureau of navigation, maintained at a very high cost, with a number of high-salaried officials, for the purpose of supervising a governmental fleet used largely for official purposes by the officials of the Philippine government, was abolished. Considerable criticism has come from this action by those who have lost lucrative positions in that bureau.

It seems to me that this review of what has been done in the Philippine Islands and a proper understanding of the purpose of Congress leave no doubt that the will of the American people is being expressed in the administration of the islands and in the legislation for them. The desire of all, regardless of partisan considerations, is to have the Philippine people have a government which will be most conducive to their happiness and prosperity. The policy that is being carried out was formulated under the direct supervision of President Wilson. I am sure no one believes that he has any desire to exploit the islands or to bring to the people discomfort or distress; and I am certain that the work, which heretofore with great difficulty and very successfully and with credit to the American people has been carried on, will continue to be done equally successfully, until eventually there is practically an agreement among our people that the time has arrived when the independence of the Philippine people should be granted. When that time comes independence will be granted in such a way that the civilized nations of the world will know that the United States is not casting them adrift to be the prey of some ambitious nation, but that it intends that their independence shall be maintained by all the power and resources of the United States.

Mr. JONES. Mr. Chairman, I will ask the gentleman from Iowa [Mr. TOWNER] if he has exhausted the debate on his side?

Mr. TOWNER. I have.

Mr. JONES. Mr. Chairman, I yield to the gentleman from Ohio [Mr. BRUMBAUGH] the time remaining to me.

The CHAIRMAN. The gentleman from Ohio [Mr. BRUMBAUGH] is recognized for nine minutes.

Mr. JONES. I understood from the gentleman from Tennessee [Mr. GARRETT], who has had charge of the time, that there were 24 minutes remaining to us. That is the understanding.

The CHAIRMAN. The Chair understands from the Clerk at the desk that the time remaining to the gentleman from Virginia is nine minutes.

Mr. JONES. I can not understand that, Mr. Chairman, because it has been understood that we had 24 minutes. The gentleman from Tennessee [Mr. GARRETT] has gone to his dinner, and I think there must be some mistake about the count of the time. We have all understood that it was 24 minutes.

Mr. MILLER of Minnesota. The gentleman is correct in that understanding.

Mr. JONES. Mr. Chairman, my friend, the gentleman from Minnesota [Mr. MILLER] confirms my statement that it is 24 minutes.

Mr. TOWNER. I will say to the Chairman that that is my understanding.

Mr. JONES. The time has been parceled out with that understanding.

The CHAIRMAN. The Chair will state that the record kept at the desk shows that there are nine minutes remaining to the gentleman.

Mr. JONES. The understanding was that the debate was to close at half past 6 o'clock.

Mr. MILLER of Minnesota. I should like to call the attention of the Chair to the fact that the debate began at 11.30, and that by agreement reached this afternoon between the two sides it has been limited to seven hours. That would certainly conclude the debate until 6.30, and, of course, a little time has been lost in yielding, so that the gentleman's contention must be correct.

The CHAIRMAN. The Chair, of course, has no record of his own as to the time consumed, but the record that has been kept by the Clerk at the desk shows that 3 hours and 21 minutes have been consumed by the gentleman from Virginia.

Mr. JONES. I ask that the gentleman from Ohio [Mr. BRUMBAUGH] be permitted to speak for 24 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the gentleman from Ohio [Mr. BRUMBAUGH] be permitted to proceed for 24 minutes. Is there objection?

Mr. AUSTIN. Reserving the right to object, I ask that this side be given an equal amount of time.

Mr. JONES. Your side have had their time.

Mr. AUSTIN. And according to the statement of the Chairman your side has had the same amount of time.

Mr. JONES. There is no question about your having had three hours and a half.

Mr. AUSTIN. And the Chair says you have had all of yours except nine minutes.

Mr. JONES. The Chair is mistaken about that. As the gentleman from Minnesota [Mr. MILLER] has stated, we started at half past 11, and seven hours would certainly bring us to half past 6. It is now 10 minutes after 6.

Mr. TOWNER. Mr. Chairman, I hope the gentleman from Tennessee [Mr. AUSTIN] will not insist on his objection.

Mr. AUSTIN. I am not objecting. I just withheld my consent to see if we could not make an agreement which I think would be fair.

Mr. TOWNER. I think there is some mistake about it. I think the gentlemen over there are entitled to the time. So I hope no one will object.

The CHAIRMAN. The Chair has been over the record book here and it seems to be correct.

Mr. JONES. I will ask the Chair to submit the request.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia that the gentleman from Ohio [Mr. BRUMBAUGH] be permitted to proceed for 24 minutes?

There was no objection.

Mr. BRUMBAUGH. Mr. Chairman and gentlemen, I desire to thank the House for this courtesy in extending my time at this late hour at the end of this long day of debate.

I appreciate the responsibility as well as the honor of closing the debate for the majority side of the House on this bill dealing with the great question of Philippine independence—a question of such immense magnitude that it affects the future of 9,000,000 people in the Orient and likewise affects the future policy of the Government of the United States, and thereby affects the destiny of mankind in the ages to be.

THE GENERAL PURPOSE AND INTENT OF THE PHILIPPINE BILL TO DO THE RIGHT THING AND BE TRUE TO OUR TRADITIONS.

I expect to use the most of my time in telling you something about my personal observations in the Philippine Islands during the last summer. I want to make just this statement before beginning that part of the discussion: I believe a careful study of the Philippine bill as formerly passed by the House in the Sixty-third Congress, and as now before us modified by the Senate, will convince any candid investigator that this bill now under discussion is one of the most important measures ever presented to any legislative body for the government, uplift, and advancement of any people, in any age or any land.

The framers and sponsors of this bill in all its stages, its friends and supporters everywhere, have had in mind always the one desire to formulate and pass such a measure as would be alike fair, just, and honorable to the great Republic of the United States and to the people of the Philippine Islands, whose friends and well-wishers we are and always have been. Our first care and concern has been to do that which would show that we were willing to do the right thing, the fair thing, the just thing, and to do it in line with, and in memory of, all our best traditions of the past.

The passage of this bill will prove to the world, I think, that we are still guided by the teachings of the fathers, the wisest and purest of our statesmen, from Washington, Jefferson, and Lincoln to the present time; that we are not to be led astray from the path of freedom and the ideals on which our Republic was founded, by the glamour of conquest, the greed of gain, or to covet the God-given rights and possessions of others; but as a people grateful to God for liberty and a free, independent form of government we are willing to grant to others the priceless heritage we enjoy ourselves. [Applause.]

PERSONAL OBSERVATIONS IN THE PHILIPPINES.

I had the good fortune to be able to travel from May to October last year in that part of the world, visiting Hawaii, Guam, China, Japan, Chosen, and the Port Arthur country.

I had the great pleasure of spending 35 delightful days in the Philippine Islands. We traveled in automobiles over the various islands, for they have many good roads in most of the inhabitable islands. The Philippines are alive with automobiles everywhere.

With American officials, Philippine members of the legislature, and leading Moros, we traveled together more than 2,000 miles by water among the various islands and tribes. Everywhere the people received us with great kindness and hospitality. I desire to take this opportunity to express my thanks and great appreciation to the people of the Philippine Islands for their great hospitality and the constant courtesies showered upon us. They almost killed us with good things to eat, and almost smothered us to death with kind attentions.

I wish I had the opportunity to tell you a little about their beautiful, fertile country, their farming, crops, roads, bridges, schools, churches, homes, and the people themselves, their unfailing kindness and hospitality, and their conception of civil government.

Everywhere among the Filipinos in all the islands we found the people expressing gratitude to the American people for the services rendered them, while at the same time expressing the hope that the great American Republic would keep faith with them and assist them to set up a republican form of government, so that there would be in the Orient the United States of the Philippines, a republic modeled after our own. [Applause.]

This hope is a passion with them everywhere. Being the only Christian people in all the Orient I found them, as a mass, the keenest, most capable, and best fitted for self-government of all the people of all the Orient.

TRIBUTE TO OUR SOLDIERS, TEACHERS, AND AMERICANS IN THE PHILIPPINES.

Mr. Chairman, I can not but pause before entering upon a further discussion of this question to pay a tribute to our soldiers, teachers, and Americans in the Philippines. We can be proud of them all. In this connection I want to insert the printed report of a speech delivered by me July 4, 1915, printed in the Manila Times of that date. Speaking to a large audience of Filipinos and Americans, I said:

"I desire to be understood as to my position in regard to past American occupation in these islands. I am proud of the record. No finer body of soldiers has ever served any country anywhere; no better soldiers on our planet to-day than our boys in the Philippines.

"I am extremely proud of the great work of our American teachers in the Philippines—a noble body of men and women, who have led the Filipino youth up the rugged heights to a purer air and a broader view. With these I also include those American residents who have lived and labored in the professions and in business in no selfish manner to develop the best things in the Philippines. Everywhere I go I see the best evidences of the good influences of all these, my countrymen, and I desire to state my appreciation of their good work. All these things can make mightily for the future. Those who, if any such, would turn all this in the end to their own self-aggrandizement or self-greed or spoliation of the Filipino people seem to me to be untrue to American ideals. All those who labor for the uplift and common good of the people of the islands deserve the praise of all good men and the smile of heaven upon their labors.

"In regard to our present government in the Philippine Islands I want to say that I believe all our Governors General in the past have been good and patriotic men, doing that which they believed for the best at all times. I have no word of criticism to offer concerning the administration of any of them. For the present Governor General, the Hon. Francis Burton Harrison, I want to say that those of us who have known him respect and honor him; those of us who have known him as a fellow member of Congress and know by daily contact of his fidelity to duty, his keen sense of justice, his industry and ability, feel very confident that his administration will prove equal to any of the past and will set a new high-water mark of efficiency and service which will be alike honorable and beneficial to all. Gov. Gen. Harrison has succeeded in doing that which has rarely ever been accomplished in history—that of being the official ruler over a foreign alien people and being universally loved and popular with the people over whom he rules.

THE MORO PROBLEM.

"While I have been a member of the Insular Affairs Committee of the House of Representatives and have for years been a student of the Philippine problem, still I recognize the fact that only information and observation gained at first hand can convey any adequate grasp of the needs and problems of the Filipino people. To properly understand another people is the work of time and long association, based upon mutual regard and consideration of each others rights and convictions.

TRIP THROUGH THE MORO COUNTRY.

"Our Southern Island trip of 15 days has been replete with information and absorbing interest. Here, it seems to me, is about all that is left of the real Philippine problem, and the problem is being solved. I want to congratulate, without stint or limit, Gov. Gen. Harrison and the fine men under him, who are solving this greatest of Philippine problems, upon which hangs the future happiness of 9,000,000 souls and 50,000,000 souls to be. I can only speak in words of highest commendation of the magnificent work of Gov. Carpenter and his marvelous success, and also of the fine men helping him—Gov. Gilsheuser, Gov. Rohrer, Gov. Bryant, and Col. Traub, and also the faithful common soldiers and the native scouts and constabulary. I have never seen a finer body of men devoted to a high and sacred duty. Nothing finer or better or nobler has yet been conceived by the mind of man regarding this work than Gov. Gen. Harrison's project at Momungan or Gov. Carpenter's colonization of Filipino colonists in the Moro country. While some critics for self-interest criticize, still the work goes on, and Gov. Gen. Harrison and Gov. Carpenter and their fine helpers are patriotically solving the great Philippine problem.

"Before I went to the Moro country I had great fears about the Moro problem. I think we can dismiss the Moro bugaboo and destroy the straw-man scarecrow Moro problem. We saw in the very heart of the darkest part of Moroland Filipino families living peaceably and friendly with Moros all about them. We saw the 8 different Filipino colonies, each colony numbering over 100 families and each colony numbering from 800 to 2,000 Filipino people, scattered over 150 miles of Moro country, surrounded by late Moro enemies, and living in peace and friendship together. We heard Moro leaders speak in English and ask for more Filipino teachers. We heard the datos speak in praise and love of their Filipino neighbors. We saw colonies where the president was a Filipino and the assistant a Moro dato. It did not look to us as though 300,000 Moros—poor, ignorant, and unarmed, except with primitive bolos—were going to overpower our 6,000 splendidly armed scouts and constabulary down there and come 700 miles through the territory of several million Filipinos to eat blood raw the people of Luzon or any other island, and much less did it look as though they had any desire to do so.

"It did in all fairness look as though the good and noble work of Gov. Carpenter, in making Filipinos and Moros friends and fellow citizens, had been too long delayed, and that in the past Moro prejudices had been played up and played upon for a purpose as an argument against home and native rule at any time in the future. At least very little advantage was ever taken in the past of a most glorious and sacred opportunity to fraternalize Moros and Filipinos and make past enemies future friends. True, there may occur in the future race hatred, clashes, outbreak, and strife among these people. All these things have happened and still happen in the United States, but no one uses it as an argument to discontinue a republican form of government. The truth is that even the ignorant, savage Moro feels the influence of the greatest of all powers on this earth—the power of friendship and love—and this influence is solving the problem better than those politicians who oppose home rule have thought it possible to solve it.

THE JONES BILL.

"There appears to be very much misunderstanding about the Jones bill. It should be remembered that this bill passed the House by about 4 to 1, and, had it been voted upon, would have passed the Senate by a large majority. Only filibustering tactics in the Senate prevented a vote upon it. Many Republicans in the House and almost all the Progressives, or third-party men, voted for it, and many Republican Senators in the Senate avowed their intention of voting for it. Anyone who reads the bill will ascertain that it is a bill of good faith, in

line with the best policies of the past, and is a natural step forward. It is alike honorable to both the American people and American ideals, and also to the best interests of the Filipino people. It does not commit the United States Government to immediate independence to-morrow or next year; it simply leaves us free to do and to go as far as the Filipino people may be able to prove to us that they are able to so govern themselves that it makes it advisable and sensible to go. Would any just man anywhere want it otherwise? The bill, above all else, removes all doubt as to our ultimate purpose in these islands. It does specifically state that the United States, as soon as reasonable and possible, at the time best for all concerned, will grant full and complete independence to the Philippine Islands, and thus, as I hope and pray, be the means of helping you build up in the Orient 'the United States of the Philippines,' a republic that shall honor you and honor us and endure for all time to come. [Applause.]

WE CAN SAFELY FOLLOW PRESIDENT WILSON.

"I want to say to all that we can trust President Wilson. No greater President has ever sat in the presidential chair. The future historian, I believe, will speak of four greatest Presidents—Washington, Jefferson, Lincoln, Wilson. As time goes by the people will appreciate more and more the man who, regardless of clamor, held the rudder true and kept his country and also Hawaii and the Philippines unstained by blood. No folly of his has caused the angel of death to take the first born of every home a sacrifice in war. No President ever met so many and so great world-wide, perplexing problems in so short a time. He has met them with supreme faith and courage, meeting every delicate emergency with consummate tact and ability, and all the while his fine courage, sense of justice and patriotism have led the thought of the entire world to higher plains and better things. The faith of the American people in his wisdom and statesmanship can not be shaken; it grows stronger all the while. [Applause.]

FUTURE POLICY OF UNITED STATES.

"I have been frequently asked, What is to be the future policy in the meantime of the United States toward the Philippines? Why should anyone who reads the newspapers ask that question? The President stated the policy in his speech to Congress, speaking to a joint meeting of the House and Senate December 2, 1913. I know of no one who could state it so well. Personally I want to say that the President's speech meets with my hearty approval, and I think correctly states the true purposes of the Jones bill and the true policy of the American people toward the future of the Philippine Islands.

"The President said:

"'Porto Rico, Hawaii, and the Philippines are ours, indeed, but not ours to do as we please with. Such Territories, once regarded as mere possessions, are to be no longer selfishly exploited; they are part of the domain of public conscience and of serviceable and enlightened statesmanship. We must administer them for the people who live in them and with the same sense of responsibility to them as toward our own people in domestic affairs. No doubt we shall successfully enough bind Porto Rico and the Hawaiian Islands to ourselves by ties of justice, interest, and affection, but the performance of our duty toward the Philippines is a difficult and debatable matter. We can satisfy the obligations of generous justice toward the people of Porto Rico by giving them the ample and familiar rights and privileges accorded our own citizens in our own territory, and our obligations toward the people of Hawaii by perfecting the provisions of self-government already granted them, but in the Philippines we must go further. We must hold steadily in view their ultimate independence, and we must move toward the time of that independence as steadily as the way can be cleared and the foundations thoughtfully and permanently laid. * * *

"'Acting under the authority conferred upon the President by Congress, I have already accorded the people of the islands a majority in both houses of their legislative body by appointing five instead of four native citizens to the membership of the commission. I believe that in this way we shall make proof of their capacity in counsel and their sense of responsibility in the exercise of political power and that the success of this step will be sure to clear our view for the steps which are to follow. Step by step we should extend and perfect the system of self-government in the islands, making test of them and modifying them as experience discloses their success and their failure. We should more and more put under control of the native citizens of the archipelago the essential instruments of self-government, their schools, and all the common interests of their communities, and so by counsel and experience set up a government which all the world will see to be suitable to a people whose affairs are under their own control. At last, I hope and believe, we are beginning to gain the confidence of the Filipino peoples. By their counsel and experience rather than our own we shall learn how best to serve them and how soon it will be possible and wise to withdraw our supervision. Let us once find the path and set out with firm and confident tread upon it and we shall not wander from it or linger upon it.'

"The above from the President is surely in line with President McKinley's attitude and with President Taft's speech at Iloilo in his declaration of the 'Philippines for the Filipinos.' The words of our President are the words of a great statesman who loves justice, a patriot who seeks the common good of the American and the Filipino people. His words should be applauded and sustained by all those who love to see the spread of democratic principles and by all those who have at heart the best interests of their fellow man in all lands. The great Philippine problem is solving itself and will solve itsef in due course of time. With the poet we can paraphrase and say: 'The Philippine problem is moving forward out of darkness into light; it is daybreak everywhere.'

"The President's statement above quoted in regard to the attitude of the United States toward the Philippine problem is in line with the Sermon on the Mount, the Declaration of Independence, and the principles of the Golden Rule." [Applause.]

A WORD ABOUT THE PHILIPPINE ISLANDS AND THE PHILIPPINE PEOPLE.

The Philippine Islands are a tropical country, located entirely in the northern Torrid Zone, between 6° and 14° north latitude. The Philippines contain from two to three thousand islands, scattered over 1,000 miles through southern tropical seas. The entire area is about 120,000 square miles, or three States like Ohio. More than nine-tenths of the area is contained in the large islands—Luzon, Mindanao, Cebu, Samar, Mindoro, Leyte, Panay, Bohol, and Jolo. The remainder of the islands are mostly small, rocky, uninhabited islands from 1 to 20 acres in area. To start from any one city and visit the principal islands and return to the place of starting it is necessary to travel more than 2,000 miles in various southern seas. Luzon in area is about as large as Ohio and contains more than one-half as many people. Mindanao is almost as large as Luzon and is principally inhabited by Moros. The entire population of Moros in all the islands, as given by the census of 1903, was 277,547. Cebu is the most densely populated island in the Philippines. The city of Cebu—20,000 population—was discovered by Magellan the same year as the founding of St. Augustine, Fla.

The country is very beautiful and the most fertile tropical country in the world. The mountainous and hilly part of the islands are covered with valuable timber, ebony and mahogany being the most valuable. About one-third of the area is in timber.

PRODUCTS OF THE ISLANDS.

Rice: Rice is the staff of life and raised everywhere. The little rice patties or rice farms are found in all the islands, in the valleys and up the mountain slopes. They have a perfect system of farm irrigation. Rice is used for food, alcohol, beer, and wine.

Hemp: The Philippines is the greatest hemp country in the world. The Manila make of ropes, or manila rope, is known all over the world. They raise about $100 worth of hemp per acre.

Tobacco: The Philippines is the finest tobacco country in the world. The Cagayan River Valley produces the finest tobacco in the known world. There are 40 factories and 40,000 workers in the tobacco factories in the Philippine Islands. In 1913 the islands exported more than 6,000,000 cigars, more than one and one-half million being exported to the United States.

Gold: In 1914 there was mined $1,125,000 in gold ore from placer and lode-rock mines.

Coal is not found in the Philippines.

Coconut: The islands produce 150,000,000 coconuts yearly. They are used for food, drink, and copra or dried fruit.

Nipa palm: Twenty thousand acres of low marshy lands are in Nipa palm. The sap from Nipa palm produces sugar and alcohol. Ten per cent of Nipa palm alcohol mixed with gasoline prduces a good substitute for gasoline for automobiles and other uses. In 1913 the Nipa palm produced more than two and one-half million gallons of alcohol.

Cement: There is shipped into the Philippines more than 500,000 barrels of cement yearly, the duty on cement being 30 cents per barrel. Cement sells at $2.25 to $2.75 per barrel in the Philippines.

There are two railroads on the island of Luzon, and one railroad running through the island of Cebu. A great navigable river runs through the great island of Mindanao. The country is well supplied with rivers and springs and country roads.

In 1913 the total imports were more than $56,000,000; the total exports more than $51,000,000.

PHILIPPINE PEOPLE.

The Philippine people, whether educated or uneducated, whether Filipino or Moro, are naturally a bright, keen, quick-witted people. They are not of the dull, thick-headed kind. There are several dialects, but whether Filipino or Moro they all spring from the Malay race. Magellan, who discovered the islands, found them a keen, virile, patriotic, and brave people, even at that time, and they put up a brave fight before they were conquered. They have their mythology and their history. Spain subdued them, but throughout her entire history with them they struggled to throw off the yoke of Spain, and when Dewey landed at Manila Bay, in May of 1898, they were engaged in a revolution against Spain and had overthrown the Spanish authority in all parts of islands except in and around the city of Manila.

Manila, a city of about 150,000, is a thoroughly cosmopolitan city, with all the conveniences of life found in an up-to-date American city, containing beautiful stores of all kinds, good hotels, and is alive with mercantile and manufacturing interests.

Cebu, the capitol of the island of Cebu, a city of 20,000 people, the home of Speaker Osmenia, is the second city of the Philippine Islands. San Pablo, Anti Polo, Baguio, Surigao, Cagayan, Camp Overton, Iligan, Jolo, Zamborango, and Iloilo are all prosperous towns in the various islands having a population of two to ten thousand people. Most of the cities have waterworks, electric lights, and drainage. We visited all of these islands and cities and found the people very hospitable everywhere. They insisted on serving us from four to six banquets a day. Everywhere were parades, speeches, and banners asking for independence.

LAKE LANAO AND BAGUIO.

While the country is very hot all the year, still they have two remarkable summer resorts. Every night in the year and part of the day it is cool and pleasant at Lake Lanao, in the heart of the island of Mindanao, within 6 degrees of the Equator. At Baguio, on the island of Luzon, you ascend 5,000 feet in 20 miles, and every night of the year you can rest in comfort at the hotel seated by a blazing log fire.

The Baguio Road from the lowlands up the mountains running with the Bued River and crossing it many times is said to be the most wonderful piece of mountain road building in the world. The United States spent $2,000,000 in gold in building this 20 miles of road only to find that we had nothing in the end but the experience. The narrow pass in the mountains slid together and banked up 150 feet of the Bued River. Across this river were some 200 iron bridges, where this road had crossed from side to side in going up the mountain. When the river broke loose it carried away all these bridges and twisted the iron and scattered them along its course like a twisted cotton string.

CAMP JOHN HAY AND NATIVE SOLDIERS.

At Camp John Hay, at Baguio, we saw more than 5,000 Igorotes scout soldiers, a fine body of native soldiers. These are the same Igorotes that traveling showmen take through the United States with rings in their noses, giving a false conception of the country and the people. These soldiers could obey and execute every command, speak English, dressed like our soldiers, lived like our soldiers, and American officers testified to their intelligence and worth.

Ten miles out from Zamboango we find the finest model penal farm of the world at San Ramon and at that place is located the largest and most beautiful coconut grove in the world. Christiana Falls of the Agus River, in Mindanao, is 225 feet high and one of the most beautiful falls in the world.

THE MOMUNGAN COLONY.

On the island of Mindanao is located the settlement of families called squawmen, white men who have married Filipino women. The Philippine Government advanced each family ₱1,200 ($600) to buy 16 hectors, or 40 acres, of land and to put up a home and purchase implements for farming. In Mindanao, also, are eight different Filipino colonies scattered over 100 miles of Moro country. Filipinos and Moros are visiting each other, and the time is thought to be soon at hand when the Moros will elect members to the Philippine Legislature.

SCHOOLS AND CHURCHES.

In all parts of the islands are many old parochial schools and many old, beautiful churches. They have a college in Manila older than Harvard, and to prove to the world that they are not semisavages but educated people, with spirit and ambition ready for self-government, every member of the Philippine Legislature is a college graduate.

THE PHILIPPINE PEOPLE AS DEWEY FOUND THEM IN 1898.

They have many able scholars, business men, and professional men. We should understand that they had 300 years of Spanish education and Christian education and parochial schools before we came among them. When Dewey sailed into Manila Bay, May, 1898, what kind of people did he find in the Philippine Islands? Admiral Dewey, in his communication to the Secretary of the Navy on the 29th day of August, said:

> The population of Luzon is reported to be something over 3,000,000, mostly natives. These are gentle, docile, and, under just laws and with the benefits of popular education, would soon make good citizens.
>
> In a telegram sent to the department on June 23 I expressed the opinion that "these people are far superior in intelligence and more capable of self-government than the natives of Cuba, and I am familiar with both races. Further intercourse with them has confirmed me in this opinion."

The United States consul general at Hongkong, China, writing to the State Department at Washington, July, 1898, said:

> The Philippine Malays are a superior race to many other Asiatic peoples. I have lived among the Malays of the Straits Settlements and have been an honored guest of the different sultanates. I have watched their system of government and have admired their intelligence. The natives of the Philippine Islands belong to the Malay race, and while there are very few pure Malays among their leaders, I think their stock has rather been improved than debased by admixture. I consider the 40 or 50 Philippine leaders, with whose fortunes I have been very closely connected, both the superiors of the Malays and the Cubans.
>
> In conclusion, I wish to put myself on record as stating that the insurgent government of the Philippine Islands can not be dealt with as though they were North American Indians, willing to be removed from one reservation to another at the whim of their masters. If the United States decides not to retain the Philippine Islands, its 10,000,000 people will demand independence, and the attempt of any foreign nation to obtain territory or coaling stations will be resisted with the same spirit with which they fought the Spaniards.

The Philippine people when we first knew them were what the above authorities state they were. They have had 18 years of our assistance, more than $700,000,000 of our money, and the benefit of our teachers and missionaries. They print and read many papers and books, and yet we find those among us who still declare that these people are totally unfit for self-government, regardless of the fact that we have some few sections in the United States that have a larger percentage of illiteracy than is to be found in some sections in the Philippine Islands. I found them everywhere in all islands a musical, sentimental, home-loving, keen, quick-thinking, brave, and patriotic people. An Army officer's wife told me that she had often ridden all day with a single Igorrote guide in the mountains among the Igorrote tribes. If they know that you come in peace, as a friend, then everywhere you are safe and will be received with utmost native kindness.

ARGUMENTS USED AGAINST INDEPENDENCE FOR THE PHILIPPINES.

I desire to notice a few of the arguments used against withdrawing from the Philippines and granting independence to the Philippine people.

THE MISSIONARY ARGUMENT.

We used to hear the religious argument advanced—the missionary argument. My observation was that the Filipinos needed missionaries less than any country in the Orient; being a Christian people, these missionaries are needed in every land that I visited more than in the Philippines.

THE SCHOOL ARGUMENT.

We used to hear a good deal on the school question. We have followed the policy inaugurated by McKinley, followed by Taft and Roosevelt, and followed by the present administration, of substituting native teachers for American teachers. We have more than 8,000 native teachers in the schoolrooms in the Philippine Islands. The school question has about solved itself. We have about completed our work. Gentlemen may differ with me on that proposition. I do not believe the Philpine Islands will ever become an English-speaking country. I said to a teacher: "Do these children speak English on the playgrounds?" She said: "No; as soon as they get on the playground they talk in their own native tongue." "Do you try to get them to speak English?" "Yes," said she, "sometimes I threaten to punish them; but you know it is rather a cruel thing to punish a child for speaking in its mother tongue."

If you go into a schoolroom—and gentlemen say we have 600,000 children speaking English—if you go into a schoolroom and happen to know what they are talking about, you will follow them fairly well. They are doing the best they can about learning English. Possibly they are doing as well as we could do in learning their language. Three times we have set a date on which English would be used in court and every time we have revoked the act. But, gentlemen, we need and can use all these splendid American teachers in the United States. Many of them told me that their real work was completed, because they had developed sufficient native Filipino

teachers to take their places. Two years ago I had the pleasure to attend a splendid meeting in the interest of and for the benefit of Berea College, held in the beautiful D. A. R. Hall in this city. The president of Berea College and other noted speakers made most pathetic appeals, and if what the president of the college and others from that locality said about the needs and conditions in the mountainous sections of the Southland be true, then, gentlemen, we can well use all these American teachers now in the Philippines to good advantage in our own land, in a territory larger than the territory of all the Philippines, populated by good, liberty-loving, fine, brave, pure-blooded Americans, who, we were informed, were needing our financial assistance and were most sorely in need of the opportunities of education.

THE TRADE ARGUMENT.

We used to hear a good deal about the trade argument. We spent 23 days going westward on the Pacific Ocean from Hawaii, and we passed one sailing trade steamer. The trail of that old trade argument has been through all the history of the past. Trade is all right when it comes naturally and legitimately, but overanxiety for trade has caused men to rob and murder their fellow men, and has caused nations to do the same thing. Once there was a famous orator who began and ended every speech with the trade argument of his day and age, "Carthage delenda est," and some people would carry the trade idea so far as to make it mean Filipino liberatum delenda est. Our trade will be greater with the Filipinos as our friends than our enemies.

THE ARGUMENT ABOUT AMERICAN INVESTMENTS.

We hear the argument concerning American interests in the Philippine Islands as a reason for not granting independence. Gentlemen, candidly, it is my opinion that it is not so much the bonds that are as the bonds that are to be about which some people are so anxious as to American interests in the Philippine Islands.

THE OLD MORO ARGUMENT.

We used to hear the argument used extensively that we do not hear any more, that if we withdrew our soldiers the Moro element would master the Filipino element—that is, that about 300,000 Moros would kill off 8,000,000 Filipinos. I passed through the entire Moro country.

Mr. Carpenter, a New York gentleman and a splendid man, a Republican whom Gov. Gen. Harrison, a Democrat, has appointed governor of the Moro country, has colonized eight colonies over 100 miles of Moro country in the island of Mindanao, each colony containing from 500 to 2,000 souls. When he first mentioned the proposition to do this everyone said, "Oh, the Moros will massacre the entire population the first night"; but the project was made, and there they live in peace together. I saw their children in their schools together; we met them in mass meetings together; they are living in peace together, working out the great Moro problem.

We had a fine meeting at Dato Piang's place. The dato is second in command under the Sultan of Sulu. The dato's son, whom a Texas lumberman brought to this country, gained a good knowledge of English in six months, and made a remarkable speech in English. I obtained a typewritten copy. I wish I had time to read it to you. I will insert it in my speech.

At Lake Lanao we met several datos with their tribes. We had a great mass meeting together. They all wanted to make speeches to us. While they could not read a word of English, still they showed fine emotion and fine sentiments of feeling.

WAR IS A CURSE; PEACE IS A BLESSING.

I remember the speech of one old dato. He got up and said to Mr. QUEZON, "We are glad you Filipinos are down here; we are glad to see you. The Spanish for hundreds of years have had us fighting each other, and we should not have done it. We are all of one skin; we are all of one race. See, our skin is all the same color. We want you to come amongst us, to live in peace and farm and raise rice." And then he said a remarkable thing: "The greatest disease"—and the word "disease" typifies everything that is horrible in that country—"the greatest disease that can happen to any nation, to any people, is war; the greatest good that can come to any people is peace. We want to live in peace together." And, Mr. Chairman, they will live in peace together if designing men do not go through that country haranguing them and exciting enmity in their hearts against one another. I want to say in passing that these people, all of them, whether Filipino or Moro, are people of great native ability. This is the universal verdict of travelers who are familiar with and have studied conditions in many lands.

I have remarked that both Filipino and Moro are people of great native ability—capable of great development in learning as they are already developed in agriculture and in many of the mechanical arts. As proof of this I herewith insert the speech of the young Moro referred to above—a speech delivered in fairly good English:

SPEECH OF DATU ABDULA PIANG (SON OF DATU PIANG) DELIVERED AT DULAUAN, COTABATO, JUNE 26, 1915, ON THE OCCASION OF THE VISIT OF THE CONGRESSIONAL PARTY TO THAT PLACE.

"Honorable gentlemen, it is a great honor to me to be permitted to address you here in behalf of my people. The Mindanao people are very poor, because they have no schools and have not yet learned the necessity of cultivating the soil in order to grow crops for sale. I have seen many very fine schoolhouses in the northern islands, but we do not have them here because we have no money to build them. We hope that the government will furnish us more money for more schools so that the Mindanao children may be educated. Myself and eight of my brothers have finished the primary school and we can easily see the advantage of education. We realize that the future development of our country depends upon the young people who are now growing up, and we feel the need of education, especially agricultural education. The Mindanao boy is not lazy, but he is exceedingly industrious and very quick to learn. With more schools we promise you rapid development in this valley. There has never been trouble between the Christian colonies and Mindanao colonies since they lived here in Cotabato. We are glad to see them cultivate the land here in Cotabato, as it will increase the amount of rice to be raised here and make greater business for this country. The Christian can learn something from the Mindanao which may be of benefit to him. The Mindanao can also learn things from the Christian which will help him. In this way the two classes of people are better fitted by being brought together. There is much land here in Cotabato which nobody works on. We want to see this land occupied so that it may be of some value. We want each Mindanao family to have enough land to live on, and the other land that is not occupied can be settled by Christians."

This speech was taken down by Gov. Carpenter's stenographer. It is a speech of a young Moro with six months' study of English. The Moros are classed as the most illiterate of all the Philippine people.

Mr. AUSTIN. Mr. Chairman, I would like to have the gentleman's opinion whether he thinks it is necessary for us to keep the Army over there any longer to maintain peace, or could we recall the Army now and save that expense?

Mr. BRUMBAUGH. I think we could recall almost the entire Army. The native scouts could take care of the situation.

THE JAPANESE QUESTION.

Reference has been made to the Japanese question. We traveled through Japan from end to end. I talked with all the Japanese officials who would talk to me on the question. There may have been a time when Japan would have liked to have possessed the Philippines. There are not as many Japanese in the Philippines now as formerly. Why? Because they have found, as we have found, that it is not a white man's country or a country for people of the Temperate Zone. It is a Torrid Zone country, intended by the Creator for the home of a Torrid Zone people. As soon as they can earn a little money they get out and go on to the Hawaiian Islands, and as soon as they can earn a little money there they get out and go on to the United States, because the climate is too hot for them in the Philippines. Japan wants us to recognize a Monroe doctrine in the Orient. We do not want Japan to build up a strong nation in Mexico on our border. Our borders on the Orient, the northern islands of the Philippines, are within 100 miles of the southern coast of Japan's possession, Formosa, and Japan does not want us to build up a strong nation in the Orient. That is the entire interest that Japan has in this problem, in my estimation.

One Japanese official stated that the United States would have to pay them a large sum of money to have them relieve us of the Philippine Islands. He reasoned that control of the Philippines for them would mean keeping a large body of soldiers there, and for this the United States would have to compensate them.

THE SMALL AND WEAK NATION ARGUMENT.

The argument is sometimes advanced against giving the Philippine Islands independence that if they were given independence, to use the language so often employed, some stronger nation would gobble them up. If this argument were a valid argument against the founding of a Republic, then there would be no Republic on the face of the earth to-day. The Filipinos are now 9,000,000 strong. In 20 years from to-day they will have in the islands possibly 18,000,000 people. When the Republic of the United States was organized we were but 3,000,000 strong. Why is it necessary to suppose that some stronger nation or several stronger nations will unite to crush the Philippines? Norway, Sweden, Denmark, Holland, Switzerland,

Belgium, and several South American Republics are all weaker nations than the Republic of the Philippines would be and are situated geographically in far more dangerous positions to invite attack from stronger nations, besides Japan and Russia will not permit any European nation to overthrow the Philippines, and neither would England for like reasons permit any Asiatic nation to overthrow the Philippines. This argument so ofttimes used is an excuse rather than an argument. A republic is a growth—they must be given a chance to begin some time. Why not soon?

THE DIFFERENT RACES AND DIFFERENT LANGUAGES ARGUMENT.

We sometimes hear the argument used that the Philippines could not set up a Republic because of the different races and different languages in the Philippines. This again is an excuse rather than an argument against independence. When we established our own Republic we had many races of people and many different languages and we have found them all to be useful rather than detrimental to our Republic, and out of it has grown the typical American citizen, the most verile, strongest, and best citizenship in the world. This is an unfair argument and is not used against any other nation or people. The island of Great Britain has four distinct races and four distinct languages, and Great Britain has many races and many languages in her foreign possessions. Little Switzerland has a half dozen different races and half dozen different languages. Mexico by our very border has 41 languages and 51 dialects, yet no one uses this as an argument against a Republic in Mexico.

If we must wait until a country has a common language before setting up a republic, then no country on earth ever could or ever can set up a republic. While there are some 30 different dialects in the Philippine Islands there exists, however, three great languages—Spanish, Visayan, and Tagalog. Three-fourths of all the 9,000,000 people in the islands speak Visayan or Tagalog, while the Spanish is the language of the courts. More than 500,000 children are learning English in the schools. Has any nation in the past ever presented a better language situation at the time of founding a republic than the Philippines do at this very moment? The language argument also is an excuse rather than an argument against independence.

PULLING-DOWN-THE-FLAG ARGUMENT.

Of all the unfair arguments advanced toward granting independence to the Philippines the pulling-down-the-flag argument is the most unfair. Those who use this argument forget what our flag stands for. Our flag stands for an undissolvable union of indestructible States. Whenever we make it a sign and symbol of authority for anything but a republican form of government and raise it over anything but a free and independent people, we pull it down from the high level of humanity on which the blood of our fathers planted it to the low level of conquest and subjugation. That grand old man from Massachusetts, Senator Hoar, put it this way:

When you raise the flag over the Philippine Islands as an emblem of dominion and acquisition, you take it down from Independence Hall.

Do those who use this argument mean to imply that anywhere and everywhere the flag is raised for any purpose whatsoever any body of men can gather around it and use it for their own purposes of speculation, and hide behind it with the cry that we shall never pull down the flag? Wherever the American people want that glorious flag raised, they will raise it, and every drop of our blood will be spent, if necessary, to defend it; and when the American people want it taken down, they will take it down in honor and glory. All this they have done in the past many, many times. We raised that flag in Canada in 1812, and we hauled it down in honor. We raised that flag in Mexico in 1848, and planted it upon Chapultepec, and also upon the wall of the homes of the Montezumas, and we hauled it down again in honor. Gen. Lee raised the flag in Cuba and hauled it down again in honor. Decatur raised that flag over the walls of Tripoli, and took it down again in honor. It floated in the breeze of China, and we hauled it down in honor. Wherever it has floated its meaning has been liberty and a republican form of government. I would sooner see it taken down in honor by the American Nation, knowing that its principles had set up another Republic in the earth, than to see the principles of liberty and independence, for which it has always stood, hauled down. Those who use the flag argument have no argument and simply beg the question.

The flag stands for the principles of the Declaration of Independence, and that is what Lincoln said it stood for when he raised it over Independence Hall in 1861. The principles of the Declaration of Independence have circled the earth and changed the destiny of mankind. These principles have thrown down kings, overthrown monarchies, and set up republics all over the face of the earth. I have always believed that our flag and our Declaration of Independence were one and the same thing. One puts in language what the other stands for. I have always proudly believed that our mission among the people of the earth was to encourage nations to set up republics rather than to suppress that God-given desire. No, my friends, let that flag float on ever and always all over the earth, the sign and symbol of liberty and a republican form of government, so that any downtrodden people seeing our glorious banner may know what it stands for and lift up their heads into the sunlight of hope and thank God and take on new courage. [Applause.]

DO THE FILIPINOS WANT INDEPENDENCE?

Gentlemen have asked me, Do the Philippine people really want independence or is it just simply a desire on the part of designing politicians? Let the history of the struggle of 200 years in that country answer that question. In all the history of the past three centuries they have made revolution after revolution in that country and sacrificed blood and treasures to throw off the Spanish yoke.

In 1872 three priests—Burgos, Zamosa, and Gomez—professors in the Manila College, led a revolution of more than 20,000 people against Spanish authority. Spain promised to give them local self-government. After tricking them, on February 15, 1872, they took these three good men out and shot them to death at sunrise. Their school histories, that the boys read in the public schools of the Philippines, state that after this peace was only maintained in the islands at the cannon's mouth.

RIZAL.

They have produced a remarkable character in that country who is the Jefferson of all that country—Rizal. His great writings on liberty and the rights of man remind you of the great writings of Paine, Franklin, and Jefferson during the Revolutionary War. He was educated at the Manila University, also in France, Spain, Germany, and several foreign countries. He led a great movement, a great patriotic society, the Sons of Liberty, sprung up in that country. They tricked Rizal to Manila, and on December 30, 1896, they shot him to death at the spot where his monument now stands. He died with these words on his lips:

What is death to me? I have sown the seed. Others will reap.

THE DESIRE FOR LIBERTY A PASSION WITH THEM.

I visited a schoolroom where a teacher called up a class of boys and girls from 14 to 16 years of age, and that class did something that I do not believe a schoolroom in the United States can do to-day. They recited in concert Lincoln's speech at Gettysburg. I said to her, "Why do the children take to this sort of thing?" She said, "These people have few books. Sentiments about liberty, independence, and the rights of man appeal to these children and all of these people, and they memorize such sentiments and can tell you about these noble ideas. They can tell you what Thomas Jefferson said about the inalienable rights of man. It is a passion with them, inherited from their fathers; they are natural orators and speakers and they long for those things."

Mr. Chairman, I do not have it in my heart to condemn any people who have it in their hearts to long for liberty, who want to lift up their heads in the sunlight of hope, and who have the courage to come out and die for liberty as these men have who have died by the thousands in the struggles of the past. I simply want to allude to one circumstance. When our good ex-President, Mr. Taft, then Governor General of the islands, went to Iloilo and made his memorable speech, "The Philippines for the Filipinos," although we had had at one time 30,000 soldiers in those islands, we had not at that time entirely subdued them, and when he made that speech these people came in and brought in 40,000 Mauser rifles and laid them down, and said: "We are through fighting if that is the proposition we can expect for the future. We do not care much just how long you stay, so that we know that this country is to be ours some time." The Philippine people are the only Christian people in all the world who have never had a chance. Why not give them a chance now? Why not let them know that now for them the sun of liberty and independence is rising out of the long dark night of tyranny and oppression, and that for them the daydawn of freedom is breaking. [Applause.]

A MISREPRESENTED PEOPLE.

I do not know of any people in the history of the world who who have been so maligned and so misunderstood and misrepresented as the Filipino people. People speak of them as savages. Why, at evening parties in the Philippines you will find Filipino ladies in evening dress and Filipino gentlemen in evening dress. They speak two or three different languages, and they sometimes wonder at the extent of our education when we speak but one. They read what you Republicans say

about us Democrats being unable to rule our country successfully, and they read what we Democrats say about you. They read about our burning cities and even men at the stake, and they think that we are a cruel people. They are very kind and hospitable among themselves, and they wonder at last just what we mean by our ideas of civilizing them.

At an evening party a Filipino gentleman gave me this illustration. This gentleman said to me: "Now, we are grateful for what you have done for us here, but let me illustrate my thought. We can not help but be suspicious. We know the number of times we have been tricked by the Spaniards. We can not but be suspicious when we see you making foolish expenditures of money here."

Let me illustrate, said he: Half the human race live in houses made of bamboo wood. Now, if some man came along and wanted to build me a better house, that would be very kind of him, but if, when he had built for me a better house he thereby thought he owned my home and wanted me to move on because he built it, and therefore claimed to own it, then I would have preferred not to have had his help or his kindness, because I was satisfied; and so he said, "When we see you building these fortifications here we wonder what you are going to do with them; and if you intend to leave, why you build them."

THE INALIENABLE RIGHTS OF LIBERTY.

May it not be proper to inquire what rights the Filipinos have even under our Constitution?

We can not deny to a competent people the right to rule their own affairs. The Filipino people, like other races, have the inalienable right of liberty. A republic can have no subjects. Under our Constitution there can be no subjects. I want to repeat what I said to a mass meeting of Filipinos and Americans held on the public square in Cebu June 18, 1915. I said to them: "If we keep faith with the Filipinos we must give you an independent form of government, if you desire it. To my mind it makes little difference whether you can establish a government entirely based on the ideals and theories of the American people; but you should be given an opportunity, if you desire it, to work out your own destiny according to your own ideals and the peculiar conditions that confront you. For your success or failure the Filipino people must be ready to assume the entire responsibility. You must understand what liberty really is. The true republic must be founded on education and on the principle that all people are equal before the eyes of the law, high and low, rich and poor alike. Naturally, you long for your independence; and the most sincere flattery you can give us is your desire to form a republic modeled after our own." [Applause.]

THEIR ABILITY TO MAINTAIN A SELF-GOVERNMENT.

Some have asked about their ability to maintain self-government. Gentlemen must remember that under Spanish rule they held local office, and that they understood how to elect a presidente of their community and local officers. Under United States control we first began by giving them members of the legislature; then the entire legislature; then members of the senate and of the supreme court; and now they have a majority of all the members of the legislature and of the supreme court. And one significant thing, gentlemen, of all the laws they have passed in the Philippine Legislature not one of them has ever been pronounced unconstitutional by the supreme court. The chief justice of the Supreme Court of the Philippines is a Filipino who would grace the supreme court of any land. Judge Johnson, of the Philippine Supreme Court, a former professor of law at Ann Arbor, Mich., told me that this chief justice was one of the greatest legal minds he had ever met anywhere. My friend and traveling companion, Senator SHAFROTH of Colorado, and myself thoroughly agreed in regard to the ability of the Filipino people to maintain an independent form of government.

In view of conditions surrounding the seizure of the Philippine Islands the argument that their people will be satisfied because we have given and will continue to give them better government than they can give themselves, even if possible, becomes untenable and opposed to the impulse of every liberty-loving people.

THE PEOPLE THEMSELVES.

The assistant director of education told me that in Manila alone there were more than 600 efficient native stenographers, who could take dictation in both English and Spanish, and that there were thousands who daily did good work as typewriters.

Native electrical engineers, civil engineers, public accountants, architects, dentists, pharmacists, and all the professions have increased in large numbers.

The census of 1903 showed that of the males 21 years of age and over 32.2 per cent at that time could read and write Spanish, English, or some other language. Gen. Frank McIntyre, Chief of the Bureau of Insular Affairs, before the Senate committee estimated that now 50 per cent could either read or write some language. The increase represents commendable progress.

IN THE SCHOOLS.

There are in the islands 700 American and between 7,000 and 8,000 native school-teachers, all instructing the children in all the branches of education in English. How many of our teachers could conduct all the classes in the various grades of schools in a foreign language? Of course, they could acquire it, but it would take work and ability. Why not concede that the Filipino teachers are civilized and possess education and ability which fits them for citizenship in any country?

It should be remembered that every cent for education, including the cost of all school buildings, has been paid by the Filipino people in taxes laid upon their property for the payment of appropriations cheerfully voted by their general assembly. There is no likelihood that such appropriations would cease with independence or that education would lapse. Even the Aguinaldo constitution of January 20, 1899, provided that "popular education shall be obligatory and gratuitous in the schools of the nation."

There is an intense desire for education upon the part of the Filipino children. There is no compulsory education law in the islands, but 600,000 children are now enrolled, and fully as many more would be in attendance if there were sufficient schoolhouses. In my recent trip to the islands I visited a number of schools, but never found any vacant rooms or unoccupied seats. At Jolo the Moro children were attending school in large numbers, and there was a demand for 60 more schools on that island. They were being taught in English, and a Moro boy delivered the address of welcome to our party in that language.

IN GOVERNMENT SERVICE.

There are now in the Philippine government classified service 2,218 Americans and 7,710 Filipino officers. These were appointed under civil-service examinations. There is no suggestion that these Filipinos are incapable or do not discharge their duties as well and faithfully as the Americans. Would they not be equally as capable and efficient under a government of their own?

The chief justice of the supreme court of the Philippines is a native, and three of the seven members of that court are natives, all of them recognized as able and learned judges.

Of the judges of the courts of the first instance, 22 are Filipinos and 14 are Americans. The municipal courts are presided over almost entirely by Filipinos. The attorney general and nearly all his staff are Filipinos. Of the 9 commissioners who now constitute the upper house of the legislature, 5 are natives and 4 are Americans. Is it possible that these capable, efficient native officers, as soon as their appointment or election were provided for by their own government, would become incapable or inefficient?

The Filipino people for many years have been electing the governors of their Provinces. There has been no contention that the governors selected were not good and capable men, or that their administrations did not compare favorably with those of similar officers anywhere.

In visiting the southern islands I traveled for two weeks with a committee of the general assembly, consisting of the speaker, Mr. Osmenia, and 13 members. They were intelligent, dignified men, and all were fine public speakers. Is it possible that men of such education and learning are incapable of enacting laws to govern themselves? What presumption it is on the part of many of our citizens to contend that such a body in the Philippines can not legislate wisely for their own people.

WHY WE SHOULD GIVE THEM INDEPENDENCE.

I want to give you some reasons why I favor independence for the Philippine Islands and why I think we should state that this is our ultimate purpose. I think we have done our duty by them. If we should go out in 4 years, we will have been there 22 years. We will have spent about $800,000,000 for them. I think we will have done our duty by them. Ex-President Roosevelt has well stated the argument in his recent book, which I shall quote later.

PHILIPPINE MILITARY WEAKNESS.

All of us must recognize the great military weakness that these islands are to us. They would enable any great power in war with us to obtain an easy victory over us. The Philippines are just halfway around the world from where we sit to-day, about 12,000 miles from this Capitol, and 7,500 miles from our western shores. How are we going to get coal there from our West Virginia and Pennsylvania fields? We do not have coal sufficient in our ships, with all the tenders accompanying, to keep a battleship going when we get there, and our ships would be picked off one by one while trying to get to the Philippines.

Coal being a contraband of war, no neutral nation would have a right to sell it to us.

WE NEED CORREGIDORS AT HOME.

At Corregidor, in Manila Bay, we have spent $7,000,000 for one great fortification. We need those Corregidors at San Francisco, New York, Baltimore, and at other places along our shores, instead of 8,000 miles away from home in Manila Bay.

YEARLY EXPENSE TO UNITED STATES.

There has been a dispute about the yearly expense of the islands. I went to the military bookkeeper, as it were, of the islands and the figures he gave me show that we spend $12,000,000 in gold in that country for the Navy and $13,000,000 in gold for the Army. And we have other expenses also. If you will divide the total yearly expenses by 435—the number of congressional districts in the United States—you will find that in each congressional district in the United States the taxpayers are asked to contribute about $60,000 in gold yearly for the expenses in the Philippines. Should we do this for all time to come for the benefit and pleasure of the few Americans in the Philippines and American investors in the Philippines?

Mr. AUSTIN. And do we not have to send that money to the Navy whether in the Philippine Islands or in the Pacific or not?

Mr. BRUMBAUGH. But we would have the Army and Navy at home where we need it and where it ought to be, and it would result to the taxpayers in a saving exactly to the amount we spend in the Philippines—that is, about $30,000,000. Thirty million dollars yearly.

NOT A WHITE MAN'S COUNTRY.

The Philippines is not a white man's country. The United States Government recognizes that fact. White men can not live in the sun and work there. They live in the shade with all the servants they have there. Even our American animals, horses, and cattle can not live there. Every ship that comes home has its iron cages bringing our soldiers that have become insane with the heat. The Government recognized that fact when they passed an act so that the soldiers could come back in two years rather than stay there three years, and only 20 per cent of the United States officers there elected to stay in the Philippine Islands the three-year limit.

Gentlemen ask will they have trouble among themselves if we withdraw. Possibly. Every Republic is a growth. We had lots of trouble in this country after the Revolutionary War. We set up and broke down with one form of government. We had six rulers before Washington was elected President. One government entirely broke down. We had 10 distinct attempts at nullification and secession, one armed rebellion, and 3 assassinations of Presidents, and we have even burned cities and men at the stake. I presume these people in their development will have trouble. Nothing more horrible will happen, I think, in the development of their affairs than has happened in our own country, I am sorry to say.

Now, some one has asked can they take care of themselves if we leave them. They have about 6,000 fine native soldiers. They are fine, strong, well-trained men. And besides they had a good many men drilled in the art of war while Spain held control. They will be able to give a good account of themselves if attacked by any foe. Besides they have proven many times that they are a brave people who will die for their country and their liberty.

THE HIGHER OBLIGATION DEMANDS THAT WE KEEP FAITH.

But, above all other considerations, we should give the Philippines independence because of the higher obligation we owe to our honor and to ourselves to keep faith with our promises, expressed and implied.

The true honor of a nation is found only in deeds of justice and strict adherence to the principles upon which it was founded. Whenever a nation departs from the fundamental principles upon which it was established or forgets its ideals it is embarking upon a perilous sea without chart or compass to guide its course.

All true Democrats believe that dependence is the greatest curse that can befall any people; that only a free and independent people can build up a great nation. In order to be strong the people must be self-reliant, self-ruled, and self-sustained. The dependence of one people upon another is destructive of every element which could make them great or prosperous. Such a nation will neither accumulate wealth nor win character; it will neither benefit mankind by the enterprise of its merchants nor instruct mankind by the example of its statesmen. As Americans we are inheritors and conservators of national freedom. Let us, while others are seeking it in restlessness and fear, be a steady shining light to guide their course, and not a wandering ignis fatuus to bewilder and mislead them. Let us not force our habits, customs, and laws upon the Filipino people against their will. Leave them to live their own lives, cherishing their own aspirations, making and meeting their own destiny. This is just, it is right, and it is, under all of the circumstances, the only honorable course to pursue.

I approve and want to insert a part of an editorial appearing in the Ohio State Journal, the oldest Republican newspaper in the State of Ohio. The editorial is from the pen of a Civil War veteran, the able editorial editor of that paper, Col. E. L. Wilson, whose noted review of President Wilson's able leadership, printed in the same paper in 1914, was used as the opening article on the first leaf of the National Democratic Campaign Yearbook for that year:

"This great Republic should grant self-government for the Filipinos, because they want it, if for no other reason. They are as much entitled to govern themselves as we are. Our sole reason for holding back this right to the Philippines is altruistic, which is not a sound reason. It is very easy to assume this superiority and not always as easy to show it. Besides, it is not fair to spend millions of money belonging to the taxpayers of this country to impose upon another people a government they don't want. The greatest good we can render that people is to let them take care of themselves. The very effort is an evolution toward a nobler destiny. We don't want the Filipinos to be Americanized. They belong to a different place in the sun and should be allowed to make the most of it."

THE CONSTITUTION AND THE MONROE DOCTRINE.

We should give the Philippine Islands independence because we can not keep the Philippines and also keep the ideals upon which the Declaration of Independence and the Constitution of the United States were founded. I prefer to keep these ideals and let the Philippines go. We can not keep the Philippines and retain the Monroe doctrine. I prefer to keep the Monroe doctrine and let the Philippines go. [Applause.]

WHY NOT KEEP THE FAITH?

We went to war with Spain to free Cuba. Congress solemnly so declared. Did we have in our hearts any other motive toward the Philippines?

Could the Philippine people forget the words of President McKinley at the beginning of the Spanish-American War, when he said: "Forcible annexation can not be thought of; that, according to the American code of morals, is criminal aggression"?

From those words would not the Filipino people have a right to understand that forcibly to annex their islands would be criminal aggression? Would they have aided us in conquering Spain if they had dreamed it was our purpose to subjugate them?

In order to comprehend the feeling and point of view of the Filipino people it must be remembered that we are in the islands by virtue of conquest, that their people had never committed hostile acts against us, but on the other hand when we were at war with Spain, in their struggle for independence they furnished us soldiers to be used against our enemy.

It must be remembered that they had issued a declaration of independence and that on July 4, 1898, Gen. Anderson, then in command of our troops, wrote to the commander of the Filipino forces: "I desire to have the most amicable relations with you and to have you and your people cooperate with us in military operations against the Spanish forces," and again on July 23, 1898, in a letter to Aguinaldo he stated: "When I came here three weeks ago I requested your excellency to give what assistance you could to procure means of transportation for the American Army, as it was to fight in the cause of your people."

GRATEFUL TO AMERICA.

And soon thereafter Gen. Aguinaldo issued a proclamation to the Filipinos in which he said: "Die rather than be ungrateful to our American liberators. When you see the American flag flying, assemble in numbers. They are our redeemers."

It must be remembered that the Philippine Army drove from the islands or captured every Spanish soldier except those in the walled city of Manila, and at the time of the surrender of that city their armies occupied nine-tenths of surrounding firing line.

Taking into consideration the circumstances attending the occupation of the islands, our principles of government, and what was said at the time and afterwards by those in authority, it seems to me no one can doubt but that the natives understood that they were to have their independence.

Even Mr. LODGE, a Republican Senator from Massachusetts, said: "We are there because we represent the spirit of liberty and the spirit of the new time, and Spain is over against us because she is medieval, cruel, and dying. We have grasped no man's territory, we have taken no man's property, we have invaded no man's rights. We do not ask their lands."

Mr. Cleveland aptly expressed the views of the Democracy of America when he said: "The Government of a remote and alien people should have no permanent place in the purposes of our national life."

Democrats believe with John Jay, the eminent American statesman, in his observation: "When a nation led to greatness by the hand of liberty, and possessed of all the glory that heroism, munificence, and humanity can bestow, descends to the ungrateful task of subjecting an alien people to its domination and control, instead of giving support to freedom, turns advocate for conquest and subjection, there is reason to suppose she has either ceased to be virtuous or been extremely negligent in the selection of her rulers."

THE SUPREME REASON FOR GRANTING INDEPENDENCE—GOD-GIVEN RIGHT TO ALL RACES.

But the one supreme reason above all others why we should give independence to the Philippines is that freedom and independence is a God-given right to every race of people. The Creator of all men has planted in the breast of every man of every race and every clime the desire for liberty and freedom and independence for his country. I marvel at the conflicting emotions that must come to the honest heart and candid man who in this debate vehemently declares for freedom for some particular people in some particular part of the world, as some Democrats have done to-day. Is it their conception that the Creator and Common Father of all men has intended freedom for some races of men in some certain places of the earth? Their votes and speeches to-day would seem to indicate that that was their conception of the God-given boon of freedom and liberty.

For myself I have a different conviction, and years ago, when a member of the legislature of my native State, I expressed that conviction at the time when the little Republic of the gallant Boers were making one of the bravest and most tragic fights in all the history of mankind for the maintenance of their republic form of government, their homes and firesides, and the graves where sleep their dead. I said then and I say now that I believe in English liberty for Englishmen, German liberty for Germans, French liberty for Frenchmen, American liberty for Americans, Irish liberty for Irishmen, Boer liberty for the Boers, and Filipino liberty for the Filipinos.

When I see men vehementing, orating, and demanding liberty exclusively for their race of people and their fatherland country and then voting against liberty for other races and other countries, I am reminded of the selfish man who prayed thus:

O Lord, bless me and my wife,
My son John and his wife;
Us four and no more.

The very nature of the case would show that such a prayer could not be answered, and the very nature of the other case casts upon it the blighting curse of insincerity and selfish inhumanity. [Applause.]

WHEN SHALL WE GRANT THEM INDEPENDENCE?

When shall we grant them their independence? This is significant. If with a Democratic House and Senate and a Democratic President and with a few investments and bonds there we can not give them independence, will we ever be able to do it when we have hundreds of millions of bonds and when American industries are scattered over all the islands? [Applause.]

ROOSEVELT'S POSITION.

I desire to quote and approve what that great President and statesman, ex-President Roosevelt, recently said on this subject.

Ex-President Roosevelt, in his last publication—1916—entitled "Fear God and Take Your Own Part," at page 226, uses this language:

"This administration was elected on the specific promise to give freedom to the Philippines. The United States must keep its promises. No greater service has been rendered by any people to another during the past 100 years than we have rendered to the Philippines and than we have rendered to Cuba.

"Above all, we have promised the Filipinos independence in terms which were inevitably understood to be independence in the immediate future.

"Such indecision in international conduct shows that this people ought not to undertake the government of a distant dependency, and this both from military reasons and because of the need of keeping promises that have been made. Let us, then, as speedily as possible, leave the Philippines; and, as the Filipinos desire us to leave, we would be quit of all moral obligations for them and would under no circumstances be obliged to defend them from other nations."

Lord Macaulay says: "Many politicians of our time are in the habit of laying it down as a self-evident proposition that no people ought to be free till they are fit to use their freedom. The maxim is worthy of the fool in the old story who resolved not to go into the water till he had learned to swim. If men are to wait for liberty till they become wise and good in slavery, they may, indeed, wait forever." [Applause.]

WHY THE PREAMBLE TO THE BILL AND EXPLICIT PROMISE OF INDEPENDENCE IS NECESSARY.

We who have insisted that the preamble to the independence bill should be explicit and certain in regard to the promise for independence to the Philippines wanted to so fix this entire matter so that in the future the Nation would not be led by false sophistry and commercial greed to violate its sacred promises so often made or be false to our ideals of liberty. In short, to paraphrase that great truism first uttered by a great Democrat and later made immortal by Lincoln, we wanted to make it sure and certain, so that the hope of a free government of the Philippine people, for the Philippine people, and by the Philippine people will not perish from the earth. [Applause.]

THOU SHALT NOT COVET.

The speaker who would set himself to the task to adequately reply to the arguments advanced against granting independence to the Philippines might very properly take for his text the words of that divine personality who was more than man, the Savior of all men, these words: "Thou shalt not covet." And in these words are wrapped up the very essence of the opposition to Philippine independence. I could go through the pages of history, had I the time to do so, and show how those nations of the past that have disregarded this divine injunction have perished from the face of the earth.

The Boer Republic of South Africa and its government were safe until gold and diamonds were discovered there. The thought and declaration of all our statesmen at the beginning and the official words of President McKinley at that time were for Philippine independence, and no reversal of this position was put forth until the fine soil, fine timber, and fine opportunities, and fine official position, argument, and talk became so broadspread over this country. In the United States there are men and in this House possibly there are men who will vote on this bill affecting the destiny of 9,000,000 of people who are coveting the Philippine Islands, not to go there and work there, live and die there as citizens of the Philippines, but to go there and hold high offices of honor, living in splendor with servants and servitude, like Warren Hastings of old, coveting the Philippines for themselves and their friends.

There are business men in the Philippine Islands who went there as soldiers or were sent there as public officials who covet the opportunities and pleasures of political life there or the great profit of being in business in Manila, where $30,000,000 of American gold, American taxpayers' money, yearly sent to the Philippines must necessarily largely filter through their channels of business, thus enabling them, as some have admitted to me, to make three dollars to one, more than they could make in any other place on earth. The purchasing power of our money is double in the Philippine Islands. They can employ the best of servants in the world, the native Filipinos, to run their automobiles, to do their cooking, and to serve them for personal comfort at ₱5, or $2.50 in gold, per month. None of them will or can work in the sun, and they have all the pleasures and comforts of the palmy, tropical Philippines. The most of these men forget all about the rights of men, the Declaration of Independence, the teachings of Jefferson and Lincoln, and when you mention these things in your speeches in their presence in the Philippines, they curtly tell you to cut out all such punk, as they term it; and the most of them will tell you that the Filipino people will not be ready for self-government for 50 years to come, or at least for their lifetime and the lifetime of their children. Some of them told me they had already made all the money they wanted, and when the United States Government left they were ready to leave. Most of them, of course, are opposed to Filipino independence and want to see the stream of gold from the United States Government keep on flowing and the $60,000 yearly from every congressional district in the United States of the taxpayers' money keep on coming to the Philippine Islands.

We are told not to covet our neighbor's house and lands, and the same Divine Authority explains to us just who our neighbors are. [Applause.]

SHALL THE UNITED STATES RULE THE PHILIPPINES OR THE PHILIPPINES RULE THE UNITED STATES?

When the treaty of peace had been signed one of the Spanish commissioners is said to have made this remark to the United States commissioners: "Gentlemen, I thank you for defeating us; our defeat will prove to be our victory; your victory will prove to be your defeat."

We entertain the delusion that the United States is ruling the Philippines. In a much graver sense the facts are that the Philippines are ruling and changing the Government of the

United States. Already the Philippine question has been a deciding factor in two presidential elections in the United States. No such question should enter into the presidential campaigns of the United States. Questions affecting conditions in the Philippines will govern the motives and votes of Members of the Congress of the United States as long as we retain those islands. This unnatural situation for a Republic is neither best for the people of the United States nor for the people of the Philippine Islands.

WHY SHOULD NOT THIS GREAT NATION AND THE AMERICAN PEOPLE BE FAIR IF THEY CAN NOT BE GENEROUS IN REGARD TO THE ABILITY AND ADVANCEMENT OF THE FILIPINO PEOPLE?

World-wide travelers have told us after their investigation that the Filipino people were the most able, apt, keen, and quick-witted of all the people of the Orient, further advanced in education and civilization than the Cubans and some South American Republics are, and far superior to all the other island people of the tropical Indian Seas. Admiral Dewey gave this testimoney and American consuls in the Orient have on file in State Department of our Government testimony to the same effect.

I found the common farming country people in the Philippines more intelligent, more humane, and superior in every way to the farming country people in China, Chosen, or Japan, and yet we are supposed to have been sympathizing with the establishment of a Republic in China.

These people have a natural desire for education and information. They publish daily papers in all parts of the islands, they have many authors of great books, they are natural orators and have a fondness for public life which is to be no more condemned in that country than in this. They have many able public men. We are acquainted with the fine ability of their Representative in this Congress, Hon. MANUEL L. QUEZON, who has so well and ably represented his country here, and his colleague Hon. Manuel Earnshaw, while the speaker of their House of Representatives, Speaker Osmenia is a man of great ability who could preside with credit to himself and country over any legislative body in the world, but this, as some gentlemen would have you believe, does not exhaust their list of great men. They have many educated, intelligent, finely equipped men ready for public duties in all parts of the islands. They have a college older than Harvard, and other fine institutions of learning. I was impressed with the splendid ability of their young men between 18 and 25. Many of them are fine speakers in two or three different languages and quite a number of them are authors of books of merit.

They have textbook writers in law, medicine, philosophy, and science whose works are used all over that part of the world, and they even have some millionaires who are philanthropists. Mr. Theodoro R. Yangco subscribed and paid 20,000 pesos to the new Young Men's Christian Association building in Manila, a most beautiful and splendid building, in which I had the pleasure of making an address to a fine, intelligent body of citizens of Manila. In that delicate and intricate science the knowledge of which foretells the storms and disaster on the ocean as our Weather Bureau foretells like storms and disaster on the land, a Filipino professor rules the ships and commerce of the world, and yet some American gentlemen with monumental self-esteem, often men who can barely read and write, assume to tell us that their living among these people and having control over them would be a sort of a divine help and benefit to them.

HAS 300 YEARS OF CHRISTIAN CIVILIZATION, EDUCATION, AND CONTROL LEFT THEM SO LOW IN THE SCALE OF DEVELOPMENT?

Do gentlemen here to-day who are opposed to Philippine independence mean to say and affirm that more than 300 years of Christian preaching, teaching, education, and control has been so impotent and barren of results as to leave the Filipino people at this date in a semicivilized condition and unfit to set up and maintain among themselves a decent, self-respecting self-government suited to the needs and conditions that confront them? I deny it and do not believe it. Christian preaching, teaching, education, and control have made them what they are to-day—the only Christian people in the Orient. It is my belief, based upon travel and observation among them, that they can set up and maintain a better republic than one-half the republics in the world to-day.

THEIR MARTYRS AND SACRED SPOTS OF FREEDOM.

Moreover, gentlemen, these people have struggled and shed their blood for liberty for 200 years against Spanish tyranny and oppression in a way and with a spirit that should challenge your admiration. They have had their Joseph Warren, Paul Revere, and Nathan Hale of glorious memory; their Bunker Hill, Lexington, and Valley Forge of sacred history; their Jefferson and Lincoln of immortal fame. [Applause.]

NO NATION CAN ENDURE WITHOUT A COMMON SPIRIT OF NATIONAL PATRIOTISM.

Gentlemen of the House, I want to lay down a proposition—a truism in government—which, if I am in error about, I wish some gentleman would controvert. It is this: No nation can endure without a common spirit of national patriotism.

In most nations this common spirit of national patriotism rests upon a common race blood and in some, in addition, upon a common race or state religion. In this sense we speak of the English Nation, the French Nation, the German Nation, the Italian Nation, the Jewish Nation, the Greek Nation, and the Russian Nation.

In the United States we have no common race blood and we have no common or state religion. Here the mingling of all the best blood of all the races has produced the typical American citizen, the best citizenship of the world.

IN THE UNITED STATES.

In the United States our common spirit of national patriotism rests neither upon a common race blood nor a common religion or state religion. Upon what, then, does it rest? Gentlemen, it rests upon this, and this alone: It rests upon our common ideals of liberty and the rights of man as set forth in the Declaration of Independence and as promulgated into law in the Constitution of our country. He who would weaken or destroy these ideals for any purpose whatsoever weakens and destroys the permanency of this Republic, pulls out the very foundation stones upon which our temple of liberty is builded; and the question I want to put to the heart and conscience of every man is this: How does the principle of permanently holding the Philippine Islands and the Filipino people against their will, should they desire an independent republican form of government, square itself with the principles found in the Declaration of Independence and the Constitution of the United States, the principles which we must observe and cherish if our Republic is to endure? [Applause.]

OUR UNNATURAL AND DANGEROUS POSITION.

To those who want to see the United States adopt the course and follow the colonization policy of Great Britain I want to quote what Gladstone said. Gladstone pointed out that under the theory and genius of our Constitution and Government, the United States could never adopt the British colonizational system without surrendering the foundation principles of the Republic, because in a Republic the central thought and essence is equality, while in a monarchy the recognized and accepted thought is classes and inequality. The British Government recognizes and rules her possessions and people accordingly, and it is the only way that a monarchy and colonial possessions can exist.

It is well known that when our commissioners were sent abroad to arrange a treaty with Spain at the close of the Spanish War President McKinley instructed them under no circumstances to take over the Philippine Islands, but merely arrange for a coaling station there. The way the radical change was consummated is related by the well-known British publicist, Mr. Stead, in the British Saturday Review. I quote him verbatim. He says:

"The diplomatic agents of Great Britain, however, insisted that the United States take these islands to preserve the balance of police power. The United States gets its territory in the east by the assistance of the moral power of Great Britain. Let us be frank and say outright that we expect mutual gain and material interests in this arrangement. The Americans are making their bargain under the protecting naval strength of England."

Thus we entered upon the British colonization system which Gladstone tells us we can not maintain without destroying the ideals upon which our Government rests. [Applause.]

THE NATION'S GREATEST STATESMEN HAVE BEEN CHAMPIONS FOR PHILIPPINE INDEPENDENCE.

Some speakers here to-day have assumed to affect and impress the country with the idea that the demand for Philippine independence is a premature impulse. Who are the men in the past who have uttered burning words of living truth for Philippine independence? To mention their names is to call the roll of the Nation's greatest statesmen, living and dead, in the past quarter of a century. I wish I had space to give a quotation from each of them. Their ability and patriotism can not be quesioned and their argument and appeal has never been answered.

To those Democrats, and Republicans as well, who are speaking against Philippine independence to-day I respectfully recommend a study of the speeches of this great roll of names, to call the roll of which is to name the Nation's immortals, the Nation's immortals dead, and the Nation's greatest living statesmen in

the last fifty years. A partial list included such patriots, orators, and statesmen as Grover Cleveland, William McKinley, Theodore Roosevelt, William J. Bryan, and President Wilson; Senators George F. Hoar, George G. Vest, John G. Carlisle, John W. Daniels, George F. Edmunds, A. O. Bacon, A. S. Clay, BENJAMIN R. TILLMAN, William E. Mason, Arthur P. Gorman, Carl Schurz, Stephen M. White, William V. Allen, Henry M. Teller, John Sherman, and others. In the House, Speaker CHAMP CLARK, DeArmond, OSCAR UNDERWOOD, and many others; Andrew Carnegie; Samuel Gompers; David Starr Jordan; Charles F. Adams; Henry Van Dyke; Bishops Spaulding and Potter; Theodore Cuyler; Patrick A. Collins; Rev. Dr. Thomas J. Conaty; and a notable list too long to enumerate.

Is there any gentleman in this House so great in his own estimation and so fatuous with self-importance that he would not consider himself complimented, elevated, and honored to find himself in fellowship with this roll of American scholars, orators, statesmen, and patriots? [Applause.]

SIGNS OF WARNING IN THE SKY OF FREEDOM.

Gentlemen of the House, I am deeply moved and impressed with the importance of this hour. No greater question, of more far-reaching importance, has challenged the attention of Congress in 50 years. I want to, if I can, epitomize this entire proposition as it affects our country's welfare by a few quotations that seem to me to stand out like burning signs of warning on the sky of freedom.

CAUSE OF THE DOWNFALL OF THE ROMAN REPUBLIC.

Froude in his Life of Cæsar says that the Roman Republic's downfall dates from the time when the Roman people developed a desire to rule over and possess the country of alien people. God keep our beloved Republic from entering upon that course that has been the downfall of every other republic in the history of the world.

THOMAS JEFFERSON'S ADVICE AND WARNING TO THE YOUNG REPUBLIC.

Thomas Jefferson, the greatest political lawgiver and apostle of liberty the world has seen since Moses, warned the young Republic of the United States never to acquire any territory that was not contiguous, practically uninhabited, and which could not be developed by American citizens into future States of the American Union.

ABRAHAM LINCOLN'S ADVICE AND WARNING TO THE REPUBLIC.

That great pupil of Jefferson, Abraham Lincoln, the great martyr and apostle of liberty, said:

"No man is good enough to govern another without the other's consent."

"He who refuses liberty to another deserves it not himself, and under the dispensation of a just God can not long retain it."

[Applause.]

PERICLES.

Pericles gave his countrymen good advice, and it is good advice to-day:

"Safeguard and defend your boundaries; do not extend them; do not let seas divide them."

THE VERDICT OF HISTORY.

Creasy, in his great work, says:

"There has never been a republic yet in history to acquire dominion over another nation that did not rule it selfishly and oppressively."

When I think of the course in which our ship of state is sailing, these messages of liberty sound like the alarm of fire bells in the night—voices like Joan of Arc heard ring down out of the skies.

LEST WE FORGET.

Mr. Chairman and gentlemen of the committee, I have observed the course of this debate with the deepest solicitude.

The arguments used here to-day by some of our Republican friends against independence for the Philippines, stripped of its mask and verbiage, means, if it means anything, that you are opposed to ever granting independence to these people.

THE LINCOLN ORATORS OF THIS HOUSE NOT QUOTING LINCOLN, JEFFERSON, AND THE DECLARATION TO-DAY.

I have observed and it has been noted that the Lincoln orators of this House, who quote Lincoln on every occasion, have not referred to him or mentioned his name in this debate. Is it not passing strange that there is a side to a debate dealing with the government and future of 9,000,000 people where the orators on that side can not appropriately quote from Lincoln, Jefferson, the Declaration of Independence, Whittier, Lowell, Wendell Phillips, or William Lloyd Garrison; can not quote from any great epic, oration, poem, or poet of liberty or from any battle hymn or song of freedom?

A GREAT DEMOCRATIC OPPORTUNITY.

I want to warn my Democratic friends that if we fail now in this crisis we will have missed the most glorious opportunity that has come to us in 50 years. Republicans have proudly boasted of freeing 3,000,000 colored men. They have claimed that credit, regardless of the fact that as many Democratic bones bleach on the battle fields and as much blood and treasure was poured out from northern Democratic homes as Republican homes to purchase that freedom. Here we as a party have the God-given opportunity to lead in the movement to give freedom to 9,000,000 people, and it saddens my heart to see that there are those among us who claim to be the followers of Jefferson who can not hear the heart beats of humanity above the clinking of the coin.

Our brethren deceived themselves with excuses, but these excuses will not excuse them.

THE INEVITABLE CONFLICT.

Since the beginning of time there has been an irrepressible conflict between the spirit of race ownership and the spirit of race independence. Education and government of one race by another are irrepressible and irreconcilable influences. One must fail, one must conquer. Let not gentlemen deceive themselves. If we continue to educate the Filipino people, they, like all other races since the dawn of history, will some day strike for an independent form of government, and your action in defeating a promise of independence will simply mean to say to the people of the United States that there are schoolboys now swinging their buckets to and from country homes to country schools who will be called upon in the future some time to fight and die in the Philippines. It will simply mean that men of another race and another clime, 12,000 miles removed from our Capitol, will be stood up and shot down, like in Ireland to-day, because they dare to desire to set up an independent form of government in their own land and to put in practice the principles of liberty and rights of man which our very education has instilled into them. And what is your answer for all this—business, business, business. Business purchased at such a price would be criminal folly.

Across this path I want to place the common-sense signboard of

"STOP, LOOK, AND LISTEN!"

Three and a half centuries ago Charles V boasted that the sun never set upon the dominions which Spain maintained by wars in Europe, Africa, America, and the islands of the sea. Where now is that magnificent empire? Gone; forever vanished. Not enough left to cast a shadow. England boasts to-day, as did Charles V, that the sun never sets upon the Empire that, like Spain, she has maintained with unceasing wars. And, like Spain, she, too, in time may see a dismal wreck and ruin, wrought by the natural blight incident to colonial possessions.

Macaulay says:

"We venture to say that colonial empire has been one of the greatest curses to modern Europe. What nation has it ever strengthened? What nation has it ever enriched? What have been its fruits? Wars of frequent occurrence and enormous cost, fettered trade, lavish expenditure, clashing jurisdiction, and indigence among the people."

I want to end this warning with the words of Lincoln, who said:

"He who refuses liberty to another deserves it not himself, and under the dispensation of a just God can not long retain it."

And the words of Thomas Jefferson, speaking of race ownership, who said:

"When I remember that God is just, I tremble for my country."

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRUMBAUGH. Mr. Chairman and gentlemen of the committee, I wish you could indulge me for five minutes longer. But I will not take the time if anybody else wants it.

Mr. LONGWORTH. I ask in behalf of my colleague from Ohio for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BRUMBAUGH. I thank my friend and colleague and the House for this kindness.

OUR COUNTRY'S WELFARE FIRST.

Gentlemen, the preservation of the ideals on which our Declaration of Independence and our Constitution are based is the biggest thing in all this universe to me in the government of mankind. Nothing in the government of human affairs equals this in all the sweep of time. [Applause.]

WHAT LINCOLN SAID.

On his memorable trip to the Capital to be inaugurated President of the United States, Abraham Lincoln stopped at Philadelphia and was asked by the multitude to raise the flag over Independence Hall. In the speech which Lincoln delivered on that occasion he said that he never entertained any

political principle or doctrine not found in the Declaration of Independence. I have often been amazed at the men who will deliver orations of eulogy on Lincoln and then vote against the most sacred principle for which Lincoln lived and for which Lincoln died—the principle of individual human freedom and human liberty.

DO NOT CHANGE THE BATTLE HYMN OF THE REPUBLIC.

I do not want to see the United States change that beautiful line in the Battle Hymn of the Republic which reads:

As He died to make men holy
So we'll die to make men free.

So that for empire, trade, and gain it must read:

So we'll die to prevent men from being free.

I want to see the star of our Republic that rose in the government of mankind like the star of Bethlehem remain the star of hope and liberty to all mankind, and not throw its parting rays on a republic turned to an empire stained with the blood of conquered subjects.

I believe the Declaration of Independence is of Divine inspiration. It is the Sermon on the Mount and the Golden Rule translated into the government and the affairs of men. On the observance of its sacred principles this Nation will live or fall.

Everyone who believes in education and development must admit that we can not always hold the Filipino people against their will, because it would not be just and right to so hold them. Why not let them go now before God comes again walking in the pages of history saying in wrath "Let these people go." Will we be so foolish as to try and put between them and their longing for liberty a Red Sea of oppression and human blood? If we do, I fear ours will be the repeated lesson of history; for through all governments God has stretched his electric live wire of truth and justice, and nations as well as men reach out in greed and avarice and touch that wire and die.

I want to see my country remain a land of benedictions to all mankind, to so act that the foot of Him who hath led us in triumph in 1776 through the wilderness of foreign oppression and in safety in 1861 through our Red Sea of civil strife may not falter nor the light of His countenance be turned away.

Then shall our glorious banner float on forever, every star flashing out the light of liberty and justice to all people all over the earth until their rays of blessing mingle in the light of the millenial dawn. Then for us always shall liberty and justice flourish out of the earth and righteousness and peace smile on us down out of the skies. ' [Applause.]

The CHAIRMAN. Under the order made by the House, section 34, known as the Clarke amendment, will first be considered. The Clerk will report the section.

The Clerk read as follows:

SEC. 34. The President is hereby authorized and directed to withdraw and surrender all right of possession, supervision, jurisdiction, control, or sovereignty now existing and exercised by the United States in and over the territory and people of the Philippines, and he shall on behalf of the United States fully recognize the independence of the said Philippines as a separate and self-governing nation and acknowledge the authority and control over the same of the government instituted by the people thereof, and full power to take the several steps necessary to institute such government is hereby conferred upon the said Philippines acting by and through governmental agencies created by this act. This transfer of possession, sovereignty, and governmental control shall be completed and become absolute not less than two years nor more than four years from the date of the approval of this act, under the terms and in the manner hereinafter prescribed: *Provided*, That if the President, prior to the expiration of the said period of four years, shall find that the condition of the internal or external affairs of said Philippines in respect to the stability or efficiency of the proposed government thereof is such as to warrant him in so doing, he is hereby further authorized, by proclamation duly made and published, to extend the said time to and including the date of the final adjournment of the session of Congress which shall convene next after the date of the expiration of the said period of four years, and thus afford the Congress an opportunity in its discretion to further consider the situation in the said Philippines; but any such extension of time by the President shall not otherwise suspend or nullify the operative force of this act, unless the Congress shall hereafter so direct. For the purpose of a complete and prompt compliance with this direction, the President is hereby invested with full power and authority to make such orders and regulations and to enter into such negotiations with the authorities of said Philippines or others as may be necessary to finally settle and adjust all property rights and other relations as between the United States and the said Philippines, and to cause to be acknowledged, respected, and safeguarded all of the personal and property rights of citizens or corporations of the United States and of other countries resident or engaged in business in said Philippines or having property interests therein. In any such settlement or adjustment so made in respect to the rights and property of the United States as against the said Philippines the President may reserve or acquire such lands and rights and privileges appurtenant thereto as may, in his judgment, be required by the United States for naval bases and coaling stations within the territory of said Philippines.

Mr. TOWNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

Mr. TOWNER moves to strike out the section, being all of section 34 of the bill.

Mr. TOWNER. Mr. Chairman, I would like to make an agreement, if I can, with the gentleman from Virginia [Mr. JONES] regarding the time for closing the debate on this motion.

Mr. JONES. What would the gentleman suggest?

Mr. TOWNER. It was the understanding that the debate would close at 8 o'clock, and I suggest that that be ordered and that the time be equally divided between the gentleman from Virginia and myself.

Mr. JONES. That would be 1 hour and 10 minutes from now. That would be 35 minutes on a side.

Mr. TOWNER. On the paragraph and all amendments thereto.

Mr. JONES. Yes; all amendments thereto.

Mr. TOWNER. I would suggest to the gentleman that, if he will make the offer, it shall include the right during that time, if gentlemen have amendments to offer, that all of them shall be debated, and that debate on this paragraph and all amendments thereto close at that time.

Mr. JONES. I want to suggest to the gentleman from Iowa that, while it has been agreed that this amendment should be voted on first, I overlooked the fact—and other gentlemen did—that there is one other proposition in the bill which gentlemen desire to discuss, and as to which they will want to offer amendments, and that is the proposition in regard to prohibition. Would the gentleman object to having this hour and 10 minutes devoted to the discussion of that amendment, and to change the agreement so as to permit the vote on the prohibition amendment first?

Mr. FITZGERALD. Oh, I will object to that.

Mr. TOWNER. I could not agree to that, because it has been stated to so many on this side what the understanding is. I will say to the gentleman that we will have no trouble, I think, in agreeing to any subsequent matter.

Mr. JONES. I do not think there will be any trouble, but a number of gentlemen have suggested to me that they would like to offer amendments to that provision, and I would like to give them an opportunity to do so if they desire it.

Mr. TOWNER. They will have that opportunity, of course, and we will not seek to deprive them of that opportunity. Will the gentleman make that suggestion as to unanimous consent?

Mr. JONES. I made this suggestion in good faith to the gentleman. I understand he objects to changing the adopted order, so that I will not make it.

Mr. SLAYDEN. Mr. Chairman, reserving the right to object, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa [Mr. TOWNER] yield to the gentleman from Texas?

Mr. TOWNER. Certainly.

Mr. JONES. The gentleman has the right to reserve his objection.

Mr. SLAYDEN. I have done so. Why not give up this time to the discussion of the prohibition, which has not been discussed? Why indulge in an hour and 10 minutes more of discussion on a paragraph that has been discussed for eight hours already?

Mr. TOWNER. So far as this side is concerned, we have 35 or 40 gentlemen who desired to discuss the Clarke amendment but who were not afforded the opportunity. They did not have opportunity in general debate.

Mr. SLAYDEN. I wanted to say something myself, but had no opportunity to do so. Still I would rather have the proceedings varied a little now by having a discussion of the prohibition amendment. It is getting late, and I am getting dry and hungry. [Laughter.]

Mr. JONES. Mr. Chairman, we are losing time, and so far as I am concerned I will offer no objection to voting upon this and all other amendments at 8 o'clock.

The CHAIRMAN. Will one of the gentlemen submit the request?

Mr. JONES. That is the request.

Mr. MANN. Make it 35 minutes on a side.

Mr. JONES. Well, 35 minutes on a side—that we vote on this amendment, then, at 5 minutes after 8 o'clock, the time to be equally divided.

Mr. TOWNER. I will suggest that the agreement include this amendment and all amendments to this section.

Mr. JONES. Mr. Chairman, I do not want to limit it to that. We will vote on this amendment, and there may be other amendments to offer. If this amendment prevails there will probably be other amendments offered.

Mr. FITZGERALD. There can not be any other amendments offered if this prevails.

Mr. MANN. To this section.

Mr. JONES. I will say to the gentleman that while I understand that no amendment could be offered to a section that had gone out of the bill, still the section might be offered in a different form. A new section might be offered to the bill, and I do not want to enter into any agreement that would preclude further consideration of this subject of Philippine independence. I hope the gentleman does not desire that we adopt a rule that would mean that if his motion prevails we will have no other opportunity to provide, in some form, at some time, for the independence of the Filipinos.

Mr. TOWNER. I will say to the gentleman that certainly he will have ample opportunity to do whatever is parliamentary; but so far as section 34 is concerned, it has been our understanding that there was at least a tentative agreement between the parties that we should determine the thirty-fourth section by this debate and this action.

Mr. JONES. I simply want it understood that if this amendment should prevail and this section should go out, it does not mean that we could not offer another section to the bill.

Mr. FITZGERALD. Mr. Chairman, the gentleman must understand that if this section goes out, there will be objection raised to offering as a new section any provision that should have been offered as an amendment to this section. We wish to know now what the plan is to be. We do not want to have an understanding and then find that we have not any.

Mr. JONES. Mr. Chairman, if that be so, if what the gentleman from New York states is to be the position of the opposition, then I can not consent to any agreement as to time.

Mr. FITZGERALD. I do not care anything about that.

Mr. JONES. Because we do not propose to put ourselves in a position, if these gentlemen vote out this section, that gentlemen on that side who say that this Clarke amendment is not entirely satisfactory to them, but that something else would be, shall not have an opportunity to vote for a proposition satisfactory to them.

Mr. FITZGERALD. The gentleman understands that the parliamentary rule is that gentlemen should perfect their provision, and then let the House pass on the question whether it shall remain in the bill or not. If the gentleman from Virginia wishes us to reverse that proposition, so that if it goes out he can then try to put it back in a different form, as far as I am concerned I do not care to have that done if I can prevent it, and I think I know how to prevent it. We want to know what the plan is to be before we vote on the question whether this provision goes in or out of the bill.

Mr. JONES. Mr. Chairman, I can not consent to any agreement about fixing the time——

Mr. FITZGERALD. That is immaterial to me.

Mr. JONES. I do not want it understood that we on this side agree that if this section is voted out we, under the parliamentary rules that govern the House, can not offer some other proposition—not, of course, an amendment to a section that is no longer in the bill.

Mr. TOWNER. Does the gentleman refer to something extraneous, that would not be proper to offer as an amendment to this? It occurs to me that everything that is proper to be submitted as an amendment to this ought to be included in this agreement.

Mr. FITZGERALD. We are going to insist on our rights, and we want to know what the gentleman is going to do.

Mr. PARKER of New Jersey. Mr. Chairman, I desire to be heard on the point of order that is raised.

The CHAIRMAN. The Chair will state that there has been no point of order raised.

Mr. PARKER of New Jersey. It has been suggested by the gentleman from New York that after you have struck out a section nothing that could be offered as an amendment to that section will be in order. I agree with the gentleman from New York about that entirely. To attempt to do that would only take up the time of the House. Gentlemen ought to perfect their measure first before we vote on the motion to strike it out.

Mr. JONES. Mr. Chairman, I will ask the gentleman from Iowa if he is willing to take a vote at 8 o'clock?

Mr. TOWNER. Yes.

Mr. JONES. Does the gentleman make that request, to close debate on this amendment at 8 o'clock?

Mr. TOWNER. And all amendments thereto.

Mr. KITCHIN. And all amendments thereto.

Mr. TOWNER. All amendments to this section.

Mr. JONES. I will make no objection to that.

The CHAIRMAN. Now, will some gentleman state the request?

Mr. TOWNER. As I understand it the request is this, that debate on this paragraph and all amendments thereto close at 8 o'clock.

Mr. MANN. Make it 30 minutes on a side, because that is the way to do it.

Mr. TOWNER. Thirty minutes on a side, one-half the time to be controlled by the gentleman from Virginia [Mr. JONES] and one-half by myself.

The CHAIRMAN. The gentleman from Iowa [Mr. TOWNER] asks unanimous consent that all debate upon the pending section and all amendments thereto be limited to one hour, one-half the time to be controlled by the gentleman from Virginia and one-half by the gentleman from Iowa. Is there objection?

Mr. BORLAND. Mr. Chairman, reserving the right to object, may I have five minutes?

Mr. JONES. I think so. I am leaving this very much to the gentleman from Tennessee [Mr. GARRETT].

Mr. FOSTER. Regular order, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois demands the regular order. Is there objection to the request submitted by the gentleman from Iowa?

There was no objection.

Mr. TOWNER. Mr. Chairman, I yield five minutes to the gentleman from South Dakota [Mr. DILLON].

Mr. DILLON. Mr. Chairman, I favor giving the Philippine people a greater liberty and allow them every possible opportunity to assimilate the blessings of good government. When the Jones bill came before the House, in the Sixty-third Congress, I voted for it, but I am opposed to the Clarke amendment, the effect of which is to set the Philippine Islands adrift without the performance of our covenants.

At the close of the Spanish War we found ourselves in possession of the Philippine Islands. This possession has brought for us great problems respecting our duty and our obligations to the Philippine people. The result of this war made us an involuntary trustee, a custodian of the rights and liberties of these people. At the time we occupied the city of Manila we found these people engaged in a rebellion against the mother country with which we were then in war. We destroyed the governmental power that ruled over them and substituted our own sovereignty over these people. We undertook to establish for the Philippine citizens a stable government. We accepted the trust, assumed the responsibility, and we can not now shirk this duty nor run away from our responsibility. Every citizen should be proud of the achievements we have accomplished in these islands. Down to this very hour we have faithfully fulfilled every covenant made to Spain and to the Philippine people. Since our occupancy of these islands we have crushed out insurrection, suppressed internal strife, established law and order, and have lead these people into industrial pursuits; through our activities, hospitals and homes have been constructed for the sick, schoolhouses and churches have been built for the educational and moral training of the people; we have eradicated diseases, established sanitation in their homes and public places, establish stable currency and equitable system of taxation, tripled their commerce, improved labor conditions, and paved the way for the true standard of living; improved their harbors, built railroads, public roads, bridges, telephones, and telegraph lines; we have sent them our teachers, our missionaries, and gave them the foundation principles upon which they could rear a country dedicated to liberty, justice, and equality. Our conduct with these people is above reproach and has been one of the brighest pages of our history, unselfish and unsullied. This bill, with the Clarke amendment, now calls for a dishonorable retreat from the islands and abandonment of all of our achievements; it places broken promises above faithful fulfillment. The rights of Spain, the rights of the American Government, the rights of the Philippine people are all safely guarded and protected by the Paris treaty of December 10, 1898. For 17 years we have faithfully complied with the terms of the treaty, but now we seek to repudiate it by proclaiming to the world that this treaty is a mere scrap of paper and no longer binding on the heart and conscience of our people.

The articles of capitulation of the city of Manila on the 13th of August, 1898, concluded with these words:

> This city, its inhabitants, its churches and religious worship, its educational establishments, and its private property of all descriptions are placed under the special safeguard of the faith and honor of the American Army.

William McKinley's message to the Philippine Commission concludes in these words:

> I believe that this pledge has been faithfully kept. As high and sacred an obligation rests upon the Government of the United States to give protection for property and life, civil and religious freedom, and wise, firm, and unselfish guidance in the paths of peace and prosperity to all the people of the Philippine Islands. I charge this commission

to labor for the full performance of this obligation, which concerns the honor and conscience of this country, in the firm hope that through their labors all the inhabitants of the Philippine Islands may come to look back with gratitude to the day when God gave victory to American arms at Manila and set their land under the sovereignty and the protection of the people of the United States.

If this sacred obligation rested upon us then, it rests upon us now. If we were right then, we are not wrong now. This city, its inhabitants, its churches, its religious freedom, its educational establishments, its private property are all safely guarded by the faith and the honor of our country. Article 16 of the treaty provides:

It is understood that any obligations assumed in this treaty by the United States with respect to Cuba are limited to the time of its occupancy thereof; but it will upon the termination of such occupancy advise any government established in the island to assume the same obligations.

The rights of the United States with respect to Cuba are limited to the time of its occupancy, and provision is expressly made that any new government could assume the obligations imposed upon the United States by the treaty, but the grant of the Philippines to the United States is in perpetuity. There is not now and never has been any independent Philippine government. We bought the islands from Spain and paid $20,000,000 for them, and when the treaty was exchanged we became the sovereign owner of these islands, but we took them with perpetual covenants, with unlimited and unconditional pledges.

No provision can be found for a temporary occupancy or for turning over the trust to another Government for execution. Spain ceded the islands not for 17 years but in perpetuity; we did not accept for a limited period of occupancy, but we made as a part of our contract certain covenants with Spain for all time. The treaty proclaims that the rights of Provinces, municipalities, private and public, ecclesiastical and civic bodies, shall never be impaired. We made a covenant that we would carefully preserve all documents, official archives, and records of the executive and judicial departments relating to property rights of the inhabitants and of the sovereignty of the islands. We made a covenant that the Spanish subjects may remain in such territory or may remove therefrom, retaining their rights of property and the right to carry on their industry, commerce, and professions. We made a covenant that the civil rights, the political status of the inhabitants should be determined by the Congress of the United States. We made a covenant that the inhabitants should be entitled to religious liberty.

Our pledges are unconditional, unlimited, and perpetual. How can we, then, in good faith proclaim to Spain that we no longer are bound by our treaty pact, we will no longer protect the people of the islands in their property rights nor safeguard to them their religious liberty, that Congress will no longer legislate upon their civil and political rights, that henceforth, like a tricky litigant, we shall refuse to perform our sacred contract. The United States would not allow Spain to repudiate her part of this agreement, and Spain ought not to allow the United States to deliberately violate the agreement solemnly made for the benefits of her former subjects. The Spanish Government has vested rights in this peace contract, so have the people of the islands, so has every investor who has invested money on the faith of our promises. No amount of quibbling, equivocation, or trickery will satisfy the sober judgment of the American people that we should now violate our promises and set aside the vested rights in a treaty made with another Government.

If we had an international court, vested with jurisdiction, for the settlement of such controversies, Spain could hail us before the court as a willful violator of our treaty pledges. Every person, wherever he may be, who has invested either in the Philippine bonds or in property in these islands, the civilized and uncivilized citizens of the islands and the Spanish nation are all beneficiaries under our treaty and have a direct interest in the peace pledges. This is not wholly a question of governments deriving their power from the consent of the governed. It is a question of the faithful fulfillment of treaty pledges deliberately made. You talk about colonial policies, imperialism, the creed of the fathers, liberty being the birthright of man, but you are forgetting the fundamentals, the pledges contained in our treaty. If it was right to start on the fulfillment of these pledges, it is right to finish the task. We can no more justify the surrender of these islands than the unfaithful father could justify his willful desertion of his helpless infant children. If you personally held trust funds for beneficiaries, would you select an insolvent trustee, an infant, or a person with bad habits, or one unable to govern himself and expect a faithful and honest accounting of the trust funds? I should think that even a Democratic caucus would hesitate to do such a foolish thing. It is said that the islands are costing us $25,000,000 per year; that they constitute our greatest liability and peril, a burden, a constant expense; that to keep the islands means to defend them, to defend them means an increase in Army and Navy. Yet if we admit all these statements they do not constitute a sufficient argument for a deliberate abandonment of our contract. The honor of our country weighs more than dollars. Every one of you have probably sometime made a bad bargain. I have. Yet you would not want to plead the infant act, intoxication, or mental deficiency as a justification of such act and as a defense to your bad judgment. We have been going along for 17 years cheerfully fulfilling and faithfully executing every element of our contract; now we are to throw up the job and plead the baby act. Read President McKinley's proclamation, proclaiming the ratification of the treaty to the public:

That the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

However, fulfillment and good faith seems to mean nothing to the members of the Democratic caucus.

I am sorry that this great measure must rest upon the decree of a Democratic caucus. The measure ought to be above party creeds. It should call upon every Member for patriotic service in placing the common good above partisan advantage. No Member should delegate his power of legislation to any caucus. The caucus destroys individuality; it establishes tyranny; it sacrifices the best legislative instrumentality, the conscience; it makes weaklings of its members. The faithful are intimidated by its decrees. They are loath to have places in the party council. They join the ranks of the rulers, and individuality is peacefully put to sleep. We plead for an independent legislative department of Government; one that will not permit the judicial nor the executive departments to trespass upon the rights of the legislative department; one that will not allow a caucus to bind its members; one that will call upon its members to stand for individual opinions; one that will maintain the independence of members; one that will permit its member to stand erect in his God-given rights without coercion and without caucus splints upon his legs.

Under section 34 of this bill we are to withdraw and surrender our possession, sovereignty, and jurisdiction over the islands, and permit these people to form a self-governing nation and recognize their independence. Everyone ought to know that we can not at this time depend upon their ability to perform the covenants we have made with Spain; nor have they at present the ability to protect property rights or religious liberty. If we are to make good our guaranty, we must retain sovereignty, occupation, and ownership, because it is only through sovereignty and ownership that we will be able to perform our covenants. If we could get out of the islands with a complete fulfillment of our obligations, there would probably be little criticism in our doing so, but this is impossible. When we withdraw, what are we going to do without pledges? We can not withdraw them. To turn these islands over to a newly formed Philippine government would not only mean national dishonor, but a destruction of all American and European investments, which were made on the faith of our promises; it would bring on revolution, anarchy, bloodshed, and crime among the 30 different native races inhabiting these islands. How can we expect unity of action when all of these races have for centuries possessed racial projudices, all speaking different dialects.

We have only to recall the chaos, loss of life, in poor, distressed Mexico and we have an example of a nation with hundreds of years of civilization, with a constitution similar to that of the United States, yet without ability for self-government. A good constitution and good laws will not suffice unless the government of the people can rest upon the heart and conscience of the masses of people. I am convinced that a withdrawal of our sovereignty will leave the people of the Philippines insolvent, defenseless, and helpless, and that they will not be ready for self-government for 50 years to come. I believe that when we leave the islands we should leave them bag and baggage. It has already been demonstrated that the United States can exercise the general sovereignty over these islands without bringing them into a domestic relation with our country. We have been doing so, and there is no reason why we should not continue the work already begun. To turn the Philippine Islands back to Spain at this time would not merit the approval of the American people; to abandon them would not command the respect and the sober judgment of mankind, because it means a breach of our promises. We can not turn the Philippine Islands over to any other country and relieve ourselves of responsibility. We have no right or power to select another country as a residuary legatee. It then becomes our faithful duty to at present continue the marvelous advancement in peace and prosperity that has followed our occupancy in these

islands, that through our tender, sympathetic rule and guidance they may continue unmolested in their wonderful advancement, which has been unequaled in the history of the world. [Applause.]

Mr. JONES. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, no political party in this country has ever been brave enough to face the American people with an unequivocal declaration that they intended to keep the Philippine Islands in perpetuity. Yet every proposition for the ultimate freedom of the islands, or even for their advancement in local self-government, has met with the same resistance and from the same quarter as this bill.

I believe that we ought to adopt this clause for two reasons: First, for the good of the Americans; and second, for the good of the Filipinos. I am glad to believe that our occupancy of the Philippine Islands has been a credit to us and has advanced the Filipino in the direction of self-government. I am glad to believe also that a part of the credit is due to the Filipino in his being able to adapt himself to the needs of a higher political life.

I am thoroughly convinced, however, when I speak of the good to the American people that we as a country have no destiny in those islands. We have no destiny as a Nation in Asia. The Philippine Islands are not colonies; they are dependencies. No man has ever conceived that they can be colonies. The difference between a colony and a dependency as a legal proposition is very clear, and I repeat that no statesman or any party or faction has ever pretended that they would become an integral part of the American Nation, or that the American Constitution would finally become their constitution.

When the argument is made for their indefinite retention, it is for their retention as a subject people, as a dependency, without the natural political rights that men are entitled to enjoy.

We have heard this afternoon in this debate the same old-time worn jingoism about pulling down the American flag that was responsible for the original commission of the Philippine folly. We are not to pull down the flag. Then if we are not to pull down the flag now, after 18 years of peaceful government, let these belligerent patriots say when the time will ever come that they will be willing to pull down the flag. If that time will never come, let them have the manly moral courage to face the American people and say that they are opposed for all time to the freedom of the Filipinos. [Applause.]

Talk about courage; let us have a little moral courage on this subject, and while we are about it let us have the moral courage as well as the physical courage to do what we believe is right by a people, whether they have the power to require it of us or not. Is the only test of right and freedom the power to extort it by force, or are we the only Nation that is able to give a subject people their freedom without driving them to win it at the point of the sword? That is the moral question involved here.

Now, the great fight on this bill is coming and will come from the special interests in this country. The gentleman from Minnesota [Mr. MILLER] started out to represent the poor Filipinos, but before he had got very far the mask was off and he was talking about the millions of capital invested in those islands. I have seen in that flag the stripes representing the revolting American Colonies; I have seen the stars representing the self-governing American States; but I hope never to see both stars and stripes erased and nothing but the dollar mark left behind. [Applause.]

Mr. FESS. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. MEEKER].

Mr. MEEKER. Mr. Chairman, I have been greatly interested in the discussions on the floor of this House since I came here in December, and I have discovered one thing, and that is that the business men of America need not look for or expect any consideration at home or abroad from the Democratic side in this House. [Applause on the Republican side.] Whenever you mention anything that has to do with the business or industry of the American citizen here or abroad the next thing you hear is a sneer that the interests are being defended. We have to-day in Mexico men with their millions who have gone there encouraged by this Government. We are talking about capturing the trade of the world, and a few venture across with their savings into the Philippine Islands, and anything that is said here to-day about looking after Americans in the Philippines is talked of with a sneer from the other side.

I say to you, I can think of no more lonely figure in this Government to-day than the man of enterprise who looks beyond the boundary of his own Nation to capture trade [applause on the Republican side], to bring business to this Nation. He is made to understand that he is the subject of ridicule by the party in power, and he can expect no protection abroad and no protection at home. [Applause on the Republican side.]

I am not a prophet nor the son of a prophet, but I think that the time is here in this country when some men, without apology, remembering that the the Good Book says that "He who provides not for his own household is worse than a disbeliever," shall see to it that we come squarely to a discussion of whether the industrial enterprises of the United States have any hope for life anywhere, here or abroad. What have we heard to-day? We have heard a lot of talk about some Filipinos, but the American in the islands has been sneered at. We have had some talk about some savage tribes wanting their freedom, but not one word from the Democratic side of the House in honor of the men who for 18 years have toiled and died to change that Filipino country from a country of savagery to a country of civilization—not one word. [Applause on the Republican side.] We have heard not one single word in praise of a single boy who wore the American uniform in the Philippine Islands, we have heard not one single word from that side of the House of hope held out to any man, or group of men, who have gone there. It has all been cant and rant about the liberty of men with whom you would not trust your own business for 24 hours. It seems to me, Mr. Chairman, that if ever the party in power is to say anything or do anything to convince the thoughtful business man of this country who is looking somewhere to carry on the enterprise that the great push of American industry would send abroad, it has the opportunity to do it now. And the time has come when that man shall demand some consideration at least from the party on the other side. [Applause on the Republican side.]

Mr. JONES. Mr. Chairman, I yield five minutes to the gentleman from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. Chairman, the gentleman from Missouri [Mr. MEEKER] has sneered at what he chooses to call "some Filipinos," stating that it would be wrong to grant independence to a people with whom we would not be willing to risk our business for 24 hours, and he proceeds to extol the "boys" and "business men" who have gone there from America, and in accordance with his ideas, are entitled to first consideration over the welfare of the Filipino people. If it be true that the Filipino people are of such character that we would not be willing to trust our business to any of them for as long as 24 hours, these "boys" and "business men" to whom the gentleman refers have done very little toward civilizing these people during the 18 years they have spent in the Philippine Islands. It is a sorry spectacle that a Member of the American Congress, with all of its traditions and the history of its growth and the things for which it has stood in the past, should be willing to stand upon this floor and deny liberty and independence to 8,000,000 of people, because he does not think it to the best interest of Americans who have gone to the Philippine Islands and invested their money. In former times it would not have been thought possible that a Representative of the liverty-loving people of America would put the selfish interests of a few investors of capital above the rights of a great people to govern themselves and live under their own system.

Before the American Revolution, which won for the United States their indepedence, Englishmen had come into the colonies and invested their money, and, no doubt, they thought their interests should be placed above that of the colonists, who were seeking freedom and the right of self-government, but our forefathers did not hesitate to fight for their independence and their right to govern themselves, simply because British subjects had come into this country and invested their money. Those who were interested in bringing about that revolution and in the formation of this Nation held to the doctrine that the right of self-government is an inherent right and that it is not subject to the prior claims of financial investors.

The Declaration of Independence itself proclaims the doctrine that all men are created politically equal and are entitled to certain inalienable rights, among which are life, liberty, and the pursuit of happiness. It proclaims that all governments derive their just powers from the consent of the governed, and three-quarters of a century later Abraham Lincoln gave his indorsement to that immortal declaration by saying, "No man is good enough to govern another man without that man's consent." We know that the Filipino people desire self-government. We know that they desire it because they have learned from our Nation and from the things that were responsible for our national existence that the right of freedom and self-government is the most priceless political boon that can be achieved among the political subdivisions of the people of the world.

A great deal has been said about the qualifications of the people of the Philippine Islands for self-government. I have been

impressed many times with the statement of President Wilson that liberty does not come from above, like the showers from heaven, but it springs up among the people themselves and must be attained and maintained by them if it is to be enjoyed. If the question of the qualification of the American colonies to govern themselves had been left to the people of Great Britain, and the question of our liberty had been left for them to decide, we would at this time be a colony of that empire instead of the greatest Republic that the world has known. Avarice, greed, and selfishness always protests that a given people are not suited for self-government, but the question which confronts us here as Members of Congress is whether the Filipino people are entitled to freedom and self-government as a matter of right, and without regard to whether some Americans will be able to make more money under American control of the Philippines than they would under a self-governing Filipino Republic. For my own part, I am willing to bestow upon those people that right, that power of self-government which we have not only contended for for ourselves, but have encouraged among all the nations of the world.

Mr. MILLER of Delaware. Mr. Chairman, will the gentleman yield? The gentleman does not mean to compare the United States in the Philippine Islands with Great Britain in the United States?

Mr. BARKLEY. No; I do not mean to compare the Anglo-Saxon race, wherever they may be found on this footstool, with any other race under the sun; but my contention is that, without regard to race or locality, the principle is the same. The principle is that the right of self-government is not qualified by the color or the location of the people who may be seeking it.

Mr. Chairman, we have heard a great deal about the lack of education in the Philippine Islands, and yet there are more than 5,000 public schools in those islands, with an attendance of more than 500,000, which is a higher percentage than exists in many other so-called higher civilized nations. The percentage of literacy in the Philippine Islands is greater than it is in Russia, or in Spain, or Portugal, or Brazil, or Chile, or in Guatemala, as well as a number of other nations that might be mentioned. If this be true, how can any fair-minded American contend that the Philippine Islands should not be given their liberty? Certainly a failure to do that could not be justified on the grounds of a lack of education. If it is the moral duty of our Army and our great business men to civilize inferior races of people, how can we justify our course in limiting our beneficence to the Philippine Islands and the other islands of the sea when there are so many other people scattered over the world who are in need of such altruistic service?

Mr. MADDEN. We do not own them.

Mr. BARKLEY. No; and we do not own the Philippine Islands in the sense that they are ours for indefinite occupation and exploitation. [Applause on the Democratic side.] Every American officer, from President McKinley on down to the present time, has held out the hope of independence to the Philippine Islands, and they have from the beginning of American occupation been led by every responsible authority to believe that our occupation of the islands was temporary and that they would be granted their independence at an appropriate time. But to-day, for the first time, we hear a Member on the Republican side, the distinguished gentleman from Tennessee [Mr. AUSTIN], boldly state that he is not in favor of ever granting freedom to the Philippine Islands, and that he was against giving it to the people of Cuba, and that if he had his way he would go down and take Mexico and all the territory between the United States and the Panama Canal, all of which he would gobble up and place under the control of the American Government and the American Army, without regard to the wishes or the welfare of the people upon whom he would superimpose the authority of the United States.

Why is it that there are men, even in Congress, who take such a position? Because of that insatiable desire for business and money making, the desire to subordinate the liberty, freedom, and rights of independent people to work out their own destiny to the dictates and selfish desires of commercialism. It is the desire to crown the dollars as being supreme over the liberty of human beings. [Applause on the Democratic side.] And that is the only argument that the gentleman from Tennessee and others have advanced in behalf of their policy for which they have had the courage to speak upon the floor of this House.

I am glad, Mr. Chairman, that I do not advocate the acquisition of power and of territory under the Stars and Stripes by force of arms simply to gratify the ambition of men whose only object in life is the making of money or the exercise of power. The thing which makes the American Nation loved and respected the world over is the fact that it has not stood in the past for political or commercial aggrandizement, but it has always been looked to by the downtrodden people of every nation as the inspiration of freedom and liberty, proclaiming the equality of mankind everywhere. [Applause on the Democratic side.]

It was under the influence of this inspiration that the American Nation was conceived, and has grown until it embraces the midcontinent of North America and numbers more than a hundred million true and loyal Americans. It is for these reasons and for many others that I believe the time has come when the Philippine Islands ought to be granted their independence, when the United States should keep faith with those people whom it subjugated against their will, and which it continues to control, in spite of their overwhelming desire and capacity for governing themselves; and I hope that at no distant date we may be able to greet the only Christian nation in the Orient as a fellow member in the brotherhood of self-governing nations under the name of the republic of the Philippine Islands. [Applause on the Democratic side.]

Mr. FESS. Mr. Chairman, I yield five minutes to the gentleman from Nebraska [Mr. REAVIS].

Mr. REAVIS. Mr. Chairman, I believe that I shall never forget the emotions that came to me when, 18 years ago to-day, I learned of the triumph of the American Navy in the Bay of Manila. Proud as I was of that achievement, when I came to learn what was to be the ultimate result of the triumph of American arms, I was prouder of my Nation than I had ever been before.

For 400 years our brown brothers of the lonely islands in a far-away sea had been beneath the heel of tyranny and of oppression. For four centuries they had waited patiently for the coming of the giant of the west. When it came and raised the American flag over those islands it was raised with a promise that the genius of our institutions should be given to those savage tribes in the hopes of one day raising them to that point in civilization where they might be trusted with a government of their own. We held out the promise to them that we would install in those islands civilization where savagery exists, Christianity where paganism prevails, a government of law where anarchy prevails, progress where festers decay, and the sunlight of a new age where the shadows of dead centuries lie. In fulfillment of that promise we sent the youth of America, the young men and young women, to take charge of their schools, with the idea of improving the intellectual and the moral standard of the Philippine people.

Mr. Chairman, no man ever gained strength by following the easiest way. No nation ever became mighty by following the line of least resistance. And to-day, after having had in our charge for 18 years those races that had been in savagery for 400 years, for the first time there comes a proposition that because storm clouds have gathered, that because the world has gone mad, that because of the fear that the Philippines may be dangerous for us to control, because they are expensive—for the first time, within my knowledge, at least, the United States is consulting the proposition of expediency in the face of manifest duty.

I say to you that if this Nation is true to its ideals, if its action on this matter shall be in harmony with its history, it will not consult fear, it will not consult difficulty, it will not consult expense, but it will hold on to those islands, it will hold on to those people until they have reached that point in civilization where independence and freedom may be given them without making them and their nation the plaything of world politics. [Applause on the Republican side.]

Mr. JONES. Mr. Chairman, I yield two minutes to the gentleman from Missouri [Mr. DECKER].

Mr. DECKER. Mr. Chairman, like the gentleman from Nebraska I remember very well the emotions that filled my heart when I heard of the victory of Dewey at Manila Bay, and I am for turning the Philippines loose, not from the standpoint of expediency, not for a lack of courage, but because of the fundamental principles of this Government that our father founded long before Dewey's victory at Manila Bay. [Applause on the Democratic side.] Eight million people, 7,000 miles away. If they are incapable of self-government, then they have no part or lot under that flag, because as the greatest Republican, and almost the greatest American, that ever lived, said that this Nation can not endure half slave and half free. If they are capable of self-government, the dictates, not of expediency, but the dictates of duty, demand that we carry out the policy of McKinley and give them the right to self-government, and do it now.

This is the anniversary of the victory of Manila Bay. There could be but one better day to give them liberty, and that would be the 4th of July, the day on which we celebrate the Declaration of Independence, "that document which proclaimed not simply our national independence, but the primal rights of all of

mankind; that document the spirit of which goes forth like an angel of human liberation," as Sumner said, "breaking bolts, unloosing bonds, opening prison doors, visiting all who are downtrodden, whispering that there is none so poor as to be without human rights which every man is bound to respect, none so degraded as not to be beneath its beneficent influence, none so lofty as to be above its restraining power, while before it despotism and oligarchy fall on their faces like the image of Dagon, and the people everywhere begin to govern themselves."

Mr. FESS. Mr. Chairman, I yield three minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, the revenues of the Philippine government last year were about $14,000,000, not more than the revenues of the District of Columbia. Turn the islands loose, turn them over, as you may wish to call it, on $14,000,000, and what will become of the 8,500,000 people? The time when they should be given independence will be when they have a schoolhouse on every hilltop, where in the generations that are yet to come the children yet unborn are educated in the principles of government and freedom. That will be the time to liberate the Filipino and give him independence. The flag has been raised upon the Philippine Islands, there to remain as an evidence of liberty and freedom, never to be hauled down until the people of those islands are ready for self-government, but not until they have been taught in the schoolhouses, under an American policy, what self-government means.

Who would defend the Filipinos if they were given independence to-day? Would it be America or who would it be? Surely not themselves. And to turn them loose by this provision of this bill would be a crime, a sin, which the Members of this House, speaking for the American people, ought not by any means to commit. [Applause on the Republican side.]

Mr. JONES. Mr. Chairman, I yield to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman, it strikes me that the Democratic platform has been explicitly plain on this Philippine proposition. Seven hundred million dollars have been spent by this Government in the last 18 years in the Philippine Islands and between forty and fifty million dollars being spent each year. If war at any time comes, it will be through the Philippine Islands. And the national troubles, all of them combined, the national liability of all other kinds combined, do not compare with the Philippine Islands. And in reply to my distinguished friend from Nebraska [Mr. REAVIS], who says it is the part of courage to stay there, I wish to say to him that as a courageous Nation, a Nation that loves the foundation stone of liberty on which it is founded, we owe it to the Filipino people to free them.

This Government is not presumed to go all over the face of the earth for the purpose of washing out the back doors of other people. The Monroe doctrine is not for the purpose of ging 12,500 miles from the Nation's Capital and looking out for some people in the Pacific Ocean; but, according to my interpretation of that famous doctrine, the North American Continent and the South American Republics embrace the entire territory over which our flag shall put any kind of protectorate.

This idea of imperialism and holding the Philippine Islands is backed up by the great "interests" of this country. It is not the people of America. It is the bondholders, the liquor interests, the Tobacco Trust, and the sugar interests of this country that cause the Republican Party and these few Democrats to join in this protest against the Clarke amendment turning the Philippines loose. [Applause on the Democratic side.]

This is a battle between the people and special privilege in this Nation. The interests that have been exploiting the Philippine Islands all of these years do not intend to let the American people get rid of that millstone that now hangs so heavy around the neck of this Nation.

You Republicans place the dollar above the man. Don't you know the people of those islands love independence as much as we do? The Tories in the Colonies of America joined in with King George and tried to prevent our heroic forefathers from gaining their independence. Our people fought eight long years to gain independence against the tyranical hand of Great Britain. Some of you say the Filipino people are not capable of self-government. The people of England said the same thing about our American forefathers in 1776.

What right have we to set ourselves up as the judges to say the Filipinos are not able to maintain a stable government? Every man on this floor knows those people can govern themselves. It is the dollar mark that is causing all these flimsy excuses to be offered here to-day.

Wall Street has worked overtime endeavoring to kill this bill. All of the henchmen of the bankers who happen to have bonds in the islands, together with the whisky and beer interests, and the Sugar Trust, and the Tobacco Trust, have put their forces to work to prevent the Democratic Party from fulfilling its pledges to the American people on this question. Now is the time to show what crowd you run with. Are you for the special interests that seek to continue grinding dollars out of the swarthy Filipinos at a great and heavy burden to the people of the United States, or are you for the plain people of this country? Your vote on this Clarke amendment tells the whole story.

If you are for the people, you will vote for the Clarke amendment to stay in. This will give the Filipinos freedom at the end of four years. I would vote to give them their independence to-morrow. I am in favor of the United States Government coming out body and breeches from the Philippine Islands and staying away from there for all time to come. Our Government has enough to do to attend to our own business. Let us spend our money to help our own people. You Republicans want to tax the very life out of our people who toil in order that a few exploiters of the privileged classes can amass millions of dollars out of the Philippine Islands. The truth of it is, you never expect to give the Philippine Islanders their independence. Of all the fake arguments I have listened to since coming to Congress, I have never yet heard any to equal the pretended excuses offered here to-day to kill this bill.

Do you not know this is a day of rejoicing? The American people have their eyes on Congress to-day. They know the strong influences of big business at work to kill this bill. Which side are you on in this conflict? Do you know the tree is judged by its fruit? What kind of fruit will your vote bear? The vote I cast I know is for the people, because every schoolboy in America knows that the people of this country are in favor of granting independence to the Filipinos as early as possible. I am willing to be judged on this vote. Are you men who oppose this bill ready to come out in the open at the bar of public opinion? What are you Republicans going to tell the people?

Mr. FESS. Mr. Chairman, I yield two minutes to the gentleman from Minnesota [Mr. SMITH].

The CHAIRMAN. The gentleman from Minnesota [Mr. SMITH] is recognized.

Mr. SMITH of Minnesota. Mr. Chairman, to pass the Clarke amendment on the pretense that we are doing it for the benefit of the Filipino people, whereas, in truth and in fact, our real purpose is to avoid our obligations to these people—and this at a time when the world is on fire—would certainly subject our Government to the charge of timidity and insincerity and greatly lower its standing in the eyes of the world, as well as to weaken the moral fiber of our citizens.

Setting the Filipinos adrift, putting them on their own resources before they are ready for self-government and before other nations are asked to cooperate in the matter, would be a serious mistake—one that our Government in all probability would have cause to regret.

The Democratic Party attempts to justify such a course on the ground that its 1912 platform called for the independence of the Philippines as soon as a stable local government could be established in the islands. How soon could such a government be established? Can the administration guarantee a stable government in four years or even in three times four years?

The great majority of our people do not believe that the rank and file of the natives are yet fit for local self-government, and it is beyond the realm of human ability to say on what particular day they will be ready to maintain a government that will protect the lives, liberties, and property of its people.

There is nothing in the preelection declarations of the Democratic Party that will sustain, under the present conditions, the leaders of that party in their attempt to scuttle these islands. Even though the Philippine plank were more specific, would not the party be justified in repudiating it under present world conditions? This administration has repudiated other planks of its platform for little or no excuse—why so supersensitive about this one?

It is quite apparent that the compelling motive for abandoning the islands is not an overpowering desire to square the Democratic Party's action with its platform declarations, but rather a lack of confidence in its own ability to care for and protect these islands.

Conditions in the Philippine Islands are very satisfactory; there is little or no public discontent. The Filipinos are making splendid progress in the art of self-government, as well as in agricultural, industrial, and commercial pursuits. Then, why abandon the policy of educating them patiently and sufficiently for ultimate self-government? Why discard a highly satisfactory policy for a dangerous and uncertain policy—dan-

gerous to the Filipino people and dishonorable to our own Government?

In the treaty of Paris we took on these islands and relieved Spain of all obligation for their protection and government. Is not the United States in honor bound responsible for their future welfare? Can it avoid this obligation, though self-imposed, by seeking its own safety and welfare without any regard for the future welfare of the Filipino people?

To act upon such a doctrine would subject the United States to the contempt of the civilized world.

This is not the time to consider our convenience or profit, but to maintain our honor and duty to a people who were wished upon us as an incident of the Spanish-American War.

It is contended by the supporters of the Clarke amendment that the Philippines should be granted their independence promptly, because that would decrease the possibilities of international complications that might involve the United States in war; besides, such a course would be profitable, as it would save the United States Treasury millions of dollars.

Our Government took on these islands not for the purpose of making profit out of them but for the good of the Filipino people, and the United States does not purpose to lay down its burden until its mission is fulfilled. The United States is the sole judge as to when this task is performed. The Filipino people believed they were ready for independence as soon as sovereignty was transferred from Spain to the United States. Our disagreement with them on that point caused the Filipino-American War that cost hundreds of lives and over $600,000,000. Nothing has occurred since that war to cause us to change our policy toward these people except it be the European conflagration, and instead of that being an excuse for granting independence to the Philippines it to my mind is a very substantial reason why independence should not be granted to these islands during this world-wide disturbance. However, we are reminded by the "scuttle propagandists" that the United States can safeguard the interests of the Philippines as well after they have been granted their independence as they can to-day. Even if we admit this to be a fact, which it is not, the bill under consideration cuts the islands adrift, leaving them to their own protection, and the history of this legislation indicates that such is the intention of the administration. Grant that the administration will be successful in repudiating its trust, what will be its standing before the world?

The proponents of the Clarke amendment in their report make the astounding statement that the Philippines are a source of military weakness, and that we should abandon them as a part of our plan of preparedness.

Mr. Speaker, according to these gentlemen, the United States should abandon any and all possessions outside our continental boundaries, if difficult to defend. If American duties and obligations are to be avoided because we are afraid to perform them lest we become involved with some foreign power, it is time to take stock of our national fiber, as has been well said by the minority. "If counsels of fear are to become the permanent policy of our country we should blot out the heroic history of our past and forget the sacrifices of those who made us a Nation."

The problem before us is a difficult one. It was much easier to take on these islands than it will be to establish for the people thereon a stable government democratic in form.

If we should attempt it at the present time, the inevitable result would be that only a comparative few would control the great mass of the people. In place of its being a democratic government, in fact it would be a sort of autocratic government. The few would govern the many. Such a condition would develop another crop of Villas, Carranzas, Zapatas, and Aguinaldos to disturb the peace and happiness of not only our own country but all civilized powers. Can it be that we have learned nothing from our experience in the last four years with the Mexican situation?

No one should deny to the Filipino people the God-given right to independent existence as soon as they are able to maintain it. We have every reason to believe that as soon as these people are properly fitted for independence they will become a very important member in the family of nations.

Mr. Taft paid them this eloquent tribute:

> It is the only Malay or oriental race that is Christian. They were not like the Mohammedan or Buddhist, who despise western civilization as inferior. * * * They learn easily, and the most striking fact in our whole experience in the Philippines is the eagerness with which the common Filipino agricultural laborer sends his children to school to learn English. There is no real difference between the educated and ignorant Filipino that can not be overcome by the education of one generation. They are a capable people in the sense that they can be given a normal intellectual development by the same kind of education that is given in our common-school system.

Should we abandon our unselfish purpose to serve so promising a people because of the fear of a few frightened leaders?

Mr. MONDELL. Mr. Chairman, our responsibility in the Philippines came to us as an unsought and unexpected incident of a righteous war. The controlling factor in the acceptance of that responsibility was a sober sense of duty and a conscientious devotion to high ideals in its performance.

The record of that performance, including its admitted faults and shortcomings, is the finest story in human history of unselfish effort on behalf of an alien people patiently, faithfully, and successfully performed.

Thanks to the wisdom of the plan adopted, to the devotion of those who directed its administration, to the capacity and good intentions of the people among whom and for whose benefit it was developed, the Filipino people have demonstrated their worthiness and, we hope, capacity for the substantial advance on the road to complete self-government which we now propose to give them, an advance which, if successfully pursued, will lead them to the coveted goal of complete independence.

In this hopeful juncture of our relations with these capable and aspiring people we are suddenly confronted with an amazing proposition affecting those relations and purposed to rudely and precipitately sever them. A proposition born of fretful impatience, urged on the ground of cheap expediency, and counciled by craven cowardice. It is as wickedly unworthy of the American people as it is criminally reckless of the best interests of the people of the Philippine Islands.

I am no prophet and can not therefore vision the future or foretell the day when it may be mutually agreed that the time has arrived when these people may with reasonable safety and security launch their ship of state on the none too tranquil waters of independent sovereignty. Of this, however, I am supremely confident that when that day arrives, it will be heralded and ushered in by no such miserable excuses as that we have tired of the Philippine burden, we are weary of its cost, we are timidly apprehensive of its possible entanglements. On the contrary, when that day comes, it shall be known and proclaimed as the basis of our action that our responsibility has been courageously met and honorably discharged, that our duty has been faithfully accepted and successfully performed.

I hope to live to see the coming of that day, when, with dignity, with consciousness of duty performed, under such a mutually advantageous arrangement as will comport with the dignity of the United States, safeguard its interests in the Orient, and reasonably assure the Philippines from foreign aggression, we may establish the people of the Philippine Islands as an independent sovereignty. Until that day arrives, I would be a craven, recreant to the faith and confidence reposed in me by a faithful, steadfast, and high-minded constituency, if, under any pretext, persuasion, or pressure I should subscribe to the shifting, shuffling policy of scuttle, surrender, and abandonment contained in the Clarke amendment.

Mr. FESS. Mr. Chairman, I yield three minutes to the gentleman from Kansas [Mr. TAGGART].

The CHAIRMAN. The gentleman from Kansas [Mr. TAGGART] is recognized for three minutes.

Mr. TAGGART. Mr. Chairman, I have never criticized a bill that was reported by a committee of the party that I represent in this House, and I have nothing but commendation for that part of the pending bill that emanated from the Committee on Insular Affairs. It is a magnificent piece of work. I do not think that any piece of legislation was ever written in this House that surpasses the bill that is drafted for the government of the Philippine Islands. But unfortunately it contains a provision inserted in the other body to the effect that the United States shall hastily and precipitately retreat from the Philippine Islands and abandon them without guaranty and without protection.

Mr. Chairman, the occupation of the Philippine Islands by the United States is the most unselfish work that was ever done by any nation in the history of the world. [Applause on the Republican side.] During those 18 years in which we have occupied the islands we have established sanitation, we have made public improvements, we have provided schools, we have maintained peace, we have brought the blessings of liberty to the Orient, and not only to the Orient, but into the Tropics in the Orient. We have attempted to teach and now are in process of teaching in the Orient the greatest blessing that mankind ever learned for the first time, and that is the lesson of self-government. I have no criticism of this bill except to say that section 34 cuts off our task in the very midst of it.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. TAGGART. I ask unanimous consent for one more minute.

Mr. FESS. Mr. Chairman, I yield to the gentleman one minute.

The CHAIRMAN. The gentleman from Kansas is recognized for one minute.

Mr. TAGGART. I want to see section 34 amended so that we can all vote for it. I do not want any uncertainty in it. I do not want to see that there shall be two years of uncertainty, in which public and private bankruptcy and destruction of business will be brought about in the Philippine Islands. If we could only say in it that 10 years from to-day there shall be complete independence established there, and in the meantime the guaranty of the great nations shall be secured for the integrity of the Philippine Islands, then it would be a provision that would be worthy of this House.

And in conclusion, Mr. Chairman, let me say to some of the best friends that I ever had a word of warning—to conclude this sentence—that you be careful with what ceremony and under what circumstance you haul down the United States flag anywhere. [Prolonged applause on the Republican side.]

Mr. JONES. Mr. Chairman, I will ask the gentleman from Iowa [Mr. TOWNER] to use the remainder of his time. He has about five minutes. There will be only one more speech on this side.

Mr. TOWNER. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. MAGEE].

The CHAIRMAN. The gentleman from New York [Mr. MAGEE] is recognized for five minutes.

Mr. MAGEE. Mr. Chairman, whenever I read this bill, I think of Arlington, lying under the very shadow of this Capitol, and of the young officers peacefully sleeping there who joined the majority by reason of wounds received or diseases contracted during the Philippine insurrection; and I can not resist the mute appeal of at least one of them to pay my respects to this bill, which as amended and passed by the Senate would destroy and blot out forever all that they fought and died for.

It appears to be conceded that the Filipinos are not now fitted for self-government, and yet it is proposed to fix arbitrarily a time when the President shall have the power to surrender American sovereignty over them and to recognize their independence. The pending bill in many respects is an admirable one, and provides under proper safeguards for instituting in the islands a larger degree of self-government; but it does not necessarily follow that the experiment will meet with material success, or that the inhabitants thereof will be much better prepared to administer the affairs of government three or four years from now than they are to-day. It seems to me that if they are to have independence the proper time to grant it will be when the people of this country are satisfied that the Filipinos, after a fair trial, are fully capable of legislating for themselves and of establishing and maintaining a stable government. And no human being can arbitrarily fix such time.

I remember as if it were yesterday May 1, 1898—a Sunday, as I recall—when the news flashed across America that Admiral Dewey and his brave men had destroyed the Spanish fleet in Manila Bay. That victory brought with it grave responsibilities. It is useless to discuss whether it was wise or unwise to take possession of the islands. You can not change the course of destiny. "Man proposes, God disposes." The fact is that we took possesssion of the Philippines and acquired a clear title thereto, not only by conquest but later by purchase. For some 17 years we have administered the affairs of the islands; we have materially developed their resources and civilized the inhabitants until to-day Christian and pagan alike there recognize and appreciate the justice, equity, and personal freedom of a republican form of government; we have made the islands sanitary; we have established churches and schools; and we have made great progress in educating the people, in uplifting them, and in developing them intellectually, physically, and morally, until to-day they have the aspirations of a nation.

But the undisputed fact remains that they are our wards. We owe an obligation to them just as much as we owed an obligation to Cuba. Of course the Philippines are much farther away than Cuba is, but the principle involved is the same. We made Cuba free. It was a most magnanimous act, the like of which the world had never seen before, but Cuba—we may say de facto and practically—was our ward, and the statesmen of that day fully lived up to the traditions of this country. They did not turn Cuba adrift, but, under the Platt amendment, retained the right of intervention there, a right that secures to Cuba a republican form of government, stable, efficient, and capable of protecting life and property there.

If an insurrection should spring up in Cuba this Government would undoubtedly intervene. If the inhabitants of Cuba should attempt to set up a monarchy, this Government would undoubtedly intervene. Having established this humane precedent in Cuba, how can we consistently and humanely abandon the Philippines to their fate, and leave them an easy prey of revolution or a helpless victim of appropriation by a stronger power, which might establish a monarchy there. Think of the President of the United States entering into negotiations with the king of the Philippines! Why, if that time should ever come, this Republic would not exist long enough to erase the blot in its record upon the page of the history of time.

Why all this haste to get out of the Philippines? It is said that the people of this country will never favor the creation of a State, or States, out of the islands. While not conceding that, yet assume it for the sake of argument. It is said that American citizenship can not be extended to the inhabitants because they are made up of so many different races that assimilation would be impossible. While not conceding that, yet assume it for the purpose of argument. Still those reasons are wholly insufficient as a defense to the charge of abandonment of our wards. The abandonment of a ward is not a tradition of this country. There must be some other reason, and that reason, whether we concede it or deny it, is, in my judgment, founded upon fear—a fear that the retention of the islands, or any interest in them, is an existing and continuing menace to this country, and that the sooner we are out of there the better. Getting out, bag and baggage, is an easy way of getting rid of a great moral obligation, but it is not the manly thing to do, nor the right thing to do. That might relieve fear and menace somewhat but not wholly. If we are going to act upon such a theory, we might with equal logic make up our minds to abandon Guam, the Samoan Islands, the Hawaiian Islands, the Aleutian Islands, Alaska—yes, the Golden Gate at San Francisco; and then tell the people upon the Pacific coast to go and hide themselves in the Rocky Mountains—a great natural barrier—that probably could not be taken by assault.

It seems to me that we must face our destiny standing firmly upon the rock of right and justice. We are the young giant of the west. We have to-day as integral parts of this Union 48 States, many of them like Massachusetts, New York, Pennsylvania, Ohio, Illinois, and Texas, really empires in themselves, all of them forming a compact, immense territorial area extending from the Atlantic to the Pacific and from the Dominion to the Gulf. Our wealth and resources are unlimited. It has been said that we were a billion-dollar country in the days of Speaker Reed. We have grown much since then. Our visible wealth is estimated to-day at upward of $200,000,000,000. No prudent person would venture to estimate how many hundreds of billions of dollars worth of property are stowed away in the bowels of the earth contained in these United States and its possessions.

Why should we permit our action to be controlled by a sense of fear? All the world knows that we do not covet a foot of the territory of any other country. We do not desire war with any nation. We are a great Christian, peace-loving people, devoted to the arts of peace, not to the arts of war. We stand for the preservation of human life, not for its destruction. We have millions of men for the defense of our country, but not a youth to sacrifice in any act of aggression. We have billions of dollars for defense, but not one cent for tribute. We know and feel our strength, but should exert it only in the upholding of human rights and in the advancement of Christianity and civilization. We are not blind, however, to human passions and human greed, and propose to put our house in order and to prepare adequately for the national defense and for the protection of the lives and property of our people.

I know that there are those who say that it requires no prophetic vision to see that in the future—it may be near, God grant it may be far—but in the future, some day, somewhere, a great battle will be fought which may determine the continued existence and perpetuity of this Republic, but which will surely determine whether this Republic shall continue to be the dominant power upon this Western Hemisphere. If that great crisis shall ever come, let this Nation be fully prepared to meet it—prepared to meet it with calmness, with resignation, and with absolute confidence of final victory. It is well to remember, however, that true preparedness does not consist in having the largest army in the world nor the largest navy in the world. There are other elements fully as important as the element of size. Courage, skill, expertness, and above all an absorbing national spirit must exist in the man behind the gun.

I well remember, when a boy upon the farm, a very large rooster called Dominick, king of the barnyard and monarch of all he surveyed. One day my brother brought home a gamecock not more than one-third the size of old Dominick. When the gamecock was put down in the yard the two fowls rushed to-

gether in fierce combat. You could not see anything in the air except feathers, but in less than one minute poor old Dominick had cashed in forever.

So I say that in true preparedness we must not neglect the intellectual, the physical, and moral development of the race. We must stand as a people, always and eternally for the right. We must uphold at all times, at all places, at all hazards, and at all cost the priceless traditions of this country.

And I repeat that the abandonment of a ward is not a tradition of this country. We owe it to ourselves, we owe it to the Philippines, to see that, either through ourselves or in conjunction with other friendly nations, a republican form of government is established and maintained there—a stable government fully capable of protecting the lives and property of the inhabitants thereof. Such a government in due time will not necessarily interfere with the independence of the Filipinos, but such a government will prove a tower of strength to us in the uplifting of our own people, and in their sublime confidence that right and justice must ultimately prevail, and that the traditions of this country affecting human rights, in the future as in the past, shall be regarded as the unwritten parts of the fundamental law of the land.

No justification can exist for hauling down the Stars and Stripes in the Philippines until the mission of this Republic has been completely fulfilled there. Those of us whose families have been sorely afflicted in putting down the insurrection in the islands would like to feel, I think, that the young heroes who, at the happy dawn of manhood, at the threshold of lives full of promise, paid the full sacrifice of war in the service of their country there, did not die in vain; that they were martyrs to the ideals of America; that they consecrated their lives to the cause of human freedom; and that their example, their patriotism, and their devotion to the great cause for which they fought and died shall always be an inspiration to posterity. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. TOWNER. I yield three minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Chairman, the American soldiers and sailors bared their breasts in the furnace of war in the Philippine Islands, on sea and land, and their sacrifices, death, and privations shall not be in vain. Their work and death brought liberty and opportunity to those 10,000,000 people. Happiness and contentment is now theirs as a result thereof. This Congress of American representatives must not now withdraw and haul down Old Glory. If it is done, the result will be that all our efforts for these people will be wasted. How can we face these brave men, their widows and orphans, if we, now in the very midst of finishing the job that our soldiers and sailors made possible, leave these people to their fate. Oh, Mr. Chairman, where is our patriotism, our love for country, our devotion to the valorous men who went thousands of miles, many never to return, in this hour? Our American manhood must and will assert itself, our better judgment will triumph, and this Clarke amendment will and must be defeated. There are plenty of Americans yet brave enough and thoughtful enough to go on and prepare the Philippine people for self-government. They are not ready yet. This Government has done big things in the past, and we can do them in the future. I will not be one of those to cast my vote for this amendment and make for naught the work of my brave comrades who served so valiantly and well in the far-away Philippine Islands. I stand here ready to do them honor that live, and to honor the memory of those who lost their lives while serving there, or who have died as a result thereof. We owe them a debt of gratitude that can never be repaid.

Mr. Chairman, I am in favor of the Philippines eventually being turned over to the Filipino people for government by themselves, and I hope that the time is not far distant when that may be done. I believe, however, that the time is not here now; and among all the men who have been in the Philippines, including Members of this House and of the Senate, I have been unable as yet to find anyone who will agree that the time is now ripe when we should turn those islands over to the Filipino people. Not only have I talked with Members of this House and of the Senate who have been there, but I have talked with men who served there with Dewey, with men who served in the islands with the Army when the Army first went there, with men who have served there ever since, and who are serving there to-day, and I have not been able to find one of them who believes that the Filipinos are able at present to organize and conduct a government of their own. I have talked with men who have come from those islands year after year since the insurrection there, and people tell me that the Japanese are there now, ready and waiting for the American people to haul down the flag, in order that they may start insurrection and trouble there and take those islands, and hoist the flag of the Empire of Japan. You gentlemen will not feel very proud of yourselves if by your votes you succeed in turning those islands over to people who are not now and will not for some years to come be capable of governing themselves, and then as a result of that they fall into the hands of another nation. If you do, the same thing will happen that has happened in the past. They will fall into the hands of stronger men, into the hands of those who have armies and navies. Japan will own the Philippine Islands, and all the blood we have shed and all the money we have spent and all the lives of American soldiers and sailors who have died in those islands will have gone for naught. I believe that while a great many of you gentlemen on the other side of the aisle are going to vote for this bill, you are hoping and praying that your votes will not pass it, because you know it would be a crime against the patriotism of this country that the American lives which have been lost there should go for naught, and all that has been accomplished there be sacrificed upon the alter of cowardice; for it would be an act of cowardice to haul down the American flag at this time. [Applause.]

Mr. JONES. Mr. Chairman, I yield the remainder of the time remaining to this side to the gentleman from Tennessee [Mr. GARRETT].

The CHAIRMAN. The gentleman from Tennessee [Mr. GARRETT] is recognized. [Applause.]

Mr. GARRETT. Mr. Chairman, during this long debate many gentlemen have made reference to the fact that this is the anniversary of the naval battle of Manila Bay, a glorious day in the history of the American Republic. Not only to-day but through all the years the memory of that event has thrilled and will continue to thrill the hearts of the American people, and the reason has been and is that the American people understood what Dewey and his men were then fighting for, namely, human liberty and Cuban independence. [Applause.]

In subsequent days, when our troops were ordered into the Philippines to fight the Filipino people, who at that particular time were standing for nothing save that for which the Cubans had been standing, and our boys were dying in those tropical lands, struggling against the very principle that Dewey had fought for in Manila Bay, did the American people thrill with pride? Of course, there was appreciation of the bravery and courage of our soldiers who obeyed orders. I would not reflect upon them; but tell me, where out of all that war of coercion did there ever come a poem or a song that will live in history and prove a matter of pride to the generations that are to follow us? Oh, it is said, and I do not deny it—I take pride in the fact—that since our occupation we have been altruistic and liberal toward those people. I do not come here now to criticize any particular administration. Of course there may be some matters of detail in the past administrations of the affairs of the Philippine Islands with which I would not agree, but let us grant that our course has been wholly altruistic. What of it? I have been somewhat interested to see the different angles from which gentlemen have approached this question. The gentleman from Ohio [Mr. FESS], the gentleman from Nebraska [Mr. REAVIS] who spoke a few moments ago, and others approached it from what they chose to term in some respects the Christian and educational standpoint. Others approached it from the standpoint of glory, others from the standpoint of fame. The gentleman from Missouri [Mr. MEEKER] approached it, if I understood him correctly, from all these standpoints, and he would tread all these paths provided they were made luminous by 5 per cent. [Laughter on the Democratic side.]

Another gentleman has had much to say of treaty obligations to Spain. The gentleman from Minnesota [Mr. MILLER] insisted that by reason of the treaty which was made between this country and Spain we undertook certain obligations for the protection of Spanish property, and that that solemn responsibility rests upon us by treaty entered into and ratified by this Government. Gentlemen, I have heard that suggested before. Perhaps some may be impressed by it, and therefore I venture to read to you now all that is contained in that treaty concerning the obligation of this country to protect Spanish rights:

ART. 4. The United States will, for the term of 10 years from the date of the exchange of the ratifications of the present treaty, admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States.

ART. 13. The rights of property secured by copyrights and patents acquired by Spaniards in the island of Cuba and in Porto Rico, the Philippines, and other ceded territory at the time of the exchange of the ratifications of this treaty shall continue to be respected. Spanish scientific, literary, and artistic works, not subversive of public order in the territories in question, shall continue to be admitted free of

duty into such territories for the period of 10 years, to be reckoned from the date of the exchange of the ratifications of this treaty.

That, Mr. Chairman, is all that is in the treaty with reference to the guaranty of any right of Spain or any Spanish citizen. Well, the 10 years have long since gone by, and certainly no gentleman will say that that argument has not gone glimmering. But other gentlemen, even my good friend from Kansas——

Mr. YOUNG of North Dakota. Will the gentleman yield?

Mr. GARRETT. Very briefly, if you please.

Mr. YOUNG of North Dakota. How about article 10 of the treaty with Spain?

Mr. GARRETT. I have stated every guaranty of property of Spain in that treaty. I am quite pressed for time, as the gentleman——

Mr. YOUNG of North Dakota. It is only three lines, and I hope the gentleman will read it.

Mr. GARRETT. The gentleman knows I have not the time now.

Mr. YOUNG of North Dakota. It guarantees religious freedom.

Mr. GARRETT. That is not a guaranty of property rights; that is a protection of the inhabitants of the territory she was ceding. The gentleman evidently did not understand the argument.

My good friend from Kansas approaches it from the angle of not tearing down the flag. Well, Mr. Chairman, my idea about the question of pulling down the flag is that it depends very much upon what that flag was put up for. If the flag represented in the Philippine Islands what it represents here I should not favor pulling down the flag, but it does not represent it. The Filipino people were bought and then whipped. I do not believe that this Government has ever had a mission, moral or legal, for establishing a government over another people against that people's will.

I undertake to say that it is contrary to the whole spirit of the United States Republic; that it is in violation of all for which this Government has stood.

I believe that if we do not correct this error, if we do not discontinue this policy, if we do not return to the ideals and traditions of a republic standing firmly by them, that it will not be long until this Republic will have gone the way of all other Republics and will become nothing but an imperialism in fact, although the form of republic may be for a time sustained as a hollow mockery. [Applause.]

I venture to hope that it is not yet too late, Mr. Chairman, to return to the ideals, to go back to the old traditions for which our fathers so willingly died—the old traditions and spirit of this Republic which are at once the glory of history and the hope of all the future. [Applause.]

The CHAIRMAN. The question is on the motion of the gentleman from Iowa to strike out the paragraph.

The question was taken, and on a division (demanded by Mr. JONES) there were 155 ayes and 129 noes.

Mr. JONES. I demand tellers.

Tellers were ordered, and the Chair appointed as tellers the gentleman from Virginia [Mr. JONES] and the gentleman from Iowa [Mr. TOWNER].

The committee again divided, and the tellers reported that there were 193 ayes and 151 noes.

So the motion prevailed.

Mr. JONES. Mr. Chairman, I desire to offer the amendment which I send to the desk.

The Clerk read as follows:

Insert in place of section 34, stricken out:

"SEC. 34. The President is hereby authorized and directed to withdraw and surrender all right of possession, supervision, jurisdiction, control, or sovereignty now existing and exercised by the United States in and over the territory and people of the Philippines; and he shall, on behalf of the United States, fully recognize the independence of the said Philippines as a separate and self-governing nation, and acknowledge the authority and control over the same of the government instituted by the people thereof; and full power to take the several steps necessary to institute such government is hereby conferred upon the said Philippines, acting by and through governmental agencies created by this act. This transfer of possession, sovereignty, and governmental control shall be completed and become absolute not less than two years nor more than six years from the date of the approval of this act, under the terms and in the manner hereinafter prescribed: *Provided*, That if the President, prior to the expiration of the said period of six years, shall find that the condition of the internal or external affairs of said Philippines, in respect to the stability or efficiency of the proposed government thereof, is such as to warrant him in so doing, he is hereby further authorized, by proclamation duly made and published, to extend the said time to and including the date of the final adjournment of the session of Congress which shall convene next after the date of the expiration of the said period of six years, and thus afford the Congress an opportunity in its discretion to further consider the situation in the said Philippines; but any such extension of time by the President shall not otherwise suspend or nullify the operative force of this act unless the Congress shall hereafter so direct. For the purpose of a complete and prompt compliance with this direction, the President is hereby invested with full power and authority to make such orders and regulations and to enter into such negotiations with the authorities of said Philippines or others as may be necessary to finally settle and adjust all property rights and other relations as between the United States and the said Philippines, and to cause to be acknowledged, respected, and safeguarded all of the personal and property rights of citizens or corporations of the United States and of other countries resident or engaged in business in said Philippines or having property interests therein.

"The bonds heretofore or hereafter issued by the Government of the Philippine Islands under authority of legislation of Congress shall be payable, both as to principal and interest, at the office of the Treasurer of the United States. The amounts necessary for such payments shall be provided by the Philippine government.

"The President will take such steps as he may deem advisable, and full authority is hereby granted to him for that purpose, to prevent a default of this obligation by the Philippine government or its successors.

"In any such settlement or adjustment so made in respect to the rights and property of the United States as against the said Philippines the President may reserve or acquire such lands and rights and privileges appurtenant thereto as may, in his judgment, be required by the United States for naval bases and coaling stations within the territory of said Philippines."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken; and on a division (demanded by Mr. JONES) there were—ayes 146, noes 186.

So the amendment was rejected.

Mr. JONES. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert in place of section 34 the following:

"SEC. 34. The President is hereby authorized and directed to withdraw and surrender all right of possession, supervision, jurisdiction, control, or sovereignty now existing and exercised by the United States in and over the territory and people of the Philippines, and he shall on behalf of the United States fully recognize the independence of the said Philippines as a separate and self-governing nation and acknowledge the authority and control over the same of the government instituted by the people thereof, and full power to take the several steps necessary to institute such government is hereby conferred upon the said Philippines acting by and through governmental agencies created by this act. This transfer of possession, sovereignty, and governmental control shall be completed and become absolute not less than four years nor more than eight years from the date of the approval of this act, under the terms and in the manner hereinafter prescribed: *Provided*, That if the President, prior to the expiration of the said period of eight years, shall find that the condition of the internal or external affairs of said Philippines in respect to the stability or efficiency of the proposed government thereof is such as to warrant him in so doing, he is hereby further authorized, by proclamation duly made and published, to extend the said time to and including the date of the final adjournment of the session of Congress which shall convene next after the date of the expiration of the said period of eight years, and thus afford the Congress an opportunity in its discretion to further consider the situation in the said Philippines; but any such extension of time by the President shall not otherwise suspend or nullify the operative force of this act, unless the Congress shall hereafter so direct. For the purpose of a complete and prompt compliance with this direction, the President is hereby invested with full power and authority to make such orders and regulations and to enter into such negotiations with the authorities of said Philippines or others as may be necessary to finally settle and adjust all property rights and other relations as between the United States and the said Philippines, and to cause to be acknowledged, respected, and safeguarded all of the personal and property rights of citizens or corporations of the United States and of other countries resident or engaged in business in said Philippines or having property interests therein.

"The bonds heretofore or hereafter issued by the government of the Philippine Islands, under authority of legislation of Congress, shall be payable, both as to principal and interest, at the office of the Treasurer of the United States. The amounts necessary for such payments shall be provided by the Philippine government.

"The President will take such steps as he may deem advisable, and full authority is hereby granted to him for that purpose, to prevent a default of this obligation by the Philippine government or its successors.

"In any such settlement or adjustment so made in respect to the rights and property of the United States as against the said Philippines the President may reserve or acquire such lands and rights and privileges appurtenant thereto as may, in his judgment, be required by the United States for naval bases and coaling stations within the territory of said Philippines."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken; and on a division (demanded by Mr. JONES) there were 149 ayes and 188 noes.

Mr. JONES. I demand tellers.

Tellers were ordered, and the Chair appointed as tellers the gentleman from Tennessee [Mr. GARRETT] and the gentleman from Iowa [Mr. TOWNER].

The committee again divided; and the tellers reported that there were 162 ayes and 193 noes.

So the amendment was rejected.

Mr. SABATH. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After section 33 insert, as a new section, the following:

"That the President be, and he is hereby, instructed to take such steps as may be necessary to secure the adhesion of all maritime States interested therein in a declaration and international guaranty whereby the Philippine Islands, and each of them, shall be forever neutralized and placed under the protection of the said powers. Whenever such neutralization shall have become effective the Government of the

United States hereby pledges itself to cede its sovereignty in, to, and over said Philippine Islands to such body as the said maritime States shall have resolved on: *Provided further*, That no State guaranteeing said convention shall ever acquire, hold, grant, or exercise any exclusive or unilateral power, franchise, or domination, authority, or sway in or on or about said Philippine Islands. Said agreement shall provide for the policing of said Philippine Islands by an international force: *And provided further*, That any infraction of this resolution by any signatory power shall ipso facto rescind the adhesion hereto by the United States."

Mr. JONES. Mr. Chairman, I make the point of order that this amendment can not be offered at this point in the bill. The gentleman will have an opportunity to offer that later as the bill is read in the regular way. I will state to the gentleman that we had an agreement by which section 34 of the bill was read for amendment, and that after that had been disposed of we were to read the bill. We are now about to start the reading of the bill, and when it comes to the proper place the gentleman can offer his amendment. I make the point of order that it is not in order at this time.

The CHAIRMAN. The Chair thinks that the point of order is well taken. At this time, under agreement heretofore made, section 34 was to be considered out of order.

Mr. SABATH. If that is the case, Mr. Chairman, I withdraw the amendment for the present.

The CHAIRMAN. The gentleman from Illinois withdraws the amendment, and the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of this act and the name "The Philippines" as used in this act shall apply to and include the Philippine Islands ceded to the United States Government by the treaty of peace concluded between the United States and Spain on the 11th day of April, 1899, the boundaries of which are set forth in Article III of said treaty, together with those islands embraced in the treaty between Spain and the United States concluded at Washington on the 7th day of November, 1900.

Mr. JONES. Mr. Chairman, I offer the bill which I have in my hand, being H. R. 1, as a substitute for Senate bill 381.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. JONES offers the following as a substitute for Senate bill 381:

"A bill to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands"——

Mr. MANN. Mr. Chairman, I make the point of order right now that the gentleman can not offer a title at this time.

The CHAIRMAN. The Chair thinks the point of order is well taken.

Mr. JONES. I offer all after the title. Let the Clerk read the preamble.

Mr. MANN. I make the point of order that the preamble can not be offered at this time.

The CHAIRMAN. The Chair thinks the point of order is well taken.

Mr. JONES. Then I will offer the preamble at the end, and ask the Clerk to read from the enacting clause.

The Clerk read as follows:

That the provisions of this act and the name "The Philippines" as used in this act shall apply to and include the Philippine Islands ceded to the United States Government by the treaty of peace concluded between the United States and Spain on the 11th day of April, 1899, the boundaries of which are set forth in Article III of said treaty, together with those islands embraced in the treaty between Spain and the United States concluded at Washington on the 7th day of November, 1900.

SEC. 2. That all inhabitants of the Philippine Islands continuing to reside therein who were Spanish subjects on the 11th day of April, 1899, and then resided in said islands, and their children born subsequent thereto, shall be deemed and held to be citizens of the Philippine Islands, except such as shall have elected to preserve their allegiance to the Crown of Spain in accordance with the provisions of the treaty of peace between the United States and Spain, signed at Paris, December 10, 1898, and except such others as have since become citizens of some other country: *Provided*, That the Philippine Legislature, herein provided for, is hereby authorized to provide by law for the acquisition of Philippine citizenship by those natives of the Philippine Islands who do not come within the foregoing provisions, the natives of the insular possessions of the United States, and such other persons residing in the Philippine Islands who are citizens of the United States, or who could become citizens of the United States under the laws of the United States if residing therein.

SEC. 3. That no law shall be enacted in said islands which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws. Private property shall not be taken for public use without just compensation.

That in all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel, to demand the nature and cause of the accusation against him, to have a speedy and public trial, to meet the witnesses face to face, and to have compulsory process to compel the attendance of witnesses in his behalf.

That no person shall be held to answer for a criminal offense without due process of law; and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself.

That all persons shall before conviction be bailable by sufficient sureties, except for capital offenses.

That no law impairing the obligation of contracts shall be enacted.

That no person shall be imprisoned for debt.

That the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion, insurrection, or invasion the public safety may require it, in either of which events the same may be suspended by the President, or by the Governor General, wherever during such period the necessity for such suspension shall exist.

That no ex post facto law or bill of attainder shall be enacted nor shall the law of primogeniture ever be in force in the Philippines.

That no law granting a title of nobility shall be enacted; and no person holding any office of profit or trust in said islands shall, without the consent of the Congress of the United States, accept any present, emolument, office, or title of any kind whatever from any king, queen, prince, or foreign State.

That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

That the right to be secure against unreasonable searches and seizures shall not be violated.

That slavery shall not exist in said islands; nor shall involuntary servitude exist therein except as a punishment for crime whereof the party shall have been duly convicted.

That no law shall be passed abridging the freedom of speech or of the press or the right of the people peaceably to assemble and petition the Government for redress of grievances.

That no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed, and no religious test shall be required for the exercise of civil or political rights. No public money or property shall ever be appropriated, applied, donated, or used directly or indirectly, for the use, benefit, or support of any sect, church, denomination, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary or sectarian institution as such. That no law shall be construed to permit polygamous or plural marriages.

That no money shall be paid out of the treasury except in pursuance of an appropriation by law.

That the rule of taxation in said islands shall be uniform.

That no bill which may be enacted into law shall embrace more than one subject, and that subject shall be expressed in the title of the bill.

That no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

That all money collected on any tax levied or assessed for a special purpose shall be treated as a special fund in the treasury and paid out for such purpose only.

SEC. 4. That all expenses that may be incurred on account of the Government of the Philippines for salaries of officials and the conduct of their offices and departments, and all expenses and obligations contracted for the internal improvement or development of the islands, not, however, including defenses, barracks, and other works undertaken by the United States, shall, except as otherwise specifically provided by the Congress, be paid by the government of the Philippines.

SEC. 5. That the statutory laws of the United States hereafter enacted shall not apply to the Philippine Islands, except when they specifically so provide or it is so provided in this act.

SEC. 6. That the laws now in force in the Philippines shall continue in force and effect, except as altered, amended, or modified herein, until altered, amended, or repealed by the legislative authority herein provided or by act of Congress of the United States.

SEC. 7. That the legislative authority herein provided shall have power, when not inconsistent with this act, by due enactment to amend, alter, modify, or repeal any law, civil or criminal, continued in force by this act as it may from time to time see fit.

This power shall specifically extend, with the limitation herein provided as to the tariff, to all laws relating to revenue and taxation in effect in the Philippines.

SEC. 8. That general legislative power, except as otherwise herein provided, is hereby granted to the Philippine Legislature, authorized by this act.

SEC. 9. That all the property and rights which may have been acquired in the Philippine Islands by the United States under the treaty of peace with Spain, signed December 10, 1898, except such land or other property as has been or shall be designated by the President of the United States for military and other reservations of the Government of the United States, and all lands which may have been subsequently acquired by the government of the Philippine Islands by purchase under the provisions of sections 63 and 64 of the act of Congress approved July 1, 1902, except such as may have heretofore been sold and disposed of in accordance with the provisions of said act of Congress, are hereby placed under the control of the government of said islands, to be administered or disposed of for the benefit of the inhabitants thereof, and the Philippine Legislature shall have power to legislate with respect to all such matters as it may deem advisable; but acts of the Philippine Legislature with reference to land, timber, and mining, hereafter enacted, shall not have the force of law until approved by the President of the United States: *Provided*, That upon the approval of such an act by the Governor General, it shall be by him forthwith transmitted to the President of the United States, and he shall approve or disapprove the same within six months from and after its enactment and submission for his approval, and if not disapproved within such time it shall become a law the same as if it had been specifically approved: *Provided further*, That where lands in the Philippine Islands have been or may be reserved for any public purpose of the United States, and, being no longer required for the purpose for which reserved, have been or may be, by order of the President, placed under the control of the government of said islands to be administered for the benefit of the inhabitants thereof, the order of the President shall be regarded as effectual to give the government of said islands full control and power to administer and dispose of such lands for the benefit of the inhabitants of said islands.

SEC. 10. That, while this act provides that the Philippine government shall have the authority to enact a tariff law, the trade relations between the islands and the United States shall continue to be governed exclusively by laws of the Congress of the United States: *Provided*, That tariff acts or acts amendatory to the tariff of the Philippine Islands shall not become law until they shall receive the approval of the President of the United States, nor shall any act of the Philippine Legislature affecting the currency or coinage laws of the Philippines become a law until it has been approved by the President of the United States: *Provided further*, That the President shall approve or disapprove any act mentioned in the foregoing proviso within six months from and after its enactment and submission for his approval, and if

not disapproved within such time it shall become a law the same as if it had been specifically approved.

SEC. 11. That no export duties shall be levied or collected on exports from the Philippine Islands, but taxes and assessments on property and license fees for franchises, and privileges, and internal taxes, direct or indirect, may be imposed for the purposes of the Philippine government and the provincial and municipal governments thereof, respectively, as may be provided and defined by acts of the Philippine Legislature heretofore enacted, and, where necessary to anticipate taxes and revenues, bonds and other obligations may be issued by the Philippine government or any provincial or municipal government therein, as may be provided by law and to protect the public credit: *Provided, however,* That the entire indebtedness of the Philippine government created by the authority conferred herein shall not exceed at any one time the sum of $15,000,000, exclusive of those obligations known as friar-land bonds, nor that of any Province or municipality a sum in excess of 7 per cent of the aggregate tax valuation of its property at any one time.

SEC. 12. That general legislative powers in the Philippines, except as herein otherwise provided, shall be vested in a legislature which shall consist of two houses, one the senate and the other the house of representatives, and the two houses shall be designated "the Philippine Legislature": *Provided,* That until the Philippine Legislature as herein provided shall have been organized the existing Philippine Legislature shall have all legislative authority herein granted to the government of the Philippine Islands, except such as may now be within the exclusive jurisdiction of the Philippine Commission, which is so continued until the organization of the legislature herein provided for the Philippines. When the Philippine Legislature shall have been organized the exclusive legislative jurisdiction and authority exercised by the Philippine Commission shall thereafter be exercised by the Philippine Legislature.

SEC. 13. That the members of the senate of the Philippines, except as herein provided, shall be elected for terms of six and three years, as hereinafter provided, by the qualified electors of the Philippines. Each of the senatorial districts defined as hereinafter provided shall have the right to elect two senators. No person shall be an elective member of the senate of the Philippines who is not a qualified elector and over 30 years of age, and who is not able to read and write either the Spanish or English language, and who has not been a resident of the Philippines for at least two consecutive years and an actual resident of the senatorial district from which chosen for a period of at least one year immediately prior to his election.

SEC. 14. That the members of the house of representatives shall, except as herein provided, be elected triennially by the qualified electors of the Philippines. Each of the representative districts hereinafter provided for shall have the right to elect one representative. No person shall be an elective member of the house of representatives who is not a qualified elector and over 25 years of age, and who is not able to read and write either the Spanish or English language, and who has not been an actual resident of the district from which elected for at least one year immediately prior to his election.

SEC. 15. That until otherwise provided by the Philippine Legislature herein provided for the qualifications of voters for senators and representatives in the Philippines and all officers elected by the people shall be as follows:

Every male citizen of the Philippines 21 years of age or over (except insane and feeble-minded persons and those convicted in a court of competent jurisdiction of an infamous offense since the 13th day of Aug., 1898), who shall have been a resident of the Philippines for one year and of the municipality in which he shall offer to vote for six months next preceding the day of voting, and who is comprised within one of the following classes:

(a) Those who under existing law are legal voters and have exercised the right of suffrage.

(b) Those who own real property to the value of ₱500, or who annually pay ₱30 or more of the established taxes.

(c) Those who are able to read and write either Spanish, English, or a native language.

SEC. 16. That for the purposes of the first election hereafter to the Philippine Legislature, the Philippine Islands shall be divided by the Philippine Commission into 12 senate and 90 representative districts. In establishing senate and representative districts the commission shall establish in the territory not now represented in the Philippine Assembly one senate and nine representative districts. The first election under the provisions of this act shall be held on the first Tuesday of June, 1916, unless the Governor General in his discretion shall fix another date not earlier than 30 nor later than 60 days after the passage of this act: *Provided,* That the Governor General's proclamation shall be published at least 30 days prior to the date fixed for the election, and there shall be chosen at such election one senator from each senate district for a term of three years and one for six years. Thereafter one senator from each district shall be elected from each senate district for a term of six years. That at said first election each representative district shall elect one representative for a term of three years, and triennially thereafter: *Provided,* That the Governor General of the Philippine Islands shall appoint, without the consent of the senate and without restriction as to residence, senators and representatives who will, in his opinion, best represent the senate district and those representative districts which may be included in the territory not now represented in the Philippine Assembly: *Provided further,* That thereafter elections shall be held only on such days and under such regulations as to ballots, voting, and qualifications of electors as may be prescribed by the Philippine Legislature, to which is hereby given authority to redistrict the Philippine Islands and modify, amend, or repeal any provision of this section.

SEC. 17. That the terms of office of elective senators and representatives shall be six and three years, respectively, and shall begin on the date of their election. In case of vacancy among the elective members of the senate or in the house of representatives, special elections may be held in the districts wherein such vacancy occurred under such regulations as may be prescribed by law, but senators or representatives elected in such cases shall hold office only for the unexpired portion of the term wherein the vacancy occurred. Senators and representatives appointed by the Governor General shall hold office until removed by the Governor General.

SEC. 18. That the senate and house of representatives, respectively, shall be the sole judges of the elections, returns, and qualifications of their elective members, and each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member. Both houses shall convene at the capital on the 16th day of October next following the election and organize by the election of a speaker or a presiding officer, a clerk, and a sergeant at arms for each house, and such other officers and assistants as may be required. A majority of each house shall constitute a quorum to do business, but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members. The legislature shall hold annual sessions, commencing on the 16th day of October, or, if the 16th day of October be a legal holiday, then on the first day following which is not a legal holiday, in each year. The legislature may be called in special session at any time by the Governor General for general legislation, or for action on such specific subjects as he may designate. No special session shall continue longer than 30 days, and no regular session shall continue longer than 100 days, exclusive of Sundays. The legislature is hereby given the power and authority to change the date of the commencement of its annual sessions.

The senators and representatives shall receive an annual compensation for their services, to be ascertained by law, and paid out of the treasury of the Philippine Islands. The senators and representatives shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

No senator or representative shall, during the term for which he may have been elected, be eligible to any office the election to which is vested in the legislative assembly, nor shall be appointed to any office of trust or profit which shall have been created or the emoluments of which shall have been increased during such term.

SEC. 19. That each house of the legislature shall keep a journal of its proceedings and, from time to time, publish the same, and the yeas and nays of the members of either house on any question shall, upon demand of one-fifth of those present, be entered on the journal, and every bill and joint resolution which shall have passed both houses shall, before it becomes a law, be presented to the Governor General. If he approve the same he shall sign it; but if not he shall return it with his objections to that house in which it shall have originated, which shall enter the objections at large on its journal and proceed to reconsider it. If, after such reconsideration, two-thirds of the members elected to that house shall agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members elected to that house it shall be sent to the Governor General, who, in case he shall then not approve, shall transmit the same to the President of the United States. The vote of each house shall be by the yeas and nays, and the names of the members voting for and against shall be entered on the journal. If the President of the United States approve the same he shall sign it and it shall become a law. If he shall not approve same he shall return it to the Governor General so stating, and it shall not become a law: *Provided,* That if any bill or joint resolution shall not be returned by the Governor General as herein provided within 20 days (Sundays excepted) after it shall have been presented to him the same shall become a law in like manner as if he had signed it, unless the legislature by adjournment prevent its return, in which case it shall not be a law: *Provided further,* That the President of the United States shall approve or disapprove an act submitted to him under the provisions of this section within six months from and after its enactment and submission for his approval; and if not approved within such time, it shall become a law the same as if it had been specifically approved. The Governor General shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to bills and joint resolutions returned to the legislature without his approval.

All laws enacted by the Philippine Legislature shall be reported to the Congress of the United States, which hereby reserves the power and authority to annul the same. If at the termination of any fiscal year the appropriations necessary for the support of government for the ensuing fiscal year shall not have been made, the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be done, shall be deemed to be reappropriated for the several objects and purposes specified in said last appropriation bill; and until the legislature shall act in such behalf the treasurer shall, when so directed by the Governor General, make the payments necessary for the purposes aforesaid.

SEC. 20. That the qualified electors of the Philippine Islands shall, on the first Tuesday in June, 1916, and at the general elections thereafter provided for the election of senators and representatives to the Philippine Legislature, elect two Resident Commissioners to the United States, who shall be entitled to an official recognition as such by all departments upon presentation to the President of a certificate of election by the Governor General of said islands. Each of said Resident Commissioners shall, in addition to the salary and the sum in lieu of mileage now allowed by law, be allowed the same sum for stationery and for the pay of necessary clerk hire as is now allowed to the Members of the House of Representatives of the United States, to be paid out of the Treasury of the United States, and the franking privilege allowed by law to Members of Congress. No person shall be eligible to election as Resident Commissioner who is not a bona fide elector of said islands and who does not owe allegiance to the United States and who is not more than 30 years of age and who does not read and write the English language. The two Resident Commissioners elected in June, 1916, shall hold their office from the first Monday in the month of December following until the 4th of March, 1922; and the term of their successors shall be for six years, beginning from the 4th of March following their election. In case of vacancy in the position of Resident Commissioner caused by resignation or otherwise the Governor General may make temporary appointments until the next meeting of the Philippine Legislature, which shall then fill such vacancy; but the Resident Cotmmissioner thus elected shall hold office only for the unexpired portion of the term wherein the vacancy occurred.

SEC. 21. That the supreme executive power shall be vested in an executive officer, whose official title shall be "The Governor General of the Philippine Islands." He shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and hold his office at the pleasure of the President and until his successor is chosen and qualified. The Governor General shall reside in the Philippine Islands during his official incumbency, and maintain his office at the seat of government. He shall, unless otherwise herein provided, appoint, by and with the consent of the Philippine Senate, such officers as may now be appointed by the Governor General, or such as he is authorized by this act to appoint, or whom he may hereafter be authorized by law to appoint; but appointments made while the senate is not in session shall be effective either until disapproval or until the next adjournment of the senate. He shall have general

supervision and control of all of the departments and bureaus of the Government in the Philippine Islands as far as is not inconsistent with the provisions of this act, and shall be commander in chief of all locally created armed forces and militia. He is hereby vested with the exclusive power to grant pardons and reprieves and remit fines and forfeitures, and may veto any legislation enacted as herein provided. He shall submit within 10 days of the opening of each regular session of the Philippine Legislature a budget of receipts and expenditures, which shall be the basis of the annual appropriation bill. He shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of the Philippine Islands and of the United States operative within the Philippine Islands, and whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the islands, or summon the posse comitatus, or call out the militia, or other locally created armed forces to prevent or suppress lawless violence, invasion, insurrection, or rebellion; and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privileges of the writ of habeas corpus, or place the islands, or any part thereof, under martial law: *Provided*, That whenever the Governor General shall exercise the authority granted in this section, he shall at once notify the President of the United States thereof, together with the attending facts and circumstances, and the President shall have power to modify or vacate the action of the Governor General. He shall annually and at such other times as he may be required make such official report of the transactions of the government of the Philippine Islands to an executive department of the United States to be designated by the President, and his said annual report shall be transmitted to the Congress of the United States; and he shall perform such additional duties and functions as may in pursuance of law be delegated or assigned to him by the President.

SEC. 22. That, except as provided otherwise in this act, the executive departments of the Philippine government shall continue as now authorized by law until otherwise provided by the Philippine Legislature. When the Philippine Legislature herein provided shall convene and organize, the Philippine Commission, as such, shall cease and determine, and the members thereof shall vacate their offices as members of said commission: *Provided*, That the heads of executive departments shall continue to exercise their executive functions until the heads of departments provided by the Philippine Legislature pursuant to the provisions of this act are appointed and qualified. The Philippine Legislature may thereafter by appropriate legislation increase the number or abolish any of the executive departments, or make such changes in the names and duties thereof as it may see fit, and shall provide for the appointment and removal of the heads of the executive departments by the Governor General: *Provided*, That all executive functions of the government must be directly under the Governor General or within one of the executive departments under the supervision and control of the Governor General. There shall be established by the Philippine Legislature a bureau, to be known as the bureau of non-Christian tribes, which said bureau shall be embraced in one of the executive departments to be designated by the Governor General, and shall have general supervision over the public affairs of the inhabitants of the territory represented in the legislature by appointive senators and representatives.

SEC. 23. That the President my from time to time designate the head of an executive department of the Philippine government to act as Governor General in the case of a vacancy, the temporary removal, resignation, or disability of the Governor General, or his temporary absence, and the head of the department thus designated shall exercise all the powers and perform all the duties of the Governor General during such vacancy, disability, or absence.

SEC. 24. That the supreme court and the courts of first instance of the Philippine Islands shall possess and exercise jurisdiction as heretofore provided and such additional jurisdiction as shall hereafter be prescribed by law. The municipal courts of said islands shall possess and exercise jurisdiction as now provided by law, subject in all matters in such alteration and amendment as may be hereafter enacted by law; and the chief justice and associate justices of the supreme court shall hereafter be appointed by the President, by and with the advice and consent of the Senate of the United States. The judges of the court of first instance shall be appointed by the Governor General, by and with the advice and consent of the Philippine Senate: *Provided*, That the admiralty jurisdiction of the supreme court and courts of first instance shall not be changed except by act of Congress. That in all cases pending under the operation of existing laws, both criminal and civil, the jurisdiction shall continue until final judgment and determination.

SEC. 25. That the Supreme Court of the United States shall have jurisdiction to review, revise, reverse, modify, or affirm the final judgments and decrees of the Supreme Court of the Philippine Islands in all actions, cases, causes, and proceedings now pending therein or hereafter determined thereby in which the Constitution or any statute, treaty, title, right, or privilege of the United States is involved, or in causes in which the value in controversy exceeds $25,000, or in which the title or possession of real estate exceeding in value the sum of $25,000, to be ascertained by the oath of either party or of other competent witnesses, is involved or brought in question; and such final judgments or decrees may and can be reviewed, revised, reversed, modified, or affirmed by said Supreme Court of the United States on appeal or writ of error by the party aggrieved within the same time, in the same manner, under the same regulations, and by the same procedure, as far as applicable, as the final judgments and decrees of the district courts of the United States.

SEC. 26. That the Government of the Philippine Islands may grant franchises and rights, including the authority to exercise the right of eminent domain, for the construction and operation of works of public utility and service, and may authorize said works to be constructed and maintained over and across the public property of the United States, including streets, highways, squares, and reservations, and over similar property of the Government of said islands, and may adopt rules and regulations under which the provincial and municipal governments of the islands may grant the right to use and occupy such public property belonging to said Provinces or municipalities: *Provided*, That no private property shall be damaged or taken for any purpose under this section without just compensation, and that such authority to take and occupy land shall not authorize the taking, use, or occupation of any land except such as is required for the actual necessary purposes for which the franchise is granted, and that no franchise or right shall be granted to any individual, firm, or corporation except under the conditions that it shall be subject to amendment, alteration, or repeal by the Congress of the United States, and that lands or rights of use and occupation of lands thus granted shall revert to the governments by which they were respectively granted upon the termination of the franchises and rights under which they were granted or upon their revocation or repeal. That all franchises or rights granted under this act shall forbid the issue of stock or bonds except in exchange for actual cash or for property at a fair valuation equal to the par value of the stock or bonds so issued; shall forbid the declaring of stock or bond dividends, and, in the case of public-service corporations, shall provide for the effective regulation of the charges thereof, for the official inspection and regulation of the books and accounts of such corporations, and for the payment of a reasonable percentage of gross earnings into the treasury of the Philippine Islands or of the Province or municipality within which such franchises are granted and exercised: *Provided further*, That it shall be unlawful for any corporation organized under this act, or for any person, company, or corporation receiving any grant, franchise, or concession from the Government of said islands, to use, employ, or contract for the labor of persons held in involuntary servitude; and any person, company, or corporation so violating the provisions of this act shall forfeit all charters, grants, or franchises for doing business in said islands, in an action or proceeding brought for that purpose in any court of competent jurisdiction by any officer of the Philippine Government, or on the complaint of any citizen of the Philippines, under such regulations and rules as the Philippine Legislature shall prescribe, and in addition shall be deemed guilty of an offense, and shall be punished by a fine of not more than $10,000.

SEC. 27. That, except as in this act otherwise provided, the salaries of all the officials of the Philippines not appointed by the President, including deputies, assistants, and other employees, shall be such and be so paid out of the revenues of the Philippines as shall from time to time be determined by the Philippine Legislature. The salaries of all officers and all expenses of the offices of the various officials of the Philippines appointed as herein provided by the President shall also be paid out of the revenues of the Philippines. The annual salaries of the following-named officials appointed by the President and so to be paid shall be: The Governor General, $18,000; in addition thereto he shall be entitled to the occupancy of the buildings heretofore used by the chief executive of the Philippines, with the furniture and effects therein, free of rental; chief justice of the supreme court, $8,000; associate justices of the supreme court, $7,500 each.

SEC. 28. That the provisions of the foregoing section shall not apply to provincial and municipal officials; their salaries and the compensation of their deputies, assistants, and other help, as well as all other expenses incurred by the Provinces and municipalities, shall be paid out of the provincial and municipal revenues in such manner as the Philippine Legislature shall provide.

SEC. 29. That all laws or parts of laws applicable to the Philippines not in conflict with any of the provisions of this act are hereby continued in force and effect.

Mr. TOWNER (interrupting the reading). Mr. Chairman, I make the point of order that there can be no consideration of a bill that has been offered in its entirety consisting of several sections for another bill which was offered in its entirety. I suggest to the Chair that there is only one circumstance under the authorities and precedents by which one bill can be substituted for another, and that is in a case where a bill has been offered as a substitute for a particular section of a bill being read with the notice that should the substitute be agreed to a motion will be made to strike out the subsequent sections of the bill when they are reached.

Mr. JONES. Mr. Chairman, I make the point of order that the gentleman's point of order comes too late, the Clerk having started to read the amendment. Of course I do not admit that the point of order is well taken. I think there are ample precedents for the action which I propose.

Mr. MANN. Mr. Chairman, I think the rule is well settled that when the first section of a bill is read it is in order to offer a substitute for the entire bill, if the gentleman offering it gives notice that if the substitute is agreed to he will move to strike out the other sections of the bill as they are read, but the gentleman from Virginia has given no such formal notice.

Mr. JONES. Mr. Chairman, I will give that notice, that if the substitute is agreed to I will move to strike out all of the other sections of the bill.

The CHAIRMAN. The Chair thinks the point of order is not well taken in view of the statement of the gentleman from Virginia, and the Clerk will continue the reading.

The Clerk concluded the reading of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. JONES].

Mr. FITZGERALD. Will the gentleman from Virginia state just what this is?

Mr. JONES. Mr. Chairman, I desire to state that this is practically the bill which was passed in the last Congress. There are several slight changes, none of which goes to the substance of the bill at all. The changes were unanimously agreed to by the committee. They were mostly suggested, or some of them, by the War Department, and the others by the gentleman from Iowa [Mr. TOWNER].

Mr. MANN. Will the gentleman yield for a question?

Mr. JONES. I will.

Mr. MANN. May I ask the gentleman—and I guess it would be in order—before the Senate bill came over from the Senate, the Committee on Insular Affairs had under consideration the Jones bill, as I understand it?

Mr. JONES. The bill that we passed last Congress.

Mr. MANN. And the committee had practically perfected that bill and agreed upon its terms outside of the preamble?

Mr. JONES. We had agreed upon the preamble and all—everything.

Mr. MANN. Evidently the full committee had not agreed upon it. There was a division of sentiment on the preamble. I am speaking of the rest, anyhow, so never mind the preamble. That is not under consideration.

Mr. JONES. I do not think there was any division on that.

Mr. MANN. That is not the question. As I understand, both sides of the committee had practically agreed upon the bill as now offered by the gentleman from Virginia?

Mr. JONES. Absolutely.

Mr. MANN. And I think that is satisfactory.

Mr. JONES. Absolutely. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. JONES].

The question was taken, and the amendment was agreed to.

Mr. JONES. Now, Mr. Chairman, to save time and avoid reading the following section of Senate bill 381, I ask unanimous consent that they all be considered as stricken out.

Mr. FERRIS. Does that include section 34, too?

Mr. JONES. That is already stricken out.

Mr. FERRIS. A parliamentary inquiry, Mr. Chairman. Does this procedure take away the right to get a separate vote on the striking out of section 34, which was a committee amendment under the former bill?

Mr. MANN. No.

Mr. JONES. I think not. The motion I make is to strike out all of the sections beginning at 2 and ending with and including 33.

Mr. FINLEY. I would like to ask the gentleman from Virginia a question. I understand his request for unanimous consent is beginning with section 2 now of the Senate bill and is stricken out to what section?

Mr. JONES. Beginning with section 2 down to and including section 33, and all the intervening sections.

Mr. FINLEY. Why could not they be stricken out by vote if the House in Committee of the Whole is opposed to it?

Mr. JONES. It would take a great deal more time, and they would have to vote on each one separately.

Mr. FINLEY. I do not care to be put in a position of agreeing to strike out those sections of the Senate bill.

Mr. JONES. We have already agreed on a substitute bill.

Mr. FINLEY. You can do it by vote.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent——

Mr. JONES. Mr. Chairman, I ask that they be voted on as one amendment.

Mr. FINLEY. I have no objection to that. I do not want to be put in a position of agreeing to strike out those sections of the Senate bill.

Mr. MANN. Does the gentleman wish them read?

Mr. FINLEY. No; I do not care about that.

Mr. JONES. I ask unanimous consent that the first reading of the bill be dispensed with, and that the vote be taken on the motion to strike out all of the sections from 2 to 33, inclusive.

Mr. MANN. That is one motion?

Mr. JONES. That is one motion.

The CHAIRMAN. The gentleman from Virginia [Mr. JONES] asks unanimous consent to dispense with the reading of the sections from sections 2 to 33, inclusive, of the Senate bill, and the motion is to strike out those sections. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, I would like to ask the gentleman from Iowa [Mr. TOWNER] if this is a correct statement of the situation as it is now before us? On page 14 of its report the minority says:

> The minority entirely agree with the majority that the Philippines should be given a new fundamental law granting to the people a larger measure of self-government. The minority would gladly support the passage of the Jones bill without the preamble. They would even support the Jones bill with the preamble as a substitute for the Senate bill with the Clarke amendment.

The Clarke amendment has been voted down. Are we now voting on the Jones bill as approved by the minority?

Mr. TOWNER. I have no objection.

Mr. MANN. We have already had it read.

Mr. TOWNER. That has all been disposed of. Now, the question is whether the parts that were the substitution for it will go out.

Mr. MOORE of Pennsylvania. That is agreeable to the minority of the committee?

Mr. TOWNER. Yes.

Mr. MURRAY. We will all vote the Republican ticket now. [Laughter.]

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. JONES. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the motion to strike out sections 2 to 33 of the pending bill.

The question was taken, and the motion was agreed to.

Mr. JONES. Now, Mr. Chairman, the first section of Senate bill 381 was adopted before the amendment was offered.

Mr. MANN. We adopted an amendment in lieu of that. The gentleman offered an amendment to strike that out and insert the substitute.

Mr. JONES. Very well, Mr. Chairman, I offer the preamble, and ask that it be read by the Clerk.

The CHAIRMAN. The Clerk will report the preamble offered by the gentleman from Virginia [Mr. JONES].

Mr. MANN. Mr. Chairman, I make the point of order that the committee has nothing to do with the preamble. The preamble is acted upon in the House after the bill is passed. My recollection is—and it is refreshed by the recollection of others here—that when the Jones bill was under consideration in the last Congress it was decided then that the preamble was not to be acted upon by the Committee of the Whole House. It was acted upon by the House only after the bill had been passed.

Mr. JONES. Mr. Chairman, I think the gentleman from Illinois is mistaken about that. The preamble was not voted on until after the bill had been; but I think it was voted on in the committee, but not until after the bill had been voted on.

Mr. MANN. Well, the gentleman might be correct, but my recollection is fairly distinct that that was not the case.

Mr. JONES. I feel quite sure that that was the proceeding. I think the gentleman from Illinois himself made the motion that the preamble would not be voted on until the bill had been completed.

Mr. MANN. I think I made the point of order, and it was sustained, that the preamble could not be dealt with until the bill was passed.

Mr. JONES. No; I think it was before the bill was reported to the House.

Mr. CANNON. Mr. Chairman, will the gentleman from Virginia allow me a question?

Mr. JONES. Yes.

Mr. CANNON. After the bill was passed in the House it would be in order to insert a preamble, would it not?

Mr. JONES. My opinion is that it would be in order to insert the preamble in the Committee of the Whole, but not until after the bill had been adopted.

Mr. CANNON. But what object can be gained? It is not necessary to consider the preamble in Committee of the Whole first. The preamble is never voted upon and never amended until after the bill is passed, and therefore, whatever the action of the committee might be, it would not be binding.

Mr. MANN. I withdraw the point of order anyhow, Mr. Chairman. I do not want to delay the game.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] withdraws the point of order. The Clerk will report the amendment offered by the gentleman from Virginia [Mr. JONES].

The Clerk read as follows:

> Whereas it was never the intention of the people of the United States in the incipiency of the War with Spain to make it a war of conquest or for territorial aggrandizement; and
> Whereas it is, as it has always been, the purpose of the people of the United States to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein; and
> Whereas for the speedy accomplishment of such purpose it is desirable to place in the hands of the people of the Philippines as large a control of their domestic affairs as can be given them without, in the meantime, impairing the exercise of the rights of sovereignty by the people of the United States, in order that, by the use and exercise of popular franchise and governmental powers, they may be the better prepared to fully assume the responsibilities and enjoy all the privileges of complete independence: Therefore

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. JONES].

Mr. COOPER of Wisconsin. Mr. Chairman, I do not know what the agreement is, but will there be an opportunity for debate on this amendment?

The CHAIRMAN. The chair will state to the gentleman that it is subject to debate under the five-minute rule.

Mr. COOPER of Wisconsin. Then, Mr. Chairman, I ask to be recognized for five minutes upon this preamble.

The CHAIRMAN. The gentleman from Wisconsin is recognized for five minutes.

Mr. COOPER of Wisconsin. Mr. Chairman and gentlemen, when the Jones bill was before the House in October, 1914, I called attention to what Judge Thomas M. Cooley said as to the differences between the English colonial system and our own system under the power granted by the Constitution to

govern dependent territory. Judge Cooley says, speaking of these differences:

The Constitution * * * confers power to govern Territories, but in exercising this the United States is a sovereign dealing with dependent territory. * * * In this dependence of the Territories upon the Central Government there is some outward resemblance to the condition of the American colonies under the British Crown; but there are some differences which are important and, indeed, vital. The first of these is that the Territorial condition is understood under the Constitution to be merely temporary and preparatory, and the people of the Territories while it continues are assured of the right to create and establish State institutions for themselves as soon as the population shall be sufficient and the local conditions suitable, while the British colonial system contained no promise or assurance of any but a dependent government indefinitely.

Thus, according to this great jurist, our permanent retention of the Philippine Islands would mean our adoption of the British colonial system. And yet we are a Republic, and one of the cardinal tenets of our political faith is that governments derive their just powers from the consent of the governed.

The British colonial system contained no promise or assurance of any but a dependent government indefinitely—

Whereas—

Under the Constitution we hold out to the people of the Territories that when the population shall be sufficient and other conditions suitable they shall be allowed to establish State governments.

The Filipino people differ from us in many ways. They are possessed of domestic and personal virtues. They have intellect and conscience. They have made rapid progress in recent years. But they differ from us ethnologically. They are another race, 7,000 miles away, and is it to be said that they must forever remain subject to us? Will Congress ever admit them to statehood?

That is the question for us to answer before we vote down this preamble.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. ANTHONY. Will the gentleman please inform the House in what year Judge Cooley rendered that decision or made such remarks? Did he refer to the Territories in the United States proper or did he have the Philippines in mind?

Mr. COOPER of Wisconsin. Judge Cooley says that in his work on the Constitution.

Mr. ANTHONY. Was not that before the acquisition of the Philippines?

Mr. COOPER of Wisconsin. That has nothing to do with the principle he sets forth.

Mr. ANTHONY. It has. He refers to territory within the United States proper, not to the territory of the Philippine Islands. He speaks of the establishment of State governments.

Mr. COOPER of Wisconsin. Well, the gentleman is entirely mistaken. This is a principle of universal application in so far as our government of Territories is concerned. For example, after the War of 1848 with Mexico the treaty of Guadalcupe-Hidalgo contained a provision that at some time the territory acquired by the United States should be allowed statehood. We kept those people of Mexico and Arizona out of statehood until only a few years ago.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent for three minutes in which to answer the gentleman from Kansas.

SEVERAL MEMBERS. Vote! Vote!

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. Mr. Chairman, the gentleman from Kansas [Mr. ANTHONY] has a mistaken idea as to the application of constitutional principles. Judge Cooley was laying down in this work the different way in which, under the Constitution, we must treat dependencies or Territories from the way in which the British Government treats them.

Mr. FESS. Will the gentleman yield there?

Mr. COOPER of Wisconsin. I can not yield. The British Government has no colonies in England. All the British colonies are beyond the sea——

Mr. ANTHONY. I contend that this country had no Territories or dependencies at the time Judge Cooley wrote that book.

SEVERAL MEMBERS. Vote! Vote!

Mr. COOPER of Wisconsin. This is a question of great importance, for it vitally affects the future of 9,000,000 of people who are absolutely helpless in our power, and I regret that when one invokes here a principle of constitutional law laid down by so eminent an authority as the late Chief Justice Cooley, gentlemen should seek to silence him by shouting "Vote!" "Vote!"

Mr. Justice Cooley declared that the difference between our treatment of territory and England's treatment of colonies was this, that England holds out no promise of self-government, whereas we hold out the promise that when population is sufficient and conditions suitable, no matter where the Territory is, the inhabitants shall be granted statehood. Are the Filipinos ever to be granted statehood?

I shall vote for this preamble, because as an American I can not say that this Government is forever to hold in subjugation millions of Malays 7,000 miles from our shores.

The CHAIRMAN. The time of the gentleman has expired. The question is upon the motion offered by the gentleman from Virginia [Mr. JONES] for the adoption of the preamble which has been reported.

The question being taken, on a division (demanded by Mr. TOWNER) there were—ayes 199, noes 152.

Accordingly the motion was agreed to.

Mr. JONES. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 381) to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands, and had directed him to report the same back to the House, with sundry amendments and a preamble, and with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. JONES. Mr. Speaker, I move the previous question on the bill and all the amendments thereto to the final passage.

The SPEAKER. The gentleman from Virginia moves the previous question on the bill, amendments, and preamble to the final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. GARRETT. Mr. Speaker, I demand a separate vote on the amendment to strike out section 34.

Mr. FINLEY. Mr. Speaker, I demand a separate vote on the amendment to strike out sections 2 to 33, inclusive.

The SPEAKER. The gentleman from Tennessee demands a separate vote on the amendment striking out section 34. The gentleman from South Carolina demands a separate vote on the amendment striking out sections 2 to 33, both inclusive. The Clerk will first report the last-named amendment.

Mr. MANN. Mr. Speaker, the first-named amendment comes first.

Mr. GARRETT. The vote is to be taken on my demand first.

Mr. FITZGERALD. There are amendments on which no separate vote has been demanded, are there not?

Mr. MANN. There are two amendments.

Mr. FITZGERALD. There are three amendments.

Mr. MANN. Only two amendments except the preamble, and the vote on that comes after the bill is passed.

Mr. FITZGERALD. There is one amendment to strike out the first section and insert the Jones bill. There is one amendment to strike out section 34, and one to strike out sections 2 to 33.

Mr. MANN. The gentleman is correct. There are three amendments.

Mr. FINLEY. Then I demand a separate vote on the first amendment.

The SPEAKER. The vote will first be taken on the amendment striking out section 34.

Mr. FINLEY. I demand a separate vote on the second amendment.

The SPEAKER. The gentleman has that right, but we can not take two votes at once. The question is on the amendment to strike out section 34.

The question being taken, the Speaker announced that the "noes" appeared to have it.

Mr. TOWNER. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 213, nays 165, answered "present" 4, not voting 51, as follows:

YEAS—213.

Allen	Beakes	Bruckner	Carter, Mass.
Anderson	Beales	Butler	Cary
Anthony	Bennet	Campbell	Chandler, N. Y.
Austin	Britt	Cannon	Charles
Bacharach	Browne	Capstick	Chiperfield
Barchfeld	Browning	Carew	Coady

Coleman	Graham	McCulloch	Rowland
Conry	Gray, N. J.	McDermott	Russell, Ohio
Cooper, Ohio	Green, Iowa	McFadden	Sanford
Cooper, W. Va.	Greene, Mass.	McKenzie	Scott, Mich.
Cooper, Wis.	Greene, Vt.	McLaughlin	Scott, Pa.
Costello	Griffin	Madden	Sells
Cramton	Hadley	Magee	Siegel
Curry	Hamill	Maher	Sinnott
Dale, N. Y.	Hamilton, Mich.	Mann	Slemp
Dale, Vt.	Hamilton, N. Y.	Mapes	Sloan
Dallinger	Hart	Martin	Smith, Idaho
Danforth	Haskell	Matthews	Smith, Mich.
Darrow	Hawley	Meeker	Smith, Minn.
Davis, Minn.	Hayes	Miller, Del.	Smith, N. Y.
Dempsey	Heaton	Miller, Minn.	Snell
Denison	Hernandez	Miller, Pa.	Snyder
Dillon	Hicks	Mondell	Stafford
Dooling	Hill	Mooney	Steenerson
Dowell	Hinds	Moore, Pa.	Stephens, Cal.
Driscoll	Hollingsworth	Moores, Ind.	Sterling
Drukker	Hopwood	Morgan, Okla.	Stiness
Dunn	Howell	Moss, W. Va.	Sulloway
Dyer	Hulbert	Mott	Sutherland
Eagan	Hull, Iowa	Mudd	Sweet
Ellsworth	Humphrey, Wash.	Nelson	Swift
Elston	Husted	Nichols, Mich.	Tague
Emerson	Hutchinson	Nolan	Temple
Esch	Johnson, S. Dak.	North	Tilson
Estopinal	Johnson, Wash.	Oakey	Timberlake
Fairchild	Kahn	Olney	Tinkham
Farley	Kearns	O'Shaunessy	Towner
Farr	Keister	Paige, Mass.	Treadway
Fess	Kelley	Parker, N. J.	Vare
Fitzgerald	Kennedy, Iowa	Parker, N. Y.	Volstead
Flynn	Kent	Patten	Walsh
Focht	Kiess, Pa.	Peters	Ward
Fordney	King	Phelan	Wason
Foss	Kinkaid	Platt	Watson, Pa.
Freeman	Kreider	Powers	Wheeler
Fuller	Lafean	Pratt	Williams, T. S.
Gallagher	La Follete	Ramseyer	Wilson, Ill.
Gallivan	Lehlbach	Reavis	Winslow
Gardner	Lenroot	Ricketts	Wood, Ind.
Garland	Longworth	Riordan	Woods, Iowa
Gillett	Loud	Roberts, Nev.	Young, N. Dak.
Glynn	McAndrews	Rodenberg	
Good	McArthur	Rogers	
Gould	McCracken	Rowe	

NAYS—165.

Abercrombie	Dixon	Jones	Scully
Adamson	Doolittle	Keating	Sears
Aiken	Doremus	Kettner	Shackleford
Alexander	Dupré	Kincheloe	Shallenberger
Almon	Eagle	Kitchin	Sherley
Ashbrook	Edwards	Lazaro	Sherwood
Aswell	Evans	Lee	Sims
Ayres	Ferris	Lesher	Sisson
Bailey	Fields	Lever	Slayden
Barkley	Finley	Linthicum	Smith, Tex.
Barnhart	Foster	Lloyd	Steagall
Bell	Gandy	Lobeck	Stedman
Black	Garner	London	Steele, Iowa
Blackmon	Garrett	McClintic	Steele, Pa.
Booher	Glass	McGillicuddy	Stephens, Miss.
Borland	Goodwin, Ark.	McKellar	Stephens, Tex.
Brumbaugh	Gordon	McLemore	Stout
Buchanan, Tex.	Gray, Ala.	Montague	Sumners
Burgess	Gray, Ind.	Moon	Taggart
Burke	Gregg	Morgan, La.	Tavenner
Byrnes, S. C.	Hamlin	Morrison	Taylor, Ark.
Byrns, Tenn.	Hardy	Moss, Ind.	Taylor, Colo.
Callaway	Harrison	Murray	Thomas
Candler, Miss.	Hastings	Nicholls, S. C.	Thompson
Caraway	Hay	Oldfield	Tillman
Carter, Okla.	Hayden	Oliver	Tribble
Church	Heflin	Overmyer	Van Dyke
Cline	Helm	Padgett	Venable
Collier	Helvering	Page, N. C.	Vinson
Connelly	Hensley	Park	Walker
Cox	Hilliard	Quin	Watson, Va.
Crisp	Holland	Ragsdale	Webb
Crosser	Hood	Rainey	Whaley
Cullop	Houston	Randall	Williams, W. E.
Davenport	Howard	Rauch	Wilson, Fla.
Davis, Tex.	Huddleston	Rayburn	Wilson, La.
Decker	Hughes	Reilly	Wingo
Dent	Hull, Tenn.	Rouse	Wise
Dewalt	Humphreys, Miss.	Rubey	Young, Tex.
Dickinson	Igoe	Rucker	
Dies	Jacoway	Russell, Mo.	
Dill	Johnson, Ky.	Sabath	

ANSWERED "PRESENT"—4.

Cantrill	Kennedy, R. I.	Lieb	McKinley

NOT VOTING—51.

Adair	Frear	Liebel	Roberts, Mass.
Britten	Gard	Lindbergh	Saunders
Buchanan, Ill.	Godwin, N. C.	Littlepage	Schall
Burnett	Griest	Loft	Shouse
Caldwell	Guernsey	Mays	Small
Carlin	Haugen	Morin	Sparkman
Casey	Helgesen	Neely	Stephens, Nebr.
Clark, Fla.	Henry	Norton	Stone
Copley	James	Oglesby	Switzer
Crago	Key, Ohio	Porter	Talbott
Doughton	Konop	Pou	Watkins
Edmonds	Langley	Price	Williams, Ohio
Flood	Lewis	Raker	

So the amendment was agreed to.

The following pairs were announced:

Until further notice:

Mr. CARLIN with Mr. HAUGEN.

Mr. SCHALL (for amendment) with Mr. FLOOD (against).

Mr. NEELY with Mr. HELGESEN.

Mr. POU with Mr. CRAGO.

Mr. CALDWELL with Mr. BRITTEN.

Mr. PRICE with Mr. FREAR.

Mr. SPARKMAN with Mr. MORIN.

Mr. LANGLEY with Mr. CANTRILL.

Mr. JAMES with Mr. KONOP (commencing April 26 until further notice by either).

On this vote:

Mr. LITTLEPAGE (against amendment) with Mr. OGLESBY (for).

Mr. GUERNSEY (for amendment) with Mr. WATKINS (against).

Mr. ROBERTS of Massachusetts (for amendment striking out section 34) with Mr. TALBOTT (against).

Mr. COPLEY (for amendment) with Mr. GARD (against).

Mr. GRIEST (for amendment) with Mr. ADAIR (against).

Mr. WILLIAMS of Ohio (for amendment) with Mr. SMALL (against).

Mr. SWITZER (for amendment to strike out section 34) with Mr. LIEB (against).

Mr. MCKINLEY (for amendment to strike out section 34) with Mr. CLARK of Florida (against).

Mr. KENNEDY of Rhode Island (for amendment) with Mr. SAUNDERS (against).

Mr. LINDBERGH (for amendment) with Mr. RAKER (against).

Mr. PORTER (for amendment) with Mr. HENRY (against).

Mr. NORTON (for amendment) with Mr. BUCHANAN of Illinois (against).

Mr. EDMONDS (for amendment) with Mr. BURNETT (against).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I am paired with the gentleman from Virginia, Mr. SAUNDERS. I voted "aye." I wish to withdraw that vote and answer "present."

The name of Mr. KENNEDY of Rhode Island was called, and he answered "Present," as above recorded.

The result of the vote was then announced as above recorded.

The SPEAKER. The vote will now be taken on the amendment striking out section 1 and substituting the Jones bill.

Mr. FINLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FINLEY. At what point does that amendment begin?

The SPEAKER. It strikes out section 1. This is not the amendment the gentleman desired a separate vote upon. That will come after the vote on this amendment. The question is on agreeing to the amendment striking out section 1 and substituting therefor the Jones bill.

The question was taken, and the amendment was agreed to.

The SPEAKER. The vote is now on the question of striking out sections 2 to 33, both inclusive.

The question was taken; and on a division (demanded by Mr. FINLEY) there were—ayes 251, noes 17.

Mr. FINLEY. Mr. Speaker, this involves the Senate provision giving prohibition to the Philippines, and I think we ought to have a roll call on the House amendment striking out the Senate provision, and I demand the yeas and nays.

The SPEAKER. The gentleman from South Carolina demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Seventeen Members, not a sufficient number, and the yeas and nays are refused.

So the amendment was agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question now is on agreeing to the preamble.

The preamble was agreed to.

The SPEAKER. The question now is on the passage of the bill.

The bill was passed.

Mr. FITZGERALD. Mr. Speaker, I move that the House insist upon its amendments and ask for a conference on the disagreeing votes of the two Houses thereon.

The SPEAKER. The question is on the motion of the gentleman from New York that the House insist upon its amendments and ask for a conference.

The motion was agreed to.

Mr. FITZGERALD. Mr. Speaker, I offer the following motion to instruct the conferees, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. FITZGERALD offers the following:

"That the managers on the part of the House are instructed not to agree to any declaration or provision setting a definite time, or fixing a *definite* period, at or within which the Philippines shall be granted independence."

Mr. FITZGERALD. Mr. Speaker, on that I demand the previous question.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. GARRETT) there were—ayes 191, noes 149.

Mr. GARRETT. Mr. Speaker, I demand tellers.

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

Mr. FITZGERALD. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. SABATH. Mr. Speaker, a parliamentary inquiry. Would it be in order now to move to adjourn?

The SPEAKER. It is always in order to move to adjourn.

Mr. SABATH. Then, Mr. Speaker, I move that the House do now adjourn.

The question was taken.

Mr. GARRETT. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 157, nays 209, answered "present" 1, not voting 66, as follows:

YEAS—157.

Abercrombie	Doremus	Johnson, Ky.	Rucker
Adamson	Doughton	Jones	Russell, Mo.
Aiken	Dupré	Keating	Sabath
Alexander	Eagle	Kincheloe	Sears
Allen	Edwards	Kitchin	Shackleford
Almon	Estopinal	Lazaro	Shallenberger
Ashbrook	Evans	Lee	Sherley
Aswell	Ferris	Lesher	Sherwood
Ayres	Fields	Lever	Sims
Bailey	Finley	Lieb	Sisson
Barkley	Foster	Linthicum	Slayden
Barnhart	Gandy	Lloyd	Smith, Tex.
Bell	Garner	Lobeck	Steagall
Black	Garrett	London	Stedman
Blackmon	Glass	McClintic	Stephens, Miss.
Booher	Goodwin, Ark.	McGillicuddy	Stephens, Tex.
Borland	Gordon	McKellar	Sumners
Brumbaugh	Gray, Ala.	McLemore	Taggart
Buchanan, Tex.	Gray, Ind.	Montague	Tavenner
Burke	Hamlin	Moon	Taylor, Ark.
Byrnes, S. C.	Hardy	Morgan, La.	Taylor, Colo.
Byrns, Tenn.	Harrison	Morrison	Thomas
Callaway	Hastings	Moss, Ind.	Thompson
Candler, Miss.	Hay	Murray	Tillman
Carter, Okla.	Hayden	Nicholls, S. C.	Tribble
Cline	Heflin	Oldfield	Van Dyke
Collier	Helm	Oliver	Venable
Cox	Helvering	Overmyer	Vinson
Crisp	Hensley	Padgett	Walker
Crosser	Hilliard	Page, N. C.	Watson, Va.
Cullop	Holland	Park	Webb
Davenport	Hood	Quin	Whaley
Davis, Tex.	Houston	Ragsdale	Williams, W. E.
Decker	Howard	Rainey	Wilson Fla.
Dent	Huddleston	Randall	Wingo
Dickinson	Hughes	Rauch	Wise
Dies	Hull, Tenn.	Rayburn	Young, Tex.
Dill	Humphreys, Miss.	Reilly	
Dixon	Igoe	Rouse	
Doolittle	Jacoway	Rubey	

NAYS—209.

Anderson	Dale, N. Y.	Gallagher	Hulbert
Anthony	Dale, Vt.	Gallivan	Hull, Iowa
Austin	Dallinger	Gardner	Humphrey, Wash.
Bacharach	Danforth	Garland	Husted
Barchfeld	Darrow	Gillett	Hutchinson
Beakes	Davis, Minn.	Glynn	Johnson, S. Dak.
Beales	Dempsey	Good	Johnson, Wash.
Bennet	Denison	Gould	Kahn
Britt	Dillon	Graham	Kearns
Browne	Dooling	Gray, N. J.	Keister
Browning	Dowell	Green, Iowa	Kelley
Bruckner	Driscoll	Greene, Mass.	Kennedy, Iowa
Butler	Drukker	Greene, Vt.	Kennedy, R. I.
Campbell	Dunn	Griffin	Kent
Cannon	Dyer	Hadley	Kiess, Pa.
Capstick	Eagan	Hamill	King
Carew	Ellsworth	Hamilton, Mich.	Kinkaid
Carter, Mass.	Elston	Hamilton, N. Y.	Kreider
Cary	Emerson	Hart	Lafean
Chandler, N. Y.	Esch	Haskell	Lehlbach
Charles	Fairchild	Haugen	Lenroot
Chiperfield	Farley	Hawley	Longworth
Coady	Farr	Hayes	Loud
Coleman	Fess	Heaton	McAndrews
Conry	Fitzgerald	Hernandez	McArthur
Cooper, Ohio	Flynn	Hicks	McCracken
Cooper, W. Va.	Focht	Hill	McCulloch
Cooper, Wis.	Fordney	Hinds	McDermott
Costello	Foss	Hollingsworth	McFadden
Cramton	Freeman	Hopwood	McKenzie
Curry	Fuller	Howell	McLaughlin
Madden	Olney	Scott, Pa.	Temple
Magee	O'Shaunessy	Siegel	Tilson
Maher	Paige, Mass.	Sinnott	Timberlake
Mann	Parker, N. J.	Slemp	Tinkham
Mapes	Parker, N. Y.	Sloan	Towner
Martin	Peters	Smith, Idaho	Treadway
Matthews	Phelan	Smith, Mich.	Vare
Meeker	Platt	Smith, Minn.	Volstead
Miller, Del.	Powers	Smith, N. Y.	Walsh
Miller, Minn.	Pratt	Snell	Ward
Miller, Pa.	Ramseyer	Snyder	Wason
Mondell	Reavis	Stafford	Watson, Pa.
Mooney	Ricketts	Steele, Iowa	Wheeler
Moore, Pa.	Riordan	Steenerson	Williams, T. S.
Moores, Ind.	Roberts, Nev.	Stephens, Cal.	Wilson, Ill.
Morgan, Okla.	Rodenberg	Sterling	Winslow
Moss, W. Va.	Rogers	Stiness	Wood, Ind.
Mudd	Rowe	Sulloway	Woods, Iowa
Nelson	Rowland	Sutherland	Young, N. Dak.
Nichols, Mich.	Russell, Ohio	Sweet	
Nolan	Sanford	Swift	
Oakey	Scott, Mich.	Tague	

ANSWERED "PRESENT"—1.

Cantrill

NOT VOTING—66.

Adair	Frear	Littlepage	Schall
Britten	Gard	Loft	Scully
Buchanan, Ill.	Godwin, N. C.	McKinley	Sells
Burgess	Gregg	Mays	Shouse
Burnett	Griest	Morin	Small
Caldwell	Guernsey	Mott	Sparkman
Caraway	Helgesen	Neely	Steele, Pa.
Carlin	Henry	North	Stephens, Nebr.
Casey	James	Norton	Stone
Church	Kettner	Oglesby	Stout
Clark, Fla.	Key, Ohio	Patten	Switzer
Connelly	Konop	Porter	Talbott
Copley	La Follette	Pou	Watkins
Crago	Langley	Price	Williams, Ohio
Dewalt	Lewis	Raker	Wilson, La.
Edmonds	Liebel	Roberts, Mass.	
Flood	Lindbergh	Saunders	

So the motion to adjourn was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. JAMES with Mr. KONOP.

Mr. LANGLEY with Mr. CANTRILL.

Mr. ADAIR with Mr. GRIEST.

Mr. TALBOTT with Mr. ROBERTS of Massachusetts.

Mr. GARD with Mr. COPLEY.

Mr. CLARK of Florida with Mr. MCKINLEY.

Mr. SPARKMAN with Mr. MORIN.

Mr. CALDWELL with Mr. BRITTEN.

Mr. PRICE with Mr. FREAR.

Mr. POU with Mr. CRAGO.

Mr. NEELY with Mr. HELGESEN.

Mr. SMALL with Mr. WILLIAMS of Ohio.

Mr. SHOUSE with Mr. MOTT.

Mr. BUCHANAN of Illinois with Mr. NORTH.

Mr. BURNETT with Mr. EDMONDS.

Mr. CARLIN with Mr. SELLS.

Mr. KETTNER with Mr. SCHALL.

Mr. FLOOD with Mr. PORTER.

Mr. LIEB with Mr. SWITZER.

Mr. LITTLEPAGE with Mr. NORTON.

Mr. RAKER with Mr. GUERNSEY.

Mr. KEY of Ohio with Mr. LA FOLLETTE.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the previous question, on the motion of the gentleman from New York [Mr. FITZGERALD].

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. GARRETT. The yeas and nays were ordered on that.

Mr. MANN. I understood the gentleman from Tennessee [Mr. GARRETT] to demand the yeas and nays.

The SPEAKER. The Journal shows that the yeas and nays were ordered. The Clerk will call the roll on the motion for the previous question.

The question was taken; and there were—yeas 208, nays 150, answered "present" 3, not voting 72, as follows:

YEAS—208.

Allen	Cannon	Cramton	Dunn
Anderson	Capstick	Curry	Dyer
Anthony	Carew	Dale, N. Y.	Eagan
Austin	Carter, Mass.	Dale, Vt.	Ellsworth
Bacharach	Cary	Dallinger	Elston
Barchfeld	Chandler, N. Y.	Danforth	Emerson
Beakes	Charles	Darrow	Esch
Beales	Chiperfield	Davis, Minn.	Estopinal
Bennet	Coady	Dempsey	Fairchild
Britt	Coleman	Denison	Farley
Browne	Conry	Dillon	Farr
Browning	Cooper, Ohio	Dooling	Fess
Bruckner	Cooper, W. Va.	Dowell	Fitzgerald
Butler	Cooper, Wis.	Driscoll	Flynn
Campbell	Costello	Drukker	Focht

Fordney	Humphrey, Wash.	Miller, Minn.	Sinnott
Foss	Husted	Miller, Pa.	Slemp
Freeman	Hutchinson	Mondell	Sloan
Fuller	Igoe	Mooney	Smith, Idaho
Gallagher	Johnson, S. Dak.	Moore, Pa.	Smith, Mich.
Gallivan	Kahn	Moores, Ind.	Smith, Minn.
Gardner	Kearns	Morgan, Okla.	Smith, N. Y.
Garland	Kelster	Moss, W. Va.	Snell
Gillett	Kelley	Mott	Snyder
Glynn	Kennedy, Iowa	Mudd	Stafford
Good	Kennedy, R. I.	Nelson	Steenerson
Gould	Kent	Nichols, Mich.	Stephens, Cal.
Graham	King	Nolan	Sterling
Gray, N. J.	Kinkaid	Oakey	Stiness
Green, Iowa	Kreider	Olney	Sulloway
Greene, Mass.	Lafean	O'Shaunessy	Sutherland
Greene, Vt.	Lehlbach	Paige, Mass.	Sweet
Griffin	Lenroot	Parker, N. J.	Swift
Hadley	Longworth	Parker, N. Y.	Tague
Hamill	Loud	Peters	Tilson
Hamilton, Mich.	McAndrews	Phelan	Timberlake
Hamilton, N. Y.	McArthur	Platt	Tinkham
Hart	McCracken	Powers	Towner
Haskell	McCulloch	Pratt	Treadway
Haugen	McDermott	Ramseyer	Vare
Hawley	McFadden	Reavis	Volstead
Hayes	McKenzie	Ricketts	Walsh
Heaton	McLaughlin	Riordan	Ward
Hernandez	Madden	Rodenberg	Wason
Hicks	Magee	Rogers	Watson, Pa.
Hill	Maher	Rowe	Wheeler
Hinds	Mann	Rowland	Williams, T. S.
Hollingsworth	Mapes	Russell, Ohio	Wilson, Ill.
Hopwood	Martin	Sanford	Winslow
Howell	Matthews	Scott, Mich.	Wood, Ind.
Hulbert	Meeker	Scott, Pa.	Woods, Iowa
Hull, Iowa	Miller, Del.	Siegel	Young, N. Dak.

NAYS—150.

Abercrombie	Doremus	Kincheloe	Scully
Adamson	Doughton	Kitchin	Sears
Aiken	Dupré	Lazaro	Shackleford
Alexander	Eagle	Lee	Shallenberger
Almon	Edwards	Lesher	Sherley
Ashbrook	Ferris	Lever	Sherwood
Aswell	Fields	Linthicum	Sims
Ayres	Finley	Lloyd	Sisson
Bailey	Foster	Lobeck	Slayden
Barkley	Gandy	London	Smith, Tex.
Barnhart	Garner	McClintic	Steagall
Bell	Garrett	McGillicuddy	Stedman
Black	Glass	McKellar	Steele, Iowa
Blackmon	Goodwin, Ark.	McLemore	Stephens, Miss.
Borland	Gordon	Montague	Stephens, Tex.
Brumbaugh	Gray, Ala.	Moon	Sumners
Buchanan, Tex.	Gray, Ind.	Morgan, La.	Taggart
Burke	Hardy	Morrison	Tavenner
Byrnes, S. C.	Harrison	Moss, Ind.	Taylor, Ark.
Byrns, Tenn.	Hastings	Murray	Taylor, Colo.
Callaway	Hay	Nicholls, S. C.	Thomas
Candler, Miss.	Hayden	Oldfield	Thompson
Carter, Okla.	Heflin	Oliver	Tillman
Cline	Helm	Overmyer	Tribble
Collier	Helvering	Page, N. C.	Van Dyke
Cox	Hensley	Park	Venable
Crisp	Hilliard	Quin	Vinson
Crosser	Hood	Ragsdale	Walker
Cullop	Howard	Rainey	Watson, Va.
Davenport	Huddleston	Randall	Webb
Davis, Tex.	Hughes	Rauch	Whaley
Decker	Hull, Tenn.	Reyburn	Williams, W. E.
Dent	Humphreys, Miss.	Reilly	Wilson, Fla.
Dickinson	Jacoway	Rouse	Wingo
Dies	Johnson, Ky.	Rubey	Wise
Dill	Jones	Rucker	Young, Tex.
Dixon	Keating	Russell, Mo.	
Doolittle	Kettner	Sabath	

ANSWERED "PRESENT"—3.

Cantrill	Johnson, Wash.	Lieb

NOT VOTING—72.

Adair	Flood	Lewis	Roberts, Mass.
Booher	Frear	Liebel	Roberts, Nev.
Britten	Gard	Lindbergh	Saunders
Buchanan, Ill.	Godwin, N. C.	Littlepage	Schall
Burgess	Gregg	Loft	Sells
Burnett	Griest	McKinley	Shouse
Caldwell	Guernsey	Mays	Small
Caraway	Hamlin	Morin	Sparkman
Carlin	Helgesen	Neely	Steele, Pa.
Casey	Henry	North	Stephens, Nebr.
Church	Holland	Norton	Stone
Clark, Fla.	Houston	Oglesby	Stout
Connelly	James	Padgett	Switzer
Copley	Key, Ohio	Patten	Talbott
Crago	Kiess, Pa.	Porter	Temple
Dewalt	Konop	Pou	Watkins
Edmonds	La Follette	Price	Williams, Ohio
Evans	Langley	Raker	Wilson, La.

So the previous question was ordered.

The Clerk announced the following additional pairs:

Until further notice:

Mr. SHOUSE with Mr. SWITZER.

Mr. PATTEN with Mr. TEMPLE.

Mr. PADGETT with Mr. SCHALL.

Mr. EVANS with Mr. KIESS of Pennsylvania.

Mr. HOUSTON with Mr. GUERNSEY.

Mr. RAKER with Mr. LA FOLLETTE.

Mr. OGLESBY with Mr. ROBERTS of Nevada.

On the vote:

Mr. HAMLIN (against) with Mr. JOHNSON of Washington (for).

Mr. LIEB. Mr. Speaker, how am I recorded?

The SPEAKER. In the negative.

Mr. LIEB. I am paired with Mr. SWITZER, of Ohio. I desire to withdraw my vote and answer "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. LIEB, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on agreeing to the motion in the nature of instructions to the conferees.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. GARRETT. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll. Those in favor of the motion of instruction to the conferees, offered by the gentleman from New York [Mr. FITZGERALD], will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 203, nays 156, answered "present" 3, not voting 71, as follows:

YEAS—203.

Anderson	Farr	Kent	Reavis
Anthony	Fess	King	Ricketts
Austin	Fitzgerald	Kinkaid	Riordan
Bacharach	Flynn	Kreider	Rodenberg
Barchfeld	Focht	Lafean	Rogers
Beakes	Fordney	Lehlbach	Rowe
Beales	Foss	Lenroot	Rowland
Bennet	Freeman	Longworth	Russell, Ohio
Britt	Fuller	Loud	Sanford
Browne	Gallagher	McAndrews	Scott, Mich.
Browning	Gallivan	McArthur	Scott, Pa.
Bruckner	Gardner	McCracken	Siegel
Butler	Garland	McCulloch	Sinnott
Campbell	Gillett	McDermott	Slemp
Cannon	Glynn	McFadden	Sloan
Capstick	Good	McKenzie	Smith, Idaho
Carew	Gould	McLaughlin	Smith, Mich.
Carter, Mass.	Graham	Madden	Smith, Minn.
Cary	Gray, N. J.	Magee	Smith, N. Y.
Chandler, N. Y.	Green, Iowa	Maher	Snell
Charles	Greene, Mass.	Mann	Snyder
Chiperfield	Greene, Vt.	Mapes	Stafford
Coady	Griffin	Martin	Steenerson
Coleman	Hadley	Matthews	Stephens, Cal.
Conry	Hamill	Meeker	Sterling
Cooper, Ohio	Hamilton, Mich.	Miller, Del.	Stiness
Cooper, W. Va.	Hamilton, N. Y.	Miller, Minn.	Sulloway
Costello	Hart	Miller, Pa.	Sutherland
Crampton	Haskell	Mondell	Sweet
Dale, N. Y.	Haugen	Mooney	Swift
Dale, Vt.	Hawley	Moore, Pa.	Tague
Dallinger	Hayes	Moores, Ind.	Temple
Danforth	Heaton	Morgan, Okla.	Tilson
Darrow	Hernandez	Moss, W. Va.	Timberlake
Davis, Minn.	Hicks	Mott	Tinkham
Dempsey	Hinds	Mudd	Towner
Denison	Hollingsworth	Nelson	Treadway
Dillon	Hopwood	Nichols, Mich.	Vare
Dooling	Howell	Nolan	Volstead
Dowell	Hulbert	Oakey	Walsh
Driscoll	Hull, Iowa	Olney	Ward
Drukker	Humphrey, Wash.	O'Shaunessy	Wason
Dunn	Husted	Paige, Mass.	Watson, Pa.
Dyer	Hutchinson	Parker, N. J.	Wheeler
Eagan	Johnson, S. Dak.	Parker, N. Y.	Williams, T. S.
Ellsworth	Kahn	Peters	Wilson, Ill.
Elston	Kearns	Phelan	Winslow
Emerson	Kelster	Platt	Wood, Ind.
Esch	Kelley	Powers	Woods, Iowa
Fairchild	Kennedy, Iowa	Pratt	Young, N. Dak.
Farley	Kennedy, R. I.	Ramseyer	

NAYS—156.

Abercrombie	Caraway	Edwards	Hilliard
Adamson	Carter, Okla.	Estopinal	Hood
Aiken	Cline	Ferris	Houston
Alexander	Collier	Fields	Howard
Allen	Cox	Finley	Huddleston
Almon	Crisp	Foster	Hughes
Ashbrook	Crosser	Gandy	Hull, Tenn.
Aswell	Cullop	Garner	Humphreys, Miss.
Ayres	Curry	Garrett	Igoe
Bailey	Davenport	Glass	Jacoway
Barkley	Davis, Tex.	Goodwin, Ark.	Johnson, Ky.
Barnhart	Decker	Gordon	Jones
Bell	Dent	Gray, Ala.	Keating
Black	Dewalt	Gray, Ind.	Kettner
Blackmon	Dickinson	Hardy	Kincheloe
Borland	Dies	Harrison	Kitchin
Brumbaugh	Dill	Hastings	Lazaro
Buchanan, Tex.	Dixon	Hay	Lee
Burke	Doolittle	Hayden	Lesher
Byrnes, S. C.	Doremus	Heflin	Lever
Byrns, Tenn.	Doughton	Helm	Lieb
Callaway	Dupré	Helvering	Linthicum
Candler, Miss.	Eagle	Hensley	Lloyd

Lobeck	Park	Sherley	Taylor, Colo.
London	Quin	Sherwood	Thomas
McClintic	Ragsdale	Sims	Thompson
McGillicuddy	Randall	Sisson	Tillman
McKellar	Rauch	Slayden	Tribble
McLemore	Rayburn	Smith, Tex.	Venable
Montague	Reilly	Steagall	Vinson
Moon	Rouse	Stedman	Walker
Morrison	Rubey	Steele, Iowa	Watson, Va.
Moss, Ind.	Rucker	Steele, Pa.	Webb
Murray	Russell, Mo.	Stephens, Miss.	Whaley
Nicholls, S. C.	Sabath	Stephens, Tex.	Williams, W. E.
Oldfield	Scully	Sumners	Wilson, Fla.
Oliver	Sears	Taggart	Wingo
Overmyer	Shackleford	Tavenner	Wise
Page, N. C.	Shallenberger	Taylor, Ark.	Young, Tex.

ANSWERED "PRESENT"—3.

Cantrill	Johnson, Wash.	Rainey

NOT VOTING—71.

Adair	Frear	Liebel	Roberts, Mass.
Booher	Gard	Lindbergh	Roberts, Nev.
Britten	Godwin, N. C.	Littlepage	Saunders
Buchanan, Ill.	Gregg	Loft	Schall
Burgess	Griest	McKinley	Sells
Burnett	Guernsey	Mays	Shouse
Caldwell	Hamlin	Morgan, La.	Small
Carlin	Helgesen	Morin	Sparkman
Casey	Henry	Neely	Stephens, Nebr.
Church	Hill	North	Stone
Clark, Fla.	Holland	Norton	Stout
Connelly	James	Oglesby	Switzer
Cooper, Wis.	Key, Ohio	Padgett	Talbott
Copley	Kiess, Pa.	Patten	Van Dyke
Crago	Konop	Porter	Watkins
Edmonds	La Follette	Pou	Williams, Ohio
Evans	Langley	Price	Wilson, La.
Flood	Lewis	Raker	

So the motion to instruct the conferees was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. HAMLIN with Mr. JOHNSON of Washington.

Mr. RAINEY with Mr. HILL.

The result of the vote was announced as above recorded.

On motion of Mr. FITZGERALD, a motion to reconsider the last vote was laid on the table.

On motion of Mr. MANN, a motion to reconsider the vote by which the bill was passed and the preamble agreed to was laid on the table.

The SPEAKER announced as conferees on the part of the House Mr. JONES, Mr. GARRETT, and Mr. TOWNER.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. JONES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Tuesday, May 2, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of Labor submitting supplemental estimates of appropriations for the service of the Department of Labor for the fiscal year ending June 30, 1917 (H. Doc. No. 1078), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (H. R. 11129) for the relief of the owners of the barkentine *Mabel I. Meyers* and her master and crew, and for the relief of the owners of cargo of molasses late on board said barkentine, reported the same with amendment, accompanied by a report (No. 620), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and a resolution were introduced and severally referred as follows:

By Mr. SABATH: A bill (H. R. 15225) to amend the act approved December 23, 1913, known as the Federal reserve act; to the Committee on Banking and Currency.

By Mr. MILLER of Minnesota: A bill (H. R. 15226) to provide for a reserve force of officers for the Navy; to the Committee on Naval Affairs.

By Mr. RUCKER: A bill (H. R. 15227) to revise, amend, and codify the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Senator and Representative in the Congress of the United States, extending the same to candidates for nomination and election to the offices of President and Vice President of the United States, limiting the amount which may be expended, providing for the publicity of campaign expenses, and for other purposes; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. WICKERSHAM: A bill (H. R. 15264) to authorize the town of Nome, Alaska, to issue bonds for municipal purposes; to the Committee on the Territories.

By Mr. EAGAN: A bill (H. R. 15265) providing for the acquisition of a site and the erection thereon of a public building for the Weehawken post office, in the town of Union, Hudson County, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. VOLSTEAD: Joint resolution (H. J. Res. 213) proposing to amend the Constitution of the United States to authorize the Congress to enact laws to define and limit the causes for divorce; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 15228) granting a pension to Sarah E. Thomas; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 15229) granting a pension to Thomas M. Michael; to the Committee on Pensions.

Also, a bill (H. R. 15230) granting a pension to Teddy Sexton; to the Committee on Pensions.

Also, a bill (H. R. 15231) granting an increase of pension to James Jeffers; to the Committee on Invalid Pensions.

By Mr. CHANDLER of New York: A bill (H. R. 15232) granting an increase of pension to Grace W. Post; to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 15233) for the relief of William A. Persons; to the Committee on Military Affairs.

By Mr. CURRY: A bill (H. R. 15234) granting an increase of pension to George L. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15235) granting an increase of pension to Lewis Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15236) granting an increase of pension to Barton Kearns; to the Committee on Invalid Pensions.

By Mr. DENT: A bill (H. R. 15237) granting an increase of pension to Morgan C. Story; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 15238) granting a pension to Augusta Hoecker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15239) granting an increase of pension to Felix Karl; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 15240) for the relief of estate of Sybil A. Penniman; to the Committee on War Claims.

By Mr. FOSTER: A bill (H. R. 15241) granting a pension to Martha A. Foster; to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 15242) granting a pension to Charles D. Skirdin; to the Committee on Pensions.

By Mr. HOOD: A bill (H. R. 15243) granting a pension to Thomas E. Devlin; to the Committee on Pensions.

Also, a bill (H. R. 15244) for the relief of the legal representatives of W. W. Dennis, jr.; to the Committee on Claims.

By Mr. HULL of Tennessee: A bill (H. R. 15245) granting a pension to John McCabe; to the Committee on Pensions.

By Mr. JACOWAY: A bill (H. R. 15246) granting a pension to Frank Thompson; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 15247) granting an increase of pension to Reuben R. Vail; to the Committee on Pensions.

By Mr. KELLEY: A bill (H. R. 15248) granting an increase of pension to Cordelia Mulford; to the Committee on Pensions.

By Mr. LAFEAN: A bill (H. R. 15249) granting an increase of pension to Aaron Markle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15250) granting an increase of pension to Elizabeth Stonesifer; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: A bill (H. R. 15251) granting an increase of pension to Albert Fuller; to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 15252) granting a pension to Samuel M. Deets; to the Committee on Pensions.

By Mr. MOONEY: A bill (H. R. 15253) granting an increase of pension to Aurelius Bonifield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15254) correcting the military record of William H. Murphey; to the Committee on Military Affairs.

By Mr. MOSS of Indiana: A bill (H. R. 15255) granting an increase of pension to William N. Grimes; to the Committee on Invalid Pensions.

By Mr. NORTH: A bill (H. R. 15256) granting an increase of pension to Alfred T. Hawk; to the Committee on Invalid Pensions.

By Mr. OAKEY: A bill (H. R. 15257) granting an increase of pension to Betsey La Joy; to the Committee on Invalid Pensions.

By Mr. RANDALL: A bill (H. R. 15258) granting a pension to Julius Meincke; to the Committee on Invalid Pensions.

By Mr. SCULLY: A bill (H. R. 15259) granting an increase of pension to Richard Levi; to the Committee on Invalid Pensions.

By Mr. SISSON: A bill (H. R. 15260) granting a pension to Sam Moses; to the Committee on Pensions.

By Mr. SMITH of New York: A bill (H. R. 15261) granting a pension to Calista E. Wright; to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 15262) granting an increase of pension to Maria O'Connor; to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 15263) granting a pension to Katharina Sternberg; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 15266) granting an increase of pension to John Kelsor; to the Committee on Invalid Pensions.

By Mr. DALLINGER: A bill (H. R. 15267) granting a pension to Daniel J. Keefe; to the Committee on Pensions.

By Mr. DOUGHTON: A bill (H. R. 15268) for the relief of James P. Collins; to the Committee on Military Affairs.

By Mr. DYER: A bill (H. R. 15269) granting a pension to Thomas J. Hunt; to the Committee on Pensions.

By Mr. EMERSON: A bill (H. R. 15270) granting an increase of pension to Adam Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15271) granting an increase of pension to Sarah D. Wood; to the Committee on Invalid Pensions.

By Mr. GRAY of Indiana: A bill (H. R. 15272) granting an increase of pension to Samuel B. Huddleston; to the Committee on Invalid Pensions.

By Mr. HELVERING: A bill (H. R. 15273) for the relief of William H. Dooley; to the Committee on Military Affairs.

By Mr. HULL of Iowa: A bill (H. R. 15274) for the relief of George Humphrey; to the Committee on Military Affairs.

By Mr. HUSTED: A bill (H. R. 15275) granting an increase of pension to James Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15276) granting an increase of pension to William H. Park; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 15277) granting an increase of pension to Ellen Davenport; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15278) granting an increase of pension to John S. Prior; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 15279) granting a pension to Lucinda Jenison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15280) granting a pension to Ann E. Davis; to the Committee on Invalid Pensions.

By Mr. VARE: A bill (H. R. 15281) granting an increase of pension to James M. Brown; to the Committee on Pensions.

Also, a bill (H. R. 15282) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Charles H. Bingham from the Congressional Cemetery, District of Columbia, to Lock Haven, Pa.; to the Committee on the District of Columbia.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Boston Typographical Union, of Boston, indorsing the Lewis bill; to the Committee on the Post Office and Post Roads.

Also (by request), memorial of Chamber of Commerce of Honolulu, indorsing the Newlands bill; to the Committee on Education.

By Mr. ALLEN: Petition of Cincinnati Branch of the Woman's Foreign Missionary Society of the Methodist Episcopal Church, favoring prohibition for all Territories under jurisdiction of the United States; to the Committee on Alcoholic Liquor Traffic.

Also, memorial of City Council of Cincinnati, favoring civil-service retirement; to the Committee on the Post Office and Post Roads.

By Mr. BACHARACH: Memorial of Friends of Peace of Essex County, N. J., against war; to the Committee on Foreign Affairs.

Also, petition of sundry citizens of Pleasantville, N. J., against compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of sundry citizens of Pleasantville, N. J., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. BAILEY: Petition of the Erie Conference of the Evangelical Association, Cleveland, Ohio, against break with Germany; to the Committee on Foreign Affairs.

Also, petitions from the following citizens of New York, Pittsburgh, Missouri, Colorado, Pennsylvania, Illinois, New Jersey, and other States, asking for the speedy passage of House bill 13281, which provides for amending the tariff so as to admit free the products of any American country which will admit our products free: Frank McLees, 140 Highland Cross, N. J.; Lawson Purdy, Municipal Building, New York; E. J. Simon, 51 Wall Street, New York; John T. Allen, 129 Berkeley Avenue, Orange, N. J.; William F. Madill, 2338 University Avenue, New York; Joseph F. Meyers, 111 Centre Street, Orange, N. J.; C. Davey, 1242 Garden Street, Hoboken, N. J.; Clayton F. Ewing, 408 Bradley Avenue, Peoria, Ill.; Clarence E. Hanson, 8404 Tenth Avenue, Brooklyn, N. Y.; W. B. Vernaus, 775 East Thirty-second Street, Brooklyn, N. Y.; J. A. Gamble, 1046 East Thirty-eighth Street, Brooklyn, N. Y.; W. B. Danforth, 2604 Newkirk Avenue, Brooklyn, N. Y.; D. F. Graham, 270 Van Brunt Street, Brooklyn, N. Y.; William F. Wendt, 688 Quincy Street, Brooklyn, N. Y.; Gustave Maag, 256 Bradford Street, Brooklyn, N. Y.; Francis G. Casey, 497 Thirteenth Street, Brooklyn, N. Y.; James A. Bynn, 1180 President Street, Brooklyn, N. Y.; Albert Barrett, 48 East Fifth Street, Brooklyn, N. Y.; Harold A. Ruris, 573 East Twenty-second Street, Brooklyn, N. Y.; James C. Coleman, 362 Ovington Avenue, Brooklyn, N. Y.; Frank W. Garrison, Bryn Mawr, Pa.; E. H. Curtis, 105 West Fortieth Street, New York; A. J. Weiman, 315 Seventy-second Street, Brooklyn, N. Y.; M. Gathers, White Plains, N. Y.; Fredrick Wyss, 105 West Fortieth Street, New York; J. Henry Oehrig, 247 Disahurst Street, Brooklyn; E. T. Dippel, 1742 Second Avenue, New York; Frank Quinn, 227 East Thirty-first Street, New York; A. S. Kollock, 1009 Walker Avenue, Woodburn, N. Y.; A. H. Horne, 105 West Fortieth Street, New York; Fred Broonse, 393 Warwich Street, Brooklyn; F. M. Taylor, 251 West One hundred and twenty-ninth Street, New York; William J. Sullivan, 105 West Fortieth Street, New York; C. Keil, jr., 526 West Fortieth Street, New York; M. Gunstensen, 115½ India Street, Brooklyn; F. W. Lord, 105 West Fortieth Street, New York; Charles A. Kochler, 918 North Avenue, N. S.; Edwin J. Maxey, 711 Arch Street, N. S.; E. L. Grant, 1411 Fifth Avenue, N. S.; J. D. Arnold, 7046 Chancer Street, N. S.; W. L. Wintz, 1316 Wylie Avenue, N. S.; Vernon J. Rose, 2920 Olive Street, Kansas City, Mo.; James W. Bucklin, 634 North Street, Denver, Colo.; M. L. Bucklin, 634 North Street, Denver, Colo.; Mart M. Dintenfass, 468 Riverside Drive, New York; F. W. Frendbridge, 51 Clark Street, Brooklyn, N. Y.; and Adolph Kretchman, 51 Clark Street, Brooklyn, N. Y.; to the Committee on Ways and Means.

By Mr. BARCHFELD: Memorial of Chamber of Commerce of Pittsburgh, Pa., against power plant on proposed site of Potomac River; to the Committee on the District of Columbia.

Also, memorial of Pittsburgh (Pa.) Shoe Retailers' Association, favoring Merchant Marine; to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Imperial, Pa., favoring bill to prohibit exportation of liquors to Africa; to the Committee on Alcoholic Liquor Traffic.

By Mr. BEALES: Petition of members of the First Church of the Brethren, York, Pa., favoring the suppression of traffic in intoxicating liquors and the passage of the "Sheppard bill"; to the Committee on Alcoholic Liquor Traffic.

By Mr. BRUCKNER: Petitions of John Aspinwall & Niagara Motor Boat Co., of New York, against numbers on motor boats; to the Committee on the Merchant Marine and Fisheries.

Also, petitions of sundry citizens of the State of New York, favoring passage of the Stevens-Ayres bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Cullen Barge Corporation, O'Brien Bros., and Twin City Ferry Co., all of New York, against 8-hour law for officers of steamboats; to the Committee on the Merchant Marine and Fisheries.

Also, petition of John J. Berger, New York City, against exhibition of immoral motion pictures; to the Committee on Education.

By Mr. BURKE: Memorial of Albert Trostel & Sons Co., of Sheboygan, Wis., and Evangelical Peace Church of Kewaskum, Wis., numbering 510 scouls, protesting against war with Germany; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Petitions of sundry citizens of California and Arizona, relative to woman suffrage; to the Committee on the Judiciary.

Also, petition of American Hardware Manufacturers' Association, favoring legislation for prevention of floods of Mississippi River; to the Committee on Rivers and Harbors.

Also, petition of men and women voters of Tucson, Ariz., against Judiciary Committee action relative to suffrage; to the Committee on the Judiciary.

By Mr. DARROW: Petitions of 47 citizens of Philadelphia, Pa., against United States participating in the European war; to the Committee on Foreign Affairs.

By Mr. DAVIS of Texas: Resolution of twenty-first annual convention of the Texas Hardware Jobbers' Association, Austin, Tex., favoring the passage of the Sheppard bill, providing for an amendment to the interstate-commerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. DILLON: Petition of sundry citizens of South Dakota, against break with Germany; to the Committee on Foreign Affairs.

By Mr. DOOLITTLE: Petition of 24 residents of Emporia, Kans., protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr EAGAN: Petition of seven citizens of Hoboken, N. J., favoring the passage of an amendment to the Constitution for nation-wide prohibition; to the Committee on Interstate and Foreign Commerce.

Also, petition of Christian Endeavor Union of the Territory of Hawaii, favoring the passage of a bill for prohibition in Hawaii; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Friends of Peace of Essex County in re foreign relations; to the Committee on Foreign Relations.

By Mr. ELSTON: Petition of board of managers of the Baby Hospital Association, of Oakland, Cal., favoring the Keating child-labor bill; to the Committee on Labor.

By Mr. EMERSON: Petition of sundry citizens of the twenty-second congressional district of Ohio, favoring the passage of House bill 6915; to the Committee on the Post Office and Post Roads.

Also, petition of Evangelical Association, Cleveland, Ohio, against breaking diplomatic relations with Germany; to the Committee on Foreign Affairs.

By Mr. FOCHT: Evidence in support of House bill 6583, for the relief of Elliott E. Ramsey; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 12141, for the relief of James F. Cummins; to the Committee on Pensions.

By Mr. FULLER: Petition of S. B. Glenn and others, of Rockford (Ill.) Central Labor Union, against Taylor system in Government shops; to the Committee on Labor.

By Mr. GARNER: Petition of sundry citizens of Francitas and La Ward, Tex., protesting against the passage of House joint resolutions 84 and 85 and Senate joint resolutions 30 and 55, for a nation-wide prohibition amendment to the Constitution of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAY of New Jersey: Petition of citizens of the State of New Jersey, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. GRIFFIN: Petition of International Association of Machinists, against Taylor system in Government shops; to the Committee on Labor.

Also, petition of American Hardware Manufacturers' Association, favoring bills to prevent flood control; to the Committee on Rivers and Harbors.

Also, memorial of the St. Mary's Commercial Club, against bill for payment of space for mail carriage; to the Committee on the Post Office and Post Roads.

By Mr. HAMLIN: Papers to accompany House bill 15205, for relief of W. Epps; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 9462; to the Committee on Invalid Pensions.

By Mr. HENSLEY: Papers relating to House bill 15118, a bill for the relief of the trustees of the Arcadia-Ironton charge of the Methodist Episcopal Church South; to the Committee on War Claims.

By Mr. HERNANDEZ (by request): Petition of Daughters of American Revolution, requesting the passage of a special act granting pensions to all women who have been deprived by murder of the support of citizens killed by bandits in Mexico; to the Committee on Pensions.

By Mr. HUMPHREY of Washington: Petition of 23 citizens of Seattle, Wash., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of the State of Washington, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. JAMES: Petition of sundry citizens of the State of Michigan, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KINKAID: Petition of residents of Lynch, Nebr., in opposition to the enactment of bill to prevent interstate shipment of convict-made goods; to the Committee on Interstate and Foreign Commerce.

By Mr. LAFEAN: Petition of citizens of the State of Pennsylvania, against Taylor system in Government shops; to the Committee on Labor.

Also, memorial of Friends of Peace of Essex County, N. J., relative to favoring travel of American citizens on merchant ships; to the Committee on the Merchant Marine and Fisheries.

Also, petition of C. D. Wolff and others, of Sellersville, Pa., against compulsory Sunday observance; to the Committee on the District of Columbia.

Also, petition of C. D. Wolff and others, of Sellersville, Pa., favoring bill to amend postal laws; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Petition of Paul Dunlap and 27 other members of Christian Endeavor, of Lupton, Mich,, against preparedness; to the Committee on Military Affairs.

Also, petition of G. W. Gaffney and 35 others, of Sears, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. McLEMORE: Memorial of citizens of Yoakum, Tex., against breaking relations with Germany; to the Committee on Foreign Affairs.

Also, petition of citizens of Yoakum, Tex., favoring House bill 8665, against stop watch in Government shops; to the Committee on Labor.

By Mr. McKINLEY: Petition of sundry citizens of the State of Illinois, against the Taylor system in Government shops; to the Committee on Labor.

By Mr. MAPES: Petition of sundry citizens and organizations in the District of Columbia, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MOORES of Indiana: Petition of 56 citizens of Beech Grove, Ind., favoring House bill 8665; to the Committee on Labor.

By Mr. MOTT: Memorial of American Hardware Manufacturers Association of New York, favoring measures for flood control; to the Committee on Flood Control.

Also, petition of business men of De Ruyter, N. Y., favoring enactment into law of bill to force mail-order concerns to pay community taxes; to the Committee on Ways and Means.

Also, memorial of Chamber of Commerce of Watertown, N. Y., protesting against legislation to grant sovereignty to Philippine Islands; to the Committee on Insular Affairs.

By Mr. OAKEY: Memorial of Colonel Frank W. Cheney Camp, No. 14, Sons of Veterans, United States Army, South Manchester, Conn., favoring preparedness; to the Committee on Military Affairs.

By Mr. PETERS: Petition of sundry citizens of the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

By Mr. RANDALL: Petition of the Methodist Episcopal Church of Montebello, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. RUSSELL of Ohio: Petition of citizens of the State of Ohio, favoring passage of House bill 8665, against Taylor system in Government shops; to the Committee on Labor.

Also, petition of the City Union of Christian Endeavor Society of Lima, Ohio, favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SANFORD: Papers to accompany House bill 15082, granting a pension to Rosella Magee; to the Committee on Invalid Pensions.

By Mr. SCULLY: Memorial of Daughters of the American Revolution of the State of New Jersey, favoring preparedness; to the Committee on Military Affairs.

By Mr. SLOAN: Petition of Philip Holst, Mrs. J. W. Clark, and other citizens of Nebraska, protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Thayer and Nuckolls Counties, Nebr., protesting against passage of House bill 652; to the Committee on the District of Columbia.

By Mr. STEPHENS of California: Communication from A. C. Barker, Oakland, Cal., favoring Smith-Hughes bill; to the Committee on Education.

Also, communication from State Federation of Labor, San Francisco, Cal., favoring the Nolan minimum-wage bill; to the Committee on Labor.

Also, communications from Mailliard & Schmiedell, of Los Angeles, Cal.; Clara Todd, of Los Angeles, Cal.; Frank Campbell, of Los Angeles, Cal.; and the woman's section of the Navy League, San Francisco, Cal., all favoring adequate preparedness; to the Committee on Military Affairs.

Also, communications from Meyer & Talbott Co., of Los Angeles, Cal., and San Joaquin Valley Lumbermen's Club, Fresno, Cal., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petitions from Daniel W. Graybill and 33 others, of Los Angeles; Mrs. Olive Morgan and 37 others, of Los Angeles; Mrs. Nevada L. Hubbart and 32 others, of Los Angeles; F. S. Atwell and 37 others, of Ontario, all in the State of California, favoring freedom of speech and of the press; to the Committee on the Post Office and Post Roads.

Also, resolutions of the Building Trades Council of San Francisco, Cal., protesting against war; to the Committee on Foreign Affairs.

Also, resolutions of Buildings Trades Council of San Francisco, Cal., favoring the conservation of food supply in the United States; to the Committee on Agriculture.

Also, letter signed by Emmett A. Fagin and 15 others, of Los Angeles; letter signed by George Ballman and 11 others, of Los Angeles, all in the State of California, protesting against the severance of diplomatic relations with Germany; to the Committee on Foreign Affairs.

Also, letter from Dr. Ella M. Hunt and others, of Pasadena, Cal., protesting against preparedness; to the Committee on Military Affairs.

Also, resolutions of the Badger Club, Los Angeles, Cal., favoring reorganization of Indian affairs; to the Committee on Indian Affairs.

Also, resolutions from Phoebe A. Hearst and others; also mass meeting of 600 people of San Francisco, Cal., all favoring national constitutional suffrage amendment; to the Committee on the Judiciary.

Also, communication from city clerk of Los Angeles, Cal., favoring legislation concerning price of gasoline; to the Committee on Interstate and Foreign Commerce.

Also, communication from Mrs. Jennie Springer, of Gardena, Cal., regarding Oregon & California Railroad lands; to the Committee on the Public Lands.

Also, communication from Helmet Lodge, Knights of Pythias, Los Angeles, Cal., favoring pension for superannuated employees; to the Committee on Reform in the Civil Service.

Also, communication from Everett Pulp & Paper Co., of San Francisco, Cal., protesting against House bill 8665; to the Committee on Labor.

Also, communication from R. W. Madison, San Francisco, Cal., concerning Washington Asylum Hospital; to the Committee on the District of Columbia.

Also, communications from Browning Club, of Los Angeles, Cal., favoring House joint resolution 137; to the Committee on Agriculture.

Also, communication from National Security League, San Francisco, Cal., favoring a citizen volunteer army under Federal control; to the Committee on Military Affairs.

Also, telegrams from Laura K. Kuhlmann, Mrs. Helena M. Haines, Louis B. Bock, William H. Haines, William G. Kuhlmann, Charles Davis, and Russell H. Metzger, all of Manhattan Beach, Cal.; John Hermann, president German-American League of California; Aaron G. Barnell and 3 others, of Los Angeles, Cal.; Marie Chelgrene, of Los Angeles, Ca.; and Otto Steinen and 52 others, of Los Angeles, Cal., all protesting against war with Germany; to the Committee on Foreign Affairs.

Also, communications from C. A. Plantz and 17 others, favoring the Warren bill; to the Committee on Military Affairs.

By Mr. SULLOWAY: Petition of citizens of New Hampshire and Maine, favoring House bill 8665, against Taylor system in Government shops; to the Committee on Labor.

By Mr. WALSH: Petition of Middleborough Central Labor Union, by Michael J. Baker, president; W. S. Anderson, vice president; and S. L. Brett, secretary, relative to Taylor and similar systems in Government workshops; to the Committee on Labor.

By Mr. WARD: Petition of Guy Cochran and other citizens of Kingston, N. Y., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

SENATE.

TUESDAY, *May 2, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee that in the midst of the pressing cares of this earthly life Thou hast kept alive within us an interest, an ever-growing interest, in the things that are spiritual and eternal. We find ourselves straitened by the limitation of our earthly reason and in the midst of problems unsolved and mysteries upon every hand. We bless Thee that from above there comes to us the clear light of divine truth and the path shineth more and more unto the perfect day. Still guard within us the spark of life divine, and lead us on, O God, until we shall see Thy face; and coming before Thee may it be with the consciousness of work well done in the world and an influence left here for the betterment of mankind. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

COMMUNICATION FROM REAR ADMIRAL FISKE.

The VICE PRESIDENT. Upon yesterday there came to the office of the Chair a communication signed by Bradley A. Fiske, rear admiral of the United States Navy, addressed to the President of the Senate. While considering whether it should be handed down this morning the Chair was called by a representative of a press association and requested to know whether he could examine the communication.

The Chair does not know how far the right of petition exists in the United States of America, whether officers of the Navy have a right to enter into controversy with the Secretary of the Navy and send their statements to the presiding officer of the Senate, and thus make it his duty to hand them down or not.

Mr. TILLMAN. Mr. President——

The VICE PRESIDENT. The Chair therefore refers the communication to the Committee on Naval Affairs to determine on that question.

Mr. TILLMAN. I was just going to make that motion.

Mr. LODGE. Before the matter passes, as I was not in when the Chair was first stating it, may I ask what is the character of the communication.

The VICE PRESIDENT. The character is the controversy between the Secretary of the Navy and Rear Admiral Bradley A. Fiske that everyone knows about. The Chair is uncertain whether it is the duty of the Chair to hand down a communication coming from anyone connected with the Army or the Navy touching such controversies.

Mr. LODGE. It is in reply to the statement made by the Secretary of the Navy about Admiral Fiske in the report he sent in the other day?

The VICE PRESIDENT. Yes. The Chair is uncertain whether it is the duty of the Chair to hand it down.

Mr. LODGE. It seems to me that, being an officer of the Navy, he has a right to be heard when a statement of that character is made about him in an official report.

The VICE PRESIDENT. The Chair does not know anything about the rules of the Navy or the rules of the Army. The Chair does not know whether it is the right of an officer to call attention to such matters in this way or not.

Mr. TILLMAN. It certainly can do no harm to let the Naval Committee examine it before action is taken.

The VICE PRESIDENT. The Chair refers it there; and if any member of the Committee on Naval Affairs thinks it is proper, he may submit it to the Senate, and the Chair will receive it.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the amendment of the Senate to the bill (H. R. 8067) to quiet title to certain lands in the possession of G. B. Dickson, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H. R. 6057) to amend section 14 of the reclamation extension act approved August 13,

1914, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of Texas, Mr. TAYLOR of Colorado, and Mr. KINKAID managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. SHEPPARD presented a petition of the congregation of the Lutheran Church of Floresville, Tex., praying for the placing of an embargo on the exportation of arms and that the United States remain at peace, which was referred to the Committee on Foreign Relations.

He also presented a petition of Bedford Forest Camp, United Confederate Veterans, of Portales, N. Mex., praying for the enactment of legislation to grant pensions to Confederate veterans of the Civil War, which was referred to the Committee on Pensions.

Mr. MARTINE of New Jersey presented a petition of the River & Harbor Transportation Co., of Philadelphia, Pa., praying for an appropriation for the improvement of the Hackensack River, N. J., which was referred to the Committee on Commerce.

Mr. WADSWORTH. I present a resolution adopted by the Board of Aldermen of the city of New York. I do not ask that it be read, but I ask that it be printed in the RECORD. It is short.

There being no objection, the resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

IN THE BOARD OF ALDERMEN.

Whereas a crisis in the relations of the United States and foreign nations was disclosed by the recent address of the President of the United States before the joint session of Congress; and

Whereas the condition of relations of the Nation with foreign Governments may any moment make action necessary on the part of this city in upholding the Nation's honor: It is

Resolved, That the board of aldermen pledges to the mayor its unqualified support in any action by him, in aid of the President and Congress, that may be necessary to maintain that honor; and that this board will support the mayor in any exercise of authority for that purpose to the full extent of its powers; and further

Resolved, That the representatives of this city in the House of Congress are earnestly requested to redouble their efforts to the end of securing legislation that will immediately provide for the country the greatest practicable degree of military preparedness; and further

Resolved, That a copy of this resolution be sent to the President of the United States, to each of the Senators and Congressmen representing this State in Congress, the governor of the State, and the mayor of this city.

Adopted by the board of aldermen April 25, 1916, a majority of all the members elected voting in favor thereof.

[SEAL.] R. J. SULLY, *Clerk*.

Mr. JONES presented a petition of sundry citizens of Seattle, Wash., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. NEWLANDS presented petitions of sundry citizens of Reno and Las Vegas, in the State of Nevada, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. TAGGART presented memorials of sundry citizens of Elwood, Ind., remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Elwood, Ind., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. PHELAN presented a petition of the Woman's Club of Lodi, Cal., praying for an appropriation of $300,000 for the improvement of the Yosemite National Park and also for the establishment of a national-park service, which was referred to the Committee on Appropriations.

He also presented a petition of the Southern California Branch of the Association of Collegiate Alumnæ, of San Bernardino, Cal., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

He also presented the memorial of J. H. Eastman and sundry other citizens of Santa Cruz, Cal., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of General Charles King Camp, No. 35, United Spanish War Veterans, of Napa, Cal., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

Mr. ASHURST. I present resolutions adopted by the Central Labor Union of Miami, Ariz., which I ask may be printed in the RECORD and referred to the Committee on Education and Labor.

There being no objection, the resolutions were referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

MIAMI CENTRAL LABOR UNION,
Miami, Ariz., April 17, 1916.

Hon. H. F. ASHURST,
Senate, Washington, D. C.

DEAR SIR: At the last meeting of the Miami Central Labor Union the following resolution was read and received and then referred to the executive committee, with power to act:

"Whereas there is a bill before Congress (H. R. 456) for the creation of a Federal motion-picture commission, who shall preexamine and censor all moving pictures; and

"Whereas no five persons are great enough or divine enough to decide what pictures 100,000,000 people should see or should not see, and would naturally be influenced in their decisions by their own petty views on public questions and morals; and

"Whereas it is un-American and contrary to the fundamental principles of our Government, guaranteeing freedom of expression; and

"Whereas other forms of expression, such as the press, literature, the drama, and all works of art are immune from censorship: Therefore be it

"*Resolved*, That we, the Miami Central Labor Union, are unalterably opposed to censorship of any sort, and especially motion-picture censorship; and be it

"*Resolved*, That a copy of this resolution be sent to the Hons. CARL HADEN, ASHURST, and SMITH, and we urge that all individuals send letters of protest to these gentlemen."

The above resolution was unanimously adopted by the executive committee of the Miami Central Labor Union.

[SEAL.]

FRANK PERKO,
F. S. WILLIAMS,
FRED REAVES,
J. L. DONNELLY,
J. W. WARD,
Executive Committee.

E. C. HORNOR.

Mr. ROBINSON, from the Committee on Claims, to which was referred the bill (H. R. 8068) for the relief of E. C. Hornor, reported it without amendment and submitted a report (No. 409) thereon.

SAN JUAN RIVER BRIDGE, NEW MEXICO.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (S. 5424) to construct a bridge in San Juan County, State of New Mexico, and I submit a report (No. 408) thereon. I ask for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to cause to be constructed a steel bridge over the San Juan River in San Juan County, State of New Mexico, at the best and most available location west or southwest and near to the town of Farmington, in the said county, said bridge being absolutely necessary to enable a large portion of the Navajo Tribe of Indians to market their products of sheep, cattle, wool, manufactured blankets, jewelry, and other commodities belonging to them, so as to avoid great loss and inconvenience to them in their efforts to market such products to the north of the San Juan River. For said purpose there is hereby appropriated the sum of $25,000, or so much thereof as may be necessary, to defray the expense and cost of constructing said bridge.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STERLING:

A bill (S. 5823) granting a pension to Philip F. Wells; to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 5824) to confer jurisdiction on the Court of Claims to readjudicate the case of Albert H. Gillespie against The United States, No. 30777 on the docket of said court; to the Committee on Claims.

By Mr. SMITH of Georgia (by request):

A bill (S. 5825) to amend section 553 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901; to the Committee on the District of Columbia.

By Mr. CHAMBERLAIN:

A bill (S. 5826) granting an increase of pension to Thomas S. Millikin (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5827) granting a pension to Eugene M. Symonds (with accompanying papers); and

A bill (S. 5828) granting an increase of pension to Garrett F. Cowan (with accompanying papers); to the Committee on Pensions.

By Mr. TAGGART:

A bill (S. 5829) granting an increase of pension to Eri O. Smith; to the Committee on Pensions.

By Mr. PAGE:

A bill (S. 5830) granting an increase of pension to Convis Parker (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 5831) authorizing the Director of the Census to investigate and report on mortality and disability in wage-earning occupations; to the Committee on the Census.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WADSWORTH submitted an amendment authorizing the Postmaster General to grant to any employee not to exceed two weeks' sick leave in any one year with pay, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 10484), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. TOWNSEND (for Mr. SMITH of Michigan) submitted an amendment intended to be proposed to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

LAND ENTRIES.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 6057) to amend section 14 of the reclamation extension act approved August 13, 1914, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMITH of Arizona. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. SMITH of Arizona, Mr. LANE, and Mr. JONES conferees on the part of the Senate.

LEGISLATIVE, ETC., APPROPRIATIONS.

The VICE PRESIDENT. The morning business is closed.

Mr. MARTIN of Virginia. I ask the Senate to consider the conference report on the disagreeing votes of the two Houses upon House bill 12207, the legislislative, executive, and judicial appropriation bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes.

The VICE PRESIDENT. Is there any desire to have the report read? It has been printed.

Mr. SMOOT. I will say that I do not want to take the time of the Senate by reading the whole report, and I do not think it is necessary, unless some other Senator desires to have it read. I do want to refer to amendment No. 167 in the bill.

Mr. JONES. Mr. President, as that amendment is coming up now, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	Newlands	Sterling
Bankhead	Hollis	Norris	Stone
Beckham	James	Oliver	Sutherland
Brady	Johnson, Me.	Overman	Swanson
Brandegee	Johnson, S. Dak.	Page	Taggart
Broussard	Jones	Poindexter	Thomas
Chamberlain	Kenyon	Pomerene	Tillman
Clapp	Kern	Ransdell	Townsend
Clark, Wyo.	La Follette	Robinson	Vardaman
Clarke, Ark.	Lane	Saulsbury	Wadsworth
Culberson	Lippitt	Shafroth	Walsh
Cummins	Lodge	Sheppard	Warren
Curtis	Martin, Va.	Sherman	Williams
du Pont	Martine, N. J.	Simmons	Works
Gallinger	Myers	Smith, Ga.	
Gronna	Nelson	Smoot	

Mr. MARTINE of New Jersey. I desire to announce the unavoidable absence of my colleague [Mr. HUGHES] on public business.

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from Florida [Mr. FLETCHER] on official business. I wish also to announce that the junior Senator from Illinois [Mr. LEWIS] is absent on account of illness. These announcements may stand for the day.

Mr. WALSH. I wish to announce the unavoidable absence of the Senator from West Virginia [Mr. CHILTON].

Mr. MARTINE of New Jersey. I was requested to announce the unavoidable absence of the Senator from Kansas [Mr. THOMPSON].

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. A quorum is present. The question is on agreeing to the conference report.

Mr. SMOOT. Mr. President, in the pending bill, making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, the House agreed to the following provision:

Appointments shall not be made to any of the positions herein appropriated for in the classified service of the Bureau of Pensions not actually filled June 30, 1916, nor shall more than 25 per cent of other vacancies actually occurring in any grade in the classified service of that bureau, during the fiscal year 1917, be filled by original appointment or promotion. The salaries or compensation of all places which may not be filled as hereinabove provided for shall not be available for expenditure but shall lapse and shall be covered into the Treasury.

The Senate disagreed to that provision of the bill and it was stricken out. The conferees on the part of the Senate yielded to the House conferees, and if this report is agreed to that provision will become law.

Mr. President, it simply means that no old soldier employed to-day in the Pension Bureau can receive a promotion. He is held in the class in which he is working to-day. The law as it exists to-day, Mr. President, prevents the filling of more than 25 per cent of vacancies in that bureau. We are not undertaking in this provision to repeal the law, and I do not want the Senate to understand that I am asking that the law be repealed as to the filling of vacancies in the Pension Bureau, for the work in that bureau, as all Senators know, is growing less each year; but the provision under discussion is an unjust one. It is disapproved by the Commissioner of Pensions, and I want to call attention to the commissioner's letter giving the reasons why he objects to the provision and also giving his reasons why it will be detrimental to the service of the bureau. In a letter to the members of the Appropriations Committee the Commissioner of Pensions, on March 17, 1916, makes this statement:

The subcommittee of the House Committee on Appropriations caused to be inserted in the legislative, executive, and judicial appropriation bill for 1917, the following clause—

I will not take the time of the Senate to read the clause, but it is exactly the same as I read in the beginning of my remarks—

Before that it was provided in the law that not more than 25 per cent of the vacancies occurring in the Pension Bureau might be filled. This was regarded as objectionable, but now the new provision is still more objectionable for the following reasons:

1. This is the only bureau in the public service to which such a provision is made applicable. It seems like an invidious distinction.

2. Its operation will seriously hamper the work of the bureau. One grade may be very full. In another grade there may be vacancies which should be filled to carry on particular work in the bureau; but this provision would prevent the necessary change.

Mr. President, if the deaths that occurred were equal in all of the division or grades, then the provision would not be so objectionable as it is; but in one grade there may be 10 or 20 deaths while in another grade there may be only one death. The provision of the House, if it becomes law, will provide that in a grade where there is only one man, should a vacancy happen, it can not be filled, nor can a promotion be made from a lower grade to fill the vacancy in a higher one, no matter if there is a person in the lower grade capable of filling the position. If this provision stands we would be passing a law here to prohibit him from being promoted:

There are 13 offices in the bureau, each filled by a single incumbent. In the debate in the Committee of the Whole in the House of Representatives it was stated by members of the House subcommittee that if there was a vacancy in any one of these places the provision of this law would not allow it to be filled. Among these places are the chief clerk, assistant chief clerk, disbursing clerk, deputy disbursing clerk, medical referee, assistant medical referee, law clerk, chief of the board of review, superintendent of building, engineer, cabinetmaker, painter, and captain of the watch. It will readily be seen how difficult it would be to carry on orderly the work of the bureau if such vacancies occur and there be no power to fill them.

Yet if this provision becomes law, the Commissioner of Pensions will be powerless to fill those vacancies.

There are eight chiefs of division, each of whom is at the head of a force of employees numbering variously from 39 up to 196. It is said the same rule applies to them, and if there is a vacancy in the office of a chief of division it can not be filled at all. Long experience has proven that the arrangement for divisions and the services of these chiefs are very valuable, if not indispensable.

5. This provision is a great injustice to employees; it prevents a recognition of merit; it gives the employee notice that he must stay at the dead level of the salary he may now be receiving without hope of preferment.

6. One argument for its adoption was that the bureau was getting topheavy, failing to take notice that reductions in the bureau in 1915 and 1916 were already as follows—

I ask the Senate to notice the reductions that have been made for 1915 and for 1916. Then I am going to call attention to the number that is already agreed to for the year 1917.

In the fiscal year 1915 the reductions consisted of "10 principal examiners, at $2,000; 10 clerks of class 4, at $1,800; 15 clerks of class 3, at $1,600; 25 clerks of class 2, at $1,400; 40 special examiners, at $1,300; 35 clerks of class 1, at $1,200; 6 clerks, at $1,000; 4 copyists, at $900," or a total reduction in the force of 145. For the fiscal year of 1916 we find these reductions: "Seven principal examiners, at $2,000; 3 medical examiners, at $1,800; 4 assistant chiefs, at $1,800; 9 clerks of class 4, at $1,800; 10 clerks of class 3, at $1,600; 20 clerks of class 2, at $1,400; 5 special examiners, at $1,300; 25 clerks of class 1, at $1,200; 9 clerks, at $1,000; 1 copyist, at $900," or a total reduction for that fiscal year of 93.

For 1917 under the bill we have passed at this session—and now considering the conference report, to which I have no objection, with the single exception of this one item—the reductions are as follows: "One medical examiner, at $1,800; 1 principal examiner, $2,000; 1 assistant chief, at $1,800; 1 clerk, class 4, at $1,800; 1 clerk, class 3, at $1,600; 1 clerk, class 2, at $1,400; 1 clerk, class 1, at $1,200; 10 clerks, at $1,000; 20 copyists, at $900; 1 messenger, $840; 5 assistants messengers, at $720; 8 messenger boys, at $400; 1 watchman, at $720; and 15 skilled laborers, at $660," or a total of 67 reductions.

Mr. NORRIS. Mr. President——

Mr. SMOOT. I yield to the Senator from Nebraska.

Mr. NORRIS. Those are the reductions for 1917?

Mr. SMOOT. Those I last read are the reductions for the fiscal year ending June 30, 1917.

Mr. NORRIS. Are those reductions brought about by the objectionable provision?

Mr. SMOOT. No; those reductions are not so brought about. They are brought about by the decreasing work in the department from year to year.

Mr. NORRIS. As I understand, the Senator from Utah has no objection to those reductions?

Mr. SMOOT. I have no objection to those reductions, but I am calling attention to the reductions to show that while the work is growing less so is the number of employees. If the House provision is retained there can be no promotions from one grade to another.

Mr. NORRIS. I understand the objectionable provisions will prevent the filling of those positions by the promotion of men who are now in the service.

Mr. SMOOT. That is true.

Mr. NORRIS. And if the objectionable provision were obliterated, then the vacancies would be filled by promotion?

Mr. SMOOT. They would be filled by promotion, or otherwise. The Commissioner of Pensions is not compelled to fill them by promotion; but there is no law against it.

Mr. OVERMAN. Mr. President, was it not contended on the part of the House that the trouble about the proportions now is that too many employees are in the $1,800 class, thus making a top-heavy organization instead of promoting from the lower grades into the third class or the fourth class? Under existing provisions of law no original appointments or promotions can be made except to the extent of 25 per cent of the vacancies, so that, for example, if four employees die, only one of the vacancies thereby created can be filled. The one vacancy can be filled by the promotion of an employee already in the bureau; but instead of jumping an employee of a lower grade through several grades, process should be gradual by promotion to the third class, the fourth class, and so forth. As it is, owing to the manner in which they have been making promotions, the bureau is top-heavy, with too many employees drawing large salaries.

Mr. SMOOT. Mr. President, that has been the claim; but let me call attention to the reductions that are made for this fiscal year and see how unjust the claim is. Of the 67 reductions in the bill for the fiscal year ending June 30, 1917, were the following: Fifteen skilled laborers, at $660; 1 watchman, $720; 8 messenger boys, at $400; 5 assistant messenger boys, at $720; 1 messenger, at $840; 20 copyists, at $900; 10 clerks. at $1,000. That totals 60 employees, and there are only 7 positions that have been abolished carrying salaries above $1,200. There will be no way of filling these high-salaried positions, not even by the promotion of employees already in the service.

Mr. NORRIS. Will the Senator allow me to interrupt him?

Mr. SMOOT. Certainly.

Mr. NORRIS. To illustrate, take one of the positions—and I am only trying to get at the facts—mentioned by the commissioner in the letter which the Senator has read, the chief clerk, and let us see what would be the result. Suppose he should die; it would be impossible, if that provision were in the law, as I understand the Senator, to fill his place.

Mr. SMOOT. It would be impossible for the commissioner, if this provision is retained in the bill, to fill his place.

Mr. NORRIS. Who would perform the duties of the chief clerk's office in that case?

Mr. SMOOT. Under present conditions a man could be promoted from another grade to the grade of chief clerk, but if this provision becomes a law that can not be done.

Mr. NORRIS. That is what I understand.

Mr. SMOOT. The law as it stands to-day provides that there shall be no appointments to exceed 25 per cent of the vacancies that may occur.

Mr. NORRIS. I am trying to get at just what would happen. In the letter which the Senator has read the commissioner says that there are 13 positions in the Pension Bureau held by single incumbents, and I think he mentioned the chief clerk as one of them. I take that merely as an illustration.

Mr. SMOOT. I will say to the Senator that his illustration conforms exactly to the conditions as they would exist if this provision should become law.

Mr. NORRIS. I am trying to find out what the bureau would do under the circumstances if an employee who holds one of those 13 positions should die and the commissioner had no power to appoint anybody and no power to promote anybody to fill the place. What would actually happen, as a matter of fact?

Mr. SMOOT. I will read what the commissioner says in relation, not only to the office of chief clerk but to the other offices in that bureau that would be affected by this provision, and which it would be impossible to fill. The commissioner says:

> There are 13 offices in the bureau, each filled by a single incumbent. In the debate in the Committee of the Whole in the House of Representatives it was said by members of the House subcommittee that if there was a vacancy in any one of these places, the provision of this law would not allow it to be filled. Among these places are the chief clerk, assistant chief clerk, disbursing clerk, deputy disbursing clerk, medical referee, assistant medical referee, law clerk, chief of the board of review, superintendent of building, engineer, cabinet maker, painter, and captain of the watch. It will readily be seen—

Says the commissioner—

> how difficult it would be to carry on orderly the work of the bureau if such vacancies occur and there is no power to fill them.

If Senators will take this provision of the House bill and examine it, they will see that it will be impossible for the Commissioner of Pensions to fill these positions.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Washington?

Mr. SMOOT. I yield.

Mr. JONES. In that connection and in line with what the Senator from Nebraska [Mr. NORRIS] has asked, if those places can not be filled, who will discharge the duties heretofore performed by the officers who filled those positions?

Mr. SMOOT. I presume the commissioner would have to take some man temporarily from some other place in the bureau and ask him to act in that capacity until Congress could pass additional legislation.

Mr. JONES. At the salary he is now receiving in his other position?

Mr. SMOOT. Certainly; because the only thing the commissioner could do would be to detail another clerk to perform that service.

Mr. JONES. Then, how would the commissioner fill the place made vacant by the detail?

Mr. SMOOT. As the commissioner himself says, it will be utterly impossible to have any order in the bureau if this provision becomes a law.

Mr. LIPPITT. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Rhode Island?

Mr. SMOOT. Certainly.

Mr. LIPPITT. I do not exactly understand the situation which the Senator is trying to describe. I understand he has read a list of places which are going to be abolished because they are not needed.

Mr. SMOOT. Not needed; and no appropriation is made for them.

Mr. LIPPITT. It is an attempt to abolish those offices?

Mr. SMOOT. The ones I have read have been abolished.

Mr. LIPPITT. If they are abolished, why does the Senator want to appoint anybody to fill them?

Mr. SMOOT. I am not speaking of appointments to positions which have been abolished. I am speaking of positions which are provided for in the bill, and which, in case of the death of the incumbent, under the provisions of the House bill, the Commissioner of Pensions will have no power to fill. I will say to the Senator that under the law as it exists to-day only 25 per cent of the vacancies caused by death can be filled; but where there is only one place——

Mr. LIPPITT. I understood the Senator to say that the lists which he has read were lists of positions which it has been agreed should be abolished permanently.

Mr. SMOOT. Yes.

Mr. LIPPITT. Then the Senator talks about men being appointed to positions that are to be abolished.

Mr. SMOOT. No; the Senator misunderstood me.

Mr. LIPPITT. Probably I did; I am trying to ascertain just what the Senator means.

Mr. SMOOT. The provision of the House bill, if it becomes a law, will prevent the Commissioner of Pensions from promoting anyone in the bureau from one grade to a higher one.

Mr. LIPPITT. I understand that.

Mr. SMOOT. There is only one chief clerk in the bureau, and if he should die and this provision should become a law the commissioner could not appoint a chief clerk; nobody could be promoted to that place.

Mr. LIPPITT. I understand that.

Mr. SMOOT. I called attention to the number of reductions in the employees of the bureau to show that Congress was only providing for the number of employees necessary to conduct the business of that bureau.

Mr. LIPPITT. Then the Senator does not mean that he wants to promote men to the positions which Congress has decided to abolish?

Mr. SMOOT. Not in the least. Mr. President, the commissioner proceeds to say:

If we could have restored 1 messenger at $840, 5 assistant messengers at $720 each, 1 watchman at $720, and 15 skilled laborers at $660 each, we could arrange to get along with the other reductions proposed.

That has nothing whatever to do with the question which I am discussing. Those are merely certain reductions which the commissioner has asked the Congress not to make.

8. Under the provision that—

This is the law—

appointments shall not be made to any of the positions herein appropriated for in the classified service of the Bureau of Pensions not actually filled June 30, 1916.

We will be unable to fill any vacancies occurring in either of these places during the fiscal year because of the provision already in the law preventing us filling more than 25 per cent of the vacancies. Therefore the effect of this strange provision is—because we can not fill vacancies July 1—that we will be compelled to do with a less number than that for which appropriation is made. There is now a pressing and great necessity for stenographers, assistant messengers, and skilled laborers, but, because of this 25 per cent law, we can not procure any.

Mr. President, I was in hopes that the conference report would be so framed that there would be no objection to it. The Senate has yielded, I think, beyond reason. I was perfectly willing to go just as far as it was possible to go; but I ask the Senate not to accept this report, not to accept the action of the Senate conferees in yielding upon this one item, for it is vital to the bureau, and I do not believe that the old soldiers who are working in the Pension Bureau ought to be discriminated against.

I know that there are many old soldiers who perhaps can not do a full day's work. I know that if none but young, active men were employed the work of the bureau could be done with a less number, but I do not believe the American people want the old soldier, in his last days, to be driven out of the employment of the Government, even if it does cost a few extra dollars to retain him in his present position.

Mr. OVERMAN. Mr. President, does the Senator say this will drive any old soldier out of employment?

Mr. SMOOT. No; not altogether out of employment.

Mr. OVERMAN. Well, in any way—not altogether. Will it drive him out of any employment?

Mr. SMOOT. Mr. President, it will not. I was speaking upon the broad proposition that notwithstanding some of the old soldiers can not do a full day's work the people of the United States are not going to object to retaining them on the pay roll of the Government as long as they live and can do any work at all.

Mr. OVERMAN. They will be on it, under this provision.

Mr. SMOOT. I do not deny that. They will be on the roll in the class that they are now working in. But, Mr. President, there are some of the old soldiers who to-day are working as, say, a clerk of class 1, at $1,200 a year, who are doing just as good service as any men in the Government service. They are mentally alert; they are physically active; and I can not see why we should pass a law to discriminate against them, and say that because they are old soldiers, because they are working in the Pension Bureau, they shall forever be barred from a promotion. That is what this amendment says. That is what it means. That would be the result of it if we agree to this conference report.

Mr. GALLINGER. Mr. President, I will ask the Senator from Utah if that is not substantially the situation around this Capitol? Is not every old soldier reduced in pay and receiving less compensation than others at the doors of the Capitol?

Mr. SMOOT. Until the passage of this bill that was true, Mr. President, but this bill takes care of two of the old soldiers and increases their salary from $840 to $1,440.

Mr. GALLINGER. And what does it pay the rest of them?

Mr. SMOOT. The rest of them, of course, are drawing lower salaries; but that is a different position than this. They are on what is known as the patronage list, and perhaps there might have been some excuse for it, although I do not believe there was. I do not believe, Mr. President, that the little money that was saved by the reduction in the salaries of the old soldiers serving the Senate as doorkeepers is ever going to be noticed by the people of the United States, nor do I believe that any criticism ever would have come to this administration if it had maintained them at the salaries they formerly received.

The one under consideration is an entirely different proposition. This is to prevent employees of the Pension Bureau from promotion, and is indeed an invidious distinction. It is denying the old soldier employees in the Pension Bureau the right of promotion, and he does not deserve it. Therefore I hope the Senate will instruct its conferees to take the report back, and convey the feeling of the Senate in relation to this question to the conferees of the House and see if the conferees of the House will not yield, as they did two years ago, and as I hope they will yield this year.

Mr. OVERMAN. Mr. President, the members of the committee of conference of both the Senate and the House tried their best to agree on this bill, and we did agree on everything except this amendment. We are told by the House conferees that they will never yield on this amendment. The strongest advocate of it is a Republican Member of the House from Iowa, who has stated to us and the Senator from Utah [Mr. SMOOT] that he lives in a town where there is a soldiers' home, and nobody has more love and respect for the old soldier than he has, and I know that is so; and he told us the Senator from Utah could not answer it—that this does not deleteriously affect any old soldier who is at present employed. The Senator from Utah has finally agreed to this in this debate. His whole argument here is in behalf of the old soldier, when there is no harm going to be done to him.

The Senator talks about the American people not agreeing to have the old soldier discriminated against. I do not think the American people want an old man 75 or 80 years old, who is getting a good salary now, and receiving a pension besides, to be promoted into some office he can not fill.

Mr. SMOOT. He will not necessarily be promoted, anyway; but under this provision he can not be promoted.

Mr. OVERMAN. He can not be promoted. He has served his country well; he is getting a good salary; he is getting a pension; and instead of putting him on in a top-heavy place that he can not fill, it leaves him just where he is now, and does not injure him in the least.

Mr. SMOOT. Does the Senator think for a moment that the Commissioner of Pensions would put a man in such a position if it was impossible for him to fill it? Of course, he would not.

Mr. OVERMAN. The Members of the House of Representatives are overwhelmingly for this provision, and were for it two years ago, four years ago, and they are going to stand for it this time—Representatives from the North who love the old soldiers, who have stood by the old soldiers all the time, and I could name them here.

Mr. NORRIS. Mr. President, I should like to ask the Senator, for information, practically the same question I asked the Senator from Utah in regard to these positions the commissioner mentions.

Mr. OVERMAN. I am coming to that, Mr. President. Some years ago the Commissioner of Pensions, Mr. Warner, reported to Congress that Congress ought to pass a law that no vacancies should be filled in the Pension Bureau. Why, everybody knows there is an army of men there. There are 1,187 employees in that bureau to-day, and since the passage of the Sherwood bill 200 men can do the work that is being done.

The truth of it is that many of these poor old soldiers have been there so long and are so old that they can not efficiently perform any work in the higher grades. They are getting good salaries now. Why do we want to promote them to higher places, where they can not serve the Government and can not do any work? It is impossible for them to do any work.

This is no strike whatever at the old soldier. It is in the interest of efficiency. It is in the interest of good service. Instead of saying that there shall be no vacancies filled at all, as the commissioner recommended some years ago, we simply provide here that only 25 per cent of the vacancies shall be filled. For example, if there are 12 vacancies, only 3 of them shall be filled; if there are 4 vacancies, only 1 shall be filled; and gradually we will have good service in the bureau. As it is we have a small army of men there doing practically nothing. They can not do anything. It is impossible for them to do anything. Why should we promote those men to higher grades when they are inefficient and all that some of them can do is to sit down and look out of the window?

The friends of the old soldiers are the men who advocated this amendment upon the floor of the House, and said that the old soldiers did not want these men promoted to higher salaries; and here the Senator from Utah appeals to prejudice instead of going into the facts of the matter and looking at this bureau as it stand to-day in the interest of efficiency.

Mr. SMOOT. Mr. President, I hope the Senator does not misunderstand the situation. The Commissioner of Pensions never would promote an old soldier who can not do a thing but look out of the window. It is left entirely in the hands of the commissioner to make the promotions under the law to-day. The law to-day says that only one out of four vacancies caused by death shall be filled; but this provision says that no matter whether the old soldier is capable or not, no matter what his physical or mental condition may be, he shall not be promoted. I will ask the Senator if that is not so?

Mr. OVERMAN. Why, of course it is. That is what I am saying—that they are getting good salaries. They are satisfied; they are getting pensions; and they have had these $1,200 and $1,400 positions all the time, and now, since they are growing old and can not do any work, I believe, as this Representative from Iowa, who represents a town that has a soldiers' home in it, says, that in his judgment the old soldiers of this country would not desire these men promoted into higher positions which they could not fill.

Mr. KENYON. Mr. President, I will state that I think the Member of the House to whom the Senator refers has a soldiers' home in his district—not in his home.

Mr. OVERMAN. Well, his home district.

Mr. NORRIS. Mr. President, I still would like to have the Senator take up the matter about which I asked.

Mr. OVERMAN. I am going to come to that. Now, take the chief clerk. A man can fill that place without being called a chief clerk. It is done in many of the departments to-day. An $1,800 man can take charge of the force under him and do the work of a chief clerk.

Mr. NORRIS. Then I should like to ask the Senator, assuming that the man who does the work of the chief clerk is competent to do it—and I think that would be a fair assumption; he would not appoint anybody to do the work unless he was competent——

Mr. OVERMAN. Yes.

Mr. NORRIS. At least he ought not to—assuming that to be so, why should he not draw the salary of a chief clerk, regardless of whether he is an old soldier or not?

Mr. OVERMAN. Why, we do not need any more chief clerks. We have more chief clerks up there now than we need.

Mr. NORRIS. I understand from the commissioner's letter that there is only one chief clerk.

Mr. OVERMAN. Perhaps that is so. It does not make any difference. I do not know how that is. I have not investigated that; but anyway, whether he is called a chief clerk or not, he can get somebody to fill that place who gets practically the same salary, or $1,800.

Mr. NORRIS. We do not do that with other departments.

Mr. OVERMAN. Well, Mr. President, this department is not like any other department.

Mr. NORRIS. As I understand, a chief clerk's duty there would be similar to a chief clerk's duty in any other bureau; would it not?

Mr. OVERMAN. Why, there are plenty of $1,800 men doing the work of a chief clerk, and that is all some of the chief clerks get—$1,800.

Mr. NORRIS. For the purpose of the discussion, I think it is immaterial what the salary of the chief clerk is.

Mr. OVERMAN. I agree to that statement.

Mr. NORRIS. My question only was, assuming that a man is competent to do the work of a chief clerk, and that he does it, why should he not get the salary of a chief clerk?

Mr. OVERMAN. He does get practically the salary of a chief clerk. I do not know just what the chief clerk of the department gets, but a good many of them are $1,800 men. There are very few chief clerks getting more than $2,000. I believe some of them get twenty-five hundred in some of the departments. They generally ranged from eighteen hundred to two thousand dollars. But in class 4, in which the salaries are fixed at $1,800, there are, perhaps, 100 men in this bureau, and out of that 100 they can get some one, whether he is called chief clerk or not, to take up the work of the chief clerk and perform the duties of that position at about the same salary. There is very little difference in salary between the chief clerk and these clerks of class 4.

Mr. LIPPITT. Mr. President, I wish the Senator would tell me why, because there may be some soldiers who are too old and too feeble to be promoted, it is necessary to pass a law which would make it impossible to promote a soldier who was capable.

Mr. OVERMAN. Why, Mr. President, the contention is that they are promoting everybody in the $1,800 class.

Mr. LIPPITT. I do not understand that that is the arrangement. I understand that it is optional with the chief of the bureau whether a man is promoted or not; but the Senator says that the law should be so that none of these men can be promoted because possibly some of them are too feeble to take the higher duties. I can not see the logic of a situation which says that no man in this bureau, whether he is capable or not, shall be promoted because possibly there may be some men too old and feeble.

Mr. OVERMAN. Why, they can promote them in the first, second, third, and fourth classes. There are four classes. One class gets $1,800, another class gets $1,600, another class gets $1,400, and another $1,200.

Mr. KERN. Mr. President, I should like to ask the Senator a question.

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Indiana?

Mr. OVERMAN. I do.

Mr. KERN. I should like to ask the Senator from North Carolina if he regards the Commissioner of Pensions and his deputy as efficient officers, understanding the needs of the bureau?

Mr. OVERMAN. I would not say they were not.

Mr. KERN. Now, I ask the Senator whether the Commissioner of Pensions and his deputy do not both insist that this provision will seriously interfere with the efficiency of the bureau?

Mr. OVERMAN. Why, Mr. President, the letter has been read here by the Senator from Utah. Why should the Senator from Indiana ask me that question?

Mr. KERN. I was just wondering whether the opinion of an officer of capability ought not to be given some weight.

Mr. OVERMAN. Mr. President, there are various opinions about this matter. I know we had one commissioner who wanted to largely reduce the force in the bureau. In fact, he did not want any vacancies at all filled. This amendment provides for filling one vacancy out of four.

I have said about all I desire to say. I will add, however, that the House of Representatives—a majority, Republicans and Democrats—stood for this amendment. Now they say they are so strong over there for this amendment that the House never will yield. The committee tried to get the House conferees to yield. We did all we could. We were in session day and night trying to get an agreement.

Mr. KERN. Mr. President, I should like to ask the Senator whether he carried the same argument and the same spirit into the discussion with the conferees that he is giving the Senate?

Mr. OVERMAN. I did not, Mr. President. I am defending the House of Representatives, since we have yielded. I have to stand by my committee. I made no argument in favor of this amendment. I argued for striking out this amendment, because the Senate had instructed me to do it, and it is my duty as a conferee to stand by whatever the Senate does as long as possible. I, together with the Senator from Utah and the Senator from Virginia, stood by the Senate to the very last. The argument was left between the Senator from Utah on the one side and a Member of the House from Iowa on the other. Then, after the argument was held, and they notified us that the House was so strong for it that they never would yield on this, the Senate conferees, in order to have a bill get through, finally yielded, with the exception of the Senator from Utah. He was one of the conferees who did not yield, but the majority of them yielded to the House. I am surprised that the Senator from Indiana should ask me that question.

Mr. KERN. I said that as a joke.

Mr. OVERMAN. I hope it was a joke, because I do not want it to appear in the RECORD that I went on a conference committee and did not do my duty and stand for what the Senate had done. I will say to the Senator from Indiana that

that would be a reflection on me, and I would not be worthy to sit on the committee of conference unless I stood for the Senate's action. This I did. But when I come to defend the final action of the committee and give the position the House takes, to hear the Senator from Utah say that this is against the interest of the old soldiers, making it appear that they will be thrown out of employment, I resent the question asked by the Senator. I know the old soldiers will not suffer from our action, and the Senator from Utah now frankly admits that it is not so.

Mr. SMOOT. I never said it.

Mr. OVERMAN. The only thing the Senator from Utah can say is that these old soldiers can not be promoted like they could be when they were young men; that is all.

Mr. SMOOT. I want the Senator to qualify his statement that he is the only member of the House conferees who objected. The Republican member said he was going to stand by the House on this provision; that the provision was not going to hurt the old soldier; that is true; but I want to say that the other two members of the conference had a great deal more to say about this matter than the gentleman the Senator referred to. I think the Senator will agree with me on that.

Mr. OVERMAN. Yes; they all argued with us for a long time. One of the leading men who made the fight on the floor of the House was, as I said——

Mr. GALLINGER. I say I do not know how long the Senate conferees stood out in favor of the amendment that the Senate put on the bill, but I think it is rather bad form to say here that the House conferees issued an ultimatum and that the Senate conferees had to yield to that ultimatum.

Mr. OVERMAN. I did not say that.

Mr. GALLINGER. Had I been a conferee I would have issued a counterultimatum.

Mr. OVERMAN. I did not say the House conferees issued an ultimatum. I said that they told us what the House in their judgment would do. That was no ultimatum. If so, that would have ended the conference, and the Senate would have resented it and would have never yielded.

Mr. GALLINGER. If that is not an ultimatum, I shall have to go to the dictionary to be correct in my impression as to the meaning of the word "ultimatum."

Mr. OVERMAN. The Senator from New Hampshire has been on many conferences and he has always stood for what he thought was right. I have been with him and I know how persistent he is, but he knows how these things are done as well as I do, that we are often persistent and tell the conferees that in the judgment of the Senate conferees the Senate will never yield.

Mr. GALLINGER. I do. Mr. President, I am going to say only a word. I think the vote ought to be taken without much debate.

I want to say a word for the Commissioner of Pensions. I was chairman of the Committee on Pensions of the Senate for a long time, and I had very much to do with the Commissioner of Pensions, and we have had commissioners and commissioners. The knowledge I have of the present commissioner, and he is a Democrat, leads me to the opinion that we have never had a more competent, honorable, and upright man. He is a man who desires to administer his office in an efficient manner, and to give full justice to every employee under him and to the Government as well.

So I was greatly influenced by the letter that the commissioner wrote when we had this bill under consideration, and it seemed to me that what he asked in this matter ought to be granted ungrudgingly. For that reason I shall vote to disagree to the report of the conference committee, hoping that it may go back and that this matter may be adjusted as the Commissioner of Pensions desires it to be.

Mr. OVERMAN. Mr. President, I think I ought to say a word in answer to the Senator from Indiana [Mr. KERN]. He asked me if I did not consider the Commissioner of Pensions and his deputy good and efficient officers. I have had but little business with this bureau. I seldom go there. I have no reflection whatever to make on these officers. As far as I know they are as able and competent officers as there are in the employ of the Government.

But in dealing not only with the Pension Bureau but every department, if we gave them everything they asked this bill, instead of carrying $38,000,000, would carry about $40,000,000. So we have to examine their estimates thoroughly and make up our own minds as to what should be done. We have to obtain all the information we can upon these matters. It would be preposterous for us to agree every time to what some head of a department or some head of a bureau might want.

Mr. MARTIN of Virginia. Mr. President, I regret that I feel constrained to consume a little of the time of the Senate about this conference report.

In the first place, Mr. President, both Houses have to agree before legislation can be enacted. Neither House can arbitrarily set itself up as a final arbiter on the provisions that enter into an appropriation bill. There comes a time always in the differences between the two Houses when one House or the other must yield. Neither House can justify itself by putting its foot down in an arbitrary and dictatorial manner and declaring that it will not yield. All that the conferees of the Senate can do is to meet the conferees on the part of the House in a free, open, and fair discussion of the differences between the two Houses with a view to reaching an agreement if possible.

I have never yet, Mr. President, said to the conferees of the House arbitrarily that they would have to come to the position of the Senate or there would be no bill. There are circumstances under which I might take that position, and when I do I shall mean what I say. I never bluff about these matters.

I endeavored to meet the conferees of the House in a fair, free, and open conference, and the Senate conferees did that in respect to this difference. This is a large bill. It carries nearly $40,000,000. There were a great many Senate amendments. This is the only one in the whole bill so far as I know that has originated any serious conflict. This amendment originated serious conflict from the very first.

The conferees on the part of the Senate wanted to sustain the amendment of the Senate. The law is not left like I want it. I would like to have had it otherwise. I would like to have it otherwise now. But what does the Senate expect of me? Do they expect me to remain forever wrangling until the human tongue is paralyzed? I made as earnest and as persistent an effort to maintain the position of the Senate as I was capable of, and if I had thought the conferees on the part of the House would yield by further persistence I would have persisted further. But they told me they would not yield and that they did not believe the House would yield, and I concluded that under all the circumstances it was in the interest of the country, in the interest of legislation, and in the interest of proper relations between the two Houses that we should yield on this amendment, and we did so.

It is subject, of course, to the control of the Senate. If the Senate wants to send it back to the conference, it is its privilege to do so. I do not believe it would result differently from what it has resulted this time. The House conferees said that they would not yield and they did not believe the House would yield, and I believe they were frank and sincere in what they said.

So much, Mr. President, for the course we felt compelled to pursue. Now, let us see what we did yield. Let us see what we have done, and when we consider that you will find that there is very little foundation for all the excitement into which the Senator from Utah has worked himself. He seemed to get very much excited, and he went clear abroad from the facts in this case repeatedly. I did not like to interrupt him to make the correction, but I might have done it many times and verified the corrections by the record. Among other things, he said that the House had yielded twice on an amendment of this sort. That must have been before I came to the Senate. It has not been done since I have been chairman of the Committee on Appropriations. No such amendment has been in conference since I have been chairman of the Committee on Appropriations. But I will not follow the Senator's inaccuracies.

Mr. SMOOT. I wish to say to the Senator——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Virginia yield to the Senator from Utah?

Mr. MARTIN of Virginia. I yield.

Mr. SMOOT. This has been discussed in the Senate more than once.

Mr. MARTIN of Virginia. I did not say anything about discussion in the Senate. I said an amendment of this purport has not been in conference between the two Houses since I have been chairman of the Committee on Appropriations. That is what I said. The Senator said it had been before a conference two or three times and the House had yielded. He is mistaken.

Mr. SMOOT. I thought it was so well understood that I did not bring in the record.

Mr. MARTIN of Virginia. You can not find any record that contains any such thing.

Now, let us see what we have done. Time and again the Senator talked about depriving the old soldiers of what they were getting.

Mr. SMOOT. Of promotions.

Mr. MARTIN of Virginia. There is not a single old soldier who is deprived of a dollar. It is a fact known of all men that the Pension Office is overcrowded with clerks. Five hundred men could be gotten rid of there and the public service would be benefited instead of being impaired. Nobody questions that.

The Chief of the Efficiency Bureau went there on one occasion, and I get this from his own lips: He took one room in which 25 men were employed, and he said to the Commissioner of Pensions, "This is a great mistake; 5 men can do this work better than 25. There is nothing here for them to do; they are in each other's way." He said to the commissioner, "Put 20 of them in a room and give them some magazines to read and let me take 5 clerks and if they will not do the work better than it is being done now I will not have another word to say." The experiment was tried and it was successful; the 5 men did the work better than the 25 had been doing it. He told me that 500 men could be dispensed with there and the efficiency of the work would be increased.

Notwithstanding those facts, we have not cut off a single one. The Senator read a long list of decreases in the last fiscal year. They were from death or resignation. There was not a single man in the service of the Pension Department deprived of his position. They either died or resigned. The vacancies were made by the incumbents, and in cases of resignation they were made voluntarily.

Under this bill we do not deprive a single man of his employment. We do not reduce the salary of a single man, although it is admitted a great many of them are superannuated and useless, and that 500 men could be dispensed with and the service be made more efficient. But out of deference to the sentiment in favor of the old soldiers and anxious to treat them with the utmost fairness and even with the utmost generosity and liberality, we have not taken a single dollar from them, and they get an average of about $1,400 a year. Every one of them is drawing a pension, and, more than that, they are getting between $1,300 and $1,400 on an average. I had a calculation made—taking the few low-grade salaries and adding them all together the average is over $1,300 that they are getting there. Are we treating the old soldier badly when, although unable to do the work, we maintain him in a place at a salary of between $1,300 and $1,400 and give him a pension in addition? That is what this bill does.

But the Senator says he can not get promotion. Commissioner Warner, in 1907, said, and I have it here, that he did not want to fill a single vacancy. We have allowed 25 per cent of the vacancies to be filled. He said they had so many more than they needed that he wanted a provision written into the law that would forbid filling a single vacancy. It would not deprive a single one of his position; it would not take from him a single dollar that he was receiving; but he said "we do not need them, and when they die or resign I do not want to fill a single vacancy, and I do not intend to do it." He said, "I would like to have it written in the law that I should not do it."

Now, we allow 25 per cent of the vacancies to be filled by promotions. But the Senator says that in some grades there is only one. There is an assistant clerk. If there should be a vacancy between now and the next appropriation—and this is being made for one year, this law provides only for the year 1917, it specifies that on its face—if there should be a casualty, a vacancy in such a place, the assistant clerk is there. But in addition to that the Commissioner of Pensions can assign to that work. I think the assistant clerk gets $2,000. The commissioner has a dozen or two men at a salary of $2,000. He can assign him to that service at the very compensation that the present assistant clerk is getting.

There is no difficulty about running this office. Commissioner Warner said he could run it without having a right to appoint or promote to fill a single vacancy. Surely, then, when the present commissioner has a right to promote to fill 25 per cent of the vacancies he ought to be able to get along.

Anybody would think from the speech of the Senator from Utah that there was a crusade here against the old soldier. In the name of God, what does the old soldier want? I have not heard a complaint from one of them. We have treated them generously, and we want to treat them generously. We have not deprived a single one of them of his salary, although half of them are not needed. Here is a force 50 per cent bigger than is needed, and we are paying salaries at an average of between $1,300 and $1,400 a year, and a pension besides, and 25 per cent of the vacancies can be filled by promotion. There is not the slightest difficulty about running the business under the provisions of the bill.

It is true that I would have preferred that the proposed law should be left like the Senate fixed it, and I made the best effort in my power to have it stay like the Senate fixed it. I could not maintain it like the Senate fixed it, and I do not know how the Senate expects me to maintain it. It is not a matter of such momentous consequence that I would feel justified in saying to the House, "We are going to defeat this bill carrying $40,000,000, unless you agree to this amendment as the Senate fixed it." We made an earnest and honest and persistent effort to maintain the position of the Senate, which I much prefer. I preferred it more to avoid such a controversy as has come than from any idea that injustice was being done to these old soldiers. I do not believe any injustice is being done to them. But the time came when we had to yield. The House conferees would not yield, and I do not believe they will yield if you send it back to them. But the Senate must take that responsibility. I would be very glad to have the amendment retained if there was any way to do it. If the Senate wants to defeat this bill, unless the House recedes, I should like to have them say so, because I have done the best I could. If you want me to defeat this bill, I should like to have your order to defeat the bill, and let the amount of nearly $40,000,000 be unappropriated, unless the House yields on this one little amendment. I believe the adoption of the conference report is wise legislative policy. It does nobody any injustice if the conference is adopted, and I hope the Senate will adopt it.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. SMOOT. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I am paired with the junior Senator from Georgia [Mr. HARDWICK]. Were I permitted to vote I should vote "nay."

Mr. MYERS (when his name was called). I have a general pair with the Senator from Connecticut [Mr. MCLEAN]. In his absence I transfer that pair to the Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. OWEN (when his name was called). I transfer my pair with the Senator from New Mexico [Mr. CATRON] to the Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. THOMAS (when his name was called). I inquire whether the senior Senator from North Dakota [Mr. MCCUMBER] has voted?

The PRESIDING OFFICER. He has not.

Mr. THOMAS. Having a pair with that Senator, I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Kansas [Mr. THOMPSON] and vote "yea."

Mr. TOWNSEND (when his name was called). I have a pair with the junior Senator from Florida [Mr. BRYAN]. Being unable to secure a transfer of that pair, I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE], but understanding that if he were present he would vote as I am about to vote, I vote "nay."

The roll call was concluded.

Mr. THOMAS. I transfer my pair with the senior Senator from North Dakota [Mr. MCCUMBER] to the Senator from Maryland [Mr. LEE] and vote "yea."

Mr. GALLINGER. I have a general pair with the Senator from New York [Mr. O'GORMAN], which I transfer to the Senator from Pennsylvania [Mr. PENROSE], and vote "nay."

Mr. CHAMBERLAIN. I am requested to announce that the Senator from West Virginia [Mr. GOFF] is unavoidably absent.

Mr. REED. I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Tennessee [Mr. LEA] and vote "yea."

Mr. BECKHAM. Mr. President, I inquire if the Senator from Delaware [Mr. DU PONT], with whom I am paired, has voted?

The PRESIDING OFFICER. He has not.

Mr. BECKHAM. Then I transfer my pair with the Senator from Delaware to the Senator from Arkansas [Mr. ROBINSON] and vote "yea."

Mr. CURTIS. Mr. President, I am requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Florida [Mr. FLETCHER];

The Senator from Maine [Mr. BURLEIGH] with the Senator from Nebraska [Mr. HITCHCOCK];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH]; and

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES].

Mr. OVERMAN (after having voted in the affirmative). I inquire if the Senator from Wyoming [Mr. WARREN] has voted?

The PRESIDING OFFICER. He has not.

Mr. OVERMAN. Then I transfer the pair I have with that Senator to the Senator from Illinois [Mr. LEWIS] and will let my vote stand.

The result was announced—yeas 34, nays 30, as follows:

YEAS—34.

Ashurst	Hollis	Ransdell	Swanson
Bankhead	Husting	Reed	Taggart
Beckham	Lane	Saulsbury	Thomas
Broussard	Martin, Va.	Shafroth	Tillman
Chamberlan	Myers	Sheppard	Underwood
Chilton	Overman	Simmons	Vardaman
Clarke, Ark.	Owen	Smith, Ariz.	Walsh
Culberson	Phelan	Smith, Ga.	
Gore	Pittman	Stone	

NAYS—30.

Borah	Gronna	Martine, N. J.	Smoot
Brandegee	Harding	Nelson	Sterling
Clapp	Johnson, Me.	Norris	Sutherland
Clark, Wyo.	Jones	Oliver	Wadsworth
Colt	Kenyon	Page	Williams
Cummins	La Follette	Poindexter	Works
Fall	Lippitt	Pomerene	
Gallinger	Lodge	Sherman	

NOT VOTING—32.

Brady	Goff	Lee, Md.	Shields
Bryan	Hardwick	Lewis	Smith, Md.
Burleigh	Hitchcock	McCumber	Smith, Mich.
Catron	Hughes	McLean	Smith, S. C.
Curtis	James	Newlands	Thompson
Dillingham	Johnson, S. Dak.	O'Gorman	Townsend
du Pont	Kern	Penrose	Warren
Fletcher	Lea, Tenn.	Robinson	Weeks

So the conference report was agreed to.

GOOD ROADS.

Mr. BANKHEAD. Mr. President, I move that the Senate proceed to the consideration of House bill 7617, commonly known as the good-roads bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encouraging the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Washington?

Mr. BANKHEAD. I do.

Mr. JONES. On page 7, after the word "improvement," in line 20, I offer an amendment to the amendment so that it will read:

The term "construction" shall be construed to include reconstruction and improvement of roads not constructed under this act.

The PRESIDING OFFICER. The amendment to the amendment proposed by the Senator from Washington will be stated.

The SECRETARY. On page 7, line 20, after the word "improvement," it is proposed to insert "of roads not constructed under this act," so that if amended it will read:

The term "construction" shall be construed to include reconstruction and improvement of roads not constructed under this act.

Mr. BANKHEAD. Mr. President, the committee approve the theory of that amendment to the amendment. It is not exactly in the form it should be, but we can adjust that; and we accept the amendment to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. JONES. Mr. President, I want to offer an amendment to the amendment, which embodies the substance of the amendment which I offered on yesterday; but it is changed, I think, so as to meet some of the objections it then encountered. At the end of section 1 I wish to add the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Washington to the amendment will be stated.

The SECRETARY. At the end of the amendment to the amendment heretofore agreed to in section 1, line 8, it is proposed to insert the following: "Nor shall any of the money appropriated under this act be used for constructing extensions of, or mere branch roads out from, toll roads"; so that it will read:

Provided, That all roads constructed under the provisions of this act shall be free from tolls of all kinds, nor shall any of the money appropriated under this act be used for constructing extensions of, or mere branch roads out from, toll roads.

Mr. BANKHEAD. Mr. President, I think that amendment is confusing. I should like to ask the Senator from Washington if he thinks, under the provisions of the amendment, a post road built under the provisions of this bill could go across a toll road?

Mr. JONES. I think so.

Mr. BANKHEAD. Would that not be a connection?

Mr. JONES. No.

Mr. BANKHEAD. Why not?

Mr. JONES. I do not use the word "connection."

Mr. BANKHEAD. I know the Senator does not.

Mr. JONES. I say that this money shall not be used for the construction of extensions.

Mr. BANKHEAD. An extension is all right, if the Senator will stop there.

Mr. JONES. My amendment provides that none of the money shall be used for the construction of "mere branch roads out from toll roads." That means that you can not make a toll road and start out with a branch. It does not mean crossing at all.

Mr. BANKHEAD. If that is the proper construction of the amendment, I have no objection to it. We will look it up carefully, however.

Mr. JONES. If in conference there is any doubt about it, the Senator from Alabama can make it clear.

Mr. BANKHEAD. We will do that.

The PRESIDING OFFICER. The question is on the amendment to the amendment proposed by the Senator from Washington.

The amendment to the amendment was agreed to.

Mr. WORKS. Mr. President, I have occupied all the time I think I ought to consume in the discussion of this bill; but I have here a synopsis of the statement made by Judge J. M. Lowe, who is president of the National Old Trails Road Association of Kansas City, Mo., before the Good Roads Committee of the House of Representatives, which was prepared by Judge Lowe himself, and which bears upon this question. I should like to have it read by the Secretary.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

SYNOPSIS OF STATEMENT MADE BY JUDGE J. M. LOWE, PRESIDENT OF NATIONAL OLD TRAILS ROAD ASSOCIATION, OF KANSAS CITY, MO., BEFORE THE GOOD ROADS COMMITTEE OF THE HOUSE OF REPRESENTATIVES AT WASHINGTON, D. C.

1914.

To the Good Roads Committee of the House of Representatives:

As you kindly requested me to make a brief résumé of my statements made when before you the other day, I hereby respectfully submit the following:

As "Federal aid" in some form is being agitated as preferable to a system of national highways, permit me to ask why make the States contribute an equal amount or any other amount as a condition precedent to any action by the General Government?

Why make the State contribute to a national enterprise at all?

If a road is not of national concern, ought the national revenues be appropriated to it?

If it is of national concern, ought the State to contribute?

But you may say that it will be of benefit to the State. Granted; but shall the Government refuse to enter upon an internal improvement for fear it will benefit the State?

Shall the State be taxed because she is benefited by such improvement?

If this is to be the policy, then why not apply it to rivers and harbors? They, too, are of local benefit. And to public buildings, and many other public enterprises?

"No enterprise is so general as not to be of some local benefit"; but shall all progress cease, all activities end, because some local benefit may result? Inequalities of benefits are never to be courted, and "equal and exact" benefits should be striven for, but that some inequalities will exist in any scheme possible to devise, goes without saying. Shall we do nothing lest some inequalities may be created? If so, all progress must cease.

But "cross-country roads," "tourists' roads," "ocean-to-ocean highways" ought not to be built for fear automobile "joy riders" will use them!

The roads most in favor by these critics are "the rural roads," the roads in the back districts, in remote sections, where there are no products to market and no people to use them, either for "joy" or necessity—roads that "begin nowhere and end nowhere"—roads of little local value and no general value; these are the roads to which it is proposed by some that the general revenue be applied.

Moreover, one-half of the States can not participate in any cooperative scheme because of constitutional limitations.

The States in which constitutional amendments are necessary to permit cooperation or acceptance of "Federal aid" are:

Arizona, Arkansas, Colorado, Florida, Georgia, Indiana, Kansas, Louisiana, Michigan, Missouri, Nebraska, Nevada, North Dakota, Ohio, Pennsylvania, Oregon, South Dakota, Texas, Utah, Virginia, West Virginia, and Wisconsin.

I have been asked if the States thus prohibited by their constitutions from cooperation could not raise their pro rata by a system of general increase of taxes? They probably could, but a legislature would likely hesitate to increase taxes in order that a constitutional provision might be nullified.

For instance, Pennsylvania has just voted down a constitutional amendment providing for issuing of road bonds.

Would her legislature be likely to reverse this action of her people? Possibly a number of these States would amend their constitutions, but this would be both slow and doubtful; and if a single State should fail or refuse, any general system of roads would fail.

Both Monroe and Jackson held tenaciously to the policy of appropriating the national revenues to national purposes only.

Monroe, in reversing a former conclusion, states that a more thorough study of the whole subject had convinced him that Congress had the right to appropriate the national revenues to "national, not State; general, not local, purposes," and that this should be the settled policy of his administration; and it was.

Andrew Jackson, when vetoing a bill appropriating the national revenues to the building of the northern end of the Old Wilderness Road, leading from Lexington, Ky., to Maysville, a distance of about 60 miles, quoted the language of President Monroe as sustaining his own veto, to wit:

"That Congress could rightly appropriate the national revenues to roads of general, not local; national, not State, benefit," whereas the part of the road sought to be improved by Mr. Clay's bill was purely local, and not of any general or national benefit.

This is undoubtedly the correct principle, and it ought to forever put at rest schemes and subterfuges for appropriating the national revenues to matters of local and State concern only.

President Jackson said further, in speaking of Mr. Clay's road: "It has no connection with any established system of improvements; it is exclusively within the limits of a State, starting at a point on the Ohio River and running out 60 miles to an interior town, and, even as far as the State is interested, conferring partial instead of general advantages. * * *

"Although many of the States, with laudable zeal and under the influence of an enlightened policy, are successfully applying their separate efforts to work of this character, the desire to enlist the aid of the General Government in the construction of such as, from their nature, ought to devolve upon it, and to which the individual States are inadequate, is both rational and patriotic; and if that desire is not gratified now, it doesn't follow that it never will be. The general intelligence and public spirit of the American people furnish a sure guaranty that at the proper time this policy will be made to prevail under circumstances more auspicious to this successful prosecution than those which now exist."

He stood for a system of national highways, and states in his veto message that if the local Maysville and Lexington Pike had been a link or part of such a system he would have approved it.

On March 3, 1837, the very last day of his last administration, he approved an appropriation to continue the construction of the Old Cumberland (national) Road, a national highway, built and maintained by the Government, and supported by every administration from Jefferson's, in 1806, to 1837.

But shall those live States and communities which have already awakened to the importance of good roads and have issued road bonds be permitted to participate in this "aid," or shall it be given as a free bounty or reward only to those backward and slothful communities where there are neither products to market nor people to transport?

If the former are treated at least equally with the latter, then they have already issued $410,000,000 in road bonds and are ready to wipe up any appropriation Congress may make.

New York alone is ready to take up $100,000,000 of this "aid."

Besides, is it not illogical and impracticable to give, or try to give, joint authority and supervision to the States over a national highway or over any highway? The Supreme Court has repeatedly said that there is no difference between a highway on the land and on the water. What would be the result if every State through which a navigable stream may run had jurisdiction and control over it? There would be no uniformity in its upkeep nor in the navigation laws governing its use.

Joint control and supervision is impracticable and unworkable. Either the State or the General Government must be supreme. If each is supreme over its own system, and only over its own system, there will be no friction, no departure from the uniform practice of the Government, no questions of State rights nor of paternal nor concentrated Federal power, no conflict of authority, no dodging of responsibility.

And, after all is said, why tax the State, or the people of the State, before permitting them to have any benefit from taxes already paid? For, twist the whole matter as we may, it all comes back to the ultimate fact that "the people pay the freight," whether it comes out of the National Treasury or a part of it out of the State treasury.

J. M. LOWE,
National Old Trails Road Association.

Mr. BANKHEAD. Mr. President, I think there is no amendment pending.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. The Senator from Montana.

Mr. WALSH. Mr. President, I submitted a few days ago a proposed amendment, and if there is no other amendment now before the Senate I offer it.

The PRESIDING OFFICER. The Senator from Montana offers an amendment, which will be stated.

The SECRETARY. It is proposed as a new section to add the following:

That there is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, the sum of $1,000,000 for the fiscal year ending June 30, 1917, and each fiscal year thereafter, up to and including the fiscal year ending June 30, 1926, in all $10,000,000, to be available until expended under the supervision of the Secretary of Agriculture, upon request from the proper officers of the State, Territory, or county for the survey, construction, and maintenance of roads and trails within or only partly within the national forests, when necessary for the use and development of resources upon which communities within and adjacent to the national forests are dependent: *Provided*, That the State, Territory, or county shall enter into a cooperative agreement with the Secretary of Agriculture for the survey, construction, and maintenance of such roads or trails upon a basis equitable to both the State, Territory, or county and the United States: *And provided also*, That the aggregate expenditures in any State, Territory, or county shall not exceed 10 per cent of the value, as determined by the Secretary of Agriculture, of the timber and forage resources which are or will be available for income upon the national forest lands within the respective county or counties wherein the roads or trails will be constructed; and the Secretary of Agriculture shall make annual report to Congress of the amounts expended hereunder.

That immediately upon the execution of any cooperative agreement hereunder the Secretary of Agriculture shall notify the Secretary of the Treasury of the amount to be expended by the United States within or adjacent to any national forest thereunder, and beginning with the next fiscal year and each fiscal year thereafter the Secretary of the Treasury shall apply from any and all revenues from such forest 10 per cent thereof to reimburse the United States for expenditures made under such agreement until the whole amount advanced under such agreement shall have been returned from the receipts from such national forest.

Mr. WALSH. Mr. President, a few words in explanation of the amendment.

For the past four years, under the provisions of the annual appropriation bill, 10 per cent of all the receipts from the forest reserves—from the sale of timber, fees for grazing privileges, and all other receipts of that character—have been set aside and applied to the construction of roads and trails through the forests, forest reserves, and through the region immediately adjacent to the forest reserves. Thus the sum of $250,000 or thereabouts has been made available and has been used during the past four years annually for the construction of these roads and trails. The roads have all been constructed in accordance with the principle which finds expression in the general bill to which this amendment is offered, under cooperative agreements between the Department of Agriculture upon the one side and the State or county particularly interested upon the other.

This amendment simply provides that the revenues shall be anticipated for a period of four years, and that instead of making an expenditure of, say, $250,000 annually—the exact returns from the forest reserves—a million dollars shall be appropriated each year, to be reimbursed from the returns from the particular forest reserves in which any road is constructed or in connection with which it is constructed.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from California?

Mr. WALSH. I do.

Mr. WORKS. I should like to ask the Senator whether this amendment contemplates the construction of roads only on Government lands, whether in the forest reserves or elsewhere?

Mr. WALSH. No; it does not. It contemplates the construction of roads through the forest reserves and immediately adjacent to the forest reserves. The road through the region immediately adjacent to the forest reserve may or may not pass over Government land. So, likewise, the road within the forest reserve may pass over some land therein which has passed into private ownership; but I will say to the Senator that the idea is to open the forest reserves, and thus make more readily salable the timber and other like resources, and generally to open up the forest reserves, as well as to provide easy access to them, so that they may be more successfully guarded against fire.

Mr. WORKS. I should think this is an amendment that might very well be adopted, for it would bring one legitimate provision into this bill, because it does provide for work to be done that is national in its character. That is to say, it goes to the improvement of the land owned by the Government, and is entirely legitimate; and it is the only provision that I have yet noticed in this bill that, in my judgment, is legitimate and proper.

Mr. WALSH. I am very glad to have the suggestion of the Senator from California.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH. I do.

Mr. SMOOT. I understood the Senator to say that the amendment anticipated the receipts from the forest reserves for four years.

Mr. WALSH. Yes.

Mr. SMOOT. Is it only for 4 years, or is it for 10 years?

Mr. WALSH. No; perhaps the Senator did not understand me. The bill makes an appropriation of $1,000,000 annually. The actual annual receipts are $250,000, or thereabouts, so that it will take four years to repay the appropriation.

Mr. SMOOT. That is, the first appropriation.

Mr. WALSH. Exactly; yes.

Mr. SMOOT. Then it will continue until the 10 years are up?

Mr. WALSH. Oh, certainly.

Mr. SMOOT. And at the end of 10 years there will be enough receipts from the forest reserves to pay 2½ years' appropriation during that 10 years.

Mr. WALSH. Exactly; that is, assuming that the revenues do not increase.

Mr. SMOOT. Yes.

Mr. WALSH. But I am quite confident—and I think perhaps that will receive general acquiescence—that when these roads are constructed through the forest reserves and their timber resources are made more readily available the returns will be proportionately larger, so that the reimbursement will occur more rapidly.

Mr. SMOOT. I think that is true.

Mr. WALSH. Mr. President, I desire to say in connection with this matter that the amendment which I offer is practically in accordance with bills which were introduced by myself and by Mr. LEVER in the House some time ago as the result of a suggestion from the Department of Agriculture. I have made some slight change in the amendment to meet the exact condition, the original bill, to my mind, not quite fitting the case. The bills referred to have had the very warm approval of the Department of Agriculture. I have here a letter address to Mr. LEVER, of the House, touching the bill that was introduced there. It is under date of February 9, 1916, and reads as follows:

Hon. A. F. LEVER,
Chairman Committee on Agriculture,
House of Representatives.

DEAR MR. LEVER: I am in receipt of your letter of February 3 requesting a report on H. R. 10400, which provides for the advancement of funds to survey, construct, and maintain roads and trails within any State, or the Territory of Alaska, within which national forests are located.

At the present time the Department of Agriculture has two funds from which it is possible to construct roads and trails within the national forests. One is the general improvement fund provided for the purpose of constructing roads, trails, telephone lines, cabins, and other permanent improvements in the protection and administration of the national forests. The need of extending trail and telephone facilities in particular has made it impossible to construct more than a few miles of roads, and these roads solely for administration purposes and only incidentally for public use.

The second fund, which is derived from an appropriation of 10 per cent of the net receipts of the national forests for the specific purpose of constructing roads for public use, has averaged about $230,000 per year for the four years that the legislation has been in effect. Cooperative funds contributed by individuals and by county governments have brought the amount available for road construction up to about $250,000 per year. With this amount some 500 miles of road have been constructed and an equal mileage repaired and maintained.

On account of the large extent of the national forests and the almost entire lack of real facilities it has been possible with the appropriation available to build only a small per cent of the projects which are urgently needed. Furthermore, as the mileage of construction increases the percentage of the fund which will be needed for the maintenance of roads will increase also, and the balance available for new construction will correspondingly decrease.

The sections which are in greatest need of road construction for the purpose of development of the national forests and of provision by means of communication for settlers are in general those areas which from their very isolation have the smallest net receipts. It is not possible to meet the needs in such districts under the 10 per cent appropriation as provided by existing law. Many of these areas, however, have enormous undeveloped resources which are certain in the future as development takes place to return very considerable amounts to the Federal Treasury. The bill proposes to provide development for these areas at the present time by advancing funds for road construction, the amount so advanced to be eventually returned to the Treasury by retaining three-fifths of the amount now paid to the States, until the advance made shall have been liquidated. It is further proposed that these advances shall be made only in those counties where cooperative arrangements can be made with the county governments which will provide for maintenance of the roads as well as an equitable distribution of their cost.

The provision of $1,000,000 annually for 10 years, or a total of $10,000,000, will not be more than sufficient to provide the main lines of a system of roads which will eventually be required within the national forest areas. It will, however, assist greatly in the initial stages of development and will make it possible to open up the resources of the national forests, to increase the sales, and to make a larger fund available under the 10 per cent appropriation for a general program of road construction. The proposed legislation would, therefore, be chiefly intended to meet emergency conditions which it would not be possible to meet by existing appropriations.

It is the opinion of this department that the Federal Government should assume the responsibility of developing its income-producing properties within the national forests. It is believed that the proposed bill embodies the policy best adapted to this end. It consists not in making outright appropriations for the construction of these roads, but for advances out of the Federal Treasury which will eventually be returned thereto from the increased receipts from the area thus developed. The department approves the intent and form of the bill and believes it is a type of legislation which is greatly needed at the present time.

Very truly, yours,

D. F. HOUSTON, *Secretary.*

Mr. President, in the last report of the Forestry Service is a brief résumé of the work that has been done during the past four years, with the 10 per cent of the gross proceeds which has been available for the purpose indicated. Without reading this, I ask that it may be printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

ROAD AND TRAIL BUILDING FOR LOCAL COMMUNITY DEVELOPMENT.

The regular improvement work, the primary object of which is the better equipment of the forests for administrative purposes, is supplemented by road and trail construction in the interest of community development. The latter work is made possible by the provision of law which appropriated for this purpose 10 per cent of the national forest receipts fund. The expenditures from this source totaled $195,990.18. The total construction was 134.32 miles of road and 13.63 miles of trails.

The road construction work was organized with the cooperation of the Office of Public Roads. In five of the seven national forest districts highway engineers detailed from the Office of Public Roads assist in selecting, locating, and constructing the roads. Available funds were concentrated on a smaller number of projects, and a higher class of construction was secured.

Among the more noteworthy projects built during the year are the following: The Bitterroot-Big Hole Road, in Montana, giving the Big Hole Basin and adjacent territory access to Missoula and the Bitterroot Valley by substituting for a nearly impassable road, with grades as high as 25 per cent, a well-drained road on a 6 per cent grade; the Troy-Libby Road, in western Montana, forming the closing link in a through route down the Kootenai Canyon from the upper Flathead Valley to Spokane and the Inland Empire territory; a unit of the Mackenzie Pass Road in Oregon, which will, when completed, furnish the main route across the Cascades from the upper Willamette Valley to eastern Oregon; and a unit of the road across Teton Pass on the Idaho-Wyoming line, which will furnish a freight route with easy grades between Jackson Hole and the upper Snake River Valley and the railroad at Victor, Idaho.

Large areas within the national forests, as well as in adjacent territory, are without adequate means of communication. Such roads as exist are ordinarily imperfectly constructed, undrained, and have excessive grades. In many instances such roads are all that the local community can afford to build. The Forest Service is endeavoring to correct this condition as fast and as far as funds permit. The amount available from the 10 per cent fund of the past year for 28 States (including Alaska) was less than $240,000. While much good can be done with this amount, it is insufficient even to keep pace with the annual increase in demands for roads made urgent by the increase in settlement. Large areas of timberland of potentially great value are standing unused, partly because of lack of demand, partly on account of lack of transportation. Some method should be found by which the community's interest in these potential values may serve as security for funds for road construction now.

SCHOOL, ROAD, AND TRAIL MONEY FOR STATES FROM RECEIPTS FUND.

Under existing law, besides the 10 per cent of the receipts which is made available for expenditure by the Secretary of Agriculture in building roads and trails for the benefit of the public, another 25 per cent of the receipts is paid over to the States by the Federal Government for the benefit of county schools and roads. The amounts available under both the 10 per cent and the 25 per cent clauses of the law during the fiscal year 1915 and the amounts that will be available during the current year from the receipts of that fiscal year are shown in the following table:

Amounts available for States from forest receipts.

State.	School and road moneys paid to States, fiscal year 1915.	School and road moneys payable to States, fiscal year 1916.	Road and trail moneys expendable by Secretary of Agriculture, fiscal year 1915.	Road and trail moneys expendable by Secretary of Agriculture, fiscal year 1916.
Alaska	$14,092.09	$11,165.75	$5,876.83	$4,466.30
Arizona	63,398.34	59,807.89	25,359.34	23,923.16
Arkansas	9,983.19	8,738.93	3,993.28	3,495.57
California	65,001.84	67,611.87	26,000.73	27,044.74
Colorado	56,340.42	59,218.60	22,536.17	23,687.44
Florida	3,959.41	2,336.77	1,583.76	934.71
Georgia	108.44	77.36	43.37	30.95
Idaho	59,227.81	75,651.15	23,691.12	30,260.46
Kansas	1,207.72	1,357.33	483.09	542.93
Michigan	78.68	198.37	31.47	79.35
Minnesota	538.72	1,971.60	215.49	788.64
Montana	93,586.06	79,589.78	37,434.42	31,835.91
Nebraska	1,064.38	1,401.15	425.75	560.46
Nevada	16,894.47	16,244.53	6,757.79	6,497.81
New Hampshire	.....	137.09	.....	54.83
New Mexico	33,743.49	31,786.46	13,497.40	12,714.58
North Carolina	206.31	401.41	82.52	160.48
North Dakota	74.83	81.83	29.93	32.73
Oklahoma	638.87	759.77	255.55	303.91
Oregon	61,603.50	49,675.83	24,642.60	19,870.33
Porto Rico	.....	9.25	.....	3.70
South Dakota	14,469.77	12,988.11	5,787.91	5,195.25
Tennessee	20.64	94.35	8.26	37.74
Utah	37,601.15	48,675.96	15,040.46	19,470.38
Virginia	613.00	282.47	245.20	112.99
Washington	35,637.50	37,445.56	14,255.02	14,978.23
West Virginia	.....	1.91	.....	.76
Wyoming	28,578.50	43,086.86	11,431.40	17,234.75
Total	599,272.17	610,797.75	239,708.06	244,319.10

The States of Arizona and New Mexico received additional shares of national forest receipts for their school funds on account of school lands included within national forests, as follows: To Arizona, paid in the fiscal year 1915 from the receipts of 1914, $30,730.58, and payable from the receipts of 1915, $28,966.46; to New Mexico, paid in the fiscal year 1915 from the receipts of 1914, $9,890.94, and payable from the receipts of 1915, $9,311.87.

Mr. WALSH. I read only that portion of this report which tells of the principal work which has been actually done:

Among the more noteworthy projects built during the year are the following: The Bitterroot-Big Hole Road in Montana, giving the Big Hole Basin and adjacent territory access to Missoula and the Bitterroot Valley by substituting for a nearly impassable road, with grades as high as 25 per cent, a well-drained road on a 6 per cent grade; the Troy-Libby Road in western Montana, forming the closing link in a through route down the Kootenai Canyon from the upper Flathead Valley to Spokane and the inland empire territory.

And I may say in explanation that that road forms a connecting link permitting automobile travel from the Pacific coast clear through to the Glacier National Park. It was the only section that had not theretofore been improved by the local authorities.

A unit of the Mackenzie Pass Road in Oregon, which will, when completed, furnish the main route across the Cascades from the upper Willamette Valley to eastern Oregon; and a unit of the road across Teton Pass on the Idaho-Wyoming line, which will furnish a freight route with easy grades between Jackson Hole and the upper Snake River Valley and the railroad at Victor, Idaho.

Mr. President, reference is made in this report to the Troy-Libby Road. That road runs through the county of Lincoln, in my State. Upward of three-fourths of the area of the county of Lincoln, in the State of Montana, is within forest reserves, and the expenditure necessary to construct roads in that county must all be borne by not more than one-fourth of its area. That county alone in 1914 expended in the construction of roads the sum of $70,000. The next adjacent county, that of Flathead—I should say two-thirds of its area being within the forest reserves—expended $100,000. Much of this expenditure has really been made in connection with roads either within the forest reserves or immediately connected with the forest reserves; and those expenditures, to a very great extent at least, are such as ought to be borne by the Federal Government.

Mr. President, the people of the States in which they are are in no measure responsible for the existence and the maintenance of these forest reserves. Whether the policy of their maintenance is a wise one or an unwise one, it is one to which the National Government stands committed. Personally, in a general way, the policy meets my approbation; but whether it is a wise policy or an unwise policy, it is one which the Federal Government has adopted and which it persists in; and so long as it does, it ought to meet its fair measure of the responsibility of maintaining public roads through these reservations.

The deplorable condition in which these Western States find themselves in consequence of this policy has often been descanted upon in this body. In a general way it is perfectly well known; but for the purpose of refreshing the minds of those who may listen to me this afternoon upon this subject, let me remark that of the total area of the State of Idaho 33⅓ per cent or thereabouts is within the forest reserves; in the State of Montana about 20 per cent is within the forest reserves; in the State of Washington 27 per cent is within the forest reserves; in the State of Wyoming 14 per cent is within the forest reserves; in the State of Colorado 22 per cent is within the forest reserves; and in the State of California 26 per cent is within the forest reserves.

We are not asking much. These are great natural resources, which we seek to make available by this amendment. There are great quantities of timber within these forest reserves now that are absolutely unavailable. They can not be reached, simply because there are no roads to get to them. The building of the roads contemplated will unquestionably increase the annual returns from the reserves, so that it probably will not require so long a period as four years for the reimbursement which it is contemplated by the amendment will be made.

It is in perfect keeping with the spirit of the general bill. Section 2 of the bill provides:

That for the purpose of this act the term "rural post road" shall be construed to mean any public road over which the United States mails are or might be transported—

And so forth. These roads, under the provisions of the amendment, will be constructed under a cooperative agreement with the county or the State interested particularly in the work that is to be carried on, and thus the expenditure is doubly safeguarded. I shall have no objections whatever, however, to accepting any amendment to the amendment proposed by me calculated to more carefully safeguard the expenditure which we ask to be made for this exceedingly worthy purpose.

Mr. SMOOT. Mr. President, I do not want to jeopardize the amendment in any way, because I think it is a splendid provision and should be incorporated in this bill. My only thought was that the same principle ought to be extended so as to provide that the Government should build roads through the other reservations in a State.

I will say to the Senator that I am not going to suggest even an amendment to this amendment, because I think this would be a step in the right direction; but I do believe that where the Government of the United States withdraws from settlement 60 or 70 per cent of the area of the lands within a State, preventing the State from taxing those lands in any way or receiving a revenue from them, the least the Government could do would be to provide roads so that the citizens of the State could pass from one county to another.

RURAL CREDITS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 2986.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes.

Mr. MYERS obtained the floor.

Mr. HOLLIS. Will the Senator from Montana allow me? The Senator from Arkansas [Mr. ROBINSON] has an amendment that he would like to offer. He has to leave the Chamber, and he would like to offer it at this time.

Mr. MYERS. Very well.

Mr. ROBINSON. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Arkansas offers an amendment, which will be read.

The SECRETARY. On page 31 strike out lines 7 to 9, inclusive, and insert:

Fifth. No loan on mortgage shall be made under this act at a rate of interest exceeding 6 per cent per annum, exclusive of amortization payments.

Mr. ROBINSON. I think when this amendment is understood——

Mr. SMOOT. Will the Senator yield to me just a minute? There was so much noise in the Chamber that I could not hear the amendment read, and I should like to have it read again.

Mr. ROBINSON. Very well; I have no objection.

The PRESIDING OFFICER. The amendment will be again read.

The SECRETARY. On page 31 strike out lines 7 to 9, inclusive and insert:

Fifth. No loan on mortgage shall be made under this act at a rate of interest exceeding 6 per cent per annum, exclusive of amortization payments.

Mr. ROBINSON. Lines 7, 8, and 9 on page 31 read as follows:

Fifth. The rate of interest charged for such loans shall not exceed the legal rate fixed by law for loans by national banks.

That provision would seem to authorize a charge of any rate of interest not in excess of that fixed by the laws of the respective States of the Union, and in some instances it would be as high as 10 per cent. There is, however, another provision elsewhere in the bill to the effect that bonds issued under the authority of this act shall not bear more than 5 per cent interest, and that the rate on loans shall not exceed by more than 1 per cent the rate charged on the bonds.

The effect of this amendment will be to relieve the bill from a manifest inconsistency, and it will be to make express and certain what probably would be the construction of the bill if these three lines were eliminated, and what ought to be the construction of the act anyway.

I wish to say, Mr. President, that the primary purpose of this legislation is to secure long-time loans at low rates of interest to those who under the terms of the act may avail themselves of its provisions, and I think it is important that we make clear in the act that the rate of interest charged on these loans shall not exceed 6 per cent.

The Senator from New Hampshire [Mr. HOLLIS], who has charge of this bill, has, in my judgment, demonstrated a remarkable grasp of the subject. During the time I have served in the Senate I have never known anyone to control a bill with greater skill and ability than I think he has demonstrated. His information concerning the subject is, of course, very extended. He has devoted great thought and consideration to it. He realizes, I believe, as does every other Senator, that any rural-credit system which we adopt that does not provide a low rate of interest or at least guarantee against a possibility of excessive rates of interest will, in all probability, prove a failure.

I ask, Mr. President, that the amendment be agreed to.

Mr. HOLLIS. Mr. President, the paragraph that the senior Senator from Arkansas has moved to strike out was inserted in the bill in its original form before the other provision of the bill was inserted, which in effect limits the rate to 6 per cent. The amendment offered by the Senator from Arkansas does not change the effect of the bill, in my judgment, but it does put in one conspicuous place the limitation to 6 per cent. I can see no objection to it, and I hope the amendment will be adopted.

Mr. ROBINSON. Will the Senator allow me to ask him a question?

Mr. HOLLIS. Certainly.

Mr. ROBINSON. Does not the Senator think the language that my amendment proposes to strike out is inconsistent with the other provision to which he has referred?

Mr. HOLLIS. No; it does not seem to me to be at all inconsistent, because there might very well be some rate of interest fixed by law less than 6 per cent.

Mr. ROBINSON. If the Senator will yield to me for a moment, the language of the bill is—

> The rate of interest charged for such loans shall not exceed the legal rate fixed by law for loans by national banks.

Of course that does not expressly provide that it shall be synonymous with the rates that exist. I realize that, but nevertheless it would seem to imply it.

Mr. HOLLIS. Of course the rate fixed by the national bank is the same as the legal rate fixed by the State.

Mr. ROBINSON. In the State of Arkansas, for instance, the rate of 10 per cent may be contracted for.

Mr. HOLLIS. In New Hampshire the legal rate is limited to 5 per cent, and that would limit the national banks to 5 per cent. The thought of the committee was that it was unwise to permit any language in the bill that might somewhere be construed as being in defiance of the State law; but I think the amendment of the Senator from Arkansas should be adopted, and I hope it will be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Arkansas [Mr. ROBINSON].

The amendment was agreed to.

Mr. MYERS. Mr. President, I wish to voice briefly the interest of Montana in rural-credits legislation and the desire of her people for a beneficial, workable, and adequate farm-loan law. Farmers are the basis of all prosperity, the foundation of society, the pillars of our Government. They are the producers by far of the larger part of all wealth. They pay the greater share of all taxation. Without them human life could exist but a few months; without their support this Government could not last six months.

Yet farmers, creating the greater part of wealth, do not obtain their just share of it. Although this Government is maintained and supported in the main by farmers, although farmers have always constituted the greater part of our population, although they have ever been the bulwark of our liberties and the defenders of the Nation, they have received less consideration at the hands of its lawmakers than any other class of people. Nearly all other classes of people, generally speaking, have received special recognition and attention in the way of legislation; the farmers, scarcely any. Bankers have received their banking and currency laws; railroads have had bounties amounting to billions of dollars voted them; manufacturers have long enjoyed their protective-tariff privileges; of late years labor has been given some recognition; so with many other classes.

Farmers, though, have received scant attention and scarcely any of the benefits of legislation. The greater part of the legislation for the last half century has been more or less opposed to their interest and welfare. Farmers contribute more to this Government and get less return from it than any other class of people; give more to organized society and receive less in return than any other class of society. Special interests have long been seeking special privileges and have not been disappointed. Those who constitute the great bulk of our people and the basis of the general welfare have been neglected. I think it high time that the farmers of the country should receive more attention. They are asking it and should have it.

This administration has accomplished a signal achievement in the enactment of a banking and currency law which is a vast improvement over any banking and currency law of the past. This Government never before had an adequate, efficient banking and currency law. Its lack was shown by numerous unnecessary panics and disturbances of business, sometimes brought about by those who expected to profit therefrom. The present banking and currency law is admitted to be one of the best ever devised, the best in existence to-day in the world. The bankers of the country, who almost uniformly opposed its enactment, now admit it is a good law and a vast improvement over the disjointed, improvised, haphazard national banking act which it displaced. I look for the present banking and currency law to be of great benefit to this country, and I believe that a good national farm-loan law would be of even greater benefit. The bankers have had their banking law; now let us give the farmers a good farm-loan law and prosperity will be put on an enduring basis and will be here to stay. When the twin industries—commerce and agriculture—are put on an enduring basis of prosperity all must prosper.

Montana is acutely interested in the enactment of good, fair, farm-loan legislation. Montana has become a great agricultural State and is rapidly becoming a greater one and forging to the front rank in agriculture. Agriculture is now its leading industry, and its agricultural products exceed in value the products of any other industry. Great as is its mining industry, Montana being the second State in the Union in the production of copper and having within its borders, at Butte, the greatest mining camp on earth, in Montana agriculture now leads mining. Although the monthly pay roll of the mines at Butte, Mont., exceeds $3,000,000 per month, the agricultural products of Montana bring more money than do her mining products. Great as is Montana as a live-stock State, Montana having more sheep and producing more wool than any other State in the Union, and being well to the front in cattle production, and having at Miles City the greatest horse market in the world, agriculture now leads the live-stock industry within her borders.

People are seeking Montana's public lands with an unprecedented eagerness. For several years past Montana has had each year nearly one-third of all of the public-land entries made in the United States. Last year there were made in Montana 30,395 public-land entries. This means 30,395 new homes and farms within her borders.

Thus farming is the leading industry of Montana and has become of tremendous importance. Her farmers are a great factor in her prosperity and development, and they are entitled to recognition. We are here to legislate for the welfare of the whole people, and when we enact just and adequate legislation for the welfare of the farmers we legislate for the welfare of the whole. The farmers of Montana want and demand fair and efficient farm-loan legislation, and they should have it.

As indicative of the growth of Montana, I will say that all of the newspapers of the State and all of the railroads operating in the State report this spring an unprecedented and amazing influx of settlers and land seekers into Montana. Every transcontinental railroad running through the State is bringing into the State trainloads of colonists. At every railroad station in the public-domain sections of the State these people are disembarking. They are land seekers, home makers, farmers, seeking Montana land. Most of them seek public lands; some of them are intending purchasers of privately owned lands. Quoting a railroad official, speaking very recently through one of the daily newspapers of the State:

> The almost unprecedented rush began in February and continued throughout March and April; thousands of families arrived and hundreds of cars loaded with household goods from Illinois, Ohio, and other points in the United States were moved over the line during that period.

The greater part of these immigrants are homesteaders. All of the 30,395 people who entered land last year in Montana are homesteaders or desert-land entrymen. Montana is being settled up and developed by homesteaders. These homesteaders need help. They are, as a rule, the homeless. They are people of small means, who are not able to purchase privately owned land. As a rule they are farm hands, renters, tenants, laborers, wageworkers, clerks, salesmen, bookkeepers, accountants, schoolteachers, employees—people who want to work for themselves, want homes, want some land, want to become independent citizens, want to become integral units of our civilization, want to become taxpayers, want to found firesides and homes, want to raise families; most laudable ambitions, most necessary to the welfare of society. Generally, they are people of small means. As a rule they have little or no money. They take up land and farm it as best they can under their handicaps. They generally make a living off of their land until proving-up time. When not able to do so for lack of seed, teams, or implements, they sometimes hire out and work for others temporarily. When they prove up on their homesteads they scrape together, as the result of their limited cultivation of the land or of working out for others, enough cash to pay the final proof fees and sometimes to pay the commutation charges. Having obtained patents to their lands, clear and unquestioned title, the best in the world, they own the lands, but they are immediately in need of money for fencing and improvements, for building barns and other buildings, for teams and implements.

They have the land, but they need money with which to start in operation a well-equipped farm in order to be able to go ahead and raise crops and make money and produce wealth and contribute to their own welfare and the welfare of the State. Many of them begin the real work of making homes and farms upon receipt of their patents with little or no means—begin a long, hard, uphill task. Most of them have families for which to care, children to support, clothe, and educate. They are the bone and sinew of the country. They are sturdy characters. They are the people who make good citizens—the people who conquer the wilderness, turn under the prairies, brave dangers,

subdue nature, found society, shape civilization, build churches and schoolhouses, and make communities. They make a State truly great. They are our future mainstay and solid citizens. They should be encouraged. They need help, and should have it. They should have it at our hands. They need money at low interest and on long time; lower interest and longer time than they can obtain from private sources. I was born on a farm and worked on a farm until after I was grown. Therefore, I know the work and the problems of the farmer.

A good national farm-loan law would be of inestimable benefit to these hardy homesteaders beginning the battle of home and life. The opportunity of obtaining moderate loans at a low rate of interest and on long-time payment for the purpose of improving their farms would be of great assistance to these deserving people, and I am anxious to see them get it. Not alone to them would such legislation be beneficial, but to practically all of the great army of farmers in Montana. Many of those who own improved land of long-standing title and long in private ownership would find such legislation as that embraced in the pending bill of great advantage, and whatever would benefit the farmers would benefit their communities.

As showing the marvelous agricultural possibilities of Montana and as one reason why there is such a rush for Montana lands, I here insert a table, compiled from the Yearbooks of the United States Department of Agriculture, showing the average per acre production of certain staple crops of 12 of the principal agricultural States of the Union for a period of 15 years from 1900 to 1914, inclusive, and the average per acre production, in bushels, of Montana for the same period. It is as follows:

States.	Wheat.	Oats.	Barley.	Flax.	Potatoes.	Rye.
Ohio	15.0	33.7	27.2	.....	84	16.8
Indiana	14.4	29.6	25.8	.....	83	15.2
Illinois	15.4	31.1	28.2	.....	75	17.2
Michigan	15.1	31.8	25.1	.....	93	15.0
Wisconsin	17.2	32.9	27.9	13.1	99	17.0
Minnesota	13.5	31.5	24.8	9.9	94	19.2
Iowa	17.7	31.0	25.6	10.3	81	18.2
Missouri	14.6	23.8	22.5	6.7	73	14.7
North Dakota	10.8	28.1	21.4	8.8	95	15.9
South Dakota	11.3	28.9	22.9	8.7	81	16.4
Nebraska	17.0	25.9	22.1	8.5	77	16.2
Kansas	14.3	25.1	18.6	6.7	68	14.3
United States	14.3	29.8	25.3	8.7	95	16.1
Montana	25.4	43.2	34.8	10.3	148	22.8

At the Panama-Pacific Exposition at San Francisco last year Montana won more agricultural prizes than did any other State of the Union. Montana won the grand prize for cereals, won 9 medals of honor, 73 gold medals, 236 silver medals, 195 bronze medals, and 100 honorable mentions. She won the first prize on apples.

I have here a tabulated statement showing 15 years' growth of agriculture in Montana, in productions per acre and value of same, on some of her leading farm products, showing the increase from 1900 to 1914, as follows:

Fifteen years' growth in agricultural Montana.

Year.	Acres.	Production in bushels.	Farm value.
WHEAT.			
1900	72,555	1,929,963	$1,177,277
1914	910,000	18,356,000	16,704,000
CORN.			
1900	1,598	23,970	14,142
1914	50,000	1,400,000	1,064,000
OATS.			
1900	65,865	2,568,735	1,078,869
1914	530,000	18,550,000	7,234,000
BARLEY.			
1900	5,194	201,527	96,733
1914	70,000	2,135,000	1,132,000
RYE.			
1900	.....	.....	.....
1914	10,000	210,000	147,000
POTATOES.			
1900	4,781	640,654	339,547
1914	37,000	5,180,000	3,315,000
HAY (TONS).			
1900	361,161	590,000	$5,138,725
1914	700,000	1,750,000	15,225,000
FLAX.			
1900	.....	.....	.....
1914	320,000	2,560,000	3,072,000

I give here a table showing the increase in value of some Montana farm products in 1914 over 1900, as follows:

Products.	Value of crop in 1900.	Value of crop in 1914.
Wheat	$1,177,277	$16,704,000
Corn	14,142	1,064,000
Oats	1,078,869	7,234,000
Barley	96,733	1,132,000
Rye	.....	147,000
Potatoes	339,547	3,315,000
Hay	5,138,725	15,225,000
Flax	.....	3,072,000
Total	7,905,693	47,893,000

Montana has become a great wheat-growing State. In the production of spring wheat it ranks fifth in the Union. In the production of all wheat it ranks seventh. I look for the time to come before many years when Montana will be the first wheat-growing State of the Union. She has hundreds of thousands of acres of fine, dry-farming land, which does not need to be irrigated and which is splendidly adapted to winter wheat. In northern and eastern Montana thousands upon thousands of acres formerly looked upon as worthless, or considered as being of worth only for roving bands of sheep or cattle, are now under cultivation by the hand of the pushing and persevering homesteader. One firm in northern Montana is now engaged in the expenditure of more than half a million dollars in the erection of a flour mill and a string of grain elevators. This is only one instance of investment; only one evidence of the great growth of agriculture in Montana.

During the 10 years ending 1913 the increase in wheat production in the United States, as shown by the Government figures, has been from 552,000,000 to 763,000,000 bushels, a 38 per cent advance for the 10-year period. In 1904 Montana was reported as raising two and a half million bushels, and in 1913 21,000,000 bushels, an increase of over 900 per cent.

In 1915 Montana produced 38,825,000 bushels of wheat.

In point of quality Montana has shown her right to be placed first among the wheat States. Her growers won the thousand-dollar prize at the great New York land show in 1911; the world's sweepstakes at the national corn show in 1913; and many other of the best prizes so far offered.

It is not only upon the vast table-lands, with great dry-farming areas in northern and eastern Montana, that agricultural products are increasing. The great reclamation projects of Montana are adding millions of dollars to the wealth of Montana and the United States by their farm products. I have here a carefully compiled estimate of the principal farm products of 1915 of the Flathead reclamation project, in Montana, which is only but partially settled and developed and where the settlers have struggled under monumental disadvantages and most discouraging handicaps. It speaks volumes for their manhood and womanhood, their sterling worth and indefatigable perseverance. It is compiled by Maj. Morgan, Indian agent for the Flathead Indian Reservation, and is as follows:

Raised by—	Wheat.	Oats.	Barley.	Rye.
POLSON DISTRICT.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*
Indians	58,015	29,422	7,131	.....
Lessees' Indian land	119,134	58,621	8,940	998
Homesteaders, etc	584,053	184,738	44,151	4,877
Total	761,202	272,781	60,222	5,875
RONAN DISTRICT.				
Indians	68,230	27,500	1,320	.....
Lessees' Indian land	87,655	26,760	1,430	.....
Homesteaders	175,312	53,501	2,862	.....
Total	331,197	107,781	5,612	.....
MISSION DISTRICT.				
Indians	92,931	39,269	1,579	.....
Lessees' Indian land	64,202	30,610	9,863	94
Homesteaders	54,717	60,092	3,332	1,147
Total	211,850	129,971	14,774	1,241
ARLEE DISTRICT.				
Indians	14,019	43,286	301	.....
Lessees' Indian land	20,798	31,889	1,093	.....
Homesteaders	18,434	29,215	1,207	.....
Total	53,251	104,390	2,601	.....

Raised by—	Wheat.	Oats.	Barley.	Rye.
CAMAS DISTRICT.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*
Indians	2,000	500	.....	.....
Lessees' Indian land	3,863	2,607	.....	.....
Homesteaders	366,818	177,427	28,263	25,484
Total	372,681	180,534	28,263	25,484
GRAND TOTALS.				
Indians	235,195	140,337	10,331	.....
Lessees' Indian land	295,652	150,487	31,326	1,092
Homesteaders	1,199,334	504,973	79,815	31,508
Total	1,730,181	795,457	111,472	32,600

Total bushels on reservation of the four named grains 2,669,710

When that project gets its own in appropriations for its completion, what is due it, its settlers will each year thereafter make a far better and more magnificent showing. Truly, Montana's agricultural resources are as marvelous as the grandeur of her majestic mountain scenery, the sublime beauty of her boundless prairies, the impressive solemnity of her deep forests, the serenity of her pale-blue skies, the placid charm of her shimmering lakes.

As an evidence of Montana's progress and interest in agricultural matters, many of her counties now employ on salaries county agricultural advisers or agents, for the purpose of instructing the farmers in improved methods of farming, and they have found the plan, as a rule, most beneficial. The farm agents employed are men of a high order of ability. The State Agricultural College, at Bozeman, is doing a fine work. Its vocational instruction is of a high order. The farmers of the State appreciate it and many of them are availing themselves of its great benefits, for themselves, their sons, and daughters.

With this marvelous showing under most disadvantageous circumstances, without any encouragement by way of legislation, without any favorable legislative action, what may be expected of Montana, the Giant of the Northwest, when her full agricultural possibilities are developed and brought into realization by fair and legitimate legislation which will bring agriculture into its own? Under such a wise course, Montana would soon support a population of 3,000,000 of people. It will take some encouragement, though. The helping hand will have to be given to the deserving. We will have to make some legitimate effort to take the homeless of the crowded East, the tenants, the wageworkers, the unsettled, the hopeless, and put them on the land; show them the gleam of happy homes, the lure of Mother Earth, the grandeur of an independent existence. Will not the result be worth the effort? I believe it will.

There is abounding prosperity in this land, and farmers, who are the basis of all prosperity, should get their share of it. From the Times, of this city, of the 29th ultimo, I clipped a table showing some increases of pay to labor, effective the first day of this month, which I here give:

Increase of pay May 1.

Concern.	Men affected.	Increase, monthly pay roll.
Bethlehem Steel Co	24,000	$170,000
Overland Auto Co	18,000	1,250,000
Butte miners and smelter men	14,000	189,000
Anaconda miners	5,000	8,290
Portland and Coeur d'Alene district miners	3,000	3,000
United States Steel (Gary)	7,000	58,800
Chicago packing houses	25,000	210,000
Hart, Schaffner & Marx	10,000	70,000
Allis-Chalmers Co., Milwaukee	2,000	16,800
Milwaukee teamsters	600	4,200
Wisconsin paper mills, granted 8-hour day (6,000 men).		
St. Louis brewers	5,000	30,000
St. Louis machinists	500	5,600
St. Louis bakers granted shorter hours, slight increase in pay.		
Ohio Electric Ry	1,000	5,000
United States Steel Corporation	250,000	1,660,000
Columbus (Ohio) Street Car Co	700	2,700
Youngstown (Ohio) steel workers	20,000	150,000
Cincinnati building trades	14,000	17,400
Toledo carpenters	300	210
Toledo electricians	200	2,072
Fall River cotton operatives	30,000	168,000
New Bedford cotton operatives	25,000	140,000
American Woolen Co	30,000	125,000
Providence India Rubber Co	3,500	19,600
Rhode Island cotton operatives	6,000	33,600
Philadelphia carmen	6,200	22,600
Omaha railway clerks, St. Paul	300	3,000
Pittsburgh district coal miners	40,000	215,000

Increase of pay May 1—Continued.

Concern.	Men affected.	I rease, monthly pay roll.
Youngstown sheet and tube workers, Republic Iron & Steel Co., and other West Virginia and eastern Ohio steel companies.	30,000	$125,000
West Virginia coal miners	20,000	98,000
Other Pennsylvania steel workers	100,000	275,000
Cleveland building and metal workers	20,000	291,000
Total	706,500	5,368,872

Amount of increases yearly, $64,426,464.

The average wage increase in those industries where there have been increases in the United States in the past year has been 11 per cent, according to figures compiled by the Bureau of Labor Statistics, Federal reserve agents, and the American Federation of Labor.

The following average increases have been put into effect:

Paint manufacturing industries, 19 per cent.

Automobile and auto-part factories, 17 per cent.

Flour and grist mill workers, shipbuilders, electrical supply industries, iron and steel workers, 15 per cent.

Rubber goods, machinery, foundry, locomotives, 14 per cent.

Cement, lime, dry goods, hardware, paper and products, 13 per cent.

Pottery, pressed brick, groceries, woolens, 12 per cent.

Chemicals, clothing, soap, fertilizers, 11 per cent.

Lumber, millwork, slaughtering, 10 per cent.

Agricultural implements, furniture, shoes, leather, silks, laces, 9 per cent.

Confectionery, cotton, and cotton goods, 8 per cent.

Department stores, hats, watches, advertising, office machines, dental supplies, roofing materials, 7 per cent.

Tobacco and cigars, 6 per cent.

Coal and coal mining, carpets, rugs, linoleums, glass industries, 5 per cent.

Surely with all of this abounding prosperity we should take legitimate steps to see that some of it, a fair measure, is extended to the farmer or at least that he be placed in a position where he may avail himself of a portion of it to his own advantage and to the resultant benefit of the entire people and the whole country. With money plentiful there should be legislation which would enable some of it to flow naturally in the channel of farm improvement and increased production of farm crops and greater profit in agricultural pursuits, to the end that the United States may be the granary of the world and may feed those people who are more intent on destruction than production and those living under less advantageous circumstances than we in glorious America.

There has been some complaint about the delay of the present administration in enacting rural-credit legislation, but I would call the attention of those who complain to the fact that this is a big subject and a deep one, and that it required long, thorough, patient, painstaking investigation and study. For two years committees of House and Senate have been engaged in studying the subject and framing bills. It has been no light task. It is one of the most important and far-reaching subjects of legislation ever undertaken. It is a new departure in this country, and I consider no legislation which has been or will be enacted by this administration to be of more importance and none as being worthy of more study or consideration.

A commission of this country, by authority of Congress, visited Europe and spent months in studying the features and operations and learning the results of farm-loan laws in the principal countries of Europe. As the result of profound study and wide investigation I hope to see this legislation enacted at this session of Congress, and it will be one of the crowning achievements of this administration, one of its greatest glories. An administration which promotes the welfare of agriculture is laying deep and broad the foundations of prosperity, good citizenship, happy homes, and contented people.

I regard putting people on the land and enabling them to make homes as one of the best methods of adequate preparedness for preservation of national autonomy, integrity, and dignity, and the defense of our rights against all the world. It is preparedness in a broad sense of the word, not only for a day or a year but for the centuries to come, for all time. A man with a home will always be zealous to protect and defend his country. It is the man with the home who makes the best defender of his country and its best supporter in times of peace and of war. One design of this bill is to enable people to make and improve homes, to put people on the land.

I regard the pending measure as a good one and intend to give it my vote and support. Doubtless it could be improved in some respects by amendment, and I intend to support some amendments thereto, but I believe the essentials of the bill to be sound and excellent. It will afford farmers the privilege of obtaining farm loans for as long a time as 36 years, certainly long enough to suit anyone, at not to exceed 6 per cent interest, and in many sections less. That is a long way better than any facilities which farmers now have of borrowing money from private sources. We can not furnish free money, but we expect to furnish cheap money. I have received many communications in regard to the pending bill from farmers and farm organizations of Montana.

A few oppose it on the ground that it is not well drawn and not what they would like to have. The great majority of farmers of Montana, however, from whom I hear, and the majority of farm organizations of Montana, from which I have heard, approve of the bill—Senate bill 2986, the Hollis bill—and urge its enactment. Montana is not depending wholly upon the Federal Government in this line of action. She has enacted a fairly good State farm-loan law, but it is not sufficient for the great possibilities of Montana's agricultural development. Montana's agricultural resources are so great that all the assistance possible is needed to bring them to materialization. There is a place in Montana for both State and Federal laws on this subject. Both may be made of great use and benefit.

In such matters I believe in being governed largely by the majority of those who are interested, and, so far as I have heard, certainly the large majority of farmers and farm organizations of Montana substantially favor this bill. Some of them write that it is not just what they would like, but that they want it enacted; that it will be a beginning; and that if, after a trial, it should be found that it has defects and needs improvement, it may be amended. I think that the proper view. No law which is a new departure can be made perfect at first.

The banking and currency law doubtless had some defects. Some of them have been discovered, and this body has passed a law at this session to remedy by amendment at least one of them. Because that law may need improvement, however, is no reason why it should never have been enacted. So with this bill; it may show upon trial that it needs improvement, but it can always be amended. Let us make a beginning. The president of the Montana Farmers' Federation, Mr. L. W. Robinson, informs me that he thinks the bill goes a long way in the right direction and that he wants to see it enacted and tried. He says that, while it does not entirely represent his ideas and is not altogether what he would like to have, he wants it enacted as a beginning in the right direction, and that if not found entirely satisfactory it may be improved in future by amendment. I regard that as a sensible view.

Mr. J. R. Campbell, the county farm adviser or agent of Missoula County, Mont., a most intelligent and capable man, highly approves of the measure. In a recent edition of the Daily Missoulian, of Missoula, Mont., he gave his views about it, and I will close my humble remarks by quoting him. In his interview he says:

I have been studying the provisions of the rural-credit bill now before Congress, as it is outlined in the March number of the Agricultural Review, and in this article have tried to boil it down and give the actual results of its workings, should it be adopted. If adopted as it stands, it will enable any farmer to get long-time loans on his land and to repay the same gradually through the amortization plan. For example, a 36-year loan (this is the limit given in the bill) will be fully repaid in 36 years if the interest and 1 per cent of the principal is paid each year. Interest can not exceed 6 per cent, and probably will be a little less than 5 per cent. It depends on the sale of bonds. This means that on a $1,000 loan for 36 years at 5 per cent the borrower pays $50, plus $10, or $60, the first year; $59.40 the second year, and correspondingly less amounts each year. The burden of repayment is thus made very easy, and it is pleasant to know that each year it will be less. This gives the farmer a fair chance to get some real use out of his loan.

These features of low interest and easy repayment do not appeal to the money-lending interests of the country. In fact, if adopted, they will automatically work to reduce the interest rates that may be secured by private lenders.

The next feature is one that does not appeal to the agitator nor to the incompetent who is looking for the Government to supply unlimited cheap money without good, sound security. They will be disappointed. It is that loans may be secured only for productive purposes or to buy a farm or pay off a mortgage contracted in buying a home. The loan may be made to 50 per cent of the appraised value of the land, and the appraisement is made by a committee of the local farm-land association. This association is made up of those borrowing under this act, and each borrower must be a member and is then responsible for all other members to the amount of 10 per cent of his loan.

So, you see, it is cooperative in its workings. Local associations must be organized with not fewer than 20 borrowers.

Where put into operation it will furnish relief for the farmer who began with small capital and is struggling under the burden of exorbitant interest rates, and the knowledge of the easy repayment terms will be an incentive to success in his farming operations.

It will enable the ambitious young renter or farm hand to more easily become a landowner, and it will give the thrifty farmer the needed working capital to acquire better live stock and properly care for it. But it will not put a premium on inefficiency just because the inefficient person happens to be a farmer.

It will promote neighborhood cooperation and trust, for there will be no loans made where there is no cooperation and organization. It is frankly a compromise, and suits neither the "money bags" nor the radical agitators. It looks to be workable and useful. It will be under Government supervision.

J. R. CAMPBELL,
Agent Department of Agriculture and County Agriculturist.

The PRESIDING OFFICER (Mr. VARDAMAN in the chair). The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. NORRIS].

Mr. CURTIS. Mr. President, I make the point that there is no quorum present.

The PRESIDING OFFICER. The Senator from Kansas makes the point of no quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gallinger	Newlands	Smoot
Beckham	Gronna	Norris	Sterling
Borah	Harding	Overman	Sutherland
Brady	Hollis	Owen	Swanson
Brandegee	Husting	Page	Taggart
Chamberlain	Johnson, Me.	Pittman	Thomas
Chilton	Johnson, S. Dak.	Pomerene	Tillman
Clapp	Jones	Reed	Underwood
Clark, Wyo.	Kenyon	Shafroth	Vardaman
Cummins	Lane	Sheppard	Walsh
Curtis	Martin, Va.	Sherman	Warren
du Pont	Martine, N. J.	Simmons	Williams
Fall	Myers	Smith, Ga.	

Mr. CURTIS. I desire to announce the absence of the Senator from Maine [Mr. BURLEIGH] on account of illness in his family. He is paired with the Senator from Nebraska [Mr. HITCHCOCK].

Mr. CHILTON. I announce the absence of my colleague [Mr. GOFF] on account of illness, and will let the announcement stand for the day.

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. There is a quorum present. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. NORRIS].

Mr. NORRIS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SMOOT. Mr. President, I desire to have the amendment stated.

Mr. NORRIS. Before the Senator from Utah proceeds I should like to inquire of the Chair if the yeas and nays have been ordered upon my amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered upon the amendment.

Mr. SMOOT. I ask that the amendment be stated.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 5, line 21, after the words "Federal farm-loan board," it is proposed to strike out the following:

All such attorneys, experts, assistants, clerks, laborers, and other employees, and all registrars and appraisers, shall be appointed without regard to the provisions of the act of January 16, 1883 (vol. 22, U. S. Stat. L., p. 403), and amendments thereto, or any rule or regulation made in pursuance thereof: *Provided*, That nothing herein shall prevent the President from placing said employees in the classified service.

Mr. SMOOT. Mr. President, I hope the amendment will be adopted. If the civil service is to amount to anything in the future, no legislation ought to pass Congress relieving the employees of the Government from the civil-service rules. I am fully aware that there is a way to evade it, but I do believe that wherever it is evaded it ought not to be done by Congress.

If this bill becomes a law with the provision in it that is now sought to be stricken from it, hundreds of employees provided for in the bill will not be subject to the civil-service rules; but I can assure the Senate that just as soon as the positions are filled there will be an endeavor on the part of some Member of the Senate, and perhaps on the part of the administration itself, to have a bill passed covering all such employees into the civil service. If Congress refuses to pass such a measure, I have no doubt the President of the United States will issue an Executive order covering them all into the civil service, if I am to judge by what has happened in the recent past.

Mr. President, I find on the calendar No. 87, being the bill (S. 2730) to fix the compensation of assistant appraisers of merchandise, and for other purposes. The bill is very simple in its title, but its object, Mr. President, when examined, is plain. Every Republican assistant appraiser in the United States has been removed and Democrats have been appointed in their places, and just as soon as the changes have been consummated we find a bill upon the calendar to cover them into the civil service.

The same thing, no doubt, Mr. President, will apply to deputy collectors. I have here a long list of changes that have been made; I have not counted them, but there are pages and pages of them. The next thing we shall find a bill introduced covering them all into the civil service. Senators may ask me why I say that if the employees provided for under this bill are appointed without regard to civil service, they will be covered later into that service. Well, Mr. President, Congress appropriated $450,000 for the Commission on Industrial Relations to gather certain testimony and to report to Congress. Its employees were not selected under civil-service rules. That $450,000 was spent; and another appropriation was made of $92,000 for the same commission. Scarcely had the life of the commission ceased until I find an Executive order reading as follows:

EXECUTIVE ORDER.

Executive Order No. 2263, of October 26, 1915, authorizing the appointment of certain persons who were former employees of the United States Commission on Industrial Relations to positions in the competitive classified service without reference to the civil-service rules, and amended by Executive Order No. 2284, of December 14, 1915, is hereby further amended by adding the following names:

Miss E. M. Green and Mr. Carl Hookstadt.

WOODROW WILSON.

THE WHITE HOUSE, *21 February, 1916.*
[No. 2321.]

An Executive order covering all of the employees of the Commission on Industrial Relations under the civil service has been made. None of them had to pass the required civil-service examination; they were just simply put into the service by Executive order.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. I do.

Mr. THOMAS. The Senator's last statement reminds me that during the last 10 days of the Taft administration the time of that most excellent Executive was largely occupied in writing similar Executive orders for the purpose of passing into the civil service scores of employees, who, but for those orders, would have been subject to change and their places to be filled by Democrats. Among others, as the Senator from Missouri [Mr. REED] suggests, were some 35,000 postmasters. I recall distinctly that a cashier was appointed for the mint in my town of Denver from the State of Iowa, and that about three days prior to the expiration of the Taft administration that office was covered into the civil service.

I am also informed that one of these orders covered into the civil service the entire secret detective force of the Treasury Department, one branch of which, that which is under the control of the Commissioner of Internal Revenue, is useful only when their names are not known and when their attitude to the Government is concealed. It became necessary in consequence of that order to rearrange the entire force.

Now, Democrats may be, and probably are—I hope they are—doing what they can to look after their side of the public official appointments; and, while the action of the Taft administration may be susceptible of criticism, I mention it at this time to show that there is very little difference between the parties when it comes to appointments. The party that is out is always for civil service, and the party that is in does not believe in it.

Mr. SMOOT. Mr. President, in answer to the Senator from Colorado, I wish to say that it was true that under President Taft an order was issued placing fourth-class postmasters under the civil service. They were all in the Government service. Before that time, however, many of those postmasters had been placed under the civil service by President Roosevelt. Just as soon as this administration came into power——

Mr. REED. Mr. President, I did not understand the Senator's remark.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. If the Senator will wait until I answer the statement of the Senator from Colorado, I will be glad to yield to him; or I will yield now, if he so desires.

Mr. REED. Did I understand the Senator to say that President Roosevelt issued an order putting a large number of postmasters under the civil service and that afterwards President Taft had extended that order?

Mr. SMOOT. As to fourth-class postmasters; yes.

Mr. REED. Is there a case on record, then, where President Taft outdid President Roosevelt?

Mr. SMOOT. Not at all. There was an entirely different condition, and it was done also because of the growth in the number of fourth-class post offices in the United States.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. I yield.

Mr. GALLINGER. As I recall the matter, President Roosevelt designated certain States—a zone, as it were—the fourth-class postmasters in which he covered into the civil service. Some of us thought that it was very unjust; but afterwards it was extended by President Taft. That is my recollection of it.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Ohio?

Mr. SMOOT. I yield.

Mr. POMERENE. Does not the Senator from Utah recognize it as a fact that during the administration of President Harrison, to some extent during the administration of President Cleveland, and under every Republican administration since that time, offices have been covered into the civil service by Executive order as soon as they were filled by political partisans of those in control? There can not be any question about this. I think both parties have been more or less to blame, and for men on one side of this Chamber to charge that the civil service has been abused by the other side is, in my judgment, a piece of political cant. There has been but very little genuine civil service when it has come to appointments in the various departments during the administrations preceding that of Woodrow Wilson. It may be that there have been some appointments made under Executive order—I do not know what may have been the merits of those appointments—but the Senator from Utah will have a good deal of difficulty in trying to explain why it is that when there was a change of administration three years ago 95 per cent of the employees in the various departments were Republicans. I have in mind one now in which there were 137 employees, and among the 137 there were only 3 Democrats.

Mr. SMOOT. Mr. President, if the Senator will allow me to proceed——

Mr. POMERENE. Yes; if the Senator objects.

The PRESIDING OFFICER. The Senator from Utah declines to yield further.

Mr. SMOOT. Mr. President, I thought the Senator was going to ask a question, and that is why I yielded. I want to say to the Senator, in the first place, that I do not believe that 95 per cent of the employees of the Government were Republicans when the present administration came into power.

Mr. POMERENE. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Ohio?

Mr. SMOOT. Certainly; for a question.

Mr. POMERENE. Will the Senator say what percentage, in his judgment, were Republicans and what percentage were Democrats?

Mr. SMOOT. Mr. President, the Senator from Utah can not say exactly what the percentage was, and whenever he gives a percentage he always gives it because he knows it to be accurate, and he is not going to guess at the percentage now. So far as the politics of a great many of the employees of the Government is concerned, I doubt very much whether anyone knows what their politics is; but certainly 95 per cent of the employees of the Government, when the present administration came into power, were not Republicans. I do not want to discuss the question as to whether or not what is said upon this question is "political cant." I am discussing an amendment which has been offered to this bill by a Senator of the United States.

Mr. POMERENE. I think——

Mr. SMOOT. And I am stating, Mr. President, what will happen if the amendment is not adopted.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Ohio?

Mr. SMOOT. I do.

Mr. POMERENE. I will not interrupt if the Senator objects; but I will have something to say later.

Mr. SMOOT. I am telling the Senate exactly what will happen, in my opinion, if the amendment of the Senator from Nebraska is not adopted. Just as soon as the employees under this bill are in the service and the organization is completed, I have no doubt that an Executive order will be issued covering them into the civil service, just as was done in the case of the employees of the Industrial Relations Commission.

Now, going back to what the Senator from Colorado stated, it is true that the fourth-class postmasters were covered into the civil service by an Executive order of President Taft; but that has not prevented the President from modifying the Taft order

and rules and regulations of the Post Office Department, made so that every fourth-class postmaster of the country has had to take an examination. As far as I am concerned, I would rather have an examination under the Civil Service Commission than I would under rules of the Post Office Department—the worst sort of pretended civil service; no special rules, as the civil service provides, but rules that the department provides.

Mr. SAULSBURY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Delaware?

Mr. SMOOT. Why, certainly, for a question.

Mr. SAULSBURY. I only wanted to say to the Senator from Utah that in some respects I agree with him that the examinations might have produced better results, because the head of the Civil Service Commission, in a conversation the other day regarding the effect of these examinations in the fourth-class post offices, said to me that he thought a vast majority of them had been filled by the old incumbents, who were Republicans, after the examinations were held.

Mr. SMOOT. I do not know what percentage of the offices have been filled by old Republicans; but I know that the old Republican postmasters had no advantages in the examinations, and I think that things being equal it would have been very, very doubtful whether any of them would have been reappointed. I want to say frankly that I would not care if they had not been appointed. things being equal. I believe if we are going to have a civil service it ought to be a civil service in fact or we ought to abandon it entirely. So far as that is concerned, I am perfectly willing that it should be done if the Government can get better service without it.

I want to be perfectly fair with the Civil Service Commission, because on nearly every one of the Executive orders we find this statement:

The Civil Service Commission does not concur in the recommendation of the President.

Mr. President, I have not taken the time to find out how many employees have been covered into the service by Executive order; but I have here a long list of Executive orders, and it seems to me that if this is to continue it will be very much better to abolish the whole system.

I believe the amendment of the Senator from Nebraska ought to be adopted. Then all of the employees under the bill, if it becomes a law, will be appointed under the civil-service rules, and they ought to be. If there are any particular positions, such as members of the board, perhaps, that would require persons of special experience in the administration of business affairs, let us provide that they shall not be appointed under the civil-service rules; but as the bill now stands every employee, from the charwoman to the members of the board, are to be appointed without reference to the civil-service rules. I do not believe that ought to be, as long as the Government of the United States has a civil-service law.

Mr. HOLLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. I yield.

Mr. HOLLIS. So that we may understand, does not the Senator know that without this provision in the bill it would be within the power of the President to exempt them all, from the top to the bottom, from the civil-service rules?

Mr. SMOOT. No, Mr. President; it would not be. It would be in his power, after the employees were appointed outside of the civil service, and after the organization was made, to issue an Executive order covering all of them into the civil service; but he has no power under the law to exempt the employees from the civil-service examinations before the appointment is made.

Mr. HOLLIS. Does the Senator think that after the offices have been created, and before they have been filled, the President can not exempt them?

Mr. SMOOT. Before they have been filled he can not do it.

Mr. LODGE. The language is perfectly plain.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Massachusetts?

Mr. SMOOT. Yes.

Mr. LODGE. The language is perfectly plain. It is mandatory that they shall be appointed without regard to the provisions of the civil-service act. They can not be appointed on examination. They must be appointed by personal selection.

Mr. HOLLIS. I am not talking about that. The Senator from Massachusetts did not hear what I said. I said that if this provision were not in the bill, if nothing at all were said here about the civil service, if the law were left exactly as the law is to-day, then the President could exempt as many as he wanted to from the civil-service rules. That is so with every office in the gift of the Government to-day.

Mr. SMOOT. No, Mr. President. The President of the United States can issue an Executive order covering employees into the service, but he has no power to exempt appointments not made from the effect of the civil-service law.

Mr. HOLLIS. Mr. President, the Senator is entirely mistaken. I conferred this morning with the chairman of the Civil Service Commission purposely, and asked him about it, and he said that if this provision were left out of the bill the President could permit the farm-loan board to appoint any of the employees he wanted outside of the civil service, and he doubtless would in the case of the attorneys and the experts, but he need not stop there unless he wanted to. That is what the chairman of the Civil Service Commission told me this morning.

Mr. SMOOT. If the Senator having this bill in charge believes that to be true, then he should have no objection whatever to accepting the amendment offered by the Senator from Nebraska; because if the President of the United States has that power, then it will make no difference whatever, and why not accept the amendment?

I do not want to take any more of the time of the Senate upon this matter, but I do believe the amendment ought to be adopted.

Mr. GALLINGER. Mr. President, I wish to ask the Senator from Utah a question. I will ask him if his attention has been called to section 18 of House bill 562, "An act to amend the act approved June 25, 1910, authorizing a Postal Savings System," and, if so, what he thinks the effect of that legislation will be if it becomes a law? It is now in conference. It reads as follows:

That hereafter the Postmaster General may establish, under such rules and regulations as he may prescribe, one or more branch offices, nonaccounting offices, or stations of any post office for the transaction of such postal business as may be required for the convenience of the public.

Mr. President, what that proposes to do—I hope it may never become a law, because when it was debated in the House the House refused to agree to it, but the Senate put it in as an amendment—what it will do will be that it will result in one postmaster being appointed in each county, all the other postmasters will be dropped, and superintendents or clerks in charge will be placed in control of those offices, and they will go under civil service; and at one fell stroke about 50,000 postmasters, whether Democrats or Republicans—and they will belong to both parties, it is true—will be deposed from their offices, and civil-service employees will take their places.

Mr. SMOOT. Mr. President, I will say, in answer to that, that I have received many, many letters calling my attention to that section in the postal-savings amendatory act, and I have also a good many newspaper clippings covering the same subject, stating in substance just what the Senator from New Hampshire has so well stated.

Mr. REED. Mr. President, we have reached the period for the civil-service quarterly rehash. It comes up regularly. It affords an opportunity for gentlemen who at the time are out of power to parade their virtues by exploiting their adherence to a rigid interpretation of the civil-service law. The sides change on the question as the political balance shifts either toward the Democratic Party or the Republican Party. The man who was willing to ravish the civil-service rules under a Republican administration, when his own party was in power, who lay awake nights devising ways and means by which he could get out a few of the scattered remnants of the Democratic Party still holding public office, and by which he could get in an equal or a greater number of Republicans—that same individual, when the scales have tilted toward the Democratic Party, becomes a frenzied dervish, shrieking forth the holiness of civil service, and offering himself as a sacrifice upon the altar of its inviolability.

We have witnessed this periodic spectacle ad nauseum. There may have been a time when somebody was fooled, but it has passed. At this late day the man who undertakes to impose that ancient bit of political hypocrisy upon the country will not mislead the country; he will not thimblerig his associates in the Senate; he will not deceive even the credulity of his wife; he can not impose the Pecksniffian performance upon himself.

The spectacle of a Republican Senator who sat quiescent, blandly smiling, secretly chuckling when a Republican President of the United States placed 35,000 Republican postmasters within the civil service by a single stroke of his pen, and by so doing outraged every principle of civil service—the spectacle of such a man rising in the Chamber with a face as solemn as an affidavit and a front as imposing as Jove, to deliver a panegyric upon the glories of civil service, is enough to make all

the gods that ever were lean above the battlements of the sky and laugh in derision.

Why, Mr. President, who are these 35,000 Republican postmasters who were thus put into the civil service? How did they in the first place come to hold their offices? How were they selected? For what purpose had they been given place? Manifestly, for political services rendered. They had been the hewers of wood and drawers of water of the Republican Party. They were being rewarded for their work on the hustings. They were to be paid because they had ridden their districts. They were to be compensated by office and by honor because they had been in the trenches on election day. They had been the Republican ward bosses and the ward heelers, or the township bosses or township heelers, or the relatives of the bosses or heelers. They were selected wholly without regard to any talent, to any special ability, to any peculiar fitness or qualification. They simply had to produce evidence that they were the most active and potential Republican partisans in the neighborhood where the post office was located.

What was the purpose of the civil-service law? It was to remove entirely public office of this particular kind from politics; to take these rewards away; to create a condition where men would be selected solely upon their merits. What, then, was the effect of the order made by the President? It was to deny to the civil service the power of life or vitality, so far as 35,000 offices went, until time and death should create vacancies within the ranks. It was to postpone and set aside, for the remainder of the lives of the political incumbents, this beneficent and much-praised law. And yet, when that rape of the civil service occurred, the Senator from Utah sat in his seat as mum as an oyster, and with about the same animated cast of countenance. No word of protest came from his lips. His lion voice did not break out upon the quiet air. The earth did not tremble beneath the reverberations of his oratorical thunder. He smiled. He kept his seat. He was glad to see the civil-service law ravished. He did not lack the courage to speak, but he lacked what I wish he had lacked to-day—the cool assurance to arise and profess a deathless allegiance to the great principle of civil-service reform.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. Certainly.

Mr. SMOOT. Of course, this is very interesting, but I want the Senator to know that I stated frankly that if the civil-service law was not to be lived up to I thought it would be better to have it abolished. That is exactly what I said, and that is what I believe.

Mr. REED. The Senator says that to-day, but he remained quiescent when he saw the law outraged and 35,000 Republican henchmen covered permanently into the civil service. After having seen his faithful cohorts draw their money from the Government for years, now, when it is proposed that a few men shall be appointed without having passed a civil-service examination, the Senator suddenly exalts the virtues of the civil service, preferring them above the ravishments of the past. He now grows enthusiastic over the benefits of "the merit system," while his gentle soul is shocked at the mere suggestion of "office as a political reward."

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. REED. I do.

Mr. GALLINGER. We all admit that both President Roosevelt and President Taft did issue such orders; but I will ask the Senator if he has any information that will enable him to state with any degree of approximate fact how many of those 35,000 postmasters had been appointed by Grover Cleveland during his eight years of administration?

Mr. REED. I question whether there was a single one; and I will tell the Senator why I question whether there was a single one, except that, of course, it is said that in every barnyard, if it be sufficiently large, there is, here and there, an occasional hen's tooth, but they are hard to find.

Why do I say it and why am I warranted in making the assertion? Because when Grover Cleveland went out of office he was succeeded by the old-fashioned spoilsman, and the old-fashioned spoilsman was backed by an army of old-fashioned spoilsmen as rapacious, as insatiate, as a lot of hungry hyenas gathering to feast upon the reeking carcass of an animal that is slain and left on the desert. Rest assured they did not long delay picking the last bit of flesh from the skeleton of the body politic. There was nothing worth having their keen eyes did not discern or their keener smell did not find out. Compose your soul, they did not overlook anything that was "loose at both ends."

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. REED. I have not quite concluded answering the other question, but I will yield now and answer both at once.

Mr. GALLINGER. I shall not trouble the Senator much. I chance to know one town—they are called townships in the West—in New Hampshire that had three postmasters at the time President Roosevelt's order was issued, and two of them were Democrats. They are still in office, and making very good officials, too.

Mr. REED. How large is the town?

Mr. GALLINGER. It is not very large; but these were small postmasterships that were covered in, fourth-class postmasterships, many of them so small that it was difficult to find anybody to serve.

Mr. REED. Exactly; and now the Senator has undoubtedly stated the reason why these two lone individuals held on. Plainly the offices were microscopic if they escaped the watchful eyes of a New Hampshire Republican.

Mr. HOLLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the junior Senator from New Hampshire?

Mr. REED. I am still yielding.

Mr. GALLINGER. I have nothing further to say about that, only that I happened to know other instances, and the fourth-class postmaster was not a very important personage at best.

Mr. REED. That is not the estimate the fourth-class postmaster places upon himself, however.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the junior Senator from New Hampshire?

Mr. REED. I do.

Mr. HOLLIS. I merely wish to state that I have a good deal of knowledge about the conditions in New Hampshire, and there are many localities in which there can not be found a Republican who can qualify for postmaster, and they are obliged to resort to Democrats.

Mr. GALLINGER. Mr. President, if the Senator will permit me——

Mr. REED. I will; certainly. I think I ought to be impartial in this contest.

Mr. GALLINGER. I simply want to say that an observation of that kind is offensive to every Republican in the State of New Hampshire, because if it became a question of intellectuality between Republicans and Democrats I think there can be no question what the result would be.

Mr. REED. Mr. President, the Senators from New Hampshire having settled that important question, I desire to give a further reason why there were not many, if any, Democrats in office at the time of the order of President Roosevelt and the later order of President Taft.

I am not going to offend the Senate by taking the time to prove what all know—that it was the policy of the times to which we are now referring immediately to remove all of the political servants who were of opposite political faith and immediately to put in those of the faith of the party that had won in the election. Of course, there may have been post offices where the income from the post office was so slight that nobody wanted it. There may even have been a post office in New Hampshire where the income and pay was so slight that the financial genius of the New Hampshire citizen would not enable him to discover the salary—a thing impossible to imagine, and yet it may have been—where some Democrat was allowed to keep the office; and yet I venture the assertion that if you will run that peculiar and remarkable case to the ground you will find out that that alleged Democrat had been voting the Republican ticket all of his life.

Mr. President, where was the clamor from the other side of this Chamber when, by a stroke of the pen, the civil-service law was set aside, was in fact assassinated, so far as these 35,000 postmasters were concerned? There may have been some Republican who protested; but, if so, I venture the assertion that he belonged to that class of Republicans who, about that time, were beginning to protest against many things that were being done by the President elected by their party. The protest did not come from the old iron brigade of the Republican Party—that old brigade that has again marched to the front, that is now in charge of the colors, and that will dictate the policies of the Republican Party when it meets in Chicago next month.

When I see men stand in this Chamber with tears in their eyes, with solemn countenance, with woe-begone expressions, and hear them wailing over the fact that the civil service is about to be destroyed, I can not help wondering why their

tongues have been silent in the past. I can not help exclaiming, when I think of the 35,000 postmasters' jobs—

Where, where was Roderick then?
One blast upon his bugle horn
Were worth a thousand men.

But the Senator from Utah never let out a toot—not one. [Laughter in the galleries.]

The PRESIDING OFFICER. The Chair will admonish the occupants of the galleries to preserve order.

Mr. REED. Mr. President, a word more in regard to the civil service. Evils grew up through the placing of men in office purely as political rewards. Some incompetents were placed in office. Then an agitation began, and it was undertaken to substitute a plan of appointment and promotion purely upon the merit. The ideas entertained by the men who were back of that movement were undoubtedly of an exalted character; they desired to serve their country; and yet I question whether there has ever been any real good come to the United States by virtue of that law. If there was some way by which the brains of a man, the intellectuality of a man, the soul of a man, the genius and push of a man could be ascertained, weighed, and measured, the system would be a great thing; but no one has ever devised an examination that can reach the real test or can furnish the real yardstick by which to measure the capacity of an applicant. It is absolutely impossible.

No man need go far in his own recollection to see how false is such a hope. Who does not know of an instance where the most unpromising boy in the class at school speedily outdistanced the honor graduate? Who does not know of the child who came from the most worthless and trifling parents and gave the least promise of success, passing all other competitors in the real race of life? Who has not seen a dozen boys graduate from a law school and the man who stood at the foot of the class, in the actual battle of the court, brush aside with the power of his intellect the men who had surpassed him in school? Who has not seen the uneducated and illiterate man, dowered only with the brain given him by the good God, and therefore unable to pass any sort of educational test, yet in the great struggles on the field of life, in its stern battle, win victory after victory from those who had the advantage of superior scholarship?

I would rather sit down and counsel for 10 minutes with a lawyer whom I had never seen, talk with him in a general way about a particular case, and get his ideas than to read his diplomas from a dozen law schools, even though they were signed by 40 law-college professors, because you can tell from a direct talk whether your man has practical views about the practical question in hand and knows the law of the case, whereas when you are through reading the diplomas you can not really tell whether your man could find his way to the courthouse without the aid of a policeman.

Nevertheless, we have introduced the civil-service system; and how has it worked? Let me give you an illustration. I am not going to call any names. I saw come up for examination recently a man for an important position abroad. It required a man of peculiar skill and training. A man who sought the position had had years of practical experience in large affairs. He had been remarkably successful in large affairs. Owing alone to the war in Mexico, he was obliged to discontinue his business in that country, and he sought temporarily one of these positions. He came up for examination before a young man out of college without practical experience. The matter bore relation to electric apparatus. The young man who examined him could have scarcely told a galvanic battery from a flying machine. The applicant was promptly rejected. I unhesitatingly say that the man rejected knew more about the duties of the position he sought than the entire board of examiners, including the Cabinet officer under whom the job existed. That is the kind of examination we are having every day, and you can not very well get away from that sort of an examination.

Mr. President, there is another thing that is going to result from this law. Already we hear its rumblings and its mutterings. They used to complain under the old system that every time an administration came in there was a change of employees, that incompetent or green men came in; that it took time to train them. That was true, and that was a genuine drawback. But in place of that, what have you done? Created a multitude of life positions, of positions that when they are once secured can be forever held. All incentive to work save sufficient to hold the position is practically gone. There is none or but little influx of new blood. Time runs on. There comes general weakness, disease, senility, and then comes the thing that is already upon us, the demand for a civil pension. When you fasten that on this country you will have fastened upon it a swarm of pensioners that—I do not mean to make an unpleasant illustration—like the lice of Egypt, will devour the people and their substance.

You are doing another thing. You are making a lot of holders of office who expect to remain in the same position for life. They expect to do nothing else. They save but little money. There is no sadder sight to my eye than to see these people going down the hill of life trained to one position, clinging to it as the last straw that will save them from drowning, and then as they grow older and older hoping that some way or somehow they will be pensioned off. It would have been a better thing for every one of them if at the end of a four years' term they had been turned out of office and sent back to their own homes and engaged in the ordinary avocations of life, making friends and acquaintances and becoming associated with business institutions. As it is, they remain here. The future offers them little hope, their pay in many instances is too small. They have laid aside nothing, indeed, in some instances could not. Accordingly they are sometimes subject to every kind of tyranny by those above them. There are Government sweatshops that are worse than many private sweatshops, that have been made the subject of legislative investigation. I want these people paid living wages, but I do not want a horde of officeholders who only relinquish their positions when their pensions begin.

Mr. President, I have said this much in a general way. Now, just one word with reference to the matter complained of by the Senator from Utah. What is the proposition? We are about to establish a great system of banks. It is hoped that they will be a wonderful benefit to this country. For years and years the farmers of the United States have asked for some relief along this particular line of farm investment. In order to create such a system we must have peculiar talent. We must have talent of a high order. This system, in my judgment, will be a great success or it will be a miserable failure, dependent entirely upon the character of men who are appointed to bring it into being.

Now, let me call your attention to this: Nobody here proposes that the men who are to be charged with the principal responsibility—the central board, if you please—shall be called up before a civil-service board and examined. It is conceded that those men should be picked without such examination; and why? Because, plainly, no examination can reach the question of real merit. It is just as important in the formation of this system that these men should be allowed to select assistants peculiarly adapted to the business.

Again, they may find it necessary to get men who have an aptitude, an environment, an understanding, which makes them of particular value in a particular place or at a particular time. It may be that a farm boy will be of great value as an employee for the purpose of passing upon questions relating to the value of farms in a community. I cite that as an extreme illustration. It may be, again, that some cashier or an employee of some small country bank having a knowledge of the credit standing of the people of a community will be of peculiar and special value. Yet if you were to place him in a civil-service examination alongside of some other person, either you would have to restrict the examination so that only the residents could pass it or else you might get some one unacquainted with local values.

I might go on and multiply illustration after illustration. It must be patent to everyone when these banks are first to be created there must be the power of selection placed in the hands of those who are to create the system, who are charged with its responsibilities.

Then, says the Senator, after they have been created the employees will be put under the civil service. As to that, I indulge in no cant. I indulge in no hypocrisy about these matters. If I had my way, men would be appointed without regard to civil service, and they would be appointed on their merit as men, and they would hold their jobs only while they were capable of holding them right. But as long as we have the civil-service law and looking at the particular question now under discussion from that standpoint, I ask what objection is there, after men have been carefully selected for the purpose of getting the most efficient in order to carry out the provisions of this bill? After they have been trained in their places, after they have fallen into the step and are keeping time with the movement of the great financial machinery we are creating, what is wrong, then, in saying that they shall continue in their places, provided you so much desire civil service? Civil service was not put forward for the purpose of equally dividing the offices between the two parties or it would have been so provided. It was for the purpose, in the words of those who created it—at least they thought it was the purpose—to make a system that would give the country the best service. How many places there

will be created under this bill I can not answer accurately, but the number is a mere bagatelle as compared with what has been done in the past against which no protest was lodged, against which not a voice was raised on the other side of the Chamber.

Mr. NORRIS. Mr. President, I think there ought to be a distinction drawn, and there must be, I think, to be fair, between putting positions under the civil service where they were already in existence before the law was passed and providing for new positions and new offices, and in the law keeping them in the spoils system until they are filled and then by Executive orders putting them under the protection of the civil-service law. I have not read the civil-service law lately, but as I remember it the method by which it was put into operation was a provision giving to the President the authority to put certain positions under the civil service. So after the law was enacted one President after another gave orders extending the civil service in its scope and embracing within its fold various and different organizations and bureaus of the Government. That was the way it had to be extended. It was the intention of the law that it should be extended in that way. That might have been a weakness in the law, and it is a peculiar thing that I think every one will find if he will examine the record, that the various Presidents in issuing these orders, at least the orders that covered the most territory and the highest number of employees, issued the order about the time they went out of office.

Mr. REED. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. REED. I understood the Senator to say that the way the civil service had to be extended was by these orders extending it.

Mr. NORRIS. That was one of the principal methods, as I remember the law now, by which it was intended to extend the civil service.

Mr. REED. The Senator does not mean to say that before President Taft or President Roosevelt issued the order transferring these fourth-class postmasters into the civil service he could not just as easily have issued an order that at certain times and in certain places there would be held civil-service examinations, and after those civil-service examinations had been held and men had been appointed in response thereto he could then have issued an order?

Mr. NORRIS. I think they could have done that very thing. The Senator has by his question anticipated what I intended to reach in the course of my argument and to point out in my humble judgment, that that is what various Presidents ought to have done. But they did not do it. Grover Cleveland did not do it; Roosevelt did not do it; Taft did not do it; neither did McKinley nor Harrison. All these orders were generally accepted by the public as being within the spirit of the law.

As far as I am concerned, I would much rather have had every one of those orders issued as they were issued rather than to have nothing done in reference to it. It would have been more creditable, I think, to the record of those Presidents if they had ordered an examination or if they had issued the order near the beginning of their terms rather than near the close of them. That is perhaps one of the weaknesses, and there are a good many others, of the civil-service law. It is not perfect; it would not be possible to get a law that would be perfect; but, in my judgment, it would be possible to very much and very materially improve the civil-service law and make it much better.

I am reminded now, when I speak of that, of a remark made by the leader on the Democratic side in the last Congress, or perhaps it was in the beginning of this, that he expected to introduce a bill having for its object the reorganization of the civil service with the idea of improving it, for I think every man will concede that it could be improved. I expressed at that time to him my approval of his contemplated action, and I only wish he had pursued that course and that such a thing had been done.

But, Mr. President, the Senator from Missouri very eloquently described the appointment of those 35,000 postmasters that President Taft by his order put under the civil service, and he tells, and tells us truly, how they received their appointment as a rule. There were exceptions, of course. He describes how when they selected these postmasters they selected the men who had done the most for the Republican Party in that vicinity. That is probably true, the same as you propose to do now under this bill by the language that I seek to strike out. In other words, you hold up to derision and complaint, with a great deal of justice and a great deal of reason, the method pursued by a Republican President, and then in defense of it you say, "We want a Democratic President or a Democratic administration to pursue the same method that we condemn in our opponents."

That was the substance of the remark made by the Senator from Ohio. It has been made on other occasions. It is the stock argument: "You did the same thing when you were in power and that is a sufficient excuse for us to do it now, since we are in power."

If the evil of the selection of Republican postmasters that were put under the civil service by President Taft's order was as great as described by the Senator from Missouri, then why, if that was wrong, should we not adopt my motion that prevents the Democratic administration from performing the same kind of an evil thing?

Then the Senator from Missouri says, in substance, "It was wrong for a Republican President, after the postmasters had been appointed because of their political ability and their political activity, to put those postmasters under the civil service." But in this law you want to do the same thing. You want to appoint these men without an examination under the civil service, and then under the proviso after they are appointed the President can issue an order and they will go in for life and thus repeat the evil of a Republican President so much complained of by the Senator from Missouri.

Mr. REED and Mr. GALLINGER addressed the Chair.

The PRESIDING OFFICER. Will the Senator from Nebraska yield to the Senator from Missouri?

Mr. NORRIS. Yes; I yield.

Mr. REED. I did not complain at all of the fact that the Republican Party put its henchmen in power.

Mr. NORRIS. I accept the Senator's correction.

Mr. REED. I made no complaint about that. What I said was that when they covered them into the civil service they nullified the effect of the civil service as to 35,000 men until death or disability should remove those men. This was the point of what I said that my brethren on the other side of the Chamber smilingly approved.

Now, I say to the Senator further that as far as this particular proposition is concerned, I did differentiate between this and the other method by calling attention to the fact that we are creating a great business organization, and it is proposed to put into the hands of the men charged with its creation the right to select their assistants, and every man must know that in a case of that kind they would not appoint their assistants on any other basis than the basis of capacity; that they could not put in as cashier of a bank a man who knew nothing about the banking business, and so forth. I think the Senator, who is always a fair man, must recognize the fact that in the creation of the Federal reserve banks that has been followed. There has been no complaint that I have heard of that there ever was an abuse of the discretion vested in the Federal Reserve Board. Indeed I want to add they are so extremely nonpartisan in that board that I thought they preferred never to have a Democratic officeholder come in to see them.

Mr. NORRIS. They might be suspicious of a Democratic officeholder as long as there was a Democratic administration, perhaps, and they are bothered a good deal in that respect.

I will yield to the Senator from New Hampshire in just a moment. I want to refer to the suggestion made by the Senator from Missouri first.

Mr. GALLINGER. I am in no hurry.

Mr. NORRIS. The Senator from Missouri reiterates what he said, and what I undertook to quote in substance, that in the order of President Taft putting 35,000 postmasters under the civil service he had nullified the civil-service law. The Senator had before described how these men had been appointed because of political activity, because of their service in behalf of the Republican Party, and then when the President put them under that order he nullified the law.

We have in this bill a provision that these employees shall be appointed without regard to the civil-service law, the same as those postmasters were appointed, and then a provision following on it that after they are appointed the President can issue the order that will put them under the civil service for life. So you are duplicating now in this bill what you complain of President Taft for having done, the difference being that President Taft put a class of officers under the civil-service law who were in existence before the law was passed, and you are making this stipulation in advance of the establishment of the offices and saying that they shall be appointed the same way that you condemn when somebody else appointed, and that, then, in the same way they shall be put under the civil service in a way that you likewise condemn a Republican President for doing the same thing. What you condemn as an evil when done by a Republican President will become a virtue when done by a Democratic President.

Now I yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, I want to ask the Senator the same question I propounded to the Senator from Missouri and which he treated so lightly and with some degree of derision. Does the Senator remember the sweeping order that President Cleveland made a little before he left his office, if I remember correctly, putting twenty-five or thirty thousand employees under the civil service?

Mr. NORRIS. Yes; I remember that just before President Cleveland went out of office he issued some order of that kind. I have forgotten to what the particular order applied.

Mr. GALLINGER. Twenty-five or thirty thousand employees were put under the civil service by the stroke of a pen. The question I asked the Senator from Missouri was, inasmuch as before President Roosevelt and President Taft issued their orders in regard to fourth-class postmasters, is it not presumable that the President who swept twenty-five or thirty thousands into the civil service just as he was leaving the office, appointed a good many of those fourth-class postmasters to whom the civil service was applied by Republican Presidents? Is it presumable that he remained in office eight years and did not add at least a very considerable number of Democrats to the fourth-class post offices of the country?

Mr. NORRIS. I think he did. In fact, of my own personal knowledge, I know of some.

Mr. GALLINGER. The Senator from Missouri said he might have found one; I think he said in the Ozarks somewhere. I think he could have found hundreds if not thousands.

Now, there is one other point I want to make, as I have to leave the Chamber. I have not been a great admirer of the civil service, but I did approve of the original act of 1883, which applied largely to the clerkships in the departments at Washington. The power to extend the civil service is not found in the civil-service law, but it was discovered in some other act. I once looked it up. I would not know where to look for it now. I thought it was a very gauzy power that was given to the Presidents to extend that law at their pleasure, but, taking advantage of that law, they have extended it.

Mr. NORRIS. I am obliged to the Senator for his reference to that law. I was under the impression that the authority was contained in the civil-service law itself.

Mr. GALLINGER. It is not; and all I will detain the Senate to observe further is that the Senator from Nebraska is not contending nor am I contending that the Republican Presidents have been guiltless in extending this law.

Mr. NORRIS. No; I think not.

Mr. GALLINGER. Perhaps there is as much fault on the one side as the other; but my attention was particularly called to the provision in this proposed law which anticipates putting men into the civil service. When we passed the income-tax law there was no provision that the employees under that act should be selected from the civil service, and they have been selected outside; and from the knowledge I have of some of the appointments under that law and one or two other laws it rather amuses me to have the Senator from Missouri tell us that they had to be so very careful to make selections, because I know of a good many instances where if they undertook to exercise care they did not accomplish it. But to provide in a law, as the proposition now is, that before these people are appointed and in anticipation of the passage of the act we authorize the President of the United States to put them in the civil service, when there are hundreds and thousands of names on the civil-service register to-day of men and women who have spent good money to take their examinations, and who will lose their opportunity to get appointments at the end of 12 months, and go outside and select laborers, as is provided in this provision, and clerks, and leave those registers loaded down as they are to-day is to my mind not a fair deal.

Mr. NORRIS. I do not agree with the man who says the civil-service law ought to be repealed. I think it ought to be improved. I think it ought to be amended in a good many respects, but no man can say I am opposed to the civil-service law. I had a member of this body say to me privately yesterday, after I had debated this question somewhat, that he believed the proper theory was the old theory that when one party came in, they ought to fill all the offices; that they ought to be responsible for everything, and all the other people ought to go out. While I think that would be disastrous, at the same time, the man who believes in it has a right to his belief, and he can argue it as long and as often as he pleases, and I am not criticizing his honesty or condemning it. But we have a civil-service law, and we ought to enforce it in good faith; and it is no answer for a Democrat to say when he proposes to violate it that a Republican has already violated it.

Mr. OWEN. Mr. President——

Mr. NORRIS. I yield to the Senator from Oklahoma.

Mr. OWEN. It occurs to me that this act, which provides that the farm-loan board shall make these appointments, naturally contemplated that the farm-loan board, which is a body of larger dignity than is ordinarily the case with commissions—men who would have a national standing, I take it—would see to it that these appointees who were vital to the success of the enterprise would be very carefully and wisely chosen, just as much so as if they had been examined by some other board, called the Civil Service Board, and after they had been properly chosen, that they should come under the civil-service law would be a natural and proper thing.

It seems to me that the debate is proceeding upon the theory that the spirit of the civil-service act is being disregarded in this proposed act; and it does not seem to me that it is being disregarded, because the farm-loan board would exercise reasonable caution in making these selections. After they are made the employees ought to come under the civil-service rules.

Mr. NORRIS. Mr. President, that argument would absolutely nullify the civil-service law if it were put in active operation, in my judgment. A Senator of the United States occupies a position as dignified and as important as does a member of this board. He selects a fourth-class postmaster; and if he be a Republican he selects a Republican as postmaster; if he be a Democrat he selects a Democrat, just as the Senator from Missouri [Mr. REED] has so graphically described all the 35,000 Republican postmasters had been selected, or practically all of them, by Members of the Senate and House of Representatives.

Why could we not say, in the same language that the Senator from Oklahoma [Mr. OWEN] applies to this board, "A Senator of the United States and a Member of the House of Representatives in selecting postmasters will be guided only by the qualifications of the postmaster to discharge the duties of the office to which he is going to be appointed and will entirely disregard politics or political activity. We know that such selections are almost invariably made for partisan reasons upon political recommendations. Qualification for the office is a secondary consideration. The good of the party comes first. The good of the service is a secondary consideration.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Oklahoma?

Mr. NORRIS. I again yield to the Senator from Oklahoma.

Mr. OWEN. Mr. President, there is a vast difference between a Senator nominating men as postmasters, scattered over a large State, where he must select from one of a number possibly of active politicians, and the selection of his own office force. When I select the men to serve in my office, to make a success of my office, I shall certainly exercise sufficient care to justify the belief that they will be just as competent as if they had been selected for me by the Civil Service Commission.

Mr. NORRIS. Mr. President, the same thing will be true as to this board. These appointees will not be in the offices of members of the board. They are going to appoint inspectors, appraisers, clerks, whom they will never see. How are they going to appoint them if you leave them out from under the civil service? They are going to appoint them on the recommendation of Senators or of Members of the House of Representatives, just as postmasters are now appointed. There is not going to be any difference. The Senator from Missouri said in this instance we are appointing a man to go out and appraise a piece of land, and therefore we want somebody who is acquainted with the value of the land in that community. Under this bill these appraisers and inspectors are going to travel all over the United States, or at least all over a particular district comprising one-twelfth of the United States. So the appointment will be made, if made by Senators and Representatives—not because they want to, but because under the very conditions they can not make them in any other way—upon the recommendation of politicians, just as were the 35,000 postmasters who, the Senator claims, were so wrongfully put under civil service by President Taft; so these inspectors will be appointed under a Democratic administration for the same reason that the postmasters were appointed under a Republican administration, because they were particularly active for their party in that locality, because they are backed up by politicians of power and of influence, chairmen of State committees, Members of the House of Representatives, Senators, and so forth.

Mr. President, you can not differentiate the appointment of these men from the appointment of a postmaster. The Senator from Missouri says, "Why, these fellows were not appointed postmasters because of any peculiar fitness they had for being postmasters," and in thousands of cases he was absolutely right. That experience ought to teach us that we ought not to carry that kind of a political machine into this great proposition of loaning money to the farmers of the United States. The

farmer who borrows the money will suffer from the political activity of appointees who are appointed under this law unless you rectify it.

If you want to lift this law above the law which resulted so disastrously in the case of the postmasters, as described by the Senator from Missouri, then eliminate from the law the provision that makes it absolutely parallel with the appointment of the postmasters.

Mr. President, I am not contending in this respect that the Republican Party is any better than is the Democratic Party; I make no pretentions; but if you trace the records of Congress back you will find that the very evil that crept into the management and the control of affairs when the Republicans were in control, and which Democrats condemned, the Democrats put into practice when they came into power, and gave as their reason for doing so that the Republicans had been just as bad.

But what did the people think about it? You went before the people with a definite proposition; you called attention to the fact that the Republicans had been derelict in this respect; you promised not that you would duplicate the sins of the Republican Party but that you would do better. Let us see what you said in your platform on this very proposition. I shall now read from the Baltimore platform.

Mr. LODGE. That is a somewhat battered instrument.

Mr. NORRIS. Yes; there is not very much left of it, and after the President is nominated for the second term the last remaining plank will be broken. This, however, is what you said about the civil service:

> The law pertaining to the civil service should be honestly and rightfully enforced, to the end that merit and ability shall be the standard of appointment and promotion rather than service rendered to a political party, and we favor a reorganization of the civil service.

That is your promise. You are now about to go on record as to whether or not you intend to redeem it.

Mr. President, so long as one party considers it a sufficient excuse to do evil by citing the fact that some other party has done evil in the past we can not get any genuine reform in this country. If you have called attention to the evil of your opponents and you have promised the people that you would remedy it, and the people, relying upon your promise, have given you power to remedy it, then, in all good faith and honesty you ought to remedy it, and you ought to uphold the civil-service law if you want to redeem the pledges or to redeem one of the pledges that gave you the power to uphold any law.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. NORRIS. I yield to the Senator.

Mr. CUMMINS. A great deal has been said about the 35,000 postmasters who were brought into the civil service by President Taft. Is it not true that under the law all of those postmasters were required to submit to a competitive examination?

Mr. NORRIS. I do not understand that that was true under President Taft's order.

Mr. CUMMINS. But that was true under the order of the Civil Service Commission, was it not? The President had nothing whatever to do with it.

Mr. NORRIS. The Civil Service Commission, as I understand, made no order as to the placing under civil service of the fourth-class postmasters who were holding office at the time the order was made. They had no power to make such an order.

Mr. CUMMINS. I do not remember just what the law is in that respect, but, at any rate, the Civil Service Commission held that under the law all those postmasters should be subjected to a competitive examination.

Mr. NORRIS. That would apply to appointments made afterwards.

Mr. CUMMINS. No.

Mr. NORRIS. I may be wrong, but my understanding is that the President had the authority under the law to issue the order which he did, and that was to simply place all fourth-class postmasters under the civil service by virtue of the order; and they became then entitled to hold office so long as the order existed, unless they were removed for cause or resigned or died.

Mr. CUMMINS. I am not speaking of the time when that occurred; I am speaking of the persons or the board having jurisdiction to require it. I know that the Civil Service Commission required an examination, not only of applicants to fill vacancies, but of the entire number that were covered into the civil service.

Mr. NORRIS. That was brought about by an order made by President Wilson.

Mr. THOMAS. That is correct.

Mr. NORRIS. President Wilson revoked the order of President Taft, or at least he modified it, so as to require an examination of all fourth-class postmasters.

Mr. CUMMINS. At least, the great injury that is complained of has not been done the fourth-class postmasters who are under the civil-service law through a competitive examination.

Mr. NORRIS. No; there has been no injury done, Mr. President; but a great good has been done. President Taft's order, if it had remained absolutely as he issued it, would have brought about great good. As I said in the beginning, I would rather have that order as it was than not to have had any order at all; but I say now, and I have always said, that I thought President Wilson improved on President Taft's order. There has been a great deal of complaint as to how it has been carried out. It is sometimes charged that it has not been carried out fairly, but I make no charge in that respect. I have seen some evidence of that; but even if it were not carried out in absolutely perfect faith, I would rather have it than the old spoils system. I think both President Taft and President Wilson are entitled to credit, so far as those postmasters are concerned.

Mr. President, I believe if we want now to throw aside all prejudice and want to be fair, that, unless we are opposed to the enforcement of the civil-service law, we can do nothing else except to provide that these appointments shall be made under the rules and the laws pertaining to the civil service. The Civil Service Commission at the present time—a majority of them, at least, being Democrats—I think, are doing good work. So far as I know, all the members of the Civil Service Commission are earnestly and honestly striving to do the best they can. They are hampered; they are hindered; and they are interfered with a great many times by the insufficiency of the law under which they work; and if you talk with them about it, they will tell you so. I do not believe they let politics creep into it, and the idea of it all is to keep politics out. You will not keep politics out of these appointments unless you adopt my motion, and thus let the Civil Service Commission control these appointments.

We have already provided in the bill that some members of the board which is going to control this great institution are to be members of one party and some are to be members of another party. It is already known that it is going to be a bipartisan institution. We ought to keep politics out of it just so far as we possibly can, and the only way to do it—at least, I think the best way to do it—would be to adopt this amendment, by virtue of which the exemption from the civil-service act will be stricken out of the bill, let the civil-service act control, and let these men be appointed under the terms of the civil-service law.

Mr. THOMAS. Mr. President, I think the Senator from Nebraska [Mr. NORRIS] stated his whole argument in a nutshell in his closing sentences. He then insisted that politics must be kept out of the civil service if it is to be sucessful and accomplish the objects for which the system was created; but, in my judgment, there must be a radical change in human nature rather than in the law before that happy solution of the existing situation can be accomplished.

I was one of the original civil-service men in the country. In my humble capacity I sought to promote the movement as much as possible, and I have been largely in favor of it ever since; yet I must confess that the principal object which seems to have been accomplished by the law so far has been to reduce the applications, and consequently conserve the time of Senators and Representatives, which otherwise would be monopolized by the claims and demands of office seekers. The system can not, in my judgment, be divorced from politics until our methods shall change or until human nature is profoundly altered, and I see no reason to believe that either of these things will take place in the near future.

The object of the system is an excellent one and the arguments in its behalf are unanswerable; but in practice it has been and it will be a disappointment, especially to men who, like the Senator from Nebraska, are earnest, sincere, wholesouled believers both in the system and in its possible efficacy.

Mr. President, when the Republican Party is in power its representatives naturally and properly—I say properly in the larger sense—listen to the claims of their own adherents and utilize their influence for them, even though they be upon the civil-service list. Hence, as far as it is possible in conformity with the requirements of the law, Republicans upon the list are selected in preference to Democrats; and the same thing is absolutely true of the Democratic Party when it is in power, for we are all human beings, subject to the same influences and laboring under the same deficiencies.

Mr. NORRIS. Mr. President, will the Senator yield for a moment?

Mr. THOMAS. I yield.

Mr. NORRIS. Of course, the right kind of a civil-service law would make that impossible; but assuming that to be true and that the civil service goes no further than the Senator has outlined, does he not think that even to that extent it is a

big improvement over the old system of giving the spoils to the victors, and thus, as the Senator has said, having the time of Members of Congress monopolized by office seekers?

Mr. THOMAS. I have said that it was a great relief to Senators and Representatives, and gave them opportunity to attend to something else than claimants for spoils.

Mr. NORRIS. Does not the Senator think, although the civil service, as the Senator says, may have resulted in putting *Republicans* in office when Republicans were in power and putting Democrats in office when Democrats were in power, that the very fact that the list made up by the Civil Service Commission was a selected list would make it an improvement over the old system?

Mr. THOMAS. Mr. President, I think it may be an improvement in the service, and yet the improvement is in some particulars difficult—at least it is for me—to differentiate.

I interrupted the Senator from Utah [Mr. SMOOT] in the course of his remarks to remind him of the Executive orders of President Taft. I have not blamed President Taft for making those orders, except that, as a Democrat, their operation interfered with the ability of the Democratic Party to distribute some rewards of its own.

Reference was also made to the action of Grover Cleveland, who, prior to the expiration of his last term, made similar Executive orders. I have no fault to find with that, because I am conscious of the influences to which he was subjected and which doubtless inspired his action. I would not be at all surprised if when the present administration shall have ended, either on the 4th of March next or four years from that time, that Executive orders of some sort will again be made. They are issued so constantly and so regularly by successive Presidents as to demonstrate to my mind the impossibility of divorcing political considerations from the strict enforcement of the law.

The Senator from Nebraska thinks we might devise a statute that will prevent these conditions and be practically perfect in its operation. I wish I could think so. No statute was ever yet enacted by the wit and genius of man that can not be perverted by the same influences. The system of chancery was once defined to be a constant race between the rogue and the chancellor, and statutes that are most carefully prepared are sometimes most easily avoided.

If we turn to the service itself for a moment—and I shall detain the Senate but a short time—it is the attitude and policy so to speak of the beneficiaries of the civil service which lead me to question its great superiority over the old system. A man or woman having a life estate in an office, generally speaking, lacks that incentive for action which might otherwise exist, or, if not, the basis of it is a desire for promotion, and, of course, every occupant of a civil-service position, Democrat or Republican, wants promotion. He or she wants either a better position or a better salary, or both; all of which is perfectly laudable, because it is not much of a man or a woman who has not a desire for improvement, no matter how good his or her condition may be or may seem to be. But this seems now, following, perhaps, the universal law of the time, to find expression and accomplishment, not so much through perfect service or better service as through the power of organization, and we are at present confronted, and soon will be confronted to a greater degree, with organizations of Government employees, not only asking for but more often demanding legislation designed to create better conditions, better places, better salaries for them; and by transferring to those holding office for life, through organization and unity of action a potentiality for the exercise of political power not entirely free from some, if not many, of the objections which appertain to the old system.

It is for these reasons that I am not the advocate of the system that I once was, nor who believes that it will accomplish the improvement that I once thought and hoped it would accomplish. I am speaking, of course, generally, and not so much with reference to this particular amendment; but I am of the opinion that the time is approaching when either a radical change in the present law must be effected or when the country will drift back more and more to the conditions of the old system.

Mr. LODGE. Mr. President, I do not propose to take the time of the Senate in discussing with any elaborateness the general question of what has always been known as civil-service reform. I have in the nearly 30 years which I have served in the other House and in the Senate tried to support civil-service reform at all times, and the least agreeable times that I have supported it have been when my own party was in power, for it is easier to fight with my friends on the other side than to fight with my own party.

Experience has given me certain familiarity with the arguments that are usually made. The Senator from Missouri [Mr. REED] repeated one of them this afternoon with great force, which is that the surest guaranty of getting a capable man is general ignorance; that a man who passes an examination is almost certainly unfit for public office; and that persons who have come out of college or school, having passed an examination and having standing on that account in the way of learning, are very undesirable people, who really know nothing about anything, certainly not about the public service.

I am under no illusions about the merits of civil-service reform as it has been applied in our large classified service. It is not perfect; it has defects; but perfection in matters political, so far as my observation goes, exists only in the promises of political platforms, which are generally empty and often broken.

This is a comparative world, and the main question concerning the civil-service system is whether, on the whole, it is better than the system which was previously in vogue, when applicants were appointed to public office according to the friendship or favoritism which they could secure from some Member of the House of Representatives or some Member of the Senate. Civil-service reform, as it is called, has at least produced the effect alluded to by the Senator from Colorado [Mr. THOMAS]; that is, it has made public life in Washington tolerable. It is more than 30 years since the civil-service system was established, and even at that time, when the number of officials was far less than now, life had become practically intolerable to public men. If the vast mass of offices now existing were all to be filled on the recommendation of Representatives and Senators, little else could be done by Senators and Representatives than dealing in patronage and hanging around the anterooms of Cabinet officers. I do not want to speak in overpraise, but I think Senators and Representatives—certainly in the conception of the framers of the Constitution—were intended for something better than that. The civil service has taken most of the offices out of that method of appointment, and, on the whole, for the routine offices, I think it has given us a better class of service. I think it would be a great step backward and an unenlightened policy to abolish the present system of examination.

Under this administration the classified service, taking both existing and created offices, has, I think, declined rather than increased. The positions exempted from the civil-service rules by act of Congress since 1913 are given in a table here, published in a report of the Civil Service Commission, which I shall ask to have printed. They include two very large exemptions in the Internal-Revenue Bureau of the United States; and now it is proposed to create a great body of officials under this elaborate and mysterious structure which we are slowly building up here for the purpose of extending rural credits, which I do not think anybody fully understands.

The VICE PRESIDENT. Without objection, the request of the Senator from Massachusetts will be granted.

The matter referred to is as follows:

POSITIONS EXEMPTED FROM CIVIL-SERVICE ACT AND RULES BY ACTS OF CONGRESS.

Technical services in the Office of the Supervising Architect in connection with the plans, specifications, and construction of the central heating and power plant. (Sundry civil act, June 23, 1913, 38 Stat., 26.)

Agents, deputy collectors, inspectors, and other employees (not including the clerical force in the Bureau of Internal Revenue) in connection with the income tax, for a period of two years. (Sec. 2, tariff act, Oct. 3, 1913, 38 Stat., 180.)

Appointments of deputy collectors of internal revenue and deputy United States marshals required to execute a bond to the collector or to the United States marshal. (Urgent deficiency act, Oct. 22, 1913, 38 Stat., 208.)

Commercial attachés, Department of Commerce. (Legislative act, July 16, 1914, 38 Stat., 500.)

Commissioner of immigration, New Orleans. (Sundry civil act, Aug. 1, 1914, 38 Stat., 666.)

Commissioner to the Five Civilized Tribes displaced by superintendent to be appointed by the President, by and with the advice and consent of the Senate. (Indian act, Aug. 1, 1914, 38 Stat., 598.)

Secretary, clerk to each commissioner, attorneys, special experts, and examiners in Federal Trade Commission. (Act of Sept. 26, 1914, to create the Federal Trade Commission, 38 Stat., 718.)

Life-Saving Service made a part of the military forces of the United States by inclusion in the Coast Guard. (Act of Jan. 28, 1915, to create the Coast Guard, 38 Stat., 800.)

Mr. CLAPP. Mr. President, will the Senator pardon an interruption before he takes up that branch of the matter?

Mr. LODGE. Certainly.

Mr. CLAPP. I am so in harmony with what he has said with reference to the general benefits of the civil-service law that I think his testimony as to the manner in which it has been administered is valuable as an assurance of the honest manner in which it has been administered. I want to ask the Senator, as supplementary to what he has said, if he does not believe

that the method of getting into the civil service through the activities of the Civil Service Commission is about as fair and honest as any human instrumentality could be?

Mr. LODGE. That is my opinion. As a device or a system produced by fallible human beings, it comes perhaps as near to getting what is desired as any system that we can think of; certainly it is much better than the old one.

Mr. CLAPP. The Senator will pardon me, but I desired very much, in connection with what he has said, to have his opinion on that point.

Mr. LODGE. That is my own belief. I am not blind to its imperfections. One reason that leads me to believe it is fair is because, when the Republican Party was in power, I, being a friend of the classified service and civil-service reform, as it was called, was constantly reproached in this way:

"Why, these classified offices are filled with Democrats. All the Democrats are kept. They came in under the Cleveland administration. Look at the people who have been appointed! They are all Democrats who came in under the examination. There is no chance for a Republican."

That reproach was constantly made. I now hear the same reproach made by Democrats—that the service is stuffed with Republicans; that apparently only Republicans could pass the examinations; and as the charge is made on both sides I am inclined to think that the system works very fairly and that they take in both Republicans and Democrats on the basis of examination.

I do not believe for a moment that any civil-service examining board consider politics in their appointments. I do not believe they ever certify a man because he is of one party or another, and I do not believe they know; and, taking things by and large, I imagine that as many Democrats get into the service as Republicans.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. LODGE. Certainly.

Mr. THOMAS. If the Senator will permit me, I want to say that I have not the slightest doubt but that in the action of the commission in certifying eligibles politics plays no part. It was to the matter of appointments that my criticism was directed.

Mr. LODGE. Certainly. Appointments outside of the classified service, of course, are political.

Mr. THOMAS. And in the classified service.

Mr. LODGE. The Senator means in selecting one of the first three certified?

Mr. THOMAS. Yes.

Mr. LODGE. I have no doubt of that.

Mr. THOMAS. I have been interrupting the Senator lest I may have been misunderstood in what I said as criticizing the action of the commission. I think the action of the commission is absolutely free from politics.

Mr. LODGE. But it is not very often, practically speaking, that the persons who are sought for political appointments succeed in getting into the first three names certified. Of course, they are better men, as the Senator from Missouri pointed out, but they do not seem able to get into the first three for certification. They do not pass with high percentages; and so I think the interest of the average man in politics is but slight in the persons who are certified for appointment by the various civil-service boards.

As I was saying, here is a great fabric of administration to be constructed which will start with an immense number of officers, if it starts at all, and will have a great many more officers as time goes on. I can not see any possible reason why those clerks, laborers, assistants, and other employees should not be appointed like all the other people who hold similar positions in the classified service of this Government. There is no use in humbugging about it. Those offices, filled in that way, will be all from one party—the party in power, whichever it happens to be. These admirable men who can not pass examinations, and who are most desirable for the public service on that account, whatever else they are, will be well tested as to their fidelity to the party in power. That is human nature. We all know it is so. There is no use in trying to disguise it.

Of course, to fill a branch of the service in that way, and then to cover them in, is something very like a fraud on the system, and it has been perpetrated many times. When a department is covered in the men in office ought to be examined if the law is to be carried out thoroughly and honestly.

I should have preferred if the Senator from Nebraska, instead of moving to strike out the whole paragraph, had moved to strike out, in line 24, the words "without regard to," and insert "in accordance with," which has been the common way of legislating when offices have been added in the classified service. That would put it beyond a doubt. Of course, this is carefully framed so that the President can not exercise his discretion. There is evidently a lurking suspicion somewhere among the framers of the bill that if they left this to the President, he might say that these men filling these routine offices ought to come in like all other men; and so, "to make assurance double sure," they have put it out of his power to do that. They have made it certain that these men shall be appointed on the recommendations of Members of the House and Members of the Senate. The great vice of that system is that the men who appoint, who are the Senators and Representatives and other persons conspicuous in politics in the different States, are not responsible for the administration that ensues. The responsibility is divided from the power of filling the offices; and the result of this provision will be to fill this service in that way.

This service, if it is what it is intended to be, connected with an elaborate and intricate system of banking and loans, seems to me to require the best class of officers we can get. I am sure we shall get the best results if we put them under the classified service. For that reason I trust that this clause will be stricken out, though I should prefer to have seen it amended as I proposed to amend it, because that would put it beyond any doubt and would compel the appointment of the persons who hold office under this bill to be made in the same manner that all similar offices are now filled in the other departments of the Government. But, as the Senator from Nebraska has proposed to strike out the whole provision, I shall certainly vote for his amendment, for that is a vast improvement over the present provision, which is simply destructive to the whole system of the classified service.

Mr. HARDING. Mr. President, I have no desire to impose extensively on the time of the Senate; but I ventured a day or two ago to introduce in the debate a communication by former Gov. Herrick, of Ohio, which led to considerable discussion and not a little criticism of the attitude of Mr. Herrick toward this measure. I am not seeking to magnify his position, but it is admissible to discuss the suggestions of one who has identified himself so conspicuously with the rural-credits movement.

I have in my hand a letter written by ex-Gov. Herrick since that time, and I should like permission to introduce this letter into the RECORD without imposing on the time of the Senate. I should like to read, however, just two paragraphs:

> These bonds shall be prepared by the Secretary of the Treasury and the Comptroller of the Currency, approved by the bureau, signed by its executive officer, and secured by mortgages or Government obligations selected by public appraisers and functionaries and trusteed with public registrars. Manifestly such bonds could not properly be called mortgage bonds or debentures. They would be exactly what the bill declares them and their collateral to be, "instrumentalities of the Government of the United States."

And, following that statement, he says:

> This is not land credit. It is folly; and in devising his scheme for utilizing savings and deposits in long-term operations and for rendering them available for any undertaking on which the United States Government might wish to embark, Senator HOLLIS has copied the identical clauses in the laws under which the Agricultural Bank of France went to pieces in 1876, almost wrecking the Crédit Foncier de France, and under which the latter great institution, originally intended solely for land credit, has been divested of practically all of its farm-mortgaging function and transformed into an agent for whatever other projects the Republic of France cares to handle.
>
> As a consequence of this bad legislation, land credit in France is still unsatisfactory, although its reform was started in 1852. And it may here be noted that two savings banks, with investment mainly restricted to Government stock and public-service securities, have recently failed in Germany; moreover, that such institutions throughout continental Europe at present are of all banks the hardest pressed for cash with which to meet withdrawals and interest on deposits.

In offering the letter for the RECORD, Mr. President, I venture to say that the letter is directly from Col. Herrick to myself, and I have every reason to believe, notwithstanding what is said, that it is his own dictation. If there is no objection, I should like to have it recorded with the debate.

The VICE PRESIDENT. Without objection, it will be so ordered.

The letter referred to is as follows:

CLEVELAND, *May 1, 1916.*

Hon. WARREN G. HARDING,
United States Senate, Washington, D. C.

DEAR SENATOR HARDING: The arguments in last week's debate have confirmed my belief that the plan of the Hollis bill is a combined long-term mortgaging and savings-bank system, and that the credit and all other resources of such system, controlled and aided by the United States, could be diverted from the farmers' uses and employed in any Government project.

Tax exemption is provided for depositors and investors. On the other hand, mortgaged farms are to remain taxable, while borrowers must put 5 per cent of their loans back into the system. If the funds thus forced from the farmers and attracted from other persons should not suffice for the creation and support of the system, then the remainder shall be supplied in cash by the Secretary of the Treasury, or through the sale

of bonds issued upon the good faith and honor of the Government of the United States.

The system is to consist of Federal land banks, national farm-loan associations, national bond and mortgage companies, and certain kinds of moneyed corporations organized under any existing National or State law, but especially licensed to operate under the new law. All charters and licenses are to be granted by a bureau at Washington. The bureau would be practically a part of the Treasury Department, being composed of the Secretary of the Treasury and four other appointees of the President and Senate of the United States, holding office with big salaries for eight years.

The bureau shall have both executive and judiciary powers, plenary and discretionary, in creating, directing, supervising, and abolishing the system, so that it could bestow or withhold its benefits at will, regulate interest rates under a prescribed maximum, take away charters or licenses, and dissolve any bank or association and compound its claims or cancel its debts, without intervention of the courts or appeal to any higher authority.

The bureau shall start the system by dividing continental United States into 12 districts and by establishing a Federal land bank in each district. The bureau could alter these districts and establish as many more such banks as it pleased The number of institutions of any of the other classes also shall depend upon its discretion. The bureau shall appoint one registrar and one or more appraisers for each district, and examiners, attorneys, and other employees of the system. These public functionaries may be appointed for political reasons, since the rules of the civil service are not to be applied to the system.

The capital stock of every Federal land bank thus established may be increased or decreased indefinitely above $500,000. If ordered by the bureau, the United States must supply the minimum by subscribing for shares yielding no dividends. The shares shall be $5 apiece. They may be made subject to withdrawal and issued in any amount to any individual, firm, association, corporation, or Government. They are not to have any voting right, however, except in the hands of the United States or national farm-loan associations, and so would be simply time-deposit certificates.

Other deposits may be accepted in any amount from the holder of just one of these certificates. Public funds of the United States may be received either as advances or as deposits for safe-keeping. Therefore the Federal land banks would be, in fact, savings banks. The bill allows them to maintain as many branches as the bureau shall deem advisable.

All this variable capital—except 10 per cent, which must be invested in United States bonds—and all these withdrawable deposits may be invested in loans, repayable by 72 semiannual installments, for purchasing, improving, or equipping farms. The intention is that they shall be so invested, or else invested in Government securities. The word "improvement," etc., shall be defined by the bureau and the Government securities shall be specified by the bureau or the Secretary of the Treasury. The bill has so far forgot its rural object as to forbid funds received from the Government to be used in farm mortgaging.

Bonds may be circulated by a Federal land bank up to twenty times its capital stock and surplus. The bondholders shall have a prior lien on all deposits and assets as against depositors or others creditors. The security for the bonds may be farm mortgages, currency, or debt obligations of the United States Government. All repayments of borrowers and all other receipts, income, and the entire assets of the banks may be invested in Government securities.

The farm mortgages, which a Federal land bank might desire as investment for its funds or as security for its bonds, can not be obtained by making loans directly to farmers. Such a direct method would take away too much of the fees and commissions needed for running the system. The only mortgages which a Federal land bank could handle would be those coming on a high commission basis from some other component of the system. In order to get a loan the average farmer would have to pay, in effect, a flat commission of 1 per cent or one-half of 1 per cent, besides all costs, and also subscribe for shares up to 5 per cent of the principal of his loan. These forced contributions from farmers are expected to remunerate agents and to meet all the expenses and losses of the system, at least in normal times. They ought.

In this way it is proposed to establish a Government land credit system with savings-bank functions; to finance it by deposits, voluntary and obligatory, public and private; to immobilize current funds in long-term operations; and to leave a way open for the use of all or any of its resources in other private enterprises to be conducted by the Government in case farm mortgaging should not be profitable or desired by the bureau or the Secretary of the Treasury.

The Secretary of the Treasury must increase by $6,000,000 every year his balance on hand in the system, but there is nothing to prevent him from diverting the internal revenue and all his disposable funds to the Federal land banks, since the bill declares them to be Government depositaries and financial agents and their bonds to be lawful investment for public and fiduciary funds.

The Hollis land-credit savings-bank system could, if it chose, turn all its funds over to the Federal Reserve System. The relation is to be reciprocal between the two systems. Member banks of the latter system may buy and sell Hollis bonds, invest their funds in them, or use them as collateral for short-term paper. Paper so secured shall be eligible for discount by the reserve banks. Where all this complexity would end nobody, of course, can foretell. Thirty per cent of postal deposits also may be invested in Hollis bonds.

These bonds shall be prepared by the Secretary of the Treasury and the Comptroller of the Currency, approved by the bureau, signed by its executive officer, and secured by mortgages or Government obligations selected by public appraisers and functionaries and trusteed with public registrars. Manifestly such bonds could not properly be called mortgage bonds or debentures. They would be exactly what the bill declares them and their collateral to be, "instrumentalities of the Government of the United States."

This is not land credit. It is folly; and in devising his scheme for utilizing savings and deposits in long-term operations and for rendering them available for any undertaking on which the United States Government might wish to embark Senator HOLLIS has copied the identical clauses in the laws under which the Agricultural Bank of France went to pieces in 1876, almost wrecking the Crédit Foncier de France, and under which the latter great institution, originally intended solely for land credit, has been divested of practically all of its farm-mortgaging function and transformed into an agent for whatever other projects the Republic of France cares to handle.

As a consequence of this bad legislation land credit in France is still unsatisfactory, although its reform was started in 1852. And it may here be noted that two savings banks, with investment mainly restricted to Government stock and public-service securities, have recently failed in Germany; moreover, that such institutions throughout continental Europe at present are of all banks the hardest pressed for cash with which to meet withdrawals and interest on deposits. On the other hand, the landschafts, the Raiffeisen societies, and cooperative and mutual banks appear to be withstanding every shock of the war.

The improvement of farm mortgaging depends upon mobilizing land values. After the requirements for proving titles and recovering defaulted loans have been provided the most effective instrument for this purpose is the bond or debenture. If the simple methods necessary for giving safety and salability to this instrument are observed, the issuing institutions do not need savings, deposits, or Government aid. Indeed, the best authorities are becoming more and more to believe that they do not need even capital stock or share capital. The Hollis bill, however, has cast these considerations aside without thought of a fair trial, and besides arranging for savings-bank features proposes tax exemptions and State aid on a scale which surpasses what has ever been attempted by any other nation.

The banks and associations of the system, their capital stocks, shares, bonds, mortgages, reserves, surpluses, income, and assets of every description are exempted from Federal, State, municipal, and local taxation, except taxes on their office buildings and the mortgaged properties of the farmers. The latter is specifically, and, one might say, impertinently excluded from the exemption; and so the farmer would be the only person to be taxed under the system.

This total tax exemption for the system would do no public good, because it could not reduce the aggregate of taxes which must be levied. Taxes can not be escaped. Whenever the burden is lightened for a favored class it falls with a correspondingly heavier weight on the remaining classes. So the exemption would simply shift taxes from one kind to some other kind of property, particularly to real estate. The exemption might please persons who live abroad or who have idle money to invest, but it would be unfair to farmers, whether borrowers or not, because practically all their wealth consists of farm land, live stock, and equipment which tax collectors can easily find and list.

Farmers have more taxable property in proportion to their wealth than is possessed by any other class of taxpayers; and this proportion would be increased by the Hollis bill. There is hardly a dollar in a farmer's hands which he can not profitably use in cultivating, improving, equipping, or enlarging his farm. The more activity and fidelity a farmer displays in his vocation the more visible and taxable his wealth becomes. In spite of the tax exemptions, therefore, farmers could not be expected to hold many bonds, shares, or deposit certificates of the system.

The only shares held by farmers would perhaps be those for which the bill obliges them to subscribe upon applying for loans. The other shares, and the bonds, savings, and deposits would be owned by the United States, States, or maybe by corporations, associations, firms, and individuals not farmers. Thus the tax exemptions would be enjoyed by persons who are not the intended beneficiaries of the system; and the injurious result would hit the farmers worse than anybody else—especially the farmers who did not care for loans from the system.

The tax exemption of savings and deposits would indeed be a grand attraction. However, it perhaps would be the only attraction. The shares are to have no voting power; the bonds could not be redeemed before 10 years from date. So investors would not prefer them to deposits, because their dividends and interest would be imperiled by costs and losses anywhere in the system by reason of the mutual liability which all the Federal land banks must assume. An investor would not have to run this risk in order to obtain the tax exemption and the promise of the United States Government to pay handsome returns on his money. He could enjoy these two advantages upon buying but one $5 share of stock, and then by becoming a depositor, so the obligatory subscriptions would be about the only shares held either by investors or by farmers, while the bonds would probably have to be offered at a discount. The requirement that deposit certificates of the associations shall be convertible into bonds of the Federal land banks is simply another way of saying that a Federal land bank must enter into an agreement to pay back deposits which it accepts. Moreover, the arrangement would permit the bank to pay 5 per cent interest to depositors, since the bonds may bear that rate and since (after the system was in operation) there would be countless bonds subject to purchase and immediate redemption which depositors could acquire.

The inevitable result would be that the system would undertake to finance its long-term operations by short-term savings or deposits. And this spells disaster or a continually increasing resort to Government aid. The proof lies in the actual occurrence of such an outcome wherever this arrangement has been tried. Moreover, tax exemption, special privilege, and Government aid have never won lasting sympathy for any Government. The billions of dollars of loans to serfs which Russia wiped out did not prevent the agrarian uprisings of 1910, nor have the billions of dollars of guaranteed stock issued by England to buy land for peasants stilled the mutterings of revolt in Ireland. The $100,000,000 of free money which the United States advanced for the western irrigation projects have brought discontent among the settlers and a demand for more Government aid.

The total tax exemption and the Government-guaranteed interest on any amount in the Hollis bill is a device, admitted by its report, to catch the idle surplus of wealth as well as the fruits of thrift; and there is no moneyed concern organized under State laws, large or small, which would not be placed by it at a disadvantage with the new Federal institutions to be formed. This, with the free and the 2 per cent money supplied by Government, would cause interest rates to rise for the benefit of the millionaire, while it would put mutual savings banks, building and loan associations, and fraternal orders practically out of business.

This could not be avoided unless the States themselves would free personal property from taxation and use their cash and credit for private purposes in the way proposed for the United States. And this use of public resources for some particular class of individuals would increase the taxes wherever they could be levied. No wonder the Hollis bill and similar measures are being condemned from all sides in terms as strong as appear in these resolutions of the American Federation of Labor:

"We believe that national conditions vary so widely with the several sections of the country that it would be unfair, if not actually dangerous, to undertake to prescribe one system of plan for the guidance and control of all.

"We would therefore recommend that the matter of rural credits, aside from the enactment of a general law to govern the fundamentals, be left to the determination of the different sections or States for the carrying out of the matter in detail until such time as experience shall have determined what, if any, is the better course to pursue to insure the rights and properly safeguard the interests of all."

What would the system have to offer to the farmer in the midst of this disregard of the rights of taxpayers and violation of correct principles? A loan which no average American would accept, unless driven to the last extremity. The borrower must subscribe for shares in some Federal land bank or in one of its associations. The subscription shall at least equal 5 per cent of the loan. He must pledge his shares and give a first mortgage to secure his share subscription and loan contract.

The total must not exceed one-half the value of the mortgaged property unless he join an association. In this case the share subscription and costs may be added to the principal, if the part of the loan not invested in shares is to be used in buying a home. If not so used, the share subscription shall be paid in cash or deducted from the principal; and so the actual amount of the loan would be only 45 per cent of the value of the property.

The bill provides that the shares are to be withdrawn as the loan is paid, but a tangle of inconsistencies would prevent this and make the investment last for at least 10 years, and perhaps become permanent. If the subscription is made for stock in a Federal land bank the shares would be liable up to their face for all losses in the system, because of the mutual liability of such banks. The shares of an association impose either double or unlimited liability. The association must be a stockholder in its land bank, and maintain its holdings at 5 per cent of its outstanding loans. So, a borrower could never escape a liability for losses anywhere in the system, while if he joined an association he would become personally liable for any of its losses.

In spite of this support, by cash and credit forced for the system, the borrower would not have the free use of his loan. He could use the proceeds only for buying, improving, equipping a farm for a home, or for lifting a debt contracted for any such purpose, while he must undertake to live upon and cultivate the farm himself, and not to dismortgage, sell, or by any other lien to encumber it, until his loan is fully paid. This could not be less than 5 and might be 36 years. These clauses appear in Europe only in the laws enacted for the poorest and most degraded peasants. The official report of the bill clearly indicates that there is no intention of reducing interest rates below 6 per cent per annum. So the question is, What is intended for the farmer?

Irresponsible parties are boosting the bill by promises of 3 per cent money with no perquisites. But such a low rate would wipe out profits and destroy the scheme of the bill. The amount of the obligatory shares exceeds present fees and commissions. No relief from present excessive costs of lending is proposed by facilitating the proving of titles and the recovery of defaulted claims, while the terms and conditions are more restricted, if not more severe, than what are now exacted by brokers and existing banks and companies for loans.

The bill does contemplate long-term loans reducible by periodic installments, but it lacks the essential clauses for this beneficent and much-desired process of extinguishing debts. Very likely under the bill's plan, usury could not be avoided nor the lien of the mortgage preserved in all cases of partial payments made in advance of the due date. The bill lacks even the clauses which make installment loans safe and practicable for American building and loan associations, while it ignores the need of such new legislation as a large industrial finance corporation has found advisable to obtain in order to legalize its services for the poor in various States.

A loan contract under the Hollis bill might be difficult to change so as to allow prepayments or leniency for defaults. If a mortgage must remain on record until the last dollar of a long-term loan be paid off, a farmer in need of more funds would be forced to resort to his personal credit at high interest and on the most oppressive terms. Long-term mortgaging is dangerous unless the size and period of the annuities can be altered at the option of the borrower and without endangering the lender's lien. It is doubtful whether this could be done under the Hollis bill. If the bill should become a law, and if the land should be encumbered with mortgages representing loans of only 45 per cent of its value, but immobilizing all its credit value, the probabilities are that the United States would have to establish another system for second mortgages, exactly as has been done for this very reason in Denmark.

The years of a long-term loan have no significance except as a measure of the borrower's annuity and as a process of calculation by which the lender may determine how to refund his obligations. Amortization is of no importance or value to the borrower unless it enables him to adjust his annual dues to his income. This the Hollis bill appears to have overlooked. Seemingly in fright at a fair-sized devisor, it adopted a figure which would obligate the borrower to pay at least about 14 per cent of principal and interest a year.

What farmer would willingly obligate himself to such an annual charge and also to an additional share subscription of 5 per cent of his loan? Could a farmer be expected to assume this heavy burden, especially since he could not rid himself of it at his volition? A less burdensome arrangement with free money has swamped the settlers on the Government irrigation projects and immobilized the $100,000,000 investment of the United States. Last year Congress voted $21,000,000 for the irrigation projects, and the service must have $75,000,000 more to be enjoyed without interest by the settlers. What will Congress do about the irrigation projects?

The clauses for prepayment in the Hollis bill apparently were drawn on the wrong assumption that an annuity contract always remains a lump-sum loan. They are impracticable, especially when taken in connection with the fact that the bonds against the mortgages can not be redeemed before 10 years from date. Constitutional amendments—as for the Torrens systems—would perhaps be required in some States in order to give full play to amortization and to preserve the lender's lien, while allowing the borrower to apply prepayments as they should be applied for reducing the size of all his annuities. Long-term mortgaging is about the only benefit which the Hollis bill offers to farmers. Failing in this, the reason disappears for its enactment, unless the object be to accumulate funds under Government control for other purposes.

The Hollis bill purports to be cooperative, presumably because membership in the association is to be confined to borrowers, and the associations are eventually to have control of the Federal land banks. But the associations would not be even voluntary, much less cooperative. They are to be formed only with the consent of a Federal land bank and upon approval of the bureau. Their creation or dissolution can not be effected at the will of members. Their directors and chief officers are not required to be members. They can make no loans except those allowed by a Federal land bank and public functionaries, while the profits of the system to which they belong may be distributed among outsiders. This eliminates cooperation entirely, while the only mutual feature left is the collective liability of the members for losses. The Federal land banks, with directors elected by such associations and by the United States, would not be cooperative.

In trying to fathom the meaning of this complicated system to be invested with powers so useless to farmers I sometimes amuse myself by thinking that the Hollis bill is the present administration's way of playing quits with the carpetbaggers of old post bellum days for their plan of "40 acres and a mule." I am surprised, however, that Senator HOLLIS is its proponent, because most of the carpetbaggers who did not hail from Ohio came from New England.

Sincerely,

MYRON T. HERRICK.

Mr. HOLLIS. Mr. President, I am very glad to have the letter from Gov. Herrick inserted in the RECORD as a letter. I do, however, wish to call the attention of the Senate, and particularly of the Senator from Massachusetts, to the fact that a communication that was put in the RECORD last week, purporting to be a report to the United States Chamber of Commerce, was not a report at all; it was merely a letter that Gov. Herrick wrote to the members of the committee. I have in my pocket letters from three members of the committee saying that they not only did not agree to the report but they thoroughly disapproved of it. So far as the letter represents Gov. Herrick's individual opinion, of course, there is no objection.

I wish to say, in short reply to the Senator from Massachusetts, that I heartily agree to what he said about the civil service. I believe in the civil service. I believe they are doing a splendid work. I believe the present commission is a fine body of men, and that they are carrying out the civil-service laws in letter and in spirit; but this is a very different matter. Here is a new system to be started, and it ought to be started speedily. The Civil Service Commission is hampered. It has not enough office force to do its work. It would take several months to get men certified under its procedure and rules.

There is not to be a great army of employees, as the Senator from Massachusetts has said. There are very few. All the employees of the land banks are business appointments; they are not political appointments; and the farm-loan board will have nothing to do with those. The only officers appointed by the farm-loan board will be its office force here in Washington and the examiners and the land-bank appraisers and the farm-loan registrars. Those men would not be appointed under civil-service rules anyway, any more than the present bank examiners are. No one would think of having the attorneys appointed under civil-service rules. The attorneys never are, nor the experts. That leaves a few clerks and stenographers to be appointed here in Washington. While I do not blame the Senator from Nebraska for pressing his amendment as a matter of principle, since he feels that this is breaking down the principle so far as having any wide effect is concerned, it will not.

I hope the roll will be called.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. The Senator from Iowa.

Mr. CUMMINS. I had forgotten that the order had been made for the yeas and nays, but I desire to say one word only with regard to the amendment offered by the Senator from Nebraska.

Mr. STONE. Mr. President, I rise to a question of order. I do not wish at all to interfere with the Senator from Iowa. I am perfectly willing that he shall proceed, but as a mere matter of precedent, the yeas and nays having been ordered and the call of the roll begun, while I am perfectly willing that it may be waived for the time being, I should not like to have it established as a precedent.

The VICE PRESIDENT. Nobody had as yet responded; and the Senate, the Chair thinks very unfortunately, overruled the Vice President at the last session of Congress on that question.

Mr. STONE. Then I understand the Chair to rule that although half a dozen names, for example, might be called, unless there is some response, the calling of the roll has not been begun?

The VICE PRESIDENT. The Chair ruled at the last session of Congress that when the yeas and nays were ordered the question could not be amended and the yeas and nays should be called. An appeal was taken. The Senate did not sustain the Chair. The Senate clearly announced that, although the yeas and nays were ordered, there might be amendments introduced, and free discussion, and that until the roll call had proceeded to the extent of some Senator answering the roll call Senators were entitled to discuss the question.

That is the Chair's recollection of the ruling of the Senate, and he thinks there is no mistake about it.

Mr. STONE. I am not going to enter into any discussion about the rule. If that is the rule, then we will proceed with it

in that way. Really, when I rose, I was not aware that there had been no answer.

Mr. CUMMINS. Mr. President, if there had been an answer, possibly I would not have risen.

I was about to say that in my opinion this amendment directly challenges the position of every Senator with regard to the merit system—that is, appointments under competitive examination and certified by a nonpolitical board. I am perfectly aware that there are differences of opinion with regard to the value of the merit system. There are Senators upon this side and Senators upon the other side who believe that as a whole the Government service would be better conducted if appointments were made without examination and if removals were made without cause. Everybody must realize that the moment any question of this sort comes up in the Senate, because we have heard such opinions expressed over and over again. But the Senator from New Hampshire avows his belief in the merit system.

I may pause to say that I think there is no considerable country in the world which does not appoint its civil-service employees in that way. Our country was a laggard in the reform when we adopted the present system in 1883, I think, or at least began it at that time. It is unfortunate that we are never able to discuss it without political controversy and political criminations and recriminations. I wish we could dismiss all those things from our minds and think of the amendment upon its merits, without regard to the probability that men of one party or men of another party will enter the public service in the event the system is abandoned or in the event the system is maintained.

The system has just two points, and only two. The first is that admissions to the service are upon competitive examinations, it being believed that the capacity or ability of the applicant is beter determined in that way than by a choice into which many other influences may enter. Now, the Senator from Missouri [Mr. REED] does not believe that. He apparently believes that an uneducated man is just as likely to be a valuable public servant as an educated man. He believes that one who has given no evidence whatever of skill, and who can exhibit no skill in an examination, is quite as likely to become proficient in the public service as one who can give evidence of his training and his ability in an examination.

There are a great many people who so believe, but that is not the system under which we are now conducting the Government of the United States. If we are to return to the system of individual appointments, influenced in any way that the appointing power can be influenced, well and good; but it is idle to disguise or attempt to disguise the fact that we are making an inroad upon the service, and, in so far as this bill is concerned and the farm-loan board is concerned, we are destroying the service.

I should like, if possible, at some time, to have a genuine test of strength in the Senate, rid of all political advantages or disadvantages, just to see how many of us believe that the ordinary employee of the Government should enter the service through a competitive examination, open to everybody who cares to subject himself to the test. I believe that in the long run that system will give to the United States a better body of employees than the other system, and I should like to see the system universal.

Mr. HOLLIS. Mr. President, will the Senator yield?

Mr. CUMMINS. In just a moment. I am not now suggesting that it ought to include every employee of the Government, because it would be foolish to say that the places of confidence, places that involve a peculiar relation between the employee and the head of a department, should be filled in this manner. Advocates of the civil service have never so contended, and there is in this bill provision for the appointment of employees who I think ought to be appointed by the farm-loan board without the competitive examination to which I have referred.

I now yield to the Senator from New Hampshire.

Mr. HOLLIS. Mr. President, the Senator has said that he fears that if this provision of the bill is adopted it will make an inroad upon the civil service. I will ask the Senator if he does not understand that precisely the same provision was in the Federal reserve act?

Mr. CUMMINS. I understand that.

Mr. HOLLIS. Then does the Senator think that that has resulted in any inroad on the civil service as applied by this administration?

Mr. CUMMINS. Why, Mr. President, I think the Federal reserve act simply struck down the kind of civil service I have suggested.

Mr. HOLLIS. Will the Senator kindly point out any particular in which it did so?

Mr. CUMMINS. I am not insisting that the Federal Reserve Board has not been able to get good stenographers and good clerks or other good employees. I do not know what patience and what care the board has exercised in appointments. I know that if it has exercised the care which it could have exercised, it could get employees just as capable as could be had under the merit or competitive or examination system. I do not doubt that. The United States has now in its employ something like five hundred or five hundred and fifty thousand employees; possibly more. I am not counting the postmasters. It is perfectly well known that the appointing power with respect to many of these employees will not be exercised according to the merit, the capacity of those who are brought to the attention of the appointing power; and that is the reason why this Government, as well as any other Government of which I know in the whole world, has adopted the plan which we call civil service. "Civil service" in itself means nothing. What it means as we are using the term is the plan of admitting upon competitive examination, and of dismissing for cause. These are the vital elements in what we know as the civil service.

It may be that the farm-loan board would exercise its judgment in the selection of its employees so that it would surround itself with competent men and women, but nevertheless it would be an invasion, an inroad, upon the merit system. If we are to disregard this system in the case of the Federal farm-loan board, why should we not disregard it with every department of the Government? If as we add functions and commissions and boards to the Government, we abandon the civil-service law, why should we adhere to it with the thousands of employees of the State Department and the War Department and the Interior Department and of all the other departments in the District of Columbia? I can conceive of no possible justification for the departure.

I have no doubt the Senator from New Hampshire feels and believes that in this particular instance the board will be able to obtain competent employees, more competent from his point of view than though they were certified by the Civil Service Commission; but however firm that belief, a man as intellectual and keen in his analysis as is the Senator from New Hampshire does not dare to say that he is not striking down the civil-service system.

Mr. HOLLIS. Mr. President, I do dare to say exactly that, and to believe it most sincerely. Here is to be appointed a board with a very few assistants, most of them experts and attorneys, and a few stenographers and clerks.

Mr. CUMMINS. Precisely.

Mr. HOLLIS. I can not see how we are making any inroads on the general civil-service system in doing that in a special case where I believe it is necessary. It is a small mind that cleaves to a great principle when it is not applicable.

Mr. CUMMINS. Every case is a special case. Suppose we add a hundred men to the State Department, as we did add that number or more to the Department of Commerce and afterwards to the Department of Labor, might not a Senator have said with equal sincerity that the Secretary of State, or his chief clerk, or whatever person in his department is given the power of making selections, could determine the fitness of those who applied for positions better than the Civil Service Commission could do it, and that the result would be 100 employees more skillful than if they had come from the Civil Service Commission? That could have been said, and that possibly could have been believed, but nevertheless, when we begin to make these exceptions wherever employees are added to the civil force of the Government without competitive examination, we have begun the destruction of the system, and it is bound to proceed, if that be the spirit of Congress, until it is entirely overcome.

Granting, of course, the honesty which exists, I know, in the minds of those who are opposed to the system, I can not quite grant the fairness of those who insist that this provision is not a departure from the system. I understand how it has been used in the past. I do not defend the action of either Democratic Presidents or Republican Presidents, with respect to some practices that may have obtained. That, however, is not for us to consider at this time. The question for us is whether we desire to have the system maintained. If we do not, let us abandon it like men, but if we want it maintained let us not undermine it in the way proposed in this bill.

The VICE PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the Senator from Nebraska [Mr. NORRIS].

The Secretary proceeded to call the roll.

Mr. OVERMAN (when his name was called). In the absence of my general pair, the junior Senator from Wyoming [Mr.

WARREN], I transfer that pair to the junior Senator from Maryland [Mr. LEE] and vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). I have a pair with the Senator frobm Arkansas [Mr. CLARKE], who is absent. For that reason I withhold my vote.

Mr. THOMAS (when his name was called). I transfer my pair with the senior Senator from North Dakota [Mr. MCCUMBER] to the junior Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Kansas [Mr. THOMPSON] and vote "nay."

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. COLT]. I transfer that pair to the Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Illinois [Mr. LEWIS], and I vote "nay."

The roll call was concluded.

Mr. LODGE. I desire to announce the absence of my colleague [Mr. WEEKS] from the city on unavoidable business. He stands paired with the Senator from Kentucky [Mr. JAMES]. I will let this announcement stand for the day.

Mr. OWEN. I transfer my pair with the Senator from New Mexico [Mr. CATRON] to the Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. MYERS. I have a pair with the Senator from Connecticut [Mr. MCLEAN], who is absent, I transfer that pair to the Senator from South Carolina [Mr. SMITH] and vote "nay."

Mr. BECKHAM. Has the Senator from Delaware [Mr. DU PONT] voted?

The VICE PRESIDENT. He has not.

Mr. BECKHAM. I transfer my pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Arkansas [Mr. ROBINSON] and vote "nay."

Mr. REED (after having voted in the negative). I neglected to announce the transfer of my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Tennessee [Mr. LEA], and I allow my vote to stand.

Mr. O'GORMAN. I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER]. I transfer that pair to the junior Senator from California [Mr. PHELAN], and I vote "nay."

Mr. TOWNSEND. I desire to announce the absence of my colleague [Mr. SMITH of Michigan], who is paired with the junior Senator from Missouri [Mr. REED]. I have a pair with the junior Senator from Florida [Mr. BRYAN], which I am not able to transfer. So I withhold my vote. I would vote "yea" if I were not paired.

Mr. CURTIS. I transfer my pair with the junior Senator from Georgia [Mr. HARDWICK] to the senior Senator from Idaho [Mr. BORAH] and vote "yea." I wish also to announce that the Senator from Maine [Mr. BURLEIGH] is paired with the Senator from Nebraska [Mr. HITCHCOCK], that the Senator from Vermont [Mr. DILLINGHAM] is paired with the Senator from Maryland [Mr. SMITH], and the Senator from Idaho [Mr. BRADY] is paired with the Senator from Florida [Mr. FLETCHER].

The result was announced—yeas 24, nays 34, as follows:

YEAS—24.

Brandegee	Fall	Lane	Poindexter
Clapp	Gronna	Lodge	Sherman
Clark, Wyo.	Harding	Nelson	Smoot
Colt	Jones	Norris	Sterling
Cummins	Kenyon	Oliver	Wadsworth
Curtis	La Follette	Page	Works

NAYS—34.

Ashurst	Johnson, S. Dak.	Reed	Taggart
Bankhead	Kern	Saulsbury	Thomas
Beckham	Martin, Va.	Shafroth	Tillman
Chamberlain	Myers	Sheppard	Underwood
Chilton	Newlands	Simmons	Vardaman
Gore	O'Gorman	Smith, Ariz.	Walsh
Hollis	Overman	Smith, Ga.	Williams
Husting	Owen	Stone	
Johnson, Me.	Pittman	Swanson	

NOT VOTING—38.

Borah	Fletcher	Lippitt	Smith, Md.
Brady	Gallinger	McCumber	Smith, Mich.
Broussard	Goff	McLean	Smith, S. C.
Bryan	Hardwick	Martine, N. J.	Sutherland
Burleigh	Hitchcock	Penrose	Thompson
Catron	Hughes	Phelan	Townsend
Clarke, Ark.	James	Pomerene	Warren
Culberson	Lea, Tenn.	Ransdell	Weeks
Dillingham	Lee, Md.	Robinson	
du Pont	Lewis	Shields	

So Mr. NORRIS's amendment was rejected.

Mr. HOLLIS. Mr. President, I entertained the hope yesterday that we might be able to reach a vote on the bill to-day. I think that is evidently impossible. The Senator from Iowa [Mr. CUMMINS] has said that he wishes to offer an amendment striking out the exemption from taxation. I hope the Senator will offer that amendment this evening, so that it will be pending to-morrow, and I shall try to get a vote on the passage of the bill to-morrow afternoon.

Mr. CUMMINS. I think the Senator from New Hampshire must have misunderstood me. I am quite willing to go on.

Mr. HOLLIS. I hope the Senator will go on. I did not suggest that he should not. I hoped he would offer his amendment, so that at least that might be pending.

Mr. CUMMINS. What I said to the Senator from New Hampshire was that I did not care to present my amendment while the amendment of the Senator from Nebraska [Mr. NORRIS] was pending.

Mr. HOLLIS. That is exactly what I understand, and that is in accordance with what I have just suggested. I hope the Senator will suggest his amendment and go ahead with it.

Mr. CUMMINS. That is entirely satisfactory to me.

Mr. HOLLIS. That is what I asked the Senator to do.

Mr. CUMMINS. I move to strike out section 29 of the bill. I understand that the Senator from New Hampshire is willing that the argument upon the amendment shall go over until to-morrow.

Mr. HOLLIS. I would very much prefer to go on to-night. I would like to run until about a quarter to 6.

Mr. CUMMINS. I ask that the section to which I have directed my motion may be read.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 66, beginning in line 13, it is proposed to strike out section 29, in the following words:

EXEMPTION FROM TAXATION.

SEC. 29. That every Federal land bank and every national farm-loan association, including the capital stock and reserve or surplus therein and the income derived therefrom, shall be exempt from Federal, State, municipal, and local taxation, except taxes upon real estate held, purchased, or taken by said bank or association under the provisions of section 11 and section 13 of this act. First mortgages executed to Federal land banks, or to joint-stock land banks, and farm-loan bonds issued under the provisions of this act, shall be deemed and held to be instrumentalities of the Government of the United States, and as such they and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation.

Mr. CUMMINS. Mr. President, to one who is interested in the power of Congress to regulate commerce and who believes it will be accomplished most efficiently through the Federal incorporation of the agencies to which commerce among the States is to be carried on, the proposal that Congress can exempt the property, stock, deposits, mortgages owned or issued by the land bank to be organized under the bill now before us, is somewhat startling and very disconcerting.

If Congress could constitutionally either grant or withhold the right of a State to tax the property of a corporation organized under a Federal law, I would not be so much concerned; but, as I view the subject, if the property named in the bill is or can be exempted, it is through the constitutional relation between the State and the General Government. If, therefore, this property is exempt, all such property of Federal incorporation would be likewise exempt.

I can not conceive that Congress has the authority to exempt anything from taxation by the States. When the United States acquires property in a State or creates an instrumentality operating in a State exemption from taxation is a judicial question and can not be affected by legislative action.

These are suggestions, Mr. President, from which I intend to submit to the Senate some observations with respect to the authority of Congress to do what is proposed in section 29 of the pending bill.

I hope that I will not be misunderstood. I do not assert that Congress can not give its assent to State taxation of property which, without such assent, would not be taxable by the State. I doubt whether Congress is empowered in any instance to give such consent; but I do not now dispute it, for it is unnecessary to consider that phase of the question in the discussion of the matter before us. I do assert, however, with the utmost confidence, that Congress can not in any form or in any way by declaration remove property from the power of State taxation. It has never been attempted before, I believe. I have never heard it asserted until I found it in this bill. Now, mark you, I do not say that Congress has not power under some circumstances to create an instrumentality which the Constitution itself or the constitutional relation between the States and the Federal Government will exempt from the power of State taxation——

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. CUMMINS. I shall do so in a moment.

But I reiterate that Congress has no power to declare that any given property situated within a State shall not be subject to the power of the State in taxation. I now yield to the Senator from Colorado.

Mr. THOMAS. The Senator from Iowa is fully aware that a condition of admission of the newer States to the Union is that they shall forego the right to tax the public domain within their respective States. There is an exemption, which, but for its existence, would enable the State to levy taxes upon an immense amount of territory which the Government holds, and upon which State taxation would otherwise be levied. It seems to me that, inasmuch as the Government, as to that property, held not for governmental purposes but merely as a proprietor, provides that it shall not be subject to taxation, that this is not an exception to the general proposition which the Senator makes.

Mr. CUMMINS. Will the Senator from Colorado again state the early part of his proposition? I did not hear him distinctly.

Mr. THOMAS. I called attention to the fact that a condition of admission of the new States into the Union is that they shall forego the right to tax the domain within the territory of the State belonging to the General Government, but for which exemption all property held by the Government merely as a proprietor would be subject to taxation.

Mr. CUMMINS. Mr. President, the Supreme Court has held——

Mr. JOHNSON of South Dakota rose.

Mr. CUMMINS. Just a moment. The Supreme Court has held that the property of the Government situated in a State is not subject to taxation by the State, and that entirely without regard to any legislation upon the subject, entirely without regard to the covenants or agreements under which the State came into the Union.

Mr. THOMAS. That is true, Mr. President, with regard to the property which forms an instrumentality of the State, but it is not true with reference to the property which the State holds merely as any other proprietor. Hence the necessity of an insertion in the enabling act of all of the States where there is public domain of the provision to which I have referred.

Mr. CUMMINS. But the Senator from Colorado evidently did not hear my statement.

Mr. THOMAS. I heard the Senator's statement, but perhaps I did not comprehend it.

Mr. CUMMINS. I said that there might be—I do not affirm that there are—instances in which the Congress can, on behalf of the United States, assent to the exercise of the taxing power on the part of the State; but that Congress had no power to declare that a given property should not be taxed by the State, inasmuch as the latter is purely a judicial question.

Mr. THOMAS. I agree with the Senator as to that.

Mr. CUMMINS. And the court must determine in the proper procedure whether or not the property, either owned by the United States or used as an instrumentality of the United States, may be subject to taxation.

Mr. THOMAS. I understood the Senator's statement quite clearly; but the fact remains that while they might have the exempting clause in the enabling act in States where the public domain is situated, each State would have the power, and it would be its duty, to tax all parts of the public domain owned by the United States not used as instrumentalities of the Government. If Congress has the power—which it certainly possesses and has exercised—of requiring that before the State shall be admitted it must withhold its taxing power over a great extent of territory, which, but for that condition, would be subject to that taxing power, I think it is going too far to say that this is the first time that the attempt has been made by congressional legislation to deprive the State of the power to tax, which it would otherwise possess.

Mr. CUMMINS. Mr. President, I think my statement is absolutely accurate. It may be that a qualification which I had in mind, and which I assumed all Senators would have in their minds, was not made clear enough.

I repeat, that from my standpoint Congress has never attempted to declare with respect to any instrumentality or the property created and owned by any agency of the Government and used in effectuating some purpose of the Government that it should not be subject to taxation upon the part of the State. That is a conclusion which must be deduced from the relation of the States to the Union, and it must be found by and through a judicial procedure. I think I will establish that very clearly before I finish the discussion of the matter. I now yield to the Senator from South Dakota.

Mr. JOHNSON of South Dakota. Mr. President, the Senator from Iowa has partially answered the question which I had in mind to ask; but there is a still further thought which occurs to me with regard to this matter. I should like to ask if, in the opinion of the Senator, the creation of property that does not now exist would also come under the line of his argument? For instance, Congress creates under this act certain property which it exempts from taxation. Would the same rule apply to the exemption of that property as applies to property formerly existing? That was the thought in my mind.

Mr. CUMMINS. I think I understand the suggestion of the Senator from South Dakota, and the answer to it will fully appear as I proceed in the discussion of the subject. Generally speaking, however, it may be answered in this way: If Congress creates property in the manner proposed in this act, it creates only the franchise to be a corporation. Under this act Congress does not create any other kind of property. It authorizes certain persons to associate themselves together as a corporation, with certain privileges and certain duties and rights. That is the only property conferred upon the association by the Government. The agency itself, namely, the corporation, proceeds under the rights given it by the sovereign to acquire certain property; and, although I am anticipating what I had intended to say later, I at once submit that, if the property created by the corporation is not to be used by the corporation in carrying out a governmental function, whatever that may be, in harmony with State taxation, then the State can not tax the property; in other words, the State can not impede or obstruct the governmental function, even though performed by a corporation, by imposing a tax upon the property.

In this case, however, the chief purpose of the corporation, as avowed by all who have spoken in its behalf, and, as I think will be admitted by everybody, is to secure a lower rate of interest to those who borrow from the land banks; that is its only object. It is necessary, however, to find some governmental purpose, however slight or insignificant, in order to invoke the authority of Congress in the incorporation, and therefore it is declared that these land banks shall be public depositaries, and it may be that there is one other governmental function which they may perform.

If the imposition of State taxes upon the property of the incorporation impedes, obstructs, or destroys the power of the land banks to serve the Government of the United States in the way here appointed, then such taxes are unconstitutional; the State can not impose them, and the State could not impose them no matter what Congress might say or do with respect to the matter. The State could not impose the tax because of the relation which the State sustains to the General Government, a relation which the Supreme Court has declared over and over again does not permit the Federal Government to lay a tax upon a State instrumentality or a State government to lay a tax upon a Federal instrumentality.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Montana?

Mr. CUMMINS. I yield to the Senator.

Mr. WALSH. Before the Senator proceeds with his argument, perhaps he will pardon an interruption to permit me to remark that the proposition asserted by the Senator from Colorado [Mr. THOMAS] has not had anything like a universal acceptance in this country, namely, that the State governments would be entitled to tax the public lands of the National Government within their boundaries were it not for stipulations to the contrary in the acts under the provisions of which they were admitted, respectively, to the Union. That question, as I recall, was the subject of some considerable comment in connection with the admission of California into the Union. The act so stipulated. Mr. Webster, as my recollection now serves me, however, took the position that that provision of the act was entirely unnecessary, as the State would have no right to impose such taxes.

Mr. CUMMINS. As I remarked to the Senator from Colorado, I intend to consider that phase of the question, although I do not believe it to be material to the amendment I have proposed, a little later in connection with one or two authorities from the Supreme Court of the United States.

I assume the Senator from Colorado called it to my attention because I had asserted in a preliminary way that Congress was powerless to deny to the States the right of taxation. If they—the States—are denied the right of taxation, it is by the Constitution and not by Congress.

Mr. THOMAS. Mr. President, if the Senator will pardon me, I also called it to his attention because of his statement that

this was the first instance in which legislation of this kind was attempted.

Mr. CUMMINS. Yes.

Mr. SUTHERLAND. Mr. President, may I suggest to the Senator from Iowa that even if it be true that these public lands would not be taxable by the State in the absence of a compact, that does not in any manner affect the argument which the Senator from Iowa has been making; namely, that Congress, by an act of legislation, can not accomplish it.

Mr. CUMMINS. Precisely.

Mr. SUTHERLAND. If it is accomplished in the instance which the Senator from Colorado gives us, it is accomplished by a compact between the State and the Federal Government, and is one of the conditions upon which the State is admitted into the Union. Now, if the State has the power to tax these lands in the absence of that compact, then I think the Senator from Iowa is quite correct in saying that the Congress of the United States can not take that power away from the State by a mere act of legislation.

Mr. CUMMINS. The Senator from Utah is undoubtedly right. The Supreme Court has passed over the whole subject in the Tennessee case to which I shall presently call attention, and which very clearly sets forth the obligations of the States to the Union, and the Union to the States, with regard to the taxation of public property or land.

Mr. SUTHERLAND. I suggest the absence of a quorum.

Mr. HOLLIS. Mr. President, if the Senator will withdraw the request I shall be entirely willing to adjourn at any time. I am willing to adjourn now.

Mr. SUTHERLAND. Very well; I withdraw it.

Mr. CUMMINS. Is it the desire of the Senator from New Hampshire that I shall proceed further?

Mr. HOLLIS. Why, no. I suggested that I was ready to adjourn at any time when the Senator wished to desist. I do not want to stop him if he prefers to go on, however.

Mr. CUMMINS. No; if it is entirely agreeable to the Senator from New Hampshire, I should be glad if I might resume my discussion to-morrow.

Mr. HOLLIS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 43 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 3, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 2, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art the Author of life, the Dispenser of every gift, out of the abundance of Thy grace impart unto us that we may conceive readily, see clearly, act fearlessly and nobly our part in the great drama of life and so fulfill the obligations resting upon us here, now, and always, ever keeping before us the ideal in Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

UNANIMOUS-CONSENT DAY.

Mr. KITCHIN. Mr. Speaker, the other day when the House gave unanimous consent to take up the Philippine bill on Monday it was understood we would have a day for unanimous consent as soon as we could. I ask unanimous consent to transfer the business which was under the rule in order last Monday to Thursday of this week.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to transfer the business in order last Monday to next Thursday. Is there objection?

There was no objection.

DEPOSIT OF ASSETS OF INSOLVENT BANKS.

Mr. ROGERS. Mr. Speaker, I ask that the bill H. R. 3575, to amend section 5234 of the Revised Statutes of the United States so as to permit the Comptroller of the Currency to deposit upon interest the assets of insolvent national banks in other national banks of the same or of an adjacent city or town, with a Senate amendment and now on the Speaker's table, be laid before the House.

Mr. GARRETT. Is there a similar House bill?

Mr. ROGERS. This is a House bill with a Senate amendment. It passed the Senate with a minor technical amendment.

Mr. GARRETT. What is it about?

Mr. ROGERS. It provides for the deposit of bonds for the security of the payment of the money, and the new words inserted by the Senate are "with the Treasurer of the United States"; it simply perfects the language and was recommended by the Federal Reserve Board.

Mr. GARRETT. Is the gentleman willing to let that go over for a time?

Mr. ROGERS. Yes. Mr. Speaker, I ask that it go over for the present.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 759. An act to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 4856) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT as the conferees on the part of the Senate.

The message also announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 125. Joint resolution to authorize the Secretary of the Interior to accept assignment of patent for improvements in the manufacture of gasoline, and for other purposes.

The message also announced that the President had approved and signed, on May 1, 1916, joint resolution and bill of the following titles:

S. J. Res. 121. Joint resolution authorizing the appointment of a representative of the United States Government to appear at the celebration of the landing of Sir Francis Drake on the coast of California; and

S. 5415. An act to authorize the construction of a bridge across the Fox River at Geneva, Ill.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3205. An act to amend "An act to protect the birds and animals in Yellowstone National Park, and to punish crimes in said park, and for other purposes," approved May 7, 1894; to the Committee on Agriculture.

S. 3405. An act for the relief of the Maine Central Railroad Co.; to the Committee on Claims.

S. 1741. An act for the relief of certain homestead entrymen for lands within the limits of the Glacier National Park; to the Committee on the Public Lands.

S. 3646. An act to amend the act of February 11, 1915 (38 Stat. L., 807), providing for the opening of the Fort Assiniboine Military Reservation; to the Committee on the Public Lands.

EXTENSION OF REMARKS.

Mr. HICKS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the gasoline situation.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BRITT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Agricultural bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I call up the Agricultural appropriation bill (H. R. 12717).

The SPEAKER. Under the rule the House automatically resolves itself into Committee of the Whole House on the state of the Union, and the gentleman from Missouri [Mr. HAMLIN] will take the chair.

The CHAIRMAN. At the time the committee rose there was an agreement for two hours' debate on the last paragraph in the bill, with reference to the foot-and-mouth disease.

Mr. MANN. The paragraph has not been read.

The CHAIRMAN. The Clerk will read the paragraph.

The Clerk read as follows:

Eradication of foot-and-mouth and other contagious diseases of animals: In case of an emergency arising out of the existence of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious disease of animals which, in the opinion of the Secretary of Agriculture, threatens the live-stock industry of the coun-

try, he may expend in the city of Washington or elsewhere, out of any money in the Treasury not otherwise appropriated, the sum of $2,500,000, which sum is hereby appropriated, or so much thereof as he determines to be necessary, in the arrest and eradication of any such disease, including the payment of claims growing out of past and future purchases and destruction, in cooperation with the States of animals affected by or exposed to, or of materials contaminated by or exposed to, any such disease, wherever found and irrespective of ownership, under like or substantially similar circumstances, when such owner has complied with all quarantine regulations, and said sum shall be immediately available for the purposes specified: *Provided*, That the payment for animals hereafter purchased may be made on appraisement based on the meat, dairy, or breeding value, but in case of appraisement based on breeding value no appraisement of any animal shall exceed three times its meat or dairy value, and except in case of an extraordinary emergency, to be determined by the Secretary of Agriculture, the payment by the United States Government for any animal shall not exceed one-half of any of such appraisements.

Total carried by this bill for the Department of Agriculture, $24,501,093.

Mr. HULL of Iowa. Mr. Speaker, I reserve a point of order on the paragraph.

Mr. MOORE of Pennsylvania. And I offer an amendment.

The CHAIRMAN. By unanimous consent, the time was limited to two hours, one half of the time to be controlled by the gentleman from South Carolina [Mr. LEVER] and the other half by the gentleman from Iowa [Mr. HULL].

Mr. LEVER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. LEVER. Will the arguments on the point of order be taken out of the time fixed by the committee?

The CHAIRMAN. The Chair thinks not.

Mr. LEVER. I will suggest to the gentleman from Iowa that he make his point of order now so that we will have a basis upon which to offer amendments.

Mr. HULL of Iowa. I will make the point of order, Mr. Chairman, on the paragraph.

The CHAIRMAN. The gentleman will state his point of order.

Mr. LEVER. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert, in place of the paragraph stricken out, the following:

"Eradication of foot-and-mouth and other contagious diseases of animals: In case of an emergency arising out of the existence of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious disease of animals which, in the opinion of the Secretary of Agriculture, threatens the live-stock industry of the country, he may expend in the city of Washington or elsewhere, out of any money in the Treasury not otherwise appropriated, the sum of $2,500,000, which sum is hereby appropriated, or so much thereof as he determines to be necessary, in the arrest and eradication of any such disease, including the payment of claims growing out of past and future purchases and destruction, in cooperation with the States of animals affected by or exposed to, or of materials contaminated by or exposed to, any such disease, wherever found and irrespective of ownership, under like or substantially similar circumstances, when such owner has complied with all quarantine regulations: *Provided*, That the payment for animals hereafter purchased may be made on appraisement based on the meat, dairy, or breeding value, but in case of appraisement based on breeding value no appraisement of any animal shall exceed three times its meat or dairy value, and except in case of an extraordinary emergency, to be determined by the Secretary of Agriculture, the payment by the United States Government for any animal shall not exceed one-half of any of such appraisements."

Mr. HULL of Iowa. Mr. Chairman, I renew the point of order.

Mr. MANN. What is the difference in the amendment and the paragraph?

Mr. LEVER. I simply strike out that portion which makes the amount immediately available. I think, however, the amendment as offered is subject to a point of order and I concede it.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert in place of the paragraph stricken out the following:

"Eradication of foot-and-mouth and other contagious diseases of animals: In case of an emergency arising out of an outbreak of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious disease of animals which, in the opinion of the Secretary of Agriculture, threatens the live-stock industry of the country, he may expend in the city of Washington or elsewhere, out of any money in the Treasury not otherwise appropriated, the sum of $2,500,000, which sum is hereby appropriated, or so much thereof as he determines to be necessary, in the arrest and eradication of any such disease.

Mr. LEVER. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, as much as I feel that the question of foot-and-mouth disease among cattle and now before this House for consideration is of vast importance, yet I want the House to listen to a few remarks in reference to the dairy and dairy products resolution introduced by me and of equal importance to the health of the consuming public.

Mr. RUBEY. Mr. Chairman, I regret exceedingly, but I shall have to object to the discussion of any matter not before the House.

Mr. LINTHICUM. If the gentleman objects, Mr. Chairman, I shall not make any remarks at this time; but on the 14th of last month, when I was absent from the session on public business, remarks were made by two gentlemen from Iowa, and it is important——

Mr. RUBEY. Well, Mr. Chairman, I will not object if that will not bring up a discussion on that proposition which will take away the discussion of this matter of the foot-and-mouth disease.

Mr. MANN. If the gentleman prefers to discuss something else and gets the time, what is the difference? The time is limited.

Mr. LINTHICUM. Mr. Chairman, on the 14th day of last month the gentlemen from Iowa, Mr. HAUGEN and Mr. GREEN, in speaking on the Agricultural bill, referred to my resolution No. 137, introduced by me and asking that a committee be appointed to determine what legislation, if any, is necessary for the supervision and inspection of the dairies and dairy products of the country, said:

Mr. HAUGEN. If the gentleman will refer to the hearing the other day before the Committee on Rules he will find that the attorney that appeared before that committee let the cat out of the bag and showed clearly that the investigation was made at the instigation of the packing industry of the country.

And the other gentleman from Iowa, Mr. GREEN, remarked:

Mr. GREEN. That is about what I anticipated would be discovered. The packing interests are connected very closely with the great central creameries that collect their cream from a long distance, and that, as I believe, is mainly responsible for the bad condition of any butter or cream that gets to market, because it is carried so far, without any sanitary precautions, that it naturally becomes fermented or injured in hot weather.

I want to say to these gentlemen from Iowa [Mr. GREEN and Mr. HAUGEN] that, so far as I can discover in the testimony of the witnesses before the Rules Committee and of my friend Mr. Case, the counsel referred to, there is no phrase or expression in that hearing from which could logically be drawn deductions to indicate that the meat packers or the packing industry or any other interests of this country are in anywise connected with this resolution. I say to this House, and say frankly, that this resolution was introduced by me not at the instigation of any packing industry nor any other industry—I do not know any packing industry; I do not know any men connected with it—but it was introduced at the suggestion of the president of the Maryland and District of Columbia Federation of Labor, Mr. John H. Ferguson. This organization is endeavoring to improve the condition of the food products of the country not alone in the interest of its vast membership, but for the equal benefit of the great mass of people who look to us for protection of their health and well-being. I introduced this resolution after I had searched the records and reports of the Bureau of Animal Industry and found reported that the dairy industry is insanitary and dangerous to the health of the people. It was not introduced until I had collected a vast array of testimony from the dairy journals of the country, appearing as late as March 16 of this year. Those journals say that the condition of the creameries of the country is deplorable. The New York Sun came out on the 1st day of May, yesterday, in an editorial, in which it said that the condition of the creameries, or of the dairy industry, of this country ought to be investigated and something out to be done to clear up the situation in that important industry, and without delay. Here you have a product consumed not alone in its original state, but that is manufactured into butter, manufactured into cheese, and goes directly to the people in that raw state, carrying whatever impurities it may contain. Dr. Melvin, the head of the Bureau of Animal Industry, tells you that there are 22,000,000 dairy cattle in this country, and Dr. Schroeder, the authority connected with the bureau and a specialist on tuberculosis in butter and milk, says that 1 in every 10 of these cows, or, in other words, 2,000,000 cows, are infected with tuberculosis; Dr. Schroeder calculates from available data that 6,000 children in this country die every year from bovine tuberculosis and that many more are afflicted with bone troubles, the result of infected dairy products. Numerous other authorities tell you of this situation in a similar manner. I say upon the vast proof produced something ought to be done by Congress to clear it up and put it upon a high plane.

The gentleman from Iowa [Mr. GREEN] asserts in that quotation that the "packing interests are connected very closely with the great centralizer creameries that collect their cream from a long distance, and that," he continues, "I believe is mainly responsible for the bad condition of the butter and cream that goes to market, because it is carried so far without any

sanitary precautions that it naturally becomes fermented or injured in hot weather."

Now, Mr. Chairman, I am not caring who is at fault in this deplorable creamery situation. If it is the packing industry who, through their creameries, are turning out bad butter and selling it to the great consuming public, then let us go after them. It is not a question with me as to whether it is one industry or another. I believe we should strike at the people who are causing this condition.

It is no excuse to say that some other industry is causing the trouble, because this resolution aims at no particular corporation or people except to clear up the situation as to the dairies and dairy products of the country. It is no answer to say that somebody is back of this resolution or that some interests are in favor of it who are opposed to the creamery industry—that is merely dragging a herring across the track. When we institute ejection proceedings we do not proceed by telling the court that the title of the other fellow is bad and that ours is better, but we proceed to prove that our title is perfect, and for that reason we are entitled to the property.

Just so it is in the dairy industry. It is not well to simply say that the meat packers or the oleomargarine or any other people are not doing the right thing or are interested in this resolution or that it would benefit them. It is for the dairy industry to prove that their business is being conducted properly and that the people are obtaining a clean and healthy product.

The dairy journals of the country are anxious to place the business upon a high plane. They are interested in the business; they want to see it have the confidence of the great mass of the people, and if those interested will take the trouble to read the hearing before the Rules Committee, they will discover that the dairy interests of the country are condemned in the very dairy journals themselves for present conditions.

In a letter just received from Mr. George H. Brownell, editor of his Dairy Farmer, he contends that a certain meat company is running a large centralizer and that this company advertises that it will accept any sort of cream that farmers will send to it and pay the same prices for it that is paid by competing creameries for first-class cream. He contends that this company is doing this thing in order to injure the creamery business.

I wish to say in this connection that if any such condition prevails in this country it ought to be broken up, whether it is fostered by the packing industry or any other concern. I do not ask in this resolution for immediate supervision and inspection of the dairies and dairy products of the country. What I do ask for is that a committee be appointed to look into these matters, hear the testimony, and ascertain the real conditions throughout the country, and after they have ascertained these conditions, then to propose, if conditions warrant, such legislation as will remove the trouble.

The charge is made against the dairy industry by the Bureau of Animal Industry, by numerous dairy journals of the country and other papers, by many letters from health departments of various States, indorsing the resolution and, if the charges are untrue, then nobody more than the creameries themselves should demand that an investigation be made. If they are without fault let the people know them to be in proper condition and their products clean and sanitary.

No one has a greater desire than I have to see the great mass of creameries and dairies of the country in proper shape. That there is great trouble in some of them; that bad products are being turned out by a number is certainly true, and until this condition can be remedied to the satisfaction of the public this great industry which affects the life and happiness of all the people and which more particularly affects the health of the unprotected children of the country, is bound to rest under suspicion.

I sincerely hope that the two gentlemen from Iowa will take the trouble to read the hearing recently held before the Rules Committee and ascertain for themselves the strong indictments against the dairies and dairy products of the land. I feel that if every Member of this House will take the trouble to read this hearing he is bound to be convinced that this resolution ought to be reported to the House and passed; that the committee may be appointed to decide upon what legislation, if any, should be enforced.

The health of the people is of vast importance, and we can not obtain this health unless we see to it that they have pure food, especially in dairy products.

I note that Dr. A. D. Melvin, Chief of the Bureau of Animal Industry, has called a conference of the representatives of the various dairy, creamery, and butter manufacturing concerns to be held on the 4th of this month. I am very glad to see that the department is taking such a very deep interest in this subject, and I wish them much success in clearing up the atmosphere concerning this great industry.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

[By unanimous consent, Mr. LINTHICUM was granted leave to extend his remarks in the RECORD.]

Mr. KING. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 78, line 18, after the word "destruction," insert the words "and also through the operation of Government quarantine regulations."

Mr. MANN. Mr. Chairman, I suggest that there is no such word and line in the amendment pending which the gentleman seeks to amend.

Mr. LEVER. I suggest to the gentleman that that went out on a point of order.

Mr. KING. I will ask to correct that amendment by having it come after the word "disease" in the seventeenth line.

Mr. STAFFORD. After the word "disease" of the pending amendment.

The CHAIRMAN. The gentleman asks to modify his amendment, which, without objection, will be done, and the Clerk will report it.

The Clerk read as follows:

At the end of the pending amendment insert "and also through the operation of Government quarantine regulations."

Mr. LEVER. Mr. Chairman, I reserve the point of order on that until I can understand what it means.

Mr. KING. The amendment was prepared, of course, before the gentleman's amendment was offered.

Mr. LEVER. I suggest to the gentleman that he withdraw his amendment for the present.

Mr. KING. Very well, I will withdraw it, and put it in proper shape.

The CHAIRMAN. Without objection, it will be withdrawn.

There was no objection.

Mr. MADDEN. Mr. Chairman, I have an amendment which I desire to offer at the end of the amendment offered by the gentleman from South Carolina [Mr. LEVER].

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. I rose to offer an amendment some time ago, but was advised that the time had been allotted, and that we would have to offer amendments through the gentlemen who controlled the time.

The CHAIRMAN. At that time there was a point of order pending, but the Chair is in sympathy with the suggestion of the gentleman from Pennsylvania. By unanimous consent, all time for debate is under the control of the gentleman from South Carolina and the gentleman from Iowa. It would relieve the Chair of some embarrassment if gentlemen wishing to offer amendments would be yielded time by the gentlemen controlling the time. Of course the time taken in reading amendments is not taken out of the time for general debate.

Mr. MOORE of Pennsylvania. All I desire is to have an opportunity to offer my amendment.

The CHAIRMAN. The gentleman will have that opportunity. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MADDEN].

The Clerk read as follows:

Following the pending amendment insert:

"*Provided*, That in addition to the payment made for any animal there shall also be paid to the owner or owners thereof such sum as may be found, upon investigation, to have been expended on orders issued by the Government for care and treatment during the period of quarantine."

Mr. LEVER. Mr. Chairman, I reserve the point of order on that. I do not think this amendment comes at the proper place.

Mr. MADDEN. It may not come at this point.

Mr. LEVER. I do not think it relates to anything. If the gentleman would offer it in the shape of a proviso, it might be in order.

Mr. MADDEN. I suggest to the gentleman that he make the point of order.

Mr. LEVER. Mr. Chairman, I make the point of order in order to determine the matter, and I make the point of order on the ground that this is legislation.

Mr. MADDEN. Mr. Chairman, I submit it is not subject to the point of order. In the first place, we are proposing to appropriate $2,500,000 for the payment of cattle killed as the result of the foot-and-mouth disease.

The CHAIRMAN. The Chair desires to call the attention of the gentleman to the fact the amendment offered by the gentleman from South Carolina, to which there was no point of order made, does not provide for the payment of animals slaughtered.

Mr. MADDEN. It appropriates the money, which, of course, must be construed to mean that it is to be paid. The language may imply it is not connected with the appropriation, but the fact still remains that the money appropriated is intended for a given purpose, and you can not evade it.

Mr. LEVER. If the Chair will permit, I would like to call the attention of the Chair to the fact that the principle involved in the gentleman's amendment was offered to this bill two years ago, or one year ago, and it is the same principle as is involved in the language which has just gone out on the point of order. At the time and when this item was first inserted in the bill the point of order was made that there was no authority to pay these claims, and the Chair sustained that view.

Mr. MADDEN. I am trying to show the Chair there is authority to do it, and I hope I will be able to convince the Chair, who is a reasonable man and of more than ordinary intelligence, that there is only one thing to do with the amendment which I propose, and that is to rule that it is in order, and the next thing to do with it is to adopt it. Now, we are appropriating $2,500,000 for a given purpose. What is that purpose? It is to pay for cattle which are slaughtered under the direction of the Department of Agriculture or the State authority because they have the foot-and-mouth disease, and the proposition that I present in the form of an amendment simply adds to that, that where the Government directs that expenditures be made prior to the killing of the cattle and while the quarantine is in force, that whatever expenditures are made on that order shall be added to whatever price may be paid for the cattle. Now, I submit that that is a reasonable proposition, that it is in order, that it is germane, that it is just, and that it ought to be held in order, and I am quite sure that if the Chair should find himself able to hold it in order the House would be glad to approve it.

Mr. MANN. Mr. Chairman, the original item in the bill provided first for an appropriation for the arrest and eradication of foot-and-mouth and other contagious diseases, and then it provided that out of that appropriation certain claims could be paid. The matter was up before the House last year and the Chair held that it was not in order to provide an appropriation for the payment of claims. Now, the Chair has ruled out, following that authority, that portion of the original paragraph in the bill which provided for the payment of claims. Last year there was no specific ruling of the Chair on the item that did go into the bill. The gentleman from North Carolina [Mr. PAGE] made the point of order on the paragraph that was in the bill, and it went out on the point of order. The gentleman from South Carolina [Mr. LEVER] offered a further amendment, which still provided for the payment of claims. The gentleman from North Carolina [Mr. PAGE] made a point of order on that, and the Chair sustained the point of order. Then the gentleman from South Carolina offered the provision that went into the bill, which was simply an appropriation for the eradication and control of these diseases, and the gentleman from North Carolina said that he would not make the point of order, that in that case it was not subject to a point of order. Now, the Chair was not called upon to make a ruling then, and I think the statement made by the gentleman from North Carolina at that time was correct. The appropriation is in order under the organic act of the Department of Agriculture. That is to be expended under the law by the Department of Agriculture. I doubt very much whether the Secretary of Agriculture under that provision of law can pay any claims of any kind whatever to any private individual. He can engage employees, experts, or other people connected with the Bureau of Animal Industry or otherwise for this purpose. I doubt whether he is authorized to pay any claim, but certainly Congress, or the House, under the rules of the House, can not specifically appropriate for the payment of any kind of a claim over a point of order. I think, so far as the rules are concerned, it is wise to observe the rules to a paragraph like this. I think that under the rule the amendment offered by my colleague is subject to the point of order equally as the provision in the original paragraph was subject to the point of order.

Mr. STAFFORD. Just a word, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman from Wisconsin.

Mr. STAFFORD. The amendment that is under consideration is entirely different from the original provision in the bill. The amendment that has been submitted by the chairman of the committee merely provides an appropriation of $2,500,000, to be expended in the discretion of the Secretary of Agriculture in the arrest and eradication of these respective diseases.

There is nothing more fundamental in the parliamentary decisions of this House than that you can not add a distinct piece of substantive legislation to another piece of substantive legislation that carries merely one idea or one proposal. The amendment offered by the gentleman from Illinois [Mr. MADDEN] carries a distinct legislative proposal, providing for the care and treatment of these animals that are supervised by the Department of Agriculture. But the amendment under consideration does not go to that extent of authorizing even the condemnation by the Secretary of Agriculture of animals that are affected with this foot-and-mouth disease.

Mr. COX. Mr. Chairman, will the gentleman yield for a question?

Mr. STAFFORD. I yield.

Mr. COX. If I understood the reading of the language of the amendment proposed by the gentleman from South Carolina, it is to enable the Secretary of Agriculture to arrest the spread of the foot-and-mouth disease.

Mr. STAFFORD. To arrest and eradicate such disease.

Mr. COX. Now, suppose the Secretary of Agriculture in his pursuit of this disease comes to the conclusion that in order to enable him to arrest and eradicate the disease it will be necessary to kill the animals suffering with the disease. Is the language of the proposed amendment of the gentleman from South Carolina strong enough to enable the Secretary of Agriculture to do that?

Mr. STAFFORD. I question whether under the language embodied in the amendment of the gentleman from South Carolina the Secretary of Agriculture is authorized to expend any money in payment of claims for the destruction of these animals.

Mr. LEVER. May I make this statement to the gentleman? When this item was put into the bill a year ago this language providing for the payment of these claims was stricken out on a point of order, and only that portion of the language that I am now offering remained in the bill. The bill went to the Senate, and for fear that under that language the Secretary would not have the authority to pay these claims, it was amended specifically to provide for their payment.

Mr. MADDEN. Mr. Chairman, will the gentleman yield to me for a question.

Mr. STAFFORD. I will be glad to yield.

Mr. MADDEN. Does the gentleman from Wisconsin contend that under the authority granted to the Secretary of Agriculture to eradicate he would not have the power to order the owner of the cattle to expend money in endeavoring to carry out the plan he had in mind for the eradication of the disease, and if he did so order he would not have the power to pay?

Mr. STAFFORD. I think he might order, but I do not know whether there would be any sanction back of the order carrying it into effect. But, assuming that he would have that authority, nevertheless you are checking the discretion of the Secretary of Agriculture by limiting his discretion in the amendment suggested by the gentleman from Illinois.

The CHAIRMAN. The Chair will rule. The present occupant of the chair has held on at least one occasion, and other Chairmen have held uniformly, that in the face of a point of order a provision authorizing the Secretary of Agriculture to pay claims can not stand. The Chair presumes, of course, that the gentleman from Illinois in offering his amendment proceeded upon the theory that the amendment of the gentleman from South Carolina provided for the payment of slaughtered animals. The Chair thinks that the amendment of the gentleman from South Carolina does not bear that construction.

Mr. MADDEN. Does the Chair contend that the appropriation of this $2,500,000 is not for the purpose of paying for the cattle?

The CHAIRMAN. The Chair can not presume that much. The appropriation may be too large or too small. That is not a matter for the Chair to pass upon, but unquestionably as the pending amendment now reads, "for the eradication and arrest of such disease." the Chair, of course, can imagine that the Secretary of Agriculture in carrying out this provision might conclude that it is necessary to kill the cattle. But the Chair can not conclude that he could presume then that he had authority to pay for the cattle killed without some direct authority by Congress, and this committee on an appropriation bill can not give him that authority in the face of a point of order. The Chair is therefore compelled to hold the amendment of the gentleman from Illinois out of order.

Mr. CHIPERFIELD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CHIPERFIELD. Probably the need of the inquiry comes from the fact that I did not clearly hear what the Chair said. Did the Chair hold that no portion of this sum of $2,500,000 would be available for the purpose of paying for animals that were necessarily slaughtered, or was the reverse of that the ruling of the Chair?

The CHAIRMAN. The Chair did not hold anything about that. That was not the province of the Chair to hold. It would be a question for some other greater and more powerful authority to decide. The Chair simply made a statement, perhaps unnecessary, but due to the fact that it was in answer to a statement made by the gentleman from Illinois, that part of this $2,500,000 was undoubtedly intended to be used to pay for the killing of stock. The Chair said he could not conclude, under the wording of the amendment, that it was to be so used.

Mr. CHIPERFIELD. I merely wanted to understand what the Chair said. I would not attempt to controvert what the Chair said.

Mr. HULL of Iowa. Mr. Chairman, I offer an amendment, to be inserted after line 17, of page 78, employing the language of the item in the bill.

The CHAIRMAN. The gentleman will send up his amendment and let it be reported.

Mr. HULL of Iowa. I hope no one will urge a point of order against my amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the Lever amendment insert: "including the payment of claims growing out of past and future purchases and destruction, in cooperation with the States, of animals affected by or exposed to, or of materials contaminated by or exposed to, any such disease, wherever found and irrespective of ownership, under like or substantially similar circumstances."

Mr. LEVER. Mr. Chairman, I reserve a point of order on that.

The CHAIRMAN. The gentleman from South Carolina reserves a point of order.

Mr. LEVER. I make the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

Mr. MOORE of Pennsylvania. Mr. Chairman, I was promised time. If I can not get it in my own right, I will offer an amendment.

The CHAIRMAN. The gentleman is recognized to offer an amendment.

Mr. LEVER. I yield five minutes to the gentleman.

Mr. HULL of Iowa. I will yield five minutes to the gentleman.

Mr. MOORE of Pennsylvania. Mr. Chairman, I would like to have the amendment heard.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the pending amendment insert a comma and the following words: "whether such disease be detected in the field, in transit, or after the cattle have arrived at an abattoir."

Mr. LEVER. Mr. Chairman, I make a point of order on that.

Mr. MANN. Let us have the amendment read again.

The amendment was again reported.

Mr. MOORE of Pennsylvania. Mr. Chairman, the amendment offered by the gentleman from South Carolina provides an appropriation to be paid for cattle destroyed as the result of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, and so forth. My amendment proposes that those cattle shall be paid for, whether they happen to be seized and destroyed in the field or in transit, upon a railroad train or upon a steamboat, or whether found in a stockyard or an abattoir. I admit it raises a very large and serious question, but I contend it is in line with the amendment offered by the gentleman from South Carolina and is simply in continuation of the amendment offered by him, and is entirely germane.

Mr. LEVER. Mr. Chairman, I make the point of order against the amendment. The gentleman admits himself it is in pay for claims.

The CHAIRMAN. Did the gentleman from South Carolina [Mr. LEVER] catch the reading of the amendment?

Mr. LEVER. I thought I did.

The CHAIRMAN. The Chair, of course, understood the gentleman from Pennsylvania to refer to the payment of claims——

Mr. MOORE of Pennsylvania. Will the Chair permit me for a moment?

The CHAIRMAN. If that is true, it would not be in order; but the Chair is about to make a suggestion. The amendment, on the face of it, has no provision that would require the payment for any cattle or anything. It simply extends the authority of the Secretary of Agriculture to attempt to eradicate and arrest the disease even while the stock would be in transit or after their arrival at their destination.

Mr. STAFFORD. The payment is merely a limitation.

Mr. MOORE of Pennsylvania. I do not know whether it is or not. I think it is in harmony with the present law.

The CHAIRMAN. The Chair is of the opinion that the amendment is really not subject to a point of order, and the point of order is overruled.

Mr. MOORE of Pennsylvania. I want to do my duty in submitting the matter to the committee. If the committee is not satisfied with the amendment, it has its duty to perform in either voting it up or voting it down. A very large question is raised by the amendment. Under the food-inspection law the Secretary of Agriculture may condemn and have destroyed cattle found in the stockyards, and the owner gets no compensation for those cattle. It appears that we are not operating under the foot-and-mouth disease appropriation when we kill cattle in the stockyards, and that the allowance is made only when they are killed on the farm. My amendment proposes there shall be a square deal to the owners of these cattle wherever found, and that such owners shall participate in whatever Government expenditure is made and whatever State cooperation is to be had, just the same as is the case on the farm. In furtherance of the amendment I send to the Clerk's desk to have read this letter, which explains a case in point.

The CHAIRMAN. The Clerk will read the communication.

The Clerk read as follows:

DEPARTMENT OF AGRICULTURE,
Washington, January 8, 1916.

Hon. J. HAMPTON MOORE,
House of Representatives.

DEAR MR. MOORE: Referring to your letter of December 27 relating to the claim of the D. B. Martin Co., of Philadelphia, Pa., amounting to $4,184.15 for 84 cattle condemned under the meat-inspection law on or about February 15, 1915, you are informed that the company's claim for the value of these animals has been rejected. This action was taken for the following reasons:

Paragraph 1 of the meat-inspection act of June 30, 1906 (34 Stat., 674), provides, in effect, that the Secretary of Agriculture may, at his discretion, cause an ante-mortem inspection to be made of all cattle before they are allowed to enter into any slaughtering establishment in which they are to be slaughtered and the meat and meat-food products thereof are to be used in interstate or foreign commerce, and that all cattle found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other cattle, and when so slaughtered the carcasses of said cattle shall be subject to a careful post-mortem inspection as provided by the rules and regulations to be prescribed by the Secretary of Agriculture. Paragraph 2 of the act provides for such post-mortem inspection and also that the inspectors shall mark as "Inspected and condemned" all carcasses and parts thereof of animals found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food. This paragraph further provides that all carcasses and parts thereof thus inspected and condemned shall be destroyed for food purposes by the said establishment. Paragraph 19 of the act provides that the Secretary of Agriculture shall make such rules and regulations as are necessary for the efficient execution of the provisions of the act. Pursuant to this authority, the Secretary of Agriculture prescribed regulations governing both the ante-mortem and post-mortem inspection of animals at slaughtering and other establishments. Inasmuch as the cattle in question had been brought into the regular ante-mortem pens of the D. B. Martin Co., at an establishment operating under Federal meat inspection, they thereby became subject to the provisions of the meat-inspection law and the regulations prescribed thereunder. Upon an ante-mortem inspection the animals were found to be affected with foot-and-mouth disease. They were, therefore, condemned in accordance with the meat-inspection law and the regulations. The meat-inspection act does not provide for the reimbursement of owners for losses sustained on account of animals condemned as unfit for food purposes. Inasmuch as the animals were brought into an establishment operated under Federal meat inspection, they were not subject to the provisions of the act of January 25, 1915 (38 Stat., 795), for the reason that there was no "purchase and destruction" of the animals within the meaning of the latter-mentioned act.

In this connection it may be stated that the D. B. Martin Co. presented a claim for 50 per cent of the value of a bull which was found affected with foot-and-mouth disease in the pens of the National Stock Yards, at Philadelphia, Pa. Inasmuch as this animal, however, had not been brought into the company's establishment where inspection is maintained under the provisions of the meat-inspection law and consequently had not been offered for inspection under this law, this claim was allowed.

Very truly, yours, D. F. HOUSTON, *Secretary.*

Mr. MOORE of Pennsylvania. The point referred to in the letter of the Secretary of Agriculture is that if the cattle are killed in an abattoir they are destroyed under the food-inspection law, and therefore there is no compensation; but if they are killed elsewhere under this appropriation for the foot-and-mouth disease, payment may be had.

Mr. Chairman, I ask that in such time as I have remaining I may offer another amendment and have it pending.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. May I offer this amendment? It involves an important question. I may have no other opportunity under the agreement that has been made.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 79, line 17, after the word "disease," add the words:
"*Provided*, That no meat of cattle shall be admitted to the United States from any foreign country where the foot-and-mouth disease prevails."

Mr. MOORE of Pennsylvania. Mr. Chairman——

Mr. LEVER. Mr. Chairman, I reserve a point of order on that.

Mr. MOORE of Pennsylvania. I wish to say that there is a widespread rumor that Argentine meat has come into this country from cattle afflicted with the foot-and-mouth disease; and if it is true, I think it ought to be stopped. That is the purpose of the amendment.

If I have any time left, I yield to the gentleman from Michigan, who asked a question.

Mr. McLAUGHLIN. I was going to ask the gentleman if his amendment was offered for the purpose of requiring the Federal Government to pay for a diseased animal that was sent to a packing house, condemned, and not permitted to enter on account of the disease?

Mr. MOORE of Pennsylvania. I am glad to answer the gentleman if I have time to do it. I believe that if the honest farmer whose cattle are seized can get pay from the Government for the cattle that are destroyed, the man to whom the honest farmer sells the diseased cattle ought also to have the same privilege. I hope that answers the gentleman.

Mr. HAUGEN. Is it not a fact that the same rule that is applied to animals suffering from the foot-and-mouth disease ought also to apply to animals suffering from hog cholera?

Mr. MOORE of Pennsylvania. The Secretary of Agriculture is fearful, I think, that if an amendment like this one of mine is adopted, then there will have to be appropriations for hogs destroyed under the law in abattoirs.

Mr. HAUGEN. The same rule should be applied to all.

Mr. MOORE of Pennsylvania. I think so. I do not see why the farmer should have a right to pass a diseased steer on to the abattoir and stick the man to whom he sells the animal. There are some David Harums left in the country, and the innocent should be protected. I think the same protection ought to be extended all along the line.

I ask unanimous consent to extend my remarks in the RECORD by showing what Pennsylvania has done in the way of cooperation on the foot-and-mouth disease.

By unanimous consent, Mr. MOORE of Pennsylvania was given leave to extend his remarks in the RECORD.

The matter referred to above is as follows:

STATE FREE OF HOOF-AND-MOUTH DISEASE—VALUE OF ANIMALS SLAUGHTERED IN SUPPRESSING EPIDEMIC WAS $668,441.

HARRISBURG, *January 26.*

Pennsylvania is now virtually free of the foot-and-mouth disease, which last year was epidemic throughout the country. The cost to the Commonwealth in clearing out the disease on farms and in stockyards, where 28,551 animals were slaughtered, was $668,441.

Three premises were released from quarantine last week by the State live-stock sanitary board. Only one quarantined place now remains in the State. The new development of the disease in Illinois is being closely watched and every precaution is being taken to prevent the spread of the malady through shipments from the Chicago cattle yards.

During the outbreak, which was first noticed in this State in October, 1914, there were 788 farms infected. All animals were immediately destroyed at these places as the only remedy known to prevent its spread. A detailed report made by State Veterinarian Dr. C. J. Marshall shows that 15,166 cattle, 380 sheep, and 13,005 swine were killed.

Pennsylvania's share of the indemnity allowed under the law to the owners of animals destroyed amounted to $452,881 and for property destroyed $41,029. The cost for disinfectants and labor was great.

Lancaster County had 192 premises quarantined and 6,917 animals destroyed. Berks County had 125 places quarantined and 3,326 animals slaughtered. In Montgomery County there were 87 premises placed under quarantine, and 2,914 animals were killed. Allegheny County had 58 quarantined places and lost 1,368 animals; while York County had 52 premises under surveillance and 1,730 animals were slaughtered. Chester County had 44 places quarantined and 1,534 animals slaughtered.

The outbreak was the largest ever experienced in the United States, and the infection in Pennsylvania was nearly eight times as great as in 1908. The disease extended through 34 counties.

MUST KEEP MEAT SCREENED—VIGOROUS PROSECUTIONS WILL FOLLOW FAILURE TO OBSERVE LAW.

HARRISBURG, *January 26.*

Vigorous action on the part of the State live-stock sanitary board in enforcing the meat-hygiene law, passed by the last legislature to prevent prospective purchasers from handling steaks and cuts and making it mandatory on butchers to screen their products from flies, will follow the test case in Altoona.

The court there upheld the act, and a fine of $25 was imposed on John Snyder, a butcher. Snyder had been warned at a time when there was a typhoid epidemic in the city to screen his meats. With this as a basis, immediate action in prosecuting other dealers who refuse to obey the law will be taken.

FOREIGN MEATS SCORED—LIVE-STOCK ASSOCIATION SECRETARY RAPS SOUTH AMERICAN PRODUCT.

"As long as foreign hides, wool, and meats are permitted to enter the United States under present lax regulations foot-and-mouth disease will be a constant menace," said T. W. Tomlinson, secretary of the American National Live Stock Association, who was in Chicago recently.

"I believe England's infection is due to South American meats. The danger does not lie in the dressed meats, but in the burlap containers used. Every slaughterhouse in South America is infected with foot-and-mouth disease germs, and a more effective conveyer than burlap could not be imagined.

"The Federal Government is now investigating the cause of foot-and-mouth disease outbreaks in England, and it is probable that needed light will be thrown on the subject. What veterinary science does not know about this animal plague would fill a bulky volume."

Mr. LEVER. Mr. Chairman, I make the point of order against the gentleman's amendment that it changes existing law. The act providing for the inspection of cattle is section 25 of the Agricultural appropriation act of April 23, 1897, and is as follows:

SEC. 25. That the importation of neat cattle and the hides of neat cattle from any foreign country into the United States is prohibited: *Provided*, That the operation of this section shall be suspended as to any foreign country or countries, or any parts of such country or countries, whenever the Secretary of the Treasury shall officially determine and give public notice thereof that such importation will not tend to the introduction or spread of contagious or infectious diseases among the cattle of the United States, and the Secretary of the Treasury is hereby authorized and empowered, and it shall be his duty, to make all necessary orders and regulations to carry this section into effect, or to suspend the same as herein provided, and to send copies thereof to the proper officers in the United States, and to such officers or agents of the United States in foreign countries as he shall judge necessary.

This law provides for a prohibition against importation, but gives the Secretary discretionary power to waive the prohibition under certain conditions. The gentleman's amendment provides for a straight prohibition.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. MOORE of Pennsylvania. During the earlier consideration of this bill did not the gentleman say, in answer to an inquiry from the gentleman from Pennsylvania, that there was some inspection of carcasses now by the Bureau of Animal Industry?

Mr. LEVER. Yes; I said that.

Mr. MOORE of Pennsylvania. Then why would not the Bureau of Animal Industry have the power to continue the inspection as to foreign beef?

Mr. LEVER. The Bureau of Animal Industry has that power now; but the point of order I make is that the Bureau of Animal Industry also has the power, under the proviso that I have just read, to suspend the inspection. Now, the gentleman's amendment puts an absolute prohibition on the importation of cattle that are suspected, and so forth, whereas there is a certain discretion left to the Secretary of Agriculture under the present law.

Mr. MOORE of Pennsylvania. Mr. Chairman, it seems to me that the contention of the gentleman from South Carolina can not be substantiated. He admitted during the course of the discussion, and I think his statement was correct, that an inspection of carcasses was already justified and in operation. I made these inquiries several times, with a view of ascertaining whether foreign meat from cattle destroyed in foot-and-mouth-disease areas, was coming into the great congested centers to be sold for food for the people, and the gentleman from South Carolina then stated that an inspection did prevail. I said I had my doubts about it, that I had made inquiries——

Mr. LEVER. The gentleman from South Carolina had his doubts about it, and as the gentleman will remember——

Mr. MOORE of Pennsylvania. I had the assurance of the gentleman from South Carolina that the matter was already covered by the Bureau of Animal Industry, which did make inspection of carcasses.

Mr. LEVER. Yes; that is very true.

Mr. MOORE of Pennsylvania. In this amendment I am submitting that if the Bureau of Animal Industry has the power now under the law to make inspections of carcasses at home, it has the power to make inspection of carcasses that come in from foreign countries.

Mr. LEVER. But the gentleman does not catch my point of order at all.

Mr. MOORE of Pennsylvania. Therefore the amendment is entirely germane.

Mr. LEVER. No; the present law provides an absolute prohibition upon the importation of these cattle from foreign countries, but a proviso to the law lodges in the Secretary of Agriculture a certain amount of discretion. Now the gentleman's amendment is a complete prohibition against the importation, and therefore suspends, abrogates, and repeals the discretion that now exists under the law in the Secretary of Agriculture.

Mr. MOORE of Pennsylvania. I contend, Mr. Chairman, that if the Secretary of Agriculture has the power to inspect and prohibit the use of carcasses of animals afflicted with the foot-and-mouth disease in this country, he would also have the power under direction given him by this body to destroy and prohibit the use of carcasses from animals afflicted with the foot-and-mouth disease coming from the Argentine Republic or any foreign country. These carcasses come in in competition with the cattle of the United States, and are a menace to the health of the consuming public of the United States.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Mr. Chairman, is there another amendment pending?

The CHAIRMAN. Yes.

Mr. MOORE of Pennsylvania. A parliamentary inquiry. The point of order was sustained as against the last amendment offered by me?

The CHAIRMAN. Yes.

Mr. MOORE of Pennsylvania. And the first amendment—that is, the amendment as to abattoirs—was held to be in order?

The CHAIRMAN. Yes.

Mr. McKENZIE. Mr. Chairman, how are we going to dispose of these amendments—vote on them now?

The CHAIRMAN. No; these amendments will be voted on at the end of the debate. The Chair has been proceeding on that theory——

Mr. MANN. There was no agreement to that effect.

Mr. GOOD. I make the point of order that there was no agreement to postpone the vote on these amendments.

The CHAIRMAN. The gentleman is entirely right, and the point of order is sustained. The Chair was interrupted before he had finished his statement. He was proceeding under that impression, but the moment his attention was called to it he realized his error. There are two amendments pending.

Mr. MANN. Let us vote on them.

The CHAIRMAN. The question is first on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE] to the amendment of the gentleman from South Carolina.

Mr. MOORE of Pennsylvania. In view of the confusion, may we have that amendment read again?

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk read as follows:

At the end of Mr. LEVER's amendment insert a comma and the following words: "whether such disease be detected in the field, in transit, or after the cattle have arrived at an abattoir."

Mr. LEVER. Mr. Chairman, the effect of the amendment of the gentleman from Pennsylvania is that all animals which go into the packing houses which are found to be affected with the foot-and-mouth disease shall be slaughtered and payment made for them. The present method of expending this appropriation has been not to pay for such animals at all. The meat-inspection law governs in this case, and the meat-inspection law requires that animals found unfit for human food are slaughtered in the abattoirs, and no payment is made for them whatever.

The truth of the matter is that after the animal is found to have this disease and is slaughtered, it is of no value whatever and payment ought not to be made for it. More than that, if we should adopt the amendment of the gentleman from Pennsylvania it would be only fair that we should extend it for the payment not only of cattle that are suffering from foot-and-mouth disease, but cattle suffering from tuberculosis and lockjaw and all other diseases which, under the meat-inspection law, require their slaughter. Not only that, it would be necessary and fair to extend the same provision with reference to hogs that are coming into the slaughterhouse which are killed and rejected on the ground that they have cholera or tuberculosis, or some other contagious disease. The result would be to open the doors of the Treasury to all kinds of claims which are not allowed payment under the meat-inspection law. I trust the amendment will be voted down.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. MOORE of Pennsylvania. The appropriation here is for a specific purpose—the foot-and-mouth disease, pleuropneumonia, and so forth. How can the gentleman extend it so far as to cover hogs and such things as that?

Mr. LEVER. The gentleman's amendment would not extend it, but I said that probably a fair reasoning would be that the owner of hogs and cattle suffering from tuberculosis in the course of time would come to Congress and ask that it be done.

Mr. MOORE of Pennsylvania. Will the gentleman yield for a further question?

Mr. LEVER. Yes.

Mr. MOORE of Pennsylvania. It is not altogether fair that an allowance should be made for cattle destroyed on the farm and that cattle from the same herd, detected on the train or in the stockyards 10 days later, should go without allowance. There ought to be some equality about it. The gentleman ought to provide some kind of legislation to cover the apparent inequality of paying one man who is caught with diseased cattle and refusing to pay another one who is in the same boat.

Mr. LEVER. I say that the gentleman's amendment would set a very dangerous precedent, and I hope it may be voted down.

Mr. GREEN of Iowa. Mr. Chairman, a parliamentary inquiry. If I want time, must I get it from the gentleman from Iowa?

The CHAIRMAN. Yes.

Mr. HULL of Iowa. I yield five minutes to the gentleman from Iowa.

Mr. GREEN of Iowa. Mr. Chairman, I think the amendment of the gentleman from Pennsylvania ought not to prevail for many reasons. Under the situation we have here now, as I understand it, the point of order made by the gentleman from Iowa [Mr. HULL] having been sustained, no payment will be made unless under very exceptional circumstances, for cattle destroyed in the hands of the farmer. This provides that cattle that get into the hands of the packer may be paid for, whereas if still in the hands of the farmer they are not to be paid for. The packers have made an enormous allowance on anything of that kind which will more than cover any loss they can sustain. While the foot-and-mouth disease was prevailing, as I understand it, the cattle were put in a division by themselves and bought by the packers at a price of 50 cents or $1 less per hundred. My colleague can state about that; but they were bought for very much less than the regular price. Altogether more than a million dollars was taken off the price of cattle bought during that time, and still we are asked to pay the packers what they lost or may lose in some similar cases.

Mr. DOOLITTLE. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. DOOLITTLE. The gentleman's position is that the packers have already discounted any loss that they may sustain by reducing the price to the farmer or shipper.

Mr. GREEN of Iowa. Yes.

Mr. COX. Let me put a hypothetical case to the gentleman. Here is a farmer in my district who has a herd of cattle afflicted with foot-and-mouth disease, but he has not discovered it. He puts the herd of cattle on the train and ships them to Chicago. They are put in the stock pens, and there it is discovered that they are afflicted. Does not the gentleman think that they ought to be paid for, when, if the disease had been discovered on the farm, they would have been paid for?

Mr. GREEN of Iowa. This amendment does not provide for that.

Mr. MOORE of Pennsylvania. The gentleman does not think that a packer or an abattoir keeper would deliberately buy cattle knowing them to be afflicted with the foot-and-mouth disease and knowing that he would have no chance to recover for them under the law.

Mr. GREEN of Iowa. No; they buy thinking that they may be afflicted, and they discount the price accordingly.

Mr. MOORE of Pennsylvania. Does the gentleman think the packer would deliberately buy diseased cattle?

Mr. GREEN of Iowa. No; he does not do that.

Mr. MOORE of Pennsylvania. Where does the farmer come in as to that?

Mr. GREEN of Iowa. He will get his pay before the shipment.

Mr. MOORE of Pennsylvania. And the packers would get left.

Mr. GREEN of Iowa. No; the packer can take care of himself. The gentleman need not worry about the packers.

Mr. MOORE of Pennsylvania. I am not arguing the case from the standpoint of the packers, as the gentleman thinks, but here is a case of one concern that bought $7,000 worth of cattle which were condemned and destroyed, and when the claim was put in they said, "Oh, no; we destroyed them under the pure-food law. You have no right of recovery for foot-and-mouth disease under the pure-food law. If you want to recover from the Government, get your cattle destroyed under the law with reference to foot-and-mouth disease." The fact is that the cattle were killed and the loss occurred because of this Dr. Jekyll and Mr. Hyde arrangement of the pure-food law.

Mr. MANN. The gentleman has not got the right law; it is not the pure-food law but the meat-inspection law.

Mr. MOORE of Pennsylvania. The gentleman from Illinois is right; it was the "food-inspection law." The gentleman's pure-food law is a pretty good law as far as it goes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Iowa. If my time has expired, Mr. Chairman, I ask for two minutes longer.

Mr. HULL of Iowa. I can not grant the gentleman any more time.

Mr. GREEN of Iowa. Well, they would be no worse off than the farmer.

Mr. HULL of Iowa. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. CLINE].

Mr. CLINE. Mr. Chairman, I am opposed to this amendment. I think it would be opening a dangerous field. In the first place, in the sale of cattle infected by the foot-and-mouth disease the farmer is largely protected by quarantine law. There is a very small amount of cattle shipped into the markets that are infected by the foot-and-mouth disease, and no farmer would make a shipment if he had knowledge that anything of that kind existed. Another thing: The infection of cattle by the foot-and-mouth disease is so rapid in development that the farmer making the shipment is bound to know the condition of his cattle before the shipment is made. According to the line of argument of the gentleman from Pennsylvania [Mr. MOORE], if the farmer is to be paid at the stockyards for his cattle that may be infected by the foot-and-mouth disease, we ought also to make payment to the farmer who ships hogs that are affected by cholera. The difference between the two classes of stock is that hog cholera is slow in its inception and operation. No farmer is making a claim under the pure-food act for his property that happens to be destroyed in the stockyards. But if we are to proceed upon the philosophy of the gentleman from Pennsylvania that that ought to be done, it ought to extend to the farmer who ships his hogs that are infected by cholera.

To show that the farmer is active in this proposition to take care of his own stock before he puts it on the market, I desire to call the attention of the committee to the fact that last year more than 4,000,000 hogs were infected by hog cholera, and that was only 50 per cent of the amount infected the year before, involving something like $40,000,000 lost to the farmer, for which he is making no claim, and under the theory of the gentleman from Pennsylvania he might have gotten that money if he had lost it in the stock shipped into the markets at Chicago or in one of the other great stock-market centers. Last year demonstrated how easily and quickly the farmer takes precaution to take care of his own stock in case of its infection. Last year there were between three and four hundred thousand hogs treated for hog cholera, and less than two-tenths of 1 per cent were lost under that treatment. So I say that if the farmer has the encouragement given him under this bill, we will get rid of a lot of this difficulty, a lot of the expenses that we are trying to hitch onto the Agricultural appropriation bill in payment for lost stock; and I send now to the Clerk's desk a letter that is full of good information that the general public ought to have with reference to hog cholera, because this is the only opportunity I shall have to bring the matter to the attention of the general public.

The CHAIRMAN. The gentleman sends to the Clerk's desk a letter, which the Clerk will read.

The Clerk read as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Washington, D. C., April 15, 1916.

Hon. CYRUS CLINE,
House of Representatives.

DEAR MR. CLINE: Receipt is acknowledged of your letter of April 11 asking for information concerning the losses from hog cholera and the progress being made with the serum preventive treatment.

Statistics for 1915 have not as yet been completed, but the indications are that the losses were between three and one-half and four million head, which would represent between thirty and thirty-five million dollars, or 50 per cent less than for the year 1913.

The bureau began hog-cholera work in the field in 1913 in three States, and has since extended it to 22 States. Part of this work has been referred to as hog-cholera county-control investigations, which have been along the line of experiments to determine the possibility of controlling the disease by quarantine and sanitary measures and the use of antihog-cholera serum, under which 15 stations have been established, two of these being in Indiana. The Indiana experiments cost the department during the calendar year 1915 about $32,000, and the indications are that the work will be continued in the same manner until the end of the present fiscal year. We hope to conduct work in Indiana during the fiscal year 1917 under some plan which will lend assistance to a greater number of districts along the line of control measures looking to eradication of the disease.

In connection with these experiments, to December 31, 1915, there were treated 234,136 hogs in infected herds, with a loss of 13.1 per cent. Of this number treated there were 85,547 hogs that showed evidence of cholera. During the same period 19,208 hogs were treated in well herds for protection, in which the loss was two-tenths of 1 per cent.

In addition to these county experiments, educational and demonstrational hog-cholera work was conducted in 10 States. This work is more or less State wide in advising farmers, through organizations and otherwise, of measures which may be taken to reduce losses and prevent cholera from reaching their herds.

Very truly, yours,

A. D. MELVIN, *Chief of Bureau.*

Mr. HAUGEN. Mr. Chairman, I desire to ask the gentleman from Indiana a question.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. HULL of Iowa. Mr. Chairman, I yield one minute to the gentleman from Iowa.

Mr. HAUGEN. Mr. Chairman, the gentleman does not wish to be understood to convey the idea that the number of hogs treated were diseased hogs?

Mr. CLINE. No; not all of them.

Mr. HAUGEN. They were well at the time they were treated.

Mr. CLINE. What I wish to say is 85,547 of these hogs that were treated had cholera, and were in herds with well hogs, and the loss was less than two-tenths of 1 per cent.

Mr. HAUGEN. But probably not a single one would have had cholera.

Mr. CLINE. I do not know. One thing is true, more than 85,000 of them had cholera, and according to Dr. Melvin and his associates the proper application of serum prevented the spread of the disease and in many cases cured it.

Mr. HAUGEN. I simply want it to appear in the RECORD, and I do not want it to go out here that the hogs were cured. Well hogs were treated.

Mr. CLINE. Oh, I know the position of the gentleman upon that subject and so do other Members of the House, and that is he does not believe the serum furnished by the Government to be either a cure or a preventive.

Mr. HAUGEN. The gentleman should have the facts, and there should be no misrepresentation here.

Mr. CLINE. The facts are set out in the letter, and there are no misrepresentations. The letter speaks for itself, and the gentleman's voluntary statements do not impeach the fact.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. HULL of Iowa. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. CHIPERFIELD].

Mr. CHIPERFIELD. Mr. Chairman and gentlemen of the committee, in the confusion that has arisen concerning the various points of order I think we are apt to lose sight of the fact that there is and has been a very serious condition existing in the Central States from a contagious disease among animals which is ravaging or has ravaged that part of the country. Of course I refer to the foot-and-mouth disease.

The legislation as it now stands, with a portion of the original bill stricken out upon a point of order, leaves the question of relief for the farmers and stock raisers who suffer loss from this disease in a most precarious condition.

I want to read the latter part of the amendment offered by the gentleman from South Carolina [Mr. LEVER]:

The Secretary of Agriculture may expend, in the city of Washington or elsewhere, out of any money in the Treasury not otherwise appropriated, the sum of $2,500,000, which sum is hereby appropriated, or so much thereof as he determines to be necessary, in the arrest and eradication of such disease.

Mr. Chairman, it has been a theory that has governed legislation for a great many years that there had better be no legislation than legislation that is uncertain.

Nothing can be more uncertain than this bill, as it now stands, upon the question of payment for losses caused by the foot-and-mouth disease.

There is no gentleman within this Hall to-day who can say what is meant by this amendment or the bill in its present condition, and I say that in no unkind criticism of the chairman of the committee who has introduced the amendment, as best he can, to obviate the points of order that have been raised and sustained against section 34 of the bill.

Mr. LEVER. I am very glad the gentleman has stated that. I am doing the best I can to avoid points of order being made against my proposition.

Mr. CHIPERFIELD. Mr. Chairman, I realize the gentleman is offering as much as can be offered, by way of amendment, but that will not satisfy those who are in the future to sustain loss by reason of this disease or those who will have to rely upon this bill for the furnishing of the relief in that respect that they so much require.

In the State of Illinois—and I speak primarily for that State—the situation has been about as serious as the mind of man can well imagine.

The live stock of Illinois is valued at $308,000,000.

We have 5,000,000 head of swine in the State of Illinois, valued at $36,000,000.

We have two and a half millions of cattle in that State, valued at some $73,000,000, and for several years we have been afflicted with this disease, this plague, to an extent that has threatened the farmers and the stock raisers of our State with absolute

bankruptcy consequent upon the loss of their property and their stock and the arbitrary and unnecessary interference with their business.

Now, that kind of a situation demands a real remedy at the hands of the Congress of the United States instead of a mere makeshift, as is provided by this amendment.

This condition has not only affected those who raise the stock of Illinois, but we have had numerous inspectors coming from the Department of Agriculture into the State of Illinois, who have most vigorously said to those who desired to assemble and hold meetings or gatherings, "You can not do so." They have said to our farmers that none of the products of the farm, the wheat, or the oats, or the corn, or the hay, may be marketed in those parts of the State where the disease existed.

They have said to those who desired to sell their property, "You can not hold public sales of property as you have advertised to hold them," or, in other words, to make the story as short as possible and consume no more time than is absolutely required, these inspectors from the Department of Agriculture absolutely laid an embargo upon all kinds of business or social activity among the farming population in those portions of the State where this disease was supposed to exist. And in doing so they added, in many instances, extreme insolence to the inconvenience which they caused.

In many cases, and I wish to make no unwarranted accusation, they have gone to the farming portions of the State and have wholly isolated certain districts, and within such areas imposed an absolute embargo upon all business on the part of the farmers and stock raisers.

Their justification for such acts has been that they desired to establish a quarantine against the hoof-and-mouth disease.

They have said that men shall not go from farm to farm within such district.

They have said that men and women shall not attend public meetings or gatherings; they have said that men shall not hold sales of farm property, that there shall be no form of communication that requires travel from one place to another, and they have done these things in many instances, as I personally know, in a manner that was absolutely and entirely arbitrary and that was wholly unwarranted.

And then at stated times, whether for the purpose of enabling the stockyards to handle the products of the farm, and obtain the same at a greater profit to such buyers, I do not know, but at stated times the embargo for a short period has been raised by such inspectors.

Mr. KINKAID. Will the gentleman yield?

Mr. CHIPERFIELD. In a moment I will—and when raised a glut of animals was thrown upon the buying markets in the city of Chicago, and when that market had all it could use or might require for that time the embargo and quarantine was put on again, with the result that the farmer was absolutely deprived of a large part of the benefit of the stock that he raised and was denied a large part of the money that he should have received for the same. Now I yield to the gentleman.

Mr. KINKAID. Does not the gentleman know that notwithstanding the restrictions which have been imposed that in many instances they have failed to be entirely efficient to prevent the spread of the malady?

Mr. CHIPERFIELD. That question, it seem to me, is answered by the fact and circumstances so well known to us all.

It has not been effective, it has not even been efficient, and one of the things that has been absolutely amazing to me is that these inspectors, without the slightest precautions, come and go upon the farms where the foot-and-mouth disease exists, and where such farms are quarantined, and then insist no one else shall likewise go from farm to farm upon even necessary business.

Without taking the slightest precaution, these inspectors went from one farm to another farm, and traveled all over the country, and if there was any method of infecting the herds of Illinois more dangerous than another, it was by the acts of these traveling inspectors sent out by the Government of the United States for the alleged purpose of suppressing this disease.

It is extremely questionable if the United States Government has any right or authority to conduct a local quarantine.

This right was questioned by many of our farmers during the past few months, but, desiring to cooperate, the right of the Government was not tested in court by them.

The right to conduct this quarantine was vigorously asserted by the Secretary of Agriculture and all of the officers of that department.

In the future there will be a legal struggle in court caused by the arbitrary acts of the officers of this department, and the matter will be there tested, and when it is, in my judgment, it will be held that the United States Government does not have the right to conduct a local quarantine of stock and farms within a State.

I recognize that there was need of a quarantine.

I freely confess that energetic action was required to stamp out this disease and for the good that was done by the department I am willing to give praise, but I vigorously condemn the harsh and unnecessary actions of the officers of the Department of Agriculture during the existence of this epidemic.

I deplore the fact that the quarantine was so conducted by the Department of Agriculture as to give rise to a belief on the part of a great many people of the country that it was being manipulated in the interest of the stockyards and the stock buyers and was being used to the detriment of the farmer.

A quarantine of this kind should be conducted in such a manner as to be entirely free from suspicion.

This quarantine was not so conducted.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. CHIPERFIELD. Yes.

Mr. GREEN of Iowa. I quite agree with what the gentleman has been saying as to the effect of this measure, but the point of order having been made, unfortunately, and this matter having been ruled out, has the gentleman now any amendment which he would suggest to cure the defects of which he speaks?

Mr. CHIPERFIELD. I was about to get to that point and will proceed at once.

This bill as it now stands leaves the matter entirely optional with the Secretary of Agriculture to say how he may expend this two and a half million dollars.

It is very doubtful if this bill, as sought to be modified by the pending amendment, will be found to be broad enough to warrant and require the payment by the Secretary of Agriculture for the stock killed on the farms of the country for the purpose of stopping the spread of hoof-and-mouth disease.

There should not be the slightest uncertainty about the remedy being complete when this large amount of money is to be expended, and we should make sure that the funds reach the place for which they are intended—that is, the hands of the farmers and stock raisers whose property has been destroyed.

The farmers and stock raisers have the absolute right to be properly recompensed for the loss which they sustain from this disease, when such loss is caused by the action of the Government in quarantining their premises and destroying their farm property or their live stock.

The only excuse upon our part for appropriating two and one-half million dollars or any other sum is that the farmers and stock raisers of the Nation shall be recompensed in a proper way for that part of the losses which they sustain from the ravages of the disease caused by the governmental effort to check the same.

To appropriate these sums and have a doubt exist as to whether the money will reach the ones we desire to protect and reimburse is wholly inexcusable.

It is much better to correct the doubt at this time than to complain about it when it is too late.

My next greatest objection is the fact that the provisions of this bill, if they are broad enough to furnish this relief, are to be administered by the Secretary of Agriculture at long range from Washington.

The distance between the seat of Government at Washington and the farms of Illinois is too great to permit the proper and intelligent handling of this situation.

The fullest discretion and power is, by this proposed amendment, placed in the hands of the Secretary of Agriculture, and the action of his department is to be wholly unrestricted and may be entirely arbitrary.

I have always been opposed to giving the head of any of the administrative departments of the Government full power and unrestricted regulation of any subject.

When Congress abdicates its power to prescribe what shall be done by any department and turns such power all over to the Secretary thereof it is establishing a bureaucratic form of Government of which I do not and will not approve.

It is, of course, the easy way to legislate, and saves Congress much thought and trouble, but it does not serve the people as they are entitled to be served or safeguard them as they should be safeguarded.

Congress should by law prescribe what is to be done by the departments, and direct how it shall be done, and not leave the entire question to be handled by the departments as they may see fit.

No secretary of any department sitting in Washington unrestricted by legislative limitation, can understand the needs of a community as fully or as well as can its representative in Congress sent by such community to there represent it.

When a matter is so handled by a secretary of a department it will not be done either as efficiently or as understandingly or as sympathetically as the case may require.

If this be true of the heads of the departments, then how much more certain it is that the matter will be mismanaged, when it is left to a subordinate, as was the case in the management of the hoof-and-mouth disease in Illinois and the adjoining States.

The Department of Agriculture sent its inspectors to Illinois, and they mismanaged the epidemic of foot-and-mouth disease about as badly as it could be mismanaged.

There was not only mismanagement, but the attitude of many of these inspectors was insolent and arbitrary and unreasonable to the last degree.

Carrying out the thought of unrestricted power they established unwarranted quarantines, failed to establish quarantines where needed, declared stock to be affected that was not ill, and, where protest was made by the farmers, added threats of prosecution and imprisonment to their many mistakes.

From the arbitray acts of these men there was no appeal, and to submit—although with poor grace—was the only alternative.

It is safe to say, and entirely within the bounds of truth, that the actions of these inspectors has produced a very unfavorable opinion of this particular department in the minds of the farmers and stock raisers of Illinois.

Having these things in mind, I want to have this bill contain the safeguards that will prevent repetition of these unpleasant experiences and gross mistakes—experiences that not only were unpleasant but that entailed untold thousands of dollars of loss on the people of my State.

To this end this amendment should be broadened and perfected, and the arbitrary power it now gives to the Secretary of Agriculture should be taken from him.

Mr. HAMILTON of Michigan. Will the gentleman yield for a question?

Mr. CHIPERFIELD. Yes, sir.

Mr. HAMILTON of Michigan. With reference to the conveyance of the germs of this disease from one farm to another within a segregated area, as I understand, these germs are carried by dogs or birds, by men themselves, going from one farm to another?

Mr. CHIPERFIELD. That is the popular impression.

Mr. HAMILTON of Michigan. That is the testimony of science.

Mr. CHIPERFIELD. Yes.

Mr. HAMILTON of Michigan. We have heard their statement. Now, what would the gentleman substitute in place of these restrictions of indiscriminate travel from infected districts to one that is not infected? Must there not be restrictions?

Mr. CHIPERFIELD. Undoubtedly. I would adopt a greater degree of common sense than the inspectors sent out by the Department of Agriculture adopt. If it is dangerous for you to go from your farm to your neighbor's farm without going through the process of being cleansed of these germs, then it is equally dangerous for the inspector to do so. And yet a protest to these inspectors would be answered by threats of imprisonment and prosecution.

Mr. HAMILTON of Michigan. But the inspector claims he has cleansed himself of these germs and that he has been disinfected.

Mr. CHIPERFIELD. The only thing about the inspector's claim is that in instance after instance, where I personally know the facts, it is not true.

Mr. STEELE of Iowa. At what date was the State of Illinois quarantined?

Mr. CHIPERFIELD. I can not tell you. I have not now in mind the precise date, but I live in the center of the territory affected, and I know the situation. My recollection is that a quarantine has been established several different times.

Mr. STEELE of Iowa. Do you know the time that the live-stock commission of the State acquiesced in the quarantine?

Mr. CHIPERFIELD. I am not trying to praise the officials of the State of Illinois or wrongfully condemn the officials of the United States, for I do know both were negligent of their duty. I do condemn their wrongful acts and their harsh and arbitrary actions.

I do know that this disease spread most rapidly to a disastrous extent and now again threatens to be revived.

We are at the point where we have got to have some relief by a suitable enactment of Congress.

And we do not get it by this paragraph.

Mr. GOOD. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. GOOD. I understand that there are two amendments pending?

The CHAIRMAN. That is true.

Mr. GOOD. And the discussion is not on the amendments?

Mr. LEVER. Mr. Chairman, I ask that we have a vote on the amendment of the gentleman from Pennsylvania.

Mr. CHIPERFIELD. Mr. Chairman, may I ask unanimous consent that I may extend further my remarks in the RECORD on this subject?

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HULL of Iowa. Mr. Chairman, I yield three minutes to the gentleman from Michigan [Mr. MCLAUGHLIN].

Mr. MCLAUGHLIN. Mr. Chairman, just a word as to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE]. It seems to me he has offered an amendment that is impossible of adoption. He speaks of the foot-and-mouth disease, but the part of the section to which he offers the amendment relates to—

Foot-and-mouth disease, rinderpest, contagious pleuropneumonia, and other contagious or infectious diseases of animals which, in the opinion of the Secretary of Agriculture, threaten the live-stock industry of the country.

If the amendment were adopted, any animal infected with a serious disease, found anywhere—on a train, in the stockyards, in a slaughterhouse, no matter how it reached there—must be paid for by the Federal Government. It seems to me that the very reading of the amendment, in the light of what we know of the section of which it would become a part, shows it to be impossible.

Now, as to what the gentleman from Illinois [Mr. CHIPERFIELD] said of the gross misconduct of officials and employees of the Bureau of Animal Industry, there was an outbreak of that disease and an emergency existed. There was doubt, in the first instance, as to whether or not it was foot-and-mouth disease. It was first analyzed and diagnosed as stomatitis. There was some delay. Perhaps the officials were at fault in the first instance. I believe they were, and perhaps some blame attaches on that account. There was delay, which is always serious in a matter of that kind; there is no doubt about that. But afterwards the officials went to work skillfully and vigorously. It was not boys' play in which they were engaged; it was not a picnic; and when they imposed hardships upon farmers and stock raisers it was because it was necessary for them to do so. It is idle, it seems to me, for these gentlemen to come here now and air the complaints of their constituents upon whom these onerous conditions were imposed.

And I know, Mr. Chairman and gentlemen of the committee, that when gentlemen came here and appeared before the Committee on Agriculture and voiced complaints of this kind, when they were cross-examined and confronted by testimony of others, they did not hold to their original statements. Their statements, made with so much feeling and so positively, were materially modified and softened. And I venture to say, with all consideration to the distinguished gentlemen who here relate stories they have heard, that many of the stories they relate are not entirely correct. I accept without question the statements of gentlemen who here speak from personal knowledge, and I know also that they relate correctly what they have heard; but in many instances there has been lack of full information, and I am sure that many stories have been told by parties who suffered loss and who are aggrieved at the action of officials of the bureau—stories that are not entirely correct in their statement of facts. Interested parties who think they have a grievance because their property was destroyed or their business was interfered with have indulged in exaggeration and misstatement. After the bureau officials had properly diagnosed the disease they acted promptly, vigorously, and with splendid effect, as the result shows; and now, after the disease has been stamped out, the story of the difficulties and trials, the hardships and loss, imposed upon and suffered by the owners of live stock is not at all interesting; it is certainly of no value to us in the framing of law for taking care of another outbreak, if it shall unfortunately come.

The CHAIRMAN. The time of the gentleman from Michigan has expired. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from South Carolina [Mr. LEVER].

Mr. KING. Mr. Chairman, I desire to offer an amendment.

Mr. GOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. GOOD] offers an amendment, which the Clerk will report.

Mr. GOOD. Before that is put, I think it is in order to vote on the amendment that is pending.

Mr. LEVER. They have perfected the amendment.

Mr. GOOD. I offer this, then, as an amendment to the amendment offered by the gentleman from South Carolina [Mr. LEVER].

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amend the amendment by inserting at the close the following:

"*Provided*, That no part thereof shall be used to enforce any quarantine order, rule, or regulation requiring or permitting the separation of any live stock in any live-stock yards where live stock is offered for sale on account of any such live stock having come from or through any area of the country that had been quarantined in any way for foot-and-mouth disease, and no part thereof shall be used to enforce any quarantine rule or regulation providing for the maintenance in any such stockyards of any quarantine section thereof where live stock are offered for sale that are separated from other live stock in said yards because such live stock came from or through any area of the country that had been quarantined in any way for the foot-and-mouth disease."

Mr. LEVER. Mr. Chairman, without examining that, I reserve a point of order on it.

Mr. HULL of Iowa. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. GOOD].

The CHAIRMAN. The gentleman from Iowa [Mr. GOOD] is recognized for five minutes.

Mr. GOOD. Mr. Chairman, according to the report of the Secretary of Agriculture, there were slaughtered last year under quarantine orders 168,000 animals affected with foot-and-mouth disease, valued at $5,700,000. But this sum does not measure the damage to the farmers and cattle feeders because of the ravages of that disease. Col. French, a large stock raiser and prominent citizen of Iowa, stated before the Subcommittee on Agriculture and Forestry of the United States Senate, which investigated the subject, that the actual loss to the cattle feeders and growers of the Nation because of a quarantine regulation requiring fat cattle coming from a modified quarantine area to be placed in the quarantine section of our stockyards amounted to more than $113,000,000, or twenty times the loss sustained by the farmers, because their cattle were slaughtered under quarantine regulations.

The amendment which I have offered to prevent a duplication of this loss is as follows:

Provided, That no part thereof shall be used to enforce any quarantine order, rule, or regulation requiring or permitting the separation of any live stock in any live-stock yards where live stock is offered for sale on account of any such live stock having come from or through any area of the country that had been quarantined in any way for foot-and-mouth disease, and no part thereof shall be used to enforce any quarantine rule or regulation providing for the maintenance in any such stockyards of any quarantine section thereof where live stock are offered for sale that are separated from other live stock in said yards because such live stock came from or through any area of the country that had been quarantined in any way for the foot-and-mouth disease.

I have drawn a rough sketch to illustrate my amendment. I have marked here a quarantined area from which matured cattle will be permitted under quarantine regulations to be shipped to a live-stock market for immediate slaughter. Under the quarantine regulations when they arrive at the market they are placed in the quarantine section of the yards. This point [indicating] I have outlined on the drawing would represent the stockyards. The shaded portion is the quarantine section. At the same time that cattle are coming into the yards from a quarantined or modified quarantined area cattle are also coming into the yards from free areas. The cattle that come from the free area are sent to the other section of the yards. These cattle are then all offered for sale, whether in the free or quarantined section. Twenty-six buyers are reported to be on hand to buy the matured cattle, but only 6 of the buyers buy stock that is placed in the quarantine section. When night comes and all the fat cattle in yards are sold and disposed of the 6 buyers that have bought the fat cattle from the quarantine section at a reduction of from 50 cents to $1 per hundred over the price commanded by cattle of like grade in the free area drive their purchases out of the same gates together to the same packing houses, where they are slaughtered together, and the consumer who purchases the meat pays the same price for his beefsteak that comes from steers sold in the quarantine section that he pays for steak made from steers sold in the free section. It must be remembered that all cattle for immediate slaughter from a section that is under any kind of quarantine must be thoroughly inspected by a Government inspector and pronounced free from all disease before a permit will be granted giving authority to move them. The net result of maintaining this quarantine section is that the feeder whose cattle are sent to that section must accept from 50 cents to $1 per hundred pounds less than he would otherwise receive for them, and the consumer pays the same price for the beef products of such cattle that he would be compelled to pay if they had been sent to the free section. And the loss, therefore, to the farmer and feeder, as estimated by Col. French, since the outbreak of the foot-and-mouth disease in this country totals the enormous sum of more than $113,000,000.

The hearings before the committee to which I have referred are very illuminating. It is remembered that at the outbreak of this disease the quarantined or modified areas usually comprised a whole county. Obviously the six packers buying in the Chicago yards would be interested in having this area as large as possible, and so it was made coextensive with county lines. And yet in many instances thousands of matured cattle, ready for shipment, were held at a loss for more than 90 days, and when shipment was permitted such cattle upon arrival at Chicago were placed in the quarantine section.

Some idea may be obtained from the testimony of Wilbur W. Marsh, Democratic national committeeman from Iowa, who testified before the Senate committee as to the real author of these quarantine regulations. Testifying under oath, Mr. Marsh said:

I think the veterinarians connected with the Bureau of Animal Industry have been largely trained by the stockyards interests of the United States. I think they approached this question thoroughly imbued with the ideas that the stockyards people desired them to have. I think that a veterinary surgeon who visits with these able gentlemen, the splendid, able fellows who run these stockyards, comes away taking the interest, perhaps, that a particular crowd of people want him to. And they have been watching and taking care of the Bureau of Animal Industry, so far as the veterinary part of it is concerned, for a very long time.

In this connection I wish to remind the committee that it was developed at said hearings that a very prominent official connected with Swift & Co., Mr. John J. Ferguson, is the secretary and treasurer of an organization composed of veterinarians and of the officials of the United States Bureau of Animal Industry, and seems to be very closely associated with those in authority who have made these quarantine rules and regulations.

I do not want to be understood as opposing quarantine regulations. I recognize that very stringent quarantine regulations are necessary to stamp out and eradicate a disease so destructive as the foot-and-mouth disease. The regulation could not be too stringent to secure such results. They would work hardships no doubt, but they ought not to be made at all times to operate against the weak and to add to the profits of the strong and the wealthy.

I personally took up with the Secretary of Agriculture shortly after the outbreak of the foot-and-mouth disease in this country the proposition that there ought to be a quarantine effective at all of the principal stockyards of the country, which would prevent a reshipment of cattle. This was on the theory that the owner of matured healthy cattle should be permitted to market them and that only cattle and live stock for immediate slaughter should be sent to the live-stock markets. By such a quarantine regulation those who deal in feeders and stockers would have their business curtailed, but the man who had matured his product could have a market for it, especially when after inspection it was found to be healthy. The Secretary of Agriculture told me when I proposed this regulation that the stockyards interests of the country would never stand for such a regulation. On this subject I quote again from the testimony of Mr. Wilbur W. Marsh:

I would say this, that with a large percentage of the business of the stockyards, and consequently their profits, coming from reshipments of cattle back into the country, their inclination would be to magnify the danger of any infectious or contagious disease which would interfere with their business, and the veterinarians coming in contact with those people constantly would reflect their business.

And so it was not until after the lapse of months and the spread of this disease to 21 States of the Union that the Bureau of Animal Industry finally adopted a sensible method of preventing a reshipment of live stock from certain of the yards to which live stock from quarantined or restricted territory had been sent.

Mr. STEELE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. STEELE of Iowa. Who created that quarantine section?

Mr. GOOD. My understanding is that it was created by the stockyards, in cooperation with the State and National authorities.

Mr. STEELE of Iowa. It was created by the Live Stock Commission of the State of Illinois and the veterinarians, was it not?

Mr. GOOD. It may have been created by them; but my point is that large sums of money were appropriated out of the Federal Treasury to keep Federal inspectors there. It would have been an empty order without large expenditures of public money to carry it into force and effect. My amendment simply provides that not a dollar appropriated by this act shall be expended to discriminate against the farmers and feeders and in favor of the stockyards and their allies, the packers.

Mr. Leonard, the president of the Union Stock Yards & Transfer Co., was asked by Senator KENYON who got the benefit of that reduction of from 50 cents to $1 per hundred in the price of these cattle sent to the quarantine section, and he answered

that he did not know; that he did not; that he supposed the buyers did. He was asked, "Do not these cattle all go to the packers?" And he answered, "Yes."

It is hardly conceivable that such a thing could exist in this country. Yet not only did it exist, but it had the sanction of a great department of this Government. My amendment provides that we shall not spend a dollar to maintain a quarantine section in any public stockyards where live stock is offered for sale and thus discriminate against any man whose cattle may be shipped from the quarantine section. If you want to read a scathing denunciation of this method, read the testimony of Mr. Wilbur W. Marsh before the Senate committee.

I do not know whether these men at the head of this Bureau of Animal Industry are Democrats or Republicans. It is not a political question. I am as much opposed to a bureaucracy that exists under one administration as I am to a bureaucracy that exists under another, and I am unwilling to give to a few men in the Department of Agriculture, whom Mr. Marsh, perhaps the most prominent Democrat in my State, says are controlled by the live stock and packing interests of this country, the power to discriminate against the grower and feeder of cattle in favor of the packers. This bureaucracy ought to be shorn of some of its power. In its attempt to stamp out the foot-and-mouth disease it struck hard and expensive blows at the cattle feeders and soft and profitable blows at the packers and owners of stockyards. Its plans showed not only the lack of business experience but exhibited the vice of favoritism. Its plan of eradicating the foot-and-mouth disease was as expensive to the feeder as it was profitable to the packer and stockyards interests. I hope the amendment I have offered, which will put a stop to this procedure, will prevail.

Mr. LEVER. Mr. Chairman, I would like to dispose of the point of order.

Mr. GOOD. I will state that the amendment I have offered certainly is not subject to a point of order. I have one in my pocket that is; but I drew that as a limitation, pure and simple, and if words can be employed that are a limitation upon an appropriation I have attempted to employ them here.

Mr. LEVER. Mr. Chairman, I will say to the gentleman very frankly that it is a very close question—I appreciate that—as to whether or not it is in order. But it occurs to me, from a hasty examination of the amendment, that it interferes with the discretion of the Secretary of Agriculture, the discretion which he exercises under the law, and to that extent it would be a change of existing law, and therefore subject to a point of order.

Mr. GOOD. May I ask the gentleman this question?

Mr. LEVER. Yes. I very frankly confess that it is a very close question.

Mr. GOOD. The only thing it interferes with is the discretion of the Secretary in the power to spend money to maintain that quarantine in the stockyards. That is clearly a limitation.

Mr. LEVER. I will say to the gentleman that unless the Secretary has that discretion, you almost destroy his entire plan of operations in the eradication of this disease.

Mr. CAMPBELL. Mr. Chairman, whether on this point of order or on the merits of the matter, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The Chair will call the gentleman's attention to the fact that the time for debate has been limited.

Mr. CAMPBELL. It has been limited by the committee. I have not taken any time on this bill——

Mr. MANN. I ask unanimous consent that the gentleman have five minutes, not to be taken out of the time already fixed.

Mr. LEVER. May I couple with that the request that the gentleman from Indiana [Mr. Moss] be allowed five minutes?

Mr. MANN. Yes.

Mr. LEVER. And with the further statement that I will object to any further extensions.

Mr. MANN. All right.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Kansas [Mr. CAMPBELL] may have five minutes, and the gentleman from South Carolina asks that the gentleman from Indiana [Mr. Moss] may have five minutes, the time mentioned not to be taken out of the time already agreed upon. Is there objection?

There was no objection.

Mr. CAMPBELL. Mr. Chairman, there is not in this country anything more autocratic than a small representative of a Government bureau exercising authority out in the country. [Applause.] One of the representatives of the Department of Agriculture a year ago in February, a little bit of a whippersnapper who had probably just graduated from a veterinary college somewhere, was appointed by the department with all authority. He went into Cowley County, Kans. An old brindled cow was found in that section of country that had had foot-and-mouth disease. This little 2 by 4 fellow put under quarantine every feed yard in Cowley County, one of the largest counties in the State of Kansas. No feed yard was closer than 15 miles to where that case of foot-and-mouth disease was found. Many feed lots had matured their stock. They were ready for the market. They were kept there for 60 days and 90 days after the stock had matured. This was done by order of this little fellow who kept feed lots locked, and was backed up by Mr. Melvin, the chief of the bureau, the chief autocrat of bureaucracy in the Department of Agriculture.

Mr. FESS. Will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. FESS. Is there any redress whatever for that?

Mr. CAMPBELL. Absolutely none. The owners of the cattle in the quarantined feed lots lost hundreds and thousands of dollars at the mere whim of this little fellow whose authority ought to have been revoked and the gates unlocked and the cattle taken to the market and sold, because there was absolutely nothing the matter in any one of these feed lots or with any steer in them.

Mr. McLAUGHLIN. Does the gentleman know that with all this inefficiency and all this arbitrary action this is the only country on the face of the earth in which an outbreak of foot-and-mouth disease was ever eradicated? [Applause.]

Mr. CAMPBELL. I do know the work of eradicating the disease could have been done with ordinary intelligence. What the people object to who were directly affected, and what I object to is the unnecessary things that were done, that the exercise of plain common sense and even a little experience with practical affairs would have avoided.

Mr. HAMILTON of Michigan. Did the brindled cow have foot-and-mouth disease?

Mr. CAMPBELL. I am not certain.

Mr. HAMILTON of Michigan. If she did have foot-and-mouth disease, then the brindled cow ought to have been segregated, ought she not?

Mr. CAMPBELL. These feed lots were 15 miles away from where this brindled cow was, and no case of foot-and-mouth disease developed nearer than that, and there was nothing to show that any steer in any of these feed lots was in any way infected.

Mr. CULLOP. Will the gentleman permit a question?

Mr. CAMPBELL. Yes.

Mr. CULLOP. Were any of these feed lots close to the county line?

Mr. CAMPBELL. One of them was, but the stock in the adjoining county was sent to the market ad libitum.

Mr. CULLOP. That is the point I want to bring out, that within 2 miles of it in another county they permitted stock to be shipped to market.

Mr. CAMPBELL. Yes, certainly; and stock went through on the train, through that county. The quarantine was against Cowley County only in that part of the State.

Mr. CULLOP. And quarantine by counties is absolutely wrong.

Mr. CAMPBELL. Yes; but the law is administered by these little fellows who have the authority of a bureau that is more autocratic than any bureau outside of Russia, and is un-American. It does not fit in with a republican form of government. It does not fit in with common sense, and is not necessary in the operation of a good law. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. MOSS of Indiana. Mr. Chairman, I should not have asked for this time if it had not been to explain this diagram, which has been prepared by the gentleman from Iowa [Mr. GOOD]. The gentleman speaks about a quarantine area. When quarantine regulations were first formulated by the Department of Agriculture no stock at all could be shipped out of an area under quarantine. This absolute restriction, or rather prohibition, as to the shipment and sale of stock worked hardship in many cases, and as a result the department modified its policy. Now, what was the modification? It was agreed that any live stock in any area under quarantine, after an inspection by a competent veterinary doctor, might be shipped to any market in the United States and sold, subject to immediate slaughter at that particular market. This was a method devised by the department to permit live stock in good health and free from infection to be marketed from those sections which were under quarantine. Such live stock when received at any stockyards was yarded in a particular part of the yards, known as the quarantine or closed section. Stock was sent into this area only from the sections of the country that were under quarantine, and if it could not be reshipped from that market it had to be sold for immediate slaughter. The man who shipped his stock to the yards shipped it knowing the fact that it had to go there to be sold for immediate slaughter.

Mr. GOOD. Will the gentleman yield?

Mr. MOSS of Indiana. Not at present, thank you. Now, at the same time from free areas of the country stock was being shipped to this market, and the stock from any of these free sections could be sold to be shipped to any markets in this country or in the world. There was thus in the same yards two sections, because stock was received under two conditions. Live stock from unaffected areas enjoyed all the benefits which an unrestricted market bestows. It was under no disability because it had not been subject to any possible infection. Live stock from infected areas did not enjoy such privileges nor could such privileges be extended with safety. These restrictions were not wholly imposed by Federal regulations. Many States refused to permit stock from infected States to come within its borders. I recall very distinctly that the State of Pennsylvania refused to permit any cattle from Illinois to pass over its territory, and thereby placed a practical embargo on cattle shipments from the Union Stock Yards at Chicago to all eastern markets.

This arrangement to permit the sale of stock held within quarantine areas was purely and solely for the benefit of the owners of the live stock. They did not have to ship it to Chicago; they could ship it to Indianapolis or any market in the United States with the understanding that when it got to that particular market it must be sold for immediate slaughter. The confining of such stock to a particular area of the yards was for convenience in inspection and tracing such shipments. Here was a common-sense solution of an extremely difficult matter vital to the live-stock producers of the United States, and suggested wholly in their interests.

Now, replying to the criticisms which have been made by the gentleman from Kansas [Mr. CAMPBELL], I want to call attention again to the remarks of the gentleman from Michigan.

This country is the only country in the world that has been able to eradicate the foot-and-mouth disease after it had been distributed over a large area of its territory. The great country of Germany has failed to do it, and the farmers have this dread disease fixed on them permanently. It will stand as one of the great achievements of our Government that the Bureau of Animal Industry has been able to do in America what no other Government on the face of the earth has ever been able to do under like conditions. [Applause.]

It is a fact that when the disease suddenly broke out in many sections of the United States before anyone detected its presence the bureau ordered a quarantine by counties, because a county is a political unit common to all our States, and it was the easiest way to establish quickly an effective quarantine; but as soon as the situation was well in hand they limited the quarantine area, and where a single outbreak occurred the area placed under quarantine was often limited to a circle of 5 miles in diameter from the center of the outbreak. Thus, as soon as it was possible in a practical way, the Department of Agriculture modified the rigid quarantine in every possible manner. They only quarantined the counties in the first place, as I say, because they recognized it as an existing legal unit, and it was so recognized by States and by the National Government. It was the obvious action to take in an emergency.

In my own State I am glad to say that our State authorities cooperated with the department and we stamped out this dreaded scourge. In doing this we recognize that it was the greatest service the Department of Agriculture ever gave to the State of Indiana since it was created. It is easy enough for gentlemen to come here, now that the danger is past, and criticize the Department of Agriculture. It may be safe, after your constituents feel for the moment that they are past the danger, to come here and talk about the autocratic power exercised by the Department of Agriculture in suppressing this plague; and yet I want to say to these critics that when this dreadful disease was spreading over the United States, threatening absolutely the financial interest of every man owning cattle or hogs in the United States, if such speeches had been made against the department it would have probably beaten the men that made them on the floor of this House. [Applause.]

Mr. LEVER. Mr. Chairman, I yield to the gentleman from Iowa [Mr. STEELE].

Mr. STEELE of Iowa. Mr. Chairman and gentlemen of the committee, I have not taken much of your time during this session. However, I think this is one of the most important items in this bill. I feel keenly the criticisms that have been heaped upon the Agricultural Department here before this committee. I feel that an injustice has been done. These people who tried to stamp out and did stamp out one of the greatest scourges this country ever had in so short a time seems to me ought to have commendation at your hands instead of this criticism. [Applause.] I am very sorry I have not the time to fully go through this case with you, but I have prepared a few statements which I will read.

Mr. Chairman, since the beginning of the consideration of this bill it has been very disappointing to me to see so much time taken up by some Members who make few if any suggestions for the betterment of the bill, but who seem to think that the agricultural interests of the country will be furthered by the use of their eloquence on this floor in attacking certain bureaus of the Department of Agriculture and finding fault with the administration of their work. It is not to be supposed that the work of such a great arm of our Government as the Department of Agriculture could be administered without making an occasional mistake, for we here who have been farmers all our lives realize that there is no farmer, no matter how well educated and experienced he may be in the science and practice of farming, who does not make an occasional mistake or who is not guilty frequently of an oversight or an error of judgment in solving the problems of the farm. The particular adverse criticism against the department which I have in mind is that which has been directed against the Bureau of Animal Industry for winning its battle against the last terrible outbreak of the foot-and-mouth disease. At this point, in order to show the extent of the ravages of the disease, which covered 22 States and the District of Columbia, I shall ask permission to have incorporated in the RECORD in connection with my remarks a statement published by the Department of Agriculture showing the progress of the work of eradication up to February 9, 1915:

Statement showing progress of work of eradication of foot-and-mouth disease, Feb. 9, 1915.

State.	Number of counties in entire State.[1]	Number of counties infected.	Number of herds infected.	Number of cattle infected.	Number of sheep infected.	Number of swine infected.	Number of goats infected.	Total number of animals infected.	Number of herds awaiting slaughter.	Number of premises to be disinfected.	Remarks.
Connecticut	8	2	24	538	.....	105	.....	643	.....	.....	Completed.
Delaware	3	1	12	152	22	49	.....	235	.....	.....	Do.
District of Columbia	.....	.....	2	23	.....	5	.....	28	.....	.....	Do.
Illinois	102	51	568	19,630	535	24,165	12	44,342	25	60	See footnote.
Indiana	92	19	104	2,354	636	3,855	.....	6,804	.....	3	
Iowa	99	6	39	1,313	32	2,057	.....	3,402	5	6	
Kansas	.....	2	3	48	.....	.....	.....	48	.....	6	
Kentucky	110	9	46	819	.....	308	.....	1,127	.....	.....	
Maryland	24	10	39	744	197	531	.....	1,472	.....	.....	Nearly completed.
Massachusetts	14	9	58	1,235	61	3,471	4	4,771	.....	3	2 new herds.
Michigan	82	16	240	2,942	809	4,019	.....	7,790	.....	.....	Nearly completed.
Montana	31	3	32	1,408	237	11	.....	1,656	.....	.....	Completed.
New Hampshire	10	1	3	78	.....	26	.....	104	.....	.....	Disinfection completed.
New Jersey	21	6	25	791	6	193	.....	990	.....	1	Nearly completed.
New York	61	12	86	3,570	60	267	2	3,924	.....	1	Do.
Ohio	88	33	183	3,293	2,648	4,562	1	10,504	.....	.....	Do.
Pennsylvania	67	28	703	11,575	273	6,637	3	18,488	2	4	See footnote.
Rhode Island	5	3	40	828	1	135	.....	964	.....	2	Nearly completed.
Virginia	100	1	1	19	.....	15	.....	34	.....	.....	Completed.
Washington	38	1	1	102	.....	.....	.....	102	.....	.....	Do.
Wisconsin	71	10	36	1,352	1,764	1,333	1	4,440	.....	.....	Disinfection completed.
Total	.....	223	2,245	52,914	7,301	51,734	23	111,868	37	83	

[1] Number of counties in each State given n order to show approximate area of State involved.

Illinois: All premises where herds have been slaughtered have either been disinfected or are being disinfected. Animals of herds awaiting slaughterare not included in total number of animals, as reports on herds awaiting slaughter are not complete.

Pennsylvania: Work of disinfection started as soon as slaughtered animals are buried. Few new herds.

Never before in the history of the country had there been such an extensive outbreak of the disease, but our Department of Agriculture performed the unparalleled achievement of completely eradicating it by March 31, 1916, just 18 months after the first case was discovered. This great achievement seems all the more remarkable when one considers that in England, Germany, and Denmark, and in countries in South America they have never succeeded in stamping it out. Despite the fact that this victory of the Department of Agriculture has been lauded in the editorial columns of our leading agricultural publications and by leaders in agricultural work in this country, just a few days ago, to my utter amazement, my colleague from Iowa [Mr. HULL] and the gentleman from Illinois [Mr. KING] arose on this floor and severely censured the agents of the bureau for the methods they employed in their successful fight against the disease. If these gentlemen had been Members of the House in 1908, during a Republican administration, I wonder if they would then have attacked the men in charge of the work of fighting the outbreak of the disease in that year, who happened to be the selfsame men whom they now criticize so severely for accomplishing the conquest of the ravages of the plague in 1914 and 1915. The time allotted to me will not permit of my answering fully the unwarranted attacks upon the department by these gentlemen, whose speeches it is plain to see were made for political effect; but I hope to have my remarks extended in the RECORD, and thus present some facts in regard to the history of this disease, the methods employed in its eradication abroad and in this country, and a detailed account of how the Department of Agriculture succeeded in wiping it out in the years 1914 and 1915.

The tenor of the remarks on this subject by my colleague from Iowa [Mr. HULL] on April 13, 1916, would seem to indicate that the quarantining of infected districts is essentially a State prerogative, and that the Government was guilty of usurping State rights when it stepped in and proceeded to put into practice the methods of combating the disease in the past which experience had proven to be the only successful way of destroying the plague. I am amazed at the stand taken by the gentleman on this question, and especially after he has stated that he kept in full touch with the situation in Iowa. I wonder if he knows what was said on the subject of the control of the disease by "Tama Jim" Wilson, former Secretary of Agriculture, and one of the greatest agriculturists Iowa or any other State ever produced. [Applause.] Here is what Mr. Wilson said at the hearings on the question before the appropriations committee of the Iowa Legislature in March, 1915:

> Foot-and-mouth disease is one of the most contagious of all the maladies that affect domestic animals. When the outbreak occurred at Portland, Me., an importation of affected animals was driven to the quarantine station. A yoke of oxen crossed the path where the affected cattle had been driven the day previous and got foot-and-mouth disease. Mature reflection leads me to conclude that in the future the Federal Government should handle the whole matter and pay the bills. It is a foreign invasion that should be suppressed by the General Government of all the people, which has the power to raise money by taxing the people.
>
> A litigious spirit encouraged by a local court makes delay, and delay endangers all the States.
>
> The Federal Government has in its service the ablest scientists in the land along lines of animal diseases. The Department of Agriculture has control of all the telegraphic dispatches for an hour every morning. It can learn of any outbreaks sooner than any State can and act more promptly.
>
> During the uncertainty brought about by the fever-tick insect some years ago, States quarantined against States, and local courts upheld local jurisdictions and also charged fees from cattle owners crossing the State lines, which was exceedingly annoying. Some States at this time are behaving queerly regarding foot-and-mouth disease, and we may have repetitions of what was done some years ago on account of cattle-fever ticks.

Now, I agree with Mr. Wilson. I believe that since the spread of the disease in the past has always been a national calamity, the Nation should exercise sole supervision of the work of fighting it. As a member of the Committee on Agriculture, which framed this bill, I shall vote for it as it now stands, although I should personally prefer to have the appropriation provided for in the bill for the purpose of meeting future outbreaks of the disease increased to $5,000,000 and this amount set aside in order that, in the event of future outbreaks, the infected animals could be slaughtered immediately and the farmers reimbursed promptly by the Government in full for the loss. Such a plan, I believe, would be more effective in gaining the cooperation of the farmer in stamping out the disease. It would eliminate the usual red tape necessary to be gone through with when the Government pays one half and the State the other half of the loss. I believe that the Secretary of Agriculture should be authorized to draw on this fund yearly for enough money to send a dozen or so of inspectors from the Bureau of Animal Industry to Europe and South America for the purpose of studying the causes of the outbreaks of the disease in the countries affected and their methods of the control of it.

If this were done yearly, the department would always have trained men available for supervising the work of checking future outbreaks of the disease in this country. I believe also that the salaries these inspectors should be paid should be on the basis of a graduated increase, in order to make the service sufficiently remunerative to induce them to remain in it instead of going out of the service, after a few years' experience, into other fields of activity more attractive from the salary standpoint. I am informed by the Chief of the Bureau of Animal Industry that of the seven or eight hundred trained men who made up the army of the department which stamped out the disease in 1908 only 145 were still in the service in 1914. In 1914 and 1915 the bureau had approximately 900 men in the field battling against the spread of the disease. It can reasonably be expected that if conditions in this work are not made more attractive to those men from the salary standpoint a great majority of them will enter other fields within the next few years, and should another outbreak occur the bureau will again be handicapped by a lamentable lack of trained men.

Mr. KING. Will the gentleman yield?

Mr. STEELE of Iowa. Yes.

Mr. KING. Is the gentleman in favor of eliminating that part of the bill which provides for the payment to the farmers for cattle killed by the Bureau of Animal Industry?

Mr. STEELE of Iowa. I am not.

The origin of foot-and-mouth disease, like that of many other contagious diseases, is a mystery. Foot-and-mouth disease is supposed to have reached Europe from Asia about 200 years ago. From Europe it was disseminated through channels of commerce, and has appeared at one time or another in nearly every civilized country of the world, and it is now indigenous to many foreign countries, especially in Europe, Asia, and South America.

It is recognized as the most highly contagious animal disease, and none of the species of our domestic animals is immune from it. Cattle, hogs, and sheep are most susceptible, but dogs, cats, poultry, and even human beings have frequently been known to succumb to it.

The germ that causes this disease has never been seen nor isolated. It is presumed from analogy to be an organism of such small size that it easily finds its way through the finest filters, and no one has been able to see it by the aid of any microscope even of the highest power. For over a century this strange enemy has been attacking the live-stock industry of Europe, and often with terrible effect. It hides in crevices and cracks; it survives in dark, damp places; it is dropped from the wings of a bird in flight; it is borne on objects carried by the wind; it travels in vehicles on the lines of commerce; it clings to the clothing of man; it hides in the hair and fur of animals; and it is carried on the bodies of insects. Nature has wonderfully provided for the perpetuation of this dreaded enemy, and it has not only successfully defied annihilation but gradually it has extended its domain.

In those countries where it is permanently implanted it is dreaded more than any other animal scourge and causes more damage than all other contagious diseases combined. Dr. Cope, an eminent English authority, states that as nearly all classes of animals on the farm are susceptible, the indirect losses are much greater in the case of foot-and-mouth disease than rinderpest or pleuropneumonia, and that in England it has caused enormous losses and inconvenience, greater than all other contagious diseases combined. Heffner, speaking of the prevalence of foot-and-mouth disease in Germany, states that it has caused much greater losses in that country than all other enzootic diseases combined.

The loss suffered by Germany in 1892, when over 1,500,000 head of cattle, over 2,000,000 sheep and goats, and over 400,000 pigs were affected, is estimated at $25,000,000, and the outbreak of 1911 cost that country considerably more.

In the small country of Denmark, which compares in size with the States of Rhode Island, Connecticut, and Massachusetts, the disease has caused enormous losses. In 1892 about 400 herds were affected, in 1911 no fewer than 1,285 herds were attacked, and in 1914, at about the same time the disease made its appearance at Niles, Mich., the disease began to spread in Denmark again, and continued to spread so rapidly that 5,734 infected herds were reported between November, 1914, and August, 1915, a period of nine months. Dr. Bang, of Copenhagen, at the present time probably the most eminent authority on foot-and-mouth disease, has stated that by the end of that period of nine months the aggregate loss to the owners of the diseased cattle in milk alone amounted to about $1,250,000.

These are but two of many similar examples of the losses in Europe at the high tide of the disease. The live-stock producers are obliged to suffer such losses because the sanitary author-

ities have been unable by their method to eradicate, and in many instances even successfully control the spread of, the disease, notwithstanding the unlimited police power given to sanitary authorities, including military assistance and the most scientific application of quarantine, isolation, and disinfection.

The United States is again free from foot-and-mouth disease. We should feel very grateful that the Federal and State sanitary authorities have again succeeded in eradicating the disease, notwithstanding almost insurmountable obstacles. This has been accomplished in spite of injunction proceedings and all the criticism and unjust abuse that have been heaped upon the shoulders of our sanitary authorities that were already bending under a heavy load of responsibility to hold above the tide the general live-stock interests of the country regardless of the clamor that arose from those who had never before experienced the necessity for taking such measures as must be used to control foot-and-mouth disease.

This dreaded animal pest has been carried to our shores six different times during the past 46 years, and each time it has been successfully eradicated. Our first invasion occurred in 1870, when the disease was introduced into New England, New York, and New Jersey by way of Canada, where the infection was brought by an importation of cattle from Scotland. The conditions were highly unfavorable for the spread of the disease, and nature contributed freely in stamping it out. In 1880 there were two or three lots of animals imported which were found to be affected with the disease on arrival. The introduction of foot-and-mouth disease in 1870 and again in 1880 through the importation of live stock revealed the necessity of some protective measures against the introduction of disease from that quarter, and in 1884 the American quarantine of imported stock was imposed. Since then we have had but one outbreak in this country traceable to imported live stock. That outbreak was detected at the Portland (Me.) quarantine station in 1884 and spread to a few herds outside of the station. Since the development of a stringent system of inspection and quarantine of imported live stock no instance of that kind has occurred. In 1902 the disease is supposed to have resulted from an importation of cowpox-vaccine virus from Japan that was contaminated with the virus of foot-and-mouth disease. This outbreak was confined to four States—Massachusetts, New Hampshire, Rhode Island, and Vermont—and was entirely eradicated in six months. The next outbreak occurred in 1908, and was also caused by the importation from Japan of virus contaminated with foot-and-mouth disease. The disease appeared first in Michigan, and from there spread to four States—Michigan, New York, Pennsylvania, and Maryland. This outbreak was stamped out in about five months.

In all the previous outbreaks the disease was limited to small areas, the infection traveled in an easterly or southeasterly direction generally, and it did not reach the big live-stock distributing centers. From 1908 to 1914 this country was free from this cattle plague, but suddenly it appeared in a port of the country where such a thing would be least expected.

The latest invasion is supposed to have reached the farm of Mr. W. E. Hoadley in August, 1914. Its source is unknown to this day. The disease smoldered there for weeks and was not recognized, owing to its mild character and its apparent disinclination to spread. From September 3, the date the first Detroit inspector made his visit, to October 7, the date of the second Detroit inspector's visit, the disease had only spread from two to six herds, but at this time it began to increase in virulence and to assume a more typical form. Upon the receipt of the latter's report, on October 10, an expert from Washington was immediately sent to Niles, Mich., and the disease was positively diagnosed by animal inoculations on October 15.

In tracing back to the farm shipments of live stock that had gone out of the infected area it was impossible to get any information from the farmers that indicated that any of the animals shipped by them were diseased at that time, and there was some hope that the Chicago stockyards might escape the infection.

The slaughter of the diseased herds in Michigan commenced, the quarantine was being effectually enforced by the Michigan State authorities, and the work of eradication was progressing rapidly and hopefully when, on October 27, a report was received from Blissfield, Mich., that a carload of steers shipped out of the Chicago stockyards were sick. On October 28, 1914, the steers were inspected, and three were found to be affected with very acute lesions of foot-and-mouth disease, while the others in the carload lot had not, as yet, developed any symptoms of the disease. The Chief of the Bureau of Animal Industry was immediately notified, and a telegram was sent to Dr. S. E. Bennett, inspector in charge of the yard work at Chicago, notifying him of this instance and instructing him to take every precaution. The discovery of the disease near Blissfield resulted in the immediate quarantine of Lenawee and Monroe Counties in Michigan, and pointed with such grave suspicion to infection in the Union Stock Yards that an order by the Secretary of Agriculture was prepared, effective October 31, 1914, "quarantining those yards as a precaution and permitting animals to be shipped from them only for immediate slaughter." No disease had yet been discovered in the yards, and there was yet some hope that they might escape, for on investigation it was learned that the 3 steers that showed the disease October 28 at Blissfield came from a lot of 49, the other 46 of which went from the Union Stock Yards to Chenoa, Ill., and among which the disease had not developed, and it never did develop in them. This seemed to indicate that the steers that went to Blissfield, Mich., might have picked up the infection outside of the Union Stock Yards, possibly in a live-stock car.

On the eve of October 28, soon after word of the outbreak at Blissfield was received at Chicago, the stocker and feeder division of the Union Stock Yards was closed by request of Dr. Bennett. He says in his official communication that "the stocker and feeder division of the Union Stock Yards was closed and locked, and no cattle were permitted to be taken either in or out of this section." Dr. Bennett knew that stockers and feeders might be shipped to several States within 24 hours, and if the yards were infected, as suspected from the Blissfield incident, some of the animals in that section might probably be exposed. Any stockers and feeders that went out at this time might develop the disease in time to infect the cars in which they were shipped, the pens in which they were unloaded for feed, water, and rest en route, and finally start a new area of infection at destination. Dr. Bennett received the support of all interested parties in closing this division of the yards, and his action was approved by the department. In addition to closing the feeder and stocker division on the night of October 28, 1914, steps were taken immediately to clean and disinfect this entire division under Government supervision, to locate all shipments of stockers and feeders that had gone out from the Union Stock Yards, and all available veterinary inspectors were sent out to make inspections throughout the State of Illinois. Notices were also sent to bureau and State officials advising them of shipments that had gone into their territory, with the request that these animals should immediately be located and inspected.

Arrangements were made with the various railroad companies and their live-stock cars were called in for cleaning and disinfection, especially those that had carried live stock out of or through the infected districts of Michigan and Indiana. All this work was done before any disease appeared in the Union Stock Yards and when there was but a suspicion of it. The railroads responded willingly to the request of Dr. Bennett for cooperation, and an endeavor was made at this time to supply cleaned and disinfected cars for all shipments going out of the fat-stock division that might be diverted as feeders. The fact that such cleaned and disinfected cars were furnished for shipments of stockers and feeders collected from tail ends in the fat-stock division, is now interpreted by some to mean that infection was in the yards at that time and the department knew it was there, and that was the reason freshly cleaned and disinfected cars were supplied. This is not true. The Government and State officials and the members of the Chicago Live Stock Exchange lived in hourly dread and expectation of a visitation of disease at the yards, but no one knew then or even now that any infection existed in the fat-stock division, or any other division of the yards, on October 28, when word was received of the outbreak at Blissfield in cattle that had left the feeder and stocker division of the yards on October 19, 1914. No foot-and-mouth disease ever developed in any live stock that passed through the yards prior to October 19, 1914. The bureau officials at Washington and the inspectors in charge of work in the field did everything that could be done to protect the live-stock industry. Suppose that the Department of Agriculture had closed the Chicago Stock Yards and all other yards that were endangered from infection in Michigan and Indiana, that no disease developed outside of the infected areas in Michigan and Indiana, and that these yards were kept closed until there was no more danger. The result would have been great losses to shippers and stockmen, and there would have been more people charging the department with inefficiency than there is now.

The disease did not appear in the Union Stock Yards proper until November 3, 1914, six days after the cattle in the stocker and feeder division had been placed under lock and key, and two days after the disease had appeared in the National Dairy Show herd quarantined at the exhibition barns outside of the stockyards proper. After the disease appeared in the dairy show, the animals confined under lock and key in the stocker and feeder division since October 28 for observation came down

with the disease. There was no hesitation in regard to what should be done with them. A trench was dug in the stockyards and the 616 stockers and feeders that had been held since October 28 were slaughtered and buried. At least half of these animals showed no evidence of disease when they were slaughtered and buried, and the Department of Agriculture and the Illinois State authorities were severely criticized at what was termed a wanton waste of the healthy animals. The fact is, that an endeavor was made to have the healthy animals inspected, slaughtered, and dressed in the packing houses, but the packers refused to handle them.

The Department of Agriculture and the State authorities were again criticized, and are yet being censured, because they did succeed in saving to the Federal Government and State about $1,000,000 through the slaughter at a Chicago abattoir of the well animals of the Peoria distillery herd. In connection with the disposition of the Peoria herd, please note the precautions that were taken. Dr. Bennett, who had charge of the handling of the Morris & Co. cattle found diseased at Peoria, states:

All cattle visibly affected were isolated. The Washington office was gotten on the telephone and made acquainted with the facts in the case, and instructions were given to the inspector in charge to make arrangements at once to ship those cattle not visibly affected to Chicago for immediate slaughter. Instructions were also given at the time to ship the visibly affected ones to Globe, Ill., for slaughter and disposition. Arrangements were at once made to ship 96 loads of cattle to the plant of Morris & Co., Chicago, Ill., for immediate slaughter, with the understanding, of course, that these animals should not show visible signs of the disease. Every precaution was taken in handling these animals upon their arrival in Chicago. After they were driven over the platforms, through the alleyways and chutes, and over the viaducts to the Morris plant, these were at once cleaned and disinfected under Government supervision. At the time of slaughter all these animals were given a most rigid post-mortem examination; also every precaution was taken with the butchers and other employees on the slaughtering floor, none being allowed to go to their dressing room, but were compelled to remove their working clothes upon the killing floor. The same procedure was carried out each day until the entire lot of cattle had been slaughtered, after which all outer clothing, boots, and shoes of the employees were either boiled or destroyed by burning. The visibly diseased cattle, which were isolated at the Peoria distillery barns, were prepared for shipment to the rendering plant at Globe. Cars were provided which were lined inside and out with roofing paper. Baseboards were placed on the inside of the cars, and fresh sand put in them, which was saturated with a 5 per cent cresol solution. The interior of the cars was also sprayed with a compound cresol solution, and after the cattle were loaded and the doors closed and sealed, the outside of the car was sprayed with a 5 per cent cresol solution. These cattle were received at Globe by two inspectors of the Bureau of Animal Industry, who had entire charge of their disposition. The animals were slaughtered; their hides removed and placed in a 1 to 1,000 bichloride solution in a 3 per cent solution of formaldehyde. The remainder of the carcasses were placed in the rendering tank. Each employee removed his outer clothing every day before leaving the plant and was thoroughly disinfected and fumigated. After all the diseased cattle had been placed in the rendering tanks the premises were cleaned and disinfected under Government supervision. This transaction saved the United States Government and the State of Illinois approximately $1,000,000, without jeopardizing in any way the live-stock interests of the country. The cars in which the animals showing no disease were shipped to Morris & Co. at Chicago were also lined on the inside with strong roofing paper.

If those who are addicted to the habit of criticizing will take the trouble to investigate for themselves, they will learn that the facts concerning the Peoria distillery herd are different than has been represented, for some reason, by some of those who seem to be bitterly opposed to the department methods and policies. Written statements in the files of the department show that at the time the disease was diagnosed there were 8,714 animals in the distillery herd at Peoria, Ill. The inspection at Peoria showed 408 affected with symptoms of the disease, and they were shipped immediately to the Globe Rendering Works, at Globe, Ill., for slaughter and disposition. The 8,306 animals which showed no symptoms of the disease were shipped to the Morris & Co. abattoir, Chicago, for immediate slaughter. The ante-mortem and post-mortem inspection of these 8,306 animals showed 544 of them to have developed the disease since they were last inspected prior to leaving Peoria.

The 544 animals and carcasses found on ante and post mortem inspections at Chicago to show the disease were condemned and tanked under Federal supervision for fertilizer. In all 7,762 of the total number, 8,714, were passed for food. More than the usual number of inspectors were detailed to the Morris & Co. plant to conduct the inspections, and a very rigid ante-mortem and post-mortem examination was made, and every animal showing the least sign of the disease by elevation of temperature or otherwise was condemned. It will therefore be seen that these figures and facts which I have obtained from the department are quite different from those that have been submitted by the gentleman from Illinois [Mr. KING]. In fact, Dr. Melvin states—and from past experience we know there is no reason to doubt his veracity—that the foot-and-mouth disease germ was not transmitted in that dressed beef, as the dressed beef was from carcasses which passed careful inspection and did not include "over 150 of which cattle were suffering with foot-and-mouth disease."

Much has been said by those critics who stake their judgment against the judgment of those who were charged with the responsibility of eradicating the disease and succeeded concerning the policy pursued by the department in establishing quarantines. The measures that were employed have been termed "hysterical quarantine orders," which "will be recorded as the most amazing spectacle of incompetence, ignorance, and usurpation of authority that has ever been witnessed in a similar event." In this connection I desire to quote some significant statements made in a recent address by Dr. V. A. Moore, of Cornell University, who is recognized as one of the most eminent authorities on foot-and-mouth disease. In his address Dr. V. A. Moore said:

It is difficult for those not trained in the habits of microscopic life to appreciate that viruses are vital forces that take no heed of the opinions of men. The fact can not be too forcefully emphasized that naturally infectious diseases are spread in accordance with the means, simple or complicated, provided by the laws and forces of nature for that purpose. The agencies for the transmission of infectious diseases were not designed for the convenience of animal owners or sanitary officers, but rather to enable the virus of the disease to perpetuate itself and to be transferred from the infected to the uninfected individual. We should not forget that the virus of foot-and-mouth disease, for example, is a definite factor in nature's economy and is provided for quite as much as the perpetuation of other living things. We look upon the transfer of pollen by the insect in the fertilization of clover as a wonderful provision of nature, because clover is useful to man. The transfer of the virus of a plague from one host to another is often just as wonderful and always just as securely provided for, but because its effect operates against human interests there is a tendency to condemn and to pass judgment without knowledge.

The fixing of a quarantine period and defining its specifications are dependent upon the character of the disease and the nature of its etiology. There must be knowledge of the location of the virus within the host, of the time in the course of the disease it is eliminated, and its ability to spread after escaping from the body in order to adequately safeguard against it. Again, the purpose of the quarantine modifies both its duration and requirements. If it is to protect a community against the introduction of a foreign disease, it is obviously more drastic than if it is used only as a temporary means of combating the malady. When employed for a permanent protection it should remain for the maximum period of incubation and for the longest known time required for the lighting up anew of arrested lesions. In case of certain diseases the virus after it escapes from the body is able by numerous and insidious ways to disseminate itself to such an extent that it is difficult or impossible to confine it to the quarantined area. These are all-important considerations in determining just what procedure shall be followed. In any case a margin of safety must be allowed.

We are dealing not with a local question, but a nation-wide problem. Because of this greater responsibility our quarantine regulations should be safe, reliable, and sound.

There is a common tendency to yield to the findings in a limited number of cases. There are people willing to formulate regulatory measures suggested by a personal experience. While such experiences have their value, and while they may represent the majority, it is well to remember that although it is the usual that ordinarily happens it is the unusual that most often causes the trouble.

The question regarding the proper area to be quarantined is a mooted one. We must be governed by results rather than by opinions. In this country the identical methods pursued in overcoming the 1902 and 1908 outbreaks were adopted for the 1914 outbreaks, and the results were successful in all three. Compare these methods and results with those of the old countries where small areas are quarantined, as have been advocated by the gentleman from Iowa [Mr. HULL]. Those countries that have failed to control the disease have followed the methods and small quarantine areas advocated by the critics of the Department of Agriculture. On the other hand, those countries that have been successful in stamping out the disease, like Norway, Sweden, Ireland, England, and Scotland, have adopted a quarantine policy of large areas similar to that followed by our Department of Agriculture. The gentleman from Illinois [Mr. KING] states that England has resorted to the slaughter method for 50 years and that the disease still exists there. If my colleague had looked into the matter carefully, he would have found that the disease is occasionally being brought into England through its numerous commercial channels, but each outbreak has been stamped out by slaughter and the quarantine of the infected and sometimes the adjacent counties. In 1913 England had but 73 animals infected with the disease; in 1914, 143 animals; in 1915, 692 animals; and in 1916—one outbreak on February 11—60 animals, all these outbreaks being separate from one another and caused by different importations of the virus from the infected countries on the Continent. A few individuals are still loud in their acclamations of disapproval of the department's policy, but throughout the country I find the vast majority are in hearty sympathy with the work that has been done and the methods employed in accomplishing the results. As evidence of this general feeling of satisfaction and approval, I wish to submit the names of only a few of those who have indorsed this foot-and-mouth work as conducted by our Department of Agriculture:

Commercial Exchange of Philadelphia, Sixty-first Annual Report, 1915;

American Breeder, September 20, 1915;

Twentieth Century Farmer, September 29, 1915;

Pierces Farm Journals, about October 1, 1915;
National Stockman and Farmer, about September 29, 1915;
Iowa Homestead, October 7, 1915;
Live Stock Exchange National Bank, circular 9010;
The Farmers' Guide, October 23, 1915;
Wallace's Farmer, October 22, 1915;
American-National Live Stock Association, January 25, 1916;
United States Live Stock Sanitary Association, December 1, 1915;
Southern Cattlemen's Association;
South Omaha Live Stock Exchange;
Oklahoma Live Stock Exchange; and many others.

I am greatly surprised to learn that the gentleman from Missouri [Mr. BOOHER] indicated by his questions that foot-and-mouth disease has existed among western sheep for the last 25 years. In my section of the country we call this disease of sheep lip-and-leg ulceration, and it is as different from the foot-and-mouth disease, which was brought into this country in August, 1914, as measles is different from smallpox. The gentleman from Missouri makes the same mistake as the first veterinarians who saw the true foot-and-mouth disease and thought it was lip-and-leg ulceration, which the doctors sometimes call necrotic stomatitis. The Department of Agriculture has published on this lip-and-leg ulceration as it has on foot-and-mouth disease, and we farmers have been able to control the former by smearing the parts with sheep dip and lard, as recommended in the department's publications. This lip-and leg ulceration is not catching like foot-and-mouth disease, and while you are treating a few sheep it does not spread like wildfire, as foot-and-mouth disease does when you keep animals alive to treat them. If foot-and-mouth disease was as widespread and as tightly saddled on the country as hog cholera, this country would not think of slaughtering the sick animals. But in Canada, where hog cholera is only occasionally found in a few herds, the Government buys and kills the sick hogs just as we do in foot-and-mouth disease, and they thereby control hog cholera. Notice the difference between the position taken by a country when a disease is saturating the soil everywhere and when a disease is brought in from the outside, at which time by the slaughter method the farms are kept from becoming impregnated forever. Denmark was one of the first countries to slaughter for foot-and-mouth disease, and has been successful in overcoming all outbreaks until the one of November, 1914. Again the slaughter method was begun, but this time the disease spread faster than the authorities could act, with the result that 8 per cent of all cattle and hogs became infected and the slaughter method had to be stopped for economic reasons. Of course, if foot-and-mouth disease in this country had continued to spread, there would have come a time when so many animals would have had to be slaughtered that the economic factors would have stopped this method of handling and our soil would become permeated with the virus as it is in Russia, Italy, and other European countries to-day, or as hog cholera is in this country to-day. As it was, only 4,000 of the 6,500,000 farms became infected in our outbreak, and each of these farms was quarantined, cleaned up, thoroughly disinfected, and now restocked with healthy cattle, without any foot-and-mouth disease drawbacks. And you gentlemen know these drawbacks as well as I, involving producer, feeder, breeder, dairyman, banker, transporter, commission man, buyer, seller, and the ultimate consumer. Instead of knocking the men who worked day and night, Sundays and holidays, to accomplish these results, let us show them our appreciation of their efforts, even though they, like others, have made a few mistakes; and, gentlemen, I can assure you that if this herculean task had been accomplished in one of the European countries, these men, whom some of you have so severely criticized, would be wearing badges of honor or of merit for the results obtained. [Applause.]

The CHAIRMAN. The Chair is prepared to rule. The Chair thinks that there are just two propositions to be considered in passing upon this point of order: First, whether it is a limit on the discretion of an executive officer in carrying out his duties under the law. If so, then it would clearly be subject to a point of order. If, on the other hand, it is in fact only a limitation on the appropriation carried in the paragraph, then it would not be subject to a point of order.

The Chair very frankly states that his first impression of the amendment was that it specifically limited the discretion of the Secretary of Agriculture and therefore would not be in order, but on a more careful reading of it he does not now think so. It says "provided no part of the money reappropriated will be used to enforce any quarantine order," and so forth. It does not limit the discretion of the Secretary, but it does limit the expenditure of the money in enforcing certain specific rules and regulations, and the Chair thinks that the amendment is not therefore subject to a point of order. Point of order is overruled.

Mr. LEVER. Then I ask for a vote on the amendment, and I hope that the amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GOOD].

The question was taken; and on a division (demanded by Mr. GOOD) there were—ayes 15, noes 45.

So the amendment was rejected.

Mr. KING. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. KING: Amend amendment offered by Mr. LEVER by adding at the end thereof the following:

"*Provided*, That if in the arrest and eradication of such disease it becomes necessary to slaughter animals, the same shall not be slaughtered for such purpose without just compensation to the owners thereof, the amount thereof to be determined by an appraisement based on the meat, dairy, or breeding value; and in the event that either party to the appraisement is dissatisfied with such appraisement appeal may be taken to the United States Court of Claims, without delaying slaughter, where final adjudication may be had according to law, fixing the value to be paid by the United States Government."

Mr. LEVER. Mr. Chairman, on that I reserve the point of order.

Mr. HULL of Iowa. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. KING].

Mr. KING. Mr. Chairman, I had the honor of having allotted to me some 30 minutes in general debate when the bill was first brought into the House, and of course I do not care to cover any of the points that I covered in those general remarks, which are printed in the RECORD.

In the first place, I want to congratulate the members of the committee for their long and laborious work here day after day, and especially I wish to commend the distinguished gentleman from South Carolina [Mr. LEVER], the chairman of the committee, who has been so patient and considerate with all of us during the consideration of this bill.

I came here this morning expecting a certain line of procedure, but of course I have already learned that what you expect you do not receive, and the line-up has been entirely changed. I regret very much that the members of the committee saw fit to consent so readily to the point of order which was raised striking out that part of this section which provides for the payment to the farmer or a stock raiser for his cattle, and making certain other provisions relative thereto. I had expected to offer an amendment which would probably be subject to the point of order, that a provision be added that in addition to payment for cattle and swine destroyed, the farmer and the stock raiser be permitted to have a claim against the Government for money which he lost by reason of his stock and swine having to be put into quarantine alley in the stockyards in the city of Chicago. Contrary to the explanation made by the gentleman from Iowa [Mr. STEELE], the facts are that the Bureau of Animal Industry of the United States started out to make as large a quarantine as possible. They insisted if they found one solitary case in a county that they would put the whole county under quarantine. What was the reason for that? I do not say that they did it corruptly by any means, but what was the result? The result was that the larger the quarantine area the more cattle and more hogs shipped went into quarantine alley in Chicago, and when they went into quarantine alley for immediate slaughter, although they were just exactly as good as another man's cattle across the line, nevertheless they sold for from 10 to 20 per cent less than if they had been put in the free alley, where they ought to have gone, as long as there was no foot-and-mouth disease in the section from which they came. That is the whole proposition.

I had intended to offer an amendment adding, after the word "destruction" in that part which was stricken out on the point of order, the words "and also through the operation of Government quarantine regulations." That would render the Government liable for the loss; and think of it, gentlemen, $22,000,000 worth of cattle and hogs went into quarantine alley and finally went into the refrigerators of the packing concerns. I am not blaming the packers. It has been stated here that they are human, and of course they are, the same as anyone else, and they would take advantage of that; but it is an artificial condition created by making a large quarantine area, simply transferring thousands and thousands of cattle and lowering the price on them through the Bureau of Animal Industry from 10 to 20 per cent. That is the point about this quarantine-alley proposition in the city of Chicago.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. KING. Yes.

Mr. EMERSON. What does the gentleman mean by this quarantine alley, and then later on by the meat going into the packing houses?

Mr. KING. I did not go into the details of that because I had explained it before—I looked for the gentleman, but he was absent at that time, at lunch. They have two areas in the stockyards in Chicago. Let us, for illustration, divide this House into two parts, and instead of drawing a Mason and Dixon line down the center, as is frequently done, we will draw a line here, and say that the Republican side is a free area and the Democratic side is a restricted area.

Mr. HAMILTON of Michigan. A quarantined area?

Mr. KING. Yes. I am not speaking of the area in the country, but I am speaking of the stockyards. Here comes a carload of stock from Henry County, Ill. It comes from a restricted area, although there was only one case in one corner of the county. That carload of stock goes on the Democratic side in the restricted area for immediate slaughter, and another car comes from right across the line in Knox County, where it was not restricted, and they go on the Republican side into this free area, and now comes the packer or the commission man, and he goes down there and looks them all over and he finds a very fine bunch of cattle on the Republican side in the free area and he bids on them, competitive, of course. He buys them. And then over here he sees in this restricted side, quarantine alley of the stockyards, a fine lot of cattle, but he says, "I can not pay you within 10 or 20 per cent for them, because they are in quarantine alley."

So do you not see if down in my State they would gradually increase the area to a county unit for quarantine, finally the Republican side would dwindle down to four or five seats and the Democratic side, using it as an illustration merely, would be the quarantine alley of the stockyards of the city of Chicago, and of course the bigger that is the cheaper the cattle to the packer. But everything finally is the same; both Republicans and Democrats finally get to the refrigerator and the consumer pays the same price.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. KING. I will.

Mr. HAMILTON of Michigan. Recognizing the difficulty that the gentleman describes, is it not necessary, after all, that there should be what you called a restricted area?

Mr. KING. Yes, sir.

Mr. HAMILTON of Michigan. Now, inasmuch as it is necessary there should be a restricted area, what does the gentleman propose to do with the cattle that come from that restricted area? How are you proposing to obviate the difficulty in connection with the stockyards restriction?

Mr. KING. It is not necessary to have a restricted area of immediate slaughter. There is no disease there. It seems to me the department is now perhaps operating on the right theory of a 5-mile limit, but a township would perhaps be a solution of the whole proposition, because there the lines will be all recognized the same as the county lines by the inhabitants included in the disease area.

Mr. HAMILTON of Michigan. In my State we do not use the county as the unit. They divided one county, as I remember it.

Mr. KING. I admit I do not accuse the department of anything on earth. I recognize that they are seeking to do the proper thing, and, as it has been stated here, we do not attack them on the Republican side. I do not attack them as a Republican because they have succeeded in putting down this great plague, but the objection is made, and the objection of the farmers is that it permitted it to get a start, and even after it was discovered on November 27, 1914, for three days they refused, as a matter of fact, to quarantine the stockyards and sent out over 46 carloads of cattle through Wisconsin, Indiana, and Illinois. That is how the disease spread. That is what caused the commotion and criticism of the department, and not the method of handling it after it once got a start.

Now, Mr. Chairman, I intended also to offer an amendment after the word "circumstances," in line 23, which provided that he shall pay for those cattle when such owner has complied with all the quarantine regulations. That was the part which would have been subject to the point of order and the point of order should have been raised against that and against that point only. Now I presume the point of order will be raised against the amendment which I have offered here. Now a point of order, I have learned in my short experience in this House, is a dreadful instrument. It is an instrument both for the purpose of defeating good legislation and for the magnificent purpose of defeating bad legislation. It is absolutely impartial and it is totally without any conscience. Therefore I presume that under the rules of the House what is known, not as "a" point of order but "the" point of order, will be raised against it. I hope, however, the gentleman from South Carolina will see fit not to do so. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I regret very much that the point of order was made against any language inserted in this bill by the committee after a full and thorough consideration. But since the point of order has been made and sustained, everybody in this House, with six months' knowledge, knowing it to be subject to the point of order, and this being a brand-new proposition which the gentleman from Illinois has offered, and going very much further in the same direction than the amendment passed upon by the committee, I must make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. BOOHER].

Mr. BOOHER. Mr. Chairman, I am well satisfied that if all the experts upon the foot-and-mouth disease in this House were over in the Agricultural Department we might probably have gotten better results out of the treatment of this disease. This is a great big question and ought to be considered in a great big way. I do not think the Agricultural Department is subject to all the criticism that has been leveled against it. Neither do I think their method of treating this disease is a perfect one. The gentleman from Iowa [Mr. STEELE] said that this was a disease which was seldom cured. On the contrary, the foot-and-mouth disease seldom proves fatal, and there is scarcely any disease to which animals are subject that is so easily cured as the foot-and-mouth disease. I made this statement here the other day when this question was up and I was told by some of my friends the statement was not correct, that I had been misinformed. Now let me read what the Secretary of Agriculture himself says about it. I will give him as my authority. On page 12 of his annual report we find this language, speaking of the foot-and-mouth disease:

> So rapid and sweeping is its spread that when the infection once gains access to a herd or a farm practically every susceptible animal is soon attacked. Although the mortality is usually low, heavy economic losses result from the interruption and derangement of business.

The loss was not from the death of these cattle, but from the interruption and derangement of business. The department did not kill all the animals that were infected with the foot-and-mouth disease. They made exceptions, and they cured them. They had a stock show up in Chicago, a large one, in the fall of 1915. There was one herd of 700 head of very valuable dairy cattle there. They were infected with this disease. Did they kill them? Not a single one. They quarantined those cattle and cured them and sent them out on the farm where they belonged. Now, I take that statement from the report of the Secretary of Agriculture of 1915.

Now, if you can cure the cattle of a man who has 700 head of very fine cattle, you can quarantine and cure the cattle for the farmer who has only a few upon the farm just as easily.

Mr. WHEELER. What condition were they in after they were cured?

Mr. BOOHER. I do not know. I am going to read now what the Secretary said about it. He said:

> This herd consisted of over 700 head of very valuable pure-bred cattle. Their slaughter would have been a misfortune * * * and it was decided to try to save them.

They did save them. They cured that herd of cattle, turned them out cured, and they went back to the owner and the farm, and they are there now. I can not understand why, where a disease is as easily cured as this is, stock should not be quarantined and people learn how to cure it.

Ticks cause cattle fever, yet neither Congress nor the Department of Agriculture orders the indiscriminate slaughter of the diseased cattle; on the contrary, we make very large appropriations for the department to use in the extermination of the cattle tick in the South. Why not find a remedy for the foot-and-mouth disease and cure the cattle instead of the wholesale slaughter method pursued by the department?

The CHAIRMAN. The time of the gentleman has expired.

Mr. KINKAID. Mr. Chairman, as meritorious as this great Agricultural appropriation bill is, in my humble judgment it contains no item more worthy of the approval of this body than the $2,500,000 provided for the "arrest and eradication" of the foot-and-mouth disease. I think it will be generally conceded that this malady constitutes the greatest menace known to the live-stock industry. Comparatively few outbreaks—six of them, I believe it is; fortunately of short duration—have occurred in the United States, but the prompt attention given these cost the Government large sums of money and owners of cattle great inconvenience, consternation, and loss.

The Bureau of Animal Industry states that, while the foot-and-mouth disease may be regarded as essentially a disease of

cattle, hogs would seem to be as easy a prey. Almost in the same grade of receptivity are sheep and goats. Next in order come the buffalo, American bison, camel, chamois, llama, giraffe, and antelope. Horses, dogs, cats, and even poultry may occasionally become infected with the disease, the last three being particularly dangerous as carriers of the contagion. Man himself is not immune, and the frequency of his infection by coming in contact with diseased animals is established by numerous observations. Mr. Chairman, the spread of the malady is so easy, so nearly unavoidable, that it is very manifest that the question of how best to meet the exigencies of one of these outbreaks is of very great importance.

In the main this is what I shall talk of, but for a moment I shall refer to some criticisms which have been made to-day and previously during the discussions of the pending bill to the effect that the quarantine unit has been made too large—specifically, that the county unit, which has been used somewhat, is too large for a quarantine.

Mr. Chairman, if mistakes have in fact been made in some instances by including too great an area in a quarantine, such as a whole county when a township, 6 miles square, might have been sufficient, I can readily comprehend why and how this may have occurred. It is plain to me that where doubt exists as to how large an area should be included in a single quarantine it should be resolved in favor of the larger rather than the smaller area, for the reason that greater damage must result from making the area too small than by making it larger than necessary. For instance, if the area were too small, if infected cattle be left outside of the quarantine limit, there had just as well—even better—been no quarantine at all, for the public would be led to expect that cattle outside of the limit were not infected; therefore people would freely go and come over the area without using precaution against the spread of the disease.

A striking object lesson in favor of resolving the doubt for a larger rather than a smaller area recently occurred in Denmark. There the quarantine limit proved to have been too small, with the result that infected stock was left outside, with the disastrous result that the epidemic spread throughout the entire country, thus rendering further quarantine futile. Practically the disease has become permanently established in Denmark.

Mr. Chairman, I think it spells much for the veterinary profession that while the United States has been visited with six epidemics of the foot-and-mouth disease, the last becoming extended over 32 States of the Union, that the malady is now deemed extinct throughout the United States and that the arrest and the eradication of the malady was accomplished in so short a time. The country is to be congratulated upon the speedy deliverance, and the veterinary profession and the people may justly feel proud of their achievement.

Mr. Chairman, I have already stated that it was my chief purpose—in fact, I had intended it to be my exclusive purpose—to utilize the brief time afforded me to address myself directly to the great problem, as I regard it to be, how to choose between the two alternative remedies for combating the foot-and-mouth disease, whether to undertake to treat and cure, with the risk of constantly extending it to further areas, or to resort to the relatively radical remedy of immediately killing the infected cattle, burning the carcasses, and thoroughly disinfecting the occupied premises.

Of course, it is contemplated that when afflicted animals are slaughtered the Government and the State where they belong shall pay the owner therefor.

The instance of the treatment and curing of the large high-bred and valuable dairy herd in the State of Illinois in the last outbreak was this afternoon urged upon the attention of the House by the distinguished gentleman from Missouri [Mr. BOOHER], and the case had been previously mentioned in the discussions by the two learned and able Members from Illinois, who have treated the subject perhaps the most exhaustively, in a concrete way, of any of the Members. I have reference to Mr. CHIPERFIELD and Mr. KING. We all readily recall it was only by the diligent and energetic and successful prosecution of injunction suits against the Federal authorities that the immediate slaughter of this herd was prevented. Inferably we are expected to understand from this example that it would be more economical to treat and cure the infected animals, with as little loss by death as may be practicable, rather than to sacrifice whole herds by an immediate slaughter.

In keeping with this instance in South America, in the countries of Brazil, Argentina, and Uruguay, and in Europe, in Germany, France, Belgium, Holland, Italy, and some other countries, the policy of treating the afflicted stock for the purpose of restoring the animals to good health and preserving them for useful purposes has been and is still being followed, but in all of these countries this practice has resulted in the further spread of the malady, extending it throughout the countries named. The consequence is that at this time neither quarantine nor the slaughter of the afflicted animals is any longer practicable or an economical remedy, for the disease is so thoroughly rooted and permanently established in those countries that arrest and eradication is impracticable, if not impossible. Certainly from an economical standpoint the policy of treating the disease to cure in these countries has not only proven an absolute failure, but has extended and permanently planted the disease.

Mr. Chairman, in contrast with the policy followed in the countries named, of applying medical treatment to the afflicted animals, the United States, Canada, Great Britain, and some other countries have adopted the radical policy of immediate slaughter of the afflicted animals, without regard to the size of the herd found diseased or exposed, followed by the burning of the carcasses of the slaughtered animals and the scrupulous disinfection of the particular premises. The result of this practice is that these countries are most of the time free from the existence of the disease. Notwithstanding the very malignant form of the last outbreak in the United States and that it extended across the country from the Atlantic to the Pacific Ocean, as the Department of Agriculture views it, the foot-and-mouth disease is now extinct in the United States. Besides the United States, Canada, and Mexico, barring occasional importations and infections from other countries, and Australia and New Zealand, protected as they are by their isolation, are free from the plague, and so far as it has hitherto been ascertained it would seem that these countries may in the future, by yet greater diligence and vigilance of inspection at their ports of entry and the further progress of science to be applied to prevention and extinction of the malady, preserve their jurisdictions virtually free from the vicious affliction.

Mr. Chairman, I do not presume to urge at this time the adoption of a policy to be permanently followed as the only mode of combating the foot-and-mouth disease, but it is my purpose to urge the very great importance of choosing the safer means—the means most likely calculated to keep our country free, if not all the time, the most of the time, from the malady. On the limited information I possess it is my conviction that the wiser course would be to adhere to the policy of slaughtering until and unless it should be positively ascertained that the less radical remedy of the treatment to cure would be the more desirable. I am frank to say I abhor the contemplation that the malady of the foot-and-mouth disease, to which man as well as beast is subject, should be permitted to gain a permanent foothold and become constantly extant in the United States. As I view it, the treatment to cure in a measure resembles the maintaining of a nursery for the propagation of the malady, for it is obvious that every hour of the existence of the disease multiplies the opportunities for its contagion and spread to other areas and to other herds.

I urge the policy of prevention and exclusion rather than cure in our own country. Experience had in the South American States and in European countries, where the policy of treatment is followed, shows that while the animals of one herd are being treated the contagion is carried to other animals and other herds and that it is constantly extended to other localities, with the result that in these countries the condition has become a hopeless one.

Mr. Chairman, I regard it as a gruesome proposition to contemplate the constant existence of the foot-and-mouth disease in dairy cows furnishing milk and butter for our tables and at the same time in the herds of cattle contemplated to be slaughtered for meat for our consumption, as well as hogs and other animals, all of which foods may become infected, and the individual consumers thereof likewise become infected with the virus. Certainly the constant existence of the disease in the country constitutes a great menace to the health and life of both man and beast. Hence the logic in favor of immediate extermination.

Mr. Chairman, with three of the principal States of South America, Japan, the Philippine Islands, and other parts of the Orient, with most of Europe infested with the plague so extensively throughout their jurisdictions that eradication is no longer a practicable remedy, a great opportunity is here afforded North America to become preeminent in producing good healthy cattle and healthy meats for the consumption of their own people, and for exportation, thus securing to the United States an ascendancy over all other countries in the production of healthy animals and inviting and wholesome meats. [Applause.]

Mr. HULL of Iowa. Mr. Chairman, I have some amendments.

The CHAIRMAN. The gentleman from Iowa [Mr. HULL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HULL of Iowa: Page 78, line 25, after the word "specified," insert:

"*Provided*, That no portion of this sum shall be used in the arrest and eradication of any such disease or in the payment of claims growing out of past and future purchases and destruction of stock unless a strict quarantine, with a radius of not more than 3 miles, shall be maintained around each infected premises."

Mr. LEVER. Mr. Chairman, I make the point of order against that amendment. Has the gentleman another amendment which he thinks is in order?

The CHAIRMAN. Does the gentleman from South Carolina make the point of order on the amendment?

Mr. LEVER. I will say to the gentleman that if he desires to use some of his time I will reserve the point of order.

Mr. HULL of Iowa. I am not going to argue the point of order. I first yield a minute to the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. VOLSTEAD. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD in reference to this bill.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The gentleman from Iowa [Mr. HULL] is recognized for 10 minutes, and the gentleman from South Carolina [Mr. LEVER] reserves a point of order on the amendment.

Mr. HULL of Iowa. Mr. Chairman, there are some things dearer to an American citizen than live stock. One of these is his personal liberty. I was in a foot-and-mouth quarantine for seven months, and I know something about it. During that time I had the same experience that the gentleman from Nebraska spoke about, and I had more. I myself was threatened with arrest by one of these inspectors sent out from a bureau here in Washington. Arrest for what? Arrest for attending a public meeting held in my own little town, and there had not been another meeting called off in all that county, and that meeting was called by 20 farmers in order to plan a campaign against the foot-and-mouth disease—20 of the best farmers in my own county—and this inspector telephoned out the night before to these 20 farmers and intimidated them until they were afraid to hold that meeting.

Mr. HAMILTON of Michigan. Was it considered that this meeting was particularly dangerous?

Mr. HULL of Iowa. It may have been the inspector, but I do not know. But it was to plan a campaign against the foot-and-mouth disease which was sweeping all over the county.

Mr. HAMILTON of Michigan. I thought it was a political meeting.

Mr. HULL of Iowa. No, sir; there was not any politics about it. It was to stamp out the disease, and these inspectors called the meeting off, and one of them came to me and told me I could not attend that meeting.

Mr. HELGESEN. What did you tell him?

Mr. HULL of Iowa. I told him that I would be there, and that if he had one ounce of authority I wanted him to single me out and show me where he got it.

Now, why do these men claim that unlimited authority? Simply because of one feature in this bill, one clause. And I have told them that when they came into Iowa it was unconstitutional. I have appeared before the executive council of the State of Iowa, and I have told them it was unconstitutional, and I say to you now, the Democratic Party, that it is unconstitutional.

Mr. LEVER. Does the gentleman think that makes it unconstitutional?

Mr. HULL of Iowa. It does not make it so, but every lawyer knows it is unconstitutional to do what you have done. That clause simply says that the farmer must observe all quarantine regulations. Do you know what it is? It is subserving the Constitution by quasi bribery, and I have asked this committee to strike it out, and they have refused to do it. And so I raise the point of order on the paragraph; and I will say to you gentlemen that if the whole paragraph had gone out I would still raise the point of order. I am not afraid of the result in my district. If you refuse to correct your own bill and do not want to play the game, all right.

Mr. REILLY. Mr. Chairman, will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. REILLY. Would you have the farmers have the privilege of violating the quarantine rules?

Mr. HULL of Iowa. I would not have a bureau here in Washington that can draw rules making a quarantine in the State of Iowa, because it is unconstitutional. You understand?

Mr. REILLY. Have we any other authority besides your statement for that?

Mr. HULL of Iowa. You can not make a quarantine unless you quarantine the individual, and for the National Government to come into the State of Iowa with police powers and quarantine the individual and deny him his liberty is unconstitutional or else I do not know the Constitution. Do you say that it is?

Mr. REILLY. I am not discussing that. Do you think that hurts the foot-and-mouth disease and helps to exterminate it?

Mr. HULL of Iowa. I do not know whether it hurts it or not, but I know that the blundering methods the department practiced in my county sent the disease into 10 yards, and it was only after the farmers themselves made a quarantine that an effective quarantine was had and the spread of the disease stopped.

Mr. REILLY. Is that your first experience with the foot-and-mouth disease?

Mr. HULL of Iowa. I have been where it was. I never was in a quarantine before.

Mr. REILLY. Now, was it not——

Mr. HULL of Iowa. Oh, I can not yield. I have only 10 minutes. The trouble is you can not make a quarantine on cattle and make it effective unless you make it effective on the man himself. It was not a quarantine at all. It was an embargo on business.

Gentlemen here talk about disease 15 miles away tying up a certain county. Let me tell you what they have done in the State of Iowa. They not only went 15 miles but 100 miles, and that because one Federal inspector was mad at a veterinarian because the veterinarian would not exhibit his books to him he quarantined the entire county of Greene, which never had the foot-and-mouth disease. Do you think that is right? Do you think that it is a good law for a department down here to deny to the State of Iowa the right to move its hogs from Iowa County to Linn County or within the State of Iowa? It is in the records there that they did it. Is it unconstitutional for a bureau chief here to tell the State of Iowa, acting through its legislature that has passed a bill regulating this thing, that if that bill becomes a law they will quarantine the entire State, when there is not any foot-and-mouth disease in the whole State? In other words, they threaten the State of Iowa for legislation that it had passed and not for foot-and-mouth disease.

Now, the Hilsinger bill was drawn after careful consideration. I came to Washington myself and had an interview with the Assistant Secretary of Agriculture, and we agreed upon a bill, and I went back, and the chairman of the Senate committee wrote to Secretary Houston to find out whether he would indorse the bill, and he suggested that instead of 1 mile we should raise it to 3 miles; this was done, and that law was enacted by the Legislature of the State of Iowa. And yet this great bureau that you are trying to defend double-crossed the State of Iowa and said to the governor, after they had indorsed the bill, "If you sign that bill, we will quarantine the entire State." Is that constitutional?

Mr. CAMPBELL. It is autocratic.

Mr. HULL of Iowa. Is it right? O my Democratic friends, you talked about liberty yesterday—liberty to people 7,000 miles away. And yet in this bill you are going on and on, and taking every liberty of the citizens away from them within the States.

Mr. RUBEY. We not only talked it, but we voted it yesterday.

Mr. HULL of Iowa. It did not do you any good. [Laughter.]

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. LEVER. Mr. Chairman, I yield three minutes to the gentleman from Ohio [Mr. FESS].

Mr. HULL of Iowa. Mr. Chairman, I yield to myself three minutes more. [Laughter.]

Mr. DOWELL. Will the gentleman yield to a question. I would like to ask the gentleman a question.

Mr. HULL of Iowa. Yes.

Mr. DOWELL. Waiving all questions as to the Constitution, are you not in favor of a proposition to allow claimants who have had property destroyed to receive payment for their stock?

Mr. HULL of Iowa. I certainly am, and to that end I offered an amendment here, and the gentlemen on the other side ruled it out on a point of order. The record is clear.

Mr. DOWELL. Just another question.

Mr. HULL of Iowa. Very well.

Mr. DOWELL. As I understood your reason for raising the question of order, it was because of the intimation or suggestion of bribery, which compelled persons to comply with the quarantine regulations.

Mr. HULL of Iowa. Certainly. It places the Federal Treasury behind a bunch of bureaucrats here in Washington, and we will not permit it in Iowa.

Mr. DOWELL. If this is stricken out under a point of order, is there any provision in this bill to allow claims of this sort?

Mr. HULL of Iowa. Oh, they can fix it up. They are the majority party. We are not afraid of the record.

Now I want to say this, and it sounds strange, coming from a Republican: I sometimes think I am a good deal better Democrat than a lot of these gentlemen sitting over on this side. I want to say this, that when it comes to the personal liberty of the citizen of Iowa, Iowa on local matters is sovereign over all your National Government. When we passed that law we had the right to pass it. And I want to say this, that practically every State in this Union has a law on quarantine, and this bureau never enforced it nor ever asked them to enforce it. They set it aside, and made their own laws here in Washington, and no bureau can do that. You have been revising rural routes by mail, and you want to run a quarantine by mail. You can not do it in the State of Iowa. I am either right or wrong, and this is the time and place to find out.

I want to say in reply to the gentleman that there is a mystery about one of these quarantines. What we are finding fault with is that there is not any quarantine at all, but that the quarantine is an embargo on shipment. It may be county wide, or it may be two or three counties, or it may be anything that some Federal inspector sees fit to place upon the people of the State, and that is what the people are protesting against. Protesting against the illegal and unlimited power claimed by this bureau here in Washington over the property and liberty of the citizens of Iowa.

Mr. BENNET. Will the gentleman yield for a question?

Mr. HULL of Iowa. Yes.

Mr. BENNET. Did I understand the gentleman correctly to say that a quarantine was placed by Executive order on a county in which there was no foot-and-mouth disease among the cattle?

Mr. HULL of Iowa. Exactly; Green County, and the nearest case was within a mile of my home, and I am a hundred miles from Green County.

Mr. BENNET. On what theory was that done?

Mr. HULL of Iowa. I hate to take all the time, but I will tell you. They went there and told a veterinarian that he must show them his books. They wanted to find out to whom he had sold serum. I guess they could have found it out if they had not been arbitrary; but they jumped on him, and he had a little red blood in his veins, and he told them they had no authority. He questioned their authority, and they promptly told him, "Show us or we will put you out of business." He called their bluff, and in trying to put that man out of business they came very near putting everybody in Green County out of business.

Mr. SLOAN. Will the gentleman yield?

Mr. HULL of Iowa. Certainly.

Mr. SLOAN. Who was it that did this? Was it somebody from the bureau?

Mr. HULL of Iowa. It was a Federal inspector.

Mr. SLOAN. How many men did he have with him?

Mr. HULL of Iowa. I do not know the name of the gentleman, but it has been testified to in the State of Iowa. The State senate records will show it. There is no question about it. It is known there.

Mr. SLOAN. It used to be the case that an Iowa citizen would not submit to such coercion unless a large number of persons were present for the purpose of enforcing it.

Mr. HULL of Iowa. They would not enforce it there if it was not for that clause in the bill, but when you put $2,500,000 behind some Federal inspector, you destroy the right of the State to defend its own citizens.

Mr. SLOAN. That used to be a spur to Iowans when I was an Iowan.

Mr. HULL of Iowa. Well, you left the State. [Laughter.]

Mr. TILSON. Does the gentleman mean that citizens of Iowa would be tempted in anywise by what he has designated as a bribe?

Mr. HULL of Iowa. Let the gentleman go and read the record of the governor's veto of the Hilsinger bill, and he will find that the governor there mentions the fact that he had to veto it simply because this money that you were appropriating would not be available.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, Ohio is placed as the fourth State in its injury from this disease, and I happen to live in what might be called the storm center of the State thus injured.

I am perfectly aware that any quarantine regulation limiting the rights of individuals will inevitably work hardship and can not meet with approval from the standpoint of the individual who thinks that his liberties are interferred with. I realize that any exercise of this police power will fail to receive a friendly reception. Of course, that is inevitable, and I would be one of the last to criticize the authority, either Federal or State, that takes the necessary steps, either to eradicate or to prevent the further extension of this disease.

Mr. CAMPBELL. Will the gentleman yield?

Mr. FESS. I am coming to what the gentleman wishes me to say. Realizing that it is not in the thing that is done, but in the manner in which the administration of it is carried on, I want to make an observation.

Mr. CAMPBELL. Does not the gentleman think that the law ought to be administered with common, ordinary intelligence?

Mr. FESS. I do. I do not think that the exercise of it should be purely arbitrary. I do not believe that the quarantine district should be a matter of mere arbitrary ruling. I have a letter from one of the best citizens in my State, and one of the men who wished to see the quarantine strictly enforced. This letter was written in reply to a letter that I wrote to him, because I knew his answer would have no prejudice whatever. He told me that he thought this law worked a hardship that he did not think was necessary, and I want to read from his letter:

> While the foot-and-mouth disease was handled badly, in my judgment, they did a great work when they got it stopped. I will give you my experience and you will readily see how a big loss might have been prevented. I had 50 hogs weighing 250 pounds per head. They were ready to sell. I was offered $7.50 per hundred, but was told they could not ship them, as the embargo had gone out that morning. I held the hogs that were ready to ship. Cholera was all around me. In a little more than 10 days cholera struck my hogs and every one died. Would it not have been better judgment for the authorities to have allowed those hogs to have been shipped and slaughtered and not have compelled me to hold the hogs exposed to a worse disease than what they were quarantined against?

This is only one of many instances in my immediate vicinity that, I think, argue that the administration of the law might be improved upon. I want to say that I do not oppose the regulation for health, but it ought to be very carefully administered. It will be difficult to justify the procedure which draws an arbitrary line inclosing an area from which no stock must be removed, especially when it includes many farms stocked with herds ready for shipment and free from any symptoms of disease, so far as a Federal or State inspector could discern. There were many cases in my own district where many farmers, forbidden to ship their stock because of this embargo, stock perfectly healthy, as certified by inspectors, suffered a total loss of the entire lots by the appearance of cholera, induced by herding together fat stock which should be marketed. Every day after such a lot is ready for market is not only a loss of the feed consumed, but endangers total loss by an epidemic which could and would be avoided were it not for the embargo. It is this feature which should be corrected.

Mr. LEVER. I yield two minutes to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Chairman, I have no doubt, as the gentleman from Ohio [Mr. FESS] has said, that nearly all the complaints were against the administration of this law and not against the purpose of the law. It did work great hardship in a great many communities. No doubt the department has learned now by experience better how to administer it so that a great many complaints and difficulties that it has experienced heretofore can now be overcome and obviated, and I hope they will.

In my district, where there were a number of cases of foot-and-mouth disease, many farmers suffered from the administration of this law. Their complaints were not against the law itself nor the purpose of the law, but the manner in which it was administered, and that was because they suffered great loss from its administration.

Now, the department is extending out its lines of activity, entering new fields, and attending to new matters which are of vital importance not only to the farmer himself but to the entire country. There are many things to be done that will relieve certain conditions existing. This can only be done by cooperation, experimenting, by study, and investigating the questions which are vital to the American people and especially to the producers of this country. I only regret that this year the committee did not see fit to take up some other matters vital to the interests of this country and extend the work of this department into the investigation and assisting the farmer in eradicating and correcting things which are doing them a very great injury in their work and which, if properly handled, would be of incalculable benefit to both producers and consumers, improve conditions, and add to the prosperity abounding so bountifully all over the land. If we can improve farm conditions, so essential to the welfare of the whole people, we should do it. It is one of the important industries of the country, a business upon

which more depends than on any other single industry in the land. It is prosperous now more so than ever before, and if we can increase its prosperity we are helping all, and it will be reflected in all other business activities. All are now enjoying unprecedented prosperity, as the result of wise policies adopted and beneficial legislation enacted, which is bearing satisfactory results as a reward for the confidence reposed in those intrusted with power.

The business conditions of the country are such as to be a matter of sincere congratulation of every American. Activity is the watchword everywhere, and the industries all over the country are taxed to their capacity; and many are, to meet the unprecedented demand upon them, enlarging their plants and increasing the number of their employees.

The iron and steel business is enjoying an era of prosperity hitherto unknown in that great industry. It is most pleasing to note the following good report from it:

TWENTY-FOUR THOUSAND GIVEN RAISE BY BETHLEHEM STEEL CO.—10 PER CENT—VOLUNTARY INCREASE THIRD IN 10 MONTHS.

SOUTH BETHLEHEM, PA., *April 28.*

Twenty-four thousand employees of the Bethlehem Steel Co. were granted a voluntary increase in wages of 10 per cent, which will become effective on May 1. The increase will mean the adding of $170,000 per month to the pay roll, which last month was $1,700,000. This is the third voluntary increase within 10 months. President E. G. Grace returned to-day from Atlantic City, where he went to recuperate from an illness.

C. M. Schwab to-day said that the net earnings last month were $5,500,000. Mr. Schwab said that during the next year he was going to spend $18,000,000 in improvements to the local plant and $38,000,000 in improvements to other plants. He said the yearly pay roll is $25,000,000. The steel magnate said the Pennsylvania Steel Co. cost him $53,000,000.

The lumber industry in the West is now, as we learn from the reports of the press of that section, very prosperous and is preparing for the greatest activity ever known in that section. I submit a few of the many reports of prosperity from that section, as follows:

NORTHWEST LUMBER MILLS ARE HUMMING; BUSINESS PICKS UP—MANY MILLS RUNNING OVERTIME; LUMBERMEN EXPECT GREAT TRADE REVIVAL WITH COMING OF PEACE IN EUROPE; NORTHWEST TO REAP BENEFITS FROM RECONSTRUCTION.

The mills of the Northwest are beginning to run full time.

Some of them are running overtime. The hum and shriek of the saws is rising to the old gladsome pitch that used to bring joy to the hearts of the people in this part of the country.

And the gloomy lumbermen are cheering up.

Up in Everett every mill in town is running, including the big, new Weyerhaeuser plant, one of the largest in the world. Everett's pay roll is larger than it ever was before.

Down in the Grays Harbor country the mills are steaming up and the business activity of former days is beginning to return.

SEATTLE BUSINESS STIRRING.

Seattle's mills are stirring under the stimulus of orders from inland. The foreign market is toning up. There isn't a great improvement noted in the foreign trade, but improved it is, say the lumbermen.

The day that peace comes to Europe the lumbermen of the Pacific coast will stand prepared for a mighty invasion of lumber buyers from practically all the nations now involved in the struggle.

Peace rumors are more plentiful now than at any time since the war began. All signs point to an early peace.

Vast areas of the civilized portions of Europe lie in waste. If Europe is to rebuild herself she must have lumber, and much of the lumber must come from the Pacific coast.

DEALERS TALK CHEERFULLY.

The Star for the second time within a few weeks canvassed a number of Seattle's large lumbermen Thursday afternoon for expressions of their views on the immediate future for lumber.

A majority of them are guarded in their utterances and conservative in their statements, but it was to be noted that their tone was more cheerful than before.

Charles H. Cobb, pioneer Puget Sound lumberman, had this to say:

"People generally feel that the lumber business is in a little better shape. There is going to be an advance in price from the logging end shortly. This is in response to the general toning up.

NEW TRADE DEVELOPING.

"There is general talk of better conditions. There is a substantial revival in the East, and a volume of new trade has developed through the placing of orders for crating in which automobiles and ammunition are packed for Europe. This has braced business up, and the West has been stimulated to a certain extent as a result."

Jesse F. Ives, vice president-manager of the Stimson Mill Co.: "The railroads are placing orders with the coast mills for ties. There are unmistakable signs of a substantial revival. Our trade with the Atlantic coast has been temporarily held up by the slides in the canal, but when these are removed we will be able to fill a lot of orders now hanging fire."

SOUTH AMERICA BUYING.

E. G. Ames, of the Puget Mill Co.: "Our mill is running nearer to its capacity now than it has for a long time. The South American trade, which fell off for a time because South America was unable to sell her products in the old markets, and therefore lost her buying buyer, is slowly reviving as the country is finding new markets.

"Freight rates to Australia are high because of a scarcity of bottoms, but this has no material effect on the trade, for when they want lumber they buy, regardless of the rates."

Ed H. Luke, of the J. E. Pinkham Lumber Co., was the most optimistic of those interviewed: "It looks good. Business right now is pretty fair. We deal largely in shingles, and we have more orders than we've experienced before for a long time. I don't know whether to attribute this to the farmers of the Middle West putting on new roofs or to speculation of jobbers who are stocking up, but shingles certainly are going east in substantial quantities. Lumber business has been stimulated in a satisfactory manner within the past two or three weeks."

Here are three bits of the most optimistic news which has come in for some time, and which supplements and surpasses what the Seattle lumbermen say in the above story:

"Tacoma: The Union Pacific system, in a program of improvements involving the expenditure of $1,700,000 in the Northwest, has within the past three months placed orders for 50,000,000 feet of lumber, costing $400,000—all in the Northwest, according to J. P. O'Brien, vice president of the Oregon-Washington Railway & Navigation Co. This includes an order for 400,000 fir ties.

"Chicago: One of the most serious car shortages of years confronts American railroads because of the record-breaking grain crop they have been called upon to move from the farms of the United States and Canada, and because of the heavy demand in transporting steel and ammunition. Orders for new cars are not being filled rapidly enough to relieve the shortage. This statement was made by W. E. Mereham, of the Chicago, Milwaukee & St. Paul, addressing the Western Association of Car Service Officers.

"Tacoma: Four of Tacoma's largest lumber mills have begun running day and night to fill a heavy list of orders which have suddenly developed. The Tacoma Lumber Mill will open January 1, it is believed. The Danaher Lumber Co.'s mill at Old Tacoma, with a capacity of 3,500,000 feet a month, and employing 125 men, will reopen January 1, according to an announcement by the president, Cornelius D. Danaher.

"The Government has awarded to W. R. Grace & Co. the contract for 7,500,000 feet of lumber for use at the Panama Canal, according to A. C. Hemphill, manager of the company's Puget Sound lumber department."

The foregoing applies to the great lumber business of that section, showing it to be in a most flourishing condition. It is not only, as the report shows, taxed to its capacity but is expecting greater requirements of it than ever known to supply the increasing demands. Prosperity abounds and the people out there realize it.

Now, what is true of the lumber industry is also true of other business enterprises in that section, as the following articles taken from one of the papers show:

BUSINESS AND INDUSTRY REVIVE IN INLAND EMPIRE.

A Spokane business man who keeps in close touch with industry and commerce, A. L. Flewelling, vice president and general manager of the Milwaukee Land Co., is "confident that the next 30 days will show to Spokane, the inland empire, and the entire Northwest a returning wave of prosperity that will reach into all channels of business."

That fairly expresses a conviction that has taken recent root in many conservative minds. The new movement is on and various influences contributed to its starting:

1. Two years of abundant crops and good prices for the varied products of the inland empire.

2. A spirited revival of the mining industry, with enlarged production, high prices for mine products, and extraordinary activity in development of new properties.

3. An abundance of waiting capital, long held in reserve by its owners with a definite object to seek investments on the "turn of the tide." Once the conviction becomes clear that prices of farm lands and city real estate have reached rock bottom millions of dollars of this waiting capital will come out in search of bargains.

4. A healthier tone in the lumber industry, with a recorded advance in the eastern markets of $1 to $5 per thousand feet.

5. A quick return of prosperity to the western railroads.

President Earling reports that the St. Paul's business is the largest on record. Minneapolis advices say that every traffic official in the Northwest is working day and night to prevent car shortage. President Hill says the Great Northern will move 175,000,000 bushels of grain. The Northern Pacific will not let its cars go east.

"Chicago," says a dispatch from that city, "has this week come to the conclusion that there has never been a time when the railroads of the country, especially those in the West, Central West, Northwest, and Southwest, have had a brighter outlook than at present."

All transcontinental roads are handling increased and constantly increasing traffic, with enlarged earnings and marked advances in the market prices of their securities. When these advances are measured as against stock-exchange quotations of last July the rise is seen to be striking:

	July 13.	Recent high.	Advance.
Atchison	100	110	10
Canadian Pacific	143	194	51
C., M. & St. P.	80	98	18
Great Northern preferred	116	126	10
Northern Pacific	103	116	13
Southern Pacific	85	102	17
Union Pacific	125	139	14

It is significant that the improved conditions that are reflected in these advances extend from the zone of the Atchison road on the south to the line of the Canadian Pacific on the far north. Investors have faith in the present and the future of the entire Pacific west.

But this wave of prosperity is not confined to the Pacific slope alone, but is sweeping over the entire country, benefiting all parts of the country. From Jeffersonville, Ind., we find the following press notice of industrial activity:

MEN ADDED TO SHOP FORCE—INDICATION OF RETURNING PROSPERITY IN JEFFERSONVILLE.

An indication of returning prosperity in Jeffersonville is the employment of additional men by the Pittsburgh, Cincinnati, Chicago & St. Louis Railway shops. Some time ago it was found necessary to lay off as many of the men as possible, but they have been called back to work, and four men have been added. The road has added an additional car inspector in Louisville.

Formerly the only work done at the shops was the repairing of freight cars under the supervision of John Heyn. Later it was found neces-

sary to abandon many of the smaller types of locomotives and introduce larger ones on the Louisville division. These were found to be too heavy for the Fourteenth Street Bridge, and it was decided to yard them in Jeffersonville, and William H. Foster, who was roundhouse foreman in Louisville, was transferred. Practically all of the trains, both passenger and freight, are pulled by the larger engines to Jeffersonville and there yarded. While being held for the next run the locomotives are coaled, inspected, and the crews given oil and waste. The road is doing a heavy business, and it is not an unusual thing to see seven or more heavy engines being cared for at a time.

The people realize that in no time during the entire period of our great industrial history has business been so good as now or the outlook for the future so promising.

Business does not now stand trembling as formerly, fearing financial squeezes or made-to-order panics. The enactment of the Federal reserve law emancipated business from the bondage of a few financial sharks, who had for years terrorized it. Their day is past, and business now is on a firm footing liberated from the menace heretofore which daily harrassed it. Money is easy and can be obtained on satisfactory terms for all legitimate business enterprises and hence prosperity has come to stay.

Mr. LEVER. Mr. Chairman, I yield three minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Chairman and gentlemen of the committee, the gentleman from Iowa [Mr. HULL], who spoke a few minutes ago, commenced his speech by saying that there are some things dearer to man than live stock, and that one thing is liberty. I was amused, Mr. Chairman, as I listened to the gentleman. In the body of his speech he was pleading for liberty for live stock, and I recalled that on yesterday he voted against giving liberty to the Filipinos—human beings in the Philippine Islands. [Applause.]

I pleaded here yesterday for the freedom of the people in the islands. I saw their brilliant representative here, as able a man as any Republican in this House, show that he is as capable of self-government as any Republican here or elsewhere. [Applause.]

I heard his eloquent and pathetic plea for the freedom of his people, and I said how can we in all fairness and good conscience refuse to give freedom to the Filipinos four years from now, when ex-President Taft and Admiral Dewey both said years ago that they were as capable of self-government as the Cubans; and yet we gave liberty to Cuba, but for some curious reason we withheld it from the Philippines.

I saw the gentleman from Iowa line up with the Republicans, who voted in solid phalanx against giving freedom to the Filipinos four years from now, and this after we had cared for them for 18 years and expended $900,000,000 of our people's money. [Applause on the Republican side.] Oh, yes; you gentlemen can laugh and applaud now. Your hog combine on that side yesterday [laughter and applause] with aid mysteriously secured from this side, and uniting the two together you thwarted the purpose of the American people and denied liberty to the Philippine Islands. [Applause.]

I saw the Filipino Delegate yesterday plead for the liberties of his people until he was physically exhausted. I heard his powerful arraignment of the cold-hearted position of the Republican side and that of a few Members on this side. But a few Americans, rich and powerful, who have money invested in the Philippine Islands and who think more of their investments than they do of Filipino liberty and the best interest of this Republic, had arranged for the defeat of that measure.

Mr. Chairman, in the Post this morning is an interview from the Filipino Delegate saying that he would not come back to Congress; that it would be hard to secure independence now, since the whole Republican side had voted against freedom. To me this is a touching and a pathetic thing, and I want to say to him and to his people, Hope on, trust on; that judgment rendered here yesterday was not the judgment of the American people. [Applause.] The time will come, and that time will be in November, when we will have that judgment reversed. [Applause.]

The CHAIRMAN. The Chair thinks the point of order made by the gentleman from South Carolina to the amendment offered by the gentleman from Iowa is well taken, and therefore sustains the point of order.

Mr. CANNON. Mr. Chairman, I just came in and heard the eloquent speech of the gentleman from Alabama. Would it be in order now to have a word of prayer? [Laughter and applause.]

Mr. HEFLIN. The Republican side is badly in need of prayer since that vote yesterday. [Applause.]

Mr. LEVER. Mr. Chairman, I would like to ask the gentleman from Iowa if he has any further amendments to offer?

Mr. HULL of Iowa. I have sent two amendments to the desk, and I will offer them now.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 78, line 25, after the word "specified," insert:

"*Provided*, That the Secretary of Agriculture shall not enter into any agreement with any men or body of men having in charge the eradication of said diseases in any State or States whereby the State laws providing for the control and eradication of said disease shall be nullified or set aside."

Mr. LEVER. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HULL of Iowa. Now, I offer the second amendment.

The Clerk read as follows:

Page 78, line 25, after the word "specified," insert:

"*Provided, however*, That none of the moneys heretofore mentioned shall be used in payment or part payment for stock slaughtered because it was infected with the disease for which the quarantine was established, unless all other stock which has become infected and died of any disease while restrained under the same quarantine shall have been paid for in the same proportionate value it is proposed to pay for the stock quarantined and slaughtered for said disease."

Mr. LEVER. Mr. Chairman, I make a point of order against that.

Mr. HULL of Iowa. Mr. Chairman, that amendment, I think, is probably the only one of the three that is in order. It is a limitation upon expenditures.

Mr. LEVER. Mr. Chairman, I call the gentleman's attention to the fact that his amendment is not even offered to the paragraph now under consideration.

Mr. MANN. Of course, the amendment as read was not put in the proper place, but that is easily corrected.

Mr. LEVER. The gentleman offers it at the end of line 17?

Mr. MANN. At the end of the amendment offered by the gentleman from South Carolina.

The CHAIRMAN. Does the gentleman press the point of order?

Mr. LEVER. I would like to have the amendment reported again.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

Mr. MANN. Mr. Chairman, I think the amendment is subject to the point of order. While the amendment starts out in the form of a limitation, it in fact is a direction to the Secretary of Agriculture to pay certain claims for the destruction of stock.

Mr. LEVER. That is undoubtedly true.

Mr. MANN. That makes it out of order, notwithstanding the formal part is in the form of a limitation.

The CHAIRMAN. The Chair thinks there is no doubt about that. The only thing the Chair is hesitating about is whether the gentleman from South Carolina makes the point of order.

Mr. LEVER. Oh, yes; I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Mr. Chairman, I now yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I never have had the misfortune of being present during the excitement of a great plague such as cholera or any of the other dread diseases which occasionally have swept over the country. I have had occasion during my service in the House on the committee on which I formerly served to hear a good deal in reference to yellow fever and some of the other diseases and their control respecting quarantine measures pending. It is very easy when everyone is feeling well to have a very high pride in the idea of the freedom of our people, and equally easy when a plague comes for everyone to forget the freedom in the effort to put down the plague. [Applause.]

I think on the whole the country is to be congratulated on the splendid work of the Agricultural Department in its fight against the foot-and-mouth disease, which apparently has resulted in the actual eradication of the disease from all parts of the country. [Applause.] It could not be done by sending tender love missives to the people who had the diseased cattle. It could not be done by mere request upon people. It could only be done by using authority; sometimes authority which did exist and sometimes authority which did not exist, but which was exercised. It is easy for us to complain. Here was a dreaded disease with which few people were familiar; even the department itself, thank God, not very familiar with it, not familiar from experience, but only in the main from investigation and reading—a disease breaking out and spreading in ways that no one knew how, spreading as no one could tell where—and they took possession and stamped it out. It could not be done without hurting some one. We yield our rights every day. We do not let even one of the free-born American citizens walk through those doors while the House is in session. We shut

them out; and yet because the department tried to prevent meetings of men, some of whom had the disease on their farms, who might spread the disease from their boots, transferring the disease from one to another, gentlemen have almost had fits on the floor of the House, and they have had fits outside—I do not mean gentlemen here. Mr. Chairman, wherever men meet in government certain rights have to be yielded, and when great problems of this kind come before us men should not be too tender either of their natural or their civil rights. I am glad that the department had the nerve to go after this and stamp it out, and I think they deserve our warmest praise for what they have done. [Applause.]

Mr. LEVER. Mr. Chairman, I ask the gentleman from Iowa to consume some time. I shall close on this side in one speech.

The CHAIRMAN. The gentleman from Iowa has four minutes remaining.

Mr. HULL of Iowa. Mr. Chairman, I yield four minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 78, at the end of the amendment offered by the gentleman from South Carolina add the following:

"*Provided*, That the Secretary of Agriculture shall cause to be condemned and destroyed all cattle meat admitted to the United States from foreign countries where the foot-and-mouth disease prevails, in the same manner as domestic cattle meat is condemned and destroyed under the provisions of law relating to the foot-and-mouth disease."

Mr. LEVER. Mr. Chairman, I reserve the point of order on that.

Mr. MOORE of Pennsylvania. Mr. Chairman, this amendment has been framed to meet the point of order sustained by the Chair with respect to a former amendment which prohibited the admission of diseased meat into the United States. If the Chair will read the amendment carefully, I think he will observe that it conforms strictly to the provisions of the amendment offered by the gentleman from South Carolina, and that it refers only to existing conditions of law. It simply adds a direction to the Secretary of Agriculture with respect to the inspection system which already prevails.

The CHAIRMAN. The Chair thinks the amendment is not in order, for the reason that it expressly directs the Secretary to do certain things as to which under the law he has the right to use his discretion. The decisions of former occupants of the Chair are uniform in that respect, that anything that specifically directs an executive officer to do a certain thing when the general law places the matter in his discretion is a change of existing law and therefore not in order. The Chair, therefore, sustains the point of order.

Mr. MOORE of Pennsylvania. Does the Chair hold that the Secretary does not have the power now to inspect and to condemn meat that may be diseased?

The CHAIRMAN. The Chair is not passing on that. The Chair is passing on the amendment offered by the gentleman, which the Chair thinks specifically directs the Secretary of Agriculture to do something, whereas under existing law he is allowed to use his discretion, and the Chair thinks there is no doubt about it.

Mr. LEVER. Mr. Chairman, I make the point of order against the amendment. I withheld it before, but I now make it.

The CHAIRMAN. I thought the gentleman from South Carolina made the point of order. The point of order is sustained.

Mr. LEVER. Has the gentleman from Iowa consumed all of his time?

The CHAIRMAN. He has not.

Mr. MOORE of Pennsylvania. I yield back the balance of my time.

The CHAIRMAN. Two minutes remain.

Mr. HULL of Iowa. Mr. Chairman, I yield the balance of my time to the gentleman from Iowa [Mr. GOOD].

Mr. GOOD. Mr. Chairman, I was very much interested in the indorsement which the gentleman from Illinois [Mr. MANN] gave to the Department of Agriculture for the stamping out of this disease. We are all glad that the disease is stamped out, but it requires a man from a city district, who knows nothing about how the disease was stamped out in particular to say it was stamped out in the way it should have been done. Here is what Wilbur Marsh says. Now, he is the Democratic national committeeman from Iowa. Here is what he says as to the interests that are back of the men at work stamping out this disease:

I think that the veterinarians connected with the Bureau of Animal Industry have been largely trained by the stockyard interests of the United States. I think that a veterinary surgeon who visits with these able men, the splendidly able fellows who run these stockyards, comes away taking the interest, perhaps, that that particular crowd of people want him to. And they have been watching and taking care of the Bureau of Animal Industry, so far as the veterinary part of it is concerned, for a very long time.

Mr. Marsh says it has been miserably handled from its very inception in Michigan until it was finally stamped out. Why, the gentleman from Illinois tells us about how the farmers were not allowed to meet, but he did not tell you about the inspectors who came from Washington into his own State where they were preparing cattle for slaughter that had foot-and-mouth disease, and while these inspectors had been running around with those infected cattle one inspector would say, "I want to go over and see John Jones a mile or so distant." This neighbor's cattle did not have the foot-and-mouth disease, but they contracted the disease through the visit of this inspector. The farmers of Illinois were prevented from meeting and talking together on the ground that they would convey the disease to cattle in the neighborhood that did not have the foot-and-mouth disease. The gentleman approves that, and in the bill of health he gives to the department he seems to approve the spread of the disease by inspectors.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I yield two minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, doubtless the gentleman from Iowa [Mr. GOOD] knows a good deal more about it than I do, although I have given some study to the subject, because all the information he has on the subject that has appeared here to-day he has derived from the national committeeman of Iowa. Of course it is a good source of authority for him, but all my information is not derived from a Democratic national committeeman from Illinois. The gentleman opposes the Department of Agriculture because he thinks it is controlled by Democratic influence. All the information on the subject apparently, so far as disclosed to-day, he has received from one Democratic influence. I congratulate the Democratic national committeeman from Iowa on his most recent convert.

Mr. GOOD. No; I have read the testimony of Illinois Republicans and am converted to what the Democratic committeeman from Iowa said. Everybody who knows anything about it concedes that to be the fact.

Mr. MANN. The gentleman does not know anything about it.

Mr. LEVER. Mr. Chairman, I do not happen to have the honor of knowing Mr. Marsh, the Democratic national committeeman from Iowa. I have no doubt he is a very estimable and amiable gentleman. Certainly he has some good qualities or else he would not be a Democrat. [Applause.] But I venture to assert that he does not know a great deal about the best method of stamping out the foot-and-mouth disease, and I want to say that as far as I am concerned, and I think as far as the members of the Committee on Agriculture are concerned——

Mr. GOOD. Will the gentleman yield?

Mr. LEVER. We prefer to take the testimony and evidence of experts in the business of stamping out the foot-and-mouth disease rather than the statement of a Democratic national committeeman from Iowa, or any other State. [Applause.] Mr. Chairman, I regret very much indeed that the situation this morning in reference to this item has developed as it has. The Committee on Agriculture gave very earnest consideration to the item which appears in the bill, and we finally came to the conclusion that as an insurance against future outbreaks, in order to have a fund available for immediate use if an outbreak should occur, we should allow an appropriation in this bill of $2,500,000. We did more than that. We accepted the opinions and judgment of the experts of the department and of outside experts, that the best method of handling the foot-and-mouth disease was eradication; that the best method of getting cooperation in eradication was for the Government to pay at least a part of the value of the slaughtered animals.

Therefore the committee, in its wisdom, following expert advice, included in this paragraph appropriating $2,500,000 a provision for the payment of half the appraised value of the cattle destroyed in the process of eradicating this highly contagious and dreaded disease. More than that, in accordance with suggestions of stockmen and cattlemen throughout this country, we fixed in the last proviso of this bill the basis of appraisement, that basis being fixed in accordance with their request of the committee as we understood it. Now, when we bring this item on the floor of the House the gentleman from Iowa [Mr. HULL], leading the critics of the Department of Agriculture in its work of stamping out this disease, makes the point of order against that portion of the item which authorizes the Secretary of Agriculture to pay at least one-half the appraised value of slaughtered cattle in the State of Iowa, or Illinois, or South Carolina——

Mr. GOOD. What gentleman from Iowa does the gentleman refer to?

Mr. LEVER. The distinguished gentleman from Iowa, Mr. HULL. He does not deny that if the gentleman does. Now, my friend from Illinois [Mr. KING] complained that the point of order was readily conceded. It was readily conceded, because any man who has served in this House 30 days knows that the point of order was well taken. The gentleman, his own colleague, the gentleman from Illinois, who is the minority leader of this House, agrees to that proposition, and the Chairman has so ruled on a former occasion. I regret exceedingly that, because the gentleman from Iowa [Mr. HULL] can not get the money from the department for the payment of these cattle, and then tell the department how the money should be spent in Iowa, he felt it incumbent upon himself to deny his people, his farmers and stock raisers, and other farmers and stock raisers, the reimbursement by the Government of the United States of half the value of these slaughtered cattle. And yet that is what the point of order of the gentleman from Iowa has done. I hope and trust, Mr. Chairman, that the point was not made deliberately with that intention, but it reminds me to say that it is a very dangerous thing for children to fool with edged tools. [Applause.]

Mr. HULL of Iowa. Will the gentleman yield to me?

Mr. LEVER. I will.

Mr. HULL of Iowa. Did not you promise me to let the section as it read, with that one clause, go back in?

Mr. LEVER. Not on your life! [Applause on the Democratic side.] I told you in my office this morning that you might offer your proposition, and I would take it up on the floor of the House.

Mr. BENNET. I raise the point of order. The gentlemen have no right to address each other in the second person.

Mr. LEVER. I apologize to the gentleman for doing so.

Mr. HULL of Iowa. I understood the gentleman to say that.

Mr. LEVER. The gentleman's statement is as inaccurate as to that as it is to this whole foot-and-mouth-disease proposition. Now, here is the situation: We are confronted with the possibility of an outbreak of the foot-and-mouth disease at any time. We have recommended the method suggested by the Department of Agriculture as the best method of handling the situation. It is a method that has been used by every administration of this Government since the first outbreak occurred. I regret very much, and I say it again, that gentlemen have felt it incumbent upon themselves to come in here and criticize the methods of the department. The eradication of a highly contagious disease like the foot-and-mouth disease is no pink-tea affair. Of course, somebody suffers, but the individual must always suffer that general good may be done. Of course, mistakes are made. I have no doubt of it. But the important—the everlastingly important—fact remains that with the appropriations given it the department has stamped out the foot-and-mouth disease in this country, and it is the only country in the world in which there does not appear to-day foot-and-mouth disease—I mean the only large country.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment offered by the gentleman from South Carolina [Mr. LEVER].

Mr. FARR. I ask, Mr. Chairman, that the amendment be again read.

Mr. CARTER of Oklahoma. May we have it read again?

The amendment was again reported.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from South Carolina [Mr. LEVER].

The question was taken, and the amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendations that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12717, the Agricultural appropriation bill, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. LEVER. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. MADDEN. Mr. Speaker, I ask for a separate vote on the cotton amendment and also on the warehouse amendment.

The SPEAKER. Two different amendments?

Mr. MADDEN. Yes.

The SPEAKER. Is a separate vote demanded on any other amendment?

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask for a separate vote on the grain-grades amendment.

Mr. MANN. The amendment is known as parts A, B, and C.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put the other amendments en gross.

The question was taken, and the amendments were agreed to.

The SPEAKER. The Clerk will report the first amendment.

Mr. LEVER. I ask unanimous consent, Mr. Chairman, that the reading of these three amendments be dispensed with. They have been read twice into the RECORD already.

Mr. MANN. It is not essential that they should be read again.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that the reading of these amendments be dispensed with. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the cotton-futures amendment.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. MADDEN. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] demands a division.

The House divided; and there were—ayes 107, noes 21.

So the amendment was agreed to.

Mr. LEVER. Mr. Speaker, No. 2 is the grain-grading bill.

The SPEAKER. The question is on agreeing to the grain-grading amendment.

The amendment was agreed to.

The SPEAKER. The next amendment is the warehouse amendment. The question is on agreeing to that amendment.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. MADDEN. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] asks for a division.

The House divided; and there were—ayes 122, noes 19.

Mr. MADDEN. Mr. Speaker, I make the point of order of no quorum.

The SPEAKER. The Chair wishes the gentleman would withhold that for a minute.

Mr. MADDEN. Very well.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LONGWORTH, for one week, on account of important business.

To Mr. RAKER, for the day, on account of illness.

WITHDRAWAL OF PAPERS.

Mr. KINCHELOE, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of George Price, pension, H. R. 27045, Sixty-first Congress, no adverse report having been made thereon.

AGRICULTURAL APPROPRIATION BILL.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and ninety-one gentleman are present—not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of the warehouse amendment will, when their names are called, vote "yea." Those opposed will vote "nay."

The question was taken; and there were—yeas 292, nays 42, answered "present" 7, not voting 92, as follows:

YEAS—292.

Abercrombie	Ashbrook	Bell	Buchanan, Tex.
Adamson	Aswell	Black	Burgess
Aiken	Ayres	Blackmon	Burke
Alexander	Bacharach	Booher	Butler
Allen	Bailey	Borland	Byrnes, S. C.
Almon	Barkley	Britt	Byrns, Tenn.
Anderson	Barnhart	Browne	Callaway
Anthony	Beakes	Brumbaugh	Campbell

Candler, Miss.	Garner	Lehlbach	Russell, Ohio
Capstick	Garrett	Lesher	Sabath
Caraway	Glass	Lever	Sanford
Carlin	Good	Lieb	Scott, Pa.
Carter, Mass.	Goodwin, Ark.	Linthicum	Sears
Carter, Okla.	Gordon	Lloyd	Shackleford
Cary	Graham	Lobeck	Shallenberger
Chandler, N. Y.	Gray, Ala.	London	Sherley
Church	Gray, Ind.	Loud	Sherwood
Cline	Green, Iowa	McArthur	Sims
Coady	Gregg	McClintic	Sinnott
Coleman	Hadley	McCracken	Slemp
Collier	Hamilton, Mich.	McDermott	Sloan
Connelly	Hamilton, N. Y.	McFadden	Smith, Idaho
Cooper, Ohio	Hamlin	McGillicuddy	Smith, Minn.
Cooper, W. Va.	Hardy	McKellar	Smith, N. Y.
Cooper, Wis.	Harrison	McKenzie	Smith, Tex.
Costello	Hart	McLemore	Steagall
Cox	Haskell	Magee	Stedman
Cramton	Hastings	Mann	Steele, Iowa
Crisp	Haugen	Mapes	Steele, Pa.
Crosser	Hawley	Martin	Steenerson
Cullop	Hayden	Miller, Del.	Stephens, Cal.
Curry	Heflin	Miller, Minn.	Stephens, Miss.
Dallinger	Helgesen	Miller, Pa.	Stephens, Nebr.
Danforth	Helm	Mondell	Stiness
Davenport	Helvering	Montague	Stone
Davis, Minn.	Hensley	Moon	Stout
Davis, Tex.	Hernandez	Mooney	Sulloway
Decker	Hicks	Morgan, Okla.	Sumners
Dempsey	Hilliard	Moss, Ind.	Sweet
Dent	Hinds	Murray	Swift
Dickinson	Holland	Nelson	Taggart
Dies	Hollingsworth	Nicholls, S. C.	Tague
Dill	Hood	Nichols, Mich.	Talbott
Dillon	Hopwood	Nolan	Tavenner
Dixon	Houston	Oakey	Taylor, Ark.
Doolittle	Howard	Oldfield	Taylor, Colo.
Doremus	Howell	Oliver	Thomas
Doughton	Huddleston	Olney	Thompson.
Dowell	Hughes	O'Shaunessy	Tillman
Driscoll	Hull, Iowa	Overmyer	Timberlake
Drukker	Hull, Tenn.	Padgett	Tinkham
Dunn	Humphreys, Miss.	Page, N. C.	Towner
Dupré	Hutchinson	Paige, Mass.	Treadway
Dyer	Igoe	Park	Tribble
Eagan	Jacoway	Parker, N. Y.	Venable
Eagle	Johnson, Ky.	Peters	Vinson
Edwards	Johnson, S. Dak.	Phelan	Volstead
Ellsworth	Jones	Pratt	Walker
Elston	Kearns	Quin	Wason
Emerson	Keating	Ragsdale	Watson, Pa.
Esch	Kelley	Ramseyer	Watson, Va.
Estopinal	Kennedy, Iowa	Randall	Webb
Evans	Kent	Rayburn	Whaley
Farr	Kettner	Reavis	Wheeler
Ferris	Key, Ohio	Reilly	Williams, T. S.
Fess	Kincheloe	Ricketts	Williams, W. E.
Finley	King	Rodenberg	Wilson, Fla.
Foss	Kinkaid	Rogers	Wilson, La.
Foster	Kitchin	Rouse	Wingo
Frear	Kreider	Rowe	Wise
Freeman	La Follette	Rubey	Woods, Iowa
Fuller	Lazaro	Rucker	Young, N. Dak.
Gandy	Lee	Russell, Mo.	Young, Tex.

NAYS—42.

Beales	Fitzgerald	Kennedy, R. I.	Powers
Bennet	Flynn	Lafean	Riordan
Britten	Gallagher	Loft	Slayden
Bruckner	Gallivan	McAndrews	Smith, Mich.
Cannon	Gillett	Madden	Stafford
Carew	Glynn	Matthews	Sterling
Charles	Greene, Mass.	Meeker	Tilson
Chiperfield	Greene, Vt.	Moore, Pa.	Walsh
Darrow	Hulbert	Moores, Ind.	Wood, Ind.
Edmonds	Husted	Parker, N. J.	
Farley	Johnson, Wash.	Platt	

ANSWERED "PRESENT"—7.

Browning	Clark, Fla.	Morrison	Rauch
Cantrill	Hill	Rainey	

NOT VOTING—92.

Adair	Godwin, N. C.	Longworth	Saunders
Austin	Gould	McCulloch	Schall
Barchfeld	Gray, N. J.	McKinley	Scott, Mich.
Buchanan, Ill.	Griest	McLaughlin	Scully
Burnett	Griffin	Maher	Sells
Caldwell	Guernsey	Mays	Shouse
Casey	Hamill	Morgan, La.	Siegel
Conry	Hay	Morin	Sisson
Copley	Hayes	Moss, W. Va.	Small
Crago	Heaton	Mott	Snell
Dale, N. Y.	Henry	Mudd	Snyder
Dale, Vt.	Humphrey, Wash.	Neely	Sparkman
Denison	James	North	Stephens, Tex.
Dewalt	Kahn	Norton	Sutherland
Dooling	Keister	Oglesby	Switzer
Fairchild	Kiess, Pa.	Patten	Temple
Fields	Konop	Porter	Van Dyke
Flood	Langley	Pou	Vare
Focht	Lenroot	Price	Ward
Fordney	Lewis	Raker	Watkins
Gard	Liebel	Roberts, Mass.	Williams, Ohio
Gardner	Lindbergh	Roberts, Nev.	Wilson, Ill.
Garland	Littlepage	Rowland	Winslow

So the amendment was agreed to.

The Clerk announced the following pairs.

For the session:

Mr. SCULLY with Mr. BROWNING.

Until further notice:

Mr. LITTLEPAGE with Mr. NORTON.

Mr. POU with Mr. CRAGO.

Mr. OGLESBY with Mr. ROBERTS of Nevada.

Mr. ADAIR with Mr. GRIEST.

Mr. GARD with Mr. COPLEY.

Mr. CLARK of Florida with Mr. MCKINLEY.

Mr. LANGLEY with Mr. CANTRILL.

Mr. SPARKMAN with Mr. MORIN.

Mr. SMALL with Mr. WILLIAMS of Ohio.

Mr. DOOLING with Mr. LONGWORTH.

Mr. RAINEY with Mr. HILL.

Mr. HOUSTON with Mr. GUERNSEY.

Mr. BURNETT with Mr. EDMONDS.

Mr. GRIFFIN with Mr. KIESS of Pennsylvania.

Mr. KAHN with Mr. HAY.

Mr. DALE of New York with Mr. GUERNSEY.

Mr. STEPHENS of Texas with Mr. MOSS of West Virginia.

Mr. STEELE of Iowa with Mr. WILSON of Illinois.

Mr. SISSON with Mr. MOTT.

Mr. GODWIN of North Carolina with Mr. NORTH.

Mr. MAYS with Mr. SWITZER.

Mr. SAUNDERS with Mr. WARD.

Mr. PRICE with Mr. SIEGEL.

Mr. MORGAN of Louisiana with Mr. SNYDER.

Mr. LEWIS with Mr. TEMPLE.

Mr. WATKINS with Mr. ROWLAND.

Mr. CONRY with Mr. WINSLOW.

Mr. VAN DYKE with Mr. SNELL.

Mr. HAMILL with Mr. MCCULLOCH.

Mr. BUCHANAN of Illinois with Mr. GARLAND.

Mr. FLOOD with Mr. BARCHFELD.

Mr. CALDWELL with Mr. GRAY of New Jersey.

Mr. MAHER with Mr. HEATON.

Mr. ASWELL with Mr. ROBERTS of Massachusetts.

Mr. LAZARO with Mr. DENISON.

Mr. NEELY with Mr. GOULD.

Mr. RAKER with Mr. FORDNEY.

Mr. FIELDS with Mr. KEISTER.

Mr. CASEY with Mr. HAYES.

Mr. HENRY with Mr. FOCHT.

Mr. PATTEN with Mr. MUDD.

Mr. LIEBEL with Mr. FAIRCHILD.

Mr. DEWALT with Mr. AUSTIN.

Until further notice by either:

Mr. JAMES with Mr. KONOP.

For the balance of the day:

Mr. MORRISON with Mr. HUMPHREY of Washington.

On this vote:

Mr. SHOUSE (for warehouse bill) with Mr. MCLAUGHLIN (against warehouse bill).

Mr. BROWNING. Mr. Speaker, I voted "yea." I have a general pair with my colleague Mr. SCULLY, who is absent. I wish to withdraw my vote and to answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The doorkeeper will unlock the doors.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

Mr. LEVER. Mr. Speaker, I ask unanimous consent to amend the title of the bill.

The SPEAKER. The Clerk will report the proposed amendment to the title.

The Clerk read as follows:

Amend the title by inserting, after the word "seventeen," the words "and for other purposes."

The SPEAKER. Without objection, the title will be so amended.

There was no objection.

On motion of Mr. LEVER, a motion to reconsider the vote by which the bill was passed was laid on the table.

OREGON AND CALIFORNIA RAILROAD LANDS.

Mr. FERRIS, from the Committee on the Public Lands, reported the bill (H. R. 14864) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes, which was read the first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (No. 623), ordered to be printed.

Mr. MANN. I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois reserves all points of order on the bill.

AQUEDUCT BRIDGE.

Mr. ADAMSON. Mr. Speaker, I ask the Chair to lay before the House the bill (H. R. 759) to provide for the removal of what is known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof, with Senate amendments.

The SPEAKER. Will it take any time?

Mr. ADAMSON. No; I think not. I want to move to concur in the Senate amendments.

The SPEAKER laid before the House the bill (H. R. 759) to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof, with Senate amendments.

The Senate amendments were read.

The SPEAKER. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Speaker, I move to concur in the Senate amendments. I do not think they hurt the bill much.

The Senate amendments were concurred in.

On motion of Mr. ADAMSON, a motion to reconsider the last vote was laid on the table.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BYRNS of Tennessee. Mr. Speaker, I desire to call up the conference report on the legislative, executive, and judicial appropriation bill, H. R. 12207, and I ask that the statement be read in lieu of the report.

The SPEAKER. The gentleman calls up the conference report on the legislative, executive, and judicial appropriation bill and asks that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT (NO. 617).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 22, 23, 29, 43, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 67, 73, 74, 75, 82, 83, 84, 87, 90, 94, 96, 97, 103, 106, 107, 108, 109, 110, 114, 115, 119, 121, 123, 124, 125, 126, 129, 133, 134, 136, 138, 139, 142, 147, 154, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 175, 177, 187, 191, 194, 195, 205, 206, 211, 212, 215, 216, 219, 221, 222, 224, and 225.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, 31, 32, 35, 36, 37, 38, 39, 40, 41, 42, 48, 65, 66, 70, 71, 72, 76, 77, 85, 86, 91, 92, 93, 98, 99, 100, 101, 102, 104, 105, 111, 112, 113, 116, 127, 128, 131, 132, 135, 137, 141, 144, 145, 146, 149, 150, 152, 153, 155, 172, 173, 174, 176, 178, 179, 180, 181, 182, 183, 184, 185, 186, 188, 189, 190, 192, 196, 197, 198, 199, 200, 201, 202, 204, 207, 210, 213, 217, 218, 220, 226, 227, and 228, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: Transpose the matter inserted by said amendment to follow the word "each;" in line 18, page 2, of the bill; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$80,445"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,000"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "traveling expenses and per diem in lieu of subsistence of the superintendent and his assistants not to exceed $200"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-eight"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirty-nine"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$285,730"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"For the following further additional force: Officers to aid in important drafting work—one $4,500, one $2,500, to be appointed by the Secretary; assistant solicitor of the department, to be appointed by the Secretary, $2,500; law clerks—two at $2,250 each, one $2,000, to be appointed by the Secretary; clerks—eight of class 4, seven of class 3, ten of class 2, ten of class 1; messenger; two assistant messengers; three laborers, at $600 each; five female laborers, at $240 each; in all, $72,880.

"No money appropriated by any other act shall be used during the fiscal year 1917 for employment and payment of personal service in the Department of State at Washington, D. C."

And the Senate agree to the same.

Amendment number 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,500"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$71,250"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the number proposed insert "fourteen"; and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the number proposed insert "seventeen"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$139,430"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the employment of temporary clerical help in the office of the Commissioner of Internal Revenue at the rates to be fixed by the commissioner with the approval of the Secretary, $10,000."

And the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$1,700,000, and authority is hereby given to use $40,000 of said sum for the employment in the District of Columbia of necessary clerical and other personal services and the purchase of such supplies, equipment, mechanical devices, and other articles as may be necessary for use in the District of Columbia"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Hereafter the Commissioner of Internal Revenue shall determine and designate the posts of duty of all employees of the Internal-Revenue Service engaged in field work or traveling on official business outside of the District of Columbia, and when ordered from their designated posts of duty all internal-revenue

agents appointed under section 3152, Revised Statutes, as amended, and cotton-futures attorneys may be granted per diem in lieu of subsistence not exceeding $4; and, when ordered from their designated posts of duty, income-tax agents and inspectors, special gaugers, and special employees may be granted a per diem in lieu of subsistence not exceeding $3, the per diem in lieu of subsistence to be fixed by the Commissioner of Internal Revenue, subject to the approval of the Secretary of the Treasury."

And the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum proposed insert $145,840"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty"; and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,800"; and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For purchase of two motor cycles at $250 each, and for the upkeep of same at $144 each, $788."

And the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$36,879"; and the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$81,740"; and the Senate agree to the same.

Amendment numbered 140: That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$53,150"; and the Senate agree to the same.

Amendment numbered 143: That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$62,150"; and the Senate agree to the same.

Amendment numbered 148: That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the number proposed insert "11"; and the Senate agree to the same.

Amendment numbered 151: That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$121,990"; and the Senate agree to the same.

Amendment numbered 193: That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$179,340"; and the Senate agree to the same.

Amendment numbered 203: That the House recede from its disagreement to the amendment of the Senate numbered 203, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "including exchange on official checks, $125,000"; and the Senate agree to the same.

Amendment numbered 208: That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$37,780"; and the Senate agree to the same.

Amendment numbered 209: That the House recede from its disagreement to the amendment of the Senate numbered 209, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$24,000"; and the Senate agree to the same.

Amendment numbered 214: That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$311,720"; and the Senate agree to the same.

Amendment numbered 223: That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: "*Provided*, That the Secretary of Labor may renew for the fiscal year 1917 a lease of the premises now occupied by the Department of Labor at an annual rental not exceeding $24,000"; and the Senate agree to the same.

Amendment numbered 229: That the House recede from its disagreement to the amendment of the Senate numbered 229, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 6. That unless otherwise specially authorized by law no money appropriated by this or any other act shall be available for payment to any person receiving more than one salary when the combined amount of said salaries exceeds the sum of $2,000 per annum, but this shall not apply to retired officers of the Army, Navy, or Marine Corps whenever they may be appointed or elected to public office or whenever the President shall appoint them to office by and with the advice and consent of the Senate or to officers and enlisted men of the Organized Militia and Naval Militia in the several States, Territories, and the District of Columbia."

And the Senate agree to the same.

JOSEPH W. BYRNS,
T. U. SISSON,
JAMES W. GOOD,
Managers on the part of the House.

THOMAS S. MARTIN,
LEE S. OVERMAN,
REED SMOOT,
Managers on the part of the Senate.

The Clerk read the statement as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19, relating to the Senate: Appropriates for the salaries of employees and for expenses of the Senate, as proposed by that body.

Nos. 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32, relating to the Library of Congress: Provides for 2 additional assistants in the reading rooms, at $600 each; strikes out an assistant at $900 proposed for the Division of Semitic and Oriental Literature; provides for an additional assistant at $1,100 and 1 at $1,000 for service in connection with the distribution of card indexes; appropriates for 2 additional watchmen and a carpenter at $900 each and strikes out provision for 2 additional laborers at $540 each in the office of the superintendent of the building and grounds; appropriates $4,000 for resurfacing the west driveway and repairs to the stone curbing, and $2,500 for refitting of boiler room and coal vaults.

Nos. 33, 34, 35, and 36, relating to the Botanic Garden: Appropriates $18,000 instead of $19,500, as proposed by the Senate and $17,000 as proposed by the House, for assistants and laborers; authorizes the use of not to exceed $200 for traveling expenses and per diem of the superintendent and his assistants; provides for the purchase and maintenance of a motor delivery vehicle; and appropriates $11,903, as proposed by the Senate, instead of $9,000 as proposed by the House, for miscellaneous and contingent expenses.

Nos. 37, 38, 39, 40, 41, and 42, relating to the Office of the President: Provides for additional clerks and messengers in the Office of the President, as proposed by the Senate.

Nos. 43, 44, 45, 46, 47, and 48, relating to the Civil Service Commission: Strikes out the additional clerk of class 4, proposed by the Senate; provides for 28 clerks of class 3, instead of 30 as proposed by the Senate and 26 as proposed by the House; provides for 39 clerks of class 2, instead of 42 as proposed by the Senate and 36 as proposed by the House; strikes out the increase of $2,000 in the sum for traveling expenses; and increases the amount for field examiners from $5,700 to $7,500.

Nos. 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, and 67, relating to the Department of State: Strikes out the change of title proposed from "counselor for the department" to "Undersecretary of State"; provides for the additional employees proposed by the Senate, with salaries aggregating $72,880, but transposes and groups them in a separate paragraph; strikes out the lump sum of $30,000 for emergency clerical services, proposed by the House; appropriates $2,000 additional for stationery, etc., and $2,720 additional for miscellaneous expenses, as proposed by the Senate; and strikes out the increase of $7,880 in the sum for rent of buildings.

Nos. 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, and 86, relating to the Treasury Department: Fixes the salary of the Chief of the Customs Division at $4,500, instead of $4,000 as proposed by the House and $4,800 as proposed by the Senate; increases the pay of the foreman of the vault, safe, and lock shop from $1,100 to $1,200, and the pay of a messenger boy from $480 to $600 in the Supervising Architect's Office; strikes out the appropriation of $250 for law books for the Comptroller of the Treasury; strikes out the additional clerk at $1,000 proposed in the office of the Auditor for the War Department; transfers a helper at $900 from the Bureau of Engraving and Printing to the office of the Auditor for the Navy Department; provides for 14 clerks of class 4, instead of 13 as proposed by the House and 16 as proposed by the Senate; and 17 clerks of class 3, instead of 15 as proposed by the House and 18 as proposed by the Senate, in the office of the Auditor for the Interior Department; appropriates $10,000, instead of $20,000 as proposed by the Senate, for temporary clerical help in the office of the Commissioner of Internal Revenue; strikes out the change in designation proposed from "watchmen" to "guards" in the Bureau of Engraving and Printing; increases the appropriation for investigation and experimentation in methods of administration from $10,000 to $15,000, as proposed by the Senate; and strikes out the paragraph, inserted by the House, limiting the price to be paid for gas in public buildings of the United States in the District of Columbia to a maximum of 70 cents per 1,000 feet.

Nos. 87, 88, and 89, relating to the Internal-Revenue Service: Strikes out the paragraph, inserted by the Senate, granting not to exceed 30 days' leave of absence in any calendar year to all internal-revenue agents, inspectors, and cotton-futures attorneys; appropriates $1,700,000, instead of $1,600,000 as proposed by the House and $1,750,000 as proposed by the Senate, for collection of the income tax; authorizes the use of $40,000, instead of $90,000 as proposed by the Senate, of the sum for collecting the income tax for personal services and expenses in the District of Columbia; and inserts the paragraph, proposed by the Senate, modified to require the Commissioner of Internal Revenue to designate and determine the posts of duty of all employees of the Internal-Revenue Service engaged in field work or traveling on official business outside of the District of Columbia; authorizes a per diem not to exceed $4 in lieu of subsistence to all internal-revenue agents appointed under section 3152, Revised Statutes, and cotton-futures attorneys when ordered from their designated posts of duty; and authorizes a per diem in lieu of subsistence of not to exceed $3 for income-tax agents and inspectors, special gaugers, and special employees when ordered from their designated posts of duty.

Nos. 90 and 91: Strikes out the increase of $2,000, proposed by the Senate, in the appropriation for wages of workmen and other employees at the Denver (Colo.) Mint; and increases the amount for incidental and contingent expenses for the Deadwood, S. Dak., assay office from $500 to $1,500, as proposed by the Senate.

Nos. 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, and 106, relating to the War Department: Provides for an additional clerk of class 2 and an additional clerk at $900, and strikes out the provision for 2 assistant messengers at $600 each in the office of the Secretary of War; strikes out the increase of $200 proposed in the salary of the chief clerk of the Signal Office; provides for 3 clerks, at $2,000 each, in lieu of 3 clerks of class 4 in the office of the Quartermaster General; increases the pay of 2 translators in the office of the Surgeon General from $1,700 to $1,800 each; strikes out the paragraph, proposed by the Senate, exempting draftsmen engaged on manufacturing or constructing operations of the Government from the operation of the law restricting increases in salary paid from lump-sum appropriations; provides for an additional assistant messenger in the Division of Militia Affairs; and strikes out the increase of $5,000, proposed by the Senate, in the sum for stationery.

Nos. 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, and 122, relating to Public Buildings and Grounds in Washington, D. C.: Strikes out the authority for the "purchase of park designs"; strikes out the change in designation from "park watchmen" to "park police"; strikes out the additional sergeant of park police at $900; provides for an additional day watchmen at $840 in Potomac Park; strikes out the additional night watchman at $840 for the Smithsonian Grounds, and provides for 1 additional night watchman, at $840, for Lafayette, McPherson, Franklin, and Farragut Parks; provides for the purchase of 2 motorcycles, at $250 each, instead of one at $250 and $144 each for the upkeep of 2 motorcycles instead of $240 for the upkeep of 1 as proposed by the House; and adjusts the amounts to be paid, respectively, by the United States and the District of Columbia.

Nos. 123, 124, and 125, relating to the State, War, and Navy Building: Strikes out the substitution of a clerk at $1,200 for a stenographer and typewriter at $900 and restores the paragraph stricken out by the Senate providing for the assignment of floor space by the commission in charge of the building.

Nos. 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, and 156, relating to the Navy Department: Provides for a private secretary to the Assistant Secretary at $2,400 in lieu of a clerk of class four and strikes out the increase of $250 in the salary of the private secretary to the Secretary and the increase of $100 in the pay of a carpenter in the office of the Secretary of the Navy; provides for an additional clerk at $2,000 for the Bureau of Navigation; strikes out the additional clerk of class four proposed in the Office of Naval Intelligence; inserts authority for the exchange of passenger-carrying vehicles for the Naval Observatory; appropriates for two expert radio aids at $3,130 each and stikes out the additional clerk at $1,200 and the increase of pay of a laborer from $660 to $720, proposed for the Bureau of Steam Engineering; provides for an additional clerk of class one and strikes out the proposed additional clerk at $1,100 in the Bureau of Construction and Repair; provides for an additional clerk of class four in the Bureau of Ordnance; in the Bureau of Supplies and Accounts an additional clerk of class four is provided, 11 clerks at $1,100 each, instead of 10 proposed by the House and 12 proposed by the Senate, are appropriated for, the proposed additional clerk of class 2 is stricken out, and the pay of a messenger boy is increased from $400 to $600; provides for an additional clerk at $1,000 and strikes out the increase of $600 for contingent expenses for the Division of Militia Affairs; authorizes the purchase, maintenance, operation, repair, or exchange of an automobile wagon and strikes out the increase of $3,000 proposed in the sum for miscellaneous items for the Navy Department.

Nos. 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, and 172, relating to the Interior Department: Strikes out the additional clerks and copyists proposed to be transferred to the General Land Office, strikes out the proposed increase of $2,000 in the sum for per diem of examiners and clerks, and appropriates $3,000 for separate State and Territorial maps as proposed by the House instead of $1,500 as proposed by the Senate; restores the provision stricken out by the Senate, relative to the filling of vacancies in the classified service of the Pension Bureau; strikes out the additional examiner of interferences at $2,700, the two second assistant examiners of trade-marks and designs at $2,100 each, and the lump sum of $10,000 for special and temporary services of stenographers for the Patent Office, and increases the amount for the weekly issue of patents from $125,000 to $140,000 as proposed by the Senate.

Nos. 173, 174, and 175: Increases the amount for clerk hire in the office of the surveyor general of Utah from $16,000 to $17,240 and restores the paragraph stricken out by the Senate authorizing the use of $25,000 of the fund deposited by the railroads for survey of lands for office work in the surveyor generals' offices and in the General Land Office.

Nos. 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, and 187 relating to the Post Office Department: Provides for the salaries and number of employees as proposed by the Senate and strikes out the increase of $5,000 proposed in the appropriation for furniture and filing cabinets.

Nos. 188, 189, and 190, relating to the Department of Justice: Inserts the paragraph proposed by the Senate authorizing the lease of a modern fireproof office building for a period not to exceed five years at an annual rental not exceeding $36,000, and at a rate per annum per square foot of available floor space not to exceed 36.3 cents; and provides for an additional law clerk at $2,000 in the Office of the Solicitor of the Treasury.

Nos. 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, and 221, relating to the Department of Com-

merce: Strikes out the proposed additional clerk at $1,800 and increases the pay of an assistant engineer from $800 to $1,000 in the Secretary's office; strikes out the additional draftsman at $1,800 proposed in the Bureau of Lighthouses; provides for 40 clerks of class 1 in lieu of 30 clerks at $1,000 and 10 clerks at $900 and provides for an unskilled laborer at $720 in lieu of a skilled laborer at that salary in the Census Office; provides that the Director of the Census may procure information for tobacco reports by mail or by special agents, or by other employees of the Bureau of the Census; strikes out the increase of $25,000 proposed in the appropriation for "promotion and development of foreign and domestic commerce" and authorizes the payment of exchange on official checks from this appropriation and the sum for "commercial attachés"; strikes out the increase of $9,000 proposed in the appropriation for clerk hire for the Steamboat-Inspection Service at large; strikes out the increase of $500 proposed in the salary of the commissioner and provides for two additional clerks at $1,000 each in the Bureau of Navigation; appropriates $24,000, instead of $22,000 as proposed by the House and $33,500 as proposed by the Senate, for the enforcement of navigation laws; increases the sum for inspection of passanger and excursion vessels from $15,000 to $18,000, as proposed by the Senate; strikes out the increase of $4,200 proposed in the appropriation for enforcement of wireless-communication law; strikes out the additional clerk of class 4 and provides for an additional clerk of class 3 in the Bureau of Standards; strikes out the increases of $25,000 for structural materials investigations, of $15,000 for investigation of fire-resisting properties of building materials, and of $5,000 for testing and standardizing machines, motors, etc., inserts the increase of $15,000 for public-utilities investigations, the appropriation of $10,000 for investigation of pottery, brick, tile, etc., and appropriaties $10,000 as proposed by the House instead of $5,000, as proposed by the Senate, for color standards and methods of color manufacture and color measurements, and strikes out the words specifically extending this investigation to cottonseed oil.

Nos. 222 and 223, relating to the Department of Labor: Strikes out the increase of $2,000 in the sum for contingent expenses to be used for repairs to the Mills Building and inserts the paragraph authorizing the lease of a modern fireproof building for a period of not to exceed five years, at an annual rental not to exceed $24,000, and at a rate per annum per square foot of available floor space not to exceed 36.3 cents, with additional authority to renew for the fiscal year 1917 a lease of the premises now occupied by the department, at an annual rental not exceeding $24,000.

Nos. 224 and 225: Strikes out the provision, inserted by the Senate, for nine law clerks, one for the Chief Justice and one for each Associate Justice, at not exceeding $3,600 each per annum.

Nos. 226 and 227: Exfends the limitation on the price to be paid for typewriters to all appropriations made for the support of the Government and inserts the provision, proposed by the Senate, requiring the Commissioner of Patents to advise the comptroller as to the changes in the construction of typewriters.

No. 228: Inserts the provision, proposed by the Senate, to exempt the Department of Justice from the limitation on the detail of employees in the classified service at Washington, D. C., for service outside of the District of Columbia.

No. 229: Inserts section 6, proposed by the Senate, prohibiting the payment of more than one salary to any person where the combined salaries exceed $2,000, modified so that the section shall not operate where more than one payment is specially authorized by law or shall not be effective in the case of officers and enlisted men of the Organized Militia and the Naval Militia of the States, Territories, and the District of Columbia.

The bill, as finally agreed upon, appropriates $37,925,690.25. This sum is $284,312 less than the bill as it passed the Senate, $309,641 more than the bill as it passed the House, $1,020,890.50 more than the act for the current year, and $1,823,687 less than the estimates submitted to Congress.

JOSEPH W. BYRNS,
T. U. SISSON,
JAMES W. GOOD,
Managers on the part of the House.

Mr. BORLAND. Mr. Speaker, I should like to ask the gentleman from Tennessee [Mr. BYRNS] a question.

Mr. BYRNS of Tennessee. I yield to the gentleman from Missouri.

Mr. BORLAND. In the final agreement relating to the employees of the State Department I wish the chairman would explain how nearly it conforms to the original estimate of the State Department.

Mr. BYRNS of Tennessee. I will state to the gentleman that the conferees allowed the full estimate of the State Department, and if the gentleman will notice we have segregated into a separate paragraph or item in this bill the increases in force.

Mr. BORLAND. As I understand it, that is so that the committee and Congress can keep track of these new and additional employees?

Mr. BYRNS of Tennessee. That is the idea.

Mr. COOPER of Wisconsin. Mr. Speaker, I observe that the conferees have restored the provision authorizing the leasing of a building for the Department of Justice at an annual rental of $36,000, and authorizing the rental of a building for the Department of Labor at a cost not to exceed $24,000 a year, each lease to be for five years, with the option of an extension of five years. Of course that option will be exercised, which makes a 10-year lease for those buildings at that rental. I will ask the gentleman how did that provision come back into the bill?

Mr. BYRNS of Tennessee. The Senate put the amendment into the bill, and the House yielded, having been convinced that it was necessary for these two departments to have some provision in order to relieve them. The gentleman knows that the Department of Labor is in its present buildings under annual rental; that it is absolutely necessary to make some arrangement for succeeding years, and, having been unable to come to what the Secretary of Labor and the committee thought proper terms with the owner of the present building, it was necessary for Congress to enact some provision, and the conferees believed that this was a proper provision.

Mr. COOPER of Wisconsin. Mr. Speaker, I would like some time.

Mr. BYRNS of Tennessee. I will yield five minutes to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. Mr. Speaker, in the Evening Star of last Saturday is an article concerning two provisions in this report, one of which authorizes the Attorney General to enter into a contract for a five-year lease of an office building at an annual rental not to exceed $36,000, and the other authorizing the Secretary of Labor to enter into a contract for a five-year lease for an office building at an annual rental not to exceed $24,000, with an option in each case of an extension of five years. Among other things the article contains the following:

The Attorney General is authorized to enter into a contract for the lease of a modern fireproof office building for the use of the Department of Justice for a period not to exceed five years, renewable at the option of the Government for an additional period not exceeding five years, at an annual rental not exceeding $36,000, and a rate per annum per square foot of available floor space not to exceed 36.3 cents.

The Secretary of Labor is authorized to enter into a contract for the lease of a modern fireproof building for the use of the Department of Labor for a period not to exceed five years, renewable at the option of the Government for an additional period not to exceed five years, at an annual rental not exceeding $24,000, and a rate per annum per square foot of available floor space not to exceed 36.3 cents.

The price per square foot of floor space is inserted merely as a stipulation that 100,000 square feet must be provided for the Department of Justice and 66,000 for the Department of Labor. In the weakness of that provision, without relation to cost, is found the opportunity for making the Government pay an extortionate rental, as I shall show.

WHAT THE UNITED STATES PAYS IN RENT.

The United States Government is now paying $605,000 per annum for rented buildings in Washington. Most of the buildings occupied are remodeled dwellings, warehouses, or commercial buildings. The business of the Government is scattered helter-skelter all over Washington. Several of the departments are working under disadvantages which are almost unbelievable. The Department of Justice is in dire need of more adequate quarters. Plans for a Government building for this most important department have already been made. The building should be built. Yet no one can severely blame the Department of Justice when, failing to get the money from Congress with which to erect the building it needs, it consents to the makeshift disclosed in the above clause from House bill 12207.

The bill introduced into Congress last year by the Attorney General, and providing for the erection of the building for the Department of Justice in accordance with the plans which were accepted by the Government was withdrawn in favor of another bill introduced by the Secretary of the Treasury.

H. R. 12207 also reveals the newest method of mulcting the Government in a most handsome manner. No department can enter into a lease for longer than one year except upon authority of Congress. The authority to be granted in the proposed appropriation would cover a five-year lease at $36,000 per annum in the case of the Department of Justice. In this instance, as in the past, there is no doubt a tacit understanding that the department will renew the lease for another five years, otherwise the building would be almost impossible to finance.

GOVERNMENT PAYS 15 PER CENT.

Let us see what happens in these cases. The Bieber Building and the Navy Building are two of the more recent buildings erected in this manner. The financial process is simple. Preliminary estimates prepared by real estate interests lead the Government to believe that the building is to cost a certain sum of money. The rental is then fixed at 10 per cent of the supposed cost. In the case of the two buildings above cited the buildings were sold, after completion, at a price equal to ten times the rental paid by the Government, and the builders are currently reported to have taken a cash profit on $100,000 in each case. Thus the Government actually pays about 15 per cent per annum on the cost of the investment for rental alone, since the leases provide

that heat, light, janitor, and elevator service are provided by the Government. What really happens is that the leases are capitalized at 10 per cent and sold, the building being thrown in!

No more ruinous policy could possibly be pursued. Strong efforts in Washington are now centered upon preventing the erection by the Government of any new buildings. Real estate owners know that they never could rent the buildings now occupied by the Government if they are vacated by the Government. These "modern, fireproof office buildings" such as are called for in H. R. 12207 are thus being scattered all over Washington. The buildings are generally incongruous in character, offensively located; and a continuing policy of erecting structures of this character can only result in the architectural ruination of the great Capital. Some of them are planned and designed to be converted into apartment houses—one of them has been arranged for conversion into a hotel.

Administration after administration has pursued this policy, because it is always so much easier for the party in power to make leases at exorbitant rates rather than to try to justify expenditures which would be infinitely cheaper to the Nation in the long run. The hand of our political system lies heavy on the wise and judicious development of the Capital and upon all effort properly to house the business of the Government in a dignified and efficient manner.

Now, we have for many years owned sites for buildings for the Department of Justice, for the Department of Commerce and Labor, and for the Department of State. Perhaps the distinguished gentleman from Illinois [Mr. CANNON] will know just when that land was purchased. It was several years ago, while the gentleman was Speaker. I refer to the land beginning with the square where Poli's Theater is located, at the corner of Fifteenth and Pennsylvania Avenue and running along Fifteenth to the Mall.

Mr. CANNON. It was in 1906.

Mr. COOPER of Wisconsin. The gentleman from Illinois says it was in 1906. So that we have owned these three sites for 10 years, and yet now it is proposed to have somebody erect a building for the Department of Justice, for which we are to pay a rental of $36,000 a year. That is 4 per cent on $900,000 or 6 per cent of $600,000.

The Government can borrow money at 3 per cent.

It is proposed also to have some private person erect a building for the Department of Labor, for which the Government is to pay a rental of $24,000 a year.

Not only that, but no person now can tell what either of these buildings will look like nor where they will be located. They will doubtless be located without regard to the general plan for the development and beautification of Washington. This haphazard locating of these boxlike, ungainly structures will surely result—has in some places already resulted—in the gross architectural disfigurement of this great Capital City. Unless stopped this practice will mean the ruin of the city's beauty. The people of the United States want the Capital of the Nation to be in all respects a model municipality. It is their Capital City.

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. COOPER of Wisconsin. Certainly.

Mr. JOHNSON of Kentucky. I understood that 12 or 15 years ago the Government bought the property on Pennsylvania Avenue immediately south of the Belasco Theater for a public building; but as soon as it was purchased there was no demand for the public building.

Mr. COOPER of Wisconsin. Yes; it was said to be too small.

Mr. JOHNSON of Kentucky. It was not too small until the Government bought it.

Mr. COOPER of Wisconsin. These other sites are ample and their location perfect. If the building for the Department of Justice were erected on the site purchased and long held for it, on the corner diagonally across from the Treasury, all of the Avenue, Georgetown, and Fourteenth Street cars would pass immediately in front of it. Every Member of the Senate or the House and every visitor to the city could go by street car directly to the front of the building.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. BYRNS of Tennessee. I yield to the gentleman five minutes more.

Mr. COOPER of Wisconsin. As everybody knows who reads, the cities in the country are taking up the general subject of city planning. Some most interesting things on this subject, among others, are set forth by Prof. Frederick Howe in a book, in which he speaks of what Germany has done in recent years in the way of city planning and other municipal reforms. It is a most interesting book. Any Member of the Senate or the House who reads it will be convinced that every public building—indeed, every private building—in the city of Washington ought to be located in accordance with the general plan for the harmonious development of the city. That plan already has been of much practical benefit. For example, some years ago there passed through the House a bill to erect a great railroad station on the Mall, between the Capitol and the Washington Monument, but President McKinley and the late President Cassatt, of the Pennsylvania Railroad, succeeded in stopping it, and they afterwards located the station where it now is, in accordance with the new plan. Already several other important buildings have been located in accordance with it—the new building for the Red Cross, on Seventeenth Street; the new building just south of it, for the Daughters of the American Revolution; and immediately south of that the beautiful building of the Pan American Union.

It is altogether wrong for us to permit the promiscuous construction at random here and there in the Capital City of the Nation of buildings of the type going up and rented to the Government. I do not know why these things are perpetually and insistently being done, unless, as the writer of that article declares, there are interests in the city determined to see to it that no more Government buildings shall be erected in Washington. Unless this be true, why is it that these magnificent sites on Fifteenth Street fronting that park, easily accessible from every part of the city to every resident of the city and to every visitor who comes here, are not utilized? Why is it that we let them stand idle, occupied by a few poor, cheap buildings, while we give to private people the right to erect in their discretion anywhere in this magnificent Capital City these disfiguring buildings and have our promise that they shall be leased to the Government of the United States? We already pay between six and seven hundred thousand dollars for rent here, and I repeat what I have said at other times, that it is our duty as legislators to put a stop to this practice of having the Government contract with private parties to erect buildings for it to lease and occupy.

Mr. GOOD. Mr. Speaker, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. GOOD. The gentleman realizes, of course, that this committee has no authority to report out an appropriation for a public building.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. BYRNS of Tennessee. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, no question has been gone into more thoroughly by the Committee on Appropriations than the question of rentals paid for office space for the Government in the city of Washington. Ten years ago, as a member of a subcommittee, I visited nearly every building in the city of Washington that was rented by the Government. As to whether it is wise to construct public buildings or to rent space is not a question involved at this time. In 1908, if I recall correctly, Congress authorized the purchase of the property on Pennsylvania Avenue and Fifteenth Street at a cost of $2,500,000 for the purpose, as stated in the bill, of providing for the construction of three public buildings, estimated to cost $8,000,000—one a building for the Department of State, one a building for the Department of Justice, and one a building for the Department of Commerce and Labor. Two hundred thousand dollars were authorized and $160,000 appropriated for the preparation of plans for those buildings which, under the law, were required to be submitted to Congress for approval. The buildings themselves were never authorized and have not been authorized by Congress. Since that time the Department of Commerce and Labor has been divided into two departments by the creation of the Department of Labor, so that if any action were to be taken toward the construction of the buildings authorized at that time legislation undoubtedly would be required to adjust the situation resulting from the division of the then Department of Commerce and Labor.

There are two provisions agreed upon by the conferees relative to rent. One is for the Department of Justice. I undertake to say that the accommodations for the Department of Justice are a disgrace to the United States. Old residential buildings, scattered and apart from one another, renovated and overhauled so as to adapt them as far as possible to the needs of business, have been rented from time to time until the Department of Justice is now housed, not only inadequately, but in places that are fire traps, and impossible for men to perform properly the work put upon them. Several years ago an assistant attorney general stated that he and his clerk were installed in what had been a bathroom in a private house, attempting to transact important legal business on behalf of the Government. That department to-day is paying $36,000 a year as rent for the accommodations which it now has. It has been proposed that authority be given to the department to enter into a lease for five years for accommodations to cost the same amount of money. The cost is to be at the rate of 36 cents a square foot. It is stated that if that be done some one in the city of Washington is going to erect a modern, fireproof building, adapted to the needs of a great law department,

where ample, decent, and suitable accommodations will be furnished, greater in extent than are now obtained for the same amount of money. That is all that is involved in this proposition. It is a question whether we shall authorize the Department of Justice to make a five-year agreement for the same amount of money it is now paying for absolutely indefensible accommodations, in order to obtain better accommodations, with more room, so that the employees of the department may more properly perform their duties.

The SPEAKER. The time of the gentleman from New York has expired.

My BYRNS of Tennessee. Mr. Speaker, I yield to the gentleman from New York such time as he desires.

Mr. BORLAND. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BORLAND. If the new building for the Department of Justice were authorized at the present session of Congress, it would be in the neighborhood of five years before it was ready for occupancy.

Mr. FITZGERALD. It could not be constructed within five years if it were authorized.

Mr. MANN. It would not be, the gentleman means.

Mr. FITZGERALD. Mr. Speaker, the Department of Justice at present has 76,984 square feet, for which it pays an annual rental of $36,000. Under the provision in the legislative bill it will obtain more than 100,000 square feet of space, an increase of about 33 per cent in the available space. I assume that if people construct a building and make a contract of this character, they are doing it with the intent of making a profit, and that they will make a profit upon their investment, because I think nobody can be found, either in Washington or any other place, so idiotic as to invest money in buildings to be utilized by the Government of the United States and not make a profit from it.

In the investigation that has been made by the Committee on Appropriations it was found that the average rental is about 50 cents a square foot. In some instances it runs as high as 96 cents—in the Southern Building—but a great many of the departments pay 75 cents a square foot. This proposition is for 36 cents a square foot. Now I will yield to the gentleman from Tennessee.

Mr. SIMS. What I want to ask the gentleman from New York is this: The building on Fourteenth Street, right opposite the New Willard Hotel, occupied by the Bureau of Good Roads, I understand, has no other Government tenant in it except the Good Roads Bureau. I want to ask the gentleman if it has not better accommodations; in other words, is not the Bureau of Good Roads getting better accommodations than the entire Department of Justice is now getting?

Mr. FITZGERALD. I am not familiar with it. I am not brought much in contact with the Bureau of Good Roads of the Department of Agriculture, as the appropriations for that department are not made by the Committee on Appropriations.

Mr. SIMS. Does the gentleman remember what we are paying for that building now in the way of rental?

Mr. FITZGERALD. It is a very low rate, but I do not know.

Mr. SIMS. It struck me that the bureau is getting better accommodations, and possibly for less money, than the Department of Justice is now getting for what they have.

Mr. FITZGERALD. Well, I do not know.

Mr. BYRNS of Tennessee. I think the Government formerly paid $16,000 a year for it; but it is not large enough to accommodate this department, and for that reason the Department of Labor left it.

Mr. SIMS. No; but is it not as large a building as that now occupied by the Department of Justice?

Mr. FITZGERALD. It has 36,000 square feet; the Department of Justice now occupies 77,000 square feet.

Mr. SIMS. It is a very new building, and certainly much cheaper at that rate than the one the Department of Justice now occupies.

Mr. FITZGERALD. There is no doubt it is a very cheap rate, 25 or 30 cents a square foot.

Mr. TILSON. Will the gentleman yield?

Mr. FITZGERALD. I do.

Mr. TILSON. Is not one of the difficulties that when the Government erects a building it has always to erect a building of monumental character, so that the cost of building is so great that the floor space, overhead charge, interest charge on the money, really become very great, and is not that a difficulty over that of a private individual who erects a commercial building?

Mr. FITZGERALD. In my opinion, there should be in Washington a building for the Department of Justice, a building that would be in keeping with that department and suitable for it.

Mr. TILSON. Both monumental in its character and utilitarian in its construction?

Mr. FITZGERALD. Somewhat monumental and largely utilitarian would be my desire, but just the reverse will happen when it is done.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. I do.

Mr. MANN. Have the buildings been authorized to be constructed on the Pennsylvania Avenue plots?

Mr. FITZGERALD. They have never been authorized.

Mr. MANN. Have the plans been prepared and submitted?

Mr. FITZGERALD. They have been prepared twice, if I recall correctly. They were prepared and revised and re-revised, and they are still being revised. The act required that the plans should be submitted to Congress for approval. Gentlemen may recollect that at one time when the plans of the State Department were completed some inquiry was made by the Committee on Appropriations; it was ascertained that the plans for that contemplated building included a suite of rooms in which should be housed visitors of noble birth who might come here from foreign lands, the idea being that they might be contaminated from association with ordinary American citizens in a Washington hotel. That disclosure resulted in one revision of the plans. Then the last administration went out before anything was done. I understand there have been some modifications suggested.

Mr. MANN. Of course nobody expects this administration to do anything. Have plans been formally submitted to Congress under the law?

Mr. FITZGERALD. I do not know. They would go to the Committee on Public Buildings and Grounds. One hundred and sixty thousand dollars of the $200,000 authorized has been spent for the plans. Whether they have been submitted for approval is a different question.

Mr. HAUGEN. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. HAUGEN. The Government now owns a building not occupied much better than that described by the gentleman as occupied by the Department of Justice. I refer now to the Maltby Building——

Mr. FITZGERALD. That building has been condemned several times as being absolutely unsafe by the inspector of buildings of the city of Washington and the Superintendent of the Capitol. The Agricultural Department was authorized to utilize it in the appropriation for the current year, and ascertaining exactly what the situation was they declined to do it, and that building is to be taken down.

Mr. HAUGEN. How about the buildings in the row there?

Mr. FITZGERALD. Which building?

Mr. HAUGEN. The buildings in the same row there near the Maltby Building.

Mr. FITZGERALD. They have been acquired and are to be taken down. They are not suitable for business purposes.

Mr. HAUGEN. They are certainly much better for business purposes than the buildings described by the gentleman from New York.

Mr. FITZGERALD. They may be better than the buildings the Department of Justice now occupies. Most Members of the House are familiar with the buildings.

Mr. HAUGEN. And much better buildings than those occupied by the Department of Agriculture, many of them.

Mr. FITZGERALD. I am not an expert on buildings. I know that the Maltby Building is considered unsafe for occupation. Within two weeks the Superintendent of the Capitol said that if fire should break out in that building and any persons were in it he did not see any means by which a very considerable loss of life could be avoided.

Mr. WALSH. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. WALSH. The gentleman stated that if this Congress should authorize a new building it would be five years before it would be completed.

Mr. FITZGERALD. At least five.

Mr. WALSH. Will the gentleman state why it will take five years to complete such a building?

Mr. FITZGERALD. That is about how long it would take to construct a monumental building erected by the Government of the United States.

Mr. WALSH. It did not take that length of time to erect the Woolworth Building in the city of New York.

Mr. FITZGERALD. Well, New York is up to date. But it took about four years, I think, or a little longer, to complete the Municipal Building in the city of New York; and that building is of a type that is different from any building that will be erected in Washington—a modern sky-scraper office building, with steel frame and stone shell, and can be erected

much more quickly than a monumental type of building which would be considered suitable and appropriate for one of the departments in Washington. The former construction is rapid. It is of steel and stone.

Mr. SMITH of Michigan. What is the reason the work is not now progressing to complete or construct this building for the Department of Justice?

Mr. FITZGERALD. I can not speak for Congress. Why can not the gentleman himself speak? He is a Member of Congress; he is also a member of the Committee on Public Buildings and Grounds, which has jurisdiction of the matter. He should not ask me.

Mr. SMITH of Michigan. I have not control of the money, but the gentleman has; and as long as the Government has these activities and as the Government has this great investment in real estate and in the site, and proposes to put up an $8,000,000 building, and the department is ready to occupy it, I have wondered while on that committee, although they have been there two or three times in reference to this matter, why this work was not progressing. The gentleman says that we have paid $200,000 for plans and thrown them away. I do not wonder that the gentleman from Wisconsin [Mr. COOPER] starts an inquiry. We have a Department of Justice up there, and we might dispose of that place. I think that activity should go on, although there is a great disposition not to authorize.

Mr. FITZGERALD. The fact is, however desirable it is to erect buildings, that we would save a great deal of money if the Government establishments in Washington were housed under leases just as those authorized in this bill. Now, this system was initiated 12 or 13 years ago. Gen. Anson Mills proposed to erect a building for the use of the Navy Department—the Navy Department Annex—and Justice Moody, of the United States Supreme Court, who had been a member of the Committee on Appropriations and then was Secretary of the Navy, made a contract with Gen. Mills, or negotiated one, by which it was arranged that he, Mills, should erect a building upon plans to be approved by the Navy Department, the building to be supervised under the direction of the Navy Department, the cost to be checked up, and the rental to be fixed equal to 5 per cent upon the money invested in the building. That proved so advantageous to the Government that from time to time others have suggested similar arrangements. The only question confronting the Committee on Appropriations in these matters is that here is a department paying a certain amount of money for a certain amount of space, and gets much larger accommodations, much more space, and much more desirable accommodations for the same amount of money if they would be permitted to make a five-year contract instead of an annual contract; and then, not in the interest of the person who erects the building, but in the interest of the Government, provision is made that the lease shall contain a provision for a renewal in five years on the same terms, so that the Government will not be held up at the end of the first five years, when it would desire to renew the lease for five years additional.

Mr. SMITH of Michigan. I quite agree with the gentleman in the proposal, and I think that some branches of the Department of Justice are very conveniently located; but the main branch, down in the little brick building off of the park, there is a building such as the gentleman has described, but is subject to being destroyed by fire at any time, and irreparable loss would occur. I think there ought to be, for the reasons you have already stated, something being done at the present time to ultimately get the building up, and which does not appear.

Mr. FITZGERALD. I merely wish to add that in nowise do we wish to interfere with the construction of these buildings. I have had persons in the city of Washington call upon me in my office and say that there were certain persons in the city of Washington who would be glad to enter into contracts similar to the ones made between the Navy Department and Gen. Mills to furnish accommodations. The Committee on Appropriations never attempts to control the contracts in any way. When the authority is asked to make the lease the committee inquires as to the needs of the service for space. It fixes a price per square foot for rental and then appropriates the money that will give the space required. So long as the accommodations are provided at a rental that an investigation shows to be an economical rental, we have discharged our duties and performed valuable service to the Government, and that is all that is done in the two provisions of this bill.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. MONDELL. Am I correct in my recollection that the original contract for the Mills Building was on the rent basis of $24,500 a year?

Mr. STAFFORD. Thirty thousand dollars.

Mr. FITZGERALD. The assessed valuation of the building and land was $340,000, and under the law that is two-thirds of the value. That would make it worth $510,000. The rent was $24,500. Then when the 10-year period expired there was an attempt made to increase the rent to $30,000, and the Navy Department got authority to make a similar contract, as is proposed here, and have a new building erected. The Department of Labor had to find some place. They got into this building originally at the rate of $16,500 a year. Then they were compelled to pay $20,000 a year. Now they are asked $24,000 a year, which is under the original rental fixed, and because of a dispute as to whether the Government or the owner of the building should expend between two and three thousand dollars on certain repairs the offer of the Government at $24,000 a year has been withdrawn. This bill provides that the Department of Labor may enter into a contract for five years with anybody who will agree to furnish a building affording the space required at $24,000 a year. These provisions are designed to protect the Government rather than to benefit any private interest.

Mr. MONDELL. Well, the Government did assume when this building was erected that it was worth $24,500 a year for rental purposes, and paid that sum for a considerable length of time.

Mr. FITZGERALD. For over 10 years.

Mr. MONDELL. And I wonder why the committee has now insisted that it shall be had at $24,000, which is $500 a year less than it was originally agreed that the building was worth.

Mr. FITZGERALD. The committee was trying to make a very sharp bargain instead of making this a very profitable transaction with the owner, as was supposed by the writer of this article. The committee was trying to give the Government a bargain and take advantage of the situation. Not only that but the Department of Labor states that it can obtain accommodations that will be satisfactory for $24,000 a year.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. STAFFORD. For information I would like to inquire whether, under the original arrangement recommended by then Representative Moody, it was provided that the return on the investment should be 5 per cent?

Mr. FITZGERALD. Five per cent on the amount of money invested.

Mr. STAFFORD. I would like to say to the gentleman that there has been considerable criticism on the part of the occupants of the Navy annex, the building erected on New York Avenue and occupied by the Marine Corps after leaving the Mills Building, to the effect that the character of construction was so poor that the department was put to considerable expense; and the fault of the present arrangement of limiting the return on the basis of 36.3 per cent is that it does not take into consideration the character of building that is constructed, but allows the contractor to erect a flimsy building, as has been described by my colleague, of a sardine-box character, which will yield not only 5 per cent but 10 and 12 and even 15 per cent.

Mr. FITZGERALD. Oh, that is ridiculous. The plans of the Mills Building were approved by the department.

Mr. STAFFORD. Oh, the gentleman knows that the Mills Building is an edifice of a much higher cost of construction as compared with this Navy annex building, concerning which the Navy people are protesting. The Mills Building cost one-third more than these sardine-box buildings that have recently been constructed.

Mr. FITZGERALD. Congress authorized the building under contract at so much per square foot. I understand from the gentleman from Tennessee [Mr. BYRNS] that the Assistant Secretary of the Navy stated that the building is very satisfactory.

Mr. BYRNS of Tennessee. He so stated in the hearings that the building is very satisfactory.

Mr. STAFFORD. And he also states in the hearings that they had considerable difficulty in keeping it in repair.

Mr. BYRNS of Tennessee. He stated that there was some trouble with the windows——

Mr. STAFFORD. Owing to poor and faulty construction.

Mr. MONDELL. Mr. Speaker, will the gentleman yield me five minutes.

Mr. BYRNS of Tennessee. How much time is there, Mr. Speaker?

The SPEAKER. Twenty-seven minutes.

Mr. BYRNS of Tennessee. I yield five minutes to the gentleman from Wyoming.

The SPEAKER. The gentleman from Wyoming is recognized for five minutes.

Mr. MONDELL. Mr. Speaker, so long as we are renting rather than erecting buildings for the housing of the Government bureaus and departments, I think we should rent as cheaply as we can, providing we do not, by attempting to economize, encourage the building of cheap office buildings which are not only unsatisfactory to the Government but are not creditable to this city. Neither should we, in our effort to economize, be unfair to those who have built in accordance with Government specifications and who have constructed buildings that are not only properly constructed to house the Government bureaus, but are built in such a way that they are a credit to the city.

The Mills Building is a case in point, and my opinion is that our action touching that building has not been very creditable. An arrangement was made with Gen. Mills whereby he was to erect the kind of a building that the Navy Department desired. It is on a magnificent site, fronting one of the finest Government buildings, and it would have been very unfortunate if a cheap, boxlike structure had been erected at that point. The building erected, standing on the corner of Pennsylvania Avenue and Seventeenth Street, diagonally opposite to the old Corcoran Art Gallery, is one of the finest office buildings in the city. It is a credit to the city, and it does not discredit the splendid public building that it faces.

Gen. Mills was supposed to receive 5 per cent on his investment on a rental of $26,000 per annum. We occupied the building for a number of years. It was entirely satisfactory. Then there was a suggestion of an increase of rent. It was, perhaps, proper to refuse it. I think it would have been possible to continue to occupy the building at the old rate, but the building was vacated; and for some years this building, which is more advantageously located than any other building in the city for the work of the State, War, or Navy Department, stood vacant. In the meantime we were making contracts with gentlemen who were building cheap and not wholly satisfactory buildings around in various parts of the city on which they were making not 5 per cent, but 10, as suggested by the gentleman from Wisconsin [Mr. STAFFORD], leaving this magnificent building vacant.

Finally at a greatly reduced rent the Department of Labor moved into the building, and grudgingly we have raised that rent somewhat, but we never have brought it up to a point where it would pay what the Government originally said was a fair return on the cost of the building. And now there is a provision in this bill under which we are to pay, not $26,000 a year, which the building it worth on the basis of its cost, but $24,000, and we are refusing to move out. We say to the owner of the building, "We will stay there just as long as we desire. We will occupy those premises if we see fit, and we will pay you such sum as we fix." The sum we fix is a lesser sum than we ourselves have determined is a fair return on a building constructed in accordance with our specifications, and built because we needed it.

Mr. MILLER of Minnesota. Will the gentleman yield for an inquiry?

Mr. MONDELL. I will.

Mr. MILLER of Minnesota. In view of what the gentleman states as to the hard terms imposed by the representatives of the Government upon the owner of this building, can we not get the same Government official to make the agreements for other Government buildings?

Mr. MONDELL. We do not seem to be desirous of paying a fair return for a good building, but we appear desirous of seeming to economize by paying a large return for a cheap building, a building not generally wholly satisfactory and never much of a credit to the city.

The SPEAKER. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. Mr. Speaker, the Committee on Appropriations, both in the House and Senate, as the gentleman from New York [Mr. FITZGERALD] stated, have given very careful consideration to the question of rent, particularly for these two departments. It was a condition and not a theory that confronted the committee. The gentleman from Wisconsin [Mr. COOPER] refers to the fact that the Government owns some land on the corner of Fourteenth Street and Pennsylvania Avenue, and has had that property for 10 years. Of course, the House knows that the Committee on Appropriations has no jurisdiction of a bill authorizing the erection of a public building. The fact remains that these departments are housed in their present quarters. It was necessary to provide different and better accommodations for them, or to provide rental in their present quarters. The Department of Justice is housed in three residences which have been combined, and as the gentleman from New York [Mr. FITZGERALD] says, the accommodations of that department are a positive disgrace to this Government. Now, the representatives of both these departments stated that if they are authorized to enter into a five-year lease for the sums named in this bill, which carry no more rent than they are paying now, particularly with reference to the Department of Justice, they can secure adequate, up-to-date, fireproof accommodations for the use of those two departments; and it was to meet this necessity that the conferees, after carefully considering the matter, came to the unanimous conclusion that it was entirely proper to provide for this rental.

Mr. MILLER of Minnesota. Will the gentleman yield for an inquiry?

Mr. BYRNS of Tennessee. Yes.

Mr. MILLER of Minnesota. Is it proposed that any new building shall be constructed for the use of the Department of Justice; that is, constructed by private individuals and leased to the Government for use of the Department of Justice?

Mr. BYRNS of Tennessee. It is proposed in this bill——

Mr. MILLER of Minnesota. I do not mean in this bill; but does the proposition contemplate the erection of a new building by private individuals, who will then, when the building is constructed, lease it to the Government for use of the Department of Justice?

Mr. BYRNS of Tennessee. I so understand. It is proposed to give the Attorney General the opportunity, if he thinks best, to contract for a new building to be constructed for and rented by the Department of Justice for the term of years provided in this bill.

Mr. MILLER of Minnesota. It is not at all likely that private individuals will construct a building and lease it to the Government at a loss on account of their love for the public and the Government, is it?

Mr. BYRNS of Tennessee. That is true, and I am sure that there is no Member of the House who would expect or want a private individual to erect a building and lease it to the Government at a loss.

Mr. MILLER of Minnesota. A private individual probably can not borrow money more cheaply than 5 or 6 per cent, while the Government can borrow it for 3 per cent. If it is good business for a private individual to borrow money at 6 per cent and lease the building, why is it not good business for the Government to borrow it and erect its own building?

Mr. BYRNS of Tennessee. That is a question that appeals just as much to the gentleman from Minnesota or any other Member of the House as it does to the gentleman from Tennessee. As I have stated, the Committee on Appropriations has no jurisdiction of a bill to provide for the authorization or construction of a public building. That is a matter which rests with the Committee on Public Buildings and Grounds. The Committee on Appropriations were confronted with the necessity of taking care of these two departments, and they have done the best they could, and, as they believe, in the interest of economy.

Mr. MILLER of Minnesota. If the gentleman will permit a suggestion out of his generosity—he has been very kind in the allotment of time this afternoon—it is my own opinion that if the Committee on Appropriations should flat-footedly refuse to rent such grossly inadequate and improper quarters for the housing of our great departments, and should put it up to the House or the Committee on Public Buildings and Grounds, and say, "Now it is for you to act," we would get some results; but we dillydally along from year to year. We build public buildings at every crossroads in the United States where they are not needed, but we let the Government itself here in Washington be mulcted every year by upward of $750,000 for rent, when we should build buildings that are needed here in this city of Washington. I think it is the height of mismanagement, not on the part of any gentleman here present, but of others, to allow this to be done. If there is one thing on which the people of the United States are agreed—and that means outside of the tariff and all other political things—it is that they want this Government in the city of Washington adequately and properly housed.

The other afternoon I had occasion to go to one of the departments of this Government where, I am informed, are housed all of the records this Government possesses covering one of the most vital periods in our national history, records that can not be duplicated anywhere in this world, records that show the title to hundreds of millions of dollars worth of property. These records are kept in a building at which I stood aghast when I beheld it. I asked the man in charge if fire was not likely. He said, "This is the biggest opportunity for a bonfire that I know anything about, and we live from hour to hour wondering if this is not the last hour before the fire."

Yet we sit here year after year and agree to the making of leases for buildings for 5 or 10 years and never squarely face the proposition whether we are going to build public buildings that are needed by these departments.

Now, I have taken a great deal of the time of the gentleman from Tennessee. He has been very generous. I have been thinking about this thing for five or six years, and this is the first chance I have had to explode. I thank the gentleman. [Applause and laughter.]

Mr. BYRNS of Tennessee. I am very glad the gentleman had that opportunity this afternoon. I was just about to state that all this matter has been considered and thrashed over a number of times. It was fully discussed when the bill was originally before the House for consideration. Mr. Speaker, I hope we can come to a vote now.

Mr. COOPER of Wisconsin. Will the gentleman give me three minutes?

Mr. BYRNS of Tennessee. I will yield three minutes to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. The gentleman says, Mr. Speaker, that the Committee on Appropriations has no authority to authorize the construction of public buildings. No; but the committee proceeds to authorize the construction of private buildings.

Mr. FITZGERALD. The gentleman is mistaken.

Mr. COOPER of Wisconsin. The committee does it by agreeing in advance to have the Government lease buildings to be constructed by private parties, and yet the committee complains because the Government does not erect its own buildings. So long as the Committee on Appropriations shall authorize the making of contracts like this with private individuals, we never shall have new and greatly needed public buildings. In the last Congress, Mr. Speaker, a bill was introduced which I understand was at the request of the Attorney General for the construction of a building for the Department of Justice on the site which was purchased for it 10 years ago. The plans had been accepted years before. Two hundred thousand dollars was paid for the plans of that building, a building for the Department of Commerce and Labor, and a building for the Department of State.

What has happened since we bought all that land and authorized the preparation and acceptance of the plans? Two hundred thousand dollars would have paid the rent for five years for one of the buildings proposed in this report.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. MILLER of Minnesota. Can the gentleman inform the committee anything about the cost of this building occupied by the Department of Commerce?

Mr. COOPER of Wisconsin. No; but that building was erected and rented under the same sort of a law, and long after the site on Fifteenth Street was bought, and long after plans for a building on it had been approved. It was a Republican official who entered into the agreement with a private person to put up that building on the corner of Nineteenth Street and the Avenue.

Mr. MILLER of Minnesota. The gentleman is aware that it is reputed to have been sold for $900,000, probably twice the cost of the building, and probably placed squarely on the rental value.

Mr. COOPER of Wisconsin. We have also rented a building constructed by a private party for the use of the Navy, and we now propose to permit a private individual to erect a building and lease it for five years to the Department of Justice, notwithstanding we have long had a fine site and excellent plans for that building.

Mr. BYRNS of Tennessee. If the gentleman would use some of his persuasive eloquence that he has used on the floor before the Committee on Public Buildings and Grounds, I am sure he would get some results.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. BYRNS of Tennessee, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

PENSIONS.

The SPEAKER laid before the House the bill S. 4856, an omnibus pension bill.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask unanimous consent that the House insist upon its amendments and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the House insist upon its amendments and agree to the conference. Is there objection?

There was no objection.

The SPEAKER announced the following conferees: Mr. RUSSELL of Missouri, Mr. ASHBROOK, and Mr. FULLER.

CIVIL GOVERNMENT FOR PORTO RICO.

Mr. JONES. Mr. Speaker, I ask that the bill H. R. 9533 may be taken up for consideration, and I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Virginia asks unanimous consent to consider the bill H. R. 9533, on the Union Calendar, in the House as in Committee of the Whole. Is there objection?

Mr. MANN. Reserving the right to object, I do not think that would be safe.

Mr. JONES. Very well, Mr. Speaker, then I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes.

Mr. TOWNER. Mr. Speaker, pending that motion, I would like to ask the gentleman if an arrangement can not be made for general debate?

Mr. JONES. I think so. I imagine that we will not want a great deal of time, and I will ask the gentleman to suggest how much time we will take.

Mr. TOWNER. As I understand it, so far there is no demand upon this side for time except on the bill. I suggest that general debate be confined to the bill, and in that case I think we will not want more than an hour and a half on this side.

Mr. JONES. And debate to be confined to the bill. Would not the gentleman be willing to have one hour on each side? We are going to take the bill up, I suppose, section by section.

Mr. TOWNER. Some members of the committee desire to use some time in the presentation of the case in general debate. If we can get through in less than that time I have no objection. I think three hours on a bill of this character is a very short time.

Mr. JONES. Mr. Speaker, I admit that it is a very important measure and contains a great many important provisions, but I suppose that we could discuss those under the five-minute rule. The gentleman thinks we ought to have three hours of general debate?

Mr. TOWNER. I think so, and if we can make it less, we will be very glad to do so.

Mr. JONES. Then, Mr. Speaker, I ask unanimous consent that the general debate be limited to three hours, to be confined to the bill, one half to be controlled by the gentleman from Iowa [Mr. TOWNER] and the other half by myself.

The SPEAKER. Pending the motion to go into the Committee of the Whole House on the state of the Union, the gentleman from Virginia asks unanimous consent that general debate be limited to three hours, to be confined to the bill, one half to be controlled by himself and the other half by the gentleman from Iowa [Mr. TOWNER]. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I take it that that means that the reading of the bill will not be started to-night for amendment, and that probably we will not stay in session much after 5 o'clock.

Mr. JONES. Not later than half past 5 o'clock, I would say to the gentleman. Most gentlemen were up very late last evening, and I think they would like to have this finished as soon as possible.

Mr. MANN. I think we ought to quit about 5 o'clock to-day.

Mr. KITCHIN. Oh, let us have an hour's debate this afternoon, and quit at half past 5 o'clock.

Mr. MANN. That is all very nice for gentlemen who are not here steadily, as the gentleman from North Carolina [Mr. KITCHIN] and I are. Of course, occasionally somebody else is here.

Mr. KITCHIN. It looked last night as though everybody was here except us. [Laughter.]

Mr. GARRETT. Mr. Speaker, I want to ask if this general debate is to be confined to the bill why it is not possible, inasmuch as it is for the benefit of Members who are in attendance, to reach some sort of an agreement for less than three hours of debate and have the debate under the five-minute rule. This is a unanimous report. It is true there are some committee amendments, and gentlemen have reserved a right to offer certain amendments, but there are no sharp differences about the bill.

Mr. MANN. How long was this bill under consideration when it passed before?

Mr. GARRETT. I do not remember. We have passed two or three of these Porto Rican bills. We passed the Olmsted bill.

Mr. MANN. I think we passed this bill twice, and each time it has taken two or three weeks. The gentleman says there are no matters in dispute——

Mr. GARRETT. My recollection is that we passed one of these bills on Calendar Wednesday. I think that was the Olmsted bill.

Mr. MANN. We passed the Olmsted bill, and then I think we passed the Jones bill.

Mr. JONES. No; the Jones bill was reported to the House, but was never considered.

Mr. MANN. Did we not pass it in the Sixty-second Congress?

Mr. JONES. No. One other bill was passed in 1910.

Mr. KITCHIN. Let us go until half past 5 o'clock this afternoon.

Mr. JONES. That is a matter that we will adjust after we dispose of the unanimous consent.

Mr. MANN. I am not making any objection to the request.

Mr. GARRETT. It would not be possible, then, to make an agreement to dispense with all general debate?

Mr. MANN. I do not see how that can be done.

Mr. HAMILTON of Michigan. Is there considerable demand for time under general debate?

Mr. MANN. The gentleman from Iowa has already made a statement that there was some demand for time.

The SPEAKER. Is there objection to the request that general debate be limited to three hours, to be confined to the bill? [After a pause.] The Chair hears none, and it is so ordered.

EXTENSION OF REMARKS.

Mr. GOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Agricultural appropriation bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Agricultural appropriation bill.

The SPEAKER. Is there objection?

There was no objection.

CIVIL GOVERNMENT FOR PORTO RICO.

The SPEAKER. The question is on the motion of the gentleman from Virginia that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9533, with Mr. FOSTER in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes.

Mr. JONES. Mr. Chairman, I ask unanimous consent that the first reading of the bill may be dispensed with.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the first reading of the bill may be dispensed with. Is there objection? [After a pause.] The Chair hears none.

[Mr. JONES addressed the committee. See Appendix.]

Mr. MILLER of Minnesota. I will ask the gentleman if he does not think the committee had better rise at this time?

Mr. JONES. I suppose we might as well. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FOSTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. PARK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of rural credits, and to append thereto an editorial by Mr. Clarence Poe, editor of the Progressive Farmer, a very distinguished editor, on the same subject.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD on the subject of rural credits, and to print as a part of his remarks an editorial. Is there objection?

There was no objection.

Mr. FESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Agricultural bill.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks on the Agricultural bill. Is there objection?

There was no objection.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 8067. An act to quiet the title to certain lands in the possession of G. B. Dickson, and for other purposes; and

H. R. 10750. An act permitting the Mondak Bridge Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana.

ADJOURNMENT.

Mr. JONES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 13 minutes p. m.) the House adjourned until to-morrow, Wednesday, May 3, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of Commerce, submitting facts relative to health conditions in Department of Commerce Building (H. Doc. No. 1079); to the Committee on Appropriations and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of J. C. Hendricks, administrator of Samuel Houston, deceased, *v.* The United States (H. Doc. No. 1080); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MORRISON, from the Committee on Patents, to which was referred the joint resolution (H. J. Res. 209) to authorize the Secretary of the Interior to accept assignment of patent for improvements in the manufacture of gasoline, and for other purposes, reported the same without amendment, accompanied by a report (No. 622), which said joint resolution and report were referred to the House Calendar.

Mr. SMITH of Idaho, from the Committee on the Public Lands, to which was referred the bill (H. R. 14725) authorizing the Secretary of the Interior to subdivide a part of the town site of Plummer, Idaho, and for other purposes, reported the same without amendment, accompanied by a report (No. 624), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (S. 5221) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 621), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 7221) granting a pension to Caroline G. Yockel, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and a memorial were introduced and severally referred as follows:

By Mr. HASTINGS: A bill (H. R. 15283) authorizing and directing the Secretary of the Interior to grant 210,000 acres of nonmineral land to the State of Oklahoma for the benefit of agricultural and mechanical colleges therein established under

the act of July 2, 1862, entitled "An act donating public land to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," as amended by the act of July 23, 1866; and authorizing the Secretary of the Treasury, upon the Secretary of the Interior certifying that there are not sufficient lands in Oklahoma to comply with the aforesaid acts, to pay to said State of Oklahoma, in lieu thereof, the sum of $262,500 in order to secure to said State the benefits of said acts; to the Committee on the Public Lands.

By Mr. CROSSER: A bill (H. R. 15284) to promote interstate commerce, agriculture, and the general welfare by providing for the development and control of waterways and water resources, for water conservation, for flood control, prevention, and protection; for the application of flood waters to beneficial uses; and for cooperation in such work with States and other agencies, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. TILLMAN: A bill (H. R. 15285) to appropriate the sum of $5,083.40 out of the United States Treasury to lay and construct a 30-foot strip of asphaltic concrete pavement around the United States post office in the city of Fayetteville, Ark.; to the Committee on Appropriations.

By Mr. KEARNS: A bill (H. R. 15286) authorizing the Secretary of War to deliver to the village of Tobasco, Clermont County, Ohio, one condemned bronze or brass cannon, with the carriage and a suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. TIMBERLAKE: A bill (H. R. 15287) authorizing the addition of certain lands to the Colorado and Pike National Forests, Colo.; to the Committee on the Public Lands.

By Mr. DEMPSEY: A bill (H. R. 15288) fixing the manner of filing applications for patents and of issuing patents thereon; to the Committee on Patents.

By Mr. LOFT: A bill (H. R. 15289) to regulate the use of alcohol in the manufacture and production of perfumery and toilet waters; to the Committee on Ways and Means.

By Mr. FITZGERALD: Joint resolution (H. J. Res. 214) increasing the number of sheets of customs stamps and of checks, drafts, and miscellaneous work to be executed by the Bureau of Engraving and Printing during the fiscal year 1916; to the Committee on Appropriations.

By Mr. ROWE: Joint resolution (H. J. Res. 215) to provide for the purchase of the painting by J. Walker representing the capture of the City of Mexico; to the Committee on the Library.

By Mr. DYER: Memorial of the Legislature of the State of Missouri, requesting Congress to provide a separate and comprehensive plan for the control of floods in the Mississippi Valley; to the Committee on Flood Control.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. COLEMAN: A bill (H. R. 15290) granting a pension to John H. Dale; to the Committee on Pensions.

By Mr. CULLOP: A bill (H. R. 15291) granting an increase of pension to John Wayland; to the Committee on Invalid Pensions.

By Mr. DALE of New York: A bill (H. R. 15292) granting a pension to Harry Kraft; to the Committee on Pensions.

By Mr. DALE of Vermont: A bill (H. R. 15293) granting a pension to Mary Clapper; to the Committee on Invalid Pensions.

By Mr. DECKER: A bill (H. R. 15294) granting an increase of pension to Daniel Z. Rogers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15295) granting an increase of pension to Henry Borghardt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15296) granting a pension to Caroline Pemberton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15297) granting a pension to Margaret Mitchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15298) granting a pension to Elizabeth Stafford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15299) granting a pension to Mrs. Surilda Slavens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15300) granting a pension to William J. Walker; to the Committee on Pensions.

By Mr. HAMILTON of New York: A bill (H. R. 15301) granting a pension to Harriet E. Fellows; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 15302) granting an increase of pension to Albert M. Gotwalt; to the Committee on Invalid Pensions.

By Mr. OAKEY: A bill (H. R. 15303) granting a pension to Maria Martin Ballou; to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 15304) granting a pension to Mrs. C. L. Jennings; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 15305) granting an increase of pension to Margaret E. Marsh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15306) granting an increase of pension to Michael Russell; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 15307) granting an increase of pension to Daniel Hornberger; to the Committee on Invalid Pensions.

By Mr. THOMAS S. WILLIAMS: A bill (H. R. 15308) granting an increase of pension to Sabra W. Williams; to the Committee on Invalid Pensions.

By Mr. WINGO: A bill (H. R. 15309) for the relief of the heirs of J. M. Barry, deceased; to the Committee on War Claims.

By Mr. WOODS of Iowa: A bill (H. R. 15310) granting an increase of pension to Frederick Mayer; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Evidence to accompany House bill 15228, for relief of Sarah E. Thomas; to the Committee on Invalid Pensions.

By Mr. BACHARACH: Memorial of American Hardware Manufacturers' Association, relative to floods of the Mississippi River; to the Committee on Rivers and Harbors.

Also, memorial of citizens of Ridgewood, N. J., relative to preparedness; to the Committee on Military Affairs.

By Mr. BURKE: Petitions of citizens of Port Washington and St. John's Evangelical Church, of Hartford, both in the State of Wisconsin, protesting against war with Germany; to the Committee on Foreign Affairs.

Also, memorial of Brotherhood of Painters, Decorators, and Paper Hangers, Local Union No. 876, of Watertown, Wis., favoring House bill 6871, relative to convict-made goods; to the Committee on Labor.

By Mr. CURRY (by request): Petition of 81 citizens of the third California district, against bill for Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

Also, memorial of Retail Merchants' Association of Richmond, Cal., against revenue tax on notes and checks; to the Committee on Ways and Means.

By Mr. DALE of New York: Memorial of Board of Aldermen of New York, favoring adequate preparedness; to the Committee on Military Affairs.

Also, memorial of International Association of Machinists, indorsing the Tavenner bill; to the Committee on Labor.

Also, petition of American Association for labor legislation, favoring the McGillicuddy bill; to the Committee on Labor.

Also, memorial of House of Representatives of New York, in re flood control; to the Committee on Flood Control.

Also, petition of a resident of Greenwich, Conn., favoring the Susan B. Anthony amendment; to the Committee on the Judiciary.

By Mr. EAGAN: Memorial of citizens of Ridgewood, N. J., favoring preparedness; to the Committee on Military Affairs.

By Mr. EMERSON: Memorial of Ohio Senate, on flood control; to the Committee on Flood Control.

By Mr. ESCH: Memorial of American Hardware Manufacturers' Association, in re flood control; to the Committee on Flood Control.

Also, memorial of United Military Order of America, favoring adequate preparedness; to the Committee on Military Affairs.

By Mr. FLYNN: Memorial of Board of Aldermen of New York, favoring adequate preparedness; to the Committee on Military Affairs.

Also, petition of Plattdeutscher Volksfest-Verein, of New York, against war with Germany; to the Committee on Foreign Affairs.

By Mr. FULLER: Petition of the Federation of Belgian-American Societies, of Chicago, Ill., favoring adequate preparedness for national defense; to the Committee on Military Affairs.

Also, petition of Arsenal Lodge, No. 150, of the International Association of Machinists, of Watertown, Mass., opposing the Taylor system of shop management in Government shops; to the Committee on Labor.

Also, memorial of the Legislature of the State of Illinois, relative to flood control; to the Committee on Flood Control.

By Mr. HILL: Petition of Jacob Yeterian, of South Norwalk, Conn., favoring resolution to set a day upon which to raise

funds for relief of Armenians; to the Committee on Foreign Affairs.

Also, petition of Stamford Aerie, No. 579, Fraternal Order of Eagles, and James G. Blaine Council, Junior Order of United American Mechanics, of Stamford, Conn., favoring House bill 6915, relative to retirement of aged postal employees; to the Committee on the Post Office and Post Roads.

By Mr. HOLLINGSWORTH: Memorial of George Chessman and 46 other citizens of Salem, Ohio, against the Taylor system in Government shops; to the Committee on Labor.

By Mr. LONDON: Petition favoring the Tavenner bill, abolishing the so-called Taylor efficiency system in Government establishments, from Arsenal Lodge, No. 150, International Association of Machinists, Watertown, Mass.; to the Committee on Labor.

By Mr. LOUD: Petition of Herrick Methodist Episcopal Sunday School, of Wise, Mich., for passage of Senate joint resolutions 55 and 64; to the Committee on the Judiciary.

Also, petitions of Herrick Methodist Episcopal Sunday School, of Wise, and H. A. Brewer and Methodist Episcopal Church of Maple Ridge, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MAGEE (by request): Petition of sundry citizens of the State of New York, favoring House bill 8665, against the Taylor system in Government shops; to the Committee on Labor.

By Mr. MAPES: Petition of 24 citizens of Grand Rapids, Mich., against the Taylor system in Government shops; to the Committee on Labor.

By Mr. PATTEN: Memorial of Board of Aldermen of New York, favoring preparedness; to the Committee on Military Affairs.

By Mr. PRATT: Petition of photographers of the southern tier section of the Professional Photographers' Association of New York, assembled in Elmira, N. Y., favoring the creation of a tariff commission and the establishment of sufficient tariff to encourage the manufacture of all chemicals, dyestuffs, etc., needed in America; to the Committee on Ways and Means.

By Mr. RANDALL: Petition of Lincoln Hoe Methodist Episcopal Church, of Pasadena, Cal., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Chamber of Commerce of Los Angeles, Cal., urging the building of railroads and wagon roads in Alaska; to the Committee on the Territories.

By Mr. ROWE: Memorial of Republican county committee of New York, indorsing the Griffin bill; to the Committee on the Post Office and Post Roads.

Also, memorial of the Merchants' Association of New York, in re the extension of the Postal Service; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Brooklyn, N. Y., in re foreign affairs; to the Committee on Foreign Affairs.

Also, memorial of New York State Retail Jewelers' Association, indorsing the Stevens bill; to the Committee on Interstate and Foreign Commerce.

By Mr. SNELL: Memorial of William Dilcox, of Ogdensburg, N. Y., protesting against the passage of the Fitzgerald and Siegel postal bills; to the Committee on the Post Office and Post Roads.

Also, resolution of the Woman's Home Missionary Society of Centenary Methodist Episcopal Church, of Malone, N. Y., urging the passage of the Gillett bill prohibiting the exportation of intoxicating liquors to Africa; to the Committee on Alcoholic Liquor Traffic.

By Mr. WASON: Petition of Rev. Harvey C. Sawyer, of Penacook, N. H., and 43 other residents, all within the second New Hampshire congressional district, favoring the adoption of a prohibition amendment to the Constitution; to the Committee on the Judiciary.